



EUROPEAN POLICIES OF BORDER EXTERNALIZATION IN LEBANON

SECURITIZATION OF MIGRATION MANAGEMENT AND
SYSTEMIC HUMAN RIGHTS VIOLATIONS

RESEARCH REPORT BY CLDH
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List of Acronyms

AFRIPOL	African Union Mechanism for Police Cooperation
BCC	Border Control Committee
BTAT	British Training Advisory Team
CEPOL	European Union Agency for Law Enforcement Training
CLDH	Lebanese Centre for Human Rights
CROSS	Regional Operation Centre for Search and Rescue
CTS	Central Training School, renamed Land Border Regiments' training school in October 2020
DG NEAR	Directorate-General for Neighborhood and Enlargement
DLS	Distance Learning Suite
ECtHR	European Court of Human Rights
EDPS	European Data Protection Supervisor
EPLO	European Public Law Organization
EU	European union
EU4BS	European Union for Border Security
Eurojust	European Union Agency for Criminal Justice Cooperation
Europol	European union Agency for Law Enforcement Cooperation
Eurosur	European Border Surveillance system
FOB	Forward Operation Base
Frontex	European Border and Coast Guard Agency
GS	General Security
IBM	Integrated Border Management
ICCPR	International Covenant on Civil and Political Rights
ICMPD	International Centre for Migration Policy Development
ID	Imposters & Documents
ISF	Internal Security Forces
JOIC	Joint Operations and Information Centre
JRCC	Joint Rescue Coordination Centre
KMar	Royal Marechaussee
LAF	Lebanese Armed Forces
LBR	Land Border Regiment
MIO	Maritime Interdiction Operations
MMO	Multipurpose Maritime Operation
MP	Military Police
NETC	Naval Equipment and Training Centre
OHCHR	Office of the high Commissioner for Human Rights
PBOP	Protected Border Observation Post
RWMIK	Revised Weapons Mounted Installation Kit
SAFE	Security and Freedom for Europe
SAR	Search and Rescue
SE4S	Sustainable Energy for Security
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNIFIL	United Nations Interim Force in Lebanon
UNODC	United Nations Office on Drugs and Crime

Introduction

This report, written by the Lebanese Centre for Human Rights (CLDH), and reviewed by EuroMed Rights, presents the findings of a research project on the support provided by the European Union (EU) and European States to Lebanese security apparatus in their border control tasks, both along the border with Syria and in the Lebanese territorial waters.

The European support to border enforcement in Lebanon has remained surprisingly under documented. The research presented below intends to be a first step to increase visibility and accountability of European policies in Lebanon, especially regarding their consequences for the human rights situation. This is particularly important as European border externalization practices have been increasing in Lebanon, resulting in human rights violations being repeatedly committed by the Lebanese authorities with the support of the EU and European States. Therefore, the support of the EU and European States to Lebanese security agencies in their border-related tasks is the topic of this study.

In the framework of so-called ‘stabilization’ policies, European states have significantly increased the Lebanese Armed Forces’ capacity to monitor and control the Lebanese borders. Germany and the United Kingdom (UK) have considerably developed these capacities respectively on the territorial waters and along the Syrian land border. Despite being utilized to commit human rights violations, these two programs have consistently been pursued without interruption. France and the EU are currently funding the establishment of a Search and Rescue (SAR) Center, which aims to improve inter-agency collaboration within territorial waters to further strengthen the Lebanese State’s action in the sea, despite repeated human rights violations committed by the Lebanese authorities.

European actors not only intensify their support for border control measures in Lebanon but also implement anti-smuggling¹ initiatives. Two EU projects are focused on enhancing Lebanese capabilities in investigating and prosecuting potential smugglers, to further increase the difficulties to cross borders from Syria to Lebanon and from Lebanon to Europe. The Dutch Ministry of Foreign Affairs also participates to these efforts, with the funding of “border investigations” and “interviewing techniques” courses.

In parallel to the increase of boat departures from Lebanese coasts, the interest of European states and of the EU to enhance border control capacities rises. Frontex’ increasing actions in Lebanon is particularly worrying, as similar policies are used in other areas, especially in the Central Mediterranean and in the Aegean Sea, to perpetuate violence and human rights violations at borders².

¹ ‘Smuggling’ and ‘trafficking’ are often used interchangeably by policymakers when related to migration, especially via the inclusion of smuggling activities into trafficking ones. However, both terms refer to different situations. The Smuggling of Migrants Protocol defines the smuggling of migrants as “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident”. The Protocol to Prevent and Suppress and Punish Trafficking in Persons, Especially Women and Children defines trafficking in persons as the “recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation”. In this report, both terms are used according to these 2 protocols, except in quotes. See : United Nations Network on Migration. (2023, 20 June). *Mapping the Landscape of the Smuggling of Migrants*. <https://migrationnetwork.un.org/resources/mapping-landscape-smuggling-migrants>

² For Central Mediterranean, see for example : Human Rights Watch & Border Forensics. (2021, 8 December). *Airborne Complicity. Frontex Aerial Surveillance Enables Abuse*. <https://www.hrw.org/video-photos/interactive/2022/12/08/airborne-complicity-frontex-aerial-surveillance-enables-abuse>

For the Aegean Sea, see for example : Mare Liberum (2021, February). *Submission to the Special Rapporteur on the human rights of migrants: pushback practices and their impact on the human rights of migrants*. <https://mare-liberum.org/wp-content/uploads/2021/02/Submission-Mare-Liberum.pdf>

Methodology

The objective of the research is to highlight how EU and European States' border enforcement policies enable the Lebanese security apparatus to commit border-related human rights violations. By doing so, this report aims at reaching 2 goals: influencing the making of European and Lebanese border policies, to increase human rights compliance of both, and serving as a resource for further research and investigation to increase public scrutiny and accountability of border policies.

The research results from the combination of literature review, open-source (OSINT) research and documents received via requests for access to documents sent to EU bodies and European states. Furthermore, 10 interviews were conducted with stakeholders of the support programmes, especially representatives of European embassies, former and current representatives of the International Centre for Migration Policy Development (ICMPD) office in Beirut, but also journalists and a former General of the Lebanese Armed Forces (LAF).

Human Rights Violations Committed by Lebanese Authorities in Sea and Land Border Context

Lebanese authorities conduct systemic human rights violations, especially when it comes to migrations. Arbitrary detention, enforced disappearance, misbehaviors during rescue operations, pullbacks at sea, and forced deportations to Syria violate human rights, in particular the rights to leave a country, to access to international protection and to effective legal remedies. These violations result from systemic issues, in particular impunity, and should not be understood as the consequences of individual choices.

Detention and Disappearances in Lebanon

The case of H. M.³ has been particularly used to denounce these behaviors. This young man was one of the passengers of a boat which tried to leave Lebanon on 23rd April 2022. According to several testimonies, he was rescued and brought back to land by the LAF. Since then, his family never heard directly from him, and could not obtain information from the authorities. However, several people informed them that H. M. had indeed been rescued, and that he is currently detained in Lebanon. The case of H. M. would fall under the definition of a forcibly disappeared person provided by Article 1 of Law 105 on Missing and Forcibly Disappeared Persons⁴. Therefore, the continuous refusal of the Lebanese authorities to disclose information on the fate of H.M. would violate the right of family members and close parties to know his fate and to be informed of investigations on him (Articles 2 and 3).

However, if his case has been particularly highlighted, H. M. is not the only person who was arbitrarily detained. As detailed by an investigation of The Public Source⁵, another man was detained for a week and framed as a smuggler by the LAF, reportedly only based on the fact that he is a boat mechanic.

If such arbitrary detentions are prohibited by domestic and international law, it should also be stressed that a country has legal obligations on its actions if they lead to arbitrary detentions in other countries. The European Court of Human Rights (ECtHR) has specific guidelines

³ For further details, see the 3-part investigation published by Yara El Murr for The Public Source.

El Murr, Y. (2023, February). Intercepted at Sea. *The Public Source*. <https://thepublicsource.org/intercepted-sea>

⁴ Law 105 on Missing and Forcibly Disappeared Persons. <https://www.umam-dr.org/Uploads/2020-05/PublicationPDF1.pdf>

⁵ El Murr, Y. (2023, February). Intercepted at Sea. *The Public Source*. <https://thepublicsource.org/intercepted-sea>

regarding this; European countries have legal obligations on the consequences of their policies outside of their territory.

Member States of the Council of Europe are prohibited under Article 3 of the European Convention on Human Rights (interdiction of torture, and degrading or inhuman treatment and punishment) to deport someone to a country where there is such a risk of arbitrary detention or disappearance. According to the jurisprudence of the Court⁶, this article does not only prohibit torture, inhuman or degrading treatment and punishment, but also the deportation of a person to a country where they would face a risk of exposure to such treatment. Member States are therefore prohibited from taking measures leading to the same consequences, even if their national authorities are not directly implementing these violations but are supporting others to do so (see below). Such behaviors are also considered illegal under Article 19 of the Charter of fundamental rights of the EU, which states that “No one may be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment”.

Violent Behavior of Lebanese Border Control Authorities During Interception and Rescue Operations, Causing Shipwrecks and Deaths

The LAF is also responsible of misbehaviors during interceptions and rescue operations. The case of the boat intercepted on the 23rd of April 2022 also gives a good understanding of this. CLDH had access to the complaints filed by survivors of this interception, which contain their testimonies. The latter report that, during an estimated time of 2 hours, their boat was chased by several military ships, including one which was turning around the boat, provoking “flood” on it and “stir up waves around the boat”. This military ship reportedly hit the boat 3 times, leading it to sink. This led the lawyers representing the survivors to conclude to a “probable intent” to kill, based on Article 189 of the Penal Code, which defines the intentional crime as follows: “The crime is considered intentional, even if the criminal result arising from the action or inaction exceeds the intention of the perpetrator, if he expected it to happen and accepted the risk”. This was further confirmed by the threats of a soldier (“I swear to god, we will drown you”)⁷. After the boat sank, the people “remained for more than half an hour in the water”, “calling for help from the soldiers of the sentinel, who did not approach them”. The LAF allegedly refused to conduct rescues, telling the survivors to come by themselves to the military boats, which were situated “tens of meters” away from the migration boat.

Following the interception and the sinking, several people reported having been beaten by LAF soldiers. “At the government hospital, the plaintiff’s wife saw signs of being hit with a sharp instrument on the body of their daughter. The latter told her that she and her husband had been beaten by the navy on the military boat they boarded after they quarreled with them verbally over their boat”. One person “was even deliberately thrown into the water twice”. Also, a man reported having seen H. M. at a General Security detention centre, and stated that “his jaw was broken after he was beaten immediately after being rescued by one of the marines”⁸.

Pullbacks by Lebanese Authorities

Lebanese authorities, especially the LAF, regularly conduct interceptions at sea or at land of people willing to leave Lebanon, also called *pullbacks*. The implementation reports of the UN

⁶ Soering v. The UK, 7 July 1989, application number 14038/88. <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%5B%22001-57619%22%5D%7D>

⁷ Complaint on behalf of the mother of a woman who disappeared with her son, before the Public Prosecution Office in Beirut.

⁸ Complaint of forcible disappearance on behalf of the father of H. M, before the Public Prosecution Office in Beirut.

Security Council resolution 1701 (2006)⁹ provide the most comprehensive public data on such operations. However, the following data must be considered the minimum, as it is probable that other operations are not being recorded by the different UN bodies in Lebanon. Between 19 February and 20 June 2022, the LAF prevented 252 people from leaving Lebanon in 4 different events¹⁰. The figures rise to 12 departures prevented by the LAF and the Internal Security Forces (ISF) between 21 June and 2 November 2022, involving 412 individuals¹¹.

Though conducted without the violence described above, such operations are in all cases human rights violations. They are illegal before several international law mechanisms. This includes the Article 13 of the Universal Declaration of Human Rights, automatically adopted by Lebanon as a founding member of the UN, which states that “everyone has the right to leave any country, including his own”¹². This right was further confirmed by the International Covenant on Civil and Political Rights (ICCPR, ratified by Lebanon on 3rd November 1972¹³), which states in its Article 12 that “everyone shall be free to leave any country, including his own”¹⁴. Lebanese authorities also violate the Article 12 of the UN Convention on the Rights of the Child (“States Parties shall respect the right of the child and his or her parents to leave any country, including their own”¹⁵; Convention ratified by Lebanon on 14 May 1991¹⁶). This right may be restricted, but under “exceptional circumstances” : “only to protect national security, public order (*ordre public*), public health or morals and the rights and freedoms of others”¹⁷. Such requirements are not fulfilled in the case of the pullbacks committed by the Lebanese authorities.

This freedom to leave any country is particularly fundamental as it is the condition for the effective exercise of other rights, for example the right of asylum, the right to dignity or even the right to life.

Forced Deportations to Syria, Following Boat Interceptions and Rescue Operations

The pullbacks are even more prejudicial as they often lead to forced deportations to Syria. In fact, in many cases, Syrian nationals intercepted and/or rescued were forcibly reconducted to Syria. This practice put the people at particular risk, as the LAF coordinates with the Syrian army to hand over the people deported. Many cases were reported. For example, following their rescue by the Lebanese Navy and the United Nations Interim Force in Lebanon (UNIFIL) on the 31st December 2022, around 200 people, including some registered at the United Nations High Commissioner for Refugees (UNHCR) and living in Lebanon since before April 2019, were reconducted to the Syrian side of the border, close to Wadi Khaled. They were then

⁹ UNIFIL. Documents. <https://unifil.unmissions.org/documents>

¹⁰ UNIFIL. (2022, 14 July). *Implementation of Security Council resolution 1701 (2006) during the period from 19 February to 20 June 2022. Report of the Secretary-General.* https://unifil.unmissions.org/sites/default/files/sg_report_s-2022-556.pdf

¹¹ UNIFIL. (2022, 15 November). *Implementation of Security Council resolution 1701 (2006) during the period from 21 June to 2 November 2022. Report of the Secretary-General.* https://unifil.unmissions.org/sites/default/files/s_2022_858.pdf.

¹² United Nations. (1948, 10 December). *Universal Declaration of Human Rights.* <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

¹³ OHCHR. *UN Treaty Body Database.* https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=96&Lang=EN.

¹⁴ United Nations. (1966, 16 December). *International Covenant on Civil and Political Rights.* <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

¹⁵ United Nations. (1989, 20 November). *Convention on the Rights of the Child.* <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

¹⁶ OHCHR. *UN Treaty Body Database.* https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=96&Lang=EN.

¹⁷ CCPR General Comment No. 27: Article 12 (Freedom of Movement). Adopted at the Sixty-seventh session of the Human Rights Committee, on 2 November 1999. <https://www.refworld.org/pdfid/45139c394.pdf>

intercepted by what was described as the Syrian army and detained until their family paid for their release¹⁸.

Lebanese authorities adopted strict non-readmission practices¹⁹. All the people who left the Lebanese land territory (even if they did not leave the territorial waters) and returned to it, are considered new entrants, falling therefore under the competence of the April 2019 High Council of Defense decision of deporting all Syrians who have entered after April 2019, without any possibility to appeal. This practice also questions the UNHCR's capacity to effectively protect from deportation people whom it has registered for years.

Pushbacks from Lebanon to Syria

In addition to deportations, the LAF regularly conducts pushbacks to Syria. These occur when people try to enter Lebanon from Syria outside of the official crossing points. If such practices remain largely under-documented, especially due to the difficulties faced by human rights organizations to monitor the border, the violations in Syria and to follow-up with the persons deported or pushed back, they appear to occur frequently. The LAF does not publish data on these operations. However, General Youssef Haddad, former Chairman of the Border Control Committee, stated that the Army recorded 3 417 "land illegal entrance" committed by Syrians between October 2019 and October 2021²⁰. General Haddad did not mention specifically pushbacks, but, as all these events took place after the April 2019 decision of the High Council of Defense to deport all Syrians who entered "illegally" after this date, it can be assumed that most, if not all, people spotted by the LAF are likely to have been pushed back to Syria.

Again, these pushbacks appear to be particularly dangerous, as their victims are handed over directly to Syrian authorities, putting them in direct risk of arbitrary detention, disappearance, torture, and death. However, the difficulties faced by human rights organizations to monitor the violations in Syria and to follow-up with the persons deported or pushed back, makes it difficult to collect comprehensive data.

Detention, Torture, and Disappearances in Syria Following Forced Deportations from Lebanon

Despite recent rehabilitation successes achieved by the Syrian President Bashar al-Assad, it should be reminded that Syria is not a safe country, as continuous human rights violations continue to occur in all zones, as detailed by the UN Independent International Commission of Inquiry on the Syrian Arab Republic latest report on events which took place between July and December 2022²¹. Only during this period, 8 men were detained after their return, while the fate of many others remains unknown. "Insecurity prevailed across government-controlled areas", where people forcibly deported from Lebanon live or at least have to cross to reach regions controlled by other authorities. This insecurity is for example characterized by "arbitrary arrests and detention by Government forces [which] continued to be reported, including of people who had previously 'reconciled' with the Government". The Commission holds "reasonable grounds to believe that the Government continued to commit acts of murder, torture and ill-treatment against persons in detention, including practices causing death in detention, as well as arbitrary imprisonment and enforced disappearances, again

¹⁸ Sewell, A. (2023, 18 January). *Saved from death at sea, Syrian refugees face deportation*. The Associated Press. <https://apnews.com/article/politics-political-refugees-lebanon-4cd018738c42d7d3be499093ebaba67b>

¹⁹ EuroMed Rights. (2021, 3 June). *Pushbacks from Cyprus to Lebanon lead to chain refoulement to Syria*. <https://euromedrights.org/publication/pushbacks-from-cyprus-to-lebanon-leads-to-chain-refoulement-to-syria/>

²⁰ Haddad, Y. (2021, 30 November). *Hybrid challenges at the borders (the challenges of Lebanon)* [PowerPoint slides]. https://bmsicmpd2021.files.wordpress.com/2021/11/1_hybrid_border_challenges_lebanon.pdf

²¹ United Nations' Human Rights Council. (2023, 7 February). *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*. <https://undocs.org/en/A/HRC/52/69>

confirming continued patterns of crimes against humanity and war crimes". In non-government-controlled areas, human rights violations continue to be conducted by local authorities as well as by the official government, via multiple bombings with "no nearby military objective", targeting specifically civilians, including densely populated camps, where returnees are particularly likely to live.

Therefore, Syria still can not be considered safe, nor now nor in the near future, with regard to the absence of credible political transition. Due to the risk of deportations to Syria, especially after interceptions or rescues but also independently from those, Lebanon should not be considered as a safe country for Syrian nationals either. All support aiming or eventuating to increase the interceptions and returns of Syrians to Lebanon shall be considered illegal with regard to international maritime law to the same extent as direct deportations to Syria.

European Support to Lebanese Land and Sea Border Monitoring and Enforcement

European States and the European Union (EU) have been developing for more than a decade the capacities of the Lebanese border control authorities to monitor and control border areas, both along the Syrian border and in the territorial waters.

Not all support programmes were initially intended to control migrations, but all projects presented below have consequences on the border and migration management. Migration-focused support has been recently growing and is planned to further intensify, due to the rise of boat departures and the increasing European tendency to reinforce borders in third countries and externalize the control and the management of migrations.

Establishment of a Unified System Monitoring Lebanese Land and Sea Borders

European States, especially the United Kingdom (UK) and Germany have developed monitoring and control capacities of the Lebanese security agencies, especially the LAF, over the sea and land border areas. This support has considerably increased the capacities of the LAF to intercept and pushback people at the Syrian border in the context of a "closed-border" policy, and to prevent people from leaving Lebanon by boat.

Network of Coastal Radar Stations along the Lebanese Shores, funded by Germany

Since 2017, Germany has continuously developed LAF's capacities to monitor the Lebanese territorial waters. Due the destruction by Israel of the initial Lebanese coastal radar system during the 2006 war with Hezbollah²², the Lebanese Navy did not have any radar anymore. The German Embassy in Beirut, via a fund co-managed by the Ministries of Defense and of Foreign Affairs²³, funded the establishment, the linking, and the continuous enhancement of 9 maritime radar stations along the Lebanese coast, from Arida to Bayada. These radars can cover up to 48 nautical miles (89 km) out to sea²⁴. Germany has continuously improved these radar stations, enabling their linking and the centralization of all data collected in the Navy operations centre, called C1, in Beirut Naval Base. This centre has now the capacity to provide a live image of Lebanese territorial waters and "can see almost 100% of maritime traffic", according to UNIFIL²⁵. German support is still ongoing, with the recent establishment and

²² Whitaker, B. (2006, 21 July). Battered Lebanon counts the cost of Israeli onslaught. *The Guardian*. <https://www.theguardian.com/world/2006/jul/21/syria.israelandthepalestinians2>

²³ German Diplomat. (2023, 24 March). Personal Communication.

²⁴ UNIFIL. (2022, 9 December). *Why this maritime command handover is crucial*. <https://unifil.unmissions.org/why-maritime-command-handover-crucial>

²⁵ UNIFIL. (2022, 9 December). *Why this maritime command handover is crucial*. <https://unifil.unmissions.org/why-maritime-command-handover-crucial>

integration in the network of thermal cameras²⁶. This new development aimed at enhancing the monitoring capacities, especially for small boats, which are less easily detected by the radars due to their low level²⁷. The thermal cameras are also linked with C1 at Beirut Naval Base. The most recent phase of the support replaced generators with solar panels²⁸, to reduce the costs and to prevent electricity-cuts, with the aim of an uninterrupted monitoring of the territorial waters. To reduce the risk of damage, Germany also assures the maintenance of the network, with 350.000 euros annually²⁹. The whole amount of German support to monitoring capacities of the Lebanese Navy rose to 11 million euros since 2017³⁰.

Germany built from the scratch the monitoring capacities of the Lebanese Navy. Without this support, the capacity of the LAF to detect and intercept boats would be significantly reduced. The German Embassy in Beirut, aware of the interceptions conducted by the LAF at sea and land, and even considering them as a “humanitarian task”³¹, does not plan to interrupt its support even despite its human rights consequences, described above, especially with regard to the right to leave a country and the prohibition of refoulement to Syria. The German Defense Minister Christine Lambrecht confirmed this during a visit in Lebanon on November 6th 2022, announcing that the support will be pursued³².

The monitoring capacities have been further enhanced since 2021 by the United Nations Office on Drugs and Crime (UNODC). Its Beirut office provided 8 drones to the Navy³³, and arranged “a two week drone pilot training”³⁴ in 2022. The provision of these equipment must be linked with the increasing financial difficulties of the LAF. The drones indeed enable the surveillance of the territorial waters and of boats without Navy patrols, which are very expensive due to their high oil consumption.

The UNODC evaluates the possibility to integrate these drones into the LAF-Navy operations centre to further improve the picture of activities occurring in the Lebanese territorial waters³⁵. Even if the UNODC Office in Beirut did not reply to CLDH demands on the detail of the funding of this support, public information show that the UNODC office in Beirut is mainly funded by European actors, namely Austria, Germany, Norway and the EU (as well as Australia and Canada)³⁶.

UK Continuous Support to the Monitoring of the Syrian Border

The Lebanese-Syrian land border is historically porous, due to its location in mountainous areas, and to the lack of precise demarcation since its establishment by France in 1920. This porousness has been particularly worrying for Western States in the context of the Syrian war and its possible spillover effects, especially the risk of Daesh and al-Nusra settlement in Lebanon.

²⁶ The United States also financed some thermal cameras. German Diplomat. (2023, 24 March). Personal Communication.

²⁷ German Diplomat. (2023, 24 March). Personal Communication.

²⁸ Helou, A. (2022, 19 August). *Lebanon's Navy chief talks fleet expansion, new security missions*. Defense News.

<https://www.defensenews.com/interviews/2021/06/09/lebanons-navy-chief-talks-fleet-expansion-new-security-missions/>

²⁹ German Diplomat. (2023, 24 March). Personal communication.

³⁰ German Diplomat. (2023, 24 March). Personal Communication.

³¹ German Diplomat. (2023, 24 March). Personal Communication.

³² The Media Line. (2022, 7 November). *Germany To Supply Lebanon With Maritime Surveillance Equipment, Training*. The Media Line.

<https://themedialine.org/headlines/germany-to-supply-lebanon-with-maritime-surveillance-equipment-training/>

³³ Breaking Defense. (2022, 13 July). *In a first, Lebanese navy to operate drones to aid maritime border security*.

<https://breakingdefense.com/2022/07/in-a-first-lebanese-navy-to-operate-drones-to-aid-maritime-border-security/>

³⁴ UNODC. (2023). *Global Maritime Crime Programme. Briefing Package*.

https://www.unodc.org/documents/Maritime_crime/UNODC_GMCP_Briefing_Package_2022_EN.pdf

³⁵ UNODC. (2023). *Global Maritime Crime Programme. Briefing Package*.

https://www.unodc.org/documents/Maritime_crime/UNODC_GMCP_Briefing_Package_2022_EN.pdf

³⁶ UNODC. (2022). Annual Report 2021.

https://www.unodc.org/romena/uploads/documents/Publications/ENGLISH/LebanonAR2021/Annual_report_2021-UNODC_Lebanon.pdf

In this context, the UK funded the establishment of at least 78 watchtowers³⁷ along the Syrian land border. Based on a model deployed in Northern Ireland, these 30-foot-high towers are made of containers with an armored deck on the top³⁸, and protected by 'Hesco' border defensive barriers³⁹. They are mostly located at ridges of mountains, in order to optimize the monitoring capacities⁴⁰. Each watchtower is equipped with long-range surveillance night-vision and thermal cameras, reaching respectively up to 1,000 and 20,000 meters⁴¹.

These bases offered the LAF a better control over the border. If it was initially intended to prevent the entry of members of terrorist or criminal groups, it became a way to intercept would-be refugees and push them back to Syria, especially after the April 2019 High Council decision to forbid the entry for most Syrians. A former LAF General admitted to CLDH that it was not the LAF's responsibility to sort between 'criminals' and people in need of international protection, and that, therefore, all the people entering Lebanon "illegally" and intercepted were forcibly returned to Syria and in most cases handed over to the Syrian authorities⁴².

To improve monitoring and reaction capacities, the UK also provided communication equipment⁴³, to assure live communication between the watchtowers and the forward operating bases, and between them and the LAF headquarters⁴⁴. This enabled the thermal and night-vision cameras to send their live recordings to the Land Border Regiments (LBRs) centers⁴⁵, facilitating early warnings and interceptions. This increased connectivity was explained by General Youssef Haddad, former chairman of the Border Control Committee : it "established a central, local network of electronic monitoring-based towers linked to the Joint Operations and Information Centre (JOIC) at the Lebanese Army Command, within a plan of action that relies primarily on permanent day and night monitoring, while providing early warning to the deployed units to move and control any violation"⁴⁶.

This connectivity also targets the maritime surveillance, as he further states : "It consists of linking coastal surveillance radars to the aforementioned network to enable JOIC to have a integrated monitoring system"⁴⁷. The final aim is to establish a central monitoring system, which combines land and maritime surveillance capacities, to enhance reaction capacities, notably interceptions. General Haddad stated during a conference in November 2021 that this project "has reached it's [sic] end and the final touches are to be made to get the system fully operational"⁴⁸.

³⁷ Chaccour, C. (2022, 7 July). The UK Reiterates Its Support For The Lebanese Army. 961. <https://www.the961.com/uk-reiterates-support-for-the-lebanese-army/>

³⁸ Brown, L. (2019, 26 January). Keeping ISIS fanatics at bay : How 30ft UK watch towers on Lebanon's border are part of a £ 62million drive to repel a terrorist invasion. *Daily Mail*. <https://www.dailymail.co.uk/news/article-6634215/30ft-UK-watch-towers-Lebanons-border-62million-drive-repel-terrorist-invasion.html>

³⁹ Secretary of State for Foreign and Commonwealth Affairs, Johnson, B. (2017). Lebanon : Border Assistance. *UK Parliament* (No HCWS118). <https://hansard.parliament.uk/commons/2017-09-07/debates/17090745000010/LebanonBorderAssistance>

⁴⁰ Former LAF General. (2023, 8 March). Personal communication.

⁴¹ Think Defence. (2014, 2 December). *All Along the Watchtower - Lebanon*. <https://thinkdefence.wordpress.com/2014/12/02/along-watchtower-lebanon/>

⁴² Former LAF General. (2023, 8 March). Personal communication.

⁴³ UK Secretary of State for Foreign and Commonwealth Affairs. (2018, 6 February). *Lebanon: Border Assistance*. <https://hansard.parliament.uk/Commons/2018-02-06/debates/18020638000010/LebanonBorderAssistance?highlight=lebanese%20armed%20forces#contribution-25D43293-4919-4B00-B4EF-DB52E60188DE>

⁴⁴ Secretary of State for Foreign and Commonwealth Affairs, Johnson, B. (2018, 6 February). Provision of Border Assistance to Lebanon. *UK Parliament* (HCWS450). <https://questions-statements.parliament.uk/written-statements/detail/2018-02-06/HCWS450>

⁴⁵ Former LAF General (2023, 8 March). Personal communication.

⁴⁶ Helou, A. (2022, 18 August). Lebanon's four border regiments prepare for new phase in filling security gaps. *Defense News*. <https://www.defensenews.com/global/mideast-africa/2021/11/08/lebanons-four-border-regiments-prepare-for-new-phase-in-filling-security-gaps/>

⁴⁷ Helou, A. (2022, 18 August). Lebanon's four border regiments prepare for new phase in filling security gaps. *Defense News*. <https://www.defensenews.com/global/mideast-africa/2021/11/08/lebanons-four-border-regiments-prepare-for-new-phase-in-filling-security-gaps/>

⁴⁸ Haddad, Y. (2021, 30 November). *Hybrid challenges at the borders (the challenges of Lebanon)* [PowerPoint slides]. https://bmsicmpd2021.files.wordpress.com/2021/11/1_hybrid_border_challenges_lebanon.pdf

The UK support to the monitoring capacities of the LBRs facilitate interceptions of persons trying to leave Syria, eventually leading to forced returns to Syria, conducted by the LBRs. By adopting a purely security approach, the UK develops military capacities while turning a blind eye on human rights violations enabled by its support. Indeed, by supporting “the establishment and deployment of these regiments to monitor and interdict illegal cross-border activity along the northern and eastern border between Lebanon and Syria”⁴⁹, which include crossings of persons in need of international protection attempting to flee Syria, the UK gives the LAF the ability to implement a policy that aims at preventing *all* Syrians to enter Lebanon, regardless of their protection needs.

The support provided by Germany and the UK on monitoring border areas is interesting also as the EU funds similar programmes in other countries, as part of its migration externalization policies. For example, as part of the Border Management Programme for the Maghreb Region, the EU provided radars and thermal cameras to the Tunisian Garde Maritime⁵⁰; the EU currently develops surveillance capacities in Turkey along the Syrian and Iranian borders, similar to the UK’s watchtowers⁵¹. Therefore, long-term security-focused support from European States reduces the need for additional migration-focused EU funds, which would have probably been provided without the bilateral programmes.

Supply of equipment for operations

European actors not only develop monitoring capacities on border areas, but also operational and interception capacities.

Enhancing the Control Over the Syrian Border

In parallel to developing monitoring capacities along the Syrian border, the UK has also developed the LAF’s control capacities. With considerable support from the UK, the LAF established the 4 LBRs now in charge of the control of the Syrian border. Only between 2012 and 2014, the UK funded £20 million to “provide observation, protection, mobility and communications equipment to 1 and 2 LBRs and to establish the lead elements of a 3rd LBR, as well as a programme of training and mentoring”⁵². This support has not ceased since then, and even enabled the establishment of a 4th LBR. The UK support directly enabled the LAF to be deployed along the Syrian border.

However, if this support was first intended in countering possible spillover of the Syrian war, especially jihadist groups, it continued long after the end of this threat. In addition to the 350 Land Rover vehicles already provided, 100 armored RWMIK patrol vehicles, worth £1.5 million, were delivered in January 2021 by the UK to the Land Border Regiments, as well as “a team of specialist UK soldiers” who provided a “4-week package of training and mentoring for officers and soldiers from all 4 LBR”, aimed at “provid[ing] skills to operate the RWMIK vehicles [...] and enable them to project effectively into the more remote areas of the frontier”⁵³. In March 2022, the British Embassy in Beirut provided the LAF with spare parts of Land Rovers worth £1 million, together with the deployment of a “team of military mechanics” to support the

⁴⁹ Foreign & Commonwealth Office. (2023, 19 May). *Lebanon: Security programme summary 2021 to 2022*. <https://www.gov.uk/government/publications/conflict-stability-and-security-fund-programme-summaries-for-europe-middle-east-and-north-africa-2021-to-2022>

⁵⁰ Naceur, S. P. & Forum Tunisien pour les Droits Economiques et Sociaux. (2021, 12 June) *Decrypting ICPMD*. <https://ftdes.net/rappports/DecryptingICMPD.pdf>

⁵¹ Directorate-General for Neighbourhood and Enlargement Negotiations of the European Commission. (2022, 12 December). *Action Document “Support to Türkiye’s Efforts to Strengthen Border Management at the Eastern and South Eastern Border”*. https://neighbourhood-enlargement.ec.europa.eu/commission-implementing-decision-financing-individual-measure-support-border-management-turkiye-2022_en

⁵² Secretary of State for Foreign and Commonwealth Affairs. (2015, 12 March). *Gift of Equipment to the Lebanese Armed Forces*.

⁵³ British Embassy in Beirut. (2021, 27 April). *UK training on RWMIK for Lebanese Army*. <https://www.gov.uk/government/news/uk-training-on-rwmik-for-lebanese-army#:~:text=As%20part%20of%20the%20UK,all%20four%20Land%20Border%20Regiments.>

maintenance of the LAF vehicles⁵⁴. Another team was deployed one year later, in February 2023 to also “deliver maintenance trainings to [the LBRs] to manage the fleet of RWMIK patrol vehicles donated by the UK to patrol the country’s border with Syria”⁵⁵. Additional spare parts, worth 500,000 US dollars, were delivered on the 30th of May 2023⁵⁶. The UK not only provides an important number of vehicles, but also ensures their continuous operability; it therefore has a decisive influence on the LAF operations, raising questions on its legal responsibility in internationally wrongful acts committed by the LBRs.

In December 2022, the UK reiterated its long-term and continuous support, with the signature by the British Ambassador to Lebanon, Hamish Cowell and the LAF Commander in Chief General Joseph Aoun of a Memorandum of Understanding, planning a £13 million continued support until 2025. CLDH could not have access to the content of this support, as our request for access to documents was refused.

Today, most of the equipment used by the Land Border Regiments was funded or provided by the UK⁵⁷, whose support rose to £98 million (\$124 million) since 2010⁵⁸. The fact that this support is pursued even though it directly enables continuous human rights violations, especially pushbacks to Syria, makes the UK responsible for these misbehaviors before international law (see below).

Enhancing the Control on Territorial Waters

This provision of operational and interception vehicles is not only limited to the Syrian border, but also includes the maritime borders. With the official goal of “securing the border” and ensuring the “stability of Lebanon”, Western partners have provided decisive support to the LAF Navy, as, according to a German diplomat, all boats currently held by the Navy were provided by foreign States⁵⁹. For example, Germany provided three boats in the 2000’s, with 2 still on duty, described as “the best boats [the LAF] have”⁶⁰, and 1 used for trainings at Jounieh Naval Base. In June 2020, France also provided four semi-rigid boats of 11.5 meters, able to transport up to 25 persons⁶¹. If negotiations were held for the supply of four ships of 65 to 75 meters each⁶², the political and economic crises ended the talks⁶³. Italy is also an important provider of boats. In January 2022, it donated a 12-meter-long rigid inflatable boat⁶⁴, and a similar one in February 2023⁶⁵.

Germany ensures the continuous operability of these boats after their delivery. In fact, every year, the German Embassy funds all the boat maintenance of Jounieh Naval Base⁶⁶. A

⁵⁴ British Embassy in Beirut. (2022, 31 March). *UK gifts £ 1m Land Rover spare parts to Lebanese Army*. <https://www.gov.uk/government/news/uk-gifts-1m-land-rover-spare-parts-to-lebanese-army>

⁵⁵ 16 Air Assault Brigade Combat Team. (2023, 6 February). *@Official_REME soldiers from the BCT are in Lebanon LB to deliver maintenance training to @LebarmyOfficial to manage the fleet of 100 RWMIK patrol vehicles donated by the UK to patrol the country’s border with Syria, tackling the threat of extremists and smuggling*. Twitter. <https://twitter.com/16AirAssltBCT/status/1622547913934004225?s=20>

⁵⁶ British Embassy in Beirut (2023, 30 May). *UK donates equipment to the Lebanese Army*. <https://www.gov.uk/government/news/uk-donates-equipment-to-the-lebanese-army>

⁵⁷ Former LAF General. (2023, 8 March). Personal communication.

⁵⁸ British Embassy in Beirut. (2023, 30 May). *UK donates equipment to the Lebanese Army*. <https://www.gov.uk/government/news/uk-donates-equipment-to-the-lebanese-army>

⁵⁹ German Diplomat. (2023, 24 March). Personal communication.

⁶⁰ German Diplomat. (2023, 24 March). Personal Communication.

⁶¹ French Embassy in Lebanon. (2020, 24 June). *Remise d'embarcations semi-rigides rapides à la Marine libanaise*. <https://lb.ambafrance.org/Remise-d'embarcations-semi-rigides-rapides-a-la-Marine-libanaise>

⁶² Boguslavsky, E. (2021, 9 June). *Lebanese Navy to receive seven offshore patrol vessels*. *Israel Defense*. <https://www.israeldefense.co.il/en/node/50309>

⁶³ Defense Attaché of the French Embassy in Beirut. (2023, 5 April). Personal Communication.

⁶⁴ Helou, A. (2022, 14 February). *Lebanon’s Navy to receive multipurpose boats from Italy, patrol boats from United States*. *Defense News*. <https://www.defensenews.com/naval/2022/02/14/lebanons-navy-to-receive-multipurpose-boats-from-italy-patrol-boats-from-united-states/>

⁶⁵ Defense Attaché of the Italian Embassy in Beirut. (2023, 26 April). Personal Communication.

⁶⁶ German Diplomat. (2023, 24 March). Personal Communication.

German diplomat explained to CLDH how this support was important, as, according to him, the Lebanese Navy “has zero capacity for the maintenance”.

Additional provision of ships is planned, for example with the delivery of 3 boats by the United States planned in September 2023⁶⁷ and of 3 “speedboats” by Italy also this year⁶⁸. Germany might also provide boats “in the middle term”⁶⁹. Following a request of the LAF, Italy holds discussion on the provision of larger boats, without any precise donation planned so far⁷⁰.

The Italian Military Bilateral Mission (MIBIL) has worked on the maintenance of LAF helicopters, targeting specifically the ones able to fly over the sea, used during SAR operations. It also provided equipment to enable them to fly at night⁷¹.

Establishment of a SAR Centre in Beirut Naval Base by France and the EU

Following an agreement signed by the French Ambassador in Beirut Anne Grillo and the Commander in Chief of the LAF General Joseph Aoun in February 2021, France funded with 300,000 dollars⁷² the establishment of a Search and Rescue (SAR) centre in Beirut Naval Base, called Joint Rescue Coordination Center (JRCC). The latter, planned to be inaugurated in the coming months⁷³, aims at being an inter-authorities center, enabling the coordination of all ministers concerned during SAR operations. It will be linked with all monitoring capacities of the Operations Centre of the Navy (C1)⁷⁴, notably the radars, thermal cameras, drones, boats. Its mission will be to ensure “the surveillance of the Lebanese territorial waters 24 hours a day, and to launch the intervention”⁷⁵.

France closely mentors the establishment of this centre, including via long-term trainings : for example, a LAF officer of the future JRCC team carried out “an immersion internship” within the Mediterranean Regional Operational Centre for Search and Rescue (CROSS)⁷⁶. The trainings will increase “in the coming months” : “everything is ready ; as soon as the personnel [of the JRCC] will be designated, we will organize the trainings”, targeting specifically “those who will manage”⁷⁷ the Centre.

The EU also participates in the establishment of the JRCC, as it “funds the equipment that will be in this centre” : “computers, work stations, radios, which will enable the JRCC to receive everything that is detected by the [coastal] radars, the cameras, the airport radar, even by the boats already deployed in the sea, and the communication equipment that will enable the JRCC to communicate with the ships, the helicopters, the Civil Defense, etc.”⁷⁸

The establishment of the JRCC will be “a huge step forward”, according to the French Defense Attaché, as “until now, [the Navy] had a very low intervention capacity” ; “we can’t say that they [the Navy] weren’t doing anything ; they could detect a few things, they could intervene punctually, but it was very artisanal”⁷⁹.

⁶⁷ German Diplomat. (2023, 24 March). Personal Communication.

⁶⁸ Defense Attaché of the Italian Embassy in Beirut. (2023, 26 April). Personal Communication.

⁶⁹ German Diplomat. (2023, 24 March). Personal Communication.

⁷⁰ Defense Attaché of the Italian Embassy in Beirut. (2023, 26 April). Personal Communication.

⁷¹ Defense Attaché of the Italian Embassy in Beirut. (2023, 26 April). Personal Communication.

⁷² Haddad, Y. (2021, 30 November). *Hybrid challenges at the borders (the challenges of Lebanon)* [PowerPoint slides].

https://bmsicmpd2021.files.wordpress.com/2021/11/1_hybrid_border_challenges_lebanon.pdf

Defense Attaché of the French Embassy in Beirut. (2023, 5 April). Personal Communication.

⁷³ Defense Attaché of the French Embassy in Beirut. (2023, 5 April). Personal Communication.

⁷⁴ Defense Attaché of the French Embassy in Beirut. (2023, 5 April). Personal Communication.

⁷⁵ Defense Attaché of the French Embassy in Beirut. (2023, 5 April). Personal Communication.

⁷⁶ Mission de défense française au Liban. (2022, 27 December). *Grâce au soutien de @Cecmed_Off, de @CoopSecuDefense et de @MerGouv, 1 officier LB de @LebarmyOfficial a pu réaliser un stage en immersion au sein du #CROSS Méditerranée (#JRCC), centre de surveillance et de coordination du secours en mer.* Twitter. <https://twitter.com/MissionDefLiban/status/1607689591938596864?s=20>

⁷⁷ Defense Attaché of the French Embassy in Beirut. (2023, 5 April). Personal Communication.

⁷⁸ Defense Attaché of the French Embassy in Beirut. (2023, 5 April). Personal Communication.

⁷⁹ Defense Attaché of the French Embassy in Beirut. (2023, 5 April). Personal Communication.

It is also important to stress that, in practice, no clear demarcation can be made between rescue operations and interceptions. The latter are often framed as rescues but are, in fact, unwanted by the people concerned; more importantly, they also target boats that are not in danger. The International Convention on Maritime Search and Rescue (SAR Convention) defines 'rescue' as "an operation to retrieve persons *in distress* [...]" (emphasis added). The Convention also defines 'distress' as a situation in which "a vessel or a person is threatened by grave and imminent danger". Therefore, a rescue only concerns persons in grave and imminent danger. This can only be determined on a case-to-case basis and shall not be adopted as a general rule. On the contrary, the French Defense Attaché in Beirut, responsible for the French support to the JRCC, does not accept the legal limits to the definition of rescues, and promotes the rescue/interception of all boats detected: from the moment [boats of migrants] are detected, it would be criminal to let them in the sea. [...] We can call this 'intercept' or 'rescue', it can be both"⁸⁰. Therefore, as stressed by the Commissioner for Human Rights of the Council of Europe⁸¹, the assistance aiming at facilitating rescues may in fact be used to increase interceptions, easing violations of the fundamental right to leave a country.

Due to the support provided by France and the EU, interceptions of boats at sea are expected to increase, inevitably leading to deportations to Syria.

The European stakeholders of this program seem to ignore the consequences of their support. For example, the French Defense Attaché stated that "what [the Lebanese authorities] do with the people rescued, it is not my problem"; "we can regret what happens next, but it's not at all our problem. Us, we deal with establishing the JRCC"⁸². He further explains that he does not "even have the information"⁸³ on what people rescued or intercepted become. The JRCC also shows the European actors' preference for Syrians to be intercepted and forcibly deported to Syria rather than to come to Europe.

Electricity Support for an Enhanced Control on Syrian Border

The EU, via projects implemented by the ICMPD and the United Nations Development Programme (UNDP), funded reliable sources of energy for the LAF and the General Security (GS) in their border control missions.

As part of the EU Integrated Border Management project in Lebanon (see box 1 below), the electricity support implemented by ICMPD targeted General Security locations in border areas and surrounding communities. It provided solar panels and solar street lighting systems⁸⁴. Border communities historically remained away from the central State and reluctant to the recent strengthening of border control, as they were previously used to being more independent and autonomous in their activities. "The population in the border area, which used to live mainly from the trafficking, 'saw with a bad eye the deployment of soldiers representing the state's legality'"⁸⁵, as explained by the former LAF General Maroun Hitti. Therefore, the support to border communities, such as solar panels or street lighting systems, also aims at reducing the tensions, to eventually facilitate the State authorities' work. This was confirmed by a representative of a European Embassy in Beirut, which required anonymity : "you can be an army, but what you need if you want to succeed, is the heart and the minds of

⁸⁰ Defense Attaché of the French Embassy in Beirut. (2023, 5 April). Personal Communication.

⁸¹ Commissioner for Human Rights of the Council of Europe. (2019). *Recommendation. Lives saved. Rights protected. Bridging the protection gap for refugees and migrants in the Mediterranean*. <https://rm.coe.int/lives-saved-rights-protected-bridging-the-protection-gap-for-refugees-/168094eb87>

⁸² Defense Attaché of the French Embassy in Beirut. (2023, 5 April). Personal Communication.

⁸³ Defense Attaché of the French Embassy in Beirut. (2023, 5 April). Personal Communication.

⁸⁴ ICMPD. (2022, November). *Supply Procurement Notice. Supply of Sustainable Electricity for the Border Security Agencies in Lebanon in the scope of EU IBM Lebanon - Phase 3*. <https://in-tendhost.co.uk/icmpd/asp/Tenders/Current>

⁸⁵ El-Hage, A. (2018, 11 June). Maroun Hitti, l'histoire d'un engagement acharné pour la sécurisation des frontières. *L'Orient-Le Jour*. <https://www.lorientlejour.com/article/1120243/maroun-hitti-lhistoire-dun-engagement-acharne-pour-la-securisation-des-frontieres.html>

the people, so they can give you details, they can help you”⁸⁶. An ICMPD representative also stressed that a part of the project aimed at “building trust to the security institutions” so border communities are “less reckless to smuggling”⁸⁷. The fact that this support is provided through a border management programme, which aims at increasing the State’s control on the borders, confirms this securitization of development aid.

Box 1: EU IBM in Lebanon

The European Commission funds with 7 million euros the EU IBM in Lebanon programme, implemented by ICMPD between January 2020 and November 2023. Among its objectives, it aims to establish “border procedures in order to improve prevention and detection of irregular migration” from Syria (result 2.1)⁸⁸.

The program also supported the establishment in the LAF and the GSO of risk analysis units “related to the border surveillance and prevention of illegal immigration on the Lebanese borders”⁸⁹, and provided trainings to these units⁹⁰. In the EU landscape, risk analysis refers to “establishing trends and identifying risks”, to provide “advice on appropriate operational responses to various challenges, including cross-border crime”, in order to “optimize the use of available resources and maximize the effectiveness of actions taken”⁹¹; risk analysis reports present previsions on future migration arrivals, their location and modus operandi⁹². Considering that this part of the programme is focused on the land border with Syria⁹³, the aim of preventing Syrians to flee the war and the Regime is clear.

Frontex, Europol and Germany contributed to this objective, for example with their participation in a workshop organized by ICMPD in July 2021, with General Security and LAF staff, on “Risk/Threat Analysis for Border Management and Security”⁹⁴. Frontex and Europol presented their respective risk analysis methodologies and its benefits for border management. The German Embassy in Beirut also “expressed [its] interest in collaborating with [the EU IBM in Lebanon programme] and providing expertise to the establishment of such strategic units”⁹⁵.

The EU-funded programme drafted in 2021 an Action Plan for the implementation of the IBM Strategy in Lebanon⁹⁶, later endorsed by Lebanese security agencies (LAF, GS, ISF, LCA). This document, which CLDH had access to, provides a list of steps to be taken by the security agencies before the end of 2023⁹⁷. It considers as a “need” for the LAF to increase

⁸⁶ Representative of a European embassy in Beirut. (2023, 11 March). Personal Communication.

⁸⁷ ICMPD representative. (2023, 14 March). Personal communication.

⁸⁸ ICMPD. (2021, April 9). *Strengthening Capability for Integrated Border Management in Lebanon (EU IBM Lebanon) – Phase 3. Progress report (29.01.2020 – 31.01.2021)*. <https://aleph.occrp.org/entities/114355920.b660616edc1cd98f446e4beef31ac3b6b4e5e688>

⁸⁹ ICMPD. *Action Plan for implementation of the Integrated Border Management Strategy of the Republic of Lebanon*.

⁹⁰ ICMPD. (2023). *Minutes of Meeting. 5th Project Steering Committee (PSC)*. <https://aleph.occrp.org/entities/114895241.b1c2d73d434c69511683bb56119f4f2c14675550>

⁹¹ Frontex. *Risk analysis*. <https://frontex.europa.eu/what-we-do/monitoring-and-risk-analysis/risk-analysis/>

⁹² Frontex. (2022, 4 October). *Risk Analysis for 2022/2023*. <https://prd.frontex.europa.eu/document/risk-analysis-for-2022-2023/>

⁹³ “The IBM strategy covers only the land borders”. See ICMPD. (2022). *Strengthening Capability for Integrated Border Management in Lebanon (EU IBM Lebanon) – Phase 3. Progress report (1 February 2021 – 31 January 2022)*.

<https://aleph.occrp.org/entities/114355919.b1a99b4eeb8dd17ca029920b1f46fb4ccf6d1516>

⁹⁴ ICMPD. (2021, April 9). *Strengthening Capability for Integrated Border Management in Lebanon (EU IBM Lebanon) – Phase 3. Progress report (29.01.2020 – 31.01.2021)*. <https://aleph.occrp.org/entities/114355920.b660616edc1cd98f446e4beef31ac3b6b4e5e688>

⁹⁵ ICMPD. (2021, April 9). *Strengthening Capability for Integrated Border Management in Lebanon (EU IBM Lebanon) – Phase 3. Progress report (29.01.2020 – 31.01.2021)*. <https://aleph.occrp.org/entities/114355920.b660616edc1cd98f446e4beef31ac3b6b4e5e688>

⁹⁶ ICMPD (2021). *Strengthening Capability for Integrated Border Management in Lebanon (EU IBM LBN3)*. Monthly Report – March 2021. <https://aleph.occrp.org/entities/114355918.1a8d074744d462d4f28b666651ac31ec4bb4ecb5>

⁹⁷ A few steps are planned after the end of the conflict in Syria, including “joint border patrols”, which is troubling as Lebanese authorities consider that the conflict has already ended.

border surveillance with the expected and pursued result of an “increased number of apprehended illegal immigrants” from Syria.

The programme includes a “right-based approach” component. However, none of the three outputs of this objective refers to human rights⁹⁸. For example, the first output of this component is the strengthening of the “capacities of border agencies against irregular migration”⁹⁹. Therefore, the “right-based approach” refers more to a law enforcement approach than a human-rights perspective.

The project implemented by the UNDP, named “sustainable energy for security – SE4S” targets specifically the LBR 2¹⁰⁰. The EU funded almost the entirety of the 4,6 million dollars¹⁰¹ project, which lasted from 2019 to December 2022. Receiving electricity has been a serious concern for LBRs, as they are often located in places that are not connected to the utility grids, and that even the public electricity only works 1 or 2 hours per day. This limited the LBRs capacities, in terms of monitoring the border areas, of connectivity between the LBRs units and with the LBRs headquarters, especially with regard to the development of a common monitoring and early-warning system, as described above. Therefore, this programme provided for example electricity sources (biomass pellet boilers, generators), hundreds of solar lights to be installed in and around LBR facilities as well as 17 Long Range Efficient Xenon projectors, with the specific aim “to project the light onto any direction that arouses suspicion”¹⁰².

This project had two main goals. The first was to enhance the well-being of the soldiers while they are on duty monitoring the border, in the context of the LAF’s lack of appeal, especially for duties in remote areas such as the LBRs’. The second goal was to increase the monitoring capacities. This was confirmed by Alessandra Viezzer, Head of Cooperation at the EU Delegation in Lebanon, who stated that this project “contributes to maintaining [the LAF’s] readiness to prevent, counter and respond to security threats at any time”¹⁰³. The UNDP explains that this project aims to “achieve a higher ability to observe and carry out the respective security-based operations”¹⁰⁴. Border crossings of persons are particularly targeted: “the border region between Lebanon and Syria is still a key area to monitor and secure to minimize illegal and undocumented infiltration of individuals”¹⁰⁵.

⁹⁸ The three outputs are 1) “Border procedures and capacities of border agencies against irregular migration, and crossborder crimes strengthened”, 2) “Border procedures and capacities of border agencies for facilitation of legitimate crossborder-trade and for protection of the rights of travellers strengthened” and 3) “Stability and security perception of border communities enhanced”.

See ICMPD. (2022). *Strengthening Capability for Integrated Border Management in Lebanon (EU IBM Lebanon) – Phase 3. Progress report (1 February 2021 – 31 January 2022)*. <https://aleph.occrp.org/entities/114355919.b1a99b4eeb8dd17ca029920b1f46fb4ccf6d1516>

⁹⁹ The three outputs are 1) “Border procedures and capacities of border agencies against irregular migration, and crossborder crimes strengthened”, 2) “Border procedures and capacities of border agencies for facilitation of legitimate crossborder-trade and for protection of the rights of travellers strengthened” and 3) “Stability and security perception of border communities enhanced”.

See ICMPD. (2022). *Strengthening Capability for Integrated Border Management in Lebanon (EU IBM Lebanon) – Phase 3. Progress report (1 February 2021 – 31 January 2022)*. <https://aleph.occrp.org/entities/114355919.b1a99b4eeb8dd17ca029920b1f46fb4ccf6d1516>

¹⁰⁰ UNDP. *Sustainable Energy for Security - SE4S*. <https://www.undp.org/lebanon/projects/sustainable-energy-security-se4s>

¹⁰¹ UNDP. *Project document addendum - SE4Security*.

<https://info.undp.org/docs/pdc/Documents/LBN/Project%20Document%20SE4Security%20extension%2004.04.2022.pdf>

¹⁰² UNDP. *Project Document - SE4Security*.

<https://info.undp.org/docs/pdc/Documents/LBN/Project%20Document%20SE4Security%20signed%20by%20All.pdf>

¹⁰³ UNDP. (2022, 10 November). *UNDP and the EU support the Lebanese Army at the North-Eastern border through sustainable energy solutions* [Press release]. <https://www.undp.org/lebanon/press-releases/undp-and-eu-support-lebanese-army-north-eastern-border-through-sustainable-energy-solutions>

¹⁰⁴ UNDP. *Sustainable Energy for Security - SE4S*. <https://www.undp.org/lebanon/projects/sustainable-energy-security-se4s>

¹⁰⁵ UNDP. *Project Document - SE4Security*.

<https://info.undp.org/docs/pdc/Documents/LBN/Project%20Document%20SE4Security%20signed%20by%20All.pdf>

Developing Border Control Capacities with Trainings

In addition to the development of monitoring and operational capacities, European actors also provided support on the training of the LAF personnel.

Trainings to Land Border Authorities

In order to ensure a comprehensive and effective use of the infrastructure provided, the UK has been training the LBRs with a dedicated British Training and Advisory Team (BTAT), for at least a decade¹⁰⁶. The latter provides “tactical trainings” to enhance the monitoring, interception and defense capacities¹⁰⁷. For example, at the Central Training School (CTS, see below), the BTAT built “extensive tactical training facilities to include training village, IDP [internally displaced persons] camp, enclosed compound, Forward Operating Base (FOB), Protected Border Observation Post (PBOP) and Border Crossing Point”¹⁰⁸ to facilitate trainings at the CTS. The BTAT training support is considerable, as it reached 20,000 LAF members until July 2022¹⁰⁹. However, CLDH has not been able to gather more information on the BTAT tasks, as our demands for interview with the British Embassy in Beirut remained un-answered and our requests for access to documents were refused.

The Netherlands is the other main European actor supporting the provision of trainings to Land Border authorities. Since 2015, the Netherlands have been funding Integrated Border Management (IBM) programmes, as part of an EU project and independently. Their support focuses primarily on the provision of trainings to the Lebanese authorities, especially the LBRs. As there was no training centre for these regiments, they renovated in 2018 the CTS at Rayak Military Air Base, in the Beqaa, previously restored with EU funds¹¹⁰. The Netherlands have pursued their support since then, in order to make this Centre the main training institution for law enforcement authorities in Lebanon, focusing especially on border control.

Indeed, the CTS targets specifically the Land Border Regiments; it was renamed the “Land Border Regiment’s training school” in October 2020. The trainings supported by the Netherlands focus on 3 themes: Border Investigations (for first and second responders), Imposters and Documents (ID) and Advanced Interviewing Techniques. The Border Investigations pillar is particularly important, as, together with the LBRs, the programme “priorit[izes] assistance that benefits [...] the Military Police (MP) and specialist investigative units representing second-line referral and further investigations”¹¹¹. These trainings participate in the enforcement of the closed-border policy targeting most of the Syrians trying to enter in Lebanon, including would-be refugees. For example, the Border Investigations trainings, as well as specific courses on investigations on “trafficking of human beings” aim at professionalizing the capacities to investigate against the smuggling of people, both at land and sea borders. In the context of a closed-border policy, and with regard to the absence of legal ways to enter, paying a smuggler is often the only possibility to cross the border. Therefore, by developing Lebanese capacities against the smuggling of persons, these trainings *de facto* participate to the enforcement of this closed border policy, and further increase the difficulties to enter in Lebanon from Syria. The Imposters & Documents (ID) trainings also aim at preventing migrations, as acknowledged by the Netherlands Embassy in

¹⁰⁶ Haddad, Y. (2021, 30 November). *Hybrid challenges at the borders (the challenges of Lebanon)* [PowerPoint slides].

https://bmsicmpd2021.files.wordpress.com/2021/11/1_hybrid_border_challenges_lebanon.pdf

¹⁰⁷ Stakeholder to the Netherlands Support to Border Agencies. (2023, 20 March). Personal Communication.

¹⁰⁸ ICMPD. (2018, August). *Description of the Action*. <https://www.rijksoverheid.nl/documenten/woo-besluiten/2023/02/01/bijlagen-iii-deel-6---12-bij-besluit-op-woo-verzoek-over-samenwerkingsprotocol-libanese-grensagentschappen>

¹⁰⁹ British Embassy in Beirut. (2022, 6 July). *Minister Heappey : UK support for the Lebanese Army continues*. <https://www.gov.uk/government/news/minister-heappey-uk-support-for-the-lebanese-army-continues>

¹¹⁰ ICMPD Representative. (2023, 21 March). Personal Communication.

¹¹¹ Netherlands Embassy in Beirut. (2018). *Non-ODA Activity Appraisal Document*. <https://www.rijksoverheid.nl/documenten/woo-besluiten/2023/02/01/bijlagen-iii-deel-13---16-bij-besluit-op-woo-verzoek-over-samenwerkingsprotocol-libanese-grensagentschappen>

Beirut: “staff members of several security institutions have been trained in detecting document fraud, which prevents illegal immigration”¹¹².

ICMPD, funded by the Netherlands’ Ministry of Foreign Affairs, to implement this project, ensures a close control on these trainings. Apart from the co-scheduling of the activities, the production of an Annual Plan, and the yearly revision of a gaps and needs analysis, ICMPD reviews some training documents, and even produces some. The Netherlands law enforcement authorities also participated in reviewing and producing the trainings, especially the National Police, and the Royal Marechaussee (KMar), which is mainly responsible for border control and countering cross-border crime in the Netherlands¹¹³. The contributions of these external partners are significant, according to ICMPD monthly reports to the Netherlands Embassy: for example, in 2019, the CTS training library was expanded from 8 to 20 subjects, “predominantly through material drafted by or with the Project”¹¹⁴. If the direct support of the KMar and the Netherlands National Police has been reduced due to the Covid-19 pandemic, it is expected and wished to be restarted this year¹¹⁵.

The border control and migration components of the Netherlands support are predominant. The whole LAF is expected to increase its border control role to “facilitate its evolution into a ‘border guard’ mentality without undermining its core military role”. This further develops the militarization of migration management in Lebanon, and the increasing violence toward refugees. The project explicitly aims at reducing the number of Syrian refugees’ entry into Lebanon, as stated by the Netherlands Embassy in an administrative document: “since November 2014, the Netherlands has been supporting the Lebanese army (LAF) with a view to limiting the spillover of the Syrian civil war against neighboring countries. The spillover of the Syria conflict concerns, among other things, the presence of a very large number of refugees in Lebanon”¹¹⁶.

Since 2018, the Dutch project continued to increase the CTS’ capacities. An important improvement was the establishment of a Distance Learning Suite (DLS), decided in April 2020. The DLS enabled the CTS to receive and provide online trainings. First, it enables trainings to be delivered remotely by foreign actors, such as the KMar or the Dutch National Police. “It will also greatly improve the [CTS’s] ability to reach their target audience (the LBRs are spread across the entire Eastern and Northern borders) more easily even in ‘normal’ [without Covid-19] times”. This is linked to the increasing connectivity provided to the LBRs: trainings can now be delivered directly to the LBRs units from the CTS, without having to move the units to the training centre.

The provision of the DLS is also part of a wider plan to develop trainings abroad. Indeed, the 5th phase of the Dutch support (March 2022 - February 2025) aims at “establishing Lebanon as a Driver of Regional Border Management Partnerships”¹¹⁷, especially to turn the LAF as providers of trainings, notably in Iraq and Jordan, facilitated by other ICMPD projects in these countries. In March and April 2022, for the first time, 5 CTS trainers traveled to Iraq for the delivery of 2 courses on Imposters & Documents (ID) to 25 Iraqi participants. This regional collaboration on trainings and knowledge exchange has since then increased, for example via

¹¹² Netherlands Embassy in Beirut. (2018). *Non-ODA Activity Appraisal Document*. <https://www.rijksoverheid.nl/documenten/woo-besluiten/2023/02/01/bijlagen-iii-deel-13---16-bij-besluit-op-woo-verzoek-over-samenwerkingsprotocol-libanese-grensagentschappen>

¹¹³ *Tasks of the Royal Netherlands Marechaussee*. Royal Netherlands Marechaussee. <https://english.defensie.nl/organisation/marechaussee/tasks-of-the-royal-netherlands-marechaussee>

¹¹⁴ ICMPD. (2020, January). Monthly report to the Netherlands Embassy. <https://www.rijksoverheid.nl/documenten/woo-besluiten/2023/02/01/bijlagen-iii-deel-13---16-bij-besluit-op-woo-verzoek-over-samenwerkingsprotocol-libanese-grensagentschappen>

¹¹⁵ Stakeholder to the Netherlands support to border agencies programme. (2023, 11 March). Personal Communication.

¹¹⁶ Netherlands Embassy in Beirut. (2018). *Non-ODA Activity Appraisal Document*. <https://www.rijksoverheid.nl/documenten/woo-besluiten/2023/02/01/bijlagen-iii-deel-13---16-bij-besluit-op-woo-verzoek-over-samenwerkingsprotocol-libanese-grensagentschappen>

¹¹⁷ ICMPD. *Netherlands Assistance to Lebanese Border Agencies Lebanon (IBM) – Phase V : Establishing Lebanon as a Driver of Regional Border Management Partnerships*. <https://www.icmpd.org/our-work/projects/establishing-lebanon-as-a-driver-of-regional-border-management-partnerships-netherlands-assistance-to-lebanese-border-agencies-lebanon-ibm-phase-v>

a meeting in October 2022 between Iraqi, Jordanian, and Lebanese representatives, or via the visit of a Tunisian delegation in March 2023¹¹⁸.

Therefore, not only does the Netherlands' support turn a blind eye on the human rights violations conducted by the Lebanese authorities, but it also promotes the LAF as a model for other countries and facilitates the expansion of its practices to other countries. ICMPD even considers the LAF as a "leading example in the region of a traditional border security agency that has increasingly incorporate EU-aligned, rights-based migration management principles and practices"¹¹⁹.

Trainings to Maritime Border Authorities

The Land Border Regiments are not the only border authorities which benefit from trainings. Indeed, in parallel to the provision of equipment, Germany also develops the LAF's maritime capacities with trainings. For this purpose, the German Embassy in Lebanon funded 3,45 million euros for the construction of the Naval School facility at the Jounieh Naval Base. This school is the main training centre, where the Navy personnel is trained before being on duty and where the operational personnel continues to receive courses. The School is also used by UNIFIL to deliver trainings via the Naval Equipment and Training Centre (NETC), composed of 5 German soldiers permanently appointed to this task. They especially provide trainings on the use of the coastal radars, making sure that each radar station is fully operational and able to detect boats and report to the Navy operation centre (C1) if necessary¹²⁰.

These trainings are part of a wider programme to develop the Navy's capacities, and for UNIFIL to hand over its responsibilities to the LAF. After the 2006 war between Hezbollah and Israel, UNIFIL deployed a Maritime Task Force¹²¹ (5 boats, around 600 soldiers¹²²), commanded by Germany since January 2021¹²³. Until recently, UNIFIL was responsible for the Maritime Interdiction Operations (MIO consist of the monitoring of the territorial waters, the 'hailing' of the boats detected, and, if necessary, the recommendation for the Lebanese Navy to search the ship¹²⁴). The long-term goal is to hand over this mission to the Lebanese Navy. For this purpose, UNIFIL intensively trains Navy soldiers. Between 26 October 2021 and 2 November 2022, UNIFIL conducted 1 012 training sessions and exercises (on operational standards for commanding, monitoring and hailing activities), 20 advanced maritime interdiction operation integration training sessions of 96 hours, 11 SAR exercises and 9 train-the-trainers courses. In December 2022¹²⁵, a significant step was made by the LAF Navy, as it has taken over the MIO responsibility for one of the 3 zones of the territorial waters and plans to take full responsibility for the whole territorial waters in the next months¹²⁶. Germany played

¹¹⁸ Stakeholder to the Netherlands support to border agencies programme. (2023, 20 March). Personal Communication.

¹¹⁹ ICMPD, Netherlands Embassy in Beirut. (2021, June). *Netherlands Assistance to Lebanese Border Agencies Lebanon (IBM) – Phase V*. <https://www.rijksoverheid.nl/documenten/woo-besluiten/2023/02/01/bijlagen-iii-deel-6---12-bij-besluit-op-woo-verzoek-over-samenwerkingsprotocol-libanese-grensagentschappen>

¹²⁰ German Diplomat. (2023, 24 March). Personal Communication.

¹²¹ UNIFIL. (2022, 15 January). *UNIFIL Maritime Task Force*. <https://unifil.unmissions.org/unifil-maritime-task-force>

¹²² UNIFIL. (2023, 10 March). Implementation of Security Council resolution 1701 (2006) during the period from 3 November 2022 to 20 February 2023. Report to the Secretary-General. <https://unifil.unmissions.org/sites/default/files/n2306485.pdf>

¹²³ UNIFIL's Maritime Task Force Command Passes to Germany. (2021, 15 January). UNIFIL. <https://unifil.unmissions.org/unifil%E2%80%99s-maritime-task-force-command-passes-germany>

¹²⁴ Friedl, F. (2022, 10 December). *UNIFIL : 125 Menschen, drei Standorte, zwei Länder, ein Schiff*. Bundeswehr. <https://www.bundeswehr.de/de/einsaetze-bundeswehr/mittelmeer-unifil-irini-sea-guardian/die-bundeswehr-im-libanon/unifil-einsatz-un-marineverband-5510288>

¹²⁵ Joliet, D. (2023, 14 February). *Meilenstein der deutsch-libanesischen Zusammenarbeit*. Bundeswehr. <https://www.bundeswehr.de/de/einsaetze-bundeswehr/mittelmeer-unifil-irini-sea-guardian/die-bundeswehr-im-libanon/ueberwachung-kueste-libanon-einsatz-5583524>

¹²⁶ UNIFIL. (2023, 15 April). *LAF-Navy demonstrates maritime interdiction operations capabilities*. <https://unifil.unmissions.org/laf-navy-demonstrates-maritime-interdiction-operations-capabilities>

a significant role in this handover, as the Bundeswehr heads the MTF since January 2021 and provides trainings on the radar stations.

As explained by the German army, “an impressive success in training and capacity growth has already been achieved with the Lebanese Navy”¹²⁷. These trainings have indeed enhanced the capacities of the Lebanese Navy to monitor the territorial waters, detect and intercept boats, leading to numerous interceptions of persons willing to leave Lebanon.

Italy, via its Military Bilateral Mission (MIBIL) also provides trainings to the maritime border authorities, among others observation and SAR trainings to the Marine Commandos Regiment¹²⁸, in charge of SAR operations in the territorial waters¹²⁹.

The EU also participates in this development of maritime border capacities via the establishment of a Maritime Strategy. As part of the EU IBM in Lebanon programme, ICMPD signed a partnership agreement with the World Maritime University¹³⁰ and organized cross-authority consultations to write a comprehensive strategy for all maritime activities of all ministries concerned. Western representatives joined this process, such as the French Embassy, which organized interventions of French experts, “seminars, trainings, and visits in France”¹³¹. This Strategy is finished to be drafted¹³² but requires the approval of a government to be fully implemented¹³³.

This Maritime Strategy, drafted with EU funds, appears to be a decisive policy document. However, CLDH was not able to gather more information on it as most of our requests for access to documents on the EU IBM in Lebanon programme were delayed beyond the limits prescribed by EU rules.

The Limits of the Swiss Approach for a Rights-Based Border Control

Among all the European support programmes, the Swiss support, also implemented by ICMPD¹³⁴, is particularly focused on human rights and international law and aims at “fostering human rights-based border and migration management”. This programme delivers trainings on “gender awareness”, protection of vulnerable migrants”, on “voluntary returns”, especially to the LAF, the GS and the ISF. If this approach first appears as an interesting support, several critiques can be addressed. First, the overall objective is to reinforce border control capacities, as stated by the Project’s phase 2 factsheet : “By promoting human rights-based border and migration management in Lebanon, the project contributes to strengthening the capacities of Lebanese agencies and authorities”¹³⁵. Special attention is given to enhancing the public image of security agencies, in order to reduce tensions with local communities and eventually ease their work.

¹²⁷ Ein Interview mit Flottillenadmiral Mügge zu 15 Jahren Beteiligung an UNIFIL. (2022, 15 January). Bundeswehr. <https://www.bundeswehr.de/de/einsaetze-bundeswehr/mittelmeer-unifil-irini-sea-guardian/die-bundeswehr-im-libanon/einsatz-unifil-interview-com-5327590>

¹²⁸ Defense Attaché of the Italian Embassy in Beirut. (2023, 26 April). Personal Communication.

See also : *Mission MIBIL, the San Marco marine brigade trains Lebanese special forces.* (2019, 9 April). Difesa Online. <https://en.difesaonline.it/news-forze-armate/missioni/missione-mibil-la-brigata-marina-san-marco-addestra-le-forze-speciali>

¹²⁹ *Marine Commandos Regiment.* Lebanese Armed Forces. <https://www.lebarmy.gov.lb/en/content/marine-commandos-regiment>

¹³⁰ ICMPD. (2021, 1 September). *A Partnership to Develop Lebanon’s Maritime Policy.* <https://www.icmpd.org/news/a-partnership-to-develop-lebanon-s-maritime-policy>

¹³¹ Defense Attaché of the French Embassy in Beirut. (2023, 5 April). Personal Communication.

¹³² ICMPD representative. (2023, 14 March). Personal Communication.

¹³³ Defense Attaché of the French Embassy in Beirut. (2023, 5 April). Personal Communication.

¹³⁴ ICMPD. *Swiss Support to Integrated Border Management in Lebanon (Phase 3).* <https://www.icmpd.org/our-work/projects/swiss-support-to-integrated-border-management-in-lebanon-phase-3>

¹³⁵ ICMPD. *Factsheet. Swiss support to Integrated Border Management in Lebanon (Phase 2).* <https://www.icmpd.org/file/download/50209/file/SEM%2520Factsheet.pdf>

Secondly, in a context of systematized human rights violations, trainings on human rights is not an appropriate response, especially as they appear to give legitimacy to other supports not focused on human rights, as stressed by the Commissioner for Human Rights of the Council of Europe in 2019 about Libya : "While information is available about the fact that human rights training has been provided [...], this is not an adequate answer to this crucial question"¹³⁶.

Eventually, such a support lacks accountability mechanism. For example, the Swiss project funded the establishment of a place for vulnerable persons at Masnaa border crossing point. It was eventually used for other purposes not related to its initial purpose, such as to park cars¹³⁷. This example highlights the lack of follow-up measures of the support projects in Lebanon, confirmed by a representative of a European embassy in Beirut: "we do not accompany the units, so how they act on the ground, during the operations? We don't know"¹³⁸. Also, a stakeholder of the Swiss project explains that it is often the same persons who benefit from the trainings, meaning that the latter only reach a small part of the whole agencies' personnel, *de facto* reducing their impact¹³⁹.

Frontex' EU for Border Security, A First Step for Increased Support

The Lebanese border authorities, especially the GS and the LAF, benefit from the increased interest of the European Border and Coast Guard Agency (Frontex) to develop their capacities, especially since April 2022. Following the expansion of its mandate in 2016¹⁴⁰ and 2019¹⁴¹, Frontex has intensified its action in non-EU countries. The main framework for its action in Lebanon is the EU for Border Security (EU4BS) programme¹⁴², established in December 2018 until August 2023, with a budget of 6.5 million euros. This project aims at building cooperation on border control between 'Southern Neighboring Countries', namely Morocco, Tunisia, Algeria, Libya, Egypt, Palestine, Israel, Jordan, and Lebanon.

EU4BS is based on five pillars: "1. IBM Outreach and Network, 2. Training, 3. Risk Analysis, 4. Situation Monitoring and Information Management, 5. Operational Border and Coast guarding"¹⁴³, both via enhancing regional collaboration and via a country specific support provided by Frontex. In the framework of the EU4BS programme, Frontex organized at least five training sessions in Lebanon¹⁴⁴. First, it is interesting to note that all the sessions identified took place recently, since June 2022, even though the EU4BS programme started in 2018, clearly showing the increasing interest of the EU Agency in developing border control

¹³⁶ Commissioner for Human Rights of the Council of Europe. (2019). *Recommendation. Lives saved. Rights protected. Bridging the protection gap for refugees and migrants in the Mediterranean*. <https://rm.coe.int/lives-saved-rights-protected-bridging-the-protection-gap-for-refugees-/168094eb87>

¹³⁷ Stakeholder of the Swiss support to Integrated Border Management in Lebanon. (2023, 14 March). Personal Communication.

¹³⁸ Representative of a European embassy in Beirut. (2023, 11 March). Personal Communication.

¹³⁹ Stakeholder of the Swiss support to Integrated Border Management in Lebanon. (2023, 14 March). Personal Communication.

¹⁴⁰ Frontex' 2016 Regulation allows Frontex' deployment in third countries neighboring the EU.

Regulation (EU) 2016/1624 of 14 September 2016 on the European Border and Coast Guard.

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2016.251.01.0001.01.ENG&toc=OJ:L:2016:251:FULL

¹⁴¹ Frontex' 2019 Regulation allows Frontex' deployment in any third country, including non-EU bordering countries, if this action participates in the enforcement of the European Integrate Border Management (IBM) strategy.

Regulation (EU) 2019/1896 of 13 November 2019 on the European Border and Coast Guard.

<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1573722151667&uri=CELEX:32019R1896>

¹⁴² Frontex. (2021, 25 May). *EU4BorderSecurity at a glance*. <https://op.europa.eu/en/publication-detail/-/publication/06c457fc-bdd0-11eb-8aca-01aa75ed71a1>

¹⁴³ European Commission & Frontex. (2018). Description of Action "EU4Border Security project". <https://aleph.occrp.org/entities/114552920.6171966003f9f300647350769f2b42fd6bc16bc5>

¹⁴⁴ 8-10 June 2022 : training on Tactical Emergency Casualty Care in Bruehl, Germany.

27-29 June 2022 : training on Tactical Emergency Casualty Care at Masnaa border crossing point.

21-26 November 2022 : training on Occupational Safety and Health and Tactical Emergency Casualty Care at Beirut Airport.

27-31 March 2023 : training on Occupational Safety and Health and Tactical Emergency Casualty Care at Jounieh Naval Base.

<https://aleph.occrp.org/entities/114355911.221548f3fab0977d668c64b7f07c4a7afa84cb82>

Lebanese Army. (2023, 31 March). تمرين في مجال الإخلاء الصحي لحالات الطوارئ أثناء العمليات التكتيكية بإشراف لجنة مراقبة وضبط الحدود في الجيش اللبناني وبالتعاون مع فريق تدريب من الوكالة الدولية الأوروبية Frontex.. Twitter. <https://twitter.com/LebarmyOfficial/status/1641865972083482637>

capacities in Lebanon. Secondly, the content of these trainings, which CLDH had access to, focuses on developing health care capacities in border context, to prepare border authorities in case of an eventual accident or attack. However, even in a context of repeated deadly shipwrecks at sea before and during this period, no training was held on developing health care capacities in SAR operations or interceptions.

In parallel to these trainings, Frontex organized several meetings and visits with Lebanese representatives. Once again, all these meetings took place recently, since April 2022. Frontex visited Lebanon between the 25th and 28th April 2022, to meet with representatives of the Lebanese border authorities, especially the Border Control Committee (BCC), and the Navy. During this visit, the BCC “welcomed positively the idea of rafting a strategic cooperation plan for the next two years between Frontex and Lebanon”¹⁴⁵. “Regarding SAR”, the BCC proposed to organize “a webinar with Frontex Coast Guard sector in order to discuss with them their current needs and in what Frontex could support them”¹⁴⁶. A representative of the LAF “presented the work of the Navy and their current needs regarding the SAR centre”¹⁴⁷. General Security also shared their needs with Frontex and is “interested in cooperating with Frontex”¹⁴⁸.

Following this visit, a meeting was held online between the Lebanese Navy and the Frontex Coast Guard Sector on the 23rd of June 2022. The EU Agency presented several collaboration possibilities, such as the Multipurpose Maritime Operation (MMO¹⁴⁹), operational capacity building on SAR and on boarding procedures.

In October 2022, eight “high-level officers” of the LAF, the GS and the ISF were invited to Frontex headquarter in Warsaw, Poland, to “familiarize high-ranking representatives of different competent border management entities in the Republic of Lebanon with the working methods and mandate of Frontex”¹⁵⁰. This visit is particularly interesting as Frontex delivered precise explanations on the possibilities of deployment in non-EU countries, and the different steps leading to such deployment. First, the role of Frontex Liaison officers deployed outside the EU was presented. It is here important to note that, in September 2022, Frontex Management Board defined three priority regions for the deployment of Frontex Liaison Officers in 2023, one of them being the ‘Southern Neighborhood’. Frontex also presented the Standing Corps and the Training Unit, their activities and possibilities of deployment outside the EU¹⁵¹. Finally, the Lebanese representatives received explanations on Eurosur¹⁵² possibilities, such as the “monitoring of designated third-countries ports and coasts”, the “tracking of vessels”, the “monitoring of areas in the maritime domain”, the “monitoring of

¹⁴⁵ Frontex. *Mission Report. Frontex technical visit to Beirut, Lebanon*. 25-28 April 2022.

<https://aleph.occrp.org/entities/114355961.183270f95f958b15706eb290fda33d0dcf8aca92>

¹⁴⁶ Frontex. *Mission Report. Frontex technical visit to Beirut, Lebanon*. 25-28 April 2022.

<https://aleph.occrp.org/entities/114355961.183270f95f958b15706eb290fda33d0dcf8aca92>

¹⁴⁷ Frontex. *Mission Report. Frontex technical visit to Beirut, Lebanon*. 25-28 April 2022.

<https://aleph.occrp.org/entities/114355961.183270f95f958b15706eb290fda33d0dcf8aca92>

¹⁴⁸ Frontex. *Mission Report. Frontex technical visit to Beirut, Lebanon*. 25-28 April 2022.

<https://aleph.occrp.org/entities/114355961.183270f95f958b15706eb290fda33d0dcf8aca92>

¹⁴⁹ Defined by Frontex as “an operational activity in a specific sea area and during a certain implementation period which may require enhanced cooperation to support authorities performing coastguard functions at national, European and, where appropriate, international level, dealing with at least two coast guard functions under the remit of two European agencies”.

Frontex. (2023, 23 June). *Frontex-Lebanon Expert consultation SAR*.

¹⁵⁰ Frontex International and European Cooperation Division. (2022, 25 August). *Invitation letter to Lebanon’s delegation visit to Frontex Headquarter in October 2022*.

<https://aleph.occrp.org/entities/114355955.d66c6776294f0050b7e79815d5c01a611d3f8469>

¹⁵¹ Frontex. (2022, 19 October). *New Frontex Standing Corps*. [PowerPoint Slides]

<https://aleph.occrp.org/entities/114355959.0dc61e59430ef1ca78571446c08a6a71a6654bed>

¹⁵² “Established in 2013, the European Border Surveillance system (EUROSUR) is a framework for information exchange and cooperation between Member States and Frontex to improve situational awareness and increase reaction capability at the external borders”.

While it was mostly a European coordination mechanism, “operational cooperation and information exchange with third countries and third parties is planned to expand”. See : Directorate-General for Migration and Home Affairs of the European Commission. *Eurosur*. https://home-affairs.ec.europa.eu/policies/schengen-borders-and-visa/border-crossing/eurosur_en

designated pre-frontier areas”¹⁵³. Frontex stressed in the presentation that the 2019 Frontex Regulation allowed the sharing of data with third countries, for example Specific Situational Pictures, Eurosur Fusion Services, and the data originating from other third countries.

The EU4BS programme not only aims at supporting national border management capacities, but also at “building mutual trust and awareness as a basis for future cooperation”¹⁵⁴. It has indeed intended since its beginning to be a first step for “building new avenues of cooperation” between these third countries and Frontex¹⁵⁵. In October 2022, the EU Agency acknowledged several results of this programme, the first ones being “increased awareness of cooperation opportunities with Frontex” and “increased awareness of training opportunities”¹⁵⁶.

The increasing interest of Frontex on developing border control capacities in Lebanon and the possibilities of cooperation presented by the EU Agency legitimately leads to think that Frontex will intensify its support in the coming months and years. In the context of a closed-border policy, this would further enable human rights violations and restrictions to the right to mobility.

Regional and International Police and Judiciary Cooperation in the Field of ‘Migrant Smuggling’ and ‘Human Being Trafficking’

Lebanon received support not only to enhance the border control, but also on regional and international police and judiciary cooperation to reduce migration.

Personal Data Exchange with Europol and Eurojust

First, Lebanon is in the process of authorizing personal data exchange with EU law enforcement agencies. Indeed, the Council of the EU authorized the opening of negotiations between the EU and Lebanon for two agreements on the exchange of personal data with the EU Agency for Law Enforcement Cooperation (Europol) and the EU Agency for Criminal Justice Cooperation (Eurojust).

Concerning the exchange of personal data between Europol and Lebanese law enforcement authorities (without specification of which authorities are targeted), the European Commission recommended the opening of such negotiations on the 20 December 2017, stressing 2 areas of particular interest for the potential collaboration: ‘counterterrorism’ and ‘irregular migration’¹⁵⁷. If the Council of the EU authorized the opening of negotiations, the European Commission informed CLDH that “no formal negotiations have been opened yet between the Parties”¹⁵⁸. However, personal data could still be transferred to Lebanon. In June 2022, Europol’s Regulation was revised, authorizing transfers of personal data to third countries only on the basis of a decision of Europol’s Management Board (composed of representatives of EU Member States and of the European Commission¹⁵⁹), whereas the EU previously had to conclude an international agreement with a third country to transfer personal

¹⁵³ Frontex. (2022, 18 October). *Situational Awareness and Monitoring*. [PowerPoint Slides].

<https://aleph.occrp.org/entities/114355953.3ed9a6f7571b441db68bac12f3fdc147e15dd198>

¹⁵⁴ Frontex. (2022, 31 December). *Single Programming Document 2023-2025*. <https://prd.frontex.europa.eu/document/single-programming-document-2023-2025/>

¹⁵⁵ Frontex. (2022, 18 October). EU4BorderSecurity - Basic Info. [PowerPoint Slides].

<https://aleph.occrp.org/entities/114355951.25410ff4b2ecd09692794edd7931da35df6f3903>

¹⁵⁶ Frontex. (2022, 18 October). EU4BorderSecurity - Basic Info. [PowerPoint Slides].

<https://aleph.occrp.org/entities/114355951.25410ff4b2ecd09692794edd7931da35df6f3903>

¹⁵⁷ European Commission. (2017, 20 December). *Recommendation for a Council decision authorising the opening of negotiations for an agreement between the European Union and the Lebanese Republic on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Lebanese competent authorities for fighting serious crime and terrorism*. COM/2017/805. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52017PC0805&from=EN>

¹⁵⁸ European Commission’s Directorate-General for Migration and Home Affairs. (2023, 13 March). [Reply to a request for access to documents]. <https://aleph.occrp.org/entities/114356001.c6cd0a739afb31f098797a27f0d28fa19122383>

¹⁵⁹ Europol. *Management Board Members*. <https://www.europol.europa.eu/management-board-members>

data¹⁶⁰. Personal data exchange with Europol are shadow, as Management Board decisions are not made public, and as the revision of the Regulation deleted the requirement for Europol to publish a list of the decisions authorizing personal data transfers with third countries¹⁶¹, hindering civil society scrutiny. Following a request for access to documents, Europol stated that no Management Board decision authorized personal data exchange with Lebanon¹⁶².

Following a recommendation of the European Commission in November 2020¹⁶³, the Council of the EU also authorized in March 2021 the opening of negotiations for an agreement permitting the exchange of personal data between Lebanese authorities and Eurojust¹⁶⁴. Contrary to Europol, negotiations are ongoing. In a reply to a request for access to documents sent to the European Commission's Directorate-General for Justice and Consumers (DG JUST), the latter stated that a "1st round of negotiations" was held on December 7, 2022¹⁶⁵.

The aim of such agreements would be to "support and strengthen the action by the competent authorities of these countries and the Member States as well as their mutual cooperation in investigating and prosecuting the forms of crime for which Eurojust is competent"¹⁶⁶, which include "immigration smuggling"¹⁶⁷. The directives provided by the Council of the EU to the European Commission for the negotiations give a first understanding of what these agreements could contain. The scope of personal data potentially shared is particularly wide, as it includes "data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, genetic data, biometric data for the purpose of uniquely identifying a natural person, and data concerning a person's health and sex life"¹⁶⁸. Also, even if Eurojust only shares the personal data with one Lebanese authority, the Council of the EU recommends authorizing onward transfers to all Lebanese authorities, if Eurojust gives its prior authorization, and even to third countries, if Eurojust is entitled to transfer personal data to that country.

The European Data Protection Supervisor (EDPS) issued two opinions on these potential agreements¹⁶⁹. Stressing that such transfers "could have a significant impact on the lives of

¹⁶⁰ Statewatch. (2022, November). *Empowering the police, removing protections : the new Europol Regulation*. <https://www.statewatch.org/media/3615/empowering-the-police-removing-protections-new-europol-regulation.pdf>

¹⁶¹ Article 25(3). Regulation (EU) 2016/794 of the European Parliament and of the Council on Europol. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32016R0794>

¹⁶² Europol. (2023, 13 June). Personal communication.

¹⁶³ European Commission. (2020, 19 November). *Recommendation for a Council decision authorising the opening of negotiations for Agreements between the European Union and Algeria, Armenia, Bosnia and Herzegovina, Egypt, Israel, Jordan, Lebanon, Morocco, Tunisia and Turkey on cooperation between the European Union Agency for Criminal Justice Cooperation (Eurojust) and the competent authorities for judicial cooperation in criminal matters of those third States*. COM/2020/743 final. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020PC0743>

¹⁶⁴ Council of the European Union. (2021, 16 March). *Council Decision authorising the opening of negotiations for Agreements between the European Union and Algeria, Argentina, Armenia, Bosnia and Herzegovina, Brazil, Colombia, Egypt, Israel, Jordan, Lebanon, Morocco, Tunisia and Turkey on cooperation between the European Union Agency for Criminal Justice Cooperation (Eurojust) and the competent authorities for judicial cooperation in criminal matters of those third States*. 7072/21. <https://data.consilium.europa.eu/doc/document/ST-7072-2021-INIT/en/pdf>

¹⁶⁵ European Commission's Directorate-General for Justice and Consumers. (2023, 13 April). [Reply to a request for access to documents]. <https://aleph.occrp.org/entities/114355906.6732e3d1e858a0d2c8580c9397756f42559d98a9>

¹⁶⁶ European Commission's Directorate-General for Justice and Consumers. (2023, 13 April). [Reply to a request for access to documents]. <https://aleph.occrp.org/entities/114355906.6732e3d1e858a0d2c8580c9397756f42559d98a9>

¹⁶⁷ Regulation (EU) 2018/1727 on the European Union Agency for Criminal Justice Cooperation (Eurojust). https://www.eurojust.europa.eu/sites/default/files/AboutUs/EULegalframework/2018-11-21_Eurojust-Regulation_2018-1727_EN.pdf

¹⁶⁸ Council of the European Union. (2021, 16 March). *Council Decision authorising the opening of negotiations for Agreements between the European Union and Algeria, Argentina, Armenia, Bosnia and Herzegovina, Brazil, Colombia, Egypt, Israel, Jordan, Lebanon, Morocco, Tunisia and Turkey on cooperation between the European Union Agency for Criminal Justice Cooperation (Eurojust) and the competent authorities for judicial cooperation in criminal matters of those third States*. 7072/21. <https://data.consilium.europa.eu/doc/document/ST-7072-2021-INIT/en/pdf>

¹⁶⁹ EDPS. (2018). *Opinion 2/2018 on eight negotiating mandates to conclude international agreements allowing the exchange of data between Europol and third countries*. https://edps.europa.eu/sites/edp/files/publication/18-03-9_opinion_international_agreements_europol_en.pdf
EDPS. (2020). *Opinion 10/2020 on the negotiating mandate to conclude ten agreements allowing the exchange of data between Eurojust and the competent authorities for judicial cooperation in criminal matters in certain third countries*. https://edps.europa.eu/system/files/2021-04/2020-1101_d2938_opinion_en_0.pdf

the individuals concerned”, it “recommends further carrying out impact assessments in order to assess in depth the risks posed by transfers of personal data to each third country for individuals’ rights to privacy and data protection, but also for other fundamental rights and freedoms protected by the Charter”. Such an impact assessment has not been carried out for the transfer of personal data with Europol¹⁷⁰ nor Eurojust¹⁷¹.

The EDPS recommends that the third countries must have “full consistency with Article 8 of the Charter [of fundamental rights of the EU]”, on the protection of personal data, prior to the exchange of data. Such compliance is not yet reached in Lebanon. The Electronic Transactions and Personal Data Law, adopted in October 2018, was denounced by Smex, a Lebanese organization advocating for digital and privacy rights, as establishing “outdated and ineffective protections for personal data”¹⁷². Despite it being required in Article 8(3) of the EU fundamental rights Charter, the law does not establish an independent control authority. This results in a lack of “checks and balances [...] and therefore increases the risk of arbitrary decisions and abuses of power”. Smex stresses on the “concentration of power in the executive branch”, “open[ing] the window for any private company which has a good relationship with one of these ministers to obtain access to incredibly sensitive personal data”¹⁷³. Therefore, the push of the Commission to reach an agreement despite Lebanon’s noncompliance with Article 8 of the Charter contravenes with EDPS recommendations.

Personal data transfer would also violate the Court of Justice of the EU’s (CJEU) caselaw. In 2017, the Grand Chamber of the Court “recalled that a transfer of personal data from the European Union to a non-member country may take place only if that country ensures a level of protection of fundamental rights and freedoms that is essentially equivalent to that guaranteed within the European Union”¹⁷⁴. Such a condition is not fulfilled in Lebanon; therefore, the EU should abstain from exchanging personal data with Lebanese authorities without consequent legal and effective reform.

The insistence of the EDPS on assessing the third countries’ data protection, “but also for other fundamental rights and freedoms protected by the Charter [of fundamental rights of the EU]”¹⁷⁵, is critical for Lebanon. With regard to the current Lebanese detention and judicial systems, supporting the prosecution via transferring personal data would inevitably lead to violations of human rights, particularly of the right to a fair trial, and of the interdiction of degrading and inhumane treatment. Prison inmates suffer from poor detention conditions, particularly from a lack of access to hygiene, medication, drinking water, and restricted access to food. Some detainees are forced to sleep on the floor, while others share the same mattress¹⁷⁶. All these gaps are even strengthened by a severe overcrowding of 300%¹⁷⁷. The economic crisis and the judges open strike lasting since August 2022, has resulted in detainees being kept in prison months or even years longer than sentenced. Such treatment amounts to arbitrary detention. Amnesty International recently highlighted structural gaps in

¹⁷⁰ Directorate-General for Migration and Home Affairs of the European Commission. (2023, 14 March). *Reply to a request for access to documents*. <https://aleph.occrp.org/entities/114356001.c6cd0a739afb31f098797a27f0d28fa19122383>

¹⁷¹ Directorate-General for Justice and Consumers of the European Commission. (2023, 13 April). *Reply to a request for access to documents*. <https://aleph.occrp.org/entities/114355906.6732e3d1e858a0d2c8580c9397756f42559d98a9>

¹⁷² Smex. (2018, 11 October). An “Ugly” New Data Protection Law In Lebanon. <https://smex.org/an-ugly-new-data-protection-law-in-lebanon/>

¹⁷³ Smex. (2018, 11 October). An “Ugly” New Data Protection Law In Lebanon. <https://smex.org/an-ugly-new-data-protection-law-in-lebanon/>

¹⁷⁴ CJEU. Opinion 1/15. EU-Canada PNR Agreement, ECLI:EU:C:2017:592, par.214. <https://curia.europa.eu/juris/document/document.jsf?docid=193216&doclang=EN>

¹⁷⁵ EDPS. (2020). *Opinion 10/2020 on the negotiating mandate to conclude ten agreements allowing the exchange of data between Eurojust and the competent authorities for judicial cooperation in criminal matters in certain third countries*. https://edps.europa.eu/system/files/2021-04/2020-1101_d2938_opinion_en_0.pdf

¹⁷⁶ CLDH (2023, February). *Prison and detention centers. Monitoring report 2021-2022*. http://www.cldh-lebanon.org/HumanRightsBrie/ac568e46-9d07-43da-89a8-4f06cca51c65_Prison%20and%20Detention%20Centers%20Monitoring%20Report%202021%20-%202022.pdf

ARCS. (2022, November). *Basic needs in Roumieh, BEK and Tripoli prisons Lebanon*. https://www.idn-lb.org/upload/Prisons%20in%20Lebanon_ARCS%20Needs%20Assessment%202022.pdf

¹⁷⁷ Middle East Monitor. (2022, 3 September). *Lebanon prisons 300% overcrowded, 75% inmates not convicted*. <https://www.middleeastmonitor.com/20220903-lebanon-prisons-300-overcrowded-75-inmates-not-convicted/>

the provision of medical aid to detainees, resulting in worsening medical conditions and deaths¹⁷⁸. Therefore, the EU should abstain from transmitting personal data that would be used to arrest persons, as the latter would inevitably face degrading and inhuman treatment, and probably arbitrary detention.

Development of Migration Criminalization in Lebanon

Lebanon also takes part in 2 European cooperation programmes, namely Euromed Police and Euromed Justice.

Euromed Police

The Euromed Police programme exists since the 2000s. Its fifth phase, managed by the European Union Agency for Law Enforcement Training (CEPOL) and Europol with a 7 million euros budget, runs from April 2020 until March 2024¹⁷⁹. It aims at enhancing police cooperation between Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, the Palestinian Authority, Tunisia, the African Union Mechanism for Police Cooperation (AFRIPOL), and the League of Arab States. Migration plays an important part of this programme, such as in the trainings provided to the partner countries. For example, on the 28th of March 2022, a webinar on “Smuggling of migrants and Cybercriminality” was delivered to (among others) representatives of the LAF and of the State Security¹⁸⁰ by the French Border Police (Direction Centrale de la Police aux Frontières)¹⁸¹. Several investigation techniques on the dark web, communication apps, forged IDs, money laundering and cryptocurrencies were presented. Also, a training on “Behavior Analysis - Truth Detection”, “with the scope of preventing and countering migrant smuggling”¹⁸², was delivered in November 2022 to members of the LAF, of the Lebanese State Security and of the ISF¹⁸³.

Euromed Justice

In addition to police capacities, the EU also supports justice cooperation, via EuroMed Justice (EMJ). It is a 5 million euros programme, funded by the EU Directorate-General for Neighborhood and Enlargement (DG NEAR), implemented by Eurojust from 2020 until 2023, and targeting the same countries and inter-governmental institutions as Euromed Police¹⁸⁴. This project aims at supporting cross-border judicial cooperation, the exchange of practices and of common analyses, not only between the ‘Southern Partners Countries’, but also with the EU Member States. EMJ established several networks. First, the Forum of Prosecutors General organized each year has a strategic position: it defines the main orientations and policies to be developed in the region to “facilitate the effective and efficient cross-border investigation and prosecutions”. This Forum established a ‘Strategic Plan for 2022-2025’, which targets 2 major priorities : “confiscation of crime proceeds and assets recovery” and “countering the trafficking in human beings and smuggling of migrants”¹⁸⁵. The other main

¹⁷⁸ Amnesty International. (2023, June). “Instead of rehabilitation, he found death”. *Lebanon : deaths in custody doubled amidst four-year economic crisis*. <https://www.amnesty.org/en/documents/mde18/6476/2023/en/>

¹⁷⁹ CEPOL. (2022). *Consolidated Annual Activity Report (CAAR) of the European Union Agency for Law Enforcement Training (CEPOL) for financial year 2021*. https://www.parlament.gv.at/dokument/XXVII/EU/107859/imfname_11166400.pdf

¹⁸⁰ CEPOL. (2023). *Participant List_Traffic de migrants et cybercriminalité*. Response to a request for access to documents. <https://aleph.occrp.org/entities/114355910.89103d133d016d25c653768020c80ff9dd847d49>

¹⁸¹ More specifically by the Central Office of repression of irregular migration and employment of foreigners without papers (Office central de repression de l’immigration irrégulière et de l’emploi d’étrangers sans titre).

¹⁸² CEPOL. (2023). *Webinar ICU Profiling vs. Behaviour Analysis*. Response to a request for access to documents. <https://aleph.occrp.org/entities/114355913.8ec893c4d60ec2fd1f9097acdf58a06fcec75bc>

¹⁸³ CEPOL. (2023). *Participant List_Profiling vs Behaviour Analysis*. Response to a request for access to documents. <https://aleph.occrp.org/entities/114355912.27e3577942e78d4e0f3a2cbf6f5430a904b5667e>

¹⁸⁴ Eurojust. (2023). *EuroMed Justice Programme*. <https://www.eurojust.europa.eu/sites/default/files/assets/euromed-justice-leaflet.pdf>

¹⁸⁵ Euromed Justice Prosecutors General Forum. (2021, 25 November). *Strategic Plan 2022-2025*. https://euromedjustice.eu/wpcontent/uploads/2021/Strategic_Plan.pdf

network of Euromed Justice is CrimEx, composed of judges, prosecutors, and legal advisors. It has an operational role, as it aims at implementing the judicial cooperation.

EMJ is also a capacity building programme, especially via trainings. 21 training sessions were scheduled for 2022, delivered by Fondazione SAFE (Security and Freedom for Europe) and EPLO (European public Law organization)¹⁸⁶. For example, CLDH had access to the content of a 3-day training organized in June 2022 in Athens, Greece on 'Drug and Human Trafficking' and 'Smuggling of Migrants', which one judge and two prosecutors from Lebanon attended. During this event, the participants were delivered a presentation of legal definitions on these subjects, difficulties in investigating such cases and how they can benefit from an enhanced cooperation with Eurojust. More worryingly, a course fully dedicated to "Special Investigative Techniques" was given, with very intrusive measures, such as covert surveillance, surveillance and tracking of devices, covert monitoring of conversations, interceptions of communications, Trojan (a computer virus detecting all kinds of communications on the device hacked and in the surrounding area), undercover agents and international cooperation possibilities for these techniques. During this event, the participants also received a full course on "Mutual Legal Assistance", considered as "more and more crucial since national criminal justice is no longer adequate to cope with transnational crime by its own".

These two programmes aim at building efficient repression systems against the smuggling of people. This participates in the increasing criminalization of migrations. This trend is worrying in Europe, but it is even more concerning when European actors develop investigation techniques in countries that benefit from less efficient rights protection mechanisms. Criminalization of smuggling networks eventually lead to the imprisonment and prosecution of people-on-the-move and therefore participates in the arbitrariness of repression measures. It participates in the increasing difficulties to cross borders, when so called 'illegal routes' are the only remaining possibilities.

Conclusion

This report intends to show how the European support has contributed to situations where the Lebanese authorities have violated human rights.

The framework of European policies in Lebanon is focused on so-called "stabilization". This primary focus on Lebanon's stability participates in the increasing militarization of migration management, both for Lebanese and European actors¹⁸⁷. Indeed, the migration and security paradigms are closely intertwined in European policies in Lebanon. Therefore, rather than adopting a rights-based and people centered approach, European actors have a "security"¹⁸⁸ based approach. Some of the above-described projects are security programs, not initially intended in controlling migration, but they eventually amplified the migration control in Lebanon and the consequential human rights violations conducted in these border control tasks.

In their border control supports, European actors have adopted a pseudo-neutral position on the Lebanese migration and border policies. They focus on the enforcement of the Law¹⁸⁹, without consideration of the content of the Law and of whether it complies with international

¹⁸⁶ Euromed Justice. *Trainings*. <https://euromedjustice.eu/trainings/>

¹⁸⁷ Most of the people involved in the European policies that CLDH interviewed belong to security institutions, especially Ministries of Defense, or have security-focused backgrounds.

¹⁸⁸ The quotation marks are intended to stress that "security", as well as "stabilization", are official terms constantly used by European actors. They also express that the policies described have a very particular conception of the security, which directly contributes to insecurity and instability faced by certain groups, especially Syrian nationals.

¹⁸⁹ Hess, S. (2010). 'We are Facilitating States ! ' An Ethnographic Analysis of the ICMPD. *Palgrave Macmillan UK eBooks*. https://doi.org/10.1057/9780230294882_5

law. This leads to the implementation of European policies which are not sensitive to human rights, and eventually participate in the enforcement of Lebanese migration and border policies that violate fundamental rights.

However, the control of migration towards Europe and its consequences in terms of human rights are not only side-effects of security programs. Certain European policies in Lebanon directly aim at reducing movements of people and at violating their fundamental right to leave a country and to seek for asylum in the country of their choice. This is particularly worrying as neither Syria nor Lebanon can be considered safe for Syrians. Therefore, all policies or practices aiming or having as an effect to maintain Syrian nationals in Lebanon or Syria increase the insecurity that they face and the human rights violations they are subject to.

CLDH is concerned that the ongoing European externalization of migration control, exacerbated by a rise in boat departures from Lebanese shores, will increase in the future, thus hindering the respect of the human rights of people migrating and of people prevented from migrating.

CLDH also alerts on the lack of transparency of these programs. All requests for access to documents on the EU IBM in Lebanon project remained unanswered ; the high fees requested by the European States to access documents¹⁹⁰ make their actions in Lebanon under documented and keep them out of public scrutiny. This worryingly undermines the accountability of European actors in their external policies.

It should eventually be stressed that European actors have a legal responsibility on the consequences of their external policies, even if they do not directly implement the internationally wrongful and non-human rights compliant policies. Indeed, the UN's International Law Commission stressed with Article 16 on the *Responsibility of States for Internationally Wrongful Acts* that "a State which aids or assists another State in the commission of an internationally wrongful act by the latter is internationally responsible for doing so" and should, under Article 30, "cease that act" and "offer appropriate assurances and guarantees of non-repetition"¹⁹¹.

Therefore, with regards to the human rights violations conducted by Lebanese authorities, and the fact that they would be unable to implement these policies without the European support, the EU and the European States should be considered "internationally responsible" for the human rights violations described above. Under international law, they are responsible to the same extent as the Lebanese authorities conducting the violations.

Recommendations

CLDH recommends the EU and its Member States to:

- Considering, such as recalled by the Commissioner for Human Rights of the Council of Europe, that "the work of civil society in triggering opportunities for external scrutiny is welcome", considerably facilitate public access to information on their support to Lebanese border control authorities, including without needing to request access to administrative documents;
- Prior to the implementation of policies,

¹⁹⁰ For example, the fees required in Switzerland are detailed here : Annex 1 of the Ordinance on Freedom of Information in the Administration (2006, 24 May). https://www.fedlex.admin.ch/eli/cc/2006/356/fr#annex_1

¹⁹¹ International Law Commission. (2001). *Articles on Responsibility of States for Internationally Wrongful Acts*. https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_6_2001.pdf

- Conduct thorough internal assessment of their impact on fundamental human rights, as recalled by the Council of Europe;
 - Present a detailed overview of the policies to human rights organizations, and take into account their considerations, including by accepting to amend the policy and to not implement it;
- During the implementation of policies,
 - Regularly conduct assessment of the compliance to international human rights standards of the policy and of the way it is used by the beneficiary authority;
 - Regularly present detailed overviews of the policies to human rights organizations, and take into account their considerations, including by accepting to amend the policy and to stop its implementation if it contributes to human rights violations;
- In the absence of appropriate safeguards effectively preventing pullbacks and deportations to Syria following them, interrupt all programs leading to the increased monitoring and operational capacities of the Lebanese authorities, especially the Navy, in the Lebanese territorial waters, even if presented as humanitarian-based;
- In the absence of appropriate safeguards effectively preventing pushbacks and deportations to Syria, interrupt all programs leading to the increase of monitoring and control capacities of the Lebanese Armed Forces along the Syrian Border, as they inevitably lead to pushbacks to Syria;
- Interrupt all programs leading to the criminalization of migrants and of smugglers, as the latter are often the only way to counter the human rights violations of restrictive border policies;
- Use the supports to Lebanese security agencies as a leverage for the latter's human rights compliance;
- Maintain, or if it is not the case, consider that all regions in Syria are not safe and will not be for the foreseeable future, with regard to the absence of a credible political transition;
- Consider that Lebanon is not a safe country for Syrian nationals, as they are at risk of forced deportations to Syria. This shall apply to all Syrian nationals, without considerable of their date of entry in Lebanon nor they legal status, as all groups are subject to such human rights violations. Therefore:
 - Refuse to acknowledge any SAR responsibility for Lebanon, considering that all people, especially Syrian nationals, would be at risk of human rights violations at sea and once disembarked;
 - When the UNIFIL Maritime Task Force participates in SAR operations, all necessary measures should be taken to make sure that Syrian nationals are not under the effective control of the Lebanese authorities, as these persons are systematically deported to Syria, and handed over to the Syrian official authorities. Survivors should be disembarked in a safe country;
- Increase EU Member State-led search and rescue capacities in the Mediterranean;
- Facilitate the rescue operations of NGO in the Mediterranean and ensure the swift disembarkation of the people rescued in the closest European safe port;
- Increase support and funding for humanitarian assistance programs, especially led by NGOs.

CLDH recommends the EU to:

- Restrain Europol and Eurojust from transmitting personal data to Lebanese law enforcement authorities, as, with regard to the current difficulties of the judicial system, it would inevitably lead to conditions that could amount to inhuman treatment.

CLDH recommends the different UN bodies to:

- Increase their capacities to monitor what Syrian nationals voluntarily or forcibly returned to Syria face, especially in terms of socio-economic standards, personal political oppression, and risks posed by the continuation of acts of war between the authorities exercising power in Syria.

CLDH recommends the Lebanese political and security authorities to, and international actors to press the Lebanese political and security authorities to:

- Stop all policies and practices leading to forced deportations to Syria, both for people residing in Lebanon and for survivors of interceptions or rescue operations at sea;
- Ensure the legal entry of Syrians, as prescribed by Lebanon's international commitments;
- Ensure access to a fair trial and to legal aid in case a deportation or a refusal of entry in Lebanon to Syrians is ordered;
- Regularly release data on the number of people pushed back and deported to Syria;
- Increase public scrutiny on the actions of the LAF, by allowing independent observers to monitor their actions, especially along the Syrian border and to make their observations public.

The Lebanese Center for Human Rights
+961 1 24 00 23
info@cldh-lebanon.org



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