

JUS5530/JUR1530 – Refugee and Asylum Law

Please Read the Facts and Answer the Questions. Good Luck!

Faisal is a 40 year old career military officer from Damascus, Syria who is seeking asylum in Norway. Syria is in the midst of civil war and it is estimated that 20% of the population has been displaced. UN High Commissioner for Refugees António Guterres, warned the United Nations Security Council today that without an end to the fighting soon, almost half of Syria's 20.8 million people could be in need of humanitarian help by the end of this year.

In the interview, Faisal described being in charge of a battalion which launched a bombardment attack on a neighborhood in Aleppo six months ago because he had received intelligence that armed insurgents were hiding in the houses and instructed to “terrorize the people into giving them up”. The majority of the civilian housing was destroyed and 30 civilians, including 15 children were killed. Those who survived were forced to leave the area without provision of food, medicine, or shelter, and the dam which provided drinking water destroyed by cluster bombs. This marked a turning point for Faisal. He claims that he suffered a moral crisis and escaped the day after the action, and reached rebel-held areas in the North. He then volunteered for a group affiliated with the Syrian Islamic Front and was given the task of securing access of humanitarian agencies delivering food, water, and medicine to the areas under the control of the Front. He spent the past three months interacting with Norwegian aid agencies operating from across the border. As the violence increased, the Front encouraged him to seek asylum abroad. “You will be in a better position to help us if you can gather support abroad!” they told him. “If you stay here, Assad’s army will kill you!” He claims to be afraid of being targeted as a deserter and traitor- “I cannot go back now, that will be the end of me!” he stated. Faisal states that he believes in the right of the Syrian people to resist oppression- that they are engaged in legitimate struggle against authoritarian rule and that his assistance seeks to support their human rights. He is worried that without humanitarian aid, the people will be massacred by Syrian forces in conjunction with Hizbullah elite troops, Iranian Revolutionary Guard, and Iraqi Shiite militias. He seeks to inform the world about the real situation on the ground through a public campaign and help Norwegian humanitarian agencies in planning the delivery of humanitarian aid to the region. The Syrian government has sent a letter explaining that they consider Faisal to be lying and suggest that he is actually a member of Jabhat al-Nusra. They request that Faisal be extradited back to Syria. Further, they warn that Norwegian aid is actually being diverted to strengthen the extremist actions against Syria and the order of all civilized nations in order to establish a ‘new empire’ stretches from Turkey into the Sunni-arab heartland (Syria, Iraq, Jordan, and Egypt, reminiscent of the Ottoman empire. They warn that provision of asylum to Faisal will be interpreted as



intervention in Syrian sovereign affairs and further bring the conflict to Norway. The Norwegian aid agencies confirm that Faisal assisted them on the ground and Norwegian intelligence states that there is no direct evidence linking him to Jabhat al-Nusra but that it may be possible to conduct further investigation/surveillance should he receive asylum. There are reports from the Reuters news agency confirming that deserters have been shot.

You work as a legal advisor in the Ministry of Justice. You have been asked to draft a memo addressing two issues. Please consult the annex and use references to cases and theory to support your analysis.

***Bachelor Students answer ONLY question 1:**

***Masters Students answer BOTH questions 1 and 2:**

- 1. Is Faisal a refugee according to the 1951 Convention on the Status of Refugees?**
- 2. Can Faisal be sent back to Syria or would this be in breach of international law?**
