

URGENT ACTION

SYRIAN REFUGEES AT RISK OF BEING RETURNED

Around 100 refugees from Syria are at risk of being returned to the war-torn city of Kobani/Ayn Al-Arab. They are part of a group of over 250 men, women and children from Kobani who have been unlawfully detained by the Turkish authorities in a sports hall since 5 October in the border town of Suruç in Turkey's south-eastern Şanlıurfa province. Of this group, two sets of returns have taken place on October 14 and 16.

According to information received from lawyers who visited the refugees and from one of the detainees, a total of over 250 Syrians (including up to 30 children), were detained on and around 5 to 6 October after being denied permission for 24 hours to enter Turkey at the Mürşitpınar border gate. They were fleeing the city of Kobani/Ayn Al-Arab where armed clashes are currently taking place between the armed group that calls itself the Islamic State (IS) and the People's Defence Units (YPG), the armed group of the Syrian Kurdish Democratic Union Party (PYD), which has controlled Kobani since July 2012.

The group of at least 250 refugees has been held in a sports hall, with only blankets to sleep on and no washing facilities. The Governor of Şanlıurfa province reportedly told lawyers on 10 October that the refugees were being held in "administrative supervision ahead of deportation" under Article 57 of the Law on Foreigners and International Protection. The refugees said that they have not been informed of the reasons for their detention. Lawyers told Amnesty International that the refugees had been individually interrogated regarding whether they were part of the administration of the PYD. The lawyers reported that some refugees made allegations of ill-treatment during their detention, including being threatened with knives during their interrogation.

On 14 October at around 2 am, a group of 82 women, men and children were returned to Syria through the Mürşitpınar border gate, after allegedly signing an agreement for their return. A 15 year-old boy who had been amongst them came back to Turkey the next day, having sustained a serious injury to his legs in an apparent IS bomb attack. He has since had one of his legs amputated in a hospital in Suruç. On 16 October, another group of 40 refugees was returned to Syria after allegedly having agreed to be returned. The authorities reportedly told a lawyer that in addition, an unknown number of women and young children had been moved to an unspecified refugee camp in Turkey, but the lawyer had not been able to verify its location. From the original group of over 250 individuals in the sports hall, there are now 107 refugees at risk of being returned to Syria.

Please write immediately in Turkish or your own language, calling on the Turkish authorities to:

- Release the refugees from their unlawful detention immediately and unconditionally;
- Ensure that no refugees are forcibly returned to Syria;
- Ensure that Turkey's border with Syria is open to refugees and that refugees are not detained for exercising their right to seek asylum.

PLEASE SEND APPEALS BEFORE 28 NOVEMBER TO:

Prime Minister of Turkey
Mr Ahmet Davutoğlu,
Vekaletler Caddesi Başbakanlık Merkez
Bina
P.K. 06573
Kızılay / Ankara
Tel: 011 90 312 422 10 00
Fax: 011 90 312 422 18 99
Email: ozelkalem@basbakanlik.gov.tr
Salutation: Dear Prime Minister

Minister of Interior
Mr. Efan Ala
İçişleri Bakanlığı
Bakanlıklar
Ankara, Turkey
E-mail: ozelkalem@icisleri.gov.tr
Tel: 011 90 312 422 40 00
Fax: 011 90 312 418 1795
Salutation: Dear Minister

Directorate General of Migration Management
Atilla Toros
Director General
Lalegül Çamlıca Mahallesi 122. Sokak
No:2/3 06370 Yenimahalle
Ankara, Turkey
Email: gocidaresi@goc.gov.tr
Fax: 011 90 312 397 52 76
Salutation: Dear Director General

Also send copies to:

Ambassador Serdar Kiliç, Embassy of the Republic of Turkey
2525 Massachusetts Ave. NW, Washington DC 20008
Phone: 1 202 612 6700/1 | Fax: 1 202 612 6744 | Email: embassy.washingtondc@mfa.gov.tr

Please let us know if you took action so that we can track our impact. Send a short email to uan@aiusa.org with "UA 260/14" in the subject line and include in the body of the email the number of letters and/or emails you sent. Thank you for taking action! Please check with the AIUSA Urgent Action Network Office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Refugees from Syria in Turkey

There are currently approximately 1.4 million refugees from Syria in Turkey. Officially, Turkey maintains an open-border policy for Syrians, but those without passports are routinely denied access at official border crossings unless they have urgent medical or humanitarian needs. Even for refugees with passports, in practice entry at an official crossing gate may be impossible. Certain border crossings have been closed entirely when violence escalates in Syria. Turkey has built some 22 well-resourced refugee camps, accommodating over 220,000 Syrian refugees and provided them with food and access to essential services. However the camps are operating at full capacity, which leaves the vast majority of Syrians outside of the camps, and having to fend for themselves. Without provision for their subsistence or the right to work, many Syrian refugees struggle to survive.

Right to seek asylum

The right to seek and enjoy asylum from persecution is a fundamental human right. It is enshrined in the 1948 Universal Declaration of Human Rights and protected by the 1951 Convention Relating to the Status of Refugees (Refugee Convention), which Turkey has ratified. Amnesty International considers that all people fleeing Syria are prima facie refugees.

Ban on refoulement

The cornerstone of the international refugee protection system is the principle of non-refoulement. This principle prohibits the transfer of anyone in any manner whatsoever to a place where they would be at risk of serious human rights violations – as is the case for individuals from Syria. It has been codified in the Refugee Convention and numerous international human rights instruments binding on Turkey. A breach of this principle can occur in a variety of ways, including directly through forcible returns to the country of origin, or indirectly through denying access to territory or to a fair and satisfactory asylum procedure. It can also occur indirectly when pressure is exerted on refugees to return to a place where their lives or freedoms are at risk – this is known as constructive refoulement, and is prohibited under international law binding on Turkey.

Ban on arbitrary detention

Arbitrary detention is prohibited under international law. It has been codified in Article 9 of the International Covenant on Civil and Political Rights (ICCPR), which Turkey has ratified. The notion of “arbitrariness” should not be understood narrowly, but must be interpreted broadly to include elements of inappropriateness, injustice, lack of predictability, and due process of law, as well as elements of reasonableness, necessity, and proportionality. Furthermore, the ancient principle of habeas corpus, as set out for instance in ICCPR Art 9(4), entitles anyone who is deprived of liberty to take proceedings before a court, in order that the court may decide without delay on the lawfulness of the detention and order release if the detention is not lawful.

Persons: Around 100 Syrian refugees (m/f)

Issues: Forced return, Arbitrary detention, Ill-treatment

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