

URGENT ACTION

REFUGEES AT RISK OF FORCIBLE RETURN TO SYRIA

Around 150 Syrian refugees are currently being held in a camp in Osmaniye province, close to the Syrian border, and are at risk of being returned to Syria by the Turkish authorities. A smaller group of Iraqi refugees were released from the camp on condition that they return to Iraq within a month. The refugees were travelling to Greece in a boat that sunk on 15 September leaving at least 22 dead, including children.

The **150 Syrian refugees** formed part of a group of more than 250 refugees from Syria and Iraq who were on a boat attempting to cross from Bodrum, in western Turkey, to the Greek island of Kos on 15 September. The refugees reported that the Turkish coastguard fired several shots at their boat, which subsequently sank. The Turkish coastguard confirms that 249 refugees were rescued and 22 bodies were recovered, including children. The majority of the refugees were initially held in or around Bodrum and subsequently transferred to a camp in Düziçi, Osmaniye province, on 17 September. They were transferred against their will and did not receive any information on where they were being transferred to. There could be up to 700 refugees in the Düziçi camp.

According to the Syrian refugees held in the camp, the authorities told them that they will be kept in the camp unless they agree to be returned to Syria using the border crossings of Bab al-Hawa or Bab al-Salam, which are under the control of armed groups that have been responsible for human rights abuses. Refugees in the camp also reported that most of the Iraqi refugees have been released on condition that they return to Iraq within a month. They reported having been told to sign documents in Turkish, which they could not understand. Amnesty International spoke to one Iraqi refugee who has returned to Iraq and is currently in hiding, fearing for his life.

Due to the ongoing conflicts in both Syria and Iraq, neither group of refugees should be forcibly returned to their countries, where they would be at real risk of serious human rights violations or abuses. This is known as the principle of *non-refoulement*. The principle of *non-refoulement* applies to situations of generalized violence due to armed conflict, such as in the cases of Iraq and Syria, and is binding on all states. Furthermore, forcing refugees to return to their country of origin with the threat of indefinite detention would also amount to *refoulement*.

Holding refugees in a camp that they cannot leave amounts to detention. Any measure that restricts the right to liberty of refugees and asylum-seekers must be exceptional and based on a case-by-case assessment. In this case, the detention appears to be arbitrary and thus prohibited under international human rights law.

Please write immediately in Turkish or your own language:

- Calling on the Minister of Interior to immediately halt returns of refugees to Syria or Iraq;
- Urging the Minister of Interior to release the remaining refugees, grant the Syrian refugees temporary protection status and enable refugees from other countries to lodge asylum claims in line with Turkey's Law on Foreigners and International Protection;
- Calling on the Minister of Justice to ensure a prompt, independent and impartial investigation is carried out into the circumstances of the capture of the refugees' boat on 15 September by the Turkish coastguard in which at least 22 refugees died after the boat sank.

PLEASE SEND APPEALS BEFORE 5 NOVEMBER 2015 TO:

Minister of Interior
Mr Selami Altınok
İçişleri Bakanlığı
Bakanlıklar
Ankara, Turkey
Fax: +90 312 425 85 09
Email: ozelkalem@icisleri.gov.tr
Salutation: Dear Minister

Minister of Justice
Mr Kenan İpek
Ministry of Justice
Adalet Bakanlığı
06659 Ankara, Turkey
Fax: +90 (0312) 419 33 70
E-mail: ozelkalem@adalet.gov.tr
Salutation: Dear Minister

And copies to:
Chair of the Human Rights Institution
Dr. Hikmet Tülen
Yüksel Caddesi No. 23, Kat 3, Yenışehir
06650 Ankara, Turkey
Fax: +90 31 422 29 96
Email: tihk@tihk.gov.tr

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

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 Iraq and Syria as countries where individuals would face a real risk of serious human rights violations or abuses upon return.

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 real 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.

Name: Refugees from Syria and Iraq

Gender m/f: both

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