

## **Turkey: *Refoulement* of non-European refugees - a protection crisis**

Amnesty International is gravely concerned about the state of protection for asylum-seekers of non-European origin in Turkey. Under the Turkish regulations regarding refugees, those wishing to seek asylum are required to approach the authorities within five days of arriving in the country. Those who enter the country illegally and who, for whatever reason, fail to comply with this requirement, are liable to immediate deportation without any consideration of their asylum claims.

Even those asylum seekers recognized by the United Nations High Commissioner for Refugees (UNHCR) as refugees are not safe in Turkey. Amnesty International knows of numerous cases where non-Europeans recognized by the Ankara office of the UNHCR as refugees were detained by the Turkish authorities and sent back to their country of origin, despite interventions and protests by the UNHCR. According to information available to Amnesty International, the people sent back to neighbouring countries are normally handed over directly to the authorities on the other side of the border. It is extremely difficult to verify the fate of those returned; however, given that they were recognized as refugees in need of protection, Amnesty International cannot help but fear the worst. This report illustrates some of these cases.

Amnesty International has on many occasions expressed its concerns to the Turkish Government regarding specific cases of *refoulement*, as well as regarding the state of refugee protection in the country as a whole. However, the organisation has to date been reluctant to publicize details of specific cases and how they illustrate its concerns. This is because the publicizing of individual cases can often lead to the asylum-seeker in question facing even more danger, if he or she should be returned to his or her country of origin.

To date, the Turkish government has consistently failed to respond to Amnesty International's submissions, and has not taken action with regard to the concerns raised. Indeed, recent information indicates that far from improving, the situation for non-European refugees and asylum seekers in Turkey is actually becoming more precarious. Therefore, Amnesty International has decided to make public its concerns, in the hope that international public pressure will encourage the Turkish authorities to respect its responsibilities. It should be noted, however, that in nearly all of the cases mentioned in this report, the asylum-seeker's real name, as well as any other details which may be used to identify him or her, has not been used.

The majority of asylum-seekers mentioned in this report are Iranian; however it should be noted that the other large group of asylum-seekers in Turkey, Iraqis, are similarly threatened. Indeed, the statistics available to Amnesty International show that in

1996, 72 Iraqi refugees were forcibly returned to Iraq; more than the 66 Iranian refugees were similarly returned to their country in that year. However, Amnesty International believes that the situation of Iranian asylum-seekers illustrates the risks which all non-European asylum-seekers face in Turkey. Indeed, some information indicates that the lack of strong support organisations, both in and outside of the country, may make the situation for asylum-seekers from countries other than Iran even more precarious. Certainly Amnesty International has faced difficulty in obtaining reliable information regarding asylum-seekers of other nationalities on a systematic basis.

### **Background**

Although Turkey has ratified the 1951 Convention relating to the Status of Refugees (Refugee Convention) and its 1967 Protocol, it operates the Refugee Convention with a geographical restriction, applying the terms of the Convention only to refugees from Europe. As such, the office of the UNHCR in Ankara had been requested to conduct refugee status determination of non-European asylum-seekers. However, in November 1994 the Turkish government published a new regulation regarding refugees, entitled *Regulation on the Procedures and the Principles related to Mass Influx and the Foreigners Arriving in Turkey either as Individuals or in Groups Wishing to seek Asylum from Turkey or Requesting Residence Permits with the Intention of Seeking Asylum From a Third Country*. Under this new regulation, non-Europeans as well as Europeans are required to submit their application to the Turkish authorities. If a European is recognized as a refugee, the Turkish government affords them protection under the terms of the Convention. If a non-European is recognized by the Turkish authorities to have a valid claim to protection, he or she is classified as an “asylum-seeker” (as opposed to a refugee) and their case is submitted to the UNHCR for resettlement in a third country. It should be noted that even if he or she is recognized as needing protection, there exists no opportunity for the “asylum-seeker” to remain in Turkey; resettlement is their only option. The Turkish authorities will generally allow a recognized “asylum-seeker” to stay in the country pending resettlement.

In addition to its ratification of the Refugee Convention and its Protocol, Turkey also sits on the Executive Committee of the Programme of the UNHCR (Excom)<sup>1</sup>, which, in its annual meeting in Geneva, discusses various aspects of refugee issues and adopts Conclusions. The Excom is the only international forum where refugee issues are debated in a comprehensive manner, and the Conclusions of the Excom have persuasive authority as internationally agreed standards of refugee protection.

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<sup>1</sup> The Excom is made up of delegates representing over 50 countries. Not all of the countries on the Excom are even parties to the Refugee Convention. Those which are not include Thailand, Bangladesh, India, Lebanon, and Pakistan.

However, despite its influential status as a member of the Excom and its commitment to refugee protection as a party to the Refugee Convention, Turkey is failing to abide by its international obligations towards asylum-seekers of non-European origin. Turkey has consistently failed to abide by the principle of *non refoulement*, the most fundamental principle of refugee protection. This principle, which forbids the return of a person to a country where he or she would be at risk of serious human rights violations, is a principle of customary international law, binding on all states. The principle is to be applied without discrimination; be they asylum-seekers of European or non-European origin, Turkey is obliged to abide by this principle, and afford asylum-seekers at risk of human rights abuses protection against *refoulement*.

Furthermore, it should be noted that Turkey is a party to the Convention Against Torture (CAT), which in Article 3 forbids state parties from expelling a person to a state where there are “substantial grounds for believing” he or she would be at risk of torture. Once again, this provision applies without discrimination to all persons, European or non-European. As this report shows, Amnesty International is aware of numerous cases where Turkey has sent asylum-seekers back to countries where it was feared that they would be subject to torture, in contravention of this provision.

#### **The regulation on refugees and asylum-seekers: the “five day rule”**

According to the 1994 Regulation, foreign nationals arriving in Turkey to seek asylum must submit their application to the police within five days of their arrival in the country. Those who have entered illegally (for example without proper documentation or authorization) are required to submit their application to the police at the border city nearest to where they entered the country. Those who enter the country legally may submit their application in any city in the country, but are still required to do so within five days. The claim is examined by the Ministry of Interior (MOI), and non-European asylum-seekers who receive a positive decision have their cases submitted to the UNHCR for resettlement. If a negative decision is reached, a deportation order is issued, which may be appealed against within 15 days. The UNHCR office in Ankara still conducts refugee determination of non-European asylum-seekers in Turkey, independent of the Turkish Government, and undertakes to resettle those it recognizes as needing of protection.

Amnesty International has numerous concerns regarding the refugee determination procedures in Turkey, and has published a list of basic procedural safeguards which it believes are necessary in any refugee determination procedure, so as to ensure that those at risk of human rights abuses are properly identified. These safeguards are included as an annexe to this report. In particular, Amnesty International’s

most pressing concern regarding the present situation in Turkey is the application of the five day time limit in submitting asylum claims.

Amnesty International believes that the five day time limit on the submission of an application for refugee status is necessarily arbitrary and should be abolished. If there is to be a deadline, then it should be applied according to international standards of refugee protection and should in no way be applied so as to cause breaches of the principle of *non refoulement*. It should be noted that Conclusion 15 of the UNHCR Excom states that “*While asylum-seekers may be required to submit their asylum request within a certain time limit, failure to do so, or the non-fulfilment of other formal requirements, should not lead to an asylum request being excluded from consideration.*” In other words, if a government is to retain a time limit on the submission of claims, international standards require that the time limit should not be applied in a strict fashion, so as to exclude a particular asylum-seeker’s claim from consideration solely on the grounds that he or she failed to apply within the time limit. Rather, the fact that he or she had applied after a reasonable time limit should be regarded merely as one indicator of the asylum-seeker’s credibility.

However, contrary to international standards, in Turkey, failure to register within five days of arrival leaves asylum-seekers liable to immediate deportation without any examination of their claim. Even those asylum-seekers who have submitted a claim to the UNHCR, or have received refugee status from that organization and are awaiting resettlement, are not safe. Amnesty International is aware of scores of cases where asylum-seekers and recognized refugees have been detained by the authorities and returned directly to their country of origin or to unsafe third countries, despite interventions and protests by the UNHCR. According to the information available to Amnesty International, nearly all of these people were asylum-seekers who had entered the country illegally and had failed to register within the five day limit. Amnesty International’s information indicates that the number of refugees recognized by the UNHCR yet who have not been able to regularise their stay in Turkey due to their failure to register with the authorities within five days may reach the hundreds.

In this context, it should be noted that the provisions of the five day time limit are often applied in an exceedingly stringent manner. According to the information available to the organization, if the fifth day after entry falls on a holiday, the authorities will not accept the application on the following working day. Amnesty International has also received reports of asylum-seekers who had entered the country illegally and, less than five days later, attempted to register in central cities such as Ankara, only to be told that they could only register at the point of their entry. In many cases, by the time the asylum-seeker has returned to their point of entry, five days have passed, and the authorities refuse to register their application. There have been reports of asylum-seekers

in this situation being arrested for illegal entry and summarily returned to their country of origin or to an unsafe third country.

Further exacerbating the situation is an MOI administrative regulation (separate from the 1994 Regulation) requiring all asylum-seekers to present a valid identification document when submitting their application. The information available to Amnesty International indicates that, in contravention of the provisions of the Refugee Convention,<sup>2</sup> this regulation is applied in a similarly stringent way as the five day rule, and that asylum-seekers unable to comply with the requirement have been unable to register their claims with the Turkish authorities and subsequently subjected to *refoulement*.

There are numerous cases of which Amnesty International is aware where Iranian asylum-seekers have been sent back directly to Iran. However, many Iranian asylum-seekers have reportedly been deported to northern Iraq, through which they had travelled. It should be noted that the situation in northern Iraq remains extremely unstable, and it is questionable whether the Kurdish authorities in that area are able to provide protection for Iranian asylum seekers. It is apparent that Turkey is not seeking to ensure that the asylum-seekers in question would receive protection in northern Iraq. In any case Turkey should respect the protection mandate of the UNHCR and refrain from expelling asylum-seekers who have approached that organization, and those recognized as refugees. In this respect Amnesty International points to Article 35 of the Refugee Convention, which obliges state parties to “undertake to co-operate with the UNHCR ... in the exercise of its functions”. Though the nature of such co-operation is not specified, it would at the utter minimum include affording continued protection to refugees recognized by the UNHCR pending resettlement.

Four Iranians recognized as refugees by the UNHCR, “**Babak**”, “**Mohammad**”, “**Ali Reza**”, and “**Ali**”, were arrested in February 1997. According to the information available to Amnesty International, “Mohammad”, “Ali Reza”, and “Ali” had been detained previously in December 1996, for illegally entering the country and for failing to comply with the five day limit. They were released on that occasion after the UNHCR had intervened, on the condition that the UNHCR would arrange for their swift resettlement. At the time of their arrest in February 1997, “Ali” and “Mohammad” had been accepted for resettlement by a third country. Despite interventions from Amnesty

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<sup>2</sup> Article 31 of the Refugee Convention states that state parties “shall not impose penalties, on account of their illegal entry or presence, on refugee who, coming directly from a territory where their life or freedom was threatened ... enter or are present in their territory without authorisation, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.”

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International and the UNHCR, “Babak” was returned to Iran and “Mohammad” and “Ali Reza” to northern Iraq on 26 February. “Ali” managed to escape the police and is currently living in hiding in Turkey.

“**Karim**”, another Iranian asylum-seeker, had entered Turkey illegally, intending to travel on to Spain and seek asylum there. He was arrested at Istanbul airport on 24 December 1996 while attempting to travel with false documents. He was subsequently interviewed by the UNHCR and recognized as a refugee; however the Turkish Government nevertheless decided on his expulsion. The UNHCR intervened on his behalf, and Amnesty International issued Urgent Appeals urging the Turkish government to respect the principle of *non refoulement*. “Karim” was eventually released and was allowed to depart for Spain.

**Mehrdad Kavoussi**, a member of the Peoples Mojahedin Organization of Iran (PMOI), an Iranian opposition group, had spent 10 years in prison in Iran, where he had been tortured. He fled to Turkey in 1995 but did not register with the Turkish authorities. Mehrdad was recognized as a refugee by the UNHCR in April 1996 and approached the Turkish authorities to register on 25 April 1996, accompanied by a UNHCR lawyer. However, he was arrested on the spot and returned to Iran that same day. On his return to Iran, he was arrested and interrogated. Following worldwide appeals on his behalf from Amnesty International and other organizations, he was eventually released, after agreeing to travel to Turkey and send letters to the UN and to human rights organizations criticizing the PMOI. Once in Turkey, however, he managed to escape from Iranian officials and again sought asylum. This time he was able to resettle.

“**Ahmad**” was recognized by the UNHCR and had been accepted by a third country for resettlement. However, he was arrested in Kayseri in April 1996 and, despite interventions by Amnesty International, was sent back to Iran on 19 April 1996. There is no more information available regarding “Ahmad’s” fate.

“**Ramin**”, Iranian, and “**Yassin**”, Iraqi, were arrested with a group of other Iranian asylum-seekers in October 1996. Both had been recognized as refugees by the UNHCR. Despite interventions by Amnesty International, “Ramin” was sent back to Iran within the same month. No more information is available regarding the situation of the others. “**Gholamreza**”, also Iranian, was recognized by the UNHCR in August 1996 but was arrested in October of that year. Despite urgent interventions by the UNHCR, he was sent back to Iran the next day. However he subsequently managed to reenter Turkey and is expected to depart for a resettlement country shortly.

“**Hossein**” was recognized as a refugee by the UNHCR and accepted by a third country for resettlement. He was arrested in August 1996 but was released after a day in detention. Amnesty International wrote to the Turkish Government in August 1996 urging it to respect the principle of *non refoulement*. “Hossein” eventually managed to

depart Turkey for resettlement. “**Ali Akbar**” and “**Mansour**”, both recognized refugees, were arrested in March 1996. Despite UNHCR intervention, they were sent back to Iran two days later. In May 1996, “**Hassan**”, “**Mehdi**”, “Mehdi’s” spouse and two children, and “**Farzad**” were arrested during a house raid. “Farzad” had been recognized as a refugee. No more information is available on their fate.

### **Recent developments: waves of *refoulement***

Amnesty International has been concerned about the situation for refugees and asylum-seekers in Turkey for many years. However, the information available to Amnesty International indicates that in recent months the situation has deteriorated sharply. Amnesty International has received reports that the MOI has issued an internal memorandum to the effect that all foreign nationals illegally present in Turkey are to be expelled immediately. It has also been reported that a wave of over 600 deportation orders has been issued. Amnesty International in no way disputes the right of governments to regulate the stay of foreign nationals on their territory. However, the organisation believes that this right must be exercised in a way that does not violate that government’s international obligations towards refugees and asylum seekers, most importantly the principle of *non refoulement*. It is apparent that many of the deportation orders include refugees recognized by the UNHCR, and that the deportations are to be carried out regardless of this status.

A series of large scale round-ups and expulsions have recently taken place in Turkey, with dozens of non-European asylum-seekers apprehended and sent back, either to their country of origin or to another country which is not “safe”. Many of these asylum-seekers were refugees recognized by the UNHCR; some of them had been accepted for resettlement by third countries and were waiting for their exit to be authorized by the Turkish authorities.

In early March 1997, 23 Iranian asylum-seekers were reportedly arrested in a large scale operation of house raids, in Nevsehir and Kayseri. At least 16 of these were recognized refugees, and several of them had already been accepted for resettlement by third countries. It has been reported to Amnesty International that these 16 were deported to Iraq the next day. Moreover, a further group of asylum-seekers and recognized refugees who had been detained in Kayseri were reportedly deported, also to northern Iraq, seven days later.

It has been reported that in the course of this one week, the Turkish authorities arrested and deported a total of 66 recognized Iranian refugees to northern Iraq, many of

whom had been accepted by resettlement countries and were awaiting travel. In mid-March 1997, “**Abdullah**”, an Iraqi refugee who had been accepted for resettlement by a third country, was reportedly arrested in Istanbul. The Turkish authorities later informed the UNHCR that “Abdullah” would be returned to Iraq. At the time of writing it is not known whether “Abdullah” has indeed been forcibly returned to Iraq.

In late March 1997 five Iranian asylum-seekers were reportedly arrested in another house raid in Kayseri. Amnesty International’s information indicates that three of these Iranians were recognized refugees, and that two of them had already been accepted by a resettlement country. Again in late March, three recognized Iranian refugees were reportedly detained and deported to Iraq. Two of these refugees had reportedly already been accepted by a third country for resettlement. The statistics available to Amnesty International indicate that during the period 1 January to 30 April 1997 at least four Iranian refugees were forcibly returned to Iran, and 106 Iranian refugees forcibly returned to Iraq. In the same period at least seven Iraqi refugees were reportedly returned to Iraq.

Amnesty International is alarmed at this pattern of *refoulement*, and urges the Turkish authorities to comply with its international obligations and halt immediately the sending of persons to a country where they would be at risk of serious human rights violations.

#### **Security agreements with other countries**

The Turkish Government has entered into several security agreements with other countries which, appear to have had a grave effect on the protection of refugees in Turkey. In the early 1990s, hundreds of members and supporters of al-Nahda, a Tunisian unauthorised Islamist opposition group, fled Tunisia in response to repression and persecution at the hands of the Tunisian authorities. The information available to Amnesty International indicates that between 50 and 100 Tunisian asylum-seekers fled to Turkey during this period, the vast majority of whom were recognized as refugees by the UNHCR.

In early 1993, the Turkish and Tunisian Interior Ministers met to discuss matters of “state security”. In these meetings, it was agreed that Turkey would “inform Tunisia of activities of [al-Nahda] militants detected in Turkey” and would “not permit known members of [that party] to enter Turkey”. The Tunisian authorities stated that they “expected fundamentalist Tunisian elements not to be sheltered on Turkish soil”. The text of this security agreement was published in the official Turkish gazette on 20 April 1993.<sup>3</sup>

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<sup>3</sup> Although the agreement provides for reciprocal exchange of opposition activists, Amnesty International does not have any information regarding Turkish citizens seeking asylum in Tunisia.

Amnesty International has information of several cases of Tunisian refugees being forcibly returned to Tunisia seemingly according to this agreement, as recently as 1995, in breach of Turkey's obligations under the principle of *non refoulement*. In addition, scores of Tunisian asylum-seekers who were in Turkey at this time fled to other countries after this security agreement, for fear of *refoulement* to Tunisia; in many cases asylum -seekers ended up in neighbouring countries where they were unable to find durable protection. As well, many Tunisian asylum-seekers arriving in Turkey since this agreement have been deterred from presenting asylum claims and have fled to other countries, likewise unable to find protection from *refoulement*. Insofar as the entire objective of this agreement seems to be to return to Tunisia the very people who would be at risk of serious human rights violations in that country, Amnesty International believes that it violates the Turkish Government's international obligations towards refugees and asylum-seekers and urges the Turkish Government to revoke it immediately.

In addition, the insecure situation of Iranian asylum-seekers is exacerbated by the existence of a number of agreements signed between the governments of Turkey and Iran along similar lines. These agreements concern, among other matters, "measures to improve border security" and the "[prevention] of terrorist activities whose aims are secession and the destruction of the territorial unity and the legal systems" of the two countries. There have been at least three of these agreements signed by the two governments, starting in 1992.

Statements of the two governments indicate that one of the main objectives of these protocols is to restrict the activities of opposition groups operating in the other country. In November 1993, Turkish authorities stressed in a meeting with Amnesty International delegates that any agreements with Iran (or with any country) concerning extradition would not be applied to people fleeing religious or political persecution. However, after the signing of an agreement in June 1994, the Turkish Minister of the Interior reportedly announced: "No element acting against the Islamic Republic of Iran will be allowed to remain on Turkish territory."<sup>4</sup>

In April 1996, the two governments reportedly signed an agreement stipulating the reciprocal exchange of opposition activists. The information available to Amnesty International indicates that after the signing of this agreement, the numbers of Iranian asylum-seekers sent back to Iran increased sharply. In August 1996, it was reported that the Turkish Government intended to present an agreement to the Iranian authorities, aimed at co-ordinating efforts against separatist Kurds and "terrorist organisations". The

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<sup>4</sup> US Committee for Refugees; *Barriers to Protection; Turkey's Asylum Regulations* 1996 at 14.

agreement was said to contain provisions for the reciprocal extradition of opposition elements. The reports indicated that the Iranian Government had demanded the expulsion of 600 Iranian dissidents from Turkish soil.

While Amnesty International does not dispute the basic right of governments to take measures aimed at safeguarding security, it believes that any such measures must be in conformity with their human rights obligations. It remains unclear precisely to what extent the security agreements entered into by the Government of Turkey affect the protection of asylum-seekers in Turkey, as the text of many of the agreements with Iran have not been made public. Indeed, the existence of the above mentioned agreement of April 1996 has not even been confirmed by the Turkish authorities, though it has been reported that the said agreement has been confirmed by the Government of Iran. Despite the above assurances of the Turkish Government, Amnesty International remains gravely concerned about the impact these security agreements are apparently having on the protection of asylum-seekers in Turkey.

Amnesty International recognizes that in certain instances, overriding considerations of national security may make the publicising of all details of security protocols unfeasible. However, insofar as the application of these security agreements is apparently contravening the Turkish Government's human rights obligations, Amnesty International believes these agreements, or at least the portions relevant to extradition, should be made open to public scrutiny. The organization therefore calls on the Turkish Government to publicise those aspects of all security agreements which have implications for the protection of asylum-seekers, and to ensure that these agreements are in line with their duties under the principle of *non refoulement*.

#### **Killings of Iranians in Turkey**

A number of Iranians who are known members of Iranian opposition groups have been killed in Turkey in recent years, in circumstances suggesting that they may have been assassinated by agents of the Iranian Government.<sup>5</sup> In January 1997, an Iranian national was sentenced by a Turkish court to over 33 years imprisonment for the killings in February 1996 of a member and a sympathiser of an Iranian opposition group. He had reportedly indicated that the killings were undertaken under orders of the Iranian secret service.

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<sup>5</sup> See for example *Turkey: Discriminatory Treatment of Non-European Refugees and Asylum Seekers*; AI Index EUR 44/16/94 and *Iran: Official Secrecy Hides Continuing Repression*; AI Index MDE 13/02/95.

Iranian refugees and asylum-seekers in Turkey frequently point to such killings as evidence of their insecure situation in that country, and have stated that they believe Iranian agents are present in many Turkish towns to gather information on Iranian communities there. Such allegations are difficult to substantiate. However, Amnesty International believes that given the pattern of killings of Iranian opposition figures outside Iran, it is justified for many Iranian asylum-seekers to fear that they may be at risk in Turkey. Amnesty International urges the Turkish authorities to ensure that all asylum-seekers in Turkey are given effective protection from the authorities of their country of origin.

### **Return of asylum-seekers to Turkey as a “safe third country”**

Amnesty International continues to receive reports of asylum-seekers who have travelled through Turkey on their way to seek asylum in countries in Western Europe being returned to Turkey, on the sole basis that they could have sought asylum in that country.

Once again Amnesty International urges the governments of European countries to halt their “safe third country” practices and accept responsibility for examining asylum claims. It has become standard practice in many European countries to send asylum-seekers back to countries through which they had transited, on the sole basis that the third country in question is “safe” and they could have sought protection there. The authorities of the sending country rarely, if ever, seek specific guarantees from the third country that the asylum-seeker in question will be afforded access to a fair and satisfactory refugee determination procedure. Indeed, the determination that a particular country is “safe” is often based on foreign policy considerations or inadequate information, rather than impartial information on the human rights situation and the standard of refugee protection in that country.<sup>6</sup> As this report has shown, the state of refugee protection in Turkey for non-European asylum seekers is utterly inadequate, and Turkey cannot reasonably be said to be “safe” for the majority of asylum-seekers of non-European origin. Amnesty International therefore urges the all governments, and in particular the governments of Western Europe not to send asylum-seekers back to Turkey on the grounds that it is “safe”.

### **Killings of Iraqis at the frontier**

Amnesty International has received reports regarding the killings of Iraqis who seem to have been asylum seekers near the Turkish frontier. In November 1996, Amnesty

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<sup>6</sup> Amnesty International points to Excom Conclusion 15, which states: “Regard should be had to the concept that asylum should not be refused solely on the ground that it could be sought from another State.”

International received reports that in October 1996, 28 Iraqi Kurds and Assyrians were killed by soldiers and village guards attached to Çobanpinari gendarmerie in the region of Yüksekova on the Turkish-Iranian border. Amnesty International's information indicates that these people were fleeing fighting in northern Iraq and were seeking protection in Turkey.

According to reports given in Iran by two people who survived the attack, Serbat 'Uthman and Firad Mohammad Soph, the incident took place as 30 Iraqis, mainly from Sulaimaniya, were fleeing conflict in northern Iraq and attempting to cross the border between Turkey and Iran. The group were reportedly accused of being members of the Kurdistan Workers' Party (PKK) and taken to a nearby stable where they were killed by the Turkish forces. The bodies of the victims, five of whom were Assyrian Christians from 'Ain Kawa and Shaqlawa in northern Iraq, were returned to the Iranian authorities, and autopsies were performed by an Iranian doctor in the Iranian city of Oromieh, who also took photographs. The bodies were finally returned to Sulaimaniya, where they were buried, on 23 October 1996.

The bodies of some of the victims were badly mutilated, making identification difficult, but the identities of all 28 victims were finally established. They included Samir Burhan Mohammad; Rekewt Osman Hama Salih; Azad Mustafa 'Umar; Hersh 'Abdullah 'Umar; Barzan Akram; Hawzhin Akram; Garmian Hama Salih Mahmud; Mahmud Ahmad; Rizgar 'Ali; Kosalan Zorab; Namik Hussain Rashid; Bakhtiar Karim Mahmud; Tahir Mustafa; Dawud Salman Sulaiman; Azad Mustafa; Mustafa; Majid Mohammad Sabir; Nawruz 'Ali Kadir; Amin Karim Ahmad; Azad Kadir Kaka 'Abdullah; Amir Fatah Kadir; Mustafa Ghafur Murad Khan; Mustafa Salih Sa'id; Dildar Yusuf Ya'qub; Salar Salim Gharib; Milad Ishaq Gorgis; 'Imad Gorgis; Farhad Biya. At the time of writing the two survivors were still in Iran and one of them reportedly had to have one of his legs amputated as a result of the attack.

In a further incident, Amnesty International received reports that three Assyrians from northern Iraq, possibly asylum seekers, including 17-year-old Evan Oshana Kalo, were killed by Turkish forces on 21 November 1996 when they tried to cross into Turkey. Two others, one of them Evan's 19-year-old brother Sargon Jaba Kalo, were allegedly captured and subsequently "disappeared". The bodies of those who were killed were returned to Zakho in northern Iraq.

In January 1997 Amnesty International wrote to the Turkish authorities expressing concern that all those killed may have been victims of extrajudicial execution by Turkish forces. The organization urged the authorities to ensure that the circumstances of the killings be thoroughly and impartially investigated, and, should the allegations of extrajudicial execution be confirmed, that those responsible be brought to justice. The organisation also requested information about the fate and whereabouts of the two men

who were taken prisoner. At the time of writing the Turkish authorities had not responded to this communication and to the organization's knowledge there has been no investigation into the incidents mentioned above.

Amnesty International remains gravely concerned about these incidents and about the possibility that far from being offered protection in accordance with international standards, people fleeing armed conflicts and seeking protection in Turkey could be summarily executed. Amnesty International is of course aware of the prevailing security situation in the south-east of Turkey. However this situation in no way justifies the summary execution of asylum-seekers. Amnesty International urges the Turkish government to conduct proper and impartial investigations into these incidents, and to ensure that village guards and military personnel patrolling the frontier are properly trained in Turkey's international obligations towards refugees and asylum-seekers.

### Amnesty International's Recommendations

1. The Turkish Government should at once halt the expulsion of asylum-seekers who are either recognized as refugees by the UNHCR or who have filed an asylum claim with that organization and are awaiting a decision. The Government should abide scrupulously by the principle of *non refoulement* and ensure that no person is returned to a country where he or she would be at risk of serious human rights abuses.
2. The 1994 Regulations concerning refugees, and all other regulations and administrative requirements affecting refugees and asylum-seekers, should be revised immediately, so that all non-Europeans in Turkey who wish to claim asylum are able to register with the Turkish authorities and regularise their stay, pending a final determination on their refugee status by the UNHCR. There should also be clear provisions for allowing recognized refugees to stay in Turkey pending resettlement.
3. The Turkish Government should establish without delay an independent advisory committee, charged with reviewing comprehensively refugee protection in Turkey and making recommendations on how the government could better discharge its international obligations towards refugees. This committee would be composed of independent experts with recognized expertise and would include representatives of the UNHCR and NGOs involved in refugee protection and assistance. The committee should include in its review the removal of the geographical restriction Turkey applies on the application of the Refugee Convention.
4. The Turkish Government should make public all security agreements with other governments, or at least all portions relevant to the protection of asylum-seekers in Turkey. The government should ensure that all such agreements are in line with the principle of *non refoulement* and other human rights obligations, and revise or revoke past agreements accordingly.
5. Governments of other states should refrain from returning asylum-seekers to Turkey on the basis that it is a "safe third country", until such time as all asylum-seekers are ensured protection from *refoulement* in that country, as well as protection from agents of their country of origin.
6. The Turkish Government should establish immediately an independent and impartial commission charged with investigating allegations of extrajudicial killings along the Turkish frontier with Iran and with Iraq. The findings of this commission should be made public in full.

7. The Turkish Government should take concrete measures to ensure that all military or para-military personnel patrolling areas near the Turkish frontier, including village guards, are given adequate training regarding Turkey's international obligations towards refugees and asylum-seekers. These personnel should be given specific instructions as to the referral of people seeking asylum to the UNHCR and to the proper authorities as well as the provision of guidance to asylum-seekers regarding the Turkish asylum procedures.