

EXTERNAL

AI Index: MDE 13/14/96

UA 113/96

Forcible return / Fear for safety

30 April 1996

TURKEY/IRAN Mehrdad Kavoussi, aged 36, Iranian asylum-seeker

Amnesty International is concerned for the safety of Mehrdad Kavoussi, an Iranian asylum-seeker* in Turkey, who was arrested by Turkish police in Ağrı, eastern Turkey, on 25 April 1996 and forcibly returned to Iran on the same day. His current whereabouts are unknown.

Mehrdad Kavoussi is a member of the People's Mojahedin Organization of Iran, an armed opposition group opposed to the Government of the Islamic Republic of Iran. He is reported to have been imprisoned previously and tortured in Iran for his political activities. He had entered Turkey in August 1995, but had not registered his asylum claim with the Turkish authorities within five days of entering the country, as required by Turkish regulations. At the time of his arrest, he had gone to the police to register as an asylum-seeker, in the company of a lawyer from the Office of the United Nations High Commissioner for Refugees (UNHCR). Amnesty International is calling on the Iranian authorities to ensure Mehrdad Kavoussi's safety and to account for his current whereabouts. It is also concerned that the Turkish authorities are violating Turkey's obligations under international law not to expel people to countries where they are at risk of serious human rights violations.

** UNHCR has publicly stated that they believe he is a refugee, although the process of his recognition had not been completed at the time of his deportation.*

BACKGROUND INFORMATION

Turkey introduced new regulations in November 1994 which require all asylum-seekers entering Turkey to submit their application to the police within five days of their arrival. After an interview with the police, the Minister of Interior decides on their cases. With regard to non-Europeans, if they receive a positive decision, they receive temporary residence in Turkey and the Ministry of Interior submits their case to UNHCR for resettlement to a third country. If the decision is negative, they receive a deportation order from the Ministry of the Interior, which may be appealed within 15 days. If the appeal is not upheld, or there is no appeal, the asylum-seeker is deported.

However, people who have failed to register within the five-day limit are at risk of immediate deportation without any assessment of the validity of their claim by the Turkish authorities. In addition, such people who have been recognized as refugees by UNHCR and accepted for resettlement in a third country are often not granted exit visas allowing them to leave Turkey. Some such people have, in fact, been arrested and deported to their country of origin.

There have also been reports of individuals presenting themselves in border towns to make asylum claims who have been arbitrarily deported in violation of the regulations.

Failure to comply with procedural requirements such as the five-day rule does not justify the expulsion or forcible return of an asylum-seeker or refugee who may be at risk of serious human rights violations in the country to which he or she is returned. Conclusion No. 15(xxx) of the Executive Committee of the UNHCR 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."*

Amnesty International is also concerned that a security agreement between Iran and Turkey, which may include the reciprocal return of opposition activists present in the other country, may be leading to the forcible return of individuals who risk serious human rights violations in their own country. In recent months, diplomatic relations between Iran and Turkey have become strained, culminating in the expulsions of Iranian and Turkish diplomats in Turkey and Iran. The organization fears that Turkey may be returning asylum-seekers and refugees under this agreement to try to improve relations.

Turkey should not use this or any other security agreement as a justification to violate its international obligations not to forcibly return people at risk of human rights violations.

In Iran, people who oppose or are suspected of opposing the government risk serious human rights violations including torture and the death penalty. Amnesty International has documented these violations over many years. Two members of *Komala*, a Kurdish opposition group, were reportedly executed on 10 April 1996, after more than five years in detention (see Follow up UA 107/93 of 30 April 1996, MDE 13/15/96)

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or your own language:

To the Turkish authorities:

- expressing deep regret over the forcible return of Mehrdad Kavoussi;
- urging the Turkish authorities to respect their obligations under international law not to forcibly return people to countries where they may be at risk of serious human rights violations;
- pointing out that neither procedural requirements such as the five-day limit nor the existence of security agreements should be used as a justification to violate this obligation.
- asking what steps have been taken to establish that Mehrdad Kavoussi is not being subjected to human rights violations.

To the Iranian authorities:

- seeking urgent clarification of Mehrdad Kavoussi's whereabouts, and his legal status, if detained;
- seeking assurances that if he is in custody, he is being humanely treated.

APPEALS TO: Turkish authorities

President Süleyman Demirel
Head of State, Office of the President
Cumhur Ba_kanl___, 06100 Ankara, Turkey

Telexes: 42303 kosk tr

Telegrams: President Demirel, Ankara, Turkey

Faxes: +90-312-468 5026

Salutation: Dear President

Mr Mesut Yilmaz, Prime Minister
Office of the Prime Minister
Ba_bakanl_k, 06573 Ankara, Turkey

Telegrams: Prime Minister, Ankara, Turkey

Telexes: 44061/44062/44063 bbmt tr / 42099 basb tr

Faxes: +90-312-417 0476

Salutation: Dear Prime Minister

Ülkü Güney, Minister of Interior
Ministry of Interior

_çi_leri Bakanl___, 06644 Ankara, Turkey

Faxes: +90-312-418 1795

Telegrams: Interior Minister, Ankara, Turkey

Salutation: Dear Minister

APPEALS TO: Iranian authorities

His Excellency Hojjatoleslam

Ali Akbar Hashemi Rafsanjani

The Presidency, Palestine Avenue

Azerbaijan Intersection, Tehran, The Islamic Republic of Iran

Telegrams: President Rafsanjani, Tehran, Iran

Salutation: Your Excellency

Minister of the Interior

His Excellency Mohammad Ali Besharati Jahromi

Ministry of the Interior

Dr Fatemi Avenue, Tehran, Islamic Republic of Iran

Telegrams: Interior Minister, Tehran Iran

Salutation: Your Excellency

COPIES TO: diplomatic representatives of Turkey/Iran accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 20 JUNE 1996.