

PUBLIC

AI Index: ASA 22/003/2005

11 February 2005

UA 33/05 Fear of forcible return/fear of torture/medical concern

JAPAN Two Turkish Kurds (m), names known to Amnesty International

Two Turkish Kurdish men who have sought asylum in Japan are facing forcible return to Turkey, where they would be at risk of torture. One of the men has been recognised as a refugee by the UN High Commissioner for Refugees (UNHCR). Amnesty International is not revealing the names of the men due to concerns for the safety of the men and their families.

The two men are both aged in their mid-thirties. One of the men has been detained at the East Japan Immigration Detention Centre in Ibaragi Prefecture since January 2003. He suffers from kidney failure, and one of his kidneys has almost ceased to function. He has a number of other serious medical conditions, and although the immigration authorities have taken him to hospital many times, his condition is deteriorating. On 4 February, an order for his immediate deportation was reportedly cancelled at a very late stage following appeals filed with the Ministry of Justice by lawyers, supporters and members of the Japanese parliament, the Diet. His family members and the mayor of his village in Turkey were reportedly interviewed by Japanese officials and military personnel in July 2004. Amnesty International considers that this has the potential of exposing him and his family to the increased danger of serious human rights violations including detention without charge, torture and ill-treatment if they are forcibly returned. (See *Japan: Government endangers refugees' families in Turkey*, ASA 22/004/2004, 2 September 2004).

The second man has been detained at the Tokyo Immigration Detention Centre since November 2004 after his visa expired. He has been recognised as a refugee by the UNHCR. He remains under imminent threat of being forcibly returned to Turkey where he may be at risk of being detained and subject to unfair trial, torture or ill-treatment.

Turkish Kurd Ahmet Kazankiran and his son Ramazan, who had sought asylum in Japan, were forcibly returned to Turkey on 18 January, in violation of Japan's obligations under international law. Five other members of the Kazankiran family are still in Japan, but the UNHCR is working to resettle them in a third country (see UA 20/05, ASA 22/001/2005, 21 January 2005).

BACKGROUND INFORMATION

To Amnesty International's knowledge, a Turkish Kurd claimant has never been granted refugee status in Japan. Asylum-seekers have often had their requests for asylum rejected with no or inadequate consideration of the serious risk to their lives they face on deportation. These asylum seekers have been denied access to a fair and satisfactory asylum procedure; they are frequently not allowed access to interpreters and lawyers. Detained foreign nationals in immigration detention centres are not informed adequately about their rights. In particular, they do not always have prompt access to a lawyer or advice in a language they understand. Amnesty International has raised concerns at earlier cases of detained asylum-seekers who have faced the risk of long-term detention. Many of these detained asylum-seekers are reportedly in deteriorating mental and physical health. Amnesty International has urged in earlier instances to the Japanese government to recognize the rights of people in detention to information, legal counsel, access to the outside world and adequate medical treatment.

The East Japan Immigration Detention Centre was the scene of a violent confrontation on 10 December 2004. Dozens of armed detention centre staff reportedly punched and kicked inmates prior to a visit by the Minister of Justice. Some six detainees, including one of the subjects of this UA, were put into solitary confinement and one detainee was injured.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing concern at reports that two Turkish Kurds are at imminent risk of being forcibly returned to Turkey from Japan where they may be at risk of serious human rights violations including detention and being subject to unfair trial, torture or ill-treatment;
- expressing concern that one of the men is at imminent risk of being forcibly returned to Turkey even though he has been recognized as a refugee by the UN High Commissioner for Refugees (UNHCR);
- calling on the authorities to provide protection to all people recognized as refugees under the UNHCR mandate and to ensure that all asylum-seekers are given access to fair asylum procedures and are not deported until their case has been assessed;
- urging the Japanese authorities to end the forcible return of any person to a country where they are at risk of serious human rights abuses, in accordance with Japan's international obligations, under the UN Convention relating to the Status of Refugees and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and under customary international law.

APPEALS TO:

Minister of Justice

Minister NOONO Chieko

Ministry of Justice

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Tokyo 100-8977, Japan

Fax: +81 3 3592 7088 / 5511 7200 (via Public Information & Foreign Liaison Office)

Email: webmaster@moj.go.jp

Salutation: Dear Minister

Minister for Foreign Affairs

Minister MACHIMURA Nobutaka

Ministry of Foreign Affairs

2-2-1 Kasumigaseki, Chiyoda-ku

Tokyo 100-8919, Japan

Email: webmaster@mofa.go.jp

Salutation: Dear Minister

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and to diplomatic representatives of Japan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 25 March 2005.