

URGENT ACTION

SYRIANS RETURNED FROM GREECE, ARBITRARILY HELD

A group of 12 Syrian refugees, including four children, have been arbitrarily detained at the Düziçi camp since 27 April. They were some of the first Syrians voluntarily returned to Turkey from Greece since the signing of the EU-Turkey deal. Some have medical conditions for which they have not been receiving adequate treatment.

A group of **12 Syrian refugees** including six men, two women and four children aged between four and 12, were flown from the Greek island of Lesbos to Turkey on 27 April. They were some of the first Syrians voluntarily returned to Turkey from Greece since the signing of the EU-Turkey deal. When they spoke to Turkish officials in Lesbos they were told that they would be readmitted to Turkey, provided with identity documents within two to three days and that those with families in Turkey, would be reunited with them. However, upon arrival in Turkey they were taken to the Düziçi camp, in Osmaniye province, south eastern Turkey, where they have been held since.

Amnesty International spoke to four of the eight adults who explained that they were interviewed by camp officials on three occasions. They were told that they would be staying in the camp for at least three months pending a decision on their cases by the authorities in Ankara. When they asked whether they could leave sooner, they were told that by signing a document for voluntary return to Syria, they could be taken to the border within days.

The detention of this group of refugees is arbitrary and therefore unlawful. They told Amnesty International that they were not explained the reasons for their detention, how long they would be detained for or how they could legally challenge it. A lawyer representing one of the refugees was reportedly denied access to his client.

Some members of the group have medical conditions for which they have not been receiving adequate treatment. Abu Ali (not his real name, 45 years old), who has diabetes and a heart condition, explained that he had run out of medication for his diabetes on 8 May and had about a week's supply of pills for his heart condition. On 12 May, he felt ill and requested to be taken to hospital, but his request was denied. Abu Ahmad (not his real name, 33 years old) suffered from severe toothache for five days. His repeated requests to be taken to hospital were ignored until 13 May, when he was taken to hospital and his tooth was removed without a medical examination.

When contacted on 16 May, the authorities said the 12 refugees would be released and provided with Temporary Protection status in accordance with Turkey's *Law on Foreigners and International Protection* "next week".

Please write immediately in Turkish or your own language:

- Urging the Turkish authorities to release the 12 Syrian refugees immediately and grant them Temporary Protection status in Turkey, under Article 91 of the *Law on Foreigners and International Protection*;
- Calling on them to ensure that all those held in Düziçi camp are provided with adequate medical care and access to lawyers.

PLEASE SEND APPEALS BEFORE 25 MAY TO:

Directorate General of Migration Management

Mr Atilla Toros, Director General
Lalegül Çamlıca Mahallesi 122. Sokak
No: 2/3 06370 Ankara, Turkey
Fax: +90 312 422 09 00
+90 312 422 09 99
Email: gocidaresi@goc.gov.tr
Salutation: Dear Director

And copies to:

National Human Rights Institution of Turkey

Dr Hikmet Tülen
İnsan, Hakları Başkanı
Türkiye İnsan Hakları Kurumu
Yüksel Caddesi No:23, Kat 3, Yenışehir
06650 Ankara, Turkey
Fax: +90 312 422 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

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INTERNATIONAL**



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ADDITIONAL INFORMATION

Amnesty International spoke to four Syrian refugees among the group. They had arrived on the Greek island of Lesbos on various dates in 2016 and had not claimed asylum in Greece, opting instead for being voluntarily returned to Turkey. Turkish officials they spoke to in Lesbos told them that they would be readmitted to Turkey, provided with identity documents within two to three days and those with families in Turkey would be reunited with them. On 27 April, the group was transferred by plane to Adana, south eastern Turkey and then to Düziçi camp by bus on the same day.

Amnesty International has previously documented refugees held at the Düziçi camp being denied access to their lawyers. The Turkish authorities do not regard Düziçi camp as a place of detention but rather an accommodation centre. During research carried out and published in the report *Europe's Gatekeeper – Unlawful detention and deportation of refugees from Turkey* (see: <https://www.amnesty.org/en/documents/eur44/3022/2015/en/>), authorities told Amnesty International that the people who were “accommodated” there at the time were those who were “homeless or engaged in begging.” Officials confirmed that refugees and asylum-seekers were brought to the camp on the basis of a decision by the authorities, rather than of their own will, and were not permitted to leave the camp making it a de facto place of detention. The authorities told Amnesty International that persons held at the camp would be released if they could demonstrate that they had accommodation and the means to maintain themselves, or if they agreed to voluntarily return to Syria.

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

Syrians in Turkey are subject to the October 2014 *Temporary Protection Regulation* (TPR), which in its Article 5 affirms that they shall not be punished for irregular entry or stay in Turkey. Other provisions of the April 2014 *Law on Foreigners and International Protection* provide for administrative detention either during the processing of International Protection applications (Article 68), or for the purposes of removal (Article 57). However, neither of these provisions should apply to Syrians because under Turkish law, Syrians are not “International Protection” applicants, and they should never be removed to their country of origin because they would be at risk of serious human rights violations (TPR Article 6). The forcible return of refugees to Syria violates Turkey’s international obligations including under the principle of *non-refoulement* (which prohibits the transfer of anyone in any manner whatsoever to a place where they would be at real risk of serious human rights violations).

Ban on arbitrary detention

Arbitrary detention is prohibited under international law. The right not to be arbitrarily detained has been codified in Article 9 of the International Covenant on Civil and Political Rights (ICCPR), which Turkey has ratified. The notion of “arbitrariness” includes elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity, and proportionality. Furthermore, the right to challenge the lawfulness of detention (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 for the court to decide without delay on the lawfulness of the detention and order release if the detention is not lawful. For detention not to be arbitrary it must be prescribed by law, necessary in the specific circumstances and proportionate to the legitimate aim pursued.

The EU-Turkey deal

Amnesty International has criticized the EU-Turkey deal as it paves the way for the immediate return to Turkey of all persons arriving irregularly to the Greek islands, on the basis of the consideration of Turkey as a “safe third country”. Amnesty International has documented serious human rights violations against refugees in Turkey and maintains that Turkey cannot be considered a safe country for refugees right now. The deal undermines the right to seek asylum and the international protection system, by shifting the responsibility from the EU to a third country, Turkey, which is already a host country for nearly 3 million refugees.

Name: The group includes two women, six men and four children. Their names are withheld for security reasons.

Gender m/f: both

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