

# URGENT ACTION

## CONCERN GROWS FOR DETAINED REFUGEES

**Palestinian refugees Ali Fares and Mohammed Fares, and Syrian refugee Abdulsalam Sakal have been detained since 22 September and were again prevented from seeing a lawyer on 16 October. On 20 October, the authorities prevented Mohammed Fares' mother from seeing him and denied that he was even being held in the deportation centre in Erzurum.**

On 16 October the Head of the Erzurum branch of the NGO Human Rights Association (İHD) and a lawyer, went to the Erzurum Deportation Centre in Aşkale, eastern Turkey, to see **Ali Fares, Mohammed Fares and Abdulsalam Sakal** who are facing deportation. Officials at the centre acknowledged that the men were there, but did not allow the lawyer to meet them on grounds that such a meeting required the permission of the General Directorate for Migration Management. On 20 October officials at the centre denied Mohammed Fares' mother access to her son and would not acknowledge that he was being held there. The conditions the men are being held in amount to incommunicado detention, in violation of Turkish law and international human rights law.

This is the second time the three refugees' rights to consult a lawyer have been denied since their detention on 22 September. On 2 October a lawyer from the NGO Refugee Rights Centre attempted to visit them while they were being held at the Kumkapı Deportation Centre in Istanbul, but she was denied access to them. The next morning the lawyer received a call from the three refugees, informing her that they were being taken to Erzurum Deportation Centre.

Refugees' and asylum-seekers' right to consult a lawyer and meet their relatives is enshrined in the Law on Foreigners and International Protection. Article 59/1-b states that: "the foreigner shall be allowed access to and given the opportunity to meet with their relatives, notary public, his/her legal representative and the lawyer, as well as access to telephone services". Furthermore, Article 68/8 states: "The person subject to administrative detention shall be granted access to legal representative, lawyer, notary public and United Nations High Commissioner for Refugees officials."

### **Please write immediately in Turkish or your own language:**

- Calling on the Turkish authorities to halt the deportation of Ali Fares, Mohammed Fares and Abdalsalam Sakal and release them;
- Calling on them to ensure Ali Fares, Mohammed Fares and Abdalsalam Sakal have immediate and unfettered access to legal representation and members of their families;
- Calling on them to grant Syrian refugee Abdalsalam Sakal temporary protection status and enable Palestinian refugees Ali Fares and Mohammed Fares to lodge asylum claims in line with Turkey's Law on Foreigners and International Protection.

### **PLEASE SEND APPEALS BEFORE 2 DECEMBER 2015 TO:**

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

Directorate General of Migration Management  
Mr Atilla Toros  
Director General  
Lalegül Çamlıca Mahallesi 122. Sokak  
No:2/3 06370, Yenimahalle Ankara,  
Turkey  
Fax: +90 312 422 09 00 /  
+90 312 422 09 99  
Email: [gocidaresi@goc.gov.tr](mailto:gocidaresi@goc.gov.tr)  
**Salutation: Dear Director**

**And copies to:**  
Chair of the Human Rights Institution  
Dr. Hikmet Tülen  
Yüksel Caddesi No. 23, Kat 3, Yenışehir  
06650 Ankara, Turkey  
Fax: +90 312 422 29 96

**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. This is the first update of UA 223/15. Further information: <https://www.amnesty.org/en/documents/eur44/2631/2015/en/>

**AMNESTY  
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### ADDITIONAL INFORMATION

Palestinian refugees arriving via Syria, Ali Fares and Mohammed Fares, and Syrian refugee Abdalsalam Sakal were all detained during a demonstration by Syrian refugees at the main bus station in Istanbul. The demonstrators were demanding to be allowed to go to the Turkish border city of Edirne, in order to attempt to cross to Greece. Mohammed Fares is a Palestinian refugee formerly resident in Iraq but who fled to Syria 10 years ago following the 2003 war in Iraq. Both Ali Fares and Mohammed Fares (who are not related) are registered with the United Nations Relief and Works Agency for Palestine Refugees.

The three refugees were detained on 22 September together with two activists from France and Germany, who have since been deported back to their countries for violating the Law on Meetings and Demonstrations. The deportation and administrative detention order of the three refugees was issued on 22 September citing Art. 54 of the Law on Foreigners and International Protection. The order does not state which country they would be deported to, but does authorize for them to be held in administrative detention for one month. Ali Fares and Mohammed Fares and Abdalsalam Sakal were taken to Kumkapı Deportation Centre, in Istanbul.

Ali Fares and Mohammed Fares only had access to a lawyer on the first day of their detention. On 2 October a lawyer from the NGO Refugee Rights Turkey visited the Deportation Centre but was refused access to the three refugees. On 3 October the lawyer received a phone call from the three refugees informing her that they were being flown to Erzurum province in eastern Turkey. They are currently detained in the Aşkale Deportation Centre in Erzurum and since their arrival they have not been able to exercise their right to legal representation.

Due to the ongoing conflicts in both Syria and Iraq, and in line with the principle of non-refoulement (a principle of the international refugee protection system which prohibits the transfer of anyone to a place where they would be at real risk of serious human rights violations), no one should be forcibly returned to either country, since they would be at real risk of serious human rights violations or abuses.

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.

Incommunicado detention has been strongly criticised by international human rights bodies. The UN Human Rights Committee has stated that the practice of prolonged incommunicado detention may violate Article 7 of the *International Covenant on Civil and Political Rights*, which prohibits torture and other ill-treatment, as well as Article 10, which provides safeguards for people deprived of their liberty. The UN Special Rapporteur on Torture has called for a total ban on incommunicado detention.

Name: Ali Fares, Mohammed Fares, Abdalsalam Sakal

Gender m/f: m

Further information on UA: 223/15 Index: EUR 44/2709/2015 Issue Date: 21 October 2015