

URGENT ACTION

REFUGEE TRANSFERRED FROM AIRPORT, STILL AT RISK

The Syrian refugee who had been arbitrarily detained in the ‘Problematic Passengers Room’ at Istanbul’s Atatürk Airport for more than one year was transferred on 19 March. He remains under administrative detention until a decision is made on his request to be released. He is at continued risk of being returned to Syria.

Fadi Mansour, (previously referred to as F.M.) the Syrian refugee who had been detained in the “Problematic Passengers’ Room” of Istanbul’s Atatürk Airport since 15 March 2015, was transferred from the airport on 19 March after his passport was stamped (which means he has finally been admitted into Turkey) and taken to a nearby police station. According to Fadi Mansour’s lawyer, this followed a decision by the Directorate General for Migration Management to transfer him to administrative detention in the Adana Removal Centre in south-eastern Turkey.

In the meantime, on 21 March, he was transferred from the police station to detention facilities at Kumkapı Removal Centre, in Istanbul. Fadi Mansour’s lawyer has applied to the Directorate General of Migration Management, requesting that he is not sent to the Adana Removal Centre, but rather released and provided with temporary protection under the 2013 Turkish Law on Foreigners and International Protection.

Until he is released and provided with temporary protection status, Fadi Mansour is at continued risk of being returned to Syria, where he would be at real risk of serious human rights violations.

Please write immediately in Turkish or your own language:

- Calling on the Turkish authorities to immediately release Fadi Mansour from detention and grant him temporary protection status in Turkey, under Article 91 of the 2013 Law on Foreigners and International Protection;
- Urging them to ensure that he is not returned to Syria or pressured to accept to return “voluntarily”;
- Calling on them to cooperate with any foreign embassies that are considering Fadi Mansour’s applications to leave Turkey by allowing embassy officers to visit him in detention.

PLEASE SEND APPEALS BEFORE 2 MAY 2016 TO:

Minister of Interior

Mr. Efan Ala
İçişleri Bakanlığı
Bakanlıklar
Ankara, Turkey
Fax: +90 312 425 85 09
Twitter: @efkanala
Salutation: Dear Minister

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 / 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. This is the second update of UA 282/15. Further information:
<https://www.amnesty.org/en/documents/EUR44/3608/2016/en/>

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ADDITIONAL INFORMATION

Syrian national Fadi Mansour fled Syria in August 2012 to avoid military service and went to Lebanon. He said he left Lebanon for Turkey in 2014 after being kidnapped and held for ransom by a local gang. After spending about a month in Turkey he went to Malaysia. He was not admitted to the country, allegedly for using false identity documents. The Malaysian authorities returned him to Turkey on 15 March 2015, where he was detained for about eight months in the “Problematic Passengers’ Room” of Istanbul’s Atatürk Airport. After being attacked and injured by another detainee, he asked to go to Lebanon. He left for Lebanon on 20 November but was denied entry, and was flown back to Istanbul on 21 November. Upon re-entry, he was re-detained.

Ban on torture and other cruel, inhuman or degrading treatment or punishment

Torture and other cruel, inhuman or degrading treatment or punishment is banned by numerous provisions of international human rights law, including the *Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*. It is also prohibited by the *European Convention on Human Rights* and the Turkish Constitution.

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 that the court may decide without delay on the lawfulness of the detention and order release if the detention is not lawful.

There does not appear to be any basis in law for Fadi Mansour’s detention. Syrians in Turkey are subject to the October 2014 *Temporary Protection Regulation* (TPR), which at Article 5 affirms that they shall not be punished for irregular entry or stay in Turkey. Other provisions of the April 2013 *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 cases 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).

Ban on refoulement

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 through a transfer to a place where the person risks onwards *refoulement*. 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.

Arbitrary detention of asylum-seekers in Turkish airports

In an Urgent Action published on 2 March 2016, Amnesty International raised the case of M. K., another Syrian refugee who has been detained in inhumane conditions in Istanbul’s Sabiha Gökçen Airport since November 2015 (see: <https://www.amnesty.org/en/documents/EUR44/3562/2016/en>).

Name: Fadi Mansour

Gender m/f: m

Further information on UA: 282/15 Index: EUR 44/3683/2016 Issue Date: 21 March 2016