

PUBLIC

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UA 276/03 Fear of forcible return / fear for safety

TURKEY Farideh Sohrabi Cheghakaboudi, (f), aged 23, Iranian national

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Amnesty International fears that Farideh Sohrabi Cheghakaboudi, a Kurdish Iranian woman currently detained in Turkey, is in imminent danger of being forcibly returned to Iran. She would be at risk of arbitrary detention, torture or ill-treatment in Iran as a result of her political activism.

Farideh Sohrabi Cheghakaboudi was arrested by police officers around 12 August in the capital Ankara. She is believed to be in detention in the Foreign Nationals' Department of Ankara Police Headquarters from where it is feared she will be deported to Iran. She has been recognized as a refugee by the Office of the United Nations High Commissioner for Refugees (UNHCR) on the basis that she has a well-founded fear of persecution if she is returned to Iran. According to reports, the Turkish authorities have begun deportation procedures against Farideh Sohrabi Cheghakaboudi and it is feared that she may be deported to Iran imminently.

The deportation of Farideh Sohrabi Cheghakaboudi from Turkey to Iran would violate the most fundamental principle of international refugee law, the principle of *non-refoulement*, which prohibits the forcible return of a person to a country where there is a risk of grave human rights abuses. In a letter dated 28 August, Amnesty International wrote to the Turkish Minister of the Interior Abdulkadir Aksu seeking assurances that Farideh Sohrabi Cheghakaboudi would not be forcibly returned to Iran and asking that her rights as a refugee - including her right not to be arbitrarily detained and to be treated with humanity and dignity - be respected. No response to this letter has been received.

#### **BACKGROUND INFORMATION**

In signing up to the 1951 Convention relating to the Status of Refugees (the Refugee Convention) Turkey limited its obligations to extend only to the protection of European citizens. However, the principle of *non-refoulement* is considered to be a principle of customary international law binding on all states. It is therefore binding on Turkey regardless of the scope of its obligations under the Refugee Convention. The obligation of *non-refoulement* is further reinforced by the fact that Turkey is a party to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the European Convention on Human Rights. Both of these conventions prohibit *refoulement*.

As a consequence of the narrow scope of Turkey's obligations under the Refugee Convention, non-European refugees – including Iranians – have to seek recognition as refugees at the Turkish offices of the UNHCR, situated in the city of Van, eastern Turkey. Those who are recognized as refugees may be eligible for resettlement to a third country. Those whose claims are rejected may face return to their country of origin. There are several thousands of Iranian asylum-seekers in Van either awaiting determination of their claims for refugee status or facing possible deportation to Iran. During the determination procedure, they receive no financial support or social assistance.

Between Saturday 30 August and Sunday 31 August, police in Van reportedly arrested and detained a number of Iranian Kurds in order to deport them to Iran. It is believed that nearly all the deportees had been recognized as refugees by UNHCR. In previous cases where Turkey has deported to Iran Kurds who were politically active, many individuals have been detained and subjected to torture or ill-treatment.

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

- urging the Turkish authorities to ensure that Farideh Sohrabi Cheghakaboudi is not forcibly returned, directly or indirectly, to Iran, where she would be at serious risk of human rights violations, such as arbitrary detention, torture or ill-treatment, as well as the risk of an unfair trial; - reminding the Turkish government that international law prohibits forcible return in these circumstances, and that such return would be in breach of Turkey's international obligations under the European Convention on Human Rights, the UN Convention against Torture and norms of customary international law;
- calling on the Turkish authorities to ensure that all necessary steps are taken immediately to enable Farideh Sohrabi Cheghakaboudi to seek resettlement in a third country, and to guarantee her safety and well-being until her resettlement;
- recalling in particular that, regardless of an individual's legal status, the prohibition on the forcible return of a person to a country where there are substantial grounds for believing that they would be in danger of being subjected to torture, is absolute.

**APPEALS TO:**

Minister of the Interior

Mr Abdulkadir Aksu

Ministry of Interior

İçişleri Bakanlığı

06644 Ankara, Turkey

**Telegram:** Interior Minister, Ankara, Turkey

**Fax:** + 90 312 418 17 95

**Salutation:** Dear Minister

Foreign Minister and State Minister with responsibility for Human Rights

Mr Abdullah Gul,

Ministry of Foreign Affairs

Disisleri Bakanlığı

06100 Ankara, Turkey

**Fax:** + 90 312 287 15 81

**Telegram:** Foreign Minister, Ankara, Turkey

**Salutation:** Dear Minister

**COPIES TO:** Diplomatic representatives of Turkey accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 4 November 2003.