

# URGENT ACTION

## RESPECT RIGHTS OF DETAINED REFUGEES

**Palestinian refugees Ali Fares and Mohammed Fares, and Syrian refugee Abdalsalam Sakal remain at risk of deportation. They have been detained since 22 September and have been repeatedly denied access to legal representation.**

On 21 October, **Ali Fares, Mohammed Fares and Abdalsalam Sakal** were transferred from the Erzurum Deportation Centre in Aşkale, eastern Turkey, to administration detention facilities at the headquarters of the Ankara police department. Once they arrived there, they were asked to sign a form agreeing to their “voluntary” return to Syria, which they have refused to do. On 23 October, Ali Fares was allowed to receive a visit from his partner, while Mohammed Fares was allowed to see his mother. They all met with a lawyer from Refugee Rights Turkey, an Istanbul-based NGO.

Refugee Rights Turkey told Amnesty International that the authorities allowed the lawyer to meet the refugees on 23 October in the morning and provided confirmation of the existence of active deportation orders against them. However the authorities denied the lawyer access to the refugees’ files and deportation orders on the grounds that she did not have power of attorney. The lawyer returned to the detention centre with a notary official in order to obtain power of attorney, but the authorities refused to provide originals or copies of the refugees’ identity documents required to grant power of attorney. The actions of the authorities amount to a denial of the refugees’ right to legal representation and are in breach of Turkish Law. Ali Fares, Mohammed Fares and Abdalsalam Sakal had previously been denied access to legal representation on three occasions.

On 26 October, following a request by Refugee Rights Turkey, the European Court of Human Rights granted interim measures to prevent the deportation of the refugees until 17 November, on the grounds that they had been denied access to legal representation and domestic legal remedies.

Refugees’ and asylum-seekers’ right to consult a lawyer and a notary is enshrined in the Turkish Law on Foreigners and International Protection. The Turkish Law also guarantees the right to challenge a deportation decision in the administrative courts.

### **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;
- Calling on them to grant Ali Fares, Mohammed Fares and Abdalsalam Sakal international protection according to the terms of Turkey’s Law on Foreigners and International Protection.

### **PLEASE SEND APPEALS BEFORE 11 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 second update of UA 223/15. Further information:

<https://www.amnesty.org/en/documents/EUR44/2709/2015/en/>

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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 who were formerly resident in Iraq but 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 Removal Centre, in Istanbul, and later transferred to the Erzurum Deportation Centre in Aşkale, eastern Turkey, before being brought to administration detention facilities at the headquarters of the Ankara police department, where they remain detained.

On 2 October a lawyer from Refugee Rights Turkey attempted to visit them while they were being held at the Kumkapı Removal 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. On 16 October the Head of the Erzurum branch of the NGO Human Rights Association (IHD) and a lawyer went to the Erzurum Deportation Centre to see the refugees. 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.

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), they should not be forcibly returned to either country, since they would be at real risk of serious human rights violations or abuses. A breach of this principle can occur in a variety of ways, including directly through forcible returns, 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.

Refugees' and asylum-seekers' right to consult a lawyer and a notary is enshrined in the Turkish 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". Article 53/1 guarantees all persons the right to challenge a deportation decision in the administrative courts. 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."

Name: Ali Fares, Mohammed Fares, Abdalsalam Sakal  
Gender m/f: m

Further information on UA: 223/15 Index: EUR 44/2786/2015 Issue Date: 30 October 2015