

BİRLİKTE YAŞAMAK İSTİYORUZ İNİSİYATİFİ WE WANT TO LIVE TOGETHER INITIATIVE مبا د ر ة نر يد أن نعيش معاً

istanbul, 08.08.2019

TWO WEEKS OF DEPORTATIONS

A. INTRODUCTION

On 24 July 2019, Turkey's Interior Minister Süleyman Soylu made a statement announcing that the Ministry had "started working on the return of undocumented migrants in Istanbul", and noted that "in the framework of operations initiated on 12 July, 6,122 'illegal' migrants have been caught, of whom 1,000 are Syrians." Immediately before this statement was released, images had begun circulating on social media showing armed forces conducting identity checks in neighborhoods where Syrian refugees live. Both these images and witness accounts indicated that migrants were being subjected to ill treatment, as they were shown seated on the floors of police buses in plastic handcuffs. Information was also circulating that many people had been forced to sign return documents, and were then being returned to Syria. But in the Istanbul Governorate's statement made on 22 July 2019 it was announced that Syrians in Istanbul who were either registered in other cities or were not registered at all would have until 20 August to leave the city and register elsewhere [registration in Istanbul has been closed since the end of 2017]. Despite this statement, there is significant evidence to suggest that armed forces have already started detaining unregistered Syrians in Istanbul. This situation is causing us deep concern about what may follow after 20 August.

As a consequence of this campaign, Syrians living in Istanbul have become afraid to leave their homes. We have received information that Syrian refugees in Istanbul have started warning each other not to leave their homes, and that armed forces have closed down one street entirely in Fatih district in order to conduct identity checks. Such practices risk creating irreparable mistrust between communities, and signal the formation of informing mechanisms which can deeply damage the sense of living together. If there is any one community within a country which is afraid to leave their home, no one can feel safe in their own home.

In order for us to sustain a life together, today and in the future, acts such as identity checks, detentions and ill treatment, which create polarization between migrants and host communities and create a general atmosphere of panic, must come to an end. No one should be returned to Syria, a country where, as is made clear by daily news reports, conflict and war are ongoing. Such actions are against the international agreements that Turkey is a party to, and are inhumane. In Article 14 of the Universal Declaration of Human Rights it is stated that, "Everyone has the right to seek and to enjoy in other countries asylum from persecution." In Article 32 of the Geneva Convention on the Status of Refugees it is also stated that, "The Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order." The current practices which Turkey is enacting against Syrian refugees are a clear breach of basic human rights and of the international treaties that it is a party to.



Deportations cause deaths



Hisham Mustafa was deported from Istanbul 25 days ago. His wife and children stayed in Istanbul. During the preparation of this report we received a notification of his death. He was shot and killed by the gendarmerie on the Syria-Turkey border on 5 August, while he was trying to come back into Turkey.

This report presents only limited examples of the deportations, forced signing of Voluntary Return Documents and ill-treatment at the hands of armed forces, which have become widely known and common practices. And yet the and Provincial Migration Governorate Management Authorities deny all such rights abuses and claim that no one has been deported. The Istanbul Bar Association held a meeting with the Provincial Migration Management Authority on 2 August 2019, when they were informed that no one had been forced to sign voluntary return documents, and that only those Syrians who had committed a crime and had received deportation orders were being held under administrative detention. During the same meeting, authorities stated that, as of 12 July 2019, approximately 1,000 undocumented migrants were being detected every day by armed forces, with a total of 13,000 being processed. Of this total, 3,000 were identified as undocumented Syrian citizens, who were then reportedly transferred to Kilis Öncüpinar Temporary Accommodation Center, where they interviewed to receive temporary protection identification. Those who were granted temporary protection status were then reportedly registered in a province. Authorities also stated that Syrian citizens whose registration is in a province other than Istanbul were only issued with a warning to return to their place of registration by 20 August.

However, the cases presented in this report unfortunately indicate that the actual practices being enacted by the authorities do not correspond with these statements. The official statistics declared by the Bab Al Hawa border crossing alone conflict with these statements. In the months of July and June 2019 respectively, 6,160 and 4,370 Syrians were registered as having been deported through this border. Considering that these figures are from one border crossing alone, it is obvious that the overall reality is quite different from that being portrayed by the authorities. Our report also provides accounts of deportations through the Atme and Al Allani border crossings. The Syrian Associations' Platform stated that 3,000 deported persons approached them in July alone. The Istanbul Bar Association's Legal Aid Bureau reports a 3.5 times increase in deportation cases.

State officials have given statements that do not reflect the reality of the situation. This context has made the preparation of this report obligatory. In this report you will find the story of a young man who had to leave his three younger siblings, aged between 6 and 16, alone simply because his registration was in another city. You will also learn about Hisham Mustafa, who, after being deported from Istanbul, tried to re-enter the Turkish border in an effort to reach his wife and child who were remaining in Istanbul, and who was killed on the border by Turkish police. In section D of the report, you will find the detailed case of a man, named here as Mohamed, who, despite having his temporary protection registration in Gaziantep, was forced to sign a Voluntary Return Document, and was then deported. Many other similar cases are presented, along with photo ID's. These are just a few examples among many, which show that the authorities' statement implying that Syrians are only receiving a warning to move to their cities of registration, is unfounded. The story of a young man, named here as Ibrahim, who was deported from Turkey after his employer reported him to the authorities simply because he did not return his SIM-card, also indicates that such practices are dragging society into a state of fear and denunciation.

In the final section of the report, we list several suggestions for overcoming the grievances of migrants. In order to protect the identities of the people whose information is shared in the report, their real names



have either been hidden or replaced with aliases. The report focuses on incidents occurring within the past two weeks, and on the rights abuses experienced by Syrians, who have a greater visibility. But we also know that these operations are also targeting a diverse migrant population from Asia and Africa, who face various barriers when trying to regularize their migration status and end up becoming undocumented due to Turkey's restrictive migration policies. We will continue to observe and report on the situation of these groups.

B. FORCED "VOLUNTARY" RETURNS:

Under Turkey's Law On Foreigners and International Protection (no. 6458), issued in the Official Gazette on 4 April 2013, Article 4, entitled "Non-Refoulement", states: "No one within the scope of this of this Law shall be returned to a place where he or she may be subjected to torture, inhuman or degrading punishment or treatment or, where his/her life or freedom would be threatened on account of his/her race, religion, nationality, membership of a particular social group or political opinion"

According to this, the return of people to Syria, where bombardments are on-going, violates both international law and Turkey's national laws. Much of the information we have received suggests that all returned people were forced to sign Voluntary Return Documents before being deported. Sections D and E of this report provides information and evidence about many people who were forced to sign Voluntary Return Documents, despite having temporary protection documentation.

The practice of enforcing people to sign Voluntary Return Documents is widespread. One of the examples mentioned here concretely documents authorities at the Kilis Öncüpinar Temporary Protection Center using ill-treatment and violence to coerce people into signing Voluntary Return Documents, using threats such as "Sign this document, or you'll stay here for another six months." Moreover, authorities also frequently justify deportations by saying that those who are deported have committed crimes. One such case involves a person who was unable to obtain a required official document from regime forces in Syria and who obtained it from the opposition instead. He was accused by Turkish authorities of having false documentation and afterwards deported. This is one among many such cases. One person recounts seeing another person being badly beaten in front of them, after which both agree to sign a Voluntary Return Document. Overall, statements indicate that people are being forced to sign Voluntary Return Documents through use of threats, mistreatment and insults. The fact that people are trying to return to Turkey after being deported also indicates that Voluntary Return Documents are not being signed voluntarily. Forcibly signed Voluntary Return Documents are invalid and the deportation of such people is a crime.





The Voluntary Return Document, seen above, states the following: "Following my request for voluntary return, I have been informed in detail by the authorities about the current overall security situation in my country of origin. I understand that, with my voluntary return, the protection provided to me by the Republic of Turkey will come to an end. Following my own evaluation, I confirm my decision to voluntarily return to the Syrian Arab Republic."

Mohamed's Story

I am Mohamed. I am a Syrian citizen. I have Temporary Protection (TP) registration in Gaziantep. I was detained in a removal center because I tried to enter Greece illegally via the sea route. There were others with us on the same boat—people from other countries. They were all released on the same day, only Syrian citizens remained. I handed in my identity cards when they interrogated me in the removal center. When the interrogation was over, my interrogator asked me to move closer to the table. When I approached, I saw a pile of white paper sheets covering another piece of paper. I couldn't read what was written on it because it was covered. They told me to put my fingerprint on that covered paper. They said it was a routine task. I didn't believe them. I told them they could only take my fingerprint after I'd read the paper. There were other Syrians in that prison who were being held there for four months because they'd refused to give their fingerprints. I signed the papers because I didn't want to stay there any longer. I was deported with 40 others from the Öncüpinar, Bab al-Salam border gate. While we were on our way to Bab al-Salam, we asked the soldiers who were traveling with us to stop the bus because we needed to use the toilet. The bus stopped four hours later. They wanted us to get off the bus in groups to use the toilet. There were 10 of us, at a gas station facing a wall. They told us to relieve ourselves there because there was no toilet around. After we had relieved ourselves, we started to make our way back towards the bus. A soldier was filming this humiliating situation the whole time, and he was calling us with the sounds shepherds make while they herd their flocks, "trrrr... Keep going... trrrr". When I reacted to this, another soldier came and started to beat me.

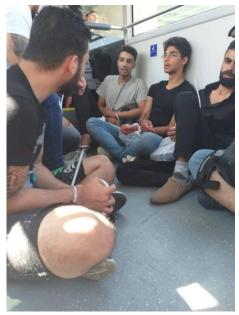
One of the deportees was a Christian man (D.E.). He is currently in Idlib and he is not using his real name. He's afraid of being killed. He doesn't have any family members in Syria and he's a Christian. For all these reasons he has an ongoing international protection application at the United Nations High Commissioner for Refugees (UNHCR). He begged not to be deported because of this application.

There was a 12-year-old child in the cell. He spent 14 days in the cell with us and was deported with us. He was there alone with 200 other men, who were detained for many different crimes. The child was staying with seven strangers. On the bus there were men with various illnesses (diabetes, bone marrow disease, kidney disease). Due to their illnesses they had special needs like needing extra water for their pills, and they asked for help from the soldiers. The soldiers yelled at them, insulted them and sometimes beat them.

I called an NGO and told them in detail about the violations I had experienced. They told me they would send a lawyer through the legal aid scheme on 16 June and that the lawyer would want to have one-on-one interviews with everybody in the removal center. I told them that we would be deported by that date. They apologized because they weren't able to do anything else. I told all the Syrians in the center to call that NGO and made them register their personal details. All of them did.









C. HANDCUFFING AND ILL-TREATMENT IN POLICE VEHICLES

- While it is not a crime to be present in a city other than where one is registered, such people identified in Istanbul during identity checks have been handcuffed by police and treated as criminals, as photographs openly attest.
- While the Provincial Authority of Migration Management claims that they've only given a warning to migrants in Istanbul who are identified as being registered elsewhere, there are also multiple photographs and video footages which attest to the contrary.
- In all testimonies shared, informants mention being left hungry and mistreated, and receiving insults. One informant noted that an armed officer told him "My friend died in Afrin trying to protect your country, you are cowards" and treating him violently.

D. DEPORTATIONS DESPITE HAVING TEMPORARY PROTECTION IDENTIFICATION

We have received multiple reports indicating that people who are registered in different provinces with Temporary Protection Status are being deported. Moreover, many people are being subjected to arbitrary treatment, including not being given information, not being provided with any reasons and not being granted access to legal aid.



1. This person registered in Ankara was deported despite having a temporary protection ID.



2. This person, registered in Hatay, was deported through Bab Al – Salameh crossing in Hatay on 10.07.2019



3. This person was detained in a school with her husband and child for one day, then deported after being forced to sign a return document on 20.06.2019.



4. This person was deported last month, even though they were registered in Istanbul.



Ranim's Story

My name is Ranim. My husband had a temporary protection card from Gaziantep. The police stopped him on his way back from work a week ago. He had an ID card from Gaziantep but he was still deported. He was the only one who could put food on the table. Now myself and my two children are sleeping hungry every night.

İbrahim's Story

My name is Ibrahim. I have a temporary protection registration in Istanbul. I wanted my employer to apply for a work permit for me. He refused. So I told him that I would quit. He told me to leave the SIM card of my phone with him because all of our customers were calling us on that number. I said that it was my personal number and I would not give it to him. After that he called the police and complained that I had stolen money from him. I found a lawyer and was acquitted. But in the end I was deported anyway.

- 5. A Syrian Christian who did not have temporary protection ID card was deported on 15 July 2019. He was transferred to a territory controlled by Al Nusra, which put his life at risk.
- 6. In addition to those previously mentioned, six other people were deported from Bab al-Hawa border gate.
- 7. Another individual who was registered in Kilis was brought from Antalya to Bab al-Hawa on 20 July 2019. He was allegedly accused by the police of having committed a crime which he did not commit. He was forced to sign a Voluntary Return document and was then deported. He told us that in the place where he was detained there were Syrians and Afghans. One floor was reserved for women and children, and there were two women on the deportation bus.
- 8. A Syrian man residing in Esenyurt with his wife and two daughters was taken by two plain clothes officers first to Esenyurt Police Station and then to the Foreigners' Office, even though he was registered in Istanbul. He was deported in 19 July 2019.
- 9. A person who was registered in another town told us that he and his wife were deported, even though he had a physician's report and his wife was sick.
- 10. A man without registration was taken into custody during an ID check in Zeytinburnu, in a barber shop while he was having a haircut. He spent two days in the police station and was then taken to Tuzla Removal Center. He

then spent two more days in a sports hall in Kilis and was deported. He experienced violence and humiliation, although he did not object to anything. He was given half a litre of water, half a roll of bread and a small portion of rice every 24 hours.

11. A person registered in Gaziantep was arrested during a house raid in Esenyurt in Istanbul. He was deported with his family after telling authorities 'Either send us all together or let us stay here.'



D. Binkılıç and Selimpaşa Removal Centers

We know through our lawyers that most of those who contacted them while being detained in Binkiliç and Selimpaşa Removal Centers are no longer there. We followed up with some and learned that they were already been deported. We have all their names and personal information.

Temporary Protection Status	Other information
No TP registration	Detained with his wife and two children (aged 5 and 10)
Registered TP in Istanbul	Did not give his fingerprints. Arrested during a big fight between others.
Registered TP in Istanbul	Did not sign the papers he was forced to sign. The police told him that they were registration documents, not deportation papers.
Registered TP in Istanbul	Wanted in Egypt. Detained with his wife and one-year-old daughter.
No TP registration	He was forced to sign a document. He told us that deportation buses leave every Tuesday and Thursday.
No TP registration	45 years old. His family members are registered under TP in Istanbul but he is not. He did not give his fingerprints but told us that the police handcuffed people while they were boarding buses and forcefully took their fingerprints.
Registered TP in Bursa	Came to Istanbul to have an operation because the hospital in Bursa told him that it was not possible there. He was detained 20 days ago.
Registered TP in Hatay	He was arrested in the airport in Istanbul. He was detained there for four days before he was taken to the removal center. He was forced to sign a document without being allowed to read it.

No TP registration	He was beaten by the police on the street and one of his ribs was broken. He was taken to hospital but they told him that he was healthy and discharged him. He was arrested 55 days ago and taken to hospital 22 days ago. He has a child in hospital and his mother passed away a few days ago.
Registered TP in Istanbul	He was taken into administrative detention because he did not have his ID card with him when he went to hospital.
Registered TP in Istanbul	Pharmacist. He was taken to the police station as a witness in a case between his neighbors. After he gave his statement his ID card was confiscated. They did not give it back and did not let him go. They arrested him afterwards. He is still in detention.
No TP registration	He had been living in Maltepe for four months. When he tried to register, they told him that registrations in Istanbul were closed. He was accused of using narcotics. The judge found him not guilty but he is still in detention.
No TP registration	45 years old. His wife and children are registered for TP in Istanbul. The police yelled at him and threatened him.
No TP registration	When he arrived, Istanbul was closed to new registrations.

Wael's Story

My name is Wael. With my three siblings I escaped death and came to Istanbul on 20 June 2019. Our plan was to prepare for the arrival of the rest of our family. We found jobs in Istanbul. One month after our arrival in Istanbul, on 22 July 2019, at around 11 pm the police raided our shared flat in Esenyurt Menderes neighborhood. They took the 14 out of the 16 people who were present. At the time I was not at home but all three of my siblings were. They took them. Some of the people who were taken with my siblings were registered in other cities, some were not registered at all. They were taken to the local police station. There they witnessed the police beating a Syrian. Next morning they were taken somewhere else, two hours away. There, along with other Syrians, they were forced to board buses and deported through Al-Allani, one of the unregistered border gates. My siblings were deported but I remained behind because I happened to not be at home that evening. But now, out of fear, I am going to cross the border myself and go to Idlib.

Deportations tear families apart and leave children unaccompanied

Three children between the ages 6 and 16 came to Turkey and were being taken care of by a custodian family. Their 19-year-old brother followed them a while later. The brother was registered in Şanlıurfa when he contacted state officials in order to locate his siblings. He travelled to Istanbul to find them. When the brother arrived the custodian family left the children in order to look for seasonal agriculture work in another province. The brother found work in Istanbul. He rented a garage for 300 Turkish Liras and the siblings worked together to turn the place into a home. But one day the police raided the sweatshop he was working in with his 13 and 16-year-old siblings and took him away because he was not registered in Istanbul. He was then deported. His younger siblings are now staying in Istanbul unaccompanied and completely unattended.

D. PALESTINIANS SITUATION

Palestinian refugee Ahmed was taken into custody from his workplace in Esenyurt, Istanbul, on 30 July 2019. His fate is unknown. Ahmed had a Palestinian passport issued by the Palestinian Embassy, without a visa stamp.



E. FINDINGS

- 1. As the examples provided in this report indicate, there is an ongoing humanitarian crisis in Istanbul which cannot be solved through routine operations. It requires instead an urgent intervention. We therefore demand to meet with the Governor of Istanbul, and all related public institutions.
- 2. ID checks executed by security forces create an atmosphere of fear among migrant communities in our city. Although the Migration Directorate of Istanbul declared in their meeting with Istanbul Bar Association's Human Rights Section on 2 August 2019, that migrants were only being given a warning, the photographs and videos circulating on media attest to the opposite. We have seen images of people being handcuffed, badly treated and forcefully boarded on buses. As a result of living in fear, migrants are forgoing their vital daily needs and refraining from leaving their homes. Such a situation can only create hostilities that could survive generations. If a segment of society within a city cannot leave their homes, nobody can be considered free. Security operations against migrants—ID checks and detentions—only increase the sense of panic. They should be stopped immediately. Security forces should be reminded that the law forbids ill treatment and that migrants are not an exception to this law. Those members of the police force who do not act accordingly should be legally prosecuted.
- 3. Administrative detention has turned into forced detention. Such mass detention goes against the rationale behind administrative detention. As we have reported, pregnant women, 4-year-old children and small babies are being held in Removal Centers. Administrative detention should be stopped.
- 4. We have received many witness statements regarding the ill treatment and violence occurring in Removal and Accommodation Centers. Many people are being held there without access to any legal advice or assistance. The Directorate of Migration should allow appointed lawyers to be present in the Removal centers round the clock. This would prevent ill treatment and give migrants access to legal advice before they are deported. Language is another barrier to accessing legal assistance. Many people do not even know or understand where they are being taken or where they are being held. The lack of legal assistance is what makes forced illegal deportations and forced 'Voluntary' Returns possible. Under the current conditions, in order to avoid people being sent to areas where they could be punished or executed, the Removal Centers should share the names of those under their custody with the Bar Associations of the respective cities and related civil society organizations. In this way, those who need legal assistance can be identified.
- 5. Under the current conditions, when many people are being sent to Removal Centers, legal assistance cannot be left solely to the responsibility of civil society organizations. It should be taken up as a matter of public policy. Defense in front of the court is a right that should be guaranteed by the state. This service must be provided by Bar Associations and financed by the Ministry of Justice.
- 6. We know that many have signed the Voluntary Return documents. Given the high demand to re-enter Turkey the number of 'voluntary' returns cannot be meaningfully explained. Voluntary Return Documents which have been forcefully signed are invalid and the deportation of these people is a crime. Those who have been deported should be immediately repatriated to Turkey.
- 7. With the latest operations many children are being left unaccompanied. Family reunification should be a priority. Security controls over the past month have often targeted young men. Their detentions and deportations leave families without income and do harm to the children who are left behind.



- 8. Migration policies cannot be developed with a sole focus on national security and national interests. Migratory movements and the needs of the migrant communities should also be taken into consideration. It is not a feasible or reasonable state policy to punish people because they were not registered, without giving them the option to register.
- 9. Unfortunately Istanbul has the biggest share in job and education opportunities. With this in mind, it is not acceptable to restrict migrants' freedom of travel. The reasons why Syrians come to Istanbul are identical to the reasons why Turkish citizens move to Istanbul. This problem cannot be solved without structural change. If the state wants to avoid the high concentration of migrants in certain cities the solution does not lie in banning movement but in making other cities more attractive to live in.
- 10. Legal precarities are pushing migrants to take up insecure, dangerous and low paid jobs, for which they sometimes do not even receive their salaries. In order to make Turkish nationals and migrants work under the same conditions their right to work has to be legally protected. It is their fear of deportations and their legal precarity that is keeping them from struggling against the exploitation, heavy abuse and violations of their rights in the workplace.

F. OUR DEMANDS

- The home raids, identity checks, detentions, forcible signing of "Voluntary Return
 Documents" and abuse carried out by law enforcement officers against migrants should be
 terminated.
- 2. Any kind of discourse and practice that criminalizes, accuses, stigmatizes and marginalizes migrants should be ended.
- 3. Those individuals who have been deported should be allowed to come back into Turkey through legal procedures, as rapidly as possible.
- 4. The right must be provided to migrants to register in the city of their choice and have unconditional freedom of travel.
- 5. Family members residing in different provinces should be reunited in the provinces they ask for.
- 6. Administrative detention should be terminated.
- 7. Human rights violations in deportation centers should cease immediately, and work should begin to close down these centers.
- 8. Turkey should lift the restrictions on the Geneva Refugee Convention and Protocol. Whoever seeks asylum in Turkey should be granted asylum status.
- 9. The deal between EU and Turkey which locks individuals within Turkey should be terminated. Nobody migrates without a reason, all borders should be opened.

