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SENT TO A WAR ZONE:

TURKEY'S ILLEGAL DEPORTATIONS OF SYRIAN REFUGEES

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Cover photo: This picture taken on 14 March 2019, shows destruction following an airstrike in the city of Idlib, north-western Syria. © Muhammad Haj Kadour/AFP/Getty Images

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GLOSSARY

TERM	DESCRIPTION
DGMM	Directorate General of Migration Management (<i>Göç İdaresi Genel Müdürlüğü</i>), the body within the Ministry of Interior responsible for migration and asylum matters in Turkey, including refugee protection.
PDMM	Provincial Directorate of Migration Management (<i>Valilik il Göç İdaresi Müdürlüğü</i>), local provincial branches of DGMM.
REFUGEE	Person outside his or her country of origin, who has a well-founded fear of persecution if returned there. Amnesty International refers to all people who have fled the conflict in Syria – including Palestinians ordinarily resident in Syria – as refugees.
TEMPORARY PROTECTION	In Turkey, Syrians fleeing the conflict are granted a legal status called “Temporary Protection,” which give them access to health, education and other rights on a par with others seeking asylum. However, the temporary nature of the status means that it can be terminated by the Turkish authorities. Upon registration, people from Syria in Turkey are issued with a Temporary Protection identification document, widely known as a <i>kimlik</i> .
UNHCR	United Nations High Commissioner for Refugees, the UN Refugee Agency.

EXECUTIVE SUMMARY

“I felt like I was between heaven and hell. I just wanted to arrive somewhere. I was just waiting for it to end. Imagine spending 26 hours on a bus, with just one glass of water and half a sandwich. And every two hours the [Gendarmerie] would come to hit us and wake us up.”

Farid, father of eight, describing his deportation from Turkey to Syria on 20 July 2019

On 3 July 2019, Farid,* a 40-year old Syrian man from Aleppo province, was leaving work in Istanbul's Esenyurt district when the police stopped him and asked to see his identification. After the officers saw that he was registered in Şanlıurfa province, in the south-east of Turkey, they put him on a bus and took him to a detention centre in Pendik. After about a week there, he was transferred to another detention centre in Edirne, where on 18 July he was asked to sign a paper. The Arabic interpreter reportedly told him the document simply confirmed receipt of a blanket. But when Farid read the Arabic text on the form, which articulated a desire to return to Syria, he argued with the interpreter, who reportedly put his own signature and fingerprint on the document. Farid said he was put on a large bus along with 32 other men and several Gendarmerie personnel (Turkey's military police, known as *Jandarma*), who hit them during the journey. After 26 hours, the bus reached the Bab Al Hawa border and he entered Idlib in north-western Syria on 20 July. His wife and three of his children were left destitute in Istanbul and therefore joined him – he said the alternative was for them to beg on the streets.

This report reveals that, contrary to the Turkish authorities' claims that they do not deport anyone to Syria, in mid-2019 it is likely that hundreds of people across Turkey were swept up, detained, and transported against their will to one of the world's most dangerous countries. Many people were deported from Istanbul, and were apprehended while they were working or walking down the street. Amnesty International documented 20 detailed cases of forced returns between 25 May and 13 September 2019, with most (14) in July.

The Turkish authorities disguise these illegal deportations as so-called “voluntary returns,” and claim that over several years, more than 315,000 Syrians have left of their own free will. Syrians, however, consistently say they are being misled about the “voluntary return” forms they are being told to sign, or intimidated or beaten in order to make them sign. Some people say they were also beaten on the journey to the border by the Gendarmerie. All the deportees said they were sent to north-western Syria (either Idlib or Aleppo provinces), with most (18) entering through the Bab Al Hawa crossing. Most of the deportees were men, but some families were also deported. Even when it is only the breadwinner who is deported, sometimes the family left in Turkey feels unable to survive, and subsequently leave for Syria themselves. If people re-enter Turkey – almost invariably by paying large sums to smugglers – they find that their Temporary Protection IDs have been cancelled. It appears impossible to renew these documents, even with the aid of lawyers, leaving people trapped in their homes, without access to essential services, and at heightened risk of deportation.

* To protect the Syrians interviewed for this research, only aliases are used.

People without valid IDs have fled onwards to Greece as a result of fearing deportation to Syria from Turkey, and one person fled to Sudan.

Turkey had deported people to a risk of serious human rights violations in Syria prior to 2019, but domestic developments seem to have given an added impetus to this illegal *refoulement*. In 2018 and 2019 the economy faltered and the cost of living relative to incomes rose. Public criticism of the support provided to refugees from Syria increased. In March and June this year the ruling Justice and Development Party (AK Party) lost the mayoral elections of the capital Ankara as well as Istanbul, the country's biggest city. Beginning in mid-2019, the Turkish authorities' approach to refugees appeared to change, particularly in Istanbul. The Istanbul Governor's Office made several announcements in July and August 2019, instructing any Syrians not registered in the city to return to their designated province, or if unregistered, to travel to another province to register. Refugees from Syria have been given until 30 October 2019 to follow these directives.

The expulsion of Syrian refugees from Turkey must be understood in the context of the government's longstanding plans to set up a so-called demilitarized "safe zone" along the border, extending 20 miles into Syrian territory. Part of the rationale behind this policy is the Turkish government's avowed aim to relocate part or all of its 3.6 million Syrian refugee population there.

The latest chapter in Turkey's plans to create a "safe zone" in Syria is its incursion into north-eastern Syria, which began on 9 October 2019. Turkey and Syrian armed groups under its control entered territory held by a Kurdish-led alliance of armed groups, carrying out a series of serious violations and war crimes, including summary killings and unlawful attacks that killed and injured civilians, precipitating the displacement of over 160,000 people in less than a week. If European Union (EU) countries criticized this military action, Turkish President Recep Tayyip Erdoğan threatened to send 3.6M Syrians from Turkey to Europe. As for north-western Syria, which is where the 20 deportees tracked in this report were sent, the Syrian government carried out multiple unlawful attacks between January and June 2019 in Idlib province. Aid groups described this area in mid-2019 as a "humanitarian nightmare," with civilians "in imminent and mortal danger from the escalating violence."

On 22 October 2019, Turkey and Russia agreed a deal allowing Turkey to control a 20-mile-wide and 75-mile-long area between the Syrian towns of Tal Abyad and Ras al-Ain. The Memorandum of Understanding includes a joint commitment "to facilitate the return of refugees in a safe and voluntary manner."

At present, all deportations to Syria are illegal, because of the nature and severity of the human rights risks there, and people who have been returned have indeed been directly exposed to such dangers. When Amnesty researchers were speaking with Farid on 13 October, who as mentioned above was in Azaz city in the north-western province of Aleppo after being deported from Turkey, a loud noise was heard, and the signal was cut. When researchers reconnected with him, he said: "We had four shells land near us just now, but they fell between the trees. It's ok – I'm used to it." John, a Syrian Christian who was deported in July after being caught by the Turkish coastguard trying to get to Greece, said that after he arrived in Idlib he was detained for one week by Jabhat al Nusra, an Islamist group linked to Al Qaeda. He said: "It was terrible. [...] It was a miracle I got out alive." Mohammed, a 28-year old man from Latakia, writing by text message from Idlib province on 19 October after being deported on 25 May 2019, said: "Aerial bombardment is currently on hold, but there are many, many violations of the rights of these human beings [in Syria]."

Turkey's practice of forcibly returning refugees to Syria, where their lives are at risk, is a dangerous and illegal practice that must end. It must also be acknowledged that the Turkish authorities have allocated significant financial resources to host millions of refugees from Syria since the outbreak of the conflict in 2011. The Turkish authorities deserve recognition for these efforts, especially when compared to the dismal record of countries within the European Union and other wealthy states. Amnesty International acknowledges the generosity of the Turkish authorities in setting up a new asylum system and sheltering millions of Syrian women, men and children over the eight years since the Syrian conflict broke out in 2011. However, these achievements do not absolve Turkey of its ongoing international and domestic legal obligations towards its Syrian refugee population, nor can they temper criticism of the illegal practices documented in this report.

Amnesty International urges Turkey to end the forcible deportation of Syrian refugees, and to ensure that all those deported are allowed to re-enter Turkey safely and re-access essential services. The organization also calls on the international community to significantly increase resettlement commitments of Syrian refugees from Turkey.

METHODOLOGY

This report is based on desk and field research carried out between July and October 2019. For the desk-based component, researchers consulted Turkish language media and civil society reports, documents and statistics published by the Turkish authorities, as well as UN and EU reports, international NGO reports, Syrian and Turkish NGO sources, academic studies and international media sources. For the field research, Amnesty International researchers travelled to Hatay and Istanbul provinces in July 2019 and returned to Istanbul in October 2019.

Researchers interviewed 28 Syrians: they met with 6 of them in person and interviewed 22 people by phone. At the time of the interviews, 13 of these people were in Syria, 13 were in Turkey, 1 was in Sudan and 1 was in Greece. Most (25) of the Syrians were men, with 3 women interviewees. People's testimonies were corroborated through documentary evidence including registration documents. **To protect the Syrians interviewed for this research, only aliases are used.**

Researchers also interviewed staff at 7 NGOs that work on forced migration, as well as 11 Turkish lawyers and 3 journalists. The names of these people and organizations are kept anonymous at their request, and sometimes information about the date and location of the interview is kept confidential.

This report documents 20 cases of unlawful forced returns, which occurred between 25 May and 13 September 2019, with most (14) happening in July 2019. These are detailed cases that are illustrative of a much larger issue. Without official statistics it is difficult to estimate the number of deportations, but over the past few months the figure is likely to be in the hundreds. Of the 20 cases documented in this report, people who were deported said that there were several dozen others (between 35 and 60) on each of their buses, which represents an illustrative sample of several hundred people. Amnesty was unable to verify the circumstances of each of the other bus passengers, but the journeys present several elements strongly suggesting coercion, including all passengers being handcuffed with plastic ties, as well as ill-treatment by the armed Gendarmerie accompanying them.

The Ministry of Interior did not respond to the findings of this report, which were shared in advance [TBC].

The Directorate General of Migration Management (DGMM) – the body within the Ministry of Interior responsible for refugee protection – declined Amnesty International's request for a meeting, sent 1 July 2019, and did not respond to another meeting request, sent 23 September 2019. DGMM also failed to respond to Amnesty's written questions, provided to them that same day. In a letter on 23 October, DGMM denied the findings set out in this report, which Amnesty International shared prior to publication, stating: "Voluntary returns are carried out in compliance with international law and those who voluntarily return to Syria are being resettled in the areas whose security is being ensured by our country with the Operations Euphrates Shield and Olive Branch. The claim that Syrian refugees are being deported is completely baseless. They only return on a voluntary basis."

SENT TO A WAR ZONE

REFUGEES FROM SYRIA IN TURKEY

Turkey has borne a disproportionate responsibility for the women, men and children who fled neighbouring Syria as a result of the conflict that began in 2011. Turkey is host to over 3.6M refugees from Syria, as well as about 400,000 refugees and asylum-seekers from other countries.¹ Largely in response to the arrival of people from Syria, and at considerable expense, Turkey enacted migration laws and regulations, set up a new asylum system and a new civilian agency (the Directorate General for Migration Management, or DGMM), built camps along its southern border and granted Syrians access to schools and hospitals. There are no precise figures on the cost of these measures, but Turkish officials claim to have spent 40B USD (36B EUR) since 2011.²

By contrast, countries in Europe and the European Union (EU) itself – the richest political bloc in the world – have largely devoted their energies to keeping people seeking asylum from their territories, in some instances prosecuting those who assist refugees or save them from drowning at sea.³ Since 2015, wealthy countries in Europe and elsewhere have resettled less than a total of 36,000 Syrian refugees from Turkey – about 1% of its Syrian population.⁴ In March 2016 the EU committed to paying Turkey 6B EUR towards supporting refugees under the much-criticized EU-Turkey Statement,⁵ in exchange for which – among other things – Turkey agreed to prevent refugees from leaving its territory and reaching Europe. As of 30 September 2019, about 2.57B EUR of this sum had been disbursed.⁶

Tensions between Turkish citizens and refugees from Syria, although difficult to gauge accurately, appear to be on the rise. On 29 June 2019, mobs burned down Syrian shops and other properties in the Küçükçekmece district of Istanbul,⁷ and on 19 September 2019 in the southern city of Adana, dozens of Syrian-owned shops were vandalized following false rumours about a crime perpetrated by a Syrian refugee.⁸ Saif, a history teacher from Aleppo who has lived in Turkey since 2016, told Amnesty International: “During our years here, we haven’t felt like strangers. But recently we’ve felt this strongly. We feel unwanted here.”⁹ An August 2019 poll by the research company Metropoll suggested that 80.7% of Turkish voters had a

¹ UNHCR, *Turkey: Operational Update 2019*, June 2019,

<http://reporting.unhcr.org/sites/default/files/UNHCR%20Turkey%20Operational%20Update%20-%20June%202019.pdf>, p. 1.

² Peter Beaumont and Helena Smith, “Erdoğan: I’ll Let Syrian Refugees Leave Turkey for West Unless Safe Zone Set Up,” 5 September 2019, *The Guardian*, <https://www.theguardian.com/world/2019/sep/05/erdogan-ill-let-syrian-refugees-leave-turkey-for-west-unless-safe-zone-set-up>.

³ *Report of the Special Rapporteur on the Situation of Human Rights Defenders*, 16 January 2018, UN Doc. A/HRC/37/51, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/37/51; Amnesty International, *Targeting Solidarity: Criminalization and Harassment of People Defending Refugee and Migrant Rights in Northern France*, 5 June 2019, <https://www.amnesty.org/en/documents/eur21/0356/2019/en/>.

⁴ UNHCR, Resettlement Data Finder, Custom Data Query, 19 October 2019, <https://www.unhcr.org/resettlement-data.html>. Breakdown of departures for resettlement of Syrians from Turkey: 2015: 1,141; 2016: 8,443; 2017: 11,689; 2018: 8,096; 2019: 6,313. Total = 35,682.

⁵ Amnesty International, *A Blueprint for Despair: Human Rights Impact of the EU-Turkey Deal*, 14 February 2017, <https://www.amnesty.org/en/documents/eur25/5664/2017/en/>.

⁶ European Commission, “EU Facility for Refugees in Turkey: List of Projects Committed/Decided, Contracted, Disbursed,” 30 September 2019, https://ec.europa.eu/neighborhood-enlargement/sites/near/files/facility_table.pdf.

⁷ Sarah Dadouch, “‘They Want to Kill You’: Anger at Syrians Erupts in Istanbul,” *Reuters*, 9 July 2019, <https://www.reuters.com/article/us-turkey-syria-refugees/they-want-to-kill-you-anger-at-syrians-erupts-in-istanbul-idUSKCN1U40X8>.

⁸ Hamdullah Kesen, “Seyhan’da Saldırıya Uğrayan Suriyeliler: Can Güvelligimiz Yok,” *Evrensel*, 22 September 2019, <https://www.evrensel.net/haber/387316/seyhanda-saldiriya-ugrayan-suriyeliler-can-guvelligimiz-yok>.

⁹ Interview with Syrian refugee, Istanbul, 15 July 2019.

“slightly negative” or “very negative” attitude towards refugees from Syria.¹⁰ Turkey’s financial woes and rising inflation have been a key factor in the tension.¹¹ The Turkish economy faltered in 2018 and 2019, and the currency suffered a significant depreciation, raising the cost of living.

Some politicians have successfully capitalized on the situation, stoking resentment and blaming refugees from Syria for rising unemployment.¹² In mid-2019, concurrently with the apparent decline in public support for refugees from Syria and the ruling AK Party (Justice and Development Party)’s loss of Ankara and Istanbul, the Turkish authorities’ approach to refugees appeared to change, particularly in Istanbul. President Recep Tayyip Erdoğan, following a Council of National Security meeting in mid-July 2019, stated: “Due to the reactions coming from citizens, we need to elaborate new policies for Syrians. We will encourage them to return. Criminals will definitely be deported.”¹³ On 22 July, the Istanbul Governor’s Office, which is under the authority of the Ministry of Interior, issued a statement ordering all Syrians not registered in the province to depart by 20 August.¹⁴ On 27 August, the Istanbul Governor’s Office extended the deadline until 30 October.¹⁵ Istanbul is host to over 500,000 registered refugees from Syria,¹⁶ though the city’s new CH Party (Republic People’s Party) mayor, Ekrem İmamoğlu, has claimed that the population is likely closer to 1M people.¹⁷ According to the Istanbul Governor’s Offices’ statements, Syrians who are not registered in Istanbul but are nonetheless living there, must relocate to their province of registration or, if unregistered, travel to another province to register. Those who do not comply cannot benefit from basic services after 30 October.¹⁸

On the face of it, these are mere statements of policy, since Turkish law requires refugees from Syria to register with the authorities, obtain a Turkish ID document (known as a *kimlik*, or “Temporary Protection” identification card), and reside in their province of registration.¹⁹ These policies are uncontroversial, and should in theory be unrelated to a risk of deportation to Syria. But as discussed further below, the Istanbul Governor office’s announcements, and the crackdown that accompanied them, are indicative of an alarming shift in Turkey’s treatment of its Syrian refugee population.

HUMANITARIAN NIGHTMARE IN SYRIA

The civil war that has wracked Syria since 2011 has caused incalculable destruction and driven millions of women, men and children from their homes. Of those, 5.6M have fled the country,²⁰ while over 6M people are displaced within Syria.²¹ In September 2019 the situation in Idlib province in north-western Syria, into which over 3 million Syrians had fled from other parts of the country, was described by aid groups as a “humanitarian nightmare.”²² Amnesty International has documented multiple unlawful attacks on Idlib by the Syrian government, supported by Russia, on hospitals, schools, bakeries, and residential homes between January and June 2019.²³ In June 2019, 11 heads of global humanitarian organizations launched a worldwide campaign in solidarity with the civilians in Idlib, stating that these people were “in imminent and

¹⁰ Cited in Jonathan Corvett, “Erdogan Base Rejects Refugees, Pressuring EU Pact,” 5 October 2019, <https://www.asiatimes.com/2019/10/article/erdogan-base-rejects-refugees-pressuring-eu-pact/>.

¹¹ *The Economist*, “As Turkey Economy Slows, Attitudes towards Syrian Refugees Harden,” 27 April 2019, <https://www.economist.com/europe/2019/04/27/as-turkeys-economy-slows-attitudes-toward-syrian-refugees-harden>

¹² Sarah Dadouch, “‘They Want to Kill You’: Anger at Syrians Erupts in Istanbul,” *Reuters*, 9 July 2019, <https://www.reuters.com/article/us-turkey-syria-refugees/they-want-to-kill-you-anger-at-syrians-erupts-in-istanbul-idUSKCN1U40X8>.

¹³ Quoted in BLT Türk, “Cumhurbaşkanı Erdoğan, Suriyelilerle İlgili Kararını Verdi,” 13 July 2019, <http://www.bltturk.com/haber-cumhurbaskani-erdogan-suriyelilerle-iligili-kararini-verdi-6143.html>.

¹⁴ T.C. İstanbul Valiliği, “Düzensiz Göçle Mücadele İle İlgili Basın Açıklaması,” 22 July 2019, <http://www.istanbul.gov.tr/duzensiz-gocle-mucadele-ile-ilgili-basin-aciklamasi>.

¹⁵ T.C. İstanbul Valiliği, “Düzensiz Göç, ‘Kayıtsız Suriyeliler, Kayıt Dışı İstihdam’ Basın Açıklaması,” 27 August 2019, <http://www.istanbul.gov.tr/duzensiz-goc-kayitsiz-suriyeliler-kayit-disi-istihdam-basin-aciklamasi>.

¹⁶ Directorate General of Migration Management, “Temporary Protection Statistics,” last updated 24 October 2019, <https://en.goc.gov.tr/temporary-protection27>.

¹⁷ *BBC*, “İstanbul Mayor Imamoglu: Turkey Badly Managed Refugees – Video,” 16 July 2019, <https://www.bbc.com/news/av/world-europe-49003446/istanbul-mayor-imamoglu-turkey-badly-managed-refugees>.

¹⁸ İstanbul Barosu, “İstanbul Barosu İnsan Hakları Merkezi Olarak İl Göç İdaresi İle Gerçekleştirdiğimiz Toplantıya İlişkin Açıklama,” 16 August 2019, <https://tinyurl.com/y5bda2ry>.

¹⁹ See for instance Republic of Turkey, *Temporary Protection Regulation*, 22 October 2014, <https://www.refworld.org/docid/56572fd74.html>, Art. 33; DGMM Circular (unpublished) 29 August 2015, DGMM Circular 2017/10, 29 November 2017.

²⁰ UNHCR, “Syria Regional Refugee Response,” last updated 10 October 2019, <https://data2.unhcr.org/en/situations/syria>.

²¹ UNHCR, “Syria: Internally Displaced People,” n.d., <https://www.unhcr.org/sy/internally-displaced-people>.

²² Refugees International, *Losing their Last Refuge: Inside Idlib’s Humanitarian Nightmare*, September 2019, <https://reliefweb.int/sites/reliefweb.int/files/resources/Syria%2BIdlib%2BReport%2B-%2BSeptember%2B2019%2B-%2B1.0.pdf>.

²³ Amnesty International, “Security Council Must Address Crimes Against Humanity in Idlib,” 17 May 2019, <https://www.amnesty.org/en/latest/news/2019/05/syria-security-council-must-address-crimes-against-humanity-in-idlib>.

mortal danger from the escalating violence in Idlib governorate and surrounding areas.”²⁴ Turkey itself has engaged in military action in Syria: “Operation Euphrates Shield” in northern Aleppo province in 2016 and “Operation Olive Branch” in Afrin province beginning in 2018.

Most recently on 9 October 2019, Turkey launched the so-called “Operation Peace Spring” offensive into north-eastern Syria. Turkey and Syrian armed groups under its control entered territory held by a Kurdish-led alliance of armed groups, previously allied and supported by the US. The UN Office for the Coordination of Humanitarian Affairs reported on 15 October that in the previous six days alone, over 160,000 people in north-eastern Syria had been displaced, fleeing military advances and hostilities.²⁵ Amnesty International has documented summary killings and unlawful attacks carried out by Turkish forces and a coalition of Turkey-backed Syrian armed groups.²⁶

Turkey’s October 2019 military intervention is the latest development in Turkey’s longstanding plans²⁷ to establish a so-called demilitarized “safe zone” along the border, extending 20 miles into Syrian territory. Part of the rationale behind this policy is the Turkish government’s avowed aim to relocate part or all of its refugee population from Syria there. Turkish officials have used the threat of allowing Syrians to leave for Europe, contrary to the 2016 EU-Turkey Statement, in an effort to shore up international support for the country’s “safe zone” plans. On 10 October 2019 President Erdoğan stated: “Hey European Union, if you attempt to label our operations as an invasion, then it’s simple: we will open our borders and send 3.6 million refugees your way.”²⁸ On 22 October 2019, Turkey and Russia agreed a deal allowing Turkey to control a 20-mile-wide and 75-mile-long area between the Syrian towns of Tal Abyad and Ras al-Ain.²⁹ The Memorandum of Understanding also includes a joint commitment “to facilitate the return of refugees in a safe and voluntary manner.”³⁰

TURKEY DENIES ITS ILLEGAL PRACTICES

Under current conditions, it is a violation of international law to force anyone to return to Syria. The principle of *non-refoulement* prohibits States from sending anyone to a place where they would be at real risk of serious human rights violations such as torture or persecution. This principle is enshrined in numerous international human rights instruments as well as Turkish law, and additionally forms part of customary international law.³¹ UNHCR, the UN Refugee Agency, has urged all states to refrain from engaging in any deportations to Syria, “[a]s all parts of Syria are reported to have been affected, directly or indirectly, by one or multiple conflicts.”³² However, Turkey has flouted *non-refoulement* in the past by deporting people to Syria and Afghanistan, as has been consistently documented between 2014 and 2018 by Amnesty International and others.³³

²⁴ UN Office for the Coordination of Humanitarian Affairs, “Syria: Humanitarian Leaders, Standing with Civilians under Fire in Idlib, Send a Message that ‘The World Is Watching’,” 27 June 2019, <https://reliefweb.int/report/syrian-arab-republic/syria-humanitarian-leaders-standing-civilians-under-fire-idlib-send>.

²⁵ UN Office for the Coordination of Humanitarian Affairs, “Flash Update #6: Humanitarian Impact of the Military Operation in Northeastern Syria,” 15 October 2019, <https://www.humanitarianresponse.info/en/operations/stima/document/flash-update-6-humanitarian-impact-military-operation-north-eastern-syria>.

²⁶ Amnesty International, “Damning Evidence of War Crimes and Other Violations by Turkish Forces and their Allies,” 18 October 2019, <https://www.amnesty.org/en/latest/news/2019/10/syria-damning-evidence-of-war-crimes-and-other-violations-by-turkish-forces-and-their-allies/>.

²⁷ See for instance Karen DeYoung and Liz Sly, “U.S.-Turkey Deal Aims to Create *de facto* ‘Safe Zone’ in Northwest Syria,” *The Washington Post*, 26 July 2015, https://www.washingtonpost.com/world/new-us-turkey-plan-amounts-to-a-safe-zone-in-northwest-syria/2015/07/26/0a533345-ff2e-4b40-858a-c1b36541e156_story.html.

²⁸ *The Guardian*, “Erdoğan Warns EU Against Calling Syria Operation an ‘Invasion’ – video,” 10 October 2019, <https://www.theguardian.com/world/video/2019/oct/10/erdogan-warns-eu-against-calling-syria-operation-an-invasion-video>.

²⁹ Umut Uras, “Turkey, Russia Reach Deal for YPG Move Out of Syria Border Area,” *Al Jazeera*, 23 October 2019, <https://www.aljazeera.com/news/2019/10/turkey-russia-agree-set-syria-safe-zone-joint-patrols-191022171933484.html>.

³⁰ “Full Text of Turkey, Russia Agreement on Northeast Syria,” *Al Jazeera*, 22 October 2019, <https://www.aljazeera.com/news/2019/10/full-text-turkey-russia-agreement-northeast-syria-191022180033274.html>.

³¹ UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, Art. 33(1); *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1984, Art. 3(1); Republic of Turkey, *Law No. 6458 of 2013 on Foreigners and International Protection*, 29 October 2016, <https://www.refworld.org/docid/5a1d828f4.html>, Art. 4; Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms*, 4 November 1950, Arts. 2, 3; UNHCR, *The Principle of Non-Refoulement as a Norm of Customary International Law: Response to the Questions Posed to UNHCR by the Federal Constitutional Court of the Federal Republic of Germany in Cases 2 BvR 1938/93, 2 BvR 1953/93, 2 BvR 1954/93*, 31 January 1994.

³² UNHCR, *International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic, Update V*, 3 November 2017, <https://www.refworld.org/docid/59f365034.html>, p. 70.

³³ Amnesty International, *Struggling to Survive: Refugees from Syria in Turkey*, 20 November 2014, <https://www.amnesty.org/en/documents/EUR44/017/2014/en/>; Amnesty International, *Europe’s Gatekeeper: Unlawful Detention and Deportation of Refugees from Turkey*, 16 December 2015, <https://www.amnesty.org/en/documents/eur44/3022/2015/en/>; Amnesty

Publicly, the Turkish authorities deny that they deport any refugees to Syria. A DGMM spokesperson stated in October 2018 that “[a]ccording to the prohibition of *refoulement*, Syrians in our country are not deported in any way.”³⁴ In August 2019, Fahrettin Altun, President Erdoğan’s Communications Director, stated: “The Turkish government categorically rejects the allegation that Syrian refugees face deportation in Turkey.”³⁵ DGMM, in response to the findings of this report, stated: “The claim that Syrian refugees are being deported is completely baseless. They only return on a voluntary basis.”³⁶ But in private conversations, Amnesty International has been told that DGMM officials admit to deporting Syrians. According to one Turkish lawyer, a senior DGMM official said: “We’re sending them [Syrians] all back.”³⁷

The authorities do say that hundreds of thousands of people are going to Syria, but claim that they are all doing so voluntarily. The Ministry of Justice has reported that a total of 315,000 refugees from Syria have “voluntarily” returned to the country.³⁸ Over the past few years there have been several instances of locally organized “voluntary repatriation” initiatives to Syria, but there is no official national programme. However, the Memorandum of Understanding between Russia and Turkey, announced 22 October 2019, includes a joint commitment “to facilitate the return of refugees in a safe and voluntary manner,”³⁹ raising serious concerns that such a programme could be developed in the near future.

Turkish law does not specify the procedure by which voluntariness is assessed, but the one point of commonality for all returns – whether forced (as described below) or genuinely voluntary, and whether the return process begins in a police station or in a detention centre run by DGMM – appears to be the signing of a “voluntary return” form. Prior to the signing of this document, it is unclear how often a “voluntary return” interview takes place. Neither is it clear how often UNHCR and/or other independent organizations are present for such interviews, to verify that people are giving their free and informed consent to return to Syria.⁴⁰ UNHCR Turkey reported that in 2018, it observed the voluntary repatriation interviews of 10,395 Syrian families,⁴¹ and in the first six months of 2019, the figure stood at 6,025 families.⁴² However, UNHCR does not specify the results of the interviews.

Of the recent developments in Istanbul, and the 30 October deadline to leave the city, the authorities claim that no one has been deported to Syria as a result. The Istanbul migration authorities say that DGMM sends unregistered Syrians to a temporary accommodation centre in Öncüpınar (in Kilis province at the southern border), where they are subsequently interviewed and instructed to register in a designated province.⁴³ Between 12 July and 16 October 2019, the authorities say that 5,945 Syrians underwent this process.⁴⁴ The

International, “Turkey: Illegal Mass Returns of Syrian Refugees Expose Fatal Flaws in EU-Turkey Deal,” 1 April 2016, <https://www.amnesty.org/en/latest/news/2016/04/turkey-illegal-mass-returns-of-syrian-refugees-expose-fatal-flaws-in-eu-turkey-deal/>; Council of Europe, *Report of the Fact-Finding Mission to Turkey by Ambassador Tomáš Boček, Special Representative of the Secretary General on Migration and Refugees*, 10 August 2016, https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680699e93; Human Rights Watch, “Turkey: Border Guards Kill and Injure Asylum Seekers,” 10 May 2016, <https://www.hrw.org/news/2016/05/10/turkey-border-guards-kill-and-injure-asylum-seekers>; Amnesty International, “Refugees at Heightened Risk of Refoulement under Turkey’s State of Emergency,” 22 September 2017, <https://www.amnesty.org/en/documents/eur44/7157/2017/en/>; Norwegian Refugee Council et al, *Dangerous Ground: Syria’s Refugees Face an Uncertain Future*, February 2018, <https://www.nrc.no/globalassets/pdf/reports/dangerous-ground---syrias-refugees-face-an-uncertain-future/dangerous-ground---syrian-refugees-face-an-uncertain-future.pdf>; Human Rights Watch, “Turkey/Syria: Border Guards Shoot, Block Fleeing Syrians,” 3 February 2018, <https://www.hrw.org/news/2018/02/03/turkey/syria-border-guards-shoot-block-fleeing-syrians>; Amnesty International, “Thousands of Afghans Swept up in Ruthless Deportation Drive,” 24 April 2018, <https://www.amnesty.org/en/latest/news/2018/04/turkey-thousands-of-afghans-swept-up-in-ruthless-deportation-drive/>.

³⁴ Quoted in Shawn Carrié and Asmaa Al Omar, “It’s Against the Law: Syrian Refugees Deported from Turkey Back to War,” *The Guardian*, 16 October 2018, <https://www.theguardian.com/global-development/2018/oct/16/syrian-refugees-deported-from-turkey-back-to-war>.

³⁵ Fahrettin Altun, “Turkey Is Helping, Not Deporting, Syrian Refugees,” 23 August 2019, <https://foreignpolicy.com/2019/08/23/turkey-is-helping-not-deporting-syrian-refugees-erdogan-turkish-government-policy/>.

³⁶ Letter from DGMM to Amnesty International, 23 October 2019.

³⁷ Interview with Turkish lawyer, date and location confidential.

³⁸ Cited in European Council on Refugees and Exiles, *Asylum Information Database Country Report: Turkey*, 29 March 2019, https://www.asylumineurope.org/sites/default/files/report-download/aida_tr_2018update.pdf, p. 15 [ECRE Turkey Report]. The Turkish government’s figures do not accord with those of UNHCR, which reports that a total of only 40,000 Syrian refugees returned from Turkey to Syria between 2015 and 2018 (Cited in World Bank, *The Mobility of Displaced Syrians: An Economic and Social Analysis*, 2019, <https://openknowledge.worldbank.org/bitstream/handle/10986/31205/9781464814013.pdf>, p. 40).

³⁹ “Full Text of Turkey, Russia Agreement on Northeast Syria,” *Al Jazeera*, 22 October 2019, <https://www.aljazeera.com/news/2019/10/full-text-turkey-russia-agreement-northeast-syria-191022180033274.html>.

⁴⁰ ECRE Turkey Report, p. 114.

⁴¹ UNHCR, *Turkey: Operational Update 2018 Highlights*, December 2018, <https://www.unhcr.org/tr/wp-content/uploads/sites/14/2019/02/UNHCR-Turkey-Operational-Highlights-2018-Final.pdf>, p. 7.

⁴² UNHCR, *Turkey: Operational Update 2019*, June 2019, <http://reporting.unhcr.org/sites/default/files/UNHCR%20Turkey%20Operational%20Update%20-%20June%202019.pdf>, p. 4.

⁴³ Cited in İstanbul Barosu, “İstanbul Barosu İnsan Hakları Merkezi Olarak İl Göç İdaresi İle Gerçekleştirdiğimiz Toplantıya İlişkin Açıklama,” 16 August 2019, <https://tinyurl.com/y5bda2ry>.

⁴⁴ T.C. İstanbul Valiliği, “Düzensiz Göç, Kayıtsız Suriyeliler, Kayıt Dışı İstihdam” ile İlgili Basın Açıklaması,” 18 October 2019, <http://www.istanbul.gov.tr/duzensiz-goc-kayitsiz-suriyeliler-kayit-disi-istihdam-ile-ilgili-basin-aciklamasi>.

Istanbul migration authorities claim that Syrians who are registered in another province are simply notified to leave Istanbul for their province of registration.⁴⁵

DEPORTATIONS TO DANGER IN SYRIA

Amnesty International's research reveals that, contrary to what the Turkish authorities claim, they are unlawfully deporting refugees to danger in Syria. This report documents 20 cases of unlawful forced returns, which occurred between 25 May and 13 September 2019, with most (14) happening in July 2019. These are detailed cases that are illustrative of a much larger issue. Without official statistics it is difficult to estimate the number of deportations, but over the past few months the figure is likely to be in the hundreds.⁴⁶

Although the initial reasons why Syrian refugees are apprehended vary, it appears that any interaction with Turkish officials – whether police or migration officials – puts people at risk of deportation. Mohammed, a 28-year old man from Latakia, said that it was actually when he was attending an appointment to renew his Turkish ID that he was detained and deported from Hatay province.⁴⁷ One man, Qasim from Aleppo, said that he was detained and deported from Konya on 27 or 28 July after he attended a police station in connection with a domestic dispute involving his nephew.⁴⁸ Many Syrians reported being stopped and asked for ID by plainclothes police offices in Istanbul's Esenyurt district, as they were working in shops or restaurants, or walking down the street. This accords with information from the Istanbul Governor's Office, which reported that between 12 July and 16 October, it had inspected 53,077 workplaces in relation to the prevention of unregistered employment of Syrians.⁴⁹

The most common explanation that Turkish officials reportedly give to Syrian refugees for their deportation is that they are unregistered or outside their province of registration. Kareem, mentioned above, said that the Gendarmerie (Turkey's military police, known as *Jandarma*) told him: "This is our rule: if you have no ID, we deport you."⁵⁰ However, even people with valid IDs for their province of registration have been deported. Hassan from Aleppo, who had a valid Istanbul ID (a photo of which is on record with Amnesty International), said that on 12 July 2019, he was stopped by plainclothes police officers in Esenyurt as he was riding his motorcycle. He said the officers claimed it was stolen. He went to the police station, bringing the person from whom he had bought it. In response, he said, the officers tore up the photocopy of his ID that he had brought and sent him to a detention centre in Istanbul's Pendik district. His wife Marya told Amnesty International researchers that she went to the centre in an attempt to free him, bringing his original Istanbul ID; she said the document was taken and never returned. Hassan was deported on 27 July and managed to return to Istanbul on 8 October after paying smugglers to cross the border. He now has no valid ID and is scared of leaving his parents' apartment, where he and Marya and their children were living after Marya sold all their goods in order to pay a lawyer in an attempt to free him from his detention in Pendik.

⁴⁵ Cited in İstanbul Barosu, "İstanbul Barosu İnsan Hakları Merkezi Olarak İl Göç İdaresi İle Gerçekleştirdiğimiz Toplantıya İlişkin Açıklama," 16 August 2019, <https://tinyurl.com/y5bda2ry>.

⁴⁶ This estimate is based on the available evidence. Of the 20 deportation cases documented in this report, people who were deported said that there were several dozen others (between 35 and 60) on each of their buses, which represents an illustrative sample of several hundred people. Amnesty was unable to verify the circumstances of each of the other bus passengers, but the journeys present several elements strongly suggesting coercion, including all passengers being handcuffed with plastic ties, as well as ill-treatment by the armed Gendarmerie accompanying them. Some interviewees said that there were actually more than a few dozen people deported with them. For instance, Saad, a 20-year old man from Aleppo, said that he was deported through Bab Al Hawa with 150 other people on July 20, and that a Syrian official at the border told him that the previous day 400 people had been deported (Interview with Syrian refugee, İstanbul, 12 October 2019). In addition, Kareem, who said he was deported through the Friendship Bridge Crossing, said that he remained near the border for three weeks, during which he saw 15 minibuses of people, each able to hold 10 people, being transported from the border on a daily basis; if accurate this represents about 150 people per day for 21 days (Interview with Syrian refugee in Syria, by phone, 25 September 2019). The total number may indeed be higher than several hundred over the past few months. In interviews with Amnesty International, lawyers and civil society organizations provided estimates in the hundreds or thousands. Some Turkish media have reported hundreds of people deported *per day*, representing 6,500 deportations in the months leading up to late July 2019 (*Yeni Şafak*, "1 Haftada 500 Kişi Sınır Dışı Edildi," <https://www.yenisafak.com/gundem/1-haftada-500-kisi-sinir-disi-edildi-3499440>). Although the Syrian officials running one border crossing – Bab Al Hawa – claim that over 40,000 Syrians have been forcibly deported in 2019, neither the number nor the methodology used to reach it, could be verified. [Translated from Arabic]: Bab Al Hawa Public Relations and Media, "Infographic Shows the Statistics of the Work of the Bab Al Hawa During the Months of [...] 2019," February (<https://www.babalhawa.net/info0303/>); March (<https://www.babalhawa.net/info0304/>); April (<https://www.babalhawa.net/info35/>); May (<https://www.babalhawa.net/info036/>); June (<https://www.babalhawa.net/info27/>); July (<https://www.babalhawa.net/info38/>); August (<https://www.babalhawa.net/info029/>); September (<https://www.babalhawa.net/info210/>); all accessed 13 October 2019. NB: Statistics for January 2019 were unavailable.

⁴⁷ Interview with Syrian refugee in Syria, by phone, 14 October 2019.

⁴⁸ Interview with Syrian refugee in Syria, by phone, 4 September 2019.

⁴⁹ T.C. İstanbul Valiliği, "Düzensiz Göç, Kayıtsız Suriyeliler, Kayıt Dışı İstihdam' ile İlgili Basın Açıklaması," 18 October 2019, <http://www.istanbul.gov.tr/duzensiz-goc-kayitsiz-suriyeliler-kayit-disi-istihdam-ile-ilgili-basin-aciklamasi>.

⁵⁰ Quoted by Syrian refugee in Syria, by phone, 25 September 2019.

According to detailed testimonies and corroborated by documentary evidence, all the returns documented in this report were disguised as “voluntary returns:” refugees from Syria were misled or threatened into signing a form saying they were requesting to be sent to Syria. Amnesty is unaware of any Syrians receiving copies of these forms.

Some of the deceptive tactics to obtain signatures, as reported by Syrian refugees and Turkish lawyers, include: being told the form was a power of attorney;⁵¹ that it expressed their desire to remain in Turkey;⁵² that it was a registration document;⁵³ that it was proof of having exited the police station;⁵⁴ or that it was a confirmation of having received a blanket from the detention centre.⁵⁵ A Turkish lawyer said that in one particular place of detention – Binkılıç Removal Centre (run by DGMM) – it has been the standard practice since 2017 that every Syrian is made to sign this form upon *entering* the facility.⁵⁶ Farid, a Syrian father of eight, said that after he was apprehended in the Esenyurt district of Istanbul on 3 July 2019, he was taken to the Edirne Removal Centre (run by DGMM), where the Arabic interpreter told him the document simply confirmed receipt of a blanket. Farid read the Arabic text on the form and argued with the interpreter, who reportedly said: “You don’t want to sign? Fine, I’ll sign for you.” Farid said: “So he signed and put his own fingerprint. I saw him do it for three people, and other people said he did it for them as well.”⁵⁷ Farid was deported on 20 July 2019.

Some people said that DGMM officials intimidated them into signing. John, a Christian from Syria, explained that while being held in the Aydın Removal Centre (run by DGMM), “We had to sign a paper saying: ‘we are requesting to go back to Syria.’ I said: ‘I am not requesting to go to Syria.’ The [DGMM] official said it was just an ordinary paper – it’s nothing, you sign and then in two or three days you will get out of detention. He told me if you ask for a lawyer we will keep you six or seven months and we will hurt you.”⁵⁸ John was deported in mid-July 2019.

At times, police officers appear to be involved in forcing Syrians to sign these forms, even though DGMM is meant to be the authority responsible for “voluntary returns,” and the Istanbul PDMM has denied that any such forms are signed in police stations.⁵⁹ Qasim, a 39-year old father from Aleppo, said that he was detained in a Konya police station for six days, where the officers told him: “You have a choice: one or two months, or a year, in prison – or you go to Syria.”⁶⁰ He was deported through the Bab Al Hawa crossing on 27 or 28 July 2019. A Syrian refugee from Latakia, Mohammed, said he was detained in a police station known as “Branch 500”⁶¹ in Antakya. He asked to read the paper he had been told to sign, after the officers had put a blank sheet of paper over the text, leaving only the signature area blank. They refused to let him see what he was signing and he asked for a lawyer. The result, he said, was that he was brought to a downstairs cell: “There they had another Syrian guy who they were beating so hard. They asked the other guy to sign, so he signed. And I signed.”⁶² He was deported on 25 May 2019 at 1am.

The deportations happen by bus, each reportedly containing between 35 and 60 refugees as well as several Gendarmerie personnel. During their bus journeys, all deportees report being given insufficient food and water and being handcuffed with white plastic ties, which were not removed even when using the toilet. Almost all (18) of the deportees said they were transported through Turkey’s Hatay province to the Bab Al Hawa border crossing in the Syrian province of Idlib. However, 23-year old Kareem said that he was deported through the Friendship Bridge crossing, also at the Hatay/Idlib border, and 24-year old Jamal said he reached Syria through the Bab Al Salam crossing, which links the Turkish province of Kilis and the Syrian province of Aleppo.⁶³ The only person Amnesty International researchers spoke to who was not deported in a large bus was Mohammed from Latakia. He said he was transported from Antakya to Bab Al Hawa on 25 May 2019 by minibus – he said it was white, with the EU and Turkish flags on it.⁶⁴

During the journeys to the border, although most people said that they were not mistreated, some Syrians said that they were beaten by the Gendarmerie or witnessed other people being beaten. Farid from Azaz

⁵¹ Interview with Turkish lawyer, Antakya, 18 July 2019.

⁵² Interview with Syrian refugee in Syria, by phone, 4 September 2019.

⁵³ Interview with Syrian refugee in Istanbul, by phone, 4 September 2019.

⁵⁴ Interview with Syrian refugee, Istanbul, 12 October 2019.

⁵⁵ Interview with Syrian refugee in Syria, by phone, 13 October 2019.

⁵⁶ Interview with Turkish lawyer, Istanbul, 14 October 2019.

⁵⁷ Interview with Syrian refugee in Syria, by phone, 13 October 2019.

⁵⁸ Interview with Syrian refugee in Greece, by phone, 13 October 2019.

⁵⁹ Cited in İstanbul Barosu, “İstanbul Barosu İnsan Hakları Merkezi Olarak İl Göç İdaresi İle Gerçekleştirdiğimiz Toplantıya İlişkin Açıklama,” 16 August 2019, <https://tinyurl.com/y5bda2ry>.

⁶⁰ Quoted in interview with Syrian refugee in Syria, by phone, 4 September 2019.

⁶¹ ECRE Turkey Report, p. 87.

⁶² Interview with Syrian refugee in Syria, by phone, 14 October 2019.

⁶³ Interviews with Syrian refugees in Syria, by phone, 25 September 2019 and 13 October 2019.

⁶⁴ Interview with Syrian refugee in Syria, by phone, 14 October 2019.

explained how he felt on the journey: “I felt like I was between heaven and hell. I just wanted to arrive somewhere. I was just waiting for it to end. Imagine spending 26 hours on a bus, with just one glass of water and half a sandwich. And every two hours the [Gendarmerie] would come to hit us and wake us up.”⁶⁵ He said that as an elderly man was moving slowly when exiting the bus, the Gendarmerie pushed him from the vehicle: “Then once he fell on the ground, they beat him again.”⁶⁶ Kareem, a 23-year old man from Aleppo, said that when the bus arrived at the border on around 19 July 2019, two of his friends told the officials that they had valid ID cards for Hatay province, and pleaded to be sent to Antakya city. In response, he said, the Gendarmerie “slapped them 15 times on their face, then hit all of us on the bus too.”⁶⁷

The overwhelming majority of deportees appear to be adult men, but some families are deported as well. All the Syrians with whom Amnesty International researchers spoke said that there were only adult men on their buses, with one exception; Kareem from Aleppo, mentioned above, said that he was deported from Istanbul with two boys aged 15 and 16, who were unregistered. Their families attempted to free them from detention, explaining that they had not been able to register the children in Istanbul because registration had been suspended there. Their mothers pleaded with the authorities outside the bus while their children were inside, but the military police reportedly said the boys were breaking the law because they had no IDs, and that they would therefore be deported.⁶⁸ Kareem and the others were deported on around 19 July 2019.⁶⁹ The children appeared to have no family in Idlib. Nabil, a young man with a wife and two-year old son, told Amnesty International that he and his family were detained in a sports school in the Beypazarı district of Ankara in June 2019. He said there were 106 people being detained in that place, all of them families except for three single men. Nabil said that after three days, they were told they were being taken to a camp in Hatay province, but instead they were all deported by bus through Bab Al Hawa on 20 June.⁷⁰ The family was able to re-enter Turkey irregularly after paying hundreds of dollars to smugglers.

Even when it is men who are deported, it sometimes results in the subsequent departure of their families, who can be in situations of vulnerability in Turkey. Syrian women face structural barriers to accessing protection and services: compared to Syrian men, a lower proportion of them are able to speak Turkish,⁷¹ and only 15% of them engage in income-generating work.⁷² The wife and three youngest children of Farid, who was deported on 20 July 2019, were left destitute in Istanbul and therefore joined him in Idlib – he said the alternative was for them to beg on the streets.⁷³ Similarly, Mohammed’s wife and two-year old son joined him in Idlib on 11 October after he had been deported in September. He said: “They can’t live without me.”⁷⁴ As the returns of these people to Syria should also be considered coerced, these returns therefore violate the principle of *non-refoulement*.

All deportations to Syria are illegal because of the nature and severity of the human rights risks there. People who have been returned have indeed been directly exposed to such dangers. When Amnesty International researchers were speaking with Farid on 13 October, who was in Azaz city in the north-western province of Aleppo after being deported on 20 July, a loud noise was heard and the signal was cut. When researchers reconnected with him, he said: “We had four shells land near us just now, but they fell between the trees. It’s ok – I’m used to it.”⁷⁵ John, a Syrian Christian who was deported in mid-July after being caught by the Turkish coastguard trying to get to Greece, said that he was deported through Bab Al Hawa and kept in a prison for a week by Jabhat al Nusra, an Islamist group linked to Al Qaeda. He said: “It was terrible. They did not beat me, but I heard a lot of voices of other people being beaten. They blindfolded me when they questioned me. They wanted to know if I was with the Assad government. It was a miracle I got out alive.”⁷⁶ Mohammed, a 28-year old man from Latakia, writing by text message from Idlib province on 19 October 2019, after he was deported on 25 May 2019, said: “Aerial bombardment is currently on hold, but there are

⁶⁵ Interview with Syrian refugee in Syria, by phone, 13 October 2019. He had used the Turkish term for the Gendarmerie: *Jandarma*.

⁶⁶ Interview with Syrian refugee in Syria, by phone, 13 October 2019.

⁶⁷ Interview with Syrian refugee in Syria, by phone, 25 September 2019.

⁶⁸ Interview with Syrian refugee in Syria, by phone, 25 September 2019.

⁶⁹ A similar situation was reported on social media: Asaad Hanna on Twitter (@AsaadHannaa), 20 July 2019, <https://twitter.com/AsaadHannaa/status/11527079687161025?s=20>.

⁷⁰ Interview with Syrian refugee in Ankara, by phone, 13 October 2019.

⁷¹ European Commission, *Technical Assistance to the EU Facility for Refugees in Turkey: Final Report*, October 2018, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/updated_needs_assessment.pdf, p. 35.

⁷² UN Women, *Needs Assessment of Syrian Women and Girls under Temporary Protection in Turkey*, June 2018, <https://www2.unwomen.org/-/media/field%20office%20eca/attachments/publications/country/turkey/the%20needs%20assessmentengwebcompressed.pdf>, p. 6.

⁷³ Interview with Syrian refugee in Syria, by phone, 13 October 2019.

⁷⁴ Interview with Syrian refugee in Syria, by phone, 14 October 2019.

⁷⁵ Interview with Syrian refugee in Syria, by phone, 13 October 2019. The following day, the Syrian Observatory for Human Rights reported shelling of Azaz city, which resulted in material damage but no injuries: <http://www.syriahr.com/en/?p=144148>.

⁷⁶ Interviews with Syrian refugee in Greece, by phone, 13 and 20 October 2019.

many, many violations of the rights of these human beings [in Syria].”⁷⁷ The Syrian Network for Human Rights claims to have tracked what happened to a sample of people who returned to Syria – including from Turkey – between 2014 and 2019. The organization documented 1,916 cases of arrests upon return, of which 638 people were forcibly disappeared, and 15 people reportedly died as a result of torture.⁷⁸

LIVING IN FEAR IN TURKEY

For Syrian refugees, it is essential to register with the Turkish authorities. Upon registration in a “PDMM,” the provincial branches of the General Directorate of Migration Management, Syrians receive their Temporary Protection ID. In recent months registration has become increasingly difficult – and in some cases impossible. Officially, several provinces have stopped registering Syrians: Antalya, Aydın, Balıkesir, Bursa, Çanakkale, Edirne, İstanbul, İzmir, Kırklareli, Kocaeli and Muğla.⁷⁹ But according to Turkish lawyers, registration in İstanbul has been a struggle for nearly two years, since late 2017. According to one civil society organization staff member, Syrians are not allowed to enter the offices of the İstanbul PDMM. Although in early 2019 the organization had been able to get appointments for some of their most vulnerable beneficiaries, since July 2019 the NGO employee said: “that door has been closed.”⁸⁰ Amira, a 22-year old Syrian woman whose husband was deported, tried to enter an İstanbul PDMM office to apply for family reunification to bring him home – she said that the officials wouldn’t allow her in the door and told her: “You should just follow your husband to Syria.”⁸¹

When people sign a “voluntary return” form, their status as Temporary Protection beneficiaries is terminated and their Turkish ID is cancelled.⁸² In theory, Turkish law allows people who signed a “voluntary return” form to renew their identification cards. A DGMM circular from 7 January 2019 clarified that people who are back in Turkey after having signed such a form, particularly pregnant women, elderly persons and children, should be allowed to re-access services.⁸³ The circular also requires the PDMM to provide detailed information to Syrians on the legal effects of signing a “voluntary return” form.

At present, however, this circular appears to be poorly implemented – or not implemented at all. Many of the Syrians whose cases are documented in this report did not have valid IDs – either because their IDs had simply expired, or they had been deported to Syria after signing a “voluntary return” form, or because they had briefly returned to Syria on a genuinely voluntary basis but without being informed of the implications for their status in Turkey. Of the cases documented by Amnesty International in this report, no one whose ID cards had expired or been cancelled had managed to renew their documents, even after hiring lawyers or enlisting the assistance of civil society organizations. One Turkish lawyer said: “If the ID is cancelled, they [the Syrians] can’t get it again. I’ve never seen this [the renewal of a cancelled ID], and if I’ve never seen it then it doesn’t happen.”⁸⁴ Likewise, other lawyers in Antakya and İstanbul told Amnesty International that renewing ID cards after the signature of a “voluntary return” form is impossible.⁸⁵ Staff at one civil society organization said that out of around 800 beneficiaries of the organization, one or two people had managed to renew their expired or cancelled documents.⁸⁶

Without ID cards, Syrians are unable to access essential services like healthcare, education or social assistance. Fadi, a Syrian man in his 50s, said that his wife’s ID was cancelled when she went back to Syria briefly, before returning irregularly in 2015, to try to discover the whereabouts of their eldest son after he disappeared into the notorious Saydnaya prison near Damascus. He said that she signed a paper at the border when she left Turkey, but cannot read and was not told what she was signing. Fadi says she has heart disease but without her documents she can no longer access medical care.⁸⁷

⁷⁷ Text message from Syrian refugee in Syria, 19 October 2019.

⁷⁸ Syrian Network for Human Rights, *The Syrian Regime Continues to Pose a Violent Barbaric Threat and Syrian Refugees Should Never Return to Syria*, 15 August 2019, <http://sn4hr.org/blog/2019/08/15/54146/>.

⁷⁹ İstanbul Barosu, “İstanbul Barosu İnsan Hakları Merkezi Olarak İl Göç İdaresi İle Gerçekleştirdiğimiz Toplantıya İlişkin Açıklama,” 16 August 2019, <https://tinyurl.com/y5bda2ry>.

⁸⁰ Interview with NGO worker, İstanbul, 14 October 2019.

⁸¹ Quoted in interview with Syrian refugee in İstanbul, by phone, 13 October 2019.

⁸² ECRE Turkey report, p. 115.

⁸³ Unpublished DGMM Circular, *Gönüllü Geri Dönüş Nedeniyle Kaydı Sonlandırılan Suriyeliler*, 7 January 2019 (on file with Amnesty International).

⁸⁴ Interview with Turkish lawyer, İstanbul, 15 July 2019.

⁸⁵ Interview with Turkish lawyers, Antakya and İstanbul, 17 July 2019 and 14 October 2019.

⁸⁶ Interview with civil society organization, date and location confidential.

⁸⁷ Interview with Syrian refugee, İstanbul, 15 July 2019.

A valid Temporary Protection ID is a crucial – though not, as discussed above, infallible – protection against deportation or re-deportation. Syrians without valid ID cards are terrified of leaving their homes in case they are deported to danger in Syria. Saif from Aleppo said he has been unable to renew his ID since it was cancelled in early 2019, despite hiring a lawyer. He told Amnesty International: “I can’t leave my home because of the police – I can’t work, I can’t get money to buy food. I can’t go to the market and my kids want food but I can’t go out to buy it.”⁸⁸ Because very few Syrians have been able to obtain work permits (68,000 in total as of December 2018,⁸⁹ out of a working age population of over 2.1M people⁹⁰), about 97% Syrians who work are doing so illegally, putting them at heightened risk of apprehension and deportation.

Rather than remain in Turkey where they fear being illegally deported to Syria, some people have fled to other countries. The Awad family, whose father was deported from Antakya to Idlib on 26 July 2019, had an open file with UNHCR for resettlement to the US (the relevant documents are on file with Amnesty International). The father managed to re-enter Turkey but could not renew his ID. The family had to abandon their plans to resettle safely to the US and instead fled to Greece by boat on 5 September 2019.⁹¹ Mahdi from Damascus said he was deported from Istanbul on 6 July 2019 because he was outside his province of registration. He managed to re-enter Turkey in late August, but was unable to renew his Temporary Protection ID, which had been cancelled when he signed a “voluntary return” form. Feeling unsafe in Turkey, in early October he fled to Sudan, which is one of the few countries to which Syrian citizens can lawfully travel without a visa. He explained: “At any given moment, they could capture me and send me back to Idlib [Syria] again. They don’t want us there, so why would we stay?”⁹²

NO REMEDY

Syrians who are at risk of deportation are often left without legal recourse or remedy to prevent their illegal *refoulement*.

Part of the problem is that for many cases of *refoulement* to Syria, the process is disguised as a “voluntary return,” and no formal deportation decision appears to have been issued. In theory, Turkish law grants refugees and asylum-seekers 15 days to apply to the relevant administrative court to challenge a deportation decision.⁹³ Although an appeal should suspend their deportation, amendments to the law made in October 2016 had the effect of not suspending deportations upon appeal when the case raises issues of “public order” and “security.”⁹⁴ At present, the only apparent effective remedy against deportation is a complaint before the Constitutional Court, together with a separate request for interim measures.⁹⁵ On 7 July 2019, in the case of *Y.T.*, Turkey’s Constitutional Court recognized the defects in the law, finding a violation of the right to an effective remedy, and gave the government one year to fix the structural problems stemming from the amendments introduced in October 2016.⁹⁶

Although Syrians require legal representation to prevent their being illegally *refouled* to Syria, very few people have access to such support. Turkish law allows refugees and asylum-seekers to benefit from legal aid through the provincial bar associations,⁹⁷ but there is a generalized shortage of legal aid funding provided from the state budget to bar associations.⁹⁸ This is compounded by the fact that the amount of funding per provincial bar association, provided by the Ministry of Justice, is determined only in proportion to the province’s *Turkish* population.⁹⁹ Finally, because deportation is often preceded by detention in Removal Centres or unofficial detention places, even Syrians who do manage to secure legal representation are often

⁸⁸ Text message from Syrian refugee in Istanbul, 28 July 2019.

⁸⁹ European Commission, *The Facility for Refugees in Turkey: Monitoring Report*, May 2019, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/190607_facility-monitoring-report-final.pdf, p. 15.

⁹⁰ Directorate General of Migration Management, “Temporary Protection Statistics,” last updated 10 October 2019, <https://en.goc.gov.tr/temporary-protection27>.

⁹¹ Interview and electronic communication with civil society worker in Antakya, July-October 2019.

⁹² Interview with Syrian refugee in Sudan, by phone, 13 October 2019.

⁹³ Republic of Turkey, *Law No. 6458 of 2013 on Foreigners and International Protection*, 29 October 2016, <https://www.refworld.org/docid/5a1d828f4.html>, Art. 53(3).

⁹⁴ *Ibid.*, Arts. 53, 54.

⁹⁵ ECRE Turkey Report, p. 26.

⁹⁶ Constitutional Court, *Application 2016/22418: #30826*, 7 July 2019, <http://www.resmigazete.gov.tr/eskiler/2019/07/20190709-7.pdf>; T.C. Anayasa Mahkemesi, “Sınır Dışı Edilme Kararına Karşı Başvurulabilecek Etkili Bir Yargı Yolu Bulunmaması Nedeniyle Etkili Başvuru Hakkının İhlal Edilmesi ve İhlalin Yapısal Sorundan Kaynaklanması Nedeniyle Pilot Karar Usulünün Benimsenmesi,” 7 July 2019

⁹⁷ European Commission, *Technical Assistance to the EU Facility for Refugees in Turkey (2017/393359/1): Final Report*, 31 October 2018, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/updated_needs_assessment.pdf, p. 32.

⁹⁸ ECRE Turkey Report, p. 41.

⁹⁹ European Commission, *Technical Assistance to the EU Facility for Refugees in Turkey (2017/393359/1): Final Report*, 31 October 2018, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/updated_needs_assessment.pdf, p. 33.

unable to reach their lawyers after being detained, as lawyers report arbitrary denials of access to Removal Centres as well as the expedited deportation of their clients – sometimes within one or two days of being apprehended.¹⁰⁰

For Syrians at risk of deportation, another apparent gap in the protection space in Turkey is the fact that *refoulement* is not an issue on which the UN Refugee Agency engages publicly in the country. UNHCR does follow up on the cases brought to its attention by providing counselling and legal aid, through close cooperation with provincial bar associations. However, UNHCR does not engage in public advocacy on forcible returns or make public statements about Turkish policies and practices. Several Turkish lawyers and civil society staff members expressed frustration at the perceived silence and inaction on the part of UNHCR Turkey with regards to deportations to Syria.

RECOMMENDATIONS

Amnesty International acknowledges the generosity of the Turkish authorities in setting up a new asylum system and sheltering millions of Syrian women, men and children over the eight years since the Syrian conflict broke out in 2011. But these achievements do not absolve Turkey of its ongoing international and domestic legal obligations towards its Syrian refugee population.

TO THE TURKISH AUTHORITIES

- Stop forcibly returning refugees to Syria
- Ensure that anyone forcibly returned is able to safely and legally re-enter Turkey
- Change the law to ensure that it offers full protection against *refoulement*, including in cases of deportation on “public order” and “security” grounds
- Allow all potential deportees 15 days to lodge a legal challenge to their deportation
- Develop and publish regulations on “voluntary return” procedures, ensuring that they comply with international law and standards protecting against *refoulement* and guarantee free and informed consent of the potential returnee
- Provide detailed statistics on so-called “voluntary returns,” including the breakdown by age, gender, date of exit, and name of border crossing
- Investigate all allegations of beatings and other ill-treatment by police officers and Gendarmerie in the course of detention and return procedures
- Expand the 7 January 2019 Circular and take action to ensure that every Syrian who left Turkey after signing a “voluntary return” form can renew their registration documents and re-access essential services
- Facilitate family reunification in Turkey for people with family members in Syria
- Facilitate access to work permits for Syrians
- Include each province’s refugee and asylum-seeker population when calculating the legal aid funding provided to provincial bar associations
- Promote diversity and inclusion for Syrians and other refugees and asylum-seekers in Turkey

TO THE EU AND THE INTERNATIONAL COMMUNITY

- Significantly increase resettlement commitments of Syrian refugees from Turkey
- Devote significant funding to legal aid for Syrians and other refugees
- Do not return asylum-seekers from Greece to Turkey under the EU-Turkey Statement on the grounds that Turkey is a “safe third country” or a “first country of asylum”

¹⁰⁰ ECRE Turkey Report, p. 92; Interviews with lawyers, Antakya and Istanbul, 18 July 2019 and 14 October 2019.

- Make further disbursements under the EU-Turkey Statement dependent upon Turkey's respect for international law, in particular the prohibition of *refoulement*
- Provide additional funding to promote integration of Syrian refugees with local communities

TO UNHCR

- Publish statistics on what proportion of “voluntary repatriation” interviews in which it took part resulted in people returning to Syria
- Expand and strengthen advocacy efforts in fulfilment of its mandate, in line with the *non-refoulement* principle

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SENT TO A WAR ZONE

TURKEY'S ILLEGAL DEPORTATIONS OF SYRIAN REFUGEES

This report reveals that, contrary to the Turkish authorities' claims that they do not deport anyone to Syria, in mid-2019 it is likely that hundreds of Syrian refugees across Turkey were swept up, detained, and transported against their will to one of the world's most dangerous countries. Deporting anyone to Syria violates the international law principle of *non-refoulement*, as it puts them at risk of serious human rights violations. For those who manage to re-enter Turkey, they find that their Turkish identification documents have been cancelled. Syrians without valid identification documents are unable to access essential services and are at heightened risk of deportation. It appears impossible to renew these documents after they are cancelled. Syrian refugees who are at risk of deportation are often left without legal recourse or remedy to protect themselves against being *refouled* to Syria. Amnesty International urges Turkey to end the forcible deportation of Syrian refugees, and to ensure that all those deported are allowed to re-enter Turkey safely and re-access essential services.