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“No One Asked Me Why I Left Afghanistan”

Pushbacks and Deportations of Afghans from Turkey



“No One Asked Me Why I Left Afghanistan”

Pushbacks and Deportations of Afghans from Turkey

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Pushbacks and Deportations of Afghans from Turkey

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Summary

Turkey officially hosts some 3.9 million refugees, 15 percent of all externally displaced people worldwide. Some 3.6 million Syrians are maintained under a temporary protection regime and about 320,000 are non-Syrians, mostly Afghans, who are either asylum seekers or hosted under a uniquely Turkish “conditional refugee” status reserved for non-Europeans in need of international protection. Although Turkey has rightly earned international acclaim and support for hosting the largest number of refugees of any country in the world, it is routinely pushing many Afghans back at its borders or deporting them to Afghanistan with little to no examination of their claims for international protection.

The illegal pushbacks have come as risks to Afghans have increased dramatically with the Taliban’s takeover in August 2021. Since taking power, the Taliban have imposed severe restrictions across the population, carried out revenge killings and enforced disappearances of former government officials and security force personnel, detained and beaten journalists, summarily executed alleged Islamic State fighters, and failed to protect groups targeted for attack by the Islamic State, such as ethnic Hazaras. Turkish authorities are now preventing recently arriving Afghans from making legal claims for protection under international or domestic law or accessing procedures to assess their status. This is especially the case with men traveling without female family members.

Many of the Afghans interviewed by Human Rights Watch for this report made multiple attempts to cross the Turkish border from Iran, but Turkish authorities pushed them back at least once, if not multiple times, usually with little to no formal processing and no opportunity to lodge asylum claims. Turkey’s Minister of Interior Süleyman Soyulu told a press briefing on June 11, 2022 that Turkey had prevented 2.6 million people from crossing its borders, but did not provide a precise time frame. As of October 20, 2022, the Presidency of Migration Management (PMM) in Turkey’s Ministry of Interior reported 238,448 “irregular migrants whose entrance to our country has been prevented” in 2022. Given the summary nature of many of the pushbacks documented in this report, the official number may be an undercount.

Pushbacks violate multiple human rights norms, including the prohibition of collective expulsion under the European Convention on Human Rights, the right to due process in the International Covenant on Civil and Political Rights, and the principle of nonrefoulement under the 1951 Refugee Convention, which prohibits the return of refugees to places where their lives or freedom would be threatened. Refoulement is also prohibited in Turkish law. Because Turkish authorities block access to asylum, refoule people who appear to be refugees, and commit other abuses against migrants and people seeking international protection, the European Union (EU), its member states, and other countries should not regard Turkey as a safe third country for Afghan and other refugees and asylum seekers.

All the “single” men and boys whom Human Rights Watch interviewed who encountered Turkish officials at the border with Iran either directly experienced or witnessed Turkish authorities beating or otherwise abusing them and others who were with them. Many also reported Turkish border authorities shooting at them as they approached or attempted to cross the Turkish border with Iran.

“I told them I was a journalist, that my life is at risk, and that I wanted to go to Europe not stay in Turkey, but they didn’t listen to me,” said Bedar, a 25-year-old man from Paktia Province, recalling his pushback experience that began after crossing the border from Iran into Turkey on August 30, 2021, shortly after the Taliban takeover of Afghanistan. “They beat us with batons, and with the kind of iron stick that is used for construction. They beat me on my hands and arms and legs. I had open wounds that were bleeding. At one point they ordered Afghans and Pakistanis to beat each other.” Bedar recalled the Turkish border guards waiting to see when there were no Iranian guards on the other side and then pushing him and 29 others back across the border.

In addition to pushbacks at the land border with Iran, Turkey is also actively deporting tens of thousands of Afghans by plane to Afghanistan. Turkey’s deportations of Afghan nationals dramatically increased from 2021 to 2022. The 44,768 Afghan nationals Turkey deported in the first eight months of 2022 represent a 150 percent increase over the number of Afghan nationals deported in the first eight months of 2021.

Despite repeatedly telling Turkish officials that he feared return to Afghanistan and wanted to seek asylum, Abdul Sami, a 27-year-old from Ghazni, was deported to Afghanistan on May 7, 2022. When Turkish officials at the Tuzla Removal Center told him to sign a

voluntary return paper, “I said I had problems in Afghanistan and could not sign it. Then, they cursed me and one of the men standing beat me on my head, back, and legs with a rubber or plastic baton and the other one who was standing hit me with his hand. He hit me in the face and made my nose bleed.”

The next day, Abdul Sami and about 200 other men were brought to the yard of the removal center and told to put their fingerprints on the voluntary return paper. “At first we all refused,” said Abdul Sami. “One man tore the paper, and they took him to a room; when they brought him back, his face was bloody.” The following day, they were all handcuffed and taken to the Istanbul airport. “They read our names one by one, stamped our travel documents, and put us on the Ariana Airlines plane to Kabul.” We spoke to Abdul Sami by phone in Tehran, Iran, because he immediately fled Afghanistan upon his return. “My father told me the Taliban was looking for me, and not to come home, so I directly left Afghanistan again.”

Although these removals are clearly, overwhelmingly involuntary, the Turkish government insists on maintaining the fiction they are voluntary returns. Human Rights Watch’s interviews with Afghans deported to Afghanistan indicate, however, that despite pro forma “voluntary return” documents routinely being used, many Afghans facing imminent deportation are given no opportunity to make refugee claims or otherwise challenge their deportation, and their signatures or fingerprints on voluntary return forms are often forced, obtained through deception, or forged.

The dramatic increase in deportations from 2021 to 2022 is likely attributable, at least in part, to Turkish public opinion running against refugees and immigrants, as shown in a 2021 survey conducted by Avrasya Research Company to gauge Turkish public opinion on Afghans, Syrian, Iraqi and other irregular migrants and asylum seekers, in which 76 percent of respondents agreed with the statement that “the entrance of these people to Turkey must be prevented and they have to be deported urgently.”

General elections in Turkey are expected in Spring 2023 and leading opposition parties are campaigning on platforms calling for the return of refugees to their home countries. In the same 2021 public opinion poll, seven of ten respondents said they would vote for the political party that “commits to deport these people.” Citing the Turkish public’s growing “unease” with hosting large numbers of refugees, President Recep Tayyip Erdoğan issued

a warning to Europe, saying, “Turkey has no duty, responsibility or obligation to be Europe’s refugee warehouse.”

In February 2022, Deputy Interior Minister Ismail Çatakli said registrations for international protection would not be accepted in 16 provinces: Ankara, Antalya, Aydın, Bursa, Çanakkale, Düzce, Edirne, Hatay, Istanbul, Izmir, Kırklareli, Kocaeli, Muğla, Sakarya, Tekirdağ, and Yalova. He also said residency permit registrations would not be accepted by foreigners for any neighborhood in which 25 percent or more of the population was comprised of foreigners. Çatakli reported that registration had already been closed in 781 neighborhoods throughout Turkey because foreigners in those locations exceeded 25 percent of the population. In June, Interior Minister Süleyman Soylu announced that from July 1, 2022, the proportion would be brought down to 20 percent and the number of neighborhoods closed to registration of foreigners increased to 1,200.

Registrations for international protection dropped by 74 percent from 2018 to 2021: from 114,537 to 29,256. Afghans represented 75 percent of the applicants in 2021.

None of the Afghan men interviewed by Human Rights Watch who have arrived in Turkey without their families since the Taliban takeover have been able to lodge applications for international protection at Provincial Directorate of Migration Management (PDMM) offices. Men who did not present themselves as part of a family group including women or children (referred to in this report as “single men,” which for purposes of this report does not refer to their marital status) were routinely told the PDMM office they were seeking to enter was closed, that the office was not taking applications from Afghan men, or they were given appointments months later. When they returned, they were still not able to lodge applications. In the meanwhile, police and gendarmes (*jandarma* in Turkish) were arresting significant numbers of undocumented Afghans, detaining them and often coercing or deceiving them to sign voluntary repatriation forms, then deporting them to Afghanistan.

In September 2018, the Turkish government excluded the UN refugee agency (UNHCR) from its role in Turkey’s asylum system, so it no longer conducts refugee status determinations, which until then it had done in tandem with the Turkish authorities. The impact of UNHCR’s exclusion from the asylum procedure is evident from the drop in grants of international protection from 72,961 in 2018, when UNHCR was engaged in refugee status determinations, to 5,449 in 2019, when the procedure was exclusively the hands of

Turkey's Presidency of Migration Management (PMM). UNHCR's access to asylum seekers in detention has also been greatly reduced since it no longer plays a role in determining refugee status claims.

This report calls on the government of Turkey to halt all pushbacks from Turkish territory and at Turkey's borders immediately, to stop shootings at the border, and to hold any officer engaged in illegal acts, as well as their commanding officers, to disciplinary sanctions and, if applicable, criminal prosecution. It calls on Provincial Directorate of Migration Management offices to provide access to international protection procedures for all who request it, including single men, to enact a vulnerability screening mechanism to identify people with special needs, and to accommodate those needs throughout asylum and migration procedures.

It calls on the European Union and its member states to determine that Turkey does not meet the "safe third country" standard in EU law. It calls on these and other states and funding entities to ensure that their financial support to the Presidency of Migration Management and all coastal and border enforcement entities in Turkey is not used to deny the right of anyone to seek asylum or to return them to places where their lives or freedom would be threatened or where they would face torture or other serious harms. It calls on all governments to increase refugee resettlement places for Afghan and other refugees in Turkey.

Finally, this report calls on the UN refugee agency (UNHCR) to assess whether it has been fulfilling its protection mandate in Turkey since its withdrawal from Turkey's asylum procedure in September 2018, to report on that assessment, and to engage more robustly with the Turkish authorities on behalf of asylum seekers and refugees.

Recommendations

To the Turkish Government

- Immediately halt all pushbacks from Turkish territory and at Turkey's borders.
- Conduct a transparent, thorough, and impartial investigation into allegations that Turkish security and law enforcement personnel are involved in acts that put the lives and safety of migrants and asylum seekers at risk, including collective expulsions, robbery, beatings, and other violence.
- Direct border guards only to use their firearms as a necessary and proportional last resort in response to a threat to life.
- Investigate allegations of ill-treatment, especially in border regions and removal centers, and subject any officer engaged in illegal acts, as well as their commanding officers, to disciplinary sanctions and, if applicable, criminal prosecution.
- Direct Provincial Directorate of Migration Management offices to provide access to international protection procedures for all who request it, including adult Afghan men who are not part of a family group.
- Ensure that full and fair consideration is given to all claims for international protection.
- Allow any Afghans whose international protection claims were rejected prior to the Taliban takeover in August 2021 to resubmit their claims for de novo consideration based on changed country conditions in Afghanistan. Also, allow long-term Afghan residents in Turkey who have not previously filed claims for international protection to file claims based on changed country conditions.
- Ensure that any migrants held in custody are given access to regular Covid-19 testing, personal protective equipment, soap, water, adequate, well-ventilated facilities to practice safe hygiene, and access to adequate medical care. Prevent overcrowding, including through alternatives to detention, to enable social distancing.
- Direct border police to accept an individual's declared age if there is a reasonable possibility that the person is a child. In such cases, border police should expeditiously transfer those individuals to the care of child protection authorities

and assigned a guardian at the earliest time. Ensure age assessment examinations are conducted according to international standards.

- Ensure screening mechanisms to identify people with disabilities, including people with experiences of trauma, and provide reasonable accommodation throughout the asylum and migration procedures.
- Stop the use or threat of deportation or other disproportionate punishments, as a threatened or effectuated sanction for failure to abide by restrictions on movement for those caught outside their assigned “satellite city” without permission.
- Ensure full and unhindered access for UNHCR and other independent observers to removal centers and other locations where migrants are detained.
- Develop and publish regulations on “voluntary return” procedures that guarantee free and informed consent consistent with international standards.
- Regularly publish detailed statistics on international protection applications by nationality and PDMM office, the numbers accepted and rejected by nationality of the applicant and province where the application was decided, and the number of backlogged pending cases by nationality.
- Regularly publish detailed statistics on “voluntary returns,” including voluntary returns of people in detention and not in detention, by nationality, age, gender, date of exit, and name of border crossing or port of exit.
- Rescind article 102 of the Law on Foreigners and International Protection, which authorizes penalties for sheltering improperly documented foreigners.
- Lift the geographical limitation to the 1951 Refugee Convention.

To the European Union and EU Member States

- Call on the Turkish government to put an immediate end to collective expulsions at its borders and to individual deportations without adequate protections and due process.
- Publicly report, including in the context of its annual report on Turkey, on Turkish authorities’ actions to force, deceive, or falsify the signing or imprint of migrants’ fingerprints on “voluntary return” forms in EU-funded removal centers.
- Make any EU funding of and support for services in removal centers contingent on full and unhindered access of UNHCR monitoring staff and other independent observers to all removal centers in Turkey, including access to interview detainees to assess the voluntariness of return.

- Hold Turkey accountable for any discriminatory treatment of migrants and asylum seekers in EU-funded removal centers.
- Develop public human rights impact assessment and press Turkey to allow an independent reporting mechanism to ensure that EU funding to Turkey does not contribute to human rights violations in the context of border management and of Turkey's removal centers.
- The European Commission and the EU Agency for Asylum should publicly clarify that Turkey is not a safe third country according to the criteria set out in Article 38 of the EU Asylum Procedures Directive.
- The European Commission should urgently press Greece to repeal the Joint Ministerial Decision setting Turkey as a safe third country, and should it fail to do so in a reasonable timeframe, open a legal proceeding.

To the Council of Europe

- The Committee for the Prevention on Torture should seek to visit removal centers and other places where potential asylum seekers are detained in Turkey.
- With the engagement of its relevant offices such as the Commissioner for Human Rights and the Special Representative of the Secretary General on migrants and refugees, monitor and publicly report on the human rights situation of migrants at Turkey's external borders and in removal centers and state publicly that Turkey should not be considered a safe third country.

To Resettlement and Donor Governments (including the EU and EU member states)

- Call on the Turkish government to put an immediate end to collective expulsions at its borders and to individual deportations without adequate protections and due process.
- Ensure that financial support to the Presidency of Migration Management and all coastal and border enforcement entities in Turkey is not used for collective expulsions, inhuman and degrading conditions of detention, or other actions incompatible with international standards for the treatment of migrants, asylum seekers, and refugees.

- Make more resources available to support legal assistance to asylum seekers, refugees, and migrants in Turkey.
- Make more resources available for campaigns directed to the Turkish public to counter xenophobia and discrimination toward foreigners.
- Increase refugee resettlement places for Afghan and other refugees in Turkey and establish and maintain generous complementary pathways for safe, legal, and orderly migration of Afghan and other third country nationals from Turkey for family reunification, education, and employment.

To the UN Refugee Agency (UNHCR)

- Publicly report on UNHCR's monitoring and documentation of pushbacks on Turkey's borders with Iran and Syria and publicly call on the Turkish government to put an immediate end to collective expulsions at its borders and to individual deportations without adequate protections and due process.
- Conduct a study of the impact of UNHCR's September 2018 exclusion from the refugee status determination process in Turkey, report on that study, and reassess whether UNHCR's mandate demands more engagement with the Turkish asylum system or more robust interventions on behalf of asylum seekers and refugees apart from that system.
- Seek full and unhindered access to removal centers and other places where potential asylum seekers are detained in Turkey. Report regularly on obstacles to UNHCR to access people in immigration detention in Turkey.
- Encourage third states to increase resettlement numbers and complementary pathways for protection for conditional refugees in Turkey.
- Publish up-to-date Eligibility Guidelines on the International Protection Needs of People Fleeing Afghanistan and continue not to promote or facilitate the repatriation of Afghan refugees because conditions for safe, voluntary, and dignified return are not in place.

Methodology

This report is based on interviews with 68 Afghans (53 men, 3 women, 1 girl, and 11 boys), 38 of whom described 114 pushback incidents between January 2021 and April 2022. Although we cannot estimate total numbers of people pushed back in these incidents, they were all collective expulsions, sometimes involving large groups.

Thirty interviews were conducted in person, in Turkey, in May and June 2022. Ten interviews were conducted in Turkey by telephone with people who were afraid of being interviewed in person. Four interviews were conducted by telephone with people in Afghanistan who had been deported to Afghanistan and one interview with a person in Iran who was deported from Turkey to Afghanistan and then fled to Iran. Another 23 interviews were conducted by telephone between November 2021 and April 2022 between Human Rights researchers in the United States and Afghan nationals in Turkey. Human Rights Watch interviewed one person both by telephone from the United States and six months later in person in Turkey. All interviews were conducted with interpreters who translated from Dari, Pashtu, or Turkish to English, except for two interviews that were conducted in English with the translator standing by.

All interviews, including phone interviews, were conducted in private settings – either completely alone or with the interviewee’s immediate family members present – with assurances of confidentiality. The researchers informed all interviewees about the purpose and voluntary nature of the interviews, and the ways in which Human Rights Watch would use the information. All were told they could decline to answer questions or could end the interview at any time. The researchers told interviewees they would receive no payment, service, or other personal benefit for the interviews. To protect confidentiality, pseudonyms are used for all Afghan interviewees.

When this report uses the term “single men” it refers to men not traveling with female family members, not to their marital status.

The chapter on “Inhuman and Degrading Conditions and Ill-Treatment in Removal Centers” includes some accounts from Syrian nationals who were held in the same removal centers. Human Rights Watch conducted these interviews in Turkey at the same time as our

research on Afghans; they are not counted as part of the tally of interviews for this report but were deemed relevant for that chapter.

Human Rights Watch also spoke with five nongovernmental organizations representatives and lawyers, three foreign diplomats, and two UN organizations in Turkey.

On September 20, 2022, Human Rights Watch wrote to Kam Air and Ariana Airlines to present a summary of our findings regarding the use of Kam Air and Ariana Airlines aircrafts in the involuntary deportation of Afghans from Turkey to Afghanistan, as well as a submission of questions. As we go to press, there has been no response from either company.

On October 11, 2022, Human Rights Watch wrote to the Afghan Embassy in Ankara and the Afghan Consulate in Istanbul to present a summary of the findings of this report and a submission of questions. We received a reply from the Afghan Embassy in Ankara on October 13 and subsequently met with the relevant embassy staff via Zoom call to discuss the report findings. As we go to press, there has been no response from the Afghan Consulate in Istanbul.

On October 18, 2022, Human Rights Watch wrote to the Minister of Interior, copying the Presidency of Migration Management (PMM) in the ministry, to present the authorities with a summary of the findings of this report and to submit a series of detailed questions. PMM's head of external relations İbrahim Bozbey informed Human Rights Watch that it would not be possible to provide a written answer to Human Rights Watch's letter in time for the print edition of this report. Accordingly, Human Rights Watch has cited in this report the October 21 written response from the director of the PMM, Dr. Savaş Ünlü, regarding comparable research published as a short report on October 24 into the deportation of Syrian refugees from Turkey to Syria.

In consultation with İbrahim Bozbey, Human Rights Watch moved its original publication date for this report on Afghans from November 16 to November 18 in order to be able to meet with Dr. Savaş Ünlü and colleagues in advance of publication. Human Rights Watch notes that the organization made extensive efforts to seek meetings with PMM during the research phase of this report while the researcher was in Turkey and subsequently via an online meeting, but that PMM was unable to grant these requests.

I. Background

Turkey is Not a Safe Third Country

Turkey officially hosts some 3.6 million Syrians under its temporary protection regime and 320,000 non-Syrian asylum seekers, conditional refugees, and beneficiaries of subsidiary protection, most of whom are Afghans.¹ Although Turkey has rightly earned international acclaim and support for hosting the largest number of refugees of any country in the world,² 15 per cent of all people displaced across borders globally, Turkey cannot be considered a safe country of asylum for non-European refugees. Yet, on March 18, 2016, the European Council issued “the EU-Turkey Statement,” which laid out a plan for ruling asylum claims of third-country nationals arriving on the Greek islands inadmissible based on the concept that Turkey is a safe third country.³

The safe third country concept is embedded in the EU’s Asylum Procedures Directive.⁴ Among other criteria, article 38 of that directive requires that a third country can only be considered safe if “the possibility exists to request refugee status and, if found to be a refugee, to receive protection in accordance with the Geneva Convention.”⁵ This report documents that many Afghans, especially single men, are routinely prevented from accessing any procedure to assess their claims for international protection and that many of these same people are being subjected to deportation to Afghanistan with little to no examination of claims for international protection.

¹ United Nations Refugee Agency (UNHCR), “Global Trends: Forced Displacement in 2021,” June 2022, <https://www.unhcr.org/62a9d1494/global-trends-report-2021> (accessed August 12, 2022), p. 2. Turkey doesn’t have a category for asylum seekers, per se, but rather for applicants for international protection.

² UNHCR, “UN High Commissioner for Refugees praises the Republic of Turkey for its continued commitment to provide protection to all those in need,” September 10, 2021, <https://www.unhcr.org/en-us/news/press/2021/9/613ba7b64/un-high-commissioner-refugees-praises-republic-turkey-its-continued-commitment.html> (accessed August 29, 2022).

³ “EU-Turkey Statement, 18 March 2016” Council of Europe press release, March 18, 2016, <https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/> (accessed August 16, 2022). Although Turkey announced the suspension of the EU-Turkey Readmission Agreement on July 29, 2019 and the opening of its borders with the EU to irregular migrants on February 20, 2020, both Turkey and the EU reiterated their commitment to the EU-Turkey Statement on March 9, 2020. See “President Erdoğan met with Michel and Von der Leyen” (“Cumhurbaşkanı Erdoğan, Michel ve Von der Leyen ile görüştü”), Milliyet, March 9, 2020, <https://www.milliyet.com.tr/siyaset/cumhurbaskani-erdogan-michel-ve-von-der-leyen-ile-gorustu-6162131> (accessed August 16, 2022).

⁴ “Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection,” *Official Journal of the European Union* L 180/60, June 29, 2013, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013L0032> (accessed August 16, 2022).

⁵ Ibid., art. 38.1(e).

Turkey's accession to the 1951 Refugee Convention includes a geographical limitation whereby it only recognizes as refugees people fleeing persecution in Europe,⁶ which means Afghans and other non-Europeans can never enjoy full refugee status in Turkey. Tellingly, article 39 of the Asylum Procedures Directive requires that European safe third countries observe the provisions of the Refugee Convention "without any geographical limitations,"⁷ which de facto excludes Turkey from the category of "European safe third country." Turkey and Monaco are the only European countries that maintain a geographical limitation. Turkey expressly maintained its declaration of geographical limitation upon acceding to the 1967 Protocol, whose purpose generally was to drop the Refugee Convention's temporal and geographic limitations.⁸

In an effort to show adherence to international refugee protection principles and as part of its bid for EU membership,⁹ the Turkish government, despite retaining its geographical limitation to the Refugee Convention, adopted Law No. 6458 in 2013 on Foreigners and International Protection (LFIP), which created a legal category of "international protection" that enables non-Europeans who meet the Convention refugee definition to qualify as "conditional refugees."¹⁰ Under article 62, despite qualifying as refugees under the international refugee definition, conditional refugees are not eligible for asylum in Turkey but only "shall be allowed to reside in Turkey temporarily until they are resettled to a third country."¹¹ As of October 21, 2022, only 1,963 conditional refugees had been resettled from Turkey to third countries in 2022,¹² in a country that hosts 320,000 conditional refugees, asylum seekers, and beneficiaries of subsidiary protection, in addition to 3.6 million

⁶ United Nations Refugee Agency (UNHCR), "States parties, including reservations and declarations, to the 1951 Refugee Convention," undated, <https://www.unhcr.org/en-us/5d9ed32b4> (accessed August 6, 2022).

⁷ "Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection," art. 39.2(a).

⁸ UNHCR, "States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol," as of April 2015, <https://www.unhcr.org/protect/PROTECTION/3b73bod63.pdf> (accessed August 6, 2022).

⁹ N. Ela Gökalp Aras, "The European Union's Externalisation Policy in the Field of Migration and Asylum: Turkey as a Case Study," Respond Horizon 2020, Paper 2021/76, March 2021, <https://zenodo.org/record/4587982#.Yvu7znbMKUk> (accessed August 16, 2022), p. 30.

¹⁰ "Law 6458 on Foreigners and International Protection (LFIP)," adopted April 4, 2013, published in the Official Journal, issue 5, volume 53, April 11, 2013, https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (accessed August 11, 2022). Article 63 also includes a subsidiary protection standard that corresponds to subsidiary protection in the European Union.

¹¹ *Ibid.*, art. 62.

¹² UNHCR, "Resettlement Data Finder," undated, <https://rsq.unhcr.org/en/#5Nze> (accessed October 21, 2022). This does not include 5,227 Syrians under the temporary protection regime resettled during 2022. Afghans represented 1,186 of the 1,963 conditional refugees resettled during this time.

Syrians who are not categorized as conditional refugees but rather as beneficiaries of temporary protection.¹³ Subsidiary protection, also known as complementary protection, is available under the LFIP for people who do not qualify as refugees or conditional refugees but who face the threat of execution or the death penalty, torture or inhuman or degrading treatment or punishment, or a serious threat from indiscriminate violence from armed conflict;¹⁴ temporary protection under the LFIP, is available to people who arrived at or crossed the borders of Turkey as part of a mass influx who cannot return to their country.¹⁵

Because the LFIP established the Turkish government as the sole authority for registering and carrying out all status determination procedures of individuals of all nationalities seeking international protection in Turkey, in September 2018 the Turkish government excluded UNHCR from participation in Turkey's asylum system. Since then, UNHCR has been significantly marginalized. UNHCR no longer conducts refugee status determinations, which, until September 2018, it had done in tandem with the Turkish authorities. The impact of UNHCR's exclusion from the asylum procedure is evident from the drop in grants of international protection from 72,961 in 2018, when UNHCR was engaged in refugee status determinations, to 5,449 in 2019, when the procedure was exclusively the hands of Turkey's Presidency of Migration Management (PMM).¹⁶ UNHCR's access to asylum seekers in detention is also greatly reduced since it no longer plays a role in determining refugee status claims.

In response to a 2017 legal challenge to the EU-Turkey Statement by Afghan and Pakistani nationals, the General Court of the European Union declined to rule on whether Turkey qualified as a safe third country by saying that it had no jurisdiction in the case because the deal was not – despite the title of the statement – an agreement between the EU and Turkey but rather an arrangement agreed by the leaders of individual member states and Turkey.¹⁷

¹³ "Global Trends: Forced Displacement in 2021," p. 2.

¹⁴ LFIP, art. 63.

¹⁵ LFIP, art. 91.

¹⁶ Turkey 2020, European Commission, Directorate-General for Neighbourhood and Enlargement Negotiations, SWD(2020) 355 final, October 6, 2020 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020SC0355> (accessed October 14, 2022).

¹⁷ "The General Court declares that it lacks jurisdiction to hear and determine the actions brought by three asylum seekers against the EU-Turkey statement which seeks to resolve the migration crisis." See Orders of the General Court in Cases T-192/16, T-193/16 and T-257/16 NF, NG and NM v European Council, General Court of the European Union press release,

In June 2021, one of those member states, Greece, declared Turkey to be a safe third country for asylum seekers from Afghanistan, among other countries.¹⁸ When a non-Turkish asylum seeker who appears to have entered from Turkey lodges a claim on Greek territory, that person is placed in an accelerated admissibility procedure to determine if they can be returned to Turkey to have the merits of their asylum claims examined there.

The likelihood of having full and fair examination of the merits of asylum claims presumes access to procedures, which, as this report documents, cannot be assumed. But the most fundamental reason Turkey does not meet the EU criteria for a safe third country is because it does not respect the principle of nonrefoulement, despite formal and explicit recognition of the principle in article 4(1) of the LFIP.¹⁹ As documented in this report, Turkey forcibly removes Afghan asylum seekers through both pushbacks and deportations without adequate protections in place against refoulement. Such violations have been occurring for years and involve other nationalities as well.²⁰

February 28, 2017, <https://curia.europa.eu/jcms/upload/docs/application/pdf/2017-02/cp170019en.pdf> (accessed August 6, 2022).

¹⁸ “Greek legislation designates Turkey as a safe third country, for the first time. This decision is for asylum seekers from Syria, Afghanistan, Pakistan, Bangladesh and Somalia,” Hellenic Republic, Ministry of Migration and Asylum press release, June 7, 2021, <https://migration.gov.gr/en/asfali-triti-chora-charaktirizei-gia-proti-fora-i-elliniki-nomothesia-tin-toyrkia-afora-aitoyntes-asylo-apo-syria-afganistan-pakistan-mpagklantes-kai-somalia/> (accessed August 16, 2022). See also “Advocacy Letter: Implementation of the Safe Third Country Concept in Greece,” Refugees International advocacy letter, March 8, 2022, <https://www.refugeesinternational.org/reports/2022/3/8/implementation-of-the-safe-third-country-concept-in-greece> (accessed August 16, 2022).

¹⁹ Article 4(1) states that “no one within the scope 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.” The bar on refoulement in the LFIP is not absolute, however, as article 54 allows Turkish authorities to forcibly return people fearing persecution for a host of reasons (see article 54(1) a-j), including those who “pose a public order or public security or public health threat” (art. 54(1)(d)) people “who are determined to be working without a work permit” (art. 54(1)(g)), and people “breach the terms and conditions for legal entry into or exit from Turkey” (art. 54(1)(h)). The nonrefoulement exemption in article 55 from the grounds of removal in article 54 apply to people fearing torture or inhuman and degrading treatment, not to people with well-founded fears of being persecuted on account of race, religion, nationality, membership of a particular social group, or political opinion. See “Law 6458 on Foreigners and International Protection (LFIP).”

²⁰ “Turkey: Hundreds of Refugees Deported to Syria,” Human Rights Watch news release, October 24, 2022, <https://www.hrw.org/news/2022/10/24/turkey-hundreds-refugees-deported-syria>. See also “Turkey: Border Guards Kill and Injure Asylum Seekers: Border Lock-Down Puts Syrian Lives at Risk,” May 10, 2016, <https://www.hrw.org/news/2016/05/10/turkey-border-guards-kill-and-injure-asylum-seekers>. Since July 2019, Turkey has deported hundreds of Syrians from its cities. See “Turkey: Syrians Being Deported to Danger,” Human Rights Watch news release, October 24, 2019, <https://www.hrw.org/news/2019/10/24/turkey-syrians-being-deported-danger>. In February 2022, Turkey was reported to have deported at least 150 Syrians to Syria despite having protected status. See Harun al-Aswad, “Turkey accused of sending scores of refugees back to Syria,” Middle East Eye, February 2, 2022, <https://www.middleeasteye.net/news/turkey-syria-refugees-deported-scores> (accessed August 16, 2022).

In an October 22, 2022 letter to Human Rights Watch, Dr. Savaş Ünlü, the director of Migration Management in Turkey's Ministry of Interior, said:

In compliance with international and national legislation, our country fully complies with Article 4 of the Law No. 6458 on Foreigners and International Protection which spells out the prohibition of refoulement...and the principle of non-refoulement recognized in the 1951 Geneva Convention. In this context, a foreigner is only deported to a safe country of origin or a safe third country.²¹

Why Afghans Are Fleeing Afghanistan

While it is outside the scope of this report to provide a comprehensive review of the multitude of factors that cause Afghans to leave Afghanistan, many of the people interviewed for this report cited existential threats that compelled them to leave, in most cases, a mix of political, personal, economic, and environmental factors.

Since taking control of Afghanistan in August 2021, the Taliban have imposed numerous new policies sharply restricting basic human rights. Taliban forces have carried out extrajudicial killings, arbitrary arrests, and torture of former government officials and security force personnel.²² They have summarily executed people deemed affiliated with the Islamic State.²³ They have arbitrarily arrested, held in incommunicado detention, and tortured and ill-treated journalists.²⁴ During the same period, people associated with the Afghan branch of the Islamic State have carried out several major bombings targeting ethnic Hazaras, Afghan Shias, Sufis, and others, killing and injuring hundreds.²⁵

To make matters worse, the Afghan economy largely collapsed after August 2021, as millions of people lost salaries when the US, World Bank, and other donors stripped the

²¹ Letter to Human Rights Watch from Dr. Savaş Ünlü, director of Migration Management, Ministry of Interior, Republic of Turkey, October 21, 2022. On file with Human Rights Watch.

²² United Nations Assistance Mission in Afghanistan (UNAMA), Human rights in Afghanistan: 15 August 2021 – 15 June 2022, <https://unama.unmissions.org/un-releases-report-human-rights-afghanistan-taliban-takeover> (accessed October 15, 2022), pp. 13-14.

²³ Ibid., p. 15.

²⁴ Ibid., p. 26.

²⁵ "Afghanistan: ISIS Group Targets Religious Minorities," Human Rights Watch news release, September 6, 2022, <https://www.hrw.org/news/2022/09/06/afghanistan-isis-group-targets-religious-minorities>.

Central Bank of Afghanistan of its foreign assets and access to financial assistance.²⁶ Over 95 percent of the Afghan population in 2022 faced serious food insecurity, along with a lack of medicine and a rise in malnutrition-related disease.²⁷

Many of the people interviewed for this report would qualify under the “well-founded fear of being persecuted” standard from the 1951 Refugee Convention based on the five protected grounds of race, religion, nationality, membership of a particular social group, or political opinion. Others might not qualify under the traditional refugee definition, but nonetheless have compelling protection needs based on other serious threats to their lives and physical integrity. Such threats, some of which are recognized in Turkish law,²⁸ ought to entitle them to international protection as well.

Groups that easily meet the 1951 Refugee Convention standard include members of the Hazara minority, hundreds of whom have been killed in attacks in Kabul, Mazar-e Sharif, and Kunduz since January 2022.²⁹ Other groups facing targeted discrimination and attacks in Afghanistan include anyone associated with the previous government and the Afghan National Security Forces (ANSF), military personnel, police, intelligence service members; LGBT people; and journalists, among others.³⁰ Women and girls have also experienced widespread and systemic attacks on their rights since the Taliban came to power again.³¹

The economic crisis is also driving flight or contributing to Afghans’ decision to leave. An Afghan humanitarian official told Human Rights Watch in mid-July about widespread

²⁶ “Afghanistan: Economic Crisis Underlies Mass Hunger,” Human Rights Watch news release, August 4, 2022, <https://www.hrw.org/news/2022/08/04/afghanistan-economic-crisis-underlies-mass-hunger>.

²⁷ “Afghanistan: Food insecurity and malnutrition threaten ‘an entire generation,’” UN News, March 15, 2022, <https://news.un.org/en/story/2022/03/1113982#:~:text=A%20staggering%2095%20per%20cent,that%20it%20is%20almost%20inconceivable> (accessed October 15, 2022).

²⁸ LFIP, art. 63.

²⁹ “Afghanistan: ISIS Group Targets Religious Minorities,” Human Rights Watch news release, September 6, 2022, <https://www.hrw.org/news/2022/09/06/afghanistan-isis-group-targets-religious-minorities>.

³⁰ See “Urgent debate on the situation of the human rights of women and girls in Afghanistan,” Human Rights Watch news release, July 29, 2022, <https://www.hrw.org/news/2022/07/29/urgent-debate-situation-human-rights-women-and-girls-afghanistan>; “New Evidence that Biometric Data Systems Imperil Afghans,” March 30, 2022, <https://www.hrw.org/news/2022/03/30/new-evidence-biometric-data-systems-imperil-afghans>; “Afghanistan: Taliban Target LGBT Afghans,” January 16, 2022, <https://www.hrw.org/news/2022/01/16/afghanistan-taliban-target-lgbt-afghans>; “Afghanistan: Taliban Target Journalists, Women in Media,” April 1, 2021, <https://www.hrw.org/news/2021/04/01/afghanistan-taliban-target-journalists-women-media>; “Afghanistan: Taliban Execute, ‘Disappear’ Alleged Militants,” July 7, 2022, <https://www.hrw.org/news/2022/07/07/afghanistan-taliban-execute-disappear-alleged-militants>.

³¹ John Sifton, “UN Report Details Taliban Abuses in Afghanistan,” commentary, Human Rights Watch dispatch, September 7, 2022, <https://www.hrw.org/news/2022/09/07/un-report-details-taliban-abuses-afghanistan>.

malnutrition. “People have nothing to eat. You may not imagine it, but children are starving.... The situation is dire, especially if you go to the villages.” He said he knew of one family who had lost two children, ages 5 and 2, to starvation in the last two months: “This is unbelievable in 2022.”³²

Many Afghans survive by farming and husbandry. Both the effects of climate change and actions by the Taliban have tipped the scale of survival to dangerous levels. Crop failures are causing displacement, as food in some places can no longer be harvested for consumption or sale. One interviewee told Human Rights Watch he left Afghanistan because “the Taliban took our fields.”³³ Another said he left because “there was not enough water to irrigate our fields and we could not earn any money from our crops.”³⁴

Almost 20 million people – half the population – are suffering either level-3 “crisis” or level-4 “emergency” levels of food insecurity under the assessment system of the World Food Program (WFP).³⁵ Over one million children under 5 – especially at risk of dying when deprived of food – are suffering from prolonged acute malnutrition, according to Save the Children.³⁶ In July 2022, the WFP reported that tens of thousands of people in one province, Ghor, had slipped into “catastrophic” level-5 acute food insecurity, a precursor to famine.³⁷

Overall, more than 90 percent of Afghans have been suffering from some form of food insecurity since August 2021, skipping meals or whole days of eating and engaging in extreme coping mechanisms to pay for food, including sending children to work and even,

³² “Afghanistan: Economic Crisis Underlies Mass Hunger,” Human Rights Watch news release, August 4, 2022, <https://www.hrw.org/news/2022/08/04/afghanistan-economic-crisis-underlies-mass-hunger>.

³³ Human Rights Watch interview with Abdul Nasir, Zeytinburnu, Istanbul, June 9, 2022.

³⁴ Human Rights Watch telephone interview with Safiullah, June 10, 2022.

³⁵ “Afghanistan: nearly 20 million Afghans experiencing high acute food insecurity,” Integrated Food Security Phase Classification, May 2022 <https://www.ipcinfo.org/ipcinfo-website/resources/resources-details/en/c/1155598/> (accessed August 4, 2022).

³⁶ Save the Children, “Save the Children’s Response in Afghanistan (June Update),” July 27, 2022, <https://reliefweb.int/report/afghanistan/save-childrens-response-afghanistan-june-update-endarips> (accessed August 4, 2022).

³⁷ World Food Programme (WFP), “WFP Afghanistan: Situation Report, 19 July 2022,” July 23, 2022, <https://reliefweb.int/report/afghanistan/wfp-afghanistan-situation-report-19-july-2022> (accessed August 4, 2022).

in some reports,³⁸ the selling of children.³⁹ Afghanistan's economic collapse was caused in part by a collapse in most families' incomes following the Taliban takeover and foreign donors' decisions to suspend outside budgetary support for numerous government, humanitarian, and development sectors, including education and health.

³⁸ "Parents Selling Children Shows Desperation in Afghanistan," National Public Radio (NPR), December 31, 2021, <https://www.npr.org/2021/12/31/1069428211/parents-selling-children-shows-desperation-in-afghanistan> (accessed September 23, 2022).

³⁹ WFP, "Afghanistan Food Security Update," May 2022, <https://docs.wfp.org/api/documents/WFP-0000140735/download/>, (accessed August 4, 2022).

II. Pushbacks, Violence, and Abuse by Turkish Authorities

Despite Turkey’s formal and explicit recognition of the principle of nonrefoulement in article 4(1) of the Law on Foreigners and International Protection,⁴⁰ Turkey forcibly removes Afghan asylum seekers both through pushbacks at its borders (as documented in this chapter) and through deportations to Afghanistan by plane or overland to Syria without adequate protections in place against refoulement (as documented in the following chapters “Deportations to Afghanistan” and “Deportations of Afghans to Syria”).

Turkey’s Interior Minister Süleyman Soylu told a press briefing on June 11, 2022 that Turkey had prevented 2.6 million people from crossing its borders, but did not provide a precise time frame.⁴¹ As of October 20, 2022, the Presidency of Migration Management (PMM) in Turkey’s Ministry of Interior reported 238,448 “irregular migrants whose entrance to our country has been prevented” in 2022.⁴² During that time, Turkey apprehended 92,583 Afghan as “irregular migrants.”⁴³ Given the summary nature of pushbacks documented in this chapter, these official statistics may be undercounts.

In addition to violating Turkey’s own law, pushbacks violate multiple binding human rights legal norms, including the prohibition of collective expulsion under the European Convention on Human Rights, the right to due process in the International Covenant on

⁴⁰ Law 6458 on Foreigners and International Protection (LFIP) states that “no one within the scope 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.” The bar on refoulement in the LFIP is not absolute, however, as article 54 allows Turkish authorities to forcibly return people fearing persecution for a host of reasons (see article 54(1) a-j), including those who “pose a public order or public security or public health threat” (art 54(1)(d)) people “who are determined to be working without a work permit” (art. 54(1)(g), and people “breach the terms and conditions for legal entry into or exit from Turkey” (art. 54(1)(h)). The nonrefoulement exemption in article 55 from the grounds of removal in article 54 apply to people fearing torture or inhuman and degrading treatment, not to people with well-founded fears of being persecuted on account of race, religion, nationality, membership of a particular social group, or political opinion. See “Law 6458 on Foreigners and International Protection (LFIP),” art. 4(1).

⁴¹ “More Neighborhoods to Be Closed to Foreigners, Says Minister,” *Hürriyet Daily News*, June 12, 2022, <https://www.hurriyetdailynews.com/more-neighborhoods-to-be-closed-to-foreigners-says-minister-174519> (accessed September 7, 2022).

⁴² Tweet from the official account of the Turkish Ministry of Interior, Directorate of Migration Management with a hashtag #TürkiyeGöçÜnüyor, which translates to “Turkey manages migration,” October 22, 2022, <https://twitter.com/Gocidaresi/status/1583865414639288320>, (accessed October 25, 2022).

⁴³ Turkish Ministry of Interior, Directorate of Migration Management, “Irregular Migration,” updated as of October 6, 2022, <https://en.goc.gov.tr/irregular-migration> (accessed October 25, 2022). The Directorate General of Migration Management (DGMM) within the Ministry of Interior was renamed the “Presidency for Migration Management” (PMM) in October 2021.

Civil and Political Rights, and the principle of nonrefoulement under the 1951 Refugee Convention.⁴⁴

Turkish security officials perpetrated violence not only during pushbacks, but for some of the people we interviewed, during every step of the experience. For example, Bedar, a 25-year-old journalist from Paktia Province, described brutal and humiliating treatment that he both experienced and witnessed upon his arrest after crossing from Iran on August 30, 2021; in the police station in Tatvan, where he was first taken; in the police station in Van, to which he was transferred; and by the rural police known as the *jandarma* (gendarmarie) near the border, before they pushed him back to Iran:

I was hurt and injured because the police beat me the whole time I was there. Every time the guards changed shifts, the new ones came and beat us. I told them I was a journalist, that my life is at risk, that I wanted to go to Europe, not stay in Turkey, but they didn't listen to me. They beat us with batons, and with the kind of iron stick that is used for construction. They beat me on my hands and arms and legs. I had open wounds that were bleeding. At one point they ordered Afghans and Pakistanis to beat each other.

After one night in the Tatvan police station, they transferred us to the Van police station. Then they handed us to the *jandarma*, who took us to the border. I was also beaten at the border. They made us eat the soil of Turkey as a lesson to not come back to Turkey. At the border, there was boy, 15 years old, who needed to use the toilet, but the police didn't allow him. He

⁴⁴ See “Term: push-back,” European Center for Constitutional and Human Rights, undated, <https://www.ecchr.eu/en/glossary/push-back/> (accessed August 17, 2022); European Court of Human Rights, “Factsheet: Collective expulsion of aliens,” December 2021, https://www.echr.coe.int/Documents/FS_Collective_expulsions_ENG.pdf (accessed August 17, 2022); European Court of Human Rights, “European Convention on Human Rights, as amended by Protocols Nos. 11, 14 and 15, supplemented by Protocols Nos. 1, 4, 6, 7, 12, 13 and 16,” October 2, 2013, https://www.echr.coe.int/Documents/Convention_ENG.pdf (accessed August 17, 2022); BVMN, “Pushbacks and Police Violence – Legal Framework,” undated, <https://www.borderviolence.eu/legal-framework/> (accessed August 17, 2022); International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> (accessed August 17, 2022); Charter of Fundamental Rights of the European Union, 2012/C 326/02, October 26, 2012, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012P/TXT&from=EN> (accessed August 17, 2022); Convention relating to the Status of Refugees, 189 U.N.T.S. 150, entered into force April 22, 1954 and Protocol Relating to the Status of Refugees, 606 U.N.T.S. 267, entered into force October 4, 1967, <https://www.unhcr.org/3b66c2aa10> (accessed August 17, 2022).

couldn't hold it anymore, so he went in his place. When the police saw this, they came and told the boy to put soil over the urine and then told him to kiss the mound. They said, "Turkey is a paradise how can you do your toilet here?"

We were 30 people in our group and two families with three women. They took our belongings before sending us to Iran and burned them. They returned only one t-shirt and one [pair of] pants. Before they pushed us across the border, they checked to look for Iranian police and once they saw no Iranian police, they sent us.⁴⁵

Violent Pushbacks

All the single men and boys who Human Rights Watch interviewed who encountered Turkish officials at the border with Iran either directly experienced or witnessed Turkish authorities beating or otherwise abusing them and others who were with them. In many cases, interviewees were not certain about the specific identity – police, army, *jandarma* – of the authority in whose custody they were or who was shooting at them, but in no case did any of the interviewees express any doubt that they were Turkish security officials. In most cases, Turkish authorities at the Iranian border were described as wearing beige military-style uniforms, often camouflaged, but others described the authorities they encountered as wearing dark uniforms. Both at the border and the interior, some reported the words "Jandarma" or "Polis" written on uniforms of the officials they encountered, but others did not recall any writing on the uniforms. Therefore, references to "police" or "guards" should be read in the generic sense. If the term "*jandarma*" is used, the interview subject used that specific term to refer to the rural police force.

Summary removals occur in various ways, but the most obvious and egregious is being pushed back immediately after being caught crossing the border with no formal processing whatsoever. Zayan, a 28-year-old former soldier in the Afghan army from Ghazni who fled Afghanistan shortly after the Taliban takeover, was first pushed back from Turkey to Iran on December 18, 2021. He crossed as part of a group of about 200 people. First the Turkish

⁴⁵ Human Rights Watch telephone interview with Bedar, January 28 and 29, 2022.

police shot their guns into the air “to scare us,” Zayan said. Then, he said, the beatings started:

There were 15 police; they beat everyone. They beat some people with the butts of their guns. They even beat children. There was a woman and boy injured by their beatings. The woman’s right leg was broken because police beat her with a baton. The police beat me four or five times on my back with a baton. Since it was winter and cold, people were wearing lots of clothes, so the Turkish police took our warm clothes, our mobile phones, our bags, and shoelaces. They never gave anything back. No one was allowed to talk with them, we begged them that our country is in a bad situation, but they didn’t listen to us. We were directly pushed back into Iran. We were never taken to a camp.⁴⁶

Aref, 20, from Laghman, Afghanistan, entered Turkey with 30 other people near Maku at 4 a.m. on May 6, 2022. After crossing the border wall, they walked another 20 minutes before bright lights shone on them and bursts of shooting came from in front of them:

As soon as they caught us, they took us back to the wall. They took our backpacks and other belongings, broke our mobile phones, stripped us down to our underwear, and beat us. They lined us up with our faces against the wall. Two border police hit me with a baton and kicked me with their army boots. Mostly I was hit on my backside. I have pictures of the bruises on my back. [He sent photos via WhatsApp.] The beating went on for two hours. They broke one guy’s arm. They took a group photo of us, but not individual photos. They made us walk through a gate in the wall back to the Iranian side. We returned to Iran at 5:30 am. There were no Iranian guards on the other side.⁴⁷

Some of the people we interviewed were held for a few hours near the border before being summarily returned but rather than being treated humanely, questioned about reasons for

⁴⁶ Human Rights Watch telephone interview with Zayan, March 16, 2022.

⁴⁷ Human Rights Watch telephone interview with Aref, June 8, 2022.

leaving, or processed in any way, these periods of custody were often occasions for abusive and humiliating treatment.

Ghani, a 23-year-old law student from Jawzjan, crossed from Iran into Turkey on or around August 28, 2021, near Maku. As the group of 150 he started out with were approaching the Turkish border, Iranian border guards started shooting at them from behind. Ghani said he could hear bullets whizzing by him, but he did not see anyone being shot. The group first encountered a coil of razor wire about three meters wide and a half meter high and then a trench about four meters deep followed by another coil of razor wire. Probably drawn by the sound of gunfire from Iranian border guards, Turkish *jandarma* came and captured Ghani and about 60 other people.

The Turkish guards immediately started beating people, including people who were injured after crossing the razor wire and the trench. They made the people who were caught sit in a circle on the ground and if anyone looked up or tried to say anything, they were beaten. He said that one of the *jandarma* punched him in the face and stomped on him when he fell and he witnessed other migrants being beaten with police batons.

At the *jandarma* base, the migrants were forced to strip down to their underwear. The *jandarma* stole high-end mobile phones and destroyed the cheaper ones. They did not take fingerprints, no photographs, no interview. He said the *jandarma* began beating people, taunting them by saying, “Will you come back to Turkey?” Some people were confused by the language and said yes and were beaten more severely, but even those who said no were beaten.⁴⁸

The Turkish *jandarma* caught Lutfullah, a 20-year-old medical student from Ghazni, shortly after he crossed the border into Turkey in December 2021. Turkish border guards shot guns and Lutfullah saw bullets hitting the ground in front of him. The guards ordered everyone to sit down. His group of 150 was split into families who were brought inside a camp and single men who were kept in the rough. Lutfullah spoke about systematic abuse he and the other men in his group experienced:

⁴⁸ Human Rights Watch interview with Ghani, Zeytinburnu, Istanbul, May 29, 2022.

The soldiers put me on the ground. Two soldiers held down my hands and feet. Then the commander beat me on my knees with a metal stick. He did this to all the single men. He only hit us on the knees and the shins. As he was beating us, he said, “Go back to Iran. Do not come again.” The commander ordered others to hit us, but he did most of the hitting himself. He broke the legs of a few people. Then they forced us back across the border to Iran at a time and place where there were no Iranian border guards.⁴⁹

Beatings Increase in Severity with Repeat Border Crossings

Interviewees told Human Rights Watch that it appeared as if Turkish border guards beat people they suspected of being repeat border crossers more severely than others. Nouman, 23, from Ghazni, was pushed back three times by Turkish *jandarma* in November 2021. He said that the beatings he experienced increased in intensity and duration when Turkish authorities discovered that he had previously attempted to cross:

On my second try, at midnight [two days after my first attempt], I was still injured from first attempt. The *jandarma* shot at us and made us stop. They took us to the same base as two days ago and again burned our clothes and belongings. Eleven police wearing the same beige camouflage uniforms beat us. They separated those of us who had been caught previously and they beat us more. One hit me in my kidney and punched the same place on my face as they punched me two days before. They took my individual photo but no fingerprint or interview. At 6 a.m., they sent us across the border by foot.⁵⁰

Nezam, an 18-year-old student from Ghazni Province who fled Afghanistan in mid-September 2021, made four attempts to cross from Iran to Turkey. He explained how Turkish *jandarma* stripped migrants and examined their bodies for bruises as evidence that they had made previous attempts to cross the border, and if they detected bruises, he said they would beat them more:

⁴⁹ Human Rights Watch interview with Lutfullah, Zeytinburnu, Istanbul, May 25, 2022.

⁵⁰ Human Rights Watch interview with Nouman, Küçükçekmece, Istanbul, June 7, 2022.

We were arrested by five *jandarma*. They had Kalashnikovs and police batons. This time when we were arrested, we were not taken to a detention center but directly to the border. At the border, the *jandarma* stood us in a line and told us to take off our clothes; I was left with an undershirt and shorts. They checked my body for signs of beating, which showed that I had previously crossed, then they beat me more. I was beaten two different times on the head and back, they also beat me on my ankle. Mostly they beat me with a baton, but they also used their hands and feet. They beat me on my leg so I couldn't walk easily, but they beat my friend on his head and he was bleeding. There was a commander present while I was being beaten. He was standing and giving orders, telling them if people are speaking Turkish, beat them more.⁵¹

Shootings by Turkish Border Authorities

Eighteen of the people interviewed by Human Rights Watch said they witnessed Turkish guards shooting in their direction as they attempted to cross the border with Iran.⁵² There is no evidence there were justifiable reasons for Turkish border authorities to use lethal force as a last resort, for example that it was necessary to protect their lives or the lives of others.

Human Rights Watch is not able to provide specific locations where shootings along the Iran-Turkey border occurred. The first thing border authorities reportedly do upon apprehending border crossers is to take or destroy their mobile phones. Migrants usually travel in groups guided by smugglers, so the migrants are often unaware of their exact location. Descriptions of physical barriers and topography varied, indicating various crossing points. Many interviewees described a series of ground-level concertina wire coils, walls topped with razor wire, and deep trenches. The European Union has provided

⁵¹ Human Rights Watch telephone interview with Nezam, November 18, 2021.

⁵² Amnesty International's August 2022 report on Turkey also reported shootings on people at Turkey's border with Iran. See Amnesty International, "Afghanistan: 'They Don't Treat Us Like Humans,'" ASA11/5897/2022, August 31, 2022, <https://www.amnesty.org/en/documents/asa11/5897/2022/en/> (accessed September 2, 2022), p. 7.

financial support for the construction of a wall and high-tech surveillance systems on Turkey's eastern border with Iran.⁵³

Morad, an 18-year-old from Paktia who fled Afghanistan in early September 2021, attempted to cross into Turkey with a group of 120 people at about 5 a.m. at a location near Maku. "Five Turkish border police were shooting into the air and also at the people," he said. "I saw one person get shot in his leg. Everyone was so scared they were running everywhere."⁵⁴

Sohail, 27, from Kabul, who first crossed from Iran to Turkey on the road from Karkush at 10 p.m. on January 22, 2022, said that shooting started after he and the 100 people he was crossing with crossed the razor wire but before they reached the trench. "I saw one guy who was trying to jump the trench, about three or four meters from me, get shot in the leg and fall to the ground."⁵⁵ Sohail said that migrants carried the man back to the Iranian side of the border.

Many of the people Human Rights Watch interviewed said they turned back before crossing the Turkish border because of shooting by Turkish border guards.⁵⁶ Tahir, 22, from Mazar-e Sharif, recounted how shooting by Turkish border guards prevented him three different times from trying to cross into Turkey:

Three times I turned back because of shooting. It was 100 percent the Turkish border police who were shooting. There were no Iranian border guards there. We saw the Turkish police in their vehicles driving back and forth and shooting. They would stop their vehicle, shoot, get back in the vehicle, drive some more, and get out and shoot again.⁵⁷

⁵³ EU funding for the border wall comes from the instrument for pre-accession assistance (IPA) for Turkey, IPA I and IPA II (2014–2020). See Council of Europe, "Report of the fact-finding mission to Turkey by Ambassador Drahoslav Štefánek, Special Representative of the Secretary General on Migration and Refugees 15-26 March 2021," SG/Inf(2021)35, November 29, 2021, <https://rm.coe.int/report-of-the-fact-finding-mission-to-turkey/1680a4b673> (accessed August 11, 2022), para. 123.

⁵⁴ Human Rights Watch telephone interview with Morad, December 6, 2021.

⁵⁵ Human Rights Watch interview with Sohail, Aksaray, Istanbul, May 27, 2022.

⁵⁶ Human Rights Watch does not include in its count of pushbacks from Turkey the reports of incidents in which people who approached the border turned around before reaching it because they heard gunfire or saw lights or guards.

⁵⁷ Human Rights Watch interview with Tahir, Bahçeşehir, Istanbul, June 3, 2022.

Under international law, security officials acting in a law enforcement capacity may use lethal force only as a proportional and necessary response to a threat to life. The UN Basic Principles on the Use of Force and Firearms provide that law enforcement officials “shall, as far as possible, apply non-violent means before resorting to the use of force” and may use force “only if other means remain ineffective.”⁵⁸ When the use of force is unavoidable, law enforcement officials must “exercise restraint in such use and act in proportion to the seriousness of the offence.”⁵⁹

Turkish Border Officials Brandishing Weapons

Witnesses reported to Human Rights Watch that Turkish border officials not only fired weapons, but also frequently used their weapons to beat people and, in some cases, brandished their weapons to threaten people. Qaher, a 25-year-old man from Daykundi Province, who crossed the border on February 21, 2022, said he witnessed a Turkish soldier at the border pointing a gun at the head of a fellow migrant in a threatening way. “One of the police pointed his gun on a person near me and said, ‘If you come again, I will kill you.’”⁶⁰

Shootings by both Turkish and Iranian Border Authorities

Some people reported being shot at, at the same time, by border authorities from both Turkey and Iran. Iqbal, a 20-year-old from Paktia, told Human Rights Watch about an incident on August 27, 2021, when trying to cross the Iran-Turkey border as part of a group of about 180 people:

On the Turkish border, we encountered Iranian police shooting at us, and after that, the Turkish police also started shooting. Since it was during the night, I couldn’t see if they shot at us or above us, but I saw people injured. I saw one person injured in the back and begging for help, but everyone kept running. There was barbed wire on the way that we had to cross. There were also trenches and people fell into them, and it was difficult to get out.

⁵⁸ UN General Principles on the Use of Force and Firearms by Law Enforcement Officials, United Nations Office of the High Commissioner for Human Rights, September 7, 1990, <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-use-force-and-firearms-law-enforcement> (accessed August 8, 2022), art. 4.

⁵⁹ UN General Principles on the Use of Force and Firearms by Law Enforcement Officials, art. 5(a).

⁶⁰ Human Rights Watch telephone interview with Qaher, August 7, 2022.

Out of 180 people, only 24 could escape and the rest got arrested or injured in trenches.⁶¹

Mateen, a 23-year-old Afghan man from Mazar-e Sharif who made multiple attempts to cross from Iran to Turkey in January 2022 recounted one occasion where Turkish authorities tried to push a group of migrants back to Iran through a gate in the border wall, but were rebuffed by Iranian border guards, during which arguing between the two countries' guards escalated to shooting. "The *jandarma* took us directly to the wall and pushed us through a gate in the wall," he said. "There were Iranian guards on the other side. The Iranian and Turkish guards were arguing, and they began shooting at each other."⁶²

⁶¹ Human Rights Watch telephone interview with Iqbal, January 27 and 30 and February 9, 2022.

⁶² Human Rights Watch interview with Mateen, Zeytinburnu, Istanbul, June 9, 2022.

III. Abuse in Informal Detention Locations Near the Border

Some people reported to Human Rights Watch that Turkish authorities took them to informal “camp” locations near the Iranian border where they were held from less than two hours to up to two days, before being pushed back. During the time spent in such locations, the authorities often physically abused and humiliated them. They were never formally processed or given an opportunity to seek asylum in these places. Asadullah, a 20-year-old former cadet in the Army academy in Afghanistan, spoke about his experience at one such camp in early October 2021 where the Turkish authorities made the migrants hit each other:

After crossing the border and two nights in the mountains, we walked down to a village. The Turkish *jandarma* arrested us in the village and took us to a place. I can’t really explain what kind of place it was. It was an open place. No walls, no tents. They just put a plastic cover over us where we were sitting. There was no room; they just kept us outside. There were about 180 of us held there. After taking us there, they started beating us and they told Afghan and Pakistani detainees to beat each other. They had black uniforms and their faces were covered. Both those who arrested us and those in the center had the same uniforms. “Police” was written on them.⁶³

Hamid, an 18-year-old from Kapisa, Afghanistan, was caught trying to cross into Turkey from Iran in February 2021. He described being held in an “earthen pit” for two days and nights before being pushed back to Iran amidst shooting by guards from both sides of the border:

The Turkish police arrested us close to Doğubayazıt, took us close to the border, and put us under the ground. It didn’t have a cover; it was a big hole with dirt sides. The police put me there with another 150 people, women and children among us. The weather was cold. If someone was standing up or asking for water or the toilet, the police treated them very

⁶³ Human Rights Watch telephone interview with Asadullah, January 25, 2022.

bad. These were border police with a uniform like the Afghan army uniform, beige commando uniform.

They never asked us anything and we didn't have a chance to talk to them. I was kept in that hole for two days and two nights. On the third evening, they took us to the border through the mountains. It took us four hours to reach the top of the mountain. Once we reached there, the Turkish and Iranian police were shooting, but we had no choice, so we went to the Iranian side. Once we arrived there, we faced the Iranian police.⁶⁴

Amena, a 36-year-old woman who was traveling with her husband and two daughters, was pushed back from Turkey to Iran four times. She described being held for 12 hours in an open area in the mountains during an unsuccessful attempt to cross into Turkey in December 2020 from Chalderan, Iran:

This time we were arrested, and the Turkish border police kept us 12 hours in an open area which was very windy, on the mountains, and the weather was cold and rainy. They didn't give us food or water. They didn't provide any blankets and didn't take our pictures or fingerprints. They didn't even ask why we were there.

There were a lot of families, six families total. They told the women to take off our pants and they checked our underwear. They even made children do this, and they were asking for our money. They didn't take my phone or money because I hid them somewhere, but from the rest of the women if they hid things even in their bra they checked and they took from them.

The men were kept separate from us, and they cuffed the men's hands. They beat only the single men, so my husband wasn't beaten because he had us. We walked from that place on the top of a hill for one hour and then it was the Iranian border. Once they took us to the border, they checked for

⁶⁴ Human Rights Watch telephone interview with Hamid, February 16, 2022.

Iranian police and once they put us there, they said, “You should leave this place in 15 minutes otherwise the Iranian police will come.”⁶⁵

Jawid, age 20, a Hazara student who fled from Baghlan Province in January 2022, was caught on the Turkish side of the border after crossing barbed wire and trenches in March 2022. He said that Turkish border guards shot at his feet and in the air and immediately pushed him to the ground and began kicking him. He was then taken to a base about five minutes from the border:

The police made us take off our clothing and belongings and they burned them. Then, they used police batons and wooden sticks, about 2 inches in diameter, to beat us. They also whipped us with their belts. They hit me on my arms and knees with a wooden stick. I tried to protect my head with my hands, which is why my arms got beaten. It was just to punish us and to send a message not to come back. Nobody was trying to escape. The beating lasted about five minutes. We spent one or two hours at the base. There was no processing, no fingerprints, no photos, no interview. We were arrested in the early evening and sent back around 11 p.m.⁶⁶

The entire process could take less than two hours. Sohail, a 27-year-old from Kabul who fled to Turkey in mid-October 2021, said that he and others were stuck in the trench near the Maku border crossing and were afraid to climb out of the trench because of shooting. After the border authorities ordered them out of the trench, “they stood us in a line and beat us with hoses and their rifle butts and muzzles...They beat me to the ground and then kicked me. They broke my glasses and my nose.”⁶⁷ The authorities photographed him and took his name but did not fingerprint him. After an hour and half, they pushed him back to Iran.

⁶⁵ Human Rights Watch telephone interview with Amena, February 20, 2022.

⁶⁶ Human Rights Watch interview with Jawid, Zeytinburnu, Istanbul, May 26, 2022.

⁶⁷ Human Rights Watch interview with Sohail, Aksaray, Istanbul, May 27, 2022.

IV. Inhuman and Degrading Conditions and Ill-Treatment in Removal Centers

In the previous chapter, we discussed abuses that take place in informal camps or bases near the Iranian border where people are usually held for only a few hours and formal processing ranges from cursory to nonexistent and abusive treatment is common.

The Presidency of Migration Management (PMM) reported, as of June 18, 2022, that it was holding nearly 19,000 migration detainees in 30 removal centers, of whom 9,819 were Afghan nationals.⁶⁸ Migrants and asylum seekers are held in removal centers for days, weeks, or, in some cases, months.⁶⁹ While the treatment in removal centers is generally not as abusive as in the border camps, it is often quite bad.

Former detainees told Human Rights Watch they were frequently transferred from one removal center to another, sometimes even returning to the same center after being transferred to another. This appeared to be because of overcrowding in the centers, but these frequent transfers exacerbate anxiety and make it exceedingly difficult for detainees to make and maintain contact with lawyers or others on the outside seeking to provide legal, material, or moral support. Although the removal centers are under the authority of PMM, and the role of the *jandarma* is restricted by law to external security of the centers and the transfer of detainees to and from,⁷⁰ some former detainees told Human Rights Watch that they thought the centers they were in were run by the *jandarma*.⁷¹

⁶⁸ Tweet from the official account of the Turkish Ministry of Interior, Directorate of Migration Management with a hashtag #TürkiyeGöçÜYönetiyor, which translates to “Turkey manages migration,” October 22, 2022, <https://twitter.com/Gocidaresi/status/1583865414639288320> (accessed November 7, 2022).

⁶⁹ Under Article 57(3) of the LFIP “The duration of administrative detention in removal centres shall not exceed six months. However, in cases where the removal cannot be completed due to the foreigner’s failure of cooperation or providing correct information or documents about their country [of origin], this period may be extended for a maximum of six additional months.” See “Law 6458 on Foreigners and International Protection (LFIP).”

⁷⁰ Asayış Başkanlığı (‘Presidency of Public Order’), “Asayış Başkanlığının Görevleri” (‘Duties of the Presidency of Public Order’), undated, <https://www.jandarma.gov.tr/asayis/gorevlerimiz> (accessed September 27, 2022).

⁷¹ Two of the 30 centers are located at Adana, one at Ağrı, Ankara, Antalya, Aydın, Balıkesir, Bursa, Çanakkale, Çankırı, Edirne, two at Erzurum, one at Gaziantep, Hatay, three at İstanbul (Binkılıç, Siliviri, and Tuzla-Konteyner), a temporary one at Iğdır, one at İzmir, Kayseri, Kırklareli, Kocaeli Kütahya, two at Malatya (one is temporary), and one at Muğla, Niğde, Şanlıurfa, and Van (Kurubaş). Centers do open and close, sometimes permanently, so this is subject to frequent change. At last count, the total capacity of removal centers was for about 18,000 people.

Outside agencies have little access to the removal centers. The Special Representative on Migration and Refugees of the Secretary General of the Council of Europe observed in his November 2021 report on Turkey that “access to Removal Centres by international partners such as UNHCR or IOM, as well as by NGOs is very limited although it can be authorised, on request and on specific grounds. As a result, UNHCR told us that they only visit the RCs about twice a year.”⁷² None of the former detainees interviewed by Human Rights Watch had had any contact with UNHCR or IOM while in removal centers. Representatives from the Afghan embassy in Ankara have access to 16 of the 30 removal centers and conduct interviews in 10 of the 16⁷³. The Afghan consulate in Istanbul is responsible for the other 14 removal centers and appears to conduct at least some interviews by phone rather than in person.

Turkey’s removal centers have been constructed and maintained with significant funding from the European Union. Prior to 2016, under the Instrument for Pre-Accession Assistance (IPA I and IPA II), the EU provided more than €89 million for the construction, renovation, or other support of removal centers in Turkey.⁷⁴ Although some of the funding was “initially planned and designed to be reception centres for asylum seekers and refugees,” according to a letter from the European Commission to Human Rights Watch, “they have been transformed to removal centres following a request of the Turkish Government in 2015.”⁷⁵ Some €54 million of this funding in 2007 and 2008 was for the construction of seven removal centers in six provinces with a capacity for 3,750 people.⁷⁶ In 2014, it provided another €6.7 million for renovation and refurbishment of 17 removal centers.⁷⁷ In

⁷² “Report of the fact-finding mission to Turkey by Ambassador Drahoslav Štefánek,” para. 88.

⁷³ Information on embassy and consulate responsibilities for removal centers and on the number of centers where the embassy conducts interviews was provided to Human Rights Watch on October 20, 2022 by the Afghan Embassy in Ankara. On file with Human Rights Watch.

⁷⁴ Letter from Bernard Brunet, Directorate-General for Neighbourhood and Enlargement Negotiations (NEAR), to Human Rights Watch, September 30, 2022. On file with Human Rights Watch.

⁷⁵ Ibid.

⁷⁶ Ibid. Under IPA 2007, Phase I, and IPA 2009, Phase II funding, €13,772,135 for two removal centers (RC) in Erzurum (750 person capacity each); €13,148,735 for one RC in G.Antep and one RC in Van (750 person capacity each); €13,101,142 for one RC in İzmir and one RC in Kayseri (750 person capacity each); and €6,691,154 for one RC in Kırklareli (750 person capacity). Another €2,425,863 to supervise construction of the RCs and €4,866,001 for equipment. Total: €54,005,030.

⁷⁷ Ibid. Under the IPA 2014 funding, €5,077,073 for equipment for Removal Centers in Ağrı, Ankara, Istanbul (Binkilic), Istanbul (Tuzla), Malatya, and Bayburt and €1,671,296 for renovations in removal centers in Adana, Aydın, Edirne, Hatay, and Van (Tusba).

2015, the EU provided about €29 million for the construction of six new removal centers with a capacity for 2,400 people.⁷⁸

Following the first €3 billion committed to Turkey as part of the EU-Turkey deal of March 2016,⁷⁹ the EU's Facility for Refugees in Turkey (FRIT) provided €60 million to the then-Directorate General for Migration Management (DGMM),⁸⁰ to "support Turkey in the management, reception and hosting of migrants, in particular irregular migrants detected in Turkey, as well as migrants returned from EU Member States territories to Turkey."⁸¹ This funding was used for the construction and refurbishment of the Çankırı removal center and for staffing of 22 other removal centers.⁸²

The EU provided another €22.3 million to the DGMM for improving services and physical conditions in removal centers, including funding for "the safe and organised transfer of irregular migrants and refugees within Turkey,"⁸³ and €3.5 million for "capacity-building assistance aimed at strengthening access to rights and services."⁸⁴

On December 21, 2021, the European Commission announced a €30 million financing decision to support the Presidency of Migration Management's (PMM) "capacity building and improving the standards and conditions for migrants in Turkey's hosting centres... to

⁷⁸ Ibid. Under IPA 2015 and 2016 funding, €3,513,651 for Adana removal center (RC) (400 persons); €4,076,810 for Kutahya RC (400 persons); €3,769,426 for Malatya RC (400 persons); €3,587,294 for Nigde RC (400 persons); €6,819,874 for Sanliurfa RC (600 persons); €3,579,129 for Balikesir RC (200 persons); and another €1,772,921 for supervision of construction and €1,803,765 for equipment. Total: €28,922,870.

⁷⁹ A total of €6 billion was allocated to Turkey as part of the 2016 EU-Turkey deal, on top of the €4.7 billion already contracted and €3.2 billion disbursed, according to N. Ela Gökalp Aras, "The European Union's Externalisation Policy in the Field of Migration and Asylum: Turkey as a Case Study," Respond Horizon 2020, Paper 2021/76, March 2021, <https://zenodo.org/record/4587982#.Yvu7znbMKUk> (accessed August 16, 2022), p. 36. By June 2022, €4.7 billion of the €6 billion had been disbursed. See Türkiye 2022 Report, European Commission, Directorate-General for Neighbourhood and Enlargement Negotiations, SWD(2022) 333 final, October 12, 2022, https://neighbourhood-enlargement.ec.europa.eu/turkiye-report-2022_en (accessed October 14, 2022).

⁸⁰ The €60 million came from IPA Special Measure 2. See "EU Facility for Refugees in Turkey: List of projects committed/decided, contracted, disbursed," European Commission Directorate-General for Neighbourhood and Enlargement Negotiations, April 30, 2022, <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-06/Facility%20table%20April%202022.pdf> (accessed August 11, 2022). The FRIT's entire €6 billion allotment for Turkey was contracted by the end of 2020 and over €4.2 billion was disbursed by August 2021.

⁸¹ "Support to the Implementation of the EU-Turkey Statement of 18 March 2016," Delegation of the European Union to Turkey, March 18, 2016, <https://www.avrupa.info.tr/en/project/support-implementation-eu-turkey-statement-18-march-2016-8006> (accessed August 11, 2022).

⁸² Letter from Bernard Brunet, Directorate-General for Neighbourhood and Enlargement Negotiations (NEAR), to Human Rights Watch, September 30, 2022. On file with Human Rights Watch.

⁸³ Ibid. Under IPA 2019, to DGMM in the Management, Reception, and Hosting of Irregular Migrants, €22,300,000.

⁸⁴ Ibid.

improve the management of reception and hosting centres in line with human rights standards and gender-sensitive approaches” and to ensure “safe and dignified transfer of irregular migrants.”⁸⁵ It also confirmed that six EU-funded removal centers were under construction and would be operational in 2022.⁸⁶

In an October 21, 2022 letter to Human Rights Watch, Dr. Savaş Ünlü, the director of Migration Management in Turkey’s Ministry of Interior, said that the capacity of removal centers was determined in line with the UNHCR Detention Principles and according to “the minimum 4 square meters principle” of international practice. He outlined 18 services provided at removal centers, including daily cleaning of rooms, clean beds and bedding, three appropriate, culturally sensitive meals a day; access to legal representatives; emergency and basic health services; psychosocial support; recreation, including access to open air, libraries, and television; and access to phones, interpreters, prayer rooms, and complaint boxes.⁸⁷ He said:

Whether there are deficiencies or defects in the execution of the aforementioned services provided in the removal centers and whether there are issues such as ill-treatment and physical abuse is constantly inspected with or without notice by the Human Rights Investigation Commission of the Grand National Assembly of Turkey, the Ministry, the Presidency, the relevant units of the provincial Governorates and the Human Rights Boards, TiHEK,⁸⁸ and international organizations authorized to inspect the centers in accordance with international agreements.⁸⁹

⁸⁵ “EU continues supporting education of refugees and addressing migration in Turkey with additional €560 million,” European Commission Directorate-General for Neighbourhood and Enlargement Negotiations, December 21, 2021 https://neighbourhood-enlargement.ec.europa.eu/news/eu-continues-supporting-education-refugees-and-addressing-migration-turkey-additional-eu560-million-2021-12-21_en (accessed August 12, 2022).

⁸⁶ “Annex to the Commission Implementing Decision on the financing of the individual measure to support migration and border management in Turkey,” European Commission, December 21, 2021, https://neighbourhood-enlargement.ec.europa.eu/individual-measure-support-migration-and-border-management-turkey_en (accessed October 25, 2022).

⁸⁷ Letter to Human Rights Watch from Dr. Savaş Ünlü, director of Migration Management, Ministry of Interior, Republic of Turkey, October 21, 2022. On file with Human Rights Watch.

⁸⁸ See “Homepage,” The Human Rights and Equality Institution of Turkey, undated, <https://www.tihek.gov.tr/en> (accessed October 25, 2022).

⁸⁹ Ibid.

Conditions and Treatment in Turkish Removal Centers

Antalya Removal Center

Human Rights Watch interviewed one person who said he was held for a month in the Antalya removal center.⁹⁰ He described it as a three-story, concrete building with rooms with a capacity to hold eight people. When the facility is overcrowded, detainees are moved into a large room that is used for prayers. He was kept in that room which he said had no beds but only blankets on the floor. Soap and shampoo are not provided, but detainees can purchase hygienic supplies if they have money. While the former detainee said that he was not subjected to physical abuse at Antalya, he said that he saw other people who the guards considered disruptive being taken to a room where he said they were subjected to electric shocks. “The people who experienced this told me about the electric shocks when they came back,” he said. Masks were only provided during transport from the removal center.

Çankırı Removal Center

“Everything was dirty, the rooms, the corridors, everywhere,” said one former detainee of the Çankırı removal center.⁹¹ Underage boys are commingled with men at this center, and frequent fighting between different nationality groups was reported, which could have been exacerbated by discriminatory treatment by Turkish authorities. “The Afghans were treated worse,” said a Syrian who was detained there for one month in 2022.⁹² This same former detainee said that after fights broke out, detainees would be locked in their rooms for three or four days as punishment, during which time they were not allowed to use telephones. He said one room was closed for five days. When not being punished, detainees in this center have relatively more freedom of movement than what former detainees described in other centers, as they are allowed in the courtyard or to visit detainees in other rooms during the day. The center has six detention rooms with a capacity of eight per room. The center does not provide masks or any testing for the Covid-19 virus. Detainees said that whatever the complaint – injuries or varieties of illnesses – all were given the same medicine. The Çankırı removal center was constructed as part of

⁹⁰ Human Rights Watch telephone interview with Afghan man deported to Kabul, August 7, 2022.

⁹¹ Human Rights Watch interview with a Syrian former detainee, Istanbul, June 16, 2022.

⁹² Human Rights Watch interview with a Syrian man, June 16, 2022.

the EU's €60 million FRIT-1 financing in support of the March 2016 EU-Turkey migration deal.⁹³

Edirne Removal Center

The Edirne detention center uses 8x6 meter rooms, each with six bunkbeds with one person per bed—12 in a room. Detainees said the food was adequate and did not complain about their treatment, except the use of force for signing or putting fingerprints on voluntary return forms.⁹⁴ They said, however, that underage boys were mixed with the men, that husbands were separated from wives, who were detained separately, and that the phones often did not work.⁹⁵ Edirne removal center was renovated with funding from the EU's Instrument for Pre-Accession Assistance (IPA) of 2014.⁹⁶

Erzurum Removal Center

Detainees at the Erzurum removal center are held in 4x8-meter rooms with eight beds per room, but the rooms often hold ten to twelve people. Rooms had windows and heaters, and detainees got three meals a day, soap, and shampoo. “No physical mistreatment, but not nice either,” said one former detainee.⁹⁷ The Erzurum Removal Center was established 2015 with IPA funding.⁹⁸

Izmir Removal Center

This multi-story Izmir removal center, on the coast, has a capacity to hold 750 people. Each room has a capacity for eight people, but some detainees said 11 people were kept in each room. Others said some people were kept in the open courtyard because of the overcrowding, where they were exposed to the sun during the day and cold at night. Food was provided three times a day, but at random times, and detainees were not provided

⁹³ Strategic Mid-term Evaluation of the Facility for Refugees in Turkey 2016-2019/2020, Volume I: Main Report, June 2021, <https://neighbourhood-enlargement.ec.europa.eu/system/files/2021-09/Vol%20I%20-%20Main%20Report.pdf> (accessed September 7, 2022), p. 112.

⁹⁴ Human Rights Watch telephone interview with Masror, June 6, 2022.

⁹⁵ Human Rights Watch telephone interview with Najib, May 30, 2022.

⁹⁶ Letter from Bernard Brunet, Directorate-General for Neighbourhood and Enlargement Negotiations (NEAR), to Human Rights Watch, September 30, 2022. On file with Human Rights Watch.

⁹⁷ Human Rights Watch interview with Ashraf, Zeytinburnu, Istanbul, May 28, 2022.

⁹⁸ Strategic Mid-term Evaluation of the Facility for Refugees in Turkey 2016-2019/2020, Volume I: Main Report, June 2021, <https://neighbourhood-enlargement.ec.europa.eu/system/files/2021-09/Vol%20I%20-%20Main%20Report.pdf> (accessed September 7, 2022), p. 112.

sufficient drinking water. Detainees are locked in their rooms all day, except for three 15-minute periods for meals. No one reported beatings or other physical abuse by guards, but some said guard behavior was harassing; former detainees said guards would turn on the lights during the night and bang on doors with batons. There were no tests for the Covid-19 virus or masks. Detainees complained of dirty blankets, skin problems, and inadequate medical care. The Izmir Removal Center was established in 2015 with the support of EU IPA funding.⁹⁹

Kırklareli Removal Center

Described as a “camp close to the border” with Greece, detainees at the Kırklareli center said that hundreds of people were kept underground in a basement room. On the ground floor was the mess hall and smaller rooms where longer-term detainees were held. Detainees said this was often the last removal center to which they were taken, before being taken in groups of 20 to 30 people in minibuses that would take them into the woods close to the Greek border. One former detainee said, “They released us in the forest and said if you go this way you will go to Greece. They said, ‘If we arrest you again, we will keep you in prison for six months.’”¹⁰⁰ Some people transferred to Kırklareli are kept in quarantine before being moved into the center proper. Human Rights Watch interviewed a former Syrian detainee who said Afghans in the quarantine area experienced worse conditions, possibly because there were more of them. “We [Syrians] were kept in a 6x6 meter room with one window and four beds for six or seven of us, so some slept on the floor, but I saw the room where the Afghans were kept; they had the same size room with 20 people in it.”¹⁰¹

In a letter to Human Rights Watch, the European Commission’s Head of the Directorate General for Neighbourhood and Enlargement Negotiations, Bernard Brunet, said, “All IPA financial assistance to Turkey...has to meet certain conditions [which include] ... general

⁹⁹ Strategic Mid-term Evaluation of the Facility for Refugees in Turkey 2016-2019/2020, Volume I: Main Report, June 2021, <https://neighbourhood-enlargement.ec.europa.eu/system/files/2021-09/Vol%20I%20-%20Main%20Report.pdf> (accessed September 7, 2022), p. 112.

¹⁰⁰ Human Rights Watch telephone interview with Bedar, January 28 and 29, 2022.

¹⁰¹ Human Rights Watch interview with a Syrian man, Istanbul, June 16, 2022.

principles such as prohibition of discrimination.”¹⁰² The Kırklareli removal center received EU funding under the FRIT1 - IPA.¹⁰³

Malatya Removal Center

The EU provided €3.7 million in IPA 2015 for the construction of Malatya.¹⁰⁴ Nevertheless, the Malatya center has more the appearance of a military camp than a center as there is no proper building in the center. Detainees are held in prefabricated containers, each with a capacity for eight people. The containers have no beds, according to former detainees. People are made to wait in line for food for hours, which is served at various times. “Sometimes dinner at 4 p.m.; sometimes at 1 a.m.,” one person recalled. “When we waited in line for food, if you got out of line, they would beat you. I was beaten, which is how my finger was broken; I covered my head with my hands, and they broke my finger.”¹⁰⁵

Pendik Police Holding Center

Pendik is not designated as a removal center, but because it detains foreigners for purposes of removal, former detainees sometimes described it as a removal center. Detainees said they were held in 4x6 meter rooms, 20 people per room that do not have beds or blankets, but only thin carpets. Former detainees described sanitation as poor, toilets not working, and said many detainees had skin rashes. “Pendik is like going inside a nest of insects,” said one.¹⁰⁶ Former detainees said they had no access to doctors or health care, no masks, and no testing for the Covid-19 virus. Boys were commingled with adult men. Detainees were discouraged from talking to guards. While waiting in line for food, guards were said to treat detainees badly, sometimes hitting them with batons. When the food would come, one described it as “rotten.” Detainees had no access to

¹⁰² Letter from Bernard Brunet, Directorate-General for Neighbourhood and Enlargement Negotiations (NEAR), to Human Rights Watch, September 30, 2022. On file with Human Rights Watch.

¹⁰³ “Support to the Implementation of the EU-Turkey Statement of 18 March 2016,” EU Delegation to Turkey, undated, <https://www.avrupa.info.tr/en/project/support-implementation-eu-turkey-statement-18-march-2016-8006> (accessed September 11, 2022). The Kırklareli center was originally designated as a reception center but later repurposed as a removal center.

¹⁰⁴ Letter from Bernard Brunet, Directorate-General for Neighbourhood and Enlargement Negotiations (NEAR), to Human Rights Watch, September 30, 2022. On file with Human Rights Watch.

¹⁰⁵ Human Rights Watch interview with Abdul Aziz, Zeytinburnu, Istanbul, May 25, 2022.

¹⁰⁶ Human Rights Watch interview with a Palestinian ex Syria, Esenyurt, Istanbul, June 17, 2022.

phones or lawyers. One former detainee said, “Your rights are written on the wall, but in my time there [11 days], we were never allowed to use the phone.”¹⁰⁷

Tuzla Removal Center

The Tuzla removal center is often overcrowded, according to former detainees. People are detained in aluminum containers, which are locked all day except for 15 minutes in the morning and 15 minutes in the afternoon. The containers are enclosed by a high wall topped with barbed wire. Former detainees said there was a constant, high-volume ebb and flow of newly arrested people being brought into the center and others being deported or transferred to other centers. Containers have four or five bunkbeds, so a capacity for eight to ten people, but one former detainee told us he was one of 17 in his container and that he had to sleep on the floor without so much as a blanket.¹⁰⁸ The containers have small windows and air conditioners that don’t work properly. The toilets are inside the containers and often don’t work; mattresses were described as filthy and insect infested. Former detainees said hygiene was poor with no soap or shampoo, no masks, and no testing for the Covid-19 virus. They said most detainees had skin infections with some reaching the point they had open wounds on their bodies. “I didn’t see any doctor or treatment,” said a former detainee who spent ten days in Tuzla in August 2022. “If someone got sick, they just had to live with it.”¹⁰⁹

Despite EU IPA 2014 funding that provided equipment for the Tuzla removal center,¹¹⁰ former detainees said they had no access to phones in Tuzla and could not communicate with lawyers, UNHCR, or their families.

Detainees complained of their treatment by the guards. Bedar, a 25-year-old journalist from Paktia Province, who spent two nights in Tuzla, said, “Once I crossed my arms because it was cold, and a guard asked, ‘Why are you standing like this?’ and beat me.”¹¹¹ Another former detainee said, “The guards hit me once on my back with a baton, but I

¹⁰⁷ Human Rights Watch interview with a Syrian man, Istanbul, June 16, 2022.

¹⁰⁸ Human Rights Watch telephone interview with Arash, September 2, 2022.

¹⁰⁹ Ibid.

¹¹⁰ Letter from Bernard Brunet, Directorate-General for Neighbourhood and Enlargement Negotiations (NEAR), to Human Rights Watch, September 30, 2022. On file with Human Rights Watch.

¹¹¹ Human Rights Watch telephone interview with Bedar, January 28 and 29, 2022.

witnessed them beating other migrants more than me. There wasn't any reason for them to beat us. There were cameras in the room where they beat us, but they didn't care."¹¹²

Van Removal Center

The Van removal center was initially planned and designed as a reception center for asylum seekers and refugees with EU funding under IPA 2007 but was transformed into a removal center at the request of the Turkish Government in 2015.¹¹³ Located in the Kurubaş neighborhood, it opened as a removal center in April 2017 with a capacity to detain 750 people.¹¹⁴ Former detainees say it is a seven- or eight-story building with a courtyard in the center. Surrounding the building is a concrete wall topped with concertina wire with guard towers at the four corners. Each detention room is about 4x5 meters with a window with bars and a metal door. The rooms are designed to hold six detainees with three bunkbeds per room, but former detainees report as many as 17 people being held in a room. One detainee estimated that the center had a capacity for about 700 people but averaged holding about 2,000 people during the more than two months he was held there.¹¹⁵

Detainees reported physical abuse. Said one person who was a child at the time of his detention:

I didn't understand Turkish when they wanted me to stand up or sit down, so they would hit me with their sticks to get me to do what they wanted. The sticks were black, two inches in diameter, and they would hit hard on my legs or arms. They would say something like "Move forward" in Turkish and if I looked back or didn't move right away, they would hit me, mostly on my legs.¹¹⁶

¹¹² Human Rights Watch telephone interview with Baktash, July 12, 2022.

¹¹³ Ibid.

¹¹⁴ "Support to the Implementation of the EU-Turkey Statement of 18 March 2016," March 18, 2016, Delegation of the European Union to Turkey, <https://www.avrupa.info.tr/en/project/support-implementation-eu-turkey-statement-18-march-2016-8006> (accessed August 17, 2022).

¹¹⁵ Human Rights Watch interview with Zakaria, Esenyurt, Istanbul, June 4, 2022.

¹¹⁶ Ibid.

Van Police Station

The Van police station is not a removal center, but because of its location in the city closest to the Iranian border, it is commonly used to hold migrants before taking them back to the border to be pushed back or for transfer to removal centers. Detainees described conditions there as overcrowded, and unsanitary with not enough space or bedding to lie down to sleep and difficult access to toilets and wash facilities, requiring detainees to beg guards to use them. One detainee described the police behavior as inhumane:

The guards lined us up and made us dance and do movements of swimming, and if we did it wrong, they beat us. While they did this, they cursed us and said, “Why didn’t you fight back against Taliban? Why didn’t you stay in your country?”¹¹⁷

¹¹⁷ Human Rights Watch telephone interview with Baktash, July 12, 2022.

V. Mistreatment of Unaccompanied Children

Unaccompanied boys often reported having had experiences at the hands of Turkish authorities equally as harsh, in some cases, as those of single adult men.

Lack of Age Assessments and Registration of Children as Adults

The threshold issue for many boys is whether their age is assessed correctly. Boys around the ages of 16 or 17 consistently told Human Rights Watch that Turkish authorities listed their age as 18 or that they made no age assessment whatsoever.

“They did not ask us any questions, did not ask my age or anything,” said Rostam, a 14-year-old boy from Kabul who attempted to cross from Iran to Turkey in December 2020. He got as far as Van but was arrested by men with the word *jandarma* written on their uniforms. They took his group of about 50 to what he described as a camp that held several hundred people. He described being beaten during the one day he spent in detention as well as during the pushback the following day. At no time did the Turkish authorities attempt to determine Rostam’s age or otherwise properly process him:

All of us were treated the same, beaten, regardless of age. They beat us with police batons. They kept us for one night with no food or drink. I was hit on my head and my waist. The next day they deported us. On the border they kicked me and beat me with their fists. About 11 p.m. at night, they stripped us of our clothes and burned them. I was left only with my pants and undershorts. They took my shoes. For two weeks I could hardly walk because I had to walk down a rocky hill to cross back to Iran.¹¹⁸

Abdul Aziz, a 17-year-old Hazara boy from Ghazni, who fled Afghanistan two months before the Taliban takeover, when he was 16 years old, succeeded in entering Turkey on his second attempt and had been living in Istanbul for two months when police arrested him.

¹¹⁸ Human Rights Watch telephone interview with Rostam, November 20, 2021. Because this pushback occurred in December 2020, it is not included in our count of pushbacks, which is limited to those that occurred in 2021 and 2022.

Through multiple transfers and detentions, the Turkish officials refused to record his age as a minor and listed him as being 18 years old:

They asked my age, and I said 15. I was really 16. I could understand enough Turkish to hear one police say to other, “Write him as 18.” They told me they were going to take me to get a *kimlik* [registration document], but they took me to the Zeytinburnu police station, where again they wrote me as 18, even though I told them I was 15. They kept about 200 of us all night without food in four rooms that each held about 50 people, men and about 20 boys mixed together, and not enough space to sleep or a place to wash.¹¹⁹

The next morning, a bus came and took Abdul Aziz to the Tuzla removal center, where he spent four nights, and from there to the Aydin removal center, where he spent a month. It wasn’t until reaching Aydin that Abdul Aziz was photographed and fingerprinted, but the authorities there still listed his age as 18. Someone from the Afghanistan consulate came with a voluntary return paper for Abdul Aziz to sign, but he refused to sign it. He said that no one gave him a chance to ask for asylum, that his phone was taken from the start, and that he never was able to contact a lawyer or to see UNHCR. From Aydin, Abdul Aziz was transferred to a *jandarma* camp in Malatya that held about 400 people, where the detainees were kept in containers. Abdul Aziz said this was the worst of the places he was detained.

After 45 days in Malatya, the *jandarma* transferred Abdul Aziz to Van, where he spent 15 days at another detention center. At night, *jandarma* took Abdul Aziz and a group of migrants to the border, waited until 4 a.m., and pushed them to the Iranian side at a place where there were no Iranian border police. Before pushing them across the border, the Turkish *jandarma* beat Abdul Aziz and others, blamed them for bringing trash into Turkey, saying, “Turkey is not your country,” and “If you come back, we will shoot you.”¹²⁰

After crossing the border to Iran, thugs took control of Abdul Aziz and more than 30 others, held them for eight days. These people Abdul described as criminals severely abused him

¹¹⁹ Human Rights Watch interview with Abdul Aziz, Zeytinburnu, Istanbul, May 25, 2022.

¹²⁰ Ibid.

and the others, as they demanded money from their families. “They kept us like animals,” he said. “They fed us only once a day and always shouted at us and slapped our faces.”¹²¹ After eight days, Abdul Aziz’s family paid the criminals 8 million toman (about 4,000 Turkish Lira or US\$223), and they released him.

By holding 16-year-old Abdul Aziz in four removal centers (Tuzla, Aydın, Malatya, and Van), Turkish authorities violated a 2019 amendment to article 59 of the Law on Foreigners and International Protection that expressly removed unaccompanied children from the category of people who could be detained in removal centers.¹²²

Failure to Provide Children with Documentation

Unaccompanied boys find it very difficult to get international protection and to be issued with an international protection identity card (commonly referred to by those Human Rights Watch interviewed under the generic term *kimlik*, meaning ID in Turkish, to stay in Turkey. Noorzad, now 18, entered Turkey a year prior to our interview, when he was 17. He said he left Afghanistan because his school was closed for five months for security reasons and when it opened under the Taliban, the curriculum offerings were slim. Noorzad sought asylum at a PDMM office in Denizli. He told them he was 15 and they accepted that as his age, but, he said, “it didn’t make any difference,” and they told him to come back in six months. They did not issue an interim document to keep him from being arrested, but just wrote the date on a piece of paper. After six months, Noorzad went to the office, and they gave him another appointment date, one month later. He told Human Rights Watch about his next visit to the PDMM office:

Because the PDMM has a limit of seeing eight people per day, I went there at 1 a.m. the day of my appointment, but I fell asleep in the line. The police came and told me I couldn’t sleep there, so I left and came back at 4 a.m. I was the third person in line for that day. Even though they agreed that I was 15 years old, they said they would not give a *kimlik* for single men or unaccompanied boys but only for families or if someone was sick. I said I

¹²¹ Ibid.

¹²² The Special Representative on Migration and Refugees of the Secretary General of the Council of Europe discusses this amendment in paragraph 37 of this November 2021 report on Turkey. In paragraph 35, he discusses problems with age assessments, and in paragraph 34 observes that “the number of recorded unaccompanied minors in Turkey is...surprisingly low (around 600 children).” See “Report of the fact-finding mission to Turkey by Ambassador Drahošlav Štefánek.”

wanted a *kimlik* to go to school, but they wouldn't give me one, so I can't go to school. No one asked me why I left Afghanistan or if I was afraid of being returned. They still told me to come back in another six months.¹²³

Noorzad is now living in Denizli without documents and works in a textile factory. He says he gets paid much less than Turkish workers. "Turks work here from 8 a.m. to 4 p.m. and get 180 Turkish Lira (about US\$10) for the day. I work from 7 a.m. to 6 p.m. and I'm paid 150 Turkish Lira (about US\$8)." Noorzad says he is afraid of being arrested, has not gone to a health clinic or left the city. "If I could get asylum and a *kimlik*, I would stay here in Turkey," Noorzad said, "but I would prefer to go to a different city. Afghans in Denizli are discriminated against. I have friends who go to school here who are discriminated against, so I don't think I would go to school here even if I had a *kimlik*."¹²⁴

Omid, a 15-year-old boy from Kabul who left Afghanistan one month after the Taliban takeover, was pushed back three times from Turkey to Iran. On the first attempt, at the end of February 2022, he said *jandarma* beat him with a rubber hose. "I told them I was 15 years old, but they beat me the same as adult men. If anyone talked, they beat him more." Omid said *jandarma* also beat him on his second attempt. On his fourth attempt in mid-March 2022, Omid was arrested in Ağrı, where the authorities determined he was a child and put him in a hostel for children:

They told me I would have to stay there for three years until I am 18, at which point they said they would issue me a *kimlik*. I didn't want to stay there for three years, so I escaped from there after 10 days. If I had stayed at Ağrı, I could have gone to school, but I made the decision to leave and find work because my family needs me to support them.¹²⁵

At the time of the interview, Omid was living illegally in Istanbul and planning to cross to Europe. "I will never return to Afghanistan," he said.¹²⁶

¹²³ Human Rights Watch telephone interview with Noorzad, May 29, 2022.

¹²⁴ Human Rights Watch telephone interview with Noorzad, May 29, 2022.

¹²⁵ Human Rights Watch interview with Omid, Aksaray, Istanbul, May 27, 2022.

¹²⁶ Ibid.

VI. Deportations to Afghanistan

Turkey's deportations of Afghan nationals have dramatically increased from 2021 to 2022. Turkey deported 44,768 Afghan nationals in the first eight months of 2022,¹²⁷ a 150 percent increase over the number of Afghan nationals deported in the first eight months of 2021.¹²⁸ This increase is likely attributable, at least in part,¹²⁹ to a tidal shift in Turkish public opinion against refugees and immigrants; in a 2021 survey on public attitudes toward Afghan, Syrian, Iraqi, and other irregular migrants and asylum seekers, 76 percent of respondents agreed that “the entrance of these people to Turkey must be prevented and they have to be deported urgently.”¹³⁰

General elections in Turkey are expected in Spring 2023 and the main opposition parties are campaigning on platforms calling for the return of refugees to their home countries.¹³¹ In the same 2021 public opinion poll, seven of ten respondents said they would vote for the political party that “commits to deport these people.”¹³² Citing the Turkish public's

¹²⁷ Tweet from the official account of the Turkish Ministry of Interior, Directorate of Migration Management with a hashtag #TürkiyeGöçÜYönetiyor, which translates to “Turkey manages migration,” September 3, 2022, <https://twitter.com/Gocidaresi/status/1566108834631909377?s=20&t=1-Eod-gFUxKHKjCcLfO6Dg> (accessed September 3, 2022).

¹²⁸ “Turkey Outperforms Europe in Deportation Numbers,” Presidency of Migration Management, Ministry of Interior, September 3, 2022, <https://www.goc.gov.tr/sinir-disi-avrupa> (accessed October 27, 2022). Turkey suspended deportation flights to Afghanistan between March and August 2020 because of the Covid-19 pandemic, resumed deportation flights in September 2020, but by August 2021 had stopped them again. Deportation flights to Afghanistan resumed on January 27, 2022. See Christine Roehrs, Khadija Hossaini, “Afghan Exodus: Migrants in Turkey Left to Fend for Themselves,” Afghanistan Analysts Network, December 22, 2020, <https://www.afghanistan-analysts.org/en/reports/migration/afghan-exodus-migrant-in-turkey-left-to-fend-for-themselves/>; Heather Murdock, “Turkish Officials Say Deportation Centers Packed with Afghan Refugees,” VOA, August 31, 2021, https://www.voanews.com/a/europe_turkish-officials-say-deportation-centers-packed-afghan-refugees/6210189.html (accessed October 25, 2022); Steven Ganot, “Turkey Has Deported 18,256 Migrants to Afghanistan Since January,” the Media Line, June 9, 2022, <https://themedialine.org/mideast-daily-news/turkey-has-deported-18256-migrants-to-afghanistan-since-january-2/> (accessed October 25, 2022).

¹²⁹ The impact of the Covid-19 pandemic both on migration itself but also on the closing of officers and suspension of deportation flights was also an important factor; suspended deportation flights from Turkey to Afghanistan resumed on January 27, 2022.

¹³⁰ The survey is cited in Selim Sazak, “Turkey's Refugee Problem Is Reaching a Breaking Point,” Foreign Policy, September 8, 2021 <https://foreignpolicy.com/2021/09/08/turkey-refugee-erdogan-akp-crisis-chp-syria-afghanistan/> (accessed August 4, 2022).

¹³¹ Kelly Petillo, “Turkey's Open Door Closes: How Europe Can Better Support Syrian Refugees,” European Council on Foreign Relations, May 9, 2012 <https://ecfr.eu/article/turkeys-open-door-closes-how-europe-can-better-support-syrian-refugees/> (accessed August 4, 2022).

¹³² This survey is cited in Selim Sazak, “Turkey's Refugee Problem Is Reaching a Breaking Point,” Foreign Policy, September 8, 2021, <https://foreignpolicy.com/2021/09/08/turkey-refugee-erdogan-akp-crisis-chp-syria-afghanistan/> (accessed August 4, 2022).

growing “unease” with hosting large numbers of refugees, President Recep Tayyip Erdoğan issued a warning to Europe, saying, “Turkey has no duty, responsibility or obligation to be Europe’s refugee warehouse.”¹³³

Although these removals are clearly, overwhelmingly involuntary, Turkey insists on maintaining the fiction they are voluntary returns. Human Rights Watch’s interviews with Afghans who were deported indicate, however, that despite pro forma “voluntary return” documents routinely being used, Afghans facing imminent deportation are given no opportunity to make refugee claims or otherwise challenge their deportation, and their signatures or fingerprints on voluntary return forms are usually forced, obtained through deception, or forged.

Abdul Sami, a 27-year-old husband and father of two children from Ghazni, fled Afghanistan without his family one month after the Taliban takeover after people associated with the Taliban threatened him. The Turkish coast guard caught him trying to leave Turkey by boat. From his apprehension on April 9, 2022, until his deportation by air to Afghanistan on May 7, 2022, he was transferred among various police stations and removal centers from Izmir to Pendik to Tuzla, but although he repeatedly told officials that he feared return to Afghanistan was never able to lodge a claim for international protection. He also said that he never agreed to voluntary return despite threats and violence to force him to do so. He described his final hours before being deported to Afghanistan:

Someone from the Afghanistan consulate spoke to us by WhatsApp. I told him I had problems in Afghanistan, but he told me there was nothing he could do. The Turkish officials were close by listening as we talked, and they grabbed me by the shirt and took me out of the room. They told me I had to sign a paper that was not in our language. They said the paper was to ask for a lawyer, but a detainee who could read Turkish said it was to agree to be deported. Only 3 of 120 people agreed to sign it. They slapped each of us two or three times and told us to sign, but we wouldn’t. Then they took each of us one by one into a room that had no camera in it. There,

¹³³ “Erdoğan: Turkey will not become Europe’s ‘refugee warehouse’,” Infomigrants, August 20, 2021, <https://www.infomigrants.net/en/post/34475/erdogan-turkey-will-not-become-europes-refugee-warehouse> (accessed August 11, 2022).

two officials were sitting and two were standing. They again told me to sign the paper. I said I had problems in Afghanistan and could not sign it. Then, they cursed me and one of the men standing beat me on my head, back, and legs with a rubber or plastic baton and the other one who was standing hit me with his hand. He hit me in the face and made my nose bleed.

The next day, they transferred me and about 200 others to the yard of the removal center and they told us we had to put our fingerprints on papers for voluntary return. At first, we all refused. One man tore the paper, and they took him to a room; when they brought him back, his face was bloody. The [following] day, they transferred me and about 200 others to the airport in Istanbul. They read our names one by one, stamped our travel documents, and put us on the Ariana Airlines plane to Kabul. The plane had no other passengers, only men and boys. They said they would return our belongings, but the Turkish officials kept the €350 (about US\$353) that I had, which they said was for the cost of the flight, but I never agreed to voluntary return, so they shouldn't have taken my money.¹³⁴

Abdul Sami said that he left the Kabul airport as soon as he could. Two days after his return, the Taliban came to his family home, asking if he had come back. “My father told me the Taliban was looking for me, and not to come home, so I directly left Afghanistan again.”¹³⁵ We interviewed him by phone in Tehran, Iran.

Baktash, a 25-year-old from Ghazni, was deported to Afghanistan in late June 21, 2022 on an Ariana Airlines plane with about 450 other Afghan men and boys. He said a Turkish official presented him with a voluntary return paper to put his fingerprint on, but when he refused, the Turkish official just put his own fingerprint on the paper. “I never signed any paper and didn't put my fingerprint on any deportation paper, even the deportation paper I received in airport. The fingerprint they put on it wasn't mine.”¹³⁶ Other deportees gave similar accounts, saying that they saw “voluntary return” documents with the stamp of the

¹³⁴ Human Rights Watch telephone interview with Abdul Sami, May 26, 2022.

¹³⁵ Ibid.

¹³⁶ Human Rights Watch telephone interview with Baktash, July 12, 2022.

Afghan consulate that included their names, photograph, and fingerprint, but said they had never put their fingerprint on the paper.

Masror, a 16-year-old boy from Herat whose father was killed by the Taliban and whose house they burned down, was deported from Turkey to Afghanistan on a Kam Air flight on May 17, 2022, despite begging Turkish officials not to send him back:

The day before I was deported, a guard at the Edirne Removal Center with *jandarma* written on his uniform told me I had to sign a deportation paper. I refused to sign it. He hit me on my arm with a metal police baton. It left bruising. I told him I was afraid to go to Afghanistan, but he said I was not allowed to talk about Afghanistan. The next day, another official took my hand and forced my print on the paper. He was about 200 kilos with a very big belly. I don't know if he was the director of the Edirne Removal Center, but he came with us all the way to the airport.

No one ever asked if I was afraid to go back to Afghanistan. On the paper was written that my return was voluntary, but I cried a lot and begged them not to deport me. It was not voluntary.¹³⁷

Masror said that Turkish authorities videotaped the deportation. He said they gave the deportees new, clean clothes “to look good for the cameras,” and were instructed to act like we were happy about going back. “Before getting onto the bus [to the airport], they took a video of us, shaking our hands. If we didn't cooperate, we knew they would beat us.”¹³⁸

Masror told Human Rights Watch by telephone that he is now in hiding in Herat. “No one knows where I am. I don't go out and I will leave again for Iran at my first opportunity. I don't want to stay in Iran. I want to go to a safe country.”¹³⁹

¹³⁷ Human Rights Watch telephone interview with Masror, June 6, 2022.

¹³⁸ Ibid.

¹³⁹ Ibid.

VII. Deportations of Afghans to Syria

To our surprise, Human Rights Watch discovered that Afghans are not only being deported to their home country, Afghanistan, but, at least in some cases, also to Syria, a country riddled with conflict, repression, and sectarian tensions, and one to which the deported Afghans we spoke with had no ties whatsoever.¹⁴⁰ After Turkish authorities deported them to Syria, these Afghans also experienced border pushbacks when they tried to cross from Syria back into Turkey.

Safdar Ali is a 20-year-old Shia Hazara man from Ghazni who fled Afghanistan at the end of January 2022. On his third attempt to cross from Iran to Turkey, Safdar Ali got as far as the bus station in Tatvan, a city in eastern Turkey, when he was arrested. He was put on a bus with 23 Syrians and eight Afghans and taken to the Syrian border. Safdar Ali says he was not processed in any way—not photographed, not fingerprinted, not registered, but was pushed across the border to an area controlled by Hayat Tahrir al-Sham (HTS), a coalition of Islamist Sunni armed groups and the main anti-government armed group in Syria, controlling territory in the northwest. HTS is led by the armed group previously known as Jabhat Fateh al-Sham, or Jabhat al-Nusra a Syrian opposition group associated with al-Qaeda in the Levant. “I was afraid because I am Shia,” Safdar Ali recalled. “I kept apart from Syrians as much as I could. People there told us not to say anything against al-Nusra or they would cut off our heads.”¹⁴¹

Safdar Ali made four attempts to cross back from Syria to Turkey before succeeding. “Each time I was caught, I told the Turkish police I was an Afghan not a Syrian and that I was afraid of the al-Nusra group, but they would not listen to me.” On each attempt, Safdar Ali said, “There was no process, no photo or questions. They just beat us and pushed us back to Syria. I even saw them beating a child.”¹⁴²

¹⁴⁰ Amnesty International also documented the deportation of seven Afghans from Turkey to Syria in December 2021, after which they were detained by an armed group for one month. After their release, they were also pushed back at the Turkish-Syrian border. “Afghanistan: ‘They Don’t Treat Us Like Humans,’” Amnesty International, ASA11/5897/2022, August 31, 2022, <https://www.amnesty.org/en/documents/asa11/5897/2022/en/> (accessed September 2, 2022), p. 45.

¹⁴¹ Human Rights Watch telephone interview with Safdar Ali, May 28, 2022. Because Jabhat al Nusra merged with other groups to form Hayat Tahrir al-Sham in 2017, the interviewees in this chapter incorrectly referred to them as Jabhat al Nusra.

¹⁴² Ibid.

Ramazan, a 15-year-old Hazara boy from Ghazni, fled Afghanistan in mid-September 2021. After crossing into Turkey, smugglers transferred him from bus to bus for the next six days. He and seven others (four Pashtuns and three Hazaras) ended up in Hatay Province, Turkey's southernmost province that borders Syria's opposition-held Idlib Province. Police in Iskenderun, Hatay Province, arrested the group of eight and took them to the police station where they were made to sign their names on a paper handwritten in Turkish, which none of them understood. The police told them they were being taken to a camp, but instead took them to the Syrian border. There a man Ramazan described as "a Turkish commander" recited a sentence from the Quran in Arabic: "Fi sabilillah,"¹⁴³ – for the sake of Allah – and pushed them across the Syrian border near Darkush. "I cried and begged them not to send me to Syria. We told them we were Afghans, not Syrians. They didn't beat us but had long sticks in their hands and threatened to beat us if we didn't go. I was sitting on the ground crying. They pulled me up by my arms and walked me to the border."¹⁴⁴

Ramazan said he walked through a gate in a concrete wall, at which point he was immediately taken into custody by men he understood to be with al-Nusra:

I was so scared that I recited the Shahada.¹⁴⁵ A man whose face was covered except for his eyes took us to a base near the border. They used Google translate to ask, "Are you a Muslim or Shia?" We all said we were Sunni. At first, they believed us because half of our group were Sunni Pashtuns. The Pashtun guys I was with knew they were al-Nusra and anti-Shia, and they tried to cover for us.¹⁴⁶

They were transferred to a jail Ramazan only knew as "Merkaz," the Arabic word for center, where he underwent additional questioning to determine if he was Shia. They found a

¹⁴³ An Arabic expression found in the Quran meaning "in the cause of Allah" or "for the sake of Allah." Ramazan told Human Rights Watch that this Turkish commander added the word "jihad" to the phrase, which, contextually, implies that the Turkish commander was telling Ramazan and his group to go and fight in Syria.

¹⁴⁴ Human Rights Watch interview with Ramazan, Küçükçekmece, Istanbul, June 7, 2022.

¹⁴⁵ The Islamic declaration of faith, the first pillar of Islam, "I bear witness that there is no god but God, I bear witness that Muhammad is the messenger of God." Shia Muslims add on a third line "and I bear witness that Ali is the vicegerent of God." In times of pain or fear, or before death, Muslims will try to recite all or part of the Shahada.

¹⁴⁶ Human Rights Watch interview with Ramazan, Küçükçekmece, Istanbul, June 7, 2022.

book in Ramazan's pocket with a Shia Ashura prayer. "From that they knew I was Shia. Three people then attacked me. They slapped my face and beat me."¹⁴⁷

Ramazan spent the next three or four days in a locked cell with adult Syrian prisoners. He said, "There were Syrians also prisoners in the room and they started to beat me because I was Shi'a, but then they started arguing with each other. Some wanted to beat me, and some defended me. They moved me to a different room." A Dari interpreter was brought in to interrogate him. "I confessed to being a Shia. I gave the names of the other three traveling with me who were Shia. Three of us were underage. I was 15 and my friends were 15 and 13. We were treated less harshly than the fourth one of our group, who was an adult."¹⁴⁸

After seven days, the men he believed to be al-Nusra authorities turned the four over to a smuggler. After being paid by their families in Afghanistan, the smuggler took them back to the concrete wall marking the border with Turkey. "The Turkish guards started shooting. Bullets were hitting the ground at our feet and in the air over our heads. I shouted that I am Afghan and the Turkish guards let us in." But at midnight that same day, the Turkish authorities took them to another gate in the wall at Hir Jamus.

"A Turkish soldier took my coat, my money, and my mobile and charger and punched me in the nose," Ramazan said. They spent the rest of that night stranded in a 20-meter-wide no-man's land between Turkey and Syria, mixed with about 100 Syrians, many of whom looked as though they had been beaten, as the guards on both the Turkish and Syrian sides were yelling at each other and at the migrants to go to the other side.

"All night I was shouting, 'I am Afghan,' but the Turkish guards wouldn't let me back in."¹⁴⁹ The next morning uniformed HTS guards took Ramazan and his three companions back to the jail the detainees knew as Merkaz. "We were really scared that they wouldn't let us go this time."

¹⁴⁷ Ibid.

¹⁴⁸ Human Rights Watch interview with Ramazan, Küçükçekmece, Istanbul, June 7, 2022.

¹⁴⁹ Ibid.

After being detained for another eight days, they were again released to a smuggler, and made two more attempts to cross into Turkey. Both times, the Turkish border guards caught them and pushed them back to Syria:

The Turkish police beat us a lot, especially the one of us who was an adult. They kicked him with their army boots until he was not able to move. They used batons, punching, and kicking. They beat all of us, including me. They used the same gate to push us back to Syria.¹⁵⁰

After being pushed back a second time, the authorities he identified as al-Nusra put blindfolds on Ramazan and his friends and took them back to the jail they knew only as “Merkaz,” where they were kept for the next three months and 13 days:

We always stayed in the same cell. There was a small window just for air. There were no beds. We slept on the ground. We never went outside. There was no place to bathe. It was dirty. There were insects. We all had lice. I got skin problems. I got very sick for five days. I had intestinal sickness. During that time, I got no medical care. They did not take me to a hospital. We were never given Covid tests. We were kept in the same place as adults. We were given food twice a day.¹⁵¹

Ramazan said that the only person he ever saw wearing a surgical mask was the “Merkaz” warden, whom he knew as “Sheikh Kabir.” Ramazan said that the guards told him they were being held on Sheikh Kabir’s orders “for our own protection, because if we were let out, people would kill us.” Ramazan said that when he asked what was going to happen to him, the guards would draw their finger across their throat [the sign of execution]. But then, he said, the guards assured him that as long as he was a child he would not be killed, but that the adult Hazara he was traveling with would be beheaded.¹⁵²

¹⁵⁰ Human Rights Watch interview with Ramazan, Küçükçekmece, Istanbul, June 7, 2022.

¹⁵¹ Ibid.

¹⁵² Ibid.

Ramazan said some of the Syrian prisoners being held in the same jail “kept saying they wanted to kill us because we are Shia.” He said, “Our lives were only spared because Hussein, another prisoner who is Sunni, defended us.”¹⁵³

Ramazan added, “We tried to learn Arabic during those three months. We told them we would convert to Sunni Islam.”

On May 20, 2022, their captors formally brought 26 Afghans to the official border crossing at Cilvegözü/Bab al-Hawa, including Ramazan and his three companions, and handed them over to the Turkish authorities. Ramazan said that there were no international officials present during the turnover, no one from UNHCR or the Red Crescent.

Ramazan said Turkish officials took the Afghans’ biometric information, photos, fingerprints, and iris scans but didn’t ask him anything about their situation. He said Turkish officials wrote that he was 18 years old. Ramazan asked for help, to no avail:

I told them I was 15, but the Afghan translator told me he couldn’t help me. I told the interpreter I was underage, that I had suffered a lot and that I needed asylum, but the Turkish officer just said “No, No.” (“Yok, Yok.”) I asked the Afghan translator if he could contact UNHCR for me. He told me that he could not.¹⁵⁴

Ramazan and the other Afghans were taken to the Hatay Removal Center where they were presented with voluntary repatriation papers. “They told us we needed to sign the paper to show our respect for Turkey,” Ramazan said. “If we refused to sign, they said they would put us in detention for another year.”¹⁵⁵

From Hatay Removal Center, Ramazan was sent to Gaziantep Removal Center, where he spent another five days. “I did not ask for asylum because if you asked for anything, the guards would beat you,” Ramazan said.¹⁵⁶

¹⁵³ Ibid.

¹⁵⁴ Human Rights Watch interview with Ramazan, Küçükçekmece, Istanbul, June 7, 2022.

¹⁵⁵ Ibid.

¹⁵⁶ Ibid.

After five days, officials at Gaziantep Removal Center loaded three buses with about 150 detainees, including Ramazan, and drove them to the Edirne Removal Center, near the Greek border. “At Edirne,” Ramazan said, “they put our fingerprints on a paper. I don’t know what that paper said. A few hours later, the *jandarma* drove us out to the forest and released us. The *jandarma* told us if they caught us again, they would deport us to Afghanistan.”¹⁵⁷

Ramazan did not cross into Greece, but got a taxi to take him to Istanbul with the understanding that a smuggler would pay the taxi driver 700 Turkish Lira (about US\$39) upon arrival, which Ramazan would owe to the smuggler:

I have now been in Istanbul for eight days. I have no money. My family is poor. I can’t go outside. I am afraid of the police. I am afraid they will come to this house and arrest me. My cousin was tortured by the Taliban last week. They beat him from head to toe.¹⁵⁸

Ramazan said that his 13-year-old friend, who shared all the same terrible experiences, was not transferred to Edirne, but was still detained in Gaziantep, where Ramazan said he was mixed with adults, including people he said were ISIS members.¹⁵⁹

The accounts of Afghans being deported to Syria are consistent with reports from other sources of other Afghans being deported to Syria. *Middle East Eye* reported on the 2021 deportation of four young Afghan men to Syria in late 2021 who were detained by HTS for a month and still stuck in Idlib when the article was published.¹⁶⁰ Amnesty International reported on another case of a group of seven Afghan men deported from Turkey to Syria in December 2021. They were also held by HTS for a month: “The [Turkish] police didn’t tell us anything, just: ‘Greece, Greece’. We didn’t know it was the Syrian border, that’s only when we crossed that we understood. There was a [fighter] and they were speaking in Arabic. When we saw the [fighter] we said that we didn’t want to go, but the [Turkish] police beat

¹⁵⁷ Ibid.

¹⁵⁸ Human Rights Watch interview with Ramazan, Küçükçekmece, Istanbul, June 7, 2022.

¹⁵⁹ Human Rights Watch later learned that the 13-year-old boy was transferred to a children’s shelter.

¹⁶⁰ Harun al-Aswad, “Afghan refugees trapped in Syria’s Idlib after being deported by Turkey,” *Middle East Eye*, March 31, 2022, <https://www.middleeasteye.net/news/afghanistan-refugees-turkey-deported-syria-trapped> (accessed September 27, 2022).

us and forced us to go. They beat me and all of us, everywhere on the body, with black sticks.”¹⁶¹

¹⁶¹ “Afghanistan: ‘They Don’t Treat Us Like Humans,’” Amnesty International, ASA11/5897/2022, August 31, 2022, <https://www.amnesty.org/en/documents/asa11/5897/2022/en/> (accessed September 2, 2022), p. 45.

VIII. Blocking Access to Registration for International Protection Status

At no point from apprehension to removal were any of the Afghans interviewed by Human Rights Watch given the opportunity to lodge asylum claims, and those who attempted to seek international protection were ignored. Either by their personal experience or word of mouth, all single men interviewed by Human Rights Watch said they understood that registration for international protection in Turkey was closed to them.

The Presidency of Migration Management (PMM) in the Ministry of Interior is tasked with conducting interviews to determine if an applicant qualifies for international protection and can be issued an international protection identification card (often abbreviated to the generic term *kimlik*, meaning ID, by interviewees themselves). Turkey's long-established policy has been to discourage asylum seekers from registering claims in seven cities, but rather to have them register in the nearest municipality to which they entered or some other "satellite city." However, Afghans seeking asylum (international protection) since the Taliban takeover of Afghanistan have found it exceedingly difficult to gain access to PDMM offices in the provincial areas (or bigger cities), often being told that registration to get an international protection identification card is not available for Afghans, to come back at a much later date, or to go to a different city.

In February 2022, Turkey's Deputy Interior Minister Ismail Çatakli said registrations for international protection (or temporary protection for Syrians) would not be accepted in 16 provinces: Ankara, Antalya, Aydın, Bursa, Çanakkale, Düzce, Edirne, Hatay, Istanbul, Izmir, Kırklareli, Kocaeli, Muğla, Sakarya, Tekirdağ, and Yalova.¹⁶² He also said residency permit registrations would not be accepted by foreigners in any neighborhood in which 25 percent or more of the population was comprised of foreigners. He reported that registration had already been closed in 781 neighborhoods throughout Turkey because foreigners in those locations exceeded 25 percent of the population.¹⁶³ In June, Turkey's Interior Minister

¹⁶² Dilara Aslan, "Turkey restricts temporary, international protection registry in 16 provinces," Daily Sabah, February 24, 2022, <https://www.dailysabah.com/politics/turkey-restricts-temporary-international-protection-registry-in-16-provinces/news> (accessed August 4, 2022).

¹⁶³ Ibid.

Süleyman Soyulu announced that from July 1, 2022 onwards the proportion would be reduced to 20 percent and the number of neighborhoods closed to foreigners' registration increased to 1,200.¹⁶⁴

Statistics for applications for international protection filed in 2022 are not available, but registrations for international protection dropped by 74 percent from 114,537 in 2018 to 29,256 in 2021.¹⁶⁵ This precipitous decrease represents, in part, the impact of the Covid-19 pandemic, including the closing of PDMM offices and the suspension of new applications at various times because of the Covid-19 pandemic.¹⁶⁶ Afghans represented 75 percent of all applications for international protection filed in Turkey in 2021.¹⁶⁷

Turkish authorities recognized 13,227 international protection claims in 2021 and rejected 11,908.¹⁶⁸ By contrast, Turkey recognized 8,753 international protection claims in 2020 and rejected 10,674.¹⁶⁹ During a time of reduced new applications, Turkish authorities showed little progress in reducing their backlog of pending cases, which only decreased relatively slightly from 322,188 pending cases at the end of 2020 to 304,970 at the end of 2021.

In his November 2021 report on Turkey, Ambassador Drahoslav Štefánek, the special representative of the secretary general of the Council of Europe on migration and refugees, said he witnessed “an opaque system of quotas [in which] a ‘closed’ city may decide to register applications in certain urgent cases only [and in which] an ‘open’ city can tell applicants to come back in six months or declare itself closed to certain categories of applicants.” He said it was impossible for a single, adult male Afghan refugee to have access to international protection in Turkey:

¹⁶⁴ “More Neighborhoods To Be Closed to Foreigners, Says Minister,” *Hürriyet Daily News*, June 12, 2022, <https://www.hurriyetdailynews.com/more-neighborhoods-to-be-closed-to-foreigners-says-minister-174519> (accessed September 7, 2022).

¹⁶⁵ For the 114,537 figure, see “Report of the fact-finding mission to Turkey by Ambassador Drahoslav Štefánek,” para 13. The 29,256 figure is from “International Protection Applications by Year,” Turkish Ministry of Interior, Presidency of Migration Management, <https://en.goc.gov.tr/international-protection17>, (accessed October 14, 2022).

¹⁶⁶ According to the Special Representative on Migration and Refugees of the COE Secretary General, “The pandemic halted all registration procedures for newcomers.” See “Report of the fact-finding mission to Turkey by Ambassador Drahoslav Štefánek,” para. 26.

¹⁶⁷ 21,926 Afghans filed applications for international protection, followed by 4,961 Iraqis, 1,032 Iranians, and 1,337 other. See Turkish Ministry of Interior, Presidency of Migration Management, “Irregular Migration,” updated as of August 11, 2022, <https://en.goc.gov.tr/irregular-migration> (accessed August 17, 2022).

¹⁶⁸ Türkiye 2022 Report, European Commission, Directorate-General for Neighbourhood and Enlargement Negotiations, SWD(2022) 333 final, October 12, 2022, https://neighbourhood-enlargement.ec.europa.eu/turkiye-report-2022_en (accessed October 14, 2022), pp. 19-20.

¹⁶⁹ *Ibid.*, p. 20.

I observed that all major cities were closed for registration of young Afghan men, leaving them unregistered, with no documents certifying their intention to apply for asylum, and thus unable to access protection or basic services and subject to removal. The very low numbers of applicants for international protection confirm this protection gap. At the time of my visit, deportation seemed to be the only possible outcome for young Afghan males, especially following the Izmir Court ruling in 2020 declaring Afghanistan a safe country and not suspending a deportation decision.¹⁷⁰

The Bureaucratic Runaround

Rather than outright denials, many of the people interviewed by Human Rights Watch described wild goose chases in which they were sent from office to office or given appointments months later, that would then be rescheduled yet again. Many described long lines outside PDMM offices.

Nouman, 23, from Ghazni, told Human Rights Watch that he went to the PDMM office in Kayseri in Central Anatolia to try to get international protection registration. They told him to come back in seven months. Seven months later, he went there, and they told him to come back in two months. Two months later: “When I came back again the office was closed and I became afraid waiting outside the office that the police would arrest me, so I left.”¹⁷¹ Now, Nouman says he doesn’t think he will ever get his registration. He has moved to Istanbul where he is living in an apartment with 14 other undocumented Afghans, which they rent from the same man who employs them, and he is now trying to cross into Greece.

Nezam, 18 years old, who experienced numerous pushbacks from Turkey to Iran and Greece to Turkey, tried to apply for international protection in Denizli and was given an appointment for seven months later. He waited for seven months, and on that date got up in the middle of the night to wait in line but already found a lineup of more than 100 people at the PDMM office. “They refused to open the doors or to talk at all,” he said. “Everyone was refused entry. I waited there for two days and two nights and couldn’t even

¹⁷⁰ “Report of the fact-finding mission to Turkey by Ambassador Drahoslav Štefánek.”

¹⁷¹ Human Rights Watch interview with Nouman, Küçükçekmece, Istanbul, June 7, 2022.

get another appointment date. The security guards pushed people and the police even arrested some people who were waiting.”¹⁷²

A Turkish lawyer who tries to represent applicants for international protection said some of her clients have been handed post-it notes with interview dates on them and that the conduct of PDMM offices is arbitrary and haphazard. She told Human Rights Watch, “There is no predicting who will and won’t get registered.”¹⁷³

The PDMM bureaucratic runaround was highlighted in the European Commission’s annual EU accession progress report for Turkey in 2021, which noted “considerable challenges with access to registration in the first place, where individuals wishing to lodge an application in PDMMs are referred to other PDMMs, without a formal documentation and referral system.” The report observed that “such de-facto barriers to registration hinder access to all other essential services and put asylum seekers in an irregular situation if apprehended.”¹⁷⁴

Vulnerable Groups

While any Afghan seeking asylum should be given a full and fair consideration of their claims for international protection, certain category groups have strong prima facie refugee claims, but often have no better access to international protection in Turkey, despite assurances that they do.¹⁷⁵

An international diplomat told Human Rights Watch that there are currently only two categories of Afghan men who are not subject to deportation: first, high profile cases, particularly of high-ranking members of the former government or military; second, people with family ties in Turkey. Our findings show, however, that membership in one of these two groups is no guarantee of international protection.

¹⁷² Human Rights Watch interview with Nezam, Zeytinburnu, Istanbul, May 28, 2022.

¹⁷³ Human Rights Watch interview with a Turkish lawyer who requested anonymity, Ankara, June 16, 2022.

¹⁷⁴ “Turkey 2021 Report,” p. 50.

¹⁷⁵ Article 3(l) of Law 6458 on Foreigners and International Protection (LFIP) defines persons with special needs as “an unaccompanied minor; a disabled person; an elderly person; a pregnant woman; a single mother or a single father with an accompanying child; or a person who has been subjected to torture, rape or other serious psychological, physical or sexual violence.” In a letter to Human Rights Watch, the PMM director said, “In practice, positive discrimination is shown for families, women and children.” Letter to Human Rights Watch from Dr. Savaş Ünlü, director of Migration Management, Ministry of Interior, Republic of Turkey, October 21, 2022. On file with Human Rights Watch.

Former High-Ranking Officials and Other High-Profile Cases

Karim, a commander in the Afghan army who fled after the Taliban takeover, told Human Rights Watch that he tried to seek asylum at PDMM offices in five different cities in Turkey but was refused access to a procedure. Despite having documents showing his high rank in the army in Afghanistan, he said that Turkish officials consistently told him, “We are not registering you” with no reason given. His only avenue for protection, he said, was corruption. He said an interpreter working at one of the PDMM offices offered to get him an international protection registration ID document if he paid US\$1,000.¹⁷⁶

Najib was a professional athlete in Afghanistan who explained to Human Rights Watch how the Taliban frowned upon his career, among other threats he said he would face if returned to Afghanistan. Turkish police arrested Najib and five other Afghans in the flat where they were staying in Istanbul on May 3, 2022. He spent eight nights in police stations and more than two weeks in the Edirne removal center.¹⁷⁷

Najib said that an official from the Afghanistan consulate conducted a phone interview with him. “I told him I was a professional [name of sport withheld to protect his identity], and my life would be at risk if I was sent back to Afghanistan.” Najib said that the consulate intervened so he and several people who had been in the Afghan national army were not deported, but that all five of the other people he was living with were deported, including his 15-year-old cousin and a 38-year-old man who begged and pleaded not to be deported and said he would commit suicide if they put him on the plane.¹⁷⁸

Although the Afghanistan consulate apparently succeeded in intervening to prevent Najib’s deportation, the fact that he was not deported, even if on de facto protection grounds, did not result in Turkish officials formally recognizing his need for international protection. They released Najib from the Edirne detention center, but without conditional refugee status or any document attesting to his having been spared from deportation because of his need for protection. When we spoke to him shortly after his release, Najib was in hiding in Istanbul. He had quit his job out of fear of being arrested at this workplace and only agreed to interview us by telephone out of fear he might be seen and arrested. He

¹⁷⁶ Human Rights Watch telephone interview with Karim, November 15, 2021.

¹⁷⁷ Human Rights Watch telephone interview with Najib, May 30, 2022.

¹⁷⁸ Ibid.

said that if he was arrested again, he would no doubt repeat the same process of police and removal center detention with no assurance that he wouldn't be deported.¹⁷⁹

Arash, 19, a university student, is the son of a judge in the previous regime and had an uncle, a general in the army, who was killed by the Taliban. He fled with his father to Pakistan after the Taliban takeover, but his father remained in Pakistan rather than continue to Turkey. In early summer 2022, Turkish authorities arrested Arash, but before going to the Izmir removal center, Arash managed to call the UNHCR hotline. A recorded message connected him with a bar association lawyer. "Two days after I called him, I was released," he said.¹⁸⁰ While the call may have prevented his deportation at that time, it did not enable him to get international protection.

On August 1, 2022, police knocked on Arash's door in Küçükçekmece, arrested him, transferred him to the Tuzla removal center. Ten days later, Arash was deported to Afghanistan. Upon his arrest, the police took his mobile phone, so, unlike his previous arrest, Arash was not able to call the UNHCR hotline or a lawyer. The Tuzla removal center authorities at never gave Arash a chance to make a phone call center, so on his second arrest there was no lawyer. When Human Rights Watch spoke to him by phone in September 2022, he was in hiding in Afghanistan.

Hazaras

Other clearly vulnerable groups, like Hazaras, get no special consideration. Hussain, 20, from Ghazni fled Afghanistan with his father, a leader of the Hazara community, when the Taliban threatened their lives. He became separated from his father in Iran. Hussain made multiple attempts to seek international protection before being deported from Turkey to Afghanistan in June 2022. "I went to Kahramanmaraş, Edirne, and Eskişehir to ask for international protection but was told the same excuse at all those places," he said. "They said because I'm a single man, we can't register you." At the time we interviewed him by phone, Hussain was in hiding in Kabul. "I'm planning to go illegally to Turkey again. If I could register myself and get a *kimlik*, I would prefer to stay in Turkey, but otherwise I would have to go to another country."¹⁸¹

¹⁷⁹ Ibid.

¹⁸⁰ Human Rights Watch telephone interview with Arash, September 2, 2022.

¹⁸¹ Human Rights Watch telephone interview with Hussain, August 3, 2022.

Women and Girls

Members of another generally vulnerable group in Afghanistan, women, told Human Rights Watch about being turned away from PDMM offices without consideration of their protection or humanitarian needs. Under Taliban rule, women and girls are facing systematic and widespread violations of their rights including the right to access education and employment, freedom of speech, association, and expression, and the right to live free from violence. The Taliban have systematically dismantled the system in Afghanistan that had been developed to assist women and girls experiencing gender-based violence.¹⁸² The UN Special Rapporteur's September 2022 report on the situation of human rights in Afghanistan since the Taliban takeover said that he was "gravely concerned about the high levels of violence against women and girls, including domestic violence, the collapse of mechanisms for victims to seek protection, support and accountability, and the use of the informal justice system to deal with such cases."¹⁸³

Women and girls forced to return to Afghanistan would face persecution based on their gender, including, as in the cases highlighted below, the failure of the new governing authorities to prevent abusive treatment at the hands of domestic partners and other private actors, because they are women.

Naqiba, a 31-year-old woman with four small children who fled from her husband, who had severely abused her in Afghanistan, after the Taliban takeover of Afghanistan:

My in-laws had a connection to the Taliban and my father-in-law and the first wife of my husband beat me. I was the second wife to my husband. My husband and his first wife mistreated me and my children. They broke a bone in my wrist. The wrist was so broken that a doctor had to remove a bone from my hand. The family did not allow my children to go to school.

I had been a journalist before I was married. I was a journalist for five years and I had worked in television. My in-laws with their Taliban connections

¹⁸² "Situation of human rights in Afghanistan – Report of the Special Rapporteur on the situation of human rights in Afghanistan to the UN Human Rights Council," A/HRC/51/6, September 9, 2022, <https://www.ohchr.org/en/hr-bodies/hrc/regular-sessions/session51/list-reports> (accessed October 14, 2022).

¹⁸³ *Ibid.*, para. 33.

did not like that I had been a journalist and that I had worked in television. They caused me bigger problems, and that is why I left.¹⁸⁴

We also conducted a private, individual interview with Naqiba's 10-year-old daughter, Masooma, who told us of the unhappy life she fled in Afghanistan:

I wanted very much to go to school but my father and grandfather would not allow me. My father was always saying no to school. My mother begged him to let me go to school. My father would not allow my mother to teach us at home. He made her spend all her time cleaning the house for the other thirty of his family members living there. My mother had no time to teach us. I had no time with my mother. In my whole 10 years of life, I never left my house until we fled the country. I spent all my time in a room.¹⁸⁵

Naqiba, Masooma and her three other children sought protection in Turkey. In Turkey, Naqiba was redirected from one PDMM office to another or told to come back later – a year later:

When I was in Ankara, I went to the PDMM office and asked for a *kimlik*. They told me that none would be issued to Afghans in Ankara and told me to go to Kırklareli. I went to the PMM office at Kırklareli, and they told me to come back in one year. They said there were too many applicants ahead of me and they couldn't see me for a year. They gave me no paper with an appointment or any paper or instruction for what to do if the police stopped me. When I went to Istanbul, I also went to the PDMM office, asking for a *kimlik*. They said they could not help me with a *kimlik* but could only help me if I wanted to be deported to Afghanistan.¹⁸⁶

Naqiba said that she has had no access to health care for her children. "My daughter has been sick and I can't get medicine for her," she said. "My son has a problem with his nose

¹⁸⁴ Human Rights Watch interview with Naqiba, Zeytinburnu, Istanbul, June 8, 2022.

¹⁸⁵ Human Rights Watch interview with Masooma, Zeytinburnu, Istanbul, June 8, 2022.

¹⁸⁶ Human Rights Watch interview with Naqiba, Zeytinburnu, Istanbul, June 8, 2022.

that makes it difficult for him to breathe and he needs an operation, but we have no money for a private doctor, and we are not allowed in the state-run clinics or hospitals.”¹⁸⁷

Kamelah, a 23-year-old woman, fled from Laghman four days after the Taliban takeover of Kabul with her husband because he had worked as a prosecutor in the previous government and faced danger from the Taliban. They spent six or seven months in Van, the largest city closest to the Iranian border, where they entered Turkey, and went to the PDMM office three times to register asylum claims and to obtain an international protection registration document:

The first time we went [to the PDMM office], they said the office was closed and that they don’t provide *kimlik*. A Persian translator there told us, “We are not giving *kimlik*.” My husband had documents to support his asylum claim. The translator looked at the documents and said, “There is nothing I can do to help you.” The second time we went, the translator told us to go, and would not give us an appointment or a paper or anything. I begged for the *kimlik*, but his behavior was rude. The third time we went, he said, “If you come again, we will deport you.”¹⁸⁸

It was winter in Van and Kamelah and her husband were suffering from the cold. They went to the Van police station. The police contacted PMM and took them to a detention center near the PMM office, where they spent the next month. They were kept in a dirty, lice-infested room with 50 other women and family groups. The authorities never provided any masks or testing for the Covid-19 virus, and many of the detainees, including Kamelah, became ill with high fevers. Kamelah said that she had a miscarriage there and was not taken to the hospital.¹⁸⁹

Kamelah and her husband did have what appeared to be a refugee status determination interview at the Van detention center – she was the only one out of all interviewees to have had one – but it was not clear who conducted the interview and with what authority, particularly since her recollection was that the interviewer identified himself as being with

¹⁸⁷ Ibid.

¹⁸⁸ Human Rights Watch telephone interview with Kamelah, June 10, 2022.

¹⁸⁹ Ibid.

the UN, but UNHCR stopped conducting refugee status determination interviews in 2018. In any case, nothing seems to have come of that interview:

The interviewer said he was from the UN, not from PMM. He asked questions about our experiences in Afghanistan. He told us we would not be deported and that we would be provided a paper that would allow us to settle in any but the seven largest cities in Turkey. After the UN interview, we never saw him again, we never had an interview like that with PMM, they detained us for another three weeks, and we never got such a paper.¹⁹⁰

After ten days of quarantine in Karabus, detention officials told Kamelah and her husband to go to Siirt and register there with PMM and to live there:

We went to Siirt and to the PMM office, which was in the same building as the governor's office. The PMM told us they could not do anything for us and referred us to the governor. We went to the governor, and he told us, "You cannot stay here. We do not register any Afghans in this city."¹⁹¹

She said the governor told them to go to Elazığ and register there. They went to Elazığ, but before going to the PMM office, spoke with other Afghans who had been living there for a long time. The Afghans told her that she would not be registered there but rather would be deported if she went to the PMM office. Kamelah and her husband decided to go to Balıkesir, where they had relatives:

We have gone to the PMM here in Balıkesir three times. The first time, they said they don't provide *kimlik* to Afghans. The second time, we were given an appointment date. The third time, they took our fingerprints, which showed we had first gone to Van, and they told us to go back to Van and register there.¹⁹²

¹⁹⁰ Human Rights Watch telephone interview with Kamelah, June 10, 2022.

¹⁹¹ Ibid.

¹⁹² Ibid.

She said, “We will keep going to PMM. I am two months pregnant and am not able to go to a hospital because I don’t have a *kimlik*.”¹⁹³

Life for Undocumented Afghans in Turkey

Like Kamelah, who said she could not go to a hospital for pre-natal care because she did not have an international protection registration document, undocumented Afghans in Turkey do not have access to health care and other social services. They also live in constant fear of arrest and deportation, which heightens their vulnerability to exploitation, harassment, and victimization.

Police Harassment and Fear of Police

Fear of arrest causes undocumented people not to report crimes against them. Masror, age 16, from Herat, who said he did not try to get an international protection registration document at PDMM office for fear of getting arrested, was also the victim of a mugging but was too afraid to go the police to report it. “One day I was sitting close to the sea and three Turkish-speaking men with knives attacked me and stole 400 Turkish Lira (about US\$22) and my phone. I could not go to the police because I was undocumented.”¹⁹⁴

Some undocumented Afghans also reported to Human Rights Watch being harassed or physically abused by police. “The police approached and called me over,” said Mohsen, a 16-year-old boy from Kabul. This incident happened in the streets in the heavily-migrant-populated Aksaray neighborhood in April 2022. “Because I don’t have any papers, I tried to run away from them, but they caught me.” Mohsen said that one of the two police officers who stopped him slapped him and then asked him to show ID registration. “I told them I don’t have a *kimlik*. Then they dragged me aside, away from the public, and started beating me, they used the bottom of the weapon and struck me over the head.”¹⁹⁵

We saw cuts and bruises on the hands and knees of Ashraf, a 25-year-old undocumented Afghan from Laghman who works washing dishes in Istanbul and asked him what happened. “The police were chasing me, and I ran and fell. I try to hide myself.”¹⁹⁶

¹⁹³ Ibid.

¹⁹⁴ Human Rights Watch telephone interview with Masror, June 6, 2022.

¹⁹⁵ Human Rights Watch interview with Mohsen, Aksaray, Istanbul, June 11, 2022.

¹⁹⁶ Human Rights Watch interview with Ashraf, Zeytinburnu, Istanbul, May 28, 2022.

“Police are rounding up people now,” said Fateh, a 23-year-old who was a law student in Afghanistan who lives illegally in Istanbul where he works in a shop. “I can’t cross the road without fear of arrest.”¹⁹⁷

Exploitation

Ashraf, the dishwasher with the cuts and bruises, said he is always paid less than Turkish workers and sometimes not paid at all or otherwise cheated by employers. “I worked for six days in one shop, and they didn’t pay me but took 6,000 Turkish Lira (about US\$333) from me.”¹⁹⁸

Habibullah, a 26-year-old man who fled from Baghlan after the Taliban took over that province in early August 2021, experienced multiple pushbacks from Turkey to Iran before successfully finding his way to Istanbul, where he works in a textile factory. He said he gets paid 2,500 Turkish Lira (about US\$138) per month, while Turkish employees are paid about 6,500 Turkish Lira (about US\$360) and have health insurance. Because he fears arrest, he rarely leaves the factory. “I live where I work, like a slave.”¹⁹⁹

Tahir, 22, from Mazar-e Sharif, who Human Rights Watch interviewed in Bahçeşehir, said the owner of a factory in Istanbul where he worked paid him pocket money but no wages for the three months that he worked there.²⁰⁰

“I have definitely been exploited, paid less and paid late,” said Timur, 23, from Takhar Province in Afghanistan, “but you can’t complain.”²⁰¹

Problems for People who have Registration Permits

For Afghan families who have been able to obtain international protection registration ID documents, restrictions on movement and lack of job opportunities or social support have often rendered their international protection a formal status rather than a reality that enables them to live in dignity. In addition, an international diplomat observed to Human

¹⁹⁷ Human Rights Watch interview with Fateh, Esenyurt, Istanbul, June 4, 2022.

¹⁹⁸ Human Rights Watch interview with Ashraf, Zeytinburnu, Istanbul, May 28, 2022.

¹⁹⁹ Human Rights Watch interview with Habibullah, Zeytinburnu, Istanbul, May 29, 2022.

²⁰⁰ Human Rights Watch interview with Tahir, Bahçeşehir, Istanbul, June 3, 2022.

²⁰¹ Human Rights Watch interview with Timur, Bahçeşehir, Istanbul, June 3, 2022.

Rights Watch that Turkish authorities “will not extend residential permits for the smallest reasons,” for example nonrenewal because someone traveled away from their assigned satellite city without permission to meet the healthcare needs of a child.²⁰²

Amena, a 36-year-old woman with two school-age daughters, described difficulties that kept her children out of school and ultimately led her to leave the satellite city where she was registered and live without proper documentation in Istanbul. Upon arriving in Turkey, the family was detained in Nevşehir, held in the police station there, and registered their claim for international protection in that city:

They gave us a paper and told us to live in Nevşehir, but since I wasn’t able to find a job in Nevşehir and we didn’t know anyone there, and because we couldn’t rent a house in Nevşehir with those papers, we left to go to Konya. Because Konya didn’t accept our papers, I went back to Nevşehir every two weeks to get my papers signed. After two months of signatures, we got the *kimlik*, but in total I paid 9,000 Turkish Lira (about US\$498) because I had to pay for a taxi every time I went for a signature. Since my daughters couldn’t go to school in Konya, and there were not many work opportunities, we couldn’t earn enough money, so we left for Istanbul.²⁰³

Mohammad Razi, a 26-year-old law student at Kabul University who fled after the Taliban takeover, is the only single man Human Rights Watch interviewed among Afghans who fled to Turkey since the Taliban takeover who received international protection and was issued an ID registration card. But his circumstances were unique; he had family in Nevşehir who arrived six years ago. He was arrested shortly after arriving in September 2021, but his family and employer went to the PDMM office and got him out. After four months, he got an ID card based on his need for international protection. He said, “If I didn’t have family in Nevşehir, I wouldn’t have gotten a *kimlik*.”²⁰⁴

Mohammad Razi has amblyopia (vision impairment in one eye) and was told by the local hospital in Nevşehir that he needed a specialized hospital for treatment. He applied at the

²⁰² Human Rights Watch interview with a diplomat in Turkey who requested anonymity. Date and place withheld.

²⁰³ Human Rights Watch telephone interview with Amena, February 20, 2022.

²⁰⁴ Human Rights Watch interview with Mohammad Razi, Aksaray, Istanbul, May 27, 2022.

PDMM for travel permission to go to Istanbul for the treatment but was denied. We spoke to him in Istanbul. “If the police catch me in Istanbul, they could take away my *kimlik*,” he said. “I can’t go to a public hospital here because I don’t have permission to travel, and I might not be able to go to a private hospital either. I don’t know what will happen if I try. I also would like to continue my law degree, but I don’t know where to start.”²⁰⁵

Sadiq, age 22 from Ghazni, has had an ID card for the past four years. He told Human Rights Watch that he has had to go to the immigration office in Trabzon, a town on the Black Sea coast, every month to be fingerprinted and verify he is living there. He often experienced routine police stops at checkpoints and on the street to check his ID, but he saw a change in December 2021 when police began knocking on doors and demanding to see IDs:

Four months ago, the police went to every migrant’s house to register IDs. The police came to our door and asked for our ID, and then they checked the card against our address. When I asked them what they were doing, they told me they are deporting migrants back to their country. One of my friends didn’t have his ID with him, and the police arrested him. He spent four days in a detention center before his fingerprint showed that he had a valid ID, and he was released. He told me there were lots of migrants there without ID cards.²⁰⁶

²⁰⁵ Ibid.

²⁰⁶ Human Rights Watch telephone interview with Sadiq, April 21, 2022.

Acknowledgments

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We are grateful to all the Afghan refugees, migrants, and asylum seekers who willingly shared their experiences with us. Their hope, and ours, is that in sharing their experiences, Turkey will provide them real protection and other governments will support Afghans in Turkey and throughout the world who have fled persecution, violence, and hardship.

Annex I: Human Rights Watch Letter to the Ministry of Interior, October 18, 2022

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October 18, 2022

Süleyman Soylu
Minister of Interior
Ministry of Interior
Bakanlıklar/ANKARA



HRW.org

Re: Request for information on deportations and collective expulsions of Afghan nationals

Dear Minister Soylu,

I am writing on behalf of Human Rights Watch (HRW) to request information regarding the Ministry of Interior's policies and practices with regard to deportations and collective expulsions (pushbacks) of Afghan nationals. While Human Rights Watch appreciates that Turkey continues to host the highest number of refugees in the world, particularly at a time of economic difficulty in the country, we are deeply concerned about the summary deportations and forced returns of Syrian and Afghan refugees, asylum seekers, and migrants, including pushbacks at its borders with Iran and Syria, and lack of access to international protection procedures. Copies of this letter are being sent to Dr. Savaş Ünlü, president of the Migration Management Presidency and to Mr. Ramazan Seçilmiş, director general of the Unit for Irregular Migration in the Migration Management Presidency.

Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in over 100 countries, including Turkey. We give governments and other relevant authorities the opportunity to provide information and respond to questions originating from our research and we reflect timely responses in the reports that we publish. We respectfully request your replies to our questions by November 1 in order that we can reflect them in our planned public reporting on this issue.

We are currently conducting two separate, but related, research endeavors on (1) the situation of Syrians in Turkey and cases of Syrians being deported from Turkey to northern Syria and (2) the situation of Afghans in Turkey, including their access to international protection, their treatment and conditions of detention in removal centers, pushbacks at the border with Iran, forced or forged "voluntary return" forms, and deportations that occur without giving deportees the opportunity to seek international protection.

We previously wrote a letter to you on October 3 concerning our first project on Syrians in Turkey. This letter concerns our second project on Afghan refugees, asylum seekers, and migrants in Turkey and at its borders.

1

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We interviewed 68 Afghans (53 men, 3 women, 1 girl, and 11 boys), 38 of whom described 114 pushback incidents from Turkey to Iran between January 2021 and April 2022, and 5 of whom were deported from Turkey to Afghanistan. All interviews, both in person interviews conducted in Turkey and phone interviews, were carried out in private settings with assurances of confidentiality. The researchers informed all interviewees about the purpose and voluntary nature of the interviews, and the ways in which Human Rights Watch would use the information. The researchers told interviewees they would receive no payment, service, or other personal benefit for the interviews. Our findings follow below.

Pushbacks, Beatings, Shootings

Many of the Afghans we interviewed made multiple attempts to cross the Turkish border from Iran, but Turkish authorities pushed them back at least once, if not multiple times, usually with little to no formal processing and no opportunity to lodge asylum claims. All the “single” men and boys whom Human Rights Watch interviewed (i.e., men or boys who did not present themselves as part of a family group including women or children) who encountered Turkish officials at the border with Iran either directly experienced or witnessed Turkish authorities beating or otherwise abusing them and others who were with them.

In many cases, interviewees were not certain about the specific identity – police, army, jandarma – of the authority in whose custody they were or who was shooting at them, but in no case did any of the interviewees express any doubt that they were Turkish security officials. In most cases, Turkish authorities at the Iranian border were described as wearing beige military-style uniforms, often camouflaged, but others described the authorities they encountered as wearing dark uniforms. Both at the border and the interior, some reported the words “Jandarma” or “Polis” written on uniforms of the officials they encountered, but others did not recall any writing on the uniforms.

We found that collective expulsions occur in various ways, but the most obvious and egregious is being pushed back immediately after being caught crossing the border with no formal processing whatsoever. A 28-year-old former soldier in the Afghan army from Ghazni who fled Afghanistan shortly after the Taliban takeover, was first pushed back from Turkey to Iran on December 18, 2021. He crossed as part of a group of about 200 people. First the Turkish police shot their guns into the air “to scare us,” he said. Then, he said, the beatings started:

There were 15 police; they beat everyone. They beat some people with the butts of their guns. They even beat children. There was a woman and boy injured by their beatings. The woman’s right leg was broken because police beat her with a baton. The police beat me four or five times on my back with a baton. Since it was winter and cold, people were wearing lots of clothes, so the Turkish police took our warm clothes, our mobile phones, our bags, and shoelaces. They never gave anything back. No one was allowed to talk with them, we begged them that our country is in a bad situation, but they didn’t listen to us. We were directly pushed back into Iran. We were never taken to a camp.

A 20-year-old man from Laghman, Afghanistan, entered Turkey with 30 other people near Maku at 4 a.m. on May 6, 2022. After crossing the border wall, they walked another 20 minutes before bright lights shone on them and bursts of shooting came from in front of them:

As soon as they caught us, they took us back to the wall. They took our backpacks and other belongings, broke our mobile phones, stripped us down to our underwear, and beat us. They lined us up with our faces against the wall. Two border police hit me with a baton and kicked me with their army boots. Mostly I was hit on my backside. I have pictures of the bruises on my back [which he showed to Human Rights Watch]. The beating went on for two hours. They broke one guy's arm. They took a group photo of us, but not individual photos. They made us walk through a gate in the wall back to the Iranian side. We returned to Iran at 5:30 a.m. There were no Iranian guards on the other side.

Eighteen of the people interviewed by Human Rights Watch said they witnessed Turkish guards shooting in their direction as they attempted to cross the border with Iran. There is no evidence there were justifiable reasons for Turkish border authorities to use lethal force as a last resort, for example that it was necessary to protect their lives or the lives of others. An 18-year-old youth from Paktia who fled Afghanistan in early September 2021, attempted to cross into Turkey with a group of 120 people at about 5 a.m. at a location near Maku. "Five Turkish border police were shooting into the air and also at the people," he said. "I saw one person get shot in his leg. Everyone was so scared they were running everywhere." A 27-year-old man from Kabul, who first crossed from Iran to Turkey on the road from Karkush at 10 p.m. on January 22, 2022, said that shooting started after he and the 100 people he was crossing with crossed the razor wire but before they reached the trench. "I saw one guy who was trying to jump the trench, about three or four meters from me, get shot in the leg and fall to the ground."

Deportations, Forced and Forged Voluntary Return Forms, No Access to Protection Prior to Removal

In addition to pushbacks at the land border with Iran, we are also studying Turkey's deportations of Afghan nationals by plane to Afghanistan. Our interviews with Afghans deported to Afghanistan indicate that despite pro forma "voluntary return" documents routinely being used, many Afghans facing imminent deportation are given no opportunity to make refugee claims or otherwise challenge their deportation, and their signatures or fingerprints on voluntary return forms are often forced, obtained through deception, or forged.

A 27-year-old husband and father of two children from Ghazni, fled Afghanistan without his family one month after the Taliban takeover after people associated with the Taliban threatened him. The Turkish coast guard caught him trying to leave Turkey by boat. From his apprehension on April 9, 2022, until his deportation by air to Afghanistan on May 7, 2022, he was transferred among various police stations and removal centers from Izmir to Pendik to Tuzla, but although he repeatedly told officials that he feared return to

Afghanistan was never able to lodge a claim for international protection. He also said that he never agreed to voluntary return despite threats and violence to force him to do so. He described his final hours before being deported to Afghanistan:

Someone from the Afghanistan consulate spoke to us by WhatsApp. I told him I had problems in Afghanistan, but he told me there was nothing he could do. The jandarma were close by listening as we talked, and they grabbed me by the shirt and took me out of the room. They told me I had to sign a paper that was not in our language. They said the paper was to ask for a lawyer, but a detainee who could read Turkish said it was to agree to be deported. Only 3 of 120 people agreed to sign it. They slapped each of us two or three times and told us to sign, but we wouldn't. Then they took each of us one by one into a room that had no camera in it. There, two jandarma were sitting and two were standing. They again told me to sign the paper. I said I had problems in Afghanistan and could not sign it. Then, they cursed me and one of the men standing beat me on my head, back, and legs with a rubber or plastic baton and the other one who was standing hit me with his hand. He hit me in the face and made my nose bleed.

The next day, they transferred me and about 200 others to the yard of the removal center and they told us we had to put our fingerprints on papers for voluntary return. At first, we all refused. One man tore the paper, and they took him to a room; when they brought him back, his face was bloody. The [following] day, they transferred me and about 200 others to the airport in Istanbul. They read our names one by one, stamped our travel documents, and put us on the Ariana Airlines plane. The plane had no other passengers, only men and boys. They said they would return our belongings, but the Turkish officials kept the €350 (about US\$353) that I had, which they said was for the cost of the flight, but I never agreed to voluntary return, so they shouldn't have taken my money.

A 25-year-old from Ghazni, was deported to Afghanistan in late June 21, 2022 on an Ariana Airlines plane with about 450 other Afghan men and boys. He said a Turkish official presented him with a voluntary return paper to put his fingerprint on, but when he refused, the Turkish official just put his own fingerprint on the paper. "I never signed any paper and didn't put my fingerprint on any deportation paper, even the deportation paper I received in airport. The fingerprint they put on it wasn't mine." Other deportees gave similar accounts, saying that they saw "voluntary return" documents with the stamp of the Afghan consulate that included their names, photograph, and fingerprint, but said they had never put their fingerprint on the paper.

Access to International Protection Blocked

We note that applications for international protection in Turkey dropped by 74 percent from 2018 to 2021: from 114,537 to 29,256, and that Afghans represented 75 percent of the applicants in 2021. We further note that in February 2022, Deputy Interior Minister Ismail Çatakli said applications for international protection would not be accepted in 15 provinces: Ankara, Antalya, Aydın, Bursa, Çanakkale, Düzce, Edirne, Hatay, Istanbul, Izmir, Kırklareli, Kocaeli, Muğla, Sakarya, Tekirdağ, and Yalova. He also said residency permit

applications would not be accepted by foreigners for any neighborhood in which 25 percent or more of the population was comprised of foreigners. Çatakılı reported that registration had already been closed in 781 neighborhoods throughout Turkey because foreigners in those locations exceeded 25 percent of the population. In June, it was announced that from July 1, 2022, the proportion would be brought down to 20 percent and the number of neighborhoods closed to registration of foreigners increased to 1,200.

None of the Afghan men interviewed by Human Rights Watch who have arrived in Turkey without their families since the Taliban takeover have been able to lodge applications for international protection at Provincial Directorate of Migration Management (PDMM) offices. Single men were routinely told the PDMM offices they were seeking to enter were closed, that the office was not taking applications from Afghan men, or they were given appointments months later. When they returned, they were still not able to lodge applications. In the meanwhile, officials were arresting significant numbers of undocumented Afghans, detaining them and often coercing or deceiving them to sign voluntary repatriation forms, then deporting them to Afghanistan.

A 31-year-old woman with four small children who fled from her husband, who had severely abused her in Afghanistan, sought protection in Turkey, only to be redirected from one PDMM office to another or told to come back later – a year later:

When I was in Ankara, I went to the PDMM office and asked for a kimlik. They told me that none would be issued to Afghans in Ankara and told me to go to Kırklareli. I went to the PMM office at Kırklareli, and they told me to come back in one year. They said there were too many applicants ahead of me and they couldn't see me for a year. They gave me no paper with an appointment or any paper or instruction for what to do if the police stopped me. When I went to Istanbul, I also went to the PDMM office, asking for a kimlik. They said they could not help me with a kimlik but could only help me if I wanted to be deported to Afghanistan.

She said that she has had no access to health care for her children. “My daughter has been sick and I can't get medicine for her,” she said. “My son has a problem with his nose that makes it difficult for him to breathe and he needs an operation, but we have no money for a private doctor, and we are not allowed in the state-run clinics or hospitals.”

Treatment and Conditions of Detention in Removal Centers

We have also gathered testimonies about treatment of detainees and conditions of detention in removal centers in Turkey. Here are summaries of our findings on some of them:

Antalya Removal Center

Human Rights Watch interviewed one person who said he was held for a month in the Antalya removal center. When the facility is overcrowded, detainees are moved into a large room that is used for prayers. He was kept in that room which he said had no beds but only blankets on the floor. Soap and shampoo are not provided, but detainees can purchase hygienic supplies if they have money. While the former detainee said that he was not subjected to physical abuse at Antalya, he said that he saw other people who the guards

considered disruptive being taken to a room where he said they were subjected to electric shocks. “The people who experienced this told me about the electric shocks when they came back,” he said. Masks were only provided during transport from the removal center.

Çankırı Removal Center

“Everything was dirty, the rooms, the corridors, everywhere,” said one former detainee of the Çankırı removal center. Underage boys are commingled with men at this center, and frequent fighting between different nationality groups was reported, which could have been exacerbated by discriminatory treatment by Turkish authorities. “The Afghans were treated worse,” said a Syrian who was detained there for one month in 2022. This same former detainee said that after fights broke out, detainees would be locked in their rooms for three or four days as punishment, during which time they were not allowed to use telephones. He said one room was closed for five days. When not being punished, detainees in this center have relatively more freedom of movement than what former detainees described in other centers, as they are allowed in the courtyard or to visit detainees in other rooms during the day. The center has six detention rooms with a capacity of eight per room. The center does not provide masks or any testing for the Covid-19 virus. Detainees said that whatever the complaint – injuries or varieties of illnesses – all were given the same medicine.

Edirne Removal Center

Detainees said the food was adequate and did not complain about their treatment, except the use of force for signing or putting fingerprints on voluntary return forms. They said, however, that underage boys were mixed with the men, that husbands were separated from wives, who were detained separately, and that the phones often did not work. One detainee said that the phones did not work on six of the eight days he was detained there, severely limiting his capacity to find a lawyer or to contact UNHCR, which he was unable to do.

Erzurum Removal Center

Detainees at the Erzurum removal center are held in 4x8 meter rooms with eight beds per room, but the rooms often hold ten to twelve people. Rooms had windows and heaters, and detainees got three meals a day, soap, and shampoo. “No physical mistreatment, but not nice either,” said one former detainee.

Izmir Removal Center

Each room has a capacity for eight people, but some detainees said 11 people were kept in each room. Others said some people were kept in the open courtyard because of the overcrowding, where they were exposed to the sun during the day and cold at night. Food was provided three times a day, but at random times, and detainees were not provided sufficient drinking water. Detainees are locked in their rooms all day, except for three 15-minute periods for meals. No one reported beatings or other physical abuse by guards, but some said guard behavior was harassing; former detainees said guards would turn on the lights during the night and bang on doors with batons. There were no tests for the Covid-19 virus or masks. Detainees complained of dirty blankets, skin problems, and inadequate medical care.

Kırklareli Removal Center

Former detainees at the Kırklareli center said that hundreds of people were kept underground in a basement room. On the ground floor was the mess hall and smaller rooms where longer-term detainees were held. Detainees said this was often the last removal center to which they were taken, before being taken in groups of 20 to 30 people in minibuses that would take them into the woods close to the Greek border. One former detainee said, “They released us in the forest and said if you go this way you will go to Greece. They said, ‘If we arrest you again, we will keep you in prison for six months.’” Some people transferred to Kırklareli are kept in quarantine before being moved into the center proper. Human Rights Watch interviewed a former Syrian detainee said Afghans in the quarantine area were held in worse conditions than Syrians. “We [Syrians] were kept in a 6x6 meter room with one window and four beds for six or seven of us, so some slept on the floor, but I saw the room where the Afghans were kept; they had the same size room with 20 people in it.”

Malatya Removal Center

Detainees are held in prefabricated containers, each with a capacity for eight people. The containers have no beds, according to former detainees. People are made to wait in line for food for hours, which is served at various times. “Sometimes dinner at 4 p.m.; sometimes at 1 a.m.,” one person recalled. “When we waited in line for food, if you got out of line, they would beat you. I was beaten, which is how my finger was broken; I covered my head with my hands, and they broke my finger.”

Pendik Removal Center (or Pendik Police Holding Center)

There is both a removal center and a police holding center in Pendik, so former detainees were not always clear about which center they were describing. Detainees said they were held in 4x6 meter rooms, 20 people per room that do not have beds or blankets, but only thin carpets. Former detainees described sanitation as poor, toilets not working, and said many detainees had skin rashes. “Pendik is like going inside a nest of insects,” said one. Former detainees said they had no access to doctors or health care, no masks, and no testing for the Covid-19 virus. Boys were commingled with adult men. Detainees were discouraged from talking to guards. While waiting in line for food, guards were said to treat detainees badly, sometimes hitting them with batons. When the food would come, one described it as “rotten.” Detainees had no access to phones or lawyers. One former detainee said, “Your rights are written on the wall, but in my time there [11 days], we were never allowed to use the phone.”

Tuzla Removal Center

The Tuzla removal center is often overcrowded, according to former detainees. People are detained in aluminum containers, which are locked all day except for 15 minutes in the morning and 15 minutes in the afternoon. The containers are enclosed by a high wall topped with barbed wire. Former detainees said there was a constant, high-volume ebb and flow of newly arrested people being brought into the center and others being deported or transferred to other centers. Containers have four or five bunkbeds, so a capacity for eight to ten people, but one former detainee told us he was one of 17 in his container and that he had to sleep on the floor without so much as a blanket. The containers have small windows and air conditioners that don’t work properly. The toilets are inside the containers and often don’t work; mattresses were described as filthy and insect infested. Former detainees said hygiene

was poor with no soap or shampoo, no masks, and no testing for the Covid-19 virus. They said most detainees had skin infections with some reaching the point they had open wounds on their bodies. “I didn’t see any doctor or treatment,” said a former detainee who spent ten days in Tuzla in August 2022. “If someone got sick, they just had to live with it.” Former detainees said they had no access to phones in Tuzla and could not communicate with lawyers, UNHCR, or their families.

Detainees complained of their treatment by the guards. A 25-year-old journalist from Paktia Province, who spent two nights in Tuzla, said, “Once I crossed my arms because it was cold, and a guard asked, ‘Why are you standing like this?’ and beat me.” Another former detainee said, “The guards hit me once on my back with a baton, but I witnessed them beating other migrants more than me. There wasn’t any reason for them to beat us. There were cameras in the room where they beat us, but they didn’t care.”

Van Removal Center

The rooms are designed to hold six detainees with three bunkbeds per room, but former detainees report as many as 17 people being held in a room. One detainee estimated that the center had a capacity for about 700 people but averaged holding about 2,000 people during the more than two months he was held there. Detainees reported physical abuse. Said one person who was a child at the time of his detention:

I didn’t understand Turkish when they wanted me to stand up or sit down, so they would hit me with their sticks to get me to do what they wanted. The sticks were black, two inches in diameter, and they would hit hard on my legs or arms. They would say something like “Move forward” in Turkish and if I looked back or didn’t move right away, they would hit me, mostly on my legs.

Van Police Station

The Van police station is not a removal center, but because of its location in the city closest to the Iranian border, it is commonly used to hold migrants before taking them back to the border to be pushed back or for transfer to removal centers. Detainees described conditions there as overcrowded, and unsanitary with not enough space or bedding to lie down to sleep and difficult access to toilets and wash facilities, requiring detainees to beg guards to use them. One detainee described the police behavior as inhumane:

The guards lined us up and made us dance and do movements of swimming, and if we did it wrong, they beat us. While they did this, they cursed us and said, “Why didn’t you fight back against Taliban? Why didn’t you stay in your country?”

Deportations of Afghans to Syria

Human Rights Watch discovered that Afghans are not only being deported to their home country, Afghanistan, but, at least in some cases, also to Syria. We interviewed a 20-year-old Shia Hazara man from Ghazni who fled Afghanistan at the end of January 2022. On his third attempt to cross from Iran to Turkey, he got as far as the bus station in Tatvan, when he was arrested. He was put on a bus with 23 Syrians and eight Afghans and taken to the Syrian border. He says he was not processed in any way – not photographed, not

fingerprinted, not registered, but was pushed across the border to an area controlled by Hayat Tahrir al-Sham (HTS), although the people we interviewed referred to the controlling group by its former name, as al-Nusra.

He made four attempts to cross back from Syria to Turkey before succeeding. “Each time I was caught, I told the Turkish police I was an Afghan not a Syrian and that I was afraid of the al-Nusra group, but they would not listen to me.” On each attempt, he said, “There was no process, no photo or questions. They just beat us and pushed us back to Syria. I even saw them beating a child.”

A 15-year-old Hazara boy from Ghazni fled Afghanistan in mid-September 2021. After crossing into Turkey, smugglers transferred him from bus to bus for the next six days. He and seven others (four Pashtuns and three Hazaras) ended up in Hatay Province, Turkey’s southernmost province that borders Syria’s opposition-held Idlib Province. Police in Iskenderun, Hatay Province, arrested the group of eight and took them to the police station where they were made to sign their names on a paper handwritten in Turkish, which none of them understood. The police told them they were being taken to a camp, but instead took them to the Syrian border. There a man the boy described as “a Turkish commander” recited a sentence from the Quran in Arabic: “Fi sabilillah,” – for the sake of Allah – and pushed them across the Syrian border near Darkush. “I cried and begged them not to send me to Syria. We told them we were Afghans, not Syrians. They didn’t beat us but had long sticks in their hands and threatened to beat us if we didn’t go. I was sitting on the ground crying. They pulled me up by my arms and walked me to the border.”

The boy suffered abuse during his detention by HTS, but was released to a smuggler, and made two more attempts to cross into Turkey. Both times, the Turkish border guards caught them and pushed them back to Syria:

The Turkish police beat us a lot, especially the one of us who was an adult. They kicked him with their army boots until he was not able to move. They used batons, punching, and kicking. They beat all of us, including me. They used the same gate to push us back to Syria.

After being pushed back a second time, the authorities he identified as al-Nusra put blindfolds on him and his friends and took them back to the jail where they were kept for the next three months and 13 days. On May 20, 2022, the boy told us that his captors formally brought 26 Afghans to the official border crossing at Cilvegözü/ Bab al-Hawa, including the boy and his three companions, and handed them over to the Turkish authorities. He said Turkish officials wrote that he was 18 years old. He asked for help: “I told them I was 15, but the Afghan translator told me he couldn’t help me. I told the interpreter I was underage, that I had suffered a lot and that I needed asylum, but the Turkish officer just said No, No. (‘Yok, Yok.’)”

The boy and the other Afghans were taken to the Hatay Removal Center where they were presented with voluntary repatriation papers. “They told us we needed to sign the paper to show our respect for Turkey,” he said. “If we refused to sign, they said they would put us in

detention for another year.” From Hatay Removal Center, the boy was sent to Gaziantep Removal Center, where he spent another five days. “I did not ask for asylum because if you asked for anything, the guards would beat you,” he said. After five days, officials at Gaziantep Removal Center loaded three buses with about 150 detainees, including this boy, and drove them to the Edirne Removal Center, near the Greek border. “At Edirne,” the boy said, “they put our fingerprints on a paper. I don’t know what that paper said. A few hours later, the jandarma drove us out to the forest and released us. The jandarma told us if they caught us again, they would deport us to Afghanistan.”

Human Rights Watch’s Recommendations to the Government of Turkey

- Immediately halt all pushbacks from Turkish territory and at Turkey’s borders.
- Conduct a transparent, thorough, and impartial investigation into allegations that Turkish security and law enforcement personnel are involved in acts that put the lives and safety of migrants and asylum seekers at risk, including collective expulsions, robbery, beatings, and other violence.
- Direct border guards only to use their firearms as a necessary and proportional last resort in response to a threat to life.
- Investigate allegations of ill-treatment, especially in border regions and removal centers, and subject any officer engaged in illegal acts, as well as their commanding officers, to disciplinary sanctions and, if applicable, criminal prosecution.
- Direct Provincial Directorate of Migration Management offices to provide access to international protection procedures for all who request it, including adult Afghan men who are not part of a family group.
- Ensure that full and fair consideration is given to all claims for international protection.
- Allow any Afghans whose international protection claims were rejected prior to the Taliban takeover in August 2021 to resubmit their claims for de novo consideration based on changed country conditions in Afghanistan. Also, allow long-term Afghan residents in Turkey who have not previously filed claims for international protection to file claims based on changed country conditions.
- Ensure that any migrants held in custody are given access to regular Covid-19 testing, personal protective equipment, soap, water, adequate, well-ventilated facilities to practice safe hygiene, and access to adequate medical care. Prevent overcrowding, including through alternatives to detention, to enable social distancing.
- Direct border police to accept an individual’s declared age if there is a reasonable possibility that the person is a child. In such cases, border police should expeditiously transfer those individuals to the care of child protection authorities and assigned a guardian at the earliest time. Ensure age assessment examinations are conducted according to international standards.
- Ensure screening mechanisms to identify people with disabilities, including people with experiences of trauma, and provide reasonable accommodation throughout the asylum and migration procedures.
- Stop the use or threat of deportation or other disproportionate punishments, as a threatened or effectuated sanction for failure to abide by restrictions on movement for those caught outside their assigned “satellite city” without permission. Ensure full and unhindered

access for UNHCR and other independent observers to removal centers and other locations where migrants are detained.

- Develop and publish regulations on “voluntary return” procedures that guarantee free and informed consent consistent with international standards.
- Regularly publish detailed statistics on international protection applications by nationality and PDMM office, the numbers accepted and rejected by nationality of the applicant and province where the application was decided, and the number of backlogged pending cases by nationality.
- Regularly publish detailed statistics on “voluntary returns,” including voluntary returns of people in detention and not in detention, by nationality, age, gender, date of exit, and name of border crossing or port of exit.
- Rescind article 102 of the Law on Foreigners and International Protection, which authorizes penalties for sheltering improperly documented foreigners.
- Lift the geographical limitation to the 1951 Refugee Convention.

Questions, Requests for Information and Comment

In light of this research, Human Rights Watch respectfully request your responses to the following questions by November 1:

1. Please provide any comments or corrections to the findings we have provided in this letter.
2. Please provide any comments in response to the recommendations we have provided in this letter.
3. How many Afghans were removed from Turkey to Afghanistan in 2018, 2019, 2020, 2021, and the first six months of 2022?
4. How many Afghan nationals were removed from Turkey to Syria in 2018, 2019, 2020, 2021, and the first six months of 2022?
5. Please outline the voluntary returns process for Afghan nationals in Turkey, including the methodology for obtaining signatures or fingerprints for voluntary return forms? What assessment of voluntariness, if any, does the Ministry of Interior or the PMM or any other Turkish official conduct with people who sign a voluntary return form?
6. Do the same procedures and forms for voluntary return apply for both detained and non-detained Afghans? Do voluntary return statistics indicate whether returnees were detained or not detained prior to their “voluntary return”? Please indicate whether UNHCR or the International Organization for Migration (IOM) is involved in the process of voluntary return for either or both categories of detained and non-detained returnees.
7. Does the Ministry of Interior, or the PMM or any other Turkish official provide Afghan nationals with an opportunity to meaningfully challenge their deportation and/or argue their case for protection? If so, can you please describe the process? Are deportations subject to judicial review?
8. How many people who Turkey categorizes as “irregular migrants” have been “prevented entry” in 2018, 2019, 2020, and the first six months of 2022? For each of those years, how many of these people were Afghan nationals?

9. How does Turkey define “prevention of entry” of “irregular migrants”? Are government statistics on “prevention of entry” based on biometric data collected at these incidents?
10. How many people from all nationalities lodged applications for international protection in Turkey in 2018, 2019, 2020, and the first six months of 2022?
11. How many Afghan nationals lodged applications for international protection in Turkey in 2018, 2019, 2020, and the first six months of 2022? How many applications for international protection are currently pending? How many applications for international protection were lodged in 2020, 2021, and in the first six months of 2022 by Afghan nationals in removal centers and how many by Afghan nationals who were not detained?
12. How many applications for international protection for all nationalities were decided in 2018, 2019, 2020, and the first six months of 2022? How many were accepted? How many were rejected? How many applications for international protection for all nationalities are currently pending?
13. How many applications for international protection by Afghan nationals were decided in 2018, 2019, 2020, and the first six months of 2022? How many were accepted? How many were rejected? How many applications for international protection for Afghan nationals are currently pending?
14. How many Afghans were detained in removal centers in 2018, 2019, 2020, 2021, and the first six months of 2022? Please provide a breakdown per removal center including by gender and age.
15. Please provide the capacity (number of beds) for each removal center currently in operation in Turkey.
16. Please outline any current or ongoing internal disciplinary or public prosecutor investigations into the allegations of abuse and ill-treatment inside Turkey’s removal centers? Please provide details of what steps have or might be taken to discipline responsible Turkish officials for any abuse or ill-treatment?

As mentioned above, we would be grateful for your response in writing by November 1. You can contact me at [REDACTED] or via my colleague Emma Sinclair-Webb at [REDACTED] and on [REDACTED]

With this letter, I would also like to request an in-person meeting with you in Ankara on November 16, 2022, the date we plan to release this report, to discuss the findings and recommendations of this report. We would further ask that representatives of Amnesty International be included in this meeting to discuss the findings and recommendations of their August 31 [report](#) on this subject.

Thank you for your attention to this matter.

Sincerely,
 Bill Frelick
 Director
 Refugee and Migrant Rights Division
 Human Rights Watch

Annex II: Response from the President of Migration Management, November 17, 2022



UNOFFICIAL TRANSLATION

Mr. Bill Frelick
Director
Refugee and Migrants Rights Division
Human Rights Watch

17/11/2022
Ankara

Dear Mr. Director,

Türkiye hosting a great many of migrants from different continents and various nations places a premium on further strengthening relations with NGOS conducting researches based upon independent and true findings on migration. Within this framework, I clearly indicate that both our Ministry and our Presidency has been carefully and diligently tracing HRW's activities on conditions of various migrants in our country.

Through externalization policies of the migration issue and reducing it only to their own borders by European countries, particularly Greece, asylum seekers and migrants are systematically and collectively deprived of their rights arising from international human rights and refugee law. Instead of this reality, your letters and reports, written based on a very narrow sample and in a style as though it would reflect all the practices across the country and also published without even being granting a reasonable time for a response, constitute a serious concern for our country as Türkiye strives to selflessly and devotedly manage migration phenomenon. Striving to teach lessons to our country on human rights, based on only narrow samples, severely damages impartiality and credibility of your organization.

In fact, our country hosts more than 5.3 million foreigners including 3.6 million Syrians, 320 thousands international protection applicants and 1.3 million foreigners with resident permits and has been trying to solve the humanitarian and security problems arising from the Syrian crisis both within and beyond its borders for more than 10 years. Therefore, it is not fair to slander our country's the whole migration policy based on individual claims and reports prepared in advance, which are not based on concrete facts. Also it does not certainly have good intentions.

Even though Türkiye does not bear any responsibility for the crisis in Syria and the instability in Afghanistan as well as disorder in Africa, it plays a historic role in the solution and management of migration driven by instability in different regions and pushes ahead with the role.

Despite bearing no responsibility, Türkiye mobilizes all means; makes large investments for integrated border security in order to combat irregular migration and also improves conditions of Removal Centers (RCs) day by day and carries out the world's most far-reaching removal operations by observing human rights.

As a sign of a great state tradition, our country fulfils its historical, conscientious and humanitarian responsibilities in an unprecedented manner in the globe. In this respect, based on interviews with 47 Syrian nationals in your previous letter and 68 Afghanistan nationals in this letter, your allegations in the report, which you have firstly informed us to publish on 16 November;

but changed the publication date as 18 November upon our request to enable to take our response into consideration report and in which you have already created your opinions beforehand, granting us very limited time period to respond, certainly, do not mirror circumstances of foreigners in Türkiye and are far from objective and impartial research spirit.

Besides this, the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) and European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited and monitored RCs included in both reports and PMM's practices and did not encounter any findings that you might associate with both reports. Research methodology was not shared and the scope of sample seems problematic in your reports. It is obvious that these and similar studies-make the work of your organization advocating-raise questions in terms of objectivity and credibility and severely damage your reputation.

Although Türkiye's achievements in migration management is appreciated by the international community, various humanitarian tragedies continue to take place on the European-Turkish borders either land or sea.

For years, you are an organization that has been working on human rights, we are disappointed that you have focused our country's efforts in the field of migration management to show deliberately and prejudicially flawed rather than focusing on the humanitarian tragedies and innocent civilians who lost their lives in the Aegean Sea and on human rights violations.

RCs are one of the important components of Türkiye's combating irregular migration and those centers run by our PMM in accordance with Article 59 of the Law on Foreigners and International Protection.

In RCs, foreigners who are defined as irregular migrants and who are subject to removal and administrative detention decisions issued by the Governorates are held. There are many services such as accommodation, food, emergency and basic health services, access to lawyers and legal aid, etc. provided free of charge. In all RCs, fundamental working principles below are uniformly applicable in line with national legislation and international principles and standards:

- Protecting right to life
- Humanitarian-oriented approach
- Observing the best benefits of unaccompanied minor
- Prioritizing persons in special needs and vulnerable foreigners
- Maintaining confidentiality of personal data
- Providing information on procedures to relevant persons
- Strengthening persons in psychologically and socially in RCs
- Respecting beliefs and freedom of praying
- Services are provided without discrimination based on religion, language, colour, gender, philosophical belief, sect and similar reasons.

We have already elaborated all services provided in RCs in the letter on 21 October 2022. I would like to state that a narrow sample you have included in the letter and the allegations only one single foreigner have made in the letter were reflected as though it had been implemented systematically in all RCs and do not correspond to truths. We adopt a migration management philosophy protecting human dignity and human rights in all RCs. Considering the allegations you have included in your letter, they do not certainly correspond to the truth and give the impression to slander achievements of our country in voluntary, dignified and safe returns.

Response to the allegations on international protection and removal of refugees

Removal procedures are carried out within the scope of the relevant provisions of the Law No. 6458 on Foreigners and International Protection. **Non-refoulement** principle is regulated by Article 4 of the Law. By the article, **no one** 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.

Besides this, the Article 55 of the Law refers to the **foreigners about whom removal decision cannot be taken**. Until reservation on removal disappears **no one shall be deported and no removal decision is taken**.

The Article 53 of the Law **ensures** that foreigners about whom removal decision have been taken may appeal the decision within 7 days and the foreigner shall not be removed during judicial appeal period.

Before taking administrative decisions on migrants identified as irregular migrants, interviews are elaborately carried out and **those who states that they will apply for international protection** are directed to the international protection units and **excluded from removal process and subjected to international protection application and evaluation processes**.

No one declaring to apply for international protection including applicants or status holders is deported, if any, **their removal procedures are terminated and** procedures for international protection are followed. **Therefore, the general phrase “deportation of refugees” is unacceptable**.

Response to the allegations on Syrians forcibly returned:

Syrians under temporary protection have been legally staying in Türkiye since 2011. Türkiye still hosts the largest refugee population in this field in the globe.

If Syrians request to return their country voluntarily, they will sign “**Voluntary Return Request Form**” in their language before a representative of UNHCR where s/he does not present there, an official of Red Crescent, where the officer does not present there, a representative of any NGOs deemed appropriate by the Governorate or an officer of Governorate Human Rights and Equity Institution as **a witness**.

All foreigners returning to Syria are voluntary and the allegation that Syrians are forcibly deported is unfounded. I would like to reiterate that **533,000** Syrian nationals have returned to their country **voluntarily since 2017**.

Response to the allegations that Afghans were removed to Syria and transferred to the Greek border:

The removal process of the Afghan irregular migrants to their home country continues. In 2022, **57,174 Afghan nationals** were identified as irregular migrants and enabled them to **voluntarily and safely return** their home country.

While no Syrians are forced to return Syria, **the allegation that the Afghan irregular migrants were removed to Syria does not reflect the truth**. Furthermore, **Syrians** are not returned to even their country **unless they are volunteer** to return.

The findings obtained as a result of interviews with a group of migrants or only with a single migrant and reaching a general conclusion that Afghan irregular migrants are removed to Syria is far from the reality and such a practice is not in question.

Asylum seekers arriving on the Aegean islands are subjected to inhuman and degrading treatment, a total of **29,585** irregular migrants were pushed back from the sea and land borders by Greece in 2022. As a result of these inhumane pushbacks, **76** migrants lost their lives.

The fact that you have included an allegation of one single person, suggesting migrants are brought to the Greek border, in such a generalised manner, unfortunately, clearly reveals that you have surrendered to the rhetoric of Greece that seeks to externalize migration and externalize through inhumane practices in disguise of protecting its borders.

Response to the allegations on the Afghan irregular migrants forcibly returned:

Providing travel documents to Afghan irregular migrants is carried out in collaboration with the diplomatic mission of Afghanistan in Türkiye. Representatives from Afghan mission **interview** with irregular migrants who are identified as Afghan nationals and issue **travel documents to those who want to voluntarily return to their country**.

In this context, all foreigners from Afghanistan in the removal center are interviewed before they are brought to meet with their representatives and an **"Irregular Migrant Interview Form"** is issued.

In addition, **no foreigner-about whom there is a risk consideration on maltreatment or risk of life and freedom-are not returned** to their countries in any way. Foreigners not wishing to voluntarily return **are subjected to alternative options to administrative detention**. Those considered to be in need of protection are referred to international protection processes.

During the removal process, **re-interviews** are held with those who are found to have any **uneasiness in the period between the exit from the center and pre-departure of the flight**, and if a **risk of related return** is detected, the foreigner's **removal process** is suspended.

The provision of travel documents and removal process are **entirely on a voluntary basis**, and the Afghan authorities **do not issue travel documents to those who are not voluntary**. **Any Afghan who is not voluntary is not subject to the removal**, they cannot be removed as Afghan authorities do not issue the relevant document as long as they do not declare their voluntariness.

Since irregular Afghan migrants are removed **on a voluntary basis, law enforcement units do not escort** them in the removal process and the migrants return to their country of **their own accord**.

As it can be understood from the above-mentioned deportation processes of irregular migrants of Afghan nationals, the **allegations that voluntary return forms are forcibly signed or forged and that there is no access to protection before return do not reflect the truth.**

Response to the allegations on ill-treatment and pushbacks at the Türkiye-Iran Border:

Türkiye's combatting against irregular migration continues **not only within territories and in the source countries of irregular migration, but also at our borders**. In this context, **security measures are taken at our borders** in order to alleviate the pressure of irregular migration deeply felt at our eastern borders.

Within the scope of the security measures taken, as every sovereign country does, **no one arriving at our borders is allowed to cross illegally into our territories**.

At the Iranian border of Türkiye, where irregular migrants mostly try to cross, effective border measures are taken and it is targeted to alleviate the pressure of irregular migration towards our country.

In this context, Türkiye's policy to combat irregular migration is **to prevent** irregular migrants who try to cross our borders illegally by **using technical and physical means and to protect the borders**. Thus, **Türkiye's precautionary border management actions are carried out in line with the decision of the ECtHR** and those actions are not obstacle to access to right of asylum.

However, illegal crossings are not allowed in line with measures taken at our borders which cannot be deemed **as pushback**.

Irregular migrants who are **detected to have entered our country illegally** within the country are **not pushed back, but are** registered in the irregular migration common database and **sent to removal centers for removal procedures**.

In this context, **15,503 irregular migrants including 11,049 in Van, 3,612 in Ağrı, 638 in Iğdır and 204 in Hakkari and 22,613 irregular migrants in all eastern provinces were** apprehended and delivered to RCs in 2022.

However, apart from preventing illegal entry into our country, no foreigner within the country is subjected to an inhumane **practice such as pushing back**, and it **should not be confused with the interception activities** being carried out within the framework of border security.

Response to the allegations on International Protection:

The rate of Afghan nationals seeking international protection in country is **62.11% in 2019, 72.14% in 2020 and 74.52% in 2021**. Therefore, Afghan international applicants have the largest segment share in international protection applications. **Thus, it is out of question not to deliberately receive the applications of Afghans. In other words, out of the 320,000 foreigners under international protection in Turkey, more than 145,000 are Afghan nationals. Despite those figures, based on groundless claim in your report that Afghan nationals are not granted international protection status, we expect you to make an explanation how those Afghan groups staying in our country.**

According to our legislation, international protection applications can be submitted in all provinces. However, restrictions may be imposed on the provinces of residence by taking into account the provinces where the applicants wish to reside and their special circumstances together as well as taking into account the balanced distribution of provinces and mobility between provinces.

In Türkiye, all Provincial Directorates of Migration Management (PDMMs) in 81 are obliged to receive international protection applications and there is no special instruction or practice not to receive applications. International protection applications are systematically received regardless of nationality, even if there are sometimes reasonable delays due to heavy workload.

No instructions were given to the PDMMs that the applications of foreigners applying for international protection **would not be accepted** for any reason. Applications for international protection are received without delay and regardless of nationality.

For a more effective asylum system, we are enhancing our institutional capacity day by day. However, our current status determination procedures are carried out by migration experts who we have trained on international protection. As stated in Article 78 of the Law No. 6458 on Foreigners and International Protection, we endeavor to make effective and fair decisions.

Foreigners may challenge any situation that can affect the outcome of the international protection assessment to the administrative appeal and judicial process, as well as submit to PDMMs while the process is ongoing. Thus, procedures are carried out in line with the current country of origin information for persons based on changing case status. Applications for international protection are submitted to the governorates in person and there is no legislative or instructive obstacle to do this.

In conclusion, your report is far from academic research methods and focuses on narrow samples as well as partially prepared. We have been given a very short time to evaluate it. The report is lack of;

1. Illustrating unfairness and inequalities in the current global migration and asylum regime,
2. Analysing the disproportionate burden on the neighbouring countries of source countries as well as biasing and ignoring works devotedly conducted by Türkiye.

By taking the occasion of this letter, I would like to state that we do not accept your biased and denunciatory report as such, in which our comprehensive and fact-driven feedbacks would not be included - as understood our discussions on 16 November 2022 and strongly urge you to revise findings of your report in the spirit of truth and impartiality.

Yours sincerely,

Dr. Savaş ÜNLÜ,
The President
Presidency of Migration Management
Ministry of Interior of the Republic of Türkiye



“No One Asked Me Why I Left Afghanistan”

Pushbacks and Deportations of Afghans from Turkey

Turkey, host to at least 3.9 million refugees, is routinely pushing many Afghans back at its land border with Iran or deporting them to Afghanistan with little to no examination of their claims for international protection. This has increased since the Taliban takeover in Afghanistan in August 2021. During the first eight months of 2022, Turkey reported deporting 44,768 Afghans, a 150 percent increase over the number of Afghans deported in the first eight months of 2021.

Based on interviews with 68 Afghans, 38 of whom described 114 pushback incidents between January 2021 and April 2022, “*No One Asked Me Why I Left Afghanistan*” found that Afghans inside Turkey are being blocked from lodging asylum claims and that Afghans facing imminent deportation were often given no opportunity to make refugee claims.

This report calls on the Turkish government to halt all pushbacks from its territory and at Turkey’s borders, to stop shootings at the border, and to subject any officer engaged in illegal acts, as well as their commanding officers, to disciplinary sanctions and, if applicable, criminal prosecution. It calls on Provincial Directorate of Migration Management offices to provide access to international protection procedures for all who request it, including single men, and to enact a vulnerability screening mechanism to identify and accommodate people with special needs.

(above) A Turkish soldier at the Iran-Turkey border in the Çaldıran district, eastern Turkey.

© 2021 Sipa via AP Images

(front cover) Migrants, mainly from Afghanistan, queue for lunch at a deportation center in the city of Van, eastern Turkey, near the border with Iran. August 22, 2021.

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