



PERMANENT MISSION OF THE REPUBLIC OF TÜRKİYE  
TO THE UNITED NATIONS OFFICE IN GENEVA

Z-2023/62441669/36432685 - URGENT

The Permanent Mission of the Republic of Türkiye to the United Nations Office in Geneva and other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the Joint Urgent Appeal from Special Procedures dated 9 June 2023 (UA TUR 3/2023), has the honour to enclose herewith the observations provided by relevant Turkish authorities.

The Permanent Mission of the Republic of Türkiye avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 8 August 2023



**Encl:** As stated.

**Office of the High Commissioner for Human Rights  
Palais des Nations  
1211 Geneva 10**

**INFORMATION NOTE IN REPLY TO THE COMMUNICATION FROM THE  
SPECIAL PROCEDURES**

**(Reference: UA TUR 3/2023)**

1. With reference to the joint letter from the Special Procedures dated 9 June 2023, the Government of the Republic of Türkiye (hereinafter, “the Government”) would like to submit its responses and observations hereinbelow.

**I. OVERVIEW**

2. Principles and procedures with regard to foreigners’ entry into, stay in and exit from Türkiye and applications regarding international protection are regulated by Law No. 6458 on Foreigners and International Protection. According to Article 4 of the said Law, in line with the principle of non-refoulement, a foreigner should not be returned to a place where he/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.
3. Furthermore, Article 46 of Law no. 6458 stipulates the procedures regarding issuance of humanitarian residence permits for certain categories of persons, including children where their best interest requires and persons who cannot be deported due to the existence of serious indications to believe that they may be subjected to death penalty, torture, inhuman or degrading treatment or punishment in the country to which they would be returned.
4. As per Turkish legislation, deportation orders can be issued by governorates either upon instruction of the Presidency of Migration Management or *ex officio*. The concerned foreigner or his/her legal representative is notified of the deportation decision, the reasons for the decision and the consequences thereof, as well as the procedures and the time limits for appeal.
5. The concerned foreigner or his/her legal representative may appeal against the deportation decision before the relevant administrative court within seven days after the notification.

6. Article 54 of Law No. 6458 indicates the legal grounds on which deportation decisions can be issued. According to Article 54/1 (d) of the said Law, apart from the other grounds listed in the said Article, a deportation decision shall be issued against a foreigner who poses a threat to public order, public safety or public health.
7. According to Article 55 of Law No. 6458, a deportation decision cannot be issued when there are serious indications to believe that the foreigner will be subjected to death penalty, torture, inhuman or degrading treatment or punishment in the country to which he/she will be returned.
8. As per well-established rules of international law, and subject to treaty obligations, States have the right to not accept an alien into their country, to deport an alien who has unlawfully entered the country or who unlawfully tries to stay in the country, to return an individual who committed a crime in the country where he/she is located or to return an alien to another country where he/she committed a crime.
9. All proceedings within the scope of Law No. 6458 are in line with Türkiye's international obligations and, more specifically, with the principle of non-refoulement.

## **II. FACTS AND OBSERVATIONS**

10. On 24 May 2023, foreigners who claim to be members of the "Ahmadi Religion of Peace and Light" (hereinafter referred to as "the group") organised an illegal demonstration at Kapıkule Border Crossing (Edirne). Then they gathered at the Departing Passengers area.
11. In response to the inquiries by the relevant Turkish officials, the group stated that they were crossing the border to lodge their written request for asylum. However, it was understood that they had planned to engage in these activities in contravention of the relevant legal rules and procedures concerning entry into and departure from Türkiye. Despite the explanations provided by Turkish law-enforcement officers and the request for the group to stop the unpermitted action, the group still caused provocation and disrupted public order.
12. The group resisted the law-enforcement officers causing injuries to some of the officers. They also crashed through safety fences and attempted to cross into Bulgaria illegally.

13. In this context, deportation proceedings were initiated against the group for violating the provisions on legal entry into and legal exit from Türkiye under Law No. 6458, staging an unauthorized demonstration in contravention of the Law No. 2911 on Meetings and Demonstrations, as well as for damaging public property and posing a threat to public order and peace under Article 54 of Law No. 6458.
14. Although the group was duly notified by the relevant Turkish officials that they could submit an international protection application, they did not do so. Following the deportation order and administrative supervision order taken against the individuals in the group, they were taken to Edirne Removal Centre for deportation.
15. The concerned foreigners were interviewed individually in this process, and although some of them provided responses to the questions asked, some of them chose not to do so in line with the counsel of their lawyer. In the interviews, each member of the group were also asked whether they wanted to return to their country of origin.
16. The deportation decisions regarding the individuals in the group were taken in accordance with domestic and international law. It should also be noted that the deportation procedures were subsequently halted as a collective action was filed before Edirne Administrative Court for annulment of the deportation decision, in accordance with Article 53/3 of Law No. 6458, which states that foreigners shall not be removed during this appeal period.
17. Depending on the Court's decision on the group's appeal, the deportation process will be evaluated accordingly, including through a risk assessment to be conducted with regard to the concerned individuals' countries of origin to determine whether being returned to those countries would pose a serious harm to the individuals based on their religious beliefs.
18. The principle of non-refoulement is evaluated and considered attentively on an individual basis at every stage of the deportation proceedings.
19. Concerning the allegations of ill-treatment and use of unnecessary force mentioned in the joint letter, the Government would like to convey that no complaint has been filed with the Edirne Chief Public Prosecutor's Office by the concerned individuals in this regard.