



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

Z-2025/62441669/40221348 - 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 Communication from Special Procedures dated 2 May 2025 (Ref: UA TUR 3/2025), has the honour to enclose herewith the information note 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, 27 June 2025



Encl: As stated.

Office of the High Commissioner for Human Rights
Palais Wilson
Rue des Pâquis 52
1201 Geneva

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

(Reference: UA TUR 3/2025)

With reference to the joint letter from the Special Procedures dated 2 May 2025, the Government of the Republic of Türkiye (hereinafter, “the Government”) would like to submit its responses and observations hereinbelow.

I. OVERVIEW

1. Principles and procedures with regard to foreigners’ entry into, stay in and exit from Türkiye, as well as applications for 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, no foreigner shall be returned to a country where he/she may face torture, inhuman or degrading punishment or treatment or where his/her life or freedom would be at risk on account of his/her race, religion, nationality, membership of a particular social group, or political opinion.
2. As per Turkish legislation, deportation orders may be issued by governorships, either upon instruction of the Presidency of Migration Management or *ex officio*. The concerned foreigner or his/her legal representative is duly notified of the deportation decision, including the reasons, potential consequences, as well as the procedures and the time limits for appeal.
3. The foreigner or his/her legal representative may appeal against the deportation decision before the competent administrative court within seven days of the notification.
4. Article 54 of Law No. 6458 lists the legal grounds on which deportation orders can be issued. In particular, Article 54/1 (d) provides that a deportation decision shall be issued against a foreigner who poses a threat to public order, public safety or public health.
5. Conversely, Article 55 of Law No. 6458 stipulates that no deportation order shall be issued where there are serious reasons to believe that the foreigner would be subjected to death penalty, torture, inhuman or degrading treatment or punishment in the country to which he/she will be returned.

6. In accordance with the well-established principles of international law, and subject to treaty obligations, States retain the sovereign 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.
7. 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

8. On 30 December 2024, Provincial Directorate of Migration Management affiliated with the Kırklareli Governorship issued a deportation order in respect of Mohamad Alkayalı, and decided that Mohamad Alkayalı be deported to a safe third country [REDACTED] or alternatively to his country of origin, should he consent. The deportation order was based on the presence of the M-99 (INTERPOL Location and Identification) and G-34 (Forgery) restriction codes registered in his name and that the concerned person posed a threat to public order or public security or public health pursuant to Article 54/1(d) of Law No. 6458.

Mohamad Alkayalı declined to sign the notification form concerning the deportation order.

9. On 31 December 2024, the said Directorate decided to place Mohamad Alkayalı under administrative detention for a period of 6 months for the reason that he posed a threat to public order or public security or public health according to Article 54/1(d) of Law No. 6458.

Mohamad Alkayalı refrained from signing the notification form regarding the said administrative detention decision.

10. Subsequently, Mohamad Alkayalı was transferred to the Pehlivan köy Removal Centre in Kırklareli.
11. On the same date, [REDACTED] Mohamad Alkayalı filed a lawsuit before the Kırklareli Administrative Court, requesting the deportation order be annulled,

alleging that, due to the concerned person's activist and opponent background, he would face persecution [REDACTED].

12. The proceedings remain pending before the said Court. According to Article 53 of Law No. 6458, Mohamad Alkayalı shall not be deported until the conclusion of the judicial proceedings regarding the annulment of the deportation order.
13. On 30 January, 28 February, 28 March, and 29 April 2025, the administrative detention of Mohamad Alkayalı was reassessed *ex officio* by the Provincial Directorate of Migration Management affiliated with the Kırklareli Governorship, pursuant to Article 57/1(d) of law No. 6458.
14. In each assessment, the said Governorship concluded that the grounds of administrative detention remained valid, and thus, decided on the continuation of the administrative detention.
15. Separately, on 3 January, 21 January, and 28 February 2025, [REDACTED] Mohamad Alkayalı submitted petitions to the Kırklareli Administrative Court seeking the annulment of the administrative detention decision. These petitions were rejected by the Kırklareli Administrative Court on 9 January, 23 January, and 30 January 2025, respectively, on the grounds that the restriction codes registered in his name indicated that his release would pose a serious threat to public security and public order.
16. The administrative detention of Mohamad Alkayalı has thus been reviewed multiple times, both *ex officio* by the Governorship and upon application by his legal representative before the independent and impartial domestic courts.
17. Therefore, it is evident that Mohamad Alkayalı has been able to effectively exercise his right to legal remedies within the scope of Article 36 of the Constitution¹.
18. According to Article 35 of the Regulation on the Management of Removal Centres, foreigners held in such facilities have the right to meet with their lawyers, legal representatives, notaries, and consular officials. Visits from other individuals, including family members or acquaintances, may be allowed with the permission of the centre

¹ ARTICLE 36- Everyone has the right of litigation either as plaintiff or defendant and the right to a fair trial before the courts through legitimate means and procedures. No court shall refuse to hear a case within its jurisdiction.

director, taking into account the security requirements and physical conditions of the facility.

- 19.** Under Article 58(7) of Law No. 6458, the emergency and basic health care needs of foreigners in removal centres are to be provided by the relevant governorships. Further procedural details are set out in Article 26 of the Regulation on the Management of Removal Centres which stipulates that foreigners shall have access to public health institutions and, where necessary, be referred to appropriate healthcare facilities accompanied by staff, except in emergency cases.
- 20.** These legal provisions aim to guarantee access to healthcare for individuals held in removal centres, in accordance with Türkiye's international human rights commitments. In Mohamad Alkayalı's case, his health-related complaints and requests were submitted during the legal proceedings concerning the deportation order and have been brought to the attention of the relevant national authorities. In this respect, the Government would like to affirm that his health condition is duly considered by the competent judicial bodies.
- 21.** The Government would further like to stress that Türkiye fully complies with its obligations stemming from the international conventions to which it is a party. In this respect, international human rights law principles are duly taken into consideration and respected by national authorities.
- 22.** The Government is of the opinion that all relevant procedures have been carried out in full conformity with Türkiye's national legislation and international obligations.