

Mandates of the Special Rapporteur on the human rights of migrants; the Working Group on Arbitrary Detention; the Special Rapporteur on the human rights of internally displaced persons; the Independent Expert on human rights and international solidarity; the Special Rapporteur on minority issues; the Independent Expert on the enjoyment of all human rights by older persons; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Working Group on discrimination against women and girls

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4 August 2026

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the human rights of migrants; Working Group on Arbitrary Detention; Special Rapporteur on the human rights of internally displaced persons; Independent Expert on human rights and international solidarity; Special Rapporteur on minority issues; Independent Expert on the enjoyment of all human rights by older persons; Special Rapporteur on freedom of religion or belief; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 61/17, 60/8, 59/12, 53/5, 61/15, 60/11, 58/5, 58/14 and 59/14.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the risk of imminent arbitrary detention, expulsion and refoulement faced by over 800 Turkish nationals currently in the Kurdistan Region of Iraq on account of their actual or perceived links to the Gülen (Hizmet) movement, including individuals registered as asylum seekers or otherwise lawfully residing in the Kurdistan Region of Iraq.

According to the information received:

On 5 July 2026, the Residency Directorates in Erbil and Duhok of the Kurdistan Region of Iraq reportedly informed representatives of Stirling Education Institutions, one of the largest educational providers employing Turkish nationals in the Kurdistan Region of Iraq, that Turkish nationals employed by those institutions, with actual or perceived links to the Gülen (Hizmet) movement, together with their family members, were required to leave by 31 July 2026 in Dohuk and 5 August 2026 in Erbil. At present, it is estimated that the measure would affect nearly 800 individuals, including more than 350 children (boys and girls), 387 asylum seekers (men and women), people with health issues, elderly persons, persons with disabilities or with specific vulnerabilities. Many are teachers, employees of education institutions and their relatives.

The officials reportedly stated that the processing of these individuals' residency applications and renewals had been suspended, that no new residency applications from the persons concerned would be accepted, and that those who remained in the Kurdistan Region of Iraq after 5 August 2026 would be subject to detention and removal.

In subsequent meetings, officials reportedly confirmed that the instructions had been issued at a senior level and were final. Many of the individuals affected were asylum seekers who lack passports or other valid travel documents. No written directive has been made publicly available to date.

Most of the persons concerned sought international protection in the Kurdistan Region of Iraq after fleeing persecution in Türkiye in connection with their actual or perceived affiliation with the Gülen (Hizmet) movement. Although the reported measure has been communicated as an order to leave the Kurdistan Region of Iraq, these individuals' relocation elsewhere in Iraq may be significantly constrained by their existing residency status, documentation requirements and practical obstacles to establishing lawful residence elsewhere. It is reported that the affected persons have no practical means of complying with the orders as they lack accommodation, employment or support arrangements outside the Kurdistan Region of Iraq. Many also lack valid passports or other documents required to travel, register or obtain lawful residency elsewhere. In addition, many are asylum seekers and may have international protection needs.

Information received indicates that the reported measures were adopted without any individualized assessment of the affected persons' protection needs or the risks they would face upon removal to Türkiye either from Iraq or from a third country to which they may be forced to flee, and with no assessment of the best interests of the over 350 children concerned. No provision of law authorizing the measure has been communicated to the individuals concerned, and no written decision has been served on them, making them unable to ascertain the legal basis, scope or precise grounds of the orders and therefore unable to challenge them.

Should any affected individual ultimately be returned to Türkiye, the persons concerned are reportedly at risk of serious human rights violations, including arbitrary arrest and detention based on perceived or actual links to the Gülen (Hizmet) movement, enforced disappearance, torture and other ill-treatment, death in custody, and unfair trials, potentially on alleged terrorism charges.

Also, the reported measures may have gender-specific consequences, including increased exposure of women and girls to gender-based violence, trafficking, family separation, barriers to access to health care and education, loss of livelihoods, and heightened protection risks associated with displacement and return.

Without wishing to prejudge the accuracy of the information received, we are concerned that, if confirmed, these allegations may constitute violations of international human rights law, including the prohibitions on arbitrary detention under article 9 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Iraq on 25 January 1971, arbitrary expulsion under article 13 of the ICCPR, and refoulement to serious human rights violations, including torture and other ill-treatment, under article 7 of the ICCPR, the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT), ratified by Iraq on 7 July 2021, refugee law and customary international law. The allegations may also violate the obligation to consider

the best interests of children in all decisions affecting them under article 3 of the Convention on the Rights of the Child, ratified by Iraq on 15 June 1994.

Prohibitions on direct and onward refoulement and arbitrary expulsion

While the reported measure is formally framed as an order to leave the Kurdistan Region of Iraq, rather than as an express decision to remove the affected persons from Iraq or return them to Türkiye, no safe and lawful relocation alternative appears to have been identified. In this regard, we raise serious concern at the risk of direct or onward refoulement of over 800 individuals to Türkiye where they are at a foreseeable risk of torture or other ill-treatment, enforced disappearance, arbitrary detention, and flagrant denial of justice, contrary to the obligation of non-refoulement reflected in customary international law as well as article 7 of the ICCPR (read in conjunction with articles 9 and 14), article 3 of the CAT, article 16 of the Convention for the Protection of All Persons from Enforced Disappearance, ratified by Iraq on 23 November 2010, and article 8 of the United Nations Declaration on the Protection of All Persons from Enforced Disappearances. As emphasized by the Human Rights Committee, “States parties must not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of their extradition, expulsion or refoulement” (general comment No. 20, para. 9).

Special procedures mandate holders have consistently raised concerns regarding the treatment of persons with actual or perceived links to the Gülen (Hizmet) movement by Turkish authorities, including prosecution on the basis of vague and overly broad counter-terrorism legislation on the basis of conduct that is not genuinely terrorist in nature, arbitrary detention, torture and ill-treatment, enforced disappearances and unfair trials without due process guarantees (see TUR 4/2017, TUR 5/2017, TUR 6/2017, TUR 7/2017, TUR 1/2018, TUR 5/2018, TUR 6/2018, TUR 7/2018, TUR 2/2019, TUR 6/2019, TUR 10/2019, TUR 5/2020, TUR 20/2020, TUR 13/2021, TUR 5/2024, TUR 7/2024, and TUR 9/2025). The Working Group on Arbitrary Detention has repeatedly found the detention of individuals accused of links to the Gülen (Hizmet) movement to be arbitrary, repeatedly denouncing reliance on forms of “guilt by association” and on otherwise lawful activities as evidence of criminal membership. Special Procedures mandate holders have also underscored that the designation of the Gülen (Hizmet) movement as a terrorist organization does not meet due process standards nor the model definition of terrorism advanced by the Special Rapporteur for the promotion and protection of human rights while countering terrorism (see A/HRC/61/52; A/80/284; and TUR 5/2024). The European Court of Human Rights has found that numerous terrorism prosecutions based on association with the Gülen (Hizmet) movement did not establish sufficient individual criminal intent and were not foreseeable and legally certain, contrary to article 7 of the European Convention on Human Rights (see *Yalçınkaya v. Türkiye* (2023); *Demirhan v. Türkiye* (2025); *Yasak v. Türkiye* (2026)).

We are further concerned that the reported absence of any formal decision, transparent process, or meaningful opportunity for any of the individuals concerned to challenge the orders increases the risk of refoulement occurring without an adequate assessment of the foreseeable human rights consequences of their return. We recall that article 13 of the ICCPR requires due process in the expulsion of non-citizens lawfully in the territory of a State party and a decision reached in accordance with law;

customary international law similarly prohibits arbitrary expulsion without due process (see International Law Commission, Draft Articles on the Expulsion of Aliens 2014). As noted by the Human Rights Committee, article 13 requires an individual decision in each case and cannot be satisfied by measures providing for collective or mass expulsions (general comment No. 15, para. 10; see also ILC Articles, article 9). Individuals must be allowed to submit reasons against their expulsion and to have the decision reviewed by a competent authority (ibid). The apparent failure of the authorities to conduct individualized assessments is particularly concerning given the risk of removal faced by individuals with heightened protection needs, including older persons, persons with disabilities, persons with serious health conditions, and others in situations of vulnerability.

Prohibition on arbitrary detention

We express serious concern that the orders threaten individuals with detention should they have not left the Kurdistan Region of Iraq by 5 August 2026. We note that many of the individuals targeted have no practical and lawful means of complying with the orders and that many are registered asylum seekers registered or individuals otherwise lawfully in the territory of the Kurdistan Region of Iraq. We are concerned that detention of any individual solely on the basis of the expiry of the announced deadline, without an individualized assessment of the necessity, proportionality or reasonableness of the detention would be arbitrary and therefore contrary to article 9 of the ICCPR. Any detention resulting from non-compliance with the orders would also appear to lack legal basis given the absence of any formal order establishing the legal grounds for the requirement and capable of being challenged.

Prohibition of enforced disappearance

We wish to draw your Excellency's Government's attention to the absolute and non-derogable prohibition of enforced disappearances (articles 2 and 7) which has attained the status of jus cogens. We also wish to recall the International Convention for the Protection of All Persons from Enforced Disappearance, which was acceded to by Iraq on 23 November 2010, in particular article 16, which provides that no State Party shall expel, return ("refouler"), surrender or extradite a person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to enforced disappearance, as well as article 8 of the United Nations Declaration on the Protection of All Persons from Enforced Disappearances, on the same. The Working Group on Enforced Disappearances has expressed concern about the increasing practice of forced returns by States in violation of article 8 and the principle of non-refoulement (A/HRC/48/57).

Rights of children

We also recall Iraq's obligations under the Convention on the Rights of the Child, including the requirement that the best interests of the child be a primary consideration in all actions concerning children (article 3), that no child be separated from their parents against their will (article 9), and to provide appropriate protection and humanitarian assistance to all children seeking refugee status or considered a refugee (article 22). We are concerned that no consideration appears to have been given to the particular vulnerabilities and best interests of the over 350 children affected by

the orders, including the foreseeable impact that their removal or that of their parents may have on their safety, wellbeing, education, and family unity. We further remind your Excellency's Government that non-custodial measures must always be prioritized for children and that children should never be detained on account of their parents' migration status (CMW/C/GC/4–CRC/C/GC/23, paras. 7-12).

Prohibition of gender discrimination

We further wish to recall the following standards under the Convention on the Elimination of All Forms of Discrimination against Women, (CEDAW) which are particularly relevant to the allegations described above. Iraq is a State party to the CEDAW which requires States to eliminate discrimination against women in law and practice and to ensure the effective protection of their rights (arts. 2 and 3). We further recall that women and girls seeking international protection may experience gender-specific forms of persecution and multiple and intersecting forms of discrimination that require a gender-sensitive and individualized assessment of their protection needs. We further recall the Committee on the Elimination of Discrimination against Women's general recommendation No. 32 (2014), which affirms that women seeking international protection may experience gender-specific forms of persecution and multiple and intersecting forms of discrimination that require individualized and gender-sensitive assessment (paras. 16-19, 21-27). The Committee has emphasized that the principle of non-refoulement prohibits the return of women where there are substantial grounds for believing that they would face a real risk of serious forms of discrimination, including gender-based violence or persecution (paras. 29-36). It has further stressed that asylum and other protection procedures should ensure fair and effective access to justice through gender-sensitive procedures, including appropriate interviewing arrangements, confidentiality, and the opportunity for women to present independent protection claims (paras. 37-39).

We also recall the Committee's general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, which recognizes that women and girls affected by displacement, migration and humanitarian crises may face heightened risks of trafficking, exploitation and gender-based violence (paras. 23-30). The Committee has emphasized that States should identify persons with specific protection needs through gender-responsive and individualized procedures, ensure effective access to international protection and support services, and adopt measures that prevent migration and border-control policies from increasing vulnerability to trafficking or other forms of exploitation (paras. 67-74). It has further stressed that all responses should be victim-centred, trauma-informed and based on the principles of equality and non-discrimination (paras. 89-95).

We further recall that any measures affecting access to education and health care should be implemented without discrimination and in accordance with articles 10 and 12 of the Convention, including with respect to women teachers, girls and women seeking international protection.

In light of the above, we urge your Excellency's Government to immediately suspend the implementation of the above-mentioned orders and refrain from carrying out any deportation, expulsion, detention or other coercive measures that may result in

refoulement, arbitrary detention, collective expulsion, or other violations of the rights protected under international law.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would also be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please detail the legal basis for the orders described above, including the authority responsible for issuing them and the legal provisions empowering them to do so.
3. Please explain what steps will be taken to ensure that any decision affecting the status, detention or removal of individuals is based on a reasoned decision and subject to effective procedural safeguards, including access to legal remedies and the possibility to challenge the decision.
4. Please explain whether any individualized assessment has been conducted of the risk of refoulement of the individuals concerned. If no such assessment has been undertaken or is envisaged, please explain how this complies with Iraq's obligations under international law, particularly the obligation of non-refoulement.
5. Please explain how the measures described above in relation to asylum seekers in need of international protection and other individuals lawfully within the territory of the Kurdistan Region of Iraq comply with article 13 of the ICCPR and customary international law.
6. Please explain what steps will be taken to ensure that the best interests of every affected child are assessed and taken into consideration in any action concerning them, including in relation to the removal of family members. Please explain what measures will be implemented to ensure that no child is detained or separated from their parents.
7. Please detail how the detention of individuals unable to comply with the orders past the 31 July and 5 August 2026 deadline would be consistent with the prohibition on arbitrary detention.
8. Please provide information on the measures taken to ensure that women and girls affected by the above-mentioned measures have effective access, on an equal basis with men, to asylum procedures, legal assistance, interpretation where necessary, health care, psychosocial support, safe accommodation, and protection from gender-based

violence, exploitation and trafficking throughout any administrative or judicial proceedings.

This communication, and any response received from your Excellency's Government, will be made public via the communications reporting [website](#) at the 60 days mark. Should Your Excellency's Government respond within 60 days, both the communication and the response, may be published before the 60 days mark. The communications and responses will also be made available in the subsequent periodic report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to prevent any irreparable harm to the life and personal integrity of the abovementioned individuals, including by suspending the orders and refraining from any detention and removal, to halt the alleged violations and to prevent their re-occurrence, and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please be informed that a copy of this communication has been sent to the Government of Türkiye and to the UNHCR.

Please accept, Excellency, the assurances of our highest consideration.

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