

TO: The Honorable Kofi Annan, Secretary General of the United Nations, New York, NY, USA 10017, Fax: 1 (212) 963-4879

CC: The Honorable Mary Robinson, United Nations High Commissioner on Human Rights, Geneva, Switzerland, Fax: 41 (22) 917-0123

The Honorable Maurice Danby Copithorne, The United Nations Commission on Human Rights, Geneva, Switzerland, Fax: 41 (22) 917-0123

Prof. Rudolphus Franciscus Marie Lubbers, United Nations High Commissioner for Refugees, C.P. 2500, 1211 Geneva 2, Switzerland, Fax: 41 (22) 739-7354 or 41 (22) 739-7353

RE: Impending deportation of Many Iranian Asylum Seekers from Van/Turkey Due to UNHCR's Unfair Examination of Refugee Claims

Your Excellency:

We appreciated your remarks at the January 2001 anti-racism forum of European governments in Stockholm regarding restrictive measures taken by European countries against asylum seekers. Your views motivated us to draw your attention to the difficulties involved in seeking asylum in Turkey, in particular the inefficient and unfair refugee status determination procedures of the United Nations High Commissioner for Refugees' branch office in Turkey (UNHCR-T) which puts many asylum seekers at risk of eventual deportation by the Turkish police.

We, the undersigned, are Iranian asylum seekers residing in the border town of Van in Turkey. Some of us are UNHCR-T recognized refugees, some have our cases still under consideration, and some are presently at risk of deportation by the Turkish police due to rejection and final closure of our cases by UNHCR-T.

Although the Turkish government has implemented its own asylum procedures since 1994, it is still following the pre-regulation practice of issuing deportation orders immediately after UNHCR-T closes an asylum seeker's case. For this reason, it is still the staff of UNHCR-T who determine the fate of non-European asylum seekers in Turkey.

Please note that what we briefly describe in this letter is based on our own first-hand experiences with the UNHCR-T and also information about fair refugee determination procedures recently provided to us by refugee and human rights organizations.

1. Lack of pre-interview services - Some of us have been refused the time necessary to recover from exhaustion, injuries and trauma caused by our flight through the mountainous border zone and were asked to do our main interview immediately after arrival. Others who have received later interview dates due to the large number of asylum seekers in Van have not benefited from the delay either. Neither the UNHCR-T nor the Turkish government provide financial aid, medical care or any form of assistance to recover from stress and disorientation. Because employment and travel to other cities are banned for non-European asylum seekers, not only have we lacked the resources to prepare for our interviews, but have become preoccupied with the struggle against hunger, disease, cold and lack of hygiene. Nor do we enjoy protection against abuse and

ill-treatment by local police, which we are subjected to from the first day of arrival. Because Van is only an hour away from Iran, we are tormented by lack of security and constantly fear being identified, abducted, or attacked by the Iranian government's agents.

2. Lack of legal information - Although most of us have been interviewed at least twice by UNHCR-T officers, in none of our interviews did we know what we had to prove. We do not receive any useful information about the interview or the examination of their claims at any stage of the procedure. We only dream about legal counseling. The only instruction we receive is, for example, to give short answers to questions, not to lie, not to talk about issues that we are not asked about, and not to write more than one or two pages.

3. Improper interviews - In our interviews, most of us were not provided with sufficient time to present evidence that we believed was essential to our claims needing detailed explanation. There is no asylum seeker in Van who does not complain about hostile and interrogatory interview techniques used by UNHCR-T officers. "Don't try to lie to us, because we will reject you if you lie", this is how many of the interviews begin. From the first moment, officers convey to us that we are not trustworthy. We are not allowed to take notes during the interviews. The interview atmosphere is usually tense because interviewers ask the questions in a random fashion, then repeat them in cycles, insist on peripheral issues and constantly interrupt our answers. Sometimes they even use insults and threats. As a result we are usually overcome with anxiety, lack of concentration, forgetfulness and loss of self-respect. The interviewers never tell us what they are looking for, why we should repeat our answers several times, and what objections they have to our evidence. "How much hay does a horse eat in a month?", or, "Why have you shaved your head?" These are examples of questions thrown by some officers in between other questions. We never find out what they intend to prove by such questions and therefore feel more humiliated. The only visible hint that there may be an objection to our remarks is when we see the interviewers sneer or when they laugh with interpreters subsequent to our answers.

4. Ineffective complaints - Most of the time, we do not even dare to complain because not only it is not effective, it would make the interview atmosphere more hostile. If we do, we are silenced by remarks such as, "This is our technique", "Don't tell us how to do our job", and, "We did not invite you to come here". Recently, a senior UNHCR legal officer who often interviews asylum seekers in Van publicly threatened that if he wished, he could interview any asylum seeker until he found a ground for refusal. We are obliged to take these threats seriously because, due to UNHCR-T's secrecy and closed procedures, its officers are free to act revengefully and even reject our claims.

5. Incompetent Interpreters - Most of us have not been provided with competent interpreters and sometimes not with any at all. For example, one of the steady Turkish officers in UNHCR-T's Van office who regularly interviews Iranian Kurds conducts the interview sometimes with the help of an interpreter and sometimes without. All asylum seekers who have been interviewed by him without the assistance of an interpreter have faced serious communication problems because this officer speaks in a different dialect of Kurdish. The Syrian and Iraqi interpreters regularly used for Iranian Kurds are not competent either because they also speak a different dialect of Kurdish. Another steady Turkish officer in the Van office who interviews Farsi speaking Iranians, usually without

the assistance of an interpreter, relies on his primitive conversational Farsi. Interviewers do not read back their notes at the end of the interview to check their accuracy and because we are not allowed to access our files at any stage of the procedure, we have no real opportunity to ascertain interpretation errors.

6. Insensitivity to women's independent claims - Women who, due to the contents of their claims, have needed female officers and interpreters in their interviews have usually had their needs ignored. Most women who have requested to lodge claims independent of their husband's have been refused.

7. Lack of rejection reasons - When our cases are rejected we are only given a preprinted form letter with added hand written codes (RE, RM, RC, RN, RR) which only informs us that our claim has failed. We are not even told what these abbreviations stand for. Even if we are granted appeal or re-opening interviews, reasons for previous rejections are not given to us orally at these interviews. Because we are not allowed to have access to any part of our files we never know whether or not our statements were recorded correctly and completely, and whether letters and documents were entered into our files, correctly translated or even translated at all. Under these conditions, those asylum seekers who have been able to afford to contact refugee and human rights organizations or lawyers have not been able to receive much assistance because the response has often been that we cannot be effective because we do not know what we must refute.

8. Meaningless appeals - Although most of us have had at least a second review of our case, these reviews have often been ineffective. First, because we were not informed of the reasons for the original rejection. Second, because in UNHCR-T's system, an appeal review is not a full review. The appeal for some of us has only consisted of a 15-minute interview. Some of us have only received a few questions that were asked by an officer other than the decision-making officer. In some cases interpreters have conducted appeal interviews on their own, not even informing the asylum seeker which legal officer was responsible for the appeal. The unfairness of such cursory appeals is fully appreciated when we also consider that the waiting period from one interview to the next has usually been several months and sometimes even a year.

9. Discounting torture and past imprisonment - Evidence of past political imprisonment and torture is not taken seriously. We are prevented from describing the details of our torture and from even showing the physical torture marks still on our bodies. We are not provided with any worthwhile provisions to submit medical evidence of torture. Documented evidence, which we obtain usually with great difficulty and by putting people we have left behind in Iran at risk, is not considered properly. Sometimes these documents are simply scanned without translation and returned to the asylum seeker at the interview. Still, when they are accepted we have never been provided a copy of their translation nor the outcome of their examination.

10. Lack of any legal remedies - Finally, our situation is far worse than people seeking asylum in most other European countries because we do not enjoy the right to appeal UNHCR's decision before an independent tribunal, nor do we enjoy the right to review before courts of law.

Your Excellency, the high rise in the number of Iranian asylum seekers in Turkey and other countries over the years is yet more proof of repression and human rights violations escalating in Iran. In your view, is it not fair for fugitives of such repression and injustice to expect that decisions concerning their lives and fates be examined carefully and with respect for international principles? Are UNHCR-T officers infallible because they are employed by UNHCR? If not, why should they enjoy the liberty of flouting the most fundamental principles of fairness, especially when it is certain that their incorrect decisions lead to deportation.

In conclusion, we respectfully ask you to take action and support us in the following ways:

1. Dispatch to Van as soon as possible an independent and impartial investigator with expertise in refugee issues to examine UNHCR-T practices as well as asylum seekers' complaints, and to make all the necessary recommendations to rectify the UNHCR-T's system.
2. Urgently recommend to the Turkish government to:
 - cancel already issued or pending deportation orders.
 - lift the travel ban for non-European asylum seekers and immediately arrange transfer of asylum seekers in Van to inner cities.
 - provide social assistance to non-European refugees or lift the ban on employment.
3. Urgently recommend to the UNHCR to:
 - facilitate inspection of its system by the independent investigator and implement the assessor's recommendations, and in the interim,
 - provide detailed written explanations when rejecting cases.
 - re-open cases that have received a final 'closed case' letter (marked as RR) with a fresh chance for review, including a new interview.

We thank you in advance for your attention to this letter and due to our extremely vulnerable situation greatly appreciate your prompt response. Please forward your response to the address below.

Respectfully,

Signatures attached

394 Iranian asylum applicants (904 persons) residing in Van-Turkey

14 May, 2001

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