



**“THEY DON’T TREAT US
LIKE HUMANS”**

UNLAWFUL RETURNS OF AFGHANS FROM TURKEY
AND IRAN

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Cover photo: Afghans forcibly returned from Iran getting off a bus at Islam Qala / Dogharoun border crossing. March 2022.

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EXECUTIVE SUMMARY

Since the Taliban seized control of Afghanistan in August 2021, hundreds of thousands of Afghans have fled the country. According to the UN High Commissioner for Refugees (UNHCR), the UN Refugee Agency, more than 180,000 Afghans in need of international protection have arrived in neighbouring countries since 1 January 2021, but the overall number of Afghans with international protection needs is likely to be much higher.

Most of the men, women and children who attempt to cross into Iran do not have valid travel documents and put their lives at risk to make the journey. Many of them are pushed back into Afghanistan, some remain in Iran, and some travel the length of Iran before attempting a similarly dangerous crossing into Turkey. This report presents Amnesty International's research on the hazardous journey undertaken by Afghans fleeing their home country. It documents unlawful killings, pushbacks by shooting and other unlawful returns, arbitrary detention, and torture and other ill-treatment of Afghans at the hands of both Iranian and Turkish officials.

It is Amnesty International's position, in line with UNHCR, that no Afghan should be returned to Afghanistan, because of the real risk of serious human rights violations they could face there. Based on the findings of this report, Amnesty International also concludes that no country should forcibly return Afghans to either Turkey or Iran, where they would be at real risk of unlawful return to Afghanistan.

Amnesty International documented the cases of 121 individuals – 37 children, five women and 79 men – who were unlawfully returned from Iran to Afghanistan or from Turkey to Iran or Afghanistan between April 2021 and May 2022. Some of these 121 individuals had been pushed back multiple times, allowing the organization to review a total of 255 unlawful transfers or returns. These unlawful returns fit within a broader pattern of violent pushbacks at borders and unlawful deportations of thousands of Afghans via land and air from Iran and Turkey.

Iranian and Turkish security forces have unlawfully used firearms against Afghans trying to cross the border irregularly as a deterrent and a pushback method, sometimes resulting in deaths or injuries. By shooting at people trying to cross the border to find refuge and summarily forcing them back across an international border, Turkish and Iranian security forces have violated their obligations under international law, including the right to life and the right seek asylum and the principle of non-refoulement.

Amnesty International documented the unlawful killing of 11 Afghans by Iranian security forces and of three Afghans by Turkish security forces. In the cases that Amnesty International examined, none of the people killed or injured appeared to represent the "imminent threat of death or serious injury" to security forces or others that would meet the threshold for the use of firearms under international law and standards; accordingly, the use of such force would have been unlawful and arbitrary. Some of these unlawful killings should also be investigated as potential extrajudicial executions.

Iran and Turkey routinely return Afghans who have crossed their borders. Afghans seeking safety have been intercepted at Iranian and Turkish informal border crossings or on the road further into the territories of the two countries. Turkish and Iranian security forces have either immediately transferred them to the border and pushed them back, or they have detained them before returning them. Turkish and Iranian authorities have forcibly

returned Afghans after failing to provide them the opportunity to lodge claims for international protection and failing to assess the risk of serious human rights violations upon return, in violation of the international obligation of non-refoulement, which prohibits states from transferring people to a place where they would be at real risk of persecution or other serious human rights violations.

METHODOLOGY

Amnesty International researchers travelled to Afghanistan in March 2022 and to Turkey in May 2022. They interviewed 76 Afghans (64 men, six women and six children); five Afghan officials whose work is related to Afghans' travel across international borders (including the director of the Department of Return and Repatriation of Herat and the border commissioners of Nimroz and Herat); four immigration lawyers from Turkey; three Afghan doctors who have been treating returnees; and seven Afghan and international NGOs and humanitarian workers providing assistance to Afghan returnees or documenting the violations they faced. The organization also reviewed official documents including visas, passport stamps, Turkish detention orders, Turkish deportation orders and travel documents delivered by the Afghan embassy in Turkey, as well as interviewees' medical reports, videos, and pictures to corroborate their statements, where those were available. Amnesty International wrote to the Ministry of Interior of Turkey on 8 August 2022 and to the Head of the Judiciary of Iran on 19 August 2022 requesting a response to its findings. At the time of writing, the organization had not received a response from either government to its communications.

A RISKY JOURNEY TO SAFETY

Since the last evacuation flight departed from Kabul on 30 August 2021 following the takeover by the Taliban, many thousands of Afghans have been trapped. Former government and security officials, journalists, human rights defenders, women activists, and members of minority groups have been among those threatened or in fear of reprisals from the Taliban. Those who do not hold passports often do not want to bring themselves to the attention of the Taliban authorities by applying for passports or other travel documents. However, Afghanistan's neighbouring countries have essentially closed their borders to Afghans without passports or visas.

Many Afghans try to cross into Iran at informal crossings along the border. They usually travel in large groups, including women and children, with a smuggler. At night, they either crawl underneath a fence near the official Islam Qala border crossing in Afghanistan's Herat province, climb over a two-metre-high wall in Afghanistan's Nimroz province, or cross to Pakistan from where they try to reach Iran. If Iranian security forces do not stop and forcibly return them, Afghans continue their journey in smaller groups, often in cars arranged by smugglers, until they reach Tehran or other cities in Iran.

Some Afghans continue their journeys into Turkey. With the help of smugglers, they attempt to cross along the Iranian-Turkish border facing Lake Van, where pushbacks and other violations by Turkish security forces are common. Those who successfully cross into Turkey later walk or drive to Van and to cities in the centre or west.

PUSHBACKS, UNLAWFUL KILLINGS AND DETENTION IN IRAN

In communications to UNHCR at the end of 2021, Iranian authorities estimated that 5,000 Afghans were arriving daily in Iran. The government of Iran denies that Afghans would face real risks of serious human rights violations if returned to Afghanistan, and forcibly returns thousands of Afghans every day, without any assessment of their individual needs for international protection. UNHCR estimates that Iranian authorities have been forcibly returning 65% of all newly arriving Afghans. Amnesty International documented 67 forced transfers by land from Iran to Afghanistan (53 involving men and women and 14 involving children).

Iranian security forces use a range of means to deter Afghans seeking protection. They have fired on Afghans as they were climbing border walls, crawling under fences, or walking or driving away from the border and into Iran. Amnesty International's investigations indicate that dozens of Afghans have been shot and killed, and many others suffered gunshot injuries. The Border Commissioner of Nimroz province in Afghanistan told Amnesty International in March 2022 that "on average, every month, between 25 and 30 deaths are caused by gunshot [in Iran]. They [Iranian security forces] shoot at everyone. Sometimes we receive bodies of women and children, maybe around two or three. But the vast majority are men."

Amnesty International interviewed witnesses to the killings by Iranian security forces of ten Afghan men and one boy as they attempted to cross the border from Afghanistan, and heard detailed accounts of 22 cases of Afghans shot and wounded by Iranian security forces at the Iranian border or on Iranian territory close to the border.

Sakeena, a 35-year-old widow who left Afghanistan through Nimroz province with her four daughters and two sons, told Amnesty International that as they were walking into Iranian territory, they came under fire from Iranian security forces:

"We heard gunfire. They [Iranian security forces] said: 'Stop, don't move forward'. The smuggler said not to stop. Some people ran away, some came under fire. I heard my [16-year-old] son screaming for me. He had been hit by two bullets in his ribs. I don't know what happened after. I fainted because I was afraid for my children. When I gained consciousness, I was in Afghanistan. I saw that my son was dead. I was next to his body in a taxi."

Of the Afghans interviewed by Amnesty International who were intercepted after entering Iran and were not immediately pushed back, almost all were detained before being forcibly transferred back to Afghanistan by bus via official border crossings. Twenty-three of the men interviewed said they were subjected to torture and other ill-treatment by Iranian security forces while detained or during their forced returns. One man, Amir, described his treatment in custody after he had sustained gunshot wound to the head crossing the border:

"They [Iranian security forces] noticed [that] my head [was] bleeding and asked me what had happened. When I explained, they would beat me directly on the wound, and it would start bleeding again... One time I said, 'please don't beat me on my head,' and the guard [at the detention facility] said, 'Where?' When I showed him, then he beat me in that same spot."

PUSHBACKS, SHOOTINGS AND UNLAWFUL RETURNS FROM TURKEY

Those Afghans who manage to cross Iran and try to enter Turkey often suffer similar human rights violations at the hands of the Turkish authorities.

Amnesty International interviewed 24 people who had been pushed back from Turkey to Iran, some multiples times or with relatives, allowing the organisation to document 178 individual instances of forced return (124 involving men and women and 54 involving children). Of these, six people were pushed back from Turkey to Iran and then from Iran to Afghanistan in a double refoulement.

Witnesses described shootings at the border fences or in what they described as a canal. Amnesty International spoke to two men who had been shot and wounded by Turkish security forces, and interviewed others who described the killings of three teenage boys and the wounding of six men and three boys by the Turkish security forces.

Aref, 24, a former Afghan intelligence officer, fled Afghanistan in October 2021 because he received death threats from the Taliban. After reaching Iran, he attempted to cross into Turkey several times. He came under fire from Turkish security forces twice. In one incident, Aref recounted:

"The police were shooting from their tower on the mountain. They shot directly at us, not in the air... I witnessed a woman and two children who were injured. A two-year-old child was shot in the kidney, and a six-year-old child was shot in the hand. I was very scared. I was amazed I survived."

None of the Afghans interviewed by Amnesty International had been given a full assessment of their individual circumstances and protection needs by the Turkish authorities, in violation of the principle of non-refoulement. Instead, the officials ignored the claims of Afghans who said they were in danger in Afghanistan and in some cases threatened them to deter them from crossing the border again. "The Turkish police said: 'Why have you left your country? Why aren't you staying there?' We all said that we faced risk and that's why we came. They replied: 'It's not our business. We will kill you here'," said Aref, who was pushed back four times from Turkey to Iran.

In addition to the 178 unlawful returns mentioned above, Amnesty International documented the unlawful deportations of seven men and three children by plane from Turkey to Afghanistan between mid-March and early May 2022. Turkish authorities have labelled deportations by plane as "voluntary returns". Yet the interviewees told Amnesty International that they did not want to return and that the Turkish authorities did not make any assessment of the risks they would face once back in Afghanistan.

Zahir described his deportation: "They took us to Istanbul airport. There were four policemen in our bus. When we changed bus, two men tried to escape. The policemen beat them severely. A man was crying, pleading not to be deported because his wife and his child are in Turkey. He fainted, but the police didn't help him. Then, they took us to the plane directly."

The Afghans interviewed said that Turkish authorities deported them in large groups, ranging from 60 to 400 people, with groups commonly averaging over a hundred people. Comprehensive figures of returns of Afghans from Turkey since August 2021 are not publicly available, but in late April 2021 the Presidency of Migration Management (PMM) announced that the government had deported more than 11,000 Afghans in the four months since the beginning of the year.

Interviewees told Amnesty International that Turkish authorities pressured them to sign voluntary deportation documents. One of them described the process:

“They said: ‘If you don’t put your fingerprints [on the document to sign it], [the security forces] will force you’. I refused to do it. The security forces took me in a room with no camera. There were six of them. I told them that I was at risk in Afghanistan. They didn’t care. They beat me, pushed me to the wall. I fell down on the ground. Two men held my legs, and one was sitting on my chest. Two others put my fingers on the paper.”


Other interviewees said that they had refused to sign a document but saw later that there was a signature on it, or that Turkish authorities pressured them to sign by telling them that they would be detained longer, and in the end deported, if they did not.

Amnesty International heard detailed accounts of 21 instances of torture or other ill-treatment by Turkish security forces. Beatings were common, according to the interviewees. During his detention, shortly after crossing into Turkey, Hamid said that agents mistreated him and his friend. “One of the policemen beat my friend with the butt of his gun, and then the policeman sat on my friend, as if he was sitting on a chair. He sat there and lit a cigarette. Then he hit me on my legs with his gun as well... When I was sitting, down, the Turkish policeman kicked me on the knee. He gave me two big kicks. And now I feel a big pain in my knee joint,” Hamid said.

KEY RECOMMENDATIONS

It is Amnesty International’s position that no Afghan should be returned to Afghanistan because they could face a real risk of serious human rights violations there. In addition, and based on the findings of this report, Amnesty International concludes that no country should forcibly return Afghans to either Turkey or Iran, where they would be at risk of unlawful return to Afghanistan.

- The governments of Turkey and Iran must ensure that authorities and security forces managing migration movements respect the rights of refugees and migrants, including the principle of non-refoulement, the right to seek asylum, the right to life, the absolute prohibition against torture and other ill-treatment, and the rights and best interests of the child. States are bound to ensure access to justice for victims of human rights violations, including by conducting effective investigations into allegations of human rights violations and ensuring that those suspected of criminal responsibility are prosecuted in fair trials.
- The governments of countries hosting Afghans should actively arrange or support safe passage and evacuations from Afghanistan for all those at risk of being targeted by the Taliban, including by seeking bilateral and multilateral agreements from neighbouring countries to establish land corridors and allow the safe transfer of people at risk of being targeted by the Taliban.
- Authorities in countries of arrival of Afghans should grant them international protection. Countries concerned about their ability to host large numbers of Afghans should request the financial and material assistance of other countries. The international community should have a common and coordinated response to sharing the responsibility of supporting Afghan refugees.



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The majority of Afghans who need to flee the country but do not have travel documents can only do so by putting their lives in grave danger.

Turkish and Iranian security forces have unlawfully returned Afghan men, women and children to their country, despite the general situation in Afghanistan and the real risk of serious human rights violations there. Iranian and Turkish authorities have also denied Afghans the opportunity to lodge claims for international protection.

At borders, Iranian and Turkish security forces have used firearms unlawfully against Afghans trying to enter the country irregularly as both a deterrent and a pushback method, injuring and killing a number of them.

Amnesty International is calling on all countries not to forcibly return Afghans not only to Afghanistan, but also to Turkey or Iran, where Afghans would be at risk of refoulement to Afghanistan.

Amnesty International is also calling on countries hosting Afghans to arrange or support safe passage and evacuations from Afghanistan for all those at risk of reprisals from the Taliban and to increase resettlement opportunities and other commitments for Afghan refugees.