



# General Assembly

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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by Maat for Peace, Development and Human Rights Association, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[04 June 2020]

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\* Issued as received, in the language(s) of submission only.

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## The killing of the young Syrian, Ali.A

### Preamble

Although Turkish Law No. 6458 of 2013 on foreigners and international protection of refugees stipulates for the need to provide internal protection for refugees inside Turkey,<sup>1</sup> Turkish security institutions have reportedly committed many violations against refugees, interrogating, torturing, and threatening them into signing the so-called “voluntary return” documents,<sup>2</sup> violating the principle of forced deportation approved by the Office of the United Nations (UN) High Commissioner for Refugees.<sup>3</sup> The policies adopted by the Justice and Development Party regarding the issue of refugees has escalated hostility against those people, who were violently attacked and harassed by Turkish citizens amid shameful government silence. Turkey citizens behave this way because they believe that refugees are the reason why unemployment rates went so high and why many of them have lost their jobs.<sup>4</sup> Additionally, Turkish Border Guards "Gendarmerie" open fire on migrants to prevent them from crossing the Turkish borders.<sup>5</sup> And about (448) Syrian refugees, including 80 children and 44 women, were shot dead while crossing the border between the Syrian Arab Republic and Turkey, since the beginning of the Syrian crisis until now, which are considered extrajudicial killings.<sup>6</sup>

### The killing of Ali.A is further evidence of Turkey's disregard for the lives of refugees

On April 27, 2020, a Turkish police member killed a 17-year-old Syrian man, in the city of Adana, southern Turkey, after he tried escaping from the patrol to avoid a fine for breaking the government-enforced curfew, which includes people under 20 years of age. The killing of the Syrian young man has gone viral on social media under the hashtag, "Where are the killers of Ali?" In Turkish (#AliyOElduerenlerNerede). Some activists questioned the official version of the incident and launched a social media campaign demanding justice for the dead man after the Turkish authorities and the official outlets claimed that the police had shot him in his foot. It had been confirmed later that the young man was shot in the chest from a distance of fewer than 5 meters, proving the intention of killing him.

The father of the victim, said that "his son was out with his friends, and when the police stopped him asking for his identity card (ID), he retreated backward trying to escape from them to avoid a fine for breaking the government-enforced curfew. He furtherly added, "When my son saw one of the security personnel pulling a gun on him, he stopped and told the policeman: "I do not have an ID", so the policeman replied: "either you give me your ID or I'll shoot you", my son replied: "I have no ID". Here, the policeman just pulled out his gun and shot him right in the chest.<sup>7</sup>

This incident highlights the violation of the Turkish police to the Code of Conduct for Law Enforcement Officials that was adopted by the United Nations General Assembly in September 1979, in which the third article states that Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty. So, the killing of the Syrian young man was unlawful and could be avoided. And excessive force was directly used regardless of applying force measures progressively,

<sup>1</sup> Law on Foreigners and International Protection, reword, <http://bit.ly/36U8waU>.

<sup>2</sup> Turkey accused of using threats and deception to deport Syrian refugees, the guardian, <http://bit.ly/2tJgLU>.

<sup>3</sup> Izza Leghtas, Insecure Future Deportations and Lack of Legal Work for Refugees in Turkey, refugees international.

<sup>4</sup> Seyhan'da saldırıya uğrayan Suriyeliler: Can güveliğimiz yok, evrensel, <http://bit.ly/39rH0n0>.

<sup>5</sup> قوات حرس الحدود التركي تواصل قتل اللاجئين السوريين ، أحوال تركية ، <http://bit.ly/37YDz5R>.

<sup>6</sup> مدير المرصد السوري يتحدث عن قضية مقتل الشاب السوري من قبل حرس الحدود التركي ورميه في النهر، المرصد السوري لحقوق <https://bit.ly/363JSp1>.

<sup>7</sup> ماعت تدين مقتل شاب سوري برصاص شرطي تركي، مصرراوي، 4 مايو 2020. <https://bit.ly/2ABDxW6>.

whether by using rubber bullets or shooting him in the foot. And the use of firearms is a maximum measure that only used when the suspect shows a desire for armed resistance that would endanger the lives of others. This did not happen in this case, indicating the intention of the police officer to intentionally kill the young man, which constitutes a case of extrajudicial killings.<sup>8</sup> The incident also violates Article 3 of the Universal Declaration of Human Rights, which provides that "everyone has the right to life, liberty, and security of person."<sup>9</sup>

### Justifying the incident and the continued suffering of the refugees

The Turkish authorities tried to justify the incident, as the Ministry of Interior said that the incident happened according to inspection procedures, and without any prior knowledge of the man's identity or nationality, adding that police patrols asked the man to stop and comply with their inspection orders multiple times, and that they fired warning shots, but that the man did not stop, so they fired on him directly, and the policeman who killed the young man was fired and brought to justice. However, this scenario was denied by eyewitnesses, and the alleged investigation with the policeman responsible for the incident was merely conducted to appease public opinion, as neither the nature of the criminal procedures that will be taken against him nor the details of the crime were clarified.<sup>10</sup> The Turkish Interior Ministry statement tries to clarify that the young man deserved punishment for violating the laws, which is totally unacceptable as the crime is considered an extrajudicial killing, and whose perpetrators must be held accountable. Therefore, Maat decries the lack of transparency by the Turkish government in the investigation of the case of the killing of the Syrian young man, since the current procedures do not fully meet the standards of criminal justice and it is just a farce designed to disrupt justice and buy time to protect Turkish police.

This incident doesn't only reveal police violence and abuse in Turkey towards refugees, but also show the extent of the suffering endured by refugees in Turkey, where most of them work illegally as members of the irregular labor force with low wages and this forces many of them to work late despite the government-enforced curfew, subjecting them to the risk of getting arrested or being fined by the Turkish police, and the Syrian young man was one of those working to earn a living in light of the economic fallout experienced by the Syrian refugees in Turkey,<sup>11</sup> and in conjunction with the Turkish government absence of full support and protection programs, and he tried to escape from the police to avoid paying a €470 fine for failing to abide by the rule.<sup>12</sup>

It is worth noting that the Turkish Border Guards have killed (448) Syrian refugees, including 80 children and 44 women, while crossing the border between the Syrian Arab Republic and Turkey, since the beginning of the Syrian crisis until now. In March 2020 the Turkish Border Guards beat up and tortured a Syrian child under the age of 18, and then threw him in the river after the child admitted that he couldn't swim.<sup>13</sup> They also have reportedly killed 11 civilians fleeing a fighting between multiple parties in the Syrian city of Manbij,<sup>14</sup> all this and the Turkish government didn't bother investigating or condemning any of these incidents, in conjunction with the Turkish authorities' constant denial of these cases.

### Recommendations

- The Human Rights Council must open an independent international investigation about the grave violations committed by the Turkish authorities against Syrian

<sup>8</sup> <https://bit.ly/2zItMoo> مدونة لقواعد سلوك الموظفين المكلفين بإنفاذ القوانين، الأمم المتحدة .

<sup>9</sup> <https://bit.ly/2WYsa23> الإعلان العالمي لحقوق الإنسان، الأمم المتحدة.

<sup>10</sup> ضجة حول مقتل شاب سوري برصاص شرطي تركي والسلطات التركية بالخطأ، سي أن أن العربية، 28 أبريل 2020 ، <https://cnn.it/361gIXi>.

<sup>11</sup> Turkey police shoot Syrian refugee dead during coronavirus curfew. Alaraby. <https://bit.ly/3cE4W82>.

<sup>12</sup> Coronavirus: Syrian Refugee Shot Dead by Turkish Police. Communalnews. April 28, 2020. <https://bit.ly/2WCg5ka>

<sup>13</sup> مدير المرصد السوري يتحدث عن قضية مقتل الشاب السوري من قبل حرس الحدود التركي ورميه في النهر مرجع سابق ذكره

<sup>14</sup> <https://bbc.in/2Wx7RcW> حرس الحدود التركي يقتل 11 سوريا أثناء محاولة عبور الحدود، بي بي سي العربية يونيو 2016 ،

refugees, especially cases of extrajudicial killings, including the killing of the Syrian young man, and ensure that perpetrators are held accountable for their actions.

- Refugees must be protected from the Turkish security forces and rioters' abuses, and various harassments.
  - The Turkish authorities must stop killing refugees on the Turkish border and train the Turkish police and army on the rules of conduct of United Nations law enforcement officials.
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