AMNESTY INTERNATIONAL BRIEFING

TURKEY: NATIONAL AUTHORITIES AND THE INTERNATIONAL COMMUNITY MUST ACT IN PARTNERSHIP TO MEET THE NEEDS OF SYRIAN REFUGEES





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INTRODUCTION

The ongoing internal armed conflict in Syria is fuelling a mass outflow of people seeking safety abroad, with more than 1.3 million refugees from Syria having fled to other countries, in particular Turkey, Jordan, Lebanon and Iraq. Increasing efforts need to be taken to ensure that refugees from Syria are being adequately protected and assisted until they are able to return safely to their homes.

Amnesty International is issuing this briefing to highlight concerns regarding the situation of refugees from Syria, particularly in Turkey, as part of its ongoing campaigning in relation to policies and practices relating to refugees in the country.¹ The document is based on Amnesty International's research on the ground in February 2013 including interviews with refugees, non-governmental organizations (NGOs), international governmental organizations (IGOs), and the Turkish authorities at various levels. Amnesty International delegates visited three provinces bordering Syria, in Hatay, Gaziantep and Kilis. The research formed part of Amnesty International's continuing work monitoring the situation of Syrian refugees.

Amnesty International notes the considerable steps taken by neighbouring states to host Syrian refugees forced to flee the country due to violence, persecution and human rights abuses and urges the national authorities in all these countries to take further steps to ensure the protection of all those fleeing the worsening conditions in Syria.

In particular, countries neighbouring Syria must ensure that all those fleeing persecution and human rights abuses in Syria are given access to their territory and are not forcibly removed to Syria. Countries hosting refugees from Syria must ensure that refugees have access to essential services such as adequate shelter, food, healthcare and education.

Amnesty International is also calling on the international community, in the spirit of responsibility sharing, to significantly step up their contribution to the protection of refugees in countries neighbouring Syria, through financial and technical support to neighbouring countries and the funding of UN humanitarian appeals for Syria.

BACKGROUND: THE SCALE OF THE REFUGEE SITUATION

People are fleeing from the violence which is believed to have cost the lives of more than 70,000 Syrians since peaceful protesters took to the streets in February 2011 to demand reform. The situation in Syria has evolved into an internal armed conflict in much of the country, between the security forces and armed opposition groups intent on overthrowing the government. Systematic as well as widespread human rights abuses, including crimes against humanity and war crimes, have become rife, with civilians being the main victims. Although the vast majority of the human rights abuses have been committed by the state's armed forces and pro-government *shabiha* militias, abuses have also been committed by armed opposition groups.²

According to the United Nations High Commissioner for Refugees (UNHCR), on 18 April 2013 over 1.3 million Syrians were registered or awaiting registration in countries neighbouring Syria, which includes over 50,000 others of concern to UNHCR in Egypt. In addition to those that have left Syria, as many as four million are displaced internally in the country.

JORDAN

According to UNHCR, on 21 April 2013, there were 437,205 Syrian refugees registered or waiting to be registered. Amnesty International has raised concerns with the Jordanian authorities regarding reports of the return of some individuals seeking refuge in Jordan and denial of entry to the country to others. For example, approximately 200 Syrian refugees were returned to the border with Syria in the wake of protests at al-Za'atari refugee camp on 28 August 2012. In recent months others have been returned following alleged security offences or alleged "inappropriate" sexual relations. Some Palestinian residents of Syria were also returned, and an unknown number of other Palestinian residents of Syria have not been allowed entrance to Jordan.³

On 17 January 2013 Prime Minister Abdallah Ensour stated that Jordan would not allow the continued entry of refugees into its territory if the Syrian al-Assad government fell, or if refugee numbers rose significantly.⁴

There are also tight restrictions on movement in two camps for refugees from Syria that may amount to conditions of detention. In Cyber City, which hosts some 150 Palestinians from Syria, the refugees are not allowed to leave the camp at all, effectively being held in detention-like conditions. In the much larger al-Za'atari camp, there are tight restrictions on leaving the camp.

Violence flared on 19 April in al-Za'atari camp, resulting in the injury of 10 security personnel and 20 Syrians.⁵ According to media reports, individuals demonstrating at conditions in the camp, including restrictions on leaving the camp, clashed with police.⁶

Water supplies to the camp were temporarily disrupted the following day.⁷ Some eight Syrians are reported to have been arrested and may face charges before the State Security Court. The Council of Ministers subsequently decided to address the UN Security Council, stating "that the continuation of the crisis and failure of the international community to provide adequate financial support to the Kingdom to shoulder the burdens resulting from the growing number of refugees, will threaten national security, as well as the world's security and stability."⁸

LEBANON

As of 18 April 2013, 428,649 Syrians were registered or were awaiting registration as refugees in Lebanon. Amnesty International notes Lebanon's efforts to receive and host such a large and growing number of refugees, and the extra strains this puts on not only housing, education, health and other resources but also the political and security environment of the country. On 20 April, caretaker Interior Minister Marwan Charbel warned that Lebanon could no longer absorb the influx of Syrian refugees. "[I urge] that their numbers [Syrian refugees] and the burden [of assisting them] be distributed among states on the basis of collective responsibility because Lebanon has exceeded its ability to absorb them."⁹

While there were credible reports in 2012 of a small number of Syrian activists who are said to have been captured and taken back to Syria, allegedly at the hands of Syrian officials or individuals connected to them, Amnesty International acknowledges that there have been no reports of returns from Lebanon since August 2012 and encourages the Lebanese authorities to continue to adhere to this policy of no forced returns.

Palestinian refugees fleeing Syria face discriminatory entry requirements imposed by the Lebanese authorities, namely the obligation to pay for a \$17 entry permit which should be removed, as it may hinder the ability of Palestinian refugees to seek protection in Lebanon, in violation of international law.

IRAQ

According to the UNHCR, as of 20 April 2013, 133,840 refugees were registered in Iraq, with the majority being hosted in the Kurdish region. Domiz refugee camp, located in the Dohuk governorate of the Kurdish Region is said to be "critically congested" with 15 or more refugees having to share one tent in some cases. Amnesty International raised concerns over the closure of the border at al-Qaim, in the Anbar Governorate, in mid August 2012.¹⁰ The border remains closed except for emergency medical cases. Individuals in need of medical attention are admitted for day-care provided at the health unit established at the border. As of the 28th of March, the border was closed for family reunification purposes with some exceptions. Amnesty International is calling for all borders to remain open to those in need of protection.

TURKEY: URGENT STEPS REQUIRED For protection of Syrian Refugees

According to UNHCR on 17 April 2013, some 291,996 individuals from Syria of concern to the organization were in Turkey – an increase of almost a third since the start of 2013. However, the Turkish authorities estimate the number of Syrian refugees in Turkey to be as high as 400,000 of whom approximately 190,000 are accommodated in 17 government run refugee camps in eight provinces.¹¹

While recognising the considerable ongoing efforts of the Turkish authorities to accommodate the increasing number of Syrian refugees, Amnesty International, has indentified several concerns and believes urgent steps must be take to ensure their protection. Much greater financial support from the international community is required to support the Turkish authorities in meeting the needs of the Syrian refugees. In addition, the Turkish authorities should adopt new strategies in partnership with international governmental organizations (IGOs) and non-governmental organizations (NGOs).

While the provision of services to Syrian refugees in government-run refugee camps is reported to be good, the camps are operating at full capacity and the numbers of Syrian refugees outside the camps are vastly higher than the planned increase in capacity in refugee camps. Amnesty International is concerned that the situation for many Syrian refugees outside the refugee camps is dire and that provision for their basic needs and access to services is inadequate. Amnesty International is also concerned that Turkey's border is only open to Syrians with passports or serious medical needs, denying many Syrians the opportunity to seek safety in Turkey and leaving them stranded in dire conditions in makeshift camps for internally displaced persons close to the Turkish border. There are also growing reports of forcible returns of refugees to Syria in violation of international law and Turkey's own laws.

REFUGEE CAMPS

As of March 2013, there were 17 government run refugee camps, three of which are container camps with the remainder of the camps providing accommodation in tents. A further two container camps are under construction. Amnesty International is encouraged that some of the more recently built refugee camps are a significant distance from the Syrian border, in line with international standards that require camps to be located at a reasonable distance from the frontiers of the countries of origin, at least 50 kilometres. Amnesty International calls on the Turkish authorities to ensure that, at minimum, the location of all new camps meet international standards in this regard.

While Amnesty International, like other international and national NGOs, has not been granted access to the camps to verify information regarding the conditions, reports strongly indicate that the camps are well resourced and logistically managed. Syrian refugees accommodated in camps generally have adequate access to health services, including a referral system to local hospitals and treatment for chronic illnesses. Likewise provision of shelter and food in addition to other basic needs is also reported to be adequate. Amnesty International is encouraged by the progress of the project conducted by the World Food Programme (WFP) to provide e-vouchers to refugees accommodated in the camps in order for them to buy food items in place of the provision of hot meals by the authorities directly. Amnesty International recommends that the project is extended to provide e-vouchers to all Syrian refugees accommodated in camps and to registered refugees living outside of camps, and that the international community increases its funding to cover the expansion of the project.

Amnesty International also recommends that the UNHCR establish a permanent presence in the camps in order to identify, assess and assist individuals with protection needs that cannot be met in the camps and to provide expert advice and guidance to the camp authorities. Amnesty International further recommends that the provision of services for the many refugees who are victims of trauma be expanded. As a response to the requirement for greatly increased psycho-social support for Syrian refugees, NGOs providing such services in Turkey should be provided with access to the camps and the authorities should take steps to facilitate their work both inside and outside the camps. More broadly Amnesty International requests that human rights organisations are given access to all locations where refugees are accommodated in order to independently monitor conditions and services in the camps.

REGISTRATION AND DOCUMENTATION FOR ALL SYRIAN REFUGEES

Amnesty International is encouraged that the Turkish authorities have introduced a registration procedure for Syrian refugees living outside of the camps in the border provinces of Kilis and Gaziantep, and the fact that technical assistance will be provided by UNHCR. Refugee registration is a fundamental component of international protection, crucial for ensuring that refugees are able to access their rights and facilitating efforts to find durable solutions. Amnesty International recommends that the registration procedure is undertaken in line with UNHCR standards and procedures and conducted with the direct participation of UNHCR, in order to identify protection and assistance needs within the refugee population. Amnesty International also recommends that the registration procedure is extended to all the provinces where Syrian refugees live.

Amnesty International also welcomes the fact that registered Syrian refugees living outside the camps will be provided with identity documents that will ensure access to services. Amnesty International strongly recommends that all Syrian refugees are provided with information at the time of registration regarding how to access their rights in Turkey and that the documentation details their legal status as persons provided with temporary protection.

As an essential part of clarifying the legal status of Syrian refugees, the Turkish authorities should make public its directive, of 30 March 2012 on temporary protection with immediate effect.¹² While the directive is reportedly in line with international standards, the fact that it is unpublished is a serious barrier to providing Syrian refugees with a secure legal status. Amnesty International also notes that the Law on foreigners and international protection,

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passed by Turkey's Parliament on 4 April allows for the provision of temporary protection. Amnesty International notes that the law requires the government to pass a separate regulation in order for temporary protection to be provided. The rights available to the refugees provided with temporary protection and the coordination of the assistance provided to them is also to be set out under the regulation.¹³ Amnesty calls on the Turkish authorities to publish such a regulation without delay, ensuring that it is in full compliance with international standards.

ACCESS TO SERVICES

Amnesty International welcomes the fact that the government has issued a circular (genelge) to 11 provinces in proximity to the Syrian border providing for access to health services for Syrian refugees equally to Turkish citizens, an example of best practice.

Amnesty International notes that the registration procedures currently underway should provide the authorities with an opportunity to allow greater access to health services for refugees living outside of the camps. Amnesty International encourages the authorities to clarify the level of care (primary, secondary and tertiary) available to Syrian refugees provided for in the circular. Amnesty International also observes that the circular allows the local authorities to decide on the extent to which it is implemented. Amnesty International is concerned that the circular is implemented with significant variance across different provinces. For example it was reported that individuals requiring emergency medical treatment would be able to receive treatment at state hospitals in Kilis province, but that this was not guaranteed in Hatay province.

More generally, it was reported that Syrian refugees living outside the camps with chronic illnesses were not able to receive treatment. It was frequently reported that in border areas where there are a large number of Syrian refugees, the existing healthcare facilities were not sufficient to treat all those in need. Amnesty International is concerned at reports by NGOs that the access to health care for other refugee and asylum-seeker populations in Turkey has decreased due to resources being allocated to Syrian refugees in dispersal cities. Amnesty International was told by the Turkish authorities that there are plans to increase the capacity of the state hospital in the city of Kilis.

In order to address the wider lack of sufficient capacity in health care facilities in border provinces, Amnesty International recommends that the international community invests in increasing the capacity of health care facilities in border provinces and that the Turkish authorities extend referral procedures to allow medical treatment to be provided in major cities with greater capacity. Amnesty International also recommends that the benefits of increased health care capacity are enjoyed by Turkish nationals and all refugee populations equally in line with the spirit of the government's directive on access to medical care which allows for the provision of health care services to Syrian refugees and citizens of Turkey on an equal basis. Amnesty International further recommends that the Turkish authorities facilitate the registration of NGOs with expertise in providing medical services to increase health care capacity in the areas of greatest need. NGOs ability to provide health services is currently hampered by the inability to register or excessive bureaucratic delays in obtaining registration for their work from the national authorities.

To this end, Amnesty International welcomes the publication by the Turkish authorities of a directive that provides for the establishment of temporary health care facilities by NGOs. Amnesty International calls for the full and prompt implementation of the directive without excessive bureaucratic delays.

In addition to providing access to health care and the provision of food items though the WFP e-voucher scheme, registration procedures should be used to identify the needs of individual Syrian refugees with regards to shelter, with provisions put in place to provide assistance to ensure that Syrian refugees living outside of the camps have access to adequate housing.

ACCESS TO TERRITORY

Amnesty International is concerned that despite the Turkish authorities' assertion that there is an "open door" policy for Syrian refugees, since July 2012 entry has been restricted, especially for Syrians without a passport or an urgent medical need, reportedly due to the lack of additional capacity in the refugee camps.

This has resulted in tens of thousands of Syrians being denied the opportunity to seek safety in Turkey from violence, persecution and human rights abuse; most are left stranded in very poor conditions in camps as Internally Displaced Persons (IDPs). Amnesty International considers that whatever humanitarian assistance is being provided by the Turkish authorities to Syrian IDPs in the border area, conditions remain very poor, with a lack of clean water, electricity and basic sanitation which contributes to ill-health among the IDP population.

Irrespective of the conditions, the Turkish authorities should ensure that anyone fleeing the conflict in Syria should have be allowed entry into Turkey and given the opportunity to seek asylum in the country, in line with Turkey's obligations under international law and its stated "open door" policy.

In the spirit of solidarity and responsibility sharing, the international community should provide meaningful assistance to the Turkish authorities, and other countries neighbouring Syria, to enable them to provide essential services and protection to refugees from Syria.

FORCED RETURNS

Amnesty International is extremely concerned regarding growing reports of Syrian refugees being forcibly returned to Syria where they are at risk of persecution or serious human rights abuses. A number of forced returns have been reported following the allegations that refugees had committed public order or other criminal offences. The most recent reports of forced returns and also the largest scale forced return reported relates to the Akçakale refugee camp in Şanlıurfa province. Eyewitness reports state that a group of between 500 - 600 Syrian refugees were forcibly returned to Syria from the refugee camp between 27 and 28 March 2013. Reports indicate that the forced returns took place following violent protests at the camp following a fire in one of the tents in which reportedly at least one person died and others were injured. Protests reportedly took place from the morning of 27 March and grew more violent as the day progressed before being brought under control by police officers and soldiers. According to the reports the authorities used video images of the protests to identify refugees that had been involved in the disturbances. Those alleged by the authorities to have been involved in the disturbances were forcibly returned to Syria in small groups according to the reports.

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Such forcible returns would show a shocking disregard for the safety of Syrian refugees, and represent a clear violation of both international law and Turkey's own laws. While the Turkish authorities are responsible for maintaining security and safety in the camps, the forced return of refugees and asylum-seekers from Syria in any manner whatsoever puts them at risk of serious human rights abuses and is a violation of the principle of *non-refoulement*, which is prohibited by the European Convention on Human Rights, the International Covenant of Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and customary international law. Just as is the case for any individual within their jurisdiction, the Turkish authorities should investigate any criminal acts alleged to have been committed and bring persons found to be responsible to justice in fair trials.

Amnesty International calls on the Turkish authorities to ensure that no forcible returns of Syrian refugees and asylum-seekers take place in any manner whatsoever, and to send a clear and unambiguous message to the local authorities that such forced returns will not be tolerated. The Turkish authorities should launch a prompt, effective and impartial investigation into the credible reports by eyewitnesses that the forced returns took place.

RECOMMENDATIONS

To the national authorities of countries neighbouring Syria

• Keep their borders open to *all* persons fleeing the conflict in Syria, without discrimination, and ensure full access to their territories and to safety;

In line with the international law principle of *non-refoulement*, all countries must ensure that no persons fleeing Syria are forcibly removed to Syria, in any manner whatsoever;

Ensure that refugees from Syria have access essential services, including adequate shelter, food, healthcare, sanitary facilities, and education;

 Provide refugees fleeing Syria with identification documents pertaining to their legal status and rights;

Ensure respect for family unity and where needed, special protection for children;

Respect refugees' rights to liberty and freedom of movement, and refrain from arbitrarily detaining them.

To the international community, including member states of the European Union, the Gulf Cooperation Council and other countries able to provide support, in the spirit of responsibility sharing:

Provide urgent financial and technical support to countries neighbouring Syria to assist them in providing protection to refugees from Syria and ensure that a protection space is available to all those who need it;

Provide urgent and meaningful financial contribution to the UN Syria Regional Response Plan.

Amnesty International also makes the following specific recommendations to the international community in relation to Syrian refugees in Turkey:

Commit to sharing a greater responsibility for the provision of services to Syrian refugees living outside of the camps, in order to support the full implementation of Turkey's "open border policy";

 In cooperation with the Turkish authorities, invest in increasing the capacity of health care facilities in border provinces;

Ensure that the WFP e-voucher project is funded sufficiently to ensure its extension to provide food items for all registered Syrian refugees whether in camps or not.

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The organization makes the following specific recommendations to the government of Turkey:

Regarding the provision of temporary protection:

Publish the March 2012 Directive on temporary protection for Syrians with immediate effect;

Produce without delay a regulation on the provision of temporary protection as required by the Law on foreigners and international protection ensuring its compliance with international standards.

Regarding refugee camps:

Extend the World Food Programme (WFP) project that provides e-vouchers to refugees in order for them to buy food items to refugees in all camps and to registered refugees outside of the camps;

 Allow UNHCR to establish a permanent presence in the camps in order to identify, assess and assist individuals with protection needs that cannot be met in the camps and to provide expert advice and guidance to the camp authorities;

Expand the provision of services for the many refugees who suffer from trauma;

 Provide NGOs providing psycho-social support services in Turkey with access to the camps in order that they can provide such services there;

• Grant access for all human rights civil society organisations to all locations where refugees are accommodated in order to independently monitor conditions in the camps.

Regarding registration procedures and the provision of services to refugees outside of the camps:

Ensure that the registration procedure is undertaken in line with UNHCR standards and procedures and conducted with the direct participation of the UNHCR, in order to identify protection and assistance needs within the refugee population;

Extend the registration procedure to all the provinces where Syrian refugees live;

Provide all Syrian refugees with information at the time of registration regarding how to access their rights in Turkey and ensure that they receive documentation detailing their legal status as persons provided with temporary protection;

 Ensure the provision of food items though the WFP e-voucher scheme for all registered Syrian refugees;

• Ensure that registration procedures are used to identify protection needs of individual Syrian refugees in urban areas outside the camps.

Regarding access to services such as shelter, health care and education:

 Ensure that provisions are put in place to provide Syrian refugees living outside of the camps with access to adequate housing;

 Clarify the level of care (primary, secondary and tertiary) available to Syrian refugees provided for in the government circular;

Ensure that the circular is implemented effectively across all the provinces where Syrian refugees live;

Increase the capacity of health care facilities in border provinces;

• Extend referral procedures to allow medical treatment to be provided in major cities with greater capacity;

Ensure that the benefits of increased health care capacity is provided to Turkish nationals and all refugee populations equally in line with the spirit of the government's circular on access to medical care;

Ensure that all Syrian refugee children are provided with access to education;

• Facilitate the registration of NGOs with expertise in providing medical and education services to increase capacity in the areas of greatest need;

• Ensure the full and prompt implementation without excessive bureaucratic delays of the government regulation providing for provision of temporary medical facilities by NGOs.

Regarding access to territory and non-refoulement:

• Act without delay to ensure that all those fleeing Syria to seek safety in Turkey are granted access to Turkish territory;

 Ensure that no forcible returns of Syrian refugees and asylum-seekers take place in any manner whatsoever;

 Send a clear and unambiguous message to the local authorities that such forced returns will not be tolerated;

• Launch prompt, effective and impartial investigations into the credible reports by eyewitnesses that the forced returns have taken place.

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ENDNOTES

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² For Amnesty International's latest briefings see: *Syria: Government bombs rain on civilians* (MDE 24/009/2013), 14 March 2013,

http://www.amnesty.org/en/library/asset/MDE24/009/2013/en and Syria: Summary killings and other abuses by armed opposition groups (MDE 24/008/2013), 14 March 2013. http://www.amnesty.org/en/library/asset/MDE24/008/2013/en/8d527c4e-2aff-4311-bad8-d63dbc97c96a/mde240082013en.html.

³ Amnesty International, *Refugees from Syria face further suffering if Jordan closes border*, 18 January 2013, <u>http://www.amnesty.org/en/for-media/press-releases/refugees-syria-face-further-suffering-if-jordan-closes-border-2013-01-18</u>

⁴ 'Prime minister says Jordan will prevent mass exodus of Syrian refugees if Assad regime falls', Associated Press, 17 January 2013.

⁵ 'Security personnel, refugees injured in Zaatari protest', Jordan Times, 20 April 2013, available at http://jordantimes.com/security-personnel-refugees-injured-in-zaatari-protest

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http://www.petra.gov.jo/public_news/Nws_NewsDetails.aspx?Menu_ID=&Site_Id=2&lang=2&NewsID=107 968&CatID=13

⁹ See for example: 'Lebanon beyond capacity to aid more refugees: Charbel', The Daily Star, 20 April 2013, available at <u>http://www.dailystar.com.lb/News/Local-News/2013/Apr-20/214472-lebanon-beyond-capacity-to-aid-more-refugees-charbel.ashx#axzz2RBxFNn76</u>

¹⁰ See Amnesty International, *Syria's neighbours must ensure stranded refugees are allowed access to safety*, 14 September 2012, available at <u>http://www.amnesty.org/en/news/syria-refugees-2012-09-14</u>

¹¹ See UNHCR, *Turkey: UNHCR update on Syrian displacement 5 April 2013.* Available at <u>http://data.unhcr.org/syrianrefugees/download.php?id=1784</u>

¹² Directive concerning the admission and accommodation of the nationals of the Syrian Arab Republic and stateless people residing in the Syrian Arab Republic who collectively seek asylum in Turkey.

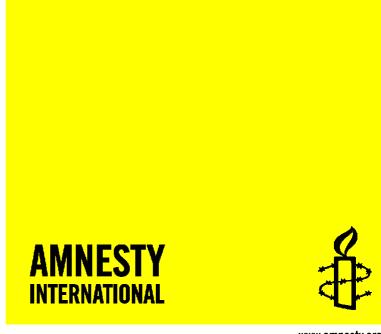
¹³ Law on foreigners and international protection, Law No.6458 entered into force on 4 April 2013.

'Other Provisions Regarding Temporary and International Protection

Temporary Protection

ARTICLE 91 - (1): Temporary protection may be provided to foreign nationals who have been forced to leave their countries, are unable to return to their countries, who arrive at or cross our borders in large groups to seek emergency and temporary protection

(2) The admission of such individuals and their stay in Turkey, their rights and obligations, the procedures to be followed when they leave Turkey, measures to be taken against mass movements, collaboration and coordination between national and international institutions and entities, and the duties and powers of the institutions and entities at the centre and in the provinces shall be determined by a regulation to be issued by the Council of Ministers.'



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