

## Japan: Government endangers refugees' families in Turkey

The Japanese government has been sending officials to Turkey to investigate the families of those seeking asylum in Japan, with the help of the Turkish police. This is an issue of grave concern and has serious implications for the protection of these asylum-seekers and their families.

In August, the Ministry of Justice presented a report to the Tokyo District Court about the result of investigations in Turkey concerning 14 Turkish Kurds. The report justified the need to inspect the home countries of the asylum-seekers and "reveal the[ir] living situation" as the Ministry of Justice had presumed that the 14 individuals were in Japan to earn money. The investigations in Turkey are thought to have been launched after district courts in Tokyo and Nagoya ruled in April 2004 that two Turkish nationals seeking refugee status should be regarded as refugees.

The investigations in Turkey have exposed the asylum-seekers and their families to increased danger, including the cessation of contacts and information from their families in Turkey. In one case, an asylum-seeker has reported that his elder brother in Turkey made a phone call to say that a Japanese official and a Turkish policeman were at his home. The Japanese diplomat had identified himself and had asked the elder brother the reasons why his two younger brothers had gone to Japan and sought asylum.

He also asked the nature of political activities in which his brothers had been engaged. Since the phone call, the asylum-seeker in Japan has been unable to get in touch with the brother or his parents in Turkey.

The United Nations High Commissioner for Refugees (UNHCR) criticised the Japanese government in August over its handling of Turkish Kurds seeking refugee status in Japan. They made particular reference to this policy of sending officials from the Ministry of Justice to investigate the families of the refugees with the help of the Turkish authorities.

Amnesty International (AI) believes that, by providing information regarding the applications of the asylum-seekers to the Turkish authorities, the Japanese government has increased the risk of serious human rights violations including arbitrary detention, torture and ill-treatment if the asylum-seekers are forcibly returned.

The Tokyo District Court is considering a suit submitted by two Turkish Kurds seeking withdrawal of the Ministry of Justice's rejection of their asylum claims. The men said that they had taken part in demonstrations in Turkey in the late 1990s that had called for greater protection for Kurdish rights and that they had been detained and tortured. They went to Japan and sought asylum in 1999, but their application was rejected.

Chances of a successful appeal appear bleak as no claim for refugee status by an individual from Turkey has yet been finally accepted by the Japanese authorities. This is despite 483 applications (as of August 2004) for refugee status in Japan from people with Turkish nationality (mostly Kurdish asylum-seekers) since Japan ratified the Convention relating to the Status of Refugees (the Refugee Convention) in 1982.

AI has expressed concern repeatedly to the Japanese government that asylum-seekers are denied access to fair and satisfactory asylum procedures by its immigration authorities. The organization has pointed out that this may lead to *refoulement* -- the expulsion or forcible return of refugees to those territories where their life, freedom or physical integrity would be threatened. The principle of *non-refoulement* is enshrined in two international conventions to which Japan is a state party: the 1951 Convention relating to the Status of Refugees and the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.