

EXECUTIVE SUMMARY

The main objective of the CPT's 2022 ad hoc visit to Türkiye was to review the treatment and conditions of detention of foreign nationals detained under immigration legislation, as well as the procedures applied to them in the context of their removal, in light of the recommendations made by the Committee in the report on its 2017 periodic visit. On the occasion of the visit, the CPT delegation also went to Imralı F-type High-Security Prison ('Imralı Prison'), in order to examine the treatment and conditions of detention of all (four) prisoners held in the establishment.

Throughout the visit, the delegation received excellent co-operation from both the national authorities and the management and staff at the establishments visited.

Foreign nationals detained under immigration legislation

The CPT expresses its appreciation of the measures taken by the Turkish authorities over the past several years to provide protection, shelter and support to the world's largest refugee population and acknowledges the tremendous challenges posed by the unprecedented number of migrants arriving in Türkiye. The Committee also notes the measures taken to modernise the physical infrastructure used for immigration detention and to ensure that the administrative detention of foreign nationals is used as a last resort.

Further, whilst welcoming the adoption of a legal provision according to which unaccompanied minors shall not be held in removal centres, the CPT considers that additional efforts should be made to avoid detaining families with children in removal centres and to ensure that when, exceptionally, children are held in a removal centre, the deprivation of liberty is for the shortest possible time.

The vast majority of the foreign nationals interviewed by the delegation in the establishments visited stated that they were treated correctly by staff and made no allegations of ill-treatment.

However, at Gaziantep Removal Centre, the delegation received a few allegations of physical ill-treatment (such as punches to the body) by custodial staff. It was also informed by the establishment's management of three recent cases of alleged physical ill-treatment by staff, in respect of which administrative inquiries had been initiated. Further, at Silivri Removal Centre, several accounts were heard from women of the use of excessive force (with truncheons) by gendarmerie officers in the context of their interventions to stop inter-detainee violence. In addition, at Gaziantep, Silivri and Istanbul-Tuzla Removal Centres, a number of foreign nationals complained about verbal abuse and disrespectful language by some custodial staff and gendarmerie officers. The CPT recommends that the Turkish authorities reiterate to the private security staff working at these removal centres, as well as to the gendarmerie officers deployed to these establishments, that detained foreign nationals should be treated with respect and that any form of ill-treatment, including the use of excessive force and verbal abuse, is unacceptable and will be sanctioned accordingly.

The report also makes reference to reports received by the CPT from various sources, according to which many Afghan nationals attempting to irregularly enter Türkiye through its border with Iran had been intercepted by Turkish security forces and forced to cross back to Iran, on occasion violently. The Turkish authorities are urged to take the necessary steps to prevent any such pushbacks from occurring in the future, and to effectively protect foreign nationals against the risk of *refoulement*.

Conditions of detention were on the whole satisfactory at Edirne, Gaziantep and Silivri Removal Centres. However, at Gaziantep, conditions in several rooms were cramped and a number of detainees had to sleep on mattresses placed on the floor. Further, at Tuzla Removal Centre, several of the accommodation containers were in a poor state of hygiene (with flooded and malodorous sanitary facilities), while some were very hot and stuffy. Moreover, the containers were infested with bed bugs and cockroaches. In addition, many containers offered very cramped conditions.

On a positive note, at Edirne, Gaziantep and Silivri Removal Centres, foreign nationals benefited from an open-door regime within their accommodation wings throughout the day or for a significant part of the day. The most favourable situation was observed at Edirne where women and children had access throughout the day to a large outdoor exercise yard fitted with workout equipment and a playground; there were also separate well-equipped exercise yards with a football pitch, to which male adults had access for some five to six hours per day.

However, the minimum entitlement of one hour of outdoor exercise per day was not always guaranteed at Gaziantep and Silivri, including in respect of women with children. By far the worst situation observed was at Tuzla Removal Centre; it appeared that foreign nationals were usually locked up in their container rooms for more than 23 hours per day, their daily access to the outdoors being limited to some 20 to 30 minutes.

The delegation also noted that, while some activities were available to detained foreign nationals at Gaziantep and Edirne Removal Centres, no organised activities were on offer at Silivri and Tuzla (apart from the limited possibility for outdoor exercise). Whilst acknowledging that most foreign nationals were held in the latter two establishments for only short periods of time (days rather than weeks), the CPT considers that at least a basic minimum of activities (such as providing access to television and other appropriate means of recreation) should be introduced. The Committee further stresses that, while the lack of activities may be harmful for adults, it is especially harmful for children, who have particular developmental needs such as physical activity and intellectual stimulation.

The visit revealed that some progress had been made since the 2017 visit as regards the presence of doctors in removal centres; the healthcare staff in all the establishments visited included the equivalent of at least one full-time doctor. It is also positive that Gaziantep and Tuzla Removal Centres benefited from the round-the-clock presence of nursing staff.

However, the CPT notes that Tuzla, Edirne and Gaziantep Removal Centres had a very high turnover of immigration detainees. This placed an extremely heavy workload on the healthcare staff working in these centres, with the result that the provision of healthcare to foreign nationals was generally limited to symptomatic control. It is also a matter of concern that, despite the specific recommendations repeatedly made after previous visits, no proper medical screening was usually carried out on newly admitted foreign nationals in any of the removal centres visited and medical confidentiality was still far from guaranteed.

As regards legal safeguards, notification forms regarding the imposition of removal and detention orders with information on rights (including legal remedies) were usually presented to foreign nationals upon their admission to a removal centre. However, many foreign nationals claimed that they had not been given time to read the notification forms before signing them and were thus not aware of their contents. Further, numerous complaints were once again received from recently arrived foreign nationals that they had not been given an opportunity to notify their family of their detention and whereabouts.

Moreover, similar to the situation observed during the 2017 visit, many foreign nationals were unaware of the possibility of having access to a lawyer. The delegation also gained the impression that the system of legal aid for immigration detainees was far from being effective in practice; it came across only a few cases in which an *ex officio* lawyer had been appointed. The CPT reiterates its recommendation that the Turkish authorities take appropriate steps – in consultation with the relevant Bar Associations – to ensure that, in all removal centres in Türkiye, immigration detainees can effectively benefit from the services of a lawyer as from the outset of their deprivation of liberty (including through the provision of legal aid for foreign nationals who are not able to pay for legal services).

The CPT visited for the first time the holding facilities for foreign nationals in the transit zone of Istanbul Airport which comprises two units, one for passengers declared inadmissible and one for foreign nationals who have requested international protection. Material conditions in both units were acceptable for short stays (that is, several days); the premises were in a good state of repair and clean, and all rooms were equipped with air conditioning. However, it is a matter of serious concern that none of the rooms had

access to natural light and the holding facilities did not have a designated area for outdoor exercise (as had also been the case in the previous holding facilities at Istanbul Atatürk Airport). Whilst acknowledging that asylum seekers were offered the possibility to have access to fresh air on a small balcony within the transit zone, the entire facilities were clearly unsuitable for holding foreign nationals for prolonged periods.

In this regard, the Committee takes note of the information provided by the authorities that a decision had recently been taken to construct a new and larger holding facility for foreign nationals at Istanbul Airport; it requests detailed information on the arrangements made in the new holding facility to offer all foreign nationals (including passengers declared inadmissible) daily outdoor exercise and a range of recreational activities.

Situation of prisoners held at Imralı Prison

As during previous visits, all prisoners indicated that they were treated by staff correctly. Further, the healthcare services and material conditions of detention remained generally satisfactory.

However, it is a matter of serious concern that, despite the specific recommendations repeatedly made by the Committee, the situation has not improved at all since the 2019 visit regarding the prisoners' regime. They were still only allowed to associate all together for six hours per week, as well as in pairs for an additional three hours per week, and association during daily outdoor exercise remained prohibited. The CPT reiterates that it is not acceptable to limit prisoners' association to a mere nine hours per week and that there can be no legitimate security considerations to justify the imposition of such a restrictive regime. It is of even greater concern that, as a result, all prisoners continue to be held in solitary confinement for years on end.

It is also a matter of grave concern that, with one exception, the prisoners had been prevented from receiving any visits from family members since August 2019, on the basis of disciplinary sanctions imposed for specious reasons. The CPT recalls that such a practice constitutes a manifest disregard of the European Prison Rules, according to which any restrictions on family contact as a form of disciplinary punishment should be applied only when the offence relates to such contact. Further, the Committee notes with concern that, since early August 2019, all prisoners have been prevented from receiving visits from their lawyers, on the basis of a judicial ban renewed every six months.

The CPT stresses that the cumulative effect of the solitary confinement regime and the drastic restrictions regarding contact with the outside world – imposed on the prisoners for years on end – may, in its view, easily raise an issue under Article 3 of the European Convention on Human Rights. It once again calls upon the Turkish authorities to take steps without further delay to ensure that all prisoners held at Imralı Prison are allowed to associate together during daily outdoor exercise (as well as during all other out-of-cell activities) and are effectively able, if they so wish, to receive visits from their family members and lawyers. More generally, the Committee reiterates that the very concept of the detention regime of persons sentenced to aggravated life imprisonment – as defined in Section 25 of the Law on the Execution of Sentences – is fundamentally flawed and calls upon the authorities to carry out a complete overhaul of this detention regime.