

VISIT REPORT

TÜRKİYE

September 2022



CPT

EUROPEAN COMMITTEE
FOR THE PREVENTION OF
TORTURE AND INHUMAN OR
DEGRADING TREATMENT
OR PUNISHMENT

AD HOC VISIT
20 - 29 September 2022

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Prevention of Torture and Inhuman
or Degrading Treatment or Punishment

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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.

I. INTRODUCTION

A. The visit, the report and follow-up

1. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as “the Convention”), a delegation of the CPT carried out a visit to Türkiye from 20 to 29 September 2022, which was one that appeared to the Committee “to be required in the circumstances”.¹

2. The main objective of the visit was to review the treatment and conditions of detention of foreign nationals² 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 CPT in the report on its 2017 periodic visit. To this end, the delegation visited the following establishments where foreign nationals were being held:

- Edirne Removal Centre
- Gaziantep Removal Centre
- Istanbul-Silivri Removal Centre
- Istanbul-Tuzla Removal Centre
- Şehit Ozan Özen (Pendik) Branch of the Unit for the Fight against Migrant Smuggling of Istanbul Police Department
- Tuzla Branch of the Unit for the Fight against Migrant Smuggling of Istanbul Police Department
- Holding facilities for foreign nationals in the transit zone of Istanbul Airport.

3. On the occasion of the visit, the delegation also went to Imralı F-type High-Security Prison, in order to examine the treatment and conditions of detention of all (four) prisoners held in the establishment. In this connection, particular attention was paid to the communal activities offered to the prisoners and their contacts with the outside world.

4. The visit was carried out by the following members of the CPT:

- Therese Rytter, 2nd Vice-President of the CPT (Head of Delegation)
- Hans Wolff, 1st Vice-President of the CPT (*from 20 to 23 September 2022*)
- Marius Caruana
- Nikola Kovačević
- Jari Pirjola.

They were supported by Michael Neurauter (Deputy Executive Secretary) and Elvin Aliyev of the CPT’s Secretariat and assisted by an expert, Richard Kirk, Clinical Director of Healthcare in Prison in Northern Ireland (United Kingdom).

5. The report on the visit was adopted by the CPT at its 110th meeting, held from 6 to 10 March 2023, and transmitted to the Turkish authorities on 31 March 2023. The various recommendations, comments and requests for information made by the CPT are set out in bold type in the present report. The CPT requests the Turkish authorities to provide within three months a response containing a full account of action taken by them to implement the Committee’s recommendations and replies to the comments and requests for information formulated in this report.

1. With the exception of the report on the August/September 2016, the reports on all previous CPT visits to Türkiye and related Government responses are available on the Committee’s website: <https://www.coe.int/en/web/cpt/turkiye>

2. The term ‘foreign nationals’ includes migrants in an irregular situation as well as refugees and asylum seekers.

B. Consultations held by the delegation and co-operation encountered

6. In the course of the visit, the delegation held consultations with Süleyman Soylu, Minister of the Interior, Savaş Ünlü, Head of the Presidency of Migration Management, and senior officials from the Ministry of the Interior (including the Gendarmerie General Command and the Coast Guard Command).

The delegation also met with Akın Gürlek, Deputy Minister of Justice, and Enis Yavuz Yıldırım, Director General of Prisons and Detention Centres, as well as with other senior officials of the Ministries of Justice and Foreign Affairs, to discuss the implementation of long-standing recommendations made by the CPT concerning Imralı Prison.

In addition, meetings were held with Muharrem Kılıç, President of the Human Rights and Equality Institution of Türkiye, in his capacity as Head of the National Preventive Mechanism (NPM) set up under the Optional Protocol to the United Nations Convention against Torture (OPCAT), as well as with representatives of the Ankara Office of the United Nations High Commissioner for Refugees (UNHCR) and members of non-governmental organisations.

A list of the national authorities and organisations with whom the delegation held consultations is set out in the Appendix to this report.

7. Throughout the visit, the delegation received excellent co-operation from both the national authorities and the management and staff at the establishments visited. The delegation enjoyed rapid access to all the establishments it wished to visit, was able to interview in private persons deprived of their liberty and was provided with the information (including individual medical and administrative files) necessary for carrying out its task.

The CPT would like to express its gratitude to the Armed Forces for providing the delegation with transportation by helicopter for the visit to Imralı Prison. The Committee would also like to thank Ms Halime Ebru Demircan and Ms Banu Pulat Bucaklı, from the Ministry of Foreign Affairs, for the assistance provided before and during the visit.

C. Immediate observation under Article 8, paragraph 5, of the Convention

8. During the end-of-visit talks with the Turkish authorities on 29 September 2022, the delegation outlined the main facts found during the visit. On that occasion, the delegation made an immediate observation under Article 8, paragraph 5, of the Convention, requesting the Turkish authorities to take urgent measures to ensure that the detention facilities at Şehit Ozan Özen (Pendik) and Tuzla Branches of the Unit for the Fight against Migrant Smuggling of Istanbul Police Department undergo a complete renovation.

By letters of 11 October and 28 November 2022, the Turkish authorities provided information on various issues raised by the delegation during the end-of-visit talks, including on the measures taken in response to the above-mentioned immediate observation. This information has been taken into account in the relevant sections of the present report.

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Before setting out the findings of the visit, the CPT would like to emphasise that its members are deeply saddened by the devastating impact of the earthquake of 6 February 2023, which killed tens of thousands and injured more than one hundred thousand people in Kahramanmaraş and several neighbouring provinces. The Committee wishes to express its solidarity with the Turkish authorities and its sincere condolences and sympathy to the victims and their families.

II. Facts found during the visit and action proposed

A. Foreign nationals detained under immigration legislation

1. Preliminary remarks

9. At the outset, the CPT wishes to place on record 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; at the time of the 2022 visit, Türkiye was hosting close to 3.7 million Syrians under temporary protection and over 300 000 refugees and asylum seekers of various other nationalities (primarily Afghans and Iraqis). The Committee is mindful of the tremendous challenges posed by such an unprecedented number of migrants arriving in Türkiye.

10. Since the CPT's 2017 visit, the Turkish authorities have continued to make significant investments in the modernisation of the physical infrastructure used for immigration detention. The delegation was informed that several new removal centres had been constructed and the capacity of some of the existing ones had been increased.

At the time of the visit, there were 30 removal centres in 25 different provinces, operating under the authority of the Presidency of Migration Management (PMM).³ The total capacity of these centres reached 18 000 places.⁴ By comparison, at the time of the 2017 visit, there were 22 removal centres with a total capacity of 8 136. Moreover, plans were afoot to build two more removal centres in the Istanbul area, with a total capacity of 1 500 places. It is noteworthy that several removal centres had been closed in the meantime, because of substandard material conditions.⁵

The delegation was also informed of measures taken by the authorities to ensure that the administrative detention of foreign nationals was used as a last resort (see paragraph 12).

11. The basic legal framework governing the deprivation of liberty of foreign nationals under immigration legislation remained largely unchanged since the 2017 visit. It is recalled that, according to Section 57 of the 2013 Law on Foreigners and International Protection (LFIP), whenever a foreign national is apprehended by law enforcement officials on immigration-related grounds, the case must be immediately reported to the relevant provincial governorate which must decide, within 48 hours, whether to issue a removal order. In the affirmative, the provincial governorate must also take a decision as to whether to impose administrative detention pending removal or to apply an alternative non-custodial measure.⁶ A foreign national subjected to administrative detention must be taken to a removal centre by the apprehending law enforcement agency within 48 hours of the issuance of a detention order.

The duration of detention pending removal must not exceed six months; this period may however be extended to a maximum of twelve months if the removal proceedings cannot be completed due to the foreign national's failure to co-operate or to provide correct information or documents about their country of origin (Section 57, paragraph 3, LFIP). Further, the duration of administrative detention of asylum seekers shall not exceed 30 days (Section 68, paragraph 5, LFIP).⁷

3. In October 2021, the Directorate General of Migration Management, the main agency within the Ministry of the Interior in charge of migration, asylum and immigration detention related matters, was restructured into the Presidency of Migration Management.

4. Some 14 000 foreign nationals were being held at these facilities at the time of the visit.

5. Including Izmir-Işıkent Removal Centre which had been repeatedly criticised by the CPT in previous visit reports.

6. Administrative detention pending removal shall be imposed on a foreign national who: (a) may abscond or disappear; (b) has violated rules for entry into and exit from Türkiye; (c) has used false or fabricated documents; (d) did not leave Türkiye within the granted period without justified reasons; (e) poses a threat to public order, public safety or public health (Section 57, paragraph 2).

7. Administrative detention of asylum seekers shall be an exceptional measure and may only be applied on the following grounds: (a) to determine the identity or nationality of the foreign national when there are serious doubts as to the accuracy of the information provided by them; (b) to prevent illegal entry to the country; (c) when administrative detention is necessary for the proper assessment of an asylum application; (d) when the foreign

12. In December 2019, the LFIP underwent a number of changes following the adoption of Law No. 7196. In particular, a new Section 57/A was incorporated into the law, introducing a range of alternatives to pre-removal detention of foreign nationals. These include measures such as residence at a specific address, regular reporting, return counselling, and electronic tagging.⁸ The law provides that alternatives to detention can be applied for a maximum period of 24 months and that foreign nationals may be subject to administrative detention for non-compliance with such a measure.

The CPT is also pleased to note the adoption, in September 2022, of the Regulation on Alternative Liabilities to Administrative Custody, with the aim of making wider use of alternative non-custodial measures in respect of foreign nationals.

Bearing in mind the generally high turnover of detained persons in removal centres (see paragraph 15) and its negative impact on the living conditions of foreign nationals as well as on the overall functioning of these establishments, the Committee trusts that the relevant authorities will have greater recourse to alternatives to immigration detention.

13. Law No. 7196 also amended Sections 59 and 66 of the LFIP, stipulating that apprehended unaccompanied minors shall not be held in removal centres but be placed in facilities operated by the Ministry of Family and Social Services. The CPT welcomes this legislative development. Indeed, during the 2022 visit, the delegation noted that no unaccompanied minors were held in the removal centres visited (nor in the holding facilities in the transit zone of Istanbul Airport).⁹

That said, the visit revealed that accompanied minors continued to be detained in removal centres with their families. In this regard, the CPT wishes to stress that any form of deprivation of liberty may have a detrimental effect on the physical and mental development and well-being of minors.

The Committee therefore 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.

14. In all removal centres, custodial functions are performed by private security staff (*özel güvenlik*) under the supervision of the management, while members of the gendarmerie are generally only responsible for perimeter security and detainee transfers.¹⁰

The CPT recalls that the handling of foreign nationals who are detained pending deportation is a particularly challenging task for both staff and management. In this regard, it is a matter of concern that newly recruited junior custodial staff in the removal centres visited had received hardly any specific training for working with immigration detainees.¹¹

The Committee recommends that the Turkish authorities take the necessary steps to ensure that custodial staff working in removal centres are provided with appropriate training (including in de-escalation techniques, interpersonal communication and cultural sensitivity). Further, at least some of them should have relevant language skills. It would also be desirable for staff to benefit from adequate psychological support.

national poses a serious threat to public order or public safety (Section 68, paragraph 2).

8. Decisions to impose electronic tagging can be appealed against in court (Section 57/A, paragraph 5, LFIP).

9. It is noteworthy that a policy decision had been taken by the Turkish authorities already in 2017 to no longer hold unaccompanied minors in removal centres.

10. Nevertheless, the gendarmerie may be called upon to intervene in exceptional situations (for example, disturbances, serious incidents of inter-detainee violence, etc.).

11. According to information provided to the delegation, they had only received some internal on-the-job training in handling agitated detainees and administering first aid.

15. As indicated above, the delegation visited four removal centres in different provinces, as well as the holding facilities for passengers declared inadmissible and for asylum seekers in the transit zone of Istanbul Airport.

Edirne Removal Centre, opened in 2012, is located close to the borders with Greece and Bulgaria and was already visited by the CPT in 2015. Since then, the establishment's official capacity had increased from 400 to 500 places, and on the first day of the visit it was accommodating 353 foreign nationals (including 23 women and 15 children). The Centre had a very high turnover of detainees, with up to 350 admissions per week. Most of the foreign nationals present at the time of the visit had been held in the establishment for a period lasting between several days and a few months, the average stay reportedly being 18½ days.

Gaziantep Removal Centre is located in the south-east of the country, close to the border with Syria. Originally built (in 2016) as an open reception centre for asylum seekers, the Centre comprises two four-storey accommodation buildings (Blocks A and B) which are interconnected on the ground floor by a corridor. With an official capacity of 750 places, it was accommodating 741 foreign nationals on the first day of the visit (including 57 women and 36 children). As at Edirne, there was a very high turnover, with some 200 to 250 foreigners entering and leaving every week. According to statistics provided by the management, since 1 January 2022, over 8 300 foreign nationals had been admitted to the Centre; some 1 200 of them had been deported, while the great majority had been released upon completion of the relevant procedures.¹² Nevertheless, a considerable number of detainees had already spent several months in the Centre at the time of the visit, the longest stay being close to twelve months.

Silivri Removal Centre, opened in 2016 as the country's only dedicated removal centre for women, is located in the European part of the Istanbul metropolitan area. The Centre was holding 177 women and 25 children at the time of the visit, for an official capacity of 170 places; the delegation was told that an additional 20 beds had been put in dormitories in view of the current overpopulation. The average stay in the establishment was said to be about eight days, the longest stay at the time of the visit being close to two months.

Tuzla Removal Centre is located in the Asian part of the Istanbul Province. The facility entered into service in 2018 and is composed of rectangular metal containers used for accommodation. The detention areas were divided into two more or less identical accommodation blocks, each of them around a central exercise yard contained by a wire fence. The Centre had an official capacity of 500 places; however, due to ongoing refurbishment in a number of containers, it was operating with a reduced capacity of 350 at the time of the visit and was accommodating 323 foreign nationals (practically all of them male adults from Afghanistan). The delegation was told that the establishment had an exceptionally high turnover of detainees, with up to 2 500 admissions every week, and that the usual stay in the establishment did not exceed one week.

The holding facilities for foreign nationals in the transit zone of Istanbul Airport (opened in March 2019) comprise two units, one for passengers declared inadmissible ("INAD unit") and one for foreign nationals who have requested international protection ("international protection unit"). Both units are administered by the PMM. For further details, see Section 7 of the report.

16. In the course of the visit, the delegation also went to two temporary reception centres for foreign nationals detained by the police, namely Şehit Ozan Özen (Pendik) and Tuzla Branches of the Unit for the Fight against Migrant Smuggling of Istanbul Police Department. For further details, see Section 6 of the report.

12. Alternatives to detention had reportedly been applied to almost 5 200 foreign nationals during the same period.

2. Ill-treatment

17. 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. Further, although occasional fights between detainees did reportedly occur, inter-detainee violence did not appear to be a major problem in any of these establishments, and no complaints were received in this regard from foreign nationals.

18. 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 custodial staff, in respect of which administrative inquiries (*idari soruşturma*) had been initiated.¹³

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 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 Gaziantep, Silivri and Tuzla 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.

Further, the Committee would like to be informed of the outcome of the proceedings into the above-mentioned three cases of alleged ill-treatment at Gaziantep Removal Centre and, where appropriate, of the sanctions imposed on the staff members concerned (at the disciplinary and/or criminal level).

19. Both before and after the visit, the CPT received reports from various sources suggesting that 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 CPT urges the Turkish authorities 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*.

3. Conditions of detention in the removal centres visited

a. material conditions

20. Conditions of detention were on the whole satisfactory at *Edirne, Gaziantep and Silivri Removal Centres*. These establishments provided accommodation for foreign nationals in multiple-occupancy rooms (six to 12 beds, mostly in double bunks, with appropriate bedding) which were in an adequate state of repair, were reasonably clean and had sufficient lighting (including access to natural light) and ventilation. Further, every room/dormitory was equipped with cupboards as well as with a fully partitioned sanitary annexe containing one or two toilets, a shower and washbasins. At Edirne Removal Centre, the delegation noted positively that the section for women and children had only single beds.

13. A.A. – September 2022; M.M. – August 2022; Z.O. – August 2022.

However, at Gaziantep Removal Centre, several of the six-bed rooms, which measured some 23 m² (excluding the floor space taken up by the sanitary annexe), were holding seven or eight persons. As a result, conditions in those rooms were cramped and a number of detainees had to sleep on mattresses placed on the floor. It should be noted in this regard that, on the second day of the delegation's visit to the Centre, the number of foreign nationals detained in the establishment dropped from 741 to 690,¹⁴ and the management assured the delegation that any instances of local overcrowding would be dealt with.

Furthermore, as during the 2015 visit, accommodation at Edirne Removal Centre was mainly provided in 12-bed dormitories which measured only some 36 m² (excluding the sanitary annexe). Although no overcrowding was observed at the time of the visit (each dormitory holding no more than nine persons), the national standard of at least 4 m² of living space per detained person¹⁵ would not be respected if the establishment were to operate at its full capacity.

21. At *Istanbul-Tuzla Removal Centre*, each accommodation container was equipped with six beds (in double bunks) with full bedding, cupboards, and a separate sanitary annexe, comprising a toilet, a shower and a washbasin. The containers were generally in an acceptable state of repair, had sufficient lighting and were fitted with air conditioning. However, the delegation noted that several of them were in a poor state of hygiene, with flooded and malodorous sanitary facilities, while some had a broken air conditioner and were consequently very hot and stuffy, which had led persons held in such cells to break the windows to improve the airflow. Further, the containers were infested with bed bugs and cockroaches, despite efforts being made by the management by way of replacing mattresses and carrying out a monthly disinfestation, which was clearly not sufficient.

Moreover, while each accommodation container measured only some 14.5 m² (excluding the sanitary annexe), many containers throughout the establishment were holding five or six persons, under very cramped conditions (between 2.4 and 3 m² of living space per person) and with only limited possibilities to go to the open air (see paragraph 26).

22. The CPT recommends that the official capacities of Edirne and Tuzla Removal Centres be recalculated to ensure that multiple-occupancy rooms provide at least 4 m² of living space per person – not counting the area taken up by the sanitary annexe – and that future occupancy levels be always kept within the limits of the new capacities.

Further, more efforts should be made at Gaziantep Removal Centre to achieve a more even distribution of persons between accommodation rooms, so as to ensure that all foreign nationals have their own bed and are provided with at least 4 m² of living space per person (as required by law).

23. As already mentioned above, Tuzla Removal Centre was undergoing rolling refurbishment at the time of the visit.

The CPT would like to receive an account of the measures taken to improve material conditions in this removal centre and confirmation that all accommodation areas currently in use, including sanitary facilities, are kept in a satisfactory state of repair and hygiene.

24. In all the removal centres visited, foreign nationals could in principle take a shower every day and were regularly provided with personal hygiene items, as well as with clothing if needed. However, at Gaziantep Removal Centre, a number of female detainees complained about an insufficient supply of sanitary towels.

Steps should be taken to remedy this shortcoming.

14. The delegation was informed that 51 foreign nationals had been applied measures alternative to detention.

15. See Section 21 (1) of the 2015 Guidelines on Removal Centres.

b. regime

25. Conditions of detention for foreign nationals should reflect the nature of their deprivation of liberty, with limited restrictions in place and a varied regime of activities. Within the detention facility, detained persons should be restricted in their freedom of movement as little as possible.

26. The CPT is pleased to note that, 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 Removal Centre* 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 day¹⁶ was not always guaranteed at *Gaziantep and Silivri Removal Centres*, including in respect of women with children. For example, at *Silivri*, an examination of the relevant records revealed that access to the open air was often granted for less than one hour and on some days not even offered at all.¹⁷ At *Gaziantep*, it appeared that access to outdoor exercise was often limited to some 30 minutes per day.¹⁸ This is not acceptable.

By far the worst situation observed was at *Tuzla Removal Centre*. It transpired from interviews with detained foreign nationals that, unlike in the other removal centres visited, they 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.

27. By letter of 28 November 2022, the Turkish authorities informed the Committee that, following the CPT's visit, an instruction had been issued by the Presidency of Migration Management to all removal centres "to pay utmost attention to guaranteeing at least one hour of daily outdoor exercise and to take the necessary measures, as far as possible, to increase this period".

The CPT takes note of this information; it recommends that the Turkish authorities take steps to significantly increase the daily outdoor exercise period for foreign nationals held at Gaziantep, Silivri and Tuzla Removal Centres. In doing so, due consideration should be given to following the positive example of Edirne Removal Centre.

28. As regards activities available to detained foreign nationals, the situation varied from one establishment to another. The delegation was pleased to note that *Gaziantep Removal Centre* had a designated area with several classrooms, offering a range of courses (such as Turkish language, Koran lessons, hairdressing, handicrafts, and music) to foreign nationals. However, it appeared from interviews with both male and female detainees that only a limited number of them were involved in these activities. On a more positive note, all detainees could watch television in common rooms and borrow books from the library. In addition, men had weekly access (for up to two hours) to an indoor sports hall where they could play football.

In addition to the possibility of being outside all day long, women held at *Edirne Removal Centre* also had ready access to a television room and a library. Further, the establishment's female section had an activity room equipped with various appliances where, according to the management, female foreign nationals could engage in sewing, handicrafts and drawing. However, many women with whom the delegation spoke stated that these activities were not available to them. As regards male adults, it appeared that hardly any activities were offered to them except for outdoor exercise.

16. See Section 44 (1) of the 2016 Guidelines on the Operation of Removal Centres.

17. The Centre had a large and well-equipped yard comprising a football/basketball pitch and a colourfully decorated playground for children with slides and other child-friendly equipment.

18. Male adults could generally go outdoors for about one hour or – those accommodated on the ground floor who had direct access to the yard – even longer.

29. The situation was far less favourable at *Silivri Removal Centre*: apart from the limited possibility for outdoor exercise, no organised activities were on offer, and detained women had to spend their days strolling around in the corridors or sitting in their dormitories.

The CPT is particularly concerned about the situation of foreign nationals held at *Tuzla Removal Centre*. Although each of the establishment's two accommodation blocks had an outdoor basketball court as well as a spacious dining room equipped with TV sets an area for arts and craft, it appeared that these facilities had not been used – or only rarely used – for the intended purpose. Consequently, foreign nationals spent almost the entire day in often overcrowded rooms, with hardly any activities to occupy their time.

Whilst acknowledging that most foreign nationals were held in these two removal centres for only short periods of time (that is, 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 (for example, books, board games, sports, etc.), should be introduced, making the best use of the existing facilities.

30. As already indicated above, Edirne, Gaziantep and Silivri Removal Centres were each accommodating a certain number of children staying with their mothers.

The delegation noted that some efforts were being made at Edirne and Gaziantep to provide children of pre-school age with some form of activity.¹⁹ For example, Gaziantep Removal Centre possessed a well-equipped kindergarten (comprising several playrooms) run by a teacher, which was accessible on weekdays. That said, the children had almost no possibility to exert themselves physically due to the very limited access to the outdoor yard (see paragraph 26). At Edirne, some educational activities were reportedly organised for young children, who also had access to a playroom and an outdoor playground. However, it is a matter of concern that in neither of these removal centres were any educational activities offered to children of school age, some of whom had been staying in the establishments for many months.

As regards Silivri Removal Centre, the establishment had a suitably equipped playroom which, however, was only available for one hour per day during the week (and not at all on weekends). Further, as access to outdoor exercise was very limited (see paragraph 26), children were hardly able to benefit from the establishment's well-equipped playground.

The Committee must stress 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.

31. The CPT recommends that the Turkish authorities take further steps at Edirne and Gaziantep Removal Centres to improve foreign nationals' access to purposeful activities, in light of the above remarks. The longer the period for which foreign nationals are detained, the more developed should be the activities which are offered to them.

- **Steps should also be taken at Silivri and Tuzla Removal Centres – given the relatively short stays in both establishments – to provide foreign nationals with at least a minimum of activities, such as access to television and other appropriate means of recreation (for example, reading matter, board games, sports, etc.).**
- **The Committee also recommends that the Turkish authorities take steps to ensure that:**
- **school-age children, especially those staying for prolonged periods, at Edirne and Gaziantep Removal Centres (and, where appropriate, in other removal centres in Türkiye) are provided with suitable educational activities;**

19. The delegation was informed that a co-operation agreement had been concluded with the Ministry of National Education in March 2022 to provide education to children in removal centres.

- **children at Gaziantep and Silivri Removal Centres benefit from significantly more access to outdoor exercise so as to allow them to exert themselves physically;**
- **children's access to the playroom at Silivri Removal Centre is increased.**

4. Healthcare services in the removal centres visited²⁰

32. The 2022 visit revealed that some progress had been made since 2017 as regards the presence of doctors in removal centres. The delegation noted that the healthcare staff in all the establishments visited included the equivalent of at least one full-time doctor. Tuzla Removal Centre had three full-time doctors (ensuring a 24-hour presence seven days a week), while Gaziantep, Edirne and Silivri Removal Centres each employed two or more part-time doctors working on a rota basis and covering together one full-time equivalent post.

Further, it is positive that Gaziantep and Tuzla Removal Centres benefited from the round-the-clock presence of nursing staff (including at weekends).²¹

That said, steps should be taken to ensure that a person competent to provide first aid (who is properly trained and certified in the application of cardiopulmonary resuscitation and the use of an automated external defibrillator) is always present at Edirne and Silivri Removal Centres as well as in all other removal centres in Türkiye (see also paragraph 42).

33. As already indicated, 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 establishments, with the result that the provision of healthcare to foreign nationals was generally limited to symptomatic control.

34. The CPT wishes to reiterate the importance of systematic and prompt medical screening of detained foreign nationals upon admission. Such screening is essential for identifying physical and mental health problems and preventing the spread of transmissible diseases, as well as for the timely recording of any injuries and reporting allegations of ill-treatment to the competent authorities.

In this regard, the Committee was very concerned to note that, despite the specific recommendation 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.

35. At Edirne and Gaziantep, foreign nationals underwent a mandatory medical check at a public hospital before being brought to the removal centre (as is required for any person detained by law enforcement agencies) and, as a rule, were not medically examined upon admission to the centre. Further, the delegation noted that public hospitals often issued collective injury reports, which comprised a note by the doctor indicating that the foreign nationals concerned had no injuries, attached to a single page with a list of names and identification numbers of the persons making up the group.²² In this regard, many foreigners met by the delegation stated that when taken to hospital they had been simply asked as a group if they had any health problems and had not been examined at all. Some immigration detainees even claimed that they had had to wait in the police van outside the hospital, while a police officer went inside to obtain a medical report signed by a doctor.

20. Given that the delegation's visit to Silivri Removal Centre took place on a Sunday, no assessment could be made of the healthcare services in this establishment.

21. There were five full-time nurses at Gaziantep and three at Tuzla, while Edirne and Silivri each had one full-time nurse.

22. The number of foreign nationals covered by such collective reports varied from a few to many, the delegation coming across one such report with 27 names.

The CPT considers that the current arrangements are not fit for purpose; even if the aforementioned medical checks were conducted properly, there would still be a need for detained foreign nationals to undergo a thorough medical screening by healthcare staff upon their admission to a removal centre.

36. It is of all the more concern that, at Edirne Removal Centre, the injury reports issued by public hospitals prior to admission were not reviewed by the establishment's medical unit and it appeared that, even when newly arrived foreign nationals had visible injuries, they were usually not seen by the Centre's doctor (unless they expressly requested to be seen).

37. At Tuzla, mandatory medical checks of detained foreign nationals were performed in the Centre's medical unit. However, the existing arrangements for such examinations were far from satisfactory. Due to the high turnover of detainees, the procedure usually took the form of either extremely brief encounters with a doctor²³ or "collective examinations" based on one or two basic questions posed to groups of newly arrived foreign nationals and, as such, generally did not allow for the detection of bodily injuries, actual medical conditions, or specific needs.

38. It is also a matter of concern that in none of the establishments visited were newly arrived foreign nationals screened for symptoms of transmissible diseases (such as tuberculosis, diphtheria and scabies).

39. As regards the recording of injuries, at Gaziantep and Tuzla Removal Centres, the delegation was told that an individual report was drawn up only when the foreign national concerned displayed visible injuries. Any related allegations made by that person were reportedly also recorded, but the doctors did not generally attempt to give indications as to the consistency between the allegations made and the medical findings. Further, it remained unclear to the delegation as to what extent allegations of ill-treatment and related injuries were reported to the competent authorities.

As concerns Edirne Removal Centre, the doctor met by the delegation appeared to be unaware of the need to record traumatic lesions observed on detained persons.

40. In light of the above, the CPT recommends that the Turkish authorities take the necessary steps to ensure that in all removal centres in Türkiye:

- **every foreign national detained for more than 24 hours is subjected to health screening (for example, by means of a standardised questionnaire completed by healthcare staff) as soon as possible after their admission, by a doctor or a nurse reporting to a doctor. To this end, the existing nursing staff resources should be reviewed;**
- **the screening includes a physical examination of the person concerned and is carried out in close co-operation with a (clinical) psychologist in order to assess the following issues: chronic illnesses, medication, infectious diseases, substance use, physical disabilities, mental disorders, suicide risk, as well as post-traumatic stress disorder as a result of having been a victim of violence (including sexual or gender-based violence) or human trafficking;**
- **an individual medical file is opened for every newly admitted foreign national;**
- **the record drawn up after the physical examination contains: (i) a full account of objective medical findings based on a thorough examination (supported by a 'body chart' for marking any traumatic injuries and photographs of injuries); (ii) an account of statements made by the person concerned which are relevant to the medical examination (including their**

23. The delegation had the opportunity to observe some new arrivals queuing for their injury report: four consecutive consultations took about one minute in total.

description of their state of health and any allegations of ill-treatment); (iii) the healthcare professional's observations in light of (i) and (ii), indicating the consistency between any allegations made and the objective medical findings. The results of every examination, including the above-mentioned statements and the healthcare professional's observations, should be made available to the detained foreign national and their lawyer.

- Further, whenever injuries are recorded which are consistent with allegations of ill-treatment by the foreign national (or which, even in the absence of the allegations, are indicative of ill-treatment), the information should be systematically brought to the attention of the competent prosecutor, regardless of the wishes of the person concerned. Healthcare staff should advise detained foreign nationals of the existence of the reporting obligation and also that the forwarding of the report to the competent authorities is not a substitute for the lodging of a complaint in a proper form.

41. In all the removal centres visited, foreign nationals' access to a doctor did not seem to pose a problem. It appeared that they had prompt access to emergency care as well as access to specialist care (including psychiatric care) in local hospitals.

42. The healthcare facilities at Tuzla Removal Centre were of good quality and properly equipped, including with the necessary lifesaving equipment. Healthcare facilities were also generally satisfactory at Edirne and Gaziantep Removal Centres.

However, both establishments lacked some essential equipment; for example, there was no ECG machine or automated external defibrillator (AED) at Edirne and no oxygen or AED at Gaziantep.

The CPT recommends that steps be taken at Edirne and Gaziantep Removal Centres and, where appropriate, in other removal centres in Türkiye to improve the equipment of medical units, in light of the above remarks. In this regard, Tuzla Removal Centre could, in many respects, serve as a model for other removal centres in the country.

43. Edirne and Tuzla Removal Centres were well stocked with an appropriate range of medication. However, this was not the case at Gaziantep where, as acknowledged by staff, occasional interruptions in the supply of medication and clinical consumables could occur.

III The CPT recommends that this shortcoming be remedied.

44. It is a matter of concern that, despite specific recommendations repeatedly made after previous visits, medical confidentiality was still far from guaranteed in the removal centres visited. The delegation noted that medical examinations of foreign nationals at Edirne and Gaziantep Removal Centres were usually carried out in the presence of custodial staff. Further, at Gaziantep and Tuzla Removal Centres, custodial staff had full access to medical documentation.

45. In their letter of 28 November 2022, the Turkish authorities indicate that, shortly after the CPT visit, a letter was sent by the PMM to all removal centres emphasising the need to ensure that medical confidentiality is respected during all medical consultations.

The Committee takes note of this information and wishes to reiterate that all medical examinations of detained foreign nationals should be conducted out of the hearing and – unless the healthcare professional concerned requests otherwise in a particular case – out of the sight of non-medical staff. Further, the CPT recommends that steps be taken at Gaziantep Removal Centre to ensure that medical data are, as a rule, not accessible to non-medical staff (it being understood that custodial staff may be provided with the medical information necessary to carry out their duties).

46. At Edirne Removal Centre, the delegation received complaints from some foreign nationals that they had been unable to communicate with the doctor as no interpretation had been provided.

III The CPT recommends that steps be taken to ensure that, whenever required, detained foreign nationals have appropriate access to interpretation services (for instance, by telephone) during medical consultations at Edirne Removal Centre as well as in all other removal centres in Türkiye.

47. Each of the removal centres visited employed one or two psychologists whose responsibilities included interviewing newly admitted foreign nationals and filling out, within 48 hours of admission, a Preliminary Evaluation Form (*Ön Değerlendirme Formu*). The form aimed at screening the foreign national concerned for any vulnerabilities based on a number of criteria, such as pregnancy, addiction, psychiatric treatment, chronic illness, infectious disease, disabilities, being an unaccompanied minor, an LGBTI person or a victim of torture/sexual abuse/human trafficking, self-harm, and advanced age. If any of these criteria was found to be relevant during the preliminary assessment, the psychologist completed a more detailed evaluation form, together with a report with recommendations to the PMM about the vulnerabilities found, needs for referrals to specialist care (be they mental health institutions or general hospitals), needs for individual interventions or recommendations about the application of alternatives to detention.²⁴

However, it transpired from the delegation's interviews with staff that, due to the large numbers of admissions and the limited staff resources in the establishments visited, the psychologists were often unable to conduct initial assessments properly. Moreover, as their workloads were dominated by tasks related to the assessment of new arrivals, very little time was left for any counselling. Indeed, the delegation heard complaints from a number of foreign nationals – some of whom appeared to be in a situation of acute stress and/or depression due to the imminent prospect of removal – that their requests to see a psychologist had not been met.

III The CPT recommends that the Turkish authorities review the provision of psychological care to foreign nationals at Edirne, Gaziantep and Tuzla Removal Centres and, as appropriate, in other removal centres, in light of the recommendations and remarks made in paragraphs 40 and 47. This will require *inter alia* reinforcing the establishments' staff complements as regards psychologists (preferably with clinical training). It is also important to ensure better co-operation and communication between the establishments' psychologists and healthcare staff.

48. At Tuzla Removal Centre, the delegation observed that plastic handcuffs were applied to several newly arrived foreign nationals while waiting in front of the medical unit to be seen by a doctor. The establishment's doctor acknowledged that it was not unusual for him to see patients while handcuffed.

In the CPT's view, to apply handcuffs to a detained person who is undergoing a medical examination is not acceptable from the standpoint of medical ethics and human dignity.

III The Committee recommends that this practice be stopped forthwith.

49. The delegation was informed that a co-operation agreement ('Protocol') between the PMM and the Ministry of Health was under preparation, with a view to improving the provision of healthcare services in removal centres. The protocol aims *inter alia* at establishing, in all removal centres, medical units attached to provincial health directorates (or social health centres) and recruiting sufficient numbers of staff as well as avoiding problems in the recording of patient information by using the Health Ministry's electronic data management system (*Muayene Bilgi Yönetim Sistemi*) in the removal centres. This is a most welcome initiative.

24. For example, at Tuzla Removal Centre, during the month of August 2022, the psychologist carried out 3 842 preliminary assessments, referred 158 persons for further medical evaluation and identified 20 vulnerabilities (such as addiction, disability, chronic illness, mental health problems and anti-social behaviour).



The CPT would like to receive a copy of this Protocol once it has been approved, together with its implementation plan.

5. Other issues related to removal centres

a. legal safeguards

50. The provisions of the LFIP setting out the legal safeguards for detained foreign nationals regarding the imposition of administrative detention, the granting of international protection and the implementation of the principle of *non-refoulement* have remained largely unchanged since the 2017 visit.²⁵

It is recalled that foreign nationals are entitled during the entire period of administrative detention to request a judicial review of their detention by the competent criminal court of peace.²⁶ Further, foreign nationals have the right to apply for international protection²⁷ as well as the right to be protected from removal to a country where the person concerned runs the risk of being subjected to torture or inhuman or degrading treatment or punishment or of facing a death penalty. Administrative decisions to reject any of these claims can be challenged before the competent administrative court (the appeal having suspensive effect).²⁸

More generally, the LFIP explicitly stipulates that no one shall be returned to a place where they may be subjected to torture, inhuman or degrading treatment or punishment or, where their life or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion (*refoulement*).²⁹

51. As had been the case during previous visits, in all the removal centres visited, foreign nationals were asked to sign, upon their admission, personalised notification forms regarding the imposition of removal and detention orders (respectively “Form T1” and “Form T3”), with an indication of the legal grounds for the measure. Both forms were bilingual (Turkish/foreign language)³⁰ and contained a section with information on rights (including legal remedies).

However, most of the foreign nationals met by the delegation in the removal centres visited claimed that they were not aware of the content of the notification forms, either because they had not been given time to read these forms before signing them or because they were illiterate. Further, some allegations were received that foreign nationals had to sign the forms in a language they did not understand, with no interpreter present.

25. As regards legal time-limits for the deprivation of liberty under immigration legislation, see paragraph 11.

26. Section 57, paragraph 6, and Section 68, paragraph 7. Further, according to Section 57, paragraph 4, the need for continued detention pending removal shall be reviewed (by the PMM) every month.

27. Which includes the granting of a “conditional” refugee status for persons who are nationals of non-European countries.

28. See Section 80, paragraph 4. According to Section 53, paragraph 3, foreign nationals who are the subject of a removal order are entitled to lodge an appeal against the order within seven days to the competent administrative court (with suspensive effect).

29. Section 4. Moreover, pursuant to Section 55, paragraph 1, a removal decision shall not be issued in respect of foreign nationals, (a) when there are serious indications to believe that they shall be subjected to the death penalty, torture, inhuman or degrading treatment or punishment in the country to which they shall be returned to; (b) who would face risk due to serious health condition, age or, pregnancy in case of travel; (c) who would not be able to receive treatment in the country to which they shall be returned while undergoing treatment for a life threatening health condition; (ç) victims of human trafficking, supported by the victim’s assistance programme; (d) victims of serious psychological, physical or sexual violence, until their treatment is completed.

30. The delegation was told that there were 23 language versions of each notification form.

The delegation also noted that, with some exceptions observed at Silivri, it was common practice in the removal centres visited not to provide immigration detainees with copies of these notification forms, despite the fact that each form contained a clause according to which PMM officials were required to hand over a copy of the form to the foreign national concerned and the latter was asked to confirm having received a copy of it by their signature.

The CPT recommends that the Turkish authorities take the necessary steps in all removal centres to ensure that all newly admitted foreign nationals are given sufficient time to read the above-mentioned notification forms – which should be drafted in a language they understand – before signing them and are provided with a copy of these forms. In the event that foreign nationals are illiterate or the form does not exist in the relevant language, the persons concerned should be informed of their rights with the assistance of an interpreter. Further, in order to enable them to exercise their rights, particular care should be taken to ensure that foreign nationals actually understand their rights and the procedure applicable to them.

52. In all the removal centres visited, posters with basic information on rights were displayed in different places, including the admission area. The delegation also noted the existence of an information booklet, prepared by the PMM, about basic rights (including the rights to apply for international protection and to have free legal aid) and obligations of detained foreign nationals as well as about services provided at the centre, which was reportedly available in several languages. However, the booklet does not refer to the right of detained foreign nationals to contact the embassy/consulate of their country of origin. Moreover, it appeared that in none of the removal centres visited were these booklets systematically distributed to newly arrived foreign nationals.

III The CPT recommends that steps be taken to remedy these shortcomings.

53. Once again, the delegation received numerous complaints from recently arrived foreign nationals in all the removal centres visited that they had not been given an opportunity to notify their family of their detention and whereabouts.

The CPT reiterates its recommendation that steps be taken in all the removal centres visited, as well as in other removal centres in Türkiye, to ensure that all newly admitted foreign nationals effectively benefit, if they so wish, from their right to inform a relative or another person of their choice of their detention.

54. As regards access to a lawyer, it should be recalled that Turkish law provides for free legal aid (through the Bar Association) for indigent immigration detainees who want to challenge an administrative detention order as well as for persons seeking international protection throughout the procedure (including at the appeal stage).³¹

That said, similar to the situation observed during the 2017 visit, the delegation's interviews in the removal centres visited revealed that many foreign nationals were unaware of the possibility of having access to a lawyer, and even fewer of them were also knowledgeable about the right to free legal assistance.³² Once again, allegations were received from foreigners that they had been told by staff that they had no right to a lawyer at all. The delegation also gained the impression that the system of legal aid for immigration detainees was far from being effective in practice;³³ it came across only a few cases in which an *ex officio* lawyer had been appointed. In this context, the delegation was also told by various interlocutors that language barriers and lack of interpretation were among important factors that impeded access to legal aid for detained foreign nationals.

31. Sections 57, paragraph 7, and 81, paragraph 2, of the LFIP.

32. In this regard, several foreign nationals stated that staff had informed them of the right to consult a lawyer but not of the possibility to benefit from legal aid.

33. For instance, at Gaziantep Removal Centre, the delegation was informed that none of the management's multiple requests for free legal aid submitted in the course of 2022 had been granted by the local Bar Association.

The CPT must reiterate once again 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).

Efforts should also be made to facilitate access to the removal centres by non-governmental organisations providing legal counselling to asylum seekers and migrants.

55. At Edirne and Gaziantep Removal Centres, a number of foreign nationals (including those classified as 'foreign terrorist fighters') met by the delegation claimed that they had been pressured to sign a voluntary return form.

Further, it became apparent that several foreign nationals held at Tuzla Removal Centre had been required to sign decisions regarding their removal and detention (T1 and T3 forms), along with a paper stating that they waived their right to appeal against the removal decision, while still being held at the police temporary reception facility pending their transfer to the removal centre. It also transpired from the information gathered that, in a number of cases, decisions on removal, excluding any risks of *refoulement* in accordance with Sections 4 and 55 of the LFIP, had been taken by the PMM without the person concerned having been interviewed by a migration specialist (prior to their arrival at the removal centre). In other words, the subsequent interview by a migration specialist in the removal centre seemed to be a mere formality to formally notify the decisions taken beforehand by the PMM. Moreover, as the delegation could observe for itself, some foreign nationals from Afghanistan stated during their interviews with a migration specialist that they ran a risk of persecution in the event of return to their country of origin; however, it would appear that those concerns were not taken into consideration by the migration specialist and that the persons concerned were not referred to the asylum (international protection) procedure.

The CPT must emphasise that any practices of the kind described above could easily undermine the protection of foreign nationals against the risk of *refoulement*.

The Committee would like to receive the comments of the Turkish authorities on all these matters.

b. contact with the outside world

56. It is recalled that immigration detainees have the right to receive visits from relatives and to make telephone calls, in addition to the right to send and receive letters.³⁴

57. In all the removal centres visited, foreign nationals were in principle allowed to receive visits every week, which, as a rule, took place under open conditions (that is, around a table).

Further, although foreign nationals were not allowed to keep their cell phones, they had access to a payphone at least once a day. In this connection, the delegation was informed by the management of the removal centres visited that telephone cards were provided free of charge to indigent detainees on a regular basis. Nevertheless, several foreign nationals met by the delegation at Edirne and Tuzla Removal Centres indicated that they had not been provided with free phone cards and that, since they could not afford to purchase phone cards themselves, they had to rely on the generosity of fellow detainees in order to maintain contact with their family.

On a more positive note, the delegation noted that, at Gaziantep Removal Centre, foreign nationals had the possibility of making weekly (free-of-charge) calls through online platforms, such as Skype.

34. Section 59, paragraph 1 (b), of the LFIP.

58. Given that the majority of immigration detainees have their family abroad and rarely receive visits, the CPT invites the Turkish authorities to consider permitting detained foreign nationals to keep, or at least have frequent access to, their own telephones. Consideration should also be given to extending the possibilities for foreign nationals to have contact with the outside world through internet-based communication channels.

As regards more specifically indigent foreign nationals, steps should be taken by the management of all removal centres to ensure that they can effectively benefit from the right to contact their family.

c. security and discipline

59. Edirne and Gaziantep Removal Centres each possessed four security rooms ("padded rooms") which, according to the management of the centres, were occasionally used for short periods (that is, no more than a few hours) to segregate foreign nationals displaying violent behaviour and those at risk of self-harm. All the rooms were of an identical design (with padding on the walls, a rip-proof mattress on the floor, a squat toilet and a small window) and were equipped with a CCTV camera.

The CPT was concerned to note that, despite a specific recommendation made by the Committee in the report on its 2017 visit,³⁵ there was no register on the use of these rooms and no protocol describing the placement procedure in any of the centres. Further, at Gaziantep, it was unclear who took a decision on such placements.

60. In light of the above, the CPT reiterates its recommendation that the Turkish authorities take the necessary steps to ensure that the use of security rooms in removal centres is regulated by a specific protocol/guidelines, which should include the following rules and safeguards:

- every placement in a security room is recorded in a special register established for this purpose. The entry should include the name of the foreign national concerned, the reasons for the measure, the date and time of the beginning and end of the measure, the deciding authority, the precise location where the detainee is accommodated, the involvement of healthcare staff and an account of any injuries sustained by the foreign national concerned or staff;
- every placement in a security room is decided by a member of the management, is immediately brought to the attention of a doctor and is subject to regular checks by a member of the healthcare staff;
- foreign nationals are placed in a security room for the shortest possible duration.

61. There were no formal disciplinary measures or procedures in place in the removal centres visited. In this regard, the delegation learned that a regulatory framework on disciplinary procedures in immigration detention was under preparation by the PMM.

35. See CPT/Inf (2020) 22, paragraph 79.

The CPT wishes to recall that, in the context of disciplinary proceedings, the foreign national concerned should be entitled to be informed in writing of the charges against them, to be heard in person by the decision-making authority, to call witnesses on their own behalf, to receive a copy of the decision, to appeal to an independent authority against any sanctions imposed and to have access to a lawyer and, if necessary, to an interpreter. Further, all disciplinary sanctions should be recorded in a specific register. The Committee would like to receive a copy of the regulation on discipline in removal centres once it has been adopted.

6. Conditions of detention of foreign nationals in police/gendarmerie custody

62. As mentioned above, the delegation visited two temporary reception centres for foreign nationals detained by the police (*yabancı ara sevk merkezleri*),³⁶ namely Şehit Ozan Özen (Pendik) and Tuzla Branches of the Unit for the Fight against Migrant Smuggling of Istanbul Police Department.

63. The detention facility at Pendik, opened in 2018, occupied a four-storey building in a densely populated neighbourhood in the Asian part of the Istanbul Province. At the time of the visit, it was holding 221 persons (all male adults), on the three upper floors of the building.

The conditions of detention under which foreign nationals were being held were simply unacceptable. Accommodation was provided in very cramped and badly ventilated multiple-occupancy rooms³⁷ which were also decrepit (broken windows, damaged floors) and had no door nor any furniture. Further, detained persons had to sleep on bare waterproof mattresses placed on the floor, which they sometimes had to share. Moreover, the communal sanitary facilities were found to be in a poor state of repair (broken sinks and shower heads, rusty doors, mould on the walls, exposed electrical wiring, missing light bulbs) and in appalling hygienic conditions (heavily infested with cockroaches and the toilets emitting a foul stench). It should also be noted that the detention facility had no yard for outdoor exercise.

64. The detention facility at Tuzla, which is located on the same compound as Istanbul-Tuzla Removal Centre (see paragraph 15), was holding 228 foreign nationals (all male adults) at the time of the visit.

Most of the accommodation containers³⁸ seen by the delegation were severely overcrowded, offering only between 1 and 2.5 m² of living space per person (that is, up to 13 persons in one container). Many of them were also extremely dirty and in a very poor state of repair, with badly worn or even rotten floors, broken windows, blocked sanitary facilities, exposed electric cables, dysfunctional lighting, and broken air conditioners. Further, detainees often had to share torn and soiled mattresses on the floor, which were infested with bedbugs. The situation was further exacerbated by the fact that foreign nationals were locked up in these containers for up to 23½ hours per day.

It is also a matter of concern that, at the time of the visit, about one hundred foreign nationals were being held in a large fenced outdoor yard, and it appeared that many of them had already been held there for two days. Further, all of them were obliged to use a single toilet, which was in a deplorable state of repair and foul-smelling.

65. During the end-of-visit talks with the Turkish authorities on 29 September 2022, the delegation stressed that conditions of detention in the two above-mentioned facilities, where foreign nationals were held for up to several days, could be considered as amounting to inhuman and degrading treatment. The delegation therefore invoked Article 8, paragraph 5, of the Convention and made an immediate observation, requesting the Turkish authorities to take urgent measures to ensure that the detention

36. After being apprehended by law enforcement agencies (on immigration-related grounds), foreign nationals may be held in these specifically designated places for up to 96 hours (see paragraph 11), until completion of the initial procedures. The delegation was also told that detention facilities of this kind were used to avoid foreign nationals being kept together with ordinary criminal suspects.

37. For example, rooms accommodating between eight and 13 persons measured only some 24 m².

38. As at Tuzla Removal Centre, each container had six beds and measured some 14.5 m².

facilities at Şehit Ozan Özen (Pendik) and Tuzla Branches of the Unit for the Fight against Migrant Smuggling of Istanbul Police Department undergo complete renovation.

66. By letters of 11 October and 28 November 2022, the Turkish authorities informed the Committee that, immediately after the CPT visit, an on-site inspection had been carried out by representatives of the Ministry of the Interior in both detention facilities. It was found that the detention facility at Pendik did not meet the standards required for the accommodation of immigration detainees. Consequently, the facility in question was vacated and definitively closed on 1 October 2022. As regards the detention facility at Tuzla, the authorities indicated that work to improve the conditions of detention in the facility had started.



The CPT welcomes the rapid action taken by the Turkish authorities. The Committee wishes to receive updated information on the renovation of the temporary reception centre for foreign nationals at Tuzla.

67. The CPT was particularly concerned to note that detained foreign nationals – including vulnerable persons – spent long hours (reportedly sometimes up to two days) in the waiting area adjacent to Edirne Removal Centre while being processed by the gendarmerie, having to sleep on benches or on the ground in the open air.³⁹ During the end-of-visit talks with the Turkish authorities, the delegation made it clear that such a state of affairs was unacceptable and that suitable alternative arrangements should be put in place for the accommodation of the detained foreign nationals concerned.⁴⁰

68. In the aforementioned letter of 28 November 2022, the Turkish authorities also indicate that, shortly after the visit, an instruction was issued by the Gendarmerie General Command to all provincial gendarmerie commands on the procedure to be followed during the transfer/transport of foreign nationals to removal centres. It is further stated that, in this context, arrangements have been made in Edirne to ensure that the above-mentioned practices are avoided.



The CPT would like to receive detailed information on these arrangements.

7. Holding facilities for foreign nationals in the transit zone of Istanbul Airport

69. The delegation visited for the first time the holding facilities for foreign nationals in the transit zone of the new airport in Istanbul. The INAD unit had a capacity of 60 places (32 for men and 28 for women). At the time of the visit, it was accommodating 16 foreign national (including two accompanied minors), the longest stay being 36 hours. With an official capacity of 33 places (24 for men and nine for women and children), the international protection unit was accommodating one male foreign national (admitted three months earlier) and two sisters (one adult and one eleven year old) who had arrived three days earlier.

70. Inadmissible passengers were usually held in the holding facilities only for very short periods, ranging from several hours to three days (that is, until the next possible flight). Foreign nationals who requested international protection were required to remain in the transit zone of the airport for the duration of the entire (accelerated) asylum procedure and any subsequent appeal procedures. In practice, the duration of stay was usually several weeks. However, a number of foreign nationals had previously been held in the international protection unit for more than six months, one for more than eight months and three for a total of 14 months (see, in this regard, also paragraph 84).

39. The benches were covered under a shelter and electric heaters and blankets were provided.

40. When the delegation raised this issue on the spot, it was told by the local gendarmerie commander that, as a rule, they completed the necessary paperwork at the latest within 24 hours and that any further delay was attributable to the removal centre.

71. It is noteworthy that, contrary to the situation found during the visit to Istanbul Atatürk Airport in 2017, not only asylum seekers but also inadmissible passengers held in the holding facilities were recorded in an electronic register. In 2022 (first nine months), 4 769 inadmissible passengers and only seven asylum seekers⁴¹ had been accommodated in these facilities.⁴²

72. The CPT welcomes the fact that unaccompanied minors were not held in the holding facilities of Istanbul Airport. The delegation was informed that, since the opening of the airport, only one unaccompanied minor had arrived who was then allowed entry into Türkiye and referred to the competent child protection service.

73. The INAD unit comprised ten waiting/accommodation rooms of different sizes, equipped with armchairs (convertible into beds) and cupboards, as well as a spacious communal room. In the international protection unit, there were four larger rooms, equipped with bunk beds and lockers, as well as a family room (with a baby cot).

74. 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.

75. However, it is a matter of serious concern that none of the rooms had access to natural light (as had also been the case in the previous holding facilities at Istanbul Atatürk Airport). Another fundamental flaw lies in the fact that, despite the assurances given by the Turkish authorities in their response to the report on the 2017 visit,⁴³ the new holding facilities did not have a designated area for outdoor exercise (as had also been the case 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.⁴⁴

76. As regards activities, all foreign nationals had access to television (with more than 40 channels in various languages) as well as to some reading material. In addition, there were various toys for children. However, no other recreational activities were on offer.

77. The delegation was informed by the management that a decision had recently been taken by the PMM to construct a new and larger holding facility for foreign nationals at Istanbul Airport. By letter of 28 November 2022, the Turkish authorities provided the following additional information:

"An investment protocol has been made for the facility between the Presidency of Migration Management, the Housing Development Administration (TOKI) and the Investment Monitoring and Coordination Department (YIKOB). Tender for the facility was made on 3 October 2022. In this context, a contract has been made between the TOKI and the subcontractor. The process for the handover of the project has begun and is due to be completed in the second quarter of 2023. The facility, with a planned capacity of 240, is being built on an area of 6 300 square meters. Estimated cost is 94 565 000 Turkish Lira."

The CPT welcomes the speedy implementation of the above-mentioned construction plan. It would like to be informed of the opening of the new holding facility at Istanbul Airport and receive detailed information on the arrangements made to offer all foreign nationals (including passengers declared inadmissible) daily outdoor exercise and a range of recreational activities. In this regard, reference is also made to the recommendations made in paragraph 31.

41. The number of foreign nationals who requested international protection had been significantly higher during the previous years (26 in 2021, 22 in 2020 and 54 in 2019).

42. According to statistics provided by the management, a total of 5 627 foreign nationals had been denied entry to Türkiye at Istanbul Airport in the course of 2022.

43. See CPT/Inf (2020) 23, page 23.

44. The delegation was told by the management that inadmissible passengers were also allowed to have access to the balcony within the transit zone. However, all inadmissible foreign nationals interviewed by the delegation indicated that they had not been allowed to leave the waiting/accommodation area.

Further, the Committee wishes to receive information on the arrangements made to provide outdoor exercise to foreign nationals who are being held in the transit zone of other international airports in Türkiye.

78. According to the management, all foreign nationals were provided “upon request” with basic hygiene products. That said, some of the inadmissible passengers interviewed by the delegation stated that they were not aware of such a possibility.

The CPT trusts that the Turkish authorities will take the necessary steps to ensure that all foreign nationals held in the holding facilities for more than 24 hours are provided with basic hygiene products.

79. As regards healthcare, medical staff was on call around the clock in the Airport Clinic, and a psychologist employed at Sabiha Gökçen Airport provided services upon request. There was a policy to call a doctor whenever requested by a foreign national or considered necessary by staff and to arrange within 48 hours medical screening for all foreign nationals who had requested international protection.

That said, from the information gathered during the visit, it transpired that, in practice, such medical screening was not carried out systematically and that the screening was not always performed in a comprehensive manner. In this regard, the recommendation made in paragraph 40 equally applies to foreign nationals held in the unit for asylum-seekers at Istanbul Airport as well as in all other international airports in Türkiye. Steps should also be taken to ensure that all foreign nationals are informed about the possibility to consult a doctor.

80. In both units of the holding facilities at Istanbul Airport, foreign nationals could maintain contact with the outside world by using their mobile phone, including through a WiFi connection which was offered for one hour per day. In addition, both units were equipped with a payphone, and indigent foreign nationals were provided with a phone card free of charge.

That said, it is regrettable that foreign nationals (including those who had requested international protection) were not allowed to receive visits from family members residing in Türkiye.

The CPT recommends that the Turkish authorities take the necessary steps to ensure that foreign nationals held in the transit zone at Istanbul Airport, as well as in all other international airports in Türkiye, are allowed to receive visits from family members.

81. The delegation was informed that international organisations (such as UNHCR and IOM) had unrestricted access to the holding facilities in the transit zone. Further, representatives of NGOs could visit the holding facilities if they had obtained an authorisation from the airport office of the Istanbul Governorship.

That said, the CPT has received reports from various NGOs that they had been repeatedly denied access to the holding facilities in the transit zone.

The Committee would like to be provided with an account of the number of NGO visits to the holding facilities since 1 January 2022, together with the total number of requests for visits and the number of requests that had been rejected (with an indication of the reason for rejection).

82. As regards safeguards, passengers declared inadmissible received an individualised formal decision setting out the reason for the refusal of entry into Türkiye and informing the person concerned of the right to challenge the decision before the administrative court. However, the decision was only issued as a bilingual document in Turkish and English, and several foreign nationals interviewed by the delegation claimed that they had been compelled to sign the document without understanding its contents.

According to the management, foreign nationals declared inadmissible were entitled to have access to a lawyer (including free legal aid). However, it is a matter of concern that no reference was made to that right in the above-mentioned decision. Unsurprisingly, not a single foreign national interviewed by the delegation appeared to be aware of the possibility to have access to a lawyer.

The CPT recommends that the Turkish authorities take steps to ensure that passengers declared inadmissible at Istanbul Airport, as well as at all other international airports in Türkiye, receive an information sheet setting out their rights as well as the rules governing their stay; this sheet should be worded in an easily understandable manner and be available in an appropriate range of languages. If necessary, assistance should be provided by an interpreter (for instance, by telephone).

83. Upon arrival at Istanbul Airport, foreign nationals who had requested international protection were given a written notification of the entry ban (in the same way as passengers declared inadmissible). In addition, they received a detailed information sheet for asylum seekers (available in 26 languages) which *inter alia* explicitly referred to the right of access to a lawyer (including legal aid), free-of-charge interpretation and existing legal remedies. The persons concerned were requested to acknowledge receipt of the sheet by signature. As far as the delegation could ascertain, foreign nationals who had requested international protection were in practice able, if they so wished, to consult a lawyer and benefit from the services of an interpreter.

That said, it is regrettable that the aforementioned information sheet did not contain any information on the modalities of the (accelerated) airport asylum procedure and the stay of asylum seekers in the holding facilities.

The CPT recommends that the Turkish authorities elaborate, in an easily understandable manner and in an appropriate range of languages, a specific information sheet for foreign nationals who have requested international protection in the transit zone of an airport, setting out, in addition to the rules governing their stay, the procedure applied to them and their rights. This information should be provided to all foreign nationals concerned at Istanbul Airport, as well as in all other international airports in Türkiye.

84. As already indicated in paragraph 69, foreign nationals (including accompanied minors) who had requested international protection were on occasion held in the airport holding facilities for several months and, in some cases, even for more than a year (see paragraph 70). A similar situation had been found during the CPT visit to Istanbul Atatürk Airport in 2017.

In principle, also foreign nationals declared inadmissible could be held in the holding facilities in the transit zone for prolonged periods, without any (individualised and reasoned) formal decision being issued on their placement therein.

In the report on its 2017 visit,⁴⁵ the Committee pointed out that the relevant legislation did not set any maximum time limit for the placement of foreign nationals in holding facilities within the transit zone of international airports and that the law did not provide for any procedure by which the lawfulness of this type of deprivation of liberty could be challenged before a court in accordance with Article 5, paragraph 4, of the European Convention on Human Rights.⁴⁶

Regrettably, despite the Turkish authorities' assurances to take remedial legislative action,⁴⁷ the relevant legislation remained unchanged at the time of the 2022 visit.

Therefore, the CPT reiterates its recommendation that the Turkish authorities take the necessary legislative steps to fill the above-mentioned lacunae.

45. See [CPT/Inf \(2020\) 22](#), paragraph 76.

46. See, in this regard, also §§ 50 and 52 of the judgment of the European Court of Human Rights in the case of *Alimov v. Turkey* [Türkiye] (application no. 14344/13, 6 September 2016).

47. See page 28 of the response to the report on the 2017 visit ([CPT/Inf \(2020\) 23](#)).

B. Situation of prisoners held at Imralı F-type High-Security Prison

85. As indicated in paragraph 3, the CPT delegation carried out a follow-up visit to Imralı Prison, which was accommodating the same four prisoners as during the May 2019 visit (three sentenced to aggravated life imprisonment and one serving a (normal) life sentence).⁴⁸ The delegation interviewed all prisoners individually and in private, examined their administrative and medical files (as well as other relevant documentation) and spoke with the management and members of the medical staff (including the establishment's medical co-ordinator).

Following the visit to the prison, the delegation held consultations regarding Imralı Prison with the Deputy Minister of Justice, the Director General of Prisons and Detention Centres and other senior officials of the Ministries of Justice and Foreign Affairs (see paragraph 6).

86. As during previous visits, all prisoners indicated that they were treated by staff correctly.

87. The delegation once again gained a positive impression of the healthcare services (including the facilities and equipment) at Imralı Prison. Since the 2019 visit, the pool of doctors had been enlarged from four to 12 while the number of nurses remained unchanged (four persons). All healthcare staff worked on a rota basis with one week of work on the island and three weeks off. Thus, a 24-hour medical and nursing cover was ensured seven days a week, under the supervision of the same medical co-ordinator as in 2019. Further, prisoners' access to healthcare (including any specialist care and medication) remained satisfactory. It is also noteworthy that all prisoners were offered full vaccination (including booster) against Covid-19 and other relevant diseases.

That said, while the confidentiality of medical data continued to be respected, prison officers were apparently still frequently present during medical consultations.



The CPT recommends once again that the Turkish authorities take steps to ensure that all medical consultations are conducted out of the hearing of prison officers.

88. Material conditions of detention at Imralı Prison remained generally satisfactory for all prisoners.

89. 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 2016 visit regarding the regime.

It remained the case that all prisoners were allowed to associate in collective activities for only six hours per week, including three hours of 'conversation', one hour of volleyball, one hour of basketball and one hour of badminton/darts). They were also offered three additional activities for a total of three hours per week (table tennis, board games and painting/handicrafts), during which only two persons at a time were allowed to participate. However, the prisoners continued to refuse to take part in any of the two-person activities. Further, the prisoners were still not allowed to associate during outdoor exercise (two hours in the morning and two hours in the afternoon).⁴⁹ As a result, the prisoners were compelled to spend 159 out of 168 hours per week on their own.

90. The CPT has repeatedly stressed 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 (see Rule 60.6.a of the European Prison Rules, as amended in 2020).⁵⁰

48. Imralı Prison has previously been visited by the CPT eight times (in 1999, 2001, 2003, 2007, 2010, 2013, 2016 and 2019). All related reports and Government responses are available on the Committee's website.

49. The prisoner who is serving a normal life sentence had unrestricted access to the outdoor exercise yard adjacent to his cell during the daytime.

50. See also Rules 43, 44 and 45 of the United Nations Standard Minimum Rules for the Treatment of Prisoners ('Nelson Mandela Rules').

91. As regards prisoners' contact with the outside world, the situation had slightly improved for a few months after the 2019 visit.⁵¹

However, it is a matter of grave concern that – with the exception of visits on 3 March 2020 (for three of the four prisoners) – all prisoners had been prevented from receiving any *visits from family members* since August 2019, on the basis of a ban on visits which continued to be imposed on all prisoners every three months as a disciplinary sanction for specious reasons (namely, “hindering sports activities” by spending time in the open air during ‘sports activity hours’ (such as basketball or volleyball) without actively exercising the type of sports that had been scheduled for those hours).

The CPT wishes to recall that such a practice constitutes a manifest disregard of the European Prison Rules,⁵² 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.

92. Further, the CPT notes with concern that, since 7 August 2019, all prisoners have been prevented from receiving *visits from their lawyers*, on the basis of a judicial ban, renewed every six months, by the competent enforcement judge (at the request of the Bursa Chief Public Prosecutor’s Office) on the basis of Section 59, paragraphs 7 and 8, of the Law on the Execution of Sentences and Security Measures (LESSM).⁵³

93. Whilst acknowledging that, since the 2019 visit, Abdullah Öcalan was allowed to receive two *telephone calls* (on 27 April 2020 and 25 March 2021), the CPT is concerned by the fact that all prisoners had continuously been subjected to a total ban on telephone calls, renewed every six months (most recently, on 9 May 2022).

94. In previous reports, the CPT acknowledged that there might be valid security reasons to introduce certain restrictions vis-à-vis prisoners on the exercise of their right to have contact with the outside world. However, a balance must be struck between such security considerations and the basic human rights of the prisoners concerned in order to avoid a situation which is akin to incommunicado imprisonment.

95. The delegation was informed by the management that there were no particular restrictions in place at İmralı Prison regarding prisoners’ *correspondence* and that all prisoners were allowed to send and receive letters in the same way as prisoners in other prisons in Türkiye. In accordance with the relevant legislation,⁵⁴ all outgoing and incoming correspondence was screened by the prison’s “letter reading committee” and any correspondence which was considered to constitute a security risk (such as communication between members of terrorist or other criminal organisations) were intercepted and not sent out or transmitted to the prisoner concerned. The management also reiterated that the prisoners’ correspondence with the CPT was exempted from the aforementioned procedure and was treated as confidential.

From an examination of the prison’s correspondence register, it transpired that, in the course of 2022, out of a total of 142 letters which had been sent to any of the prisoners, 85 had been delivered to the prisoner concerned, while 57 had been intercepted. In turn, none of the letters which the prisoners had requested to be sent out during the same period (seven in total) had been intercepted.

96. To sum up, the CPT must emphasise 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 (see, in this regard, § 149 of the judgment of the European Court of Human Rights in the case of *Öcalan v. Turkey* [Türkiye] (No. 2)).⁵⁵

51. For further details, see paragraph 50 of the report on the 2019 visit (CPT/Inf (2020) 24).

52. See Rule 60.4 and the Commentary to that Rule.

53. For further details, see paragraph 49 of the report on the 2019 visit.

54. See Section 68 of the LESSM and Sections 84 and 91 of the Bylaw on the Management of Penal Institutions and the Execution of Penalties and Security Measures.

55. Applications nos. 24069/03, 197/04, 6201/06 and 10464/07; 18 March 2014.

Therefore, the CPT 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;
- effectively able, if they so wish, to receive visits from their family members and lawyers. To this end, the practice of imposing a ban on family visits for 'disciplinary' reasons should be discontinued immediately.
- Further, the CPT reiterates its recommendation that all prisoners be allowed to speak on the telephone with family members (calls being subject to monitoring and, if necessary, interrupted).
- The Committee would also like to receive – on a monthly basis – an account of the visits which all prisoners at Imralı Prison have received from their family members and lawyers.

97. More generally, the CPT wishes to stress once again that the very concept of the detention regime of persons sentenced to aggravated life imprisonment, as defined in Section 25 of the LESSM, is fundamentally flawed and is contrary to the European Prison Rules (Rules 6 and 102.2 and Commentary) and other relevant Council of Europe recommendations⁵⁶ and should thus be revised not only at Imralı Prison, but in the prison system as a whole.

The Committee once again calls upon the Turkish authorities to carry out a complete overhaul of the detention regime applied to prisoners sentenced to aggravated life imprisonment in Turkish prisons, in light of the precepts set out in paragraphs 82 to 84 of the report on the 2013 visit, and to amend the relevant legislation accordingly.

98. Finally, during visits to Imralı Prison, members of the Bursa Monitoring Board for Prisons and Detention Centres ('Bursa Prison Monitoring Board') usually interviewed all prisoners in private. That said, it is regrettable that, contrary to the relevant legislation,⁵⁷ the Board had visited the prison only twice (on 27 December 2019 and 3 March 2022) since the CPT's 2019 visit. The delegation was informed that, due to the Covid-19 pandemic, no monitoring visits had taken place in 2020 and 2021.

The CPT recommends that members of the Bursa Prison Monitoring Board be reminded, through appropriate channels, of their legal obligation to visit Imralı Prison on a regular basis.

Further, the Committee would like to receive copies of the reports on all visits carried out by the Bursa Prison Monitoring Board to Imralı Prison in 2023.

56. See, in particular, Recommendation Rec(2003)23 on the management by prison administrations of life sentence and other long-term prisoners and Recommendation CM/Rec(2014)3 concerning dangerous offenders and the Commentaries to both recommendations.

57. According to Section 7 of the Law on Monitoring Boards for Prisons and Detention Centres, every prison shall be visited by the competent prison monitoring board at least once every two months.

APPENDIX I – Authorities and organisations with which the CPT delegation held consultations

A. National authorities

Ministry of the Interior

Süleyman SOYLU	Minister
Sezer IŞIKTAŞ	Head of EU Affairs and Foreign Relations Department
Bekir MACİT	Head of Anti-Migrant Smuggling and Border Gates Department, Turkish National Police
Col. Bülent BAYKAL	Head of Anti-Migrant Smuggling and Human Trafficking Department, Gendarmerie General Command
Col. Özgür KOÇAN	Head of Department, Directorate for Intelligence, Coast Guard Command
Osman ÖZCAN	Assistant to the Minister
Kemal Turan ACAR	EU Affairs and Foreign Relations Department

Presidency of Migration Management

Savaş ÜNLÜ	President
Ramazan SEÇİLMİŞ	Director General of Combating Irregular Migration and Deportation Procedures
Kadir GÜÇLÜ	Acting Head of Department, Management of Removal Centres

Ministry of Justice

Akın GÜRLEK	Deputy Minister
Ömer YILMAZ	Deputy Head of Human Rights Department
Mutlu İlker BELGİN	Head of Department, Directorate General of Foreign Relations and EU

Directorate General of Prisons and Detention Centres

Enis Yavuz YILDIRIM	Director General
Fatih GÜNGÖR	Deputy Director General
Neşe Tok TOPTAŞ	Head of Department
Onur HELVACI	Head of Department
Burcu DÖLEK	Rapporteur Judge
Cihat BEDENBAŞI	Rapporteur Judge
Nazmiye AYDEMİR	Head of Division

Ministry of Foreign Affairs

Banu Pulat BUCAKLI

Deputy Head of Department, Directorate General for the
Council of Europe and Human Rights

B. Human Rights and Equality Institution of Türkiye (TIHEK)

Muharrem KILIÇ

President, Head of the National Preventive Mechanism

C. International and non-governmental organisations

United Nations High Commissioner for Refugees (UNHCR), Ankara Office

Association for Solidarity with Asylum Seekers and Migrants (ASAM)

Refugee Rights Türkiye (*Mülteci Hakları Merkezi*)

“NO ONE SHALL BE SUBJECTED TO TORTURE OR TO INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT”

Article 3 of the European Convention on Human Rights

Established in 1989 by the Council of Europe Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the CPT's aim is to strengthen the protection of persons deprived of their liberty through the organisation of regular visits to places of detention.

The Committee is an independent, non-judicial preventive mechanism, complementing the work of the European Court of Human Rights. It monitors the treatment of persons deprived of their liberty by visiting places such as prisons, juvenile detention centres, police stations, immigration detention facilities, psychiatric hospitals and social care homes. CPT delegations have unrestricted access to places of detention, and the right to interview, in private, persons deprived of their liberty. They may access all the information necessary to carry out their work, including any administrative and medical documents.

The CPT plays an essential role in promoting decency in detention, through the development of minimum standards and good practice for states parties, as well as through coordination with other international bodies. The implementation of its recommendations has a significant impact on the development of human rights in Council of Europe member states and influences the policies, legislation and practices of national authorities regarding detention.



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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.