

# COUNTRY REPORT

## IMMIGRATION DETENTION IN TURKEY:

A SERIAL HUMAN RIGHTS ABUSER AND  
EUROPE'S REFUGEE GATEKEEPER

*OCTOBER 2019*

 GLOBALDETENTIONPROJECT



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## THE GLOBAL DETENTION PROJECT MISSION

The Global Detention Project (GDP) is a non-profit organisation based in Geneva that promotes the human rights of people who have been detained for reasons related to their non-citizen status. Our mission is:

- To promote the human rights of detained migrants, refugees, and asylum seekers;
- To ensure transparency in the treatment of immigration detainees;
- To reinforce advocacy aimed at reforming detention systems;
- To nurture policy-relevant scholarship on the causes and consequences of migration control policies.

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**Front cover image:** Syrian refugees arrive in Kilis, Turkey (August 2017) © Shutterstock

Tom Rollins contributed to the production of this report.

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## GLOSSARY

<b>AIDA</b>	Asylum Information Database
<b>CPT</b>	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
<b>DGMM</b>	Directorate General for Migration Management
<b>ECtHR</b>	European Court of Human Rights
<b>GDP</b>	Global Detention Project
<b>HCA</b>	Helsinki Citizens' Assembly
<b>HRW</b>	Human Rights Watch
<b>LFIP</b>	Law on Foreigners and International Protection
<b>PRS</b>	Palestinian Refugees from Syria
<b>RSD</b>	Refugee status determination
<b>UNRWA</b>	UN Relief and Works Agency for Palestine Refugees in the Near East



## KEY ISSUES

- Turkey has a sprawling immigration detention system that includes some two dozen “removal centres” in addition to holding cells in several airports, ad hoc detention sites along its borders, and widespread use of police stations.
- The controversial 2016 EU-Turkey refugee deal expanded Turkey’s detention estate with the help of EU funding and has subsequently led to an increase in detentions and summary deportations of refugees and asylum seekers.
- Numerous observers have reported on the horrific conditions in many Turkish detention centres, in addition to persistent overcrowding, lack of medical care, and failure to provide detainees access to legal assistance.
- Turkey maintains a geographical limitation to the 1951 Refugee Convention, recognising only people fleeing Europe as refugees, resulting in a two-tiered asylum system that leaves thousands of people who have fled conflicts in legal limbo and without access to basic rights.
- Emergency decrees following the failed July 2016 coup attempt, some of them since codified into law, severely restrict the rights of non-citizens, including limiting legal recourse for abuses committed in detention.
- Presidential Decree No. 686 allows authorities to derogate from *non-refoulement* obligations, enabling the deportation of asylum seekers to unsafe countries (including Afghanistan and Syria) during their asylum procedures.
- Turkish authorities claim that areas of northern Syria are safe and have forced thousands of Syrian refugees to sign “voluntary return documents” before deporting them. In July 2019 authorities announced a crack-down on unregistered Syrians and informal labourers in Istanbul, and deported large numbers across the border.



## 1. INTRODUCTION

Turkey has one of the world's largest immigration detention systems, which is comprised of some two dozen “removal centres” as well as ad hoc detention sites along its borders, transit facilities in airports, and police stations. Located between Europe and Asia, Turkey's policies are the result of numerous factors related to its geography, history, and politics. Its relationship with the European Union (EU) has been particularly crucial because of its location as a buffer between the EU and the Middle East and its role as *de facto*—and often opportunistic—gatekeeper for millions of refugees seeking safe haven in Europe.

In 2015, with the onset of the “refugee crisis,”<sup>1</sup> more than a million people made their way to Europe. Some 80 percent of these people crossed Turkey.<sup>2</sup> In response, Brussels negotiated an agreement with Ankara aimed at stemming refugee flows. The 2016 [EU-Turkey deal](#)<sup>3</sup> established that all migrants and asylum seekers who arrived on Greek islands after 20 March 2016 would be liable to return to Turkey. For every migrant or asylum seeker returned to Turkey, the EU would resettle one Syrian from Turkey. Turkey was also promised six billion EUR, the lifting of EU visa requirements for its nationals, and the resumption of Turkey's EU accession process.<sup>4</sup> While the EU justified the return of migrants and asylum seekers to Turkey on the “safe third country” principle, it was patently clear that Turkey would not fulfil the criteria to be considered safe for refugees.<sup>5</sup>

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<sup>1</sup> Global Detention Project, “Physical Fences and Digital Divides—A Global Detention Project Investigation into the Role of Social Media in the Context of Migration Control, Part I: Exposing the ‘Crisis,’” 22 May 2018, <https://www.globaldetentionproject.org/physical-fences-and-digital-divides-exposing-the-crisis>

<sup>2</sup> J. Clayton and H. Holland (ed T. Gaynor), “Over One Million Sea Arrivals Reach Europe in 2015,” *UN High Commissioner for Refugees (UNHCR)*, 30 December 2015, <https://www.unhcr.org/news/latest/2015/12/5683d0b56/million-sea-arrivals-reach-europe-2015.html>

<sup>3</sup> The EU-Turkey deal ultimately diverted the migration flow to Italy, and in 2016 arrivals to Greece had decreased to 170,000. See: UN High Commissioner for Refugees (UNHCR), “Refugees and Migrants Sea Arrivals in Europe,” December 2016, <https://data2.unhcr.org/ar/documents/download/53447>

<sup>4</sup> Visa-free travel for Turkish nationals has long been a goal of the Turkish government in its engagements with the EU. During negotiations over the 2013 readmission agreement and later, at the finalisation stage, Turkey made the signing, ratification, and future implementation of the agreement directly conditional on progress towards a visa-free regime between Turkey and EU. A “visa dialogue” was launched between the two sides on the same day the readmission agreement was signed, however talks over accession and visa-free regimes has been stalled by political controversy within Europe over Turkey's candidacy as well as widespread repression in the wake of the failed July 2016 coup attempt. For more information, see: Deutsche Welle, “European Parliament Votes to Suspend Turkey's EU Membership Bid,” 13 March 2019, <https://www.dw.com/en/european-parliament-votes-to-suspend-turkeys-eu-membership-bid/a-47902275>; O. Durukan (Helsinki Citizens' Assembly Turkey), Notes on draft detention profile, Global Detention Project, 3 April 2014.

<sup>5</sup> Amnesty International, “The EU-Turkey Deal: Europe's Year of Shame,” March 2017, <https://www.amnesty.org/en/latest/news/2017/03/the-eu-turkey-deal-europes-year-of-shame/>; I. Majcher, “Border Securitization and Containment vs. Fundamental Rights: The European Union's ‘Refugee Crisis,’” *Georgetown Journal of International Affairs*, March 2017, <https://www.georgetownjournalofinternationalaffairs.org/online-edition/border-securitization-and-containment-vs-fundamental-rights-the-european-unions-refugee-crisis>

After the failed 2016 coup against the government of President Recep Tayyip Erdogan, Turkey issued an emergency decree—Presidential Decree No. 676—that gave authorities broad powers vis-à-vis the detention and deportation of non-citizens. The government also initiated a harsh crackdown on many sectors of Turkish society. In the ensuing months, 130,000 civil servants were dismissed from their jobs, some 80,000 people were detained, and thousands of NGOs were shut down for alleged terrorism-related reasons.<sup>6</sup>

Since the events of 2015 and 2016, Turkey’s immigration system has been under intense pressure, compounded by the large-scale dismissals of public servants, which strained the “bureaucratic capacity in areas ranging from the judiciary to law enforcement and education, all of which are relevant to refugee absorption capacity.”<sup>7</sup> The government has responded to these pressures with a series of draconian measures, leading to widescale human rights violations.

In October 2016, the government issued an emergency decree that enumerated conditions in which officials could ignore *non-refoulement* obligations, many of which were later made into law.<sup>8</sup> Since the decree, Turkey has increased deportations of refugees and asylum seekers to unsafe countries,<sup>9</sup> including Afghanistan, Syria, and Iraq.<sup>10</sup> Most recently, in July 2019, authorities in Istanbul announced raids, stop-checks, and arrests of Syrian refugees registered in other cities.<sup>11</sup> The raids were followed by summary deportations into northern Syria.<sup>12</sup>

Turkey has sought to counter criticism of its treatment of Syrians by arguing that more than 315,000 people have returned to Syria at their own free will in recent years. However, observers argue that many of these departures are far from voluntary. For instance, in a widely noted 2019 report, Amnesty International related the accounts of Syrian deportees who were beaten and threatened with violence in order to coerce them into signing

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<sup>6</sup> US State Department, “Turkey 2018 Human Rights Report,” 2018 Country Reports on Human Rights Practices, 20 March 2019, <https://tr.usembassy.gov/country-reports-on-human-rights-practices-for-2018-turkey-summary/>

<sup>7</sup> International Crisis Group, “Turkey’s Refugee Crisis: The Politics of Permanence,” 30 November 2016, <https://www.crisisgroup.org/europe-central-asia/western-europemediterranean/turkey/turkey-s-refugee-crisis-politics-permanence>

<sup>8</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>; International Crisis Group, “Turkey’s Refugee Crisis: The Politics of Permanence,” 30 November 2016, <https://www.crisisgroup.org/europe-central-asia/western-europemediterranean/turkey/turkey-s-refugee-crisis-politics-permanence>

<sup>9</sup> Amnesty International, “Greece: Court Decisions Pave Way for First Forcible Returns of Asylum-Seekers under EU-Turkey Deal,” 22 September 2017, <https://www.amnesty.org/en/latest/news/2017/09/greece-court-decisions-pave-way-for-first-forcible-returns-of-asylum-seekers-under-eu-turkey-deal/>

<sup>10</sup> Amnesty International, “Turkey: Thousands of Afghans Swept Up In Ruthless Deportation Drive,” 24 April 2018, <https://www.amnesty.org/en/latest/news/2018/04/turkey-thousands-of-afghans-swept-up-in-ruthless-deportation-drive/>; Amnesty International, “Turkey: Illegal Mass Returns of Syrian Refugees Expose Fatal Flaws in EU-Turkey Deal,” 1 April 2016, <https://www.amnesty.org/en/latest/news/2016/04/turkey-illegal-mass-returns-of-syrian-refugees-expose-fatal-flaws-in-eu-turkey-deal/>

<sup>11</sup> Q. Amameh and T. Rollins, “Syrian Refugees in Istanbul Nervous Over Raids, Arrests by Turkish Authorities,” *The National*, 19 July 2019, <https://bit.ly/2ISbIKl>

<sup>12</sup> Q. Amameh and T. Rollins, “For Syrians in Istanbul, Fears Rise as Deportations Begin,” *The New Humanitarian*, 23 July 2019, <https://www.thenewhumanitarian.org/news/2019/07/23/syrians-istanbul-fears-rise-deportations-begin>



“voluntary return” documents.<sup>13</sup>

Such expulsions have taken place against the backdrop of Turkey’s desire to establish a “safe zone” along its border with Syria, a plan that the Erdogan administration rapidly sought to achieve following U.S. President Donald Trump’s military pullback in Syria and Turkey’s ensuing military offensive against Kurdish forces in late 2019. They have also been fueled by surging anti-foreigner rhetoric, particularly aimed at Syrians, which has featured heavily in political campaigns<sup>14</sup> and been accompanied by attacks on Syrian refugees and Syrian-owned properties.<sup>15</sup>

Turkey has historically served as a crucial transit area for refugees and migrants, dating back long before the current turmoil in the region. Since the outbreak of the Syrian conflict, the country has hosted some 3.5 million Syrian refugees. With Turkey also hosting refugee populations from Afghanistan, Iraq, and other countries, the total number of refugees and asylum seekers in Turkey is close to four million.<sup>16</sup> Given the country’s importance to regional migration, the EU has repeatedly sought to partner with it on control initiatives, including a 2013 [EU-Turkey readmission agreement](#) that obliged Turkey to readmit its own citizens as well as “third-country nationals” who enter the EU directly from Turkey.<sup>17</sup>

Since the EU-Turkey Action Plan on Migration, the EU-Turkey deal, and the July 2016 coup attempt, the country has continued to bolster its detention infrastructure. In particular, the EU-Turkey deal paved the way for the establishment of new facilities for detaining non-nationals, particularly those returned from Greece. In 2018, six EU-funded facilities originally intended as reception centres for asylum seekers were transformed into removal centres,<sup>18</sup> doubling the country’s official detention capacity.<sup>19</sup> As of mid-2019, Turkey reportedly was operating 24 removal centres, with several others either under renovation or construction.<sup>20</sup>

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<sup>13</sup> Amnesty International, “Sent to a War Zone: Turkey’s Illegal Deportations of Syrian Refugees,” October 2019, <https://app.box.com/s/514o0br9jp6allglvwzydl81tyetsvrf>

<sup>14</sup> Y. Ozkir, “Anti-Refugee Sentiment Ahead of Turkey’s Local Elections,” *The New Turkey*, 15 February 2019, <https://thenewturkey.org/anti-refugee-sentiment-ahead-of-turkeys-local-elections>

<sup>15</sup> Turkish Minute, “Mob Attacks Syrian Refugees Over Child Abuse Claim in Istanbul,” 30 June 2019, <https://www.turkishminute.com/2019/06/30/mob-attacks-syrian-refugees-over-child-abuse-claim-in-istanbul/>

<sup>16</sup> U.S. State Department, “Turkey 2018 Human Rights Report,” 2018 Country Reports on Human Rights Practices, 20 March 2019, <https://tr.usembassy.gov/country-reports-on-human-rights-practices-for-2018-turkey-summary/>; UN High Commissioner for Refugees (UNHCR), “Turkey: Operational Update 2018 Highlights,” March 2019, <https://bit.ly/2lRWBvrv>; K. Kirisci, “Turkey: A Transformation from Emigration to Immigration,” *Migration Policy Institute (MPI)*, 1 November 2003, <https://www.migrationpolicy.org/article/turkey-transformation-emigration-immigration>

<sup>17</sup> G. Nagehan, “The Issue of Irregular Migration in the Light of Turkey-EU Relations and Its Effects on the Negotiations,” *T.C. Marmara University - EU Institute*, 2013, [marmara.academia.edu/NagehanG%C3%BCder](http://marmara.academia.edu/NagehanG%C3%BCder)

<sup>18</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>19</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>20</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>; Directorate General for Migration Management (DGMM), “Removal Centres,” 2 July 2019, [https://www.goc.gov.tr/icerik6/removal-centers\\_915\\_1024\\_10105\\_icerik](https://www.goc.gov.tr/icerik6/removal-centers_915_1024_10105_icerik)



## 2. LAWS, POLICIES, PRACTICES

**2.1 Key Norms.** The principal law governing immigration detention, [Law No. 6458 on Foreigners and International Protection](#) (hereon, the “LFIP”), was adopted in April 2013 and came into force in April 2014. It provided Turkey’s first legal framework for the protection of asylum seekers and replaced a series of previous legal instruments—including the Passport Law, the Law on Sojourn and Movement of Aliens, as well as various “circulars” and regulations—that previously had been used as the basis for immigration-related detention. However, key aspects of the LFIP were later amended by the post-coup emergency decree—amendments that would later be passed as legislation in their own right.

The LFIP was originally triggered by the EU accession process in order to bring the country in line with EU and international humanitarian and human rights standards.<sup>21</sup> Creating a specialised civilian institution under the Interior Ministry to manage all forms of migration, including with respect to international protection, the mandate of this new agency included preparing the implementing regulations for the establishment, management, and inspection of immigration detention facilities.<sup>22</sup>

The law includes re-entry bans of between one and 10 years (Article 9) (the 10-year rule is applied in cases where there “exists a serious threat in terms of public order and security”) and Article 54 provides for deportation based on several immigration-related grounds, including inter alia overstaying a visa, cancellation of a residence permit, violating provisions of entry or stay, and rejection of application for international protection.

The 29 October 2016 emergency decree (Presidential Decree No. 676) gives Turkish authorities additional powers vis-à-vis the detention and/or deportation of non-citizens, and several subsequent laws have amended parts of the LFIP. In particular, by amending Articles 53 and 54 of the LFIP, the October 2016 emergency decree allows authorities to derogate from the principle of *non-refoulement* “for reasons such as public order, security and

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<sup>21</sup> European Commission, “Joint Statement by Commissioners Štefan Füle and Cecilia Malmström on the Adoption by the Turkish Parliament of the Law on Foreigners and International Protection,” April 2013, [ec.europa.eu/commission\\_2010-2014/fule/headlines/news/2013/04/20130405\\_en.htm](http://ec.europa.eu/commission_2010-2014/fule/headlines/news/2013/04/20130405_en.htm)

<sup>22</sup> UN High Commissioner for Refugees (UNHCR), “UNHCR Welcomes Turkey’s New Law on Asylum,” 12 April 2013, [www.unhcr.org/5167e7d09.html](http://www.unhcr.org/5167e7d09.html)

terrorism.”<sup>23</sup> These amendments were subsequently consolidated by Law No. 7070 on 1 February 2018 and have reportedly been used with increasing frequency as grounds for removal.<sup>24</sup>

In 2010, before the introduction of the LFIP, the Interior Ministry issued several circulars aimed at addressing detention-related issues raised in European Court of Human Rights (ECtHR) judgements as well as by various regional and international human rights bodies, including the European Committee for the Prevention of Torture (CPT).<sup>25</sup> Among the changes introduced in these circulars was the adoption of the name “Removal Centre” (*Geri Gonderme Merkezi*) for facilities used to detain foreigners for administrative purposes, which is still in use today, replacing the misleading and much-criticised name “Foreigners Guesthouse” (*Yabancılar Misafirhanesi*). The circulars also complemented existing legislation, including Law No. 5683, amended in March 2011 by the Law Amending Certain Laws for the Purpose of Speeding of Judicial Procedures (No. 6217); the Law on Sojourn and Movement of Aliens (No. 5687); the Law on Settlement (No. 2050); and the Passport Law (5682).

**2.2 Grounds for detention.** The LFIP provides several grounds for pre-removal administrative detention, as well as grounds for administrative detention of asylum seekers and people in international protection procedures (see 2.4 Asylum Seekers, below).

Article 57 stipulates that detention can be ordered for “those who may abscond or disappear, who violate rules for entry into and exit from Turkey, who use fraudulent or unfounded documents, who do not leave Turkey in the granted period without an acceptable excuse, who constitute a threat to public order and security or public health” (Article 57[2]).

The law specifies that the detention of persons seeking protection should be an exceptional measure (Article 68). Still, there are grounds for detaining an applicant undergoing international protection procedures if asylum authorities have doubts about the authenticity of an applicant’s claim, the applicant applied at a border post and is being detained so as to avoid irregular entry, or in cases where the applicant poses a threat to public order.<sup>26</sup>

Previously, Turkish law was unclear about the grounds for confining non-citizens in administrative detention. The government frequently cited Article 4 of the Passport Law (Law No. 5682 of 1950)<sup>27</sup> and Article 23 of the Law on the Sojourn and Movement of Aliens (Law

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<sup>23</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>; M. Zoetewij, “The State of Emergency, Non-Refoulement and the Turkish Constitutional Court,” *Verfassungsblog*, 9 May 2018, <https://verfassungsblog.de/the-state-of-emergency-non-refoulement-and-the-turkish-constitutional-court/>

<sup>24</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>25</sup> These intermediate “patch-like” attempts to address gaps in Turkey’s migration management included: (1) the Circular on Combating Illegal Migration (No. 2010/22); (2) the Circular on Reception at Centres and Informing those staying at Centres (No. 64/67); and (3) the Circular on Refugees and Asylum Seekers (No. 2010/23).

<sup>26</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>27</sup> Article 4 of the Passport Law provided that foreign nationals who arrive at the Turkish border without appropriate documentation were not admissible, and that those who claimed to have lost their documents during travel must stay at a location indicated by the administrative head of the local government until the Interior Ministry had completed an investigation.

No. 5687 of 1950)<sup>28</sup> as grounds for “accommodating” undocumented foreign nationals.<sup>29</sup>

**2.3 Criminalisation.** According to Article 102 of the LFIP, persons who violate immigration-related laws can be subject to fines. Although previous legislation provided for criminal prosecution and prison sentences, this law does not include such provisions. As such, Turkey appears to reflect a trend found in some European countries, such as [Malta](#), which have decriminalised immigration violations in recent years.

Prior to the adoption of the LFIP, authorities could seek criminal prosecution for violations of various provisions of the Passport Law. However, according to the Helsinki Citizens’ Assembly (HCA), these sanctions were not systematically applied, and persons were usually detained as a result of an administrative decision without a judicial review.<sup>30</sup> Amendments to the Passport Law adopted in 2011 suppressed criminal charges and prison sentences (Articles 233-35).

In addition, the Law on the Sojourn and Movement of Aliens (No. 5687) provided for the imprisonment of foreigners for immigration-related charges. Article 25 provided for imprisonment for up to two years for non-citizens who left their designated place of residence without permission. Article 26 provided prison sentences of up to six months and fines of up to 1000 TL (approximately 155 EUR) for those who tried to enter Turkey after being deported or after being invited to leave the country (Article 26). As highlighted by the HCA, Article 26 appeared to be at odds with the 2011 amendments to the Passport Law decriminalising irregular entry and exit.<sup>31</sup>

**2.4 Asylum seekers.** Turkish legislation provides for the detention of asylum seekers, although the LFIP provides that it should be an exceptional measure (Article 68[1][2]). Grounds for the detention of asylum seekers include: (1) to verify identity documents and nationality; (2) to prevent irregular entry at ports of entry; (3) when an asylum application cannot be properly assessed unless administrative detention is applied; and (4) when the person poses a serious danger to public order and security (Article 68[1][2]). Detention on these grounds is not to exceed 30 days (Article 68[5]), although in practice asylum seekers may be held for longer than 30 days.<sup>32</sup> When applicants for international protection are

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<sup>28</sup> Article 23 of the Law on the Sojourn and Movement of Aliens provided that non-citizens who were issued a deportation order but whom the state could not immediately deport must “reside in a location assigned to them” by the Interior Ministry.

<sup>29</sup> Various international bodies argued that while these laws did not provide for detention, the type of accommodation carried out by authorities on the basis of these laws amounted to a clear deprivation of liberty and that the facilities used for this purpose operated as detention centres. In *Abdolkhani and Karimnia v. Turkey* (2009) the European Court of Human Rights (ECtHR) stated that Turkey’s system for detaining foreign nationals had no legal basis and that the applicants had been arbitrarily detained in violation of Article 5 of the European Convention on Human Rights. For a detailed account of problems posed by administrative detention in Turkish law, see: European Court of Human Rights, “*Abdolkhani and Karimnia v. Turkey*, Application no. 30471/08,” 22 September 2009; UN Working Group on Arbitrary Detention (WGAD), “Report of the Working Group on Arbitrary Detention Addendum: Mission to Turkey, A/HRC/4/40/Add.5,” *Human Rights Council*, 7 February 2007; European Court of Human Rights, “*Z.N.S. v. Turkey*, Judgment of the European Court of Human Rights, Application no. 21896/08,” 19 January 2010.

<sup>30</sup> Helsinki Citizens’ Assembly Turkey (HCA), “Global Detention Project Questionnaire,” *Global Detention Project*, 29 July 2011.

<sup>31</sup> Helsinki Citizens’ Assembly Turkey (HCA), “Global Detention Project Questionnaire,” *Global Detention Project*, 29 July 2011.

<sup>32</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

detained, they are to be granted access to “a legal representative, lawyer, as well as to a notary” and UNHCR officers (Article 68[8]). Article 92(3) provides that UNHCR shall have access to applicants of international protection, including those at border posts. According to Article 59(2), representatives of “relevant non-governmental organisations with expertise in the area of migration shall be able to visit removal centres upon permission of the Directorate General.”

Although Turkey is a party to the [1951 Refugee Convention](#), the country is one of a small group of countries that retain a “geographical limitation” clause, limiting the protection regime to refugees and asylum seekers from Europe.<sup>33</sup> The LFIP did not lift this limitation—a failure that drew widespread criticism. The geographical limitation is particularly significant in the case of Turkey because people seeking international protection in the country almost exclusively come from “non-European” countries—including Syria, Iran, Iraq, Afghanistan, and Somalia. Indeed, Turkey hosts 3.5 million Syrian refugees (the largest number of any receiving state), while other asylum seeker populations from Afghanistan, Iraq, and other countries bring the total number of refugees and asylum seekers in Turkey closer to four million.<sup>34</sup>

Refugees from Syria, including Palestinian refugees from Syria (PRS) and stateless persons, access a group-based temporary protection scheme that precludes them from lodging applications for international protection and, once their origins in Syria have been verified, temporary protection is granted without further individual assessment.<sup>35</sup> Temporary protection affords Syrians various rights: “express protection from *refoulement* and access to basic services, including education and healthcare, on the basis of a temporary protection identification card issued by the DGMM.”<sup>36</sup> Temporary protection applicants are also eligible for resettlement. In 2018 however, more than a dozen provinces (including Istanbul and various others in the south of the country) stopped registering and granting documents to newly arrived Syrians.<sup>37</sup> (For more on Syrians under the temporary protection regime, see: [2.6 Other vulnerable groups](#)).

Article 91 of the LFIP stipulates that “temporary protection may be provided to foreigners who, having been forced to leave their country and cannot return to the country they left,

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<sup>33</sup> UN High Commissioner for Refugees (UNHCR), “UNHCR Global Appeal, 2008-2009: Turkey,” <https://www.unhcr.org/publications/fundraising/474ac8e60/unhcr-global-appeal-2008-2009-turkey.html>

<sup>34</sup> U.S. State Department, “Turkey 2018 Human Rights Report,” 2018 Country Reports on Human Rights Practices, 20 March 2019, <https://tr.usembassy.gov/country-reports-on-human-rights-practices-for-2018-turkey-summary/>; UN High Commissioner for Refugees (UNHCR), “Turkey: Operational Update 2018 Highlights,” March 2019, <https://bit.ly/2lRWBrv>; K. Kirisci, “Turkey: A Transformation from Emigration to Immigration,” Migration Policy Institute (MPI), 1 November 2003, <https://www.migrationpolicy.org/article/turkey-transformation-emigration-immigration>

<sup>35</sup> Council of Europe, “Report of the Fact-Finding Mission to Turkey by Ambassador Tomáš Boček, Special Representative of the Secretary General on Migration and Refugees, 30 May-4 June 2016, SG/Inf(2016)29,” 10 August 2016, [https://www.asylumineurope.org/sites/default/files/resources/sg\\_inf201629\\_srsrg\\_migration\\_refugees\\_fact-finding\\_mission\\_final\\_e.pdf](https://www.asylumineurope.org/sites/default/files/resources/sg_inf201629_srsrg_migration_refugees_fact-finding_mission_final_e.pdf)

<sup>36</sup> Council of Europe, “Report of the Fact-Finding Mission to Turkey by Ambassador Tomáš Boček, Special Representative of the Secretary General on Migration and Refugees, 30 May-4 June 2016, SG/Inf(2016)29,” 10 August 2016, [https://www.asylumineurope.org/sites/default/files/resources/sg\\_inf201629\\_srsrg\\_migration\\_refugees\\_fact-finding\\_mission\\_final\\_e.pdf](https://www.asylumineurope.org/sites/default/files/resources/sg_inf201629_srsrg_migration_refugees_fact-finding_mission_final_e.pdf)

<sup>37</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

have arrived at or crossed the borders of Turkey in masses seeking emergency and temporary protection.”

The LFIP also contains provisions for an accelerated procedure for some applicants of international protection (Article 79), usually on the grounds that the applicant: has not presented sufficient grounds for international protection during their application; has misled authorities through providing false documents or misleading information; has got rid of an identity document “in bad faith”; has applied for international protection solely to delay a removal decision; or poses a danger to public order or security.<sup>38</sup> (Simultaneously, applicants with special needs are also given the option of fast-tracked asylum processing. In the past, “women in advanced stages of pregnancy, persons with acute health needs, or unaccompanied children” have benefited from this prioritisation.)<sup>39</sup>

Despite protections that are intended for Syrian refugees, they are nevertheless among the most vulnerable groups in Turkey today. Since the refugee “crisis” in 2015, they have been the targets of both physical attacks as well as of increasingly restrictive policies, both at Turkey’s borders and inside the country. Turkey’s borders with Syria have been closed to all but emergency humanitarian cases since the “crisis,” and today remain “effectively closed to new asylum seekers” fleeing Syria, prompting many to rely on smugglers.<sup>40</sup> Those attempting to cross the border can face lethal force by Turkish military and gendarmerie border guards, detention in military facilities, and violent pushbacks. In 2018, Human Rights Watch (HRW) documented instances in which Turkish authorities “routinely intercepted hundreds, and at times thousands, of asylum seekers at the Turkish-Syrian border ... and summarily deported them.”<sup>41</sup> The human rights group has documented similar practices consistently since 2015.<sup>42</sup> More recently, in June 2019, the Global Detention Project (GDP) received images from a Palestinian-Syrian human rights defender inside Syria appearing to show the results of violent beatings by Turkish border guards, who had apprehended the group of young men and forcibly deported them back across the border.<sup>43</sup>

Inside Turkey, Syrians (like other asylum-seeking populations) have been forced to sign “voluntary return documents” under coercion or explicit force by authorities, before being deported back across the border.<sup>44</sup> According to a January 2019 circular issued by the

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<sup>38</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>39</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>40</sup> Human Rights Watch (HRW), “Turkey: Events of 2018,” World Report 2019, 2019, <https://www.hrw.org/world-report/2019/country-chapters/turkey>; U.S. State Department, “Turkey 2018 Human Rights Report,” 2018 Country Reports on Human Rights Practices, 20 March 2019, <https://tr.usembassy.gov/country-reports-on-human-rights-practices-for-2018-turkey-summary/>

<sup>41</sup> Human Rights Watch (HRW), “Turkey: Mass Deportations of Syrians,” 22 March 2018, <https://www.hrw.org/news/2018/03/22/turkey-mass-deportations-syrians>

<sup>42</sup> Human Rights Watch (HRW), “Turkey/Syria: Border Guards Shoot, Block Fleeing Syrians,” 3 February 2018, <https://www.hrw.org/news/2018/02/03/turkey/syria-border-guards-shoot-block-fleeing-syrians>

<sup>43</sup> Palestinian-Syrian human rights defender (anonymous for security reasons), WhatsApp conversation with Tom Rollins (Global Detention Project), 24 June 2019.

<sup>44</sup> See: Amnesty International, “Sent to a War Zone: Turkey’s Illegal Deportations of Syrian Refugees,” October 2019, <https://app.box.com/s/514o0br9jp6allglvwzydl81tyetsvrf>

DGMM, Syrians who re-entered Turkey despite having previously signed one of these documents, would be allowed to re-access services.<sup>45</sup>

As recently as July 2019, authorities in Istanbul announced planned raids, stop-checks, and arrests of Syrian refugees residing in Istanbul who were registered in other cities around the country, as well as Syrians working informally.<sup>46</sup> In the days that followed, detained Syrians were summarily deported into northern Syria—including those with the necessary documentation to live legally in Istanbul—with many forced to sign voluntary return documents that were in Turkish.<sup>47</sup> According to an October 2019 Amnesty International report, although Turkey does not maintain statistics on such deportations, it is likely that “over the past few months the figure is likely to be in the hundreds.”<sup>48</sup> These raids and deportations were arguably an advance upon Turkey’s long-standing plans to create a “safe zone” inside Syria along the Turkish border, in which it hopes to resettle two million Syrian refugees. Claims of such forcible deportations raise concerns over how Turkey will persuade Syrians to relocate to this yet-to-be-established “safe zone.”

Compared with the group-based approach applied in the case of Syrians for whom temporary protection is automatic, individual non-European asylum seekers must pursue separate, parallel processes.<sup>49</sup> Until its discontinuation of the practice in September 2018, UNHCR conducted refugee status determination (RSD) in Turkey. Since then, the Directorate General of Migration Management (DGM) has acted as the “sole authority to register and process international protection applications.”<sup>50</sup> Protection and assistance for refugees by UNHCR is governed by a Host Country Agreement (HCA), which was signed on 1 September 2016 and came into force in mid-2018.<sup>51</sup>

While Turkish law provides that persons can technically apply for international protection after being detained, lodging such an application will not disrupt the enforcement of other judicial and administrative actions or measures and sanctions (Article 65[5]). In practice however, reports indicate that detainees may be denied access to making a claim or to determination procedures. Afghans are particularly vulnerable to summary, unlawful deportations. These were initially performed under the guise of the EU-Turkey refugee deal, but later under the authority of a migration agreement signed between Afghanistan and Turkey on 9 April 2018, in which Afghanistan agreed to facilitate the deportations of its

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<sup>45</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>46</sup> Q. Amameh and T. Rollins, “Syrian Refugees in Istanbul Nervous Over Raids, Arrests by Turkish Authorities,” *The National*, 19 July 2019, <https://bit.ly/2ISblkl>

<sup>47</sup> Q. Amameh and T. Rollins, “For Syrians in Istanbul, Fears Rise as Deportations Begin,” *The New Humanitarian*, 23 July 2019, <https://www.thenewhumanitarian.org/news/2019/07/23/syrians-istanbul-fears-rise-deportations-begin>

<sup>48</sup> Amnesty International, “Sent to a War Zone: Turkey’s Illegal Deportations of Syrian Refugees,” October 2019, <https://app.box.com/s/514o0br9jp6allglvwzydl81tyetsvrf>

<sup>49</sup> Helsinki Citizens’ Assembly Turkey (HCA), “Global Detention Project Questionnaire,” *Global Detention Project*, 29 July 2011.

<sup>50</sup> UN High Commissioner for Refugees (UNHCR), “Turkey: Operational Update 2018 Highlights,” March 2019, <https://bit.ly/2IRWBrv>

<sup>51</sup> UN High Commissioner for Refugees (UNHCR), “Turkey: Operational Update 2018 Highlights,” March 2019, <https://bit.ly/2IRWBrv>

nationals from Turkey.<sup>52</sup> According to the Afghan Refugees Association in mid-2019, one in two Afghans detained in Turkey will be deported.<sup>53</sup> Earlier, in 2016, Amnesty International found that Turkish authorities had started stepping up detentions and deportations of Afghan asylum seekers without granting them access to asylum.<sup>54</sup>

Until the 2016 coup attempt, asylum seekers undergoing international protection procedures were protected from removal by law—including during an appeals process for a rejected claim. However, the 29 October 2016 emergency decree (Presidential Decree No. 676) gave Turkish authorities additional powers vis-a-vis detention and deportation of asylum seekers, and several subsequent laws have amended parts of the LFIP in this regard. Indeed, amendments to Articles 53 and 54 of the LFIP (regulating removals and removal decisions) granted authorities the right to derogate from the principle of *non-refoulement* “for reasons such as public order, security and terrorism.”<sup>55</sup> This amendment, crucially, states that an asylum seeker can be removed at any point during an international protection procedure, if they meet the stated grounds above, whereas previously asylum seekers generally had the right to remain in the country throughout their procedure (including at appeal stages). Persons falling under those categories can also be deported even if they already benefit from international protection or temporary protection.<sup>56</sup> These amendments were subsequently consolidated by Law No. 7070 on 1 February 2018. According to a refugee rights monitoring group, removal decisions along these grounds were “increasingly” being used in 2018.<sup>57</sup> Human rights groups have also documented multiple cases of deportations, including *refoulements*, of asylum seekers (for more, see 2.6 Other vulnerable groups).

**2.5 Children.** While the LFIP provides that a child’s best interests shall be respected, it does not exempt families and unaccompanied children from pre-removal detention. They are to be provided separate accommodation arrangements in removal centres and children are to have access to education (Article 59 [1-ç-d]).

Families with children are detained in practice, and recent monitoring reports by international delegations and human rights groups attest to the presence of children in removal centres (despite contrary claims by authorities in the centres). During a 2015 visit, a Council of Europe delegation visiting the [Pehlivan köy Removal Centre](#) was informed by authorities that there were no children in the facility—but, when visiting rooms at random, the delegation came across a “family of five, including three children under the age of 18,” and “at least one

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<sup>52</sup> Amnesty International, “Turkey: Thousands of Afghans Swept Up in Ruthless Deportation Drive,” 24 April 2018, <https://www.amnesty.org/en/latest/news/2018/04/turkey-thousands-of-afghans-swept-up-in-ruthless-deportation-drive/>

<sup>53</sup> Ö. Manşet, “‘Afgan mülteciler sınır dışı ediliyor,’” 7 July 2019, <https://ozgurmanset.net/afgan-multeciler-sinirdisi-ediliyor/>

<sup>54</sup> Amnesty International, “Turkey ‘Safe Country’ Sham Revealed as Dozens of Afghans Forcibly Returned Hours After EU Refugee Deal,” 23 March 2016, <https://www.amnesty.org/en/latest/news/2016/03/turkey-safe-country-sham-revealed-dozens-of-afghans-returned/>

<sup>55</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey/>; M. Zoetewij, “The State of Emergency, Non-Refoulement and the Turkish Constitutional Court,” *Verfassungsblog*, 9 May 2018, <https://verfassungsblog.de/the-state-of-emergency-non-refoulement-and-the-turkish-constitutional-court/>

<sup>56</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey/>

<sup>57</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey/>



child playing in the outdoor area.”<sup>58</sup> That same delegation ultimately “encountered few” cases of children in removal centres during visits to several facilities, but stated that it was clear that the “possible detention of children in removal centres is anticipated.”<sup>59</sup> The resulting report called for assistance to Turkish authorities to find alternatives to the detention of children.

Unaccompanied minors who apply for international protection, on the other hand, are not to be detained. Those under the age of 16 will be placed in a government-run shelter, while those over 16 are to be placed in “reception and accommodation centres provided that favourable conditions are ensured” (LFIP, Article 66)—both of which fall under the authority of the Family, Labour and Social Services Ministry.<sup>60</sup>

Children have also been impacted by Turkey’s restrictive border policies, which sometimes are carried out with deadly violence. The U.S. State Department, citing human rights groups, has cited “credible reports” that children were among the hundreds of Syrians killed by Turkish border guards while attempting to cross into Turkey in 2018.<sup>61</sup> Summary, unlawful deportations have also effected children, their families, and other vulnerable groups, with authorities “expelling groups of around 100 Syrian men, women and children to Syria on a near-daily basis” since mid-January 2016. Returnees reportedly included children and pregnant women.<sup>62</sup>

Prior to the introduction of the LFIP, there were no specific legal provisions with regards to the detention of minors. However, a 2006 Interior Ministry “implementation directive” (Security Circular No.57) defining asylum procedures under Turkey’s 1994 Asylum Regulation stated that temporary asylum applications for unaccompanied minors were to be fast-tracked so that minors could be transferred to shelters of the State Child Protection Agency (SHÇEK). Today, unaccompanied children can still benefit from fast-tracked asylum processing, along with other vulnerable groups. The Circular on Combating Illegal Migration also provided for gender segregation and for children to remain with their mothers.<sup>63</sup>

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<sup>58</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Turkish Government on the Visit to Turkey Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 23 June 2015, CPT/Inf (2017) 32,” *Council of Europe*, 17 October 2017, <https://www.refworld.org/publisher,COECPT,,TUR,59e5b55c4,0.html>

<sup>59</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Turkish Government on the Visit to Turkey Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 23 June 2015, CPT/Inf (2017) 32,” *Council of Europe*, 17 October 2017, <https://www.refworld.org/publisher,COECPT,,TUR,59e5b55c4,0.html>

<sup>60</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>61</sup> US State Department, “Turkey 2018 Human Rights Report,” 2018 Country Reports on Human Rights Practices, 20 March 2019, <https://tr.usembassy.gov/country-reports-on-human-rights-practices-for-2018-turkey-summary/>

<sup>62</sup> Amnesty International, “Turkey: Illegal Mass Returns of Syrian Refugees Expose Fatal Flaws in EU-Turkey Deal,” 1 April 2016, <https://www.amnesty.org/en/latest/news/2016/04/turkey-illegal-mass-returns-of-syrian-refugees-expose-fatal-flaws-in-eu-turkey-deal/>

<sup>63</sup> Helsinki Citizens’ Assembly (HCA), “Global Detention Project Questionnaire,” *Global Detention Project*, 29 July 2011.

However, the circular did not require segregation of criminal offenders from other detainees.<sup>64</sup>

**2.6 Other vulnerable groups.** In addition to asylum seekers and refugees, a host of other vulnerable groups face uncertainty and stark vulnerabilities in Turkey, including in particular victims of trafficking. In 2006, Turkey revised its **Criminal Code** to include penalties for smugglers and traffickers (Law No. 5237, Article 89). The LFIP includes the protection of “victims of human trafficking benefitting from victim support processes” from expulsion (Article 55 [1][ç]). The law provides for the establishment of centres and shelters for victims of human trafficking, as well as for outsourcing operations at these facilities (Article 108 [1][i][6]). As such, Turkey provides two dedicated facilities for victims of trafficking: one run by the DGMM in Kırıkkale with 12 spaces, and another operated by Ankara’s municipality with 30 places.<sup>65</sup>

Despite these provisions, observers report that trafficked persons often go unidentified and are detained and deported.<sup>66</sup> The US State Department, in its 2018 report on trafficking, found that “the government did not meet the minimum standards in several key areas. ... Civil society remained largely excluded from anti-trafficking efforts, and specialized support services for victims were limited to a government-run shelter after several NGO-run shelters closed in 2016; critics asserted civil society’s diminishing role hindered the identification and specialized care of victims.”<sup>67</sup> Moreover, according to the Asylum Information Database, sex workers (and among them, potential victims of trafficking) are at particular risk of detention in removal centres on public order and public health grounds (LFIP, Article 57). In one judgement, the 2nd Magistrates’ Court of Aydın upheld a detention order on grounds of “public security” issued to eight foreign women who had been informally working in a night club.<sup>68</sup>

Turkey has received various recommendations to improve protection of vulnerable persons. In 2012, the UN Human Rights Committee (HRC) urged the country to “protect victims of trafficking from prosecution, detention or punishment for activities they were involved in as a direct consequence of their situation as trafficked persons.”<sup>69</sup> This recommendation was repeated in 2016 by the Committee on the Protection of All Migrant Workers and Members of their Families (CMW).<sup>70</sup>

**2.7 Length of detention.** Under the LFIP, pre-removal detention can last up to one year (six initial months plus a maximum of six additional months) (Article 57 [3]).

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<sup>64</sup> Helsinki Citizens’ Assembly (HCA), “Unwelcome Guests: The Detention of Refugees in Turkey’s “Foreigners’ Guesthouses,” November 2007.

<sup>65</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>66</sup> Helsinki Citizens’ Assembly Turkey (HCA), “Global Detention Project Questionnaire,” *Global Detention Project*, 29 July 2011; U.S. State Department, “Trafficking in Persons Report 2012,” 2012, [www.state.gov/j/tip/rls/tiprpt/2012/index.htm](http://www.state.gov/j/tip/rls/tiprpt/2012/index.htm)

<sup>67</sup> U.S. State Department, “2018 Trafficking in Persons Report: Turkey,” 2018 Trafficking in Persons Report, 28 June 2018, <https://www.state.gov/reports/2018-trafficking-in-persons-report/turkey/>

<sup>68</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>69</sup> Helsinki Citizens Assembly (HCA), “Briefing Note on Syrian Refugees in Turkey,” 16 November 2012, [www.hyd.org.tr](http://www.hyd.org.tr)

<sup>70</sup> Committee on the Protection of All Migrant Workers and Members of their Families (CMW), “Concluding Observations on the Initial Report of Turkey,” 31 May 2016, <https://bit.ly/30LH6kH>

In 2013, the Special Rapporteur on the human rights of migrants argued that this was too long a period for immigration-related detention and that monthly reviews of detention should ensure that migrants are not detained for prolonged periods.<sup>71</sup> However, the six-month extension proscribed by the law is still “systematically applied in practice.”<sup>72</sup> Those facing pre-removal detention should be transferred from a police station to a Removal Centre within 48 hours of being issued with a detention order.

According to Article 68 (5) of the LFIP, meanwhile, administrative detention during international protection proceedings is limited to 30 days. However, lawyers report that they are aware of cases where Article 68 orders are not communicated to asylum seeker detainees, meaning that they are then held for longer than 30 days, “in clear violation of the law.”<sup>73</sup>

According to observers, average detention periods vary among different nationalities and from one centre to another. It has also been reported that the average length of detention increased in 2018.<sup>74</sup>

**2.8 Procedural standards.** Article 19 of the Turkish Constitution provides basic procedural safeguards for anyone deprived of their liberty, including in cases of “apprehension or detention of a person who enters or attempts to enter illegally into the country or for whom a deportation or extradition order has been issued.” Everyone has the right to submit individual complaints to the Constitutional Court, which can provide an important check on rights abuses including detentions and deportations.<sup>75</sup> Although individual complaints to the Constitutional Court do not have a “suspensive effect” on deportations, an urgent interim measure can be requested that relates to an “applicant’s life, physical and moral integrity,” for example if the applicant states that there is a risk of torture should they be deported.<sup>76</sup> A ruling by the Constitutional Court stalls a deportation indefinitely.<sup>77</sup>

Removal decisions can also be appealed before the Administrative Court within 15 days of their issuance. Until recently, an appeal would stay a deportation except in cases where the individual has been issued with a removal decision “for reasons such as public order, security and terrorism.” However, following the issuance of Presidential Decree No. 688, “administrative and judicial decisions based on presidential decrees may not be suspended

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<sup>71</sup> Special Rapporteur on the Human Rights of Migrants, “Report by the Special Rapporteur on the Human Rights of Migrants, François Crépeau, Mission to Turkey (25–29 June 2012), A/HRC/23/46/Add.2, “ *Human Rights Council (HRC)*, 17 April 2013, [www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/AnnualReports.aspx](http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/AnnualReports.aspx)

<sup>72</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>73</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>74</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>75</sup> M. Zoetewij, “The State of Emergency, Non-Refoulement and the Turkish Constitutional Court,” *Verfassungsblog*, 9 May 2018, <https://verfassungsblog.de/the-state-of-emergency-non-refoulement-and-the-turkish-constitutional-court/>

<sup>76</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>77</sup> M. Zoetewij, “The State of Emergency, Non-Refoulement and the Turkish Constitutional Court,” *Verfassungsblog*, 9 May 2018, <https://verfassungsblog.de/the-state-of-emergency-non-refoulement-and-the-turkish-constitutional-court/>

by and during appeal against the decision” during the state of emergency.<sup>78</sup>

The LFIP meanwhile provides that detainees must be informed about the reason and duration of their detention and the outcome of the review of the necessity of detention. They also have the right to legal counsel and the right to challenge their detention (Article 57[5-6]). Lawyers, relatives, UNHCR, consular officials, and NGOs should be able visit detainees (Article 59).

In practice, while lawyers have generally been allowed to meet with immigration detainees, sources have informed the GDP that detainees have faced barriers in accessing legal assistance. There is a short supply of lawyers competent or interested in migration law, and most detainees cannot afford a lawyer. Only a handful of NGOs have operational capacity to provide free legal assistance, and of these, only the HCA litigates. As NGOs do not have access to removal centres, detainees are regularly unable to contact them and counselling and assistance can only be provided via telephone.<sup>79</sup> In the case of Istanbul Ataturk Airport, it has been reported that lawyers and UNHCR representatives have been prevented from accessing the transit zone—a facility that the HCA describes as a rule of law “black zone.”

HCA has in the past reported a mixed success with immigration litigation in domestic courts. In some cases, the competent court in Ankara halted detention after ruling it unlawful; in other cases, the court denied the HCA’s motions to end detention even though the plaintiffs were undepotable as a result of binding Interim Measures issued by the ECtHR.<sup>80</sup> In a March 2013 judgment by the ECtHR involving an Iranian refugee who had challenged his detention at the Kumkapi Centre, the court concluded that “the Turkish legal system did not provide the applicant with a remedy whereby he could obtain a speedy judicial review of the lawfulness of his detention, within the meaning of Article 5 § 4 of the Convention” (*Athary v. Turkey*, 2013, Application no. 50372/09 § 42).

**2.9 Non-custodial measures (“alternatives to detention”).** The LFIP provides for non-custodial measures, including residence at a designated address and reporting requirements (Articles 57[4] and 71 [1]).

According to Article 68(3) of the LFIP, an individualised assessment is to be conducted in order to determine the necessity of detention, and to consider less coercive measures before detention in the international protection procedure. In particular, authorities must consider whether free residence in an assigned province and regular reporting duties (as per Article 71) will serve as a sufficient measure.<sup>81</sup> Residence and reporting obligations include residence in a designated Reception and Accommodation Centre, or a specific location or province, while reporting to authorities “at designated intervals.” In practice however, alternatives to detention are not employed.

In addition to this, following the expiry of the maximum period of pre-removal administrative

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<sup>78</sup> M. Zoetewij, “The State of Emergency, Non-Refoulement and the Turkish Constitutional Court,” *Verfassungsblog*, 9 May 2018, <https://verfassungsblog.de/the-state-of-emergency-non-refoulement-and-the-turkish-constitutional-court/>

<sup>79</sup> Helsinki Citizens’ Assembly (HCA), “Global Detention Project Questionnaire,” *Global Detention Project*, 21 December 2011.

<sup>80</sup> Helsinki Citizens’ Assembly (HCA), “Global Detention Project Questionnaire,” *Global Detention Project*, 21 December 2011.

<sup>81</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

detention, authorities may also issue an Administrative Surveillance Decision (known as a “T6”), requiring an individual to regularly report to a Provincial Directorate for Migration Management (PDMM) office. A 2018 report on Turkey described the decision as a “concerning practice, insofar as the imposition of reporting obligations to the PDMM is introduced as an additional restriction when detention may no longer be applied, rather than an alternative to detention.”<sup>82</sup>

**2.10 Detaining authorities and institutions.** Control of Turkey’s borders is the principal responsibility of the Turkish armed forces, although the gendarmerie (under the Interior Ministry) also administers rural areas and borders.<sup>83</sup> The National Police, meanwhile, is responsible for security in large urban areas.<sup>84</sup>

Until 2010, the Department of Foreigners, Borders and Asylum of the National Police issued deportation decisions and transmitted them to the relevant provincial Foreigners Police; however, no separate instructions were issued for detention either before or after a deportation instruction was issued.<sup>85</sup> The 2010 Circular on Combating Illegal Migration provided that “illegal” migrants could be apprehended by the Provincial Security Directorate (police), gendarmerie, and coastguard. However, once apprehended they were to be promptly handed over to the Foreigners’ Department of the Provincial Security Directorate.<sup>86</sup>

The LFIP stipulates that “law enforcement units” can apprehend people for immigration-related reasons (Article 57). The law shifted all implementation regarding migration and international protection, including the issuing of deportation decisions and oversight of removal centres, from the police to the local offices of the DGMM in each provincial governorate. According to Article 103 of the law, the DGMM is to implement migration policies and strategies; ensure coordination among relevant institutions and organisations; and carry out the tasks and procedures related to foreigners’ entry into, stay in, and exit from Turkey, as well as their deportation.

**2.11 Regulation of detention conditions and regimes.** The LFIP does not have specific provisions concerning detention conditions. Instead, conditions outlined in Regulation No. 28980 on the Establishment and Operations of Reception and Accommodation Centres and Removal Centres (hereon, the Removal Centres Regulation) (22 April 2014). According to this regulation, all removal centres operate under the administration of the DGMM, and each centre has its own director.<sup>87</sup>

Article 4 of the Removal Centres Regulation sets out a list of nine principles that are to be observed in removal centres across the country: 1. Protection of the right to life; 2.

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<sup>82</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>83</sup> Human Rights Watch (HRW), “Turkey: Mass Deportations of Syrians,” 22 March 2018, <https://www.hrw.org/news/2018/03/22/turkey-mass-deportations-syrians>

<sup>84</sup> U.S. State Department, “Turkey 2018 Human Rights Report,” 2018 Country Reports on Human Rights Practices, 20 March 2019, <https://tr.usembassy.gov/country-reports-on-human-rights-practices-for-2018-turkey-summary/>

<sup>85</sup> Helsinki Citizens’ Assembly Turkey (HCA), “Global Detention Project Questionnaire,” Global Detention Project, 21 December 2011.

<sup>86</sup> Helsinki Citizens’ Assembly (HCA), “Global Detention Project Questionnaire,” *Global Detention Project*, 29 July 2011.

<sup>87</sup> Article 11, Regulation No. 28980 on the Establishment and Operations of Reception and Accommodation Centres and Removal Centres (Removal Centres Regulation), 22 April 2014.

Maintenance of a human-centred approach; 3. Observing the best interest of the unaccompanied child; 4. Priority to applicants with special needs; 5. Confidentiality of personal information; 6. Informing persons concerned about the operations that are to be performed; 7. Social and psychological strengthening; 8. Respect for the freedom of belief and worship; and 9. Providing services to residents without discrimination based on language, race, colour, sex, political thought, philosophical belief, religion, sect, or any other similar reasons.<sup>88</sup>

Article 14 of the Removal Centres Regulation also obliges removal centres to provide accommodation, food, security, and emergency and basic healthcare (including psychological and social support) to detainees.

**2.12 Domestic monitoring.** Monitoring immigration detention operations in Turkey is severely hampered by the lack of access that both national and international observers have to sites of detention.<sup>89</sup> Nevertheless, there are NGOs in Turkey that attempt to monitor the country's detention operations, assist detainees, and advocate for reforms. In addition, the Removal Centres Regulation does not stipulate UNHCR or NGO access to removal centres.<sup>90</sup> While in practice, UNHCR has developed working modalities with the DGMM, NGOs have no established protocols with the latter for access to removal centres.<sup>91</sup> The country has also ratified the [Optional Protocol to the UN Convention against Torture \(OPCAT\)](#) and established a National Human Rights Institution.<sup>92</sup> In 2014, the country designated its recently established National Human Rights Institution (NHRI), the Human Rights and Equality Institution of Turkey, as its National Preventive Mechanism (NPM) under OPCAT by means of a cabinet decree published in the Official Gazette on 28 January.<sup>93</sup>

As of May 2017, the Global Alliance for National Human Rights Institutions (GANHRI) had yet to provide the NHRI with accreditation as independent in accordance with the Paris Principles.<sup>94</sup> In 2018, the NHRI visited the Gaziantep Removal Centre and published a report of the announced visit in February 2019.<sup>95</sup>

In 2017, in line with Article 16 of the Removal Centres Regulation, the DGMM instructed all mayoralities managing a removal centre to establish Migration Commissions tasked with

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<sup>88</sup> Article 4, Regulation No. 28980 on the Establishment and Operations of Reception and Accommodation Centres and Removal Centres (Removal Centres Regulation), 22 April 2014.

<sup>89</sup> U.S. State Department, "Turkey 2018 Human Rights Report," 2018 Country Reports on Human Rights Practices, 20 March 2019, <https://tr.usembassy.gov/country-reports-on-human-rights-practices-for-2018-turkey-summary/>

<sup>90</sup> Asylum Information Database (AIDA), "Turkey: Country Report," 16 March 2019, p.94, <https://www.asylumineurope.org/reports/country/turkey>

<sup>91</sup> Asylum Information Database (AIDA), "Turkey: Country Report," 16 March 2019, p.94, <https://www.asylumineurope.org/reports/country/turkey>

<sup>92</sup> Turkey Official Gazette, Law on the Human Rights Institution of Turkey (Law No: 6332), 30 June 2012 (unofficial translation), [www.apt.ch/content/files/npm/eca/Turkey\\_NHRI%20Law%202012\\_eng\\_unofficial\\_translation.pdf](http://www.apt.ch/content/files/npm/eca/Turkey_NHRI%20Law%202012_eng_unofficial_translation.pdf)

<sup>93</sup> Association for the Prevention of Torture (APT), "Turkey – OPCAT Situation," 5 February 2014, [www.apt.ch/en/opcat\\_pages/opcat-situation-75/](http://www.apt.ch/en/opcat_pages/opcat-situation-75/)

<sup>94</sup> Global Alliance for National Human rights Institutions, Online Directory of National Human Rights Institutions, dated 26 May 2017, <https://nhri.ohchr.org/EN/Contact/NHRIs/Pages/default.aspx>; Asylum Information Database (AIDA), "Turkey: Country Report," 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>95</sup> Human Rights and Equality Institution of Turkey, "Report on visit to Gaziantep Removal Centre (Report No. 2019/05), February 2019, [https://www.tihек.gov.tr/upload/file\\_editor/2019/09/1569223007.pdf](https://www.tihек.gov.tr/upload/file_editor/2019/09/1569223007.pdf)

regularly visiting centres. The composition of these commissions varies according to each mayorality, but generally comprises experts, academics, civil society, officials from health and education institutions, and municipality representatives.<sup>96</sup>

However, according to reports from Amnesty International, HRW, and the U.S. State Department, there is often a lack of oversight when refugees and asylum seekers are arrested, transferred to removal centres, and deported. In particular, as the U.S. State Department writes, “authorities prevented migrants placed in detention and return centres from communicating with the outside world, including their family members and lawyers, creating the potential for *refoulement* as migrants accept repatriation to avoid indefinite detention.”<sup>97</sup>

**2.13 International monitoring.** Over the past 20 years, international and regional human rights mechanisms have investigated Turkish detention policies and practices on numerous occasions.<sup>98</sup> However, since the 2016 coup attempt, access by these bodies has been limited. According to reports, Turkish authorities allowed prison visits by some observers, including members of parliament, in 2018. However, there were reportedly “no visits by an international body to the country’s prisons during the year.”<sup>99</sup>

Despite the restrictive environment, UNHCR has been able to conduct visits to some temporary reception centres, but without “regular, unfettered access,” and has had “intermittent and unpredictable access to detention and removal centers where non-Syrians returned to the country from Greece were detained.”<sup>100</sup> Previously, in the wake of the EU-Turkey deal, UNHCR had expressed concerns in a letter that the UN agency did not “benefit ... from unhindered and predictable access to pre-removal centres in Turkey and to the Duzici [sic] reception centre.”<sup>101</sup> The letter stated that UNHCR representatives needed to apply five working days in advance, which did not allow for “timely monitoring,” while also reporting difficulties in tracking and therefore monitoring and/or visiting individuals returned from Greece. The EU has not put in place a mechanism for monitoring returnees.

Prior to 2016, Turkey had been repeatedly criticised by international rights bodies for detention conditions and was encouraged to make various reforms. In 2009, for example, the CPT emphasised instances of ill-treatment, overcrowding, inadequate food and hygiene,

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<sup>96</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>97</sup> U.S. State Department, “Turkey 2018 Human Rights Report,” 2018 Country Reports on Human Rights Practices, 20 March 2019, <https://tr.usembassy.gov/country-reports-on-human-rights-practices-for-2018-turkey-summary/>

<sup>98</sup> In 1994, after one of its first visits to Turkey, the CPT highlighted the widespread use of police stations for immigration-related detention and urged authorities to establish specialised facilities. Turkey responded to this recommendation stating that while it would take it into consideration, it regarded its current facilities—which at the time were holding rooms in Foreigners Police Bureaus—to be specialised. For the CPT, however, a key problem with these facilities was that they lacked specially trained staff to handle immigration detainees.

<sup>99</sup> U.S. State Department, “Turkey 2018 Human Rights Report,” 2018 Country Reports on Human Rights Practices, 20 March 2019, <https://tr.usembassy.gov/country-reports-on-human-rights-practices-for-2018-turkey-summary/>

<sup>100</sup> U.S. State Department, “Turkey 2018 Human Rights Report,” 2018 Country Reports on Human Rights Practices, 20 March 2019, <https://tr.usembassy.gov/country-reports-on-human-rights-practices-for-2018-turkey-summary/>

<sup>101</sup> UN High Commissioner for Refugees (UNHCR) Representation in Greece, “Response to Query Related to UNHCR’s Observations of Syrians Readmitted to Turkey, GREAT/HCR/973,” 23 December 2016, <http://www.statewatch.org/news/2017/jan/unhcr-letter-access-syrians-returned-turkey-to-greece-23-12-16.pdf>

lack of access to health care and recreation, and censorship of correspondence. The committee thus recommended that all immigration detainees can access a lawyer, that a maximum period of immigration detention be set in law, that detention of minors be exceptional, and that detainees be provided access to UNHCR.<sup>102</sup> In 2015, the CPT noted that since their visit in 2009, Turkish authorities had undertaken several measures to improve immigration detention conditions. For instance, the committee noted that certain sub-standard facilities had been closed down and several new detention centres had been constructed. Nonetheless, the committee also observed, *inter alia*, instances of inadequate hygiene, ill-treatment, and unsatisfactory detention regimes in certain facilities. The CPT recommended that measures be taken to improve conditions of detention in these respects and that detainees have access to open air for at least one hour every day.<sup>103</sup>

During his visit in June 2012, the Special Rapporteur on the human rights of migrants stressed that the systematic detention of irregular migrants, including persons unlikely to be removed as well as children and families, should be avoided. He advocated for the use of non-custodial alternatives to detention and urged for improvements to be made in terms of access to medical care, adequate food, good hygiene conditions, and interpreters. The rapporteur also recommended that access by lawyers, civil society organisations, UNHCR, and other international bodies be ensured for detainees in all facility types—including the transit zone at Istanbul Atatürk Airport. To help prevent abuses, the rapporteur also added that police officers and others working in detention facilities should receive human rights trainings.<sup>104</sup>

Ahead of Turkey's Universal Periodic Review (UPR) in late 2014, the UN Country Team (UNCT) in Turkey recommended that authorities improve standards of prison monitoring amid concerns about the conditions for detainees, and also recommended finding alternatives to administrative detention for foreigners awaiting expulsion.<sup>105</sup>

In 2016, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment visited Turkey and reported that the Foreign Affairs Ministry facilitated visits to detention facilities “in full compliance with the terms of reference for fact-finding missions by special procedures mechanisms.” However, he added, the relatively short visit (of five days as opposed to the more customary 10-14 days) meant that other aspects of the post-coup aftermath, as well as Turkish-PKK violence in south-eastern Turkey “could not be examined

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<sup>102</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or punishment (CPT), “Report to the Turkish Government on the Visit to Turkey Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 17 June 2009, CPT/Inf (2011)13,” *Council of Europe*, 31 March 2011, [www.cpt.coe.int/en/states/tur.htm](http://www.cpt.coe.int/en/states/tur.htm)

<sup>103</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Turkish Government on the visit to Turkey Carried Out by the European Committee for the Preventio of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 23 June 2015, CPT/Inf (2017) 32, *Council of Europe*, 17 October 2017, <https://rm.coe.int/pdf/168075ec0a>

<sup>104</sup> Special Rapporteur on the Human Rights of Migrants, “Report by the Special Rapporteur on the Human Rights of Migrants, François Crépeau, Mission to Turkey (25–29 June 2012), A/HRC/23/46/Add.2,” *Human Rights Council (HRC)*, 17 April 2013, [www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/AnnualReports.aspx](http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/AnnualReports.aspx)

<sup>105</sup> UN Human Rights Council (HRC), “Compilation Prepared by the Office of the United Nations High Commissioner for Human Rights in Accordance with Paragraph 15 (b) of the Annex to Human Rights Council Resolution 5/1 and Paragraph 5 of the Annex to Council Resolution 16/21: Turkey, A/HRC/WG.6/21/TUR/2,” 12 November 2014, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/210/44/PDF/G1421044.pdf?OpenElement>



with sufficient rigour.”<sup>106</sup> This included the situation of refugees, asylum seekers, and migrants in detention.

**2.14 Transparency and access to information.** According to a 2018 report, statistics on pre-removal detention of asylum seekers were “not available.” Similarly, there were no statistics available for the numbers of people who applied for international protection from detention.<sup>107</sup>

Observers contend that this lack of transparency reflects a broader deterioration in Turkey with respect to independent research, civil society work, and activism on the rights of refugees, asylum seekers, and migrants in the country since the failed coup attempt of July 2016. International organisations, including UN agencies such as UNHCR, also report that monitoring and access to removal centres became more difficult after the finalisation of the EU-Turkey refugee deal in 2016.

**2.15 Externalisation, readmission, and third-country agreements.** Since Turkey’s accession process kicked off in 2005, the European Union (EU) has put increasing pressure on the country to interdict irregular migrants transiting the country en route to Europe.<sup>108</sup>

In 2005, the EU and Turkey established an Action Plan for Asylum and Migration, which contained legislation and development projects aimed at aligning Turkey’s asylum and migration system with EU legislation.<sup>109</sup> Several years later, a Turkey-EU readmission agreement signed in December 2013 (“[Agreement between the European Union and the Republic of Turkey on the readmission of persons residing without authorisation](#)”) obliged Turkey, three years after the agreement entered into force, to accept the return of third-country nationals as well as stateless persons. In exchange, Turkey would receive further EU financial and technical assistance to bolster its border police and install border surveillance equipment.<sup>110</sup> A key vehicle used to influence Turkish immigration policies was also the European Commission’s “twinning system,” established to support efforts by EU candidate states to restructure their public institutions and incorporate EU legislation. Such

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<sup>106</sup> UN Human Rights Council (HRC), “Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on his Mission to Turkey, 37th Session, A/HRC/37/50/Add.1,” 18 December 2017, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/362/52/PDF/G1736252.pdf?OpenElement>

<sup>107</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>108</sup> Helsinki Citizens’ Assembly (HCA), “Detention of Migrants in Turkey,” Presentation, Hearing at the European Parliament, Strasbourg, 14 January 2009.

<sup>109</sup> Government of Turkey, “(24) Justice, Freedom and Security Bilateral Screening with Turkey (13-15 February 2006): Replies to Issues and Questions Posed to the Turkish Authorities by the European Commission,” *European Commission*; Helsinki Citizens’ Assembly (HCA), “Unwelcome Guests: The Detention of Refugees in Turkey’s “Foreigners’ Guesthouses,” November 2007.

<sup>110</sup> Committee on Civil Liberties, Justice and Home Affairs (LIBE), “Clandestine Migrants: Civil Liberties Committee Backs EU-Turkey Readmission Agreement,” *European Parliament*, 22 January 2014, [www.europarl.europa.eu/news/en/news-room/content/20140120IPR33181/html/Clandestine-migrants-Civil-Liberties-Committee-backs-EU-Turkey-return-agreement](http://www.europarl.europa.eu/news/en/news-room/content/20140120IPR33181/html/Clandestine-migrants-Civil-Liberties-Committee-backs-EU-Turkey-return-agreement)

twinning projects saw EU funding channelled into removal centres,<sup>111</sup> as well as reception centres.<sup>112</sup>

In June 2018, the Council of the European Union raised concerns about the “continuing and deeply worrying backsliding on the rule of law and on fundamental rights including the freedom of expression.”<sup>113</sup> These concerns had already presented problems for Turkey's accession talks with the EU. In March the same year, the European Parliament approved a resolution recommending that the European Commission and Council of the European Union “in accordance with the Negotiating Framework, formally suspend the accession negotiations with Turkey.”<sup>114</sup>

However, key areas including security, economic relations, and migration will likely guarantee an ongoing relationship that benefits both sides.<sup>115</sup> Despite concerns raised about the rights safeguards for refugees, asylum seekers, and migrants either in Turkey, or who are liable to be returned to Turkey, migration remains a particular priority for the EU, and it is thus likely that cooperation between the European bloc and Turkey will continue. Indeed, while the EU spoke out about dire rights violations in Turkey after the failed coup attempt, it nevertheless stated that “continuing the migration deal remained the EU’s paramount objective.”<sup>116</sup>

Two set-pieces of current EU-Turkey cooperation on migration management can be found in the form of the Action Plan on Migration and the [EU-Turkey deal](#). Under the March 2016 EU-Turkey deal, it was agreed that all migrants and asylum seekers who arrived on Greek islands<sup>117</sup> after 20 March 2016 would be liable to return to Turkey.<sup>118</sup> For every migrant or

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<sup>111</sup> Under a 2007 Twinning project—titled “Support to Turkey’s Capacity in Combating Illegal Migration and Establishment of Removal Centres for Illegal Migrants”—the EU agreed to provide 15,000,000 EUR towards the establishment of at least two Removal Centres and development of standards for their management by 2012. This project aimed to “provide a better capacity to cope with illegal migration” and create centres devoted to “the purpose of controlling the illegal migrants to be removed” that would serve as models for future facilities. For more information, see: European Commission (EC), “Twinning: Support to Turkey’s Capacity in Combating Illegal Migration and Establishment of Removal Centres for Illegal Migrants, Twinning Project No. TR 07 02 16”; Commissioner for Human Rights of the Council of Europe (CHR), “Report by Thomas Hammarberg Commissioner for Human Rights of the Council of Europe Following his Visit to Turkey on 28 June-3 July 2009: Issue Reviewed: Human Rights of Asylum Seekers and Refugees, CommDH(2009)31,” *Council of Europe*, 1 October 2009.

<sup>112</sup> A second 2007 twinning project entitled “Establishment of a Reception, Screening and Accommodation System (Centres) for asylum seekers and refugees” covered the “functioning of up to seven well-structured reception centres.” It included a 47 million EUR EU contribution and referred to “removal” as well as “reception” centres.”

<sup>113</sup> Council of the European Union, “Enlargement and Stabilisation and Association Process - Council Conclusions, 10555/18,” 26 June 2018, <https://www.consilium.europa.eu/media/35863/st10555-en18.pdf>

<sup>114</sup> European Parliament, “European Parliament Resolution of 13 March 2019 on the 2018 Commission Report on Turkey,” 13 March 2019, [http://www.europarl.europa.eu/doceo/document/TA-8-2019-0200\\_EN.html?redirect](http://www.europarl.europa.eu/doceo/document/TA-8-2019-0200_EN.html?redirect); M. Pierini, “Options for the EU-Turkey Relationship,” *Carnegie Europe*, 3 May 2019, <https://carnegieeurope.eu/2019/05/03/options-for-eu-turkey-relationship-pub-79061>

<sup>115</sup> M. Pierini, “Options for the EU-Turkey Relationship,” *Carnegie Europe*, 3 May 2019, <https://carnegieeurope.eu/2019/05/03/options-for-eu-turkey-relationship-pub-79061>

<sup>116</sup> Human Rights Watch (HRW), “Turkey: Events of 2018,” *World Report 2019*, 2019, <https://www.hrw.org/world-report/2019/country-chapters/turkey>

<sup>117</sup> For more on detention conditions in Greece following the EU-Turkey deal, see: Global Detention Project, “Immigration Detention in Greece: Stranded in Aegean Limbo,” January 2019, <https://www.globaldetentionproject.org/countries/europe/greece>

<sup>118</sup> To implement the EU agreement with Turkey, Greece converted reception centres on five Aegean Islands into

asylum seeker returned to Turkey, the EU would resettle one Syrian from Turkey. Turkey was also promised various incentives, including six billion EUR, the lifting of EU visa requirements for its nationals, and the resumption of the accession process.<sup>119</sup> Despite justifying the return of migrants and asylum seekers in referring to the “safe third country” principle, observers immediately highlighted that Turkey did not fulfil the criteria to be considered safe for refugees, in part because of its refusal to grant full refugee status to non-European refugees.<sup>120</sup>

The EU-Turkey deal involved coordination with various levels of European institutions, and a steering committee—chaired by the European Commission with Greece, the European Asylum Support Office (EASO), Frontex, Europol, and representatives of the Council Presidency, France, the United Kingdom, and Germany—was formed to oversee implementation of the agreement.<sup>121</sup> EASO and Frontex deployed officers to oversee readmission aspects of the deal, and the European Coast Guard coordinated with both Greek and Turkish border authorities. The Turkish coastguard was said to be continuing “active patrolling and prevention of departures from Turkey” more than two years after the deal came into force.<sup>122</sup>

EU support has bolstered the number and capacity of detention facilities, or removal centres. Indeed, in 2018, the country’s detention capacity in removal centres doubled.<sup>123</sup> Six facilities originally intended for reception of international protection applicants, made possible through EU funding, were later “re-purposed to serve as removal centres” after the EU-Turkey Action Plan on Migration and EU-Turkey deal.<sup>124</sup> At the time of writing, seven facilities are also

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closed (or “secure”) facilities and adopted a policy of “geographical restriction.” Pursuant to this measure, migrants and asylum seekers are today no longer transferred to the Greek mainland. Rather, they are obliged to remain on the island on which they are initially registered and undergo a fast-track border procedure to determine whether Turkey is a “safe country” for them. However, due to administrative delays, many migrants and asylum seekers find themselves stranded on the Aegean islands for months. Numerous reports have denounced appalling conditions in the centres, including severe overcrowding, insufficient food supply and medical care, and a lack of protection from violence.

<sup>119</sup> Visa-free travel for Turkish nationals has long been a goal of the Turkish government in its engagements with the EU. During negotiations over the 2013 readmission agreement and later, at the finalisation stage, Turkey made the signing, ratification, and future implementation of the agreement directly conditional on progress towards a visa-free regime between Turkey and EU. A “visa dialogue” was launched between the two sides on the same day the readmission agreement was signed, however talks over accession and visa-free regimes have been stalled by political controversy within Europe over Turkey’s candidacy as well as widespread repression in the wake of the failed July 2016 coup attempt. For more information, see: Deutsche Welle, “European Parliament Votes to Suspend Turkey’s EU Membership Bid,” 13 March 2019, <https://www.dw.com/en/european-parliament-votes-to-suspend-turkeys-eu-membership-bid/a-47902275>; Oktay Durukan (Helsinki Citizens’ Assembly Turkey), Notes on draft detention profile, Global Detention Project, 3 April 2014.

<sup>120</sup> Amnesty International, “The EU-Turkey Deal: Europe’s Year of Shame,” March 2017, <https://www.amnesty.org/en/latest/news/2017/03/the-eu-turkey-deal-europes-year-of-shame/>; I. Majcher, “Border Securitization and Containment vs. Fundamental Rights: The European Union’s ‘Refugee Crisis,’” *Georgetown Journal of International Affairs*, March 2017, <https://www.georgetownjournalofinternationalaffairs.org/online-edition/border-securitization-and-containment-vs-fundamental-rights-the-european-unions-refugee-crisis>

<sup>121</sup> European Commission (EC), “Implementing the EU-Turkey Statement – Questions and Answers,” 8 December 2016, [http://europa.eu/rapid/press-release\\_MEMO-16-4321\\_en.htm](http://europa.eu/rapid/press-release_MEMO-16-4321_en.htm)

<sup>122</sup> European Commission (EC), “Report from the Commission to the European Parliament, the European Council and the Council: Seventh Report on the Progress Made in the Implementation of the EU-Turkey Statement, COM(2017) 470 final,” 6 September 2017, <https://bit.ly/2h2hev3>

<sup>123</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>124</sup> Deportation Monitoring Aegean, “Surrendered to Harmandalı Removal Prison – How EU Policies Lead to Expulsion and Maltreatment of Migrants Deported to Turkey,” 4 June 2019, <https://bit.ly/2mfJQO5>

planned to open with EU support (the DGMM’s website refers to them as “EU project centres.”)<sup>125</sup> (see 3.1 Detention Infrastructure: Summary).

At the same time, numerous official European bodies have repeatedly raised concerns about the detention of third-country nationals returned to Turkey, concerns which pre-date the EU-Turkey refugee deal. In 2010, the Parliamentary Assembly of the Council of Europe recommended that “member states and the European Union only negotiate and apply readmission agreements with regard to countries that respect human rights and those that have a functioning asylum system in place,”<sup>126</sup> prompting advocates to argue that Turkey failed in fulfilling this criteria due to its lack of a functioning asylum system. In 2013, the country was an important target for an EU readmission agreement, however human rights defenders quickly warned that a lack of substantial safeguards concerning the treatment of third-country nationals upon readmission would perhaps lead to arbitrary detention.<sup>127</sup> Such concerns have been borne out in how Turkish authorities have detained both Syrian and non-Syrian asylum seekers returned from Greece since March 2016, and also massively upscaled detentions (such as of Afghan nationals) without reportedly giving individuals access to international protection or temporary protection procedures.

Aside of the EU, Turkey also has readmission agreements in place with several countries, including Greece.<sup>128</sup> In 2010, under the existing bilateral readmission protocol between Greece and Turkey the two countries agreed to designate daily contact points among law enforcement staff for the smooth implementation of the protocol.<sup>129</sup>

The country is also a key partner for [Frontex](#), the EU's border agency. In May 2012, a [Memorandum of Understanding](#) was signed—known as a “working arrangement” according to Frontex rubric, the agreement was intended to enhance operational cooperation between Turkey and Europe on border control, including participation in training activities and in joint operations, the deployment of Frontex experts to Turkey, and a more organised exchange of information and risk analysis.<sup>130</sup> A Cooperation Plan was then signed between the Turkish

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<sup>125</sup> Directorate General for Migration Management (DGMM), “Removal Centres,” 2 July 2019, [https://www.goc.gov.tr/icerik6/removal-centers\\_915\\_1024\\_10105\\_icerik](https://www.goc.gov.tr/icerik6/removal-centers_915_1024_10105_icerik)

<sup>126</sup> Committee on Migration, Refugees and Population (PACE), “Readmission Agreements: A Mechanism for Returning Irregular Migrants,” *Parliamentary Assembly, Council of Europe*, 17 March 2010, <https://www.refworld.org/docid/4bdadc1c3.html>

<sup>127</sup> Euro-Mediterranean Human Rights Network (Euromedrights), “An EU-Turkey Readmission Agreement—Undermining the Rights of Migrants, Refugees and Asylum Seekers?” 20 June 2013, [www.euromedrights.org/eng/2013/06/20/an-eu-turkey-readmission-agreement-undermining-the-rights-of-migrants-refugees-and-asylum-seekers/](http://www.euromedrights.org/eng/2013/06/20/an-eu-turkey-readmission-agreement-undermining-the-rights-of-migrants-refugees-and-asylum-seekers/)

<sup>128</sup> Turkey reportedly also has bilateral agreements linked to readmission with Ukraine (since 1998), Syria (since 2003), Romania (since 2004), Georgia (since 2005), Spain, and Kyrgyzstan (since 2009). Other agreements have been signed but not ratified with Bosnia and Herzegovina (2002), Pakistan (2010), Russia, Nigeria (2011), Belarus, Moldova (2012), and Afghanistan (2018). For more information, see: Return Migration and Development Platform (RDP), “Turkey’s Bilateral Agreements Linked to Readmission,” *European University Institute, Robert Schuman Centre for Advanced Studies*, February 2013, [rsc.eui.eu/RDP/research/analyses/ra/turquie/](http://rsc.eui.eu/RDP/research/analyses/ra/turquie/); Amnesty International, “Turkey: Thousands of Afghans Swept Up in Ruthless Deportation Drive,” 24 April 2018, <https://www.amnesty.org/en/latest/news/2018/04/turkey-thousands-of-afghans-swept-up-in-ruthless-deportation-drive/>

<sup>129</sup> European Commission (EC), “Commission Staff Working Document: Turkey 2011 Progress Report Accompanying the Document Communication from the Commission to the European Parliament and the Council Enlargement Strategy and Main Challenges 2011-2012, SEC(2011) 1201 final,” *European Commission*, 12 October 2011, [ec.europa.eu/enlargement/pdf/key\\_documents/2011/package/tr\\_rapport\\_2011\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/tr_rapport_2011_en.pdf)

<sup>130</sup> European Commission (EC), “Commission Staff Working Document: Turkey 2012 Progress Report Accompanying the Document Communication from the Commission to the European Parliament and the Council

Foreign Affairs Ministry and Frontex in February 2014 to further bolster cooperation.<sup>131</sup>

Since then, cooperation between Turkey and Frontex has continued to grow, particularly since the 2015 Action Plan and March 2016 EU-Turkey deal. Frontex's Operation Poseidon oversees the interception of irregular migrants in the Aegean Sea, between Greece and Turkey, and approximately 600 Frontex officers "perform border surveillance and assist in the identification and registration of incoming migrants, as well as debriefing and screening."<sup>132</sup> In 2016, Turkey sent a Frontex Liaison Officer (FLO) to Ankara, part of a broader push to host liaison officers in key non-EU countries.<sup>133</sup> A 2016-2019 5.5 million EUR multi-country fund to Balkan countries and Turkey, overseen by Frontex, the EASO, IOM, and UNHCR, was also established to bolster the capacity of seven pre-accession states in tasks including screening of irregular migrants, registration of mixed migration flows, and streamlining referral mechanisms into national asylum systems, as well as overseeing returns.<sup>134</sup>

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Enlargement Strategy and Main Challenges 2012-2013, SWD(2012) 336 Final," *European Commission*, [www.ipex.eu/IPEXL-WEB/dossier/document/SWD20120336.do](http://www.ipex.eu/IPEXL-WEB/dossier/document/SWD20120336.do)

<sup>131</sup> European Commission (EC), "Instrument for Pre-Accession Assistance (IPA II) 2014-2020," <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/turkey/ipa/2014/ipa2014-031-874.8-tr-home-affairs.pdf>

<sup>132</sup> Frontex, "Main Operations: Operation Poseidon (Greece)," <https://frontex.europa.eu/along-eu-borders/main-operations/operation-poseidon-greece/>

<sup>133</sup> Frontex, "Liaison Officers Network," <https://frontex.europa.eu/partners/liaison-officers-network/>

<sup>134</sup> Frontex, "Regional Support to Protection-Sensitive Migration Management in the Western Balkans and Turkey (Frontex, EASO, IOM, UNHCR)," [https://frontex.europa.eu/assets/Partners/Third\\_countries/IPA\\_II.pdf](https://frontex.europa.eu/assets/Partners/Third_countries/IPA_II.pdf)



### 3. DETENTION INFRASTRUCTURE

**3.1 Summary.** Turkey employs a broad assortment of sites for the purposes of immigration-related detention, including police stations, ad hoc sites, dedicated immigration detention centres, and transit facilities.

The main immigration detention infrastructure in the country is a network of dedicated facilities called “removal centres,” which were previously officially referred to as “Foreigners’ Guesthouses.”<sup>135</sup> Previously falling under the authority of the Interior Ministry, and managed by the National Police, since the introduction of the LFIP in 2013, the newly established DGMM has taken responsibility for removal centres.

As of mid-2019, Turkey operated 24 removal centres for the purpose of administrative detention of asylum seekers during international protection procedures and pre-removal administrative detention. Ad hoc border posts and fixed military/gendarmerie bases are also used to detain asylum seekers crossing Turkey’s border with Syria following border apprehensions, and prior to their forcible deportation back across the border.

In addition to these facilities, undocumented migrants have been detained at police stations and gendarmerie posts—including those in Istanbul, Izmir, and Van—as well as at a juvenile detention facility in Istanbul and at transit zone “detention rooms” at the Istanbul Ataturk Airport and other international airports, including Istanbul’s Sabiha Gokcen Airport.

EU-funded projects and the 2013 LFIP (Article 68) both refer to additional facilities called “reception and accommodation centres,” which are to be used to shelter international protection applicants. However, it appears that these open centres may also have dedicated detention sections to be used for the detention of certain categories of international protection applicants.

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<sup>135</sup> The Global Detention Project formerly categorised Turkish “guesthouses” as ad hoc detention centres because they operated, until 2010, in an improvised legal context that did not clearly establish grounds for holding people in administrative detention. A key criticism levelled at Turkey while the previous detention regime was in place was that the name “guesthouse” failed to communicate that these centres were actually sites of deprivation of liberty. The March 2010 Circular on Combating Illegal Migration changed the name of these facilities from “Foreigners’ Guesthouses” to “Removal Centres.” The change closely followed a pivotal ECtHR decision that emphasised the absence of a legal basis for immigration detention in Turkey (*Abdolkhani and Karimnia v. Turkey*, 22 September 2009). The court stated that the guesthouses were in fact places of deprivation of liberty and that this was not grounded in legislation. Likewise, in 2009, the European Committee for the Prevention of Torture urged officials to consider adopting the term “detention centres” “rather than the misleading euphemism ‘guest houses,’ since the persons held in these centres are undoubtedly deprived of their liberty.”

For more information, see: European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or punishment (CPT), “Report to the Turkish Government on the Visit to Turkey Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 17 June 2009, CPT/Inf (2011) 13,” *Council of Europe*, 31 March 2011, [www.cpt.coe.int/en/states/tur.htm](http://www.cpt.coe.int/en/states/tur.htm)

## 3.2 List of detention facilities.

### 3.2a Removal Centres

In addition to the Turkey's 24 active removal centres listed below,<sup>136</sup> as of mid-2019 there were additional facilities under construction, including a 200-capacity facility in **Bursa**.

- Adana
- Ağrı
- Antalya
- Aydın
- Çanakkale
- Edirne
- Erzurum 1
- Erzurum 2
- Gaziantep (Oğuzeli)
- Hatay
- Iğdir
- İstanbul (Binkılıç)
- İstanbul (Silivri)
- İstanbul (Tuzla-Konteyner)
- İzmir
- Kayseri
- Kirikkale
- Kırklareli (Pehlivan köyü)
- Kocaeli
- Malatya
- Muğla
- Osmaniye (Düziçi)
- Van 1 (Tuşba)
- Van 2 (Kurubaş)

Seven other facilities (in **Adana**, **Balıkesir**, **Çankırı**, **Kütahya**, **Malatya**, **Niğde**, and **Şanlıurfa**) are planned to open with EU support—the DGMM refers to them as “EU project centres”—along with three other centres planned under the so-called “lodgement programme.”<sup>137</sup>

### 3.2b Airports

Turkey operates detention facilities within major airports to hold non-nationals. People who are deemed “inadmissible passengers” are held in these facilities until their removal is enforced.<sup>138</sup> Refugees and asylum seekers are liable to be “arbitrarily detained without legal basis” in this way, as authorities refuse them entry at airports so that they can subsequently be held in *de facto* detention based on the logic that they can leave Turkey at any time to a

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<sup>136</sup> Directorate General for Migration Management (DGMM), “Removal Centres,” 2 July 2019, [https://www.goc.gov.tr/icerik6/removal-centers\\_915\\_1024\\_10105\\_icerik](https://www.goc.gov.tr/icerik6/removal-centers_915_1024_10105_icerik)

<sup>137</sup> Directorate General for Migration Management (DGMM), “Removal Centres,” 2 July 2019, [https://www.goc.gov.tr/icerik6/removal-centers\\_915\\_1024\\_10105\\_icerik](https://www.goc.gov.tr/icerik6/removal-centers_915_1024_10105_icerik)

<sup>138</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

country of their choosing.<sup>139</sup> As such, authorities do not generally consider airport facilities to be sites of detention. At the same time, a Council of Europe fact-finding mission in 2016 found that, at Istanbul Atatürk Airport, “authorities [there] accepted that those present in the rooms are effectively deprived of their liberty.”<sup>140</sup>

The following Turkish airports have employed spaces for immigration-related detention:

- **Istanbul Ataturk Airport;**
- **Istanbul Sabiha Gökçen Airport;**
- **Ankara Esenboğa Airport;**
- **Izmir Adnan Menderes Airport**

The Ataturk airport closed in April 2019. It was replaced with the new Istanbul Airport. Although presumably the new airport includes a transit zone detention space, at the time of this writing the GDP had yet to confirm the existence of such a facility.

### 3.2c Police Stations

Turkey uses police stations for “short-term holding.” Non-citizens may be detained in such facilities for up to 48 hours, after which they should be transferred to a Removal Centre. Authorities have used police stations across the country to temporarily hold refugees, asylum seekers, and migrants.<sup>141</sup> According to human rights groups, authorities have used police stations to temporarily hold irregular migrants in cities close to Turkey's Aegean and Mediterranean coastlines, having apprehended them during attempted sea crossings, before transferring them to removal centres elsewhere in the country—in some cases, prior to their removal altogether from Turkey.

### 3.2d Ad Hoc Detention Sites

Refugees, asylum seekers, and migrants apprehended at Turkey's borders have been held in ad hoc detention sites including military and gendarmerie outposts developed to house non-nationals prior to summary deportations across the border (generally to Syria). One HRW researcher previously told the GDP that Syrians apprehended at the border were “detained in centres” that were “not prisons *per se*,” but “because of the restrictions on movement, we consider them detained.”<sup>142</sup> HRW used testimonies from detained asylum seekers and returnees, corroborated with satellite imagery, to locate “four security posts with

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<sup>139</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>140</sup> Council of Europe, “Report of the Fact-Finding Mission to Turkey by Ambassador Tomáš Boček, Special Representative of the Secretary General on Migration and Refugees, 30 May-4 June 2016, SG/Inf(2016)29,” 10 August 2016, [https://www.asylumineurope.org/sites/default/files/resources/sg\\_inf201629\\_srsg\\_migration\\_refugees\\_fact-finding\\_mission\\_final\\_e.pdf](https://www.asylumineurope.org/sites/default/files/resources/sg_inf201629_srsg_migration_refugees_fact-finding_mission_final_e.pdf)

<sup>141</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>142</sup> Sara Kayyali (Human Rights Watch), Telephone conversation with Tom Rollins (Global Detention Project), 3 January 2019.



large tents set up on basketball courts in the immediate border area where asylum seekers said they were held before being sent back to Syria.”<sup>143</sup>

At times of overcrowding, irregular migrants have also previously been held in ad hoc sites within Turkey, including sports facilities and former military bases. For example, in April 2018 the DGMM resorted to detaining persons in three sport venues in Erzurum following an uptick in the detention of Afghan nationals.<sup>144</sup> Similarly, in Izmir, with growing apprehensions by the coastguard in the summer of 2018 and a lack of capacity in the city's Harmandali Removal Centre, authorities also used a sport hall for detention purposes. Men and women were reportedly held “together without privacy,” amid “substandard hygienic conditions.”<sup>145</sup>

### 3.3 Conditions and regimes in detention centres.

**3.3a Overview.** Over the course of the past two decades, national and international observers have repeatedly criticised conditions in Turkish detention facilities.<sup>146</sup> In particular, observers have highlighted overcrowding and a lack of access to medical care, lawyers, and INGOs or civil society groups.

Ahead of the adoption and implementation of the LFIP, a 2012 report by the European Commission noted that while there had been some improvements in treatment and detention conditions at removal centres, critical gaps in law and policy remained. In particular, the report noted that unaccompanied minors remained at risk of being detained alongside adults and without access to state child protection services; that there was lack of access to UNHCR services and asylum procedures; and that there was a lack of psycho-social services.<sup>147</sup>

Unless otherwise stated, the following information on removal centres comes from the DGMM's website.

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<sup>143</sup> Human Rights Watch (HRW), “Turkey: Mass Deportations of Syrians,” 22 March 2018, <https://www.hrw.org/news/2018/03/22/turkey-mass-deportations-syrians>

<sup>144</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>145</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>146</sup> For examples, see: European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or punishment (CPT), “Preliminary Observations Made by the Delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) which Visited Turkey from 2 to 14 September 2001 and Response of the Turkish authorities, F-67075,” *Council of Europe*, 6 September 2006; Commissioner for Human Rights of the Council of Europe (CHR), “Report by Thomas Hammarberg Commissioner for Human Rights of the Council of Europe Following his Visit to Turkey on 28 June - 3 July 2009: Issue Reviewed: Human Rights of Asylum Seekers and Refugees, CommDH(2009)31,” 1 October 2009; Human Rights Watch (HRW), “Stuck in a Revolving Door,” 26 November 2008, [www.hrw.org/en/reports/2008/11/26/stuck-revolving-door](http://www.hrw.org/en/reports/2008/11/26/stuck-revolving-door); European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or punishment (CPT), “Report to the Turkish Government on the Visit to Turkey Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 17 June 2009, CPT/Inf (2011)13,” *Council of Europe*, 31 March 2011, [www.cpt.coe.int/en/states/tur.htm](http://www.cpt.coe.int/en/states/tur.htm)

<sup>147</sup> European Commission (EC), “Commission Staff Working Document: Turkey 2012 Progress Report Accompanying the Document Communication from the Commission to the European Parliament and the Council Enlargement Strategy and Main Challenges 2012-2013, SWD(2012) 336 Final,” [www.ipex.eu/IPEXL-WEB/dossier/document/SWD20120336.do](http://www.ipex.eu/IPEXL-WEB/dossier/document/SWD20120336.do)

### 3.3b Removal Centres

**Adana.** With a capacity of 80, Adana Removal Centre has been flagged by observers for “serious barriers to access.” Lawyers visiting the centre are only allowed to meet with clients in securitised meeting rooms that are monitored by CCTV.<sup>148</sup>

**Ağrı.** Located on the premises of Ağrı Police Headquarters, Ağrı Removal Centre can hold up to 400 persons. In 2009, the Council of Europe’s Commissioner for Human Rights found that detainees were held in rooms below ground-level, “with limited access to natural light and no natural light at all in the detention room for women and children.”<sup>149</sup>

**Antalya.** The Removal Centre in Antalya, a city on Turkey’s southwestern Mediterranean coastline, can hold up to 170 detainees. According to local lawyers, detainees are held in cells that can be locked from the inside, and men and women are housed separately.<sup>150</sup>

**Aydin.** In operation since April 2012,<sup>151</sup> the facility was previously based in a small building with a capacity of 250. Today, up to 564 detainees can be held in the facility’s newer, larger premises. Conditions were described as “very good” by a European delegation visiting Turkey in 2015.<sup>152</sup> The facility employed a nurse to treat detainees, and also included a courtyard where, for several hours a day, detainees could exercise outdoors and spend time away from detention areas.

That same delegation reported that dormitories in Aydın were in a “good state of repair, clean and well ventilated and had good access to natural light and artificial lighting. Further, every dormitory had its own sanitary annexe (with a toilet, shower and washbasins). Moreover, both male and female sections comprised a bright and air-conditioned communal room, equipped with a television set and chairs/sofas. The delegation gained a particularly positive impression of the “family rooms” which were also equipped with a kitchenette.”<sup>153</sup>

These conditions reflect an improvement following previous assessments, however

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<sup>148</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>149</sup> Commissioner for Human Rights of the Council of Europe (CHR), “Report by Thomas Hammarberg Commissioner for Human Rights of the Council of Europe Following his Visit to Turkey on 28 June - 3 July 2009: Issue Reviewed: Human Rights of Asylum Seekers and Refugees, CommDH(2009)31,” *Council of Europe*, 1 October 2009.

<sup>150</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>151</sup> Oktay Durukan (Helsinki Citizens’ Assembly), Email correspondence with Mariette Grange (Global Detention Project), April 2013.

<sup>152</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Turkish Government on the Visit to Turkey Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 23 June 2015, CPT/Inf (2017) 32,” *Council of Europe*, 17 October 2017, <https://www.refworld.org/publisher,COECPT,,TUR,59e5b55c4,0.html>

<sup>153</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Turkish Government on the Visit to Turkey Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 23 June 2015, CPT/Inf (2017) 32,” *Council of Europe*, 17 October 2017, <https://www.refworld.org/publisher,COECPT,,TUR,59e5b55c4,0.html>

overcrowding within the dormitories was still noted as an issue—something commented on by previous reports.<sup>154</sup>

**Çanakkale.** Located on Turkey’s north-eastern Aegean coastline near the town of Çanakkale,<sup>155</sup> this 400-space Removal Centre has been an important detention site for irregular migrants attempting to cross the sea.<sup>156</sup> According to a 2018 report, conditions at Çanakkale were “adequate overall.”<sup>157</sup>

**Edirne.** A 500-capacity Removal Centre, in 2017 Edirne was mostly used to detain irregular migrants apprehended while trying to leave Turkey.<sup>158</sup> The facility has regularly faced criticism for its poor conditions. At the time of a 2015 visit by a Council of Europe delegation, the facility was found to be holding 221 detainees—none of whom were women or children—however the delegation raised concerns about the fact that because authorities separate nationalities within the facility, there was overcrowding seen in a section for Bangladeshi nationals.<sup>159</sup>

Previously, the facility operated as a “foreign guesthouse” (Tunça Camp in Edirne), which was the subject of particularly harsh criticism.<sup>160</sup> A 2008 HRW report described how some 400 male detainees were at one point held in a single room in “abysmal” conditions that were “completely unfit for human habitation, even for short duration.” The rights group accused the Interior Ministry of intentionally keeping conditions “degrading and inhumane as a means of coercing detainees to self deport.”<sup>161</sup> Several months after HRW released its report, the Turkish government announced that the facility was to be closed and that a new facility would be constructed to replace it.<sup>162</sup> Tunça Camp was subsequently demolished and the newer Edirne Removal Centre became operational in February 2012.<sup>163</sup>

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<sup>154</sup> Helsinki Citizens’ Assembly (HCA), “Global Detention Project Questionnaire,” *Global Detention Project*, 21 December 2011.

<sup>155</sup> Directorate General of Migration Management (DGMM), “Planned Removal Centres,” 12 December 2016, [https://www.goc.gov.tr/icerik3/planned-removal-centres\\_971\\_974\\_4699](https://www.goc.gov.tr/icerik3/planned-removal-centres_971_974_4699)

<sup>156</sup> Arti49, “Modern Removal Centre to Aegean Transit Point of Illegal Migrants,” 4 August 2015, <https://www.arti49.com/modern-removal-centre-to-aegean-transit-point-of-illegal-migrants-304535h.htm>

<sup>157</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>158</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>159</sup> Council of Europe, “Report of the Fact-Finding Mission to Turkey by Ambassador Tomáš Boček, Special Representative of the Secretary General on Migration and Refugees, 30 May-4 June 2016, SG/Inf(2016) 29,” 10 August 2016, [https://www.asylumineurope.org/sites/default/files/resources/sg\\_inf201629\\_srs\\_g\\_migration\\_refugees\\_fact-finding\\_mission\\_final\\_e.pdf](https://www.asylumineurope.org/sites/default/files/resources/sg_inf201629_srs_g_migration_refugees_fact-finding_mission_final_e.pdf)

<sup>160</sup> Helsinki Citizens’ Assembly (HCA), “Unwelcome Guests: The Detention of Refugees in Turkey’s ‘Foreigners’ Guesthouses’,” November 2007.

<sup>161</sup> Human Rights Watch (HRW), “Stuck in a Revolving Door,” 26 November 2008, [www.hrw.org/en/reports/2008/11/26/stuck-revolving-door](http://www.hrw.org/en/reports/2008/11/26/stuck-revolving-door)

<sup>162</sup> Commissioner for Human Rights of the Council of Europe (CHR), “Report by Thomas Hammarberg Commissioner for Human Rights of the Council of Europe Following his Visit to Turkey on 28 June - 3 July 2009: Issue Reviewed: Human Rights of Asylum Seekers and Refugees, CommDH(2009)31,” Council of Europe, 1 October 2009.

<sup>163</sup> Oktay Durukan (Helsinki Citizens’ Assembly Turkey), Email correspondence with Mariette Grange (Global Detention Project), April 2013.

Following his June 2012 visit, the Special Rapporteur on the human rights of migrants observed that in contrast to operations at other detention facilities, detainees' mobile phones were taken from them at Edirne, and they could only make phone calls from a pay phone if they could pay for it themselves. There was no information available in the centre on how to contact lawyers, civil society organisations and UNHCR, or consular authorities. Detainees informed the Special Rapporteur that there had been riots in the centre the day before he was there, and that several detainees had bruises they claimed resulted from beatings by the guards. The Special Rapporteur also reported that guards had difficulties controlling the detainees, many of whom were desperately trying to talk to him during his visit. Access to medical care was insufficient as some of the people the Special Rapporteur met with had visible health problems but claimed not to be receiving any medical care.<sup>164</sup>

**Erzurum 1 and 2.** Erzurum 1 (“GGM 1”) and Erzurum 2 (“GGM 2”) are two large block complexes located on a remote patch of road outside Erzurum's Aşkale district. Erzurum 1 has four blocks and Erzurum 2 has two, and both facilities each have a capacity of 750. Women are housed separately, upstairs in the second facility.

AIDA, citing documentation by the Turkish Human Rights and Equality Commission, included detailed comments on the facilities in its 2018 Turkey report: “Bedrooms accommodate six people on average and include a bathroom and toilet, although they have no curtains. During its visit in 2018, the Human Rights and Equality Commission identified shortcomings such as clogged toilets and leaks, broken sinks, toilet doors and door handles, ceilings damaged by humidity, and lack of adequate ventilation. It also witnessed interruptions in the provision of hot water in GGM 2.”

“GGM 1 has a playground and football, basketball and volleyball courts, a cafeteria, prayer rooms, playrooms for children, a library, an internet room which is not accessible to detainees, a projector room, a hairdresser and barber shop, while GGM 2 has a playground and similar indoor facilities. Some persons complained that they were not allowed outdoor access in GGM 2 on some days and that the sports facilities were not accessible.”<sup>165</sup>

The Erzurum facilities have historically been an important cog in Turkey's deportation procedures. While Erzurum has been used over the years to remove irregular migrants across Turkey's eastern borders with Syria, Iraq, and Iran, more recently it has been predominantly used to facilitate “mass deportations” of Afghan asylum seekers and migrants.<sup>166</sup> Authorities boasted in early 2018 that more than seven thousand undocumented migrants were detained in Erzurum during the first 75 days of the year—for many, prior to their deportation back to Afghanistan—although a local governor also complained that these

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<sup>164</sup> Special Rapporteur on the Human Rights of Migrants, “Report by the Special Rapporteur on the Human Rights of Migrants, François Crépeau, Mission to Turkey (25–29 June 2012), A/HRC/23/46/Add.2,” *Human Rights Council (HRC)*, 17 April 2013, [www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/AnnualReports.aspx](http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/AnnualReports.aspx)

<sup>165</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>166</sup> A. Pitonak, “Mass Deportations of Afghans from Turkey: Thousands of Migrants Sent Back in a Deportation Drive,” *Afghanistan Analysts Network*, 21 June 2018, <https://www.afghanistan-analysts.org/mass-deportations-of-afghans-from-turkey/>; A.M. Latifi, “Turkey is Sending Thousands Back to Warzone in ‘Shocking and Illegal’ Mass Deportations,” *Think Progress*, 1 June 2018, <https://thinkprogress.org/turkey-deport-afghan-refugees-e2decdd9b63b/>

detentions were putting a strain on local authorities with the rate of detentions “well above the manageable number.”<sup>167</sup>

Erzurum has also witnessed unlawful detentions and deportations of Syrian refugees and asylum seekers, who are coerced (or even physically forced) into signing “voluntary return documents” before being sent across the border. According to Amnesty International, in late 2015: “A 26-year old Syrian woman explained that some detainees in Erzurum Removal Centre were physically forced to put their fingerprints to a document. A 23-year-old Syrian man said that he was part of a group in Erzurum in which a three-year old child was forced to provide his fingerprints as evidence of his consent to return to Syria.”<sup>168</sup>

However, according to a researcher in early 2019, Erzurum was “not really being used to hold Syrians anymore, it’s mostly Afghans. In 2015, 2016 it was used primarily to detain Syrians and there were several instances of deportations from there, as well as the suspicious death of a Syrian-Kurdish man there.”<sup>169</sup>

The Erzurum centres were among six facilities intended for reception of international protection applicants through EU funding, although after the EU-Turkey Action Plan on Migration and then the EU-Turkey deal, these centres were “re-purposed to serve as removal centres.”<sup>170</sup>

**Gaziantep (Oğuzeli).** With space for up to 750 detainees, Oğuzeli was among six facilities intended for the reception of international protection applicants through EU funding. However, after the EU-Turkey Action Plan on Migration and then the EU-Turkey deal, these six centres were “re-purposed” to serve as removal centres.<sup>171</sup>

Since 2015, the facility has been increasingly used to hold Syrians in pre-removal detention so that they can be “deported more easily.”<sup>172</sup> An investigation by The Guardian in 2018 found that Oğuzeli was another site where authorities effectively gave Syrians a choice between indefinite detention or return to Syria (after they signed “voluntary return documents”), including Syrian asylum seekers with the correct documentation to allow them to remain in Turkey and who did not appear to have committed any crime.<sup>173</sup> Given Gaziantep's proximity to the Turkish-Syrian border, it makes sense to serve as a site for deportations back to Syria, and refugees and asylum seekers have been transferred from other removal centres or police stations further west in Turkey before being taken to Oğuzeli.

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<sup>167</sup> Hurriyet Daily News, “7,000 Undocumented Migrants Captured by Authorities in Turkey’s Erzurum in First 75 Days of 2018,” 23 March 2018, <http://www.hurriyetdailynews.com/7-000-undocumented-migrants-captured-by-authorities-in-turkeys-erzurum-in-first-75-days-of-2018-129219>; InfoMigrants, “Hundreds of Afghan Migrants Deported from Turkey,” 9 March 2018, <https://www.infomigrants.net/en/post/8517/hundreds-of-afghan-migrants-deported-from-turkey>

<sup>168</sup> Amnesty International, “Europe’s Gatekeeper: Unlawful Detention and Deportation of Refugees from Turkey,” December 2015, <https://www.amnesty.org/download/Documents/EUR4430222015ENGLISH.pdf>

<sup>169</sup> Amy Pitonak, Telephone communication with Tom Rollins (Global Detention Project), 9 January 2019.

<sup>170</sup> Deportation Monitoring Aegean, “Surrendered to Harmandalı Removal Prison – How EU Policies Lead to Expulsion and Maltreatment of Migrants Deported to Turkey,” 4 June 2019, <https://bit.ly/2mfJQJ5>

<sup>171</sup> Deportation Monitoring Aegean, “Surrendered to Harmandalı Removal Prison – How EU Policies Lead to Expulsion and Maltreatment of Migrants Deported to Turkey,” 4 June 2019, <https://bit.ly/2mfJQJ5>

<sup>172</sup> Amy Pitonak, Telephone communication with Tom Rollins (Global Detention Project), 9 January 2019.

<sup>173</sup> S. Carrié and A. Al Omar, “It’s Against the Law’: Syrian Refugees Deported from Turkey Back to War,” *The Guardian*, 16 October 2018, <https://www.theguardian.com/global-development/2018/oct/16/syrian-refugees-deported-from-turkey-back-to-war>

Although Oğuzeli has been dogged by reports of poor detention conditions over the years, in 2019 observers reported that in general, conditions appeared to be improving. However, one report did note that following the suicide of an Afghan detainee at the centre in February 2019, a riot occurred. “Lawyers from the Migration and Asylum Commission of the Gaziantep Bar Association inquired about the incident but were not provided with information by the management of the centre,” the report observed. “The association later established that detainees had gone on hunger strike in the centre.”<sup>174</sup>

**Hatay.** Close to the Turkish-Syrian border, Hatay Removal Centre can detain up to 192 persons. The province has been known as one from which Syrians have been deported across the border—a process that has likely involved the Removal Centre as well as local police stations.<sup>175</sup>

Conditions inside the facility were recently described as “substandard,” with detainees left with no access to showers or hot water, and with only 40 minutes of outdoor time permitted each day.<sup>176</sup>

Reports also point to “serious barriers to access” in the Hatay Removal Centre.<sup>177</sup>

**Istanbul (Binkılıç).** This 120-space facility usually holds men.<sup>178</sup>

**Istanbul (Silivri).** This 270-space facility usually holds women.<sup>179</sup>

**Izmir (Harmandalı).** Located on the premises of an old factory building in an industrial district on the outskirts of Izmir, the Removal Centre has long been criticised for sub-standard detention conditions. When HRW published its account of the former Izmir guesthouse in 2008, migrants were reported to be “held underground” for weeks at a time in overcrowded, poorly ventilated rooms.<sup>180</sup>

Since the EU-Turkey deal, the Izmir facility has become one of the main facilities used to hold readmitted non-Syrian asylum seekers and migrants from Greece. Harmandalı was also among six facilities intended for the reception of international protection applicants through EU funding, but following the EU-Turkey Action Plan on Migration and then the EU-Turkey deal, the facility was re-purposed to serve as a Removal Centre.<sup>181</sup>

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<sup>174</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>175</sup> S. Carrié and A. Al Omar, “It’s Against the Law’: Syrian Refugees Deported from Turkey Back to War,” *The Guardian*, 16 October 2018, <https://www.theguardian.com/global-development/2018/oct/16/syrian-refugees-deported-from-turkey-back-to-war>

<sup>176</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>177</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>178</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>179</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>180</sup> Human Rights Watch (HRW), “Stuck in a Revolving Door,” 26 November 2008, [www.hrw.org/en/reports/2008/11/26/stuck-revolving-door](http://www.hrw.org/en/reports/2008/11/26/stuck-revolving-door)

<sup>181</sup> Deportation Monitoring Aegean, “Surrendered to Harmandalı Removal Prison – How EU Policies Lead to Expulsion and Maltreatment of Migrants Deported to Turkey,” 4 June 2019, <https://bit.ly/2mfJQQ5>

The facility has 750 detention spaces spread across two blocks: “Block A” holds single adults and individuals detained on the grounds of being issued “YTS” codes (this code is assigned to those identified as “foreign terrorist fighters”); while “Block B” holds families.<sup>182</sup> Each room contains six beds, along with a bathroom and toilet.

In recent years, reports on the conditions inside the facility have been mixed. According to AIDA’s 2018 report, Harmandalı includes several facilities including a “gym, a library, two spaces for religious practice, two playgrounds, television and internet stations, as well as a tailor and a hairdresser.”<sup>183</sup>

A Council of Europe delegation in 2016 described material conditions inside Harmandalı as “good, although the rooms were very hot,” while children were detained alongside their families with reportedly little activities provided for them. Detainees also complained that they were often confined and locked into their rooms with little opportunity to exercise outside.

A year earlier however, the CPT visited the facility as part of its visit to Turkey and found that conditions in the centre were “extremely poor,” and listed the centre among three facilities of particular concern.<sup>184</sup> At the time, no nurse was employed at the facility; male detainees were restricted to 20 minutes’ outdoor exercise a day; and 21 unaccompanied minors were being held in an overcrowded dormitory.<sup>185</sup>

During its visit, CPT delegation also heard several allegations by female detainees of sexual harassment by male guards. The delegation raised the issue with Turkish officials, who claimed that Izmir’s police directorate opened an investigation through which detainees’ testimonies “denied the claims in question and [found] no concrete evidence ... concerning the subject of the allegations.”<sup>186</sup> As a result, the investigation was closed.

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<sup>182</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>; European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Turkish Government on the Visit to Turkey Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 23 June 2015, CPT/Inf (2017) 32,” *Council of Europe*, 17 October 2017, <https://www.refworld.org/publisher,COECPT,,TUR,59e5b55c4,0.html>

<sup>183</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>184</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Turkish Government on the Visit to Turkey Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 23 June 2015, CPT/Inf (2017) 32,” *Council of Europe*, 17 October 2017, <https://www.refworld.org/publisher,COECPT,,TUR,59e5b55c4,0.html>

<sup>185</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Turkish Government on the Visit to Turkey Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 23 June 2015, CPT/Inf (2017) 32,” *Council of Europe*, 17 October 2017, <https://www.refworld.org/publisher,COECPT,,TUR,59e5b55c4,0.html>

<sup>186</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Turkish Government on the Visit to Turkey Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 23 June 2015, CPT/Inf (2017) 32,” *Council of Europe*, 17 October 2017, <https://www.refworld.org/publisher,COECPT,,TUR,59e5b55c4,0.html>

On 14 May 2019, a group of lawyers from the Bar Association of Izmir were detained inside an interview room in the facility while visiting asylum seekers.<sup>187</sup> According to rights groups, the incident was reflective of “additional barriers” imposed at removal centres such as Harmandalı.<sup>188</sup>

**Kayseri.** Kayseri Removal Centre, located in central Turkey, has a total capacity of 750. It has been used to detain non-Syrian asylum seekers returned from Greece.<sup>189</sup> Kayseri was among six facilities intended for the reception of international protection applicants through EU funding, although after the EU-Turkey Action Plan on Migration and then the EU-Turkey deal, these centres were “re-purposed to serve as removal centres.”<sup>190</sup>

According to Turkey’s Human Rights and Equality Commission, rooms in the centre contain bunkbeds, a cupboard, bathroom, and toilet. There are also two rooms for disabled persons, which are accessible by a lift. The walls, rooms, and linen were found to be generally in good condition, although ventilation and hot water supply were reported to be inadequate.<sup>191</sup>

**Kirikkale.** Kirikkale has a total capacity of 200 detention spaces. If there is insufficient capacity in Kayseri, detainees may be transferred to Kirikkale instead.<sup>192</sup>

**Kırklareli (Pehlivan köyü).** Kırklareli (Pehlivan köyü), with a total detention capacity of 750, was among six facilities intended for reception of international protection applicants through EU funding. However, like the other five facilities, it was re-purposed to serve as a Removal Centre following the EU-Turkey Action Plan on Migration and the EU-Turkey deal,<sup>193</sup> Opened in 2016, the facility was established to exclusively house returnees from Greece.<sup>194</sup> In particular, non-Syrian asylum seekers and migrants returned to Turkey from Greece under the EU-Turkey refugee deal have been sent to Kırklareli. Two returns in early April

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<sup>187</sup> Izmir Bar Association, “Meslektaşlarımızın Uğradığı Kötü Muamele Nedeniyle Harmandalı Geri Gönderme Merkezi’nde Basın Açıklaması Yapıldı,” 20 May 2019, <https://bit.ly/2YGVKZ3>

<sup>188</sup> Asylum in Europe, “Turkey: Lawyers Arbitrarily Detained in Izmir Removal Centre,” *Asylum Information Database (AIDA) and European Council on Refugees and Exiles (ECRE)*, 28 May 2019, <https://www.asylumineurope.org/news/28-05-2019/turkey-lawyers-arbitrarily-detained-izmir-removal-centre>

<sup>189</sup> J. Alpes et al., “Post-Deportation Risks Under the EU-Turkey Statement: What Happens After Readmission to Turkey?” *European University Institute, Robert Schuman Centre for Advanced Studies*, Issue 2017/30, November 2017, [http://cadmus.eui.eu/bitstream/handle/1814/49005/PB\\_2017\\_30\\_MPC.pdf?sequence=1&isAllowed=y](http://cadmus.eui.eu/bitstream/handle/1814/49005/PB_2017_30_MPC.pdf?sequence=1&isAllowed=y)

<sup>190</sup> Deportation Monitoring Aegean, “Surrendered to Harmandalı Removal Prison – How EU Policies Lead to Expulsion and Maltreatment of Migrants Deported to Turkey,” 4 June 2019, <https://bit.ly/2mfJQJ5>

<sup>191</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>; Turkish Human Rights and Equality Commission, “Kayseri Geri Gönderme Merkezi Ziyareti,” 2018/14, November 2018, <https://bit.ly/2HLRi62>

<sup>192</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>193</sup> Deportation Monitoring Aegean, “Surrendered to Harmandalı Removal Prison – How EU Policies Lead to Expulsion and Maltreatment of Migrants Deported to Turkey,” 4 June 2019, <https://bit.ly/2mfJQJ5>

<sup>194</sup> Council of Europe, “Report of the Fact-Finding Mission to Turkey by Ambassador Tomáš Boček, Special Representative of the Secretary General on Migration and Refugees, 30 May-4 June 2016, SG/Inf(2016) 29,” 10 August 2016, [https://www.asylumineurope.org/sites/default/files/resources/sg\\_inf201629\\_srsq\\_migration\\_refugees\\_fact-finding\\_mission\\_final\\_e.pdf](https://www.asylumineurope.org/sites/default/files/resources/sg_inf201629_srsq_migration_refugees_fact-finding_mission_final_e.pdf)



2016, comprising 323 non-Syrians, were directly transferred to Kırklareli (Pehlivanköy) and “detained for the purpose of deportation.”<sup>195</sup>

A Council of Europe human rights official visiting the facility around this time reported: “The facilities were brand new and efforts had been made to develop communal areas and services. I was shown a library with a limited collection of religious books, a sports hall, a hairdresser’s and a well-stocked classroom. Detainees were not aware of any of these facilities. There is an outdoor, internal courtyard area. A number of detainees were there during my visit. The detainees I interviewed in their rooms, on the other hand, claimed that they were rarely given access to outdoor space. Instead, they spent most of the time between meals locked in their rooms. There were some allegations of ill-treatment by the guards. I was told by the authorities that there were no children in the centre at the time of my visit. However, I visited rooms at random and saw a family of five, including three children under the age of 18. I also saw at least one child playing in the outdoor area.”<sup>196</sup>

Meanwhile, 2017 documentation of conditions for returnees from Greece found that in Kırklareli: “The doors to detainees’ cells are opened only three times a day for short meal breaks. After each break, detainees are given less than an hour to exercise before they have to return to their cells. In their cells, detainees do not have access to means of communication with the outside world – no phone, TV, internet, newspapers or books. Outside the cells, the means of communication and information are limited and mostly available only in Turkish. Moreover, returnees struggle with poor food, isolation and inadequate medical services. As the facility is run by a private security company, detainees are often unable to access Turkish state authorities with complaints or information requests.”<sup>197</sup>

**Kocaeli.** A 250-capacity Removal Centre, Kocaeli was constructed and opened with the support of a 2014-2015 state investment programme.<sup>198</sup>

**Malatya.** Malatya is another 350-capacity Removal Centre, built with EU funding.

**Muğla.** The smaller, one-storey Mugla Removal Centre is located approximately 10 kilometres outside Mugla. It currently has a total capacity of 88.

**Van 1 (Tuşba).** There are two facilities in Van. This, the smaller of the two, has a total detention capacity of 392. The facility that previously served as Van Removal Centre was

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<sup>195</sup> Mülteci-Der and Pro-Asyl, “Observations on the Situation of Refugees in Turkey, 22 April 2016,” 22 April 2016, <https://bit.ly/2jvorDG>

<sup>196</sup> Council of Europe, “Report of the Fact-Finding Mission to Turkey by Ambassador Tomáš Boček, Special Representative of the Secretary General on Migration and Refugees, 30 May-4 June 2016, SG/Inf(2016) 29,” 10 August 2016, [https://www.asylumineurope.org/sites/default/files/resources/sg\\_inf201629\\_srsrg\\_migration\\_refugees\\_fact-finding\\_mission\\_final\\_e.pdf](https://www.asylumineurope.org/sites/default/files/resources/sg_inf201629_srsrg_migration_refugees_fact-finding_mission_final_e.pdf)

<sup>197</sup> S. Tunaboşlu and J. Alpes, “The EU-Turkey Deal: What Happens to People who Return to Turkey?” *Forced Migration Review*, (54), 2017, <https://www.fmreview.org/resettlement/tunaboşlu-alpes>

<sup>198</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Turkish Government on the Visit to Turkey Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 23 June 2015, CPT/Inf (2017) 32,” *Council of Europe*, 17 October 2017, <https://www.refworld.org/publisher,COECP,.,TUR,59e5b55c4,0.html>

located on the premises of the Van Police Headquarters, and had an official capacity of 65 places in 2009.<sup>199</sup>

**Van 2 (Kurubaş).** This, the larger of Van’s two facilities, can confine up to 750 persons and was included in the list of six facilities intended for reception of international protection applicants through EU funding (but was re-purposed as a Removal Centre after the EU-Turkey Action Plan on Migration and the EU-Turkey deal.)<sup>200</sup>

**Istanbul (Tuzla).** Located some 35 kilometres southeast of Istanbul, this Removal Centre can hold up to 900 non-citizens.

**Iğdir.** Iğdir currently has a total capacity of 1,500 detention spaces—although in December 2018, a rights organisation stated that the facility had a capacity of 2,090.<sup>201</sup>

**Osmaniye (Düziçi).** Osmaniye (Düziçi), which is often referred to as a “camp,” has a total capacity of 3,000—although in December 2018, a rights organisation stated that the facility had a capacity of 4,000.<sup>202</sup> In recent years, it has purportedly been transformed “from a container camp to a detention centre.”<sup>203</sup> The facility differs from a “camp” though, in that detainees face restrictions on their freedom of movement. A Council of Europe delegate was “in no doubt that the residents of the camp are in *de facto* detention,” describing securitised entrances and barbed-wire fencing surrounding the area.<sup>204</sup>

From early on, Syrian asylum seekers returned to Turkey from Greece under the EU-Turkey deal (after their claims were deemed “inadmissible” by asylum authorities) were sent to Osmaniye. According to Turkish authorities, two returns in early April 2016—comprising two Syrians—were directly transferred to the facility, before being registered and later released.<sup>205</sup> However, Syrian detainees have reportedly been held “without being informed about the reason for and length of their detention, and without access to adequate medical treatment.”<sup>206</sup> More concerning is the fact that the return of Syrians from Greece to

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<sup>199</sup> Commissioner for Human Rights of the Council of Europe (CHR), “Report by Thomas Hammarberg Commissioner for Human Rights of the Council of Europe Following his Visit to Turkey on 28 June - 3 July 2009: Issue Reviewed: Human Rights of Asylum Seekers and Refugees, CommDH(2009)31,” *Council of Europe*, 1 October 2009.

<sup>200</sup> Deportation Monitoring Aegean, “Surrendered to Harmandalı Removal Prison – How EU Policies Lead to Expulsion and Maltreatment of Migrants Deported to Turkey,” 4 June 2019, <https://bit.ly/2mfJQ5>

<sup>201</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>202</sup> Asylum Information Database (AIDA), “Turkey: Country Report,” 16 March 2019, <https://www.asylumineurope.org/reports/country/turkey>

<sup>203</sup> Amy Pitonak, Telephone communication with Tom Rollins (Global Detention Project), 9 January 2019.

<sup>204</sup> Council of Europe, “Report of the Fact-Finding Mission to Turkey by Ambassador Tomáš Boček, Special Representative of the Secretary General on Migration and Refugees, 30 May-4 June 2016, SG/Inf(2016) 29,” 10 August 2016, [https://www.asylumineurope.org/sites/default/files/resources/sg\\_inf201629\\_srsrg\\_migration\\_refugees\\_fact-finding\\_mission\\_final\\_e.pdf](https://www.asylumineurope.org/sites/default/files/resources/sg_inf201629_srsrg_migration_refugees_fact-finding_mission_final_e.pdf)

<sup>205</sup> Mülteci-Der and Pro-Asyl, “Observations on the Situation of Refugees in Turkey, 22 April 2016,” 22 April 2016, <https://bit.ly/2jvorDG>

<sup>206</sup> S. Tunaboğlu and J. Alpes, “The EU-Turkey Deal: What Happens to People who Return to Turkey?” *Forced Migration Review*, (54), 2017, <https://www.fmreview.org/resettlement/tunaboğlu-alpes>

Osmaniye seemingly “has no legal basis,” because Turkish promises to the EU to give temporary protection to all Syrians returned under the EU-Turkey deal would mean that neither grounds for detention in Article 57 and Article 68 of the LFIP would apply.<sup>207</sup>

Access inside Osmaniye is said to be poor, as are conditions. According to one account, “the detention conditions in Düzici camp were so bad that one Syrian woman with four children asked to be returned to Syria instead.”<sup>208</sup>

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<sup>207</sup> Council of Europe, “Report of the Fact-Finding Mission to Turkey by Ambassador Tomáš Boček, Special Representative of the Secretary General on Migration and Refugees, 30 May-4 June 2016, SG/Inf(2016) 29,” 10 August 2016, [https://www.asylumineurope.org/sites/default/files/resources/sg\\_inf201629\\_srsg\\_migration\\_refugees\\_fact-finding\\_mission\\_final\\_e.pdf](https://www.asylumineurope.org/sites/default/files/resources/sg_inf201629_srsg_migration_refugees_fact-finding_mission_final_e.pdf)

<sup>208</sup> S. Tunaboylu and J. Alpes, “The EU-Turkey Deal: What Happens to People Who Return to Turkey?” *Forced Migration Review*, (54), 2017, <https://www.fmreview.org/resettlement/tunaboylu-alpes>



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