



TÜRKIYE

JOINT SUBMISSION TO THE UN Committee against
Torture

80th Session (08 Jul 2024 - 26 Jul 2024)

ISSUES RELATED TO IMMIGRATION DETENTION

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Joint submission from:

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ABOUT THE INTERNATIONAL REFUGEE RIGHTS ASSOCIATION (IRRA)

The International Refugee Rights Association (IRRA) was established in 2013 by legal practitioners following a mass influx of refugees into Türkiye, with the aim of defending their legal rights and promoting legal regulations and their implementation in line with international standards. The IRRA's mission is:

- To be a pioneer in refugee legal aid provision and right-based advocacy in line with international standards through its dedicated team of lawyers across Türkiye;
- To prevent violations of the right to live and promote the prohibition of torture within the scope of international human rights law, especially in immigration detention and deportation cases;
- To raise public awareness and knowledge about the global situation of refugees as well as their plight in Türkiye through activities, training, and media including television, newspapers, and social media;
- To document and report on the condition and challenges faced by refugees inside and outside camps both in Türkiye and abroad.

ABOUT THE GLOBAL DETENTION PROJECT

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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Issues Related to Immigration Detention

The Global Detention Project (GDP) and the International Refugee Rights Association (IRRA) welcome the opportunity to provide information relevant to the review of Türkiye's state party report during the 80th Session of the Committee against Torture (CAT). This submission focuses on recent developments in immigration detention centers in Türkiye, revealing a worrying level of disregard for the physical and psychological well-being of thousands of migrants, refugees, and asylum seekers who are kept in detention every year in the country.

1. Background on Immigration Detention

- 1.1 Türkiye currently hosts the largest number of refugees in the world—nearly 3.8 million according to UNHCR.¹ Of these, 3.4 million are Syrians with temporary protection status,² while an additional 320,000 individuals from other countries—mainly Afghanistan, Iraq, and Iran—are under various other legal frameworks.³ Notably, 1.7 million of the refugees in the country are children.⁴
- 1.2 With 30 detention centres, Türkiye has one of the largest immigration detention systems in the world.⁵ Conditions in these facilities vary in terms of the physical environment, services provided, and the presence of qualified personnel.
- 1.3 Turkish law specifies that decisions to hold foreigners under administrative detention must be based on specific criteria, including conditions of necessity and the possibility of deportation. An administrative detention decision can last for up to one year (six initial months plus a maximum of six additional

¹ UNHCR Türkiye, "Refugees and Asylum Seekers in Turkey," <https://www.unhcr.org/tr/en/refugees-and-asylum-seekers-in-turkey>, accessed 11 April 2023.

² Presidency of Migration Management, "Temporary Protection," <https://en.goc.gov.tr/temporary-protection27>, accessed 11 April 2023.

³ UNHCR Türkiye, "Refugees and Asylum Seekers in Turkey," <https://www.unhcr.org/tr/en/refugees-and-asylum-seekers-in-turkey>, accessed 11 April 2023.

⁴ UNICEF, "Humanitarian Action for Children (HAC)," <https://www.unicef.org/turkiye/en/humanitarian-action-children-hac>, accessed 11 April 2023.

⁵ The Presidency of Migration Management, (PMM), "Removal Centres" <https://en.goc.gov.tr/removal-centres>

months). However, once released after one year, many migrants are re-detained creating a loophole in the execution of these limits.

- 1.4 Accessing information about foreigners detained in Türkiye is difficult due to the lack of a centralised system. Lawyers and families lack even basic information such as the detainee's location, which is necessary to provide effective legal services. Without proper legal support, detainees often miss deadlines to appeal administrative detention decisions.
- 1.5 Authorities regularly fail to provide adequate information to detainees, and language barriers make it difficult for non-Turkish speakers to understand their rights and procedures. This also makes it hard for refugees to access legal support, leading to further rights violations.
- 1.6 Turkish law (Law 6458 on Foreigners and International Protection⁶ (LFIP) (2013) Articles 57 and 71) provides for the consideration of non-custodial measures as part of immigration adjudication procedures. These measures can include residence at a designated address and reporting requirements. On 14 September 2022, the Ministry of Interior adopted the Regulation on Alternative Obligations to Administrative Detention (RAOAD). However, according to observers, these measures are not widely used.
- 1.7 In early 2022, Türkiye underwent a drastic policy shift coinciding with the rise of far-right parties whose xenophobic policies are heavily focused on refugees and their forcible return. Pressured by the society and opposition parties, the government appears now to have a clear agenda of reducing the foreign population to a minimum. These efforts have been accompanied by unlawful practices and human rights violations. The present report focuses on torture, inhuman or degrading treatment in immigration detention⁷ centers.
- 1.8 The unlawful practices generally begin with the issuance of deportation orders, leading to the placement of foreign individuals in administrative detention centers where they face torture, inhuman or degrading treatment, or are forcibly returned to places where they risk experiencing such abuses.
- 1.9 Some detained migrants and refugees are labelled as Yabancı Terörist Savaşçı (YTS) (Foreign Terrorist Fighters) by the Turkish authorities. While the term YTS has no legal basis, it is used by the Presidency of Migration Management and law-enforcement officers to refer to suspected "foreign terrorist fighters." It is codified as G-89 in official documents. In the interim decision of İzmir 9th High Criminal Court dated 18/11/2020 with the basis number 2020/79, the Presidency of Migration Management was instructed to refrain from using the label YTS, however lawyers report that to date the practice is continuing. • Reports from lawyers suggest that individuals labelled YTS are often from

⁶ For an unofficial English translation of LFIP, see https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf.

⁷ Immigration detention centers, administrative detention centers, and removal centers are used interchangeably in this report.

Chechnya or the Caucasus. Most of them entered Türkiye legally and have lived peacefully in Türkiye on valid residency permits for many years. There are disconcerting reports that the names of individuals labelled as YTS may be passed to the Turkish authorities by foreign States, notably Russia, who claim that they pose a potential national security risk to Türkiye and could use Türkiye as a passage to fight in Syria. YTS detainees and those detained for committing immigration and criminal offences may be held in separate parts of a detention centre. Although the living conditions may be the same, the discriminatory and intolerant attitudes towards YTS detainees and their lawyers can result in further ill-treatment. There is an assumption that if a person is labelled as YTS that they are a terrorist and pose a security threat to Türkiye. Lawyers representing YTS cases face considerable barriers, including attitudinal and physical barriers to representing their clients.

2. Temporary Accommodation Centers

- 2.1. Administrative detention refers to the detention of foreigners who have been issued with deportation orders by Provincial Migration Directorates. Foreigners' arduous process at detention centers starts with these orders often taken based on justifications such as "suspicion of fleeing and disappearing" or "posing a threat to public order.", which are most of the time questioned by human rights lawyers as too vague, leading arbitrary practices.
- 2.2. On the other hand, Temporary Accommodation Centres (TACs) represent a specific form of administrative detention in Turkey. These used to be refugee camps which hosted Syrians when they first arrived in Turkey. As the number of Syrians staying in camps decreased in the last 13 years, the functions of some of those accommodation centres have changed. TACs now primarily target Syrians who are either unregistered with the temporary protection regime or have lost their temporary protection status. This change is believed to occur through an in-service (confidential) directive by the Presidency of the Migration Management in 2022. The number of facilities that have been transformed to a new function has been increasing which is worrying for the reasons detailed in the following paragraphs.
- 2.3. Unlike regular detention centers, the legal framework governing TACs is not explicitly defined by law. Consequently, individuals detained in these centres are often denied many due process rights. For instance, in regular detention centres, individuals may only be detained for up to 6 months, with the possibility of another maximum 6-month extension. However, for those held in TACs, there is no such upper time limit. People are subjected to detention for an unknown time. This indefinite detention leaves individuals in a state of uncertainty regarding the duration of their detention.

- 2.4. There is a widespread belief among immigration lawyers that the purpose behind holding Syrians in these TACs is to prevent them from appealing the deportation decision within the specified timeframe through accessing to a lawyer or to coerce them into signing voluntary return forms through various intimidation tactics.
- 2.5. For individuals detained in TACs, it is crucial to establish a clear legal framework, particularly appeal procedure for terminating their detention. IRRRA's lawyers have noted that appeals to the Criminal Courts of Peace are frequently rejected, with the justification that these individuals are not deemed to be under administrative detention.
- 2.6. Lawyers and NGO representatives are not permitted to visit (TACs). While the Human Rights and Equality Institution of Turkey regularly visits standard detention centres and produces reports, the situation with TACs is different. Although the Institution has produced reports on TACs, these are outdated, based on visits conducted before the function changes implemented in 2022. Consequently, there is a lack of up-to-date oversight and transparency regarding the conditions and operations within these centres.

3. Direct Torture, inhuman and degrading treatment in Detention Centers and TACs

- 3.1. Article 4 of the LFIP ensures the principle of non-refoulement. There is a category of people who cannot be legally deported due to the principle of non-refoulement. However, it is widely believed that cases of torture and ill-treatment in Temporary Accommodation Centers (TACs) are aimed at indirectly circumventing the principle of non-refoulement. Reports suggest that foreigners are subjected to beatings in order to pressure them into signing "voluntary return" documents or to withdraw their cases against deportation or international protection.
- 3.2. In the case of Syrian refugees, torture and ill-treatment escalate further. This is because deportation to areas in northern Syria controlled by Turkey is easier, leading to increased instances of beatings and mistreatment. Information collected by former detainees indicate that physical and psychological violence is used against foreigners who refuse to sign documents. Those who refuse to sign are subjected to violence and forced to place their fingerprints on the relevant forms. Incidents of breaking hands and fingers during fingerprinting for coerced "voluntary return" have been reported, particularly in the Şanlıurfa and Gaziantep deportation centers, as expressed by foreigners.
- 3.3. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment defines torture not only as physical pain but also includes mental anguish. Therefore, in detention centers, mistreatment

causing psychological suffering can be directly classified as torture. Officials in detention centres often subject foreigners to relentless verbal abuse, creating an environment of psychological torment.

- 3.4. There is a particular torture method that must be exposed: Forced Exposure to Cold. This has been frequently observed in the Şanlıurfa and Gaziantep Deportation Centers, predominantly comprised of Syrian refugees. Suspected of disruptive behaviour, migrants are forcibly stripped of their clothing and confined to the basement rooms of the centers alone with cold air conditioning running for up to 6-8 hours. This method, if untreated, can severely disrupt heart and respiratory functions, potentially leading to life-threatening hypothermia. Hypothermia is a critical medical condition resulting from the body losing heat faster than it can generate, causing dangerously low body temperatures. This has been a practice confirmed by many Syrians who spent some time in the detention center.
- 3.5. Most recently, it was testified by the lawyers that a refugee named E.H. was held in the mentioned torture room for long hours, causing him difficulty in movement for two days afterward.
- 3.6. Although witnessed multiple times by refugees residing in the relevant deportation centers, this torture method is denied by the authorities and continues to be practiced.

4. Deterioration of Conditions in Detention Centers Leading to Torture and Ill-Treatment

- 4.1. The following conditions present in detention centers in Turkey are unequivocally considered as ill-treatment, or leading to torture and ill-treatment and violation of fundamental human rights: The deplorable physical conditions in deportation centers which not only subject foreign individuals to humiliating treatment but also inflict material and psychological suffering upon them; prolonged detention periods despite insufficient evidence, inadequate justification and proof for the deportation reasons; obstruction of access to lawyers and other legal mechanisms. These conditions contribute to the degradation of the individual's dignity and constituting forms of mistreatment, violating the rights of detainees and perpetuating their suffering.

4.2. Access to Lawyers and Other Legal Mechanisms and Nexus to Torture or Ill Treatment

- 4.2.1. Article 53(3) of the Law on Foreigners and International Protection (LFIP) stipulates that a foreign national, their legal representative, or their lawyer may appeal a deportation decision to an administrative court within seven days of notification. This provision allows for the appeal to be made either

with the assistance of legal counsel or through a petition submitted directly to the court by the administration within the specified period.

- 4.2.2. However, deportation decisions are frequently not adequately communicated to the individuals concerned. The lack of sufficient communication facilities impedes detained individuals from notifying their legal representatives or family members about the decision, effectively obstructing their ability to file an appeal within the legally prescribed timeframe.
- 4.2.3. In practice, detainees' rights to access legal representation are obstructed through various means. Lawyers visiting the centers are often misinformed, being told that the detainee is not present, has been transferred to another center in a different city, or that their case file is not yet available. These unverified and misleading statements significantly hinder the legal process, effectively preventing detainees from obtaining timely and effective legal assistance.
- 4.2.4. Foreigners who cannot afford private legal services face significant barriers in accessing legal aid provided by bar associations and non-governmental organizations. The processes required to obtain legal aid, such as the issuance of power of attorney, are often deliberately obstructed. Essential information and documents required for these processes are withheld from lawyers and notaries.
- 4.2.5. Detainees typically do not have access to their personal phones and often cannot remember the phone numbers of their necessary contacts, rendering it impossible to communicate with their family and lawyers. This lack of access to communication tools severely hampers their ability to inform their relatives of their whereabouts, thus preventing effective legal assistance and support.
- 4.2.6. The deprivation of communication and access to legal mechanisms for refugees constitutes a clear violation of the prohibition against torture and ill-treatment. Without access to legal rights, the appeal period for deportation decisions often expires, rendering the deportation order final. This situation poses significant dangers to the life and freedom of individuals who fall under non-refoulement protections, as they may be deported to countries where they face serious risks. The obstruction of access to legal mechanisms serves as compelling evidence of the allegations of torture and ill-treatment.

4.3. **Capacity, Accommodation, and Nutrition Shortages**

- 4.3.1. Presidency of Migration Management (PMM) does not reveal the capacities of detention centers. The European Court of Human Rights (ECHR) has determined that an allocation of 4 square meters per person in detention centers constitutes the minimum standard. Providing less than 3 square meters per person is, in itself, a violation of detention conditions, leading to inhuman and degrading treatment.

- 4.3.2. Immigration detention centers in Türkiye often struggle with capacity issues, unable to accommodate the number of foreigners placed under administrative detention. In centers where intake exceeds capacity, it has been reported by multiple individuals that foreigners sleep in corridors and outside dormitory areas. Furthermore, the beds in the dormitories are mostly broken, and it is reported that new arrivals are given beds previously used by other foreigners without any change of bedding or cleaning.
- 4.3.3. The nutrition in the centers provide sustenance at a bare minimum level, sufficient only for survival. Further, prolonged administrative detention leads to health issues due to inadequate nutrition. The centers fail to address the dietary needs of individuals with pre-existing conditions such as diabetes, celiac disease, or hypertension, as appropriate nutrition options are not provided. Requests for medically appropriate food are not accommodated. For instance, a Syrian refugee with a worsening diabetic condition, held under administrative detention in the Şanlıurfa center for seven months, was *de facto* forced to subsist on cucumber and yogurt for months due to the lack of suitable dietary provisions.

4.4. **Hygiene Issues**

- 4.4.1. Hygiene deficiencies and associated pest problems are evident in the centers.
- 4.4.2. Access to hot water is restricted in the centers, leading to individuals going for weeks without showering, especially during the winter months. Cleaning materials such as soap and shampoo are not provided due to concerns about suicide attempts by ingesting shampoo.
- 4.4.3. Most centers, predominantly located in rural areas, have become infested with pests such as cockroaches and bedbugs. The Tuzla Deportation Center, known for its poor physical conditions, reportedly houses sewer rats, also known as canal rats, according to multiple individuals under detention at the center.
- 4.4.4. Various skin diseases such as eczema, fungal infections, measles, and scabies, as well as cases of lice infestation in the hair, are frequently encountered in all centers. Delays in the detection of these diseases, most of which are contagious, are observed, and access to necessary treatment facilities is hindered.

4.5. **Access to Health Services**

- 4.5.1. Many health-related problems have been reported by detainees, former detainees and lawyers.
- 4.5.2. Access to individual items such as nail clippers and razors, which should be used individually due to infectious diseases and hygiene conditions, is shared among individuals in the center. This practice leads to the rapid

spread of diseases and germs among individuals. A foreigner who was under administrative detention for seven months at the Şanlıurfa Deportation Center mentioned developing inflammation in his fingers due to germs transmitted from nail clippers, resulting in subsequent healing but also loss of sensation in his hands. Individuals suffering from skin diseases are often misdiagnosed with allergies, leading to the use of simple medications rather than proper treatment.

- 4.5.3. The treatment process for foreigners placed under administrative detention after major surgical interventions such as surgery or organ transplantation is often disrupted.
- 4.5.4. There are deficiencies in providing psychological support to foreigners under administrative detention for extended periods. Particularly in TACs where there is no upper limit for detention, leading to indefinite or unknown detention times, which exacerbates psychological problems among detainees.
- 4.5.5. Pregnant women are often unable to access regular doctor examinations, which are crucial for their own and their children's health. Nutritional inadequacies pose significant health risks for newly delivered mothers, infants, and children under family care. Insufficient nutrition weakens the immune systems of individuals, leaving them vulnerable to infectious diseases prevalent in the centers. The capacity and nutritional deficiencies are pervasive across all immigration detention centers.

4.6. **Travel Document Issues and Prolonged Administrative Detention**

- 4.6.1. After being issued a deportation order, there are foreigners who express their willingness to voluntarily leave for their own country or a third country but are unable to do so due to the lack of travel documents such as passports. As a result, they remain under administrative detention for an extended period.
- 4.6.2. Even when individuals express their desire to leave Türkiye, authorities fail to establish diligent communication with the consulates of their respective countries to facilitate their departure. Despite the certainty that individuals cannot obtain travel documents, their administrative detention is not terminated, and they are expected to wait until the maximum legal period of one year spent in detention centers expires.
- 4.6.3. Personal document losses occur within the centers. Multiple foreigners have reported passport and personal document losses at the Arnavutköy Removal Center in Istanbul.

4.7. **Lack of Social Activity Opportunities**

- 4.7.1. Despite spending extended periods in the centers, foreigners are not provided with any social activity opportunities. Due to the poor physical conditions, sleep durations are reduced to a few hours in the centers. Foreigners spend the majority of their days waiting, and the continuous suffering and anguish caused by the harsh conditions amount to a form of uninterrupted torture.
- 4.7.2. Facilities such as sports halls, children's playrooms, television viewing rooms, internet rooms, and libraries built for foreigners in the centers are not really made available for their use.

5. Women and Children Under Administrative Detention

- 5.1. Cases of pregnant women being placed under administrative detention are prevalent. Pregnant women detained in removal centers, where adequate health services and nutrition are lacking, undergo difficult processes due to hygiene deficiencies and contagious diseases. This situation leads to childbirth risks for both the mother and the child.
- 5.2. Pregnant women are kept in the center until the time of childbirth. After giving birth, women are brought back to the center and continue to be held under poor conditions.
- 5.3. The detention of infants and children with weakened immune systems, in centers where hygiene conditions and health services are at the lowest level, constitutes a clear violation of the prohibition against torture and ill-treatment.
- 5.4. Children held in detention centers with poor conditions experience unforgettable traumas.
- 5.5. Children, who are often detained under administrative detention with their mothers, frequently have their education disrupted. Article 59 of LFIP states "the high interests of children are taken into account, and families are accommodated separately" and "necessary measures are taken by the Ministry of National Education for the benefit of children in terms of education". However, this does not find adequate implementation in practice. Irreparable losses occur in the education process of children of primary and middle school age.
- 5.6. It has been reported that coloring books sent to the Çanakkale Removal Center for children accompanied by their mothers were not delivered to the children on the grounds that they were banned.
- 5.7. It is observed that unaccompanied children are also kept under administrative detention centers. Minors without family members accompanying them are kept under the detention of foreigners with the same citizenship. This is clearly against the law.

- 5.8. Unaccompanied children held in the centers are more often encountered in Edirne and Kirklareli centers, where migrant smuggling activities are intensified.

6. Refoulement to Torture, Inhuman or Degrading Treatment

- 6.1. Article 33 of the 1951 Refugee Convention states, "No Contracting State shall expel or return (" refouler ") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion".
- 6.2. The responsibility for monitoring how the obligation outlined in Article the 1951 Geneva Convention is implemented has been entrusted to the Office of the United Nations High Commissioner for Refugees (UNHCR). The UNHCR articulates the principle of non-refoulement in the document on international protection dated September 13, 2001 (A/AC.96/951, art.16) as follows: "The principle of non-refoulement, which is not subject to reservation under the Convention, is one of the primary protection principles. In many respects, this principle is the logical complement to the right of asylum recognized in the Universal Declaration of Human Rights. It has become a customary rule of international customary law binding on all states. Furthermore, international human rights law has identified the principle of non-refoulement as a fundamental complement to the absolute prohibition of torture, cruel, inhuman, or degrading treatment or punishment..."
- 6.3. According to the jurisprudence of the European Court of Human Rights, if there is a serious risk that a person will face torture, inhuman or degrading treatment, or punishment in the country to which they are to be deported, the deportation of the individual would violate the prohibition of torture and ill-treatment under Article 3.
- 6.4. Thus, the principle of non-refoulement serves as a critical complement to the prohibition of torture and ill-treatment under international law. In Turkish law, this principle is enshrined in Article 4 of the Law on Foreigners and International Protection (LFIP). However, it is frequently violated in practice. Refugees are often coerced into signing voluntary return forms following instances of torture and ill-treatment, leading to forced returns. In such cases, the prohibition of torture and ill-treatment is also violated through a single act, as the violation of the principle of non-refoulement equates to a violation of the prohibition of torture and ill-treatment.
- 6.5. For Syrian and Afghan refugees, who are particularly vulnerable to deportation due to their circumstances, the violation of the prohibition against torture and ill-treatment often occurs through breaches of the principle of non-refoulement. Collaborations with the Afghan government

and practically convenient deportation processes to Syria's Idlib region have expedited unlawful deportation mechanisms aimed at citizens of these nations, exacerbating violations of the prohibition against torture and ill-treatment.

- 6.6. While there are ongoing allegations about these unlawful procedures, there has recently been an up-tic in allegations of cases where people are deported without any legal procedures or paperwork whatsoever, particularly in Türkiye's southern border provinces. Lawyers and advocates have collected numerous testimonies in recent months from people claiming to have been forcibly returned to Idlib, Syria, overnight with no legal proceedings.

7. The transformation of refugees' legal stay into irregular migration through the actions of government

- 7.1. Since 2022, Turkey's policy aimed at reducing the number of foreign nationals has adversely affected refugees with legal stay, particularly those under temporary protection. Syrian nationals, who hold temporary protection status, frequently have their statutes and identity cards invalidated through flawed administrative procedures regarding reasons and purposes.
- 7.2. Once labeled as irregular migrants, these individuals become vulnerable to deportation and face administrative detention. The surge in the number of irregular migrants, driven by these administrative measures, results in their transfer to deportation centers. Here, they are at heightened risk of being subjected to torture and ill-treatment, especially upon their forced return.
- 7.3. Another situation of creating irregular migrants occurs concerning individuals under international protection *holder* and international protection *applicant* status. Individuals holding these statuses often have their status revoked through peculiar evaluations termed as "accelerated interviews," leading to decisions of deportation and administrative detention. The cancellation of temporary protection and international protection statuses without presenting a reasonable cause or justification has become a widespread practice as of 2023.
- 7.4. As a result of these decisions, refugees are coerced into "voluntary return" through torture and ill-treatment to free up space in overcrowded deportation centers.
- 7.5. Acts of torture and ill-treatment against refugees are particularly prevalent in the Şanlıurfa and Gaziantep centers for Syrians, and in the Ağrı and Van centers for Afghans.

8. Cases of enforced disappearance of foreigners

- 8.1. Enforced disappearance refers to the situation where individuals apprehended and detained by law enforcement authorities cannot be located or their whereabouts remain unknown. Recently, instances of enforced disappearance of foreigners have been observed in Turkey.
- 8.2. Following the attack on the Santa Maria Church in Istanbul on January 28, 2024, several operations were conducted, resulting in the apprehension of foreign nationals deemed as suspects, some of whom were subsequently detained. In February 2024, at least 45 migrants have been reported to be disappeared. However, despite the lack of evidence linking them to the incident or the crime, deportation procedures were initiated against individuals of Caucasian and Central Asian origin, including women and children, who were among those detained.
- 8.3. Some lawyers who have spoken out on social media have expressed concerns about not being able to locate some of their foreign national clients who were detained for judicial procedures during various operations and then transferred to the Istanbul Police Headquarters or the Istanbul Courthouse for legal processing before being referred to the Presidency of Migration Management. These lawyers reported that during inquiries at deportation centers, it was stated that there were no records of their clients and that they were not present at the deportation centers, making it difficult for them to reach their clients.
- 8.4. In response to statements made by lawyers and human rights organizations on social media regarding missing individuals, including women and children, the Presidency of Migration Management issued a statement categorically denying any cases of enforced disappearance in custody. Additionally, the Presidency of Migration Management made a threatening statement, indicating that legal proceedings would be initiated against lawyers and families inquiring about the fate of missing individuals.
- 8.5. The denied situation was implicitly acknowledged due to the outcry from advocacy efforts, social media posts, and press releases, prompting the authorities to inform the lawyers of the whereabouts of the missing individuals.
- 8.6. Around thirty foreigners, including some pregnant women and children, who had been unaccounted for since their apprehension, were transferred to deportation centers in Istanbul, Kırklareli, Şanlıurfa, and Gaziantep within 16 days of their detention.
- 8.7. During their stay at the deportation centers in Istanbul, Kırklareli, and Şanlıurfa, officials provided lawyers and families with deceptive information, falsely claiming that the individuals in question were not present at the centers. In Şanlıurfa Deportation Center, they were held in a cold basement without windows.

- 8.8. Due to being unable to appeal the deportation decision within the specified timeframe while they were missing, the deportation orders against them became final. A.I., a Tajikistan national whose deportation order had become final, was sent back to her country where she faced the risk of torture and ill-treatment, putting her life and freedom in danger.
- 8.9. The situation of enforced disappearance in custody not only obstructs access to legal remedies but also constitutes a grave violation of rights, creating strong suspicions of the existence of torture and ill-treatment practices. Concealing the whereabouts of individuals in custody or administrative detention, cutting off their communication with family or lawyers, and withholding information about their location are clear violations of the prohibition of torture. The inability to ascertain the whereabouts of individuals in custody gives rise to strong suspicions regarding threats to the right to life and bodily integrity, rendering it impossible to verify allegations in this regard.

9. Investigation Mechanisms Against Torture and Ill-Treatment

- 9.1. According to Article 59/2 of the Law on Foreigners and International
- 9.2. Protection (LFIP), representatives of relevant civil society organizations with expertise in migration can visit deportation centers with the permission of the Presidency of Migration Management. However, this provision is not effectively implemented in practice. Besides the Turkey Human Rights and Equality Institution (TIHEK), Türkiye's National Human Rights Institutions (NHRI), which was established as the national preventive mechanism against torture and ill-treatment, no other institution or organization is granted permission to visit deportation centers. TIHEK, despite its role in reporting on refugee issues and deportation centers, lacks the authority to develop effective methods for combating torture and ill-treatment or to enforce sanctions.
- 9.3. A mechanism to address instances of torture and ill-treatment in deportation centers has not been developed. Problems raised by refugees, lawyers, and human rights organizations regarding conditions in these centers are consistently denied by authorities. Complaints filed against public officials accused of committing acts of torture and ill-treatment remain unresolved. For instance, a criminal complaint lodged by the Şanlıurfa Bar Association regarding allegations of torture and ill-treatment at the Şanlıurfa Deportation Center yielded no results, and incidents of torture and ill-treatment continue to escalate.
- 9.4. In April, 52 foreign nationals who submitted a petition to the Ministry of Justice requesting the cessation of torture and ill-treatment they experienced at the Antalya Deportation Center were transferred to different centers.

However, no criminal or administrative investigation was conducted regarding the allegations in the petition. Instead, incidents of torture and ill-treatment escalated further as a result of the submitted petition.

10. General Rejection Decisions of Criminal Courts of Peace

- 10.1. Objections against administrative detention decisions are routinely dismissed without adequate evaluation by peace Criminal Courts of Peace. Attachments to objection petitions, such as medical reports, family registers, criminal records demonstrating that the individual does not pose a threat to public security, lease agreements eliminating suspicion of flight or disappearance, are disregarded, and objections are rejected.
- 10.2. The use of identical phrases in rejection decisions for different individuals suggests a general policy of rejection. These rejection decisions are final, with no further appeal mechanism available.
- 10.3. The practice of assigning appeals against administrative detention orders exclusively to the 2nd Criminal Courts of Peace reinforces the perception that decisions are not made impartially. This concentration of authority in a single judicial body raises concerns about the fairness and objectivity of the review process.
- 10.4. Many lawyers believe that certain magistrate judges, particularly the 2nd Criminal Courts of Peace, are appointed with an implicit mandate to reject appeals. This perception undermines confidence in the judicial process, suggesting that judges are selected not for their impartiality but for their willingness to support the administration's objectives.
- 10.5. If appeals were distributed among different judges, it would be more challenging for the administration to exert such influence, and the decisions would likely reflect a broader range of perspectives.

11. Relevant Recommendations from the 3rd Universal Periodic Review of Türkiye

- 11.1. Establish independent mechanisms for reporting and investigation of allegations of unlawful detention, torture and inhumane treatment at the hands of police and security (Estonia, para. 45.38)
- 11.2. Establish an effective mechanism to prevent torture and humiliating treatment (Czechia, para. 45.60)
- 11.3. Strengthen efforts to ensure the effective investigation and prosecution of, and punishment for, all acts of torture and ill-treatment, and provide access to justice and rehabilitation to victims of torture (Fiji, para. 45.106)
- 11.4. Continue efforts to eliminate acts of torture and ill-treatment and hold the perpetrators accountable (Ghana, para. 45.107)

- 11.5. Pursue its zero-tolerance policy against torture and continue with measures to prevent, investigate, prosecute and punish all acts of torture and ill-treatment (Nicaragua, para. 45.109)
- 11.6. Conduct an immediate, independent and effective investigation into cases of torture or ill-treatment in detention and take judicial measures to prevent such acts and prevent impunity, and ensure compensation for the victims (Egypt, para. 45.122)
- 11.7. Ensure that all allegations of arbitrary detention, torture and inhumane treatment by the security forces are duly investigated (Italy, para. 45.130)
- 11.8. Intensify monitoring of places of detention and ensure that impartial investigations are carried out into all allegations of torture and ill-treatment, in accordance with its policy of zero tolerance of torture (Switzerland, para. 45.140)
- 11.9. Ensure that the return of refugees is in accordance with international law (Albania, para. 45.300)
- 11.10. Ensure that all asylum seekers and migrants within the territory of Turkey enjoy their basic human rights (Afghanistan, para. 45.295)
- 11.11. Strengthen access to legal assistance and interpretation for asylum seekers at border points and migration centres (Mexico, para. 45.301)

12. Relevant Observations on the 4th Periodic Reports of Turkey by the Committee Against Torture

- 12.1. Ensure that all instances and allegations of torture and ill-treatment are investigated promptly, effectively and impartially and that the perpetrators are prosecuted and convicted in accordance with the gravity of their acts;
- 12.2. Ensure that alleged perpetrators of torture and ill-treatment are immediately suspended from duty for the duration of the investigation, particularly when there is a risk that they might otherwise be in a position to repeat the alleged act, to commit reprisals against the alleged victim or to obstruct the investigation;
- 12.3. Ensure that state officials do not use the threat of countercharges as a means of intimidating detained persons or their relatives into not reporting torture;
- 12.4. Provide in its next periodic report statistical data on allegations of torture and ill-treatment, disaggregated by relevant indicators, including ethnicity of the victim, and information on cases in which individuals alleging torture or ill-treatment by the authorities have subsequently been charged with an additional criminal offence;
- 12.5. Establish an independent authority tasked with investigating complaints against law enforcement officers that is independent of the police hierarchy, as previously recommended by the Committee.

- 12.6. Take appropriate measures to ensure effective and impartial investigations into all outstanding cases of alleged enforced disappearance, prosecute the perpetrators and, where appropriate, punish them and provide compensation to the families of the victims. The Committee calls upon the State party to continue cooperation with the Committee on Missing Persons in Cyprus and to enhance efforts to ensure criminal accountability for perpetrators. It encourages the State party to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.
- 12.7. Ensure that in practice no one may be expelled, returned or extradited to another State where there are substantial grounds for believing that he or she would run a personal, foreseeable risk of being subjected to torture;
- 12.8. Undertake effective and impartial investigations into the shooting incidents at the southern border;
- 12.9. Formulate clear guidelines and related training on the identification of torture victims among asylum seekers.
- 12.10. Take the measures necessary to ensure appropriate reception conditions for returned refugees, asylum seekers and irregular migrants;
- 12.11. Refrain from detaining asylum seekers and irregular migrants for prolonged periods, use detention only as a measure of last resort and for as short a period as possible and promote alternatives to detention;
- 12.12. Reinforce the capacity of the General Directorate of Migration Management to substantively assess all individual applications for asylum or international protection, without any discrimination based on regional origin, and guarantee access to free, qualified and independent legal aid during the entire procedure;
- 12.13. Ensure that all returnees have the opportunity for an individual review and are protected from refoulement and collective returns.
- 12.14. Continue its efforts to alleviate the overcrowding of penitentiary institutions, including through the application of non-custodial measures;
- 12.15. Ensure that all persons deprived of their liberty receive timely and appropriate medical treatment;
- 12.16. Ensure independent and prompt investigations into allegations of deliberate denial of health care to persons deprived of their liberty and ensure that any prison officials responsible for such conduct are subject to prosecution or disciplinary action;
- 12.17. The Committee reiterates its previous recommendation (see CAT/C/TUR/CO/3, para. 16) that the State party adopt formal regulations explicitly authorizing human rights non-governmental organizations, medical professionals and members of local bar associations to undertake independent visits to places of detention. The State party should also ensure

the financial and functional independence of all official bodies monitoring places of deprivation of liberty, including the prison monitoring boards.

- 12.18. The State party should ensure that all victims of torture and ill-treatment obtain redress, including an enforceable right to fair and adequate compensation and the means for as full rehabilitation as possible. The Committee draws the State party's attention to its general comment No. 3 (2012) on the implementation of article 14 by States parties, in which it elaborates on the nature and scope of the obligations of States parties under article 14 of the Convention.
- 12.19. Refrain from detaining and prosecuting journalists and human rights defenders as a means of intimidating them or discouraging them from freely reporting on human right issues.

13. Recommendations

- 13.1. Türkiye should ensure that all practices amounting to torture, inhuman and degrading treatment in detention centers must end immediately and that all allegations of torture or mistreatment if people in immigration custody be investigated and perpetrators prosecuted. Numerous other Treaty Bodies, including the Committee on Migrant Workers during its recent review of Türkiye, have expressed concern about the state party's to provide any credible information about cases of mistreatment in immigration detention. We thus urge the CAT to address the state party's failure to demonstrate transparency and accountability with respect to allegations about torture and ill-treatment in immigration detention centres. The state party should be reminded that any failure to identify and prosecute abusers in detention centres increases the arbitrary nature of its entire detention system and undermines the legitimacy of its legal system.
- 13.2. Türkiye must immediately cease all cases of immigration detention of children as well as detention of families with children, as stipulated by the Committee on the Rights of the Child and the Committee against Torture in their 2017 Joint General Comment on the human rights of children in international migrations. CMW and CRC conclude that all cases of child immigration is inherently damaging to a child, and such mistreatment is in all cases a violation of the best interests principle, enshrined the Convention on the Rights of the Child. The Joint General Comment provides that all children and children with their family groups must be removed from immigration custody and be provided adequate and safe housing and social support provided by the relevant social welfare institution.
- 13.3. Cease the arbitrary use of the Yabancı Terörist Savaşçı (YTS) (Foreign Terrorist Fighters) designation for certain immigration detainees and ensure

that that all detainees, regardless of their immigration status including YTS detainees, have full access to legal aid and representation, an interpreter, and information regarding their rights, legal processes, and remedies in a language they understand.

- 13.4. Türkiye should take steps to improve its public documentation and reporting of all cases of immigration detention, including at removal centres, in ad hoc border camps, and in all ports of entry. This must include:
 - 13.4.1. Providing immediate notification to the families and lawyers of individuals transferred to deportation centers and placed under administrative detention should be provided, along with the opportunity to use personal mobile phones.
 - 13.4.2. Providing details about the locations of all sites used for any form of deprivation of liberty of migrants, refugees, or asylum seekers; the size and capacities of the facilities; statistics about numbers of people detained in each facility, including desegregated by age, gender, reason for detention, and length of detention; and to provide specific details about plans to renovate and improve conditions and services at all centres.
- 13.5. Administrative detention of individuals under medical care and those covered by non-refoulement principles should be promptly terminated.
- 13.6. The contents of voluntary return forms should be explained through sworn interpreters, and they should only be signed in the presence of a lawyer.
- 13.7. Internal audits should be conducted regularly, and staff should receive regular human rights training.
- 13.8. Centres should be open to visits and observations by national and international human rights organizations.
- 13.9. Türkiye must ensure that immigration detention is used only as a last resort and effective implementation of improve use of and reporting on "Alternatives to administrative detention." We. Urge the CAT to request specific data on how ATDs are implemented and not just provide a list of laws that provide for ATDs. How many people have been granted ATDs versus numbers of people given detention measures? When are ATDs granted and when not, and what the specific criteria used for making this determination? Has the use of ATDs enabled the country to rely less on detention, or are ATDs merely being used to expand the scope of the state party's surveillance of migrants and asylum seekers? What evidence can the state party provide to prove that every detention order is made only after consideration of alternative non-custodial measures?
- 13.10. Opportunities should be created for the resolution of migration issues through dialogue between civil society and political institutions, in a manner consistent with human rights and focused on coexistence.

- 13.11. The principle of non-refoulement should be strictly enforced, and assessments of individuals' return to their countries should be made objectively.
- 13.12. To ensure fairness and impartiality in the review of administrative detention orders, it is crucial to diversify the judiciary's involvement in these cases. Objections to administrative detention decisions should be removed from the exclusive jurisdiction of 2nd Criminal Courts of Peace, and an appeal process should be established.
- 13.13. Türkiye must cease all forms of mass ad hoc, forced returns at all its borders, including its border with Greece as well as with Syria. The state party has repeatedly denounced Greece's alleged hot returns back in to Türkiye; the country must also confront its own track record of this human rights violation and:
- 13.13.1. Acknowledge unlawful border practices and make a clear and precise commitment to immediately cease these practices and to document the custody and treatment of every person apprehended in border control procedures.
- 13.13.2. Investigate allegations of unlawful deportations in which people are coerced into signing "voluntary" return forms as well as recent claims about forced returns.