



MONITORING IMMIGRATION DETENTION AT THE BORDERS OF EUROPE

REPORT ON TURKEY AND GREECE, 2018

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WRITTEN BY

HINDPAL SINGH BHUI, MARY BOSWORTH, ANDRIANI FILI
AND GAVRIELLA MORRIS

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1. INTRODUCTION

This report describes the second phase of a project[1] on human rights-based monitoring of immigration detention sites at Europe's borders, focusing on Turkey and Greece. The project initially encompassed four countries that have seen especially high levels of migration since 2015: Greece, Turkey, Italy and Hungary. The first three are countries of first arrival, while Hungary was examined as a place of onward migration. In 2016-17, the research team visited each of the countries, was granted access to detention centres in Greece and Hungary, and interviewed staff from National Preventive Mechanisms (NPMs), NGOs, academics and international organisations that were involved in detention in all countries. The report on that stage of the research was published in 2018 (Bhui, Bosworth and Fili 2018). The challenging political and migration policy context in Turkey and Greece was explored in some depth, and little had changed by the time of our return visits. We do not therefore repeat that commentary here[2].

The principal responsibility for monitoring conditions in detention falls to the National Preventive Mechanisms (NPMs), which were established pursuant to the 2002 UN Optional Protocol to the Convention against Torture (OPCAT). If its provisions are respected, OPCAT assures functional independence for NPMs. They should have a separate, guaranteed budget, and be able to appoint their own staff. They should be able to make recommendations and comment on legislation. States must grant them access to the information necessary to perform their role, such as the numbers of people detained and their locations, local establishment data that can help NPMs to judge how detainees are being treated, and unhindered, private access to detainees. If these criteria are fully adhered to, NPMs can provide a powerful safeguard. A major strength is their ability to put into the public domain authoritative, factual information, which can be used by anyone, including NGOs and academics.

The core research team provided a combination of practical and academic expertise in immigration detention and monitoring. It included a UK-based prison and immigration detention centre inspector, a UK-based professor of criminology, and a Greece-based immigration detention researcher who was formerly a member of an NGO that offered services inside detention centres[3]. Members of the team visited detention facilities in both countries and spent a considerable amount of time with the NPMs. They also delivered training and convened a workshop on detention monitoring[4]. As part of the project, Greek and Turkish detention monitors attended inspections in England conducted by HM Inspectorate of Prisons, which is part of the UK NPM, to support joint learning and collaboration between monitoring bodies.

[1] Funded by an Economic and Social Research Council Impact Acceleration Grant, from the University of Oxford, 'Safeguarding Human Rights in Detention: ESRC IAA 1710-KEA-320'.

[2] While it is not the subject of this report, we note, with some concern, the anti-migrant sentiment that is increasingly evident in Hungary, the undermining of NGOs such as the Hungarian Helsinki Committee and the lack of transparency about the detention system or process. See UN News, 'Politicization of migrant 'crisis' in Hungary making the escapegoats, independent UN human rights expert warns'. Last accessed 22.7.19

[3] Funded by the Open Society Foundations, under Grant Number OR2018-44698.

[4] Respectively, Dr Hindpal Singh Bhui (This report is written in a personal capacity), Professor Mary Bosworth and Ms Andriani Fili. We were also assisted by Ms Gavriella Morris, formerly Policy Officer at HMI Prisons.

While reports by the CPT (2017a; 2017b) have provided some information about detention conditions in Turkey and Greece, academic research on detention in these countries is sparse, and nothing at all has been published on the process of monitoring. This project aims to contribute directly to the development of research-informed monitoring that can more effectively protect the dignity and rights of detained migrants. The study has also fostered direct engagement and exchange visits among practitioners and academics, encouraging critical reflection and development. Through various methods of dissemination, including briefing papers, blog posts, a workshop and documentary photography, the project has sought to forge new understanding of current practices in the countries under study.

The project is now moving into a third phase[5]. While the professional collaboration with Turkey and Greece will continue, more work is planned in Italy, which has a well-established NPM and a network of NGOs working in detention and with former detainees. It is the only country of the initial four that has yet to allow access to sites of confinement.

[5] A day's training was delivered in Greece by Dr Bhui, Ms Morris and Ms Fili; a discussion workshop organised by Turkish NPM was led by Dr Bhui and Ms Morris.

2. SUMMARY

Immigration detention and monitoring in Turkey

Turkey has a rapidly rising population of immigration detainees: over 16,000 are held in 24 immigration removal centres, up from 18 centres with a total capacity of 8,276 places in February 2018. Another 11 immigration facilities are planned, which will take the total capacity to 21,446[6]. In September 2018, we accompanied the NPM to the Gaziantep Immigration Removal Centre and to the Adana Sariçam refugee camp[7]. Our agreed role was to observe the NPM's work and we were also permitted to take photographs of the sites visited (see appendix one)[8].

At the time of our first visit in 2016, the NPM had been in transition and was not carrying out any monitoring activity (Bhui, Bosworth and Fili, 2018). Since then, a new Human Rights and Equality Institution of Turkey (HREIT) had been established. The NPM, which sits within this body, had resumed its work and undertaken 28 visits, of which four were to immigration removal centres and four to refugee camps[9]. While the HREIT as a whole had about 120 staff covering a range of activity, the NPM had only five staff to monitor an extremely large detention estate; the number staff had risen to eight by March 2019[10]. At the time of our visit, no reports had been published. In June 2019 the NPM confirmed publication of 10 reports on its website[11]. None of these reports are in English and at time of writing (July 2019) we have not translated them. As such we are unable to comment on their content. We are also unable to ascertain their impact on the detention centres.



[6] Asylum Information Database, Turkey, <https://www.asylumineurope.org/reports/country/turkey/place-detention>. Last accessed 8.5.19

[7] Adana Sariçam refugee camp housed 27,000 men, women and children in pre-fabricated containers. The NPM includes such camps in their monitoring activity because of the risk that they may apply restrictions amounting to detention, which is good practice. The NPM found a well-run camp and received good feedback from residents, most of whom were spoken to privately. They concluded that refugees were not prevented from leaving or moving around the camp and, for that reason, it is not further discussed in this report, which focuses on monitoring of detention. The key points we make about monitoring practice in this report, however, apply to both the camp and to Gaziantep immigration removal centre.

[8] The research team for the visit to Turkey comprised Dr Bhui and Ms Morris.

[9] The immigration removal centres visited by the HREIT in 2018 were: İzmir, Kayseri, Erzurum and Gaziantep. The temporary refugee centres were: Kilis Öncüpınar, Hatay Boynuyolu, Malatya, and Adana Sariçam. Source: Merve Sisli (2019) 'Immigration detention and monitoring in Turkey', presentation by NPM Expert, 21.3.19, to conference in Athens.

[10] Merve Sisli (2019) 'Immigration detention and monitoring in Turkey', presentation by NPM Expert, 21.3.19, to conference in Athens.

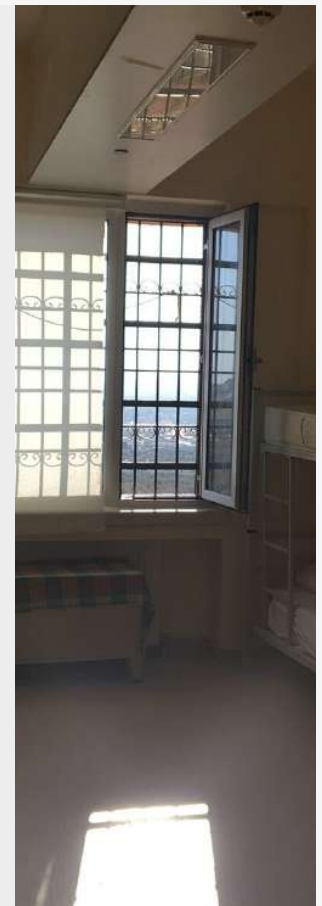
[11] Ibid.

We saw only one NGO - the Turkish Red Crescent (TRC) – working in immigration detention. Since the failed coup of 2016, civil society organisations, some of which previously contributed to detention monitoring, have been largely banned from entering Turkey’s custodial institutions, and from supporting detainees. Amnesty International (2018), among others, have published worrying reports on the persecution of an array of NGOs and other human rights activists. Even after the state of emergency was lifted in July 2018, civil society organisations still have limited space to work and many human rights activists remain in prison[12].

Gaziantep immigration removal centre held 800 people, including children and people suspected of links to terrorist organisations, many of whom were Syrians. The facility was prison-like and the family unit was a lamentably poor and unstimulating environment for children. Children were largely confined to a single landing, had very little activity and no toys. Parents and centre psychologists described behavioural and emotional disorders among the children. Physical conditions in the suspected terrorist unit were adequate but the men had few activities. Five men currently detained in the centre had attempted suicide. Many detainees complained about the quality of legal representation.

There was little governance around use of force or isolation and no staff training in restraint techniques. Despite the Gaziantep centre director saying that he was unaware of any violence or bullying, during our visit we saw an apparent assault of a detainee by an officer and were told of other instances of mistreatment.

During the visit, members of the NPM spent a considerable amount of time meeting privately with detainees to build a picture of their daily lives, and establish concerns from their first-hand accounts. In a final meeting with the director, the NPM coordinator systematically raised points emerging from the monitoring visit. The director was informed that an official letter would be sent to him requesting further information. The monitoring visit lasted about 10 hours. We visited the three units identified by the NPM as presenting the highest potential risks: the unit for suspected terrorists, the unit for families with children and a vulnerable detainees landing.



[12] European Commission: ‘Key findings of the 2019 Report on Turkey’, Brussels, 29 May 2019. Last accessed 19.7.19. Available at: http://europa.eu/rapid/press-release_COUNTRY-19-2781_en.htm On alleged human rights abuses during the state of emergency, see the Office of the United Nations High Commissioner for Human Rights (March 2018) Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East January-December 2017. Last accessed 23.7.19. Available at: https://www.ohchr.org/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf.

The NPM staff all appeared competent and professional and asked searching questions. However, during their work, they generally stayed together in one group and monitoring could have been extended to other parts of the facility if they had worked separately. A wide variety of problems were evident at Gaziantep, and the lack of time to see the whole centre was a concern. The NPM took individual allegations against staff seriously, and obtained evidence relating to each incident, including CCTV and witness statements, and asked the director to investigate and report back. We did not see the important next steps: report writing, recommendations, publication, institutional action and follow-up to show that recommendations were being taken seriously.

Immigration detention and monitoring in Greece

The number of people subject to immigration detention in Greece increased from 14,864 in 2016 to 31,126 in 2018, a rise of 109%. Over 18,000 were asylum seekers[13]. At the end of 2018, 2,098 detainees were held in the eight pre-removal facilities, including 1,619 asylum seekers[14].

The Greek NPM was designated in 2014 and sits within the Greek Ombudsman's office (Fili and Bosworth, 2019). At the time of our first visit in 2016, it was regularly visiting the hotspots, while other Greek Ombudsman staff were routinely monitoring removal flights. They were now monitoring about 10 prisons and 7 to 10 immigration facilities a year. We accompanied the NPM to two facilities in Athens, the special holding facility of the Police Directorate of the Athens Airport and Petrou Ralli pre-removal detention centre. As in Turkey, our role was to observe and we were permitted to take photographs (see appendix one).

The Athens Airport facility had nine multi-occupancy cells for adult males who had broken the criminal law, usually as a result of passport offences. It also had a small unit for women and families, and a separate unit for detainees in transit. There were no in-cell toilets. In the men's corridor, detainees knocked on the door to be let out to use the toilet. They told the NPM they had very little time out of cell. They were not allowed to go into the open air and had no direct view of the outside. The cells were dirty and cramped, but not as overcrowded as had previously been documented (CPT 2017a; Fili 2013). The family/women's area and transit zone were cleaner and the doors were left open to allow some freedom of movement. The main concern of most detainees was a lack of legal support and not knowing what was happening with their cases. NGOs visited the facility but not on a regular basis.

Petrou Ralli was considered by the NPM to be the worst of the facilities in Athens. The average stay was six months according to the director. The men's wings in Petrou Ralli were oppressive and had a frantic atmosphere. The NPM staff were quickly surrounded by frustrated detainees as they entered a wing and could not walk any further than a few metres. Police officers positioned themselves between the NPM staff and detainees, and listened to their discussions. We could not see past the detainees into the cells. After about 10-15 minutes, NPM staff left the wing.

[13] Asylum Information Database Country Report: Greece, 2018 Update. Last accessed 18.7.19 and available at: http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf

[14] This information was provided in a communication from the Directorate of the Hellenic Police during a meeting on 22.03.19

The women's section was less crowded and the atmosphere calmer. Women raised concerns about their cases, health and conditions, for example a shortage of toilet paper. There was also a separate wing for people with illnesses or other vulnerabilities, with about 10-15 men on it. A new healthcare area had been opened since our 2016 visit. The doctor was concerned about a lack of medications and poor storage of food.

The Greek NPM was able to gather limited first-hand evidence, mainly because of the lack of meaningful private conversations with detainees and the short period of time spent on the units, especially in Petrou Ralli. It was clear, however, that conditions and treatment were very poor. While most of the men's concerns were about their cases and detention, they raised a number of other complaints such as not being able to use the toilet or the phones, or not seeing a doctor when needed. The NPM gave some information about legal aid to detainees and looked at a few appeal decisions which were written in Greek, trying to explain to them what was written. It was unclear if the centre directors were following up the cases handed over to them or what the outcomes were. There had been little response to previous NPM recommendations.





3—IMMIGRATION DETENTION AND MONITORING VISITS IN TURKEY

The research visit to Turkey took place from 9-13 September 2018. The research team accompanied the Turkish National Preventive Mechanism - part of the Human Rights and Equality Institution of Turkey (HREIT) - on monitoring visits to an immigration detention facility and a refugee camp[15]. Main research team activities:

- i) Held meetings with officials in the NPM, including the NPM coordinator and two assistant experts. They were joined by the HREIT's head of international relations, whose team sometimes assisted the short-staffed NPM.
- ii) Accompanied a monitoring visit to Adana Sariçam Refugee Camp. The NPM concluded that the camp was not a place of detention and it is not further discussed in this report [16].
- iii) Accompanied a monitoring visit to Gaziantep Immigration Removal Centre, carried out by the four HREIT staff mentioned above.
- iv) Held a group meeting with HREIT staff at their Ankara offices, followed by meeting with a senior HREIT manager and a member of the HREIT Board.

Throughout the visit, we discussed professional issues and methods in formal and informal settings. Our agreed role was to observe the NPM's work; in order to avoid confusion, we limited our interactions with detainees and avoided asking them, facility managers or staff direct questions. Instead, we referred questions to the coordinator or one of the assistant experts. If explicitly invited by the NPM to ask further questions, we did so, but the information below about the detention facility is based almost entirely on the NPM's inquiries. The political context and background was discussed at length in our first report (Bhui, Bosworth and Fili 2018) and little had improved by the time of this second visit.

[15] See note 7.

[16] See note 7.



THE TURKISH NPM: STAFF, ORGANISATION AND CHALLENGES

Turkey has a very large incarcerated population of around 260,000 prisoners in 381 establishments[17]. Over 16,000 immigration detainees were held in 24 immigration removal centres and the immigration detention population had doubled during 2018. Another 11 facilities were planned, which would take the total detention capacity to 21,446[18]. The task of monitoring such a large custodial estate is considerable, even before taking into account the NPM's full remit, which includes secure psychiatric hospitals and even refugee camps. The large number of Syrians in Turkey are most likely to be living in the community or in refugee camps. They would not normally be held in immigration detention centres, but under some circumstances they are now subject to detention and deportation. Syrians escaping the war in their homeland are generally given 'temporary protection' under Turkey's law 6458 on 'Foreigners and International Protection'[19].

The law was widely praised when it came into force in 2013, albeit sometimes cautiously (Açıkgöz and Ariner 2014; Dalkiran 2016), as a step towards more consistent migration management, which evidenced a commitment to further harmonise with the EU and international human rights standards. However, an emergency decree issued in October 2016, a few months after the failed coup attempt, amended the law; arguably it now allows refoulement on a series of sometimes broad grounds. They include, for example, a belief that beneficiaries of temporary protection are members or supporters of a terrorist organisation[20]. There were well over a hundred Syrians in the immigration removal centre that we visited with the NPM, held as suspected terrorists. It was unclear what was going to happen to them although the NPM was not aware of any people being removed to Syria. More recently, unregistered Syrian migrants in Istanbul have been ordered to return to the provinces in which they are registered to reduce pressure on the city. As part of this process, there have been allegations of some Syrians being returned to unsafe areas in Syria after signing voluntary return documents they did not understand[21].

[17] ICPS World Prison Brief, Institute for Criminal Policy Research, Birkbeck University. Figures for November 2018, last accessed 20.7.19 and available at: <http://www.prisonstudies.org/country/turkey>

[18] Asylum Information Database: Turkey. Available at: <https://www.asylumineurope.org/reports/country/turkey/place-detention>. Last accessed 8.5.19. AIDA reports that, according the Directorate General of Migration Management, in December 2018 there were 24 active removal centres in Turkey with a total detention capacity of 16,116 places, up from 18 centres with a total capacity of 8,276 places in February 2018.

[19]The Directorate General of Migration Management has published an unofficial English translation, available at: http://www.goc.gov.tr/files/files/eng_minikanun_5_son.pdf

[20] For foreigners who have been convicted of an offence, the Public Prosecutor is also required to obtain an opinion on the desirability of removal from the Ministry of Interior. See 'Removal or refoulement', AIDA Turkey, accessed on 8.5.19 and available at: <https://www.asylumineurope.org/reports/country/turkey/removal-and-refoulement>.

[21] See BBC News, 'Syrian migrants in Turkey face deadline to leave Istanbul', 20.8.19, accessed 20.8.19 and available at: <https://www.bbc.co.uk/news/world-europe-49404739>.

At the time of our first visit in 2016, the Human Rights and Equality Institution of Turkey (HREIT), within which the NPM sits, was transitioning from its previous incarnation as the more narrowly focused Human Rights Institution of Turkey, and was not functioning (see Bhui, Bosworth and Fili 2018; OHCHR 2017). Since then, it had established its new structure and was now active in monitoring different forms of custody, including immigration detention. The NPM provided us with the following figures for monitoring visits undertaken since it had resumed activity under the new HREIT:

-In 2017, five visits were carried out, all to prisons.

-In 2018, 28 visits were carried out. Four had been to temporary refugee camps and four to immigration removal centres[22].

While the HREIT as a whole had about 120 staff covering a wide range of activity, the NPM was comprised of only five staff at the time of our visit: a coordinator, an expert and three assistant experts. The lead monitor and the designated coordinator of the NPM was a judge. The assistant expert role is an entry level position and the first that new NPM/HREIT members undertake.

The five members of the NPM combined both monitoring and complaints work; they told us that the latter task was very time-consuming for such a small number of staff, placing significant limitations on what they could achieve[23]. By March 2019, the number of NPM staff had increased to eight, which was still insufficient[24]. The NPM conducted announced and unannounced visits. They shared their main findings with the authorities immediately at the end of a visit. They then wrote to them to request further information and evidence. Establishments were then expected to write to the NPM after visits to say what they had done to implement recommendations.

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[22] Merve Sisli (2019) 'Immigration detention and monitoring in Turkey', presentation by NPM Expert, 21.3.19, to conference in Athens.

[23] The potential difficulties associated with NPM's holding both preventive inspection and reactive complaints functions have been well documented. See, for example, APT (2006).

[24]OpCit.

Other groups contributed to the broader work of detention monitoring. Every province had a civil monitoring board (CMB), which was comprised of volunteers[25]. The CMBs sent reports monthly to the NPM, which used them as intelligence. The NPM said they might also ask CMBs to go to places of detention if they had particular concerns emerging, for example, from their complaints work. Since 2017, dedicated ‘migration commissions’ made of experts, academics, civil society, officials from health and education institutions and municipality representatives, had also been tasked with regular visits to removal centres[26], although there was no mention of these bodies during our visit. We saw only one NGO - the Turkish Red Crescent (TRC) – present in immigration detention. Since the failed coup of 2016, civil society organisations, some of which had previously contributed to detention monitoring, had been largely excluded from Turkey’s custodial institutions[27]. Despite a lifting of the state of emergency in July 2018, civil society organisations continue to have limited space to work and many human rights activists remain in prison[28]. The NPM’s contact with the TRC and other NGOs was limited to receiving information and allegations, which they used to assist them during their monitoring visits.

In addition to low staffing, a key problem at the time of our visit in terms of wider impact and good NPM practice was the fact that no reports had been published since the NPM’s reconstitution in 2017; the HREIT board, which sat above the operational HREIT structure, was responsible for approving reports for publication[29]. HREIT staff we spoke to were concerned about the length of time it was taking for approval to be granted, as they believed that their work should be available to the public. We were told by the NPM that these views had been taken seriously by the HREIT Board. We received an update in June 2019 that 10 reports had now been published[30].

[25] The CMBs appeared in organisation and purpose similar to the independent monitoring boards that operate in the UK. See IMB website at: <https://www.imb.org.uk/>

[26] Asylum Information Database: Turkey. Available at: <https://www.asylumineurope.org/reports/country/turkey/place-detention>. Last accessed 8.5.19.

[27] There have been numerous reports of human rights abuses during the state of emergency; see, for example, the Office of the United Nations High Commissioner for Human Rights (March 2018) Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East January-December 2017. Last accessed 23.7.19. Available at: https://www.ohchr.org/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf

[28] European Commission: ‘Key findings of the 2019 Report on Turkey’, Brussels, 29 May 2019. Last accessed 19.7.19. Available at: http://europa.eu/rapid/press-release_COUNTRY-19-2781_en.htm

[29] See Bhui, Bosworth and Fili 2018 for more detail on the structure of the HREIT.

[30] Merve Sisli (2019) ‘Immigration detention and monitoring in Turkey’, presentation by NPM Expert, 21.3.19, to conference in Athens. None of these reports are in English and at time of writing (July 2019) we have not translated them.



MONITORING VISIT TO GAZIANTEP IMMIGRATION REMOVAL CENTRE

Gaziantep is a large city in southern Turkey, which is about 30 miles from the Syrian border. The immigration removal centre, which opened on 4 May 2016, was located high up on a hill with spectacular views of the surrounding area. It was next to an airport. It had been built with 75% EU funding and had a capacity of 750 people. The centre looked and felt very much like a modern prison, and held a varied population, including families with children and people suspected of links to terrorism.

In accordance with Turkish law, the centre could detain people for six months in the first instance, which could be extended by a further six months. We met with the director on arrival for a useful initial briefing meeting. The director said that people could be removed within 15-20 days if they had travel documents, but stays could otherwise be prolonged. However, he said that in all circumstances detainees were released if matters had not been finalised within a year. He did not know of any support for detainees post-release and the NPM said they would raise this issue with the Directorate General of Migration Management (DGMM).

The director said the centre was over-crowded. It held about 800 people, including 26 women. He listed nationalities and numbers of current detainees as follows: 554 Afghans, 139 Syrians, 47 Pakistanis, 28 Iraqis, 1-2 people from other countries, including Palestine, Egypt, Nigeria, Algeria, Turkmenistan and Kyrgyzstan.

The wing for suspected terrorists held 159 people. There were also 12 families with 35 children on a separate unit (see below). The director said he had 128 staff, including 87 private security guards, four interpreters, two psychologists and a kindergarten teacher. Entry and exit to the facility grounds was managed by the police. The centre also had an agreement with the Turkish Red Crescent, who visited every month to check conditions for detainees.

The detainees were interviewed on arrival and had a medical report completed. They had fingerprints and pictures taken. Adults went through an x-ray machine and were rub-down searched. We were told that women always searched women. Young children did not go through the machine but were searched manually.

Conditions and treatment of detainees in Gaziantep immigration removal centre

We went to three residential units identified by the NPM as presenting the highest potential risks: the unit for suspected terrorists, the unit for families with children and a vulnerable detainees landing, where two families were being held away from the others. The layout of the units was almost identical. The only obvious difference was that, unlike in the family units, the suspected terrorist unit had considerable graffiti in all cells and there were more people in each room.

Detainees were responsible for cleaning their own rooms and cleaning materials were provided. There was a laundry room and central heating. All rooms had their own bathrooms. The centre had a canteen and two mosques.

Security, safety and potential ill-treatment

All rooms were locked overnight from midnight to 08.00, without exception, including those housing children. There were over 300 CCTV cameras in communal areas. The director said that CCTV was kept for six months but also that he had never needed to review the recordings because there had been no allegations against staff. CCTV also covered the legal interview rooms but we were told that sound was disabled to preserve confidentiality.

The director said he was not aware of violence or bullying in the centre. While walking between units, we saw an incident that appeared to be an officer hitting a detainee waiting in a dinner queue. The NPM coordinator told the director that he wanted to review the CCTV immediately. We went to the control room and viewed the dining hall from different angles until we saw reasonably clear footage of the guard raising his hand twice and apparently striking a detainee around the head. The NPM assistant experts wrote down details and passed them on to the director. They also took a video of the CCTV footage as evidence. The director undertook to investigate and report back to the NPM.

In the family unit, a detainee asked NPM staff to see a woman who claimed that she had been assaulted. She said she had been slapped and shaken by a female security guard and felt that the guard had only stopped when she remembered the CCTV was running. The detainee said the guard had intervened when she was telling off her child and had taken him by the ear. The guard had then allegedly grabbed and shaken the mother, leaving her, she said, with bruises on her arms. She said she had asked to see the director but was always told 'tomorrow' by the guards. She said she had not received her prescribed medications and felt she was being victimised. She said she had witnesses to the assault.

The NPM team located and interviewed the witnesses in turn and in private. The witnesses said the guard had something against this particular woman and largely corroborated her story. The assistant experts wrote down what the witnesses and alleged victim had said. They then provided them with the statements and asked them to sign, which they all did^[31]. The risk of possible reprisals against the detainees was not addressed.

[31] The statements were written in Turkish, and it was unclear if the Arabic speaking detainees had fully understood the text of what they were signing, although it was made very clear that they were signing interview statements.

Staff had no training in use of force techniques. They did not use handcuffs. There had been three escapes in 2016. One detainee was caught and returned to the centre. We were told that no disciplinary action was taken as punishments were not allowed.

The centre had a special isolation room for those who were considered hard to control (see appendix one). It was about 1.5m x 4m and had padded walls and a toilet. There was also a small window at the top. Detainees were kept in the room for an initial maximum of one hour but could be held for up to four hours if it was necessary to separate them for a second time. The director said that children were not held in the isolation room. Staff could not tell the NPM how many and for how long people had been held in the room. There was a register, which was requested by the NPM.

Vulnerable families who were at risk from others were held on the same landing as the isolation room. We saw two families there who were thought to have links with the terrorist organisations and were considered to be at risk from other detainees. The NPM did not speak to these families. The families could go outside, but separately from the others. There was a small television but just one chair in the viewing room (see pictures).

Children and families

There were 12 families and 35 children in the unit. There were no unaccompanied minors. There were two pregnant women and one of them was pregnant for a second time having already given birth to a child in detention.

The family unit was a very restrictive environment for children and we saw them running up and down the narrow corridors to occupy themselves or looking out of windows (see appendix one). There was very little stimulation for children. The director said that children could go outside when they wanted to with their parents, social workers or psychologists. However, when the NPM spoke to the families, almost all the parents said that children never went outside. It soon became evident that they did not consider the enclosed yard with high walls as 'outside'. The yard itself was dirty and strewn with empty bottles and a few fixed chairs, some of them broken. There was a children's activity area, which was dirty and unwelcoming. The whole effect was of a desolate and depressing area (see appendix one).

There was a kindergarten but children could attend only for five hours every other day. The psychologist said children who attended the kindergarten displayed a number of behavioural concerns, despite efforts to support them. Several detainees told us that the children had lost their appetites, were bored and fought with each other, and that in turn this caused arguments between parents. Children aged three to seven could also use a playroom.

One very upset man spoke at length about his situation. He had three young children and was raising them alone. He said the centre did not provide vitamins for the children, the food was poor and the doctor hard to see. His family was stressed every day because of the possibility of removal. He said children were not allowed outside at all, only into the play area. He said there were no toys for his children. His youngest son was playing nearby with a plastic plug socket cover; he said that his child had become very attached to this object and played with it all the time as there were no toys to give him. If anyone tried to take it away from him, he became very upset. He said the children became bored and fights often broke out between them. He said their bedroom was very hot in summer, especially when the door was locked overnight. The father was upset throughout this discussion and said 'our children are devastated here'.



One family of three had a two-year-old child. They had been detained for 150 days. The parents said their child had never been to the playroom despite many requests, but that they had no problem in getting out into the fresh air. They had evidently not been told that the playroom was for children aged three to seven only.

The suspected terrorist unit

We went into several rooms in the suspected terrorist unit and spent some time speaking to the men privately. The first room we entered had seven men in it and seven beds. The men confirmed that when they first arrived, they went through an x-ray machine, were searched with clothes on and that their money was placed in a safe. The NPM coordinator asked staff, including the director, to leave rooms to ensure that private conversations with monitors could take place. As in the family unit, most of the people we met were unhappy and frustrated.

The men said they could go outside once or twice a day, but had not had access to the sports hall for several months. They said the Arabic books were very old. They had asked for pens, Turkish classes and books. Pencils and pens were not allowed in detainees' possession anywhere in the centre. The men also said they had no pastimes such as cards or games to play (see director's comments on these issues below). Several men said they did not know why they were being held and many complained about the quality of representation. The NPM coordinator said he could not interfere with the legal process and that he wanted instead to know about treatment in the centre and access to legal support in line with the NPM's remit. He advised the men to talk to their lawyers about other matters. All were paying for lawyers privately. A number of detainees said the DGMM was not keeping them up to date with their cases. In these cases, the NPM coordinator advised them how to complain. The detainees reported no concerns about the director of his staff, and the director was apparently willing to speak to them when they asked to see him.

In the second room we entered, there were six beds. A man said he had been tortured in a different institution by police and had complained formally; the result of this complaint was not offered. He had been in the Gaziantep centre for more than two months and had no complaints about his treatment there. Another man had been 13 months in prison and two months in the removal centre. He said they could spend 10-15 minutes on the telephones. He had visitors who came from Istanbul and the visits were very short. He said the shop was expensive, e.g. 13.5TL for a small bottle of olive oil. The NPM coordinator later went to the shop and questioned the man running it about his prices. The man insisted that he did not charge so much and offered to show his price lists and receipts to prove that he had not been over-charging.

Healthcare

There was a pool of doctors who were rotated once a month, but the nurses were permanent staff. There were no women doctors but healthcare staff said they would refer outside if a woman wanted to see a female doctor. There was a dietician and emergency services were apparently close. Doctors said they were seeing 30-40 patients a day. Food samples were kept for 72 hours to help manage cases of contamination and outbreaks. There were sinks on the way into the canteen.

We spoke to a woman on the families' unit who was six months pregnant. She said she had seen a doctor about pain in her abdomen but had not seen a gynaecologist. She said she was not allowed to speak on the phone as she was suspected of links to terrorism.

On the suspected terrorist unit, we saw an elderly man in a wheelchair. He had heart disease and said he had been seen by a doctor. He said he had been given considerable help by the director. He had problems in getting to the hospital and his main concern was accessing the doctor more. Another man on the same unit said he had gunshot pieces in his body and had not seen a doctor for three months. He was meant to have surgery outside but it did not happen because of his detention. This case was raised by the NPM.

We met one of the two psychologists who said that she and her colleague saw 10-15 people a day for an initial interview, with follow-up work undertaken where required. If there were needs they could not deal with, detainees were referred to outside psychiatric services. The psychologist said that they could ask to prioritise people for removal if they had psychological problems, and also recommend them for release if they felt detention was harmful. There were no figures on releases for such reasons.

The psychologist said that five currently detained men had attempted suicide, and she was working with three of these patients herself. As well as the stress of detention, some men were withdrawing from drugs. She had seen some behavioural disorder in children, especially younger children who had been in the centre for some time.

The NPM asked the psychologist about support for LGBTI detainees. She said that her colleague followed up such referrals and that they were prioritised for release. She knew of one case, when an LGBTI detainee who had a passport was released and given 30 days to leave the country.

The NPM asked the director about disabled or elderly people; he said there was one detainee with speech problems, but no others with disabilities. There were two larger rooms for disabled people in the vulnerable families' unit.

Activities for adults

The director said it was hard to deliver formal education given the short lengths of stay and language problems. There were no Turkish classes as there had been no requests according to the director. There was a new sports hall where basketball, football and table tennis were played. There was a handicraft course for women. There was a mobile library service and we were told it had 1,300 books in 18 languages.

The director said all detainees could have a minimum of one hour in the open air each day in the enclosed yard. They were not allowed to smoke inside rooms but there was a smoking room on each floor. We did not smell smoke as we visited the units.

There was very little entertainment or distraction for any of the detainees. There was one TV room playing a few Turkish channels only. The TV was very small and generally tuned to children's channels, with little interest to adults. The psychologist told us that priority was given to children's well-being and providing them with activities, but that for the previous 20-25 days there had been no activities because of overcrowding.

Next of kin could visit detainees on Tuesdays and Thursdays. There were 10 visits rooms. There was no routine access to the internet or mobile phones. In some circumstances, detainees trying to obtain identity information were allowed limited access to email. Most detainees were allowed to use centre phones four days a week, but those suspected of terrorism were only allowed to use the phones twice a week. Several detainees said they were allowed little time for phone calls. Legal calls were available during all weekdays.

NPM Practice

The NPM coordinator requested detainee files to check what some of the detainees had told his team and raised various issues that had emerged from the day. For example, one woman said she was to be released one week before her husband and had no idea what to do if this happened. The director said that while he could not extend her detention, he would contact women's shelters to see if she could be accommodated during the week before her husband was released.

One woman with a child told the NPM she had been in the centre for four months and did not know where her husband was. She said he was Syrian and she was from Egypt and had not had a reply from her embassy. The director said he would contact the Egyptian embassy for her. In another case, a parent had told the NPM that a child with a congenital heart disease had not seen a doctor. The file reviewed by the NPM confirmed that there had been no contact with a doctor about this issue and the director said he would follow the case up.

The coordinator also gave the director information on three cases of alleged poor treatment that the assistant experts had documented, and which detainees and/or NPM had signed. They were:

- The incident where a member of staff had apparently hit detainees in the dinner queue.
- The woman detainee who said, along with her witnesses, that a guard had assaulted her.
- An incident where a guard had allegedly hit a child and then locked the child and mother in a room for three hours.

The director said he would investigate these incidents and inform the NPM of the outcomes. The NPM also gave the director the names of the two guards who had allegedly shouted at the families. The director said that he would investigate and move the guards to a different wing in the meantime. One detainee was brought to the office to provide more information about his case. He was led in by staff and stood up in front all of us while being questioned.

On the lack of board games such as chess or cards, the director's answer was that if they allowed such things it would lead to gambling and other problems. On the lack of pens/pencils, he said they could be weapons and were a security risk.

The concerns about activity for children was raised. The director confirmed that there had not been any children's experts to assess the adequacy of the centre for children. The director agreed to look at providing more activities for children of all ages.

In both sites, the NPM coordinator was a skilled and thorough interviewer, the assistant experts were diligent and also spoke privately to many detainees and residents, using interpreters in some cases. They were supported by the HREIT international relations manager who was fluent in Arabic. The team spent much time speaking to detainees confidentially and establishing concerns. This was good practice, which allowed them to hear directly from detainees about their perspectives. These points were then taken back to the director for a response. How conflicting information was then analysed and what conclusions were reached would only be clear in a completed report.

It was hard in a single day to obtain the documentation and facts necessary to a rounded assessment. This was slightly mitigated by the practice of writing to the centre director a detailed letter outlining what further information was required. Throughout the day, the assistant experts were taking notes of things that would need to be requested. The monitoring could have been extended to other parts of the camp fairly easily if the competent assistant experts had been given more responsibility. There were useful discussions with staff, but rarely with the security staff. This would have added a useful further dimension.

The coordinator was clear that the NPM could not investigate cases that were subject to legal process and on many occasions told detainees clearly about the remit of the NPM. The team used a list of prompts and questions to ensure they covered key areas. The discussion and direct feedback to the directors at the end gave the impression of a transparent and confident NPM approach. For both sites, we did not see the important next steps: report writing, recommendations, publication, institutional action and follow-up.

Summary

The CPT visited a number of facilities in Turkey in 2015 (CPT 2017b), when the Gaziantep centre was not in existence. The CPT praised the shelter given to refugees from Syria in camps but had mixed findings overall about the detention centres, for example criticising the lack of outdoor exercise, very poor physical conditions in some centres, and inadequate provision for families with children. The CPT praised efforts to improve healthcare and the provision of psychologists, social workers and interpreters, as well as the general absence of allegations of ill-treatment (CPT 2017b: 4).

These conclusions found some resonance in the NPM's findings in Gaziantep removal centre, although the NPM had little trouble in also finding evidence of potential ill-treatment. While the director had told us that there were no complaints about the behaviour of staff and very little violence, in our short visit we were told of an allegation of assault backed up by witnesses and saw an apparent assault. There was no governance that we could ascertain around use of force. Staff could not tell us how many people had been in the isolation room or how much force had been used. The NPM requested more details on these issues.

The team did not have enough time to fully inspect the Gaziantep removal centre. While the visited units were well-selected as areas of greatest concern, most of the residential parts of the centre were not monitored. At a final meeting with the deputy HREIT director and a Board member, the research team were invited to feed back our views. We relayed our positive impression of the methods used by the NPM team; and the concerns we had about the immigration detention facility, especially the wholly inadequate conditions for children. We also spoke about concerns about the lack of resourcing of the NPM and the fact that the value of the work was undermined without published reports.

4– IMMIGRATION DETENTION AND MONITORING VISITS IN GREECE

The research visit to Greece took place from 25-28 September 2018. The research team accompanied the NPM on monitoring visits to two immigration detention facilities in the Athens area. Main activities:

- i) Meetings with officials in the Greek NPM, which sits under the Greek Ombudsman, and a subsequent meeting with the Greek Ombudsman himself to discuss findings and ongoing collaboration.
- ii) Accompanied a monitoring visit to the special holding facility of the Police Directorate of the Athens Airport, carried out by three NPM staff.
- iii) Accompanied a monitoring visit to Petrou Ralli immigration removal centre, carried out by two NPM staff.
- iv) Held a training event with the Greek NPM.

Our agreed role was to observe the NPM's work; in order to avoid confusion, we limited our interactions with detainees and avoided asking them, facility managers or staff direct questions. Instead, we referred questions to the NPM. The information below about the facilities is based almost entirely on the NPM's inquiries.



THE GREEK NPM: STAFF, ORGANISATION AND CHALLENGES

The number of people subject to immigration detention in Greece increased from 14,864 in 2016 to 31,126 in 2018, a rise of 109%. The number of asylum seekers detained during 2018 was over 18,000 and more than double the 2017 figure[32]. At the end of 2018, 2,098 detainees were held in the 8 pre-removal facilities, including 1,619 asylum seekers; an unknown number were detained in police stations or other facilities[33]. The maximum detention period in pre-removal facilities is 18 months in line with the European Returns Directive[34]. In the Petrou Ralli detention centre, we met with the senior director of Athens immigration detention facilities. He said that 224 administrative detainees were held in Athens facilities: 162 men, 23 women and 39 unaccompanied minors. Half of the unaccompanied children were in ‘protective custody’ awaiting a place in a shelter in the community[35].

The Greek NPM was designated in 2014 and sits within the Greek Ombudsman’s office. At the time of our first research visit in 2016, it was regularly visiting the hotspots, while other Greek Ombudsman staff were routinely monitoring removal flights. Very few detention centre inspections had been undertaken. Independent monitoring had a low profile among detention staff and immigration officials, and was little understood by them. Most recommendations were not accepted or implemented (Bhui, Bosworth and Fili 2018).

[32] Asylum Information Database: Country Report Greece, 2018 Update. Last accessed 18.7.19. Available at: http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf.

[33] While the police in a meeting on 22.03.19 confirmed that the practice of detaining people in police centres had ended, ECRE (2019) reports that at the end of 2018, there were 835 persons, of whom 196 were asylum seekers, detained in several other detention facilities countrywide such as police stations, border guard stations, etc. However, this number is not entirely accurate because there is only a breakdown for those detained in police stations on the islands and not the rest of the country.

[34] For more information on the length of detention, see: Asylum Information Database: Country Report Greece, 2018 Update. Last accessed 18.7.19. Available at: http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf

[35] Law 4375/2016 regulates the detention of minors. Similar to previous laws, it does not prohibit the detention of minors but rather states that detention should only be employed as a measure of last resort and applied only in very exceptional cases, echoing the principles of the UN Convention on the Rights of the Child. If children cannot be transferred to appropriate accommodation, the law foresees the possibility of detaining them for up to 25 days pending referral to a shelter, a period that can be further prolonged by another 20 days. Indeed, due to the shortage of open accommodation facilities, their ‘protective custody’, as it is labelled, often exceeds the maximum time-limit. At the end of 2018, 42 unaccompanied children were detained in ‘protective custody’ in the pre-removal centre of Amygdaleza, 44 were detained in police stations and other facilities around Greece, while 701 were in reception and identification centres on the islands. See Asylum Information Database: Country Report Greece, 2018 Update. Last accessed 18.7.19. Available at: http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf See also the CPT’s comments on the issue: <https://rm.coe.int/1680930c9a>

During the 2018 visit, the NPM told us they were still finding only limited evidence of their recommendations being implemented. The NPM itself was developing its capacity[36] and reach. In 2018, the NPM inspected institutions of confinement throughout Greece, trying to ascertain the conditions in all areas that fell within its sphere of competence. That year, the NPM undertook fourteen visits to pre-removal centres and police stations where foreign nationals were detained in each one of Greece's thirteen administrative regions. By organizing at least one visit per year to each detention site, the NPM is now gradually consolidating its mandate as an external monitoring body of detention conditions nationally (Fili and Bosworth, forthcoming 2019). However, NPM staff continue to have responsibility for other work undertaken by the Ombudsman, including complaints, monitoring of removals of third-country nationals, and investigating allegations of arbitrary behaviour of law enforcement officials[37]. While complaints work help them to choose which establishments to visit on the basis of risk, at a final training event with the NPM, staff were concerned about the lack of time to manage the complaints and preventive monitoring work together. Staff were also keen to have more general training and guidance on monitoring. The NPM had not yet published any individual visit reports, but their annual reports contained information on all the sites they had visited in 2016 and 2017[38]. During a meeting with the Ombudsman, he was clear-sighted about current challenges and keen to find ways to improve the NPM's capability and capacity.

[36] Concerning financial support, it was only in mid-2017 that the NPM was granted a subsidy by the Ministry of Administrative Reform, notwithstanding the fact that support had been envisaged since 2014 in the law that ratified OPCAT. In other words, since 2014 and until mid-2017, the work of the NPM was carried out with resources redistributed from the Authority's scarce budget. It should also be noted that, even though additional funding for the NPM mandate has been granted since 2017, this is done on an annual basis and only after the submission of a request by the Ombudsman. As a consequence, funding is normally made available sometime in the course of the fiscal year (i.e. not from January 1st). As a result, the strategic planning and priority-setting of the Mechanism, although designed for a period of 3 years since 2017, can only be confirmed on an annual basis, as it depends on the availability of the financial resources requested.

[37] As far as the appropriate staffing is concerned, it should be noted that the granting of the NPM mandate to the Greek Ombudsman was not accompanied by a provision to recruit additional staff to work on a full-time basis. Hence, the Greek Ombudsman set up a working group (the "OPCAT team") under the responsibility of the Deputy Ombudsman for Human Rights (currently Prof. George Nikolopoulos) composed of 1 administrator and 15 special investigators of the Greek Ombudsman's office, who have also parallel duties in different departments of the Independent Authority as those of Human Rights, Social Protection, Children's Rights, Equal Treatment and Public Administration. These staff continue to bear responsibility for additional - yet related - tasks as part of the Ombudsman office as well as their monitoring duties under OPCAT; as a result, they are also responsible for receiving and responding to complaints (Ombudsman's general mandate), monitoring of procedures for the removal of third-country nationals (art.23 § 6 L. 3907/11 and Joint Ministerial Decree 4000/4/57 - ia/24-10-2014), and investigating the arbitrary behaviour of law enforcement officials (Law 4443/2016, Part D, entry into force 9.6.2017) (Fili and Bosworth, forthcoming 2019).

[38] The Ombudsman's annual reports contained sections on the NPM's work (https://www.synigoros.gr/resources/annual_report_2017_site.pdf) and a 2018 report on the 'Return of Third Country Nationals' had also been published (<https://www.synigoros.gr/resources/docs/english-final.pdf>).



MONITORING VISIT TO THE ATHENS AIRPORT SPECIAL HOLDING FACILITY

The special holding facility of the Police Directorate of the Athens Airport holds people who had been detained on the way in or out of the airport. At the time of the visit, the main part of the centre was comprised of nine multi-occupancy cells used for adult males who had broken the criminal law, usually as a result of passport offences. There were 29 detainees present. The majority were eventually taken to Petrou Ralli or Amygdaleza detention centres. Men we spoke to reported having been detained for three to 17 days. The centre also had an area for women and families, and a separate transit zone unit for individuals who were not subject to criminal charges and had travel documents.

During a wide-ranging discussion between the NPM and head of airport police services, the latter said he was generally happy with the operation of the detention facility but complained that the lack of administrative staff led to detainees being held for longer than the three days that he thought should be a maximum in that environment. He had not been able to significantly speed up moves from the airport as other centres were overcrowded. He said people were regularly held for 28 days^[39] but children did not stay in the centre for more than a couple of days. There was no social worker or other children's services. He felt that his staff did not need interpreters because police officers could speak two or three languages, although none of these individuals were evident during the NPM visit. For healthcare, the centre relied on airport emergency services and transferred to hospitals as needed.

NPM Practice

The criminal cells corridor

There were nine cells along an open corridor with small open spaces at either end. There was no CCTV. There were no in-cell toilets, and these were instead located along the corridor. There was no toilet paper in the toilets and some detainees had rolls of paper in their cells. Detainees had to knock on the door to be let out to use the toilet. They told the NPM they were locked up all day with very little time out of cell.

Behind the cells there was an extremely dirty corridor visible through the cell bars. On the other side of it, the windows were frosted so there was some natural light but no view of the outside (see appendix one). There was a waste bin below each cell window. The outside space beyond the frosted glass was inaccessible to detainees because, we were told, there was no fence to keep them secured.

[39] According to Law 4375/2016, any person transiting through the airport who applied for asylum could be detained for a maximum of 28 days, after which they had to be released if there was no decision on their case (ECRE, 2019).

The cells were dirty and cramped. There were one or two, or in one cell three, concrete plinths with mattresses, blankets and pillows, either on the plinths or on the floor. In some cells there was no room to move around because the mattresses took up all the floor space. There were four men in four of the cells and three in most of the others. One cell held a single man who the police considered to be a more serious risk – this was because he was thought to be a people trafficker.

Despite their cramped nature, the cells were much less crowded than had been documented previously (Fili 2013). The last CPT visit in 2016 (CPT 2017a) had concluded that conditions in the airport facility were largely adequate, but also noted the following:

‘.. once again, the delegation heard many complaints that detainees were not let out of the cells when they requested to go to the toilet. Local staff said that the average length of detention would not exceed a few days; however, consultation of the custody register revealed that four Syrians had been held in the centre for periods of two to four months, another foreign national had been held for more than six months and many others had been detained for more than one month. Further, at times, between seven and 11 persons were held in these cells for prolonged periods, as was the case in December 2012, January 2013 and at the beginning of April 2013; such a gross level of overcrowding leading to 1 m² or less of living space per person constitutes in itself inhuman treatment. A cell of 9 m² should not accommodate more than two persons. It is also essential that an outdoor exercise yard be brought into service.’ (CPT 2017a: 42)

There was no evidence of this level of overcrowding during the NPM’s visit. There was graffiti in every cell, some of it offensive. For example, in one cell there was a large drawing of a woman with spread legs. In another, there was a prominent swastika on the cell door. There were many country names written on the walls by detainees, with Syria, Afghanistan and Kurdistan particularly prominent. The light switch for the cells was outside the door meaning that detainees could not independently control the lighting.

We were told the police gave detainees around half an hour in the canteen area by way of relief if the numbers were high. The canteen area had two vending machines with snacks, drinks and sandwiches. Detainees were allowed to carry 100 euros on them. Cash in excess of this and other valuables were kept in a safe.

The NPM noted that information about legal help on the noticeboards was all in Greek and very few detainees could understand it. Detention administration was completed at the Petrou Ralli detention centre. The senior director of Athens immigration detention facilities said that detention was often extended as staff at Petrou Ralli were not able to process detainees quickly enough. There were no NGOs routinely working at the centre.

One of the men said that on the previous day, detainees did not go to the toilet and were not given enough food. Such complaints are in line with previous findings (CPT 2017a; Fili 2013). The head of the NPM raised this with the head of the airport police, who disputed the detainee’s account. Three men in one cell said they were unable to use the telephone because they had no money on their phone cards. They said that they could not get legal help. Most men we spoke with had applied for asylum in Greece. The NPM gave some information about legal aid to detainees and looked at a couple of men’s appeal decisions which were written in Greek, trying to explain what was written.

None of those asked said they had seen a doctor. Medicines were not allowed in detainees' possession as the police were concerned about detainees overdosing. One man wanted to see the dentist. Another man said he had problems with his heart and had not seen a doctor, and claimed his prescribed medication had been confiscated.

Family and women's area

The family/women's area was a cleaner environment than the men's corridor. The rooms had bunk beds and the doors were left open to allow some freedom of movement. There was graffiti in this area too, although the majority of it looked like children's drawings and was colourful and inoffensive. Five women were in the area with one child, spread across three rooms. There were two reasonably clean bathrooms.

We were told that the majority of women would be transferred to Petrou Ralli and indeed saw some of them at that centre when we visited it the next day (see below). The women's main concern was a lack of legal support and not knowing what was happening with their cases.

One of the women was from Iraq. The NPM wanted to speak to her because her husband, who was in the men's corridor, had told them that she was very ill. Initially they spoke to her in English and she was getting very frustrated because she could not understand. A Somali woman tried to help her communicate by speaking English more slowly. The woman said that she wanted to go to the doctor and also to see her husband. The NPM advised her to tell the police that she needed to see the doctor. The police later brought a detainee from another area to interpret for her as the NPM wanted to establish the nature of her medical problems. The woman said (through the detainee interpreter) that the police had told her that her chronic illness had not arisen as a result of her detention and was therefore not their concern. This position was later confirmed to the NPM by the police themselves. She and her husband had travelled to Europe to obtain treatment for her. The NPM told her about legal aid through the detainee interpreter.

The NPM spoke to an asylum-seeking woman and her child. She had no identity or travel documents and was suspected of trying to travel to Iraq. Her case appeared complex and it was likely that she and her child would stay in detention for an extended period of time. The NPM said that they would refer her to the Greek Council for Refugees, which provides free legal aid.

Transit zone

The detainees held in this area had been arrested trying to enter Greece. These men did not want to apply for asylum and had passports or travel documents. They were not subject to any current criminal charges; some may have had a criminal charge in Greece previously, which prevented them from entering the country.

The rooms in this section were more spacious than in the main men's corridor. They had bunk beds and space to move around, but were featureless and in some places dirty. There were six bunk beds in one room holding two men. Both men were unhappy about the conditions they were in. The doors to the rooms were open, allowing some limited free movement in the small detention area.

NPM practice

This is the first time that the NPM has inspected the airport facility. The Greek NPM viewed all parts of the centre. Their conversations with detainees, however, were rarely private. Instead, they usually occurred in the hearing of the police who stayed in close proximity. It was not possible, under these circumstances, to obtain a reliable sense of how the men were treated, and most conversations lacked depth or structure.

Due to funding restraints, the NPM had no interpreters accompanying them. While they attempt to overcome communication barriers, by handing out leaflets about the Ombudsman's office and the complaints process in English, they do not take note of specific issues or cases raised on the monitoring visit^[40]. Instead, during most of the interactions with detainees, the NPM focused on cases and reasons for detention.

The monitoring visit lasted only two and a half hours, including a lengthy meeting with the facility director at the end. The team spent about one and a half hours in detainee areas. They raised a number of cases with managers, but during the final meeting with the head of airport police, the focus was on his concerns rather than on findings from the NPM team. Notwithstanding all the problems they had witnessed, the only concern they raised related to access to outdoor space. This final meeting with the director should be a time to press for solutions. More could be done with it.

[40] These leaflets were not given out at Petrou Ralli.



MONITORING VISIT TO PETROU RALLI PRE-REMOVAL DETENTION CENTRE

Petrou Ralli has been housing immigration detainees since 2005. The NPM considered it to be the worst of the facilities in Athens. The CPT's last report on Petrou Ralli had also been critical:

'The material conditions were very poor. Most of the barred cells in the four male wings on the second floor were filthy, stuffy and infested; mattresses and blankets were generally worn and dirty. The communal sanitary annexes were unhygienic and in a poor state of repair and detainees complained that they did not receive sufficient hygiene and cleaning products. Further, detainees were locked in their cells for much of the day and the delegation found that outdoor exercise was not offered on a daily basis to all detainees and, at times, the amount of time offered hardly exceeded 15 minutes.' (CPT 2017a: 33)

On arrival at Petrou Ralli, the NPM team had a meeting with the senior director of Athens' immigration detention facilities who was based in Petrou Ralli. The meeting took about the same amount of time as the rest of the visit. The senior director was keen to tell the NPM his concerns and, in particular, the need for funding to help solve the multitude of problems he and his staff faced. He mentioned difficulties such as rubbish collection, sewage problems and transfers to and from hotspots. He said that Petrou Ralli was otherwise a quiet centre.

Each morning, the director said he received information from prisons about who would be brought to Petrou Ralli as people were often detained for 'reasons of public order' after their sentences had been completed. He said that the average stay was 6 months but that 10 people had been detained at the centre for longer than six months. Ninety detainees were waiting to be taken to the asylum service to start the process. Some could have asylum appointments over Skype. However, the director wanted detainees to be moved more quickly to Amygdaleza detention centre, where applications could more easily be managed. He felt the asylum service and police did not operate well together. They sometimes had two files for the same person, which caused delays. He said that when vulnerable people came to Petrou Ralli, the centre sent requests for them to be released but the administrative procedures took much time.

The NPM asked about interpreters. The director said that they had lost funding for interpreters and psychological services in 2015. They had managed to find an Arabic-speaking police officer and one who spoke Turkish, and also occasionally used detainees to interpret.

The NPM raised the case of an alleged assault by police on several Algerian detainees^[41], which the Ombudsman's office was aware of as part of its role in investigating arbitrary behaviour by law enforcement officials. The director said that the detainees had created problems in other centres and were never prosecuted. He said he wanted to build a special centre for asylum seekers who were also criminals, and put more energy into constructing a case against these detainees. This was an inadequate response to and exploration of the concern that had been raised. The NPM then raised the case of a man who alleged that he was raped by five other detainees. The director eventually released him because he did not know what else to do with him. Five people were apparently prosecuted. No further details were provided on this case.

The director wanted the Greek Ombudsman (and NPM) to think more about the difficult position of centre staff and what they had to deal with. He said that he wanted to change the environment to be more suitable as an immigration removal centre, but found it difficult to see how he could, given the existing infrastructure. While the attention to staff matters is important, the role of the NPM is to safeguard the human rights of those who are detained.

Conditions and treatment of detainees in Petrou Ralli

Men's wings Detainees gathered around the gates as we entered the main corridor. The guards were standing in the corridor and did not interact with them. One wing had been closed as a result of a cell fire lit by a detainee, which meant there was less capacity in the centre and more crowding on the other wings (see photographs, appendix one). On the closed wing, there were five concrete bed plinths in each cell. There was little opportunity for privacy; metal bars divided the cells from the corridor, so that anyone standing outside a cell could see in. Toilets were at the ends of the wings. There were about 45 people to one wing.

When the NPM staff walked onto an occupied wing, they were quickly surrounded. The corridor became blocked and they walked no more than three metres before they were unable to go any further because of the number of people waiting to speak to them, nearly always about their cases. A police officer stood close-by and could hear all of the conversations. He assumed the role of a security buffer between the NPM and the detainees. The discussions with detainees were loud, chaotic and disorganised. We could not see past the detainees into the cells.

The rights of detainees were written in Arabic, Farsi, French and Greek and attached to the wing door. There was very noticeable, large graffiti on the corridor wall, which said 'Fuck the police' in English. Several detainees complained about broken phones and the director later said this was a result of detainees damaging them every week.

The intense atmosphere on this wing was indicative of both a stressful physical environment and a high degree of frustration about cases. The detainees asked many questions about why they were there and when they would be able to get out. Individual cases included:

[41] The detainees were prosecuted and found guilty of disobedience and resistance to the authorities. No legal action taken against the staff despite CCTV evidence suggesting unprovoked and excessive use of force resulting in injury. The episode is currently being investigated by the Ombudsman's National Mechanism for the Investigation of Arbitrary Incidents (Ombudsman, 2019). See video footage of some of the incident at: <https://vimeo.com/263669753> Last accessed 19.7.19. See also, 'Are you Syrious Special: Tragic Story of 8 Algerian Men from Petrou Ralli', 20 November 2017. Last accessed 18.7.19. Available at: <https://medium.com/are-you-syrious/ays-special-tragic-story-of-8-algerian-men-from-petrou-ralli-719eea82340>

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- A man had been detained for six months and said he had no information about his case. He said his friend had been held for seven months without information.
 - An Iraqi detainee wanted to be deported but did not know how to speed the process up. The NPM explained the deportation procedure to him.
 - A detainee said that he felt dizzy and explained his medical history. The NPM said he should speak to a doctor.

After about 10-15 minutes, NPM staff approached the centre director to tell him that detainees were telling them about problems that the centre and social services should be addressing. They intended to recommend that the centre hire more social workers – there were currently two – and that detainees should be provided with more information about their cases. The centre director said that the police did not have official access to detainees' files but they did ask the immigration services to send updates on their detention status. The senior director of the Athens immigration detention facilities intervened in the NPM's discussion with the centre director and said that the latter's role was simply to guard people, not do any more than that. The NPM gave the names of some detainees to the centre director, who said that his staff would talk to them.

There was a separate wing in Petrou Ralli for people with illnesses or other vulnerabilities. There were about 10-15 men on this wing. Many men were sitting or lying quietly in their cells. Some detainees complained of the cold and asked for more blankets. One individual had been detained for two months and another for four months. This wing also housed a detainee who was suspected of being involved in terrorist activity.

There was a visitors' room off the main corridor comprised of metal sections with a screen in-between the detainee and the visitor. It was a dirty and unwelcoming space (see appendix one). Other than relatives and lawyers, mainly from the Greek Council for Refugees, who visit them there, women are also visited and supported by volunteers' groups such as Mov[42] and the House of Women.[43]

Women's section

As we entered the residential corridor, we saw two of the women we had met the previous day at the airport detention centre. The women were taken to the women's floor, which was less crowded than the men's area, with two or three women in each cell. Some of the cells were empty. The layout was the same as the men's cells but the atmosphere was calmer. The cell doors were kept open all day so that women could move around. There was some graffiti in the cells but most of it looked like children's drawings. It was cold and damp and the women were sitting on their beds - they seemed bored. The centre director said that women detainees had two hours a day in the yard, one in the morning and one in the evening, but men had much less time because there were too many of them. It was not clear how long men were able to go outside during our visit but the CPT (2017a: 33) had noted periods of little more than 15 minutes. The outdoor yard for women was bare and somewhat bleak (see appendix one).

[42] <https://tomov.gr/category/dikaiomata/metanastries/>

[43] <https://tinyurl.com/y4sbpxyx>

The NPM spoke to the women and explained the remit of the NPM/Ombudsman. Detainees translated for each other. The NPM had received an allegation about the guards in the women's section, and wanted to ask detainees about their treatment. One woman, spoken to out of the earshot of the police, said that she wanted to talk to her family but that she was not allowed to. Another woman said her treatment in the centre was 'so so' and another said that she did not believe that a place like the centre could exist. At this point, a guard started to walk towards the NPM and detainees, and this line of conversation stopped.

Women said the cells were infested with cockroaches and other insects. They complained that it was cold and that there were not enough blankets. They also said there was shortage of toilet paper.

Healthcare

The healthcare area was new and had been opened since our 2016 visit. We spoke to a doctor before we went to any wings. He said that medical professionals with different specialisms visited each day. Healthcare was previously offered for 24 hours a day, but they had changed rosters so that more staff were available in the morning. A doctor was present at the centre until 14.00 while the nurses were available until 22.00. The healthcare staff had two interpreters who could speak Arabic and Farsi. They used detainees for other languages and said telephone interpretation was sometimes used.

The doctors said that they were trying to create electronic health files for detainees. If detainees were moved around detention centres in the Attica region of Greece,[44] their health files would travel with them, but this was not the case for other jurisdictions.

The doctor said there was not enough medication. He was concerned about contagious skin diseases exacerbated by overcrowding. He said that people coming from prison tended to have more mental health and drug issues. They did not expect to come to a detention centre. The doctor said that detainees made a lot of complaints about the food, and that he understood them because lack of money for electricity meant that food was not always stored properly.

NPM Practice

The chaotic nature of the institution made it difficult to undertake effective monitoring. Matters were compounded by the lack of interpreters in the NPM team and the brevity of their visit. The NPM team took the names of the detainees who spoke to them and in some cases passed detainees' concerns to the managers. However, the frantic atmosphere and the lack of a structured system for their visit, meant they were able to speak only to those detainees who were closest and loudest. They did not see occupied cells on the men's wing. As at the airport facility, there was no privacy and most discussions were about the length of detention and about people's asylum cases. While NPM staff were able to communicate with some detainees in English, the lack of interpreters once again meant that they could not communicate effectively with many people or ask them to describe their experiences in any meaningful way. The NPM had a questionnaire that they could use, with questions about procedures and standards. Possible ill treatment was only explored in the women's section of Petrou Ralli, where they had already received specific intelligence from complaints.

[44] Attica Region is an administrative region of Greece, that encompasses the entire metropolitan area of Athens, the country's capital and largest city.

The lead monitor wanted to follow up on some allegations of ill treatment that the NPM had previously received as well as raise other issues from the visit. She had earlier raised with the director of the Athens detention facilities the case of a detainee who had died in the centre two years previously. She intended to establish what had been done to avert such deaths. The director said that the man was a drug addict and did not ask for any help. He was brought in to the centre on a Friday and died on the Sunday. There was no doctor present in the facility over the weekend. The lead monitor suggested that people who were sick should be taken directly to hospital and that detainees should be screened by healthcare staff as soon as they are detained. The director later said that he felt the majority of cases transferred to the hospital were not genuine, saying that '19 out of 20 just want fresh air'. Sometimes the centre sent people to hospital in police vehicles and the NPM said that they would recommend detainees be moved in ambulances instead. The issue of toilet paper was also raised with the centre director, who said that he had applied for funding for more of it.

Summary

Conditions in both of the visited facilities in Greece were poor and access to rights appeared minimal. Petrou Ralli in particular has been identified several times by both the NPM and the CPT as inadequate for detainees, and their findings were echoed in our first report (Bhui, Bosworth and Fili 2018). There was little sense in either facility of a duty of care and there were few visitors from outside to help ensure some level of scrutiny. The monitoring visits both lasted for two to three hours and conversations with detainees during that period were generally superficial. The NPM did not look at all of the residential areas of Petrou Ralli. They spent little time with detainees at either centre and did not examine any documentation. However, the NPM was still developing its methodology. The monitoring visits continue to be very short. Both of those we witnessed lasted only for two to three hours and conversations with detainees during that period were generally superficial. The NPM did not look at all of the residential areas of Petrou Ralli. They spent little time with detainees at either centre and did not request or examine any documentation. Instead, the NPM spent a good deal of time with the managers, especially at Petrou Ralli. Rather than concentrating on detention conditions and needs of detainees, they worked hard to maintain constructive relationships with facility staff. The NPM raised cases of ill treatment identified from complaints or other sources before the visit. The director's responses gave little assurance that the concerns were being taken seriously. There was no evident consideration of the possibility of reprisals.

Drawing on knowledge-exchange visits and collaboration with other NPMs and human rights organisations in Europe and abroad, the Greek NPM has worked on a number of concerns raised here. They have increased the duration of their inspections from one day to two days. This additional time allows NPM staff to spend more time listening to detainees and staff understanding the detention environment. They have also developed and implemented a short detainee survey with eleven questions, inspired by HMIP's longer and more established survey methodology (Fili and Bosworth, forthcoming in 2019). Furthermore, the increase in the NPM's financial resources and a number of international collaborations have made the NPM's work more sustainable and helped it to develop strategic planning and programming (for more on their plans for 2019 see Fili and Bosworth 2019).



4- CONCLUSIONS

The research described in this report sought to understand more about how, in light of the difficult political, financial and technical challenges that we have previously identified, NPMs in Greece and Turkey were working to protect the rights of immigration detainees. Despite the limitations described in this report, we found much that was encouraging. Indeed, it is worth stressing that the very fact that we were granted access to facilities alongside the NPMs, in both Turkey and Greece, was a positive sign.

We have developed over a short period of time a close working relationship with the NPMs. In March 2019, both NPMs attended a meeting hosted by the Greek Ombudsman in Athens, along with Greek NGOs, a senior CPT official and the Chair of the UN Sub-committee on Prevention of Torture. This event enabled extensive discussion and knowledge exchange.

In Turkey, we were impressed by the systematic approach of the Turkish NPM and saw monitoring visits that were conducted with skill and professionalism. However, while evidence was gathered to provide meaningful judgments about the treatment and conditions for the detainees who were seen, the NPM did not visit most of the residential parts of detention centre. There was evidence of substantial psychological distress and little constructive activity in the detention centre. The environment and facilities for children in particular were very poor, resulting in emotional and behavioural problems.

In Greece, conditions in both facilities we visited were poor and had been for some time. The NPM is now more frequently visiting centres, although the monitoring visits remain short and evidence-gathering limited. The absence of interpreters and the lack of privacy in conversation with detainees raise serious questions about the ability of the NPM to gather reliable evidence. The senior director based at Petrou Ralli gave little assurance that the concerns the NPM had raised would be acted on. Since our visit, the NPM has expanded its methodology to include detainee surveys and is entering into a new phase in its short life (see Fili and Bosworth 2019). We look forward to extending our knowledge exchange activities with the Greek NPM, and a training event has been planned with the Greek NPM for September 2019.

The Turkish and Greek NPMs were welcoming and their openness reflected a commitment to furthering human rights in detention. Both were working in a context of serious resource constraints and challenging political environments. Both were still in the very early stages of their development. Our previous findings suggested that NPMs facing such pressures would benefit from greater engagement with civil society actors and academics, and this view was reinforced during the more recent visits. The next phase of our research will look more closely at the work on NGOs and how they can support efforts to protect migrant rights.

Appendix One- Photographs



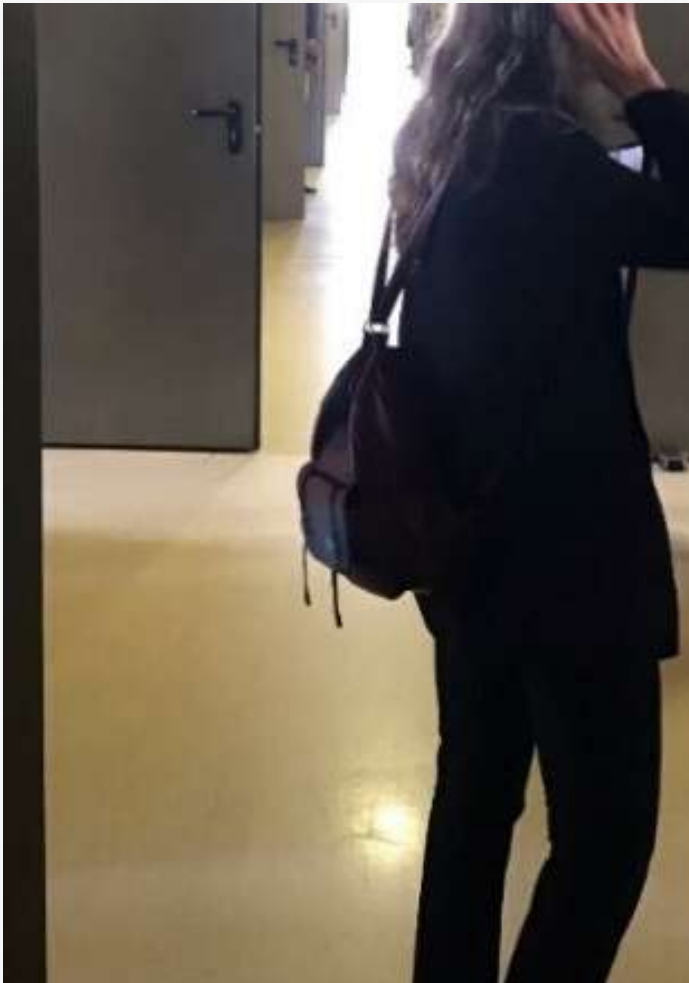
Gaziantep Immigration removal centre



Gaziantep detention centre suspected terrorist unit cell



Gaziantep detention centre family room



Gaziantep detention centre families corridor



Gaziantep detention centre children's outdoor play area



Gaziantep detention centre yard



Gaziantep detention centre TV room



Athens airport facility cell



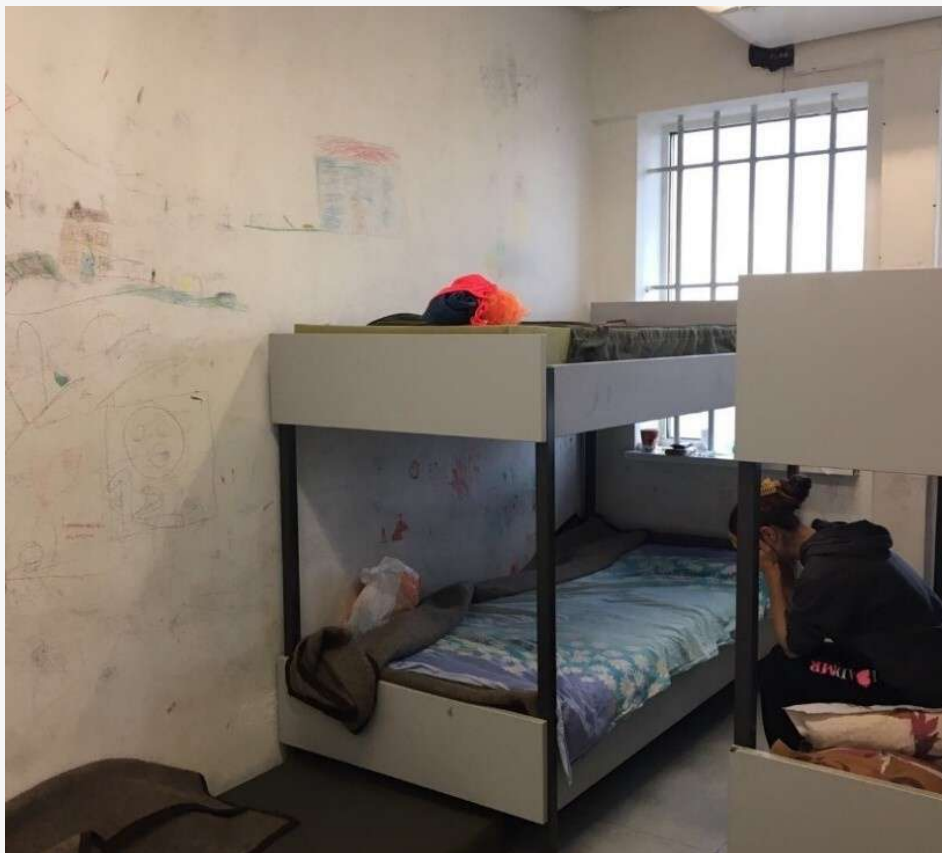
Athens airport cell



Athens airport corridor outside men's cells



Athens airport men's cell from corridor



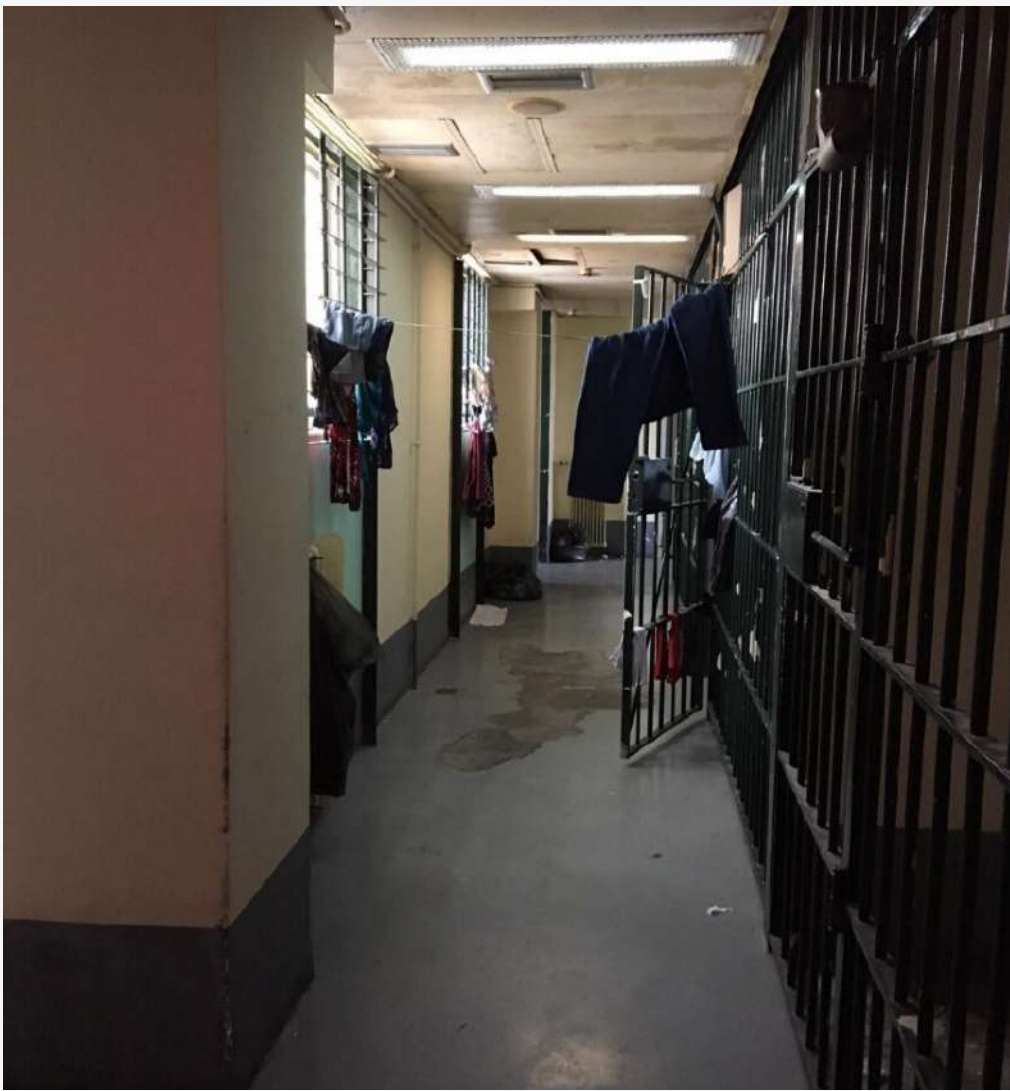
Athens airport women and family room



Petrou Ralli burned out wing



Petrou Ralli burned out cell



Petrou Ralli women's wing



Petrou Ralli women's cell



Petrou Ralli women's cell



Petrou Ralli visits area



Petrou Ralli visits area

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