



**HUMAN RIGHTS AND
EQUALITY INSTITUTION
OF TÜRKİYE**

THE REPORT ON THE VISIT TO IZMIR ADNAN MENDERES AIRPORT TRANSIT ZONE

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ABBREVIATIONS

UN	United Nations
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
INAD	Inadmissable Passenger
OPCAT	United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
HREIT	Human Rights and Equality Institution of Türkiye
NPM	National Preventive Mechanism
GIB	Head of Immigration Administration
PCR	Polymerase Chain Reaction
CCTV	Closed Circuit Television

A. INTRODUCTION

1. The Human Rights and Equality Institution of Türkiye (HREIT) was established as per Law no.6701 in order to protect and develop human rights based on human dignity, guarantee the right of individuals to be treated equally, prevent discrimination in the enjoyment of legally recognized rights and freedoms, operate in line with these principles, and effectively fight against torture and cruel treatment.
2. Türkiye signed United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) on 14 September 2005. The objective of OPCAT, which came into effect following its approval in 2011 and became binding on Turkey, is: *"to establish a system in which independent international and national bodies pay regular visits to places where persons are deprived of their liberty in order to prevent torture and other cruel, inhuman or degrading treatment or punishment."*¹
3. Border police facilities and transit zones at land crossings, international ports and airports are one of the places where the persons are deprived of their liberty and they are included in the scope of duty and jurisdiction of National Preventive Mechanisms.²
4. As per subparagraph 9/1-1 of Law no.6701, acting as a National Preventive Mechanism (NPM) is included in the assignments of the Institution pursuant to the provisions of OPCAT. As per subparagraph 2/1-k of the Law, NPM refers to *"the system established to make regular visits to places where persons are deprived of their liberty pursuant to the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment"*.
5. Subparagraph 1-j of Article 9 of Law No. 6701 says the Institution has the duty to carry out regular visits, with or without notice, to the places where persons deprived of their liberty or placed under protection are located. Accordingly, visiting transit zones in airports is included in the scope of duty and mandate of HREIT.

¹ Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), Article 1

² Office of the United Nations High Commissioner for Human Rights, Preventing Torture: A Practical Guide Professional Training Series No. 21 The Role of National Preventive Mechanisms, 2018, p.7.

“Inadmissible Passenger-INAD Waiting Lounge” in Izmir Adnan Menderes Airport transit zones is one of the centers visited by the Institution in the context of OPCAT.

6. The visit delegation included the following people:.....
7. This report includes an assessment in the context of national and international norms of findings, observations and complaints obtained as a result of an unannounced monitoring visit to the transit area in Izmir Adnan Menderes airport on 27.09.2021, conducted upon the resolution of the meeting no.147 of 09.02.2021 and the approval of HREIT Presidency dated 23.09.2021.
8. The visit delegation first visited INAD waiting lounge in Izmir Adnan Menderes Airport and met the authorities to give information about the purpose of the visit and the Institution's NPM duty. Then the delegation made examinations in the airport transit zone. At the time of the visit, there was no detainee in the airport transit zone so the delegation's examinations were limited by an assessment of the material conditions of such unit and the relevant documentation.

A. GENERAL INFORMATION

9. The “transit zone” examined is an international area where passengers from various countries who are prevented from entering Türkiye due to lack of a valid visa, exceeding the period of stay in the country, lack of documents required to enter the country or the fact that the respective person shouldn't be in the country are temporarily held.
10. Such zones are places where passengers who are inadmissible to the country of arrival for various reasons are held temporarily. Such transit zone, which people cannot leave voluntarily, are also considered as places of detention in accordance with the OPCAT provisions, and NPMs have the power to examine such zones.³
11. Article 25 of the Terminal Management Implementation Principles Instruction published by the General Directorate of Civil Aviation under the Ministry of Transport and Infrastructure says “*Transactions regarding deported passengers and inadmissible passengers are conducted by Airport Security Branch Directorate. Passengers are followed up either by airline companies or contracted ground service organizations.*”

³ *Prevention of Torture : An Operational Guide For National Human Rights Institutions*, Association for the Prevention of Torture, May 2010

Terminal operator provides adequate space with a wet volume equipped with the necessary materials (beds, blankets, etc.) for such passengers. Food and drink needs of such passengers are met by the relevant airline and/or terminal operator during their waiting at the specified places according to the agreement between them, and their communication needs are met by the terminal operator. Terminal security officers accompany these passengers during the waiting period at the terminal ".

12. However, pursuant to the provision "Carriers are responsible for sending back inadmissible passengers, *covering their food, accommodation and health expenses until they are sent back* " in subparagraph (b), paragraph two, article 5 titled "Responsibilities for Passengers Brought By Air" of the Regulation on Procedures and Principles Regarding the Obligations of Airline Carriers, published in the Official Gazette dated 7.11.2015, the specified needs are met by the airline companies by which the passenger has travelled.

B. EXAMINATIONS CONDUCTED IN THE TRANSIT ZONE

13. Based on the understanding set out by CPT "*Custody by the police is in principle of relatively short duration. Consequently, physical conditions of detention cannot be expected to be as good in police establishments as in other places of detention where persons may be held for lengthy periods. However, certain elementary material requirements should be met.*" material conditions of INAD waiting lounge have been examined.
14. When a passenger arrives at the airport, s/he first passes through passport control point. At this stage, if it is decided that the passenger cannot be admitted to our country, the passenger is directed to the Provincial Immigration Administration Airport Work Group Presidency by the police officers on duty. The passport information of the arriving passenger is checked first, and if it is understood that s/he is an inadmissible passenger, the necessary forms are issued by taking fingerprints of the person. The foreign national whose procedures are completed in the administrative offices is sent to the inadmissible passenger lounge, and his/her situation is reported to the airline company that brought the passenger. The return flight of the passenger is planned by the airline company, and during this period, the passenger is entertained in the INAD waiting lounge.

- 15.** It was stated that Presidency of Immigration Administration (GIB) Airport Work Group Presidency is responsible for maintenance and cleaning of the lounges, and the Airport Private Security Directorate is responsible for security of such lounges under the supervision of the Security Directorate.
- 16.** 1 Provincial Immigration Specialist and 7 Police Officers provide service on the basis of working 24 hours a day in the Airport Work Group Presidency. It was also stated that 1 private security guard will also be present in the lounges if there's an inadmissible passenger in them.
- 17.** As a result of the information obtained from the authorities, as of 07.06.2021, the date when the Airport Work Group Presidency began to operate, it was determined that the number of those who arrived at Izmir Adnan Menderes Airport to enter our country and who were detained as INAD as a result of the checks made was 124, including 63 female and 61 male passengers.
- 18.** During the visit, there was no one in the waiting lounges, and the administration stated that the most recent passenger detained was an Irish citizen who stayed in the relevant unit 2 days ago and who was sent back on the plane on which he had arrived.
- 19.** After it is determined that the passengers do not meet the conditions to enter Turkey, the so-called INAD passengers are taken to the "INAD Waiting Lounge" with an information form prepared in Turkish and English. Such form includes personal details of the passenger, the airline company that brought him/her and inbound flight details, the country to which s/he will be sent back and outbound flight details, and the reason for him/her not being admitted to the country.
- 20.** INAD waiting lounge contains one room for the staff and two rooms for the inadmissible passengers, one of which is allocated to female and one to male inadmissible passengers. Male and female inadmissible passenger lounges measure 76 m² and 33 m², respectively. Hot water is available in the center 24 hours a day.
- 21.** 4 single beds, a couch for two, 2 cabinets and a table are available in male waiting lounge. 2 single beds, a couch, a cradle and a cabinet are available in female waiting lounge. It was stated that if the number of inadmissible passengers who have arrived is higher than the number of beds, extra bed is requested from Airport Operator's Office, and if the matter is not resolved, a new area is requested. Furthermore, 2 toilets, 2 showers and 2 urinals are available in the male waiting lounge, while 2 toilets and 2 showers are available in the female waiting lounge. There is a disabled toilet in the corridor that separates the two waiting lounges from each other. It was identified that

the toilet and bathroom section inside male waiting room are not clean, especially shower part is not hygienic and has problems such as rusting and blackening that cannot be eliminated with daily cleaning. Further, it was observed that there're 2 showers but one of the shower heads doesn't work.

- 22.** It was observed that the toilet and bathroom section in female waiting room are relatively cleaner but still do not meet hygiene conditions. It was identified that there is no nappy changing area or breastfeeding area in the room.
- 23.** It was stated that the necessary items such as bed linen and blankets are washed in the laundry of the entity and delivered by the staff. It was observed that clean linens and blankets are kept in the cupboards in the rooms. However, it's notable that there are no items such as clean towels, etc. in the waiting rooms so that particularly any passengers detained for a long time in INAD waiting lounge can take a shower.
- 24.** There're 3 security cameras in INAD waiting lounge, one of which is in male waiting room, one in female waiting room and one in the corridor. It was stated that the cameras are regularly monitored by the teams from the Police Branch Directorate from CCTV - Closed Circuit Television room, that the security cameras are recorded 24/7 and the recordings are kept for 35 days.
- 25.** Passengers waiting in the rooms are allowed to wander in the corridor between the waiting rooms, accompanied by a security guard upon request. Passengers who haven't been admitted to the country are not allowed to freely wander around the airport as the INAD office is located in the transit zone. It was observed that corridors and rooms don't get natural light and only have artificial light, that they have no outdoor access, even partially.
- 26.** The officer providing information to the delegation stated that in order for the passengers to have fresh air, they are removed from İzmir Adnan Menderes Airport INAD Waiting Lounge to a common area completely surrounded by window walls, that the sites with windows are common areas in the external area, that the office and rooms are located inside the airport and there're no sites or windows that allows breathing fresh air in inner sections but unless the inbound flight of the passenger is the last flight of that flight period, they do not stay in the said rooms for days, that efforts are made to immediately send them back to where they come from and thus they do not stay indoors for very long periods.
- 27.** It was stated that any female passengers detained are asked about whether they have any special requests, that if they have such a request, female staff help the respective

Passengers. It was further stated that if inadmissible passengers request a translator, GIB translators provide help. As for disabled inadmissible passengers, the officer stated that no disabled inadmissible passenger has ever been detained but mentioned the situation of an 86-year-old passenger who needed help due to his age as an example and that the staff provided necessary help to him.

- 28.** It was stated that the 3 courses of meal and water needs of the inadmissible passengers in the INAD Lounge are met by the airline company that brought the passenger to Türkiye, and that there is no problem in this regard. It was stated that the menus may vary depending on an inadmissible passenger's special nutritional needs but the inadmissible passengers have no access to the canteen or the market.
- 29.** It was stated that if any inadmissible passenger is found to have an abnormal health condition or upon request of the respective foreign national, s/he is examined by a physician from the Airport Clinic, that if the examination conditions at the airport are not deemed sufficient, s/he is transferred to the hospital accompanied by a police officer.
- 30.** It was stated that there's no problem on the issue of (PCR - Polymerase Chain Reaction) testing at entry into İzmir Adnan Menderes Airport Inadmissible Patient Unit, that the inadmissible passenger has already been tested before boarding the plane, that in case of any inadmissible passenger that should be quarantined, s/he is kept in a different room.
- 31.** It was observed that there is no separate playground for children and there are no toys for children. It was stated that when there are children among the inadmissible passengers, children are given a coloring book so that they can spend time.
- 32.** It was stated that TV and radio are not provided for security reasons, and that inadmissible passengers already meet their information needs and spend time using their own phones.
- 33.** It was stated that there's free internet connection 24/7 at the airport and any patients detained can contact their families using their personal phones by wi-fi (Wireless Fidelity) connection.
- 34.** It was stated if inadmissible passengers request contacting the Consulate, their requests are not denied, that they're provided with the communication means to contact. It was stated that inadmissible passengers are allowed to contact their families and legal representatives upon request.
- 35.** It was stated that ventilation and heating are provided through the airport's central ventilation system, that ventilation, lighting, heating/cooling systems can be adjusted according to the demand of the inadmissible passengers .

C. RECOMMENDATIONS

Recommendations to Terminal Operator (TAV Ege Yatırım Yapım ve İşletme A.Ş. General Directorate)

- 36.** Sufficient number of items such as blankets, bed linens and pillows should be provided to inadmissible passengers detained for a long time and it should be ensured that such items are regularly washed,
- 37.** As per CPT standards, long-term detainees should be able to meet their natural needs in clean and proper conditions and have appropriate shower facilities, so the toilet and shower areas used by inadmissible passengers should be frequently cleaned to ensure hygienic conditions, necessary renovations and repairs should be made, and items such as clean towels, etc. should be made available for long term detainees to have a shower,
- 38.** Considering that there might be small children and infants staying in the waiting rooms, toys should be provided for children and infants and a certain part of the rooms should be allocated as a playground,
- 39.** Given that there is no nappy changing area or breastfeeding area in the female waiting room, such deficiency should be remedied by placing a screen or equipment inside the room,
- 40.** For the purpose of preserving privacy, notices stating that the rooms are monitored 24 hours should be posted on the walls of waiting rooms,
- 41.** As per CPT standards, persons kept in police custody for 24 hours or more should be allowed to benefit from natural light for a minimum of 1 hour per day, however, it was identified as a result of the examination conducted that the rooms do not have any equipment (window, open ventilation, etc.) that allows access to fresh air so the material conditions of the airport should be re-evaluated and if possible, INAD waiting lounge should be moved to another area with access to fresh air and natural light.