

## ADMINISTRATIVE DETENTION AND YOUR RIGHTS

If you do not own a document granting you the right to stay in Turkey, security forces can detain you for deportation. The places where foreigners facing deportation are detained are called Removal Centers. Before being taken to one of these centres, you might first temporarily be detained in a police station, a gendarme station or anywhere that security forces allocate for this purpose, but you cannot be kept in these places more than 48 hours.

### You have the following rights during this process:

1. The decision rendering your administrative detention should be notified in writing to you, or to your lawyer or to your legal representative. You possess the right to appeal against such an order before the Penal Court of Peace ( Sulh Ceza Mahkemesi ). You may file such an application by a petition letter to the Court. Officers are obliged to deliver your application to the Penal Court of Peace. Additionally, you have the right to benefit from legal assistance if a lawyer, and as part of your right to legal aid if you do not possess the means to hire a lawyer, you may request to be appointed a lawyer from the Bar Association. Note that this service is free of charge.
2. Your passport, residence permit, identity documents, money, and personal belongings you have, must be recorded in writing by the law enforcement officers (police). They are obliged to make an official record listing all of your belongings. Your personal belongings shall not be destroyed, damaged, torn and they should be returned to you upon your release.
3. After being taken to a Removal Center, officers have an obligation to provide you information about your legal status and possible legal solutions in a language that you understand within the shortest time period. Moreover, this information must also be made available in written form and posted in a place where you can read it.
4. If you are taken to a police station, you shall not be kept in a detention cell. Officers are obliged to accommodate you in a different environment.
5. If you are detained in a police station, being kept in the jail section is prohibited. Law enforcement officials must keep you under surveillance in a different section of the station. In addition, they have to arrange your transfer to a Removal Center within a maximum of 48 hours.
6. You have the right to contact your family members, your visitors, your country's Consulate staff members and UNHCR staff members.

7. If you fear persecution upon your return to your country of nationality or to your habitual residence, you have the right to apply for international protection.
8. You have the right to use a telephone.
9. You are entitled to a doctor and medical treatment.
10. It is mandatory to ensure enough daylight and healthy, dignified conditions of accommodation and food in the center. Additionally, you are entitled to outdoor exercise in a daily manner.
11. Forcing you to work in police stations or Removal Centers is prohibited.
12. You may request your lawyer and seek legal advice.
13. You have the right to request to see a notary or your legal representative.
14. You may contact with civil society organizations (NGOs) that work on behalf of refugees and migrants.
15. If you want to return to your country of nationality or habitual residence, but you cannot afford the travel, you may seek financial assistance of International Organization of Migration (IOM).
16. Obtain a copy of any written application that you make.
17. In case of a deportation decision, you possess the right to appeal against such an order. Please don't forget; According to the Turkish Law no one shall be returned to a place where he or she may be subject to torture, to inhumane or degrading punishment or treatment, or where his/her life or freedom may be under threat on account of his/her race, religion, nationality, membership of a particular social group or political opinion.
18. The Deportation order should be given to you, your lawyer or your legal representative, in writing. You possess the right to appeal against this decision before the Administrative Court within 15 days, starting from the notification date. You, or on your behalf, your lawyer, may submit this application. When you use this right, you should also inform the administrative authority who rendered the deportation order that you have appealed against the deportation order. Until your case is settled by the Administrative Court, deportation shall not be executed.
19. While under detention, whenever you are notified, either orally or in writing, request an interpreter.

## DETENTION PROCEDURES AND YOUR RIGHTS

When security forces detain you in a police station based on alleged crimes and start a judicial process, this is called detention.

### You have the following rights during this process:

1. In principle the detention period is limited to 24 hours. You should be either released or taken to the public prosecutor. (courthouse) at the end of 24 hours.
2. You have the right to request that your relatives (or friends) be notified about your situation.
3. You have the right to request a lawyer for free.
4. You have the right to demand that your statement is taken in the presence of a lawyer.
5. You have the right to request an interpreter.
6. The police will normally notify the consulate of your home country about your detention. If you do not want the consulate to be informed, you should make a written petition to the police station to this effect.
7. The police must clearly explain to you the accusation and your rights while you are under custody.
8. You must be taken for a medical exam. You have the right to see the medical doctor alone (without the presence of the police, gendarmerie, or other authorities, etc. accompanying you).
9. You don't have to sign any document that you do not understand.
10. If you do not think that it is in your favor to give a statement to the police, you can use your right to remain silent.
11. Once the detention procedure is over, you must again be taken for a medical doctor's exam. If you have been subjected to maltreatment or torture during detention, make sure to state these violations during your medical examination in the presence of the doctor.
12. At the end of the period of your detention, you cannot be kept in the police station. Once the detention period comes to an end:
  - a- You might be taken to a prison by virtue of a Court order.
  - b- You might be released.
  - c- You might be subjected to administrative detention for being undocumented, for being without papers, despite a decision of your release.