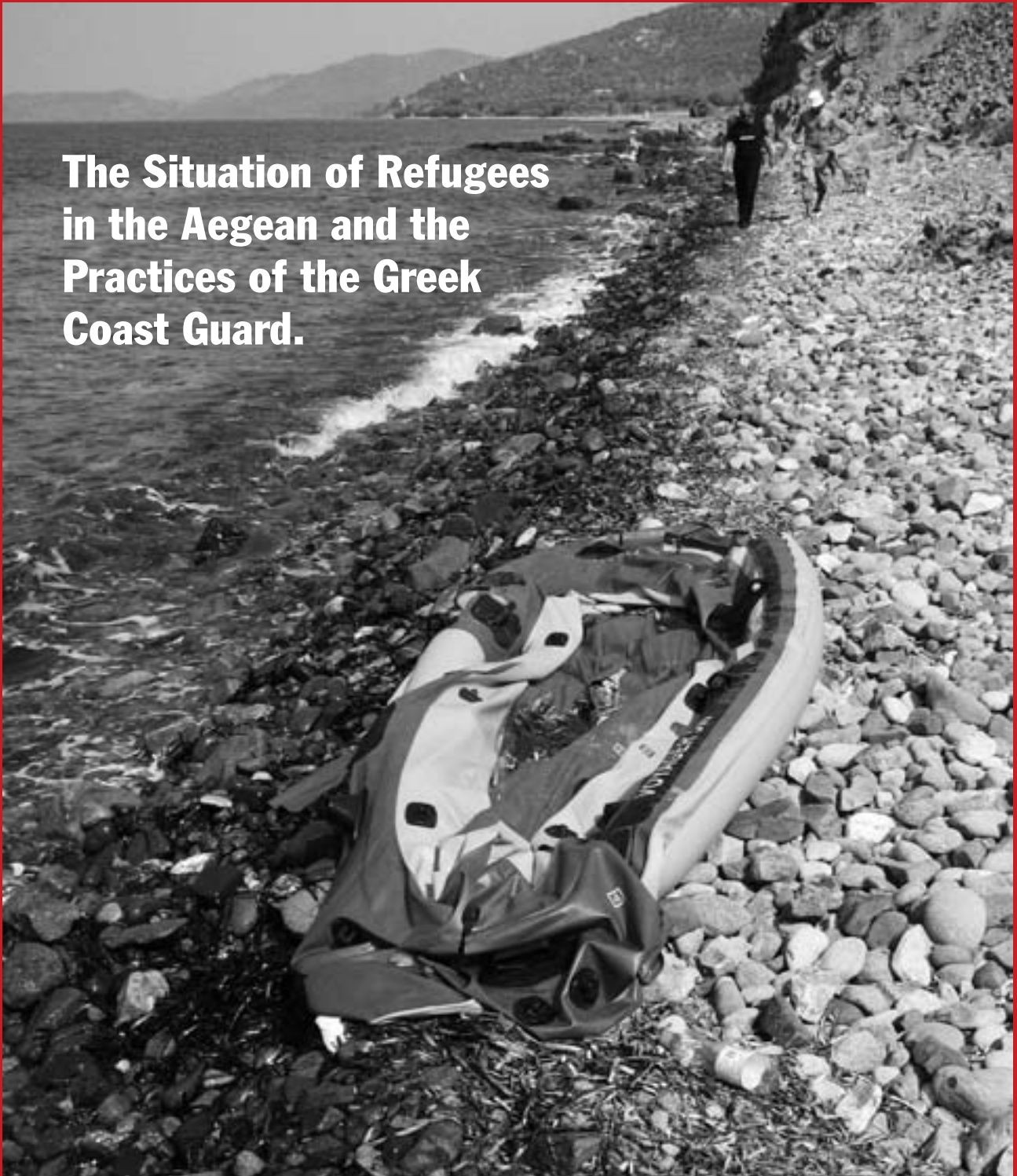


» The truth may be bitter,  
but it must be told «

The Situation of Refugees  
in the Aegean and the  
Practices of the Greek  
Coast Guard.



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»The truth may be bitter, but it must be told«



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# Table of Contents

4	<b>Introduction</b>
6	<b>Summary, conclusions and demands</b>
	<b>1. The practices of the Greek coast guard: systematic human rights violations</b>
9	The experiences of refugees: maltreatment and denial of access to the territory
9	Lesbos: Abandoned
9	Lesbos: Two attempts
10	Lesbos: Five attempts
10	Samos: Broken ribs
10	Samos: Beaten up
10	Chios: Torture during interrogation
11	Lesbos: Return of a minor to Turkey
12	The structure and mandate of the Greek coast guard
15	The dead refugees of Mitilini
	<b>2. Evros Region: refoulement at the land border</b>
17	Ms. Z.: Illegal expulsion and subsequent detention
	<b>3. Deportation orders, detention and detention conditions</b>
19	Law and practice
19	The detention of minors
20	Problems highlighted in the detention centres on Chios, Samos und Lesbos
21	Inhumane detention conditions
21	Mersinidi: Detention centre on Chios
22	Samos: Detention centre Samos-City
24	Lesbos: Detention centre Pagani-Mitilini
25	Minors in Mitilini
26	The readmission protocol between Turkey and Greece
28	<b>4. Patras – Gateway to Western Europe?</b>
	<b>Digression: Notes on the asylum system in Greece</b>
30	Applications submitted and granted
30	Asylum procedure
31	Reception and procedure in cases of unaccompanied minors
33	<b>Annex: Excerpts from interviews</b>
37	<b>Appendix: Results of the journey from 4 - 8 October 2007</b>
39	<b>List of abbreviations</b>

# Introduction

Asylum seekers are being sent back to Greece from Germany and other European countries without their applications for asylum having been thoroughly examined. The legal basis for this is the European Dublin II Regulation under which the state through which the asylum seeker entered European territory is responsible for processing the asylum claim. For a large number of people, particularly those from Iraq, Afghanistan, Iran and Somalia, the escape route leads them across the Aegean into Greece.

There are two main routes into Greece from Turkey: one is across the Turkish-Greek land border in the northeast of the country, in the Evros river region. The other route lies via the Mediterranean: refugees attempt to reach one of the Greek islands situated only a few kilometres away from the Turkish mainland. The islands in the North Aegean, particularly those of Chios, Samos and Lesbos are important points of entry to the EU for arriving by sea.

In the past few months PRO ASYL has become increasingly concerned about reports from asylum seekers who, during hearings in Germany, state that whilst in Greece, they were given no opportunity to file an asylum claim in accordance with the requirements of the 1951 Refugee Convention. Furthermore, the numbers of refugees reporting maltreatment and attempted refoulement by the Greek coast guard has increased.

Between 12<sup>th</sup> July and 14<sup>th</sup> August 2007, a delegation from PRO ASYL undertook a fact-finding mission in order to examine the circumstances in the area. During the trip PRO ASYL was accompanied and supported by the Group of Lawyers for the Rights of Refugees and Migrants.

The focus of our research was access to the Greek territory, reception and detention conditions of newly arrived refugees on the islands of Chios, Samos and Lesbos and the particular situation of minors.

The research trip included a visit to the Greek detention centres (Special Holding Facilities for Aliens) in Chios, Samos-City and Mitilini and interviews with refugees, officials in charge from the local authorities, representatives of the coast guard and representatives of human rights groups from the islands in question and from Athens and Patras.

In the course of our research we interviewed more than 100 refugees. Among them were a significant number of refugees from Iraq and Afghanistan. Most of them had attempted to reach one of the Greek islands in the Mediterranean off the Turkish coast. In other cases, the refugees reported their experiences in crossing the border in the Evros region between Turkey and Greece.

We conducted interviews on islands in the northern Aegean with the following organisations:

- *Committee for Solidarity with Refugees in Chios*
- *Movement for Human Rights – Solidarity with Refugees in Samos*
- *PROS FYGI – Initiative for Solidarity with Refugees in Mitilini/Lesbos.*

Further conversations were held with:

- Representatives of police authorities (Chios, Samos and Mitilini) and the Prefecture in Mitilini;
- Representatives of the Greek coast guard;
- Representatives of the UNHCR in Greece;

Representatives of the Civil Society Organizations who play an important part in the reception of refugees and the asylum procedure:

- *Greek Council for Refugees (GCR);*
- *Medical Rehabilitation Centre for Torture Victims;*
- *Ecumenical Program for Refugees;*
- *Network for Social Support to Migrants and Refugees (Athens) and*
- *Association for the Support of Youth, ARSIS (Athens)*

The research team consisted of the lawyer Marianna Tzeferakou (Group of Lawyers for the Rights of Refugees and Migrants in Athens), Günter Burkhardt (Managing Director of PRO ASYL), Karl Kopp (Director for European affairs from PRO ASYL and member of the board of the European Council for Refugees and Exiles – ECRE) and the journalist Elias Bierdel (Borderline Europe). The fact-finding mission was financed by a grant from Foundation PRO ASYL and Förderverein PRO ASYL (friends of PRO ASYL).

The following report is based primarily on conversations that took place during this fact-finding mission, as well as on observations made on site. Complementary information is supplied by several publicly available documents.

This report forms part of a series of fact-finding missions (to Spain/Morocco, Italy, Slovakia/Ukraine) about human rights violations committed at the external borders of Europe, conducted by PRO ASYL.

It considers and analyses the human rights situation at the Turkish-Greek border, the practice of detention on the three Greek islands of Chios, Samos and Lesbos, and in part addresses the horrendous shortcomings of the Greek asylum system, as it operates both in the country and at the border. It is the publishers' view, that these critical findings have to be placed within a European context. The border which we visited is one of the external borders of the European Union. The European Union bears responsibility for what is happening there.

The present asylum policy of the European Union gives the clear impression that its core objective is the protection of Europe from refugees rather than the protection of refugees.

European member states wash their hands of the responsibility for refugees, while humanitarian dramas unfold at the borders of Europe, illustrating the decreasing commitment of EU Member states to guarantee even basic human rights standards.

Consequently the solution of the problems outlined in this report lies not only with Athens but also with Brussels and in the capitals of the most influential EU member states, such as Berlin, Paris, and London.

EU regulations which state as a general rule that asylum seekers have to apply for asylum in the first EU member state which they enter, create inhumane conditions for refugees and clearly illustrates a denial of solidarity with EU member states at the outer borders of Europe, such as Greece.

The fact that in 2007 Greece, which is a seventh of the size of Germany, has registered more asylum seekers than Germany, clearly illustrates that Europe's asylum system does not operate on the basis of fairness and solidarity.

The countries in the centre of Europe 'protect' themselves more and more effectively against refugees. Refugees who manage to arrive in another EU country via Greece are being returned to Greece. The consequences of this policy are evident: While the EU countries which only have internal borders, particularly Germany, shirk responsibility for a humane refugee policy, the EU member states at the outer borders of Europe increasingly fend off refugees in a brutal manner. This leads to a double transfer of responsibility from the

inner areas of the EU to the outer borders and from there to unsafe countries outside the EU.

For these reasons, the construction of an asylum system in Greece and the European Union is essential. This system must be based on the principle of the absolute respect for human rights and asylum law, as proclaimed by the heads of state in Tampere in October 1999. If this is not the case, then Europe is jeopardising its achievements in human rights development – of which it is rightly proud – at its very own borders.



Wall inscription in the former detention centre on Lesbos



# Summary, conclusions and demands

## Human rights violations at the Greek border

### The refoulement of refugees at sea

We were able to glean the following patterns of serious human rights violations committed by the Greek coast guard from our interviews with refugees from a wide variety of countries of origin in and outside the detention centres in Chios, Samos and Lesbos. Refoulement by the Greek coast guard within national territorial waters and at the external borders of the EU is occurring on a systematic scale. This practice seriously endangers the life of those seeking protection, apart from subjecting them to risks on return to Turkey.

- The coast guard attempts to block small boats carrying refugees and push them out of the national territorial waters. In order to do so, they circle the boats with their own boats causing waves. These risky maneuvers can result in the death of refugees.
- Refugees who are already in Greek territorial waters or even at the Greek coast are being driven back into Turkish waters. Their dinghies are deliberately damaged, so that they can, at best, return to the Turkish coast.
- Refugees are being 'refouled' by the coast guards and deposited on so-called »dry (i.e. uninhabited) islands«.
- The Greek coast guard systematically abuses newly arriving refugees. In one reported case (on Chios island), the degree of maltreatment amounted to torture (serious beating, mock execution, electric shocks, pushing a refugee's head into a bucket full of water (»submarino«).

### »Refoulement« of refugees at the border in the Evros region

In the Evros region (Greek-Turkish border), refugees are arrested upon arrival by the Greek border guard and detained without official registration. They are held, deprived of their fundamental rights. They are detained without contact to the outside world (incommunicado) for several days and are then illegally and forcibly returned to Turkey, where their life and liberty may be at risk or where they are at risk of deportation to their countries of origin.

The conduct of the Greek authorities violates international refugee and human rights law. The practices of the coast guard and border police constitute a serious breach of the principle of non-refoulement contained in article 33 (I) of

the 1951 Geneva Convention on the status of refugees, article 3 (I) of the UN Convention against Torture (UNCAT), and the right to protection against torture and other cruel, inhuman and degrading treatment or punishment contrary to article 3 European Convention for Human Rights, (ECHR) and article 7 of the International Covenant on Civil and Political Rights (ICCPR), as well as articles 5 and 14 of the UNGA Universal Declaration of Human Rights 1948, etc.

Furthermore, the Greek authorities endanger the lives of refugees. This violates the international obligation of the Greek State to respect the right to life, as enshrined in international human rights instruments (art. 2 ECHR, art. 6 ICCPR, art 3 of the Universal Declaration of Human Rights 1948 etc.)

The excessive use of force, ill-treatment and torture as carried out by the Greek coast guard constitutes a flagrant violation of international human rights instruments and violates human dignity (art. 3 ECHR, art. 7 ICCPR, art. 3 UNCAT, art. 5 UNGA Universal Declaration of Human Rights 1948 etc.).

### Illegal deportation orders and detention

The administrative practice at the border deprives refugees and other persons in need of international protection of their rights and exposes them to serious risks.

- The police arrest all new arrivals, including asylum seekers and particularly vulnerable individuals such as victims of torture and human trafficking, disabled persons, pregnant women, minors and refugees from countries such as Iraq, Afghanistan and Somalia. They are all issued with automatic deportation orders – without a hearing, without any examination of their entitlement to protection. This practice effectively constitutes a denial of access to the asylum determination procedure.
- Subsequent to the deportation order a detention order is issued. Detention is not the exception, it is the rule.
- At the time of our fact-finding mission, there were 18 unaccompanied minors from Afghanistan and Somalia detained in Samos. In Mitilini, there were over 30 unaccompanied minors from Afghanistan in detention. The youngest detainee was ten years old. The authority responsible for minors, the »Prosecutor for Minors« had not been informed, although this is provided for by law in the case of deportation orders, detention and release of juveniles and children. In practice, unaccompanied

minors are left homeless and without any protection after release.

- The maximum period of administrative detention is three months. Although deportation orders cannot be implemented in the majority of cases, and deportation has to be suspended (with the effect that detention would have to cease according to Greek law), those concerned remain in detention. This administrative practice appears arbitrary. The length of detention is determined by the respective police authority concerned.
- There are no professional interpreters any of the three islands visited. At the police stations, amongst the coast guards and in the detention centres, fellow detainees are usually used as interpreters. In Samos, the Arabic-speaking owner of a shop acts as an interpreter.
- Legal assistance is not provided by law during the administrative process. Detained refugees have very little opportunity to receive qualified legal advice: In the detention centres we visited, there was only one person providing legal advice on a very limited basis.
- The local support groups have no access to the detention centres. The detainees cannot establish contact with the outside world (there is no accessible phone in Samos and Mitilini and mobile phones are confiscated).
- Detainees are not informed about their status and their rights – not even after release from detention. They do not understand the documents attesting release. The deportation orders are handed to them in Greek.
- There is effectively no possibility of appeal against deportation orders and detention. Although provided for by law, in practice this right can rarely be exercised.

The issuing of deportation orders and the subsequent detention of any person arriving irregularly at Greece, including all persons in need of international protection, constitutes a breach of international refugee law and human rights. This practice also leads to violations of the principle of non-refoulement.

Their official registration as asylum seekers or persons in need of international protection is not required for their protection (art. 33 (l) of the 1951 Geneva Convention on the status of refugees, art. 3 ECHR, art. 3 UNCAT, art. 7 ICCPR, art. 3 and 14(l) of the 1948 UNGA Universal Declaration of Human Rights).

Furthermore, penalties must not be imposed on refugees on account of their illegal entry into or presence in a contracting state (article 31(1) Geneva Convention).

The entire administrative procedure for refugees and migrants at the border violates fundamental human rights, in particular the right to a fair hearing and the right to access to a fair procedure and the right to an effective

appeal (article 5(2), 5(4) 6(1) ECHR, article 13 ICCPR, article 7, 8 UDHR). Apart from that, the Greek authorities are in breach of article 5 of the EU Reception Directive according to which asylum seekers have to be fully informed about their rights.

The detention of persons in need of international protection violates international standards. Persons should not be detained (Art. 31 of the 1951 Geneva Convention on the status of refugees, art. 5(l) ECHR, art. 9(l), 14(l) ICCPR, art. 3 and 9 UDHR, art.7 (l) of the Council Directive on minimum standards on reception 2003/9 EC). Furthermore, the detention of particularly vulnerable individuals with special needs of assistance and protection constitutes a major violation of basic human rights and dignity.

The detention of minors constitutes a flagrant violation of international law pertaining to the protection of the rights of the child (art. 37(b) of the UN Convention on the Rights of the Child, UNHCR guidelines on refugee children). Greece is furthermore in violation of the minimum standards relating to the protection of minors, as prescribed by EU law (namely article 17, 18 and 19 of the EU reception directive).

### **Inhumane and degrading conditions of detention**

Detention conditions on all three islands visited constitute inhuman and degrading treatment.

- No special provisions are made for vulnerable groups, such as minors, torture victims, victims of trafficking, disabled persons or persons with physical and psychological problems.
- Medical treatment offered in the detention centres of Chios, Samos and Mitilini is wholly insufficient.
- Access to exercise yards and to fresh air was not being regulated in Mitilini and Samos. Very often doors were kept locked for several days. In Mitilini, refugees from Arabic countries were being denied all exercise in fresh air at the time of our visit.
- In all three centres, there are serious concerns about the quality of drinking water and food.
- Sanitary installations are extremely dirty and partially broken. There are insufficient toilets and shower facilities for the great number of detainees.
- Detainees are not provided with sufficient sanitary articles for their personal hygiene. They are not provided with appropriate clothes.
- There are no central meeting rooms, and no activities are offered. In the cells, which we were able to inspect, there was no furniture apart from beds.
- None of the buildings provides shelter against the heat

in the hot summer months and against the damp and cold in winter months.

- Detention camps are overcrowded. This factor renders the already inhumane living conditions even more unbearable.

Detention of persons under these conditions constitutes inhumane and degrading treatment in breach of fundamental human rights (art.3 ECHR, art.7 and 10(1) ICCPR, art. 9 of the 1948 UNGA Universal Declaration of Human Rights).

## We make the following demands:

- **The protection of human rights in Greece:** Human rights, as embodied in international human rights instruments, as well as in European and national legislation, must be respected. These include the guarantee that no-one is returned to persecution (principle of non-refoulement), the right to life, the protection from torture, the prohibition of arbitrary detention, the right to a fair procedure and fair hearing, and respect for the best interest of the child.
- **Full respect of the principle of non-refoulement:** The European Union must ensure that the EU-member state Greece fully respects the principle of non-refoulement. All acts of refoulement and deportation to Turkey have to be ended. Those seeking protection have to be given access to the Greek, i.e. EU territory. Deportation orders against refugees and persons in need of international protection must not be issued. The readmission protocol with Turkey has to be suspended. The European Commission is called upon to take legal action and to bring forward infringement proceedings against Greece for breach of the EC treaty, as officials of the Greek coast guard and Border police act in violation of the non-refoulement prohibition of the Geneva Convention and ECHR by returning people at the border. The European Convention on Human Rights and the Geneva Convention form part of *acquis communautaire* and have to be respected in particular in the application of EU Directives.<sup>1</sup>
- **Investigation of allegations of torture and ill-treatment:** With due respect to the victims, the Greek Government is called upon to carry out an effective and full investigation of the allegations of ill treatment and torture by the Greek coast guards. The Committee against Torture of the Council of Europe and the Human Rights Commissioner of the Council of Europe are urged to take steps to address those matters.

- **An end to the systematic detention on arrival:** The practice of systematically detaining persons perceived as »illegal immigrants« on arrival in Greece constitutes arbitrary detention in violation of article 5 ECHR.
- **Access to a fair determination procedure:** Greece has to guarantee a fair hearing and procedure for all persons entering Greece.
- **Recognition of an entitlement to protection:** The Greek authorities have to identify and recognise persons who are entitled to international protection as refugees or on other grounds. These persons are entitled to benefit from all rights guaranteed by international, national or EU law.
- **Protection of minors:** The Greek state has to take special measures for children and unaccompanied minors. Minors should not be detained, but are entitled to special protection. This involves the creation of an adequate reception system based on the best interest of the child, a system which is not currently in existence in Greece.
- **Introduction of an adequate system for the reception of refugees:** This must encompass independent advice centres and adequate accommodation which does not constitute detention. On 19 April 2007, the European Court of Justice found Greece to be in breach of the EU Reception Directive (Case C-72/06). Effective (financial) sanctions have to follow if the judgment is not complied with.
- **No removal of refugees to Greece:** Germany and other EU member states must not, until further notice, remove refugees to Greece in the context of the European Dublin II-Regulation, which settles the responsibility for the determination of claims.
- **Europe needs another mechanism for taking responsibility for refugees:** The technocratic rules of the Dublin II Regulations do not only treat refugees in an inhumane manner, they are also inequitable in relation to member states at the outer borders of the EU, such as Greece. Instead of forcibly sending asylum seekers back and forth across Europe, any ensuing inequities among member states should be dealt with financially. The state in which asylum seekers apply for asylum should be responsible for determining the claim. Where asylum seekers wish to apply for asylum in another member state, for humanitarian, family, linguistic or cultural reasons, that member state should assess their claim.

1 On the obligation to respect basic and human rights in the implementation and adoption of EU Directives see ECJ-decision, 27 June 2006, Case C-540/03 (Decision on the Family Reunification Directive).



# 1. The practices of the Greek coast guard: systematic human rights violations



Northcoast of Lesbos: marooned rubber dinghy.

## The experiences of refugees: maltreatment and denial of access to the territory

Almost all reports from over 100 surveyed refugees detail mistreatment by the Greek coast guard. There are similarly consistent accounts of the diversion of boats from Greek national waters, a breach of international human rights obligations.

### Lesbos: Abandoned<sup>2</sup>

»We had nearly reached the Greek island of Lesbos, which lay in front of us. Suddenly a boat from the Greek coast guard appeared. The officials beat us. Then they drove us back into open water. We had to take off our belts and shoes, and were made to disembark on an uninhabited island, without food or water. We waved at the ships we saw passing, to no avail. It was only after three days that we were rescued by a ship belonging to

the Turkish coast guard. The boat took us to the Turkish mainland. It was only after a second attempt that we were able to reach Greece.«

### Lesbos: Two attempts<sup>3</sup>

»We used one of those small inflatable dinghies. We had wrapped all our things in plastic bags. We left at about two in the morning. After six hours at sea we finally reached the Greek coast. We were discovered by the greek coast guard about 300 meters away from the Island of Lesbos. It was a fast white boat; it circled our boat at high speed. The police threw us a rope and we were taken on board. We were tired, fully exhausted, and only wanted to sleep. We lay down on the floor. The police shouted ›don't sleep, sit up!‹ They kicked us. We were forced to sit up. Another boat was called. They were rough with us as they put us on the other boat. The police shouted at us: ›Malaka‹ and other swearwords which we couldn't understand. We pleaded with them: ›We are humans, please help us‹. The little boat which

had rescued us drove off. The men from the larger boat searched us. They were looking for our money. As they were searching us one of the policemen laughingly said, ›I am a doctor.‹ He found 50 euros on me, which he confiscated. The police threw the bread and water, and whatever else was left in our dinghy, into the water. The dinghy was put over our heads. The police boat drove us back into international waters.

About two kilometres in front of the Turkish coast they threw the dinghy out. Then we were violently forced back onto it. They had made a small hole in the rubber dinghy and only gave us one oar. We paddled desperately to reach the coast, but we were so exhausted. We gave up just after an hour. We thought we were going to die, then. The water was very still. After a while we fell asleep. Then a big boat came and rescued us.

#### **Lesbos: Five attempts**<sup>4</sup>

»The Greek coast guard forced us back into the rubber dinghy on high seas. Before we got back on they made small cuts in it with knives. Every group only got one oar. Our shoes were thrown into the water. It was very difficult for us to reach the shore in the damaged boat and with only one oar. We reached an uninhabited island – there was no water and nothing edible on the island. We made a fire to draw attention to ourselves. There were minors in our group. After two days we were rescued by the Turkish authorities. They held us for three days and then released us. That was about three months ago. I tried to get to Greece from Turkey four times. It was only after the fifth time, that I managed to arrive.«

#### **Samos: Broken ribs**<sup>5</sup>

»We were a group of 22. We were in the middle of the sea when the Greek coast guard arrived. We were pulled on board, one after the other. A 17-year-old was first. His name was M.F. Immediately, they beat him. The others got scared and jumped into the water. Then they pulled us out of the water and they began beating us and shooting ... they beat me up and broke my rib. We had to lie flat on the floor and they stood on us. All this took place on the coast guard's boat. As soon as we were on board they started pushing us around and hitting us. ›One of you is the captain,‹ they told us. But it was not true. He had paid the fare for the crossing, like we all had.«

#### **Samos: Beaten up**<sup>6</sup>

»We arrived here on the 1 May. We were taken first to a building belonging to the coast guard, then to the hospital and then back to the coast guard's building, for identification. We were even beaten inside the building of the coast guard. They brought four men out and asked which one was the captain. I told them that none of them was captain. Then they were all beaten. I was hit here (he points to above his right eyebrow); the whole area was swollen. In the camp no one asked me where the injury came from, neither the police nor the doctor. I was in the camp for three months. It's not great there, but I was satisfied because I had survived! We were so scared!

When I arrived in Greece and the police beat me I thought, ›the police are the same everywhere. They did not respect us as humans, I don't know why. The police here are like in Africa, they know only violence, nothing else.‹ That really got to me. But in the meantime I have met many really good people here.«

#### **Chios: Torture during interrogation**<sup>7</sup>

Everyone was sitting on the floor and seemed terrified. There was a boy a little apart from the group. His shirt was pulled over his head. His upper body was bent far forward. I found out later that the boy was 17 years old, and that during a search they had found a knife on him. As soon as I got on the large boat, I was beaten. Several times they hit my head against the railings ... I had to kneel down. One policeman stood behind me while two stood in front of me. The one behind me hit me with a stick on the head, deliberately and hard. He hit me on the crown of my head repeatedly with the stick. I tried to protect myself with my arms. Then he hit my arms. I tried to look behind me, and he started hitting me again. The two policemen in front of me were armed and showed me their weapons while I was being beaten. They looked at me very seriously. They said: ›We are going to kill you.‹ The expression on their faces was terrifying. I was very scared. The other policeman – a fat one – came up to me and said into my ear: ›Tell the truth. These two policemen are very dangerous. They will kill you.‹ ...

(...) Then they brought a plastic bucket full of water. I was kneeling the whole time.

›Do you see the water?‹ My arms were pressed together behind my back, held by one of the policemen. The other policeman put his hand on the nape of my

neck and pushed my head down into the water; I couldn't breathe anymore. I was only pulled up after some time. »Do you now know the colour and name of the boat?« I said 'no'. He punched me twice in the face. The policeman behind me grabbed my arms again. I wanted to take a deep breath of air. The policeman in front of me asked »do you remember now, or not?« I said no again. He grabbed my head and pushed it into the water. I was absolutely terrified. I thought I would not survive. When I came up again the policeman again asked, »so you don't remember?« I repeated that I did not.

So then the policeman took a plastic bag and put it over my head. With one hand he tightened the bag around my neck. I couldn't breathe anymore. They repeated the process of the plastic bag three times – every time they asked the same question. Then a policeman signalled with his hand: that's enough.«

### **Lesbos: Return of a minor to Turkey<sup>8</sup>**

H. is a 17-year-old Afghan who, along with three other refugees from Afghanistan, was seized by the Greek coast guard close to the coast of the island Lesbos. The coast guard drove them back into open water and set them adrift in their dinghy. Their oars were taken from them. It was four hours before H. was rescued by the Turkish coast guard, and handed over to the police. On 6 June 2007 he was arrested and detained in Ayvacik. On the 19 July his brother, a recognised refugee in Sweden, found out that his little brother was imminently going to be returned to Afghanistan. H. was transferred to another prison in Istanbul. He was supposed to sign a declaration that he was returning to Afghanistan voluntarily. The removal was scheduled for the 20 July 2007. It was only the intervention of a Turkish lawyer, Taner Kilic, which prevented the chain



**Lesbos: We find a shredded rubber dinghy. What happened, and the fate of the passengers, is an unanswered question.**

deportation of H. The European Court of Human Rights prohibited the removal. The 17-year-old had been detained in Turkey for over two months. After his release he was transferred to Marsin, where he currently<sup>9</sup> remains. He is not allowed to leave the city. According to his lawyer, the boy is depressed. The circumstances of his flight, the unlawful expulsion from Greek territory, detention in Turkey and the threat of removal to Afghanistan, have completely demoralised him. He is now living without means in Turkey and is anxiously awaiting the outcome of the processing of his asylum claim. His only hope is that one day he can live with his brother in Sweden.

## The structure and mandate of the Greek coast guard

In time of peace the Greek coast guard is under the command of the ministry of the civil merchant navy, ensuring the »surveillance of ships, harbours, sea areas and maritime borders, in accordance with the appropriate national legislation and international agreements<sup>10</sup>« as well as carrying out the usual maritime tasks. The head of the coast guard is the incumbent minister of the merchant navy in Athens; since May

2004 Manolis K. Kefalogiannis has held this position. However, even during times of peace the military is represented in higher levels of the coast guard by a Vice Admiral, currently Elias Sionidis. In times of war or crisis the Vice Admiral directs the coast guard, acting under command of the Greek ministry of defence.<sup>11</sup>

Over the last few years the coast guard has been modernising to increase the efficiency of its operations. Technical equipment is constantly upgraded and the newest models are being used. Staff are being specially trained for deployment in the various operations of the coast guard. Currently, the vessels used by the coast guard are *Type Lambro 57 III* speedboats made by the Italian »Lambro Marine« company. The combined power of the two motors of this boat is 3000 HP; the boat can attain speeds of up to 55 knots (about 100km/hr). Its prow is equipped with a mount, onto which a machine gun can be set. Originally the boats were acquired with EU funds, to monitor fish stocks.

Special units<sup>12</sup>, which do not operate under the usual civilian regional chains of command as the rest of the coast guard, are operational in the name of the coast guard. These units operate independently on self-assigned, often secret, missions. They take orders directly from the leadership of the coast guard's military section.

Chios: A boat mistakenly shot at by the coast guard, just near the coast.







**Special boat belonging to the coast guard, without identifying markings or flag.**

On 5 August 2007 an incident drew attention to the indiscriminate use of violence by the coast guard, hitting headlines across the country. In the night of 4-5 August 2007, in the strait between Chios and the Turkish coast, a coast guard patrol boat came across a grey dinghy with an outboard motor. The officials later claimed they had repeatedly called on the three men on the suspect dinghy to stop; however the dinghy drove off at full speed and tried to evade capture. In response the patrol boat took up pursuit and opened fire on the dinghy from behind. One of the men on board died from the gunshot wounds.

All three men on the dinghy were Greek citizens. The account of events given by the two survivors differs from that of the coast guard. As the patrol boat approached »we stopped immediately. The captain stood up in the headlights and raised his hands over his head«, they said in an interview with a state television channel. It was then that the first shots were fired. The post-mortem provides supporting evidence for this account; the victim had bullet wounds inflicted from the front, in the stomach area. He was also missing two fingers. The dinghy – which will remain in the harbour of Chios until the end of the investigation – has almost been split in two by the gunfire. Contrary to the allegations made by the coast guard, who say there was no identifiable markings (national emblems) on the dinghy, the Greek flag is clearly visible on stern.

Staff of the coast guard on Lesbos confirm that weapons are used in operations; according to them shots are only fired at the motors of suspect boats, and only »when there are no refugees on board, only smugglers«. <sup>13</sup>

For the local commander of the coast guard, Apostolos Mikromastoras, it is smugglers in particular who are the targets of the operations. »They are murderers, you can't put it any other way. Sometimes when we have disturbed a trafficking operation, they throw the illegal migrants into the water. Then our patrol boats have to stop to pick up the people – and so the traffickers can escape«<sup>14</sup>. However, Mikromastoras makes it clear that he categorically regards every (male) refugee as an enemy. »At any moment they could strike in Europe, beginning a war here. That's dangerous, very dangerous. They are all men between 15 and 35 years of age. They are all very well trained, they swim very well! Europe has to understand that a very real danger is approaching. I believe we are dealing with an Islamic invasion. They are all warriors!« As proof for his assertion that the refugees are specially trained undercover warriors he points at an officer who leads one of the special units. »He once chased a person in a speedboat (...) ... the other person who was in the water simply dived – and he escaped, by diving! They couldn't find him!«

Even within the coast guard, whose staff tend to regard the views of their commander sceptically, such thinking is gaining ground. Boats with women and children on board are seen as in need of help, while others are seen as a threat. »When we see refugees, women and children, we say: that is a family, we have to help them. But when Afghans (for example) arrive, you see that they are all young men between 14 and 17 – it seems as though it were a sort of army, moving from the east to Europe,« says Mr. N. an officer in the coast guard.



»The truth may be bitter, but it must be told«

During their nightly operations the coast guard of Lesbos act in a manner which would only appear legally justified in times of war: The patrol boats extinguish their lights on leaving the harbour. We observed this practice regularly during our few weeks stay in Greece; this practice represents a clear violation on international maritime law. Unofficially coast guard staff confirmed that they had received orders to do this.

The coast guard also have a policy of deliberately frightening the people in the boats. »We drive very close to the boats and put the headlights on, to see who is there. Of course they are not going to turn around voluntarily because they want to come here.« says N. If the people can't be convinced to turn around and head back, there is a special manoeuvre, through which the relatively large boat of the coast guard deliberately creates waves which batter the small overcrowded boats: »Simply drive around them, create waves and give the people a fright – as though telling them ›we decide what goes on here – go away!‹«

The lawyer Natassa Strachini from Chios agrees that this method is regularly used<sup>15</sup>: »Here on Chios the boats of the irregular migrants are bigger than on Lesbos. They have motors – only the Afghans use the plastic ›children's‹ boats, everyone else uses wooden boats with motors. When they don't stop on command of the coast guard, the coast guard throws ropes at the

motor so that they get tangled in the propeller, stopping the motor and the boat itself. Then the following happens: the coast guards circle the boats, creating waves which drive the boats back into international or Turkish waters. They do this very often – and it works! The boat has no motor anymore. By making the waves, they set the boat in motion.«

What happens next, is described by officer N.: »Normally the irregular migrants take out knives and cut the boat to pieces. If they don't do that my colleagues pull the boats back using the ropes. People try to prevent this, jumping into the water, so that they then have to be rescued. If, during the night, we find them near the coast, and they don't cut up their boats, we sometimes drag them back. But sometimes they arrive during the day as well. If they don't damage their boats to such an extent that they're unusable – a mistake on their part – then we put them back on the boats and bring them back to the Turkish coast or to an uninhabited islands. This is not official policy – of course not – the Turkish authorities must not know. So either we drag people out of our waters in their boat, or we bring them and their boats on board of the patrol ship and drive them into Turkish waters, where we launch their boat and put the people back on.«

Even the head of the coast guard Mikromastoras confirms that, secretly, refugees are brought back to the Turkish coast, even after they have been on Greek

**Boat of the Lesbos coast guard showing mount for a machinegun on its prow.**



territory »... sometimes, when we find them on land, near the coast, we collect them up and drive them back«.

Due to the politically tense situation in the border regions, one of the biggest concerns of the authorities are potential encounters with the Turkish coast guard or navy. According to Mikromastoras, this is the reason why the Greek military does not really operate in the border regions: »The military would like to avoid that (activity in the border regions). They say that if they get involved in such things, a war could be provoked. A war could start through something like that! That is what they want to avoid. But the secret services are involved«<sup>16</sup>.

The coast guard's brief is to intercept boats carrying irregular migrants and convince them to turn back. Generally, it is not difficult to stop the boats – if necessary nets or ropes are thrown into the propeller – however the second part of their mission is not as straightforward. »If we are close to a sea border, the boats are asked to turn back.« A coast guard officer explains: »If necessary we pull them over with a rope. But often the Turkish coast guard is already waiting there, that is the problem.«

Because of the political situation, there is no cooperation or even joint rescue missions in the border area. Quite the contrary: A Greek patrol boat, carrying or dragging the boats full of refugees across a sea border, faces a real risk of confrontation with Turkish units. Officer N. describes the attitude of the Turkish towards the Greek coast guard: »Sometimes they come towards us, guns ready, and drive in circles around us, to scare us«.

The commandos of the special units »which sometimes return people directly to the Turkish coast« come into contact with their Turkish »colleagues« more frequently. »Sometimes they have problems getting back to Lesbos, because the Turkish coast guard discovered them, and then chases our people«, says N.

»Everyone is kept informed, but not by radio. It is all done by mobile phone«. Commands to turn off their headlights, are also related to Greek-Turkish hostilities. »The Turks shouldn't know what our movements are« one officer says, because »relations between us and the Turkish coast guard are like during the Cold War.«

It is a conflict, between whose fronts refugees and migrants frequently find themselves stuck, as the lawyer Natassa Strachini fears. National responsibilities are

difficult to ascertain in such conditions: »Everything occurs at night. Who can define where the sea border runs? It's a ping ball game: The Greeks send the irregular migrants to Turkey and Turkey sends the boat back to the Greek side; in the process people die and ships go down ... «

## The dead refugees of Mitilini

In a secluded corner of the graveyard of Mitilini lies the resting place of Rahim Sarvari, a refugee from Afghanistan. His gravestone bears the inscription »No 1, 21-10-2006«. The 30-year-old man drowned on the way to Europe. He is one of the few who lie in the graveyard of St Panteleimon in Mitilini, whose identity can be confirmed. His body was identified by family members. Attempts to have his body delivered to Afghanistan failed, due to administrative hurdles in Greece. The second grave, bearing the inscription »No 2« is the resting place of an Afghan who drowned alongside

Nameless grave of a refugee in Mitilini/ Lesbos.



Sarvari. Their boat sank off the north-eastern coast of Lesbos. Close by lie the bodies of nameless Kurdish children. They died in 2004 during a ship wreck; their mother and three siblings survived. The corpses of the children were found at the coast. They still wore their life jackets.

Since 2002 about 40 to 60 refugees and migrants have been buried in St. Panteleimon. On Saturday 23 September 2007 the bodies of two under age boys from Afghanistan were found on the coast of Lesbos.

Graves for unknown refugees are dug in the presence of officials of the coastal police and paid for by the local prefecture. The majority of the deceased refugees were Muslims, however, burial according to Muslim ritual is not provided for in Mitilini.

- 2 Conversation with B. from Afghanistan in Mitilini on the 20 July 2007. B. is 16 years old.
- 3 Conversation with M. from Afghanistan at Mitilini on 21 July 2007. M. had been released from detention the same day. He is 16 years old.
- 4 Conversation with Ali from Afghanistan on 20 July 2007 in Mitilini. Ali is 21 years old.
- 5 Conversation with A. 29 year old Palestinian from Lebanon, recorded in Samos on the 8 August 2007
- 6 Conversation with B. from Ethiopia, recorded in Samos on 8 August 2007
- 7 Transcript of a conversation held on the 24 July 2007, recorded by lawyer Tzeferakou in Athens. The Medical Rehabilitation Centre for Victims of Torture holds a medical file of this case. The following report matches notes of conversations held in the detention centre in Chios during a visit by the Tzeferakou, Lawyer Strachini and Karl Kopp on 16 July 2007.
- 8 This information was obtained through a conversation of Marianna Tzeferakou and Karl Kopp with H.'s lawyer, Taner Kilic, in Focia, Turkey on 7 August 2007, and through a number of telephone calls with H.
- 9 End of September 2007
- 10 Compare profile of the Ministry on its homepage [www.yen.gr](http://www.yen.gr)
- 11 The Marine Ministry and the »Ministry of Aegean sea and islands' affairs« are united to the »Ministry of Marine, Aegean Sea and Islands' Affairs«. Since 19 September 2007 the responsible Minister is Giorgos Voulgarakis.
- 12 ibid
- 13 Elias Bierdel held the conversations with members of the coast guard and fishermen on different islands.
- 14 Conversation with Apostolos Mikromastoras, held by Elias Bierdel on 3 August 2007.
- 15 Conversation on 18 July 2007.
- 16 Unlike in Lampedusa, Malta or the Canaries, there are no international waters between the Turkish mainland and the greek Aegean islands. In the narrow straits (sometimes of only a few kilometres) the territorial waters of the two states meet. The exact line of the border is still not clarified between Ankara and Athens. The Greek coast guard is therefore officially under no circumstances to operate in Turkish waters. At the moment that the boats are stopped by the Greek coast guard they are already in the territorial waters of Greece.

## 2. Evros Region: refoulement at the land border

For quite some time Greek human rights lawyers have observed the secret detention by the Greek authorities of refugees who have entered Greece via its land border, without official registration of these individuals. They tend to be detained incommunicado for two days, before being illegally and forcibly expelled to Turkey. There are reports that refugees are being collected from the various border police stations and brought to the militarised zone. They are then forced to cross the river Evros to Turkish territory. In Turkey, refugees from Iraq and Iran face immediate deportation to their countries of origin. They are held for days or weeks in the Edirne Aliens Detention Centre.

### **Ms. Z.<sup>17</sup>: Illegal expulsion and subsequent detention**

One of these cases is that of the Iranian Z. In conversation with her lawyer Tzeferakou Ms. Z. described her experiences as such:

»It was Sunday, 18 March 2007 at around 21:00. There were between 25 and 27 of us when we crossed the river. We were on Greek soil when we were discovered by men in uniforms. They demanded that we stop and fired shots into the air. (...) We were pushed around, even my little daughter was pushed (...) nine of us were arrested, the others escaped. We were brought to the prison (...) we spent two nights there. As far as I was able, I told the Greek police officer that my husband lives in Greece. He is a refugee. I asked to be allowed to phone him. They refused me. I wasn't allowed to call anyone, to ask anyone for help. They only asked me my name and nationality. They gave us a piece of dry bread to eat. The conditions in which we were being held were awful. My child suffers from heart problems, (...) we were at the mercy of the police. A Palestinian who was detained with us was beaten.

On Tuesday 20 March 2007, at around 4:00 in the morning the police took us all and drove us away in a lorry. They didn't even give us our luggage. I lost some important documents that way. We were brought to the river. There were about 150 refugees from Iraq, Somalia, Eritrea, Algeria, Iran etc. In groups of around 20 to 30 people – the police forced us to get into boats.

We were brought to the other side of the Evros – to the Turkish side.

A Greek man was transporting the people. He drove back and forwards. (...) My little daughter and I were pushed into the water near the Turkish bank, and the boat drove off.

I was desperate. The child was ill (...) we had to walk for about three hours. Then we were arrested by the Turkish police. We were brought to prison. I was sexually harassed there, by one of the policemen. Later, we were brought to the Edirne Aliens Department. The detention conditions there were awful. I was terrified of being deported to Iran. My child was ill and there was no medical care. It was very dirty and there were no sanitary facilities. The cells were overcrowded.

Nearly all the women in my cell were ill. Every second or third day more people who had just been detained, arrived. The majority of them came from Greece. Most were then deported to their countries of origin. It was a hopeless situation<sup>18</sup>.«

Alerted by her husband, the Medical Rehabilitation Centre for Torture Victims, together with the UNHCR and the Greek Ombudsman, tried to locate Ms. Z. and her daughter. They contacted all the relevant authorities, but the responsible police officials assured them that there was no mother and daughter in pre-removal detention. The responsible section in the Ministry of Public Order<sup>19</sup> told the UNHCR and the Ombudsman, that no mother and daughter were detained in the whole of the Evros region. The next day Ms. Z. secretly got in touch from a prison in Turkey.

She told her husband that early in the morning she had been expelled by the Greek authorities and was now detained in Turkey. Together UNHCR Greece and UNHCR Turkey were able to prevent her removal to Iran. Ms. Z. filed an asylum claim while in detention in Turkey, and was shortly afterwards recognised as a refugee by the UNHCR. After just under two months, mother and daughter were released from detention. After four years of separation Ms. Z. is now waiting to be able to live together with her husband.

»The truth may be bitter, but it must be told«

We met her husband on 30 July 2007 in Athens. He was visibly distressed and concerned about the health of his child. He explained that the 6-year-old girl had had a heart operation and the appropriate medication was not available in Turkey. Mr. Z. also expressed his incomprehension at the fact that, as yet, family reunification has not been possible. He asked us to publicise his version of events (See Annex p 35 for report).

17 For the protection of the individual, names have been altered.

18 Extract of the conversation of Ms. Z. with her lawyer Marianna Tzeferakou on 14 May 2007.

19 According the P.D. 205/19-9-2007: The »Ministry of Public Order« and the »Ministry of Interior, Public Administration and Decentralisation« are united in the Ministry of Interior.



### 3. Deportation orders, detention and detention conditions

#### Law and practice

All individuals apprehended by the Greek police at the Greek border are regarded as foreigners who have illegally entered the territory (lathrometanastes – illegal immigrants). As a rule the police detains all those apprehended and issues removal orders for them.

This means that all individuals with protection needs, including asylum seekers, victims of torture, minors, and those seeking protection from countries such as Iraq, Afghanistan or Somalia are handed removal orders. Decisions are not made on a case-by-case basis. This blanket issuing of removal orders violates rights enshrined in the European Convention on Human Rights and international refugee law.

Following a removal order, the arrivals are detained. According to Greek law (3386/2005) the objective of detention is the implementation of a removal order – it is foreseen as an extraordinary measure. In practice everyone is detained, even if they cannot be returned to their country of origin. This includes asylum seekers as well as those with particular protection needs, such as pregnant women, ill persons and children.

#### Official figures of apprehensions at the border

In 2006 around 20,000 people were apprehended and detained at the north east Aegean sea border and the land border with Turkey. 15,450 were apprehended at the land border (Evros Region) and 4,007 at the sea border close to Lesbos, Samos and Chios<sup>20</sup>.

#### Chios:

2005	734
2006	661
2007 (until 22 August 2007)	568

#### Samos:

2005	455
2006	1,580
2007 (until 23 August 2007)	2,404

#### Lesbos:

2005	1,696
2006	1,766
2007 (until 21 August 2007)	1,926

#### Evros:

2005	18,997
2006	15,450
2007 (until 31 August 2007)	7,963

According to Greek authorities (December 2006), 1,850 detention places are reserved for »illegal immigrants«. New buildings have increased this capacity by 650 places. The opening of the buildings is supposed to result in the closure of the detention centre in Samos<sup>21</sup>.

#### The detention of minors

In October 2005 the Greek Ombudsman<sup>22</sup> published a report on administrative detention of minors prior to removal and on the removal of minors seeking asylum in Greece. The Ombudsman published a further report in December 2006 on the situation of unaccompanied minors in the detention centre of Pagani-Mitilini, Lesbos.

The reports find that the automatic detention of minors, both with family members and when unaccompanied is a clear violation of Article 21 and Article 5 of the Greek constitution. In addition, the detention of children and adolescents violates Article 37 (b) of the UN Convention on the Rights of the Child, of which Greece is a signatory. The Ombudsman calls for a complete ban on administrative detention of minors<sup>23</sup>.

## **Problems highlighted in the detention centres on Chios, Samos and Lesbos**

### **De facto denial of legal protection**

It is almost impossible for detainees to access their rights. They are rarely even informed of their rights. In particular the right to access the asylum procedure is completely denied those in detention.

A detainee can appeal against a removal order or a detention decision. Within five days of having received a removal order an individual would have to appeal to the Ministry of Public Order. An appeal against a detention decision could be lodged at an administrative court. In Samos the administrative court is in Syros, while the relevant administrative court for Chios and Lesbos is in Mitilini.

In practice, however, in the absence of legal representation, and given the lack of information on the process, these rights of appeal against removal orders and detention decisions are rarely realised. The detainees simply do not have the financial means to hire a lawyer. The same problems prevent people from lodging an asylum claim.

In the detention centre on Samos, only one lawyer is active; pay for this position is minimal (300 euros/month). Given the numbers of detainees, he is not in a position to be able to give legal advice to individuals or to lodge appeals on their behalf. In the detention centre on Chios there is also one lawyer, she works on a voluntary basis. Only after lengthy negotiations with the prefecture and the police has it been possible for a lawyer to even gain access to the detention centre in Mitilini. She has been working there since August 2007. Like her colleague in Samos, she gets very little financial compensation.

The administrative process through which removal orders and detention decisions are issued in Greece, violates constitutional law. The right to information, the right to a fair hearing, the right to a translator and an effective right of appeal are not ensured.

### **Arbitrary lengths of detention**

In practice, the period for which individuals are detained varies greatly. It varies from place to place and can alter over a given time period in a particular town. No explanations are given for these differences. Furthermore, different practices apply for the various groups of refugees. At the time of our visit to the detention centre in Samos, the policy was clear: three months was the maximum period for detention of any irregular migrant. However, refugees from Afghanistan and Somalia are detained for two weeks. On Lesbos Afghans are detained for one or two days, while persons from Arabic speaking countries are held for 30 days. In Chios the 30 day period appears to apply to everyone.

### **Absence of interpreters**

Professional interpreters, who would be able to provide information, and who are indispensable to ensure that an asylum process is fair, are completely absent. Normally, local authorities used co-detainees as interpreters. Detainees in the Samos centre report mistreatment by the shop owner who acts as an interpreter during police hearings. The practice of informally engaging any available person as an interpreter, gives rise to mistrust and fear, which can have huge consequences. In Mitilini refugees told us they had given false names, because they didn't trust the co-detainee who was interpreting on their behalf. They did not want to recount their personal story to this individual.

### **Contact with the outside world**

Support organisations in Chios, Samos and in Mitilini have, as yet, not obtained permission to visit the centres. In Samos the support group is allowed to hold Greek language classes outside the cells, for a maximum of 20 individuals, twice a week.

In Chios there are telephone cabins which are accessible to all detainees. However only very few detainees have the money necessary to buy a phone card. In Samos and Mitilini the telephone cabins are in the yard outside. The possibility of calling is thus dependent on being allowed to go out into the yard. In Samos and Mitilini permission to go into the yard is denied for days at a time.

## Release

Even upon release no attempt is made to compensate for lack of information or legal advice. The individual is handed a document in Greek, in which they are told to leave the country within thirty days. There is no advice on applicable legal remedies, much less in a language which they understand.

In Chios and Samos the prefecture pays for bus tickets for travel to Athens. In Mitilini this is not the case. As a consequence refugees, including unaccompanied minors, remain without shelter or means of support in the port area of Mitilini.

Upon arrival in Athens many face homelessness, even in cases where an asylum application is submitted. Asylum seekers are supposed to receive a »pink card«<sup>24</sup> but delivery often takes a month or longer. The number of asylum seekers is much larger than the capacity of the shelters available; as a result many asylum seekers enter the procedure without shelter and without social support of any kind.

### Detention centre Samos



## Inhumane detention conditions

The conditions in the three detention centres visited in Chios, Samos and Lesbos differ in some respects, however, all three are desolate. At the time of our visit the respective prefectures<sup>25</sup> were responsible for the buildings, social activities in detention, meals, and provision of sanitary articles etc. The prefecture is also responsible for issuing travel tickets after detention. The police is responsible for transport to the centres, the installation and surveillance of the centre.

Our delegation had to submit a written application to the police and the representative of the Ministry of Public Order, to obtain permission to access the detention centre.

### Mersinidi: Detention centre on Chios<sup>26</sup>

The detention centre of Mersinidi lies just 50 meters above the sea, on whose beaches tourists lie. It has been operational since 2003. The inmates have a beautiful view of the sea. There are ten barracks enclosed in an area by barbed wire. Each barrack consists of three rooms and a toilet. There are 120 beds<sup>27</sup> in the centre. The Greek government gives its capacity as 200 people<sup>28</sup>. The frequent overcrowding and

Spartan conditions result in high tension. During the day detainees can move around in the area enclosed by barbed wire. The area is unprotected from rain or from the hot sun. The barrack for women is locked overnight for security reasons.<sup>29</sup>

We had numerous conversations with people who are registered with the Greek authorities as Palestinians but who give their country of origin as Morocco, Iraq, Afghanistan and Lebanon. The detainees complain about the bad quality of the food and the lack of space. Basic necessities are missing. Many complain they didn't even receive daily necessities such as soap, towels, tooth-paste etc. We spoke to refugees who were still wearing the tattered clothes which they had on during their arrival, weeks earlier. All the detainees questioned confirmed that there was no hot water for showering. Medical care is described as wholly inadequate. We spoke to a refugee from Afghanistan who had an artificial leg. He had lost his during a mine explosion. He complained of pain in the area of the amputation. His requests to see a competent doctor were refused. At the time of our visit a doctor came to the centre once a week.

The detainees refer to the doctor as »Mr Panadol« as the usual treatment does not extend beyond handing out panadol, a painkiller. In severe medical cases the police on duty organise transport to the hospital. The detainees have no complaints about the guards. However, four men

described torture during the arrest by the coast guard. Three Iraqi refugees witnessed the torture described by the victim earlier (see Annex p 33).

### **Samos: Detention centre Samos-City**

According to the Greek government the detention centre on Samos is designed to hold 100 people<sup>30</sup>. During our visits<sup>31</sup> 192 detainees were officially registered there. Among the inmates was a woman (from Somalia) and 18 unaccompanied minors (14 from Afghanistan and four from Somalia). There was no separation of unaccompanied minors and adults. The woman from Somalia was in the company of four men from Somalia, who claimed to be looking after her.

Four people who had applied for asylum were also in the centre; as a rule asylum seekers are detained for the maximum detention period of three months. One lawyer is at hand; this position is EU funded (under the expiring EQUAL program). The lawyer receives an allowance of 300 euros per month for his work.

The detention centre is in Samos City, in a former cigarette factory built in 1928. The building, which is in serious need of repairs, if not totally dilapidated, is in the middle of town.

**Detention centre Samos-City**



On entering, a horrific stench of urine and sweat hits the visitor. There is no functioning sewage system; at the time of our visit there was one toilet available for 200 people. The air inside is muggy and it is stiflingly hot. Whether or not the people are allowed into the yard depends on the policeman on duty, say the detainees. Access is sporadic and only for very short periods of time. This also applies to the telephone cabin in the yard; the police decide whether and how long people are allowed to call for.

The delegation of the European Parliament were horrified by the conditions in the detention centre in Samos during their visit in June 2007: »In general the conditions can be described as squalid, deplorable and inhumane. The centre was indeed in a serious state of disrepair to the extent of representing a hazard to detainees (...). The bathroom facilities without doors, to be shared by men and women, were in such a state of disrepair to be practically unusable. The bathroom area was immersed in 1cm or so of running water/sewerage and was extremely dirty. Broken cisterns/plumbing were literally hanging off the wall and it was hard to discern a functioning toilet or shower. Conditions were completely degrading and unsanitary.«<sup>32</sup>

In the detention centre we spoke to people from Lebanon, Algeria, Afghanistan, Iraq, Somalia and Ethiopia. Many detainees are suffering contagious skin problems

(scabies) as a result of the deplorable sanitary conditions. Ill people told us that their condition remains largely untreated, even though a doctor comes to the detention centre on an hourly basis. In some cases the doctor orders a transfer to a hospital but this is often not followed up.

This assessment of the situation is shared by the delegation from the European Parliament: »The main remedy for sick people is aspirin as there is hardly any medical equipment available at the centre. Due to a lack of guards it is not possible to transport people to the hospital. And if it would be possible to organise proper transport, the hospital has not sufficient capacity to deal with it.«<sup>33</sup>

We spoke to a Palestinian from Lebanon who had a broken rib as a result of mistreatment by the coast guard. At the time of our visit no examination in a hospital had been arranged, despite the fact that the affected person had been complaining about the pain and blood in his spittle for weeks. Only during the second day of the visit, could the delegation secure that the mistreated individual could be brought to hospital and treated – over two months after the injury was inflicted<sup>34</sup>. Refugees from Ethiopia and Algeria also report severe mistreatment during apprehension by the coast guard.



**Samos: bedroom  
in the detention centre**



**Samos:  
children's playground in  
the new detention centre**



**Samos: new detention centre**

The detention centre on Samos is to be closed imminently. The new centre in Vathy has been under construction for years, but should be open shortly. The available places for detainees on Samos will quadruple as a result, to around 400 places. The new centre should be an improvement on the current one: there is to be an open area for use by detainees, separate areas for women and children and a functioning sanitary system. The delegation of the European Parliament still has its doubts however: »The flat-roofed ›cabin‹ design of the structures might raise question marks about their suitability given the local climate«. <sup>35</sup> In any case, no improved conditions will disguise the fact that it is a detention centre for people who have committed no criminal offence, and who need protection.

### **Lesbos: Detention centre Pagani-Mitilini**

The detention centre Pagani-Mitilini is made up of a number of large warehouses. The detainees live in these warehouses – in the largest one there are 60 beds – divided according to countries of origin. The authorities claim this centre to be designed for 500 people. At the time of our visit<sup>36</sup> 150-200 people were in the centre. The new containers for families and unaccompanied minors stood unused in the yard. The guards say these containers are unusable in the hot summer months as they have no insulation.

In the wing in which men from Afghanistan, Afghan minors, as well as men from Palestine and Iraq are held, the sanitary conditions are unbearable. There is one toilet and one shower on the whole corridor. The mattresses and the blankets are incredibly dirty. The tap water was impotable.

Access to the outside area in Mitilini has not been regulated. Individuals from Arabic countries complain that they were denied any access to the outside area.

At the time of the visit there were only two women in the women's area: a woman from Somalia and an older woman from central Iraq who was registered with the Greek authorities as Palestinian. A few days before our visit, a group of underage girls from Somalia had been released under pressure from Giorgos Tsaropoulos, Director of UNHCR Greece.<sup>37</sup>



**Lesbos: entrance to the detention centre**

### **Minors in Mitilini**

More than 30 minors from Afghanistan were in detention at the time of our visit. The youngest had just turned ten years of age. These children and adolescents were not separated from the adults. They reported maltreatment by the coast guard and diversion at sea. One group of these minors reported that they were simply abandoned by the Greek coast guard on an uninhabited Turkish island, without food or water.

The Afghan minors were released in two goes on the day of our visit Friday 20 July 2007 and on the following day Saturday 21 July 2007. Upon their release, care had to be arranged for them, outside the centre. The first group were forced to spend the night in the port of Mitilini, because there was no cheap transport to Athens. They received no information about applying for asylum, shelter or other information necessary to meet their basic needs. On their release documents (an information paper in Greek advising them to leave the country within 30 days – attached was a removal order) the minors were arbitrarily assigned to one of the adult Afghans with the comments »brother« or »cousin«, and their picture attached. One individual who was clearly underage was simply declared as adult, without any supporting evidence.

Our delegation informed the children of their rights in Europe and in Greece, and referred them to an organisation which works for children's rights and the reception of asylum seeking children. Through



**Detention centre Lesbos: At the time of our visit one functioning toilet was provided for 50 detainees.**



**Lesbos: bedroom in the detention centre**

conversation with an Afghan boy it became clear that he had relatives in other European countries. Under the European Dublin II Regulation, people have a reduced possibility to be taken up by the member state in which family members reside. There is currently no system in Greece for establishing if and why minors are alone in the country. Potential beneficiaries of family reunification under Dublin II can thus not be identified. Furthermore, victims of trafficking can not be recognised or protected as things currently stand.

### **The readmission protocol between Turkey and Greece**

In 2001 the Greek Foreign Minister and his Turkish counterpart signed a bilateral agreement on »combating crime, especially terrorism, organized crime, illicit drug trafficking and illegal migration«<sup>38</sup>. Article 8 details planned cooperation in combating irregular migration. A protocol to this article<sup>39</sup> concerns the readmission agreement under which irregularly staying nationals and third country nationals can be returned. UNHCR, and the national committee for human rights criticise the agreement as it does not include provisions for the protection of refugees or for others in need of international protection.

Through this agreement Greece hoped to seal off its eastern border, drastically reducing »illegal migration«. However, from a Greek perspective, up until the beginning of 2007, the implementation of the protocol has been far from satisfactory. According to the Ministry of Public Order, between April 2002 and November 2006 Greece presented Turkey with 1892 instances involving 23689 individuals. Turkish authorities only accepted responsibility for 2841 people, on the basis of the readmission agreement. Greece also complains that returns via the north eastern Greek Evros region are highly complicated and cost intensive; the six readmission checkpoints, agreed on in protocol, have as yet not been created<sup>40</sup>.

#### **Readmissions: Greece - Turkey<sup>41</sup>**

**2004:** 4,006 applications to Turkey,  
119 (3 %) accepted.

**2005:** 1,992 applications to Turkey,  
152 (7.6 %) accepted.

**2006:** 2,055 applications to Turkey,  
73 (3.6 %) accepted.

Since the beginning of 2007, however, Turkey is increasingly accepting the return of Iraqi refugees on the basis of the protocol. On the 1 August 2007 seventeen Greek human rights organisations called for an end to the return of Iraqi asylum seekers. According to reports by Panagiotis Papadimitriou from the Greek Council for Refugees, the police have information relating to three group returns of Iraqi asylum seekers – of about 40 people the first time – which took place in the first five months of 2007. »It is very likely that the real number is higher« believes Papadimitriou<sup>42</sup>.

Human rights organisations believe that this rights violating practice shows that the highest priority of the police is to rid themselves of asylum seekers. »But because Greece can't deport people to Iraq, the return of Iraqis to Turkey is the optimum solution« says Eleni Spathana (Group of Lawyers for the Protection of Refugees and Migrants Rights, Athens). »The expulsions and removals are a clear violation of the Geneva Convention and the European Convention of Human Rights«, says Spathana.

For the potential asylum seekers the readmission protocol has fatal consequences, particularly for Iraqi asylum seekers: after return to Turkey they are threatened with immediate removal to Iraq. UNHCR Greece confirms that 135 Iraqi asylum seekers on their way to Greece were detained in Turkey and subsequently returned to Iraq.<sup>43</sup>

The return of Iraqi asylum seekers takes place in the Evros region, in particular across the Kipoi border station. Iraqi asylum seekers are brought from the islands of Chios or Samos to Evros and expelled to Turkey.

In conversations with Iraqi asylum seekers on Chios and Mitilini, we were told that during registration at the border they were scared of being identified as Iraqis. They claim to be Palestinian, to reduce the likelihood of return to Turkey.

- 20 Ministry of Public order cited by UNHCR Greece, in a response on 14 September 2007, to a request of the Group of Lawyers for the Rights of Refugees and Migrants
- 21 Assertion of the Greek government on 20 December 2006, in response to the CPT report to the government of Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment (CPT) from 27 August to 9 September 2005, Strasbourg, 20 December 2006.
- 22 Independent agency created by law in October 1998 and which has a mandate since 2003 to protect children's rights.
- 23 Ombudsman: December 2006 conclusions on the situation of unaccompanied minors in Pagani-Mitilini: report on administrative detention and removal of minors from October 2005 [www.synigoros.gr](http://www.synigoros.gr)
- 24 The pink card proves that individuals have submitted an asylum claims which is being processed. It entitles the holder to remain in Greece for 6 months and is renewed at six-month intervals. Holders can also apply for a work permit, if they are not in detention.
- 25 Prefecture: The political structure of Greece comprises four administrative levels. The state is divided into 13 administrative regions, which are subdivided into 51 prefectures and 4 separate prefecture areas. The prefectures correspond to Germany's »Landkreise«.
- 26 Visit of Marianna Tzeferakou, lawyer (Athens), Lawyer Natassa Strachini (Chios) and Karl Kopp (Frankfurt) on 16 July 2007 from 18:00-22:00
- 27 Natassa Strachini 16 July 2007 Chios
- 28 In the response of Greece to the CPT on 20 December 2006, there was confirmation a 200-person capacity.
- 29 See also CPT-report.
- 30 Response of Greek government to the CPT 20 December 2006
- 31 Visit of Marianna Tzeferakou (Athens) Karl Kopp (Frankfurt) and Anna Pelizzoni, Maria Xidi and Yiasemo Kehagia, Refugee Solidarity Committee Samos, on the 18 and 19 July 2007
- 32 A delegation of the Committee on Civil Liberties, Justice and Home Affairs visited various detention centres from the 13-16 June 2007. Report from the LIBE Committee Delegation on the Visit to Greece (Samos and Athens)
- 33 Committee on Civil Liberties, Justice and Home Affairs on the visit to Greece (Samos and Athens, 2 July 2007.
- 34 The individual was released after 92 days. He now lives in Crete and awaiting a decision on his asylum application.
- 35 Committee on Civil Liberties, Justice and Home Affairs on the visit to Greece (Samos and Athens, 2 July 2007.
- 36 On 20 July 2007 Marianna Tzeferakou and Karl Kopp visited the centre as did Efi Latsoudi and Tulina Demeli, two representatives of the Initiative for Solidarity with Refugees in Mitilini
- 37 Conversation with Marianna Tzeferakou and Karl Kopp with representative of UNHCR Greece Giorgos Tsaropoulos on Samos 19 July 2007.
- 38 Law 2926 of 27 June 2001- Agreement between the Hellenic Republic and the Republic of Turkey on cooperation of the Ministry of Public Order of the Hellenic Republic and the Ministry of the Internal Affairs of Turkey on combating crime, especially terrorism, organized crime, illicit drug trafficking and illegal immigration.
- 39 Law 3030 of 15 July 2002.
- 40 Ministry of Public Order, cited in South-East Europe Review 2/2006.
- 41 Ibid.
- 42 Conversation on 1 August 2007 with Günter Burkhardt and Karl Kopp in Athens.
- 43 UNHCR Press release 26 July 2007: UNHCR deplores forced return of 135 Iraqis by Turkey.



## 4. Patras – Gateway to Western Europe?

Our mission included a stay in the coastal city of Patras, which is the location of the biggest ferry port to Italy.<sup>44</sup> Near Patras harbour, we met a group of young people whom we had already met in prison on Lesbos.

In the meantime, they had managed to leave Lesbos and reach Patros, travelling via Athens. Just like hundreds of others, they were waiting here for a chance to reach Italy or any other European country. The group were pleased to see us, and when we invited them for a bite to eat we could see that the refugees in the port were in a pretty bad state. Many were quite simply starving. Young Afghanis approached us by the dozen. We organised some emergency food supplies at the nearest snack bar.

It was not simply hunger that caused them to despair. Several refugees bore the signs of serious injury. We visited the camp – tolerated by the authorities – that consisted for the most part of makeshift huts. It is

situated outside Patras, on the banks of a small river that people use for washing. As far as we could see there was no running water and no sanitary provision.

At first, the people in the camp greeted us with mistrust. They appeared disturbed and quite clearly in need of support. During our conversations with them, it transpired that the refugees were totally unaware of their position in relation to European asylum law and, in particular, the Dublin II procedure. Among the group of refugees were several who, even according to the restrictive rules of the European allocation system, would have had a good chance of obtaining a legal right to stay or to an asylum procedure in another European country.

The people from the camp were trying to get into the off-limits port area. They wanted to reach Italy on one of the ferries. Sometimes they tried to get on board by clinging to lorries. Again, we heard of abuse by the Greek

**Patras: unsheltered refugees at a river, which serves as the only water supply**





coast guard, this time in the harbour, when they attempted to travel on into Europe. The refugees also told us that there had been fatalities when refugees tried to get aboard a lorry; once a lorry driver deliberately drove into a refugee who was crushed. The refugees reported that they had been beaten with electric batons. A young refugee, quite obviously a minor, told us that he had already signalled that he wanted to get down from a lorry when a police officer gave him a deliberate blow to the nose from down below and then continued to beat him. Another had injuries to his kidneys; he too was scarcely older than sixteen.

We felt obliged to organise medical treatment for the badly injured. We therefore took a taxi to the nearest hospital and were able to find an accident and emergency department. The refugees were anxious about reporting police abuse – at least as long as they remained in Greece. One refugee, who had an injury to his nose, was admitted to a specialist hospital where his nasal passage was thoroughly examined. The result of this examination indicated that a major operation was probably necessary.

Examples of injuries found in the refugees we encountered in Patras:

- Refugee A: Severe injury to the left eye, swollen wrist. He is 14 years old and wishes to travel to Britain.
- Refugee B: 18 years old, has a brother in Germany with a residence permit. His mother lives in Belgium. He has an infected wound on his abdomen.
- Refugee C: He cannot move his fingers. The diagnosis reveals that an operation is necessary. He gives his age as 15 years.



Patras: Afghan minor in hospital after severe ill-treatment

- Refugee D: Injury to the nose. He is 15 years old. The medical diagnosis is: bruised kidneys from beating, a displaced nose septum. He can no longer breathe through the nose. One month later further treatment is necessary. It needs further investigation to find out whether the bone beneath his eye has been broken. There is a serious medical risk. The bleeding following a blow to his face under the eye has already led to persistent headache.

44 Stay of Günter Burkhardt, Karl Kopp, Marianna Tzeferakou and Mubarak Shah (Translator) on 29 July 2007

# Digression: Notes on the asylum system in Greece

## System and practice of asylum in Greece

### Applications submitted and granted

In the past five years the number of asylum applications in the EU has halved. Greece is one of the few EU countries that, according to statistics, has experienced an increase. According to the Ministry of Public Order, Greece recorded 9,050 asylum seekers in 2005. This is double the figures for 2004, when 4,469 people applied for asylum. In 2006, the Greek authorities noted a further increase to 12,270. From 1<sup>st</sup> January to 1<sup>st</sup> July 2007 there were 14,594 applications for asylum.<sup>45</sup> 94.76 % of all applications were made in Athens (13,997); 0.7 % were made on the borders (103 applications). There were 24 applications from unaccompanied minors, including 11 from Afghanistan, 4 from Pakistan, 3 from Iraq and 1 each from Sudan and Syria.<sup>46</sup>

### Countries of origin of asylum seekers in Greece during the first six months of 2007<sup>47</sup>

Pakistan	4,759	applications for asylum
Iraq	3,483	
Bangladesh	2,322	
Afghanistan	769	
Georgia	830	
Syria	723	
Somalia	110	
Turkey	102	

### Main countries of origin of asylum seekers in Greece for 2006<sup>48</sup>

Bangladesh	3,750	applications for asylum
Pakistan	2,378	
Iraq	1,415	
Afghanistan	1,087	
Georgia	428	
Nigeria	391	
Sudan	183	
Ethiopia	170	
India	162	

The number of those granted refugee status in Greece is almost zero: in 2004, it was 0.3 % of all asylum seekers. If one takes into consideration the forms of humanitarian protection, the rate is 0.9%. This was the lowest recognition quota in the EU before enlargement. In 2005, the rate of protection – refugee status plus other forms of protection – increased marginally to 1.9 % (39 people)<sup>49</sup>; in 2006 it fell again to 1.2 %<sup>50</sup>. Between 1<sup>st</sup> January and July 2007 a total of 13,445 applications for asylum were rejected (Somalia 77, Iraq 2,649, Afghanistan 685, Iran 222, Sudan 75, Syria 545). Until the end of August 2007, 16 people were granted refugee status and 11 were granted humanitarian status.<sup>51</sup>

Greece does not have an adequate system of reception. It has currently just under 740 accommodation places in the whole country.<sup>52</sup> Most of these, according to UNHCR Greece, do not even meet even minimum standards. The UNHCR criticises that the access to medical treatment and schooling are inadequately provided for. There are also no provisions for those needing special protection. There are no special measures for victims of torture, unaccompanied minors, pregnant women or those with disabilities.<sup>53</sup>

The consequences of this lack of accommodation and social care are clear: even whilst their application is being processed, asylum seekers in Greece are for the most part homeless and without any social support. Even those who are in particular need of protection are forced to cope alone or to hope for private help. It is obvious that in such a situation, countless refugees see dubious offers of help from smugglers to flee to another European state as a way out of their misery.

## Asylum procedure

The asylum process in Greece is set out in the Presidential Decree 61/1999 (PD 61/99). It states that applications for asylum must be examined by the Security Police Department and Aliens Department (which report to the Ministry of Public Order) within three months. In the case of applications from those detained at ports and airports such examination should take place on the same day. The examination of asylum cases entails a hearing of the applicant. An interpreter is provided by the

Ministry of Public Order. The hearing is conducted by two plain-clothes police officers. They produce a report that is then translated by the interpreter. At the end of the hearing, the asylum applicant signs the report. The two police officers add their comments and views. Photographs and fingerprints are taken of the applicant. After this, they are supposed to be issued with an identity card, the ›pink card‹. The pink card certifies that the owner has applied for asylum and the application is currently being processed. The card gives the applicant the right to remain in Greece for a period of six months and is subject to renewal at six-monthly intervals. In practice, the first issue of the pink card is frequently delayed. Those in possession of a ›pink card‹ may apply for a work permit, provided they are not in detention.

In the first instance the decision falls to the General Secretary of the Ministry of Public Order, taking into account the recommendations of the National Security Directorate, under the control of the same Ministry. Hence a decision on asylum lies with an authority that also controls borders and the prevention of so-called illegal immigration. One should bear this background in mind when considering the extremely low rate of approval of asylum applications: In 2005 a total of two cases received a positive asylum decision at the first attempt.

If the application is rejected at the first level, the asylum seeker must be notified in a language that he or she understands. The applicant has the right to lodge an appeal against the refusal within 30 days. In accelerated cases the appeal must be lodged within ten days. The time limit is shortened to five days for refugees who are arrested in transit at airports or seaports. The same time limit applies for refugees who have been refused entry.<sup>54</sup>

A negative decision is not reviewed by an independent authority; it too is the responsibility of the Ministry of Public Order. The Minister is supposed to make a decision within 90 days. The process entails a consultation with a six-person Appeals Board constituted as follows:

- A legal adviser, who also acts as President of the Board;
- Two representatives from the Ministry of Foreign Affairs (diplomatic officer and legal adviser of the Ministry of Foreign Affairs);
- A high-ranking officer of the Greek police;
- A representative of the Athens Bar Association;
- A representative of the UNHCR in Greece.

The Appeals Board interviews the asylum seeker in the presence of a lawyer. However, the decision is made by the Minister, who is not bound by the decision of the Appeals Board. Hence this ›panel of experts‹ (Appeals Board) has no decision-making powers; it acts merely in an advisory capacity.

The verification of process that is carried out by a court – the Council of State – following a final negative decision on an application, does not include an investigation of the detailed reasons for refusal of an asylum, it is only concerned with potential procedural errors.

## Reception and procedure in cases of unaccompanied minors

At present, there are approximately 85 places<sup>55</sup> in the whole country available for refugees who are unaccompanied minors. These few places are only allocated to children and young people – if at all – following an application for asylum. The responsible Ministry for Health intends to increase capacity to 100 places. Officially there are only ten suitable places for children in Athens.

Greek law does not stipulate that their exact age has to be given. The authorities do not assess age. Occasionally police officers do not accept the stated age. On the basis of the law that young persons may only access the jobs market once they have reached 18, many of those who are considerably younger give their age as 18 at their registration.

The rights of minors are also not safeguarded in procedural matters. It is true that the law states that the ›Prosecutor for Minors‹ shall represent children during the asylum process. However, in practice this does not happen. In the past few years the Greek Ombudsman has repeatedly referred to this and to other failings in the reception of refugee children.<sup>56</sup> For the most part, the Prosecutor knows nothing of the presence of a child. Even when such information is available, the authority is unable to act because of a lack of staff resources.

The chief obstacle for many minors (and also adults) is to gain access to the asylum procedure in the first place. The Ombudsman cites as an example the detention camp at Mitilini, where refugee children are given no information whatsoever about their rights and no interpreter is made available to them. As a rule, no legal representation is provided. Minors receive the same

release papers as adults, containing an order to leave the country within 30 days. In the view of the Ombudsman a guardian should be appointed for each child and all children should be placed in a reception centre that is suitable for children.<sup>57</sup>

- 45 UNHCR Greece: Answer to a question by the Lawyers Group for the Protection of Migrants and Refugee Rights on 14 September 2007
- 46 op cit
- 47 op cit
- 48 UNHCR: Asylum Level and Trends in industrialised countries, 2006  
<http://www.unhcr.org/statistics/STATISTICS/460150272.pdf>
- 49 cp. Press release UNHCR Greece from 16 February 2006, ECRE Country Report 2005 Greece
- 50 cp. UNHCR Greece white paper of June 2007
- 51 UNHCR Greece: Answer to a question by the Group of Lawyers for the Rights of Refugees and Migrants on 14 September 2007
- 52 cp. UNHCR Greece white paper of June 2007
- 53 UNHCR Greece, Press release of 16 February 2006
- 54 of the Greek Government's answer to the Report of the CPT on 20 December 2006
- 55 cf UNHCR Greece white paper of June 2007
- 56 Ombudsman: December 2006 conclusions on the situation of unaccompanied minors in Pagani-Mitilini: report on administrative detention and removal of minors from October 2005 [www.synigoros.gr](http://www.synigoros.gr)
- 57 op.cit.

# Annex: Excerpts from interviews

## Detailed report of conversation by lawyer Marianna Tzeferakou

(See report on Chios: Torture during interrogation by the Greek coast guard<sup>58</sup> in chapter I)

»It was on the 17-18 June 2007. We left from Cesme in Turkey. There were 48 of us including several women. We used a wooden boat – around 11 metres long and 3 metres wide. At 6 o'clock in the morning we reached a small island near Chios. We made the boat unseaworthy immediately. On this small island were six soldiers. One of the soldiers asked: ›Who speaks English?‹ I stepped forward. Then they asked: ›Who is the captain? How did you come here? How much did you pay for the trip?‹ I informed them: ›We have no captain. We came from Libya in a large ship and were put into a smaller boat. They told us this was Italy. We paid around 3,000 euros per person for this crossing.‹ The soldiers took us to a military building and gave us water and bread. A doctor came and looked after the sick and injured. The soldiers said to us: ›You don't need to be afraid. You will go into a camp on Chios. There everything is OK – you will have no problem.‹ We walked about 100 metres to a small harbour. A small ship belonging to the coast guard was moored there. The boat was white; the three policemen on board wore blue clothing but no hats. We were ordered to form groups of five. The first group was made up of five women. This group was taken to a large ship that was moored around 200 metres away. This ship was dark blue. The police on board were armed and had emblems on their sleeves. They wore no hats. I arrived with the last group – we were seven people – on the big ship. Everyone was sitting on the floor and seemed terrified. There was a boy a little apart from the group. His shirt was pulled over his head. His upper body was bent far forward. I found out later that the boy was 17 years old, and that during a search they had found a knife on him. As soon as I got on the large boat, I was beaten. Several times they hit my head against the railings. I was ordered to ask the others if they had knives. All answered my question with a denial. Three policemen grabbed me by the arms and neck and took me to the other side of the ship. The other refugees couldn't see me. I was behind the ›big ball‹ and the bridge. I was confronted with the same questions. One of the policemen ordered the other two to leave. He said to me: ›I will kill you if you do not tell the truth.‹

I answered: ›I will tell the truth, please don't hurt me.‹ He grabbed my head and bashed it against the railing again. I begged him to believe me. I asked him for some water. ›There is no water here. Tell me the truth or I will hurt you.‹

I was taken to another part of the boat. On the way I saw a man on all fours, crying for help. The man's mouth seemed totally parched. I saw a policeman hitting him with an electric stick. I said to the policemen: ›Don't hit him anymore.‹ I was pushed away and hit.

I was taken back to the group. There were four policemen present and I was ordered to translate. The questioning was conducted by the policeman who had already beaten me several times.

The three questions were: ›What is your name? What did you eat yesterday? Are you married?‹ Then he asked me my shoe size.

Refugees who laughed were beaten immediately. Then he asked everyone the same questions twice. And then later: ›How did you get here? Who is the captain?‹

I was then brought to another place. I had to kneel down. One policeman stood behind me while two stood in front of me. The one behind me hit me with a stick on the head, deliberately and hard. He hit me on the crown of my head repeatedly with the stick. I tried to protect myself with my arms. Then he hit my arms. I tried to look behind me, and he started hitting me again. The two policemen in front of me were armed and showed me their weapons while I was being beaten. They looked at me very seriously. They said: ›We are going to kill you.‹ The expression on their faces was terrifying. I was very scared. The other policeman – a fat one – came up to me and said into my ear: ›Tell the truth. These two policemen are very dangerous. They will kill you. My friend, I don't want you to get into trouble. Just tell the truth and nothing will happen. But be careful, whatever happens will happen to you and not to the others.‹

I smiled and one of the two policemen kicked me in the chest. They grabbed me by both shoulders and pulled me up sharply. I was beaten again and taken to the back of the ship – the engine room. The others from the group couldn't see me and probably couldn't hear me because it was very loud in the engine room.

One of the policemen ordered me to look at him. He pulled his gun and pressed it down on my head. I didn't see the weapon, but I could feel it: ›Tell the truth!‹ –



then I heard him take the gun off the safety catch and a shot was fired in the air. I discovered later that the others had heard the shot. They thought I had been killed.

Then the policeman gave me paper and a pen. He ordered me: »Draw the big ship that brought you from Libya.« He wanted to know how many of us there were, how long the journey had lasted and how we got into the small boat. He asked me the colour and the name of the boat. I answered: »I don't know.«

Then they brought a plastic bucket full of water. I was kneeling the whole time.

»Do you see the water?« My arms were pressed together behind my back, held by one of the policemen. The other policeman put his hand on the nape of my neck and pushed my head down into the water; I couldn't breathe anymore. I was only pulled up after some time.

»Do you now know the colour and name of the boat?«

I said 'no'. He punched me twice in the face. The policeman behind me grabbed my arms again. I wanted to take a deep breath of air. The policeman in front of me asked »do you remember now, or not?« I said no again. He grabbed my head and pushed it into the water. I was absolutely terrified. I thought I would not survive. When I came up again the policeman again asked, »so you don't remember?« I repeated that I did not.

So then the policeman took a plastic bag and put it over my head. With one hand he tightened the bag around my neck. I couldn't breathe anymore. They repeated the process of the plastic bag three times – every time they asked the same question. Then a policeman signalled with his hand: that's enough.

A young man who was somewhat mentally retarded was afterwards also taken to the back of the ship. I could observe this. He was also given paper and pencil in order to draw the ship. He was also asked to give the colour and the name of the ship. The boy pointed at the white rubber gloves belonging to the policemen. I told the policemen that the boy was not in a position to be able to answer their questions. A policeman also showed the boy his weapon. The boy was shaking all over. I said to the policeman: »The boy is half crazy, ask his father.« They then let the boy go and took another person from the front – a man of 21. He was also questioned and his head ducked into the bucket. He also had the plastic bag put over his head. Then they took another man (a roughly 30-year-old Palestinian). He was confronted with the same questions, three times ducked into the bucket, and three times the plastic bag over his head. We were all utterly terrified.

The whole time the ship had been moving very slowly and suddenly it sped up. A policeman asked me: »Where did you learn English?« I informed him that I had worked with tourists. »We are taking you to a camp now. Everything will be all right. We know that you are lying, but you lie well.« The three other men and then later I myself were then taken back to the group (front part of the boat). A policeman ordered me to tell the others: »Do not talk about what happened here. If you do anything wrong, we will kill you.« I translated this. The people said: »OK«. He told me to make it clear to the group that they should agree louder and clearer. The whole group screamed: »OK«.

A policeman brought the bucket and ducked my head into the water in front of the whole group. I could not breathe. The policeman made it clear that he would do the same thing to the others if they were not silent.

We were all totally shocked. We could not believe what had happened here. I found out later that the majority of the group had been beaten immediately after boarding the ship. The policemen took away their mobile phones and belts.

When we arrived in the harbour at Chios I was informed that I would be the translator for the registration of the group.

### **Transcript of a conversation with A., aged 29, a Palestinian from Lebanon**

(sustained a broken rib during capture by the coast guard), recorded by Elias Bierdel in Samos on 8 August 2007, the contents of which are the same as those in conversations recorded by the lawyer Marianna Tzeferakou (Athens) and Karl Kopp (Frankfurt) on Wednesday 18<sup>th</sup> July and Thursday 19<sup>th</sup> July in the Samos detention centre.

»There were 22 of us. The Greek coast guard came while we were on the open sea. They pulled us on board, one after another. First of all, a 17-year-old. He was called Mohammad Fandi. They beat him up straight away. The others were scared and jumped into the water. They pulled us out and then the beating and shooting started... they beat me up and broke one of my ribs. We had to lie down flat and they stood on us. All that happened on the coast guard boat. No sooner were we aboard than they started pushing us around and beating us. One of you is the captain, they said, but that wasn't true. He had paid for his crossing just like everyone else. No, they said, him there! He's the smuggler, who brings these people into the country! They put him in prison (later), I think for seven years. The one who hit me, he

was a huge muscular bloke – very strong, with rather long hair. He had the same uniform as the others, dark blue. There were four of them on the boat. They were armed. They removed the safety catches from their weapons and then they shot into the air. Then they pressed the hot barrel into our backs ... it made a hissing sound, because our clothes were wet. In the harbour they took us one by one off the boat and put us into the coast guard's building. The one who had hit me ... even after a hundred years, I would still recognise him. Only two of us were so badly injured: me and the ›captain‹, they kicked him in the face with their boots, till he was no longer recognisable.

On the second day I wanted to be taken to hospital for examination. And I said that I had been badly beaten. But the doctor in the camp didn't let me. She said it wasn't her decision. And then she just gave me some painkillers, for 10 days. But the whole time I was coughing blood. On the 11th day I had such a lot of pain that I went back to the doctor ... She gave me some more painkillers. I wanted to go to hospital, I wanted to pay for it with my own money, but she would not let me.

On the 25th day, Marianna was there (the lawyer, Marianna Tzeferakou) from Athens, they were able to get me into hospital. There I had x-rays, but they didn't give me the pictures.

I was coughing blood for 27 days, every morning. They kept me in hospital for a week, then I was sent back to the camp. I was locked up for 92 days – on Monday 6<sup>th</sup> August 2007, they let me out.

I came here from Lebanon to save my life. Now I want to stay here and live in freedom – without disturbing anyone and without being disturbed by anyone.

I am married – I left my wife and three children behind. I phone them every day. The situation at home is catastrophic. Our home is destroyed, so is my father's house. It was blown up by the army with rockets. Before we were fine, we had a shop and we worked hard. Now I want to start again in Europe. I will work and then I'll bring my family over, as they are in great danger.

### **Conversation with an officer about the deployment of his patrol boat**

*Question: What's the command when a boat is sighted?*

Officer answering: »Send it back!« If it's near to the maritime boundary, then the boats are ordered to turn back. If necessary, we pull them over with a rope ... At night it's like this, if we find them close to our coast

and they don't slash their boat, sometimes we take them back. But sometimes they turn up in daylight. And if they don't destroy their boat, that's their mistake! Then we shove them back in their boat and take them back to the Turkish coast or put them on a Turkish island. Of course that's not official, the Turks mustn't find out. Either we tow them in their own boat, or we take the boat and the people on board. Then we sail into Turkish waters, put down the boat and stick the people in ... «

*Question: What happens if there are dead or wounded?*

Officer answering: »Of course there are accidents. Mostly they're caused by bad weather. If we've got a north-easterly then the sea over on the Turkish coast is quite calm, because you've got the mountains behind. Then the people set off, and suddenly the waves get really big. Many of these people can't swim, you see. If they fall into the water they drown. Then it depends on the currents whether the bodies are washed up here. Sometimes fishing trawlers find skeletons or body parts in their nets.«

### **Personal notes of Mr. Z. from Iran. His wife and 5-year-old daughter have been deported illegally from Greece to Turkey in March 2007.**

Being separated about 4 years from my family and spending nearly 3 years in Greece, and facing the wrong asylum system, and keeping refugee for long time process, eventually I decided to get my family here in Greece. But after the arrival of my family at the border Alexandroupoly at 10 o'clock in the night, in 18 March 2007, they were caught by the Greece guard at the border and had been treated badly. The Greek authorities kicked my kid down a hill. They had been searched for what they have along. Some precious books and other unique documents were taken by the guards. No food services during the custody. My wife constantly asked them (in broken English) and by interpreter to contact me from there. But she was not allowed. She told them all the time that her husband is officially registered in Greece (refugee) and that they are Kurds and need protection. During the time my lawyer (by Medical Rehabilitation Centre for Torture Victims) and I, were sending fax and were calling non stop to the place they were in. Unfortunately, there was no response. On Monday 19 March 2007 (evening) the responsible person for refugees in the Ministry of Public Order answered

officially to my lawyer, UNCHR and the Greek Ombudsman that there are no mother and a 5-year-old child detainees in the area of Alexandroupolis or Orestiada.

But at the morning of Tuesday 20 March 2007 at 5 o'clock, they were secretly sent by the Greek authorities back towards the Turkish border. The guards were very harsh to them and threw my kid inside the river. Then they had been forced to go towards Turkey. My wife had to pay 100 dollars to an Algerian to carry my daughter. And after 4 hours walking without knowing the direction, the Turkish police caught them and sent them to the prison in Edirne.

With co-operation between UNHCR in Greece and UNHCR in Turkey, while they were going to be sent back to Iran, they were located and they could stop the deportation process.

At the prison, there is no opportunity for taking a shower, no clean bathroom, and no good air condition, no heating system, no good food, no hygiene services, no fresh air.

The guards hit the women detainees with sticks very badly.

It is not allowed for the detainees to go out of the cell to see the sun. Even though my six-year-old kid has had a heart operation because of paediatric allergy (PDA), has anaemia and is supposed to have red meat every day and to have enough movement with fresh air. And my wife had to make hot water by an electric tea kettle and had to boil it several times to have enough hot water just to make their body wet. Because of too many people in there, there are not enough rest rooms and showers. People have to stay in a long queue for using them. Most of the prisoners are smokers, and non-smokers undoubtedly have to become second hand smokers (especially for the children). Because of dirty blankets which they are using, my dearly daughter had got some red spots all over her body. They have to suffer for not having a heating system, constantly having cold and chilly nights. One Somalia woman-detainee had tuberculosis. All this time there was no doctor visit and no medical examination, although my wife told the official from the Turkish government, who interviewed her, about the health problems.

In every cell there are about 50 detainees. All of them are deported by the Greek authorities. They are Iraqis, Kurds, Iranians, Arabs, Somalia's women etc. Most of them face medical problems.

Every 2-3 days more people come to Edirne in detention. A lot of them are deported back to their countries, even to Iraq and Iran. Eventually after two months in 16 May 2007 my family was released from prison after being acknowledged as refugees by UNHCR and are sent to a Turkish city that is called Amasya, without any support and any protection. And they are charged about 400 Euros for being imprisoned, they are forced to sign five days a week to show they haven't left the city. During this period on 26 April 2007, I had an interview with the Greek asylum office, and since then I have no answer for my claim. Am I acknowledged by Greek authorities or not? Still after 4 years I am not able to see my family. By article 23, paragraph 1, fundamental human rights ›the family is the natural and fundamental group unit of society and is entitled to protection by society and the state‹. The mentioned fact above shows the cruelty of both Greek and Turkish ruling toward a child and a defenceless woman.

As a human being, as a father and a husband, as a political refugee and religiously persecuted person (none Muslim) that has to flee from the hand of a bloody regime (Iran), my questions are:

How long it will last?

What will happen to their life and my life?

Who wants to take responsibility for this action?

When will I be able to get my right?

When will I be able to be reunited with my family?

Has Greece signed the International Covenant on Civil and Political Rights at all?

58 There is a file containing a medical report at the Medical Rehabilitation Centre for Victims of Torture in Athens – the following report is in accordance with the recording of an interview in the detention camp in Chios: Visit of Marianna Tzeferakou, Natassa Strachini and Karl Kopp on 16 July 2007 from 6pm till 8pm.

# Appendix:

## Results of the journey from 4 - 8 October 2007

From 4 - 8 October 2007 Günter Burkhardt and Karl Kopp (PRO ASYL) met in Mitilini (Lesbos) with representatives of the asylum lobbies from Lesbos, Chios and Samos, and representatives of the Group of Lawyers for the Rights of Refugees and Migrants in Athens. On Friday 5 October, representatives of the Asylum lobby from Lesbos, Karl Kopp and Günter Burkhardt visited the detention camp Mitilini. The police made it possible for us to see the camp and to speak at length with prisoners. On 7 October 2007 lawyer Marianna Tzeferakou, lawyer Natassa Strachini and Günter Burkhardt conducted further interviews with individual refugees.

The outcome of these interviews was: The violation of Human Rights that occurred in June and July 2007, documented in the above report, continues. It would appear that this is systematic.

### 1. Refoulement at sea

*Report of the Afghan youth A., 14 years old*

»They stopped our rubber dinghy and took us on board. They started to hit us straight away. They took away my mobile phone and looked into my mouth, even in intimate body parts. All the money I had was taken away from me. In front of my eyes they threw the holy book [Comment: The Koran] into the sea. Then they took us in the direction of Turkey and put us on an island. We were there for one day – without food, without water. A fishing boat went by and gave a signal. The Turkish coast guard then came and picked us up and took us to prison. After a day we were allowed out and went to Istanbul. Luckily, the next attempt to get to Greece was successful.«

*Report of the Afghan refugee C., approx. 23 years old*

»I was already in Mitilini – three hours long. Then other police came, I had to get into a car and we drove off, through the mountains to another coast. From there I was taken back to Turkey in a small boat.«

### 2. Blows and Abuse

»If I ask for salt they threaten to send me back to Turkey. I am afraid to speak freely, get me out of here« begs D., refugee from Iraq. He complains about the abuse in the camp: »We have no clean water, we are not allowed in the yard, there is only a cold shower, the toilet does not work.«

Finally D. plucks up courage and dares to report further. He points to his teeth. On the right side he is missing two molars.

»They were knocked out at sea«, he whispers. He complains that the coast guard took 500 Dollars and his mobile telephone from him. »All my telephone numbers were saved in it. I cannot even let my parents know, they will think I died at sea«, he says.

In the camp there are telephones but they are not within reach for the inmates. They are outside the hangars in the yard, where the refugees are not allowed.

### 3. Refusal of Medical Help

In fluent English the Iraqi refugee C. reports; »I had to leave Iraq. I was working as computer specialist for the ›coalition‹. That's why I became a target for attack. I was injured by a bomb attack; I still have splinters in my stomach.«

He also reports that he has pain in his kidneys and urgently needs medicines. The refugee supports himself on crutches; we speak to him also through the grilled door of the warehouse.

»I need a doctor again, help me get out of here«, he says. He has been imprisoned for nine days.

When we returned with the lawyers on 7 October 2007 he was still in prison. The physical examination promised on 5 October in the hospital did not happen. Mr C. was allowed to leave the warehouse to speak with us. Laboriously he dragged himself on his crutches to the bench in the yard where we conducted the interview.

In this warehouse there are more sick people. The refugees ask us to make sure that one of them, suffering from epilepsy, can be treated and is allowed to leave the camp. There is also a refugee suffering from diabetes imprisoned here.

#### **4. Conditions of degradation in the camp**

The detention camp Mitilini is made up of warehouses. There are four warehouses for the male refugees. 40 to 50 are locked up in each hall. The sanitary facilities are defect and flooding. A dirty brew of sewage flows through the doors into the yard.

The refugees at first ask only one thing: »Please make sure we can get out into the sun for at least an hour each day. We have all become ill, we need fresh air. Help us«, they appeal. We confront the policeman accompanying us with these statements. He claims that the refugees are allowed into the yard every day. The exact opposite of what the refugees reported. »I have been imprisoned for 17 days without having been allowed out once«, says a refugee.

«How long do I have to stay in prison? When can I get out?», he asks us. A question for which there is no answer.

#### **5. Pregnant women, babies, small children and minors are imprisoned**

On the second floor of the building there are two large warehouses for women, children and juveniles. In the left hall are youths and young men from Afghanistan. We are allowed into this hall to talk to the refugees. Many of them are walking around barefoot on the concrete floors. As they were fleeing at sea in the rubber boats they lost their shoes. There are no new shoes or change of clothes available. Around a third of the refugees are under 18, the youngest is just 14 years old.

In the right hall are the women and small children. At the time of our visit there are nine women there. One of them is heavily pregnant. Two other women are breastfeeding mothers with babies of around 3 and 9 months. There are also five small children between the ages of 4 and 6 detained in the warehouse. One of the children is ill. We manage to ensure that the mother and her two children can be taken to a doctor. One of the mothers asks for shoes for her child. Another woman shows us her child. It has a very bad rash and needs medical help.

With wringing hands one of the Afghan women who has a baby begs for help. She and her husband – who is separately detained from the family in the male compound – want to get to Germany. Her brother in law lives there. She asks if Germany would take her in.

In this warehouse the sanitary facilities are also defect. Sewage flows from the shower and lavatory into the hall where the beds are set up. Around 20 square metres are covered in it. It stinks terribly of sewage. The women are desperate for help. They ask if we could at least secure the release of the heavily pregnant woman.



# List of abbreviations

**CAT** UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture)

**CRC** Convention on the Rights of the Child.

**Dublin II Regulation** Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national

**ECHR** European Convention for the Protection of Human Rights and Fundamental Freedoms

**ICCPR** International Covenant on Civil and Political Rights

**Reception Directive** Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers

**Refugee Convention** Convention relating to the status of refugees

**UDHR** Universal Declaration of Human Rights

**UNHCR** United Nations High Commissioner for Refugees

**PRO ASYL** is a human rights organisation. The nationwide working group **PRO ASYL** comprises representatives of refugee councils, churches, labour unions, welfare organisations and other human rights groups. We are advised by the UNHCR representative in Germany. **PRO ASYL** is based on the »Förderverein (Friends of) **PRO ASYL**« which at present has more than 13,000 members.

The most important activities of **PRO ASYL** are: Providing assistance in individual cases, cultivating public relations, researching, supporting local groups, funding legal aid, instigating ongoing action and enhancing European cooperation.

**Edited by:**

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