



Walls of Shame

ACCOUNTS FROM THE INSIDE:

THE DETENTION CENTRES OF EVROS

stiftung
PRO ASYL

PRO ASYL
DER EINZELFALL ZÄHLT.



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1. Main Findings

Greece has been repeatedly criticised for its human rights violations, specifically for the appalling detention conditions for immigrants in the border region Evros. Most important human rights institutions and organisations have published reports condemning the fundamental deficits in the Greek reception and protection system.

Following this harsh criticism, the Greek government declared its commitment to improve the asylum and reception system and therefore announced a national Action Plan 2010. However, so far there have been almost no improvements. Human rights violations continue. What we have observed in Evros area is a multilevel deterrence system implemented by the Greek police and Frontex. The detention in Evros is synonymous with brutality, despair and dehumanisation. In this case, calling an emergency of «mass-immigration» has given the Greek government and the EU an excuse for violating human dignity.

Access to European territory, access to international protection

■ The Greek government has begun to construct new physical barriers – a 130 km long moat and a border fence – in order to keep any migrants from entering its territory. These barriers will not keep people in need of international protection from trying to cross the border. Instead, they increase the danger of border-crossings and can lead to more persons losing their lives while trying to reach European territory and international protection.

■ People lose their lives while trying to cross the borders. The survivors stay in detention without proper care.

■ Access to international protection is not guaranteed in the Evros region. Protection seekers who have entered Greek territory often cannot file an asylum application with the responsible authorities and are deterred from doing so.

Lack of legal safeguards and remedy

■ All new arrivals are automatically put into detention, without any individual assessment of the case.

■ A system to clearly identify age, nationality protection status or vulnerability of new arrivals does not exist. Consequently, there is no adequate treatment or referral for particularly vulnerable persons, such as unaccompanied minors, victims of torture etc, or protection seekers. There

are cases of wrong nationality and age assessment, while there is no provision to challenge the procedure regarding this decision.

■ Asylum seekers are automatically detained. Regularly, they are being detained for the maximum detention period of up to six months, longer than persons who have not applied for international protection. Detention functions as a deterrence measure for applying for asylum.

■ Migrants and refugees are deprived of basic rights in detention. There is no access to effective remedy against deportation and detention. There is no legal aid, no information, no interpretation.

Readmissions and risk of refoulement

■ The authorities automatically issue deportation orders against almost everybody without any individual assessment of the case.

■ There are cases of removals of people who have requested international protection.

■ Amendments of the Readmission Protocol between Greece and Turkey facilitate the deportation to the country of origin via Turkey without respect of the international obligations and exposing the readmitted to further violations in Turkey.

■ There is a risk of direct or indirect refoulement in violation of human rights law and the principle of non-refoulement.

No adequate treatment for vulnerable groups

■ No adequate reception conditions are provided for vulnerable cases and people in need of international protection during detention and after release.

■ Vulnerable cases such as mental or physically sick or victims of torture stay in detention which deteriorates their health condition.

■ Unaccompanied minors continue to be in detention under deplorable conditions. In praxis, they have no legal representation. There are not enough reception centers and the existing ones do not provide address the basic needs of the underage adequately.

Detention conditions and police violence

■ Detainees continuously protest against detention demanding human rights and dignity. Instead of being heard in most of the times the authorities repress violently these struggles.

■ Police violence in detention has been often reported during our missions. There is no effective complaint mechanism, no protection of the victims and impunity for the perpetrators.

1.1. Methodology and scope

This report is based on data collected during our missions from August 2010 until October 2011¹ in the detention centres of the Evros region (Feres, Tychero, Soufli, Fylakio). In this period we have met 200 detainees, focusing on vulnerable groups (unaccompanied minors, sick people etc), asylum seekers, people in risk of being readmitted or whose deportation is feasible and/or whose registration of nationalities were clearly incorrect.

We collected qualitative data, through individual interviews conducted by the two lawyers separately and each of them together with one of the two interpreters (Farsi/Arabic/Kurdish). The interviews were carried out both with people in detention in Evros and after their release in Athens.

We provided legal aid and legal representation to those in need², and further follow up of the cases upon release in Athens. In addition we conducted interviews with UNHCR representatives as well as with other personnel working in the area (lawyers of the Greek Council for Refugees (GCR), staff of Medicines sans Frontiers (MSF), psychologists and nurses working for the Ministry for Health and Social Solidarity).

The missions and the follow-ups have been completed with the support of the Greek Refugee Council (GCR) and specifically with the help of its lawyers in Evros. Additional information was drawn from research carried out by the Infomobile.³

Furthermore, our co-operation with lawyers and activists in Turkey (Multeci Der⁴ in Izmir, Helsinki Assembly⁵ in Istanbul and members of Kayki-Network) was essential, both for understanding the situation of detainees and people in need of international protection in Turkey and for the follow-up of specific cases of people returned from Greece to Turkey according to the Readmission Protocol between Turkey and Greece.

One of our aims was to understand the changes brought to the Greek asylum system, during the transitional procedure established by the new Presidential Decree 114/2010 and the deployment of Frontex and specifically the RABIT unit, in Evros region which is the main entrance of migrants to European territory and which by itself presents further regional particularities.

Additionally, it was of special importance to gain a deep and long-term insight into the situation migrants and refugees face inside the detention centres of Evros and evaluate if there are any changes following severe international criticism about human rights violations in the area.

1 Strachini & Tzeferakou in Soufli and Fylakio (August 23-26, 2010); Tzeferakou & Stroux in Ferres and Tyhero (November 18-19, 2010); Tsapopoulou, Tzeferakou, Stroux in Ferres, Soufli, Tyhero & Fylakio (December 18-23, 2010); Tzeferakou, Stroux in Soufli and Fylakio (February 28-March 2, 2011); Tsapopoulou, Tzeferakou & Stroux in Ferres, Soufli, Tychero, Fylakio and Venna (April 11-16, 2011) and Tsapopoulou, Tzeferakou, Stroux in Ferres, Soufli, Tychero and Fylakio (October 7-16, 2011).

2 Legal aid was provided for: registration of asylum claims, recourse against detention, appeals to the European Court for Human Rights, appeals against rejection of asylum claims, instances for the correction of incorrectly registered nationalities etc.

3 <http://infomobile.w2eu.net/>;

<http://infomobil-w2eu.blogspot.com/>


4 <http://www.multeci.org.tr/>

5 <http://www.hyd.org.tr/?sid=23>

2. Evros in the context of Greek and European Migration Policy (2010-2011)

»But we need the whole package – the reform of the asylum system and the fence, the detention and first reception centres. A clear message for the international community and especially for the countries of origin of these people, that Greece is not a transit place on their way to Europe and cannot become the Promised Land for those who want to leave their countries and come to Europe.«

Mr Christos Papoutsis, Minister of Citizen Protection
May 18, 2011, press conference⁶

 Greece, situated on the crossroads between Asia and Europe, covers a large part of Europe's external borders. Since the decrease of migration flows through southern borders in Spain and Italy from 2008 onward, it receives a great part of migration into the European Union by people seeking protection and a dignified life. Particularly the Evros region, has become the main hub of migration into Europe since 2010 with a daily number of 250-300 arrivals the majority of which were arriving in the North.⁷

At the same time more and more migrants are stuck in limbo all over Greece but mainly in Athens without any support or perspectives for the future. »When I see other refugees in detention centres, I feel we have something in common. They are confined in small cells, I am imprisoned in a big one called Greece,« says I. ••a young Afghan man who lives in Greece.

Over the past few months, and also in previous years, Greece has been thoroughly observed, criticized and con-

demned, by the European Committee for the Prevention of Torture (CPT), by the United Nations Committee Against Torture (UNCAT), the Fundamental Rights Agency of the European Union (FRA) and by international NGOs (such as Amnesty International and Human Rights Watch).

With the ruling of the European Human Rights Court in several cases against Greece and particularly *MSS v. Belgium and Greece*, many European member states had to accept that the situation in Greece has deteriorated to such an extent that transferring migrants to Greece could violate their human rights and, thus, that transfers to Greece under Dublin II Regulation⁸ were suspended by almost all European Member States until further evidence.⁹

Greece is not considered a »safe country« for refugees anymore and the idea of common asylum standards in Europe – a fundamental basis of the Dublin Regulation – is revealed to be non-existent. Nevertheless the obligation of all European states for the protection of people in need and respect of human rights still exists.

2.1 The Greek asylum reform: Where are the improvements?

In autumn 2010, Greece submitted its National Action Plan for Migration Management to the European Commission in an effort to respond to many years of international criticism on its overall dysfunctional migration and asylum policy.¹⁰

6 http://www.minocp.gov.gr/index.php?option=ozo_content&perform=view&id=3660&Itemid=499&lang

7 UNHCR Greece 2011: The situation of refugees in Greece (June 16, 2011); Statistics of the Greek police concerning immigration 2011: http://www.astynomia.gr/index.php?option=ozo_content&perform=view&id=5071&Itemid=429&lang=

8 The Dublin II regulation was adopted in 2003 and has been ratified by 30 European countries. It is the European Union law that determines the EU Member States responsible to examine an application for asylum seekers seeking international protection and provides for the transfer of an asylum seeker to that Member State. Usually, the responsible Member State will be the state through which the asylum seeker first entered the EU. It is the corner stone of the Dublin System, comprised of the Dublin Regulation and the EURODAC Regulation, which establishes a Europe-wide fingerprinting database for »unauthorized« entrants to the EU and leads to thousands of inner-European deportations each year.

9 National courts in all over Europe and the European Court of Human Rights have stopped in several cases deportations to Greece in 2010: UK (September 17, 2010), Netherlands (October 6, 2010), Belgium (October 10, 2010) and Norway (October 12, 2010). In Denmark more than 200 deportations to Greece were stopped since the summer of 2010. The decision of the European court is still pending and it announced it would stop any other deportations until the case is not closed. Concerns were raised also about Italy, Malta and Hungary. A number of national court decisions halted deportations to these countries.

10 On August 25, 2010 Greece submitted its National Action Plan for Migration Management to the European Commission. The Action Plan set out the complete strategy of the Greek government for managing migration, encompassing the screening of irregular migrants, the new asylum system, detention, repatriation and returns. The strategy included initiatives affecting vulnerable groups, which have been developed in partnership with the Ministry of Health.

In the context of the Greek asylum reform the transitional Presidential Decree 114/2010 on asylum determination procedures entered into force (until the establishment of the new asylum service).¹¹ It reintroduced the Appeals Board into the asylum procedure and other provisions, dealing with the heavy backlog of a reportedly 47,000 pending asylum appeals.

In January 2011, the new Law 3907/2011 was passed. It provided for the establishment of an Asylum Service and a Service of First Reception, adapting the provisions of the European Directive 2008/115/EC, concerning common rules and procedures in Member States for the return of illegally staying third-country nationals.

Until now no substantial change in the asylum procedure took place. Neither the Asylum Service nor the Service of First Reception is yet in function. The asylum procedure remains to be under the orders of the Ministry of Protection of the Citizen – which basically means under the auspices of the police – and is still dysfunctional and ineffective. The access to international protection is restricted and in many cases fully denied. Even in Athens the situation of accessing asylum procedures has not improved at all. People in need of international protection still cannot have access to the building of the Aliens Police in Petrou Ralli Street and face imminent danger of deportation back to the country of origin, where their lives are in danger, or to a third country, facing further violations. No identification procedure takes place to protect vulnerable cases. Minors remain without legal representation and protection. Asylum seekers have no access to reception conditions or social support, facing degrading living conditions. Given the deep financial crisis and the cutting of wages and social rights, as well as the rising percentage of unemployed, surviving in Greece becomes ever more difficult. The detention conditions in Greece continue to lack basic safeguards and violate the essence of human dignity itself.

In a public statement Mr. Papoutsis announced that since February 2011 and until the end of July 2011, when the Appeal Boards established by the PD 114/2010 became operational, 848 appeals from the backlog had been examined together with another 411 new appeals in-

creasing the recognition rate to an impressive 12,35 % from less than 1 % in the previous years.¹² This is obviously an improvement. The Minister however, never mentions the statistic trick, that among this 12,35% are people (basically originating from Iraq, Iran and Afghanistan) whose claims were pending over the last 10 years and it was easy to predict, that they were in need of international protection according to the Geneva Convention, the Directive or due to the long lasting residence in Greece.

It is obvious that so far, there have been no substantial improvements in the asylum procedure and in the detention or reception conditions in Greece and there is no protection for those in need. The deep economical and social crisis affects the asylum reform program in a negative way and further deteriorates the lives of the people.

2.2 The humanitarian crisis in Evros and the military response

The developments in Evros region are paradigmatic to understand the direction taken by the Greek government in its migration policy.

While the percentage of border crossings through the Evros region was on the rise, the Greek government held meetings with its Turkish counterparts in order to strengthen and improve cooperation in border management and to better implement the bilateral Readmission Protocol.¹³ In the following months deportations to the countries of origin and readmissions to Turkey were systematically increased. In a second step during summer when the number of arrivals reached a peak, the government decided a policy shift on the local level, in order to stem the flow of irregular migrants in the Evros region, by adopting measures discouraging border crossing, such as extended detention periods of those whose deportation is feasible and of asylum seekers. The consequence of these local policies were overcrowded detention centres, further deteriorating the already inhuman and degrading detention conditions as well as multiple human rights violations upon the very first step into Greek, thus, European territory.

11 The decree retained the police as the competent authority for the initial examination of asylum claims;
See: http://www.yptp.gr/asylo.php?option=ozo_content&perform=view&id=3474&Itemid=465&lang=

12 http://www.minocp.gov.gr/index.php?option=ozo_content&perform=view&id=3790&Itemid=513&lang=

13 In 2002 the Foreign Ministers of Greece and Turkey signed a

Readmission Protocol on the detailed co-operation procedures between the Ministry of Public Order, in Greece, and the Interior Ministry, in Turkey, for the readmission of citizens of either country or of a third country, who enter either country unlawfully pursuant to the »Agreement to combat crime and especially terrorism, organised crime, illicit drug trafficking and illegal migration« signed in 2001.

The dramatic upsurge in border crossings in the region in 2010 and the Greek state's inability or unwillingness to deal with reception and protection conditions led to what the Greek UNHCR Office declared to be a »humanitarian crisis«.

Only a few months later the Greek government called for help to all EU Member States, as »it struggles to cope with a growing tide of illegal migrants entering the country from Turkey«. The Member States reacted immediately by making available both human and technical resources to support the Greek Border Police. A total of 175 guest officers were deployed from 24 member states and Schengen-associated countries under the auspices of the first so called RABIT deployment coordinated by the European border agency Frontex¹⁴. The RABITs started their mission on November 2, 2010, further contributing to the militarization of the region. The main objective of the RABIT unit that was activated for the first time was to collaborate with the Greek border control authorities for securing the land border with Turkey through joint surveillance and border controls. Additionally, Frontex provided for interviewers to assist in the screening of apprehended migrants in order to assess their nationality and identity, as well as debriefers for gathering evidence on the involvement of smugglers' networks and other relevant intelligence on cross-border criminal activities.¹⁵

The figures presented by Frontex for the first period since their deployment in the Evros region, were proudly portrayed as a success in decreasing arrival numbers: »Detections of illegal entry at the Greek land border with Turkey have fallen by 44% since October and we hope to see continued benefits from the ongoing efforts of the 26 member states involved. However irregular immigration cannot be effectively managed with short-term solutions«, stated Ilkka Laitinen, executive director of Frontex, justifying its presence and role to the Greek and European public. However, it must be noted, that as Greek authorities have stated in the past, arrivals in the Evros region decrease

14 RABITs: The Rapid Border Intervention Team of Frontex was established in 2007 but its deployment in Greece is also the first time it comes into action. See: http://www.frontex.europa.eu/rabit_2010/background_information/

15 According to Human Rights Watch (2011) the screenings are conducted in detention facilities in Evros. »Human Rights Watch observed three nationality-determination screenings conducted by one Frontex interpreter and two Frontex country experts. We observed Greek police bringing detainees to the Frontex team and not remaining during the course of the interviews. The three interviews that we observed in Tycherio detention facility did not include any Greek police personnel and were carried out exclusively by Frontex agents.« (Human Rights Watch 2011: The EU's Dirty Hands. Frontex Involvement in Ill-treatment of Migrant Detainees in Greece. p. 41). »In the absence of a clear agreement that displaces Greek



Frontex officers patrol the border and do the registration of nationalities and age

anyway during winter due to difficult winter weather conditions.

The militarization plans of the Greek government continued on January 3, 2011, when Citizens Protection Minister Christos Papoutsis announced that authorities plan to build a 12,5km fence along Greece's land border with Turkey¹⁶, in an effort to curb a seemingly endless influx of migrants. This announcement was set in a period when the Greek media had already adopted a strongly anti-migratory agenda, affecting the public's opinion negatively.

During the next months, while the number of apprehended irregular migrants severely decreased in all other border areas (-90 %), Evros remained the only one with increasing numbers (22,13 %), with Alexandroupolis constituting the new main hub of irregular migration (with an increase of 237,87 %)¹⁷.

In March 2011 the extension of the Frontex mission was announced as well a deployment along the Greek-Bulgarian border, according to the European Home Affairs

authority over the patrols, primary responsibility for what happens during the patrols would normally fall on the Greek authorities because the patrols take place on Greek sovereign territory.« (ibid)

See also the ECRE report on the role of Frontex 2007: http://www.google.gr/url?sa=t&source=web&cd=4&ved=0CDYQFjAD&url=http%3A%2F%2Fwww.ecre.org%2Fcomponent%2Fdownloads%2Fdownloads%2F61.html&rct=j&q=is%20it%20clear%20the%20legal%20status%20of%20frontex%3F&ei=pKiaTrjdHYuChQfm7tmZBA&usg=AFQjCNGGXSwktDikOU_wtFbBHIF46ogFrA&cad=rja

16 This is the only section of the 206 km long border that does not go along the river Evros.

17 Morou, Argiros 2011: Increase 238% in Alexandroupolis. In: Eleftherotypia July 23, 2011: p. 21.

Commissioner Cecilia Malmström, who described the RABIT operation as »a concrete demonstration of European Solidarity«.18

Almost at the same time, massive sweep operations took place in Patras, Igoumenitsa and Athens, followed by a growing public discourse about the ghettoisation of Athens inner city, based on the presence of high numbers of migrants, interconnected – according to the media and the government – with criminality, which lead to an escalation of racist violence in Athens.19

In this heated atmosphere the Citizens Protection Minister Mr. Papoutsis reconfirmed the plans for the construction of the »wall of shame«20 in Evros and the creation of new screening centers in the region21, while the Hellenic Army General Staff began digging a moat in July 2011, officially characterized as an »anti-tank trap«, which will also serve as an additional technical barrier for those trying to enter Greece.22 In its final form, the moat is planned to be 120km long, 30mt wide and 7mt deep.

On September 7, Mr Papoutsis gave details of the new National Border Management Program and the government's plans to tackle »the problem of illegal migration« concluded in cooperation with the European Committee. The plan is scheduled for implementation in the near future with an estimated budget of 275 million euro23

The European Parliament on September 13, agreed to extend the powers of Frontex, Europe's border agency. The agency will also be able to sign agreements with non-EU countries on repatriation of irregular migrants and provide them with technical assistance.24

Furthermore, as far as it concerns Greece and specifically the Evros region, the role of Frontex remains dubious.

There are many actors involved in the procedures of border patrols and screening, so ambiguity over the respective roles and responsibilities creates a gap in accountability and potentially permits impunity.

2.3 Evros today

During our research no substantial changes for the protection of people in need and the improvement of the detention conditions have taken place in the Evros region. On the contrary both the systematic detention itself and the bad detention conditions lacking all legal safeguards are used as measures to deter migrants from entering Greece and from requesting international protection upon arrival.

It is a revealing example of the effectiveness of the deterrence measures how low the asylum application rates remained in the Evros region during the first half of 2011. There have been only 158 asylum applications lodged in Alexandroupoli and 66 in Orestiada, an equivalent of 4,13 % of all asylum applications lodged in Greece, according to police data. These official statistics show how difficult it is to lodge an application while being in detention. There is obviously no access guaranteed to the asylum procedure to those detained in the region. It shows that detainees have no motivation to seek international protection under these inhuman and degrading conditions, although they risk being deported or readmitted.

It is also clear to us, that most of the announcements made by the government about improvements of the detention conditions, the safeguarding of legal guarantees and the asylum procedure still have not been put into practice.

In October 2010 the Ministry of Citizens Protection presented the main findings on the first period of implementation

18 http://www.ekathimerini.com/4dcgi/_w_articles_ws1_02/03/2011_381071

19 <http://infomobile.w2eu.net/2011/05/10/murder-instrumentalised-by-fascist-groups-for-new-pogrom-against-migrants-in-athens-centre/>

20 The fence, which will be 10,3 km long, is a copy of the »ideal« Mellila/Ceuta border fence constructed in order to crack down on border crossing from Morocco to Europe through Spain. This *prototype* has already caused hundreds of deaths. On the 4th of August, the ministry started a consultation on Evros fence, which was concluded on the 20th of August, concerning the technical aspects of the 5.5 million euro project.

21 In Karoti village, in Didimoticho: http://www.aftodioikisi.gr/ipourgeia/ipoirgeio_prostasias_politi/11692

22 <http://www.defencegreece.com/index.php/2011/07/this-is-the-ditch-that-the-greek-army-digged-in-evros/>

23 The funding is provided as follows: 55 million from national funds, 200 million by the External Borders Fund and 20 million coming from Norway, Switzerland, Island and Lichtenstein. The program includes: The construction of a 10,3km long border fence in Evros prefecture and along the Greek-Turkish border; The installation of an intelligent border surveillance system and the supply of border surveillance helicopters, jeeps, dogs, infrared, X-Ray and thermo cameras, radar-systems and a Schengen Information System of the second generation. With regards to the future co-operation with Frontex in Evros the Minister announced: The assignment of 453 officers from different European countries, two airplanes, one helicopter, 58 vans with thermo cameras, three heartbeat detectors, one radar system, 19 police dogs, one bus, 32 patrol vehicles and 13 computers.

24 <http://euobserver.com/22/113603>

of its national Action Plan stating among others, that in the region legal aid is provided and that there has been a decrease in the numbers of detainees in Evros detention centers.

We documented that the legal counseling of the few NGO-lawyers in the area is provided temporarily. It is limited to the group of asylum seekers. It is not sufficient to cover the needs of all detainees while it is anyway not possible to provide legal aid under these detention conditions. Furthermore, the decrease of the numbers of detainees in the detention cells in Evros area resulted from the numerous transfers of detainees to other detention centers in other regions (outside of Evros), where the detention conditions are no better and basic rights are denied as well. In most of these other detention centers there is not even a doctor or any other member of an NGO or local support group ever visiting or having access. Often detainees do not have access to the outside world to contact a third person and ask for help. We have also noticed that during these transfers into detention centers of other prefectures family members are often separated, without providing them with any information about their relatives' whereabouts, thus, making it extremely difficult to reunite with each other later if not readmitted.

During our last mission in October 2011 and within one week, we have noticed a renovation process going on in the four detention centers of Evros (Fylakio, Tycheró, Soufli, Feres). The cells were painted, toilet bowls and showers were replaced, new, clean blankets were given. In the border guard stations of Alexandroupolis, we have noticed the transfer of detainees to other detention centers in other regions of Northern Greece. In Fylakio (Orestiada) people were being released, even asylum seekers, who had not stayed for the maximum period of detention prescribed by law.

A week after our departure from Evros, a delegation from the European Commission visited the detention centres in Evros.²⁵ Mr Papoutsis was planned to be with them, but finally could not join. The day the delegation visited Fylakio, detainees were allowed for the first time to go out in the yard. Even a weekly meal planner was posted on the walls in the detention centre.²⁶



In Tycheró men, women and children are held all together

The Federation of the Borderguards of Evros said in a recent press release that all renovations are of course welcome, anyway, they insisted, that the Commission should have seen the detention centres under »normal« conditions, the ones the border guards and the detainees have to deal with daily. The announcement of the border guards said: *»Very suddenly money was found (for the renovation) and the number of detainees decreased. Within three days the facilities were painted, the plumbing was repaired and release papers were given generously. Why did they not leave things as we live them on daily basis?«*²⁷

While the cells of Tycheró were painted a detainee told us: *»The detention conditions here are horrible! Don't look at the white walls that they freshly painted. You have to look beneath the white colour!«*²⁸

25 http://www.ekathimerini.com/4dcgi/_w_articles_ws1_1_04/11/2011_413364

26 In a recent article concerning the public release of the Federation of the borderguards of Evros the sudden »lifting« of the detention centres for the eyes of a delegation of the European Commission was explained in detail.

<http://www.agelioforos.gr/default.asp?pid=7&ct=1&artid=115631>

27 Announcement of the Federation of Borderguards of Evros 19th of October 2011: http://www.posyfy.gr/pdfs/evros_eikoniki_pragmatikotita.pdf

28 H.M. from Iran; October 13, 2011 – Tycheró

2.4 The European hypocrisy

Responsibility for the conditions in the Evros region does not only lie with the Greek side. The European Union also dealt with this »out of control« situation at the Greek borders in terms of a security threat to be best handled with by the militarization of the border. The reaction was the same as previously in Spain and Italy: higher fences, border surveillance systems, Frontex presence – funded mainly by community subsidies and aimed to »protect« national and European territory and not human rights. Within this securitization process the migrant is portrayed as a state enemy and not seen as a person with a potential need for international protection anymore. The deterrence and discouragement measures are accompanied by an attempt to further externalise the border through readmissions agreements.

The European Union on the one hand criticizes and condemns the Greek migration policy (ECHR rules, EU member states' decision to suspend returns under Dublin II Regulation, speech acts of EU institutions representatives condemning Greece's migration policy) and participates in it on the other (Frontex operation, Readmission Agreements, Dublin II Regulation).

On both the national and the European level it seems as if the discussions on the developments of the Greek Asylum and Border Management Systems are always leading back to issues of the National Action Plan's implementation



The border between Greece and Turkey is getting highly militarised

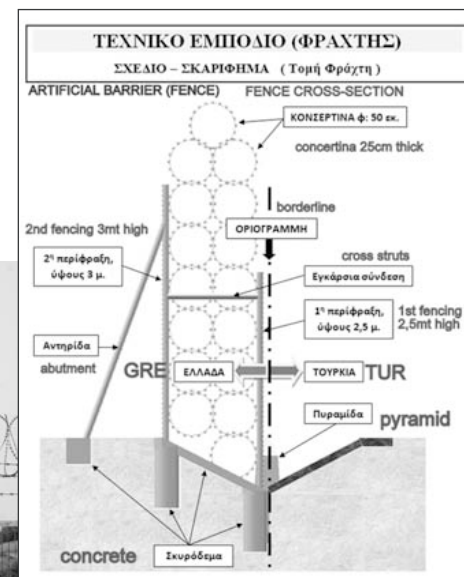
(time schedules and the expenditure for its funding) disassociating from member states the common responsibility for the protection of human rights and underestimating Greece's inability to muster a coherent migration policy over the past 15 years and the fact that the country is struck by a deep financial and social crisis.

In this context the stance of the EU providing »burden sharing« and »solidarity« to Greece in terms of migration management seems unrealistic and thus hypocritical.

2.5 Conclusion

Obviously, Europe's main concern is the creation of »walls« in order to hinder or to prevent the access to its territory. Physical walls like the fence, the moat and border controls in Evros but also invisible walls that are constituted by the lack of protection to those in need, rights denials, systematic detention, detention and living conditions violating human dignity, Readmission Agreements and the Dublin II Regulation. The effects of these heightening walls have their most tragic face in the many lost and dead at border. This is why we chose to speak about walls of shame in this report.

Draft of the fence which is planned to be build





Evros river

3. Evros

The length of Greece's border is 1,228 km. The river Evros constitutes more than 190 km of the border-line between Greece and Turkey (total border length is 206 km). A 12,5 km patch of it is not delineated by the River Evros, which elsewhere marks and defends the land border between Greece and Turkey. This is the stretch of land where government is planning to build a fence to distract immigrants from entering Greek territory.

Evros prefecture is situated at the eastern land borders with Turkey. The population is in great parts used to live in a highly militarised area side by side with the Turks. It is also one of the last remaining mined areas of Europe – a heritage of the Greek-Turkish tensions. It's a place where there's a strong presence of Frontex border guards and Greek police, military and border guards.

Driving through the area by daylight gives you the impression of an idyllic landscape, a world of small villages and farms somewhere at the end of Greece. It is calm. The land is once flat close to the river Evros, once mountainous near to the border with Bulgaria. But if you start taking the small country roads close to the river Evros, suddenly you see rusty signs warning of »danger« and »mines«; you see barbed wire and, occasionally, tanks passing by.

Shepherds walk over the fields with their sheep. Their daily lives have always been directly interwoven with the border crossing experience of refugees since the beginning of the phenomenon. »They come from everywhere walking on foot,« an old Greek shepherd told us only 2 km from the border to Turkey in the area close to Isakio, »they don't stay but move on. We don't have any problems with them.

When they arrive they ask us to call the police or they want to know the direction to Athens. Then they leave.« He showed towards the minefields some 50 meters away. »There are about 100 acres of fenced minefields with warning signs. They are anti-tank mines. The government cleared the area from the antipersonnel mines but the others have been renewed. I wonder when we will get rid of these mines to make the area safer for our animals.«²⁹

In 2009, Greece announced that it completed the clearance of antipersonnel mines in the 57 mined areas it laid along the border with Turkey. The total area of clearance was



Map of Greece and Evros

²⁹ Information on landmines in Greece: http://www.the-monitor.org/custom/index.php/region_profiles/print_profile/71 (2010);

<http://www.nytimes.com/2009/01/06/world/europe/06iht-mines.4.19133102.html> (2009); http://www.athensnews.gr/old_issue/13298/18177 (2008)

almost 1.93 km² and contained 24,751 antipersonnel mines. Remaining anti-vehicle minefields were renewed. Greece reported, that *»all minefields along the border with Turkey in the Evros province are clearly defined and marked, well above any standard established by Amended Protocol II and the relevant NATO STANAGs [Standardization Agreements].«* It also stated that: *»All minefields have a double fence and that barbed wire was added to almost all the minefields of Evros.«* The minefields are signposted in English and Greek but are said to be not always clearly visible. The Commissioner for Human Rights at the Council of Europe has expressed concern that: *»No action has been taken to avert other deaths.«*³⁰

Until winter 2010 the presence of migrants in the area was less visible to the common visitor, but it was always a part of the local people daily lives. Today, one can often see groups of refugees walking on the main highway and in the area near the border.

The detention centres are less visible. Only if you know what you are looking for, you will recognize the detention centres in between the sunflower fields and the small villages. Some look like normal police stations, but on a second look one can recognize windows closed with bricks,



Birds

a row of shoes next to small openings in walls and clothes hanging out of the lattice windows. Some others are purposely constructed or chosen to be at the rims of society, in nowhere-land, where nothing is around. A row of police cars parked aside, hundreds of bags and other personal belongings piled in the yards give a small hint of their existence.

The border is full of anti-tank mine-fields



30 In a recent interview for the monthly review *»Crash«* Mr. Adonis Georgiadis, deputy of the extreme right wing political party LAOS stated that new mines should be placed in the fields of Evros in order to tackle with illegal migration. *» Till recent years*

there were minefields in the region, which we have cleared. I'd propose to place them again. With large signs warning those who try to cross the borders, if we want to protect our country.«
http://rthess.gr/articles_det.asp?artid=16123

Nea Vyssa is located in the North of Evros. It is a small village only 2km far from the border to Turkey. In 2010, during the phase when the district of Orestiada was the main border crossing area, it was an informal meeting point for the newcomers and the police, border guards and Frontex:

Next to the rails, in an old railway station a group of newcomers waits for their »shuttle service« to detention. An Afghan family with two small kids sits next to some young African men and women. They have arrived in Europe, they think. They will be treated according to the Human Rights Charta, they think. Thus, they want the police to come and register them. *«I thought we would be helped when we call the police,» a young Somali woman says. «Instead they just came to exploit us! If I had known what would follow, if I knew where they would bring us, I would have never called the police. I would have tried to reach Athens on my own!«*³¹

In the summer of the following year, most irregular migrants were crossing the border in the South of Evros region – near by Tycherio, Soufli and Feres detention centres:



Migrants walking towards the next police station in Tycherio to be registered

Along the main highway connecting the North of Evros with its South, groups of refugees are walking under the heat. Newly released, they try to get to Alexandroupolis railway station. *«Is this the right way? Do you have something to drink? Where is the bus station? We cannot walk anymore,»* says an elderly African man. In another part of the highway there are some young Afghan boys. They sit beneath the small shadow of a tree. Next to them there is an army car with two soldiers. They wait for their transfer to the nearest detention centre. In Tycherio village there is another group of newcomers. Four Congolese women are searching for the police station in order to register themselves with the authorities. *«We are walking up and down for six hours, but nobody here in this village wants to tell us where we have to go. There is no taxi or bus that would take us!«* They are exhausted. One of them wears no shoes. Only a few kilometres away, in the river Evros, there are around 50 newcomers looking also for the police. An inhabitant gives them some bottles of water. *«I have always water in my place. There are many refugees passing by and I meet them when I go hunting.»*³²

31 Infomobile, August 5, 2010

32 Infomobile, September 1, 2011

4. Refoulement, readmissions and deportations

Interceptions and push-backs at the border are a common practice of border control in the EU even though they violate human rights and particularly the principle of non-refoulement.

Until 2009, Greece had been repeatedly criticised by human rights organisations for push-backs (refoulements) at the sea and the land border.³³ Still, even today it remains unclear how Frontex and the Greek authorities handle irregular migrants crossing the border. It seems that the previous strategy of systematic push-backs from Greek detention centres or the inland has been halted. Nevertheless, we have been told about cases of push-backs or interceptions at the borderline between Greece to Turkey and detainees reported to have sometimes heard the sound of gun fire.^{34 35}

For those who manage to reach Greek territory, once they are apprehended by the Greek authorities or Frontex their cases are referred to the public prosecutor. The latter usually abstains from criminal persecution for the crime of illegal entrance on Greek territory but, without individually hearing their case, orders the newcomers' immediate refoulement. Then the police automatically issue an administrative deportation order for almost all newcomers. Usually no assessment is undertaken whether the readmission or deportation constitutes a violation of the principle of non-refoulement, article 3 of the European Convention of Human Rights or other human rights.

Bearing in mind also the restricted access to an asylum procedure, the deficiencies during the examination of the asylum application, the lack of information, the lack of an effective legal remedy against deportation and the lack of other legal safeguards in detention³⁷, it becomes clear

33 Sources about illegal push-backs:

<http://www.unhcr.org/refworld/pdfid/4b4b3fc82.pdf>
<http://www.unhcr.org/refworld/docid/4afd25c32.html>
<http://www.discipleshomemissions.org/files/RIMTurkeyGreece.pdf>
www.statewatch.org/news/2009/oct/greece-illegal-deportations.pdf
<http://www.amnesty.org/en/library/asset/EUR25/016/2005/en/d5de30c4-d4aa-11dd-8a23-d58a49c0d652/eur250162005en.html>
http://www.proasyl.de/fileadmin/proasyl/fm_redakteure/Englisch/Griechenlandbericht_Engl.pdf
http://www.hrw.org/sites/default/files/reports/greeceturkey1108web_0.pdf
<http://lesvosnews.net/2010/10/28/frontex/>
<http://www.emprosnet.gr/Current/?EntityID=b99d0e48-425e-499c-b122-a9df8549da71>

»They put us in a boat with two soldiers and we passed the river back to the Turkish side.«

M.K. (21), from Pakistan³⁶

M.K. had tried to cross the border to Greece in the region of Edirne. Upon arrival on Greek territory, he was arrested by the authorities together with another 12 persons and immediately pushed back. The Turkish authorities then arrested him and brought him to a detention centre where he was detained for 15 days and then transferred to Aydin Removal Centre. He has stayed there since June 11, 2011.

»After we passed the border from the river Maritza we waited and hid until the morning. We were detected by patrol troops. We were 25 Pakistanis and there were also 6 Afghans with us. We started to run. The soldiers started to fire on us. Fortunately, only some of us were shot and only on their backpacks. Then they caught us. Some could escape, and we were 12 people arrested. They started to slap and punch everyone randomly. There were two children in the group as well, at the age of 13 and 15. They made us lie down on the ground for half an hour. One soldier was watching us with a rifle in his hand. Then other soldiers came as well. They put us in a boat with two soldiers and we passed the river back to the Turkish side. It was a small boat so they had to do two rounds. They dropped us on the other side of the river and on their way back they made air-shootings to warn the Turkish soldiers. After 5-10 minutes the Turkish soldiers came and arrested us. And they also fired into the air. (...)

I stayed in Edirne for 15 days. Then they brought me to Aydin. It was really dirty there. There were Afghans, Palestinians, Pakistanis, and people were fighting with each other because it was too crowded. Everyone had an individual bed but sometimes, when there were not enough beds, some people slept on the floor. (...)

34 In an article of the German news-magazine Spiegel of December 11, 2010, German Frontex officers accused the Greek border guards of driving migrants into the minefields by gunshots in the air and by using physical violence.
<http://www.spiegel.de/politik/ausland/0,1518,734123,00.html>

35 A Hurriyet article from August 25, 2011, accused Frontex of killing a migrant on the border. <http://www.sondakika.com/haber-frontex-timleri-turk-sinirina-ates-acti-2954543/>

36 M.K. from Pakistan, Interview conducted by Multeci Der (www.multeci.org.tr) in Izmir during July/August 2011.

37 See: Chapters 8 and 9.

that detainees cannot be heard and defend themselves. They face the risk of deportation even if this would violate human rights and the principle of non-refoulement.

Under these conditions, the deportation order is flawed in the best case. In the worst case it violates basic human rights.

The deportation order, if feasible, can be either enforced by deportation to their registered countries of origin, or to Turkey, according to the Readmission Protocol between Greece and Turkey.

4.1. The Readmission Agreement between Greece and Turkey

The Readmission Agreement between Greece and Turkey, which was originally signed in 2002, states that third country nationals can be returned to Turkey after undergoing procedures, which are differentiated into »the normal« and »simplified«.

The Readmission Agreement does not include specific clauses (apart from a general clause of Article 11)³⁸ that reiterate the obligations of state parties in terms of human rights and asylum and that make the compliance with these obligations a precondition for the application of the agreement.

In practice, the people that are deported by Greek authorities belong to nations neighbouring Turkey and to Turkey itself. They are Iraqis, Iranians, Syrians, Georgians and Turkish citizens, the huge majority coming from Iraq.

In every case of the above-mentioned nationalities a readmission request is sent to the responsible ministry in Turkey while the Greek authorities detain them with the aim to deport them.

The readmissions often take place after their transfer from one of the detention centres in Evros to Venna detention centre in the neighbouring prefecture of Rodopi. »Venna is the deportation centre. Everybody knows that,« says A.F.³⁹. Nationalities detained in Venna are mainly Iraqi, Iranian, Syrian and Nigerian. Nevertheless, readmissions take place also directly from all of the four detention centres in Evros. The implementation of the readmission agreement between Greece and Turkey has been reconfirmed after

several meetings between Prime Ministers Papandreou and Erdogan in spring of 2010 with the aim to improve their cooperation in the near future. Plans for a common deportation system from Lesbos to Dikili had reached the public earlier. First signs of its implementation became visible when two readmissions from Greek islands to the Turkish shores took place: One from Chios on November 20, 2010 (32 refugees from Iran and Iraq), which was not completed successfully; and a second from Leros on January 10, 2011 (38 refugees from Palestine, among them also children).

From the beginning of 2002 up to the end of August 2010, the Greek authorities had requested the return of 76.613 refugees, while Turkey accepted 2.520 of them.⁴⁰ In comparison with 2009, the statistics of 2010 show a trend towards group requests instead of individual requests (from the Greek side), an increase in (bureaucratic) approvals from the Turkish side, and since the end of August an increasing amount of successfully completed readmissions. While from January till August 2010 67 refugees were sent back, 434 were sent back in the following six months! It is unclear whether this policy change is only the outcome of the renewal of the readmission protocol, whether the improved collaboration between Greek and Turkish authorities is due to the presence of Frontex in the region, or if recent changes are influenced by even other factors.



Readmissions take place in the early morning hours with military cars

38 Article 11: Relation with other international instruments. – This Protocol does not affect the rights and obligations arising from other international agreements binding upon the Parties.

39 A.F. from Iran; December 18, 2010 – Feres
40 <http://www.fr-online.de/politik/jagdszenen-am-evros/-/1472596/4774344/-/index.html>

The impact of the readmission agreement must be evaluated. The Readmission Agreement is part of the deportation procedure as its existence effectively facilitates making and enforcing questionable deportation decisions, which violate human rights. People are returned to Turkey without having had the possibility to present an asylum application or to access legal remedies against the forced return, and without any individual assessment of their case. The amendment of the simplified procedure at the border (maximum one week) hinders people even more from asserting their rights. Furthermore, there is no individual assessment if the Turkey will not respect, or will be unable to protect, the human rights of the returned persons. Third nationals are subject to expulsion to Turkey, which lacks an adequate asylum system and fails to

honour its obligations under the Geneva Convention Relating to the Status of Refugees (1951), the European Convention on Human Rights (article 3) and other human rights instruments. In particular, Turkey maintains the geographical limitation to the Geneva Convention, i.e. the so-called »non-Europeans«, which are the vast majority of people who seek asylum in Turkey, are not eligible to stay in Turkey as refugees in the long term. Instead, the Turkish Government offers them a very inadequate domestic protection status referred to as »temporary asylum«, which allows them to stay in Turkey until the UNHCR may find a »durable solution« for them elsewhere. Access to the asylum procedure is not guaranteed; in detention it's even impossible. Access to lawyers and UNHCR staff is being denied. The detention

READMISSIONS GR – TR	2009	H1 2010	H2 2010	2010
Requests	879	190	105	295
Requests*	16123	4173	6025	10198
Approved readmissions*	974	615	842	1457
Completed readmissions*	283	67	434	501
Persons per request	18,34243458	21,96315789	57,38095238	34,56949153
% of approved requests*	6,041059356	14,73759885	13,97510373	14,28711512
% of deported persons	1,755256466	1,605559549	7,203319502	4,912727986

Table 1: Readmissions from Greece to Turkey 2009-2010

* per person

Year	Readmission requests	No. of irregular migrants affected	Accepted by Turkey (in persons)	Completed readmissions (in persons)
2006	239	2.251	456	127
2007	491	7.728	1.452	423
2008	1.527	26.516	3.020	230
2009	879	16.123	974	283
2010	295	10.198	1.457	501
2011	276	18.758	1.552	730

Table 2: Readmissions from Greece to Turkey

(Source: Ministry of Citizen Protection)

and deportation procedure does not even fulfil basic standards.⁴¹

As the Parliamentary Assembly of the Council of Europe stated in the Resolution 1741 of 2010: *»There is a risk that third country returnees be subject to so-called chain refoulement, which means being shuttled back to their country of origin without having had the possibility to submit an asylum application or having had the asylum claim reviewed in any of the countries through which they pass.«*⁴² All persons readmitted to Turkey are by rule deported to their countries of origin.

»If you are more than 80-90 days here, they will deport you!«
H.M., from Afghanistan⁴⁴

■ H.M. was arrested and brought to Fylakio detention centre where he was detained in cell 1. *»I am from Afghanistan, but they wrote that I am from Iran. I am very afraid that they will deport me to Turkey, because I have been here for 75 days. If you are more than 80-90 days here, they will deport you! There was another Afghan man whom they registered as Iranian. One day some of the people working here told him not to be afraid anymore because they changed his nationality to Afghan. The same day he was deported. That was one week ago.«* GCR had already sent a fax demanding his case to be re-examined in a second screening since he was claiming to be of Afghan and not of Iranian nationality. On the morning of April 18, a GCR lawyer went to visit H.M. but he had already been expelled to Edirne, Turkey. Eventually, H.M. was deported from Turkey to Afghanistan without having access to international protection.

The people expelled to Turkey, pending their deportation to their countries of origin, stay in detention under deplorable conditions. These conditions constitute a humiliating treatment in violation of the ECHR.

Furthermore, those third country nationals who are returned to Turkey and manage to apply for asylum risk ending up in an unsustainable situation, where their safety and dignity is not respected and their minimum economic, social and cultural rights are not ensured.⁴³

We have noticed that the authorities, being under pressure to amend the readmission protocol, adopt an arbitrary approach to recognizing citizenship.

4.2.1 Readmission of vulnerable persons

During our missions, we have observed cases of vulnerable persons who were sent back to Turkey. Among them were minors who had been registered as adults (Soufli –

»The attestation of my sickness arrived too late!«
M.A., from Iran⁴⁵

■ We met M.A. in April 2011. He was in detention pending deportation. He told us he had a heart problem. Due to a cardiac infarction he had an operation in Iran. During this operation a balloon was transplanted into his heart. Requests to the local authorities to examine his health condition were neglected. His lawyer asked his medical attestations to be sent from Iran with fax. Instead of being released based on his physical vulnerability, he was detained until his readmission to Edirne, Turkey, where he stayed under deplorable conditions. *»The attestation of my sickness arrived too late,«* he told us on the phone calling from Turkey.

41 To learn more about the situation of irregular migrants in Turkey, see:
Council of Europe Human Rights Commissioner Hammarberg's recent report on the situation of asylum seekers and migrants in Turkey:
<http://www.unhcr.org/refworld/category,COI,COECHR,,,4ac459e90,0.html>
Amnesty report: Turkey: Stranded: Refugees in Turkey denied protection, 22 April 2009,
<http://www.amnesty.org/en/library/info/EUR44/001/2009>
Multeci Der 2011: <http://www.multeci.org.tr/wp-content/uploads/2011/09/%C4%B0ltica-ve-G%C3%B6%C3%A7-%C4%B1ndaki-Geli%C5%9Fmelere-Genel-Bak%C4%B1n%C5%9F.pdf>
Helsinki Assembly (HCA) 2007: An Evaluation of UNHCR Turkey's Compliance with UNHCR's RSD Procedural Standards.
<http://www.hyd.org.tr/?pid=554>

HCA 2008: Unwelcome Guests: The Detention of Refugees in Turkey's Foreigners' Guesthouses.
<http://www.hyd.org.tr/?pid=610>
HCA 2009: Unsafe Haven: The Security Challenges Facing Lesbian, Gay, Bisexual and Transgender Asylum Seekers and Refugees in Turkey. <http://www.hyd.org.tr/?pid=753>
Two recent ECHR judgements against Turkey:
Abdolkhani and Karimnia v. Turkey: <http://www.unhcr.org/refworld/pdfid/4ab8a1a42.pdf>
ZNS v Turkey:
<http://www.unhcr.org/refworld/pdfid/4b56d5cf2.pdf>
42 <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta10/ERES1741.htm>
43 http://www.amnesty.de/files/Amnesty_Tuerkei_Asy_Bericht_4_09.pdf
44 H.M. from Afghanistan; April 15, 2011 – Fylakio
45 M.A. from Iran; April 13, 2011 – Tychero

December 2010), families (Iraqis from Tychoero – 2010), persons with severe chronic or mental diseases (A.D. from Iran, detainees from Fylakio – August 2011), and victims of police violence (E.A., Iraqi, who became a victim of serious ill-treatment in Soufli and later was deported from Turkey onward to Iraq).

4.2.2 Readmission of people in need of international protection

During our missions, we came across readmission cases of people, who were in need of international protection and still had never been identified as such. Others had applied for asylum but, despite the intervention of lawyers, the

authorities did not register their claims and sent them back to Turkey. A third category of deportees had requested asylum and later unknowingly withdrew their claim. In other cases even registered asylum seekers were expelled to Turkey. The following cases are characteristic.

On Sunday, September 25, 2011, a group of 13 detainees from Fylakio detention centre was deported to Turkey. Most of them were Iranian nationals. Among them were at least three persons whom GCR lawyers had informed the authorities in Orestiada about. The fax sent stated that they wanted to apply for asylum.⁵⁰ We have no further news about them.

»I did not want to stay in Greece for any second longer.«

R.T. (35), from Iran

■ R.T.'s case is that of a registered asylum seeker readmitted to Turkey. He fled as a child with his family from Iran to Iraq where the family received UNHCR protection as political refugees. When dangers of political persecution increased also in Iraq, he had to flee to Turkey from where he continued to Greece.

He was arrested on October 29, 2010, in the area of Tychoero where he was also subsequently detained. He spent most of the detention period in cell Nr. 1, which was constantly overcrowded at the time. During our first meeting he knew neither his rights nor his obligations and he had not been informed that he was kept in detention in order to be deported back to Turkey: *»I cannot return. I will die. I cannot return!«*⁴⁶ On November 19, GCR intervened with a letter to the authorities requesting to register his asylum claim.⁴⁷ Finally, on November 25, the responsible authorities registered his asylum application. In December we met R.T. again in Tychoero detention centre. He was desperate and full of fear. *»Why haven't they released me? I am getting crazy here. It is loud and full of people. No place to sleep. Nothing. This is not Europe. ... Can I be sure not to be deported back now that I claimed asylum? I do not understand why I am here! I am a UN-*

*refugee.«*⁴⁸ A first appeal against his detention was rejected on January 7, 2011. On January 10, 2011, R.T. was sent back to Turkey without any information. *»They called out my name and then they brought me to the border. They didn't tell me why they took me and where they are bringing me. On the border I understood that I was about to be deported. I was shouting to the Greeks and later to the Turks that I am an asylum seeker.«* He was detained in Edirne prison where, after one week of arrest, he had the chance to contact us in order to inform them about his deportation.⁴⁹ *»I could not get into contact with the UN. I told them also that I asked for asylum in Greece.«* In January 2011, The Turkish authorities returned R.T. back to Greece and again detained in Tychoero borderguard station. There he was informed that his son had died in Iraq. *»I was devastated. I just wanted to go and attend the funeral of my child. The conditions in Tychoero were like hell. I did not want to stay in Greece for any second longer. The police told me that they would release me and then send me to Iraq to see my boy. They told me to sign some papers. I had no other option, and I had no legal aid.«*

On January 26, 2011, R.T. seems to have withdrawn his asylum claim in Tychoero. Following the alleged withdrawal, the police continued to keep him in detention pending deportation to Iran. T.R. was released only after an appeal before the court requesting his release.

46 R.T. from Iran; November 19, 2010 – Tychoero; see also <http://www.gcr.gr/node/533>

47 Protocol number: GCR 497/2010.

48 R.T. from Iran; December 21, 2010 – Tychoero

49 See: PR GCR of January 21, 2010: <http://www.gcr.gr/node/533>; PR PRO ASYL January 28, 2011: <http://www.proasyl.de/de/>

[presse/detail/news/das_netz_der_fluechtlingsabwehr_wird_dichter_eu_rueckuebernahmeabkommen_mit_der_tuerkei/](http://www.proasyl.de/de/presse/detail/news/das_netz_der_fluechtlingsabwehr_wird_dichter_eu_rueckuebernahmeabkommen_mit_der_tuerkei/)

50 Cases of H.S.N., A.H. and T.F. GCR fax ref. no. 79/2011 (August 8, 2011), 85/2011 (September 17, 2011) and 89/2011 (September 24, 2011)

On October 10, the two Iranians, A.R. and S.M., detainees in Sapes, were returned to Turkey. Already on October 4, the authorities had been informed by a GCR-lawyer via fax about the detainees' wish to claim asylum.

On October 24, 2011, another two Iranian detainees from Venna detention centre were readmitted to Turkey. In the case of A.S. and A.A., GCR had sent a fax on October 21 informing the authorities about the Iranians' wish to claim asylum.

Instead of registering their asylum claims, allegedly the police asked them to sign a paper they could not understand.⁵² It was a declaration that they wish not to apply for asylum. It seems, that all of them have been misguided by the officers. Now they are detained in Turkey under inhuman and degrading conditions, facing the danger of refoulement to Iran.^{53 54}

»The police told me to sign a paper. I thought it was the asylum application.«

A.K., from Iran⁵¹

■ A.K. has been returned from Greece to Turkey twice even though he was asking for international protection from the very beginning.

»I left my country because my life was in danger. In Turkey I requested asylum but I was afraid of being deported back to Iran. That's why I entered illegally into Greece, asking for protection there. It was October 2010 when I was arrested by the authorities in Greece. Upon my arrest, I requested for asylum. I can speak English. I was detained in Soufli for 15 days. I told them again and again that I wanted to ask for international protection. The police told me to sign a paper. I thought it was the asylum application. The detention conditions in Soufli were terrible. The police used to beat us.

Then I was transferred to Tycherio, where I stayed more than two months. It was awful. It was a Monday, when I and another five detainees were transferred to the Turkish border. Nobody told us where they would bring us, or for what reason. The Turkish did not accept to take us back. The next Wednesday we were again transferred to the border and expelled to Turkey – 26 people in total.

In the following period, I was in detention in Edirne. I wasn't allowed to speak with the UN. I was afraid of deportation to Iran. In the end, after the interventions of NGOs and the UNHCR I managed to apply for asylum and I was released. I re-entered Greece. I was arrested in Thessaloniki this time. Again, I asked for asylum. The police told me to sign some papers for asylum. After two months I was again sent back to Turkey. I was about to be deported from there to Iran. Human rights lawyers heard about my case. I asked for asylum before the UN. When I was released. I came back to Greece again. This time I was arrested in Komotini and stayed in detention in Venna where I managed to apply for asylum.« After some months of detention he was finally released.

51 A.K. from Iran; September 21, 2011 – Athens

52 A.S. from Iran; September 2011; Interview with Helsinki Assembly Turkey

53 GCR fax ref. no. 816/2011

54 GCR Press Release of October 31

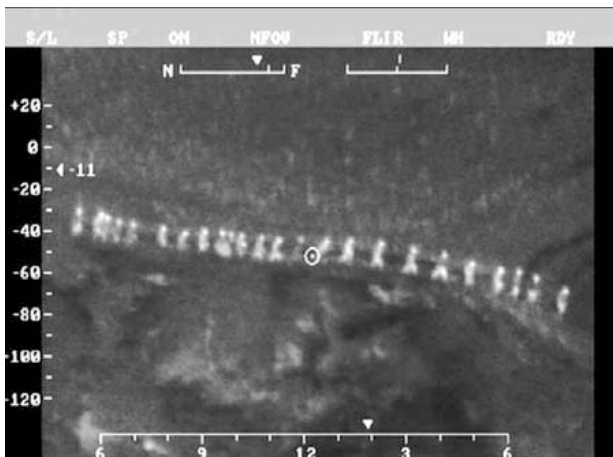
»I really cannot believe what is going on here in Greece!«

A.S.H., from Iran⁵⁵

■ A.S.H. left Iran at the beginning of July 2011 as he was in danger of political persecution and wanted to save his life. He had been detained several times in Iran. Both he him-self and his family had repeatedly been threatened by the authorities. On July 11, he was arrested in Greece. *»I really cannot believe what is going on here in Greece!«*

On August 5, GCR was contacted via fax by the sister of A.S.H. She is a recognized refugee in Germany. She informed the lawyers that her brother was in detention in Fylakio and that he wanted to claim asylum. GCR lawyer met ASH, who also himself requested legal support in order to apply for asylum. On August 8, GCR⁵⁶ sent a fax to the police headquarters in Orestiada and the asylum office, informing them about his case. In the same month

A.S.H. was transferred from Fylakio to the asylum office in Orestiada in order to register his request. However, when the GCR lawyer talked to him on September 6, he maintained that he did not understand what was going on. He got afraid. The asylum office, on their part said that he preferred not to apply. On September 16, he contacted the lawyer again and said he wanted to seek for asylum. On September 17, a GCR lawyer sent an email sent to the police headquarters in Orestiada, as well as a fax⁵⁷ to the asylum office in Orestiada, informing them that A.S.H. does indeed wish to lodge an asylum claim. On September 26, the lawyer was informed of A.S.H.'s readmission to Turkey. On the morning of September 27, she discussed the incident with the police director of Orestiada who claimed that A.S.H. was deported because he had withdrawn from seeking asylum. Furthermore, the director said that he was not aware of the second fax regarding the present case.



Frontex and the Greek authorities observe migrants at the border with infrared cameras

55 A.S.H. from Iran, Interview with a GCR-lawyer in Orestiada in October 2011

56 GCR fax ref. no. 79/2011

57 GCR fax ref. no. 85/2011

5. Registration and screening: A wheel of misfortune

Upon arrest, irregular migrants have to fill in a first registration form in the presence of the authorities. This takes place either outside the detention centre (on a field, in the court yard etc.), or inside the cells and through the bars. The detainees' personal data is not kept confidential.

In the area of Evros there's no systematic screening procedure. Nothing but the nationality is identified. There's no proper age assessment, no identification of vulnerable persons, such as children, trafficked women, people in need of international protection. »When I was arrested and brought to Soufli, an officer asked me in English for my first name, family name, my age and my nationality. I told him I was born in 1994. Only when I received the white paper I saw that they wrote I was born in 1986.«⁵⁸

As it seems, the first registration procedure in the detention centres of Evros is a wheel of (mis-) fortune. It seems that in the registration of nationalities Frontex de facto takes the most important role. According to Frontex, its specialised interview officers are accompanied by interpreters, who always work in cooperation with Greek officers. In practice Frontex suggests the nationality of the detainees and the Greek authorities take this suggestion for granted since they don't have their own interpreters. But there's no clear or specific rule how to proceed in the screening of the migrants' identities.

The law does not offer any legal remedy against false registration/screening. The registration of nationality and age Evros' detention centres raises serious concerns about the quality and the credibility of the procedure.

During our missions, we came to the conclusion that sometimes Frontex executes the nationality and age screening along with Greek officers, on other occasions Frontex or the Greek police do it on their own. The same applies to the interpreters: Sometimes interpreters are present, on other occasions they are not. Sometimes interpreters speak the dialect or the language of the apprehended foreigner, sometimes they do not. There are no guarantees that the material (like questionnaires, maps and pictures), which



Frontex has marked their room of registration in Tyhero

Frontex provides for the registration procedure⁵⁹, is not used arbitrarily. The screening material is inappropriate for illiterate people or for those who have lived for long periods as refugees in other countries, thus not being able to give the proper answer to geographical, political and cultural questions. There are repeated cases of wrong nationality registration of Afghans who had been living for long periods in Iran. Many of them were initially registered as Iranians. There are also many cases of Palestinians who are registered as Iraqis, Syrians etc.

One concern is also that in most cases the identification procedure lasts something between 5 to 10 minutes. In informal interviews by Pro Asyl in November 2010, German Frontex officers expressed their doubts on the effectiveness of such a short identification procedure. According to the officers, in Germany a procedure of this kind would take a whole working day.⁶⁰

58 H.F. from Iraq; December 19, 2010 – Soufli

59 This screening material is being used in the region of Evros at least since the summer of 2010. It includes questions such as: »What colours does your national flag have?« or »Where exactly is the village you are from? Show me on the map.«

60 http://www.proasyl.de/fileadmin/fmdam/a_Startseite_und_Aktionsseiten/Startseite/2010__ab_April_/Evros_Reise_bericht_2010.pdf

Even though the nationality is only recommended by a Frontex officer, it is taken for granted by the Greek authorities. The detainee is not informed about the nationality under which he or she has been registered and has no means to challenge it.

We saw cases where Afghans were registered as Algerians, Turks or Iranians, Algerian and Moroccans as Syrians, Sudanese as Nigerian, Iraqis as Syrians, franco-phone Africans as Nigerian, Palestinians as Syrians.

In cases where the GCR-lawyers were informed about the flawed registration they have repeatedly requested a second screening. The majority of refugees, who were re-screened were assigned a different nationality.

For some nationalities the identification procedure also includes the visit of officers from foreign embassies (e.g. embassies of Nigeria and Santo Domingo). During the last year, officers from the Nigerian embassy visited the border police stations and detention centres in Evros seeking to identify their nationals in detention. In reported

cases, one Sierra Leonean (M.K.) and one Congolese (Y.A.) were identified by the Nigerian embassy officers as Nigerian and were at risk of deportation to, or even deported to Nigeria⁶¹.

Errors in registration expose detainees to the risk of deportation to the wrong country. Afghans, for instance, who are registered as Iranians risk readmission to Turkey. If not sent back to Iran, they can be deported to Afghanistan. French speaking Africans, who've been identified and registered as Nigerians, can be deported to Nigeria.

H.M. from Afghanistan was registered as Iranian. Even though GCR requested a re-screening he was returned to Turkey. There he was recognised as Afghan and deported to Kabul.⁶²

A.A. and M.K. from Sudan were registered as Nigerians. They were interviewed in English, despite the fact that their mother tongues were Arabic and Fur. During their detention in Venna in January 2011 a GCR-lawyer sent a fax requesting the re-screening of them.⁶³ In neither of the two

Detainees are filling in registration forms



61 The »identification« of the nationality by representatives of the Nigerian Embassy took place in the Aliens Department in Athens in 2011. Both of the cases (M.K. and Y.A.) were franco-phone and provided to GCR lawyers documents proving their nationality.

62 See: Chapter 4.1. case of H.M.

63 GCR fax ref. no. 8/2011

cases a re-screening or a correction of nationality took place. Representatives of the Nigerian embassy visited the detention centre for the authentication of Nigerian citizens. M.K. remained in detention for the full length of six months while A.A., on April 12, was transferred together with a group of Nigerians to a detention centre in Athens. This group was scheduled for deportation from Athens to Lagos, Nigeria. A.A.'s whereabouts are unknown until today. In a second fax of Max 2011, the GCR-lawyer asked the authorities to inform her where A.A. was, if he was still in detention or deported. There has not been any answer so far.⁶⁴

Such errors also have an impact on the duration of detention, which can vary from some days to months, since people with specific nationalities are usually being detained longer before their expulsion to Turkey or to the country of origin as registered.

There are cases in which the authorities themselves question the screening result. In such cases, the period of detention and further implications remain unclear. When asked for more detailed information, authorities simply replied that the respective detainee had to wait in detention until Frontex could identify his/her »real« nationality in a second screening. Additionally, as they said, he/she could prove his/her claimed nationality by providing the authorities

with evidence such as copies of his/her identification papers from the country of origin. This whole procedure is not known to the detainees and, under the above described detention conditions it is not feasible for the detainees, without the help of a lawyer, to challenge the initial screening procedure. Furthermore, the number of detainees registered as of »unknown« nationality remains unknown.

»Maybe somebody can survive three months in here, but nobody can survive six months«. H.A. was detained in a mixed cell.⁶⁵ She had come to Greece on her own and spent more than one month in Tychero crying every day. Nobody was speaking her language. She was extremely afraid. In her screening interview reportedly she was told that she belongs to Al Qaida, thus she feared to be detained for a long period and she feared deportation. It is not clear, if she understood correctly what the interviewer had told her, since he was not speaking her language and there was no interpreter. She just remembers that the interviewer was dressed in civil clothes and that he had a laptop. He was speaking English with her. Halima had claimed to be from Somalia, but her nationality was questioned by the screening officers. As some officers informally told us, detainees whose identities remain questioned are registered as of »unknown nationality« and have to be re-screened.⁶⁶



Tyhero: Migrants are waiting sometimes for days outside without any sanitary infrastructure for their registration

»Here they have no idea about the Palestinian exile!«
A.M. from Palestine⁶⁷

■ A.M. from Palestine was registered wrongly as Iraqi citizen. He was arrested on October 6, 2011 and transferred to Fylakio. A.M. grew up in Iraq as a refugee together with his family. During the war in Iraq they escaped to Syria. He has a broken leg and bullets in his arm and his shoulder. The injuries stem from the conflict in Iraq. »During registration I said that I am Palestinian. The interpreter was a woman from Egypt. The officers took my mobile phone and checked my calls. The officer told me I should tell the truth so they could help me, otherwise they would put me in prison. Here they have no idea about the Palestinian exile!«

64 GCR fax ref. no. 24/2011

65 H.A. from Somalia; November 19, 2010 – Tychero

66 N.M. from Afghanistan; November 19, 2010 – Tychero

67 A.M. from Palestine; October 10, 2011 – Fylakio

»We were shouting for days that we are not Iranians!«

N.M., from Afghanistan

■ »We left Turkey in a group of 50 persons. We split on the border, so some of us were arrested and transferred to Fylakio prison while the police brought the rest of us to Tycherio. We had our relatives waiting for us in Athens.

The first day in prison the police brought us into an empty cell. There were two Greek police officers from Tycherio prison and 20 of us. One of the officers was asking us questions in English. He did not ask everybody, just four persons. Only one of us was speaking a little bit of English, so he had to translate. The police officer asked us where we came from. We said from Afghanistan. He said: 'I believe you. But did you never go to Iran?' We thought we have to say the truth and we would be treated with respect, so we told him that we had passed through Iran on our way to Greece, but we just stayed for a few weeks. Then he asked: »From which city in Afghanistan are you?« One boy said Kabul. Then the officer showed him a map of Afghanistan. It was in black and white. The cities were marked by points and numbers but without names. He said: »Show me where Kabul is!« The boy showed the correct point. Then the police officer asked another one of us. He showed them a paper with pictures of national flags: »Which one is your flag?« This time the answer was wrong. The boy he asked has grown up in Afghanistan. He is Afghan, but he never went to school and he was afraid and stressed. The officer looked at the boy who was from the ethnic group of the Hazara. He wrote on the paper »Iran«. Then the officer looked at another boy's face. »You are from Iran, I see that!« He wrote again »Iran«. One of us was a minor. When he told the police that his age was 17, they told him not to say that, because he would stay in prison longer. This boy had arrived together with his two cousins who are adults. He was afraid and decided to listen to the police. He was registered as 18 years old. The questioning was over. Some of us were registered as Iranians, others as Afghans. We insisted that we are all from Afghanistan, but it didn't help.

Every day we requested to talk to the police director, but we were never allowed. After a few days, eight of us were released, some of them were registered as Afghans and others as Iranians. 12 of us stayed. We were protesting every, but they would not listen to us. We were shouting for days that we are not Iranians.

Then we decided to go on hunger strike. We were just requesting to talk to the head of the prison. There were four officers. They took us out of the cell to the corridor. They said they would call him now. They lied. I think they were afraid of us, because they were less. Suddenly they returned. Now there were 10 of them. 'Why are you still standing in the corridor,' one of them shouted at us. Suddenly, they started beating our legs, arms and hands, pushing us back into the cell. All of lost hope. Our bodies were in pain for several days.

We called our relatives in Athens and asked them to bring copies of our Afghan documents to the detention centre to prove our real nationality. A friend of us brought the documents and gave them to the police. Nothing happened. The police said they could not understand what the documents in our language (Farsi) were saying and that they could be easily have been faked.

Among the remaining 12 of us there was also an old woman. She had diabetes. Another one of us was depending on psycho-pharmacy. Both had carried their medicine with them to Greece, but it was finished during the one month in prison. We were shouting to the guards for a doctor. He never came. More than twice these two of us had to be transferred to hospital due to breakdowns – especially, my friend who had to take calmatives. They were taken out of their cell lying on the cold floor in the corridor for more than half an hour until the police picked them up. After the second transfer, the police said it was enough. They never brought them to hospital again. Instead an officer told him: »If you get sick here in Greece, then why don't you go back!«

N.M. was arrested on October 21, 2010 and his deportation order issued on October 26, 2010. He was registered as Iranian citizen although he told the authorities that he was Afghan. The wrong registration exposed him to the danger of readmission to Turkey. A German Parliamentarian, member of the Green Party and head of the Commission for Human Rights and Humanitarian Help of the Bundestag, Tom Königs, (during his visit in Tycherio, November 17, 2010)⁶⁸ and our lawyers requested a second screening (November 19, 2010) for his nationality to be corrected and attached copies of his Afghan identity card. The authorities informed the mission lawyers that a second screening took place and that his nationality was changed to Afghan. He was released on December 3^d with a new deportation order on which his nationality was stated as: »Iranian or Afghan«.

»I think the police did not believe me. They did not let me free like the other Somalis.«

Soraya, from Somalia⁶⁹

■ Even though Soraya was registered as Somali she stayed more than one month in mixed detention. *»We were seven women among more than 150 men. I could not sleep, go to the toilette or take a shower because I was afraid. There was no co-operation among women from different countries or even among women from the same country speaking different languages. If, as a woman, you want to be protected, you need to find a man that you trust and stay close to him. I chose a young Somali who crossed the border with me. He was telling me the whole time that we will manage everything, trying to give me hope. This is why I trusted him. He was protecting me. My friend has a problem with his heart; he has a hole in it. There was no doctor to visit us and see him. He even did not ask for a doctor, because he was afraid if he would ask for something, it would take longer for him to get free. We were more than 20 Somalis when we arrived. Some of them left after a few days and some of us were kept. I was*

15 days in prison. I think the police did not believe me. They did not let me free like the other Somalis. Others had the same problem, but they are still inside.

Kenneth from Sweden interviewed me. He was very nice. He asked me everything about my name, family name, mother and father's name, birthdates, nationality... and then he asked about Somalia. Which cities are where, which tribes live there, what languages do people speak there, who is the president now and who was the former president? I think they wanted to see if I really know my country. But then they did not let me go with the others. I got another paper saying that I have to stay for six months in prison. Many others received the same message. There is also another paper we got about our fingerprints.

Yesterday some of my friends wanted to protest against the long detention period and they started a hunger strike. The police did not like it. They entered the cell and started beating them. Finally they were forced to accept the food to be put into the cell. The other refugees asked them to take it, so that the police stops the beatings.«

»When they were bringing us back to the Turkish border I fainted and they beat me.«

J.O. from Palestine⁷⁰

■ J.O. and her brother are from Palestine, but they spent many years as refugees in Syria. They were registered incorrectly as Syrians in Tychero borderguard station.

In May 2011 they were arrested in Tychero, from where they were transferred to Feres. J.O. suffers from psychological problems since her parents died. Once a week she has a crisis.

In July 2011 both of them were sent back to Turkey from Feres borderguard station. Together with two men from Iraq, they were put into a van without windows. Upon their way to the border J.O. had a panic crisis. *»When they*

were bringing us back to the Turkish border I fainted and they beat me. Maybe they thought I was playing but it was real. I could not breath. Then I fell.«

At the border they were picked up by the Turkish authorities and brought to Edirne detention centre. There they were put into different cells. After a month in detention the Turkish authorities returned them to Greece.

They were returned back to Feres where they stayed 25 days. Again they were registered as Syrians. At the beginning of October 2011, they were again brought to Tychero. In total they spent five months in detention. In mid-October they were taken from Tychero. J.O.'s brother was sent to Xanthi, whereas J.O.s' whereabouts are unknown. They are still in danger of readmission.

68 Mr. Tom Königs talked to one of the group of 13 Afghans who were registered as Iranians. In his report about his travel to Evros he refers to the case and says that, based on his own experience in Afghanistan, he could recognize that the person he was talking to was Afghan. The Afghan told him that he could not understand why the authorities registered him as Iranian. Tom Königs notes that the nationality screening should be more sensitive to persons who have not been to school and

thus lack geographical knowledge of their own countries. He also writes that the Afghan reported that no interpreter was present during the screening. (Travel report of Tom Königs to Evros, November 25, 2010, p. 4)

69 Soraya from Somalia; August 5, 2010 – Alexandroupolis, Interview carried out by Infomobile

70 J.O. from Palestine; October 12, 2011 – Tychero

6. Detention and detention centres

People in need of international protection and irregular migrants facing deportation can be held at detention centres. The terms generally used by the Greek authorities to describe these prisons are »special areas for hosting foreigners« or »special facilities for aliens«.⁷¹

The prefecture of Evros is divided into the two police headquarters of Alexandroupolis in the South and Orestiada in the North. The only »special detention facility« for foreigners and the newest detention facility is located in Kyprinos/Fylakio and is run under the auspices of Orestiada Police Directorate.

The detention infrastructure in the South of Evros mainly comprises three borderguard stations, which are located in Tycherio, Feres and Soufli. There are also a couple of first screening facilities – some of which are smaller borderguard stations (i.e. Neo Chimonio) and others military buildings used as such (i.e. Poros), where detainees stay maximum for some days then being transferred to the other detention centres.

In total, the four detention centres of Evros have a capacity of 479. Yet, in reality there were usually an average of 1.000 persons detained per day during the period of our research. Although borderguard and police station cells have been designed for short periods of detention (a few hours), the lack of available space in immigration detention centres entails the detention of irregular migrants and asylum-seekers in the former for prolonged periods and under very poor conditions.

Since summer 2011, there has been a notable decrease in the number of detainees inside the four detention facilities of Evros, but at the same time an increase in the number of those temporarily detained outside. The two directorates of Alexandroupolis and Orestiada shortened the detention period for those whose deportation is not feasible. The early release of some newcomers and the elevated number of transfers from the three borderguard stations of Alexandroupolis to other parts of Greece have apparently decreased the number of detainees held in Evros detention

centres, but have also created new problems, which shall be described in more detail further below. Still, conditions in detention remain problematic.

On May 19, the government announced to open 14 new detention centres. Three of them are to be constructed in Thrace: Close to the detention centre of Fylakio, in Orestiada, and in the former military camp of Karoti in Didimoticho. Local authorities in Evros strongly oppose these plans.

Discussions between the former Minister of Citizen Protection, Mr. Papoutsis, and local politicians failed to yield any agreement. The mayors of the four municipalities of Evros, representatives of local businesses and resident associations had first expressed their opposition to the plans when they were announced by Minister Papoutsis in mid-May. Now that the project is progressing, the authorities scale up their protests. The regional governor of Evros, Aristidis Giannakidis, said he disapproved of the plans: »The region's reputation will not become tainted, we will not let it be a detention area for unfortunate souls,« said he. »We have an entirely different vision for the development of our region.«⁷³

6.1. Detention

Almost all irregular migrants apprehended in the area of Evros are temporarily detained with the objective of deportation.⁷⁴ A detention decision, together with a deportation order, is issued by the police directorates. The apprehended are detained with a view to expelling them either directly to their country of origin or indirectly via Turkey – based on the readmission protocol. The usual reasoning for their detention is that there is a danger of absconding. In practice, the authorities in charge don't make any individual assessment of the detainees' needs. Neither do the police apply any alternative, non-custodial measures.

The duration of the detention can be extended to a maximum of six months, and in certain circumstances to 18 months.⁷⁵ The length of the detention depends on the

71 Article 81(1) of Law 3386/2005.

73 Published in the English edition of Kathimerini newspaper, May 31, 2011. http://www.ekathimerini.com/4dcgi/_w_articles_ws1_14_31/05/2011_393040

72 In the late evening of October 10, 2011 there had been a lot of new arrivals. Officers told us that the number of detainees had reached 650 for the night.⁷⁴ Law 3386/2005; Law. 3772/2009; Law 3907/2011.

75 Law 3772/2009

Detention centre	Capacity (persons)	Average number of detainees during missions	No of cells	Space in m2	Separation of sexes (except families)	Separation of unaccompanied minors
Tychero	49	August 2010: 90, November 2010: 155, December 2010: 180, February 28, 2011: 210, April 14, 2011: 260, October 12, 2011: 50.	2	Two cells of 35 m ² (CPT 2005) and one cell of unknown size used for temporary detention until screening	No	No
Feres	26	August 2010: 94, November 2010: 77-144 (changes due to new arrivals), December 2010: 110 (in one cell while the other was renovated), February 2011: 68, April 12, 2011: 72, October 13, 2011: 42	3	One cell of 48 m ² , one of 30m ² and one of approx. 40m ² (FRA 2011). Two cells of approx. 48m ² and another of 12m ² (CPT 2009, paragraph 49)	Yes	No
Soufli	25	August 2010: 88, November 2010: approx. 180, December 2010: approx. 190, February 28, 2011: 170, April 14, 2011: 100-150, October 11, 2011: 30.	1	One cell of approx. 110m ² (FRA 2011), – this space consists of the hallway, a small room for the garbage and two cells all connected to each other.	Not until 2011	No
Fylakio	374	August 2010: 492-592, November 2010: sometimes more than 450, December 2010: up to 600, April 15, 2011: 397, October 9, 2011: 276 October 10, 2011: 650 ⁷²	7	Cell for women of 40m ² and other 6 cells of approx. 100m ² each (FRA 2011)	Yes	Yes (some exceptions, see chapter on unaccompanied minors)

feasibility of the deportation, which again is based on the results of a nationality assessment⁷⁶. Sometimes other factors do also effect the duration of detention, such as problems with overcrowding.

People assigned to be of certain nationalities – including Iraqis, Syrians, Georgians, Turks and Iranians, among others – are detained for extended periods until they are sent back to Turkey, or until the maximum detention period of six months has expired.

Another group of people, assigned to be, among others, Nigerian or Dominican, stay in detention in order to be deported via Athens. Either they will be directly transferred to the airport, or they will first be detained somewhere in Attica for an extended period of six months (or even 18 months) and then deported.

As a rule, if the deportation turns out not to be feasible the detainees are released. However, the procedure for determining the non-feasibility of the deportation or the dura-

⁷⁶ See also: Chapter 5.

tion of their detention is not clearly defined. During our last mission, certain nationalities, such as Afghans and Pakistanis, were usually released within just a few days.

Nevertheless, we have seen cases⁷⁷ where the authorities could not proceed with the expulsion and people would remain in detention for the maximum period.

It remains unclear, why detainees identified to be of the same nationality stayed in detention for varying periods of time. Generally, neither the missions' lawyers nor the detainees had any idea how long they would stay in detention. Furthermore, the purpose of the detention and the reasons for different detention practices are ambiguous. This situation creates an unsettling uncertainty for the detainees.

6.2. Detention of asylum seekers

According to article 13 of the transitional Presidential Decree (PD 114/2010), which will be in force until the creation of the new screening centres (law 3907/2011), asylum seekers may be detained for a maximum of three months from the date of the registration of their asylum application.

Furthermore, according to Article 13 of the above mentioned Presidential Decree, »a third country national or stateless person who applies for international protection shall not be held in detention for the sole reason that he/she entered and remains illegally in the country. [...] The detention of applicants is exceptionally allowed when alternative measures cannot be applied for one of the following reasons:

- A. The applicant does not possess or has destroyed his/her travel documents and it is necessary to determine the identity, the circumstances of entry and real information on his/her of origin, in particular in the case of mass illegal entries of applicants.
- B. The applicant is a danger for national security or public order, the reasons being detailed in the detention order.
- C. Detention is considered necessary for the speedy and effective completion of the application«.

The detention shall be limited to the minimum duration required, and must in no case exceed 90 days. If the applicant has been detained earlier in view of an

administrative deportation order, the total detention time must not exceed 180 days.«⁷⁸

In Evros prefecture, asylum seekers whose asylum claim is registered by the police while they are already in detention pending deportation, remain in detention for the maximum period of six months without any further individual assessment of their case.

The police authorities continue to detain asylum seekers without taking into account their asylum application, let alone assessing their individual case and vulnerability. It is indicative that in the Alexandroupolis and Orestiada directorates the police authorities do not even issue a new detention decision as prescribed by law.⁷⁹ In so doing, the duration of detention may exceed the three months period, as prescribed by law. Hence the applicants stay in detention for the maximum detention period of six months/180 days.

In some exceptional cases, when the police register the asylum claim immediately, they issue detention decisions based solely on the fact that they have applied for asylum, and on grounds of »the speedy and effective completion of the application«.⁸⁰

No further case-by-case assessment is taking place to justify why the individual's detention will facilitate the speediness and effectiveness of the procedure. In these cases, asylum seekers usually stay in detention for three months. During our missions we met only two asylum seekers whose application claims were immediately registered and no deportation decision against them was issued. Both of them stayed for the maximum period of three months.

Neither of the asylum seekers we met during our missions were in the position to complete the asylum procedure within three or six months respectively, nor was their any guarantee for a speedy and effective completion of the application as prescribed by law.

In many cases, the prolonged detention is applied also to vulnerable cases, such as torture victims, without considering their special medical or psychological needs, and without any reason for their further detention.

The prolonged detention is also applied to asylum seekers who are Dublin II cases:

⁷⁷ Such as cases of stateless people or cases of Afghan nationals

⁷⁸ Article 13, par 4, PD 114/2010

⁷⁹ Article 13, PD 114/2010

⁸⁰ Article 13, PD 114/2010

1. Who have applied for family reunification;
2. Who are pending transfer to another EU-country or
3. When there is a pending procedure for determining the responsible state for the examination of the asylum application.

For detainees whose deportation is considered »not feasible«, such as Afghans and Somalis, if they apply for asylum while in detention, they will stay for the maximum period of time. Had they not done so, they would normally be released within some days.

This practice of detention affects many asylum seekers in a negative way; that is, they tend to withdraw their applications.⁸¹

Upon his arrival, T.U.⁸² had requested asylum with the support of a private lawyer. On February 9, 2011, the police issued a three months detention decision on the ground of the effectiveness and the speediness of his application.

On April 15, he had his asylum interview before the police. Thereafter he continued to stay in detention until May 8, 2011, in appalling conditions in the borderguard station of Soufli, until the completion of the three months period prescribed by law. Upon his release, there was still no decision issued by the authorities, which would have justified the provision of »speediness and effectiveness of the procedure«.

H.H.⁸³ from Iran was arrested in Soufli on October 17, 2010. On October 19, 2010, the public prosecutor ordered his refoulement. On October 22, 2010, the police ordered his deportation. His asylum application was registered after the intervention of GCR on January 13, 2011. The police continued to detain him without taking into account his asylum application. On February 22, 2011, his asylum application was rejected and he appealed before the authorities in charge. He was released on April 18, 2011, after six months in detention and, in any case, more than three months after the registration of his asylum claim.

F.H.⁸⁴ from Iran was arrested in December 2010. Upon arrest he applied for asylum. On December 24, the police ordered his deportation. On December 20, his asylum

application was registered. The police informed us that he had withdrawn from his asylum claim on January 8, 2011. He was not aware of the content of the papers he was given to sign. On February 14, 2011, after interventions of a GCR-lawyer, the police registered his asylum application for a second time. The police continued to keep him in detention without taking into account his asylum application and without issuing a new decision. On April 11, he had his first asylum interview. On June 1, his asylum claim was rejected whereupon he filed an appeal. On June 17, passing six months in detention, he was released. In any case, he stayed in detention more than the legally prescribed three-months period from the date of his asylum registration.

H.W.⁸⁵ from Iraq was arrested on June 16 and detained in Soufli. From the very beginning of his detention, he was asking to be re-united with his family. His wife and his children live in Germany. Yet he could only apply for family reunification upon registration of his asylum claim on September 22. H.W. suffers from a herniated disc. During detention he was transferred to a health centre twice, and once to the hospital of Alexandroupolis. During our visit to Soufli he had already been four months in detention. His wife had already sent all her documents to the Police Directorate of Alexandroupolis.

6.3 Detention conditions

Article 7 of the International Covenant on Civil and Political Rights (ICCPR) and Article 3 of the ECHR prohibit torture, cruel, inhuman or degrading treatment. Article 10(1) of the ICCPR stipulates, that: »All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person«. Detention under inhuman and degrading conditions is a form of ill-treatment and violates the European Convention for Human Rights (ECHR). Even though the European Court of Human Rights has repeatedly condemned Greece for humiliating detention conditions⁸⁶, until today there have been no improvements.

81 Article 14, Presidential Decree 114/2010

82 T.U. from Turkey; April 14, 2011 – Soufli

83 H.H. from Iran; June 26, 2011 – Athens

84 F.H. from Iran; February 28, 2011 – Soufli (detained also in Fylakio later); October 29, 2011 – Athens

85 H.W. from Iraq; October 11, 2011 – Soufli

86 Recent cases of ECHR: *SD v. Greece* (53541/2007, 11.6.2009), *Tabesh v. Greece* (8256/2007, 26.11.2009), *AA v. Greece* (12186/2008, 22.7.2010), *RU v. Greece* (2237/2008, 7.6.2011), *Rahimi v. Greece* (8687/2008, 4.7.2011), *Grand Chamber MSS v. Belgium and Greece* (30696/2009, 21.1.2011)



Tycherio detention centre

6.3.1. Tycherio borderguard station

The detention centre in Tycherio – situated next to the rails – is a former wheat warehouse, transformed into a detention facility. It's being used as a borderguard station. The few long and narrow windows, the only source of ventilation, look out over the street, where there's a parking lot full of police and military vehicles. But the windows are too high to get at and to breathe. The area is surveilled from inside and outside by cameras. On the back of the building, there are three cells. Each of them has one window that looks out over a narrow corridor, towards the railway tracks and Turkey. In the first cell there are usually men and boys, the second one is routinely used for mixed detention – for families, women, minors and some men. The third room is the place for the registration procedure. Nevertheless, it is also often being used as temporary cell.

With an average number of detainees of 180 in two cells (in the period August 2010- April 2011), the individual space for each of them (when divided by the size of the cells) amounts to 40cm². The cells are often so crowded that nobody can stretch and lie down; it is only possible to sit. Occasionally, detainees even have to sit and sleep inside the toilets due to lack of space. Others sleep in a small storage space on top of the door or on another elevated one next to the windows at the back.

In the third room there are neither beds nor mattresses, only some sleeping bags that MSF provided. During December and January 2010/11 temperatures fell under -10 degree Celsius. There was no door to close in order

protect them from the cold. There is also no toilet. If a detainee of cell three has to urinate, police guards would guard him/ her to the fields or he/she had to urinate through the bars into the corridor.

There's no cleaning service for the cells. Detainees reported that none of the toilets had a door and most of the time at least one was clogged. *»In the cell that I was transferred to, there were two toilets and one shower. There was one loose door for the three so we had to move it back and forth in order to have some privacy. The toilets had no water and no electricity. No light inside the toilets. Once I wanted to go to the toilet. I thought there was nobody inside. I couldn't see anything. Only when I suddenly saw a bright smile with white teeth I understood that there was an African inmate on the toilet.«⁸⁷ Most of the time there was no hot water or heating, nor any cooling during summer. Furthermore, the few mattresses and blankets available were all filthy. None of the detainees was provided with towels or additional clothing. There's no supply of personal hygiene or cleaning products. Twice a day a meal is served. As reported by the detainees, it is inadequate and insufficient. Those who can afford it purchase additional food from a vendor who visits the borderguard station and takes orders. S.A. from Iran said: *»We didn't get a lot of food inside prison. We had to buy some additional food when we were hungry. After some days we ran out of money and then depended on other detainees to give us something.«⁸⁸**



The registration rooms is also used as provisory cell although it has neither beds nor toilettes or showers

87 S.Q. from Iran; October 14, 2011 – Feres (former detainee of Tycherio)

88 S.A. from Iran; October 12, 2011 – Tycherio

In Tycheró there are no outdoor activities or even a yard. The only chance to get some fresh air is during the regular counting of detainees upon shift changes, or when the detainees see a doctor or a psychologist. Those who are being detained in cell three can get some fresh air when accompanied outside the cell to go to the bathroom.

There's only one card-phone installed outside the cells, installed on a wooden base on the window's bars, which is moved back and forth between cell one and two. It does not always work and detainees need to purchase phone cards in order to use it.

6.3.2. Feres borderguard station

The detention centre in Feres is a small borderguard department located in the middle of the small town. It has a building that was created before 1900 with offices inside, and next to it two cells with small yards.⁸⁹ The cell next to the borderguard station was renovated and temporarily closed on April 13, 2011. The second cell was also temporarily closed for renovation during our visit in December 2010. The cells' yards are closed at the top and the sides with lattice. Sometimes border guards climb on the roof of the cells' yards in order to control or communicate with the detainees from above. The windows at the back of the cells, showing to the street, are closed with bricks. There is no daylight shining into the cells. Even in summer they remained very dark with only one lamp.⁹⁰

The number of detainees regularly exceeds its limits. With an average of 85 detainees in two cells, the individual space for each of them amounts to approx. 1m². Due to overcrowding, detainees sometimes sleep on the concrete floor outside that is designated for exercise. *«Sometimes 2-3 persons share one mattress. I myself had to sleep in a sitting position, sometimes inside the toilet room, sometimes outside in the rain. In fact, it has been ten days now that I cannot sleep.»*⁹¹ Apart from the small yards of the cells there is no chance for detainees to go outside other than when they carry the garbage out.

The cells are sometimes so overcrowded that sleeping is only possible in a sitting position. Periods of extreme overcrowding coincided with the renovation of two cells in December 2010 and April 2011, respectively. There are two containers on the parking area of the borderguard station that are currently used by Frontex for screening. Since

December 2010 MSF provided for the construction of a small ambulance room next to the two cells.

Feres borderguard station has no separation of people detained for penal or administrative reasons. It is highly problematic that also minors are held together with adults and convicts, as for example in the case of an 11-year old unaccompanied minor in April 2011 who shared a cell with 10 people imprisoned for criminal offences. Women and men were also held together in December 2010, when male detainees reported to us that one of the women was sexually harassed by other male detainees. In April 2011 the detained women reported that they had been held together with men in one cell, and that they were sexually harassed on a constant basis by their co-detainees and to such a high degree that they had a big argument among each other culminating in the intervention of the police guards.⁹²

The detainees have to clean the cells by themselves, but they are not regularly provided with sanitary products, and the high number of detainees and the continuous in- and outflow of people makes the situation worse. In general, the cells are dirty and smelly. Each cell has two toilets and one shower, but during most of our visits only one toilet was working. There are no doors but plastic covers for privacy. Access to water was not always ensured. Sometimes the water was cut and most of the times there was no hot water (e.g. December 2010). *«I try to avoid cleaning myself because it is too cold now. I only clean my face and sometimes wash my hair. In the two months that I have been here, they distributed only 1 Tide, 1 shampoo and 1 Vettex (cleaning sponge) for three persons.»*⁹³ Personal hygiene products, such as soap and shampoo, were rarely given to the detainees and toilet paper was generally lacking. Interviewed detainees complained about the conditions, telling us they can't breathe owing to the stench from the toilets. They also said that inmates are constantly smoking and that there is no fresh air.

Detainees reported arguments among each other about access to mattresses and food. The number of mattresses was always insufficient and they were in a very poor condition. There are two meals a day, which suffer in quality. Natural light and heating or ventilation are insufficient. *«We have three small heaters in our cell which do not work all the time, so it is very cold,»* a male detainee told us in December 2010.

⁸⁹ Report quotation EDA 3.1.10

⁹⁰ Other reports referred to a third cell in the cellar, but during our visits detainees did not talk about people being held there.

⁹¹ A.F. from Iran; December 18, 2010 – Feres

⁹² See also chapter on Hunger strikes / women in Feres

⁹³ A.F. from Iran; December 18, 2010 – Feres



Ferres detention centre

Repeatedly, detainees complained about the lack of adequate clothing, that is warm clothes (in winter), shoes, socks and a second pair of underwear in order to be able to change and wash their clothes.

If they wish to contact someone from outside, detainees have to request access to the single phone located outside of the yards' windows. In order to make phone calls they have to purchase phone cards. Without money there is no possibility to make a phone call.

6.3.3. Soufli borderguard station

The detention centre of Soufli is a borderguard station. Greece has been condemned twice by the European Court of Human Rights for the degrading detention conditions in Soufli (in 2009 and 2011).⁹⁴ The offices of the police were renovated in 2008, a new building for the offices constructed, but the detention space remained the same.

With an average of 170 detainees in one cell (period August 2010 - April 2011), the individual space for each of them amounts to approx. 60cm². The cell consists of two rooms, not separated from each other, a hallway, a small storage room for the garbage, two toilets and two showers. There is no place to sleep, you can only sit or sleep in shifts. And even if some had enough space to stretch out, it was still very narrow as H.A. described after more than five months of detention: *»My place to sleep is the size of a grave!«*⁹⁵ Men, women, minors and babies are all held together and share toilets and showers. There are but 20 mattresses.



Womens' cell in Ferres before the renovation

*»We had to share one mattress among at least two persons. There were people sleeping everywhere, even in between the mattresses on the floor. If you want to pass by, everyone has to stand up to clear the way.«*⁹⁶ Some are sleeping next to the garbage and in the sewage of the two toilets that do not even have doors; some are sleeping above the toilets in a small storage room where they have to climb up to. Others have created provisory beds with wood or cardboard covered with dirty blankets. During our missions we saw that detainees were forced to sleep in the hallway, in front of the bars at the entrance, piled up one on the other. Obviously they had to remain in the position in which they fell asleep, because there was no space for moving around. A minor, who has been registered as an adult, said: *»If I have the chance to lie down as long as there is some space, I lie down. If not I don't. Then I have to sleep in a sitting position or on top of the garbage.«*⁹⁷ In order to leave the cell, to get to the door for communicating either with the guards or the doctors, or to make phone calls, they had to climb over the other detainees. The lack of space creates additional stress and tension among the inmates, as one minor told us: *»I am afraid of the others, because they are fighting for a place to sleep, for the meals, for the toilets etc.«*⁹⁸ *»Once the police was shouting at us to return to the cell. They were saying: »Go back! Go back!« But we couldn't. It was too crowded. Then they opened the door and beat us. (...) Another time one of my co-detainees fainted. We called the police for help. But the officer said: »He is just pretending. He is fine. We did not invite you to come to Greece, so now deal with it.«*⁹⁹

⁹⁴ Violating article 3 of the European Human Rights Convention / case of S.D. and R.U. v Greece. See also: footnote 52

⁹⁵ H.A. from Iran; December 19, 2010 – Soufli

⁹⁶ S.K. from Turkey; December 19, 2010 – Soufli

⁹⁷ I.R. from Iraq; December 19, 2010 – Soufli

⁹⁸ S.A. from Iraq; December 19, 2010 – Soufli

⁹⁹ F.H. from Iran; February 28, 2011 – Soufli



Detention centre of Soufli

There is also a second, smaller cell inside the building, which belongs to the police station. This cell was originally intended for penal detainees who stay in pre-trial detention. It is situated in between the office of the border guards and the police facility. It is not evident according to what criteria someone is detained there. During our visits, irregular migrants and asylum seekers, both men and women, were held there. We met detainees who had been transferred into that cell after being beaten by the police, or who were on hunger strike. It thus seems to be also used as a disciplinary cell.

The main cell of the borderguard station has five long windows close to the ceiling. Daylight and fresh air rarely enter the room. The windows cannot be closed. In winter, the detainees had to close the windows with cardboards and clothes in order to protect themselves from the cold, thus further preventing fresh air from entering. Furthermore, many detainees smoke. The heating did not function either, as there was no petrol. *«Since I am here, there is no heating!«*¹⁰⁰ In summer, there was no ventilation and detainees complained suffering from insect bites.

Detainees complained to us that they were not allowed to go outside. This was confirmed to us by the police officers in charge, who said that this was because the station did not have a surrounding fence and the migrants could attempt to escape.

Because of constant overcrowding one of the two toilets is continuously clogged, and detainees have to queue up, waiting for more than 20 minutes. Both toilets are de-

scribed as extremely dirty and they have no doors, just plastic covers. Only exceptionally is there hot water in the two showers. *«I did not wash myself since I was arrested, because the water is cold like ice!«*¹⁰¹

With the lack of privacy and the presence of men close to the bathrooms, the women felt uncomfortable and exposed in this location. Thus, many tried to avoid cleaning themselves or their clothes. The garbage is not collected and thrown away on a daily basis. It is kept in cardboard boxes and emptied only occasionally.

The cell is very dark. There is only one lamp for all rooms. Most often, the electric bulb is not replaced when broken. Food is mostly insufficient and inadequate. Detainees reported that in arbitrary disciplinary measures they were deprived of making phone calls. There is one card-phone situated outside of the cell entrance. The detainees have to queue up and hold the phone through the bars while talking. *«After the escape (in February 2011), the police took the phone away and said the director needs it. There is only one phone and that one they removed for one week. Sometimes it does not work anyway. There are always excuses why we cannot use it.»*¹⁰²

The degrading and inhuman detention conditions in Soufli have pushed many detainees into a life threatening state of desperation as H.H. reported when released: *«There was a man from Georgia who was detained together with us. He had stayed more than six months in Soufli. One day he tried to commit suicide by cutting his throat with a razor ...*

100 D.F. from Turkey; December 19, 2010 – Soufli

101 S.A. from Iraq; December 19, 2010 – Soufli

102 H.H. from Iran and H.F. from Iraq; February 28, 2011 – Soufli

»If we tell you all our problems, there won't be enough space in your notebook.«

Farsana, from Afghanistan¹⁰⁴

■ *»Around 11 to 12 o'clock in the morning, we arrived on the Greek side with our dinghy boats. We walked on the street and stopped to take a rest. We were very exhausted. Suddenly, an army tank passed by. It stopped and two soldiers stared at us. They called the police, which came and arrested us. It was around 9 o'clock [in the evening] when we arrived at Soufli prison. The officers were very angry, they were not friendly at all, they were pushing us around and they were searching our belongings that were left outside in the yard. They took everything away, even our belts. It was awful. Then they brought us into the cells. It was full of men, women and children – one on top of the other. There was not even enough space to pass through them. Most of the men were dressed only in their underwear since it was very hot. When we first arrived, we thought that men would be separated from women. When entering the first cell, we had the impression that it was the women's cell, but after a while we understood that there were also men. In the second room there were only men. The floor was covered with thin and dirty mattresses, each only 2cm apart from the other.*

We stood there, expecting that somebody would react and clear some space for us, but nobody moved for hours. After many hours, at night, somebody told us to sit in the ›hallway‹ – the only spot that was unoccupied and that normally served as a passage. They gave us some dirty blankets and we sat there.

Later, they put me with my baby close to the rubbish while two other Afghans were sleeping next to the toilets. The cells were so crowded that four people could only fit in if two were standing and the other two were lying. Those that were detained for a long period were washing their clothes in the toilet and were hanging them on the door to dry. There were some people from India sleeping in the sewage.

I couldn't sleep the whole night, I was really afraid. I was not used to be in the same place with a lot of men. It was very hot; there were only two small windows from where the mosquitoes were constantly entering. Our bodies are all red. Look! Maybe in these few days more than hundreds of bites! Even policemen had a problem with the insects but they never reacted. Together with the disgusting food they would give us some paper that we used to make air and to get rid of the mosquitoes.

At 9 o'clock in the morning, breakfast was served: One small juice and some bread. For drinking water we had to go to the toilet. The water was brown and smelled bad. We only had breakfast and lunch, no dinner. For lunch we always had something hot but it did not taste. The four days we spent there we had twice pasta and once meat. We asked if the meat was prepared according to Muslim religion. One guy said yes and another no. We were not convinced so we did not eat it.

If somebody wanted to go to the toilet one had to wait for a long time, since there was only two and we were many to use them. The door could not be closed so we were afraid and always asked one of our men to accompany and guard us.

People were smoking – cigarettes were passed from hand to hand – it was unbearable, and at the same time we were not allowed to go out. The windows were very small.

People were putting their shoes on the window sills outside. It was hot.

When we were protesting, demanding the police to let us out, they were shouting at us. One day I was crying and shouting, asking them to let me go out and get fresh air with my baby. They did not let me go. ›We did not ask you to come to Greece, so don't complain,‹ they said. I told them, that I am not even complaining about the dirt and the smell, but I cannot stay in this small room together with men. We thought that the Greek authorities would bring us into a camp, but we didn't know, that it would be so dirty, crowded and bad! Eventually, they only let me out for some minutes because some Georgian women hurt themselves in protest against their long detention, and the police were afraid my baby could accidentally be injured.

There were no lawyers. We also did not see any doctor. They told us that there was one who visited the prison every Thursday, but we never met him. There was an Afghan man who's been detained for about three months in Soufli and the police would use him as an interpreter. He spoke many languages. They told him that he is going to stay there for six months. The Georgians were also held there for a long period of time. To some of them they told that in two days they are going to move to Athens to another prison and that they might deport them.

One day, they took us into another office to take our fingerprints. It was nice and comfortable there. So nice, that

we thought: »Please don't ever let this fingerprinting end so I will not have to return to the cell!« They took our fingerprints four times, four times each finger – on a paper. Unfortunately, after that it was over. At the same time, there were also two men in the same office interviewing refugees – one Greek and another one who spoke English. The Afghan detainee, who was translating, explained to us that they were interviewing them to find out their true nationality. Some of them claimed they were Palestinians, but the police did not believe them. They did not interview us. We only had to give basic information such as our names and age.

Once they brought some people that could not stay because there was not enough space for them. Apparently they moved them to another place. Another day, I heard voices in the night. The next morning I asked if they brought new people, but they said no. One day, while we were in detention, they took two Iranian guys, but they brought them back after one hour. They told us later, that they were brought close to the border at the river, and that the Greek police tried to deport them to Turkey but the Turkish police did not accept them back.

It was also very difficult for women detainees. We were many people and most of us men. Some detainees were harassing women all the time. [...] People were fighting for everything, for basic things like a sleeping place, food, soap, access to the phone... everything! I missed looking up into the sky. When I was feeling really bad, I waited for nice police officers to take the shift and begged them to let me take the garbage out. Then I could breathe some fresh air for a few moments. [...] Twice I started thinking about how to commit suicide, but I didn't.«¹⁰³

The last day of my detention, they came to our cell and started counting us. They had to repeat it five times, because they had different results each time, so they went mad and started shouting and kicking the cardboard beds and the walls. My brother was in the bathroom at that time, he was taking a shower. The policemen started shouting at him to get out. They finally counted 92 persons in one cell. »How can they be so many,« one of the officers wondered. In the whole detention centre 250 people were held. We were told that we've been lucky. Sometimes the number of detainees had reached 400. When this happens, everybody is standing, nobody can even sit.

We were released around 11 o'clock, others in the afternoon. They always release people when the prison becomes too overcrowded, that's the rule. The police were so impatient to send us away, that when we were released they didn't even let us tie our shoelaces. »Go, go, go,« they were yelling. We had to get ready in the outside area of the police station. [...]

If we tell you all our problems, there won't be enough space in your notebook.«

6.3.4. Fylakio detention centre

Half an hour driving distance from Orestiada is the Fylakio detention centre. It was built in 2007 and serves as a »Special Holding Facility for Illegal Migrants« (EXIIA).¹⁰⁵

Fylakio is situated in the middle of nowhere. While the detention centre officially holds 374 inmates, the CPT (European Committee for the Prevention of Torture) concluded that it was constructed for not more than 188 detainees.¹⁰⁶ »We were around 400 persons inside. It was horrible. Today they released us. In total they released around 90 refugees today. There are still more than 120 children in there. They already keep them for almost a month.«¹⁰⁷ With an average

103 H.H. from Iran; April 21, 2011 – Athens

104 Farsana from Afghanistan; August 2010 – Alexandroupolis (name changed)

105 Greek law (Article 81(1) of Law 3386/2005) provides that the special centres should be established through a Joint Decision of the Minister of Interior, Economy and Finance, the Minister of Health and Solidarity, and the Minister of Public Order. This Joint Decision shall also determine the standards and terms of operation of the centres. The status of the existing immigration detention centres (such as Fylakio) remains undefined, since the majority, if not all of them, have been established and operate without the adoption of a Joint Ministerial Decision. The absence of a Ministerial Decision has also resulted

in the lack of standards and terms of operation for the existing detention centres.

See also: Hellenic League for Human Rights 2009: »Report about the detention centre in Evros and Rodopi«: p. 11. [http://184.107.130.30/files/EKTHESI_NEW2010\[1\].pdf](http://184.107.130.30/files/EKTHESI_NEW2010[1].pdf); Amnesty International 2010: Greece: Irregular migrants and asylum-seekers routinely detained in substandard conditions: p. 35. <http://www.amnesty.org/en/library/asset/EUR25/002/2010/en/07291fb2-dcb8-4393-9f13-2d2487368310/eur250022010en.pdf>

106 <http://www.cpt.coe.int/documents/grc/2010-33-inf-eng.pdf>

107 Anonymus; November 7, 2010 – Fylakio.



Detention centre in Fylakio

of 500 detainees in seven cells, the individual space for each amounts to 1,3m². In the past, the number of detainees has sometimes outreached 700 persons.¹⁰⁸

The building is located outside the village. It is surrounded by fences and monitored by surveillance cameras on the inside and outside. The yard has a parking lot for the police cars. In one corner, confiscated trucks and cars – used for smuggling – are parked. These trucks are used as storage space for the detainees' personal belongings, which they have to hand to the authorities upon arrest. In summer time, personal items are piled up on the ground of the yard: Hundreds of bags without any registration number.

There is a separate cell for women. It is located next to the convalescent room, which is close to the medical examination room and the guards' office. Inside this cell, there are also unaccompanied teenage girls and single mothers. The cell has 40m². During the period of our research, in average 30-40 women were imprisoned in there. *»There is no hot water, the toilets are dirty, the food not eatable.«*¹⁰⁹

Minors are usually detained in cell number two. Sometimes they end up sharing cells with adults, especially when they are not identified as minors, or when the second cell is overcrowded. *»We are 90 persons in my cell. I have been here for 90 days. I have to share my bed with another minor but there are also adults in our cell.«*¹¹⁰ Detainees repeatedly reported about mixed detention. Among the detainees there are asylum seekers, sick people with severe physical or psychological health problems, elderly, unaccompanied minors and small children. The cells are stuffed up the ceiling with metal bunk beds for two to three persons. In between the beds, cardboards and blankets are spread on the floor for the ones who have no bed.

The cells are filthy and smell bad. Cleaning and hygiene products are rarely distributed, and if so, in small quantities. *»I cannot wash myself very often – maybe every two or three weeks. It is cold. There are no towels, no shampoo and no soap. Since I was detained, they gave only two soaps to our cell – with literally 80 persons. We ended up fighting for the soaps.«*¹¹¹ There are four toilets in each cell, but usually at least two of them do not function. *»Sometimes we try not to eat for a few days just in order to avoid using the toilets.«*¹¹² *There is one shower in each cell. Sewage water is flooding the floor. Some of the showers do not work. In winter, the water pipes sometimes freeze for days. »There is no water coming out, but only mud. Two days ago we had no water at all.«*¹¹³

There is no heating if there's no petrol. There is no ventilation. Since all cells share the same corridor there is a lot of noise and it's difficult to sleep or relax. Blankets and mattresses are sometimes insufficient and very dirty. There is no provision with towels or extra clothes. *»Even the clothes I wear do not belong to me. I constantly feel cold. Even the clothes I wear are now damaged everywhere because the police grabs us by the shirts and pulls us around.«*¹¹⁴

There are six phones, but the detainees claim not to have free access. Most of them are out of order. Phone calls can only be made once a week, according to the cell number and provided the detainees have money to buy phone cards. Detainees reported that they cannot always make a call when it is their turn because in the limited time not everybody from the cell gets on the phone.

A catering service brings food. They leave it on the ground, just in front of the detention centre. A group of detainees from each cell is responsible for its distribution. Meals are eaten in the cells, without tables and chairs. If there are

108 As it happened in the summer of 2010.

109 L.C. from Syria; October 10, 2011 – Fylakio

110 Y.I. (16) from Syria; December 20, 2010 – Fylakio

111 M.S. from Iran; December 20, 2011 – Fylakio

112 M.S. from Iran; December 20, 2011 – Fylakio

113 Y.I. (16) from Syria; December 20, 2010 – Fylakio

114 M.S. from Iran; December 20, 2011 – Fylakio



Prices for the transfer from Fylakio to Athens are very high

meals left over, they are stored outside the detention centre. The detainees who put the garbage out have the »privilege« to take them.

There is no yarding. Detainees are only allowed to go outside to pick up the food or to take out the garbage. *«We do not have enough police officers to control the situation in order to let them out,»* the officers repeatedly argued.

In the case of mass releases from Fylakio, refugees are transferred to Athens through a private bus company. The police, together with the bus companies, organise the trip for which each released has to pay 65 Euro or 85 Dollars. If someone has no money, the others must pay for him/her or he/she has to walk. When it comes to individual releases, the refugee has to find his/her own means to leave from the detention centre.

During our visit in November 2010, we witnessed the release of some migrants.¹¹⁵ It was early in the morning. The bus arrived at the yard of the prison. The seats were covered with plastic. The hands of the police officers with plastic gloves. One by one the ex-detainees entered the yard which was filled with bags. No names, no numbers, no registration. They searched the piled of personal belongings. F. could not find her Asthma medicaments; H. desperately searched for his documents without a reasonable chance to find even his bag; A. lost the contact phone numbers of his relatives. With the baggage of their former life retrieved or not, they climbed the bus and disappeared towards Athens.

After two busses had left, a group of 35 remained. They had no money to pay. Among them a blind woman and small children; they were Somalis, Palestinians and Afghans.



Released migrants who cannot afford the bus ticket walk all the way to the next city

What to do? The police had told them to remain in the yard for some hours. *«They say they have no money for the bus, but they lie! If they have to wait for some hours, they will pay in the end,»* an officer said. Later, another police officer asked them to pass the gate and leave.

It is 16 km to the next railway station in Orestiada – 20 minutes by car or three hours to walk. A caravan of released persons started its odyssey through small villages, along the fields, passing by stork's nests and tractors. They had to hurry to catch the last train for Alexandroupolis, that was leaving at 6:13 p.m.. Some made it, others didn't. The tickets for Athens were sold out. They had to spend the night out in the cold, in Orestiada or in Alexandroupoli. *«I have no money at all! How can I go to Athens?»* M. was wearing a shirt, trousers, shoes and a pullover. That was all he had. *«How many minutes is it to walk to the railway station? How much is the ticket?»*¹¹⁶

6.4. Recent changes in detention practice

During our last mission, we saw that detention conditions had not improved. The only change was a decrease in the number of detainees. This drew from two different developments and changes in detention practice. In order to reduce the number of detainees inside the detention centres of the region, there was an increase of transfers to other detention centres, while simultaneously persons who could not be deported were detained temporarily outside.

In the four detention centres, in average there were lower number of detainees but the same degree of in- and out-

¹¹⁵ On November 17, 2010, PRO ASYL members visited Fylakio detention centre.

¹¹⁶ November 17, 2010

flows. Thus, there was an increase of mobility and not less arrivals. Compared to the other missions, we noted a substantial change in the policy of detention duration: From then on, specific non-deportable nationalities are arrested but the authorities try to issue their deportation order as fast as possible after registration. If possible, the detainees are released within the same day, otherwise within the next days.

Specifically, for the case of Fylakio detention centre, the police headquarters of Orestiada showed an interest in having high numbers of arrests to report about. All irregular migrants were arrested, brought to the detention centre and then registered in order to release most of them as soon as possible.

Example: On October 10, 2011, we arrived at the detention centre at 1p.m. We saw that the authorities were in the act of releasing detainees. It was cold and rainy. Detainees were standing in the rain, waiting. They had to release 100 persons that day, as an officer told us. The procedure was finished at dawn. The released walked through the dark and the rain towards Orestiada. There were 264 registered detainees on October 9. At this point, and in the late evening, we saw new arrivals. An officer told us that all together, with the new arrivals, there were 650 detainees in the night of October 10.

Even if the policy change could prevent constant overcrowding in Fylakio, the speedy procedure just transforms the nature of problems. More precisely, we could observe that there were short periods of high overcrowding (of one or two nights) and an important degree of quick in- and outflows. The officers seemed to lose track of the detainees, thus, families were likely to be separated. They were detained in different cells and sometimes released on different days.

For the borderguard stations of Alexandroupolis, namely Feres, Tychero and Soufli, there was also a policy of keeping the number of detainees down. However, the headquarters of Alexandroupoli found a different solution for preventing overcrowding. New arrivals were registered outside of the detention centres, with the arrested waiting on fields, in yards, corridors and on parking lots for their papers to be issued and to leave. They had to remain until their registration was complete, under inadequate detention conditions, without any sanitary infrastructure (i.e. toilets) and exposed to the harsh weather.

Detainees told us that, in many cases, they had waited outside for more than 3-5 days to be registered. As we witnessed for example in Tychero borderguard station, newcomers were either temporarily detained outside on a field, or in the registration room (cell 3) – a place that has no infrastructure to host detainees (no toilets, no beds, no mattresses, no showers, no door etc.). Owing to delays in the registration procedure, many detainees were registered a few days after their arrest, thus, extending the real time of their detention (thus possibly even beyond the maximum of six months).

The ones to be deported were brought inside the detention centre and then transferred to other detention centres in other prefectures in order to keep numbers down (i.e. to Drama, Komotini).

This policy also entailed an unsystematic procedure of transfers, with detainees not being informed about their transfer. Families were always separated and detainees were transferred to other prefectures, thus losing access to both, the legal aid provided in Evros and Rhodopi, and the opportunity to reunite with their families upon release. Finally, the detention conditions in the borderguard stations of other prefectures remain inadequate. After their transfer, detainees continue to lack access to information, legal aid etc. while their files are kept at the responsible authority of arrest.

Right after her arrest, H.Y. from Iran was separated from her husband and transferred to Fylakio. *«We lost our daughters on the border. Now I am in a cell with the other women and my husband is in another cell. I need him. I feel desperate.»*¹¹⁷

S.Q. was detained for the first days in Tychero borderguard station. *«I was arrested on August 22, 2011 in Tychero. They registered me one day later. The first days I stayed outside on the field. If I wanted to go to toilet, I had to hide behind a bush. Officially, my paper was issued on the 31st of August. This means that they stole some days from me. If I stay the full length of six months in detention, in my case, it will be some days longer. The days I was detained outside and not registered. (...) It is a form of torture for me to be detained inside the cell (of Tychero) and watch all the other arrested who are sitting outside and are free – the ones who were coming and going within a few hours or days. I could not understand what the difference was among us. We were not even allowed to talk with the ones*

117 H.Y. from Iran; October 11, 2011 – Fylakio

outside. I felt as if we ›insiders‹ were seen and treated as criminals.«¹¹⁸

S.A. from Iran was detained with her parents in Tychero. »In the beginning, we were detained together in Tychero: Me, my mother, my father and my cousin. Then the police came one day and took my father and my cousin. They said that they took them just for signing a paper, and then they will be brought back. Instead they brought them to Venna where they stayed for 13 days. Four days after they had taken them away from us, my mother and me were brought to Feres. Only after we spoke to a GCR-lawyer in Feres my father was sent to us. Then we were brought back to Tychero. My cousin is still in Venna. They separated all the families. There were brothers and sisters separated, and families like ours, women from their husbands ... Nobody explained to us why. Some of the men in our cell were with their sisters in the beginning. Following their separation and the transfers, the sisters were finally released alone. Their brothers stayed. I don't understand this.«¹¹⁹

6.5. Other Detention Centres: The example of Venna

From the detention centres of Alexandroupoli, irregular migrants and asylum seekers are transferred mainly to Venna detention centre, but also to police stations of Xanthi¹²⁰, Drama and others, under humiliating detention conditions and in the absence of any legal safeguards.

Venna detention centre is located in Rhodopi prefecture. Detention conditions are inhumane and degrading.^{121 122} In 2010, the detainees staged an upheaval protesting against the conditions.¹²³ Today there is still a serious lack of legal safeguards in Venna, similar to the detention conditions in Evros.

Venna Special Facility for the Stay and Accommodation of Migrants, established in 2002, is a former agricultural

storage facility with six big cells and two open yards. The detention centre had originally been opened to decrease overcrowding in the detention centre of Sapes border-guard station. The total capacity is 220. In October 2011 the number of detainees varied from 160-200.

Venna accommodates male irregular migrants who are arrested in the region of Rhodopi and also others arrested in other regions of Thrace – mainly those from Alexandroupoli region because of the overcrowding of the facilities there. In practice, it serves as the last detention facility before deportation. This is why irregular migrants in the detention centres of Evros and Rhodopi know the detention centre under the synonym of ›deportation centre«. Usually, every Monday there are readmissions to Turkey.

The majority of detainees tend to be from Iran, Iraq, Syria – three of the countries for which the Readmission Agreement with Turkey is already implemented. There are fewer detainees from Arabic countries such as Morocco, Egypt, Tunis, Algeria, and recently Kuwait, such as a few from Santo Dominica and Nigeria, who are usually detained for shorter periods. Detainees, who are transferred from Evros detention centres to Venna and then apply for asylum, are sent back to Evros upon the registration of their asylum claim. In October 2011, most of the detainees were from Iran, Iraq and Nigeria – nationalities who are eligible for readmissions and deportations.

Venna is dirty, humid and dark. Natural light is almost absent. There are no doors in the toilets, no hot water, no hygiene products provided for. During the winter months there is a heating, which is mainly turned on during the night. Beds are made of concrete and supplied with mattresses. Access to the telephone and the yard is restricted. The detainees can access the telephone only when yarding is permitted – meaning every three days for one hour. In October, there were one doctor, one social worker, one nurse and one interpreter appointed by the Ministry of Health.

118 S.Q. from Iran; October 14, 2011 – Feres (former detainee of Tychero)

119 S.A. from Iran; October 13, 2011 – Tychero

120 CPT 2009: In the reports on the 2005, 2007 and 2008 visits, the CPT characterized the conditions of detention in police and borderguard stations as »grim«, noting the severe overcrowding, poor material conditions, absence of ventilation and hygienic problems. Sadly, this description remained valid for the conditions observed in most stations visited in the course of the 2009 mission to Greece. The conditions were particularly poor at Athens Omonia Police Station, Feres Border Guard Station, Patras Police Headquarters and Xanthi Police and Border Guard Station, as well as at the Patras Trans-fer Centre. (...) In its report on the 2008 visit, the CPT stated

that the detention conditions at the Xanthi Police and Border Guard Station could be considered as inhuman and degrading, and yet they were in an even worse state at the time of the 2009 visit. For example, cell N° 4 was without any light (natural or artificial) and the delegation had difficulties identifying the occupants of the cell in the dark; the absence of any light in the toilet area of the cell had led to unhygienic conditions detrimental to human health.

<http://www.cpt.coe.int/documents/grc/2010-33-inf-eng.htm>

121 CPT 2008

122 The 2010 HLHR Report identified many shortcomings in the conditions at Venna immigration detention facility.

123 <http://omadadikigorwnenglish.blogspot.com/2010/03/press-release-for-rebellion-in-venna.html>

7. Health

During summer 2010, doctors working for the 4th Health District of Evros, along with the Hellenic Centre for Disease Control and Prevention (HCDCP), provided medical treatment in the Evros region. There was one doctor and a nurse covering both Fylakio and Feres and a psychologist who was responsible for the four detention centres in Evros, as well as for Venna. Owing to funding shortfalls, even these two doctors and the nurse did not continue working after 2010.

From November 2010 until April 2011, the HCDCP run a program aimed at safeguarding public health and at providing medical and psychological support to irregular migrants detained in the Evros region. There was a team of six (doctors, social workers, psychologists and interpreters) and two mobile units working in the region.

In the same period, Medicines Sans Frontiers (MSF) were running a program in the region, covering both Soufli and Tychero detention centres, providing emergency support and medical care to help detainees.

From March until July, the Ministry of Health and Social Solidarity, funded by ERF-emergency funds, implemented a project in the region of Evros providing detainees with medical and psychological support.¹²⁴ This project was coordinated by HCDCP, planning medical examination and assessment of all migrants, psychological screening, psycho-social and medical support upon request and disease surveillance. 3 doctors, 4 nurses, 2 psychologists, one social worker, drivers, technical medical staff and about

five interpreters were hired for a three months period and worked in Fylakio, Feres, Tychero, Venna, Soufli and Poros.

Almost at the same time, spanning from May 2011 to the end of July of the same year, the Ministry of Citizen Protection ran a program that was financed by the Emergency Measures of the European Refugee Fund (ERF), which provided for interpreters, social workers and psychologists. The mobile units stayed 1-2 weeks in each detention centre of Evros and Rhodopi. The program was also carried out in Athens.

In the beginning of August 2011, MSF were asked to fill the gap in healthcare provision, waiting for the renewal of the Ministry of Health's new program. Upon return to Evros, MSF stated that concerning the detention conditions, there have been no improvements since their last mission, other than the decrease of the number of people detained in the region, demanding for a more effective healthcare provision in the region.

The Ministry re-started their program on September 29 of the same year. It will end in February 2012. They employed one doctor at each detention centre except Soufli and Feres (which have to share one), one psychologist (only for Soufli, Feres and Tychero), one interpreter at each detention centre (meaning only one language is covered), one social worker for Fylakio and one for Venna, as well as three nurses: one for Fylakio, one for Tychero and one for Soufli and Feres.¹²⁵ As can be easily derived from the above facts, there has been a constant lack of medical staff.



Womens' bathroom in Ferres often lacks warm water



Toilettes in detention are usually not working or/ and very dirty

¹²⁴ EU project: »Implementation of healthcare and psychosocial support activities for third country nationals that may require international protection in the area of Evros, Greece«.

¹²⁵ http://www.keelpno.gr/images/stories/keelpno/Theseis_Ergasias/programa2010_prosklisi.pdf

7.1. Detention causes sickness

In the final report of the first MSF mission in 2011, the NGO described the inhumane living and hygiene conditions in the detention centres of Evros, which cause serious health problems to migrants and asylum seekers detained there. According to their data, 60 % of migrants' health problems are directly caused by or linked to the degrading conditions. Out of 1,809 patients treated by MSF, 1,147 were diagnosed with respiratory tract infections, body pains, diarrhoea, gastrointestinal disorders, psychological problems and skin diseases. Their psychological problems result from the inhumane detention conditions, fear of deportation, lack of knowledge about the detention period, insecure future, problems of communication and from being treated like criminals by the police.¹²⁶

«Most of the migrants we have treated were not ill when they first entered the detention facilities,» said Ioanna Pertsinidou, coordinator of MSF's project for migrants in Greece. «They fell sick from being held in overcrowded cells, lacking proper ventilation, water and sanitation, and from not having quality food or the possibility of spending time outdoors.»¹²⁷

As an Iranian asylum seeker detained for almost six months in Feres also told us: *«I cannot breathe. People smoke, the cell is overcrowded, it is cold and we cannot open the windows all the time ... so I cannot breathe. The doctor gave me an asthma spray after I told him about my problem. Now I am using the third spray.»¹²⁸*

According to the experience of MSF in Evros, there is no evidence that people entering Greece pose a public health risk to Greek society, as was recently stated by Greek Minister of Health, Mr. Loverdos.¹²⁹ He had requested advise from the World Health Organisation (WHO) on the

issue of dangers for public health caused by irregular migration.¹³⁰

On the contrary, it is the inhumane living and hygiene conditions in these facilities—where some migrants are kept for up to six months—that are causing a significant deterioration of their physical and mental health.¹³¹

7.2. Ineffective screening at arrival

Law no. 3907/2011 provides for a set of measures to be taken at arrival, among which are a first medical examination of the detainees, as well as their referral to the appropriate institutions for further medical and psychosocial support, when needed.¹³² Still, until now, no standard medical procedure upon arrival is followed in Evros. The apprehended are not transferred to hospitals to undergo medical examination, instead they are immediately detained. The only medical examinations made are blood tests and Mantoux, and even here it remains unclear if all arrested are tested. Further examinations are made if the Mantoux is positive. Apart from the examination of these contagious diseases, there is no other systematic medical screening taking place. There is no individual medical assessment of each detainee and no individual medical record for all detainees. No screening for certain vulnerable groups is conducted.

Wrong or incomplete registration of personal data, along with no proper record of the detainees transfers to medical facilities, or even to other detention camps, make it even harder to identify, examine, and treat the detainees. Additionally, it makes it difficult to have access to someone's file and even to request medical certificates from the hospital, if needed.

126 MSF report 2011: <http://www.msf.org/msf/articles/2011/06/more-than-60-percent-of-the-medical-problems-faced-by-detained-migrants-in-greece-caused-by-inhumane-living-and-hygiene-conditions.cfm>

127 <http://xorissynora.msf.gr/2011/06/15/Ελλάδα-Πάνω-από-το-60-των-ιατρικών-προβλ/>

128 A.F. from Iran; December 18, 2010 – Feres

129 <http://tvxs.gr/news/%CE%B5%CE%BB%CE%BB%CE%AC%CE%B4%CE%B1/%C2%AB%CF%83%CF%85%CE%BC%CE%B2%CE%BF%CE%BB%CE%AE%CE%BB-%CF%84%CE%B7%CF%82-%CF%80%CE%BF%CF%85-%CE%B3%CE%B9%CE%B1-%CF%84%CE%B7-%CE%B4%CE%B7%CE%BC%CF%8C%CF%83%CE%B9%CE%B1-%CF%85%CE%B3%CE%B5%CE%AF%CE%B1-%CE%BB%CF%8C%CE%B3%CF%89-%C2%AB%CE%BB%CE%B1%CE%B8%CF%81%CE%BF%CE%BC%CE%B5%CF%84%CE%B1%CE%BD%CE%B1%CF%83%CF%84%CF%8E%CE%BD%CE%BB-%CE%B6%CE%B7%CF%84%CE%AC-%CE%>

BF-%CE%BB%CE%BF%CE%B2%CE%AD%CF%81%CE%B4%CE%BF%CF%82

130 In July 2011 the World Health Organisation (WHO) visited upon request from the Minister of Health the detention centres of Evros and released a report: http://www.euro.who.int/_data/assets/pdf_file/0012/144012/Greece_mission_rep_2011.pdf

131 See also: Spiratos, Thanasis (co-ordinator of MSF mission Evros 2011) 5th of February 2011: <http://xorissynora.msf.gr/2011/03/03/Μαρτυρία-από-τα-τιμήματα-συνοριακής-φύ/>

132 G.G. A-7/26.1.2011 »Establishment of Asylum Service and Service of first reception, adaptation of Greek legislation with the provisions of Directive 2008/115/EC concerning common rules and procedure in member states for the returning of illegally staying third-country nationals and other provisions«.

Given the precarious conditions, as regards hygiene and safety, within the facilities, and the non-prevention of disease transmission, both detainees and employees are at high risk of becoming sick. »I was sleeping for two months among two people who had Hepatitis. Now they are released.«¹³³

7.3 Insufficient number of specialised medical staff, inadequate medical infrastructure, insufficient medication and lack of co-ordination on the part of the authorities

There is not enough medical staff. The provided medical staff can neither adequately meet the needs of basic healthcare examination for all detainees, nor does it suffice for securing a proper medication. The latter entails tremendous health risks for detainees who depend on their medication, e.g. when they had severe traumatic experiences and are in need of psycho-pharmacy, or if they have undergone operation or suffer from serious congenital heart defects. The lack of medical staff particularly for night shifts and weekends further curtails detainees' access to doctors and proper medical treatment. The distribution of medicines during night is assigned to the guards, who are not trained for carrying out this task. Furthermore, regional hospitals are unable to examine the high number of newcomers. The medical staff is not trained in migration issues, and they do not know how to deal with victims of torture, violence or rape.

There are not enough interpreters. The lack of interpreters in detention centres and in hospitals makes medical screening, examination and treatment impossible. Doctors, psychologists and nurses cannot treat detainees adequately, lacking medical equipment, medication and proper examination rooms.

Detention facilities do neither offer appropriate examination rooms, nor isolation room for cases of suspectedly contagious diseases. »The doctor gives us pills of four different colors to treat our sickness. None of them help.«¹³⁴ During our missions, we saw doctors examining detainees through the bars (Feres, October 2011), in inappropriate examination rooms (i.e Tychero) or in places lacking privacy (Feres, Fylakio).

The management and co-ordination of detainees' medical treatment is dysfunctional. In scheduling the examination of a patient, doctors depend on the police who have a different assignment and therefore different priorities. Means of transport and guards to accompany hospital transfers are generally insufficient. As borderguard officers told us in various occasions, for the transportation of a detainee to hospital, one police car and two police officers are needed. Another problem in co-ordination is the transfer or release of detainees without informing neither the treating doctor nor the patient. The patient leaves the detention centre without his/her medical files, without his/her medication and without referral for further therapy or treatment. A medical follow-up is impossible.

7.4. Access to and communication with doctors

Access to health care (medical and psychological treatment) is not always guaranteed, and sometimes guards arbitrarily discourage the detainees from calling the medical staff or refuse to refer them to the staff. »I had been asking for a doctor for many days. I had a bad cold. He never came, but one day the police took me out and beat me so I didn't ask for the doctor again!«¹³⁵ »You can call for a doctor 100 times if you want them to react even once!«¹³⁶ »Once a man fainted inside the cell. We were afraid he would die. We called the officers, but they did not react.«¹³⁷ A minor told us: »If somebody needs a doctor, we need to make a lot of noise and shout. The sick person has to be lying on the floor, unconscious, for them to take you seriously.«¹³⁸

Detainees who were ill-treated by the police, told us that they were not allowed to see the doctor.

Detainees systematically complained to the mission's team about difficulties in communication, resulting in inadequate medical care. During the team's missions, the doctors (except for the MSF mission) were working even without any interpreter or with few. The absence of external and professional interpreters compromises the quality of the delivered health care, as well as the patient's confidence, especially in cases where other detained migrants are used as interpreters. Detainees complained to us that, even when there was a psychologist, they did not want to speak with him/her, because there was no interpreter and

133 A.F. from Iran; December 18, 2010 – Feres

134 S.Q. from Iran; October 13, 2011 – Feres

135 D.F. from Turkey; December 19, 2010 – Soufli

136 B.M. from Iran; December 19, 2010 – Soufli

137 F.S. from Iran; December 20, 2010 – Fylakio

138 A.T.M. from Afghanistan; October 11, 2011 – Fylakio

they did not want an inmate to fill in.¹³⁹ In other cases we were told, that there were no interpreters available at the hospitals. »I was brought to the hospital three times. Twice I was not even examined thoroughly and they told me I am healthy. The third time I was examined. The doctors told me I need to have an operation, but I have to pay for it. The police said that there was no money for an operation. There was no interpreter so I could not explain my problem.«¹⁴⁰ S.A. from Iran had similar problems in the hospital: »I had breast cancer. I had two operations in Iran: The first to remove the cancer, and the second was a plastic surgery. That was only recently. The doctor in Iran had told me after the operation that I should not go for swimming and not wash myself with cold water. Here we have only cold water. I have no choice.

Now my breast has swollen and I suffer from pain. The doctors and nurses in the hospital could not understand me. They were searching for cancer, and since they didn't find it, they said I was fine.«

Detainees also complained that doctors would not visit them regularly in their cells, had no regard for their complaints about pains or other health problems, and were uncaring. Migrants therefore tend to gather at the doors of the cells and call out for medical assistance. This may result in the weakest or sickest not being noticed.

»I felt fear, desperation and anger. I just wanted freedom. Then I hurt myself.«
S.R.B., from Iran¹⁴¹

■ S.R.B. is an asylum seeker from Iran. He was arrested on January 21, 2011, and brought to Fylakio detention centre where he stayed for four months in total. From the beginning, he suffered from mental problems, but he encountered severe problems in being referred to psychological healthcare. During detention he injured himself. »I had no place to sleep. Only after 15 days did we receive some mattresses. The ones who have been in detention longest set the rules in the cells and they have the best beds. We were sometimes four persons sleeping in one bed. Others had to sleep on the floor on cardboards in between the bunk beds. It was hot, there were many insects, the toilets were smelling bad being full of sewage, and also the garbage, that remained for many days inside the cell stank abominably. We had hot water only every 10 days. In four months, I had been given soap twice, and never shampoo nor toothpaste. I didn't cut my nails in all of the time. When I asked the police for a scissor, they replied: »Eat them!« We had not enough food and we had to eat on the floor like animals. We were always sitting in the dark. We couldn't go out. We couldn't make phone calls because we had no money. Nobody could send us money. The situation was devastating. I felt fear, desperation and anger. I just wanted freedom. Then I hurt myself. I saw the police bringing some women out in the middle of the night. I saw them beating the children on their heads.

I could not sleep. Sometimes I heard voices. I felt terrorized. I could not eat. I was crying all the time. I needed psychiatric support. I had problems with my skin due to frostbite. From the time I crossed the border, I had been in the cold. The doctor gave me only Depon (Paracetamol). He didn't even pay attention to me. In the neighbouring cell were the minors. At some point one of them had problems with his kidney. He was shouting for the doctor for three hours. Only then a police officer came. The doctor came to see him the next day.«

S.R.B. had a psychiatric background. From his arrest, it took the responsible authorities four months to identify him as vulnerable and to register his problems. Inmates had repeatedly insisted that he needed help. On the May 17, he was transferred for the first time to a health centre where the doctor diagnosed a psychiatric disorder and fixed an appointment at the psychiatric clinic for the 21st of the same month. Obviously, he needed further therapy and hospitalisation. Anyway, the day of the appointment there was no police vehicle available for transfer to the hospital. He was released on the same day without being informed why, nor was he given money, medication, medical certificates or personal belongings. He was found by a GCR-lawyer who finally organised his transfer to the hospital where he stayed for two days. Until today, he is undergoing psychiatric treatment, therapy and medication. The period of detention deteriorated his mental health condition.

139 N.H. from Iraq; April 14, 2011 – Soufli
140 H.H. from Iraq; October 13, 2011 – Tychoero

141 S.R.B. from Iran; May 25, 2011 – Athens (former detainee in Fylakio)

7.5 Inadequate response to health emergencies

Since there is no medical staff working night shifts or on weekends, and in general access to the doctors is not guaranteed, the guards are more often than not left alone to respond to health emergencies. They may though arbitrarily decide to contact the doctors in each case. It is in their hands, who gets care and who doesn't or who should be transferred to hospital or not.

Detainees transferred to hospital are required to be escorted by the police. This cannot always be granted, especially during night shifts, when there less officers are on duty. In such cases, transfer can be postponed to the next day.

However, in some cases, even with suicide attempts, if it does not appear to be an emergency that cannot be ignored, the person is not necessarily referred to primary care or psychiatric clinic.

»One of the detainees fainted. We called for help. The police shouted: »It is fake. He is just fine. We didn't invite you to come to Greece anyway!«¹⁴² Out of despair, detainees resort to radical measures in order to be heard and to re-

ceive treatment: »We had been on hunger strike for nine days without being examined by a doctor. We requested many times to see a doctor. When my friend became really sick, we decided to drink Betadine to force them to take us to the hospital. We were transferred to Alexandroupolis hospital. The doctor gave me a prescription with a whole list of medication I had to take, but back in detention, I only received once a single tablet. When we returned from the hospital, one of the guards told us: »Now stay here and die!« Then for one week they didn't allow us to make any phone calls.«¹⁴³

»Maybe somebody can survive three months in here, but nobody can survive six months. This is for sure,« A.H. says.¹⁴⁴
»One day, I tried to commit suicide. I don't remember what happened then. You know, there are sad things in my life and I was in detention for a long period without knowing what will happen to me. The others told me that I had been unconscious and that they were shouting for a doctor. It took a long time until the police took me to the hospital. My friends thought I had died. I woke up in hospital. I didn't know where I was. I saw a doctor and the police. When I was alone with the police, they were threatening to tell the doctor I was fine. I was afraid, so I followed their order. The doctor released me without any examination. I was brought back to prison. When we arrived there, the police beat me. I think they were angry.«

»In Iran I burned myself. Look, I still have the marks.«

B.M. (18), from Iran¹⁴⁵

■ B.M. was detained in Fylakio detention centre together with his elder brother B.M., who told us the following: »We came to Greece with our sister and her family. They were released. We hired a private lawyer, who charged us 6,000 Euros. It's been three months since then, but we are still here. My younger brother is diagnosed with a chronic mental disease and had been under treatment in a psychiatric ward for two years. After his release he always stayed at home. He would stay in the yard, play with his dogs. Once or twice a week, we would go for a stroll. He once tried to set himself on fire. He still has the marks on his chest.

The younger brother shows us the burns and the scars and said: »In Iran I burned myself. Look, I still have the marks.«

His brother continued: »He's been under medication for many years now. He sleepwalks. When in crisis, he engages in self-harm. In order to keep him calm, other Iranians and Iraqis in the cell sleep next to him, so that none else disturbs him. Once the Police took him out to get some fresh air, but they pushed him. He lost control, beat himself and banged his head against the wall. They brought him into the examination room and gave him an injection to calm him down. He stayed in bed for four days.«

The two brothers were arrested in December 2010 and were only released on April 30, 2011, when a doctor issued an attestation of serious mental disorder. The authorities wanted to release B.M. (the younger one) alone, although he was incapable to take care of himself. Only after the intervention of a GCR-lawyer did the authorities release him together with his brother. Still, even then his mental problem was only registered after his brother insisted to see the doctor because he had tried to commit suicide.

142 F.H. from Iran; February 28, 2011 – Soufli

143 B.M. from Iran; December 19, 2010 – Soufli

144 A.H. from Iraq; December 21, 2010 – Tychemo

145 B.M. from Iran; April 15, 2011 – Fylakio

7.6. Lack of psychological care and support

All detainees in Evros region have experienced the traumatic event of leaving their countries. Some of them have also been victim to violence, torture and other atrocities in their home countries, as well as during their trip. These experiences substantially affect their mental health. In Evros prefecture, they are kept in degrading and hostile environments, which further deteriorates their mental health problems. There is an insufficient number of psychologists and interpreters for providing adequate support for all detainees.

Until November 2010, there was only one psychologist for all detention centres in Evros' (including Venna). In October 2011, there was no psychologist in Fylakio, while there was only one for Feres, Tychero and Soufli. For instance, in December 2010, there was an unaccompanied minor (15 years old) from Bagdad in Tychero, who had experienced violence in his country of origin and who was in need of psychological support. In April 2011, we met a woman in Feres who had reportedly been raped but still did not get any psychological support. In Fylakio, in October 2011, there was a family who had lost their children in the river while crossing the border. The incident was registered. Nevertheless, they had no psychological support and were not released.

»In prison, I was constantly afraid.«

S.G. (17), from Iran¹⁴⁶

■ S.G., an Iranian dissident, is an unaccompanied minor, who attained full age while being detained in the border-guard station of Tychero. He most likely was a victim of torture in Iran, with noticeable scars on his body. From the very beginning of his detention, at the beginning of April 2011, he has suffered from psychological problems. At his arrest on the first days of April he was registered as 18 years old. A deportation decision was issued on April 9, 2011. When the mission's team first met him in April, he said his real age was 17. He was feared the long detention periods for minors, so he said he was older. He said he was afraid to apply for asylum because of the detention conditions. He had heard terrible things about the situation of asylum seekers and refugees in Greece, and about they were treated by the police. He was kept in cell no. 1, along with 170 other men. He had never been examined by a doctor or a psychologist, he did not know his rights and had no information about the reason and the duration of his detention. He did not know he was facing the risk of deportation.

In April, the mission's team intervened with a fax, stating that he was a minor, allegedly a victim of torture and that he needed psychological support. Only after repeated interventions of a GCR-lawyer did he get the chance to visit a psychologist. On 12.5.2011 he turned 18 during detention. He decided to finally claim asylum because

he feared deportation back to Iran where he would be exposed to the danger of imprisonment and death. The lawyer intervened many times to make sure his claim is registered.

»In prison, I felt constantly afraid.« On July 5, 2011, he was diagnosed with a psychological disorder. The attestation said amongst others: »[...] he alleges he has been tortured [...]. During his detention he showed symptoms of a depression, a difficulty to sleep and suicidal thoughts«¹⁴⁷. It seems that he signed a paper to withdraw from his asylum request. The police inaccurately and misleadingly told him that he has to withdraw from his asylum claim in order to be released.

»I was disappointed that it took the authorities more than one month to register my claim, and I saw that another Iranian refugee, who had retreated from his asylum claim, was released the next day. So I thought this might happen also to me.« On July 7, 2011, he learned that his detention was to be ended, supposedly on the basis of his medical problems.

He was required to leave the country within 30 days, due to a pending deportation order. Even though his detention was ended of his medical problems, his release was delayed for more than one month after the registration of the doctor's attestation. Later, he was arrested again, facing the risk of expulsion.

146 S.G. from Iran; April 13, 2011 – Tychero; July 2011 – Athens

147 Medical diagnosis dated on 5.7.2011 by the psychologist visiting the detention centre.

»I need a doctor!«

N.R. from Iraq (Kurd)¹⁴⁸

■ N.R. was arrested on March 23, 2011. From his first day in detention, he was spitting blood. His health problems may have resulted from chemical bombs he had been exposed to in Kurdistan. He was transferred to Didimoticho health centre. Despite his very bad health condition he was never transferred to a hospital. One week after the first examination, his health condition worsened. He was again transferred to Didimoticho. There was never any interpreter present. N.R. started vomiting blood. »I need a doctor,« he told the GCR-lawyer. 13 days after his last visit to the doctor, he was again brought to the health centre, where he stayed for four days. He was released from detention after 11 days without receiving any medication or medical certificates, and without being referred to any further medical examinations or therapies.

The assessment of detainees' psychological problems requires several sessions and hence a prolonged treatment. In Evros, this is virtually impossible because there is not sufficient staff and the detention conditions worsen the mental health condition of the detainees in need. In many cases, the mental illness or psychological problems of detainees are either not diagnosed in time, thus delaying their release and deteriorating their mental condition; or they are not diagnosed at all. In the latter case, a person in need might stay in detention for the maximum period of six months. This shows that the assessment of mental health problems is not guaranteed. In any case, therapy under these conditions is impossible.

7.7 Treatment of vulnerable groups

Authorities should avoid detaining minors, pregnant women and those who have recently given birth, considering their special needs. »The competent authorities to receive and accommodate or to receive and examine an application for asylum, shall ensure that persons who have been subjected to torture, rape or other serious acts of

violence, are referred to a specialized unit in order to receive support and the necessary treatment of damages and wounds caused by the aforementioned acts«, as prescribed by law.¹⁴⁹

In Evros, authorities do not refrain from the systematic detention of vulnerable groups. There are no effective safeguards and trained personnel to identify vulnerable groups, such as victims of torture, trafficking or other forms of violence. The absence of adequate medical screening forecloses appropriate treatment of those in need. Furthermore, there are no provisions for the referral to specialized reception centres. Except for unaccompanied minors, none of the vulnerable migrants we met were ever referred to a specialized reception centre.

During our missions, we met asylum-seeking detainees who had allegedly suffered extreme forms of torture in their countries of origin. We requested the authorities to refer them to specialized centres for rehabilitation. The authorities never even responded to their applications.

Detainees with chronic and serious diseases are not always identified, and thus wrongly detained for long periods. »There was a man with diabetes. Nobody would listen to him. He ran out of diabetes medication for days. Then he was transferred, but I don't know where they took him. Now there's another one with diabetes in my cell. He receives no treatment.«¹⁵⁰ In another case, an asylum seeker was suffering from chronic heart disease and high blood pressure. Nevertheless, he was detained for over two months and was only released upon intervention of the mission's lawyers.¹⁵¹ People with asthma and bronchitis find themselves forced to sleep on humid floors.¹⁵² »I have Asthma. In Soufli, 40 days ago, we were 120 persons in our cell. I had to sleep next to the toilet. It is very difficult to breathe in here. Once they brought me to the hospital. Afterwards they told me I was fine. The doctor here only tells us ›malaka, malaka, malaka. [Malaka: Greek word for asshole]«¹⁵³

Most women in detention suffer from gynecological problems owing to lack of hygiene, but do not receive treatment. After her arrest on November 23, 2010, in the area of Soufli, J.A. from Egypt was brought to Feres and

148 N.R. from Iraq – Fylakio; Interview with GCR-lawyer April 2011 in Orestiada

149 Article 20 of Presidential Decree 220/2007 on the transposition into the Greek legislation of the Council Directive 2003/9/ EC laying down minimum standards for the reception

of asylum seekers in Member States.

150 M.S. from Iran; December 20, 2010 – Fylakio

151 A.H. from Iraq; December 19, 2010 – Soufli

152 Y.M. from Iraq; December 21, 2010 – Tychoero

153 A.N. from Palestine; October 11, 2011 – Soufli

»I cannot speak about what happened to me.«

A.S. from Syria¹⁵⁶

■ A.S. was arrested in January 2011. While in detention, she applied for asylum, but stayed a total of four months notwithstanding the fact that she had serious psychological problems. »I cannot speak about what happened to me.« After two months, the psychologist diagnosed her with deep depression result in from a psycho-traumatic incident during her trip to Greece, and warned that she had suicidal tendencies. After almost another month, she received access to a psychiatrist who made the same diagnosis and gave her medication (see 8.4.). After three days, the GCR-lawyer requested from the DIPE a medical attestation of A.S.'s mental health condition in order to take legal actions against the detention. The certificate was issued after more than one month, on May 19. Two days later, in the afternoon, A.S. was released without informing the psychologist nor the lawyer, without providing her with medication, medical certificates or money, and without any referral to a mental institution. Neither did they inform her about her legal rights. Until today, the lawyer has no information about her whereabouts.

then transferred back to Soufli borderguard station where she was held in mixed detention.¹⁵⁴

When the mission visited the detention centre, she was the only woman among more than 100 men. She was suffering from gynecologic haemorrhage and was in pain. »Sometimes I can't make it to the toilet on time. There's a huge cue. And then everyone notices that I'm bleeding. I have to take some medicines. I should take them on a full stomach, but food is served at intervals that do not coincide with my prescriptions, and often it's of bad quality. In here, I have also started suffering from stomach aches«. J.A had been transferred to hospital six times to treat the haemorrhage, but had neither been released soon nor transferred to a special cell for women.

7.8. Lack of medical information and access to medical attestation

With interpreters constantly being understaffed, and as a consequence of detention conditions, detainees do not receive proper information about their health condition. Many are released without having their medical certificates delivered, and without information about requirements for their further therapy, or about organisations that could continue treating them.

Results of medical examinations, certificates and prescriptions issued by hospitals are rarely collected, and medical files are not compiled for each detainee to keep these documents. Without a medical file, attestations cannot be found. During our missions we observed that, especially in cases of police violence, suicide attempts or hunger strikes, no such certificates could be retrieved.

B.M. and H.H.¹⁵⁵, for example, had been on hunger strike for some days. They were hospitalized twice. Authorized lawyers asked for access to their files, requesting medical documents concerning their transfer to the hospital. However, no such medical document was kept in their files. Not even the date of their hospitalization was recorded, or at least it was not provided to the lawyers.

If a detainee, or his/her lawyer, requests a copy of a medical certificate, the process is extremely lengthy and cumbersome, if not impossible for the detainee to face on his/her own. The responsible authority to issue the medical certificates is the Regional Health Directorate (ΔΗΠΕ) in Thessaloniki. The procedure may take weeks. In this way, detainees with health problems in need of immediate legal support have to endure detention over a longer period of time, under conditions further deteriorating their health.

154 J.A. from Egypt; December 19, 2010 – Soufli

155 B.M. and H.H. from Iran; December 19, 2011 – Soufli

156 A.S. from Syria – Fylakio; Interview GCR-lawyer in Orestiada, October 2011

8. Lack of legal safeguards

The detainees in Evros area are deprived of all their basic rights, such as the right to information, to unrestricted access to the outside world, to have important information translated, to access a lawyer, to legal aid and to effective legal remedies while in detention.

8.1. Lack of information

In Evros, as well as in Rhodopi region, detainees are not provided with any information regarding the reason and duration of their detention, the possibility of their readmission or deportation, or about the legal remedies against detention and deportation. They are neither informed about their legal status, nor about their right to seek international protection, the details of the asylum procedure. They do not know if they are pending readmission to Turkey, nor which nationality they have been assigned. When a detainee is taken out of the cell, he/she is not informed whether he/she will be brought to another detention centre, readmitted or deported, or taken to the asylum registration. *»Actually, detention here is a form of torture. I will tell you some examples: First of all, we have no access to the outside world, meaning we do not have any newspapers, radio or TV. We don't know what is going on outside. We are deprived of our right to information. For example, some inmates from Syria need to know what is going on in their country, because there is conflict and they left their families back there. In order to know if they are alive, they have to call home which they are often not allowed to do. This is inhumane! Another form of deprivation of the right to information concerns ourselves. We need to know what is going to happen to us and what our legal status is. All the papers here are in Greek language. I have once signed a paper that I could not understand. When I wanted to resist and not sign it, the officers in Tycherio threatened to beat us. I still don't know what I signed. Some Syrians had also signed a paper they could not understand, and then they were deported. Besides, the police never inform us where they are bringing us and what for – only in the very last second when pulling us out of the cell. When they wanted to bring me to Alexandroupolis for the registration of my asylum claim, they just came without any announcement early in the morning at 6 o'clock and pulled me out of the cell. They woke me up, insulted me and put handcuffs on my hands. I thought they are going to deport me. I repeated-*

ly asked where they were bringing me, but nobody replied. I was brought to Feres where I had to wait for three hours outside in the cold for the transfer to Alexandroupolis – only then an officer told me where they were bringing me. The second time, when I was going to be transferred from Tycherio to Feres again, I was not informed in advance, so I was not able to collect all my personal belongings. When they came for me, I was playing chess with other inmates. The police shouted my name and ›baggage, baggage«. Outside, they told me that they were bringing me to Feres.»¹⁵⁷

»The police enter the cells calling names and then they say: ›deport, deport, deport...!«¹⁵⁸

The deportation and detention decisions are issued only in Greek language and the context of the decision is never really explained to the detainees. The same holds true for decisions on asylum claims. *»We get one paper which is for the six months and one which is for the fingerprints. I don't know what these papers say.»¹⁵⁹*

For those who are detained in Fylakio (Orestiada's Police Directorate), the deportation and detention decisions are never handed to the detainees. The deportation and detention decisions issued by the Alexandroupolis police directorate contain the same identical phrase: *»The detainee has been informed about his rights in English language«. Yet, most of them do not speak or understand English. During our missions, we never met a detainee who was aware about his/her status and rights. There was no distribution of information leaflets about the asylum procedure, or with contact details of NGOs, the UNHCR or local Bar Association contact details.*

On April 12, 2011, we met 29 women, who were in detention in Feres border guard station. Even though they had their deportation decisions, they were neither aware of the context of the paper, nor of their registered nationality, nor of the reasons for the duration of their detention. None of them was aware of the fact that they were in detention pending deportation to their country of registered origin.

157 S.Q. from Iran; October 14, 2011 – Feres

158 H.H. from Iran; February 28, 2011 – Soufli

159 B.M. from Iran; December 19, 2010 – Soufli

8.2. Access to the outside world

The detainees' access to the outside world, e.g. via phone, is extremely restricted. More often than not, detainees could not inform anybody about their detention and whereabouts. N.H., a minor detained in Fylakio, said after two months in detention: »*Until now I could not call my father to tell him that I am alive.*«¹⁶⁰

There is no access at all to internet, radio, TV, newspapers etc. In most cases, the detainees' personal items (i.e. mobile phones, calendars, notebooks, books, documents etc.) are confiscated by the police without proper registration or storage, and without issuing a confiscation record. During detention, they have no right to access their personal belongings. Upon release, things are rarely restored to them. Many detainees complained to us, that for these reasons they could not communicate with friends and relatives, they could not effectively pursue their asylum claim with the evidence they carried all the way to Greece.

In the Evros region, there is not any local NGO or association having access to the detention centres. There are, however, a few Athens based NGOs, which temporarily run programs in the region (MSF, GCR, ARSIS).

8.3. Interpreters

The absence of interpreters substantially curtails the rights of detainees, including those of asylum seekers. In general, no interpretation was provided to the detainees, neither during their registration, nor during their detention. Many times, co-detainees, who knew some poor English, covered the lack of interpreters. Consequently, the validity even of the initial registration of personal data is not guaranteed. Complaints or requests, including the asylum claim, cannot be heard or registered, let alone that a basic communication between the police and the detainees is made possible.

8.4. The right to have a lawyer and obstacles to legal aid

8.4.1. Ineffective access to lawyers

The detainees are not informed about their right to engage a lawyer. Neither is access to NGO staff guaranteed who could inform the detainees about their legal rights. Only those who have relatives or friends in Greece or other European countries can contact, engage and pay a lawyer.

In Alexandroupolis area, lawyers who wish to visit particular detainees in the border guard stations, have to get a special permission from the police authorities in Alexandroupolis police directorate, indicating the name, surname and nationality of the person they want to visit. Then, they have to ask for another permit at the respective border guard station itself.

In some cases, police arbitrarily denied access to the mission's lawyers, without any legal reasons. On April 14, in the border guard station of Tychero, NGO lawyers asked permission to visit three female detainees, earlier transferred from Feres border guard station. The police officers denied access without any legal reasoning. Among the three detainees in question, there was one who had attempted suicide. The lawyers made a written request in order to have access, but the answer is pending ever since.

On the same day, the mission's lawyers asked to consult six detainees in the border guard station of Soufli, based on an authorization letter previously handed to them by the detainees, conferring the lawyers the legal right to represent the detainees. Among the latter, there was T.U. whose interview with the authorities was scheduled for the following day. It was extremely important to prepare him and to consult with the lawyers who would assist him during the procedure. The head of Soufli border guard police highhandedly denied access, even though it had already been granted by Alexandroupolis Police Directorate. Furthermore, access to the detainees' files was also denied. Only after a couple of hours and repeated interventions, access was granted, but the time was not sufficient to provide legal counselling.

160 N.K. from Afghanistan; December 20, 2010 – Fylakio

8.4.2. Lack of legal aid

According to Greek law, no legal aid is provided by the state to migrants in detention. Nor are asylum seekers granted legal aid during the asylum procedure.¹⁶¹

According to Law 3907/2011¹⁶², starting from December 24, 2011, free legal aid may under certain circumstances be provided for detainees wishing to challenge their deportation – not their detention – before the court (annulment application). Yet, there are great concerns on the effectiveness of this legal aid scheme, bearing in mind the difficulties with the implementation of Law 3226/2004 and PD 81/2009, regarding legal aid to asylum seekers before the competent court.¹⁶³ The most important problems seem to be the conditions set by the law for providing legal aid¹⁶⁴, low incentives for lawyers to engage in the legal aid scheme¹⁶⁵, and the obstacles detainees might face for accessing the legal aid scheme¹⁶⁶.

8.4.3. Legal aid provided by NGOs

NGOs who wish to inform the detainees about their right to see a lawyer, and provide legal aid to them, have to ask for a special permit at the Citizen Protection Ministry. However, access is not always granted.

The Greek Council for Refugees runs a program of legal assistance to asylum seekers in Evros and Rhodopi prefectures' detention centres namely the ones under the competence of Alexandroupolis, Orestiada and Rhodopi police directorates. In Alexandroupolis, the program run for one month in October 2010 (a lawyer without provided interpretation) and then re-started in March 2011 with one full-time and two part-time lawyers (until June 2011) and no interpreters. It was resumed in September with one part-time lawyer but again without any interpreter.

In Orestiada, the programme was run from mid-March 2011 to the end of July. It included two lawyers and two interpreters (Arabic and Farsi). From April 20 until May 4, access to the detainees was restricted. On July 15, 2011 the access was denied again. The lawyers did not regain access before October 2011 and are currently working with one interpreter (Farsi).

In Rhodopi, the programme was implemented from October 2010 until June 2011, with one lawyer that was assisted by one interpreter (Arabic) only from February until May. In June, the lawyer was working without interpreter and with limited access to very few detainees after presenting their names to the police. The program started again in September, but only in October did the lawyer regain access. An interpreter was hired in November.

No other NGO than GCR provides free legal aid to detainees in Evros prefecture. Nonetheless, GCR lawyers can cover but some cases, and their assistance is restricted to asylum seekers.

Owing to the huge number of detainees, the inhuman detention conditions, the temporariness of the programmes and the obstacles faced lawyers on the part of the authorities, the legal aid provided is limited to the most urgent legal actions.

In addition, funding delays lead to irregularities in the payment of the lawyers and the interpreters of the programmes. The authorities delay the allocation of funds under the European Refugee Fund (ERF), which causes serious problems in implementing the programmes.

Again and again, the authorities in Orestiada complained about the »increased« number of detainees who wanted to claim asylum. What is more, they repeatedly asked the GCR-lawyers not to inform the detainees about their pending deportations and their right to claim asylum. From July 15,

161 Art 11, PD 114/2010 states that »applicants have the right to consult, at their own cost, a lawyer or other counsellor on matters relating to their applications.«

162 Article 28, par. 4 of Law 3907/2011

163 See: Complaint of Greek NGOs to the European Commission, 16 November 2009.
<http://omadadikigorwnenglish.blogspot.com/2009/11/report-to-european-commission-by-greek.html#more>

164 According to article 2 of Law 3226/2004, a complainant who wants to benefit from the legal aid scheme needs to file an application to the competent court, briefly stating the subject-matter of his/her claim and confirming that he/she lacks any income. A judge decides as to whether the applicant should be granted legal aid. In addition, according to Law 3907/2011, for legal aid to be granted the annulment applica-

tion must be admissible. These requirements imply the drafting of the annulment application by a lawyer. A detainee may not be expected to be able to draft, and also lodge before the competent judicial authorities in Alexandroupolis or Komotini, a legal document, especially in Greek language, given that he/she is not familiar with the Greek legal system.

165 Lawyers often have little motivation to have themselves registered in the legal aid catalogues of the Bar Associations, due to the long time it takes for the reimbursement of the legal aid by the Ministry of Justice (more than one year), and due to the low fees provided.

166 No guarantee for accessing the legal aid scheme is given. A detainee in Evros area may not be able to have access to relevant information, to a telephone, or to a list of lawyers.

2011, until October 7, access was once more denied to lawyers. During that summer, no legal aid was provided in Fylakio detention centre by GCR.

Sometimes the GCR-lawyers were denied to meet even with detainees who had assigned them with a power of attorney. On the 6th of June 2011 access in that sense was also denied to the lawyer working for GCR in the Venna detention centre (in Rhodopi). She wasn't even allowed to see her detainees, from whom she had an authorization letter conferring her right to represent them before the authorities. The lawyer asked to meet at least one of her clients, whose deadline to lodge an appeal against his negative asylum decision was finishing the next day. Initially the police asked to see the authorization, but even though she showed it to them, they denied access once more claiming it was an old one.

8.4.4. Access to the files

The detainee has to grant lawyer a power of attorney in order to have access to his or her files. These authorizations have to be certified by the police. Sometimes the certification requires visiting police premises in two different locations, as the border guards are not authorised to do that.

There are obstacles to accessing the files due to bureaucratic reasons or due to inadequacies of the system. For instance, for a single detainee, the police keep different files in different police stations. On account of improper record keeping, it is almost impossible for a lawyer to have access to information regarding the transfer of a detainee, his medical status etc.

Additionally, sometimes the police arbitrarily deny access to the files. On the 14th of April 2011, the mission lawyers asked the border guard officers in Tycherio to certify the authorizations given. The police denied doing so, thus, the lawyers could not access the files.

In June 20, 2011 GCR lawyers requested from Orestiada's Police Directorate copies of the deportation and detention orders issued against three female detainees in Fylakio. They had never been handed to them and since the women were allegedly victims and/or witnesses of sexual harassment by police guards in the detention centre (see chapter: violence) the lawyers wanted to lodge objections against their detention before Alexandroupoli's Administrative Court. The Police Directorate denied access to the women's files and only after the Public Prosecutor issued an order, they proceeded with the requested. Without

these papers, the application to the court is considered inadmissible.

8.4.5. Lack of a proper place to meet with the lawyers

The lack of a room, where a lawyer can meet a detainee in confidence, circumscribes the detainees' right to communication with his/her lawyer. During the missions, we met with detainees in corridors, in dirty rooms without chairs, behind the bars, and always closely observed by the police, who would never stay more than one or two metres distance from us. Under these circumstances, detainees who experience ill-treatment by the police are unlikely to report about these incidents to the lawyers. However, we have experienced a different situation in Fylakio, where we were sometimes granted access to the doctor's examination room and other separate offices (such as the container in the yard).

Another problem concerns the quality and quantity of time available to the lawyers and to the detainees. We often had to wait a long time before the officers would bring the detainees since they could not find them immediately in their database. That is, names are often wrongly registered or spelled. In addition, we had to wait for other procedures to be finished, i.e. serving lunch, visiting the doctors etc., because there were not enough guards to supervise parallel our meeting and the other activities. We frequently had to interrupt interviews and we could not always see all of those we wanted to.

In all detention centres it is almost impossible to have a proper interview in a proper place with an asylum seeker about his/ her reasons of his/ her persecution.

Under these conditions the communication between lawyer and detainees cannot be confidential and the legal representation is not effective.

8.4.6 Arbitrary denial of registration of documents

There are cases in which the police arbitrarily denied registering official requests or documents that were necessary for the asylum, the detention and/or the deportation procedure. At Soufli border guard station, an Iraqi unaccompanied minor was wrongly registered as adult. He was in detention pending his readmission to Turkey. His family sent a fax to GCR in Athens, which then was forwarded to the police station. This document was a certificate proving his real age. Yet, it was never registered by the

border guards. With the help of a lawyer, the boy put in another application, again specifying his real age and requesting to be treated as a minor. The police officers were unwilling to assign a protocol number to the certificate and the application asking, for a correction of his age. The next morning, the minor, together with a group of irregular migrants, was transferred to the Turkish border in order to be sent back. Eventually, the readmission was not completed thanks to repeated interventions.

8.5. Lack of safeguards against deportation

There is no effective legal remedy against deportation. According to article 77 of Law 3386/2005, a detainee has the right to appeal within five days from the notification of the deportation decision, before the Citizen Protection Minister (or another authorized institution). This appeal should be drafted only in written form and in Greek language. The vast majority of migrants is unable to seize this opportunity because of the lack of information in a language he/she understands, the lack of writing material, the lack of interpreters, the lack of legal aid and the restricted access to lawyers. In addition, the examination procedure for the appeal is not prompt and ineffective, as it is not accomplished by an independent body.

The detainee has the right to lodge an annulment application before the competent administrative court against the negative decision issued by the Minister of the Protection of Citizen. The application for annulment is only then considered admissible, if the applicant has filed firstly the administrative appeal before the Citizen Protection Minister and it was rejected. The application for annulment allows judicial review only on specific points of law and does not allow for the review of the merits of the case. In addition, lodging an annulment application does not have a suspensive effect regarding the deportation. The lawyer should lodge another application for suspension before the court.

Both papers, that of annulment and of suspension, should be written with due diligence by a lawyer, and they require particular administrative knowledge, as it is a complex procedure.

Due to the detention conditions and the lack of an effective free legal aid scheme (see chapter 8.4.2.), the legal remedies against deportation are not accessible to detainees. Even if the legal aid is accessible and the admissibility criteria (administrative appeal) are met, the provided legal remedy is not an effective one, as it does not have an automatic suspensive effect and does not review the case on the merits.

In the case of *R.U. v Greece*¹⁶⁷, the European Human Rights Court pointed out that neither an application for a stay of execution, nor a request for an interim order were of automatic suspensive effect. *R.U.*, therefore, did not have an effective remedy, neither in the deportation nor in the asylum proceedings.

8.6. Lack of effective legal remedies against detention

The only legal remedy against detention provided by the law is «objections» (appeal) against the detention decision. The objections can be lodged in written or oral form in Greek language before the competent administrative court in Alexandroupoli¹⁶⁸. Even though the law grants detainees the right to lodge by themselves objections before the court, it is practically impossible. A lawyer is necessary in order to write the application, lodge it or represent the detainee in court. Court costs have to be paid. Since there is no free legal aid, access to the court for detainees is merely theoretical, inaccessible and ineffective (see also *AA v Greece*).¹⁶⁹

In cases where detainees do have access to lawyers, the scope of the judicial review of the detention is insufficiently broad to meet the requirements set out by article 5 par. 4 of the Convention. The European Court of Human Rights in the cases *SD v. Greece* (53541/2007, 11.6.2009), *Tabesh v. Greece* (8256/2007, 26.11.2009), *AA v. Greece* (12186/2008, 22.7.2010), *RU v. Greece* (2237/2008, 7.6.2011), *Rahimi v. Greece* (8687/2008, 4.7.2011), noted «the inadequacies of Greek law» regarding the effectiveness of judicial review of the detention with a view to expulsion, and had concluded that they failed to meet the requirements of Article 5 § 4. In the case of *S.D. v Greece* and *R.U. v Greece*, Greece was convicted for the violation of article 5 par. 4 ECHR. Both are cases of asylum seekers, whose objection against detention

167 Case of an asylum seeker who was detained in the border guard station of Soufli.

168 For detainees of the detention centres in Evros prefecture – namely: Feres, Tycherio, Soufli and Fylakio.

169 See: footnote 109: art 29 L3907/2011, art 55 L3900/2010

was rejected by the Administrative Court of Alexandroupolis. In these cases the court decided that Greece lacks an effective remedy, as required by Article 5 par. 4 of the Convention.

8.6.1 Case law of Administrative Court of Alexandroupolis – ineffective judicial review

Even if detainees have access to a lawyer, the legal remedy of lodging an objection / appeal is dismissed in the vast majority of cases by the Administrative Court. Taking into account the case law of the Administrative Court of Alexandroupolis, the missions' team comes to the conclusion that the court does not take into consideration the bad conditions of the detention centres, the lack of safeguards in detention and in the asylum procedure. It does not examine thoroughly the purpose and the necessity of the detention of each case individually, or the possibility of other alternative non-custodial measures. In the vast majority of cases the court examines only whether the complainant is a likely absconder and if he (or she) has residency or work in Greece.

The asylum seekers who want to challenge their detention should prove before the court that they have residency work and other means to support themselves. This counts even for those who lack sufficient resources and are entitled to be granted reception conditions by the state (PD 220/2007, Reception Directive). Otherwise their application is dismissed on the grounds that there is a risk of absconding.

According to the case law the court takes neither the particularities and the legal status of the asylum-seeker into account, nor the obligation of the state to provide asylum seekers in need with housing and other reception conditions. Even in cases where asylum seekers appealed before the competent authorities in written form for housing (reception conditions), the court dismissed the cases while their request was still pending.

I.A. and M.S., two women from Rwanda detained in Feres border guard station, had applied for asylum. The missions' lawyers met them on April 12, 2011. They have requested reception conditions and housing upon their release. Their

request is still pending. The court rejected their objections with the following justification: »They have not created permanent living conditions which would ease their being located by the authorities upon release.«¹⁷⁰

In other similar cases of asylum seekers, whose application for reception conditions was still pending, the court argued that: »It cannot be established in the present case that legal remain would prevent him from resorting to illegal means of survival or the risk of absconding.«¹⁷¹

Even where the asylum seekers had the possibility to be temporarily housed in a hotel until their transfer to a reception centre, the court rejected the objections on the grounds that the address was a temporary one and that there were no free places in reception centres.¹⁷²

In addition, bearing in mind the case law of the court, we come to the conclusion that in the majority of cases of asylum seekers the court does not assess each case individually as regards the purpose of the detention. Instead, its decision to continue the detention is based on general grounds, such as: »the prompt and effective asylum procedure«, or »for the reason of the control of irregular migration, which constitutes a danger for public order.«¹⁷³ Asylum seekers whose deportation was suspended, and where the completion of their asylum procedure was not feasible even within the maximum period of six months' detention, challenged their detention, but the court dismissed the cases on general grounds.

It is clear that in the majority of case law, the court does not take into account the notorious detention conditions and the lack of safeguards in the Evros area, as well as the inadequacies of the asylum procedure in detention. Claims regarding the degrading detention conditions are considered either inadmissible or are dismissed as unfounded¹⁷⁴. In many cases the court argues that the detention conditions in Fylakio satisfy the international standards and that the detainees in other detention centres in Evros can request their transfer to Fylakio detention centre.¹⁷⁵

The court does not examine the legality of the detention for each case regularly – three months as prescribed by law¹⁷⁶ – as a matter of course.

170 Case 154/10-6-2011 Administrative Court of Alexandroupolis

171 Case 140/13-5-2011 and also cases: 134/6-5-2011, 55/21.1.2011, 192/2010, 55/2011 Administrative Court of Alexandroupolis

172 Cases: 199/2010 and 198/2010 Administrative Court of Alexandroupolis

173 Cases: 135/2.5.2011, 154/2011. See also: 56/21.2011, 118/2011, 82/2010 Administrative Court of Alexandroupolis

174 Cases: 110/24.3.2011, 119/2010, 198/2010, 192/2010 1 Administrative Court of Alexandroupolis

175 Cases: 55/2011, 56/2011, 134/2011, 140/2011 Administrative Court of Alexandroupolis

176 According to Article 30, par 3, law 3907/2011

B.M. is an Iranian who was detained in Soufli and Feres border guard stations, and in the detention centre of Venna. In Iran he had been arrested and allegedly tortured on account of political reasons. He fled his country and sought international protection. On August 8, 2010 he was apprehended by the Greek police. Even though he asked for international protection, his claim was never registered. On August 14, 2010 his deportation and detention were ordered. He was never informed of his rights. His asylum claim was only registered on October 4, 2010. His detention was extended without taking into account his asylum seeker status. The police interviewed him on the October 22, 2010.¹⁷⁷ On November 3, 2010 his asylum application was rejected and he had the right to lodge an annulment application within 60 days. On the 22nd of same month the new presidential decree was published. According to

this, a three-months deadline for the rejected asylum seekers was given in order to lodge an appeal before the new Appeals Committees. Consequently, the implementation of any deportation of B.M. was suspended. His case could not be examined in the second instance until the establishment of the new Appeals Committees, which took place on February 2011. On November 25, 2010 B.M. was supported by lawyers, and requested in written form to be examined by a medical specialist for victims of torture, and to be granted reception conditions. On December 6, 2010 the court rejected his objections, as he was considered to be a probable escapee, even though it was clear that neither his deportation, nor the completion of the asylum procedure were feasible during the remaining period spent in detention.

»I sewed my lips together to make a hunger strike.«
H.H., from Iran¹⁷⁸

■ *»Upon my arrest I claimed to be Afghan. I was afraid I would stay in detention a long time if I told the truth. The officers did not believe me.*

They asked me to recognize the Afghan flag, but I couldn't. Then they asked me about the geography. I couldn't reply. After the registration I was brought into a dark cell full of people. It was horrible. After just one day in there I went crazy. I sewed my lips together to make a hunger strike. We wanted to set fire to the cell in order to be released. I sewed my lips together a second time later on alongside some others. The police took us out and transferred us to Feres. After some days we were again brought back to Soufli. They put me into a small cell this time. In the cell I was in there were always women and penal detainees – the smugglers. The police also brought detainees to our cell that had tried to escape or that had fights with the police in other detention centres.

It was very difficult to survive even for one day in this prison. Especially for women and children. The ones who stayed for many months all went crazy. They hurt themselves and tried to commit suicide. There were a lot of fights about places to sleep or about getting access to the telephone. In the morning, around 4 o'clock, the police was calling the names of detainees, and saying to them:

»deport«. Then they would bring them to a big bus and they left. I don't know where they were going. Most of them were from Algeria, but there were also some Iraqis and Iranians. I wanted to commit suicide twice. Once I took the bedding that a family had left behind. The nice ones with flowers and many colours, you know. I cut them into strips and wove a rope out of it. But I couldn't decide to finally do it. When I missed the sky very much, I waited for nicer police to be on shift and begged them to bring the garbage out. At least for one minute I could see the sky and breathe.«

H.H. from Iran was arrested on October 17, 2010. His deportation was ordered on October 22, 2010. In December his asylum claim was registered. On December 19, 2010 he requested for reception conditions upon his release. He had handed copies of his personal data to the police. On January 13, 2011 his objection was rejected, as »there was a risk of absconding« owing to a lack of a permanent address, and because he did not have original identity documents. His lawyer challenged the rejection and went a second time before the court. The Court dismissed the case once again for almost identical reasons, without taking account the particularities of his case, and the fact that the three-month period for detention for the asylum seeker was over. He had reached the maximum of six months in detention. He was released in April 2011.

177 Article 3, Paragraph 1 of PD 81/2009

178 H.H., from Iran; December 19, 2010; February 8, 2011; April 24, 2011 – Soufli, Athens

»I have a load of 15 years isolation in Turkish prisons on my shoulders.«

T.U., from Turkey

■ T.U. is a Turkish national. He fled Turkey because of political persecution after many years in prison. *»I have a load of 15 years isolation in Turkish prisons on my shoulders.«*

Following his arrival in Greece he applied for asylum immediately on February 2, 2011. The same day, and following the intervention of a private lawyer, he was issued a detention decision (without a pending deportation decision) for a maximum of three months with the reasoning for the prompt and effective asylum procedure. The first interview was set for April 16, 2011. No decision on his asylum claim was made.

On May 6, 2011 the Administrative Court of Alexandroupolis rejected the objections against the detention of T.U., and decided that the confinement was legal because the three-month period of detention was not surpassed, although it was clear that the completion of the asylum procedure within three months was not feasible. There was no further examination regarding the purpose of the detention in this case.



The walls of the cells are full of inscriptions, the bars full of cloths

H.A. was arrested in August, 2010. On August 17, 2010 the police ordered his deportation. He stayed in detention pending deportation. His deportation was not feasible until December 16, 2010 when he challenged his detention before the court on the basis of the bad detention conditions and the prolonged period of his detention. His claim was rejected. His objection regarding the bad detention conditions was considered inadmissible.

9. Asylum and the asylum procedure in detention

In Greece, recognition rates for all nationalities remained far below EU averages until the beginning of 2011. According to official statements, the recognition rate, including all statuses (asylum, subsidiary and humanitarian), rose to 12,35 % (in the first half of 2011). On the surface this percentage might suggest that there has been an impressive increase in the recognition rate. A deeper analysis, however, reveals that this rate relates more to the backlog in open asylum cases. In these pending cases (backlog) there are people with a certain profile coming from countries such as Iraq (Iraqi Christians), Iranians, Afghans etc. who are in need of international protection, and who have been waiting several years for their interviews.

In the area of Evros, the systematic prolonged detention upon arrest, especially under the conditions mentioned above, functions as a deterrent measure against lodging asylum applications and as a barrier to gaining access to a fair asylum procedure.

During our missions and until October 2011, the competent authorities in charge of examining applications for international protection in Orestiada, Evros (P.D. of Orestiada the SSub/Directorate of Orestiada), have granted only one subsidiary status to a detainee. No asylum or humanitarian statuses were granted to detainees.

9.1. Access to asylum and risk of refoulement

The police, with very a few exceptions, issue a deportation order to nearly all apprehended persons. No claim for international protection is registered upon arrest. The persons in need of international protection are detained pending deportation. This practice constitutes a direct denial of international protection and exposes them to a serious danger of refoulement.

In detention, the access to asylum is restricted. The majority of the detainees wishing to seek international protection cannot have access to the asylum procedure. Their asylum

claims are either not registered at all by the authorities or only after days or months of delay. While the support from a lawyer or NGO seems to be necessary even for the delayed registration of the asylum application, access is not guaranteed even in these cases.

We have heard reports about cases where the police have deliberately misled asylum seekers.¹⁷⁹ The latter signed either solemn declarations that they do not want to apply for asylum or a confirmation that they would withdraw from the asylum application. There are other cases where detainees were falsely led to believe that their applications had been registered by the police, but instead of being protected they were deported.

There are also cases where the lawyers had informed the police of detainees who wished to apply for asylum, but the police either registered them months later, thus putting them in danger of expulsion, or never registered them at all and deported them.¹⁸⁰ We observed a discrepancy between the numbers of persons who requested asylum (for whom GCR-lawyers had send faxes for their access to the asylum procedure), and the numbers of officially registered asylum claims during the same period. Thus, it seems as though even the detainees who informed GCR-lawyers about their wish to claim asylum had not secured access to the asylum procedure.¹⁸¹

It is clear that the appalling detention conditions, the prolonged detention duration for asylum seekers, the lack of legal safeguards and the lack of reception conditions prevent the majority of detainees from applying for international protection in detention. It was shocking to meet persons with a well-founded fear of persecution who were so desperate that they would prefer being deported than staying even one more day under the abysmal detention conditions.

Owing to the lack of proper legal information and interpreters, many have been ill-advised by police officers or private lawyers, and did not apply for asylum, hoping to be released soon.

¹⁷⁹ See also: Chapter 9.4.

¹⁸⁰ See also: Chapter 4.2.2.

¹⁸¹ During the first half of 2011, 16.000 were persons were arrested in Evros for illegal entry while only 224 asylum claims have been registered in the area (158 in Alexandroupolis headquarters and 66 in Orestiada) in the same period.

Detainees from countries such as Afghanistan, who cannot – until now – be deported from Evros area, never apply for asylum in detention. In cases where they do, they stay in detention for six months.

M.M. from Iran was allegedly persecuted and tortured in his home country.¹⁸² In Turkey he was a UNHCR mandate refugee, but he fled from there because of the lack of safety, leaving behind his family. He was detained in Fylakio detention centre. *»I came here to save my life and to save the life of my family. I am a recognized refugee. Why do they keep me in detention here? It is horrible. I am going crazy here. All the time I have to think about my family. They are back in Turkey and are in danger. I cannot stay here for six months. I have to protect my family. Please help me go back. I don't care if my life is in danger or whether I die. I just have to get out of here and back to my family.«* When his desperation had reached its limits he threatened to commit suicide. He remained in detention for several months. We received no further information about his case and his whereabouts.

A.K. from Iraq and his wife belong to an ethnic and religious minority that is discriminated against and persecuted.¹⁸³

They face a threat to their lives if they return to their country. Although they are in detention pending deportation they have decided not to apply for asylum because of the inhumane detention conditions and specifically the violence they experienced. *»I am in greater danger if I return, but how can I apply for asylum in a country where they beat women?«*

S.K. from Iran¹⁸⁴ did not know about his rights to seek asylum and he did not know that he was in danger of being readmitted to Turkey. Upon arrest he was brought to Fylakio detention centre.

»One day the director came into the corridor of the cells with a list of names. He was calling our names and asking: »Asylum or Deport?« I said deport. Only later and after my inmates explained to me the consequences and the meaning of this question I understood that I am in danger of deportation. One day a GCR-lawyer came and I put my name on her list for asylum.« The GCR-lawyer sent a fax informing the authorities that he wants to apply for asylum from the beginning of October. During our mission in October 2011 his claim was not registered by the police.

»I didn't know that I was in danger of deportation only because I brought my passport.«

S.R.M., from Afghanistan

■ S.R.M. was arrested on the November 1, 2010 in Nea Vissa – the wider area of Orestiada. He was transferred to Fylakio detention centre. Despite the fact that other Afghan nationals were being released within a few days he remained in detention. *»I was the only Afghan that was staying. I saw many Afghans coming and going. I didn't know that I was in danger of deportation only because I brought my passport.«*

Inmates, who had been released, informed GCR about his case. The lawyers were informed by the authorities that S.R.M., had remained in detention in order to be readmitted. His readmission, according to the authorities, was feasible because he had a travel document. Meanwhile, S.R.M. had not been informed of the reason for his prolonged detention, which was his deportation. He was also not informed about his right to lodge an asylum claim.

S.R.M. had left his family behind and fled to Europe because of his political activities. As he told us, he was working for a local NGO in Afghanistan and co-operated with international development agencies. These activities became the reason for death threats and put his life in danger, thus forcing him to leave his country.

We met S.R.M. in February 2011. He had not met a lawyer and had no information. He did not know anything about his right to claim asylum or about the fact that he was in danger of being deported. We informed the authorities that he wanted to claim asylum. His asylum request was registered after one month. He remained in detention for the full period of six months. On July 9, July he had to return from Athens to Orestiada for his asylum interview. No interpreter was provided for him during the interview. The interview was conducted in the English language. The UNHCR consultant was not present. The police never registered the documents proving his asylum claim. His asylum claim was rejected without any legal reasoning.

182 M.M. from Iran; March 1, 2011 – Fylakio

183 A.K. from Iraq; October 12, 2011 – Tycherio

184 S.K. from Iran; October 10, 2011 – Fylakio

»We have no pink cards here,« the officer told me when I said that I wanted international protection.«

F.H., from Iran¹⁸⁵

■ F.H. was arrested December 16, 2010 and transferred to Soufli detention centre. *»When I was arrested, Greek police officers in Soufli asked me about my data without an interpreter. I was very afraid of being deported so I told them I was Afghan. They asked me many questions about Afghanistan and I could answer them all. But one of the officers told me: »You are not Afghan, you look Iranian.« This all happened on the second day. [...] I tried twice until I succeeded to arrive in Greece. When we crossed the border we heard shootings. [...] I have told the police that I cannot go back to Iran. My life is in danger.*

Nobody told me that I was here to be deported. I was transferred to Komotini for deportation. It was there that I was informed after 15 days that I could talk with the Iranian embassy about being deported back. I said I wanted to claim asylum. The police told me: »We have no pink cards here,« the officer told me when I said that I wanted international protection. When I asked them again about claiming asylum they told me: »If you ask for asylum here then you will stay in prison for one year.«

We were 250 persons in Soufli prison some days earlier. Now we are 200. There were some women in the cell. They were sexually abused by other detainees and after that they transferred them to Feres.

There is only one lamp in the cells. Two children are detained with us. I haven't taken a shower in 13 days and I only once washed my clothes. There is not enough space for all to sleep. Two people shared one mattress.

Once the police beat us as they shouted: »Go back, go back.« But we couldn't. It was too crowded. This was before I went to Komotini. Then they beat us.

Back in Soufli I started a hunger strike together with 11 others. The police wanted to break our protest. They transferred some of us to Fylakio prison. I was one of them. One day in Fylakio we asked for basic things, not anything luxurious but soaps etc. We protested and threw our meals down. The police came and threatened to beat us. I hurt myself with a piece of glass and demanded to be released. The doctor just cleaned my wounds but never gave me stitches. I was finally released after staying in detention for six months.«¹⁸⁶

S.K. informed us that he had changed religions. He was kept in confinement along with other Iranians. When they discovered that he had become a Christian, five of them allegedly beat him up. The police transferred him temporarily into the telephone room. *»I was so desperate in that moment. It was smelly and dirty. I did not know how I can protect myself and how to be sure not to be returned to Iran. I took a telephone card and cut my veins!«* He showed us the marks on his left hand. *»It was the second time I tried to commit suicide in detention.«* The police brought him to the hospital and then changed his cell.

During the whole period of his detention S.K. never saw a psychologist or a doctor in Fylakio.

On April 16, 2011 D.M., an Iraqi citizen, detained in Tychoero border guard station, asked for the support of a lawyer (GCR) in order for his asylum application to be registered. The asylum claim was registered at last on June 16, 2011 after repeated interventions by lawyers. In the meantime

he faced the danger of deportation. This kind of practice exposes the detainees to the risk of refoulement. It also effects the duration of the detention.

M.A. from Egypt was arrested on July 13, 2011 and transferred to Fylakio detention centre. *»I told them in the very beginning during the registration that I wanted to apply for asylum. Nobody listened to me. Now I don't want to apply for asylum anymore. Now I just want to die.«* Until October 3, 2011 he was on a ten-day hunger strike in order for the police to register his asylum claim. *»I was in the telephone room when four police officers entered. They put handcuffs on me and pulled me out into the corridor. They bound my feet. Then they started beating me. I fell down. They continued to beat and kick me for half an hour. It was in the afternoon. Then they put me back to the telephone room. After another half hour they returned me to my cell.«*

¹⁸⁵ F.H. from Iran; February 28, 2011 – Soufli, See also chapter 6.2.

¹⁸⁶ H.F. from Iraq, February 28, 2011 – Soufli; October 29, 2011 – Athens

»I told my friend that if they bring us back to Iran, where we will be executed anyway, then it is better to commit suicide before crossing the border to Iran.«

E.A., from Iran¹⁸⁷

■ E.A. is a political refugee from Iran. He is a dissident and well-known journalist who writes critically of the government of Ahmadinejad. For this reason, allegedly, he was persecuted, arrested and detained for more than a year. On August 2, 2010 he was arrested by Greek police and kept in the prison at Soufli and later in Venna. His detention was intended to prevent the »threat« of a possible escape despite already having told the authorities upon arrival that he was afraid to return to Iran and having asked to apply for asylum from the very first moment. *»I registered upon arrival at the Greek police in order that they protect me, like it is done in all European countries. Instead I was arrested and put into detention. Although I told them from the very beginning that I had to leave my country for political reasons of persecution and not for economic reasons, and although I even had documents proving my story, they just took them away and threw them into the rubbish bin.«* Only after repeated pleas the officers took his documents out of the rubbish, still without the proper procedure of registration and storage of personal belongings. E.A.'s claim was not registered in the beginning. Instead he was issued a deportation order and a temporary detention order.

»On the 10th day of detainment the police put me in a van together with another Iranian refugee. They put handcuffs around our hands/ wrists and brought us to the Turkish border. I was knocking the window and telling the Turkish officers that my life is in danger, but they couldn't hear me. I was so afraid that my official documents and my identity would be given to the Turkish and then to the Iranian authorities, that I started tearing up my documents, my ID, my press card – whatever was carrying my pictures. I told my friend that if they bring us back to Iran, where we will be executed anyway, then it is better to commit suicide before crossing the border to Iran. The van crossed over to Turkey where Greek and Turkish officers met and talked inside a building. But they did not accept us back. We were so happy that we didn't ask for the reason. We were then brought back in the same car.«

Finally, E.A. received some help from NGO lawyers, which pressured the authorities to let him lodge his asylum claim, which was planned for August 21. *»Two police officers visited me without an interpreter. We were told: »If you ask for asylum here you will be kept in prison for six months. If you file your claim in Athens you will be released immediately!« Then they gave us to sign a paper in Greek, which we could not understand.«* Only later on August 25, 2010 during our visit, and after the translation of the two missions' lawyers, he understood what he had signed. The paper said: *»I do not wish to claim for asylum. I am not politically persecuted in my home country, but I left it for economic reasons.«* Thus his asylum claim was not registered in the first instance and he still faced the threat of being deported on grounds of the readmission agreement with Turkey. Only because of the intervention of his lawyers his asylum claim was registered at the end and his documents were handed to him by the police.

The detention conditions in Soufli were horrible. *»The head of the detention centre was very unfriendly. One day I told him that even if they treated us according to the EU law for the correct treatment of animals, it would be better than what they do now! [...] You know they even took away my mobile phone and broke it. When I had the chance to call my family, I didn't. What would I have told them? The detention conditions were so bad. Instead I complained to the authorities and the UNHCR, the Reporters Without Borders in France, and the Red Cross which also represented all the other detained refugees and complained about the inhumane detention conditions.«*

After several appeals against the continued detention of asylum seekers, E.A. was finally released and went to Athens. For his asylum interview, however, he had to return to Alexandroupolis police head quarters. The interview was very low standardized, no official interpreter was provided to him and they denied to accept his documents which were proving his asylum claim. In addition the behaviour of the police officers towards him and his GCR-lawyer was insulting. From the very beginning the police officers, who conducted the interview, were telling him that they do not believe him, stressing all the time that he was one of the people who used to complain about detention conditions in Soufli.

187 E.A. from Iran; August 25, 2010 – Soufli and in October 2010 – Athens

»During the interview the officers were looking at the documents proving my story and they said they could not understand what was written. They also told me that they do not have any interpreter and thus I should leave and return in one month. [...] The first time I was brought to the interview in handcuffs! [...] After my release I had to travel again to Alexandroupolis for the interview. One of the interviewer has told me in threatening way: »You were

the one who complained about detention conditions in Soufli, are not you ?« [...] I have tried to explain my story to the police but they did not let me speak. The president himself did not let me even finish my sentences. From the very beginning he told me that he does not believe me... before I could even open my mouth. Heeven told me that the documents I had, were »made« by GCR lawyers. It was no asylum interview. It was humiliating.«

9.2 Lack of guarantees in the asylum procedure in detention

9.2.1. First interview

Before the publication of the presidential decree 114/2010, and according to PD 81/2009, the asylum procedure in the first and, at that time, only instance was poor and ineffective. The ECHR convicted Greece for the violation of article 3 and 13 owing to the ineffectiveness of the asylum procedure in the cases of *M.S.S. v Belgium and Greece* and *R.U. v Greece*¹⁸⁸.

However, Alexandroupolis' committees for first instance procedures continued to be in place until the publication of PD 114/2010 in December 2010, and asylum seekers in detention were interviewed with very poor guarantees.

After the publication of PD 114/2010, the authorities responsible for conducting the asylum interview became the police directorates of Orestiada (for asylum applications lodged in the Evros area) and in Komotini (for asylum applications lodged in Rhodopi area). The decisive organ is the police directorate (accelerated procedure) or the General Secretary of the Ministry of the Protection of Citizens (normal procedure).

The quality of the first interview remains extremely poor.¹⁸⁹ In particular, the interview is conducted by the same authority, which issues the deportation and detention decision (police Directorate of Orestiada). The decisive organ is still not independent as it is below the Ministry of Citizen Protection in the hierarchical order. The responsible staff is not sufficiently trained and qualified.

In the cases observed, there was no preparation before the interview and no information regarding the country of origin was available. The questions asked by the police were limited to stereotypical inquiries. The questions and answers were not properly recorded.

No particular interest or care was shown towards victims of trauma, torture, exploitation or other vulnerable groups, and they were never assigned competent medical experts, even in cases where detainees have explicitly requested these.

Owing to the detention conditions and the prolonged duration of detention, the asylum seekers, especially those suffering from trauma, are no fit psychological state to attend an asylum interview.

The detainees are neither able to prepare themselves, nor to collect the necessary documents or to access effective legal counselling.

No official interpreter is provided for the detainees. Until late June 2011/ early July, no interview was conducted by an officially trained interpreter. In the vast majority of cases, co-detainees in provided translation in poor English. Since then, interpreters of the Athens-based NGO Metadrasis conduct interviews via telephone. Such methods do not fulfil the minimum standards of confidentiality and create additional problems for the interview procedure. Video-telephone conferencing is a highly unnatural form of communication, and most, if not all, asylum seekers will have had no experience of it. It is therefore highly unsuited to the purpose of disclosing sensitive information. Substantive asylum interviews are simply too sensitive and complex to allow for telephone or video conferencing. These

188 See also: Observations on Greece as a country of asylum, UNHCR 2009: <http://www.unhcr.gr/fileadmin/Greece/General/Greece/Observations2009EN.pdf>; Cornelis Wouters, UNHCR's oral intervention at the European

Court of Human Rights Hearing of the case *M.S.S. v. Belgium and Greece*, Strasbourg, September 1, 2010: <http://www.unhcr.org/4c7fc44c9.html>

189 See also: The situation of asylum seekers in Greece, UNHCR, 2011: <http://www.unhcr.gr/genikes-plirofories/ellada.html>

methods are incapable of replacing the physical presence of a qualified interpreter who facilitates clear communication.

The consultative presence of UNHCR during the first interview cannot redress the absence of basic safeguards. In any case the UNHCR member is not present in all interviews.

9.2.2 Lost documents or other personal items, refusal to accept submitted documents in a foreign language, and no translation mechanism for documents

Documents carried by refugees proving their asylum case, which were temporarily confiscated by police officers, were lost or never returned to their owners after the release or during the interview.

A.R. carried with him a USB-stick and a hard disc with data proving his asylum case. The police confiscated these without providing him with some form of registration receipt. Upon his release, his personal belongings were never returned to him. During his first interview the police requested these documents. He explained what happened. The police did not even refer to this in the interview protocol.

B.M., detainee in the Feres border guard station, had a number of CDs with him. He was not allowed to take these items to his asylum interview.

The police authorities refuse to register documents in a foreign language. They request the detainees to bring documents in the original and have them officially translated into Greek. It is clear that no asylum seeker in detention in Evros has access to the official translation services of the Ministry of Foreign Affairs in Athens.

M.Z. appeared before a police officer for the asylum interview. He had with him original documents that proved his asylum claim. The police refused to accept or even to take them into account because they were not officially translated. When M.Z. arrived in Athens he asked the translation services of the Ministry of Foreign Affairs to translate the documents. However, there is no official translation from Farsi to Greek available.

During or after the interview, the police authorities do not provide any translation of the documents related to the asylum examination, which have been handed in or shown to the police. The police do not even take into consideration the documents, and at the end decide on the case without being aware of the context of the documents handed in by the asylum seekers.

9.3. Decisions and appeals

Before the publication of PD 114/2010 in December 2010, the asylum applications were regularly being dismissed in the first instance without detailed legal reasoning and

■ *»With regard to the above examination and the relative administrative file, no sufficient element was found for the submission of the claimant to the refugee status;*

With regard to the above examination and the relative administrative file, no sufficient element was found for the submission of the claimant to the subsidiary protection;

With regard to the above examination and the relative administrative file, no sufficient element was found for the submission of the claimant to humanitarian protection;

With regard to the fact that the claimant claimed asylum on a basis which is clearly not related to the criteria for the granting of refugee status, or subsidiary protection, he is considered an economic migrant. His asylum claim

was lodged in order to prevent his deportation from our country, to secure his release and his permanent stay in our country;

With regard to the fact that the above application is considered as clearly inadmissible and the accelerated procedure is applied in accordance with art 17 par 3 and 4 a' Presidential Decree 114/2010;

For these reasons we decide:

- The examination of his asylum application with the accelerated procedure;*
- To not grant refugee status to the claimant;*
- To not grant subsidiary protection to the claimant;*
- To not grant humanitarian protection to the claimant.«¹⁹⁰*

¹⁹⁰ Decision of F.H. from Iran; April 26, 2011.

without including sufficient references to the facts or to information relating to the country of origin. The grounds for rejection were usually standardized, and assumed economic motivations for leaving his/her country of origin of behalf of the applicant.

Even after the publication of PD 114/2010, the quality of the first interview in the Evros area remained inadequate. The vast majority of asylum claims are examined according to the accelerated procedure. The decisions are then made by the Police Directorate of Orestiada.

Almost every request for international protection has been dismissed in the first instance by a decision drafted in stereotypical terms (only one subsidiary status was granted to a detainee in the Evros region between December 2010 and October 2011). The decisions contain stereotypes like in the following example:

Until the publication of PD 114/2010, asylum-seekers did not have access to an effective remedy against negative decisions in the first instance (see *MSS v. Belgium and Greece*). The rejected asylum seekers in detention faced the threat of expulsion without having access to prescribed legal remedies against the negative decision, which was considered to be ineffective (annulment application before the Council of State in Athens).

After the publication of PD 14/2011 the detainees gained the right to appeal before an Appeals Committee, but access to the legal remedy was not guaranteed for the following reasons:

- a) The asylum decision is only in Greek language and the detainees were not properly informed about their deadline for the appeal.
- b) The detainees cannot write the appeal by themselves in Greek. They need the support of a lawyer.
- c) There is a lack of a legal aid scheme.

According to PD 114/2010, asylum seekers whose asylum application was rejected before December, 2010, had the opportunity to appeal before the Appeals Committee within a deadline of three months (until February, 2011). The police officers never informed the rejected asylum seekers that they had to lodge this kind of appeal within the deadline. On the contrary, the detainees were kept in detention facing deportation, despite the expulsion being suspended during the period of those three months.

9.4. Withdrawal from the asylum procedure

During the mission we became aware of cases of withdrawal of asylum applications under ambiguous conditions. It seems that in some cases the police »persuaded« asylum seekers to withdraw their asylum claim. The deplorable detention conditions affected the detainees deeply.

R.T., detainee in the border guard station of Tycherio, had applied for asylum and, pending his asylum claim, he was readmitted to Turkey. After interventions he was returned to Greece. He stayed again in degrading detention conditions in Tycherio. In detention he was informed that his son, who had been living in Iraq, had passed away. He understood that the police told him that the only way to be released soon and travel back to Iraq in order to attend the funeral was to sign some papers, whose content he did not understand. He unwittingly withdrew from his asylum claim and faced the risk of being deported back to Iran.

F.H. was arrested on December 16, 2011. On December 20, 2010 he had applied for asylum after the intervention of a lawyer. On December 24, 2011, after lodging an asylum application, the police ordered his deportation and detention. On January 8, 2011 it seemed that F.H. had resigned from the asylum application, though he was unaware of it. With the intervention of a lawyer he repeated / re-submitted his request for asylum.

S.G., an Iranian national and unaccompanied minor who reached adulthood in detention, was detained in the border guard station of Tycherio. He claimed asylum with the support of a GCR-lawyer. The doctor examined him and diagnosed a psychological disorder on July 5, 2011. The police seem to have misled him by telling him that he had to resign from his asylum application in order to be released. On July 7, 2011 his detention was lifted on the basis of the medical problems. He was ordered to leave the country within 30 days as there was a pending deportation order against him. He was arrested once more and again faced the threat of expulsion to Iran.

T.D. from Iraq was detained in the border guard station of Tycherio. A deportation decision was issued against him on March 4, 2011. He had applied for asylum with the support of a private lawyer. On July 5, 2011 the doctor diagnosed him as suffering from allergic asthma; said that he had suffered two (asthma) attacks in February, 2011 and June 24, 2011, that he should be receiving medical treatment, and that the detention conditions were exacerbating his medical condition. The police seem to have misled him by

»I was released two hours after receiving the rejection of my asylum claim.«

O.H. from Iran¹⁹¹

■ *»I applied for asylum in detention. One day in Fylakio I noticed that I had lost the registration paper for my personal belongings. I was afraid that my things would get lost or that somebody else would take them if he would find the paper. Inside my bag were my mobile phone and my laptop. I requested to see the director. The officers brought me up to his office and I waited outside for a while. Then they told me that he would have no time and they brought me back to my cell. Back in my cell I requested several times again to speak to the director. The officers were telling me he had no time. In the end they brought me again up to the director's office. There was also a Nigerian guy. Five officers pulled me into the room and threw me on a mattress/sofa. They started beating me. One of them grabbed my neck with two hands and started suffocating me. I told them that when I get free I will report what they did to me, and then I was brought back to the cell. The next day I was brought to the director. Consciously I went without shirt, in order for him to see what they did to me. My neck had black signs of his hands.*

He was very kind. I thought it was because he feared I would report him. He said he would find my personal belongings the latest until the day I would be released. I stayed for six months in detention. The last day they brought me a paper, which was the rejection of my asylum claim. They didn't tell me anything else. They just gave me my paper. Two hours later they took me and another one with handcuffs from my cell. It was the day of freedom and they put handcuffs on my hands so tight, that it hurts until today. They brought me to Feres without giving me my personal belongings. I stayed one night there. The next morning I was released. I was released two hours after receiving the rejection of my asylum claim.«

O.H. was arrested in March 2011 in Ferres. He stayed in detention the full length of six months and was released in September 2011 one day after receiving the rejection of his asylum claim. He had no possibility to see a lawyer because GCR-lawyers had not yet received access to Fylakio so he had no possibility to lodge an appeal against the rejection. He has missed the deadline to lodge an appeal against the asylum decision. He is now again in danger of deportation to Iran.

telling him that he had to resign from his asylum application in order to be released. On July 8, 2011 his detention was lifted on the basis of his medical problems. He was ordered to leave the country within 30 days, as there is a pending deportation order against him.

9.5 Upon release: Lack of reception facilities – effects on the asylum procedure

Upon their release irregular migrants are granted an official note instructing them to leave the country within 30 days. The document is in Greek language. No information is provided to them regarding their rights, their obligation etc.

Vulnerable cases of detainees, like the ones who suffer from serious psychological problems, pregnant women, families, are released without any care, reception place or any information at all. They have to find a way to arrive at

Athens by themselves and a place to stay where they will be usually in deplorable conditions. Medical attestations are not always handed to the detainees upon their release.

The released have to leave the police station by their own means. Many of them do not have the money to buy a bus ticket, and they are forced to travel on foot if they cannot afford to take the bus or the train to Athens. Often the released remain for some days homeless in the area until they can arrange to find support.

Asylum seekers including the vulnerable ones (victims of torture, traumatized etc), are not supplied with any reception place or other reception conditions.¹⁹² They don't receive any daily allowance or travel expenses. The lack of reception conditions affects the asylum seekers in many ways.

Upon their release the asylum seekers are provided with the so-called Red Card (a temporary residence permit for asylum seekers). Even though the police request from the

191 O.H. from Iran; October 29, 2011 – Athens (detained in Feres, Soufli, Venna and Fylakio)

192 PD 220/2007

newcomers to declare an address, they do not inform them neither about their right to ask for reception conditions nor for the implications the declaration of an address to the asylum procedure may have. Many asylum seekers declare the address of somebody they know in Athens, but in the end they do not stay in the declared house. The authorities seem to deny writing on the card that somebody is homeless. In some cases the police registered only the address of GCR (»Solomou 25«) or in other cases generally »Omonia – Athens«. Even the applications for housing (according to PD 220/2007) of asylum seekers submitted with the help of a lawyer are not being registered or referred to the competent authorities of the Ministry of Health. Until today no asylum seeker has been provided with reception conditions upon release from Evros detention centers.

Once arriving in Athens the asylum seekers do not have unrestricted access to the building of the Aliens Police in Petrou Ralli (General Police Directorate of Attica). Thus, they cannot declare their new residence¹⁹³ or request for housing (reception conditions).¹⁹⁴ Even if they achieve to access the asylum services, the needed confirmation of the existence of their file in Evros is never sent. This results in a vicious circle, where the asylum seekers have to try again and again without any registration of their request.

The declaration of wrong addresses and the lack of reception conditions has serious implications to the asylum procedure and can prevent the asylum seekers from receiving notifications of developments on their asylum claims such as the date of their asylum interview, the issuance of an asylum decision or procedural deadlines. The loss of notification of the dates of the first and second interview as well as the loss of the deadline to appeal before the competent authority will stop automatically the asylum procedure and the asylum seeker will face again the danger of deportation.

The wrong declaration of an address has also implications for the social rights of the asylum seekers, as they cannot obtain neither tax numbers nor work permits.

Furthermore, when they cannot renew their pink cards easily because either they have no access to the Aliens Police in Athens or there is no prompt response from the police directorates in Evros reconfirming the existence of their file, they remain for long periods with expired asylum seeker's cards. This exposed them to further violations and leaves them with no access to their rights. Irregularities in the renewal procedure can also lead to the loss of deadlines for appeals as the law prescribes. In case that the applicant does not appear to renew the asylum seeker's card on the following working day after the card's expiry and the deadline for appeals has elapsed it is assumed that the applicant has implicitly withdrawn or abandoned his/ her application.

Many cannot even afford to buy a ticket to travel again to Orestiada to their first asylum interview. There are no provisions for vulnerable cases like asylum seekers with serious health problems who have to travel to Orestiada for the first interview are set. Thus, many vulnerable cases of asylum seekers do not attend the first interview and the authorities stop automatically their asylum procedure and close their files.

The asylum seekers cannot lodge the appeal against the first decision because they have no access to the Aliens Police and/ or the police arbitrarily deny registering the appeal. In most of the cases applications for international protection in Evros are examined with the accelerated procedure, which practically means that they have to appeal against the rejection within 15 days after the day of serving of the decision.

The vast majority of asylum seekers in Athens – even if they manage to apply for reception conditions – cannot have access to them due to huge gaps in the infrastructure. Additionally, they don't receive any daily allowances. They live under deplorably conditions in Athens or in other main residence areas of migrants. Usually the newcomers have to live under rough conditions: homeless, unemployed and without hope. They are exposed to criminality, exploitation and racist attacks.

Surviving under these conditions, desperation grows from day to day and the majority of the asylum seekers try to get out of the country.

193 Art 9 PD 114/2010; inform the authorities competent to receive the application of their current place of residence or address and the authorities competent to receive or to examine of any changes there of as soon as possible. They shall also be obliged to accept any notification or service at the most

recent place of residence or address, which they have indicated.
194 PD 220/2007

In the vulnerable case of F.A. from Nigeria the dysfunctional asylum system led to the closure of her file. Even though the police directorate of Alexandroupolis promptly reacted by sending her rejection decision to the alien police in Athens and although a fax was sent by GCR in order to guarantee her access to appeal within the deadline, police never gave access to her resulting in the termination of her asylum procedure¹⁹⁵.

F.H. from Iran had applied for asylum during detention in the border guard station of Soufli. He stayed there for six months and was finally released on June 16, 2011. He came to Athens. After three months his Red Card expired and he requested the renewal. The police asked him to bring a lease contract from the place he was staying as a pre-condition of the renewal. F.H. could not provide for any house contract certified by the tax office as he is in need of reception conditions.¹⁹⁶



The bags of the detainees in Fylakio are kept in the yard and inside confiscated trucks. Often they cannot be found anymore upon release

»I asked for protection, but they just want to kick me out of the system.«

A.R. from Iran

■ A.R. was released from Feres during the late winter months and managed to arrive in Alexandroupolis train station with the few money he had. He remained for some days homeless at the railway station since he had no money for the ticket to Athens. Upon arrival in Athens he continued to be homeless.

»I had to stay for weeks in the park, without toilet, water ... I was afraid during the nights. I have tried every NGO. Everybody told me that there was nothing they could do. They told me even not to wait to find a free place in the reception places. I cannot stand it any more. I do not have money to try to go to another European country. I am desperate!«¹⁹⁷ (...)

When he had to go his first interview to Orestiada he had borrow money to buy the ticket. During his interview there was no official interpreter. In Athens when he wanted to put his appeal he had no access to the aliens police. The police told him repeatedly: *»Tomorrow, tomorrow, tomorrow!«* – while the 10-days-deadline was running. Repeatedly GCR-lawyers intervened to ensure his access to the building without any result. In the end the police denied him the access although they were well aware of the fact that it was the last day of his deadline. In July he asked for the renewal of his Pink Card but the police had lost his card so until today he could not do his renewal.¹⁹⁸ *»I asked for protection, but they just want to kick me out of the system.«*

195 F.A. from Nigeria; October 26, 2011 – Athens

196 F.H. from Iran; October 26, 2011 – Athens

197 A.R. from Iran; January 15, 2011 – Athens

198 A.R. from Iran; October 25, 2011- Athens

10. Minors

Since 2010 most unaccompanied minors arrive through the border in Evros to Greece. The vast majority of registered unaccompanied minors upon arrest is detained in Fylakio detention centre. A smaller number is also detained in the border guard stations of Feres, Tycherio and Soufli.

According to statistics by the Greek police there have been 392 unaccompanied minors arrested in the area of Orestiada in 2010 (one of them was younger than 7, 75 were between 7 and 13 years old and the rest up to 17). From the beginning of 2011 until the end of September another 472 unaccompanied minors crossed the land-border in Evros (two of them were below 7, 64 were among 7 and 13 years old and the rest was up to 17). In the area of Alexandroupolis from the beginning of 2010 until the end of August 68 unaccompanied minors were counted.¹⁹⁹ This makes a total of 932 unaccompanied minors being arrested in Evros from the beginning of 2010 until the summer 2011.

Anyway, there is a great number of unaccompanied minors who have been registered wrongly as adults or as accompanied and there are some who are never arrested upon crossing the border.

Unfortunately there are no other numbers available. We should state anyway, that, according to MSF, the estimated number of unaccompanied minors that passed through Evros in 2010 was 4.460 (MSF report 2011). In 2011 GCR-lawyers estimated that in the summer months there were five unaccompanied minors arriving per day in the detention centre of Fylakio. In both cases the estimations are located higher than the official numbers.

There is no functioning protection system for unaccompanied minors in Greece. Unaccompanied minors in Evros are not protected properly at any stage of their stay. In Evros they are systematically held in detention. The basic problems concerning unaccompanied minors in detention are:

1. The detention conditions (mixed detention, the lack of adequate information about their rights and the asylum

procedure, the issuing of administrative deportation orders);

2. The detention length (the dysfunction of the legal guardianship system and the over crowdedness and small number of special reception centres for unaccompanied minors); and
3. The dysfunctional identification of vulnerable groups and other mistakes during screening and registration procedures where minors repeatedly are registered wrongly as adults and / or with wrong nationalities. In both cases minors are exposed to the danger or illegal readmissions or deportations. Due to all the above-mentioned problems both unaccompanied minors registered as such and the ones registered falsely as adults face severe problems and a lack of protection also after release.

From the moment an unaccompanied minor is arrested the authorities issue a deportation order and they inform the public prosecutor who acts as a temporary guardian for the minors. The minors stay in detention until their referral to a reception centre.

Until today there is no special social service for unaccompanied minors detained in Evros apart from ARSIS, which is implementing temporarily a program providing social assistance to unaccompanied minors detained in Evros (since July 2011). There is no special healthcare for unaccompanied minors except from typical blood examinations and a Mantoux test (or tuberculin sensitivity test), which are the precondition for being referred to a reception centre.

10.1. Detention conditions

Greek law requires the separation of adults from children in detention.²⁰⁰ Despite this fact, in Evros prefecture children are not detained in special places suitable for them and often end up in mixed detention. In Fylakio detention centre unaccompanied minors are detained in cell two, but due to overcrowding or wrong registration also happens to share cell with adults.

¹⁹⁹ <http://www.e-evros.gr/index.php?sec=85&cid=11653>

²⁰⁰ Article 13, par 6b PD 114/2010. They shall avoid detaining minors. Children separated from their families and unaccompanied minors shall be detained for only the necessary time till their safe referral to adequate centres for accommodation

of minors.; Presidential Decree 141/1991, »Competencies and internal regulations of the personnel of the Ministry of Public Order,« art. 67, para. 3: »Military personnel, police officers, women and minors shall be detained in special detention places.« (unofficial translation)

In the border guard stations of Tycherio, Feres and Soufli minors were not separated until autumn 2011. Fylakio detention centre provides the only possibility of separated detention of minors. It has to be added though that the detention facility suffers constantly from overcrowding and inadequate such as degrading detention conditions. The cell for the minors has a capacity of 35-40. The numbers of detained minors are regularly passing the limits reaching up to 120 (November 2010, July and October 2011). In any case there is no specially designed detention place of minors in Evros.

Alexandroupolis: Tycherio, Feres and Soufli

In **Tycherio** we have witnessed during all our missions unaccompanied minors being detained together with adult men in cell one or with men or /and women in cell two. Even the temporary detention in cell three is mixed.

In **Feres** minors are held in any case together with adults. Unaccompanied boys share their cell with adult men and penal detainees. In April and again in October 2011 we were reported twice cases of inmates' violence against unaccompanied minors.

H.R.K., M.S. and H.M. from Iraq were detained for more than two weeks in Feres and later transferred to Tycherio where we met them in October 2011. They were very frightened by the detention conditions in general and specifically by a violent incident they encountered in Feres by adult inmates. *»Yesterday night the police director came to our cell and he told us that we will be deported. I said that it is not possible because we are minors. But he answered, it doesn't matter, you will be deported. [...] You know, here there is no law, no rules. Anything can happen to anyone in detention!«* Upon release from detention in Evros they were first transferred to a prison in Thessaloniki and then to a prison in lanena in order to be transferred to the special reception centre for unaccompanied minors in Konitsa. They called us from lanena transfer centre on the 27th of October: *»We left Tycherio. I don't know where we are now. We are in another prison. Yesterday we were in Thessaloniki. Why do they not let us go? They gave us the release paper. I don't understand. Is there any chance that they will bring us to the place for children as you had told us?«* Then they gave the phone to a Greek inmate to tell us where they are.

In **Soufli** minors were held together with adult men and women. Since April 2011 we noticed minors being wrongly

registered as adults held with adult men. When we met O.A. from Iran he was detained together with men and women since two months. He was registered as adult but claimed to be 17 years old. Nobody had told him that he was in danger of readmission due to his registered age:

»We were fighting for a place to sleep.«
E.E., S.H., A.J. and I.R., from Afghanistan²⁰¹

The four minors E.E., S.H., A.J. and I.R. all of Afghan nationality were detained in Feres in mixed detention together with adult men and women among them 10 penal detainees. Together with them was also an 11-year-old unaccompanied minor held. While three of the minors had arranged some place to sleep inside the cell the fourth was not allowed by the adult co-detainees to enter and slept for more than 10 days in the yard. *»We were fighting for a place to sleep!«* Shortly before they were released they got into a fight with adult co-detainees. One of the minors had a wound that had to be stitched another had a swollen black eye. They were released on April 21, 2011 after spending almost one month in detention. Upon release they were transferred to the reception facility for minors in Konitsa where they stayed one night and then left to Athens with the aim of trying to leave Greece. For more than two weeks they slept in the public park Pedion tou Areos without even having any blankets or anything else to protect themselves from the weather conditions. Then they left to Patras where they stayed again homeless and without any protection.

Mixed detention in Tyhero: Unaccompanied minors are held together with adults



201 E.E., S.H., A.J. and I.R., from Afghanistan; April 12, 2011 – Feres.

»I don't want to stay here longer. There are so many people, it is very dirty and cold.«²⁰² S.A. from Iraq was also registered as adult born at the 1.1.1992. »My family sent a fax with my real age here to the prison. Since the one month that I am here I have not washed myself because the water is so cold that we cannot even drink it. I am very afraid here because people are fighting inside the cell. I have some place to sleep, but when families are coming I give them my place and sleep in a sitting position.«²⁰³

Unaccompanied minors that are arrested in the police direction of **Orestiada** are either first detained for a few days in one of the smaller border guard stations such as Neo Chimonio or directly detained in **Fylakio** detention centre.

In the border guard stations usually they are held for a period up to one week and in most cases in mixed detention.

In **Fylakio** detention centre male unaccompanied minors are held usually in cell two even if the number exceeds the capacity. Sometimes they are held in other cells in mixed detention (July, October 2011). In cases of wrong assessment of the age minors are held in mixed detention with adults. In cases of accompanied minors, they are held together with at least one family member, sometimes with both in mixed detention in order not to be separated. Female accompanied and unaccompanied minors are held together with the women in cell 7. The Special Rapporteur on torture, and other cruel, inhuman or degrading treatment or punishment (CPT) Manfred Nowak stated in his report of March 2011: »[...] This vulnerable group is at risk to be exposed to various forms of ill-treatment including sexual abuse when not properly separated from adults.« (p. 20f) Anyway, ill-treatment has been reported repeatedly also by minors detained in cell two and concerns physical and / or psychological abuse by the authorities.

The detention conditions in Fylakio are unbearable and suffer from various inadequacies. First of all there is no procedure of informing the minors about their rights and asylum or family reunification procedures. The cells are usually overcrowded. They lack ventilation or proper windows. There are no furniture's, no personal space or products of personal hygiene are available. Two, three or four minors have to share occasionally one bed. The once sharing a bed at the upper bunk bed have reported to constantly fall on

the floor causing injuries on their bodies. Others sleep on cardboards from the food packages or on mattresses on the floor. There is no appropriate access to medical aid or to the phones. There is no yarding or access to leisure activities and education such as should be provided for children in their age. The one bathroom is shared by 40-120 minors according to the number of detained minors and thus, is permanently out of order due to problems in the drainage. Also the toilettes do not work, being dirty and the sewage water running into the cell without any means to clean. Apart from the clothes they wear there is no additional supply for appropriate clothing to protect themselves from the cold or the heat. As a result the minors suffer from outbursts of colds and fevers as well as skin diseases. The inhuman detention conditions respectively affect the psychological state of mind of the minors. They show a high degree of stress, fear and desperation from the first days of detention, a situation that might cause a (re-)traumatisation of the unaccompanied children. Older minors express their psychological pressure in self-injuries, or internalise them through depressions and disorientation / mental disorder that become tenser the longer they are detained.

A.H. from Syria is 15 years old. When we meet him he has already spent two months in detention. »I am afraid because there is a lot of noise. People get annoyed when they are not allowed to use the phone and they hit the bars to protest. The officers insult us and give us bad names. When they want to punish somebody they lock him in the telephone room. They have also locked me in that room for six hours once. They take the ones who protest and put them out in the snow. I have no shoes, the ones I wear to come and see you belong to somebody else. I borrowed them. My injuries (at his neck) draw from a fight I had about a shampoo. I had not taken a shower since two months. Anyway, there is no water now. We are fighting also about the beds.«²⁰⁴

Y.I. (16) from Syria was registered in the beginning as adult. He tells us that the screening took place without interpreter. From Fylakio he was transferred to Venna and then back to Fylakio. He shares his cell with 90 adults.

Q.A. from Afghanistan is only 12 years old. When we meet him at March 1st when he had spent already 85 days in detention. »I have no mom and no dad. They died. I was working in Iran and in Turkey in order to have the money to come here.«

202 O.A. from Iran; December 19, 2010 – Soufli

203 S.A. from Iraq; December 19, 2010 – Soufli

204 A.H. from Syria; December 20, 2010 – Fylakio

B.M. from Senegal is 12 years old. He wants to be re-united with his father who lives in Spain. His brother lives in Athens. We met him in October 2011. He remained three weeks in detention. *»I had problems with my stomach and they brought me to the hospital one day. Our cell is very dirty. The toilettes are very dirty. I share my bed with another three children. Others have to sleep on the floor because we do not have enough beds. It is very cold. (...) Did you see the police officer, who brought me out and was caressing my head so kindly? It was the same person who beat me while I was talking on the phone with my father in Spain, because I was late. I could not even say goodbye to my father. The ear-phone was still hanging on the strip when I had to leave the room. I was not able to hang up.«*

A.T.M. is a 17-year-old from Afghanistan. He stayed one month in Fylakio during September-October 2011. *»We are 99 minors in one cell now. Some of youngest are only 10 or 12 years old. There are 70 beds the rest has to sleep on the floor – either on the cardboards of the meals or on blankets. Now I have to share my bed with another child. There are two toilettes, one is broken, and there is one shower. Only once a week we get hot water. The water is muddy. Some of us are more than 40 days here. We are never allowed to go in the yard. Once a week we have access to the telephone. Some never reach their turn. In the nights and at weekends there is no doctor here. If we need to see the doctor we have to make a lot of noise and the sick has to be fainted away. It is always noisy here. In my home Afghanistan I would die, but here I lost my hope!«*

10.2. Duration of Detention

According to the Greek law²⁰⁵ authorities »shall avoid detaining minors. Children separated from their families and unaccompanied minors shall be detained for only the necessary time till their safe referral to adequate centres for accommodation of minors«.

Unaccompanied minors are detained until the responsible authority (Ministry of Health) finds a place for them in a specialised reception centre. The available places in seven special reception centres for children in Greece are not enough compared to overall arrivals. Even when space is available, lack of funds or personnel to escort the children often prevents their transfer, leaving them in detention in the meanwhile. Officially reported by the Greek Ministry of Health and Social Solidarity the available places amount to 340, but cut downs has and fund delays have in practice

decreased the number to 250. Furthermore without standardised rules, specialised staff and support services many children abscond.

The detention length of minors varies mainly according to the time when a free place is found in one of the reception facilities, the lack of staff and cars for the transfer, the pressure put on individual cases by lawyers and luck.

Nevertheless, in average minors are detained at least three weeks and up to three months, but there are also cases where the detention length reached the legal maximum for adults in detention – six months.

10.3. Inappropriate guardianship

Even though the law prescribes protection by appointing automatically a temporary guardian of the minor, by the territorially competent Public Prosecutor for Minors or in the absence of the latter, by the First Instance Public Prosecutor to ensure the minor's best interests, the system is dysfunctional. In the region of Evros there's not a Public Prosecutor for Minors and the First Instance Public Prosecutor is responsible. The public prosecutor is responsible to start the legal procedure for appointing a permanent guardian.

In practice, apart from informing the Ministry of Health and Social Solidarity about the existence of the minors and their referral to the by the Ministry appointed shelter, the public prosecutor takes no further legal action for the legal protection and the representation in the best interest of the child. We have noticed that the public prosecutor has never taken any measures for the protection detained unaccompanied minors, even though the detention conditions and the detention duration violate their basic rights as children. In Evros area the public prosecutor has never started the legal procedure for appointing a permanent guardian.

10.4. Wrong registration and screening

The inadequacy of identification procedures followed by police combined with the lack of trained personnel leads in many cases in wrong nationalities and age registration for minors. During 2010 almost all minors arriving in Evros were registered as born on the same date of 1.1.1992. Respectively in 2011 most minors were registered as born on the 1.1.1993.

205 PD 114/2010 art 6b

»I could not call my brother in Germany to tell him that I am alive.«

M.H. (17), from Iraq²⁰⁸

■ M.H. was arrested on November 15, 2010 and detained in Soufli detention centre with a deportation order issued on November 20. He was originally registered as adult with the birth date 1/1/1990 while his claimed birth date is 5.2.1993 and he does not speak English.

On December 8, 2010 a first fax was sent by GCR to the authorities informing them about the case of M.H. and that he was claiming to be a minor.²⁰⁹ On December 17, 2010 the authorities informed us to have sent a paper to the public prosecutor informing them about M.H. to be a minor. On December 23, 2010 GCR sent a second fax to the authorities to ensure the correction of his age. On January 31, 2011 GCR sent a third fax to the responsible police and juridical authorities requesting the release of the minor and informing them that he has an adult brother in Germany.²¹⁰ He was detained during all of the five months in mixed detention in Soufli. The police assured us that his age was re-assessed and changed into the claimed date but he remained in detention and turned 18 in March 2011. On April 18, 2011 the mission lawyers put an appeal against his ongoing detention before the court of Alexandroupolis. He was finally released on May 4, 2011 due to the court decision shortly before the legal maximum of six months detention could be reached. His official note handed to him upon release still contains the wrong birth date of 1.1.1990. *»I never received any information about the reasons I am being detained here or about detention length. I did not know that I am here in order to be send back. [...] The situation inside the cell is horrible. I have 25 days to take a shower. I could not call my brother in Germany to tell him that I am alive. In the cell we have a lot of fights for food, for some place to sleep, for anything. I just got beaten by an elder detainee.«*²¹¹

M.H. stayed almost six months in detention. Upon his release the boy did not have even one euro to travel to Athens. When we met him in Athens we have noticed that he had five scars on his arm. He told us that he used to self-injure himself every month of detention.

In most of the cases, minors interviewed during our missions told us that they have been advised both prior to their arrival to Greece by co-nationals and post to it, by the officers proceeding with their registration, that claiming to be minors would lead to longer confinement. In fear of being detained for longer periods under these appalling conditions, many minors claim to be adults in order to be released sooner.

There is no clear framework, which can guarantee the proper screening and registration procedure, carried out by the authorities. Neither the presence of Frontex can be of any guarantee. In most of the cases, wrong registration occurred due to lack of proper interpretation, arbitrary assessment, lack of representation and lack of qualified and train personnel on cultural, linguistic differences. Furthermore there's not a clear way to put a complaint against these wrong registrations. During our missions and in talks carried out with Greek police officers and Frontex personnel in detention camps, we've been told that in practice Frontex stands to support the Greek authorities during the procedures. But officially they have no right to assess, so as written on the documents it's »under Frontex suggestion«.

»Why do I have to stay here, and the others are being released?«

A.M. (17), from Iraq²⁰⁷

■ The boy was arrested on the 23rd of October 2010 and falsely registered as adult. He was brought to Venna detention centre where he remained for more than four months. *»Why do I have to stay here, and the others are being released,«* he asked us.

The wrong registration was corrected after an intervention of a GCR lawyer and he was transferred to Fylakio detention centre due to the lack of special cells for minors in Venna. The public prosecutor for minors was informed about A.M. by the police of Fylakio. On the 15th of April we were informed by other minors that there was one of them being detained for more than 5 months. They said he was getting crazy because he did not know why the other minors were being released after 1-3 months while he was still in detention. On the 3rd of May 2011 and after another intervention of a GCR lawyer he was finally released and sent to Konitsa reception centre for minors.

208 M.H. from Iraq; December 19, 2010; February 28, 2011; April 14, 2011 – Soufli; May 2011-Athens

209 Protocol number: GCR 526/2010.

210 Protocol number: GCR 80/2011.

211 M.H. from Iraq; December 19, 2010 – Soufli

207 A.M. from Iraq (17); April 15, 2011– Fylakio (first detained in Venna)

Then it's the Greek officer who signs the papers co-validating in practice Frontex assessment. When you have to complain against the wrong nationality or age registration

though, neither the Greek authorities nor Frontex accept any responsibility.

»When we protested against the detention conditions some of us were beaten by the police.«

O.M. (16) and F.N. (16), from Afghanistan²⁰⁶

■ The two boys were both registered wrongly as Algerians even though the only language both speak is Afghan Dari. F.N. also received a copy of his Afghan identity card. Despite the intervention of GCR lawyers for the correction of their nationalities they were released with deportation orders registered as Algerians.

They were arrested on April 10, 2011 by the police officers of Neo Chimonio border station in Orestiada (deportation order: April 12). They were detained almost 19 days until the April 29 in Fylakio detention centre in cell 2 with another 30-40 unaccompanied minors. After release they

were transferred to the special reception centre for unaccompanied minors in Agiassos, Lesvos where they stayed only for two days. *»We were arrested in some other police station. There were only police officers and no interpreter translating for us. We stayed two days there in one cell with men, women and children and then they transferred us to Fylakio prison,«* says O.M. He describes the devastating detention conditions:

»The toilettes in our cell are very dirty. Both of them are clogged. It's been a week since our cell is covered with sewage water. We all stand on the dirty waters and have to walk barefoot on it. We all got skin problems and a cold. When we want to go to the toilet. When we protested against the detention conditions some of us were beaten by the police.«

»I understood that they are going to deport me back to Turkey.«

H.F. (17), from Iraq

■ Was registered as an adult although he was claiming to be 16 years old. His registered date of birth was 1.1.1986 while he claimed his real one was 15.1.94.

He was arrested on October 11, 2010 and brought to Soufli border station. From there he was transferred to Feres and then again back to Soufli where he was detained in mixed detention together with adult men and women.

»A Greek officer asked me in English how old I was. I told them I was a minor. I told them I was 16 years old. I saw the age they wrote on the paper they gave me. It was another age. [...] After 18 days of detention I understood that they are going to deport me back to Turkey. I was very afraid. Together with one of my friends we tried to escape. The police came after us. They caught us and brought us back to the yard of the police station. Eight officers were beating us there for about half an hour. They beat us on all parts of our bodies. My friend faded away. They kept us for some hours outside in the cold with handcuffs. We were never brought to hospital.«²¹²

A fax was sent by the Greek Council for Refugees informing the authorities about the age of H.F. During our December mission he was still in detention and his date of birth hasn't been corrected. On December 22, 2010 GCR requested from the authorities in Alexandroupolis to know whether there was a date for his readmission. His readmission date had been issued for the next day – on December 23, 2010. In the afternoon GCR sent a fax of the national identity card of H.F. In the afternoon a fax was forwarded by GCR to the border guard police, with his identity card, proving his real age.

The border guards on duty refused to register any application filled by the lawyers, give a protocol number or certify the receipt of the document. The lawyers contacted the Ministry of Health and Social Solidarity, the Greek police headquarters, the Greek ombudsman. Next day H.F. was transferred to the borders in order to be readmitted. He was not readmitted and returned back to Soufli detention centre. The police referred him to hospital for medical examination (x-rays of his chest) in order to determine his age. The results showed he was 18 years old or older. No chance to challenge the ambiguous medical exams was provided to him. He stayed in detention for six months.

206 O.M. and F.N. from Afghanistan; April 15, 2011 – Fylakio

212 H.F. from Iraq; December 18, 2010: Pro Asyl mission to Soufli border guard station.



Young boy released from Fylakio

»They don't believe who I am ...«

N.S. (15), from Afghanistan²¹³

N.S. arrived in Evros region in July 2010 together with his older brother. On the border they lost each other and were separated. N.S. was then arrested by the police forces of Neo Chimonio on July 21, 2010. The registration took place at the same border police station in Neo Chimonio by Frontex, who registered him as a Turkish citizen born on the 1.1.1992, even though he claimed both his age and his nationality. *»They don't believe who I am ...«* From Neo Chimonio he was then transferred to Fylakio where he was detained for a long time, despite all our interventions to UNHCR, Children's Ombudsman. Since he's been registered as an adult, he should be still detained with adults. A deportation order had been issued, under his false Turkish nationality, exposing him to the risk of being readmitted to Turkey.

»I told the officers that I am 15, but they wrote that I am 20.«

A.F. (15), from Bagdad, Iraq²¹⁴

He was arrested on the 14th of October 2010 and first detained in Soufli detention centre in mixed detention. His first registration took place without interpreter and in English language. *»I told the officers that I am 15, but they wrote that I am 20.«* He was identified by GCR-lawyers as unaccompanied minor. In December 2010 he had been already transferred to Tycherio border station. The police informed us that his age had been corrected. He was now held in cell two again in mixed detention. On January 31, 2011 the Greek Refugee Council sent another fax to the police and judicial authorities concerning requesting for the release of A.F. and other minors that were detained since October / November 2010 and not yet released.²¹⁵

»The boy is crying every day and every night. He is now more than three months in detention,« told us the other detainees. In total he waited more than four months for a free space in one of the rare specialized reception centres in order to be released. He couldn't speak to his family for a long time.

213 N.S. from Afghanistan; August 2010 – Fylakio.

214 F.A. from Iraq; December 21, 2011 – Tycherio

215 Protocol number of the fax: GCR 80/2011.

»I couldn't see what age they were writing.«

N.H. and Z.S., from Afghanistan (16 and 15 years old)²¹⁶

■ N.H. and Z.S. are both minors. They were registered wrongly both as born on the 01.01.1992 – turning them into 18-year-olds. They were arrested on November 10, 2010 in a small police station. Their deportation orders were issued on the 13th of November respectively upon transfer to Fylakio detention centre. They both speak Pashtu and Dari (Afghan languages) but nevertheless, the interpreter for the screening was speaking Arabic only.

»We are now 40 days in this prison,« the two small boys tell us shyly. »We were arrested and brought to a small police station. (Neo Chimonio) We were beaten repeatedly and asked to tell who brought us over the border. From there they brought us to Fylakio prison. An officer asked our names, age and country of origin. There was no interpreter. I couldn't see what age they were writing. The police officer was sitting and I was standing far. They put us into one cell with the others who were with us. A cell with adult men. We are 80 persons in one cell. There are two clogged toilettes and two that work, but the sewage waters in the cell. We have seldom hot water, so we wash ourselves only once a week. We also have not received any shampoo, soap or laundry detergent to wash our clothes. But we don't have any other clothes anyway. When we became sick we asked repeatedly for a doctor, but he didn't come. We are never allowed to go yarding. There's no light in the cell, but there's light in the yard. It is never really dark and at the same time there is never enough light in the cell. Some people have to sleep on the floor. When can we leave from here?«

The two minors claimed to be 16 and 15 years old. They were registered with the birth date 1.1.1992. »I have only learned bad words in Greek from the police officers here, like »Malakas« [Greek: asshole] or »ghamisou« [Greek: fuck you].«

On December 8, 2010 GCR sent a first fax to the responsible authorities informing them about N.H. and Z.S. who were protesting against the mixed detention in Fylakio. They were detained in cell 1 together with adult men²¹⁷ During the following visit of the mission to Fylakio, the director orally re-assured us that their date of birth had been already corrected.

As for all detainees in Fylakio, none has with him any paper issued against him by the Greek authorities, unless he's been transferred there from elsewhere. Files are only kept in the Police Headquarters in Orestiada and the lawyers could not double-check on the spot the directors' words.

On December 23, 2010 GCR intervened again sending a fax concerning the two detainees. For a very long time, we got not response from the Orestiada Police.

Upon release, the minors told us: »After we met, the director asked us whether we really wanted to correct our date of birth, since this would mean longer detention«. The boys stayed in detention for a total of four months. A few days before their release the authorities responded to the lawyers, informing them that the age hasn't been changed but they would be released within the following days.

The minors called the lawyers to let them know they've been released and have already arrived to Athens. »We've been released two days ago. We had no money to pay for our ticket to Athens. We walked 8 hours until we reached Orestiada's train station. We had no money and we tried to stop a police car to give us a lift to Alexandroupoli. Finally a police car stopped and we arrived to Orestiada. The officers were the ones who had apprehended us upon arrival. They gave us the money to buy the ticket to Alexandroupoli. Once in Alexandroupoli we still didn't have money for the train ticket to Athens. We had to sleep overnight in the cold. It was snowing. Next morning we took the train without issuing a ticket. Unfortunately during a ticket control, they found out we had no ticket and had to get off the train in Komotini, where we spent another night in the cold. We had just lost the train and had no 70 euros for the bus ticket. Next morning we tried to take the train and this time we were lucky«. In Athens the two boys met some ex-inmates from the detention centre who borrowed them some money. They went to one of the informal hotels run by co-nationals where they stayed for a couple of days. The situation for refugees in Athens was really shocking to them, even after having spent so many months in detention: »Athens is horrible. Is there any way to return to Afghanistan?«

216 N.H. and Z.S. from Afghanistan; December 20, 2010 – Fylakio; March 2011 – Athens, Patra and Arta, Interviews by Infomobile

217 Protocol number: GCR 525/2010.



Minors waiting for their registration

When it comes to minors at the age of 17 - 17 1/2 the authorities seem to delay their transfer to an adequate accommodation centre on purpose. Many children become adults while in detention, exposing them to deportation or readmission.

In two cases unaccompanied minors were registered as adults. Only after lawyers' intervention the correction of their date of birth occurred, but both (one from Venna and the other from Soufli) they've been detained for more than five months and were released upon intervention to the Ministry of Health and Social Solidarity, the First Instance Public Prosecutor and an application lodged before the court to challenge detention, in one of the cases. One was already 18 years old when released. Adult Iraqis in detention risk deportation.

10.5 After Release.

Upon release from detention, unaccompanied minors are transferred to special reception centres. They are handed a deportation order valid for 30 days (the same as for adults), naming the reception centre they are referred to. Since summer 2010, the NGO Metadrasí is organising these transfers to the reception centres the Ministry of Health has identified. The seven existing specialised reception centres do not fulfil the minimum standards, since they cannot provide the kids with appropriate health care, education or legal aid owing to the lack of sufficient funding or funding delays.

In addition, the guardianship scheme does not function after release either, implying that the minors continue to be unrepresented and unprotected.

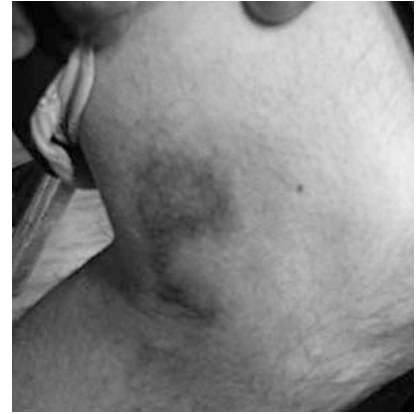
Right after their arrival in the reception centres, most of the minors continue immediately, or after one or two days of rest, towards Athens. Their only aim is to reach Athens in order to organise how to leave Greece. Some of the minors have already contacts in Athens, others do not. If they have no relatives or friends to host them, most of the time they will stay together with adults in informal hotels, or in the street, exposed to exploitation, violence and deprived of their basic rights as children.

Minors that have not been registered as such will be released just like adults, without any further support.



Minors who were wrongly registered as adults remain unprotected also upon release

11. Violence



Police violence and violence among detainees occur very often

Violence is common reality in detention. To start with, detainees permanently suffer from structural violence resulting from detention conditions (e.g. overcrowded cells, exhaustion from not knowing what will happen, overstrained officers). Detention conditions in Evros in themselves constitute a form of ill-treatment.

Unsurprisingly, violence among inmates is quick to erupt. There are frequent fights over, for example a place to sleep, access to the phone, a place close to fresh air, meals, access to toilet, sexual harassment, different political backgrounds in the country of origin etc.

«Once there was big fight among the inmates in Soufli. It was about basic things, like a place to sleep. The police watched us being beaten up, and they never interfered although we were calling for help. At that moment, we were 220 persons inside the cell. Almost at the end of the fight, someone threw something like a stone on my head and in my face. I fainted. For three hours my friends were shouting for a doctor, but the police said I was faking the injury although I was covered with blood and lying on the floor. It was around 3 o'clock in the morning. I was still half unconscious when they pulled me out of the cell with all the blood on my clothes. They put handcuffs on my hands and pushed me into a van. They brought me to the health centre in Soufli. The nurses and doctors got very angry when they saw in what bad condition I arrived there and that I was wearing handcuffs. They were shouting at the officers to release my hands but they wouldn't. They could not treat me there so I was brought to the hospital in Alexandroupolis. Only when inside the building did they release my handcuffs. The doctor sewed my wounds and took X-rays. On leaving, and right after passing

the door of the hospital, the police put handcuffs on my hands again. They took me straight back to the cell. The next morning, I was taken to the director. I was forced to sign a paper saying that I was not ill-treated by the police. I was forced to sign it! Today I still have the scars in my face.»²¹⁸

11.1. Ill-treatment by the police

Police violence in detention in Evros varies from verbal to physical assault. »Monkey« and »Malaka« have been reported to us as common insults used by some officers to denigrate detainees. We repeatedly witnessed improper and aggressive behaviour by certain policemen towards the detainees.

Again and again, detainees reported of ill-treatment by police officers. Sometimes they complained that after the ill-treatment the police denied them access to medical care and contact to the outside world. Detainees recounted kicks, slaps, beatings with globs and punches on all parts of the body. In some cases, the injuries were so severe that they had to be transferred to hospital. In at least one case that we were reported the severity of the ill-treatment amounted to torture.

Reportedly, detainees are ill-treated either inside their cells, in other rooms, or outside of the detention centre – in front of others or in secret. In some cases, violence seems to be a way to punish detainees for protesting over detention conditions and to intimidate and discourage future protests.

²¹⁸ O.H. from Iran; October 29, 2011 – Athens (detained in Feres, Soufli, Venna and Fylakio)

When asked what were the worst forms of ill-treatment he experienced, S.Q. from Iran told us the following: »There are some moments that were extremely horrible for me. One time a friend of mine had problems with breathing. He went to the bars at the window and shouted to the guards: ›oxygen, oxygen!‹ They threatened to beat him and, out of fear, he retreated to the cell. Another time I asked the guards for hot water in order to prepare some tea. One officer replied: ›Drink my pee!‹ This maybe was the worst feeling. I remember also another day. There was a young inmate who was freezing. He had nothing to cover himself. Thus, he asked the guard on duty if he could have a blanket. The officer told him, that if he was feeling cold, he should go and hug an inmate. The sex would heat him up.«²¹⁹

An unaccompanied minor told us in Fylakio: »The police sometimes beat us. First: When we are brought to the telephone room. We have only once a week access, and we are too many so not everybody has his or her turn. So when we start fighting among ourselves about the telephones, the police beat us. Second: When somebody is sick and we are shouting and making noise in order to call for medical help.

»The police was hiding us in other cell so that we could not tell anyone that we had beaten us!«

E.K.A., E.O.M., A.A. and I.A. from Iraq; A.H. and N.F. from Iran and A.A. from Syria

■ In August 2010, detainees reported a case of serious ill-treatment in Soufli.²²³ The detention conditions were deteriorating and a detainee attempted to commit suicide. Allegedly his inmates implored the police officers to bring him to hospital, but they refused to do so. »We were shouting to the police to help him. It was around 10 o'clock in the night on August 16, 2010, the guards used a high-pressure water jet to push us off the bars. Then three police officers entered the cell and started beating all of us randomly. A. was beaten with an iron crowbar.«²²⁴ Allegedly a lot of detainees were beaten – among a 55-year-old woman. At least three of them were transferred to the medical centre of Soufli. »One of the officers picked up a crowbar and beat me badly [...] so badly that I urgently needed a doctor. I was bleeding. I was not

Third: When the food is brought to the cell and somebody tries to get an extra portion.«²²⁰

During an interview with H.M from Afghanistan, he showed us the bruises on his face and body that were inflicted upon him by other inmates. He also showed us others on his leg, inflicted by the police, who intervened to stop the fight. »There was a fight between Afghan and Algerian inmates for a place to sleep. The police took us out of the cell and dragged me to the doctor's room and began beat me with clubs. Then they took seven of us in the room with the telephones, took off our t-shirts and handcuffed us. We were kept there from 22:00 till 12:00, with no food and clothes on, just with our underwear.«²²¹

»The officers sometimes came into the cell and beat us without any reason. When we were asking them for a doctor, they just laughed. Recently. One of the women in the prison was very sick. We were shouting for a doctor. An officer came and said: ›Why is she sick? Does she not have a husband?‹ Then he left. I have seen at least five persons trying to commit suicide here during the five months that I spent in Soufli.«²²²

the only one. We were asking to see a doctor. The police refused.«²²⁵ A.A. was eventually transferred to the medical centre. The doctors' records mention the following: »Monday, August 16, 2010: laceration wounds sewed; Monday, August 23: sowings taken off.«

»The following day we refused to eat. The conditions in the cell were awful: sewage water was everywhere since many days. We left our meals at the doors of the cells. An Afghan tried to commit suicide. He tried to cut his veins but we stopped him. We did not have any other way. We are human beings.«²²⁶

»The next day [18.8.2010] we went on with the hunger strike. We tried to inform UN about the situation. It was impossible to have access to the phone. We were afraid of our safety. A group of police officers entered again the cell, focusing on beating me and E.O.M. with globs.«²²⁷ »The police started beating me up in the first cell. When I tried to escape to the second one, they grabbed me and pulled me

219 S.Q. from Iran; October 14, 2011 – Feres (former detainee of Tycherio)

220 A.T.M. (17) from Afghanistan, October 11, 2011 – Fylakio

221 H.M. from Afghanistan, April 15, 2011 – Fylakio

222 H.F. from Iraq; February 28, 2011 – Soufli

223 Interviews with detainees: E.O.M. (Iraq), A.A. (Iraq), E.K.A. (Iraq), I.A. (Iraq), A.H. (Iran), A.A. (Syria), N.F. (Iran); August 18, 2010 –

Soufli. See also: PRO ASYL 2010: http://www.proasyl.de/fileadmin/fm-dam/I_EU_Fluechtlingpolitik/Griechenland/EVROS%20Bericht%202010.pdf

224 I.A. from Iraq; August 24, 2010 – Soufli

225 A.A. from Iraq; August 24, 2010 – Soufli

226 E.O.M. from Iraq; August 24, 2010 – Soufli

227 E.K.A. from Iraq; August 25, 2010 – Soufli

back to the first cell. They beat me on my chest and head until I fainted.»²²⁸ As his inmates told to us, blood was running from his mouth, he had lost consciousness and everybody thought he had died. He was transferred to the hospital only after hours.²²⁹

The lawyers managed to retrieve his medical report from the hospital, which stated: »August 18, 2010, brought in an almost unconscious state. Signs of beating. Bruises on torso and nose.«

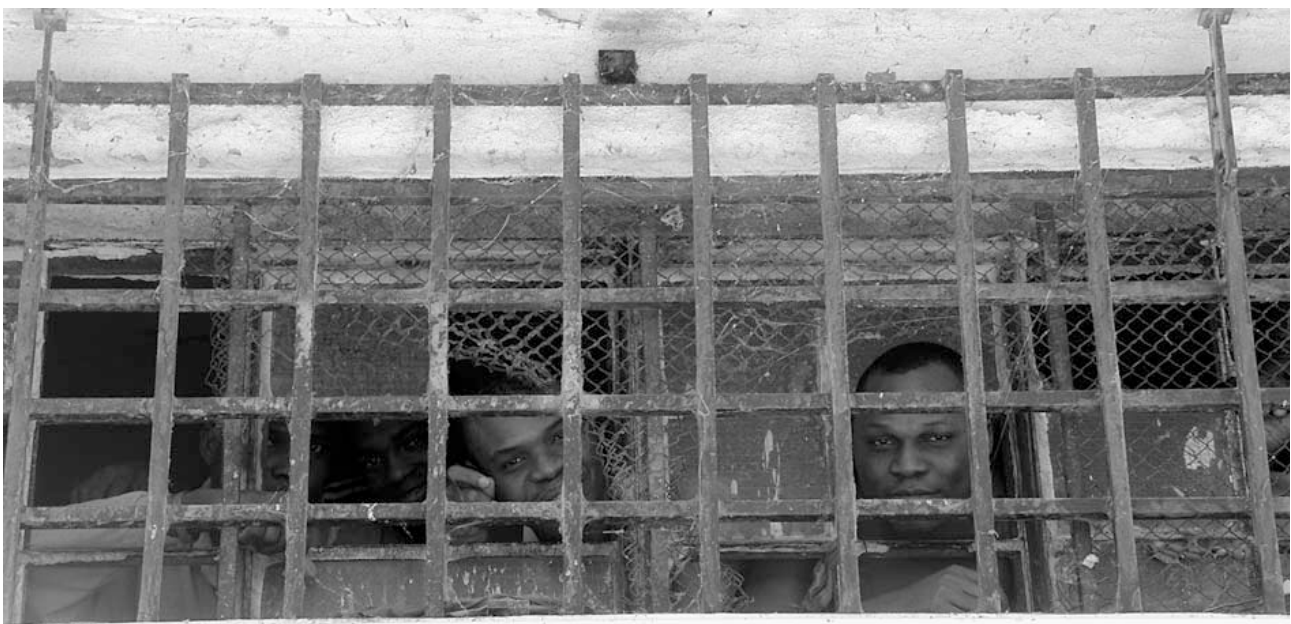
»On Thursday, August 19, we were in terrible pain. We were full of bruises. Suddenly, the police told us that we will go to the hospital. Instead, they took us for a ride in the police car, drove us around the village and brought us back without ever having visited a doctor. We did not understand what happened. When we were brought back to the police of Soufli, we were not taken to the cell with the others but kept nearby in the »disciplinary room«. I was terrified. I could hear the voice of the representative of UNHCR but I never met with her. I assume she was looking for us, but she could not find us. The police was hiding us in other cell so that we could not tell anyone that we had beaten us! Please inform her where we are. We have no access to phone, we could not contact with nobody until now. [...] We are so afraid in order to lodge an official complaint about the police, they can kill us.«²³⁰

Detainees told us, that both E.O.M. and E.K.A had been moved from the cell some minutes before the visit of the UNHCR representative in the cell and never came back. During her visit – and later on – the UNHCR representative had repeatedly asked the police about the whereabouts of the two detainees, but she never got an answer.

On August 23, 2010 two mission lawyers²³¹, visited the border police station, asking to visit some detainees, among them E.K.A. And E.O.M. The police officers replied they had to apply for a permit at Alexandroupolis police headquarters. The day after (24.8.2010), they got the permission and found out that the injured ones were kept in the disciplinary cell, which belongs to the police station. Both detainees were terrified. The lawyers themselves could see signs of beating (i.e. bruises).

It was only then, on August 24, 2010 and six days after the visit of their representative, that the UNHCR was informed by the lawyers about the place, where the two »missing« detainees were detained.

On August 25, the E. and J. were brought back to their cell. Later the Citizen Protection Minister was officially informed about this case. At least three of the victims were readmitted back to Turkey according to the Readmission Protocol.



Nigerians are held in detention for many months and with the aim of deportation

228 E.O.M. from Iraq; August 25, 2010 – Soufli

229 See: footnote 183

230 E.K.A. from Iraq; August 25, 2010 – Soufli

231 Tzeferakou and Strachini

On April 14, 2011, the cell of the minors once again turned into a place of police violence: *»Yesterday we protested against the condition in our cell, the sewage water, the clogged toilet, and we asked to see the director. After a while, some police officers came and asked us to choose four re-*

presentatives who would talk about our problems with the director. Two hours later they returned, injured. They told us that the police took them out into the yard, next to the parking lot, and beat them up.«²³⁴

»They beat us because they were afraid somebody would try to escape.«

M.S., F.S. and M.I., from Iran²³²

■ Another case of arbitrary punishment occurred in Fylakio. 30 to 40 days after their arrest, M.S. and F.S. were transferred from Fylakio to Venna. They both claimed asylum in Venna and were then transferred back to Fylakio.

Allegedly, in mid-December 2010, cell one was protesting against the arbitrariness of the terms of detention. Some refugees were shouting: *»freedom, freedom«*, while others were putting fire on their clothes. They requested to speak to the prison director. He came and they asked him why they are kept for such a long period in detention. He only replied: *»I don't know!«* Then the police pulled the total of 80 persons out into the yard, where they were ordered to sit in the snow next to the rubbish bins at the side of the building. Six to seven persons were pulled out, the ones that the police identified as having protested loudly inside the cell (among whom M.I.).

The police officers beat them in front of the others to set an example. That was around 2 p.m. After beating them in front of their fellow inmates, the unlucky chosen were brought to a corridor next to the phone cells where they were beaten again, this time even more brutally. One of the refugees, who understood some Greek, heard the officers saying: *»Take them to the back to beat them more.«* They beat them with globs on arms, legs and their heads. Then they were brought back to their cell. In the night, around 10 p.m., all of the detainees in the cell were again taken out into the yard. It was very cold. The police searched them one by one. They had to stand to the wall.

Then most of them were brought back to the cell. Some of those who speak English were brought into another room. They were interrogated. The police asked them if there was somebody who wanted to escape. *»They beat us because they were afraid somebody would try to escape.«* F.S. was among those who were interrogated.²³³

»I tried to escape because I could not stay there any longer.« I.M., from Algeria²³⁵

■ I.M. was arrested on December 14, 2010, and sent to Soufli detention centre. He was suffering from the detention conditions and was constantly afraid since he did not know how long he would stay there, nor what would happen to him. *»I had no place to sleep, so I bought one for 20 euro from another detainee. Today, everybody is sick because of the food. The toilet is clogged. I haven't had a shower in 25 days«*. After one month and a half of detention under appalling conditions, on February 3, 2011, I.M. attempted to escape together with eight Algerians and twelve Moroccans. *»I tried to escape because I could not stay there any longer. I was in a group of three. It was a spontaneous decision to run away. But they caught us. We were running in the dark, in the mud. Ten police officers arrested us and then started beating us up. Then they took us back to police of Soufli and beat us again and again. Some of us in the cell had broken arms and broken noses, but we were not allowed to see a doctor.«*

Allegedly, they all tried to escape when the police took five detainees out of the cell in order to take their fingerprints. Meanwhile the detainees were suffering from the inhuman detention conditions and specifically from overcrowding. At that time 140 people were being detained in Soufli, but some days before they were more than 170.

Another detainee²³⁶, who witnessed the *»punishment«* of the escapees, told us: *»They kept some of them in the yard, and some others were taken to the prison's hallway. They had to stay there until the next day. The guards were insulting them. Every time a guard passed by, he would kick and beat them. Some of them were wet and full of mud. They beat them up a lot, some of them got broken arms and legs. After that, nobody was allowed to use the phone anymore«*. They were all brought to court and charged with absconding. Most of them have been transferred to prisons.

232 M.S., M.I. and F.S. from Iran; December 20, 2010 – Fylakio

233 M.S., M.I. and F.S. from Iran; December 20, 2010 – Fylakio

234 O.M. (16) and F.M. (16) from Afghanistan; April 15, 2011 – Fylakio

235 I.M. from Algeria; February 28, 2011 – Soufli

236 H.H. from Iran; May 7, 2011 – Athens

In October 2011, we learned about two incidents of violence against sick people.

»How can we ask for asylum in a country where they beat sick people and women?«

A.K. from Iraq²³⁷

■ A.K. and his wife would be in great danger if they return to Iraq. They were arrested on August 29, 2011 and transferred to Tychemo border guard station. They were kept in cell two, in mixed detention, along with other families and unaccompanied minors. Already in Iraq, A.K. had told us that suffered from epilepsy. *»Whenever I am highly stressed, I get a fit!«* His wife has psychological problems. Her husband reported that she also has uterine cancer. She is suffering from backache and pains bellow her stomach.

»One night – 15-20 days ago – my husband had one of his epileptic seizures. He fainted in the middle of the cell. I started shouting for the guards to come and take him to a doctor. Three to four police officers came. They opened the door of the cell and started beating a friend who was trying to help my husband. They also beat my husband and they threatened to beat all the others, shouting: »Move back, move back!« They pulled the unconscious body of my husband out into the corridor and continued beating him there. Outside, there were more officers. I ran out and begged them to stop. They made me stand with the face against the wall and my hands up and started beating me too.« A.K. adds: *»I don't remember the night. I had fainted away in an epileptic fit. The others told me later that I was beaten by the police.«*²³⁸ Following this incident, the couple was separated. A.K. was sent to Venna and his wife to Feres. After about a week, he too was transferred to Feres. For two days they stayed there together in mixed detention, then they were sent back to Tychemo. They did not know that they were in detention pending deportation. When they got the information from the missions-lawyers and were informed about their right to claim asylum, A.K. and his wife were first hesitating, asking if that would mean that they would be separated again and that they would stay in detention longer. A.K. said: *»How can we ask for international protection in a country where they beat women?«* Currently, they are both in danger of deportation to Turkey and from there to Iraq.

11.2. Sexual Harassment

Sexual harassment in detention by inmates (when in mixed detention) or by police officers is something nobody wants to talk about. It is difficult to prove, and it is difficult to speak about when access to lawyers, psychologists and doctors is not always granted, especially if the perpetrator is a police officer.

In Fylakio detention centre, male detainees repeatedly reported to us that they witnessed women taken out of their cell by police officers in late night hours, to other rooms of the detention centre (such as the telephone room), or outside the building. Some male detainees interpreted this as a silent agreement between police officers and women,

»From the beginning there were women who having relations with the police for the basic things, like soap.«

R.I. from Iran²³⁹

In June 2011, a woman reported to the police authorities about her sexual harassment. *»From the beginning there were women who having relations with the police for the basic things, like soap.«* She stated that a police officer had come to the women cell at 10 o'clock in the night and offered her a condom. Witnesses verified her testimony.

Even though her allegations concerned a police officer in the detention centre, she was still kept in the same detention centre and in the same cell. No measures were taken in order to protect her. Neither had the deportation order been revoked or waived until the completion of the administrative or judicial inquiry. Meanwhile, she got repeatedly beaten by her inmates for having complained against a police officer. The police authorities arbitrarily refused her lawyer full access to her file needed to challenge her detention before the court. Concerns have also been raised about the inquiry procedure, the identification of the perpetrator and the lack of safeguards for the detainees.

The victim was released after challenging her detention before the court. The penal procedure against the police officer is still pending.

237 A.K. from Iraq; October 12, 2011 – Tychemo

238 H.K. from Iraq; October 12, 2011 – Tychemo

239 R.I. from Iran; June 15, 2011 – Athens

as a way of getting some »privileges«, such as access to basic goods like clothes, milk, cookies etc. Female detainees reported that, during late night hours, police officers sexually harassed other female detainees, touched or kissed them through the bars of their cell. Allegedly, some of the women »agree« to be brought outside the cell to the doctor's or the telephone room, where they stay for about 10-20 minutes before coming back. It seems that women who yield to such pressure are »compensated« with small gifts, such as Coca Cola, clothes or a day face cream. Women who were interviewed by GCR's lawyers expressed fear about their safety and concern about their children, who were in detention with their mothers and were well aware of these incidents.

11.3. Lack of safeguards against violence

In all detention centres in Evros, there are no safeguards against ill-treatment. On the contrary, deplorable conditions, filthy and overcrowded cells and a lack of well-trained guards affect police behaviour. In the case of successful escapes, officers face disciplinary actions and criminal charges.

Maltreatment by police officers in detention remains unpunished and usually no charges are filed against them. There is no well-resourced and independent inspectorate, or a credible, independent and effective complaint procedure within the police. This explains the well-founded fear of detainees to lodge a complaint while in detention.

There are no specific measures taken to prevent gender-based violence or sexual harassment. Female detainees are not always kept in separate cells or guarded by female police officers.

12. Hunger strikes

Appalling conditions in centres of detention in Greece, lack of transparency in procedures determining their nationality, lack of guarantees during the asylum or deportation procedure, and police violence lead many of the detainees to go on hunger strike or to use other forms of protest, such as self-harm or setting fire on the mattresses or blankets in the cells. Some, desperate, even try to escape.

Not all detainees' protests are heard or known, since these kinds of incidents are rarely reported to the public.

Information concerning protests in detention centres is usually blocked and the police attempts to conceal or downplay news of unrest, by transferring detainees to other detention centres or applying gratuitous disciplinary measures, such as isolation. This makes it even more difficult to track those on hunger strike and usually the authorities proceed to »silent« deportation.

In Fylakio detention centre there have been repeated reports of protests. *»Minors shout and request to speak to the director. Adults also shout, many of them self-harm and threaten to commit suicide.«*²⁴⁰ On November 30, 2010, there was a protest in Fylakio that reached the public.²⁴¹ On October 28, 2010, two other Iranians went on a hunger strike while in detention in Evros. They sewed their lips together with shoelaces, protesting against their readmission and for their right to seek asylum.²⁴²

On November 22, 2010 four other Iranians went on a hunger strike and sewed their lips together in Feres, protesting against the inhumane detention conditions, the long duration of detention periods, and the arbitrary rejection of their asylum claims.²⁴³ On the second day, they were transferred to Soufli. Two of them were kept in a separate »disciplinary« cell of the Police. *»We just wanted freedom«,* one of them said.²⁴⁴

On the April 12, 2011, 36 women were being detained in Feres. Two of them were in mixed detention, since they didn't want to be separated from their husbands. The other 34 were in one cell in appalling conditions. 29 of the wo-

»While handcuffed, police officers beat me with their elbows in the face and chest. They wanted me to stop the hunger strike.«

A.R., from Iran

A.R. is from Iran and belongs to the so-called nationalities at high risk of readmission to Turkey. He was readmitted by the Greek authorities to Turkey but at last, he was not accepted back because of his serious health problems. He was brought back to the Greek detention centre. For fear of being readmitted again, he decided to go on a hunger strike, which resulted in a worsening of his health condition. He applied for asylum and stayed for five months in detention.

»When I came to Greece, I had no plans to seek asylum here. I was working for the Musawi party in Iran and spent some months in prison there, where I was tortured. I filed a request for asylum in detention, as this was the only way to avoid deportation, and my life is in danger back in Iran. I spent more than five months in detention. From the very beginning, my health condition deteriorated. I had stomach problems, too. After nine days in Feres I was transferred to Venna in order to be deported. I stayed there for more than two months. [...]

As my health condition worsened, they had to take me to the hospital. Immediately after my release from the hospital they took me directly to the border and handed me to the Turkish authorities. They took me to a Turkish hospital and decided that they wouldn't keep me, but sent me back to Greece. I was brought back to Venna and then decided to go on a hunger strike. After twelve days a police officer told me I should lodge an application for asylum in order to avoid deportation. I was then brought back to Feres. I was very sick and they had to take me to the hospital. I fainted and they wanted to feed me by a feeding tube, but I refused. While handcuffed, police officers beat me with their elbows in the face and chest. They wanted me to stop the hunger strike«.

A.R. was released shortly before reaching the maximum time limit in immigration detention. The lawyer challenged his detention in court twice.

240 D.S. from Iran; April, 15, 2011 – Fylakio

241 Thraki TV: http://www.youtube.com/watch?v=fblSruEstGw&feature=player_embedded

242 <http://www.tanea.gr/ellada/article/?aid=4597999>

243 <http://infomobile.w2eu.net/files/2011/03/Press-Release-27th-November-2010.pdf>

244 B.M. from Iran; December 19, 2010 – Soufli

men were on the third day of their hunger strike. They were protesting against the appalling detention conditions, the lack of information regarding their rights, and the length of their detention. Some had already been in detention longer than three months. They didn't know what would happen and for how long they would be detained. All African women in Feres were registered as Nigerian while some of them claimed to be of other nationalities. The women told us that they were in mixed detention until March. The detainees we met told us about sexual harassment among inmates, which lead to fights and arguments. Furthermore, the women reported that the police once entered the cell and beat some detainees. One woman

»I can't breathe since I've been detained here.«

A.F., from Iran

■ *»I had been asking for asylum since the very first day of my detention, but nobody would register my application. After two days in detention, they gave me a paper to sign, written in Greek, that I couldn't understand. There were no interpreters. After one month, they transferred me to Venna. I realized that this was not another detention centre, but a place from where deportations took place.*

My fear was rising. I stopped eating in protest. Finally, an officer registered my asylum application and I was then sent back to Feres. I fainted and was brought to hospital. I did not accept tube feeding. The police officers were very angry, took me out of the hospital and four of them started beating me. After that, they said I tried to escape, to justify the signs on my body. I was brought to court and immediately after the trial I had my asylum interview. A woman told me to eat and after that I would be released within a week. Now it's very cold. It's -8° degrees and we are forced to sleep in the yard, since there's no space available. For some days I was sleeping in the toilet, but now there's no space. I haven't slept for ten days. We are men, women and minors, all together. We are all sick. I can't breathe since I've been detained here.«

A.F. was released after five months. The lawyer challenged his detention twice before the court. He suffered severe respiratory problems in detention. He is an asylum seeker. His asylum claim was rejected at first instance and he appealed against the decision.

said they had beaten her on her chest and that she is still suffering from pain. *»I haven't been allowed to see a doctor«,* she claimed.

When we visited them on the April 13, 2011, there was no water supply in the cell. *»We cannot clean the cell and the toilet if there's no water. We don't have any soap or hygiene products. It smells so bad, that we cannot sleep inside. The food is very bad and we receive no good medical treatment. Some of us are sick for days, but they don't transfer us to the hospital!«*²⁴⁵

The food was served during our visit. Chicken with water and a few drops of tomato broth. Some of the women were bare-foot and had no proper clothes. Among them, there was an unaccompanied minor. She told us she was afraid to tell the police her real age, as she risks being detained for longer.

On the April 14 all women were transferred to Tychemo because their cell in Feres was under renovation. Nobody really explained the reason of their transfer and they were very worried. One woman attempted to commit suicide. In Tychemo they were all kept in mixed detention. *»We have no space to sleep, where should I sleep? It's so dirty in here.«*²⁴⁶ Earlier that day, the police had transferred some minors and a few men who were held in this cell, to the other one, in order to receive the women from Feres. The cell was not cleaned beforehand. The water pipe had broken. The police called two plumbers to fix the problem. The cell was full of water from the leakage. After repairing the damage, the plumbers asked the police officers who were standing close to us what they should do with the water that had flooded the cell. One officer replied: *»Let them drink it!«*

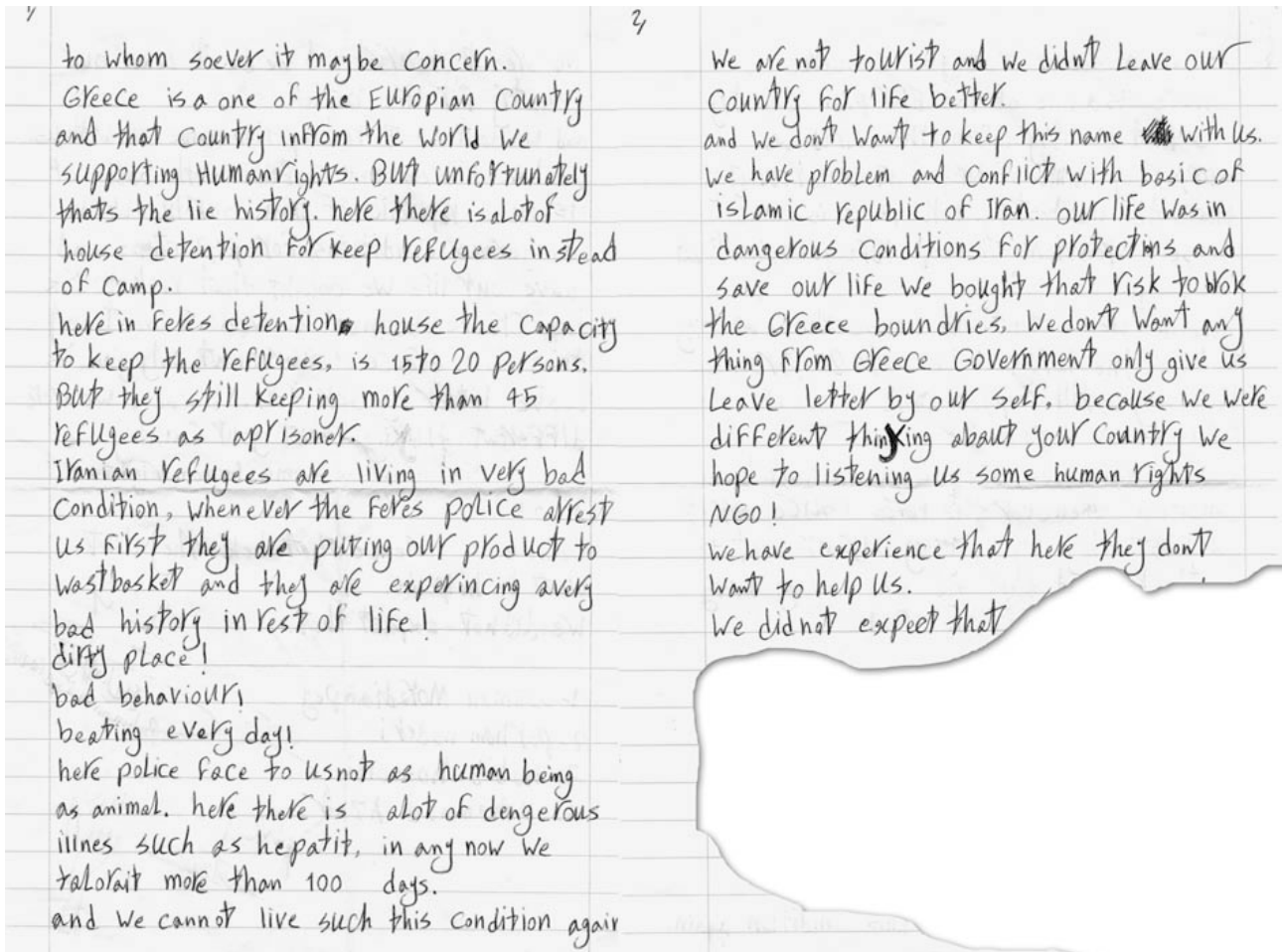
On the April 28, 2011, 12 detainees in Soufli went on a hunger strike, protesting against the inhumane detention conditions and demanding their immediate release. Among them were five Iranians, three Iraqis, two Syrians, one Turk and one Nigerian. Six of them were asylum seekers. They have been detained from ten days up to five months. The director of Soufli's detention centre ordered the immediate transfer of five of them to the police station cell, which is often used as a disciplinary unit. Only seven continued with the hunger strike. Shortly after, one of them was released as he had reached the maximum detention period. The others were transferred to Fylakio.²⁴⁷ In total,

245 Interview with women; April 13, 2011 – Feres

246 F.A. from Nigeria; April 14, 2011 – Tychemo

247 Demands of the hunger strikers in Greek: <https://docs.google.com/leaf?id=0BzLLCPJMrNIEM2JiOW>

QwYzktMjQ1NS00ZmRjLTgzNjMtNDU1YjE1MzU3YjQw&hl=en&authkey=CN-bgbAl&pli=1; <http://www.youtube.com/watch?v=GRbr2-sJv-o>; <http://omadadikigorwn.blogspot.com/2011/05/blog-post.html#more>



Letter of the hunger strikers

»We have to struggle for our rights!«

B.M., from Iran

■ After spending 100 days in detention, B.M. was informed that his asylum claim was rejected at first instance, even though he had with him documents that provided concrete proof of his asylum application. As a journalist and a blogger supporting the opposition, he was reporting on the controversial election results in 2009, and criticized the government for human rights violations.

»I have taken part in protests against the government, written and distributed leaflets against the regime. Many of my colleagues were arrested. One of them was killed. I have been also arrested, detained and tortured in connection with dissident activity. Upon my release, I continued fighting for Iranians' rights. My life was in danger. So I had no other option though than to flee my country and ask for protection in Europe. [...]

I was on a hunger strike for nine days and I had sewed my lips. We have to struggle for our rights. I was protesting against my detention. I and another hunger striker requested to see a doctor but it was denied. The police officers tried to remove the stitches from our lips, but we wouldn't let them. Two of us decided to accept being deported as soon as possible, in order to get away from this place. After six days on hunger strike, the other two of us were brought to the hospital. I requested to talk to the hospital's director. The police officers were surprised and afraid. We stayed for only five minutes in the hospital, without seeing any doctors and were immediately brought back to Soufli. With the stitches still on our mouths, one of the police officers said: »Stay here and die!« My friend got sicker quickly and there was no sign that they would transfer us to the hospital again. We decided to drink a bottle of Betadine that we found in the toilet. We finally saw a doctor. We agreed to remove the stitches for the benefit of our health.

Since I've been in detention I've had one soap, one shampoo and a laundry detergent in pulverized soap to share

between five. We put the rubbish in a cardboard box in our cell, which they empty once a week. The cell is cold and smelly. I have no towel and the water is usually cold. You know, you have to call the police a hundred times before they come once. I was never allowed to go into the yard. I don't know if meals will be served. They always forget one meal. And you know, I've never seen toilet paper in here.

I thought I would be able to continue my political resistance abroad. Now I'm just struggling to survive. Our comrades and families we left behind are in prison. I wish they could be with us and I would like to express my solidarity even now, from behind bars. We haven't forgotten you. And I want to ask you, why do we have to be in prison again? In Iran there's no freedom of expression. Here there's no possibility. I want you to think about this: exploitation, habit and prayer. When exploitation becomes a habit, we usually pray for our freedom, but we should struggle for it!

In a letter that was spread over the internet they say about Soufli prison: »Dirty place, bad police behaviour. Beatings every day! [...]. We have tolerated 100 days in here. We cannot live under such conditions again. We are not tourists. We did not leave our countries, just for a »better life«. Our lives are in danger back in Iran. We took the risk to cross the borders to Greece, to seek protection and be in a safer place. Now we see that nobody wants to help us here. We didn't expect that! We hope that someone will listen to our human rights«. ²⁴⁸

B.M. was released after more than five months after having challenged his detention twice before the court. B.M. applied for asylum in detention. His request has been rejected while still in detention. He appealed against the rejection. B.M., allegedly, is a victim of torture.

From the detainees of the prison of Soufli

We, the detainees of this prison who sign this petition, denounce the behaviour of the police, the detention conditions, the lack of hygiene, the bad quality of food served and we ask for your full support.

Beneath we describe in short the detention conditions in here:

First of all: in reality, the place in which we, the refugees, are detained is in all respects miserable and unacceptable. As regards cleanliness, the lack of essential human needs has put the lives of refugees in danger. The toilets are without doors, there are not enough windows and light, and the stink is incredibly bad. In the cells, people sleep on top of the other. At times, when the number of prisoners increases, refugees also sleep in front of the toilets. Even in the toilets, people were folding out cardboard on which to sleep, if there was no other space available. When the refugees get sick, the »doctor« gives only »Depon« [Paracetamol] for all kinds of diseases.

Our situation here is really tragic and miserable. In the places we sleep, the garbage smells and the dirt of the toilets has made us all sick. The conditions under which we have to live here have made us forget that we are human beings.

We are really sorry for the police behaviour. How could such conditions exist in a European country, which is considered to have laws and respect for human rights? Why is someone detained in here for 20 days, another for two months and someone else for six months? If there is a law, is that law not equally valid for all? Why, in the previous months, were Afghans released overnight and the Iranians are still here? Is that not discrimination? We are nine refugees on hunger strike, and demand freedom. We cannot stand the conditions in here anymore. Patience has its limits. We have reached our limit. Our hunger strike is our right to freedom.

We hope that you will listen to our voices and react.

Signatures of the nine hunger strikers

²⁴⁸ <http://migrantsrightswatch.org/news/2010/12/message-from-4-hunger-strikers-evros---greece/194736> 249 F.H. from Iran; October 29, 2011 – Athens

the hunger strike lasted for 15 days. »We started the hunger strike all together in the big cell in Soufli. Although we had informed the officers and the director about our protest, they were bringing food to our cell every day – not only for the other detainees but also for us. We told them that we didn't want them to bring us food since we were on hunger strike. They answered that they will bring the food and they don't care if we eat or not. Every day we were putting our meals into cardboard boxes next to us. For at least ten days they

would not come to take them away. They became moldy and smelly. It was very disturbing for us. [...] Every morning the police director was coming to the cell and insulting us with all the bad words that the Greek language has to offer.«²⁴⁹

T.U., asylum seeker from Turkey, was among the hunger strikers. In a recent letter of October 2011 he describes in detail the detention conditions and the reasons for the hunger strike:

■ Immigrants are living under inhumane conditions in Greece. I have witnessed with my own eyes this inhumane treatment during my stay in police stations for three months as a detainee, and during my short stay in Athens, and I, as well as other immigrants, have also received my share of this inhumane treatment.

Every day the fugitive immigrants are being collected by the Greek police from the banks of the Maritsa River and the Greek villages near the Turkish border, and piled up in police stations. Immigrants are being transported to stations by white coloured minibuses that have no windshields and ventilation. They are being loaded into these dark and airless vehicles on top of each other with no consideration given to whether they are old or young; male or female. While getting in or out of the minibuses, and during body searches, the Greek Police insult and curse at the immigrants. Some policemen even physically punch them. In several cases I have seen immigrants with bleeding noses as a result of blows they received from some policemen.

I have stayed at two borderguard stations – Soufli and Feres. I have witnessed inhumane conditions in these stations. I learned about the conditions in other stations from statements of detainees who were transferred from those stations to ours.

Soufli had two compartments. There were three concrete beds in the smaller compartment. In other words, it had a capacity for three, but from time to time the number of persons staying in this compartment went up to 15. In this situation people had to lie on top of each other. Everybody, regardless of whether they were male or female, was stuffed into the same place. People faced serious breathing problem was in this completely closed space. Belongings such as nail scissors and mobile telephones were not permitted. People who had to live in a

completely sealed and small place were depressed and under stress. I saw many individuals who cut themselves with razor blades. One Georgian and one Iranian detainee cut themselves. The police was reluctant to take these people to hospital, though they were at risk of excessive bleeding. We managed to get their attention and force them to react by hammering on the doors. But this time we were insulted and cursed at by the police because we had made such noise.

The situation was far worse in the larger compartment of Soufli where I was transferred to after banging on the doors because I wanted the bleeding men to be treated. There was a very disturbing smell in the compartment. Waste water (sewer water) was flowing on the floor. There were no flushes in the toilets. I never saw hot water flowing from the faucets during my stay in there. People were continuously coughing and ejecting sputum. The place, which resembled a horse stable, was always humid and no sunlight could get in there. Rainwater was dripping in when it rained. People were unable to clean themselves because of the lack of hot water. There was no appliance to wash clothes. Everybody was itching constantly because all of us had lice. We observed lice with our own eyes and showed them to the authorities. The place was convenient for the spread of any contagious disease. There were garbage heaps here and there. Sometimes it became very difficult even to remain standing because of the increased number of persons in the compartment.

In the asylum booklets that were distributed to us, it was stated that a person can be kept in such stations for a maximum of 3 months. But people were kept for 6 months under those conditions. We faced suppression and insults when we started to protest against this situation and other inhumane treatment. Suppression and insults continued during our hunger strike with which we

249 F.H. from Iran; October 29, 2011 – Athens

demanded to be set free. First they dispatched us to another compartment by force. In the meantime, all my books were shredded to pieces and clothes were torn. All my pencils were seized. I was cursed at and insulted. A lawyer had seen all these acts. Secondly, they did not give us any salt, sugar and water for 3 days. They were not satisfied with what they had done so far. Since we were setting an example to the others to stand up for their rights, one night they suddenly transferred us to Feres Station. The conditions were the same there, too.

As they had done to other detainees, they wanted to seize my telephone as well, but I did not permit it. They gave it back when I told them that I will continue my hunger strike and will not leave the station.

Once one is set free or released, the Greek Police only describe the route to the train station. They do nothing

concerning future ways of making a living or how these people might get to Athens. I have seen people who were sleeping on the streets for days. The individuals who are released like that cannot feel safe and comfortable. Especially with the economic crises, in recent months racist assaults against foreigners have increased in Greece. During the course of one month I witnessed people attacking foreigners with bats and sharp objects. Immigrants in Greece live under constant threat to their lives and fear for their health.

Mistranslations are made during the asylum interview and testimonies. Translators lacking full command of the languages spoken are being provided. My statements have been recorded incorrectly. I have heard that other people faced similar problems.

T.U.

13. Lost and dead at the borders

The region of the Evros (Maritsa) river along the Greek-Turkish border is a tragic place where many persons get lost – some of whom are finally found dead. Relatives and friends of the lost are searching for them in the detention centres, hospitals and at the cemetery. They come from far away for an answer to their questions.

13.1 Survivors in detention

During our mission we have met detainees who lost family members in the border area. They did not know whether they were alive or dead. It was obvious to us, that their detention caused their mental health to deteriorate and hindered the procedure of finding their relatives. In all of these cases we have seen that there was no psychological support provided for the survivors. Upon their release they have never been referred to a competent organisation for support or housing. In all cases the police continued to detain them without taking into account their vulnerability.

O.H. is a Nigerian boy who was registered as an adult in Fylakio. He reported that he lost his mother while passing the river and his sister onward when he had already arrived at the Greek side of the border. He was in an extremely bad psychological state, and crying constantly. He applied for asylum in detention and stayed in Fylakio for six months. He never received any social or psychological support. Upon his release there was yet again no offer of further support.²⁵⁰

H.Y. from Iran reported that she had lost her two daughters in the river Evros at the end of September 2011. Together with her husband she went upon arrival directly to the police directorate of Orestiada asking for help. The police arrested them. They were taken to Fylakio placed in detention pending deportation. Even though the loss of the two children was officially reported to the police, they continued to detain them. They had been in separate cells for approximately three weeks before the dead body of the younger daughter was identified. They did not receive any psychological or social support during their detention, and were released without referral to any kind of support. They were not told where to find the body, or what to do in the following procedure with the corpse. They were also not told how to search for the older daughter who was still

missing.²⁵¹ »There were two boats at the riverside. We entered the second with a total of 13 persons inside. The boat turned around and we all fell into the water. Some of us could hold on the boat while others were swept away by the sea. We couldn't swim. The boat got into a vortex so we could not orientate ourselves anymore. We didn't know which side was Turkish and which Greek! The ones of us holding on the boat reached the Turkish coast. Me and another woman were just trying to survive. The Turkish authorities rescued some of us. My two daughters and some others were carried away by the stream. I couldn't see them. I was trying to keep myself above the water. I just heard their voices shouting: 'Mother, help us!' The Turkish police searched for some hours for my daughters. Then they brought us to detention. I was desperate. We were brought to Istanbul and released.



A shoe next to Evros river reminds of recent border crossings

250 O.H. from Nigeria; December 20, 2010 – Fylakio

251 H.Y. from Iran; October 11, 2011 – Fylakio

With the hope of finding my two daughters we returned to Greece. We crossed the river again and went directly to Orestiada Police Headquarters in order to report the loss of our daughters. We asked the police for help. They said we should tell that to the place they will bring us to. Then they brought us to Fylakio detention centre. Upon registration we said that we had lost our daughters. It was horrible. We asked for help and they showed us a catalogue of food in order to identify our nationality.»

S.J.M. from Afghanistan lost his 14-year-old brother at the border. Even though he had reported the disappearance of his brother upon arrest the police keeps him in detention in Tychemo. He is in a very bad psychological condition. *»In mid-August, 2011 I was on my way to Greece with my 14-year-old brother. At the river we were separated. I was told to enter the boat and wait for my brother on the other side. I didn't want to leave him behind, but they didn't allow me to stay with him. When our boat arrived at the other side I looked back but there was no second boat following and no people visible at the Turkish coast. I waited, but nobody came. We were arrested and brought to Fylakio where I stayed only one day. I went to Athens in the hope of finding my brother there. For one and a half months I was sleeping on the streets and in the parks. I had no money. Then my father called from Afghanistan. Our mother had died. He told me I had to go and find my smaller brother. With the little money he sent to me I went to Evros. I was walking along the rails when I arrived at the back entrance of Tychemo. I stopped to ask for my brother. The police asked me for my papers. I showed them my deportation order. They said: »Your papers are invalid, we will put you in prison.« The 30-days period had passed. Upon registration I told that I am missing my brother. First they told me that they would help me. Then the interpreter said: »You are lying!« Nobody ever asked me again about my brother. I don't care that I am in detention, even though I don't know why I am the only Afghan they keep inside. I just want to find my brother alive.»²⁵²*

13.2 Death at the border

In 1974, Greece laid 57 minefields along the Evros River, on this heavily militarized north-eastern part of its border with Turkey. First deaths at the borders date back to that period, when mostly Turkish Kurds tried to cross. In 2009, Greece completed clearance of antipersonnel mines in the 57 mined areas it laid along the border with Turkey. The



Graveyard – August 2010

total area of clearance was almost 1.93km² and contained 24,751 antipersonnel mines.²⁵³

Over the past two years the causes of most deaths are drowning and hypothermia. A smaller number of deaths are the result of car and train accidents. According to the Coroner of Thrace region, in 2010 70 migrants died in the area, of which 46 remain unidentified. By August 2011, another 47 migrants lost their lives when crossing the borders and 10 died in a car accident shortly after.

There are many reasons why crossing the river is a great danger for irregular migrants, as the Coroner of Thrace explained.²⁵⁴ *»The first factor is the river itself. It is a big river with a very strong current. The water is dirty and the ground is muddy, with an uneven texture. This means that there are many branches glued to the bottom of the river. In addition, at one meter distance from the riverbank its' depth is 50 cm; the next step that one might take is at a depth of three meters because the vortex of the river creates so called holes. A second factor increasing the danger is that migrants usually cross at night, in fear and anxiety. They don't see where they are going which makes them panic easily. Many of them don't know how to swim. If they fall into the water they will lose the feeling of space and they might drown. Finally, the migrants are often not allowed to carry their bags with them due to lack of space in the inflatable boats, which results in one person wearing three shirts, three pairs of trousers one on top of the other. If they fall in the water the weight of the wet clothes will pull them down.«*

²⁵² S.J.M. from Afghanistan; October 13, 2011 – Tychemo

²⁵³ Statement of Greece, Second Review Conference, Cartagena, December 1, 2009

²⁵⁴ Interview by Infomobile: September 3, 2011, Alexandroupolis



Sign of cemetery 2010: «Illegal migrants graveyard»

«Unfortunately the corpses do not arrive here with a valid passport in their mouths,» the Coroner of Thrace commented. Most of the time corpses are found by hunters or fishermen of the area, or by patrols of the border guards, soldiers or Frontex. When a dead body is recovered, it is immediately reported to the police, who take all measures to register the incident and collect possible evidence. The corpse is then brought to the Forensic Medical Service at Alexandroupoli General University Hospital. After examining the body, the coroner takes a DNA sample for identification purposes. They then keep a record at the police station, with the fingerprints of the deceased, their clothes and other personal items. If the corpse is identifiable, some pictures are taken to establish his or her identity.

The legally defined period for keeping a corpse in the mortuaries' freezers is three months, but due to a lack of available space, or if the corpse is in an advanced state of decomposition, an immediate burial is usually granted by Alexandroupolis' Public Prosecutor.

Bodies are placed in cadaver pouches and handed over to the Funeral Office. Each body is given an identification protocol number, corresponding to the police file, written with a permanent marker, in order to proceed with the DNA identification procedure, if needed.

If someone is looking for a missing family member, they can request to take a DNA test. After registration, a hearse carries the body to one of the many Muslim cemeteries in the region (i.e. Alexandroupoli, Didymoticho, Agriani). One of them is located in Sidiro. The village's cemetery began functioning as a burial place for dead migrants in 2000, when others reached their maximum capacity.

On June 25, 2010, twenty-two migrants died in one night. Rainfalls had increased the water level and the strength of the river flow, and many people drowned. Sixteen corpses were found some days after on the Greek side (of the border), and transferred to the hospital in Orestiada. After following the procedures, a hearse carried them to Sidiro – a small village at the end of a dusty road, inhabited mainly by Greek Muslims. The Mufti, however, decided – probably in order to avoid reaching maximum capacity – to bury the dead undocumented migrants on a hill, outside the village.

The cemetery of Sidiro is a de facto cemetery and is managed by the Mufti without any kind of administrative supervision or control currently being exercised over him concerning the administration of the cemetery. He arranges the digging of the grave and the wrapping of the corpse in cerecloth, according to Muslim rituals. The body bag is buried next to each corpse. According to the Mufti, each corpse is buried in a separate grave.

Finding the way to the cemetery is not an easy task. The only sign confirming its existence – during a visit in August 2010 – was a sign sprayed with guns indicating «Illegal Migrants Cemetery» and, beneath, «Muslim Community of Evros». The land was plain. At second glance one could see that the earth had recently been dug up by a bulldozer. Two lines of earth, at some points small pieces of plastic were visible. Beneath each line there appeared to be one large pit. Each of the pits seemed to be large enough for more than 10 bodies.

Ever since «Welcome to Europe» Network publicly denounced the cemetery as a «massgrave» for immigrants, a number of journalists have been visiting the mufti and the cemetery. Some changes have occurred: the sign has been removed without being replaced by a new one, the shape of the cemetery has changed, the earth has been removed and a huge fence was built around the cemetery, with a big iron gate as we noticed during our visit in October 2011. Now its form reveals the existence of more than 50 individual graves. The mufti repeatedly stated to journalists that he keeps a map of the cemetery, and each time marks the new grave and its protocol number. He admits, however, that it is impossible to identify the older graves. There are no signs on the graves, though metal signs have reportedly been used to indicate the protocol numbers. Burial expenses were covered by the Evros prefecture, with funds from the Ministry of Interior (now interior, de-centralisation and e-government). After the Kallikratis reform in January 2011 (where the prefecture was substituted by the district of East Macedonia and Thrace), payments have ceased, as responsibilities still have to be clarified.

»I was crossing the river Evros together with my wife and our six-year-old boy on the October 26. There was still some light. We were 15 persons in the boat. Suddenly our boat got stuck in some branches. Some people jumped off the boat. I was among them. Then the boat turned around. Our boy got caught in the branches. In the last second I could grab

him. He was about to drown. As I started looking for my wife, the others told me that she had been carried away by the stream. There were Greek officers standing at the coast and watching. They didn't react. They didn't help. I don't know how many got lost. I don't know if my wife is still alive.«²⁵⁵

»Last time I saw my husband, the water was carrying him away with his eyes closed and the bag with our children's clothes still on his shoulders.«

Tahera, from Afghanistan²⁵⁶

■ Tahera has three children (10, 8 and 6 years old). Her husband got lost on the border between Turkey and Greece, at the river Evros. Until today she does not know whether he is alive or dead. The rest of the family managed to reach Germany, but her heart remains on the wet border, still looking for her husband. »We were around 60 people, but had only a small dinghy for some women and the kids. The others had to walk through the river. Some of them were not tall enough, soon their heads slowly disappeared under the water, which carried them away in the dark, along with their cries for help«. It was two o' clock in the morning when they started their journey to Europe from Turkey.

There were also some other Afghan and African families – around 60 – who moved in two separated groups. »For one hour we walked through the forest. We reached the water, but they told us it's not good to cross the river now. We left and then came back again to the river-side at 4 o' clock in the morning. There was only a small boat. Four women and all the children got on the boat.

Eleven persons, among them a girl with disabilities. The others had to cross the river by holding hands. The water was very high and those who couldn't swim suddenly disappeared into the water. When we reached the shore, we got out of the dinghy. I saw a friend of my husband's who

knew how to swim save two African women. Then I lost sight of him. Last time I saw my husband, the water was carrying him away with his eyes closed and the bag with our children's clothes still on his shoulders«.

Eight people managed to save themselves on the river-bank. The Turkish police arrested them. »We talked on the phone, but they also don't know anything about my husband and the other missing persons!«. Close to the river, there were some rail lines. Though exhausted and under shock, they tried to search for the others but did not find anyone.

Then they sat there, waiting for the police to come and arrest them. They immediately told them about the missing people. Tahera and her three children were transferred to Neo Chimonio's police station. She stayed for two days. The police released them in order to ease the re-unification procedure, in case her husband was found. The police searched the river for a couple of hours. When they returned, they sent some photos taken with their mobile phones to Tahera, but she did not recognize her husband among them. None of the fourteen corpses retrieved by the Greek authorities fitted Tahera's description. The lost were not in Tycherio, Soufli, Alexandroupoli, Didimoticho, Orestiada, Dikea, Sidiro, Feres, Neo Chimonio... Four more bodies were found on the Turkish side. It is her last hope. The anticipated DNA-test procedure Tahera wants to make with the found corpses of that period has not yet been started by the German authorities. She is waiting since more than one year.

255 H.N. from Afghanistan; November 2, 2010 – Athens

256 Tahera from Afghanistan; Interviews by Infomobile August 2010 – Athens; March 2011 – Hamburg

■ **Still Missing:**

B.A.Z. / Afghanistan, male (1970): he was carrying a black bag with yellow pockets with the clothes of his children. He was wearing a dark red shirt with yellow stripes, grey trousers, brown shoes with no bootlaces and two rings – one blue. On his hand a silver watch with a golden frame. In his pocket he was carrying the Koran and a pen.

S.M.Q. / Afghanistan, male (1983): he was wearing a striped beige and pink shirt, blue jeans and trainers. He had short hair and 500 Euros with him.

M.A.J. / Afghanistan, male (1951): he was wearing brown trousers, black shoes, glasses, a waterproof watch and a ring with an eagle symbol.

»**A better healing will come when I find out what happened!**«

J.K., from Keyna²⁵⁷

»I've been in Greece since 2008. I arrived in April. I came from Kenya. I had to leave my country, as it wasn't a safe place anymore. It was an escape to a safer and more peaceful place. I always thought of Greece as a peaceful place. [...]

So that's how I picked Greece. I thought Greeks were quite peaceful. I left my wife back in Kenya with our four children. The youngest is now 13 years old, the oldest 30. My wife is 46 years old.

I wanted to find a place other than my home country, because of political reasons, and then reunite with my family. When I came here, I realized it was pretty difficult to legally stay in Greece. Getting political asylum here in Greece seems almost impossible. I realized it's a dream that will never come true. But there's always hope. Hope for another place, where me and my family can stay. Because it's our family's intention to stay together. The family should be accessible. In Africa, in Europe, in Canada, in the United States.

The distance doesn't really matter. What matters is that the family can be accessible. Can you see your family whenever you want? Can they see you whenever they wish? Can they come and see you, when you are sick in hospital? This is why it's good to have open borders! Free movement! One thing that surprises me is that there's a free market, free movement of goods and services, but there's no free movement for human beings. There should not be any danger in moving freely from one country to another.

I come from Kenya where there is a high percentage of migrants. Many come from the UK. Some are from Greece, Germany, others from other African countries, like Rwanda. When there was the genocide in Rwanda, people escaped and came to Kenya. Uganda, Sudan, Somalia, Ethiopia also had problems... Kenya has been settling these people without problems. One should not stop people from moving to other countries, particularly when it poses dangers that are life threatening and even causes deaths. You look for a safe place and you die for that peace. This is very sad.

In September 2010, my wife was supposed to come to Greece from Turkey. The aim was to have my wife next to me and then we wanted to see how the kids could join us. But unfortunately it didn't work. She disappeared on her way to Greece. Today, there are no clues as to what might have happened to her. But there is still hope, maybe one day she will come. But now there's a lot of darkness. It's dark, because there's no sign of life, no anything. No signs. Last time we talked on the phone, she was on her way to Greece. That was it. Now I'm waiting. It's been 10 months since then, without knowing what's happened. It's so long. When I started it, I never considered the risks. Now I know it's quite dangerous and an indication that she might not be there after all. [...]. Making a memorial for the deaths in Evros would be something very respectful for that lady, whom we loved so much and we say: we meet again! Because life goes on and because there's a lot of work that must be finished, that we started together. Raising our children, it's quite a job to have four children and get them on track. So, I might say I'm single hearted now, but I have still to move on for the sake of my children's lives. So, I would say that the intention would be to create/ live a kind of new life. And I have to learn how to live this life and move one. It's not easy, but I believe there's a way.

In conclusion, a better healing will come when I find out what really happened. Did her boat capsize? Did my wife miss a step? Or something like that? Was it a strong wind or whatever? Did someone hear what her last words were? Just to know her very last words or to find out what has really happened. How rough was her trip? It is very, very important to me and I believe for my family, too. Because it's part of our healing process, knowing what really happened. Remembering her positively and doing and thinking what she believed, because she has been quite a drive in my family. She was strong and was always pushing us forward and we always miss her. Doing what she loved most will always keep her alive and will keep us moving on with our lives.«

On the February 14, 2011 Mr J.K. went on his own to the Police Headquarters in the Evros region (Orestiada and Alexandroupoli) trying to find out whether there was a woman detained under her real name. The only African woman found that match his description had drowned in the river close to the dates he had given to the authorities. He requested a DNA test and in mid-August, after sevenmonths of delay and anxiety, the answer came: the woman found dead in the river, in state of advanced decomposition, was Mr J.K.'s wife.

On August 30, 2011 a small fountain in Provatonas, Evros, was dedicated with a commemoration ceremony to the dead and the lost of the Greek-Turkish border. Mr. J.K. came and spoke in memory of his wife and all the other victims:

»It's a year now. You realize it has taken time to know what really happened. Now the papers have shown us the truth: that Jane is gone, having drowned on the very day of her border crossing on September 20, 2010. We accept this very reality. She is not among us anymore. But I do believe she will always live among us. She was a great lady, a mother, a wife, a daughter to her loving parents, a sister to her sisters and brothers, she is missed, but... She was great and she really left a legacy ... Her death has been a terrible moment, we recall this. A year is quite long! A year of mourning. A year of sleepless nights. Such a hard experience and a very rare one. Not many people have had this kind of experience. It is not my wish that anybody goes through this kind of experience. It is something that needs to be prevented. It is something hard. It goes beyond my description.«



Fenced graveyard of Sidero in October 2011

14. Attachments

Videos about the situation in Evros

The battle for Attica square, October 5, 2010:

<http://www.youtube.com/watch?v=gPI9PW7ONIQ&feature=related>

ORF Weltjournal: Flucht ins Nirgendwo, October 2010 (in three parts):

<http://www.youtube.com/watch?v=mF26hA8SOoY&feature=related>

http://www.youtube.com/watch?v=I_JkP2VxK8Y&feature=related

<http://www.youtube.com/watch?v=a04Shu12LDo&feature=related>

BBC News, November 2, 2010:

<http://www.bbc.co.uk/news/world-europe-11664354>

Braban features, November 2, 2010:

<http://www.youtube.com/watch?v=vWKR0W1Ux7s>

Protagonistes, MEGA TV, November 21, 2011 (in four parts):

<http://www.youtube.com/watch?v=vq650E9cTBQ>

http://www.youtube.com/watch?v=9wxifZl_CFM&feature=related

<http://www.youtube.com/watch?v=FEB2OsiONZ4&feature=related>

<http://www.youtube.com/watch?v=QDx7QdnztPI&feature=related>

ARTE Journal, November 22, 2010:

<http://www.arte.tv/de/Die-Welt-verstehen/arte-journal/3551656.html>

Greece tightens immigration control by Al Jazeera, December 3, 2010:

<http://www.youtube.com/watch?v=Vs58YSHC8kc&feature=related>

Delta TV (local news from Evros in Greek) about Fylakio, December 3, 2010:

<http://www.youtube.com/watch?v=DGVotO1cbaM>

Newsbeast.gr, December 10, 2010:

<http://www.youtube.com/watch?v=wBqI3uaBFVg>

UNHCR, December 16, 2010:

<http://www.youtube.com/watch?v=tGhxjX21KH0>

Greece/Turkey: at Europe's Border Fence, European Journal / Deutsche Welle, January 20, 2011:

<http://www.youtube.com/watch?v=uFvkYYfZZh0>

An der türkisch griechischen Grenze in die EU, Europäisches Journal / Deutsche Welle, March 6, 2011:

<http://www.youtube.com/watch?v=zxwOajY9vsw&feature=related>

Grecia, un muro per fermare i clandestini, October 29, 2011:

<http://multimedia.lastampa.it/multimedia/nel-mondo/lstp/91992/>

In the name of the detainees

Everybody knows that the reason why all the young people leave countries
such as Afghanistan, Iran, Sudan, Palestine is that they cannot live without
freedom and justice.

This is why we chose this road.

This is why we are suffering.

We regret our choice. The reason? Here in prison we are not in good condition.

They violate our rights.

There cannot be human rights within four walls.

I don't know what to think.

We have been injured and our wounds teach us to flee to Greece – for the freedom.

They teach us to live and claim our rights. But it is worse than we thought.

I don't know what to think; I don't know which other road to follow.

I don't know, I don't know, I don't know where I will be.

Return, Europe or prison.

We had smiles and hope, but Greece embraced us with racism and with hate.

A bitter hate and anger.

My asylum is no sin. Why do we have to be here?

The prison has burned our minds.

I am sorry that I cannot describe all my life to you, but only I can write a small letter.

Because I hate myself so much, I cannot even speak.

Thank you for your co-operation, your help and for reading this letter.

This report documents the results of a project that has been carried out by the PRO ASYL Foundation and the Friends of PRO ASYL in Greece and Turkey since 2010. The project has been made possible through the generous support and cooperation of Brot für die Welt, Deutscher Caritasverband, Diakonisches Werk in Hessen und Nassau, Evangelische Kirche in Hessen und Nassau, Evangelisch-Lutherische Kirche in Bayern, Stiftung :do and UNO-Flüchtlingshilfe. We would like to thank our partners for their support.

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For PRO ASYL:

Günter Burkhardt (Secretary General), Karl Kopp (Director of European Affairs), Alexandros Stathopoulos (Project Coordinator)

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