



# FRONTIER EUROPE

HUMAN RIGHTS ABUSES ON  
GREECE'S BORDER WITH TURKEY

**AMNESTY**  
INTERNATIONAL



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*Cover photo:* Construction of the border fence in Evros region, Greece, February 2012. The 10.5km fence now shields the northern part of Greece's land border with Turkey, which used to be one of the busiest transit points for irregular migration to Europe.

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# CONTENTS

1. Introduction: EU's Frontier in the Eastern Mediterranean: the Greece-Turkey Border .....	5
2. Crossings from Turkey to Greece .....	7
3. Collective expulsions (push-backs) on the Greece-Turkey Border .....	9
3.1. Push-back operations putting lives at risk .....	11
3.2. Ill-treatment during push-back operations .....	13
4. Sweep operations resulting in collective expulsions .....	15
5. Prolonged detention of asylum seekers and irregular migrants .....	17
5.1. Detention conditions .....	19
5.2. Detention of children .....	21
6. Conclusion: Shared EU Responsibility for its External Borders .....	24
Recommendations .....	26
Glossary .....	28
Endnotes .....	29



# 1. INTRODUCTION:

## EU'S FRONTIER IN THE EASTERN MEDITERRANEAN: THE GREECE-TURKEY BORDER

**“Don't you know they built a wall in the North? It is impossible to cross the land border now. Greece doesn't accept refugees anymore.”**

A., 27-year-old Palestinian refugee, said that the Greek coastguard pushed him back to Turkey along with 52 others in early February 2013. He was in detention in Turkey on 18 February 2013 when he was interviewed by Amnesty International.

*“The creation of the fence built by Greek resources is not the solution of the problem. But it is a measure, an option with a powerful symbolism, a message that shall reach nationals of third countries, smugglers and traffickers who want to use our country as a transit country for their migration to the countries of European Union.”*

Greek government's response to the report of the UN Special Rapporteur on the human rights of migrants, 19 April 2013.<sup>1</sup>

The external frontier of the EU between Turkey and Greece is made up of a 203km land border in the Evros region in the North and a sea border on the Aegean in the South. This border has long been one of the main entry routes for migrants and refugees trying to find safety or a better life in Europe. In 2012, it saw the largest number of irregular entries to the EU out of all the EU's external borders.<sup>2</sup> A large number of those arriving are from conflict-torn countries like Afghanistan and Syria. Research by Amnesty International has found instances of shocking human rights violations against them by the Greek authorities.

In the last few years Greece has invested millions of euros in keeping migrants out. In 2012 it completed a 10.5km fence along its land-border with Turkey and deployed almost two thousand new border guards there. In the meantime, a new body established by law in 2011 to process asylum requests first began functioning – and then only partially – in June 2013.

Amnesty International acknowledges the prerogative of states to control the entry into and stay of non-nationals in their territory and of the EU to support member states in carrying out legitimate border control. However, the manner in which Greece's border with Turkey is being controlled is leading to serious human rights violations.

The Greek government is trying to seal its borders not only through increased surveillance and the construction of a fence; but research by Amnesty International shows that those who do arrive are sometimes pushed straight back to Turkey. Those returned to Turkey under such circumstances are denied the chance to apply for asylum in Greece or explain whether they have other needs, in flagrant violation of international law.

Amnesty International's research also shows that the way in which such push-back operations are carried out by the Greek border guard or coastguard is putting lives at risk. Several of those interviewed by Amnesty International claimed they were abandoned in the middle of the sea on unseaworthy vessels or left on the Turkish side of the land border with tied hands.

As Turkey only recently passed its first law on international protection and does not provide refugee status to those coming from countries that are not members of the Council of Europe, the support individuals sent back to Turkey receive remains highly limited. Various human rights bodies and non-governmental organizations have also highlighted the difficulties of accessing protection in Turkey and the risk of being sent back to a country where some might face persecution or other serious harm.<sup>3</sup>

Migrants intercepted at borders and irregular migrants identified in the course of sweep operations within Greece, face lengthy detention – often in appalling conditions – without an assessment of the necessity and proportionality of detention as required by law.

Other EU member states appear only too happy for Greece to act as their gatekeeper. But the policies and practices along the Greek border do not just shame Greece: they shame the European Union as a whole. They expose the bitter irony of European countries pressing for peace abroad while denying asylum to, and risking the lives of those who seek refuge in Europe from conflicts in their homelands.

## **METHODOLOGY**

This report is prepared based on information collected from migrants, refugees, non-governmental organisations, lawyers, relevant government authorities and the United Nations High Commissioner for Refugees (UNHCR) in Greece in the course of research visits to Turkey and Greece in March and April 2013. Updated information was also gathered through telephone interviews in May and June 2013. Amnesty international researchers conducted almost 80 individual interviews with refugees and migrants who had recently crossed, or attempted to cross, the border between Greece and Turkey. This report also draws on discussions with groups of detainees and observations at nine facilities in Greece and one facility in Turkey (Edirne Removal Centre), where irregular migrants and asylum seekers were detained. Individual interviewees included women, men and unaccompanied children from Afghanistan (24), Algeria (1), Bangladesh (1), Cameroon (1), Eritrea (3), Iran (2), Iraq (2), Ivory Coast (1), Morocco (1), Nigeria (1), Palestine (4), Somalia (14), Sudan (10) and Syria (14).

## 2. CROSSINGS FROM TURKEY TO GREECE

Up until 2010, most migrants and refugees sought to reach Greece by crossing the Aegean Sea in small boats.<sup>4</sup> That year the main route shifted to the land border in the Evros region, which for the most part runs along the River Evros. This was partly because of increased surveillance at sea by Greek coastguards supported by Frontex – the European Border Agency<sup>5</sup> - and partly because the Greek government had removed the anti-personnel mines along the land border, making it less dangerous for migrants to cross on foot from Turkey.<sup>6</sup>

In mid-August 2012, however, Greece launched Operation Aspida (Shield) to stop migrants entering irregularly across the Evros border by deploying more than 1,800 additional police officers<sup>7</sup> and constructing a 10.5km fence along the northern section of this land border. According to Frontex these developments have had such an impact that less than ten irregular migrants a week were detected crossing this border at the end of October 2012, down from 2,000 in the first week of August 2012.<sup>8</sup>

With heightened security on the land border, more and more refugees and migrants are again taking the more dangerous sea route to Greek islands on small boats. According to the Greek police, the number of migrants apprehended crossing the land border irregularly dropped from 15,877 in the first five months of 2012 to 336 in the same period in 2013; apprehensions on the Greek islands or in the Aegean rose from 169 in 2012 to 3,265 in 2013 for the same period.<sup>9</sup>

This shift of the migration route back to the Aegean Sea is claiming lives. Since August 2012, 101 individuals – mostly Syrians and Afghans, among them children and pregnant women – have lost their lives in at least six known incidents in this stretch of water.<sup>10</sup>

### FRONTEx ON THE GREECE-TURKEY BORDER: POSEIDON LAND AND SEA OPERATIONS

The EU and its member states have provided support to Greece to police its borders as part of efforts to control irregular migration to the EU through Greek land and sea borders. Since 2006, border patrol operations, named “Poseidon Joint Operations”, have been carried out with the participation of more than 20 EU member states and Schengen Associated Countries. Participating states have provided technical equipment and guest officers to patrol the borders, identify countries of origin (“screening”) and interview migrants to gather information on trafficking networks and routes used by smugglers (“debriefing”).<sup>11</sup>

At the time of Amnesty International’s visit to Greece in April 2013, Frontex had only one screener, stationed on the island of Lesbos, who was interviewing people apprehended while trying to enter Greece by sea to identify their nationality. There were also around 20 guest officers in the Evros region, mainly carrying out patrolling duties and operating thermal vision cameras.<sup>12</sup> Frontex publishes very little information about its ongoing operations.<sup>13</sup> The latest publically available information on its operations in Greece dates back to 2011 for land operations and 2010 for sea operations providing only cursory details.

Frontex activities are governed by its founding regulation (as amended)<sup>14</sup> and by the EU Charter of Fundamental Rights.<sup>15</sup> In 2011 Frontex adopted a Fundamental Rights Strategy. In 2012, Frontex appointed a Fundamental Rights Officer and established a Consultative Forum on Fundamental Rights. In instances where breaches of fundamental rights are alleged, Frontex can resort to a number of measures ranging from “letter of concern to relevant member states, letter of warning; discussion at the Management Board level; report to the European Commission; withdrawal or reduction of the financial support to member states; appropriate disciplinary measures both in the member states and in Frontex; temporary suspension of the joint operation or the pilot project; or termination of the joint operation or the pilot project.”<sup>16</sup>



## 3. COLLECTIVE EXPULSIONS (PUSH-BACKS) ON THE GREECE-TURKEY BORDER

Collective expulsions are deportations of a group of people without considering the individual circumstances of each person separately. Collective expulsions are specifically prohibited by EU law and protection from collective expulsion applies to everyone, including irregular migrants.<sup>17</sup> Greece is therefore obliged to examine the situation of each person arriving to its territory if they wish not to be removed and allow them the chance to challenge any deportation decision. Collective expulsions may lead to direct or indirect *refoulement* (the forced return of individuals to countries in which they are at risk of serious human rights violations). *Refoulement*, direct or indirect is prohibited under European and international law.<sup>18</sup>

Of the 79 migrants and refugees Amnesty International interviewed between March and May 2013, 28 described at least 39 separate instances of collective expulsions from Greece to Turkey, which they claimed to have experienced themselves between August 2012 and May 2013. Seven interviewees claimed they were pushed back more than once. 26 instances concerned push-backs across the land border with Turkey and 13 concerned push-backs on the Aegean. The number of alleged push-backs reported by this small sample size still works out an average of roughly one such incident a week.

The alarming number of testimonies collected by Amnesty International alleging collective expulsion suggests that these practices are regularly employed by Greek border guards and coastguards. In April 2013, the UN Refugee Agency, UNHCR, in Greece also reported that “[s]ome testimonies of Syrians received by UNHCR make reference to informal forced returns (push-backs) or attempted informal returns to Turkey.”<sup>19</sup> In response to a query by Amnesty International, Frontex also wrote on 6 June 2013 that since 2012, Frontex Headquarters had received 18 reports of alleged violations of fundamental rights which included “unofficial returns (“push-backs”) involving groups of migrants (up to ten people) or single individuals that had allegedly been returned to Turkey by the Hellenic Police.”<sup>20</sup> Frontex informed Amnesty International that it had raised such allegations with the Greek authorities in writing on three separate occasions and received a response denying that such push-backs had taken place.

Those who used the land route told Amnesty International that they had been caught by Greek border guards, sometimes hours and sometimes days after arriving in Greece, having crossed the River Evros. In most cases, they were held in a police station until nightfall before being taken back to the Turkish side of the river by boat and dropped on Turkish land or left on one of the small islands in the river.

Some of those seeking to reach the EU through a Greek island in the Aegean said that their inflatable boats were towed by the Greek coastguard to Turkish waters; some said that they

were taken on board the coastguard vessel only to be forced back into their own inflatables once in Turkish waters.

All those who claimed to be pushed back in this way reported that they were never given an opportunity to explain their situation or challenge their deportation. This is a breach of Greece's international and regional obligations - most importantly the *non-refoulement* obligation as well as Greece's domestic law. It also risks the lives and well-being of the people sent back either as a result of the manner in which they are sent back or by putting them at risk of being further sent back to a country where they may face persecution or other harm (indirect *refoulement*) once they are in Turkey.

## **DIFFICULTIES ACCESSING PROTECTION IN TURKEY AND RISK OF REFOULEMENT**

Testimony collected by Amnesty International from returned migrants and refugees, as well as information provided by local non-governmental organisations (NGOs) show that once returned from Greece to Turkey, many are apprehended and detained,<sup>21</sup> although some manage to escape detection by the Turkish gendarmerie, coastguard or police. Despite some positive legislative reforms by Turkey in the field of asylum<sup>22</sup>, most notably the adoption of the Law on Foreigners and International Protection in April 2013,<sup>23</sup> access to asylum procedures in detention is still problematic.<sup>24</sup> Detention facilities for irregular migrants, currently called "removal centres," are not independently monitored.<sup>25</sup> NGOs do not have access to detention facilities and free legal aid is very limited.<sup>26</sup> International protection needs may go undetected or are at times ignored.<sup>27</sup> As a result, those in need of international protection are at risk of being sent back to transit countries or countries of origin where they may face persecution or other serious human rights abuses.<sup>28</sup>

Turkey has never lifted the geographical limitation found in the original text of the 1951 UN Convention Relating to the Status of Refugees,<sup>29</sup> limiting refugee status to refugees coming from member countries of the Council of Europe. Non-Europeans currently can only obtain a national protection status, which allows them to stay in Turkey on a temporary basis until they can find another country for resettlement with the help of the UN Refugee Agency (UNHCR). In practice, this means that integration is not possible for refugees from outside of Europe; they have little access to social services or to legitimate employment.<sup>30</sup> As a result, most live in destitution or work illegally under exploitative conditions.<sup>31</sup> Although the new Law on Foreigners and International Protection improves access to healthcare for non-European asylum seekers in Turkey; it fails to ensure access to other rights; most importantly access to lawful employment.

Most of the Amnesty International interviewees who claimed to have been pushed back from Greece to Turkey, stated that they had been detained in Turkey for periods ranging from a few days to three months in removal centres in Edirne, Aydin, Izmir and Mugla.

Some of the people interviewed told Amnesty International that they feared persecution in their countries of origin. However, the majority said that they did not apply for asylum

in Turkey either knowing that as a non-European they would not be able to have a permanent refugee status there or claiming that they lacked information on the possibility of seeking asylum in Turkey. Two claimed that the police in the detention facility they were held in told them that their release from detention would be delayed if they applied for asylum.

### 3.1 PUSH-BACK OPERATIONS PUTTING LIVES AT RISK

*"We were left in the middle of the sea, with nothing but a damaged boat."*

B., 17-year-old Afghan boy detained in a removal centre in Turkey.

First-hand testimony collected by Amnesty International reveals that people's lives are frequently put at risk by the actions of the Greek border guard and coastguard while carrying out push-back operations along the border with Turkey.

Some of the refugees and migrants navigating the Aegean Sea on small inflatable boats, overloaded far beyond capacity, described how they were at first relieved to see Greek coastguard boats only to discover what they believed to be a rescue was in fact an operation to send them back to their point of departure. In some cases people deliberately damaged their boats once they spotted Greek coastguard, hoping they would be rescued and taken to Greece.

B., a 17-year-old from Afghanistan, was detained in a removal centre in Turkey, close to the Aegean coast, when Amnesty International talked to him by telephone in March 2013. He was held in the centre with his two sisters, aged 15 and 16, as well as the three children of his late sister; two boys, aged seven and three, and a girl of five.

*"I am here with my two sisters and the children of my older sister who is dead. I have to take care of them all but the Greek coastguard took all my money. I don't know what to do."*

He explained that his parents and older sister died in a bomb blast in Ghazni, Afghanistan. Fearing for his life and the lives of the five children placed in his charge, B. left Afghanistan in September 2012 with his sisters, nephews and niece. He recounted how he went to Iran, where he irregularly worked for five months, and then came to Turkey with the hope of entering the European Union. He went to the large coastal city of Izmir, where most refugees and migrants start their journey across the Aegean Sea to Greece. There he negotiated with smugglers to take him and his family to Greece. On a cold night in late February 2013, they were put on board - a rubber dinghy - with 36 others from Syria, Sudan and Iran. The smugglers told them to aim towards the lights in the distance, which they said was a Greek island.

*"We left at 11:15pm. This was in late February, 2013. But we couldn't reach the island. We were at sea for three and a half hours. Then the Greek boat with Greek police found us. They took us onto their boat. They beat us very badly. They took all our money, our mobile phones, our clothes. Everything we had. They beat my sister so badly she has bruises all over her now. ... So, we were on [the] Greek boat for three hours. At around 6am they took us back to Turkish waters; they put us back on our own boat, they scratched one side of our boat with their knife, they damaged our boat and they took away the motor and left us in the middle of the sea. We were 42 people all together. There were three small children with us: my niece and nephews. There were also other children, but they were older... We were left in the middle of the sea, with nothing but a damaged boat."*

B. said that the Turkish coastguard rescued him and his fellow travellers. They were then detained in a removal centre for irregular migrants awaiting deportation.

B.'s story and the testimonies of other refugees and migrants point to the blatant disregard shown by the Greek coastguard for human life during push-back operations carried out in the Aegean Sea. 13 of the 14 interviewees who described being pushed-back to Turkey in the Aegean Sea described similar experiences of their inflatable boats being rammed or knifed, or nearly capsized while they were being towed or circled by a Greek coastguard boat, their engines disabled, their oars removed, and their occupants left in the middle of the sea on unseaworthy vessels. B.'s story also demonstrates that even children are put at risk, are ill-treated and deprived of their belongings.

On 12 April 2013, Y., a Syrian woman in her early 30s, explained to Amnesty International that she left Syria with her six children to reach her husband in Switzerland. She boarded a small boat in Turkey with approximately 30 others. She claimed that their boat was rammed by the Greek coastguard near Agathonisi island, when the coastguard steered their boat towards theirs to scare them off to go back to Turkey. In the chaos, Y.'s four-year-old daughter fell into the sea:

*"A Greek policeman jumped into the sea and rescued my daughter. Then they took us to Agathonisi Island where we were detained for seven days. We were incredibly dirty and wet. But there was no shower and they did not give us dry clothes. They only gave us water; not even food. I had 100 euros with me. I spent it all to buy food in detention. A week later, they transferred us to Samos Island. I had no money left, so I couldn't even buy food. A policeman brought cookies for my children."*

Similar life-endangering practices are also reported by those apprehended after crossing the River Evros. N. from Darfur told Amnesty International that he was left on a small island in the middle of the river with his hands tied:

*"I first tried to go to Greece on 25 December 2012 with three other men I met in Istanbul. We arrived in Orestiada and were captured by the Greek police. They took us to a police station and put us in a small room. There were already seven others in this room. There were two Nigerian women; the rest were all men. We were kept there for 14 hours or so. I think it was in the afternoon when they brought water and bread. They threw them at us. That was all they gave us."*

*"At around 9pm the Greek police tied our hands behind our backs with plastic. I saw them throw our bags into the garbage and then they took us in a small bus back to the river. There were two boats waiting in the river. They untied the hands of one of the Nigerian women; she looked sick. Then they forced us onto the boats. I was scared of falling off into the river with tied hands. They told us to get off on a small island in the middle of the river; and then they left. They didn't even untie our hands but left us like that in the middle of the river. After about 40 minutes, the Turkish police found us on the island."*

Such treatment was also reported by D., aged 28, from Sudan. He told Amnesty International that he almost drowned because he fell into the water as the Greek police were putting him ashore on the Turkish side of the River Evros in August 2012:

*"They (the Greek border guard) tied my hands and then put me on a boat with several others. Everyone's hands were tied except three who spoke English. I don't know why they untied their hands. There were two Greek policemen on the boat. When we approached the riverbank on the Turkish side, they pushed some of us on to the bank on the Turkish side. But then they (the Greek border guard) thought that the Turkish gendarmerie were nearby. So they couldn't drop the rest of us there. We moved away a bit and then the police pushed the rest of us off the boat towards the Turkish land. However, I fell into the water. The water was chest high and very fast. It was very difficult to get out of the water with my hands tied on my back. We had to help some others because they couldn't make it out of the river themselves."*

The allegations raised in the testimonies above and provided by others who were interviewed by Amnesty International do not only demonstrate a blatant disregard for life, but also include ill-treatment, the confiscation of property, and the failure to screen and identify those with protection or other needs, such as unaccompanied children. These practices represent violations of human rights and Greece's obligations under international law and should cease immediately. The Greek authorities must investigate such allegations and bring those responsible to justice.

### 3.2 ILL-TREATMENT DURING PUSH-BACK OPERATIONS

*"We asked for water from the Greek police, but they laughed at us and said 'you are like dogs'."*

X., from Palestine, said he was on the Aegean near a Greek island in a boat with 11 others from Palestine and Syria, including a two-month-old baby on 6 March 2013. He said that the Greek coastguard towed them back to Turkish waters.

*"When we saw the Greek coastguard boat, one of us punctured our boat hoping that they will rescue us and take us to Greece. The coastguard took us on to their boat; they didn't ask anything, they just beat us; they told us not to look up, not to look at their faces."*

E., a 27-year-old Sudanese man, described to Amnesty International how he was treated by the Greek coastguard in February 2013 before being taken back to Turkish waters and left on a punctured boat along with three families with small children aged around four.

*"He (the officer) was searching me roughly. He slapped my face when I told him to be slow – I looked straight into his face when he slapped me... (then) he started to beat me on my face... One of my daughters held on to his leg but he pushed her away."*

M., a Syrian man, describing his ill-treatment in front of his small children while undergoing a body search on the island of Chios in February 2013. M reported that he and his family had previously been unlawfully sent back to Turkey by the Greek border guard through the River Evros in November 2012.

Almost all who claimed to have experienced collective expulsion - whether at the land border or at sea – said that they either experienced or witnessed violence or degrading treatment. People described being slapped, beaten and manhandled. Almost all interviewed described being searched and their mobile phones, money, jewellery, baggage containing clothes and family photographs confiscated or thrown into the sea. In one incident recounted by two interviewees who said they were searched, they claimed to have been stripped naked.

U., an 18-year-old Afghan asylum seeker in Turkey told Amnesty International how Greek border guards beat up his friend while they were being unlawfully sent back to Turkey on 19 November 2012:

*“We crossed the river at night-time and walked for almost a day. Near a Greek town, the police caught us. They called a van and this van took us back to the river. There were already around 20 people in the van when they picked us up. They were all Afghans. When we arrived at the river, the police kept us there in the van for three hours. It was very difficult as the van was very crowded and it smelled horrible. While we were in the van, my friend called the UN and some other organizations to ask their help. Shortly after this call, the police opened the van and asked who called the organizations. They took us out one by one and asked this. I guess one of us told them who had made the call because they then took my friend and beat him up with batons. Then they took our phones and our belts and deported us back to Turkey.”*

## 4. SWEEP OPERATIONS RESULTING IN COLLECTIVE EXPULSIONS

**“We are scared of the police. If we see a policeman on the street, I freeze. I don’t know what to do. Should I continue walking or should I go back? I am scared to go out.”**

R., a Syrian woman in her 30s alone in Athens with her three children aged seven, five and one.

In addition to tightening border controls in the Evros region, in August 2012 Greece also intensified sweep operations in urban areas to round up and detain irregular migrants. Migrants and refugees that Amnesty International met in Athens in April 2013 said that they feared going out as they were scared of being apprehended during one of these sweep operations, code-named Xenios Zeus.

While carrying out research in Turkey in March 2013, Amnesty International interviewed two Sudanese men, D. and C., who claimed to have been subjected to collective expulsions from the Evros region following such sweep operations. One had lived in Greece since 2008 and the other since 2006. Both said that they had wives and daughters (aged three and five), who had been left behind in Athens when they were sent to Turkey across the River Evros. These stories show that unlawful expulsions to Turkey without being given a chance to explain their situation is not only a danger for people who have only just entered Greece but also for those who have been in Greece for years and have established family ties there.

D., who had lived in Greece since 2008, described how he was picked up by police at the car wash where he was working in Athens in August 2012. He told Amnesty International that he was registered as an asylum seeker in Greece, but had left his asylum seeker card at home on the date he was apprehended:

*“I told the police I had this red card at home (asylum seeker card) and that I had a wife and child here; but they didn't listen to me, they punched me in the stomach and pushed me into a bus. There were about 25 others in the bus; from Sudan, Senegal, Bangladesh... We drove for about eight hours. Then they held us in a very bad place. Then at 1am, they took us in small cars to the river at the border with Turkey. I begged them not to send me to Turkey; I told them about my document, my wife and child; asked them to check their computers. But they told me to shut up.”*

C. said that he similarly tried to explain to the Greek police that he had lived in Greece since August 2006; that he had an asylum-seeker card and a child and wife in Athens. However, he was sent back to Turkey under cover of night in November 2012 with others who had been apprehended in sweep operations. When Amnesty International met him in Turkey in March

2013, he had tried to reunite with his family in Athens four times; failing at each attempt. When Amnesty International delegates met C.'s wife and daughter in their basement apartment the following month in Athens, they learned that he had once again tried to join them by crossing the River Evros. However, this time he was caught by the Turkish gendarmerie before he made it into Greece and was being held in detention in Edirne.

Both D. and C. claimed to have lodged asylum applications in Greece, which would mean that their expulsion from Greece was a clear violation of the 1951 Refugee Convention and related EU law. Furthermore, where migrants illegally residing in Greece are expelled in a similar manner, without any procedures to assess their individual circumstances, it would be in violation of the prohibition on collective expulsion and Greece's international obligations under EU law.<sup>32</sup>



## 5. PROLONGED DETENTION OF ASYLUM SEEKERS AND IRREGULAR MIGRANTS

**“What kind of a law can keep us here for a year? I am not a murderer, not a criminal. I am just a migrant. I just came here for a good life.”**

A young Afghan man detained in Fylakio Immigration Detention Centre.

The extensive and indiscriminate use of detention is a central plank of Greece's migration policy. The EU law<sup>33</sup> and the Greek law allows the detention of irregular migrants for the purposes of deportation or return up to six months, which can be extended for a maximum of 12 months if certain conditions apply.<sup>34</sup> Since October 2012, asylum seekers can now be detained also for up to 18 months.<sup>35</sup> Many of the irregular migrants and asylum seekers that Amnesty International met during the organization's mission to Greece in April 2013 had been held for periods of six to nine months. On the islands, reportedly due to limited detention capacity, people are released more quickly with orders to leave the country in periods ranging from seven to 30 days.<sup>36</sup> However, as Greece aims to increase the detention capacity of its six major immigration detention centres from 5,000<sup>37</sup> to 10,000 through EU co-financing, longer periods of detention can be expected in the future.<sup>38</sup>

The possibility of being detained and re-detained for up to 18 months solely because of their irregular status in Greece caused serious distress for the refugees and migrants Amnesty International met. They were unable to understand why they were being held for so long; and said that they received no information about how much longer they might be detained.

*“I have been here for nine months: they say they can keep me another nine. Then they will give me a paper to leave Greece in seven days. How can I arrange to leave Greece in seven days? I cannot even make a phone call here. They will just arrest me again.”*

A Guinean migrant in one of the large detention facilities in the Evros region.

Under international and EU law,<sup>39</sup> Greece should prove - in each individual case - that detention of a person for immigration purposes is both necessary and proportional, and that less coercive measures would not be sufficient. Greek authorities must use and make available alternative measures to detention both in law and in practice.<sup>40</sup> However in Greece, irregular migrants and asylum seekers are automatically detained if they are apprehended in an irregular situation, either while entering the country or during their stay. Testimony

collected by Amnesty International and interviews with representatives of the Greek authorities responsible for detention of irregular migrants and asylum seekers as well as interviews with lawyers and non-governmental organizations show that less coercive measures are almost never considered before detention.<sup>41</sup>

Greece's obligations under EU law<sup>42</sup> also require people to be released when deportation cannot be carried out within a reasonable time. However, information provided by detention authorities and detainees in the facilities visited, as well as interviews with lawyers and local non-governmental organizations confirmed that people without any possibility of being returned to their countries of origin, such as Somalia and Eritrea, are held in detention for prolonged periods.

*"Please, all the responsible authorities (Greece and European Union), discuss and negotiate about our situation, we have been kept enough in detention.  
- Help us, we have nowhere to go back, we have nowhere to be deported, (if possible, we would choose any 3<sup>rd</sup> country for deportation)"*

From a letter handed to the Amnesty International delegation by Eritrean detainees in an immigration detention centre in the Evros region on 14 April 2013

Some migrant detention facilities that Amnesty International visited in Greece did not have interpreters for the most needed languages and migrants said that often they were being used as interpreters for other detainees. Many of those interviewed did not have a clear understanding of their rights in relation to their detention or the asylum system in Greece although the authorities claim that all detainees are advised by the police on their rights and provided information in writing.<sup>43</sup>

In May 2013, Amnesty International was informed that the Greek Council for Refugees, an NGO which was the only source of free legal aid for asylum seekers in detention in the Evros region had to cease its operations on 30 April 2013 in the region due to lack of funding.<sup>44</sup>

Several of the interviewees who had applied for asylum while in detention had withdrawn or wished to withdraw their applications after hearing about the extension of the detention period for asylum seekers in October 2012. During Amnesty International's visit to the Komotini Immigration Detention Centre on 17 April 2013, the officer responsible for examining asylum claims told Amnesty International that 17 of the detainees in Komotini withdrew their applications before they had their first instance interviews.

Indeed, many detainees who wished to lodge asylum applications in detention reported to Amnesty International that they were discouraged from doing so as they believed that they would be held longer in detention while their asylum application was processed. In interviews with Amnesty International the Greek authorities confirmed that asylum seekers would be held in detention until their asylum application had been processed. They stated that this was necessary arguing that the asylum system had previously been abused.<sup>45</sup>

AITIMA is an NGO providing legal aid to asylum seekers and refugees. They confirmed that the lengthening of the detention period for the asylum seekers to 18 months - in accordance with Presidential Decree 116/2012 - deters refugees from seeking protection while in detention in Greece. AITIMA further informed Amnesty International that at the Corinth

Immigration Detention Centre (near Athens) and various detention facilities in the Evros region police released detainees who have not lodged an asylum application sooner than those of the same nationality with asylum applications. This practice had contributed to the belief among detainees that they might be held longer if they apply for asylum and resulted in some of them withdrawing their asylum applications.

Greece established a civilian body, the New Asylum Service, in 2011 to receive and assess first instance asylum claims.<sup>46</sup> However, this new service did not begin operating until 7 June 2013. According to the information provided by the Director of the Asylum Service, the service will currently only receive applications through its Regional Office in Attica. Detainees elsewhere in the country will have to be transferred to detention facilities in Attica region in order to submit their asylum applications. A mobile unit is expected to start receiving applications from Fylakio Initial Reception and Immigration Detention Centres in June, and a Regional Office in Alexandroupolis is expected to open in the coming months to cater to the regions of Evros, Rodopi and Xanthi.<sup>47</sup> However it remains to be seen how those wishing to seek asylum in other facilities will be transferred to Attica until these expected changes take place.

## 5.1 DETENTION CONDITIONS

*"If you die here, no one would know."*

Somali man detained in Feres Border Guard Station in the Evros region.

Refugees and migrants who are apprehended for their irregular stay in the country or after irregularly entering Greece end up being detained, if not immediately returned to Turkey. Detention conditions and the lack of procedural safeguards surrounding detention in Greece have been regularly criticized by human rights organisations<sup>48</sup> as well as the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment and Punishment (CPT)<sup>49</sup> and the European Union Agency for Fundamental Rights (FRA).<sup>50</sup> Most recently, the UN Special Rapporteur on the human rights of migrants described the conditions in eleven detention facilities he visited in Greece between 25 November and 2 December 2012 as "inappropriate" pointing out in some facilities limited access to fresh air, lack of leisure activities, limited access to toilets, lack of artificial lighting, lack of heating and hot water, and complaints concerning "insufficient amounts and poor quality of food, lack of soap and other hygiene products, as well as insufficient clothing, shoes and blankets."<sup>51</sup>

In April 2013, Amnesty International visited three detention centres (Komotini and Fylakio Immigration Detention Centers and the Fylakio Initial Reception Centre<sup>52</sup>), four border guard stations (Metaxades<sup>53</sup>, Tycheron, Soufli, Feres), and a police station (Iasmos) in the Evros region and the neighbouring Rodopi Prefecture. Some of those detained in these facilities had been apprehended shortly after their arrival in Greece, but many were arrested during sweep operations carried out by the Greek police in urban areas. Amnesty researchers also visited the Mytilini Police Station on the island of Lesbos where those who had newly arrived through the Aegean route were being held.

Some of the detention facilities visited (Iasmos, Mytilini and Tycheron) lacked any outside space for fresh air and exercise. Although the authorities agreed that these cells were designed to hold people overnight, those detained – mostly young men, but also some women and even unaccompanied children – often spend months there because of lack of space in

the larger immigration detention centres.<sup>54</sup> In other facilities with outside yards,<sup>55</sup> detainees claimed that they were not regularly taken outside except at the Fylakio Initial Reception Centre where detainees were free to use the yard.

Communication with the outside world is severely restricted. Mobile phones are banned at almost all facilities and pay phones available charge high rates for international calls. Detainees spoken to reported that phone cards costing €4 each lasted only a few minutes when making international calls. Many detainees told Amnesty International that they had not been able to speak to their families for months once their money had ran out. Many Somalis and Afghans felt deep distress at not knowing if the families they had left behind were still alive.

*"We cannot speak to anyone. We don't know what happens in the world outside. There is no TV, no radio. All we can do is think. We think too much. Two Afghans attempted suicide by hanging themselves. It is too difficult here. Our blankets haven't been washed for nine months."*

A Rwandan man detained in Komotini Immigration Detention Centre since August 2012.

In the Tycherio Border Guard Station – a converted warehouse – there was mould on the walls the floors were dirty, and some cells were damp despite renovations. In Feres and Metaxades detainees complained that they had to call the police whenever they needed to use the toilet, as there were no toilets in their cells. They claimed that their calls sometimes went unanswered for hours so they had to urinate in bottles.

Detainees also complained that they lacked access to proper medical care.<sup>56</sup> As a member of a minority clan, P. said she had to flee Mogadishu, Somalia. She told Amnesty International that she left behind her three children in the hope that they would join her once she was settled somewhere safe. She said that she first tried to reach Europe in November 2012. She crossed the River Evros along with other refugees and migrants, all men unknown to her. Shortly after arriving in Greece, they were reportedly caught by the Greek police and returned to Turkey: *"It was night, so we couldn't walk and spent the night next to the river. That night, two men travelling with us attacked me. They raped me."*

Despite the risks, she gathered her strength and crossed the border again to Greece in early March. However, while she was trying to continue into Former Yugoslavian Republic of Macedonia, the Greek police caught her once again. P. said that she was initially detained for two weeks near the Macedonian border, and then transferred to the Fylakio Immigration Detention Facility. When Amnesty researchers met her there on 14 April 2013, she had been in Fylakio for more than three weeks. P. said that she had heavy vaginal bleeding which she believed was due to being raped. Although the director of the centre told Amnesty International that the doctors at the facility would have been aware of her situation and her need for care, P. and other women detained with her claimed that she has not been given medical assistance.

Amnesty International was not given access to the detention area in the Komotini Immigration Detention Centre and inside the cells of most of the other facilities so it was not possible to make a detailed assessment of hygiene and accommodation conditions. Detainees themselves reported sewage leaks at the Komotini Immigration Detention Centre. In

detention facilities in Komotini, Fylakio [the immigration detention centre], Metaxades, Feres, and Tycherio detainees also complained that they had to sleep on bedding that was not washed for months and of a lack of personal hygiene products, such as soap, shampoo and sanitary towels. Poor sanitation may have contributed to health problems with many detainees observed during interviews to have skin and respiratory problems.

## MEDICAL CARE IN DETENTION

Médecins Sans Frontières (MSF) had until April 2013 been providing medical services as well as distributing materials such as personal hygiene items in many of the facilities in the Evros region. Detainees said this was their only source of medical help. MSF representatives told Amnesty International that the majority of health problems (skin infections, gastrointestinal problems, upper respiratory tract infections, musculoskeletal problems and psychological complaints) detected in detention facilities in the Evros region were linked to extended incarceration and to detention conditions. This was based on data from 2,000 consultations MSF had with patients in detention in the Evros region between December 2012 and March 2013. MSF halted its work in the region after KEELPNO (Hellenic Centre for Disease Control and Prevention) began providing medical services to the detainees in Evros and Rodopi regions in March 2013. However, Amnesty International was later informed by KEELPNO that its programme had ceased as of April 2013 owing to a lack of funding.<sup>57</sup>

The absence of firm information on how long each detainee might end up being held, the possibility of being detained for 18 months, the poor living conditions,<sup>58</sup> the lack of access to fresh air and the scant communication with the outside world all have an acute impact on the psychological state of detainees. The majority of those that Amnesty International spoke to complained that they were unable to sleep and that suicide attempts are not uncommon. Psychologists and social workers in Komotini Immigration Detention Centre cited suicide attempts, self-harm and self-mutilation, post-traumatic stress disorder, depression, and sleeping disorders among the psychological problems they encountered at the centre. KEELPNO reported that their social workers in Evros and Rodopi regions recorded three suicide attempts reported to them during their presence there in March and April 2013.<sup>59</sup>

## 5.2 DETENTION OF CHILDREN

Under international law, states are required to consider “the best interest of the child” in every decision concerning them.<sup>60</sup> EU legislation allows detention of unaccompanied children and families with children, but only as a last resort.<sup>61</sup> However, in Amnesty International’s view, children and in particular unaccompanied children, should never be detained for immigration purposes, as detention can never be in their best interest.<sup>62</sup>

In Greece, the process for identifying unaccompanied children and other vulnerable individuals is weak. Even when identified, support that is extended to them is insufficient.<sup>63</sup> According to the numbers provided by the UN Refugee Agency, the total capacity in Greece to house unaccompanied children and asylum seekers in need was only 1,006 in February 2013.<sup>64</sup>

In January 2011 a law was introduced to establish an Initial Reception Service “to effectively manage the flow of illegally entering third-country nationals in the country.”<sup>65</sup> Amongst other duties, the Service is tasked with registering and verifying the identity and nationality of new arrivals, providing information about rights and obligations, and identifying persons belonging

to vulnerable groups. Under the new law arrivals can be held in initial reception centres for up to 25 days.

The first initial reception centre began operating in March 2013 in Fylakio. At the time of Amnesty International's visit in April 2013, this first centre was only receiving individuals apprehended after it became operational and only those arrested in the Evros region. Many vulnerable individuals including unaccompanied children apprehended during sweep operations elsewhere were therefore directly sent to detention facilities rather than being first screened in the Initial Reception Centre in Fylakio. At the time of Amnesty International's visit, there was no other initial reception centre in Greece apart from the one in Fylakio, including the islands where most arrivals were taking place and more were expected. The Director of the Initial Reception Service responded to an Amnesty International query stating that the Service expects mobile units to be operational on the islands of Chios and Samos by the end of June at the latest.<sup>66</sup>

In several facilities such as Tycherio, Fylakio [immigration detention centre] and Komotini, where adults were being held, Amnesty International was approached by young detainees who said that they were children. Some of them said that they were ignored by the detention authorities when they told the authorities that they were under 18; others reported that they were judged to be adults after an age assessment that took into consideration only physical examinations such as dental examination or radiological tests looking at bone development without assessing psychological and developmental factors.<sup>67</sup>

Four young boys from Afghanistan were being held at the Soufli Border Guard Station for more than three months already at the time of Amnesty International's visit. They claimed they were under 18 and were therefore held in a cell separate from adults. Authorities told Amnesty International that a shelter space was finally found for the boy whose claimed age was confirmed and he would be transferred there soon. However, one of them was determined to be over 18 as a result of medical tests and the other two were still waiting for their age test results. They shared a small cell without much space to walk around. Although the facility had a fenced yard, the boys said that they were not able to go out daily to get fresh air or exercise because the weather had been cold.

Those identified as children remained detained in conditions unsuitable for children until a space was found for them in a shelter. In May 2013, Amnesty International was told by UN Refugee Agency in Greece that already limited shelter space for children was further strained for want of funding to cover the shelters' operational costs.<sup>68</sup> The lack of funding was a result of gaps in the distribution of EU funding by the Greek government to the organizations running the shelters. In May 2013, this reportedly led some shelters such as Agiassos on the island of Lesbos to stop receiving newly-arrived children.<sup>69</sup>

Amnesty International interviewed two unaccompanied boys aged 16 and 17 held in the Iasmos police station. They were previously detained at the Komotini Immigration Detention Centre, but were transferred to Iasmos to be separated from adult detainees, when they were eventually documented as children. H. from Afghanistan was arrested in a sweep operation in Athens in August 2012. He explained to Amnesty International that he repeatedly told the authorities that he was a minor but had been ignored. He was finally documented as a minor after being detained alongside adults for more than eight months following the intervention of

the Greek Council for Refugees.

When Amnesty International spoke to them, the two boys were being held in adjoining cells in Iasmos, sleeping on mattresses on the cement floor. The facility had no outside space or indoor exercise or leisure area. H. had already been there for about a month; the second boy, from Ivory Coast, had been there a few weeks. Neither had any information about how much longer they might be held until space opened up in a shelter for children where they could be transferred. They were visibly distressed and appeared in need of psychological support.

## 6. CONCLUSION: SHARED EU RESPONSIBILITY FOR ITS EXTERNAL BORDERS

“Already, new pre-departure detention centres, initial reception centres, a new asylum service and an appeals authority have been established. We are managing all those who come to Greece in the best way ... We are trying to convince them in a humane way ... to pass the message for them not to come to Greece because Greece is going through a crisis and that we are not going to allow them to go to other European countries – which is what most of them wish”.

Major General E. Katriadakis, Ministry of Public Order and Citizens' Protection, 5 June 2013 70

Along with other countries on the EU's southern frontier, Greece has been confronted with a large flow of migrants and refugees most of whom wish to go further west to other EU countries rather than stay in Greece. This responsibility is particularly difficult for Greece as an EU Member State greatly impacted by economic crisis.

The European Commission has been supporting Greece in the area of migration and asylum through funding as well as through technical assistance provided by Frontex and the European Asylum Support Office (EASO). However, the emphasis of the support extended to Greece in this area has been on securing Europe's external borders by enhancing border control measures and increasing detention capacity.<sup>71</sup> While the Commission allocated almost €227,576,503 million for Greece under the Return Fund and the External Borders Fund for the period from 2011 to the end of 2013;<sup>72</sup> only €19,950,000 was allocated to Greece under the European Refugee Fund for the same period.<sup>73</sup> As evidenced by Amnesty International's research presented above, the emphasis on border control and detention is costing lives and leading to human rights abuses on the Greece-Turkey border.



The EU and its member states should support the Greek government in ensuring the rights of all migrants and refugees' regardless of their legal status by shifting the emphasis away from sealing off EU's external borders and towards enhancing reception capacity and reception conditions for asylum seekers, refugees and other vulnerable migrants as well as the identification of vulnerable migrants and those in need of international protection at Greece's borders. At the same time, the EU should explore new ways of sharing responsibility with Greece for the management of the mixed-migration flows it faces.

## RECOMMENDATIONS

### To the Government of Greece:

- Ensure that all those intercepted in the Aegean or apprehended at the land border with Turkey have access to individualized procedures to seek international protection or raise other protection needs;
- Ensure that all those intercepted in the Aegean or apprehended at the land border with Turkey have access to an effective remedy against any deportation decision;
- Investigate allegations of collective expulsions (push-backs) and ill-treatment at Greece's land border with Turkey and in the Aegean and prosecute officials involved;
- End indiscriminate and automatic detention of irregular migrants; and instead use alternatives to detention;
- End systematic prolonged detention of those who apply for asylum while in detention; and increase reception capacity for asylum seekers and other vulnerable groups;
- Prohibit the detention of children by law and end it in practice; and increase shelter capacity for unaccompanied children;
- Improve detention conditions by ensuring adequate sanitation of the facilities, access to health care, hygienic materials, and outside space for fresh air and exercise for all detainees;
- Improve procedural safeguards in detention by ensuring the availability of necessary interpreters and informing all detainees of the reason for their detention, its duration, their right to have access to a lawyer, to challenge their detention and to seek asylum;
- Ensure that all migrants detained are able to contact their families, consular services and a lawyer regularly and free of charge;
- Ensure independent monitoring of all facilities where migrants and asylum-seekers are detained;
- Ensure that the Initial Reception Service offers effective services to the newly arrived migrants on the Greek islands; providing information on their rights, extending medical services, and identifying international protection needs as well as vulnerabilities to refer them to necessary services.

### To the Government of Turkey:

- Ensure that all those detained in removal centres are informed of their rights in a language they can understand; such as legal remedies against their detention and deportation, and their right to seek asylum;
- Ensure that no one with international protection needs is returned to a country where he or she may face persecution or other serious harm;
- Allow independent monitoring of all facilities where migrants are detained.

### To the European Union and its member states:

- Share responsibility for asylum seekers more equally, taking into account actual protection standards and asylum seekers' needs;
- Support Greece in increasing its open reception capacity for asylum seekers and other vulnerable groups;
- Help Greece increase its capacity for sheltering unaccompanied children in age-appropriate facilities;
- Assist Greece in providing minimum services to refugees, asylum seekers and irregular migrants in need, such as health care and housing;

- Abide by the rulings of the European Court of Human Rights and the Court of Justice of the European Union by maintaining the halt of transfers of asylum seekers back to Greece and take responsibility for those asylum seekers;<sup>74</sup>
- Continue monitoring the situation in Greece for migrants and refugees, particularly in detention, and take appropriate action as required from the Commission under the Treaty on the Functioning of the European Union (Article 258).

**To Frontex:**

- In a transparent manner, follow up allegations of mistreatment and collective expulsions received from guest officers in Greece or third parties, such as non-governmental organizations or the media, until the situation is remedied.

## GLOSSARY

A **refugee** is a person who has fled from their own country because their human rights have been violated. This means that they have been deprived of their fundamental freedoms, they have been discriminated against or they have suffered violence because of who they are, their beliefs or their opinions, and their government cannot or will not protect them. **Asylum procedures** are designed to determine whether someone meets the legal definition of a refugee or not. When a country recognizes someone as a refugee, it gives them **international protection** as a substitute for the protection of their country of origin.

An **asylum seeker** is someone who left their country seeking protection but has yet to be recognized as a refugee. During the time an asylum claim is being examined, the asylum seeker cannot be forced to return to their country of origin.

A **migrant** is someone who leaves their country to live in another country for work, study, or family reasons and does not have international protection needs. A migrant who is authorized to stay in a country, for example by having a valid visa or residency permit, is a **regular migrant**.

An **irregular migrant** is someone who enters a country without authorization (for example; without travel documents, without a valid visa or at border crossings that are not official entry points) or someone who might have entered the country through regular channels but is no longer authorized to stay there (for example, because their visa has expired). Governments are obligated to respect the rights of all people within their jurisdiction regardless of their status. Irregular migrants must not be mistreated, arbitrarily deprived of their liberty. If they are to be returned to their country of origin, this should be done in a manner consistent with that state's human rights obligations.

**Refoulement** is the forcible return of an individual to a country where they would be at risk of serious human rights violations (the terms 'persecution' and 'serious harm' are alternatively used). Individuals in this situation are entitled to international protection; it is prohibited by international law to return refugees and asylum seekers to the country they fled – this is known as the principle of **non-refoulement**. The principle also applies to other people who risk serious human rights violations such as torture and the death penalty, but do not meet the legal definition of a refugee. **Indirect refoulement** occurs when one country forcibly sends them to another country that subsequently sends them to a third country where they risk serious harm; this is also prohibited under international law.

**Collective deportation or collective expulsion** is the deportation of a group of people (migrants, asylum seekers and/or refugees) without looking at each case individually and considering the individual circumstances of each person separately. It is prohibited under international law.

This report uses the term refugees to refer to those that have fled persecution or conflict, regardless of whether they have been recognized as such. The term 'migrants' is used to refer to people who have crossed or attempted to cross the border between Turkey and Greece for economic reasons, regardless of how they entered the country or the legality of their stay.

# ENDNOTES

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<sup>1</sup> UN General Assembly, *Report of the Special Rapporteur on the human rights of migrants, François Crépeau: Addendum – Mission to Greece: comments by the State on the report of the Special Rapporteur*, 19 April 2013, Paragraph 11, available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/23/46/Add.5](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/46/Add.5).

<sup>2</sup> According to Frontex' migratory routes map, the Eastern Mediterranean Route including Bulgaria, Cyprus and Greece, is by far the most used, accounting for 37,220 irregular entries into the EU in 2012. The Central Mediterranean Route (Italy and Malta) is the next largest with 10,380 detected irregular entries. The Migratory Routes Map is available at: <http://www.frontex.europa.eu/trends-and-routes/migratory-routes-map>. See also European Commission, *Second biannual report on the functioning of the Schengen Area 1 May 2012-31 October 2012*, 23 November 2012, pp. 2-3, available at: [http://ec.europa.eu/dgs/home-affairs/what-is-new/news/pdf/2\\_en\\_act\\_part1\\_v7\\_schengen.pdf](http://ec.europa.eu/dgs/home-affairs/what-is-new/news/pdf/2_en_act_part1_v7_schengen.pdf); European Commission, *Third biannual report on the functioning of the Schengen Area 1 November 2012-30 April 2013*, 31 May 2013, p. 2, available at: [http://ec.europa.eu/dgs/home-affairs/what-is-new/news/pdf/2\\_en\\_act\\_part1\\_v7\\_schengen.pdf](http://ec.europa.eu/dgs/home-affairs/what-is-new/news/pdf/2_en_act_part1_v7_schengen.pdf); Frontex, *Annual Risk Analysis 2013*, April 2013, p. 20, available at: [http://frontex.europa.eu/assets/Publications/Risk\\_Analysis/Fran\\_Q4\\_2012.pdf](http://frontex.europa.eu/assets/Publications/Risk_Analysis/Fran_Q4_2012.pdf); and PACE, *Migration and asylum: mounting tensions in the Eastern Mediterranean*, 23 January 2013, available at: <http://assembly.coe.int/ASP/XRef/X2H-DW-XSL.asp?fileid=19349&lang=en>.

<sup>3</sup> See for example, UN General Assembly, *Report of the Special Rapporteur on the human rights of migrants, François Crépeau: Addendum – Turkey*, 17 April 2013, Paragraph 60, available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/23/46/Add.2](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/46/Add.2) and Euro-Mediterranean Human Rights Network, *An EU-Turkey Readmission Agreement – Undermining the rights of migrants, refugees and asylum seekers?*, 20 June 2012, pages 9-10, available at: <http://www.euromedrights.org/eng/2013/06/20/an-eu-turkey-readmission-agreement-undermining-the-rights-of-migrants-refugees-and-asylum-seekers/>. Difficulties accessing international protection while in detention was also confirmed through interviews with local legal aid organizations, Helsinki Citizens' Assembly and Multeci-Der. Updates were gathered from these organizations on 30 May 2013 and 18 June 2013 respectively.

<sup>4</sup> See Glossary for definitions of refugees and migrants and other terms used in the report.

<sup>5</sup> Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union

<sup>6</sup> Landmine & Cluster Munition Monitor reports that "in 2009, Greece completed clearance of antipersonnel mines in the 57 mined areas it laid along the border with Turkey." Available at: [http://www.the-monitor.org/custom/index.php/region\\_profiles/print\\_theme/1822#\\_ftnref11](http://www.the-monitor.org/custom/index.php/region_profiles/print_theme/1822#_ftnref11).

<sup>7</sup> European Commission, *Commission reports on EU free movement*, 3 June 2013, available at: [http://europa.eu/rapid/press-release\\_IP-13-496\\_en.htm](http://europa.eu/rapid/press-release_IP-13-496_en.htm). At the time of Amnesty International's visit, the number of additional border guards deployed there under the

Operation Aspida was around 800, according to information provided by the Orestiada and Alexandroupolis Police Directorates in the Evros region on 14 April and 16 April 2013 respectively.

<sup>8</sup> Frontex, *Annual Risk Analysis 2013*, April 2013, p. 20, available at: [http://frontex.europa.eu/assets/Publications/Risk\\_Analysis/Fran\\_Q4\\_2012.pdf](http://frontex.europa.eu/assets/Publications/Risk_Analysis/Fran_Q4_2012.pdf).

<sup>9</sup> Relevant statistics are available on the website of the Greek Police: [http://www.astynomia.gr/images/stories/2013/statistics13/stat\\_allod/etsynora.JPG](http://www.astynomia.gr/images/stories/2013/statistics13/stat_allod/etsynora.JPG).

<sup>10</sup> Hurriyet Daily News, *Refugee boat sinks in Aegean Sea: 1 dead, 5 missing*, 6 June 2013, available at: <http://www.hurriyetdailynews.com/refugee-boat-sinks-in-aegean-sea-1-dead-5-missing.aspx?pageID=238&nid=48314>; EnetEnglish.gr Greek Independent Press, *6-year-old drowns off Farmakonisi coast*, 15 May 2013, available at: <http://www.enetenglish.gr/?i=news.en.article&id=920>; Al Arabiya News, *Syrian refugees drown on their way to Greece*, 21 March 2013, available at: <http://english.alarabiya.net/en/News/2013/03/21/Syrian-refugees-drown-on-their-way-to-Greece.html>; Kayiki Press Release, *Grief itself is not enough*, 18 January 2013, available at: <http://www.kayiki.org/2013/01/kayiki-press-release-grief-itself-is.html>; Amnesty International (Livewire blog), *'I want all the world to know about us'*, 18 February 2013, available at: <http://livewire.amnesty.org/2013/02/18/i-want-all-the-world-to-know-about-us/>; and Hurriyet Gundem, *63 göçmenin ölümüyle ilgili 9 kişi gözaltında*, 22 May 2012, available at: <http://www.hurriyet.com.tr/gundem/23343092.asp>.

<sup>11</sup> According to the latest information available on Frontex' website on these two operations, the budget for the Poseidon Land operation (covering both Greece and Bulgaria's borders with Turkey) in 2011 was almost €9 million. The budget for the Poseidon Sea operation in 2010 was over €12.4 million. Available at: <http://www.frontex.europa.eu/operations/archive-of-operations/?year=&region=&type=&host=Greece>.

<sup>12</sup> Based on information provided by the Frontex Operational Coordinator in Alexandroupolis (in the Evros Region) on 17 April 2013.

<sup>13</sup> Letter dated 6 June 2013 from the Executive Director of Frontex to Amnesty International European Institutions Office in response to a query dated 13 May 2013 stated that "[t]he detailed figures about deployment of experts and technical means of an ongoing joint operation cannot be publicly disclosed, as they might jeopardize the fulfilment of the operation objectives."

<sup>14</sup> Regulation (EU) No 1168/2011 of the European Parliament and of the Council of 25 October 2011 amending Council Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the member states of the European Union, available at: [http://frontex.europa.eu/assets/About\\_Frontex/frontex\\_amended\\_regulation\\_2011.pdf](http://frontex.europa.eu/assets/About_Frontex/frontex_amended_regulation_2011.pdf).

<sup>15</sup> Charter of Fundamental Rights of The European Union (2000/C 364/01), available at: [http://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](http://www.europarl.europa.eu/charter/pdf/text_en.pdf).

<sup>16</sup> Frontex, *Frontex Response to Ombudsman own-initiative inquiry 01/5/2012/BEH-MHZ*, 29 May 2012, available at: <http://www.ombudsman.europa.eu/en/cases/correspondence.faces/en/11758/html.bookmark>.

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<sup>17</sup> Article 19(1) of the Charter of Fundamental Rights of the European Union (the Charter) prohibits collective expulsions (push-backs). Explanations on the Charter published in the Official Journal of the European Union on December 2007 state that the purpose of the Article “is to guarantee that every [expulsion] decision is based on a specific examination.” The explanations further add that Article 19(1) has “the same meaning and scope as Article 4 of Protocol No 4 to the ECHR (European Convention on Human Rights) concerning collective expulsion.” The European Court of Human Rights case law provides detailed guidance on how the Article 4 of Protocol 4 should be interpreted. See for example, *Hirsi Jamaa and others v. Italy* (Application no. 27765/09). Despite not having signed the Protocol 4, Greece is still bound by the prohibition of collective expulsions through the Charter. The Charter of Fundamental Rights of The European Union (2000/C 364/01) is available at: [http://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](http://www.europarl.europa.eu/charter/pdf/text_en.pdf) and the explanations relating to the Charter of Fundamental Rights (14.12.2007) are available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:303:0017:0035:EN:PDF>.

According to a study published by the Directorate General for Internal Policies of the European Parliament, Article 19(1) of the Charter obliges states to “ensure that in fact in every expulsion decision the individual concerned has a real opportunity to be represented and put forward his or her arguments against expulsion before any decision is taken.” The study further states that the same standard should apply “to persons who are irregularly on the territory or indeed those who have recently arrived and are still at or near the border.” European Parliament, Policy Department C: Citizens' Rights and Constitutional Affairs, Civil Liberties, Justice and Home Affairs, *Implementation of the EU Charter of Fundamental Rights and its Impact on EU Home Affairs Agencies Frontex, Europol and the European Asylum Support Office*, August 2011, page 54, available at: [http://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/libe/dv/02\\_study\\_fundamental\\_rights\\_/02\\_study\\_fundamental\\_rights\\_en.pdf](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/libe/dv/02_study_fundamental_rights_/02_study_fundamental_rights_en.pdf)

Charter's provisions on collective expulsion (Article 19) as well as other fundamental rights (such as Article 18 on the right to asylum and the Article 47 on the right to an effective remedy and to a fair trial) would be invoked when Greece acts within the scope of the EU law. See for example, Judgment of the Court of Justice of the European Union, *Åklagaren v Hans Åkerberg Fransson*, Case C-617/10, 26 February 2013, Paragraph 21. With regards to push-backs in the Evros region and the Aegean sea, the applicable EU law could, for example, include the 2011 Qualifications Directive (Directive 2011/95/EU of the European parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted), the 2005 Asylum Procedures Directive (Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in member states for granting and withdrawing refugee status), and the 2006 Schengen Borders Code (Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders).

<sup>18</sup> See for example, UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 176, Article 33(1), available at:

<http://www.refworld.org/docid/3be01b964.html>; the Charter of Fundamental Rights of The European Union (2000/C 364/01), available at:

[http://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](http://www.europarl.europa.eu/charter/pdf/text_en.pdf); Article 3 of the European Convention on Human Rights; Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status; and the Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

<sup>19</sup> UNHCR, *Syrians in Greece: Protection Considerations and UNHCR Recommendations*, 17 April 2013, available at:

[http://www.unhcr.gr/fileadmin/Greece/News/2012/Syria/pc/Greece\\_Syria\\_Note\\_for\\_Pressconference\\_English.pdf](http://www.unhcr.gr/fileadmin/Greece/News/2012/Syria/pc/Greece_Syria_Note_for_Pressconference_English.pdf).

<sup>20</sup> Letter dated 6 June 2013 from the Executive Director of Frontex to Amnesty International European Institutions Office in response to a query dated 13 May 2013.

<sup>21</sup> Also see, UN General Assembly, *Report of the Special Rapporteur on the human rights of migrants, François Crépeau: Addendum – Turkey*, 17 April 2013, Paragraphs 40 and 41, available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/23/46/Add.2](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/46/Add.2).

<sup>22</sup> See for example, the Ministry of Interior Circular on Refugees and Asylum Seekers No. B.050.OKM.0000.12/2010/19 of March 19, 2010 (Mülteci ve Sığınmacılar) and Circular on Combating Illegal Migration of March 23, 2010 (Yasadışı Göçle Mücadele ile ilgili Genelge No. 2010/22).

<sup>23</sup> The law on foreigners and international protection (Law No.6458) was adopted by the Grand National Assembly of Turkey on 4 April 2013. However, most of its provisions will come into force on 11 April 2014, one year after its publication in the Official Gazette and whether it will lead to real improvement in practice remains to be seen.

<sup>24</sup> See for example, UN General Assembly, *Report of the Special Rapporteur on the human rights of migrants, François Crépeau: Addendum – Turkey*, 17 April 2013, Paragraph 60, available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/23/46/Add.2](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/46/Add.2) and Euro-Mediterranean Human Rights Network, *An EU-Turkey Readmission Agreement – Undermining the rights of migrants, refugees and asylum seekers?*, 20 June 2012, page 10, available at: <http://www.euromedrights.org/eng/2013/06/20/an-eu-turkey-readmission-agreement-undermining-the-rights-of-migrants-refugees-and-asylum-seekers/>. Difficulties accessing international protection while in detention – especially at the Edirne Removal Centre – was also confirmed through interviews with local legal aid organizations, Helsinki Citizens' Assembly and Mülteci-Der. Updates were gathered from these organizations on 30 May 2013 and 18 June 2013 respectively.

<sup>25</sup> UN General Assembly, *Report of the Special Rapporteur on the human rights of migrants, François Crépeau: Addendum – Turkey*, 17 April 2013, Paragraph 48, available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/23/46/Add.2](http://daccess-dds-<a href=).

<sup>26</sup> European Commission, *Turkey Progress Report 2012*, 10 October 2012, page 75, available at: <https://wcd.coe.int/com.instranet.InstraServlet?Index=no&command=com.instranet.CmdBlob>



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<sup>27</sup> UN General Assembly, *Report of the Special Rapporteur on the human rights of migrants, François Crépeau: Addendum – Turkey*, 17 April 2013, Paragraphs 53 and 60, available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/23/46/Add.2](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/46/Add.2).

<sup>28</sup> Helsinki Citizens' Assembly Turkey, *Syrian Refugees in Turkey: Briefing Note*, 16 November 2012, page 7, available at: [http://www.hyd.org.tr/staticfiles/files/20121116\\_hca\\_turkey\\_briefingnotesyrianrefugees.pdf](http://www.hyd.org.tr/staticfiles/files/20121116_hca_turkey_briefingnotesyrianrefugees.pdf), and Amnesty International, *Stranded: Refugees in Turkey denied protection* (Index: EUR 44/001/2009), 22 April 2009, available at: <http://www.amnesty.org/en/library/info/EUR44/001/2009>.

<sup>29</sup> For detailed information on the geographical limitation clause in the 1951 Convention relating to the Status of Refugees and Turkey's asylum system, see Amnesty International, *Stranded: Refugees in Turkey denied protection* (Index: EUR 44/001/2009), 22 April 2009, available at: <http://www.amnesty.org/en/library/info/EUR44/001/2009> Also see, Council of Europe, *Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Turkey on 28 June-3 July 2009*, 1 October 2009, available at: <https://wcd.coe.int/com.instranet.InstraServlet?Index=no&command=com.instranet.CmdBlobGet&IntranetImage=1521616&SecMode=1&DocId=1501516&Usage=2>.

<sup>30</sup> UN General Assembly, *Report of the Special Rapporteur on the human rights of migrants, François Crépeau: Addendum – Turkey*, 17 April 2013, Paragraphs 65 and 69, available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/23/46/Add.2](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/46/Add.2).

<sup>31</sup> Council of Europe, *Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Turkey on 28 June-3 July 2009*, 1 October 2009, para. 51, 53, and 55, available at: <https://wcd.coe.int/com.instranet.InstraServlet?Index=no&command=com.instranet.CmdBlobGet&IntranetImage=1521616&SecMode=1&DocId=1501516&Usage=2>; Helsinki Citizens' Assembly, *Unsafe Haven: The Security Challenges Facing LGBT Refugees and Asylum Seekers in Turkey*, June 2011, available at: <http://www.hyd.org.tr/?pid=858> and UN General Assembly, *Report of the Special Rapporteur on the human rights of migrants, François Crépeau: Addendum – Turkey*, 17 April 2013, Paragraph 65, available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/23/46/Add.2](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/46/Add.2).

<sup>32</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

<sup>33</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

<sup>34</sup> Law 3907/2011 on the establishment of an Asylum Service and a Initial Reception Service, transposition into Greek legislation of the provisions of Directive 2008/115/EC, published in the Greek Government Gazette on 26 January 2011, Articles 30(5) and 30(6), and Law 3386/2005 on the Entry, Residence and Social Integration of Third Country

Nationals on Greek Territory, published in the Greek Government Gazette in June 2005, Article 76(3).

<sup>35</sup> Presidential Decree 116/2012 on the establishment of a single procedure for granting the status of refugee or of beneficiary of subsidiary protection to aliens or to stateless persons in conformity with Council Directive 2005/85/EC, published in the Greek Government Gazette on 19 October 2012.

<sup>36</sup> On 17 April 2013, the Greek Ministry of Public Order and Citizen Protection announced that as of 9 April 2013 Syrians will only be held in detention for “a few days” for the Greek authorities to confirm their nationality and then be released, with return decisions suspended for six months. See UNHCR, *Syria Press Conference: The humanitarian situation in the region is dramatic – UNHCR calls for the protection of Syrians who arrive in Greece*, 17 April 2013, available at: <http://www.unhcr.gr/nea/artikel/f77461475f3688323d5fc6f1f1a6ab4d/syria-press-conference-the-humanita.html>.

<sup>37</sup> The immigration detention capacity in the six largest immigration detention facilities in Greece (Xanthi, Komotini, Paranesti Dramas, Fylakio, Korinth and Amygdaleza) is reported to be 5,000 according to a news release on Fonitis Xanthis (local media outlet), *The Ministry of Citizen Protection examines the expansion of the holding capacity of the existing detention centres for migrants*, 10 April 2013, available at: <http://fonitisxanthis.gr>. This number does not include police stations, border guard stations or coastguard holding facilities. In a letter dated 13 May 2013 raising push-back allegations and Amnesty International's concerns over the detention of migrants in Greece, Amnesty International asked the Greek government the total capacity of detention of irregular migrants in Greece. As of 19 June 2013, there has been no response to this information request.

<sup>38</sup> UN General Assembly, *Report of the Special Rapporteur on the human rights of migrants, François Crépeau: Addendum – Greece*, 18 April 2013, Paragraph 45, available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/23/46/Add.4](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/46/Add.4) and PACE, *Migration and asylum: mounting tensions in the Eastern Mediterranean*, 23 January 2013, available at: <http://assembly.coe.int/ASP/XRef/X2H-DW-XSL.asp?fileid=19349&lang=en>.

<sup>39</sup> See for example, Article 9 of the International Covenant on Civil and Political Rights, Article 5 of the European Convention on Human Rights, and Article 15 of the Returns Directive (The Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals). For a detailed discussion on alternatives to immigration detention, see, Amnesty International, *Irregular Migrants and Asylum-Seekers: Alternatives to Immigration Detention* (Index: POL 33/001/2009), 2009.

<sup>40</sup> The Law 3907/2011 Article 30(1) applies to those who are apprehended for irregular stay in Greece, which obliges Greece to consider less coercive measures before detention. However, the Law 3386/2005, which applies to those apprehended for irregular crossing of Greek borders, does not provide for alternative measures to detention. Article 76(3) of the Law 3386/2005, states that if a third country national is considered “suspect for escape or dangerous for the public order or avoids or obstructs the preparation of his departure or the procedure of his expulsion” can be detained temporarily until a deportation order is issued.

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Once the deportation order is issued, his or her detention can continue until the deportation. This detention period should not exceed 18 months.

<sup>41</sup> See also, UN General Assembly, *Report of the Special Rapporteur on the human rights of migrants, François Crépeau: Addendum – Greece*, 18 April 2013, Paragraph 43, available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/23/46/Add.4](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/46/Add.4) and Council of Europe, *Report by Nils Muižnieks, Council of Europe Commissioner for Human Rights following his visit to Greece, from 28 January to 1 February 2013*, 16 April 2013, Paragraph 145, available at: <https://wcd.coe.int/ViewDoc.jsp?id=2053611&Site=COE>.

<sup>42</sup> The Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

<sup>43</sup> Also see AITIMA, *Press Release: Detention of Irregular Migrants and Asylum Seekers*, 10 April 2013, available at: <http://www.aitima.gr/en>.

<sup>44</sup> While confirming this information in writing on 14 June 2013, the Greek Council for Refugees also informed Amnesty International that thanks to new funding opportunities and the recent call for new allocations from the European Refugee Fund, the Greek Council for Refugees is expecting this suspension to be only temporary.

<sup>45</sup> Interview with the representatives of the Aliens' Division of the Greek Police in Athens on 19 April 2013, interview with the Head of Police in Alexandroupolis city in Evros on 16 April 2013.

<sup>46</sup> The Law 3907/2011 on the establishment of an Asylum Service and an Initial Reception Service, transposition into Greek legislation of the provisions of Directive 2008/115/EC, published in the Greek Government Gazette on 26 January 2011.

<sup>47</sup> E-mail from the Director of the Asylum Service, Maria Stavropoulou, 10 June 2013. The Asylum Service also informed Amnesty International that they are setting up offices on the islands of Lesbos and Rhodes to be operational by the end of summer 2013.

<sup>48</sup> See for example, Amnesty International, *Greece: The end of the road for refugees, asylum seekers and migrants* (Index: EUR 25/011/2012), 20 December 2012, available at: <http://amnesty.org/en/library/info/EUR25/011/2012/en>; Pro Asyl, *Walls of Shame – Accounts from the Inside: the Detention Centres of Evros*, 10 April 2012, available at: [http://www.proasyl.de/fileadmin/fm-dam/q\\_PUBLIKATIONEN/2012/Evros-Bericht\\_12\\_04\\_10\\_BHP.pdf](http://www.proasyl.de/fileadmin/fm-dam/q_PUBLIKATIONEN/2012/Evros-Bericht_12_04_10_BHP.pdf); and Human Rights Watch, *EU's Dirty Hands: Frontex Involvement in Ill-Treatment of Migrant Detainees in Greece*, 21 September 2011, available at: <http://www.hrw.org/reports/2011/09/21/eu-s-dirty-hands-0>.

<sup>49</sup> CPT, *Report to the Government of Greece on the visit to Greece carried out by the European Committee on the Prevention of Torture, Inhuman or Degrading Treatment or Punishment (CPT) from 19 to 27 January 2011*, 10 January 2012, available at: [http://www.cpt.coe.int/documents/grc/2012-01-inf-eng.htm#\\_Toc289681112](http://www.cpt.coe.int/documents/grc/2012-01-inf-eng.htm#_Toc289681112).

<sup>50</sup> FRA, *Coping with a fundamental rights emergency - The situation of persons crossing the Greek land border in an irregular manner*, March 2011, available at: <http://fra.europa.eu/en/publication/2011/coping-fundamental-rights-emergency-situation-persons-crossing-greek-land-border>.

<sup>51</sup> UN General Assembly, *Report of the Special Rapporteur on the human rights of migrants, François Crépeau: Addendum – Greece*, 18 April 2013, Paragraphs 48 and 49, available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/23/46/Add.4](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/46/Add.4).

<sup>52</sup> The Greek government responded to the UN Special Rapporteur on the Human Rights of Migrants, following his visit to Greece, writing that Initial Reception Centres “do not constitute detention centres,” since although being guarded “all accommodated migrants have the right to apply for leave at any time.” See Paragraph 36 of the addendum dated 19 April 2013 to the Special Rapporteur’s report available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/23/46/Add.5](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/46/Add.5). As described by the UN Special Rapporteur, these centres are clearly places where migrants are deprived of their liberty, as they are not free to leave the centres as they wish.

<sup>53</sup> At the time of Amnesty International’s visit in April 2013, the Metaxades Border Guard Station was only holding third country nationals accused of either human smuggling or else of resistance, causing serious bodily harm and damaging government property during a riot that took place at the Komotini Immigration Detention Centre in November 2012. Previously in October 2012, detainees went on hunger strike in the Komotini Immigration Detention Centre protesting against poor detention conditions and alleged ill-treatment. Against this backdrop, the November riot allegedly started when a police officer in the centre tore a Qur’an belonging to the detainees. Amnesty International has also received allegations that during this riot, police severely beat many of the detainees and threw tear gas inside their dormitories. As a result, several detainees were reportedly transferred to the hospital to have their injuries treated. In April 2013, the local authorities told Amnesty that an investigation was being conducted into the incident.

<sup>54</sup> Interviews held with the authorities in Tycherio and Metaxades border guard stations and Mytilini police station in April 2013.

<sup>55</sup> Komotini and Fylakio immigration detention centres; Metaxades and Soufli border guard stations.

<sup>56</sup> Detainees at the Fylakio Initial Reception Centre did not complain of lack of access to proper health care. At the time of Amnesty International’s visit to the facility on 15 April 2013, the NGO - Medical Intervention (Med.In) – was providing medical and psychological assistance to detainees there.

<sup>57</sup> Telephone interview held with Mr Anastopoulos of KEELPNO on 11 June 2013 confirmed that relevant funding had been exhausted at the end of April 2013, and that KEELPNO would not be able to provide medical services in the region until new funding was provided. The European Refugee Fund funded the KEELPNO programme in the region which covered Komotini, Xanthi and Fylakio immigration detention centres, and Ferres, Tycherio and Soufli border guard stations.

<sup>58</sup> Between 2009 and the end of 2012, the European Court of Human Rights has found Greece in breach of Article 3 in 11 cases concerning the detention conditions of refugees and migrants held in immigration detention centres or border guard stations [see for example the European Court of Human Rights judgments *M.S.S. v. Belgium and Greece* (Application No. 30696/09) and *Rahimi v. Greece* (Application No. 8687/08), *Lin v. Greece* (Application 58158/10)].

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<sup>59</sup> Telephone interview with Mr Anastopoulos of KEELPNO on 14 June 2013.

<sup>60</sup> UN Committee on the Rights of the Child (CRC), *CRC General Comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin*, 1 September 2005, CRC/GC/2005/6, available at: <http://www.refworld.org/docid/42dd174b4.html>.

<sup>61</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, Article 17, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:EN:pdf>.

<sup>62</sup> UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: <http://www.refworld.org/docid/3ae6b38f0.html>; UN High Commissioner for Refugees, *UNHCR's Revised Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum seekers*, 26 February 1999, available at: <http://www.refworld.org/docid/3c2b3f844.html>; and UN High Commissioner for Refugees, *Alternatives to Detention of Asylum Seekers and Refugees*, April 2006, POLAS/2006/03, available at: <http://www.refworld.org/docid/4472e8b84.html>.

<sup>63</sup> See for example, Council of Europe, *Report by Nils Muižnieks, Council of Europe Commissioner for Human Rights following his visit to Greece, from 28 January to 1 February 2013*, 16 April 2013, Paragraphs 147 and 153, available at: <https://wcd.coe.int/ViewDoc.jsp?id=2053611&Site=COE>.

<sup>64</sup> UNHCR Greece, February 2013, available at: <http://www.unhcr.gr/genikes-pliروفories/ellada/artikel/5d423ae78de5eed1405b3c26f08218a4/kentra-ypodochis-kai.html?L=oehdhbfqkb>.

<sup>65</sup> Law 3907/2011 on the establishment of an Asylum Service and a Initial Reception Service, transposition into Greek legislation of the provisions of Directive 2008/115/EC, published in the Greek Government Gazette on 26 January 2011.

<sup>66</sup> Correspondence with Mr P. Nikas, Director of the Initial Reception Service, 11 June 2013.

<sup>67</sup> The Separated Children in Europe Program (SCEP) reports that most age assessment techniques “generate a margin of error that makes them too inaccurate to use” and recommends that states use age assessments as a last resort. If age assessments have to be carried out, SCEP recommends that they “balance physical, developmental, psychological, environmental and cultural factors.” For a detailed review of standards that should apply when determining age, see SCEP, *Position Paper on Age Assessment in the Context of Separated Children in Europe*, 2012, available at: [http://umf.asyl.at/files/DOK45Age\\_Assessment\\_PP.pdf](http://umf.asyl.at/files/DOK45Age_Assessment_PP.pdf).

<sup>68</sup> In a public intervention on 21 May 2013, the Greek Ombudsman requested the authorities to limit the administrative detention of unaccompanied minors and enhance measures of hospitality and care. According to the press release, the Ombudsman was informed that the funding from the European Refugee Fund for the shelters for unaccompanied minors had ended at the end of March 2013 and had not been renewed. See press release of 21 May 2013 available at: <http://www.synigoros.gr/resources/docs/375134.pdf>.

<sup>69</sup> *In the air: the centre of unaccompanied refugee minors in Mytilini*, 29 May 2013, available at: <http://news.in.gr/greece/article/?aid=1231250667>. Also according to the press release of 21 May 2013 issued by the Office of the Greek Ombudsman, interruption in funding for shelters has led to some shelters operating with no personnel but only with the support of volunteers. The Ombudsman gave as an example the case of the Agiassos shelter where at the end of May there was only one employee present (the cook) for sixty unaccompanied minors. See press release available at: <http://www.synigoros.gr/resources/docs/375134.pdf>. Also see INews Article, *The situation in the unaccompanied minors' shelters is tragic*, 10 June 2013, available at: <http://www.inews.gr/88/synigoros-tou-paidiou-tragiki-i-katastasi-stis-monades-filoxenias-asynodefton-anilikon-prosfygon.htm>.

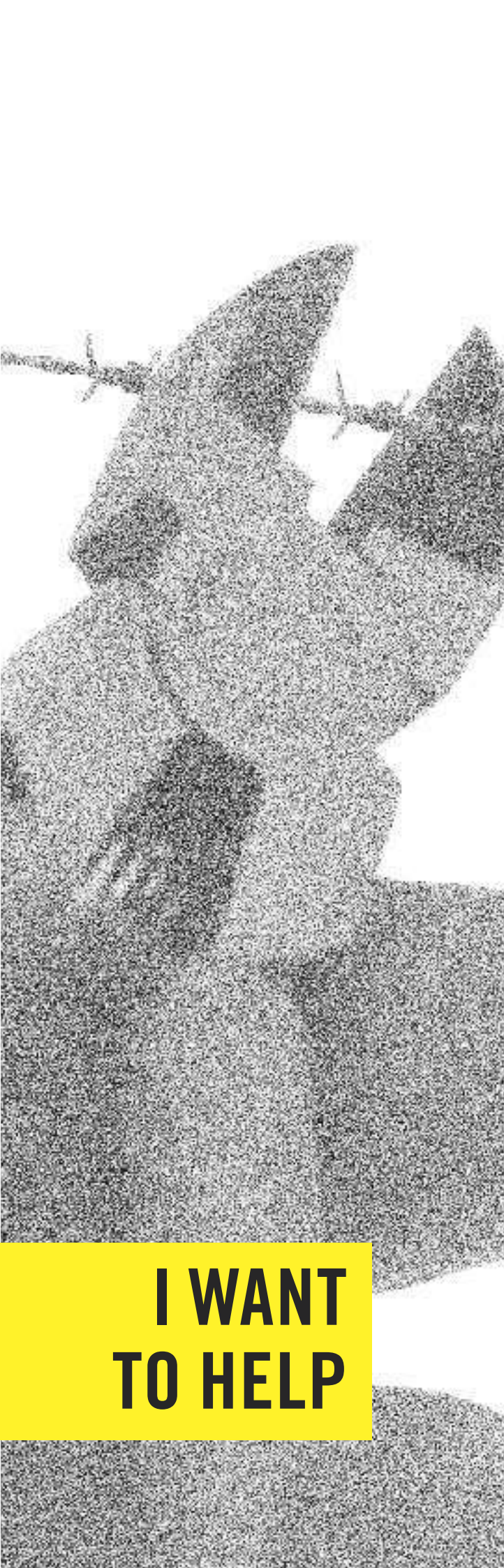
<sup>70</sup> Our World: Fleeing Syria at these times, BBC News Channel, 5 June 2013, video available at: <http://www.bbc.co.uk/news/magazine-22757485>.

<sup>71</sup> UN General Assembly, *Report of the Special Rapporteur on the human rights of migrants, François Crépeau: Addendum – Greece*, 18 April 2013, Paragraph 45, available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/23/46/Add.4](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/46/Add.4).

<sup>72</sup> According to the Annex of the letter dated 17 June 2013 from Cecilia Malmstrom, the Commissioner responsible for Home Affairs, €129,699,210 was allocated to Greece under the External Borders Fund and €97,877,298 under the European Return Fund in the period covering 2011-2013. The information was provided to Amnesty International European Institutions Office in response to a query dated 14 May 2013,

<sup>73</sup> PACE, *Migration and asylum: mounting tensions in the Eastern Mediterranean*, 23 January 2013, Paragraph 54, available at: <http://assembly.coe.int/ASP/XRef/X2H-DW-XSL.asp?fileid=19349&lang=en>.

<sup>74</sup> The European Court of Human Rights judgment *M.S.S. v. Belgium and Greece* (Application No. 30696/09, 21 January 2011) and the Court of Justice of the European Union judgment in *Joined Cases C-411/10 N.S. v Secretary of State for the Home Department and C-493/10 M.E. and Others v Refugee Applications Commissioner, Minister for Justice, Equality and Law Reform*.



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## **FRONTIER EUROPE**

### **HUMAN RIGHTS ABUSES ON GREECE'S BORDER WITH TURKEY**

Greece, on the frontier of the European Union (EU), has been a major entry point for migrants and refugees for the most part seeking to travel through to other EU countries.

This report examines some of the border control practices Greece employs at its border with Turkey. Those who arrive in Greece are sometimes “pushed back” (an illegal and often-dangerous practice of returning intercepted migrants) to Turkey – either across the River Evros in the north or across the Aegean Sea. For those who are not pushed back, detention – often in appalling conditions – is the routine fate.

Amnesty International acknowledges the prerogative of states to control the entry and stay of non-nationals into their territory. But the dangerous practices employed by the Greek authorities at its borders do not comply with the rights of refugees and migrants. This report calls on the Greek government to immediately halt the practice of push-backs to Turkey. It also asks the EU and its member states to share the responsibility for refugees and migrants more equally.

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The report is published as part of Amnesty International’s campaign “When you don’t exist”, which aims to protect the rights of migrants, refugees and asylum-seekers across Europe.

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