A gamble with the right to asylum in Europe

Greek asylum policy and the Dublin II Regulation

Photo: Sylo Taraku, NOAS

The policemen hit my face and the back of my head until I began hitting myself to make them stop. I thought that it is the same everywhere, the police is as bad. I thought of throwing myself out of the window in order to end my life.

(Noori, Afghan Asylum Seeker, transferred from Austria to Greece in December 2007)

Report published by:

NOAS

NORWEGIAN HELSINKI COMMITEE

GREEK HELSINKI MONITOR

Map of Greece. ***CIA World Factbook.***

Foreword

This report has been made by three non-governmental organizations (NGOs): Norwegian Organisation for Asylum Seekers (NOAS), the Norwegian Helsinki Committee (NHC), and Greek Helsinki Monitor (GHM)[1].

Advisor Berit Lindeman of the NHC, NOAS Head of Department Sylo Taraku, and Spyros Rizakos (Advisor) and Panayote Dimitras (Spokesperson) of the GHM carried out the investigations leading to this report. Our travels in Greece took place in the period 9–12 March 2008.

The investigation involved conversations with several parties: asylum seekers in Greece and Norway, NGOs and lawyers working with asylum cases in Greece, an Afghan Association in Athens, the office of the United Nation High Commissariat for Refugees (UNHCR) in Greece, Greek authorities and the Norwegian Embassy in Athens. We want to express our thanks to all the above-mentioned for being forthcoming and offering valuable information and help during our investigation.

The report has been put into writing by NOAS Head of Department Sylo Taraku, with contributions from the rest of the investigating team. Furthermore, during the final work the Secretary General Morten Tjessem, Senior Advisor Paula Tolonen and Legal Advisor Gunn Kathrine Stangvik, also of NOAS, have reviewed the material and offered comments.

Oslo and Athens, 9 April 2008

1 For further information on these three organizations, visit their websites: www.nhc.no, www.noas.org, and http://cm.greekhelsinki.gr

Contents

CONCLUSIONS AND RECOMMENDATIONS

A precondition of the Dublin II Regulation was that the examination of whether an asylum seeker needs protection should be approximately equal in all the Member States. As this report will show, this is still just an ambition, far from the realities.

Based on our investigations and other available relevant information concerning the situation for asylum seekers in Greece, we consider that the Greek asylum system fails to offer protection for asylum seekers who are in need of it. With regard to legal protection as well as to humanitarian conditions, the situation for asylum seekers in Greece is alarming.

Greek asylum policy is better understood if one considers the following:

1. Keeping asylum seekers in police custody is a common practice, and we were told several stories of asylum seekers being abused while detained by the police. It is unacceptable that some of those fleeing from persecution in their home country are beaten up by the police in an EU state instead of receiving help and protection.

2. 25.113 asylum applications were submitted in 2007, but the authorities have dedicated very limited resources to handle them, which is yet another example of Greece's reluctance to deal with asylum according to its international obligations.

3. From more than 20,000 asylum cases that were given first instance examination in 2007 only 8 persons were given residence permit, 0.04 per cent of the applicants. 17,000 decisions were appealed, of which 6,448 were examined. Only 155 applications were granted, after the examination of appeals, that is 2.4 per cent. These are depressing figures.

4. Very few asylum seekers are given legal assistance in Greece, even if they are entitled to this. Access to legal assistance is all the more important given the low percentage of applications that are granted. The number of lawyers to whom NGOs mediate access, approximately 15, is not in proportion to the need.

5. Unaccompanied minors are not guaranteed a place at a reception centre, nor education, a legal guardian or other assistance they are entitled to through the UN Children's Convention.

6. Approximately 750 available places at reception centres are far from sufficient. The majority of asylum seekers are left to fend for themselves, as best they can.

It is impossible to respect the asylum seekers' legal protection and fundamental social rights with resources as limited as those made available by Greek authorities. For instance, only 10-12 police officers are assigned to interview more than 20,000 asylum seekers arriving in Greece in the course of a year. The asylum interviews are therefore very short and superficial. Most of the asylum seekers we have talked to told us that authorities used between two and five minutes to interview them, and that the grounds for seeking asylum were not the main topic. Furthermore, these were among the lucky ones who got access to the asylum procedure at all, for it is difficult for asylum seekers to even lodge an application for asylum in Greece.

The extremely low percentage of granted applications in reality entails that asylum seekers that would have been granted asylum or subsidiary protection in other European countries, are not receiving this in Greece. It is therefore understandable that many asylum seekers do not primarily want to claim asylum in Greece, but prefer to move on to another European country. It appears that the strategy of Greek authorities is exactly to deter asylum seekers from coming to Greece. However, because they are detained while illegally crossing the Greek border, their cases are to be treated in Greece due to the Dublin II Regulation. This appears as an unjust arrangement, both for the asylum seekers and for Greece, as one of Europe's "frontier states". The hopeless situation of the asylum seekers was succinctly expressed by an Afghan we spoke with in Athens: "We are neither given help in Greece, nor given the possibility to try our chances in another European country".

In our opinion the deficiencies in the Greek asylum process, documented through this report, entail that there is a discord between the preconditions on which the Dublin II Regulation was founded and procedural practices followed in Greece. In our opinion the Greek system does not guarantee even minimum basic legal protection for the asylum seekers.

Based on our findings, we consider it evident that, at the time being, it is not safe to transfer asylum seekers to Greece in accordance with the Dublin II Regulation. Member States have an independent responsibility to initiate investigations and implement measures necessary to fulfil international human rights obligations. It is our hope that this report can contribute to this. We also remind that some countries transferring asylum seekers to Greece might themselves become guilty of breaches of international human rights obligations.

We call on all the countries participating in the Dublin cooperation to start applying the *Sovereignty Clause* of the Dublin II Regulation (art. 3(2)) in all asylum cases that Greece would otherwise be responsible for in accordance with the Regulation.

We call on Greek authorities to review their asylum policy so that it complies with its international obligations.

Suspending transfers to Greece from other countries can be considered a possible measure in this regard. Before transferring asylum seekers to Greece in accordance with the Dublin II Regulation again becomes an acceptable option, there furthermore has to be sufficient guarantees that legal obligations are implemented in practice.

1. INTRODUCTION

The purpose of this report is to help shed light on the conditions for asylum seekers in Greece, so that states participating in the "Dublin cooperation" may have a better basis on which to determine whether, under present circumstances, they want, or can, carry out the Dublin II Regulation with regard to Greece. Based on our investigations we strongly caution against carrying out the Regulation until Greek authorities have made extensive reforms of the asylum system, until there are sufficient indications that legal obligations are being fulfilled in practice.

The conclusions of the report are founded on both the organizations' own fact-finding mission to Greece in March 2008 and other sources concerning the treatment of asylum seekers in Greece.

The strategy underlying our investigation was to collect information about the asylum procedure in Greece from varied sources: those most directly affected by Greek asylum procedure and the Dublin II Regulation, viz. the asylum seekers, those working to safeguard their rights (NGOs, lawyers, the UNHCR) and those responsible for the asylum system in Greece, viz. Greek authorities.

The following is a list of our sources, also showing the order in which we met them:

- Asylum seekers, mainly those transferred from other European countries to Greece in accordance with the Dublin II Regulation.
- The Afghan association "Noor Cultural and Art Society" in Athens. Represented by its chairman Sukuri Asan Reza and Shah Mubarak. They helped us get in touch with many Afghan asylum seekers.
- Greek Council for Refugees (GCR), represented by Head of Legal Department Spyros Kouloheris and Coordinator for Social Services, Alexandros Anastasiou. GCR helped us get in touch with several asylum seekers whom we could meet at their office.
- UNHCR Greece, represented by Head of Office Giorgos Tsarbopulos and Protection Officer Kalliopi Stefanaki.
- Greek Group of Lawyers for the Rights of Refugees and Migrants, represented by lawyer Marianna Tzeferakou.
- The Norwegian Embassy in Greece, represented by Ambassador Sverre Stub and First Secretary Knut-Are Sprauten Okstad.
- Ambassador V. Moutsoglou, director of Judicial and Administrative Affairs, Ministry of Foreign Affairs.
- Emmanouel Kefalopoulos, Department Director of Judicial and Administrative Affairs, Ministry of Foreign Affairs.
- Nikolaos Stavrakakis, Department of Aliens and Migration, Ministry of the Interior.

- Lieutenant Konstatinos Giallelis, Hellenic Coast Guard – Intelligence Directorate, Ministry of Merchant Marine.
- Mr Stellakakis, Advisor, Legal Department, Ministry of Foreign Affairs.
- Mrs Koutrakou, Advisor, Schengen Department, Ministry of Foreign Affairs.

The background for the decision by NHC and NOAS to carry out this fact-finding mission and, in cooperation with GHM, to compile this report, is the organizations' common concern about the legal protection of the transferred asylum seekers in Greece.

NHC and NOAS have received several complaints about procedures and treatment in Greece from asylum seekers coming to Norway via Greece. Recently there have also been several critical reports on the treatment of asylum seekers and immigrants to Greece. Based on this, on 25 January 2008, NHC and NOAS wrote a joint letter to Norwegian migration authorities asking for a halt in the transfer of asylum seekers to Greece in accordance with the Dublin II Regulation[2].

In 2007, 74 asylum seekers were transferred from Norway to Greece in accordance with the Dublin II Regulation, of whom 45 of were Iraqis[3]. The Norwegian Immigration Appeals Board (Utlendingsnemda (UNE)), made a decision as late as 17 December 2007 in a so-called "Dublin-case" where, based on information from the Norwegian Embassy in Athens, they take as a premise that Greece treats applications for asylum "in an adequate and safe manner".

The letter from NHC and NOAS led to a quick response from UNE. In a press release, on 7 February 2008, UNE announced that all returns of asylum seekers to Greece in accordance with the Dublin II Regulation were to be suspended. The decision entailed that UNE "until new information about the situation has been gathered and evaluated, will not pass decisions where the appellant would otherwise have been returned to Greece in accordance with the Dublin II Regulation"[4]. Also the Norwegian Directorate of Migration (Utlendingsdirektoratet (UDI)), which treats all asylum cases in the first instance, decided on the same day to stop all transfers to Greece, for the suspension to include those cases still under first instance examination.[5]

The decision of UNE which made Norway the only country in Europe to suspend the return of asylum seekers to Greece, attracted attention both in Norway and internationally. In addition to

2 The letter can be downloaded here: http://www.nhc.no/php/files/documents/Tema/Flyktning-%20og%20asylpolitikk/brevHellasAsylsoker2-080125.pdf

3 E-mail correspondence between Sylo Taraku, NOAS, and Eirik Aarre of the Norwegian Police, Alien Section., 24 January 2008.

4 Press statement 07.02.2008: UNE halts transfers to Greece in accordance with the Dublin II Regulation: http://www.une.no/Aktuelt/For-pressen/Pressemeldinger/UNE-stopper-overforing-til-Hellas-i-medhold-av-Dublin-2--forordningen/

5 Announcement on the UDI webpage 21.02.2008: "Temporary halt of transfers to Greece": http://www.udi.no/templates/Page.aspx?id=9087

Norwegian media, Greek, Scandinavian and other international media reported the decision[6]. Whether it is safe to transfer asylum seekers to Greece in accordance with the Dublin II Regulation is now being discussed in several countries, among them Sweden, Denmark, The Netherlands and Germany.

Norway's decision is only temporary, "until new information has been gathered and considered". It is our hope that this report will contribute to this closer consideration. At the same time we assume that all updated reports on the treatment of asylum claims in Greece, including this one, will be useful for other European countries that consider following the example of Norway.

The German organization Pro Asyl has, in cooperation with the Greek Group of Lawyers for the Rights of Refugees and Migrants, published the report "The truth may be bitter, but it must be told". The focus of the report is "access to the Greek territory, reception and detention conditions of newly arrived refugees on the islands of Chios, Samos, and Lesbos and the particular situation of minors"[7]. For thorough information on the situation for refugees travelling via the Aegean and on the procedures of the Greek Coast Guard, we refer to that report[8].

The focus of our report is the question concerning the legal protection of asylum seekers throughout the asylum process. Furthermore we wish to shed light on what guarantees of legal protection and what reception conditions asylum seekers transferred from other European countries can expect in Greece. We also wish to present stories of ill-treatment of asylum seekers by Greek police, as told to us by the asylum seekers who experienced it.

6 E.g. an article from the Norwegian daily "Aftenposten" web edition, February 12th 2008: "Norway halts the return of asylum seekers to Greece": " http://www.aftenposten.no/nyheter/iriks/article2251660.ece. The paper edition of the newspaper brought a report the following day. See also article in the Danish daily "Informationen" February 11.02.2008 "Denmark returns asylum seekers to Greece despite warnings": ": http://www.information.dk/154610, as well as Greek media such as "Athens News" 15.02.2008, p. 15: "Norway blasts Greek asylum policy": http://www.athensnews.gr/athweb/nathens.prnt_article?e=C&f=13274&t=11&m=A15&aa=1

7 Introduction in p. 4 of the report: "The truth may be bitter, but it must be told", Pro Asyl.

8 The report by Pro Asyl can be downloaded from their webpage: http://www.proasyl.de/fileadmin/proasyl/fm_redakteure/Englisch/Griechenlandbericht_Engl.pdf

2. LEGAL PROTECTION DURING THE ASYLUM PROCESS IN GREECE

The legal framework

Greece does not have a defined asylum and refugee policy, but through a broad legal framework the country has extensive obligations concerning asylum seekers.

Greece has ratified the UN 1951 Refugee Convention, with its associated Protocol from 1967. Greece has also ratified other relevant international conventions, such as the 1950 European Convention on Human Rights, the UN and the European Anti-Torture Convention, as well as the 1966 UN Conventions on Civil, Political, Economic, Social and Cultural Rights. Greece has also ratified the 1989 UN Convention on the Rights of the Child.

As a EU country, Greece is also bound by EU directives specifying minimum standards for the treatment of asylum seekers and refugees in EU countries, i.e. the Qualification Directive[9], the Procedure Directive[10], and the Reception Directive[11]. These directives aim at harmonizing EU asylum policy by creating a common interpretation and understanding of who is in need of protection, and thus guarantee a treatment of asylum seekers within EU which is as uniform as possible.

Greece is also bound by the Dublin II Regulation "establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national" (art. 1) [12].

The Dublin rules have made it harder for asylum seekers to seek asylum in a country chosen by themselves. For a system having as its purpose that an asylum seeker should as a rule only have the possibility to have his/her case examined once, and in one country only, the harmonizing of asylum policies presupposed in the EU Directives is an extremely important premise. The legal framework entails clear obligations. It is, however, a vital that these obligations are fulfilled in practice by the Member States.

9 Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted. http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0083:EN:HTML

10 COUNCIL DIRECTIVE 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status. http://eur-lex.europa.eu/LexUriServ/site/en/oj/2005/l_326/l_32620051213en00130034.pdf

11 COUNCIL DIRECTIVE 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers. http://eur-lex.europa.eu/LexUriServ/site/en/oj/2003/l_031/l_03120030206en00180025.pdf

12 COUNCIL REGULATION (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national. http://www.ecre.org/eu_developments/responsibility/dublinreg.pdf

A fundamental problem remains in that the asylum practices of Member States continue to diverge widely. As to Greece, only the Reception Directive has so far been incorporated into Greek law. Nevertheless, Greece is obliged to abide by all the Directives. Yet, as we will demonstrate in this report, Greek asylum practice is a long way from satisfying the minimum standards that these Directives demand.

Asylum procedures in Greece are still regulated through a "Presidential decree 61/1999 (PD 61/99)" that guarantees asylum seekers a number of important rights. The *practice*, however, continues to cause grave concern throughout the asylum procedure, as it is mostly contrary to the legal provisions. That is what we will focus on in the following.

Registration of application for asylum

Athens, Attica Police Asylum Department (Petrou Ralli): Hundreds of asylum seekers standing in line waiting to lodge their asylum applications.
Photo: Greek Group of Lawyers for the Rights of Refugees and Migrants

The right to claim asylum is stated in the Universal Declaration of Human Rights, Article 14. Also the EU Procedure Directive obliges the Member States to guarantee access to asylum procedure, cf. art. 6.

The right to claim asylum in Greece can still be illusory in practice. Access to asylum procedure is far from guaranteed, and persons wishing to apply for asylum risk encountering several obstacles while trying to lodge their claim, trying to be heard.

Asylum seekers arrive in Greece in different ways. A minority reaches Athens by plane, and most of these are asylum seekers from other European countries transferred in accordance with the Dublin II Regulation. Otherwise, the most common way to reach Greece is to cross the border illegally, for instance by crossing the Evros River, separating Greece and Turkey in the northeast, or going by small boats to one of the numerous Greek islands dotting the Aegean.

The Presidential Decree (PD 61/99) guarantees asylum seekers the right of access to asylum determination procedure, declaring that "an alien who is in any way on Greek territory shall be recognised as a refugee and shall be granted asylum if the conditions of Article 1A of the Geneva Convention relating to the Status of Refugee are fulfilled'. According to art.1 (1): "The application

for asylum can be made orally or in writing, but in person, either at the frontier checkpoints or to any other public authority".

In reality, however, asylum seekers being turned back at the border is the rule, rather than the exception: "Everybody is considered as an illegal immigrant. It is almost impossible to seek asylum at the border. We know of only few applications there", states lawyer Marianna Tzeferakou of the organization Greek Group of Lawyers for the Rights of Refugees and Migrants[13].

Marianna Tzeferakou has participated in writing the report: "The truth may be bitter, but it must be told", published by the German organization Pro Asyl, where one can read the following:

"The police arrest all new arrivals, including asylum seekers and particularly vulnerable individuals such as victims of torture and human trafficking, disabled persons, pregnant women, minors and refugees from countries such as Iraq, Afghanistan and Somalia. They are all issued with automatic deportation orders – without a hearing, without any examination of their entitlement to protection. This practice effectively constitutes a denial of access to the asylum determination procedure".[14]

It is not only those detained for crossing the border illegally that struggle to get access to asylum procedure. Also those that reach the interior face great problems trying to lodge their application for asylum. According to our sources it would seem that the authorities are intentionally trying to make the process complicated, thus creating hindrances for those wanting to claim asylum.

Asylum seekers have to lodge their application with the local police. In fact approximately 95% of the applications are registered with the Attica Police Asylum Department in Athens.

The capacity of the police to receive applications is, however, not in proportion to the number of applicants. A new procedure has made it even harder for people to apply: Applicants now have to stand in line and wait – not to apply, but to make an appointment to lodge the application. This can be done only on Sundays. On an average Sunday around one thousand persons will queue up to make an appointment. Up to 200 will succeed; the rest will have to come back the next Sunday. Some have to come back several Sundays in a row.

According to Marianna Tzeferakou the police sometimes try to select people from the queue from countries that are considered to be countries of origin for authentic asylum seekers. These are given priority for registration. Otherwise, she claims, there are no arrangements to proceed in the queue from one Sunday to the next.

13 Interview with Marianna Tzeferakou, 11 March 2008 in Athens.

14 Report by Pro Asyl and Group of Lawyers for the Rights of Refugees and Migrants: "The truth may be bitter, but it must be told", p. 6. http://www.proasyl.de/fileadmin/proasyl/fm_redakteure/Englisch/Griechenlandbericht_Engl.pdf

When one finally gets an appointment with the police, the application is considered to be formally lodged. The applicant receives a confirmation of the appointment, which functions as a permission of sorts to stay in Greece, but this does not confer rights beyond that of not being deported. Subsequently, when the application for asylum is finally registered, and the asylum interview given, the applicant receives an ID card for asylum seekers, known as the "Pink Card" because of its colour. The card which includes basic information about the asylum seeker (name, nationality, date of birth, address) is issued for six months at a time and gives the right to residence in Greece and necessary health care. One can also apply for a temporary work permit. However, receiving the asylum ID card does not entail the right to accommodation, nor any form of economic support, even for food. Nor does it confer the right to language training, which can make it difficult to find work, and thus obtaining own financial means necessary to get by. It is important to note that the number of places in reception centres is so limited that most applicants in reality are left with no offer of shelter. This problem is further discussed in Chapter 3 below.

Not only is this procedure difficult and humiliating, but many in fact do not succeed in registering their application even if they have been waiting for several weeks. It is somewhat easier for those who already have a lawyer or receive assistance from an organization. The Greek Council for Refugees works almost every day to help asylum seekers get access to the asylum determination procedure.

But even with help from the Greek Council for Refugees, this is far from easy. One unaccompanied minor asylum seeker did not manage to get registered, and had to sleep in one of Athens' parks for several nights, since an offer of shelter was lacking. The Greek Council for Refugees wrote a letter of recommendation that the unaccompanied minor brought with him when he contacted the police. He and his helper in the Greek Council for Refugees, the lawyer Konstatina Zioga, inform us that the police, despite appointments made, have rejected the boy three times. They have asked him to come back for new appointments. The boy remained, after several weeks in Greece, without rights. This illustrates how the authorities make it difficult for people to apply for asylum. Several give up the attempt altogether, says Konstatina from the Greek Council for Refugees[15].

Information for the asylum seekers

Life as an asylum seeker in a foreign land is characterized by insecurity and vulnerability. Proper information about the rights of the asylum seeker, and on what procedures will follow and how they will proceed, contributes to reassure the asylum seeker in his new situation. This information is furthermore meant to contribute to the legal protection of the asylum seeker. This is all the more important when the applicant does not receive legal assistance or help from other qualified instances (cf. Procedure Directive, art. 15).

15 Interview with the unaccompanied minor applicant and lawyer Konstatina Zioga from the Greek Council for Refugees 11 March 2008.

The EU Procedure Directive, art. 10 (1a), states that all asylum seekers "shall be informed in a language which they may reasonably be supposed to understand of the procedure to be followed and of their rights and obligations during the procedure and the possible consequences of not complying with their obligations and not cooperating with the authorities."

The Dublin II Regulation also obliges the Member States to inform the asylum seeker about the Dublin procedure. "The asylum seeker shall be informed in writing in a language that he or she may reasonably be expected to understand regarding the application of this Regulation, its time limits and its effects." (art. 3 (4)).

Despite the existence of these formal obligations for the Member States, asylum seekers in Greece are not being informed about the asylum procedure and their rights and obligations in a systematic and adequate manner. There does exist, however, an information leaflet developed by the UNHCR in cooperation with Greek authorities. It exists in five languages: English, French, Turkish, Persian and Arabic. The leaflet gives an overview of the fundamental principles of right to asylum and the rules concerning asylum seekers in Greece. Among other things it informs about where and how a claim for asylum should be lodged, about the right to an interpreter and to legal counsel, and about rights during the period of examination as well as the right to appeal. According to the UNHCR this is the first information leaflet for asylum seekers ever made in Greece. It is intended to be handed out to all asylum seekers, including "illegal immigrants", i.e. persons held in custody after being caught crossing the border illegally. The UNHCR considers this leaflet a "positive step", but informs that it is not "properly distributed"[16]. Also the Greek Council for Refugees, lawyers of the Greek Helsinki Monitor and Greek Group of Lawyers for the Rights of Refugees and Migrants, state that they rarely see the leaflet being handed out. UNHCR informs us that the leaflet is given to asylum seekers when the UNHCR visits, for instance, the Attica Police Asylum Department. Yet none of the asylum seekers we were in touch with had any knowledge of this leaflet. One should also note that even if the leaflet is translated into five languages, many asylum seekers will still remain unable to grasp and understand its contents.

Concerning information to persons detained by the police, the Council of Europe Anti-Torture Committee, in its latest report on Greece, appeals to Greek authorities "to ensure that forms setting out the rights of persons brought into police custody are systematically provided to such persons, in the appropriate languages, at the very outset of their custody.

16 Conversation with the UNHCR office in Athens, Head of office, Giorgos Tsarbopoulos and Protection Officer, Kalliopi Stefanaki, 11 March 2008.

The asylum interview

"The police officer asked a couple of simple questions, like how I got to Greece and how much I had to pay the smuggler. He also asked if I came to Greece to get a better life. I answered "yes". That was all. The whole interview lasted for 2-3 minutes"[17]

The asylum interview is fundamental in the asylum process. It is based on this interview that the authorities make their decision in an asylum case. Therefore it is vital, in order to assure the legal protection of the applicant, that the interview is carried out in a qualitatively appropriate fashion, so that the grounds for applying for asylum appear as clearly as possible. The EU Procedure Directive therefore states: "Member States shall take appropriate steps to ensure that personal interviews are conducted under conditions which allow applicants to present the grounds for their applications in a comprehensive manner" (art. 13 (3)).

In Greece the asylum interview is conducted by police officers (see art. 2.3 of Presidential Decree 61/1999). This most often happens at the Attica Police Asylum Department. In 2007 there were 11-13 police officers (10-12 at the Attica Police Asylum Department and one at the Airport) that were responsible for interviewing most of the approximately 25,000 asylum seekers arriving in Greece that year.

The UNHCR Protection Officer in Greece, Kalliopi Stefanaki, states that according to information she has received from the police officers, approximately 80 interviews are carried out every day at the Attica Police Station. Interviews are only conducted on regular working days[18].

According to both NGOs and asylum seekers we have spoken with, the interviews are brief and superficial. The asylum seekers are as a rule not given the possibility to present and explain "the grounds for their applications in a comprehensive manner", as demanded by the Procedure Directive. The interview is just a formality. Police officers ask about the route, how much applicants paid to be smuggled, and other formalities. Questions about grounds for claiming protection are not always asked, and not in a systematic fashion.

UNHCR's office in Greece informs that it monitors proceedings at the Attica Police Asylum Department once a week. Even if things seem to function somewhat better when the UNHCR is present, they, too, have observed that the "police officers only ask some routine questions to fill in their forms. They ask a little about relatives, place of origin, and briefly about the grounds for applying for asylum, for instance why one left one's home country". UNHCR characterizes this as

17 Afghan asylum seeker in Greece, conversation with NOAS and the Helsinki Committee, 10 March 2008.

18 Telephone conversation between Sylo Taraku, NOAS, and Protection Officer Kalliopi Stefanaki at the UNHCR in Greece, 31 March 2008.

a "problem of capacity". In the view of UNHCR, Greek authorities have not set aside sufficient financial means to be able to conduct the interviews in a satisfactory manner. The UNHCR in Greece has therefore called on the authorities to increase the number of interviewers and improve access to interpreters[19]. This has yielded results. On 28 March 2008 Greek authorities informed the UNHCR that as of 24 March 2008 they have increased the capacity at the Athens Airport with two new officers to assist the original one in carrying out the asylum interviews[20].

As mentioned, the short interviews conducted at the Attica Police Asylum Department are very superficial, and do not provide a sound base for examining the particular asylum cases. "Because of the way the interviews are carried out, it remains impossible for instance to identify torture victims in need of medical attention and treatment", says Marianna Tzeferakou from Greek Group of Lawyers.

The interview is signed by the applicant, but without him/her understanding the content, because there is no time to translate it. Also, the applicant is normally not given the possibility to go through the interview report, to correct possible errors or misunderstandings. Furthermore, the applicant does not normally receive a copy of the interview report. According to the UNHCR, the police is under "a high pressure to finish the job, they will not make any effort to copy the interview reports to asylum seekers".

The police officers interviewing the asylum seekers do not themselves decide the asylum cases. However, based on the short interview, they make a recommendation to the Ministry of the Interior, the instance deciding whether a person is granted asylum or not. The conclusion of the police officer in the asylum report is normally: "Came for economic reasons", or something similar. This is confirmed also by the UNHCR, which has gone through many cases in connection with a study on the implementation of the EU Qualification Directive. In this regard, the UNHCR writes: "In the overwhelming majority of the reviewed case files, the interviewing police officer registered that the reasons for departure from the country of origin were 'economic'".[21]

Marianna Tzeferakou from Greek Group of Lawyers[22] claims that the police officers seem to be ordered by their superiors to write a negative recommendation in every single case. She has furthermore observed a case where the police officer evidently believed the asylum seeker and felt compassion, but still recommended rejection of the claim for asylum. The police officer told the lawyer from Greek Group of Lawyers that he had orders from above to write such a recommendation.

19 Conversation with the UNHCR office in Athens, Head of office, Giorgos Tsarbopoulos and Protection Officer Kalliopi Stefanaki, 11 March 2008

20 Telephone conversation between Sylo Taraku, NOAS, and Protection Officer Kalliopi Stefanaki at the UNHCR in Greece, 31 March 2008.

21 UNHCR: Asylum in the European Union - A study of the implementation of the Qualification Directive, November 2007, page 31 – 34.

22 Conversation with lawyer Marianna Tzeferakou, Athens, 11 March 2008

This recommendation also almost always suggests that the application is to be examined under the Accelerated Procedure, which under the law is selected for manifestly unfounded applications. Thus, as a rule applications submitted by Iraqis, Afghanis and Sudanese from Darfur are considered as manifestly unfounded. Under Greek law Accelerated Procedure entails shorter deadline for appeal (only ten days, while under Normal Procedure the deadline is 30 days) and denies the applicant the right to ask for reviewing of his case after a final decision.

Nikolaos Stavrakakis, from the Ministry of the Interior, informed us that the recommendation from the police was "non-binding"[23]. Regardless of whether the recommendations from the police officers are founded on realities, ordered from above, binding or not, the numbers from the statistics on decisions, speak for themselves. Practically all applications for asylum in Greece are denied. In 2007 only 0.04 per cent of all applications were granted after examination in the first instance.

Interpretation

> *"They spoke in Greek with me. That was actually not an interview, just some few simple questions and finished. Without interpreter"*[24].

The quality of an interview presupposes that the interviewer and the person being interviewed understand each other. In asylum cases the use of an interpreter most often represents a necessary measure to make this communication possible. According to the EU Procedure Directive Member States are obliged to: *"select an interpreter who is able to ensure appropriate communication between the applicant and the person who conducts the interview. The communication need not necessarily take place in the language preferred by the applicant for asylum if there is another language which he/she may reasonably be supposed to understand and in which he/she is able to communicate". (art. 13(3) b).*

The police have available interpreters. Some interpreters are employed in the police, otherwise freelance interpreters are used. The Ministry of Interior claims that everybody gets access to interpreters, and there are interpreters for most languages, except for certain minor ones. This, however, is not in accordance with what other sources state. The available interpreters cover far from all languages; on the contrary, interpreters used by the police cover only a small number of languages, such as Arabic, Farsi, Urdu, Bangladeshi, Singhalese, Russian, Kurdish, Turkish, and possibly a few more. There are, however, many languages and separate dialects that these interpreters not can handle. Greek Helsinki Monitor has not seen interpreters mastering Amharic,

23 Conversation with Nikolaos Stavrakakis from the Ministry of the Interior, Department of Aliens and Migration in Athens, 12 March 2008.

24 Khaliq, asylum seeker from Afghanistan. Conversation with NOAS and NHC, Athens, 10 March 2008. He speaks about his interview at Athens Airport, where interpreters are normally not used during the interview.

Tamil, Azeri, etc. UNHCR says that "Somalis are not covered by interpreters in Petrou Ralli (the offices of Attica Police Asylum Department)"[25]. The lack of interpreters results in many interviews being conducted in bad English, as neither the police officer nor the asylum seeker has a satisfactory command of English. There are also instances where the interpreter is left alone with the applicant. An asylum seeker told us that he was interviewed by the interpreter. Since several of the interpreters used in the Attica Police Asylum Department are regular employees within the police, it is not transparent whether their role is only to interpret, or whether they are responsible for actually carrying out the asylum interview. If this is the case, such a confusion of different roles may leave the asylum seekers afflicted feeling bewildered and uncertain.

In any case, a precondition for conducting a satisfactory interview is that the interviewer has the necessary qualifications. It is the Ministry of Interior which is responsible for interpreters. Yet, according to NGOs that we spoke with, there are no criteria to ensure competency, no routines to ensure that interpreters are qualified, no formal examination of the ability of interpreters. Since interpreters are badly paid, it is hard to get well-qualified interpreters, even for court cases. Greek authorities, then, face significant challenges also in this field, to ensure the safeguarding of fundamental legal protection when dealing with asylum cases.

At the Athens Airport all asylum seekers transferred from other countries, in accordance with the Dublin II Regulation, are received by the police and automatically put in custody. All are interviewed by a police officer. None of the transferred asylum seekers we spoke with said that the police used an interpreter during this interview at the airport. Only one person informed that the police had used an interpreter, via telephone, but not to interview him, only to persuade him to let the police take his fingerprints. Authorities, on the other hand, claimed that interpreters are present at the airport[26].

First instance examination of asylum cases

Article 8 in the Procedure Directive outlines the criteria for what constitutes an "appropriate examination" of a claim for asylum. Thus it follows from this Directive that the decision should be made "individually, objectively and impartially" and that "precise and up-to-date information is obtained from various sources". In chapter II of the Qualification Directive, standards are given for the "Assessment of Applications for International Protection". Article 4 contains a long list of "facts and circumstances" that have to be examined in every single case.

25 E-mail correspondence, 3 April 2008 between Sylo Taraku, NOAS, and Kalliopi Stefanaki, Protection Officer of UNHCR in Greece.

26 Conversation with Nikolaos Stavrakakis from the Ministry of the Interior, Department of Aliens and Migration in Athens, 12 March 2008.

In its Handbook on Procedures and Criteria for Determining Refugee Status, UNHCR recommends that the examiner must "ensure that the applicant presents his case as fully as possible and with all available evidence"[27].

Considering the very poor quality of asylum interviews in Greece, as shown above, the basis for examining the applicant's individual needs of protection is very slight. And the examination of the cases does indeed appear as summary and as the result of a routine process – directly counter to what UNHCR recommends in its Handbook, where it is concluded that "the determination of refugee status is by no means a mechanical and routine process. On the contrary, it calls for specialized knowledge, training and experience and - what is more important - an understanding of the particular situation of the applicant and of the human factors involved" [28].

It is the Secretary General of the Ministry of Interior that decides the asylum cases in the first instance. The examination is made based on the interview report and the "non-binding" recommendation of the police officer who conducted the interview. A very short and superficial report ordinarily failing to mention much concerning the applicant's grounds for seeking asylum makes it hard, even for an experienced functionary, to evaluate if he/she is faced with a person in individual need of protection. Regardless of the limited nature of the examination, it is not common that any remaining doubt benefits the asylum seeker, as presupposed in the UNHCR Handbook. In reality practically all first instance cases are rejected. Of 20.692 applications for asylum examined in 2007, only 8 were granted (0.04 per cent)[29].

In the report "Asylum in the European Union - A study of the implementation of the Qualification Directive, November 2007"[30], UNHCR has pointed out the serious shortcomings in the asylum examination process in Greece. Preceding this report, 305 first instance decisions by the Ministry of The Interior were examined by UNHCR. The cases concerned asylum seekers coming from Sudan, Iraq, Afghanistan, Somalia and Sri Lanka. All the applications had been rejected, and none of the decisions "contained any reference to the facts and none contained any detailed legal reasoning". According to the UNHCR all the rejections were explained with the following standard phrase:

> *"The asylum application is rejected and the asylum applicant is not recognized as a refugee because the subjective and objective elements of the well-founded fear of persecution, necessary elements for the recognition of the refugee status according to article 1 A 2 of the 1951 Convention, are not met. In particular, the allegations are vague and cannot justify that s/*

27 Handbook on Procedures and Criteria for Determining Refugee Status, Part two – Procedures for the Determination of Refugee Status. UNHCR, 1979.

28 UNHCR handbook, Conclusion.

29 Statistical information on asylum in Greece (1997 – 2007). Figures as provided officially to UNHCR by the Greek authorities (Ministry of Interior).

30 UNHCR: Asylum in the European Union - A study of the implementation of the Qualification Directive, November 2007, page 31 – 34. http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=473050632

> *he suffered or will suffer any individual persecution* ***by the authorities of his country*** *for reasons of tribe, religion, ethnic group, social group or political opinion. It is obvious that s/he abandoned his country in order to find a job and improve his living conditions. S/he neither showed nor handed in any national passport or any other travel documents". [Author's emphasis].*

In its report the UNHCR continues: "Not only was it impossible to deduce the interpretation of the law applied by the Ministry of the Interior from these first instance decisions, but it was impossible to deduce from the decisions alone whether the law was applied at all".

As a consequence of the way cases are handled in Greece, and the low number of granted applications, one reasonably has to assume that many real refugees end up without ever having their refugee status recognized. As a result they are forced to survive under unworthy material conditions in Greece, and with an immediate and ever-present risk of *refoulement* – of being returned to their home country. Under such circumstances it is therefore not strange that some persons travel on to other European countries to seek protection.

The lawyer Marianna Tzeferakou informs how Greek authorities practically consider all applications for asylum as groundless, and treat them accordingly: "What can one say, when even a 15 year old unaccompanied, minor, torture victim from Eritrea is considered to have an evidently groundless case, and is being examined according to accelerated procedures?" This case has also been mentioned in Athens News, 29 February 2008, together with other cases considered "evidently groundless" by Greek authorities. In the article, Efthalia Pappa, "director of the local Ecumenical Refugee Programme - an office set up by the Holy Synod to help asylum-seekers and refugees", states that "(d)espite all the evidence presented by the boy, authorities concluded that his claim was unfounded. The same thing happened to a woman from Somalia, whom authorities actually tried to deport last month. Fortunately, the airline refused to let her board the plane. She was taken back to Korydallos prison, but we helped her so she now has a chance for her asylum claim to be heard."[31]

Notification of decision and of right to appeal

By Article 10 (e) of the Procedure Directive, the Member States are obliged to inform the asylum seekers about "the result of the decision by the determining authority in a language that they may reasonably be supposed to understand when they are not assisted or represented by a legal adviser or other counsellor and when free legal assistance is not available. The information provided shall include information on how to challenge a negative decision in accordance with the provisions of Article 9(2)".

31 ATHENS NEWS , 29/02/2008, page: A13, http://www.athensnews.gr/athweb/nathens.prnt_article?e=C&f=13276&t=11&m=A13&aa=1

One of the serious shortcomings of legal protection in the Greek asylum system is that many asylum seekers are not notified about the rejection of their claim in the first instance examination, and thereby loose their right to appeal the decision. Applicants lose their right to appeal mainly because of the three following reasons:

A) The applicant is given a decision in Greek and is not informed in his/her language about its content and his/her right to appeal.
B) The applicant is not given the decision because according to the Police he/she wasn't found at the address he/she had declared or he/she has not declared any address,
C If the applicant receives the decision he/she does not know where and how to lodge an appeal unless he/she can find immediately a lawyer or a NGO that will have the resources to help him/her promptly.

The authorities have been criticized for a long time by the Greek Ombudsman and NGOs about their practice in notifying the applicant about first instance decisions. Greek Helsinki Monitor and other NGOs have experienced that in many cases where the Police said that they couldn't find the applicant, he/she was, indeed, proven to stay at the given address

Occasionally decisions are sent to the Greek Council for Refugees, or the decisions are posted on a public notice board in the municipality. It is therefore rather random who receives his decision and who not. Asylum seekers without good education or financial means have slim possibilities of exercising their right to appeal. Many asylum seekers get to know about the decision only when they contact the police to have their asylum ID-card renewed.

An appeal against a rejection has to be sent to the Ministry of Interior. This has to be done within a deadline of 30 days if the case is treated according to Standard Procedure, and within 10 days if it is treated according to the Accelerated Procedure. The deadline is calculated from the day the decision was given to the applicant or posted on the public notice board.

In 2006 less than half the first instance rejections were appealed (5.247 of 12.267 cases). In 2007 the number of complaints has increased: approximately 17.000 of 25.000 have appealed the first instance decision[32]. The reason why more applicants have appealed in 2007 is that the Attica Police Asylum Department during the first half of 2007 gave the asylum seekers an appeal form to fill in when they received a rejection. "The police did this for practical reasons. A significant number of asylum seekers contact the police, including those that want to hand in an appeal. The police aimed to make work more efficient. This practice has been changed again, however, and the police is no longer extending this type of offer"[33]

32 Statistical information on asylum in Greece (1997 – 2007). Figures as provided officially to UNHCR by the Greek authorities (Ministry of the Interior).

33 Telephone conversation between Sylo Taraku, NOAS, and UNHCR Greece Protection Officer Kalliopi Stefanaki, 31 March 2008.

It is therefore reasonable to assume that the number of asylum seekers who will loose their right to appeal due to practical and administrative obstacles will be higher in 2008.

Legal assistance and representation

One of the main obligations according to the EU Procedure Directive is the guarantee of the right of asylum seekers to "legal assistance and representation". Article 15 of the directive reads as follows:

"1. Member States shall allow applicants for asylum the opportunity, at their own cost, to consult in an effective manner a legal adviser or other counselor, admitted or permitted as such under national law, on matters relating to their asylum applications.

2. In the event of a negative decision by a determining authority, Member States shall ensure that free legal assistance and/or representation be granted on request, subject to the provisions of paragraph 3."

These obligations were, however, not followed up in Greece. Marianna Tzeferakou from Greek Group of Lawyers said the following to us: "Greek authorities don't provide any legal aid for asylum seekers at any stage of the asylum process. There are no provisions about that in Greek legislation. The only legal assistance that is given to asylum seekers is provided by NGOs on project basis, co-financed by European refugee funds".

Asylum seekers are as a rule given no information about the right to legal assistance and about how help can be obtained. Lawyers have to contact asylum seekers on their own initiative in order to help them, since there is no arrangement whereby asylum seekers are assigned a legal representative by the authorities. It is the experience of Greek Helsinki Monitor that lawyers are not always given access to detention facilities where asylum seekers are held in custody, as they sometimes have to give the names of their clients in order to be admitted. Such regulations are in themselves an obstacle.

It is also a problem that there are very few lawyers in Greece who work on asylum cases. According to NGOs we talked with, there are about 15 lawyers who offer free legal assistance for asylum seekers. These are procured by NGOs, and are financed partly with means from Greek authorities, and partly through grants from the European Refugee Fund. There are also about 10 volunteers who try to help. In addition, there are a few lawyers who work with asylum cases on a purely commercial basis. Compared to the large number of asylum seekers the total number of persons offering legal assistance is too small, and comes nowhere near answering the extremely urgent need for legal assistance among asylum seekers in Greece, especially in light of the many negative decisions.

Spyros Kouloheris, the director of the legal section of Greek Council for Refugees, says that the lawyers' time is mainly spent in helping asylum seekers obtain access to the asylum procedure and to deal with other administrative matters – matters which nevertheless are of practical importance – for example finding a reception place. According to him there is little or no time for writing, on behalf of the applicant, a substantial complaint against a refusal in individual asylum cases[34].

The reality described above is also confirmed by Marianna Tzeferakou from Greek Group of Lawyers: "Asylum seekers in Greece don't have a real legal representation to appeal. There are just a few lawyers who work with asylum cases, mostly with bureaucratic work. We don't have access to the asylum seekers' files, and we don't have time to write about violations we see in the asylum process every day"[35].

As a result of lack of legal assistance and/or limited resources among those who provide legal assistance, the complaints as well as the interview reports tend as a rule to be short and superficial. The complaints usually do not contain more than a few sentences stating that an appeal is lodged against the decision. This naturally means that the basis for a real and thorough examination of the individual grounds for seeking asylum in the instance of appeal is very poor indeed.

Examination of appeals

The possibility for a two-instance examination of an application is an essential principle in the exercise of all public administration. In this connection it is also an important legal principle that one and the same instance should not examine the application as well as the appeal. This is in order to ensure that the case receives an actual re-examination in the instance of appeal. The asylum seekers often come from some the world's worst dictatorships, or from countries characterized by lawlessness, conflict or war. A wrong decision in an asylum case can have fatal consequences for the person or family in question. For this reason adequate guarantees of legal protection during the examination of asylum cases are particularly important. Discovering a wrong assessment in the first instance and/or new information or evidence presented after the case has been dealt with in the first instance can lead to the case turning out differently in the instance of appeal. In Greece, a "second opinion" is in practice not ensured in the handling of complaints.

The Ministry of Interior decides the cases in the first instance, but it also has the responsibility of dealing with appeals. When dealing with appeals the usual procedure is that the asylum seeker appears in person to give evidence before an organ called "Consultative Asylum Committee". This is an organ that cannot make any decisions on its own, only give non-binding recommendations to

34 Conversation with Spyros Kouloheris, the leader of the legal section of Greek Council for Refugees, 11 March 2008.

35 Conversation with lawyer Marianna Tzeferakou, Athens, 11 March 2008.

the Ministry. According to UNHCR the recommendations to the Ministry have the following standard wording:

> *"…it was not proven that the applicant faced or is at risk of facing any individual persecution by the authorities of his country for reasons of tribe, religion, ethnic group, social group or political opinion. It is obvious that s/he abandoned his country in order to find a job and improve his living conditions".*

The Consultative Asylum Committee consists of:

1. Legal Counsellor of the Ministry of the Interior, as a chairperson Legal Counsellor of the Foreign Ministry
2. Officer of the Foreign Ministry diplomatic corps
3. Officer of the Greek Police Force
4. Representative of the Athens Bar Association
6. Legal Officer of the UNHCR office in Greece as well as their alternates.

The committee thus mainly consists of representatives of the authorities, and members from UNHCR and the Bar Association are almost always completely overruled.

The UNHCR office in Greece says that UNHCR is represented in this committee by a consultant. When asked whether UNHCR has been critical of the examination of appeals, Protection Officer Kalliopi Stefanaki replies that "UNHCR has always been critical with shortcomings of the asylum procedures in Greece". She further emphasizes that UNHCR tries to contribute to improvements by making concrete proposals[36].

The committee has very little time to hear the asylum seeker thoroughly, consider complaints and discuss these between themselves. According to Marianna Tzeferakou from Greek Group of Lawyers, the role of the committee is rather marginal: "It has no files, nor has it time to interview the asylum seeker in depth. The committee deals with about 70 cases in four hours". This is reflected in its decisions. Statistics concerning the decisions made in the instance of appeal in Greece speak for themselves. Only 2.4 % of the first instance decisions examined were changed in 2007[37].

According to UNHCR, which in connection with its report on the implementation of the Qualification Directive has studied many decisions made by the Ministry of Interior in the course of dealing with complaints, the summary of facts normally consisted of a couple of lines and the standard reason for refusing the complaint was as follows:

36 E-mail correspondence between Sylo Taraku in NOAS and Protection Officer Kalliopi Stefanaki in UNHCR, 4 April 2008.

37 See appendix to this report: Statistical information on asylum in Greece (1997 – 2007).

"The applicant could not justify and prove his/her allegations before the Committee that he abandoned his country in fear for his life…these unsubstantiated allegations, having also taken into consideration the prevailing situation in the country of origin, cannot justify individual fear of persecution by the authorities of his country, in case he returns there, for reasons of tribe, religion, ethnic group, social group or political opinion".[38]

UNHCR further writes that "the appellant's specific 'allegations' are not stated and no other reasons are given for the negative decision".

Even in cases where the committee recommends a favourable decision, as a rule no "justification for the divergence from the recommendation" is given. For this reason Council of State, which is a higher organ that does not examine the contents of the appeals, but considers whether the law has been applied correctly, has cancelled some of these decisions made by the Ministry of Interior.

Thus in our view, the applications for asylum in Greece are not in reality guaranteed a "second opinion" in the course of the examination of the appeal, and this contributes to the lack of legal protection for those who are in need of protection.

Case-processing time

We also regard it as necessary to add that the long case-processing time for a number of asylum cases in Greece in itself gives cause for concern, particularly in view of the lack of social rights and facilities. According to the statistics that UNHCR has received from Greek authorities, 7.150 cases are currently undergoing first-instance examination, while no less than 19.015 cases are undergoing second-instance examination[39]. According to information available to Greek Helsinki Monitor, there are asylum seekers who have had to wait for up to eight years to have their case examined. Cases undergoing fast-track examination may be dealt with in six months. In any case, it seems to be entirely haphazard which cases will take a long time, a fact that places an extra burden on the asylum seekers.

The return practice

Greek authorities do not seem to have a particularly active return practice, in spite of the extremely strict practice of asylum. According to Director of the Legal Department V. Moutsoglou in the Greek Ministry of Foreign Affairs, "Greek authorities expect asylum seekers who have received a rejection to return home on their own, but Greek authorities do not employ force in

38 UNHCR: Asylum in the European Union - A study of the implementation of the Qualification Directive, November 2007, page 31 – 34.

39 These statistics refer to a period of ten years (1997-2007) and are found as an appendix at the end of this report.

order to send asylum seekers back"[40].

A reason for this may be the absence of a return agreement with the country of origin of the asylum seeker, but it seems more likely that Greek authorities do not give priority to deporting asylum seekers for financial reasons. Return of asylum seekers costs money, in particular when the number of persons is as large as it is in Greece, i.e. tens of thousands. In Greece efforts are not made to facilitate voluntary return.

Some deportations are nevertheless effected. As far as Iraqis are concerned we know that in 2007 Greek authorities deported a large number of persons, most of them to Turkey in accordance with the bilateral "readmission agreement" between the two countries. As a result of this agreement on "combating crime, especially terrorism, organised crime, illicit drug trafficking and illegal migration", which was entered into in 2001, Greece has returned hundreds of Iraqis to Turkey.

The main argument of the Greek authorities for justifying their practice of return to Turkey was that the Iraqis hadn't applied for asylum. Some of these probably didn't intend primarily to apply for asylum in Greece, but wanted to move on to some other European country (preferably Sweden at that time), where they believed that their claim would have a better chance. Others apparently didn't get access to an asylum procedure at the border. The surprising disproportion between the negligible number of refugees applying for asylum at the border and the long queues in front of the Attica Police Asylum Department offices in Athens clearly indicates that arriving refugees do in the end prefer to lodge an application in Greece. The possibility of doing so at the border is clearly not satisfactory.

Furthermore, Turkey has in fact deported some of the Iraqis returned from Greece, to Iraq. Had these asylum seekers received proper information about the consequences of not lodging a claim for asylum, it is reasonable to assume that many of them would have applied for asylum in Greece, even if Greece was not their favoured destination. We here see how a lack of information from the authorities may lead to de facto *refoulement*, something Greece is internationally obliged to ensure will not happen.

That's why these returns have been criticized by UNHCR[41]. According to UNHCR this may constitute a breach of the "principle of non-refoulement", as no refugees or asylum seekers, who have not had their case examined properly, can be forcibly returned to a country where their life or freedom will be in danger. The principle of non-refoulement is a fundamental principle in the UN Convention Relating to the Status of Refugees, Article 33(1) which states: "No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion".

40 Conversation with Ambassador V. Moutsoglou, director of Judicial and Administrative Affairs, Ministry of Foreign Affairs, 12 March 2008 in Athens.

41 Press Release, 26 July 2007: "UNHCR deplores reported forced return of 135 Iraqis by Turkey" http://www.unhcr.org/news/NEWS/46a897b2.html

The principle of *non-refoulement* is also stated in other instruments of international law. Thus both The European Convention on Human Rights, Article 3, and the Convention on Torture, Article 3, provides safeguards against the return of individuals to a place where they risk torture or inhuman treatment. In these conventions the safeguard against return is absolute. This is also true for those who do not fulfil the criteria for obtaining status as refugee. This is also the principle in international law invoked in a joint statement in 01.08.2007 from 16 Greek NGOs, among them Greek Helsinki Monitor and Greek Council for Refugees, in which the organizations express their grave concern at the Greek practice of returning Iraqis to Turkey, from where they are returned to Iraq where they risk possible persecution[42].

Afghan asylum seekers in Athens. (Photo: Sylo Taraku)

The NGOs as well as the media have also carried reports of direct return of Iraqi asylum seekers to North Iraq in 2007, or indirect return of Iraqis via Jordan. The lawyer Marianna Tzeferakou from Greek Group of Lawyers says to us that "even if the authorities do not have formal return agreements with the countries of origin of the asylum seekers, this is no guarantee that asylum seekers will not be forced to return". According to her, the problem is also that asylum seekers often risk deportation to a different country from their country of origin. "We have seen examples of deportations of Somalis to Egypt, even if it is not known whether there exists a return agreement between Greece and Egypt".

42 Press release, 1 August 2007: "*Refoulement* of Iraqi citizens fleeing to Greece – Common statement by 16 NGOs", http://cm.greekhelsinki.gr/uploads/2007_files/ghm913_irqi_refugees_english.doc

In the report "The truth may be bitter, but it must be told", the German NGO Pro Asyl and Greek Group of Lawyers criticizes the Greek coast guard for refoulement. "They are detained without contact to the outside world (incommunicado) for several days and are then illegally and forcibly returned to Turkey, where their life and liberty may be at risk or where they are at risk of deportation to their countries of origin". Pro Asyl has documented such returns of minors as well.

An asylum seeker from Iran with whom we have spoken, confirmed with his story the illegal return by Greek authorities to Turkey. He told us how Greek authorities took a group of Iraqis out of custody and forced them to cross the border to Turkey:

> *We were transported in a truck. We were three Iranians, and the rest were Iraqis. In all we were about 30 persons. They collected our cell phones and threw them in the river. There was a commander who beat us with a stick while we climbed into the truck. There were 7-10 persons who escorted us to the border with three or four cars. Two of them were commando soldiers, the others were in civilian clothes, but they carried automatic weapons. They used binoculars to look over to the Turkish border. When all was clear, they forced us to cross the border into Turkey*[43].

43 The Taleb case, see Ch. 6 of this report: Individual accounts by asylum seekers.

3. RECEPTION CONDITIONS AND SOCIAL RIGHTS

The police asked me a couple of questions, and that was that. Later they said, "Go!" I asked them, "Where?" They replied, "Wherever you like". I tried to tell them that I did not have anywhere to go, but they threw me out.[44]

It is a question of Human Rights

Article 25 in the UN Declaration on Human Rights states: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control"[45].

The minimum standard as stated here is also provided for in the EU Reception Directive. It emerges from the preparatory documents to the Directive[46] that failure to offer asylum seekers any form of material assistance is contrary to international law, according to the UN Convention on Human Rights Regarding Economic, Social, and Cultural Rights and the EU Human Rights Charter.

The Reception Directive is intended to ensure that there is provision for the fundamental rights of asylum seekers in connection with housing, health services and schools. In the directive there are general and specific rules concerning housing, freedom of movement, information, the unity of the family, medical care, education and employment. The Member States are free to establish higher standards than the minimum standards of the directive (Article 4). Greece, however, is a depressing example of the opposite.

Unworthy Reception Conditions

The social conditions for asylum seekers during the examination of their claim for asylum are unacceptable. In spite of the fact that tens of thousands of asylum seekers are waiting for their applications for asylum to be examined, only few places are available for lodging asylum seekers. According to Greek Council for Refugees, represented by its coordinator for social services, Alexandros Anastasiou, there are a total of five reception centres for asylum seekers inn Greece.

44 Zafari, Asylum Seeker from Afghanistan, transferred to Greece from Great Britain, February 2008. Read his story under the sections "Individual accounts by asylum seekers".

45 Universal Declaration of Human Rights: http://www.un.org/Overview/rights.html

46 Vigdis Vevstad, *Utviklingen av et felles europeisk asylsystem* [The development of a common European system of asylum] (2006)

The three biggest are in Lavrio, Thessaloniki and Sperxeiada, in addition there are two smaller reception centres for unaccompanied minors in Crete and Volos. In addition there are three more small accommodation centres in Athens and some further arrangements for temporary accommodation in hotels and private apartments for more acute cases. The latter comprise less than a hundred individuals[47]. In total there are approximately 750 places available at these reception and accommodation centres.

It is The Ministry of Health and Social Solidarity that is responsible for establishing reception facilities as well as organizing the accommodation of asylum seekers after they have registered their claim and been given a Pink Card. This is on condition that the asylum seeker submits an application in which he/she should inform the police that he or she is homeless (although this provision isn't included in the text of the 2003/9/EC Directive it has been added in the Greek Presidential Decree 220/2007 which transposed it) The police should then report this to The Ministry of Health and Social Solidarity which is then responsible for finding accommodation for the asylum seeker.

In other words, the problem is, firstly, that many asylum seekers who are homeless do not know, or are not informed, that they must declare to the police that they are homeless, to be eligible for a place at a reception centre**.** Secondly, there is usually little to be gained by declaring oneself to be homeless. There is in no case sufficient places at the reception centres for all asylum seekers, so being lodged in a reception centre is in reality not a guaranteed right. In reality the number of places actually offered in reception centres is negligible.

In Greece, we met a family from Afghanistan who had a year and a half old baby. They had been transferred from Belgium to Greece on 19 February 2008 in accordance with the Dublin II Regulation. They have spent several days in a park in Athens. At night they were allowed to sleep in the hall of an Afghan. However, Greek Council for Refugees had obtained temporary accommodation for them in a hotel, but the family told us that they had no money to buy food or medicines, and urgently entreated us to help them[48]. Greek Council for Refugees is the only Greek organization that besides giving legal assistance is also in charge of social aid to asylum seekers

The European Court of Justice made a ruling in 2007 against Greece "for its failure to adopt the laws, regulations and administrative provisions necessary to comply with Council Directive 2003/9/EC of 27 January 2003, laying down minimum standards for the reception of asylum seekers"[49].

After this, Greece has incorporated the Reception Directive into Greek law, but the conditions of reception have nevertheless failed to improve. According to UNHCR and NGOs with which we

47 Conversation with Alexandros Anastasiou at Greek Council for Refugees, 11 March 2008.

48 Conversation with the Ahmadi family in the office of Greek Council for Refugees, 11 March 2008.

49 Judgement of the Court (Fifth Chamber) of 19 April 2007 – Commission of the European Communities v Hellenic Republic (Case C – 72/06), OJ 96/16 of 28 April 2007.

spoke, there are no signs or indications that the authorities plan to establish more reception places, nor were we successful in obtaining any information about plans to substantially increase the reception capacity.

The large majority of the asylum seekers remain completely without social assistance with regard to accommodation and/or other forms of social assistance. Greece is in practice a country where asylum seekers and refugees are almost entirely left to their own devices. In many cases this means working in the black labor market, for minimal wages and in difficult working conditions. Among the types of jobs that migrants and refugees take in order to survive, are selling water along the roads, clean car windows at crossroads, make their children sell roses in cafés, or in the worst case, drug trafficking and prostitution. We were told by some Afghan asylum seekers we met that those who are fortunate and who know a little of the language, are able to find a job. They get one Euro per hour, and it is usually a question of heavy physical work or work which is harmful to their health.

We met a large group of Afghan asylum seekers who were gathered in the bare premises of the Afghan association "Noor Cultural and Art Society" in Athens. The leader of the association, Sukuri Asan Reza, says that among other things, they organize courses in Greek language and training in reading and writing for those who are illiterate. The group of Afghans that we met in the Afghan association seemed resigned. They told us about their difficulties in surviving in Greece and how they are completely without legal rights. The only thing we have received is a Pink Card, which we cannot see is of any use, several of them said.

When Greek Helsinki Monitor urged them to complain to the police, the representative of the Afghan community in Greece, Shah Mubarak, said that it was not so simple: "We fear to take a contact with the police. You cannot stand two minutes in front of police; imagine going inside there and complaining" (…) "We are doing everything they want us to do. Tell us what shall we do? We need answers: on which doors can we knock now?"[50]

According to the coordinator in the Section for social work in Greek Council for Refugees, Alexandros Anastasiou, the few reception centres that exist, are in a deplorable condition. They do not even meet minimum standards. According to him, access to medical care as well as to education is inadequate. Because of lack of financial means, the capacity of the staff is out of proportion with the need for care of those who live there. For example, teaching asylum seekers who are minors is based on volunteers[51].

Many asylum seekers will find it difficult to survive under prevailing conditions in Greece, and since the Dublin II Regulation does not give them the right to have their case examined elsewhere

50 Conversation with Shah Mubarak, Athens, 10 March 2008.

51 Conversation with Alexandros Anastasiou at Greek council for Refugees, 11 March 2008.

in Europe, they could feel forced to return to their country of origin where many of them may be subject to persecution. In this way lack of reception centre space and other fundamental social rights represent an indirect obstacle to protection in Europe.

Those who, because of the above mentioned circumstances, attempt to travel from Greece and claim asylum in other European countries, are again returned to Greece in accordance with the Dublin II Regulation, to a state of limbo without legal protection. The hopeless situation of asylum seekers was expressed in the following way by an Afghan asylum seeker we talked to in Athens: "Greece controls our lives. They neither help us nor let us explore possibilities in other countries."

No improvements in sight

According to our information there are no clear indications that the situation will be substantially improved for asylum seekers in Greece in the immediate future. As mentioned earlier, neither UNHCR nor other NGOs that we spoke with in Athens have seen any discussions or plans for improving the asylum system. The Norwegian embassy in Athens told us, however, that Greek authorities among other things have plans for increasing the capacity at the reception centres[52].

On being asked directly whether Greek authorities have concrete plans for reforming the asylum system, Nikolaos Stavrakakis from the Ministry of the Interior, Department of Aliens and Migration[53] answered that the authorities will design new asylum cards which will replace the "Pink Card" and that they are engaged in enhancing the competence of those responsible for examining asylum cases. There was also some mention of increasing the capacity and with regard to the number of places at reception centres, but we were not given any concrete information. We did not get the impression that any substantial increase in the number of places was being planned, nor a significant reform of the asylum system. NGOs we have talked with suggest that the planned expansion only will amount to some tens of places. This is hardly sufficient, given that more than 25.000 asylum seekers arrived in Greece in 2007.

The situation of unaccompanied minors

> *"It was terrible in Patra. I was chased and run down by the police. Look at my arms. I have tried to get out of Greece, but without success"*[54].

52 Conversation with Norway's Ambassador to Greece, Sverre Stub, in Athens, 12 March 2008

53 Conversation with Nikolaos Stavrakakis from the Ministry of the Interior, Department of Aliens and Migration in Athens, 12 March 2008

54 Conversation with an unaccompanied minor from Afghanistan in the office of Greek Council for Refugees (GCR) in Athens, 11 March 2008. The applicant states that he is 17 years old.

The Camp of Afghan refugees in Patra. Photo: UNHCR.

Far from the norms

An important principle in the EU Reception Directive is the particular attention to vulnerable groups such as minors, cf. Article 17. The Directive gives specific rules for preferential treatment of persons with special needs, such as torture victims and minors.

In accordance with the Convention on Children, Article 3, which states that all actions that concern children should have the best interests of the child as a fundamental concern, the Reception Directive also states the following: "The best interests of the child shall be a primary consideration for Member States when implementing the provisions of this Directive that involve minors".

Concerning guardians, the following is stated in the Reception Directive, Article 19 (1):
Member States shall as soon as possible take measures to ensure the necessary representation of unaccompanied minors by legal guardianship or, where necessary, representation by an organisation which is responsible for the care and well-being of minors, or by any other appropriate representation. Regular assessments shall be made by the appropriate authorities."

As mentioned above in this report, Greece has incorporated the Reception Directive in its legislation, but the situation for unaccompanied minors is nevertheless unacceptable. According to Greek Group of Lawyers, represented by Marianna Tzeferakou, conditions of reception in Greece result in many unaccompanied minors ending up as homeless. "There are hundreds of them. They are left entirely to their own devices, without access to a guardian or other fundamental rights. We do not know what happens to them. Some are exploited on the labour market or become victims of trafficking. I know of a ten year old boy who was held in custody. The police could identify him as a separated minor if they wanted to do so". The lawyer Konstatina Zioga in Greek Council for Refugees also says that there are many minors who disappear. "We miss a track on them".

Nobody knows how many asylum seekers or migrants who are unaccompanied minors actually live in Greece. According to the UNHCR office in Greece there are "no official statistics as to unaccompanied minors in general (no data of arrests/deportations with age breakdown)". They further state that the authorities make use of various mutually contradictory statistics. While the Asylum Department of the Ministry of Interior says that only 44 unaccompanied minors (asylum seekers?) were registered in 2007, the Ministry of Health and Social Solidarity states that the reception centres have registered 144 unaccompanied minors during the same period. According to UNHCR neither the first nor the second statistics are trustworthy: "Certainly, the number of unaccompanied minors arriving should be much higher…"[55]

In the Greek asylum process there is no system for identifying unaccompanied minors and ensure that they receive the help and assistance that they require. Hence unaccompanied minors who come, or are sent, to Greece are not guaranteed adequate help. Not only that, but they risk suffering while held in custody in Greek jails or temporary camps established for irregular immigrants, as well as being exploited on the illegal labor market or, in the worst case, be subjected to criminal acts or forced to commit such acts. This is a natural consequence of the lack of help from the authorities. There are two reception centres for unaccompanied minors in Greece, Crete and Volos, and some other smaller reception centres in Athens able to lodge less than fifty individuals. Greek Council for Refugees, represented by Alexandros Anastasiou, responsible for social services, says that minors are not guaranteed education, since teaching them is based on local volunteers[56]. The rights of asylum seekers who are minors are thus not met by the authorities who fail to provide the education they are entitled to, in the same way as Greek children. Who receives assistance, and the extent of such assistance, seems to be entirely left to chance. As in the case of other asylum seekers (cf. above), having their claims for asylum registered is far from unproblematic for unaccompanied minors.

The unaccompanied minor who was quoted at the head of this chapter had to spend the night in a park before Greek Council for Refugees took charge of him and placed him in a hotel. He

55 E-mail correspondence, 3 April 2008, between Sylo Taraku, NOAS, and Kalliopi Stefanaki, Protection Officer of UNHCR in Greece.

56 Conversation with Alexandros Anastasiou at the Greek Council for Refugees, 11 March 2008.

definitely looks like a minor and is all by himself, without a guardian or others to support him. He says that he came in a rubber boat on the sea, and was taken into custody at Mitilini on the island of Lesbos. According to him, they were given two meals a day in the at Mytilini. After two days he got a letter ordering him to leave Greece. He tried to reach Italy from the port of Patras. At Patras he was pursued by a police car and run down from behind. He showed us visible scars on both arms. He lived in the tents of some Afghans for a few days. He made a new attempt to go to Italy, but without success. Thereupon he was advised to go to Athens where he contacted Greek Council for Refugees. The organization wrote a letter of introduction so that he could gain access to Attica Police Asylum Department in Petron Ralli. The police received him and took his fingerprints. He was not given a Pink Card, only an appointment for an interview on 29 February. Then he was left to his own devices. When he returned as agreed for the interview on 29 February, however, the police did not have time to interview him. He was given a new appointment for 11 March. He then lived in one of the city parks until 3 March, when Greek Council for Refugees placed him in a hotel. When we interviewed him on 11 March he was told to come back the following day.

This happens even though he is among the few who are helped by a lawyer. His contact in Greek Council of Refugees, the lawyer Konstatina Zioga, says that there are many similar cases. According to her it is extremely difficult to find accommodation for separated minors. "It takes from one to four months to find a place for a minor. They are not provided with guardians. The worst is that we often lose contact with them, and that they simply disappear. We don't know what happens to them. There is nobody who takes responsibility for them"[57].

What this minor states concerning his stay in custody at Mitilini together with adults, is confirmed by the German organization Pro Asyl. The organization has investigated conditions in the jails on the island of Lesbos in connection with the preparation of their report "The truth may be bitter, but it must told". Under the heading "Minors in Mitilini", the following is reported:

"More than 30 minors from Afghanistan were in detention at the time of our visit. The youngest had just turned ten years age. These children and adolescents were not separated from the adults". They also reported maltreatment by the coast guard and diversion at sea"[58]. Under the heading "The dead refugees of Mitilini" in Pro Asyl's report one can read about the skeletons and unidentified graves of refugees who have died while attempting to reach safety and a better life in Europe. The following, for instance, is related: "On Saturday 23 September 2007 the bodies of two underage boys from Afghanistan were found on the coast of Lesbos"[59].

57 Conversation with Konstatina Zioga from the GCR office in Athens, 12 March 2008.

58 Pro Asyl: "The truth may be bitter, but it must be told". October 2007 (side 25)
http://www.proasyl.de/fileadmin/proasyl/fm_redakteure/Englisch/Griechenlandbericht_Engl.pdf

59 P. 16 in the same report.

4. LEGAL PROTECTION FOR TRANSFERRED ASYLUM SEEKERS FROM OTHER EUROPEAN COUNTRIES

"They don't help us here, and they don't let us find protection in another country either. They are controlling our lives by refusing us the possibility in other countries".[60]

Concerning the Dublin System in general

The Dublin II Regulation provides specific rules concerning which of the countries in the Dublin group, i.e. the EU Member States, Norway, and Iceland, are responsible for examining a given application for asylum made in one of these countries.

The main principle of the regulation is that the member country in which the foreigner initially applied for asylum, or was provided with a Schengen visa, or where an illegal entry from a third country took place, is responsible for examining the application for asylum.

The Dublin II Regulation was approved by The European Council on 18 February 2003 and came into force from September the same year. The Regulation is based on, and at the same time replaces, the Dublin Convention of 1990. The new Regulation was intended to rectify certain deficiencies and unclear points in the previous Convention while at the same time improving legal protection for the individual asylum seeker. A common electronic fingerprint database, called EURODAC, was established, in order to contribute to the effectiveness of the Dublin system.

The declared purpose of the Dublin II Regulation was first and foremost to ensure that all applications for asylum should be processed so as to avoid asylum seekers being sent back and forth between the member countries without having their applications examined ("refugee in orbit"). Secondly, the Regulation was intended to prevent the same person from choosing the country of asylum or prevent the same person from seeking asylum in several member states at the same time, or consecutively ("asylum shopping").

The Dublin System presupposes a mutual obligation to respect the fundamental rights of asylum seekers. All member states are equally bound by The Refugee Convention from 1951, emended by the New York Protocol of 31 March 1967, and other relevant human rights conventions, such as The European Human Rights Convention (1950) and the UN Convention on Torture (1984).

60 Asisi, Asylum Seeker from Afghanistan, transferred from Ireland to Greece in February 2008. Read his story under the section "The individual accounts by Asylum Seekers".

Furthermore, through its directives, EU has taken many steps to harmonize the asylum system inside EU.

The underlying intentions of the legal provisions mentioned above are no doubt praiseworthy, but in reality the premises of the Dublin II Regulation are far from realized. In its recent report, *Sharing Responsibility for Refugee Protection in Europe: Dublin Reconsidered*, The European Council on Refugees and Exiles (ECRE)[61] concludes that "(t)he Dublin Regulation does not promote harmonization of EU asylum systems, seriously impedes integration, and sows dissension among Member States. It simply does not work. Rather than pretending it can be made to work, the Stockholm Programme should repeal the Dublin Regulation".[62]

Same rules – different practice

An important premise for the Dublin Regulation is, as mentioned above, that the evaluation of the need for protection should be approximately the same in all Member States.

Greece is among those countries that lag far behind with regard to meeting its obligations, including the minimum standards established by EU directives on dealing with asylum seekers.

An enquiry made by ECRE in February 2008 concerning the practice of asylum in Europe with regard to Iraqis, clearly illustrates how widely the practice of asylum in different countries can be with regard to one and the same group of refugees. According to ECRE, the percentage of asylum granted in the first instance varies from 0% to 90%. According to figures form UNHCR, a total of 38.386 Iraqis applied for asylum in EU in 2007. Among these, 5.474 applied for asylum in Greece. While no Iraqis have been granted asylum in the first instance in Greece, the percentage of applications granted in Sweden in these cases is 90%. ECRE therefore recommends that EU should immediately "take steps to end the protection lottery faced by Iraqis in Europe"[63].

This enormous difference between e.g. Greece and other Member States of the Dublin II Regulation with regard to examination of claims for asylum does not apply to Iraqis only, but is a general trend. Among all European countries, Greece decidedly has the lowest percentage of cases resulting in the granting of asylum

The Dublin System is intended to ensure the sharing of responsibility between Member States. When a Member State clearly does not fulfill its responsibilities with regard to individuals applying

61 ECRE is an umbrella organization for European NGOs working with questions related to asylum and refugees.

62 ECRE Sharing Responsibility for Refugee Protection in Europe, March 2008, http://www.ecre.org/files/Sharing%20Responsibility_Dublin%20ReconsideredEXSUM.pdf

63 ECRE survey: "Five years on Europe is still ignoring its responsibilities towards Iraqi refugees", http://www.ecre.org/files/Final%20ECRE%202008%20Iraq%20Survey.pdf

for asylum, it follows that transferring such individuals to that country - in spite of awareness of the lack of legal protection for asylum seekers – may in reality be the same as disclaiming all responsibility.

The Dublin II regulation has in fact not cancelled the independent responsibility of Member States under international law for respecting the rights of asylum seekers or for being guilty of direct or indirect *refoulement*. The regulation therefore admits two important exceptions, or, more correctly, two safety valves, viz. "the sovereignty clause" (Article 3(2)) and "the humanitarian clause" (Article 15). In accordance with these regulations, a state is not compelled to transfer an asylum seeker to another Member State, for example Greece. In other words, according to article 3(2) a country can choose to examine a claim for asylum even though it is not responsible for the asylum seeker in question in terms of the criteria of the Dublin II Regulation. The problem, however, is that little use is made of these two clauses by the Member States.

Lack of legal protection for transferred asylum seekers in Greece

Up to this point, the report has described the system of asylum in Greece and looked at its compliance with guarantees of legal protection for refugees in Greece, or rather, the absence of such compliance in connection with its examination of asylum claims. There are no indications that asylum seekers transferred from other European countries can expect to receive better treatment in Greece than other asylum seekers, i.e. those whose initial application for asylum has been made in Greece.

Having spoken with a number of asylum seekers who have been transferred from other European countries, including Norway, in addition to information from other sources in Greece, our conclusion is clear:

- Transferred asylum seekers are automatically taken into custody at the airport, and detained under extremely unsatisfactory conditions.
- There are no guarantees that all the cases which have been transferred in accordance with the Dublin II Regulation will be examined.
- Even when the cases of transferred individuals are examined, elementary guarantees regarding legal protection are not complied with in connection with the hearing of the case.
- The chances of obtaining protection in Greece are almost non-existent, regardless of the grounds for the application.
- There are no guarantees that transferred asylum seekers are given shelter and/or adequate assistance, no matter how physically or psychically ill they may be. They risk having to live in extremely disgraceful conditions.
- Transferred asylum seekers are liable to be deported to their country of origin without having had their cases properly examined, or even examined at all.

The old problem of "interrupted claims" is still not completely overcome

The problem that earlier caused most concern in connection with the Dublin procedure in Greece was that the country's laws and practice of refusing to reopen cases that were interrupted when the asylum seeker left Greece while the case was under examination. Article 2 (8) of the Presidential Decree 61/1999 demands that an applicant notifies authorities about his/her place of residence, and possible changes of address. If an asylum seeker leaves his/her place of residence without notifying authorities, the pending case will be considered as withdrawn and consequently closed. The applicant has the right to appeal the interruption decision within three months, but the criteria to be fulfilled for the appeal to be accepted are so rigorous that the possibility of appeal does not appear to be a realistic one.

As early as October 2004 Norway stopped the transfer of asylum seekers with interrupted claims in Greece. This lasted until December 2006, when Greek authorities officially notified Norway and other countries that they had reviewed this practice, and that the relevant transferred applicants in the future would have their cases examined.[64]

In February 2006, The European Commission initiated an "infringement procedure" against Greece, for violations of the Dublin Regulation, claiming that the country did not examine the cases for which it was responsible in accordance with the Regulation.

In the July 2007 UNHCR note it is stated that Greek authorities have changed their interruption practice in respect to certain asylum seekers returned to Greece, albeit only those returned under the Dublin II Regulation. The note furthermore informs that: " Where the refugee claim was refused at first instance and the decision was notified to the asylum-seeker including through the so-called procedure of "notification to persons of unknown residence" (employed in cases of absence from the declared place of residence) but the asylum-seeker has not appealed against the negative decision within the established time-limit, the first instance decision would be considered definitive with no appeal possibilities." The conclusion inter alia states:

"In cases of "interruption", it should be made possible in all circumstances to reopen the claim. Without these essential guarantees, the transfer of asylum-seekers to Greece under the Dublin II Regulation, bilateral re-admission agreements or otherwise, could have adverse consequences for the persons concerned. With respect to returns under the Dublin II Regulation, in view of the fact that the changes in practice on "interruption" are partial and are not yet set out in law, UNHCR therefore recommends the generous use by Member States of its discretionary power under Article 3(2) of the Dublin II Regulation. UNHCR also encourages Member States to take into account other

64 Telephone conversation between Sylo Taraku, NOAS, and Lars Erik Andersen from the "Dublin Unit" of the Norwegian Directorate of Migration, 14 February 2008.

factors which may impede access to entitlements and benefits for persons in need of international protection and which may lead to indirect *refoulement*."[65]

After practice has been changed Greek authorities have cancelled all earlier decisions on interruption. The impression among NGOs working with asylum cases is that the new practice as a rule is being applied, but not always. A problem remains in that some police officers, for different reasons, disregard the cancellation of earlier interruption decisions, unless a lawyer, NGO or the applicants themselves remind them of it. This is furthermore confirmed in the 2007 annual report of the Greek Ombudsman, where he expresses dissatisfaction with insufficient implementation of the new practice: "We found that some decisions for the interruption of asylum process in Dublin cases had not been actually cancelled, so we had to mediate again in order to have these decisions cancelled, so that the asylum claims can be examined"[66].

Greek authorities had only changed the practice concerning "interruption of claims" but not the legislation. As long as this is the case, the European Commission maintains its "infringement procedure". According to Protection Officer Kalliopi Stefanaki of the UNHCR[67], the Commission has "all right to do so": "This is exactly in line with UNHCR's July position as it was also on this particular legal shortcoming that UNHCR was based to call on the States to make generous use of the art. 3(2) of the Dublin Regulation and examine the asylum claims themselves.(…) …practice is a practice and could equally change again to the worse, as legal guarantees are not there".

This means that even if most interruption decisions are cancelled, there are cases that are not automatically reopened, and as a result certain applicants transferred according to the Dublin Regulation face the earlier problems.

The process in "Dublin-cases"

Below follows a description of the asylum process for asylum seekers who are transferred to Greece from other European countries, in accordance with the Dublin II Regulation:

Asylum seekers are handed over to Greek police at the airport in Athens. The police hold them in custody for a few days, until they have registered their fingerprints and checked their status. If the asylum seeker has applied for asylum in Greece before travelling to the second European country, and has had no reply, the applicant will be released in order to await the reply. If a decision has been made in his case, the asylum seeker will probably have lost the right to make a complaint

65 UNHCR Note: "The return to Greece of asylum-seekers with "interrupted" claims." July 2007: http://www.unhcr.org/cgibin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=46b889b32

66 2007 annual report for the Greek Ombudsman. The report is in Greek, the quote was translated by Greek Helsinki Monitor.

67 E-mail correspondence, 3 April 2008, between Sylo Taraku, NOAS, and Kalliopi Stefanaki, Protection Officer of UNHCR in Greece.

within the set term, cf. above, and the case is accordingly closed. According to our sources, the police will not give the person in question the possibility of having the case taken up again. Instead he will receive an order to leave Greece. This also happens if the asylum seeker says that he has new or essential information or evidence. A practical example of this is that many asylum seekers give false identities in Greece when arrested for illegal crossing of the border, due to the danger of being forced to return to their country of origin without having their case examined. If he, after having been transferred, wishes to state who he really is or where he actually comes from, it will take appropriate legal aid to achieve this, which is rarely available as mentioned above.

If the transferred asylum seeker has not claimed asylum in Greece before, the police will conduct an interview without an interpreter lasting two to three minutes at the airport, provide the asylum seeker with an asylum card and 'inform' him that he should go to Attica Police Asylum Department and give his address within five days. This address should then be written in the Pink Card of the asylum seeker. This information concerning the obligation to provide an address is often given in an inadequate fashion, interpreters not being employed at the airport. But even if the asylum seeker understands the instructions, it happens that he or she does not know where to go. And even if he knows where to go in order to give his address, he will, in most cases, have no address, and will therefore see no reason to contact the police.

Everything would have been somewhat different of someone had told the asylum seeker that he, in the event that he had no address, nevertheless should go to the police and say that he has nowhere to live, so that the police could register in his asylum card that he is "homeless". In that case the Greek state has the obligation to find a shelter for the homeless asylum seeker, according to presidential Decree 220/2007 which transposed the Reception Directive (2003/9/EC). As the asylum card is issued by the airport police, the registering of absence of address could have been done already at that point. The procedures are not devised in order to make life easier for the asylum seeker, however, and because of such administrative obstacles (called "tricks" by NGOs in Greece), transferred asylum seekers often risk loosing real access to the asylum procedure. However, as shown in this report, even when he obtains access to this procedure, this generally only means that he is put on the street with a Pink Card, with almost 100% certainty of refusal in the first instance and about 98% chance of refusal in the court of appeal.

Calls to halt the transfer of asylum seekers to Greece

The application of the Dublin II regulation with regard to Greece, which is the country on which we focus in this report, represents in our opinion a shameful lottery for asylum seekers who ask for protection in Europe.

In a joint letter of 25 January 2008, NOAS and The Norwegian Helsinki Committee pointed out to

Norwegian migration authorities that they have an independent duty to avoid indirect *refoulement* by transferring asylum seekers to Greece.

The decision by UNE of 7 February 2008 to halt the transference of asylum seekers to Greece was welcomed by the UNHCR representative in Greece. The UNHCR Protection Officer in Greece, Kalliopi Stefanaki stated that "it is legitimate that Norway chooses to halt the return of asylum seekers to Greece. UNHCR has in principle called for a more generous use of the sovereignty clause in the Dublin Regulation[68], and we regard it as positive when certain countries practice this". The UNHCR representatives also expressed grave concern at the situation of asylum seekers in Greece[69].

The human rights organization Amnesty International has also taken note of the decision made by Norwegian authorities, which they characterize as "particularly important in light of the poor conditions in which immigration detainees are held in Greece, and the lack of legal guarantees with regard to examination of their asylum claim". Hence Amnesty urges Member States "to make use of Article 3.2 of the Dublin II Regulation allowing Member States to examine an asylum application "even if such examination is not its responsibility under the criteria laid down in this Regulation"[70].

There have been several court decisions in various European countries in so-called "Dublin cases", where the applicant has complained with regard to the decision to put into effect a transfer to Greece. The web-based newspaper "The Local – Sweden's news in English" writes that "a Migration Court in Malmo has stopped an Iraqi asylum seeker from being deported to Greece, angering the head of Sweden's Migration Board. The court cited evidence that Greek authorities don't do enough to ensure that asylum seekers receive a fair hearing and ruled the deportation be called off"[71].

In an appeal to the German Federal Parliament "to stop deportations of refugees to Greece", the German organization Pro Asyl writes that, "Germany must measure the consequences of deportation to Greece against the standard of human rights. Withdrawing to the formal position of not being responsible is inadmissible from a human rights angle". The organization has followed a number of cases of transfer of asylum seekers from Germany to Greece, and their conclusion is clear: "access to the asylum procedure is not guaranteed when an asylum seeker has spent some time in another EU state before making the application. There is a risk of illegal detention after being returned to Greece and of deportation to the persecutor state". In cooperation with the lawyer Marianna Tzeferakou, the organization has closely monitored what happened with a Syrian

68 More about the recommendations of UNHCR concerning a more flexible use of the sovereignty clause, see "The Dublin II Regulation. A UNHCR Discussion Paper. April 2006: http://www.unhcr.org/cgi-bin/texis/vtx/home/opendoc.pdf?tbl=RSDLEGAL&id=4445fe344

69 Conversation with the UNHCR office in Athens represented by its Director, Giorgos Tsarbopoulos, and Protection Officer Kalliopi Stefanaki, 11 March 2008.

70 Amnesty International Public Statement, Greece: No place for an asylum-seeker, 27 February 2008 (AI Index: EUR 25/002/2008).

71 "Court halts Iraqi's deportation to Greece", The Local, 11 March 2008: http://www.thelocal.se/10406/20080311/

asylum seeker who was transferred from Germany to Greece on 22 January 2008, in accordance with the Dublin II Regulation. He had been an asylum seeker in Greece before and in that connection he had stated that he was Palestinian, but his case had been refused in the first instance. As we have mentioned previously in this report, there is no guarantee that transferred asylum seekers can present new information or evidence in order to have their case re-examined in Greece. In its "Dublin decision", German authorities have, however, according to Pro Asyl, based themselves on the assumption that "The applicant can present any impediment to deportation." But instead of being offered access to the asylum procedure, this applicant was held in custody for several weeks. The most absurd of all is that this happened on the grounds of "illegal crossing of the border". Pro Asyl comments this as follows: "It is in no way comprehensible how the implementation of the EU regulation on competence, i.e. deportation to the competent EU member state by state authorities, could constitute an illegal entry. Nevertheless, that is the legal interpretation of the Greek authorities"[72].

ECRE has made a new initiative to make all the EU Member States "to follow the example of Norway by immediately suspending Dublin transfers to Greece"[73]. In this connection the organization has sent a letter to representatives for all the 27 Member States as well as to the European Commission[74].

The Dublin II Regulation and unaccompanied minors

In the Dublin II Regulation there are special rules for unaccompanied minors. In Article 6 the following is stated:

"Where the applicant for asylum is an unaccompanied minor, the Member State responsible for examining the application shall be that where a member of his or her family is legally present, provided that this is in the best interests of the minor.

In the absence of a family member, the Member State responsible for examining the application shall be that where the minor has lodged his or her application for asylum".

This Article is however not entirely clear and may be interpreted in different ways. Thus one may transfer the minor to the country where he claimed asylum instead of that in which his family members are. Another problem may be that the transfer is carried out without ascertaining that family member(s) in fact are in the other "Dublin country".

Norway has a practice exempting unaccompanied minors from the Dublin Regulation, unless the

72 Pro Asyl: "Petition to the German Federal Parliament to stop deportation of refugees to Greece", Frankfurt, 21 February 2008.

73 ECRE Press release. 3 April 2008: Spotlight on Greece – EU asylum lottery under fire" http://www.ecre.org/files/ECRE%20Dublin%20Greece%20press%20release%20%20final.pdf

74 ECRE's letter can be downloaded at: http://www.ecre.org/resources/press_releases/1065

issue is reunion of the child with a family member in another Dublin country, and even then, only if it is considered to be in the best interests of the minor. This obligation, to privilege the best interests of the child, is derived from the Regulation itself, cf. the general tenor of the Convention on Children, and has precedence. In this respect Norway without doubt represents an example of "best practice", and an example to be followed by countries that follow a different practice. Germany, for instance, is perhaps at the other end of the scale as far as unaccompanied minors are concerned. German practice has been criticized both by UNHCR and ECRE. However, as far as the implementation of the Dublin II Regulation with regard to Greece is concerned, Germany has now decided to stop the transfer of unaccompanied minors, after Norway's decision to put a temporary halt to all transfers was announced. This is a positive step from the German side, and here German provides a surprisingly good example compared to many other countries that remain indifferent to what is happening in Greece. Nevertheless we endorse the expectations of Karl Popp from Pro Asyl, viz. that German authorities should go even further and expand the halt to include all other asylum seekers:

"So far, Germany has only suspended the return of minors, but we are now waiting for the [German] ministry of interior to decide whether to extend it to all asylum-seekers based on a presentation we made based on new evidence we got concerning cases [of asylum-seekers] sent back to Athens," (…) "It is all about the problems faced by those who are transferred back to Greece. They are homeless. They have problems gaining access to the asylum department and so on. Our evidence has convinced the responsible federal agency [in Germany] to consider a general transfer stop to Greece, like Norway" [75].

In the light of the natural vulnerability of unaccompanied minors, combined with the highly unpredictable situation that awaits them in Greece, it is in our opinion completely unacceptable to transfer minors to Greece in accordance with the Dublin II Regulation. If the minor has a family member in Greece, one should favour a solution that opens for the other family member to be brought from Greece so as to be reunited with the minor in the other European country, rather than sending the child to an uncertain future in Greece.

"Responsibility sharing"

Criticism that has recently been levelled at Greece from various quarters for the way it treats asylum seekers, worries Greek authorities. In the course of our meetings with representatives from the Ministries of Internal as well as External Affairs in Athens, they expressed dissatisfaction with what they perceived as "unduly unfair criticism" of Greece with regard to treatment of asylum seekers. Greek authorities admit that there are problems with regard to asylum in Greece, but ask

75 Athens News 29/02/2008, page: A13
http://www.athensnews.gr/athweb/nathens.prnt_article?e=C&f=13276&t=11&m=A13&aa=1

that one should take into account the huge challenges faced by a small country having about one million migrants[76].

We fully understand the challenges faced by Greece with regard to immigration due to its geographical position. However, Greece is morally as well as legally bound in accordance with the Convention on Refugees and the human rights conventions to which the country has acceded, and a perception of a *large influx of asylum seekers* or *migratory pressure* legitimate neither breaches of fundamental human rights nor of the more specific rights of asylum seekers and refugees. As for the question of "responsibility sharing" with regard to asylum seekers who come to Europe, we agree that it does not at the present moment appear fair or expressing sufficiently solidarity taking the number of arrivals into account compared to the size of the population, the economy etc. In this connection we agree with ECRE which in its recent report *Sharing Responsibility for Refugee Protection in Europe: Dublin Reconsidered* states that "(t)he Dublin system places a much greater strain on the Member States near the EU's external borders, which often have less capacity to handle asylum claims, and therefore cannot guarantee adequate reception conditions for refugees", and recommends that "Europe must act now to devise an efficient responsibility-sharing regime that serves European solidarity and promotes the integration of people who seek, and deserve, international protection"[77].

76 Conversation with Ambassador V. Moutsoglou, Director of Judicial and Administrative Affairs, Ministry of Foreign Affairs, 12 March 2008 in Athens

77 Pres release: "Dublin mechanism: obstacle to future European asylum system", ECRE, 31 March 2008. http://www.ecre.org/files/Dublin%20mechanism%20obstacle%20to%20EAS.pdf

5. POLICE TREATMENT OF ASYLUM SEEKERS

"Four guards took me to a small room, where they tied my hands together with rope, and hung me in the window. (…) They started to beat me with hard, black plastic hoses. They beat me all over my body, but most of all on my stomach. The four guards took turns beating me…"[78]

Broad documentation of ill-treatment

People who flee their country of origin and arrive in Greece in order to seek protection probably have a greater chance of being beaten by Greek police than of receiving asylum. There is already a considerable body of documentation of ill-treatment of asylum seekers and immigrants by Greek police. This documentation has been presented by human rights groups, journalists and international institutions such as the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). In its most recent report concerning Greece, published on 8 February 2008, CPT writes as follows in "Concluding Remarks": "The CPT's reports have consistently highlighted that persons deprived of their liberty by law enforcement officials in Greece run a real risk of being ill-treated. The findings of the 2007 visit confirm this risk". [2]

Video recordings showing how Greek police ill-treat asylum seekers and immigrants have been made public on, among others, Greek and Swedish TV channels and on the website Youtube[3].

NOAS has regular information meetings with almost all asylum seekers coming to Norway. A number of those who have come to Norway via Greece have told the organization how they have been ill-treated by Greek police. We have published some of these stories in this report. The Noori case (see above) shows that also asylum seekers who have been transferred from other European countries in accordance with the Dublin II Regulation may risk being subjected to violence by police in Greece. He was beaten by the police at the airport after having been returned to Greece from Austria.

The use of violence against asylum seekers not only takes place in jails where they are held in custody, but may happen at any time during the asylum process.

Lately the Group of Lawyers for the Rights of Refugees and Migrants has been working on a case of an Iranian minor who was ill-treated by the police[4]. According to the account of the minor, he went to Petrou Ralli police station on several Sundays in order to get an appointment for interview. 10 February 2008 was his lucky day when he got the appointment for 15 February. On that day he

78 The Suweini case. His story may be read below in this report.

went to Petrou Ralli with his roommate and he was waiting for the interview. A policeman who came out of the interview zone saw that the minor was stepping on the wall. So he reprimanded him severely and told him to go out. When all the other asylum seekers had left, the minor was called into the interview zone by the policeman who had reprimanded him. Then the policeman started to beat him and two other policemen joined him. The minor had fallen down and the policemen went on beating him. Then they threw him out without giving him any document.

His room-mate who had finished with his interview and waited for him, saw him coming out with blood in his face. The next day the minor went to a hospital and the day after he visited the Medical Center for the Rehabilitation of Torture Victims, where he was examined. The doctor found the signs of the abuse and wrote a report. Group of Lawyers reported the incident to the Public Prosecutor, who has ordered an investigation.

Even lawyers risk being beaten by the police in Greece. Four years ago an asylum lawyer was subjected to physical attack when he complained to the police for violations of migrants rights Although the Lawyers Bar reported the incident to the Headquarters of the Police and asked for a thorough investigation and for the punishment of the perpetrator, in November 2006 the perpetrator was finally acquitted.

In 27 January 2008 a delegation of the Group of Lawyers for the Rights of Migrants and Refugees visited the Asylum Department in order to have a close look in the problems related to access to the asylum process. A young female member of the Group was attacked by a policeman outside the facility apparently because she was taking pictures of the area where hundreds of asylum seekers were queuing in order to submit asylum applications.

If lawyers get this treatment, what can one expect for the treatment of asylum seekers inside police stations or detention centers where there are no civilian witnesses?

Torture in Chios: "the Island of Paradise"

In cooperation with Greek Group of Lawyers, the German organization Pro Asyl has even documented cases of torture of persons attempting to enter Europe via Greece. In the report one may, among other cases, read the following shocking story from Chios:

"The other policeman – a fat one – came up to me and said into my ear: 'Tell the truth. These two policemen are very dangerous. They will kill you.' (…) Then they brought a plastic bucket full of water. (…) He grabbed my head and pushed it into the water. I was absolutely terrified. I thought I would not survive. When I came up again the policeman again asked, 'So you don't remember?' I

repeated that I did not. So then the policeman took a plastic bag and put it over my head."[79]

Konstantinos Gialelis, Lieutenant of the Hellenic Coast Guard in the Ministry of Merchant Marine, ,[80] told us that those who are guilty of breaking the law will face criminal prosecution. He added that the Greek Coast Guard has been involved in saving many immigrants in 2007. He claimed that many immigrants punctured their rubber boats so that they cannot be turned back from Greek territory. "They throw themselves into the sea, so we have to save them". He further stated that the authorities take special care to train border guards and that several successful seminars had already been organized.

A pattern that cannot be ignored

Ahmad Jwad Ali has been interviewed by the Norwegian newspaper Aftenposten on 13 February 2008 and by the Danish newspaper Informationen on 11 February 2008.[81] He tells how he was ill-treated by Greek police while being held in custody on the island of Chios. His story was transmitted by NOAS to Greek Helsinki Monitor and to the newspaper Athens News which also wrote about the case. (Ahmad's story may be read below). Greek authorities which whom we spoke in Athens on 12 March 20089 were critical of our use of the Ahmad case when arguing against the transfer of asylum seekers to Greece since the story of this asylum seeker was based solely on the latter's own account and without hearing the version of Greek authorities. We informed them that we have not mentioned the Ahmad case in our appeal to Norwegian authorities to suspend the transfers. There are several stories of asylum seekers that resemble that of Ahmad, however. We cannot guarantee that all details in these stores necessarily are one hundred percent accurate, but as mentioned above, we see a pattern in these stories which renders them credible.

Greek authorities can investigate these cases in greater detail to ascertain the credibility of the allegations they contain. In fact, they are obliged to do so in accordance with the 1984 UN Anti-Torture Convention, of which Article 11 reads as follows:

"Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture".[82]

79 Pro Asyl: "The truth may be bitter, but it must be told", October 2007, p. 10-11. : Chios: Torture during interrogation.

80 Conversation with Lieutenant Konstantinos Gialelis, Department of Maritime Security, Ministry of Merchant Marine, Athens, 12 March 2008.

81 Information 13.02.08: "En irakers flugt fra Grækenland" http://www.information.dk/154591

82 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, http://www.unhchr.ch/html/menu3/b/h_cat39.htm

As to the "Ahmed-case", Ahmed has already authorized Greek Helsinki Monitor to look into his case in Greece. We hope Greek authorities take these cases of police violence seriously, and do not dismiss them as "isolated cases" or choose to ignore them by characterizing them as "fabricated stories". We agree with the CPT when they criticize this approach by the Greek government, pointing out that ignoring this phenomenon is not the way to combat it. CPT answers thus to the rejection of its findings:

"Moreover, senior representatives of the Ministry of The Interior continue to doubt the reliability of the CPT's findings and view any allegations of ill-treatment as either isolated cases or fabricated stories. Until the Ministry of The Interior recognises the seriousness of the risk of ill-treatment to persons apprehended by law enforcement officials, it will not be possible to effectively combat this phenomenon in Greece"[83].

83 Council of Europe Anti-Torture Committee : "Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 20 to 27 February 2007", Strasbourg, 8 February 2008. http://www.cpt.coe.int/documents/grc/2008-03-inf-eng.pdf

INDIVIDUAL ACCOUNTS BY ASYLUM SEEKERS

The Greek practice of automatic placing in custody, difficulties in obtaining access to asylum procedures, and the lack of guarantees of legal protection as well as social rights are also confirmed by transferred asylum seekers from other European countries that we spoke with in Athens. Below follow short stories from some of them. In addition, there are some stories of asylum seekers who have provided relatively detailed descriptions of their experience of being subjected to police violence in Greece.

The asylum seekers have given us fairly detailed descriptions of events and their own experiences, and what lends credibility to their stories is the consistent pattern found in them. The stories of the asylum seekers we met in Athens all resemble each other, but they also resemble the stories of asylum seekers we meet in Norway who have come via Greece.

Taleb, Iranian asylum seeker, forced to return to Turkey. (Photo: Sylo Taraku)

The Taleb case[84]

Iranian asylum seeker, transferred from Sweden to Greece in January 2007

Taleb came to Greece for the first time on 15 April 2006. He entered the country in the Avaros region by car via Turkey. The police arrested him, and while being kept in custody for five days he was beaten. He and several others were deported illegally to Turkey.

While in custody we were given nothing to eat or drink. There was no interpreter present. The policemen beat me with an electric cable, and I saw that they also beat an Iraqi woman who had a 16-year old daughter. After they had taken our fingerprints they deported us to Turkey.

We were transported in a truck. We were three Iranians, and the rest were Iraqis. In all we were about 30 persons. They collected our cell phones and threw them in the river. There was a commander who beat us with a stick while we climbed into the truck. There were 7-10 persons who escorted us to the border with three or four cars. Two of them were commando soldiers, the others were in civilian clothes, but they carried automatic weapons. They used binoculars to look over to the Turkish border. When all was clear, they forced us to cross the border into Turkey.

I went to Istanbul where I found a smuggler. I told him clearly – I want to go to Norway, but not via Greece this time. When I applied for asylum in Norway I was lodged in the Tanum reception centre, and then in the Torshov reception centre in Oslo. After receiving a "Dublin refusal" I went to Sweden on 27 June 2007. I stayed there about for seven months. On 23 January 2008 I was deported to Greece.

At the airport I was taken into custody and placed together with eight other persons in a cell. There was a bed there, but no bedding. It was a foul place and a disgusting smell.

When in contact with the police there was never an interpreter. We received no information nor did we have access to a lawyer. My interview lasted about two minutes. I managed to say that I had political problems.

In Sweden I had been hospitalized for thirty days because of headache, but in Greece I received no medical assistance or medicines even though I earnestly asked for it, right at the airport.

Now I have no address or anything. I ask the Greek council for Refugees to help me, but they cannot help. Sweden was a very good country. As for Greece, it is quite clear to me that Greece does not like refugees.

84 Conversation with Taleb at the officesof Greek Council for Refugees, Athens, 11 March 2008.

The Noori case[85]

Afghan asylum seeker, transferred from Austria to Greece in December 2007.

Noori was arrested for having crossed the border illegally and was detained at Mitilini on the island of Lesbos for four days.

I didn't apply for asylum after being released because Afghan friends said that there was no point in applying for asylum in Greece, it meant nothing. You do not get any help anyway. Therefore I decided to apply for protection in Austria, but I was not aware of the Dublin regulations. Austria returned me to Greece in December 2007.

At the airport I was imprisoned for seven days. When I refused to give my fingerprints, because I didn't want my case examined in Greece, the police beat me. There was a 'commander' who ordered two other policemen to beat me, and they did. I can recognize them. The policemen hit my face and the back of my head until I began hitting myself to make them stop. I thought that it is the same everywhere, the police is as bad. I thought of throwing myself out of the window in order to end my life. They called an interpreter who was allowed to interpret over the phone. In the end I agreed to let them have my fingerprints. The interview lasted about four minutes. They asked me some simple questions concerning formalities, and gave me no copy of the interview report.

They gave me the asylum card on 24 December 2007, but I have no address there, so I can be arrested at any moment and be deported.

The Ahmadi family case[86].

A couple from Afghanistan with a little baby. Transferred from Belgium

We crossed the border via Mitilini in August 2007. We used a small rubber boat to reach Mitilini. In the boat our family, two adults and a child, sat together with four other adults. We set out at 10 PM at night and arrived at 3.30 AM. We were all by ourselves. There were no other boats near us at that time. It was windy and the boat took in water, we all got wet, the baby as well. Our son was only seven months old then. He cried a lot, my wife held him, and we tried to empty the water from the boat. We were very tired. We ourselves were surprised how we survived the voyage. It could only come about with God's help.

Why did you risk your lives?

85 Conversation with Noori, Athens, 10 March 2008.

86 Short interview in Athens, followed by a longer interview by telephone from Norway on 21 March 2008.

We realized that there was great risk involved. We had the choice between risking our lives in order to reach freedom in Europe or being killed by Taliban in Afghanistan. We have heard many accounts of people who have lost their lives at this crossing of the border. I met a boy in Turkey who told me how Greek police had punctured the rubber boat he was sitting in with a group of Afghans. Only he was able to swim back, the rest drowned. Many have told us how Greek police have chased them about half way and then punctured their boats so that they hade swim to Turkey.

When we arrived on the island, we were soaking wet, and put on dry clothes. We had brought some clothes in a plastic bag. We went on foot until 8 o'clock. We found a bus stop, and waited there till 11.30. A bus drove us to Mitilini. We paid about six Euro each. We met some journalists from Germany who wanted to talk with us. (A sturdy, middle-aged man, a slender woman). They saw that my hands were injured. They took a photo of my hands. They interviewed us, and were surprised how we had managed to survive this voyage. They phoned the police, and the police came. Then we were sent to a reception centre or jail where we stayed two days.

We were given food, but were not allowed to go outside. We were not interrogated, nor were we given any information. After two days the police took our fingerprints and photographed us. They only asked us what our names are and where we come from. Another Afghan told the police that we did not wish to seek asylum in Greece. We wish to travel on to Europe. He asked what happens with the fingerprints. You can travel where you like, was the answer from the police. They were not going to register the fingerprints on data, only on paper. They sent us back to the town Mitilini where we were left to ourselves. We bought tickets and came to Athens.

We thought we would stay in Greece. We thought we would find a place to live, and that I could find a job. We had to spend the night in a park. My son became ill.

We found a smuggler, and paid 6.000 Euro. He hid us in a truck that drove on to a boat that took us on our way, maybe to Italy. We were in the truck for three or four days. The air was very bad, but we were able to breathe. After that they let us out somewhere, and from there we were driven by car to Belgium.

The family applied for asylum in Belgium on 27 September 2007 after a long and dangerous journey through Turkey and Greece. After about three months in Belgium, they received the reply to their application. Their application for asylum would not be examined and a decision made in Belgium, and they would be transferred to Greece in accordance with the Dublin Regulation. The family refused to return to Greece, stating as their reason the poor conditions in Greece, that hey had no rights there, that their application for asylum would not be examined there, and that they had never intended to apply for asylum there. Nevertheless the family was forced to return to Greece on 14 February 2008. On arrival in Greece they were placed in a cell for five days.

There were three cells at the airport, with many deported asylum seekers from other European countries. It was very dirty. The mattresses had a disgusting smell. We were not treated as human beings. We asked how a little child could sleep on such a mattress. We were not even permitted to go out in order to breathe fresh air.

We were given food twice daily, sometimes three times a day, but never baby food or diapers. The only thing we were given for our child, was a carton of milk as adults also get.

We were not interviewed. They took fingerprints and photos. We were given Pink Card. They said we could go to the police, but we didn't know where that was. We were told that the police do nothing except register you again, so we did not contact them.

After that we were left to our own devices. We contacted the Greek Council for Refugees (GCR), but they did not have time then, and asked us to come back the following day. We found an Afghan who could help us a little. He let us spend the night in his hall. During the day we stayed in the park.

The next day, a Friday, we contacted the GCR again. They asked us to come back on Monday. We told them that we didn't have anywhere to stay the next three nights.

On Monday GCRR arranged for us to stay in a hotel. Now we have a roof over our heads, but we are not given any money or food. They renew our stay in the hotel every week, but it is uncertain what happens after a week.

We only have one meal a day, and beg food from churches and organizations. The baby is often sick, but we don't have money to buy medicines.

The convert case[87]

Afghan asylum seeker, transferred from Norway to Greece in 2005.

He came to Greece for the first time in 2004. He was arrested for illegal crossing of the border, and was held in custody for three months. He was neither informed about the possibility of applying for asylum, nor of other rights. But the authorities were very clear when stating that he had to leave the country

In the summer of 2004 I travelled to Norway, and after a month's stay in Tanum transit reception centre I was sent to a reception centre in Bö municipality, where I stayed until I was deported back to Greece early in 2005. In Norway I converted to Christianity and I was baptized in the Pentecostal community in Bærum on 19. September 2004.

87 Conversation with the applicant, Athens, 10 March 2008.

On the basis of identification of his fingerprints in EURODAC, the Norwegian migration authorities came to the decision to transfer him to Greece in accordance with the Dublin II Regulation. A complaint was lodged against the decision that the Norwegian Directorate of Migration had made on 3 September 2004 and a deferment was demanded, but this demand was rejected on 15 September. In its decision the Norwegian Directorate of Migration (UDI) establishes that there clearly are no circumstances preventing a return to Greece.

I was deported to Greece in the beginning of 2005. At the airport I was arrested for four days. The interview actually was no interview. There were two or three questions. I had neither an interpreter nor a lawyer. The interview took about two or three minutes.

He received a Pink Card valid for six months, and was told to report his address at Attica Police Asylum Department. Since he had no address, he did not do so. His case accordingly was closed.

In Norway they promised me that I would receive "all facilities" in Greece, but after being released from jail at the airport, I have had to live on the street, without any kind of help from the authorities. Later some Afghans helped me. I lived in a bare room together with 60 other Afghans.

After six months his Pink Card was cancelled. After that he lived for two years as an irregular immigrant. He contacted several NGOs and finally also the Ombudsman**.** The latter intervened on his behalf, and as a result he was given back his Pink Card. According to the Ombudsman he got his Pink Card back on the basis of the fact that he had not been informed about his rights and duties through an interpreter at the airport. He does not know what will happen now. According to him, the Pink Card is of no great value anyway.

In Norway it was much better. I went to school and had plans for the future and for my life. Norway did not do the right thing in sending me here. Here I have nothing.

The Asisi case[88]

Afghan asylum seeker, transferred from Ireland in February 2008

Asisi had not applied for asylum in Greece before he travelled on to Ireland, but his fingerprints had been taken in Greece. On the basis of identification in the EURODAC system he was transferred to Greece in accordance with the Dublin II Regulation.

Asisi was handed over to Greek police at the airport in Athens on 19 February 2008. He was held in custody for four days at the airport. He received the asylum card, the Pink Card, but in his communication with the authorities an interpreter was never employed, nor was he ever

88 Conversation with Asisi, Athens, 10 March 2008.

interviewed about the grounds for asylum.

I was told by the police to get an address and report to the Greek Council for Refugees. I contacted the organization, but they had no possibility of finding accommodation for me unless I had financial means. They referred me to the Attica Police Asylum Department that again referred me back to the Greek Council for Refugees.

After this he has lived in a park, and waits for his application to be examined, without knowing what his status is. Greek Helsinki Monitor told him that his case has probably been interrupted because he has not provided the address of his domicile.

When I was in Ireland, they assured me that I will get accommodation and a good treatment in Greece, but I haven't got anything of that here. In Greece they don't count refugees as a human being, like they do on other European countries. I don't think there is any country in Europe that treats refugees as badly bas Greece does. They don't help us here, and they don't let us find protection in another country either. They are controlling our lives by refusing us the possibility in other countries"[89].

The Zafari case[90]

Asylum seeker from Afghanistan. Transferred from Great Britain in February 2008.

Zafari came to Greece for the first time in 2007, and was held in custody at Mitilini for three days. He received no oral or written information about the right to apply for asylum or other rights and duties. After being released, he travelled to Athens.

It was my intention to apply for asylum, but after having seen what happened with the others, I thought that it would be better to go to another country. I ended up in Great Britain.

On 29 February 2008 I was transferred to Greece. I was arrested at the airport and was told to fill in a simple form of four lines where I should write about myself and the reason why I applied for asylum. The police asked me a couple of questions, and that was that. Later they said, "Go!" I asked them, "Where?" They replied, "Wherever you like". I tried to tell them that I did not have anywhere to go, but they threw me out.

89 Conversation with Asisi.

90 Conversation with Zafari, Athens, 10 March 2008.

The Suweini case[91]

Iraqi asylum seeker – ill-treated by Greek police

I arrived in Greece in March 2006. I was together with 4 families from Iraq, and we crossed the border between Greece and Turkey walking. The area was called Mittik Sadus. As soon as we had crossed the border we were arrested by the police. I was walking in front of the group, and one policeman grabbed me by the neck and threw me to the ground. The smugglers had already crossed the border back to Turkey, and the police probably thought that I was the smuggler (an inmate named Karoun, who translated some things later on in the second prison, told me this).

The policeman hit me hard in my face. I still have a dysfunction in my jaw after this. The police took us to a prison, and they separated the women and children from the men. I found out after I was released that the families were reunited first after 3 months. I tried to explain to the police that I was a refugee from Iraq, but they didn't want to listen. They didn't give me any information about anything, there was no translator present and they didn't ask if I wanted to apply for asylum.

On the first day after sunset, four guards took me to a small room, where they tied my hands together with rope, and hung me in the window. I remember one of the guards name was Tyson. He was very big and strong. They started to beat me with hard, black plastic hoses. They beat me all over my body, but most of all on my stomach. The four guards took turns beating me, and the other inmates could hear that I was beaten because the door to this room was missing. They continued until I passed out. I was after placed in a small dark room, where there was urine on the floor and the smell was intense. I now have a permanent red colour on my cheeks, and my face and ears always feels like it is too warm.

After about 16 days I was transferred to another prison. I had to give my clothes to the guards and got only some light clothes that were not sufficient to keep me warm in the cold prison. The prison was like a big hall, where they had placed mattresses next to the walls and in the middle of the hall. I think there were about 600 prisoners in that hall. We had to sleep on our sides. At night we could hear the sound of voices on the other side of the wall, so I know there was another room. But I don't know how big it was or how many prisoners they had placed there.

Everything in that prison was disgusting. The smell of urine was everywhere. We were not allowed to go to the toilet when we needed, just one time a day. So many prisoners had to do their things on the floor. There were a lot of flies, and there were bugs in the mattresses. All the prisoners got small, infected wounds all over their body. A lot of them tried to clean the wounds with small pieces of sponge that they took from inside of the mattresses. They would dip the sponge in water, wipe the wounds, and throw the pieces on the floor. The whole place was infected. I still have a

91 Conversation with Suweini, Løren Reception Center, Oslo, 24 March 2008. Report written by Public Relations secretary Elisabeth Rønning, NOAS.

lot of marks all over from the bugs biting me.

There was no sunlight. We never knew what kind of weather it was outside. When we got the chance to take a shower, the guards would harass us, telling us to hurry. And if they thought that we used too long time they would beat us, and sometimes we had to put our clothes on in a hurry, even if we were still wet and full of soap. The water was only a little bit warm for like a minute. The rest of the time it was cold.

The guards generally harassed us, and talked to us in a very bad way. They called us names and shouted at us. The food was very bad. In the morning we would get some juice and small piece of bread. At lunch we got some rice and chicken wings, but there was no meat on them. The dinner was macaroni full of water with a very bad smell. They also gave us an egg with the macaroni, but we threw them away because they had a blue colour. Two men from Pakistan ate the eggs, and one day they got really sick. One of them got so heavy cramps that we thought that he was going to die. The ambulance came and took them away. When they came back, they told us that the doctor said the reason they got sick was the eggs. They got some tablets.

After about a month all the prisoners were transferred to another prison. This prison was about half an hour away. There where rumours that the press was about to be aware of the inhuman conditions. After about a month I was released, they gave me a piece of paper with a picture of me, it was probably a travel document, and told me that I had 17 days to leave the country.

The Ahmed case[92]

Iraqi asylum seeker. Ill-treated by police in Greece

I left Iraq first to Syria and from there to Turkey where I stayed for three months. With the help of some smugglers I went to Greece by sea. We were 45 people in total from different nationalities on a boat. The Turkish police shot in the air to intimidate us. They threw some sort of a lasso rope after us, to catch us or frighten us. At the same time they were causing waves with their boats, until we reached the Greek side of the borders. There, we experienced the same as we did with the Turks. The Greeks were causing waves, and they shot at the boat until we jumped in the sea.

There was an island directly in the vicinity, Chios. We swam to the island where we were caught by the Greek army. After that, the military delivered us to the Greek police. They arrested us in a small room, and they took our fingerprints. I refused to do it because I wanted to travel further in Europe. They threatened me and beat me up brutally. They used an electric stick of which I still have bruises on my nose visible because of the treatment I received there.

92 Interview with the asylum seeker in Oslo, 7 February 2008. He was interviewed by media in Norway as well as in Denmark. He has authorized Greek Helsinki Monitor to pursue his case in Greece.

Afterwards, they sent us to a prison on the island, Chios. The prison lies on a hill and the length of the building there was around 30 to 40 meters. There were more than 250 persons in the prison from different nationalities. There were two policemen/ prison guards, Smadi and George, which had the responsibility over the prison.

After a short while a lawyer on behalf of the Greek police came in and interviewed us. Her name was Natasha. She said that our fingerprints would not be registered in the Migration unit but in the register of the border police. She said that this was done just for security reasons and not for the purposes of asylum. Accordingly, these prints would not have any effect in case we wanted to travel further in Europe[93].

I didn't declare my real name or my country of origin because I was afraid that I would be sent back. That is why I am now in this country. After a month in prison, I was released, and I travelled further to Athens. Because I didn't have proper clothing and I looked like a foreigner, I was again caught by the Greek police. They hit me, took all my money that I had and left me in the street by myself. I had no place to go to, didn't know anyone there and couldn't speak the language. As a result I had to sleep on the street for two weeks until I found a job for a Greek man. I worked as an ironsmith worker every day from 6 in the morning until 1 after midnight for only 20 Euro.

The police was looking for immigrants all the time. Therefore, I made a deal with a smuggler in order for him to help me travel to Denmark by plane. As I was about to leave the airport in Athens, I was again caught by the police. They hit me and arrested me for one week. Then, I tried the same for another time, and again I was caught and I was arrested for one week. The last time it happened, I was told by a policeman that I should not travel through the airport where the security is very strict. I should instead try to travel through one of two islands, Komanizia or Patra. He said that it was much easier to travel from there. But, as I came there, I couldn't leave. I tried for the third time through the airport. I made a deal with the smuggler that if he is to succeed that time, I would pay him. I owed him already 200 Euros. He gave me a clear message: that if I didn't send him the money, I wouldn't be allowed to come back to Greece. He threatened me, but I paid him the whole sum right there and then. I was apprehensive as I know that smugglers use mafia methods in the way they deal with people.

Afterwards, I came to Sweden and applied for asylum there. I stayed there in 8 months. In Sweden, I was told that they have my fingerprints from Greece, and so therefore I must be sent back there. I explained to them that I couldn't be in Greece as I didn't get my rights fulfilled there, and I gave them all the documents that I had. I tried to convince them not to send me back there, but they explained to me the Dublin Agreement according to which I must be sent back.

93 **Natasha is a volunteer lawyer and member of the** Chios **Committee for Solidarity to Refugees. According to the Committee in the asylum seeker's interview there are some inaccuracies about the information which was provided to him which there is reason to believe are due to misunderstandings, because of the particularly difficult conditions under which information is provided, including the absence of a qualified interpreter.**

Therefore, I escaped to Norway. I ask for your mercy because of all the obstacles that I have experienced.

The Shihan case[94]

Iraqi asylum seeker, ill-treated in Greece

I entered Greece on April 2007. I was registered with fingerprints and taken to detention where I spent a week. I suffered ill-treatment in detention centre. We were 16 people sharing a small cell, and we had to take turns to find place to sleep. Because of the positions I was in, the way I was sitting, I still have pain in my knees. The conditions were very uncomfortable regarding the hygiene, and I still have marks after fleas biting me.

I was told in prison by inmates that the Greek authorities could send me directly back to Iraq. I therefore got scared and lied about my nationality. I said I was from Afghanistan and that my name was Hussain.

I was then transferred to a Reception Centre for asylum seekers where I spent about 8 days. The Reception Centre was jail-like and in a very bad condition. The Centre was closed; nobody was allowed to leave the Centre. Everything was very dirty, even the food was placed in dirty containers.

They gave me an identity card and told me to go to Athens. They did not ask me if I wanted to apply for asylum.

I lived a month on the streets without any help or money, and after a while I found a way to go to Sweden with a smuggler. I entered Sweden on June 2007 and was given a place in a Reception Centre. I was supposed to be returned back to Greece on the basis of the Dublin II-Regulation, so therefore I ran away from the Reception Centre in September 2007. I was hiding in Sweden until the beginning of March 2008. I then entered Norway and applied for asylum a year after I had to flee from Iraq.

The Mushref case[95]

Iraqi asylum seeker ill-treated by police in Greece

I arrived in Greece in November 2006 where my fingerprints were registered. The Greek authorities said that they could return me immediately, so I lied about my nationality and said that

94 Conversation with Shian, Løren Reception Centre, Oslo, 22 March 2008. Report written by Public Relations Secretary Elisabeth Rønning, NOAS.

95 Conversation with Mushref, Tanum Reception Center, 14 March 2008. Report written by Public Relations secretary Elisabeth Rønning, NOAS.

I was from Afghanistan. And for this reason I was released after five days.

I was beaten and harassed in prison during these five days, and the place was very dirty. There were nutrition malfunctions in prison.

I went back to Syria and from Syria to Iraq in November 2006. From the north of Iraq I left to Sweden by smuggler and arrived in January 2007.

From Sweden I was supposed to be returned to Greece. At this time I was very tired and for this reason I left Sweden heading for Iraq where I arrived in April 2007. I have some relatives who helped me take my children from my hometown and re-located them to another area. I found out that I was in danger also in this area, so I contacted the Iranian embassy in Basra and got a visa to enter Iran. I entered Iran in august 2007, believing that my wife's brother would help me to bring my children and wife to me.

But they couldn't come, so I left for Sweden again where I arrived in September 2007. Swedish authorities wanted to return me to Greece, because my documentation was not adequate. I complained the decision in October, but without luck, and I was to be deported to Greece. I was hiding in Sweden until March 2008, when I arrived in Norway applying for asylum.

The Abdullah case[96]

Iraqi asylum seeker ill-treated by police in Greece

Abdullah and two others were transported in a truck, and let out in the centre of Athens. After three days, Abdullah was arrested by the police.

The police asked for my ID papers; I didn't have any, and when I said that I didn't have any, one of the two policemen hit me even though we were on the street. They took me to a jail, without informing me of anything at all, and with no interpreter. They did not ask whether I wanted asylum. I was place in a room measuring about three by four metres where there were about twenty other persons of different nationalities, from e.g. Ethiopia, Afghanistan, Iraq… All were refugees.

We had to fetch water in the toilets, and we were only given a little bread and rice, only once a day. All were interrogated in turn about how they had reached Greece. I didn't tell the truth, and the police beat me. There were three policemen present. I said I was ill. I have diabetes, but was given no help. There were many who were completely exhausted and sick, but no-one was helped in any way. I saw many of the prisoners being hit by the police.

96 Conversation with Abdullah, Tanum Reception Center, 22 March 2008. Report written by Public Relations secretary Elisabeth Rønning, NOAS.

They had to sleep in uncomfortable positions because the mattresses were of very poor quality, and because the tiny room was overcrowded.

When I was released, I had to sleep on the street for a night. I witnessed something that happened in a street called Akher Noun. A large and broad street. There I saw a man from Sudan being hit with weapons by the police. He was left lying, lifeless. This was between 5 and 7 o'clock in the afternoon. After that I fortunately met some Iraqis who helped me with a place to sleep for some nights. I was frightened by all that had happened in Athens, and I decided that I had to go away. I left Greece on 25 September 2007 and went to Italy…

He has now applied for asylum in Norway, and hopes he will not be sent back to Greece, where he has had some very traumatic experiences.

The Hassan case[97]

Iraqi asylum seeker, about the conditions in a detention centre in Greece

"Hassan" crossed the border between Turkey and Greece on foot in the district of Kawala, together with 38 other refugees and a smuggler. From there they were transported in cars, and the police stopped them in a spot road check. Perhaps the police had been tipped off.

They were six refugees who were arrested at the roadside. They were handcuffed and placed on their stomachs at the roadside. They were left lying like that, waiting for about an hour and a half. They received no information as to why they were arrested and no interpreter was provided. The applicant had his passport, and believes he was arrested because of illegal crossing of the border.

I tried to tell the police that my bag was on the road near by, but they did not answer me. I lost all my belongings because of this. We were transported to the police station in Kawala, I was with two cousins and two nephews. We were all very tired and very hungry. I was given a small piece of bread and a glass of water.

They registered me on the basis of my passport and put me in a cell. There were three cells in the jail. There were 16 persons in my cell. The cell was fairly large, 6x6 metres, I think. There were many people from many nations there, such as Iraq, Morocco, Algeria, Palestine etc. The police did not ask anyone whether they wished to claim asylum.

The jail was very dirty and there was a rank smell. We were only allowed to use the toilets three times a day. If anyone asked to be allowed to go to the toilet more than that, they were beaten.

97 Conversation with Hassan, Tanum Reception Center, 22 March 2008. Report written by Public Relations secretary Elisabeth Rønning, NOAS.

We had to pee in small plastic cups at night. It was for this reason that the jail stank. There were also bugs in the mattresses that bit us and made us itch.

I was in jail for about 20 days, and do not know whether showers were available, we had to wash with cold water in the toilets. When my cousin remained for too long in the toilet one day, one of the policemen beat him with his hands. The police always spoke to us in a very bad way, called us using bad names and insulted us.

We were given no breakfast, we got lunch every day which was OK, but after that there was only a small piece of bread with a little butter during the whole day.

After about 20 days the police said that if I wanted to be released from jail soon I had to pay for a lawyer myself. If I couldn't I had to stay there for three months. Those who were helped by a lawyer had family in Greece who could pay for legal assistance.

I had to threaten that I would not eat in order to be allowed to phone my cousin who lives in London; he came to Greece because of what I had said about conditions in the jail. I gave my fingerprints, but I said that I would not claim asylum. I was released on the street. My cousin helped me to find a place to take a shower, and clean clothes. He went back to London, and I had to live on the street in Athens for about two months because I met relatives in Athens that I wanted to help to find a smuggler so that they could leave Greece. After that I went to France.

APPENDIX:

Statistical information on asylum in Greece (1997 – 2007)

Figures as provided officially to UNHCR by the Greek authorities (Ministry of Interior)

Year	Level of the procedure	Applications	Recognitions of Refugee Status	Granting of Humanitarian Status (B' Status)	Negative decisions (rejections)	Total cases examined	Recognition rate for Convention Status	Recognition rate for Humanitarian Status	Pending cases as of end year
1997	FI	4,376			2,216				
	AP		130*	94					
1998	FI	2,953			3,748				
	AP		156*	287					
1999	FI	1,528			1,570				
	AP		146*	407					
2000	FI	3,083			1,748				
	AP		222*	175					
2001	FI	5,499			1,165				
	AP		147*	148					
2002	FI	5,664			9,342				
	AP		36*	64					
2003	FI	8,178			4,529				
	AP		3*	25					
2004	FI	4,469			3,744				
	AP		11*	22					
2005	FI	9,050			4,585				
	AP		39*	49					
2006	FI	12,267	5		10,414	10,419	0,05%		
	AP	5,247	59	63		2,837	2,08%	2,22%	
2007	FI	25,113	8		20,684	20,692	0,04%		7,150
	AP	17,072	132	23		6,448	2,05%	0,35%	19,015

FI: First instance

AP: On appeal

* Mixed figures (first and second instance). However, as concerns recognitions of refugee status, these are in general granted on second instance with the exception of very limited cases.

** Renewals of Humanitarian Status (according to the law, HS is renewed every year), are reported by the Ministry as 'First Instance Recognitions of HS'.

Recognitions of Refugee Status – breakdown by nationality
Year 2007

Country of Origin	Number of recognitions (persons)
Azerbaijan	1
Afghanistan	6
Serbia	4
Iraq	107
Iran	11
Cameroon	3
Nigeria	4
Somalia	1
Sudan	1
Sri-Lanka	2
Total	140

Granting of humanitarian status (initial) – breakdown by nationality
Year 2007

Country of Origin	Number of recognitions (persons)
Ethiopia	1
Afghanistan	1
Eritrea	1
Iraq	5
Iran	4
Jordan	1
Bangladesh	4
Pakistan	2
Somalia	1
Sudan	1
Turkey	1
Undefined	1
Total	23

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