

URGENT ACTION

FREE SYRIAN REFUGEE FROM UNLAWFUL DETENTION

Noori, a 21-year-old Syrian refugee, continues to be unlawfully detained in a police station on the Greek island of Lesbos. He has been in detention since 9 September and is awaiting to find out whether he will be forcibly returned to Turkey under the EU-Turkey deal. The uncertainty he has been facing for months and the poor detention conditions are having a negative impact on his wellbeing.

Noori (not his real name), a 21-year-old Syrian refugee, has been in detention for almost seven months in the Mytilene police station, on the Greek island of Lesbos, waiting to find out whether he will be forcibly returned to Turkey under the EU-Turkey deal. Noori's prolonged detention exceeds the maximum time that any asylum-seeker can be detained under Greek law (90 days). The poor detention conditions paired with the prolonged uncertainty about his future are having a very negative impact on his physical and mental health.

Noori's distress about his fate and prolonged detention was visible when Amnesty International met him. He said: *"I sleep on a mattress on the floor in a cell with five other people....I have nothing to read in my language. I have not been given a clean blanket since my arrest...."*

Noori was detained on 9 September 2016 after his asylum application was declared inadmissible by an Appeals Committee on the grounds that Turkey is a "safe third country" for him. On 14 September 2016, the Council of State, Greece's highest administrative court, temporarily halted his deportation until it decides whether or not to quash the Appeals Committee's decision. On 10 March, the Plenary of the court heard Noori's application challenging the Appeals Committee's decision. It is unclear when the Council of State will issue its judgment. If the court rejects Noori's application he will be at immediate risk of return to Turkey.

The EU-Turkey deal, which was signed on 18 March 2016, paved the way for Greece to return asylum-seekers and refugees to Turkey. However, Turkey is not currently a safe country for refugees to be returned to. It does not offer full refugee status to non-Europeans. The vast majority of asylum-seekers and refugees do not have the means to support themselves and are not granted state support.

Please write immediately in Greek, English or your own language:

- Urging the authorities to release Noori from his unlawful prolonged detention and to provide him with any medical care and psychosocial support he might need;
- Calling on them to ensure that Noori is not returned to Turkey and to examine the substance of his asylum claim in Greece.

PLEASE SEND APPEALS BEFORE 10 MAY 2017 TO:

Prime Minister of the Hellenic Republic
Alexis Tsipras
Prime Minister's General Secretariat
15 Vasilisis Sofias Avenue
10674 Athens, Greece
Fax: + 30 210 338 5432
Email: primeminister@primeminister.gr
Salutation: Your Excellency

Chief of Staff of the Hellenic Police
Zacharoula Tsirigoti
P. Kanellopoulou 4
10177 Athens, Greece
Fax: +30 210 697 7102
Email: press@hellenicpolice.gr
Salutation: Dear General

And copies to:
Minister for Migration Policy
Ioannis Mouzalas
Stadiou 27
10183, Athens, Greece
Fax: +30 213 136 4418
Email: aid@ypes.gr

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the second update of UA 223/16. Further information: <https://www.amnesty.org/en/documents/eur25/5686/2017/en/>

**AMNESTY
INTERNATIONAL**



URGENT ACTION

FREE SYRIAN REFUGEE FROM UNLAWFUL DETENTION

ADDITIONAL INFORMATION

Noori is 21 years old and the eldest sibling of a family of eight sisters and brothers. He told Amnesty International that he was training to be a nurse but had to halt his studies because of the war. He left Syria on 9 June 2016 and only managed to enter Turkey after four attempts. During his first two attempts he claimed that he was arrested by the Turkish police and beaten by the Turkish gendarmerie before being sent back to Syria. On his third attempt, he said that the group he was with was attacked by an armed group that killed 11 of them. He managed to enter Turkey on his fourth attempt and stayed for a-month-and-a-half. Noori explained to Amnesty International that he was attacked twice by smugglers and thieves while in Turkey.

Noori arrived in Greece on 28 July 2016 and applied for asylum on 4 August. He was informed about the outcome of his appeal against the initial decision of the Greek Asylum Service on 9 September and has been detained since then. A psychiatrist diagnosed Noori with a post-traumatic stress disorder caused by his experiences in Syria. Noori also suffers from scabies as a result of the poor detention conditions. Noori's lawyers have challenged his detention several times before local courts but the challenges have been rejected on account of being at flight risk. The most recent challenge was rejected by a court on Lesbos on 15 March. The court concluded that the psychiatrist's findings that Noori's post-traumatic stress disorder was exacerbated by the detention conditions were not proved appropriately.

In September 2016, the Appeals Committee supported the decision that Turkey was a "safe third country" for him, arguing that the protection provided to Syrian refugees in Turkey meets the standards of the Geneva Convention (Refugee Convention) and would respect the international principle of non-refoulement (which prohibits the transfer of anyone in any manner whatsoever to a place where they would be at real risk of serious human rights violations). It therefore upheld the decision to refuse to examine the substance of Noori's asylum claim and allowed his return to Turkey.

In mid-February 2017, the Council of State's 4th Section decided to refer Noori's case to the Plenary on account of the importance of issues raised in the case. On 10 March, the Plenary heard Noori's application and the applications of a second Syrian asylum-seeker and two Greek pro-refugee NGOs. The Plenary was called to decide on whether Turkey is a 'safe third country' for the applicants and the constitutionality of the composition of the new Appeals Committees. The Committees were established in June 2016 and are consisted by two administrative court judges and a representative from UNHCR. A negative outcome will mean that Noori will be at imminent risk of return to Turkey and a precedent would be set that could open the floodgates for further reckless returns.

Amnesty International's research in Turkey has shown that asylum-seekers do not have access to fair and efficient procedures for the determination of their status. Asylum-seekers and refugees also do not have timely access to what are known as durable solutions: repatriation, integration or resettlement. Because Turkey denies full refugee status to non-Europeans, and because the international community is failing to take a fair share of the world's displaced people, asylum-seekers and refugees in Turkey do not have adequate access to two of the three durable solutions; integration and resettlement. Further, asylum-seekers and refugees in Turkey also struggle to access means of subsistence sufficient to maintain an adequate standard of living.

Under international law any detention related to immigration control is permissible only on limited grounds, such as prevention of unauthorized entry into or effecting removal from the country. Even when the use of detention fulfils these requirements, international standards constrain the resort to detention for immigration control purposes by requiring its compliance with the principles of necessity and proportionality. This means, for example, that in each individual case detention will only be justified if less restrictive measures have been considered and found to be insufficient with respect to the legitimate objectives that the state seeks to pursue.

Name: Noori (not his real name)
Gender m/f: m

Further information on UA: 223/16 Index: EUR 25/5984/2017 Issue Date: 29 March 2017