

URGENT ACTION

SYRIAN REFUGEE REMAINS DETAINED FIVE MONTHS ON
A 21-year-old Syrian refugee has spent more than five months in police detention awaiting a decision on whether he will be forcibly returned from Greece to Turkey under the EU-Turkey deal. The decision on the return is expected at any time and in the interim he remains unlawfully detained on the island of Lesbos.

Noori (not his real name), a 21-year-old Syrian refugee, has been in detention since 9 September 2016 after his asylum application was declared inadmissible by the Appeals Committee on the grounds that Turkey is a “safe third country” for him. On 14 September, the Council of State, Greece’s highest administrative court, temporarily halted his deportation until it decides whether or not to suspend the Appeals Committee’s decision. The hearing at the Council of State took place on 29 November but the decision is still pending. If the decision of the court, which could be handed down at any time, endorses the premise that Turkey is a “safe third country”, Noori will be at immediate risk of being returned to Turkey.

Noori has been in police custody awaiting the decision on his case for over five months, exceeding the maximum time that any asylum-seeker can be detained under Greek law (90 days). He is currently held in the Mytilene police station, on the Greek island of Lesbos. He shares a small cell with five to six people and sleeps on a mattress on the floor. Noori has contracted scabies as a result of the poor conditions. His lawyers have challenged the legality of Noori’s detention before local courts citing that it has exceeded the maximum length and that the Council of State temporarily halted his deportation. They also submitted a psychosocial assessment by an independent social worker which reported that Noori is suffering from post-traumatic stress disorder as a result of the aerial bombings in Syria and that his mental health is aggravated by the poor detention conditions and the uncertainty. Local courts ordered the continuation of Noori’s detention on the basis that he is a flight risk.

The EU-Turkey deal, which was signed on 18 March, 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.

Noori explained to Amnesty International that in Syria he was studying to be a nurse but had to halt his education because of the war. He recently said: *“I am looking for safety in Europe and to start my studies again”*.

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 he might need and psychosocial support;
- 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 27 MARCH 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 first update of UA 223/16. Further information:

<https://www.amnesty.org/en/documents/EUR25/4915/2016/en/>

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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 military 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 has no relatives left in Turkey and that his aim was to travel to Greece in order to move on to a country where he has relatives. He also explained 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. 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. Noori's lawyers have also pointed out that his detention is not proportionate, because while his asylum claim was examined he had complied with the geographical restriction of remaining in the Moria "hotspot". In February 2017, the three-member Administrative First Instance Court of Mytilene also rejected an application challenging the deportation and detention order issued by the Greek police. The Court argued that Noori's detention should be continued on 'public interest' grounds.

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.

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 25/5686/2017 Issue Date: 13 February 2017