

PUBLIC

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Fear of forcible return

6 December 2001

GREECE

55 Iraqi Kurds and Afghans

Other foreign nationals denied the opportunity to apply for asylum

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On 3 December the Greek authorities forcibly returned 34 of a group of 89 Afghans and Iraqi Kurds to Turkey, without allowing them to apply for asylum. Some had allegedly fled torture and political persecution in their home countries. Amnesty International is concerned that the Greek authorities may be preparing to deport the rest of the group to Turkey. From there they risk being forcibly returned to their countries of origin, or other countries, where they might face grave human rights violations.

The 89 had travelled overland from their home countries to Turkey, and entered Greece by sea on 17 November without authorization. They were detained by Greek police and held in a temporary detention centre in the village of Kymi, in Euboea.

On 3 December the Greek authorities allegedly told 34 of the group that they were being moved to Athens, but instead expelled them to Turkey via Alexandroupoli. A lawyer acting for the non-governmental Greek Council for Refugees (GCR) had tried to visit the group in Kymi, but local police apparently refused to let him in. The GCR has appealed urgently to the Greek authorities to give the rest of the group the opportunity to apply for asylum.

Amnesty International has recently received other reports of potential asylum seekers being denied the opportunity to seek asylum in Greece. In some cases they have instead been issued with deportation orders requiring them to leave the country within 30 days.

#### BACKGROUND INFORMATION

The number of asylum-seekers and unauthorized migrants arriving in Greece has increased greatly this year, and the Greek authorities' attitude to potential asylum-seekers has hardened. Greece lies on one of the main routes to western Europe used by human traffickers and people smugglers, and many who arrive here are reportedly heading for other countries in the European Union.

On 8 November Greece and Turkey signed a Protocol allowing Greece to return migrants from third countries, such as the 89 Kurds and Afghans, who had entered their territory via Turkey, and for Turkey to do the same with any migrants entering via Greece. The UNHCR expressed concern that the Protocol did not refer to the 1951 Geneva Convention on the Status of Refugees, and did not specify whether it applied to asylum seekers. The UNHCR welcomed statements by the Ministers of Foreign Affairs and Public Order that the Protocol would not be applied to asylum seekers.

However, since then the Greek authorities have prevented at least three ships carrying unauthorized migrants from entering Greek waters, and turned them over to the Turkish authorities, effectively denying those on board the opportunity to apply for asylum.

On 5 December the Greek Prime Minister promised to clamp down on illegal immigration. He said the government would spend more on equipment to keep people out, deploy the army, navy and air force to back up border police and coastguard and stiffen penalties for smuggling immigrants. He also stated that decisions on applications for asylum would be speeded up.

Greece is a party to the 1951 UN Convention relating to the Status of Refugees and as such is bound to observe the principles of international refugee law and human rights law, and to abide by the principle of *non-refoulement* (set

out in Article 33), under which states are obliged not to return anyone to a country where they would risk serious human rights violations.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, French, Italian, German or your own language:**

- expressing concern that a group of 89 Afghans and Iraqi Kurds, among them alleged victims of torture and political persecution, were not given the opportunity to apply for asylum after arriving in Euboia on 17 November, and that 34 of them were forcibly returned to Turkey on 3 December;
- reminding the authorities that as a party to the 1951 UN Geneva Convention on the Status of Refugees, Greece is obliged not to return anyone to a country where they would be at risk of serious human rights violations or where they would not be guaranteed effective protection against *refoulement*;
- urging the authorities to provide the rest of the group with the opportunity to apply for asylum, and to ensure that this opportunity is granted to all unauthorized migrants arriving in Greece;
- expressing concern at reports that the Greek authorities have prevented at least three ships from entering Greek waters and turned them over to the Turkish authorities, without examining whether any of the passengers were refugees entitled to protection, and calling for an end to this practice;
- pointing out that the Ministries of Public Order and Foreign Affairs have given assurances that the Protocol signed by Greece and Turkey on 8 November would not be applied to refugees entitled to protection.

**APPEALS TO:**

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**Salutation: Dear Prime Minister**

Minister of Public Order  
Mr Mihalis Chrysochoidis  
Ministry of Public Order  
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**Fax: + 30 1 691 79 44**

**Salutation: Dear Minister**

Minister of Foreign Affairs  
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**Salutation: Dear Minister**

**COPIES TO:** diplomatic representatives of Greece accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 18 January 2002.