

**GREECE:
BRIEFING TO
COMMITTEE
AGAINST
TORTURE**

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AMNESTY
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CONTENTS

INTRODUCTION	5
PART I.....	6
TORTURE AND ILL-TREATMENT (ARTICLE 16)	6
POLICING OF DEMONSTRATIONS	6
TORTURE AND OTHER ILL-TREATMENT OF MARGINALIZED GROUPS (ARTICLES 1 AND 6)	7
TORTURE AND OTHER ILL-TREATMENT DURING ARREST OR DETENTION	8
LEGISLATIVE, ADMINISTRATIVE, JUDICIAL OR OTHER MEASURES TO PREVENT TORTURE (ARTICLES 2 AND 4).....	10
ACCESS TO DEFENCE COUNSEL, MEDICAL EXAMINATION AND CONTACT WITH FAMILY MEMBERS.....	10
CRIMINALISATION OF TORTURE	11
RIGHT TO PROMPT AND IMPARTIAL INVESTIGATION BY COMPETENT AUTHORITIES AND PROTECTION AGAINST REPRISALS (ARTICLES 12 AND 13).....	13
AMENDMENTS OF THE CURRENT DISCIPLINARY LAW	14
PROMPTNESS AND THOROUGHNESS OF INVESTIGATIONS	16
FAILURE TO ENSURE THE RIGHT TO EFFECTIVE REMEDY	17
PART II.....	21
NON-REFOULEMENT AND ASYLUM DETERMINATION PROCEDURES (ARTICLE 3, 11 AND 16).....	21
BACKGROUND.....	21
CONTENT AND IMPLEMENTATION OF LEGISLATIVE REFORMS OF THE ASYLUM DETERMINATION PROCEDURES.....	23
OBSTACLES IN ACCESSING ASYLUM DETERMINATION PROCEDURES	25
EXPULSIONS IN CONTRAVENTION OF THE PRINCIPLE OF NON-REFOULEMENT.....	26

TORTURE OR ILL-TREATMENT OF MIGRANTS IN PLACES OF DETENTION.....	28
DETENTION CONDITIONS	30
PROLONGED DETENTION IN POOR AND INAPPROPRIATE CONDITIONS	31
DETENTION OF UNACCOMPANIED OR SEPARATED CHILDREN	32
OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE	34

INTRODUCTION

Amnesty International submits this briefing for consideration by the Committee against Torture (the Committee) at its examination of Greece's joint fifth and sixth periodic report on its implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention). This briefing summarizes Amnesty International's main concerns about Greece's failure to comply with some of its obligations under the Convention and is in two parts. In general terms, Part I addresses failures to prevent or punish instances of torture and ill-treatment, often related to policing of demonstrations whilst Part II focus on the deficiencies of the Greek asylum system and associated consequences.

For many years Amnesty International has expressed concern about allegations of torture and other cruel, inhuman or degrading treatment or punishment, including as a result of or in connection with excessive use of force in the policing of demonstrations.¹ The organization has also expressed concern about the failure to bring those responsible for the above-mentioned abuses to justice through prompt, independent, impartial and effective investigations.

Those concerns have heightened in the light of an increase in the number of reports regarding the use of excessive force against demonstrators in the past few years, and given the fact that allegations of torture or ill-treatment against marginalized groups such as migrants and asylum-seekers have also persisted.

Amnesty International is further concerned over the increasing number of racially motivated attacks in recent years and the reported failure of the Greek authorities to prevent or punish racially motivated treatment by non-state actors. The organization is also concerned that the scope of definition of torture in Greek law is considerably narrower than in the Convention.

In recent years, Amnesty International has also documented serious deficiencies in the Greek asylum system and the real risk of *refoulement* to which asylum-seekers are exposed as a result of these deficiencies.

The organization has also expressed serious concern over the routine detention of asylum-seekers and irregular migrants, and the very poor detention conditions in many immigration detention facilities which can amount to inhuman or degrading treatment, not least when detention is prolonged. In particular, unaccompanied asylum-seeking and migrant children in Greece face a series of obstacles to realizing and protecting their rights.

¹ E.g. Greece: In the shadow of impunity: Ill-treatment and the misuse of firearms, Greek Helsinki Monitor and Amnesty International, AI Index: EUR 25/022/2002; Greece: The Rights of Foreigners and Minorities are still a Grey Area, AI Index: EUR 25/016/2005 ; Greece: Alleged Abuses in the Policing of Demonstrations, AI Index: EUR 25/001/2009; Greece: Migrants, refugees and asylum-seekers; conscientious objectors and excessive use of force by law enforcement officials – Amnesty International Submission to the UN Universal Periodic Review, May 2011, AI Index: EUR 25/008/2010.

PART I

TORTURE AND ILL-TREATMENT (ARTICLE 16)

POLICING OF DEMONSTRATIONS

Reports of unnecessary or excessive use of force in the policing of demonstrations have persisted particularly in the last three years. The following are illustrative examples:

On 6 December 2008, 15-year old Alexis Gregoropoulos was shot to death by a police officer serving as a “special guard” in central Athens.² The shooting sparked widespread anti-government protests throughout the country that lasted until the beginning of January 2009. There were extensive allegations of unnecessary or excessive use of force and other ill-treatment by police of peaceful demonstrators contrary to the principles on the use of force set out in international law enforcement standards, and attested to by images aired in international and national media. Reports were also received from Athens and other parts of Greece of arbitrary arrests, ill-treatment of those detained, and the denial of prompt access to legal assistance.

In October 2011, a special guard was convicted of culpable homicide for shooting Alexis Gregoropoulos dead, and sentenced to life imprisonment. A second special guard was convicted of complicity in culpable homicide and sentenced to 10 years’ imprisonment.

On 11 May 2011, riot police used unnecessary or excessive force, including chemicals against a large number of peaceful protesters in Panepistimiou Street during a demonstration in Athens, against the austerity measures introduced by the government. Unofficial sources reported that more than 30 protestors sought hospital treatment, including two who were seriously injured.

Video footage, pictures, press reports and witness testimonies point to the repeated use of unnecessary or excessive force by police in the demonstrations organized against the austerity measures on 15, 28 and 29 June 2011 including the extensive use of tear gas, and other chemicals against largely peaceful protesters. On 16 June 2011, Amnesty International urged the Greek authorities to cease the excessive use of force against protesters during the

² Special guards are special recruits in the police force that have limited policing duties. For further information see Amnesty International report, *Greece: Alleged Abuses in the Policing of Demonstrations*, EUR 25/002/2009, March 2009.

continuing anti-austerity measures protests in Athens. The organization reiterated its call following the demonstrations of 28 and 29 June 2011.³ A criminal investigation was ordered by the Athens Public Prosecutor into allegations of excessive use of force few days later.

ILL-TREATMENT OF PEACEFUL PROTESTORS, JUNE 2011

An illustrative case of ill-treatment during the June demonstrations was that of Manolis Kypraios, a journalist at a demonstration organized by trade unions on 15 June 2011. Riot police officers used a stun grenade against him whilst he was covering the demonstration and he suffered total loss of hearing in both ears as a result.⁴ He reported to Amnesty International that he tried to go to the hospital to seek medical help for the injury caused by the stun grenade, but that he was beaten by officers belonging to the DELTA police force.⁵ A disciplinary and a criminal investigation commenced into the case.

TORTURE AND OTHER ILL-TREATMENT OF MARGINALIZED GROUPS (ARTICLES 1 AND 6)

During the period under examination, there have been continuing reports of ill-treatment by law enforcement officials, in particular against members of marginalized groups such as migrants,⁶ asylum-seekers and Roma.⁷ Amnesty International has also been informed of some cases of individuals witnessing and coming to the aid of migrants facing ill-treatment who have been allegedly verbally abused and threatened or charged and tried for abusing police officers.

On 3 April 2009, Arivan Osman Aziz, a Kurdish Iraqi migrant, was reportedly severely beaten by a coastguard officer in the port of Igoumenitsa. He died as a result of his injuries four months later. Amnesty International expressed its concerns over the case in a letter sent to the Greek authorities in May 2009. In June that year, the organization was informed that a disciplinary and a criminal investigation were conducted into the incident. At the time of submission, the criminal investigation had yet to be concluded and the sworn administrative inquiry ordered into the case had been reportedly postponed pending the results of the criminal investigation.

There has been a significant increase in racially motivated attacks in recent months in Greece. There have also been reports of attacks on places of prayer (usually informal mosques), and in buildings belonging to immigrant communities.

³ See Amnesty International press releases: "Tear gas fired as police clashes with Athens protesters", 15 June 2011 at <http://www.amnesty.org/en/news-and-updates/tear-gas-fired-greek-police-clash-athens-protesters-2011-06-29>; and "Greece urged not to use excessive force during protests, 29 June 2011".

⁴ Recently, Manolis Kypraios underwent a cochlear implant operation which might restore some of his hearing in one ear.

⁵ DELTA is one of the motorcycle police units.

⁶ For cases of torture and other ill-treatment of migrants whilst in detention please see detailed cases in Part II of this report.

⁷ See Greece, Amnesty International Report 2008, pp.140-141; Greece, Amnesty International Report 2009, p.157; Greece, Amnesty International Report 2010, p.153.

Victims, local national non-governmental organizations, and representatives of migrant communities as well as numerous news sources report cases where police officers have failed to take measures to protect third country nationals from racially motivated attacks by, for example, taking a long time to get to the scene of the attack despite repeated calls from the victims or have been present at attacks but did not take any measures to protect the victims and did not proceed with the arrest of perpetrators.

Arrests for racially motivated attacks have been exceptionally rare.

An illustrative example is an attack on the Somali community in the centre of Athens, on 9 April 2011, after a march of far right organizations which resulted in extensive damage and injuries to migrants and asylum seekers. In this case, the police allegedly failed to act to prevent the attack from taking place and did not arrest any of the perpetrators.

There are other such examples. On 12 September A. Z., a Sudanese community leader and an asylum seeker was subjected to an unprovoked attack by five individuals on his way to work which included racial abuse and beatings on the body and head. On 18 September 2011, the Afghan community in Greece sent a letter to the Greek authorities expressing its concerns over the very frequent occurrence of racially motivated attacks against migrants and asylum-seekers. In its statement the Afghan community referred to such cases including that of R. A. an Afghan asylum-seeker who, on 16 September 2011, along with two more Afghan asylum-seekers were subjected to a serious attack outside their house in the area of Aghios Panteleimon in Athens.⁸ R. A. was hospitalized after being stabbed on his chest during the attack. Three individuals were arrested in relation to the attack and were referred to trial.

In June 2011, the UNCHR observed that racist violence is rarely investigated and as a result victims do not report instances that have taken place, all of which increases impunity.⁹ In May 2011, the National Commission on Human Rights made a series of recommendations in order for the phenomenon of racist violence to be dealt with effectively by the judicial and law enforcement authorities.¹⁰

TORTURE AND OTHER ILL-TREATMENT DURING ARREST OR DETENTION (ARTICLE 1 AND 16)

Individuals have reported ill-treatment or torture during arrest or detention to Amnesty International and said that police falsely charged them for resistance to authority, causing bodily harm and other offences in order to cover or justify ill-treatment.

⁸ Letter to the Greek Prime Minister, 18 September 2011, by the Afghan community in Greece, at <http://my.afghan.gr>; UNHCR press releases, and A stop has to be put to racist violence, 16 September 2011, Afghans, new victims of racist violence, No. 32/11, 20 September 2011, <http://www.unhcr.gr/nea/artikel/>.

⁹ UNHCR, The situation of refugees in Greece, June 2011, at <http://www.unhcr.gr>.

¹⁰ The Commission observed that; "in general incidents of violence where police officers are involved are rarely investigated or conclude in just punishment...", see <http://www.nchr.gr>.

CASE STUDY 1: PANAYOTES KOULOUVAKOS-ATHANATOS 2008

Panayotes Koulouvakos-Athanatos, a high-school student, was reportedly severely beaten by police officers in Patras on 10 March 2008. He told Amnesty International that he was out partying with four of his friends when at 5:30am three police officers from the unit known as "Z" approached them and attempted to arrest and handcuff him, although he and his friends had not been involved in any illegal behaviour. There was reportedly also a fourth police officer standing nearby. Panayotes Koulouvakos-Athanatos reported that that he was beaten by one of the police officers when he resisted arrest. Even though he had ceased resisting, the police officers continued to beat him with a baton. The fourth police officer of the unit was reportedly watching the incident and did not react.

Panayotes Koulouvakos-Athanatos and two of his friends (L. and A.) were subsequently driven to the police station. Panayotes Koulouvakos-Athanatos and L. were minors at the time of the incident. The beating allegedly continued at the police station. In particular, one of the police officers (K.) who had arrested them grabbed Panayotes Koulouvakos-Athanatos and led him to the next room, kicking him and beating him around the head, neck, torso and legs with his baton. The student was handcuffed throughout. Panayotes Koulouvakos-Athanatos said that he pleaded with K. to stop and his voice could be heard by his friends who were in the room next door.

Panayotes Koulouvakos-Athanatos also said that during their stay at the police station, the police did not allow them to call their parents for assistance despite their repeated pleas. Their parents were informed about the incident approximately two and half hours later by two of their friends who had not been arrested.

Later that morning, Panayotes Koulouvakos-Athanatos, A and L., were transferred before the local judicial authorities. They were charged with various offences including threats and swearing at police officers, and of attempting to cause bodily harm to a police officer by throwing bottles. The student was subsequently transferred and offered medical treatment at the local hospital.

Panayotes Koulouvakos-Athanatos was also examined by a state pathologist in Patras a day after his beatings. According to the state pathologist's report, he suffered, amongst other injuries, bruises on the left and right ear, multiple lacerations on the neck and head area, swelling on the right cheek and lacerations on the left wrist. The report concluded that the majority of the injuries suffered by the student were a result of direct beatings. The independent pathologist who examined him on 14 March 2008 concluded that the injuries that the student had suffered fell in the category of serious bodily harm due to the fact that an instrument was used and that it had been used mainly on the neck and head. According to the independent pathologist, these parameters could have put the student's life at risk.

Following complaints lodged by Panayotes Koulouvakos-Athanatos, a criminal investigation and a disciplinary investigation commenced. The student strongly contested the charges brought against him and his two friends and pointed to the reported police practice of falsely charging victims of ill-treatment with various offences against them. The organization has been informed that four of the five police officers involved in the incident were charged and that the criminal investigation was completed. The case has been reportedly forwarded to an assigned public prosecutor who will decide whether to refer the officers involved to trial and if so on what charges.

CASE STUDY 2: DEMOSTHENIS PAPADATOS-ANAGNOSTOPOULOS 2011

On 14 January 2011, Demosthenis Papadatos-Anagnostopoulos, a post-graduate student and journalist, reported that he had been arbitrarily arrested and beaten the previous day by officers belonging to the Anti-Terrorist Police Unit and requested an investigation into the incident.¹¹ Demosthenis Papadatos-Anagnostopoulos said that on the evening of the 13 of January 2011, while he was walking home, between 10 and 15 police officers dressed in civilian clothes and without any insignia, appeared, swore at him repeatedly, handcuffed and beat him. He also alleged that the police officers also beat him before he was transferred to the Attika General Police Directorate ("GADA") and that whilst at the GADA for a period of a few hours, he was sworn at, threatened and ordered to undress.

Demosthenis Papadatos-Anagnostopoulos recounted that he had to stay naked in a dark room in front of several hooded police officers for close to 20 minutes. He was released three hours after his transfer to the police station and the police authorities declared that his arrest happened because he was mistaken for another person wanted for terrorist offences.

In February 2011, Demosthenis Papadatos-Anagnostopoulos filed a criminal complaint against the unidentified police officers who arrested him and requested for them to be charged amongst others with torture, actual bodily harm and abuse of power.

LEGISLATIVE, ADMINISTRATIVE, JUDICIAL OR OTHER MEASURES TO PREVENT TORTURE (ARTICLES 2 AND 4)

ACCESS TO DEFENCE COUNSEL, MEDICAL EXAMINATION AND CONTACT WITH FAMILY MEMBERS

Victims of torture and other ill-treatment have often alleged that authorities have ignored their requests to be granted access to their families or lawyers while in detention. The

¹¹ For a collection of press releases, public statements and interviews on the case of Demosthenis Papadatos-Anagnostopoulos, see <http://www.rednotebook.gr/details.php?id=1457>.

following is an illustrative example:

CASE STUDY 1: DENIAL OF ACCESS TO LAWYER OR FAMILY 2008

In 2009, Amnesty International reported on police treatment of individuals, including children, who were arrested and detained in the town of Larisa on 8 December 2008.¹²

In total, 25 people were reportedly arrested during demonstrations which turned violent in Larissa. Nineteen of those arrested were charged amongst others under anti-terror legislation and more specifically of forming jointly a criminal organization which aimed at the commission of arsons. Eleven of those arrested and charged were children (nine boys and two girls) aged between 14 and 17.¹³ Families and lawyers of those arrested said that the latter were also denied prompt legal assistance while in detention, and during their first night in detention the children were not permitted to contact family members.¹⁴ In addition, police authorities refused to provide information to the detainees' parents about whether their children were indeed arrested or in which police station they were being held. During their detention the children were reportedly held together with adults for several hours.

In addition, several of those arrested alleged that they were beaten by police officers during their arrest but were unwilling to report it.

On 17 December 2010, the Larissa Three-member Minors' Court unanimously declared nine of the children innocent of all charges. The Three-member Minors' Court found two of the minors guilty of causing an explosion and of aggravated damage to buildings. It imposed prison sentences of two years and three months on the first of them and two years and four months on the second, suspended upon appeal. The two minors were acquitted for all other charges including those brought under the anti-terrorist legislation.

CRIMINALISATION OF TORTURE

The Greek Constitution specifically prohibits the use of torture and other ill-treatment in Article 7 (2). Torture and other ill-treatment are also explicitly proscribed in the Greek Criminal Code

Amnesty International is concerned that this definition of torture as is currently envisaged in Article 137 A of the Greek Criminal Code is considerably narrower than the one provided in Article 1(1) of the Convention. In particular:

- a. It does not cover cases where torture is inflicted at the instigation or with the consent or acquiescence of a public official;
- b. It does not cover acts committed for any reason based on discrimination, which may, in

¹² See *Alleged Abuses in the policing of demonstrations*, above, at pp. 11-12.

¹³ Amnesty International had expressed its concern that the application of the legislation on organized crime upon the arrested demonstrator may have been arbitrary (see Greece: *Alleged Abuses in the Policing of Demonstrations*, AI Index: EUR 25/001/2009, p.12).

¹⁴ The 11 children were reportedly held for two nights at the police station.

particular, exclude attacks on women, persons with different sexual orientations, members of ethnic or religious minorities and foreigners from the law's scope;

c. It contains, on three occasions, the term "systematic," which may entail the exclusion of more sporadic acts of torture

The acts of torture defined in Article 137 (A) (2) of the Criminal Code are punishable by a minimum of 10 years' imprisonment, increasing to life imprisonment if the victim dies (Article 137B).

Article 137A (3) covers the causing of less serious harm. It states:

"Cases involving physical injury, harm to health, use of illegal physical or psychological force and any other serious offence against human dignity, which is committed by persons under the conditions and for the purposes defined, are punishable by three to five years' imprisonment. Offences against human dignity include in particular:

(a) The use of a lie detector;

(b) Prolonged isolation;

(c) Serious attack on the sexual dignity of the person."

The minimum penalty for offences against human dignity under Article 137 (A) (2) is three years' imprisonment, increasing to a maximum of 10 years under certain aggravating circumstances such as the victim having suffered serious bodily harm (Article 137 B).

Amnesty International wishes to draw the Committee's attention to a case pending before the European Court of Human Rights (ECtHR) raising questions about the compatibility of the pertinent provisions of the Greek Criminal Code on torture with international standards (*Noztul v. Greece*, Application No. 12294/2007). The case concerns the alleged torture of the applicant, a Turkish national of Kurdish origin by coastguard officials in Crete, in May 2001. Necati Zontul was in a boat along with 163 other asylum-seekers and migrants that was intercepted by the Greek coastguard on 30 May 2001 and towed to the island of Crete. The migrants were placed in a disused military barracks. Many of the migrants were reportedly assaulted and Necati Zontul said that he was sexually assaulted by one of the coastguards.

In addition, it was submitted that the applicant's rape with a truncheon by one of the coastguard officers was carried out, at least in part, for a reason based on discrimination, when the officer realised that the applicant was homosexual. The applicant claimed a violation of Article 3 of the European Convention on Human Rights and Fundamental Freedoms (ECHR).

More specifically, the applicant submitted that the pertinent criminal law provisions restrict those acts that may constitute torture to a small subset of actions that are recognized as torture in international law and thus are not sufficient to deter such offences from being

committed or punish those who commit them.¹⁵ In the case, both the first instance and appeal courts concluded that the acts perpetrated by the coastguard officer against the applicant and the other asylum-seekers and migrants abused were falling within the acts prohibited by Article 137 (A) (3) (offences against human dignity) instead of torture (Article 137 (A) (2)). The judicial reasoning regarding the characterization of the offences appears to be based on the “systematic requirement” of the definition of torture in Article 137 (A) (2).¹⁶ More specifically, the first instance court concluded that the acts concerned “were not frequent enough and did not last as long as required”. The same ECHR provisions were also invoked in relation to the alleged failure of the Greek authorities to keep the applicant informed about the trial of the perpetrator and the appellate proceedings.

RIGHT TO PROMPT AND IMPARTIAL INVESTIGATION BY COMPETENT AUTHORITIES AND PROTECTION AGAINST REPRISALS (ARTICLES 12 AND 13)

In the past 10 years, Amnesty International has expressed concern over human rights violations, among them violations of the Convention, by law enforcement officials in Greece including excessive use of force, misuse of firearms and other violations in the policing of demonstrations in a series of reports, public statements and letters to the Greek authorities.¹⁷

The European Court of Human Rights has found Greece in violation of Article 3 of the ECHR in six cases of ill-treatment by police officers and in violation of Article 2 in relation to four cases concerning excessive use of firearms by police officers.¹⁸ Greece has also been found

¹⁵ In the matter of Necati Zontul and Greece, Ref: 12294/2007 at <http://www.redress.org>.

¹⁶ See extracts of the judgments In the matter of Necati Zontul and Greece, Ref: 12294/2007 at <http://www.redress.org>, p. 12.

¹⁷ E.g. Greece: Alleged Abuses in the Policing of Demonstrations, AI Index: EUR 25/001/2009; Greece: Migrants, refugees and asylum-seekers; conscientious objectors and excessive use of force by law enforcement officials – Amnesty International Submission to the UN Universal Periodic Review, May 2011, AI Index: EUR 25/008/2010.

¹⁸ See amongst others: Makaratzis v. Greece, Judgment of 20 January 2004 (Application 50385/1999); Alsayed Allaham v. Greece, Judgment of 18 January 2007 (Application 25771/2003); Bekos and Koutropoulos v. Greece, Judgment of 13 December 2005 (Application 15250/2002); Celniku v. Greece, Judgment of 5 July 2007 (Application no. 21449/2004).

in violation of the International Covenant on Civil and Political Rights (ICCPR) in two cases relating to ill-treatment by police officers¹⁹. In the vast majority of the pertinent cases, the relevant body identified shortcomings in the criminal and/or disciplinary investigations.²⁰

Amnesty International considers that the systemic failure of the Greek authorities to effectively address incidents of police violations of the Convention has led to the unwillingness of those subject to such violations to report them. Victims lack confidence in the criminal justice system and are less likely to report such incidences, which in turn contributes to limited accountability and at times impunity enjoyed by police officers.

Among the victims of ill-treatment that reported this perception to the organization was Kazakhstan-born A., one of the two youths who featured in the video clip which appeared on the YouTube website in June 2007, depicting an incident that had taken place on 24 June 2006. The video showed a number of police officers in the Omonoia police station in Athens looking on while one officer repeatedly slapped, kicked and beat A. and the other youth with a stick, and forced the two to slap each other repeatedly.²¹ According to A.'s description of his treatment to Amnesty International, this went on for around 15 minutes. If they did not slap each other hard enough the officer would slap them himself. The two youths were detained at the police station until 26 June 2006, when they were brought before a judge. A. told Amnesty International that he chose not to mention the ill-treatment in court because he had no evidence and no one would believe him. Both detainees denied the charge of theft.²²

AMENDMENTS OF THE CURRENT DISCIPLINARY LAW

Police officers alleged to be responsible for torture or ill-treatment or charged in connection with other grave offences (such as unlawful killings) may be subject to a form of internal police inquiry, as well as criminal investigation.²³ Although the two procedures are separate, facts established by a final court decision bind the disciplinary authority while the conclusions of the disciplinary inquiry do not bind the criminal investigation. A criminal investigation can take place in parallel with the disciplinary inquiry.²⁴

¹⁹ Kouidis v. Greece, Views of 28 March 2006, CCPR/C/86/D/1070/2002; Kalamiotis v. Greece, Views of 5 August 2008 .

²⁰ E.g., Makaratzis v. Greece; Celniku v. Greece; and Karagiannopoulos v. Greece.

²¹ See video at <http://www.youtube.com/watch?v=3-ljH8e16Kl>.

²² At least four officers were suspended from duty following the publication of the video clip and a sworn administrative inquiry commenced into the incident and was completed in 2009. Amnesty International has been informed that initially seven police officers were charged with torture as proscribed in Article 137 A of the Greek Criminal Code. Following the completion of the criminal investigation, five of them were referred to be tried to the Mixed Felony Court. Their trial is scheduled for October 2011.

²³ In two reports published in 2004 and 2005 on disciplinary investigations into cases concerning police officers, the Greek Ombudsman identified a series of shortcomings in the conduct of disciplinary inquiries. See Greek Ombudsman, Special Report on Disciplinary-administrative inquiry of allegations against police personnel, 2004; and Follow-up Report following the completion of a year after the Special Report, 26 July 2005.

²⁴ Council of Europe Committee of Ministers, Cases concerning the action of police forces in Greece, at <http://www.cpt.coe.int/documents/grc/2010-33-inf-eng.htm>.

There are currently two types of disciplinary inquiries conducted into allegations of offences committed by police officers. The first is the so called “preliminary administrative inquiry”.²⁵ Article 24 of the 2008 Disciplinary Code provides that a preliminary administrative inquiry be ordered by the superior officer of the police officer concerned when there is a possibility that the alleged offence has taken place. The preliminary administrative inquiry is either conducted by the superior officer or assigned to another one. A preliminary administrative inquiry does not amount to the disciplinary indictment of the officer investigated. A disciplinary indictment is launched with a second type of disciplinary inquiry, entitled “sworn administrative inquiry”. The Code provides that a disciplinary indictment in the form of a sworn administrative inquiry is ordered when the existing evidence shows clear indications for the commission of disciplinary offence. The offences for which a sworn administrative inquiry is ordered are those that incur the heaviest disciplinary sanctions.²⁶ Torture and other violations of human dignity within the meaning of the pertinent provisions of the Greek Criminal Code are among the offences for which a sworn administrative inquiry may be ordered provided that the competent authorities consider that there are clear indications that the offence was committed.

The Disciplinary Code provides for the mandatory assignment of the interrogation within the framework of a sworn administrative inquiry to an officer of a Directorate that does not have administrative jurisdiction over the suspected police officer for allegations of torture and other violations of human dignity as proscribed in Article 137 A of the Greek Criminal Code. However, such assignment is discretionary for other disciplinary offences such as “violent treatment against citizens” that does not fall within the definition of Article 137 A or unlawful violence within the meaning of Article 330 of the Greek Criminal Code.²⁷

Amnesty International wishes to draw attention to the observations of the Council of Europe Committee for the Prevention of Torture (CPT) on Greece regarding the independence of disciplinary investigations. In 2010 the CPT noted that “investigations into allegations of ill-treatment should satisfy the requirements for an effective investigation as reflected in the case law of the European Court of Human Rights. Reference should also be made to the 1999 United Nations Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (‘Istanbul Protocol’), which inter alia states that such a type of investigation should be carried out by investigators who shall be independent of the suspected perpetrators and the agency they serve in addition to being conducted promptly and effectively. ... By contrast according to the 2008 Decree on Police Discipline, investigations into allegations of physical ill-treatment and of other disciplinary offences are normally initiated and carried out by the local police force to which the accused police officer belongs”.²⁸

²⁵ The preliminary administrative inquiries have replaced two previous forms of inquiries: the Preliminary Inquiries and the Oral Administrative Inquiries (Reply of the Greek Ministry of Interior to the Greek Section of Amnesty International, 2 June 2009).

²⁶ Article 10 and 21 of PD 120/2008. Higher disciplinary offences are those who incur the sanctions of cashiering, suspension of service by dismissal and temporary suspension from service.

²⁷ See Articles 10 (1) c, 11 (1) (ia) and 26 (1) and (4) of PD 120/2008.

²⁸ CPT/Inf/(2010)33, para. 27, at <http://www.cpt.coe.int/documents/grc/2010-33-inf-eng.htm>.

Amnesty International is further concerned that the current Disciplinary Code does not address its earlier recommendation that police officers under investigation for torture or unlawful killing should be suspended from active duty pending the outcome of disciplinary or judicial proceedings against them. It provides for mandatory suspension of police officers from service only in regard of those serving prison sentences, those who have been remanded in pre-trial custody, or those released subject to restrictive conditions (Article 5 (3) of PD 120/2008).²⁹

Additionally, the Code still contains safeguards only for the officer under investigation and not for the complainant. The complainant still does not have right of access to the disciplinary hearings, and cannot appeal against the inquiry's findings.³⁰ A complainant only has the right to be informed about the outcome of his complaint if he/she applies for it.

PROMPTNESS AND THOROUGHNESS OF INVESTIGATIONS

Amnesty International has observed that in several of the cases of alleged torture or ill-treatment by law enforcement officials, disciplinary inquiries and criminal investigations are slow to advance. Victims who spoke to Amnesty International expressed loss of faith in the system and often believed that the perpetrators would not be found since they and/or their witnesses had not been called for many months after they had filed a criminal complaint to give a testimony about their claims.

For example, in September 2011 Amnesty International was informed that the criminal investigation into the case of student Demosthenis Papadatos-Anagnostopoulos which had started in July 2011, four months after he had filed a criminal complaint, was still at the stage of preliminary inquiry. Demosthenis Papadatos-Anagnostopoulos had yet to be notified whether a disciplinary inquiry had commenced into his allegations.

In other cases, lawyers of victims reported that the investigative judges assigned to question victims on criminal charges brought against them following their arrest, ignored their request to order an appointment of a forensic pathologist to examine the victims when the issue of ill-treatment was brought to their attention.

Severe delays in the completion of criminal investigations and repeated postponements on the dates of trials of police officers against whom charges have been brought for both torture and other ill-treatment can be detrimental for the punishment of the alleged perpetrators for lesser offences that they have also been charged with due to the statute of limitations. Such delays can also affect the presence of crucial witnesses, including the victims themselves, and the quality of the evidence given due to the lapse of time since commission of the alleged offences took place.

²⁹ Article 14(2) of Presidential Decree 22/1996; also *In the shadow of impunity*, above; TG Ref: 25/001/2009.

³⁰ Article 51 of PD 120/2008. See the very extensive analysis of GHM, OMCT and others, "State Violence in Greece: An Alternative Report to the United Nations Committee Against Torture", 27 October 2004.

Concerns about delays in criminal investigations have been expressed to Amnesty International by the Greek Helsinki Monitor. This NGO is representing two men who said that they were tortured on separate occasions with an electric shock device by a police officer in August 2002 at the Aspropyrgos police station. The recommendation of the public prosecutor for the police officer to be charged with torture and referred to trial in 2004 was confirmed by the decisions of three judicial councils (first instance, appeal and Supreme Court), and the final decision was issued in 2007. This was the first time that a law enforcement official has been referred to trial under the felony component of the torture provision. The trial was scheduled before the Athens Mixed Jury Court for January 2008 but postponed twice because of the absence of the defendant's lawyers to another trial. Three full court hearings took place in November 2009 and December 2009 and February 2010. In May 2010, the trial was postponed again for February 2011 and again in February for November 2011, more than nine years after the alleged incidents.

FAILURE TO ENSURE THE RIGHT TO EFFECTIVE REMEDY

In communications with the Greek authorities, Amnesty International has urged that they take all possible measures to reverse past practices and ensure that the right to effective remedy is fully guaranteed to all victims as required under the ICCPR, the ECHR and the UN Convention against Torture. However, serious concerns remain regarding whether victims of violations of the Convention by law enforcement officials are guaranteed an effective remedy.

In December 2008, the Thessaloniki Appeals Court found four police officers guilty of causing grievous bodily harm and sentenced them to three years' imprisonment.³¹ They had been captured on widely available video footage beating Avgoustinos Demetriou in November 2006. The Court converted the sentences to a fine. Furthermore, the Court convicted three more police officers for supporting the four others in the beating and the then director of the Thessaloniki Security Police for not acting to deter the ill-treatment. The Appeal Court handed for all four a 15-month suspended sentence. The Court also decided that the appeal would have suspensive effect.

Amnesty International believes that officers who have abused their position and committed acts of torture or other ill-treatment should not be permitted to remain in office as a general rule. The organization also believes that if unlawful acts of police violence against detainees are to be deterred, the seriousness of such acts must be reflected in both the criminal and disciplinary measures taken against the offending police officers.

CASE STUDY 1: CHRISTOS CHRONOPOULOS, 2008

In 2008, the family of Christos Chronopoulos, who has a mental disability, informed Amnesty International that he had been taken to the Kallithea police station in Athens at around 11pm on 22 May 2007, allegedly for causing a disturbance. At about 1.45am on 23 May he was taken to hospital by ambulance. According to a statement issued by the General Police Directorate of Attica on 10 June 2007, this was because he was

³¹ Amnesty International expressed its concerns over the case in a letter sent to the Greek authorities in 2009, AI Index: TG EUR 25/001/2009. For the video of the case see <http://www.youtube.com/watch?v=Gg5ZFqW7noo>.

“unwell”. According to court documents, the police officer responsible for guarding Christos Chronopoulos did not proceed with the registration of his detention at the police station and he did not compose a report that he should be guarded under special protection due to his disability as required by Greek legislation.

Christos Chronopoulos spent two months in intensive care, several weeks of which in a coma, three months in a neuron-surgical hospital wing, and another six months at a rehabilitation centre. He is no longer able to care for himself. Forensic medical reports seen by Amnesty International document a serious head injury and wounds all over his body.³²

Christos Chronopoulos’ relatives lodged a complaint against the police at Kallithea police station. Amnesty International has since learnt that a disciplinary investigation, concluded in February 2009, cleared the police officers of any wrongdoing. Following the completion of a criminal investigation, the public prosecutor assigned to the case introduced the case to the Athens Judicial Council of Misdemeanours for the latter to decide whether the officers involved would be referred to trial. The prosecutor recommended that four police officers be referred to trial for jointly causing serious bodily harm. However, on 26 January 2011, the Council of Misdemeanours decided not to charge the four as there were insufficient grounds of guilt. The Council also concluded that Christos Chronopoulos’s head injuries were self-inflicted during the time of his arrest. An appeal against the Council’s findings was filed by the Public Prosecutor of the Appellate Court.

The Judicial Council’s decision did not take into account the injuries that Christos Chronopoulos sustained to the rest of his body. The report of the independent pathologist who examined him stated that the body injuries were caused by flexible curved instruments. According to the family, such instruments could only be police batons.

In the case of Panayotes Koulouvakos-Athanatos addressed above, his lawyer expressed concerns about the outcome of the sworn administrative inquiry and the manner that the evidence received was evaluated. The inquiry is said to have attributed the injuries sustained to his resistance to arrest and found that none of the police officers involved should be referred for a disciplinary trial. None of the police officers involved were suspended from duty during investigation and all have remained in their positions.

Over the past few years (in public reports and letters to the Greek authorities), Amnesty International has called for the establishment of an independent and effective complaints mechanism to investigate allegations of unlawful police conduct.³³

In March 2011, Law 3838/2011 was introduced providing among other things for the establishment of a Bureau for incidents of arbitrariness by law enforcement officials to be established in the Ministry of Citizens’ Protection. A Presidential Decree providing details regarding the Bureau’s operation entered into force in September 2011 (PD 78/2011).

³² In a letter sent to the Greek authorities in 2009, Amnesty International expressed its deep concerns at how Christos Chronopoulos came to sustain such debilitating injuries and the steps taken by the authorities to ensure the effectiveness and impartiality of that investigation.

³³ E.g. Greece: In the shadow of impunity: Ill-treatment and the misuse of firearms, Greek Helsinki Monitor and Amnesty International, AI Index: EUR 25/022/2002; Greece: Alleged Abuses in the Policing of Demonstrations, AI Index: EUR 25/001/2009.

The Law provides for the establishment of a three-member Committee within the Bureau, comprising a retired judge of the Supreme Court as its president, a retired prosecutor or deputy prosecutor of the Supreme Court or Appeal's Court, and the Legal Advisor to the Ministry of Citizens' Protection. The three-member Committee is tasked with evaluating whether each complaint or reported incident falls under the Bureau's competence and subsequently to issue a decision either to submit the case to the competent disciplinary authorities for investigation or to submit a proposal to the competent Minister to conduct the disciplinary investigation itself in cases of serious complaints or incidents or to reject them if they have no basis or are deemed unacceptable for evaluation.³⁴

In addition, Law 3938/2011 also envisages fulfilling one of the individual measures required in relation to the implementation of European Court of Human Rights rulings where Greece has been found in violation of the ECHR in relation to actions of police officers.³⁵ The three-member Committee is also tasked with dealing with such cases where the pertinent ECtHR judgment found deficiencies in the disciplinary proceedings or new evidence that was not evaluated during the disciplinary inquiry or determination of the case. In particular, the Committee re-examines such cases by taking into account the findings of the ECtHR and can decide whether or not to re-investigate cases. The decision to re-investigate will bind the head of the law enforcement agency concerned.

Amnesty International wishes to reiterate its concerns over the institutional independence of the Bureau. It will operate in the Ministry of Citizens' Protection which is the Ministry responsible for law enforcement agencies including the Greek police. Moreover, the Law provides that it will be staffed with seconded personnel of the Greek Police, the Greek Coast Guard and the Fire Department and not with its own specialized personnel.³⁶

Amnesty International notes that for a police complaints mechanism to be independent, it should be a body with no structural or organizational connection with the police, such as in the form of an independent non-departmental public body, for example a specialized Police Ombudsman or Independent Police Complaints Body. Such a body should be adequately staffed and headed by professionals of acknowledged competency, impartiality, expertise, independence and integrity, who are not members of the law enforcement agencies.

The organization remains concerned about the type of acts which fall under the Bureau's mandate since Article 1 (1) of Law 3938/2011 does not explicitly refer to discrimination on racial, ethnic or similar prohibited grounds, and misconduct motivated by such discrimination as among the alleged acts of law enforcement officials to be examined by the

³⁴ See Article 1 (3) and (4) of the Law.

³⁵ Cases concerning the action of police forces in Greece – individual measures, CM/Inf/DH (2009), 17 March 2009.

³⁶ Amnesty International has previously expressed its concerns over the independence and effectiveness of the Bureau as it was envisaged in draft legislation in 2009 and 2011 (Public Statement, 21 December 2009, 25/011/2009; Greece: Migrants, refugees and asylum-seekers; conscientious objectors and excessive use of force by law enforcement officials – Amnesty International Submission to the UN Universal Periodic Review, May 2011, AI Index: EUR 25/008/2010)

Bureau.³⁷

Concerns also remain over the effectiveness of the Bureau, since the main function of the Committee is to evaluate the admissibility of the complaints and if it finds them admissible, to forward them to the competent disciplinary bodies for investigation. In addition, its own powers to carry out investigations are very limited, since a member of the Committee will be able to conduct investigations only in those cases which the Law categorizes as “serious complaints or incidents”, subject to the discretion of the Minister of Citizens’ Protection, and only in relation to the disciplinary aspects of such cases.

Concerns also arise over the outcome of the Committee’s decisions regarding the admissibility of complaints because the Committee does not have investigative powers save in cases where these are being granted them by the Minister of Citizens’ Protection. The only power in relation to the collection of evidence that the Committee has when it will not act as a disciplinary inquiry body is that of requesting documentation from public sector authorities in relation to the complaint concerned.

In addition, the Committee does not have any powers to refer cases for prosecution if appropriate in relation to a complaint or incident submitted to the Bureau. It can only inform in writing the competent prosecutor of cases it has received that alleged the commission of a criminal offence that can be investigated by the prosecutor ex officio.

In addition, whilst welcoming that the Committee’s mandate includes dealing with cases where Greece has been found have violated the ECHR, Amnesty International would recommend that the mandate is broadened to include cases where Greece has been found in violation of the International Covenant on Civil and Political Rights and CAT. Furthermore, concerns remain that the Committee’s mandate is limited to the review and issuing of a decision about the re-opening of a new disciplinary investigation and does not include conducting new disciplinary investigation of such cases if it is so decided.

³⁷ The acts which fall within the Bureau’s mandate are: torture and other violations of human dignity according to the meaning given to it in article 137 A of the Greek Penal Code; illegal and intentional attacks against life, bodily integrity or health, or personal or sexual freedom; illegal use of firearms and; any other attack against the personality of citizens as well as related actions carried out by the same person at the same place and time (Article 1 (1) of Law 3938/2011).

PART II

NON-REFOULEMENT AND ASYLUM DETERMINATION PROCEDURES (ARTICLE 3, 11 AND 16)

BACKGROUND

Because of its geographical position, Greece, like other countries at the southern border of Europe, is faced with large and mixed flows of irregular migrants and asylum-seekers. In recent years, it has become the main point of entry of irregular migrants and asylum-seekers into the European Union (EU). The large numbers of arrivals and the concomitant failure of the Greek authorities to enact recommendations made by international human rights bodies over many years have resulted in asylum-determination procedures and reception and detention conditions in the country that violate international human rights and refugee law.

In September 2010, the UN High Commissioner for Refugees (UNHCR) described the asylum situation in Greece as a “humanitarian crisis” and urged the Greek authorities to speed up the implementation of asylum procedure reforms.³⁸

Since 2009, Amnesty International has documented how asylum-seekers in Greece face a real risk of being denied a fair hearing of their claim, in turn exposing them to a serious risk of *refoulement*.³⁹ In particular, asylum applicants enjoy no or very limited access to legal advice, interpretation services and relevant information, thereby hampering their ability to access the asylum system altogether. Those and other serious deficiencies have resulted in some of the lowest recognition rates across the board for all international protection applications recorded in an EU member state in recent years.⁴⁰

³⁸ UNHCR says “asylum situation in Greece is a humanitarian crisis”, at <http://www.unhcr.org/4c98a0ac9.html>.

³⁹ See, for example, Amnesty International, *The Dublin II Trap – Transfers of Asylum-seekers to Greece*, (Index: EUR 25/001/2010), March 2010, documenting the plight of Dublin II returnees and other asylum-seekers in Greece.

⁴⁰ In 2009, the refugee, humanitarian status and subsidiary protection recognition rates at the initial stage were respectively 0.04 per cent, 0.09 per cent and 0.31 per cent, see http://www.astynomia.gr/index.php?option=ozo_content&perform=view&id=81&Itemid=73&lang=

Recent statistics issued by the UNHCR have noted a significant increase on refugee and other status recognition rates at the appeal stage (exceeding 30 %) after the transitional asylum system came to effect. The Greek authorities reported an increase from 0.5 % to 12,5% at initial and appeal instance including backlog appeals on the refugee and other status recognition rates since the transitional

EU member states and other countries participating in the so-called Dublin II system have exacerbated the situation by insisting on returning asylum-seekers to Greece.⁴¹

Those concerns were underscored on 21 January 2011 by the landmark ruling of the Grand Chamber of the European Court of Human Rights (ECtHR) in the case of *M.S.S. v. Belgium and Greece*, an Afghan asylum-seeker whom the Belgian authorities had returned to Greece under the Dublin II Regulation.⁴² The Court concluded that Greece did not have an effective asylum system in place. In particular, the Court also considered that M.S.S. was denied effective determination of his asylum claim because of major structural deficiencies in the Greek asylum procedure, and that Greece had violated his right to an effective remedy.⁴³ Further, the Court held that, at the time of M.S.S.'s expulsion from Belgium to Greece, "the Belgian authorities knew or ought to have known that he had no guarantee that his asylum application would be seriously examined" by their Greek counterparts. Thus, the Court also found that the Belgian authorities had failed in their duty to verify the application of Greek asylum legislation *in practice*. Since M.S.S. could arguably claim that his removal to Afghanistan would expose him to a real risk of torture or other ill-treatment or even death, the Court found that Belgium's transfer of M.S.S. to Greece violated the principle of *non-refoulement*.⁴⁴

As a result of the limited number of reception facilities, many asylum-seekers have been left destitute and homeless on the streets to fend for themselves, deprived of any formal assistance, in conditions that amount to inhuman or degrading treatment. In addition, in violation of their right to liberty and security of person, many asylum-seekers, including women and children, have been detained for prolonged periods of time in very poor conditions, at times amounting to degrading treatment.

The Grand Chamber of the ECtHR also ruled that M.S.S.'s detention conditions and the circumstances of destitution in which he was left in Greece upon his release amounted to degrading and inhuman or degrading treatment respectively.⁴⁵

legislation on asylum came into effect. However, the government does not distinguish between initial and appeal stages (see <http://www.unhcr.org> and http://www.minocp.gov.gr/index.php?option=ozo_content&lang=&perform=view&id=3790&Itemid=513 (in Greek)).

⁴¹ The Dublin II Regulation (Council Regulation 343/2003) is European Union secondary legislation, which three non-Member States, namely, Iceland, Norway and Switzerland are also applying. Among other things, it establishes the criteria and mechanisms for determining which state is responsible for examining an asylum application in cases where the asylum-seeker has entered more than one Dublin II participating state.

⁴² *M.S.S. v. Belgium and Greece*, Application no. 30696/09, Judgment of 21 January 2011; see also "The European Court of Human Rights vindicates the rights of asylum-seekers in the EU", Joint Statement by the AIRE Centre (Advice on Individual Rights in Europe) and Amnesty International, 21 January 2011, AI Index: EUR 03/001/2011.

⁴³ Violation of Article 13 of the ECHR, taken together with Article 3.

⁴⁴ Violation of Article 3 of the ECHR.

⁴⁵ Violation of Article 3 of the ECHR prohibiting torture or inhuman or degrading treatment found both in connection with degrading detention and living conditions. *M.S.S. v. Belgium and Greece* (Application

Following the M.S.S judgement, there have been no Dublin II returns of asylum seekers to Greece since February 2011.⁴⁶

The findings in M.S.S. were further underscored by the advisory opinion of Advocate General Trstenjak of the Court of Justice of the European Union (CJEU) delivered on 22 September in two linked cases arising from the current crisis of the asylum system in Greece and concerning whether, in the circumstances, asylum-seekers may be transferred there under the Dublin II Regulation if it cannot be guaranteed that they will be treated and their applications will be examined in Greece in accordance with the Charter of Fundamental Rights of the EU, the minimum standards set out in the so-called Common European Asylum System,⁴⁷ and the ECHR.⁴⁸

CONTENT AND IMPLEMENTATION OF LEGISLATIVE REFORMS OF THE ASYLUM DETERMINATION PROCEDURES

In November 2010, the transitional Presidential Decree on asylum determination procedures (Presidential Decree 114/2010) entered into force. It reintroduced first instance appeals in asylum and other international protection cases and introduced transitional provisions for dealing with the heavy backlog of pending asylum appeals which, according to the Greek authorities' assessment were close to 47,000.⁴⁹ The Decree retained the police as the competent authority for the initial examination of asylum claims.

Amnesty International welcomed the coming into force of the Presidential Decree, notwithstanding regrettable delays, and noted as positive the reintroduction of first instance appeals. However, the organization expressed concern that free legal assistance continued to

no. 30696/09), Grand Chamber Judgment, 21 January 2011. "The Court considers that the applicant has been the victim of humiliating treatment showing a lack of respect for his dignity and that this situation has, without doubt, aroused in him feelings of fear, anguish or inferiority capable of inducing desperation. It considers that such living conditions, combined with the prolonged uncertainty in which he has remained and the total lack of any prospects of his situation improving, have attained the level of severity required to fall within the scope of Article 3 of the Convention." , para. 263.

⁴⁶ See amongst others Transfer of asylum-seekers to Greece stopped, at http://www.migrationsverket.se/info/3143_en.html.

⁴⁷ Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers (i.e. the Reception Directive); 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 (i.e. the Qualification Directive); and Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status (i.e. the Procedures Directive).

⁴⁸ See, for example, Opinion of Advocate General Trstenjak delivered on 22 September 2011, Case C-411/10 N.S. v Secretary of State for the Home Department (Reference for a preliminary ruling from the Court of Appeal (England and Wales) (United Kingdom)).

⁴⁹ In September, the Minister of Citizens' Protection announced that the number of pending appeals reduced to 38,100, source: http://www.minocp.gov.gr/index.php?option=ozo_content&lang=&perform=view&id=3790&Itemid=513 (in Greek).

be available only to asylum-seekers who lodged an appeal to the Council of State.⁵⁰

Additionally, the fact that pending appeal to the Council of State asylum applicants are not entitled to an automatic suspension of their removal from Greece continues to give rise to concern that they are not protected effectively against *refoulement*. Removal is suspended pending the expiry of the deadline within which a first instance appeal may be lodged and it is stayed pending a decision of the Refugee Committee (first instance appeals' body). However, if an asylum-seeker's appeal is dismissed by the Refugee Committee, and the asylum applicant seeks to appeal to the Council of State, s/he will be removed unless s/he also applies for and is granted a suspension of the removal order and a provisional order suspending the implementation of the removal order. Delays in delivering provisional orders to suspend removals (issued between 10 days and four months after application) put asylum-seekers at risk of arrest, detention and expulsion. As such they also ultimately place asylum-seekers at real risk of persecution or serious harm as people may be forcibly removed in contravention of the principle of *non-refoulement*.

On 12 January 2011 the Greek government enacted new legislation on asylum, migration-related detention and returns of third-country nationals (i.e. non-Greek citizens who are nationals of countries other than those participating in the Dublin II scheme).⁵¹ This legislation includes provisions for the establishment of screening centres and an Asylum Authority staffed with civilian personnel to start operating in 2012, as well as the transposition of the EU Returns Directive.

Amnesty International has welcomed the establishment of the new asylum determination authority but believes that further reforms are required in order to achieve a fair and effective asylum system.⁵²

Since the transitional system came into effect at the beginning of 2011, the UNHCR has reported "a qualitative upgrade of interviews before the Appeal Committees, important improvement of interpretation services, in-depth examination and exhaustive analysis of the reasons leading to the final judgement, and adequately justified decisions – either positive or negative. Also, in certain police directorates there has been some improvement with regard to interviews at first instance".⁵³

50 Greece: Preliminary Comments on the Asylum-Determination Procedure Reforms, 10 December 2010, AI Index: 25/009/2010.

51 Law 3907/2011, On the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of the provisions of Directive 2008/115/EC "on common standards and procedures in Member States for returning illegally staying third country nationals and other provisions", Official Gazette of the Hellenic Republic, Volume A, No. 7, 26 January 2011 (unofficial translation by UNHCR Athens).

52 For a detailed analysis of the new legislation and Amnesty International's concerns see: Greece: Briefing on the draft law on asylum, migration-related detention and returns of third country nationals, 10 January 2011, (AI Index: EUR 25/002/2011).

53 "The situation of asylum-seekers in Greece", UNHCR findings and proposals, 16 June 2011, at <http://www.unhcr.gr/genikes-plirofories/ellada.html> (in English and Greek). See also UNHCR Oral submissions in joined cases of NS (C-411/10) and ME and others (C-483/10), Hearing of the CJEU,

Despite the improvements at the appeal stage, the UNHCR also reported delays in the work of the Appeal Committees as a result of organizational and technical problems and frequent postponements or interruptions of meetings as a result of the appellants not appearing at the hearing.⁵⁴ In September 2011, the authorities announced the adoption of certain measures to hasten the reduction of the appeals backlog and reduce the number of postponed appeal hearings.⁵⁵ The authorities also announced that five more Appeal Committees would be created.⁵⁶ At the time of this submission the additional Appeal Committees have yet to be established.

OBSTACLES IN ACCESSING ASYLUM DETERMINATION PROCEDURES

In June 2011, the UNHCR reported that the lack of systematic dissemination of information about the right to asylum and the prolonged detention of asylum-seekers at the country's points of entry acted as a deterrent for those wishing to seek international protection.⁵⁷ During Amnesty International's visit to immigration detention facilities in Evros in May 2011, individuals wishing to seek international protection told how they were deterred from applying for asylum by the prospect of appalling detention conditions coupled with the prospect of prolonged detention.

Amnesty international is concerned by the procedures for registration of new asylum applications, particularly at the Attika Aliens' Police Directorate (Petrou Ralli) and the Thessaloniki Aliens' Police Directorate.⁵⁸ Despite the very large numbers of people who may seek to lodge an asylum application, the authorities in Petrou Ralli are reportedly registering only between 20 and 30 asylum applications per week giving rise to concern that very large numbers of asylum-seekers may have to wait for months before being able to lodge an asylum application. Meanwhile they are in danger of being arrested, detained and deported. In May 2011, Amnesty International received reports from local lawyers that the police authorities in Thessaloniki had ceased registering new asylum applications.

Delays in the renewal of pink cards that prove that the individual has lodged an asylum application also continue to be reported at the Attika Aliens' Police Directorate. In addition, Amnesty International is concerned that despite repeated requests, some asylum-seekers at a police station in Thessaloniki were not provided with asylum application forms for several days, while one asylum-seeker was provided with such form only after the issue was raised

Luxembourg, 28 June 2011.

⁵⁴ See above, <http://www.unhcr.gr/genikes-plirofories/ellada.html> (in English and Greek).

⁵⁵ See http://www.minocp.gov.gr/index.php?option=ozo_content&lang=&perform=view&id=3790&Itemid=513 (in Greek).

⁵⁶ Concerns had previously been expressed by national NGOs that the number of Committees was not sufficient to deal with the existing appeals' backlog (see AITIMA, "Greece: Serious Problems in the Asylum Field", May 2011, at <http://www.aitima.gr>)

⁵⁷ The situation of asylum-seekers in Greece", UNHCR, above.

⁵⁸ "The situation of asylum-seekers in Greece", UNHCR, above; and "We unite our voice to give a strong message", 20 June 2011, World Refugee Day, Joint Press Release by Arsis, Hellenic Union of Human Rights, Greek Council for Refugees and five other national NGOs..

with the authorities following the organization's visit in May 2011 (Omonoia police station).⁵⁹ Delays in the renewal of pink cards, and the failure to register claims promptly increases the risk of arrest, detention, deportation and ultimately violations of the principle of non-refoulement.

When Amnesty International delegates visited the Old Hellinikon immigration detention facility in Athens in August 2010, information on asylum determination procedures existed only in the office of the police authorities and the leaflet shown to the delegates was outdated.⁶⁰ Two of the detainees reported that they wanted to apply for asylum but said the authorities did not inform them about the procedure. In addition, detainees in both the Old Hellinikon immigration detention facility and the New Hellinikon immigration detention facility visited on the same day, appeared not to be informed about the likely length of their detention.

When Amnesty International delegates visited immigration detention facilities in the Evros region in May 2011, information leaflets were few and outdated leading, for example, to misinformation among asylum-seekers about the likely length of their detention.⁶¹

EXPULSIONS IN CONTRAVENTION OF THE PRINCIPLE OF NON-REFOULEMENT

Amnesty International has voiced concern about the compatibility of Article 76(1) (c) of Law 3386/2005 with international human rights and refugee law.⁶² This provision allows for the deportation of aliens if they have been charged with a crime punishable by three months' imprisonment. Recognised refugees, and others equally entitled to international protection, including asylum-seekers who are presumptively entitled to be considered refugees unless and until they are declared not to be, are not exempted from the implementation of this Article. Therefore, its implementation may lead to violations of the *non-refoulement* principle.

Furthermore, as of September 2011 there were still no facilities or mechanisms at the country's main points of entry for the identification of those in need of international protection as well as vulnerable groups such as victims of torture and unaccompanied or separated asylum-seeking children. The First Reception Centres envisaged by Law 3907/2011 have not yet been established although plans have been announced for their creation.⁶³ The absence of such facilities and mechanisms coupled with the continuing

⁵⁹ Discussions with lawyers and asylum seekers, Amnesty International visit, May 2011

⁶⁰ Both Old Hellinikon and New Hellinikon immigration detention facilities are situated close to the old Athens airport.

⁶¹ In September 2011, the Minister of Citizens' Protection announced that new informative leaflets with the updated asylum determination procedures were printed and distributed in various police directorates, at http://www.minocp.gov.gr/index.php?option=ozo_content&lang=&perform=view&id=3790&Itemid=513.

⁶² Greece: Migrants, refugees and asylum-seekers; conscientious objectors and excessive use of force by law enforcement officials: Amnesty International Submission to the UN Universal Periodic Review, May 2011.

⁶³ A Director has been appointed to lead the First Reception Authority and research was reportedly under way to identify the areas where the new first receptions would be established (at http://www.minocp.gov.gr/index.php?option=ozo_content&lang=&perform=view&id=3790&Itemid=513).

administrative obstacles to accessing fair and effective asylum procedure have led to several cases of asylum-seekers being expelled without their claims being fully and fairly assessed, in violation of the principle of non-refoulement.

For example in 2009, 18 Turkish citizens of Kurdish origin, including four unaccompanied children, were returned to Turkey under the framework of the bilateral Readmission Agreement between Greece and Turkey, despite the fact that they had requested asylum in Greece. The asylum-seekers were among a group of 43 people, 40 Turkish citizens and three Syrian citizens, all of Kurdish origin, who were arrested by the Greek coastguard on the northern coast of Crete on 20 July 2009 for entering Greece irregularly. On 27 July 2009, 21 of them, including four unaccompanied children, reportedly expressed their wish to seek asylum. However, the police officers on duty reportedly refused to register their applications or facilitate their access to the Chania Police Directorate to lodge their asylum applications. With the assistance of lawyers and interpreters from a local NGO and the Chania Bar Association who had visited the 43 individuals on that day, 17 adults wrote and signed short asylum applications and tried to submit them to the police officers on duty. However, according to members of the local NGO and the representatives of the Human Rights Committee of the Chania Bar Association, the police officers responsible for their detention refused to accept their applications. On 28 July 2009, the Human Rights Committee of the Chania Bar Association submitted written asylum applications to the Chania Police Directorate. A few days later, the Chania Police Directorate returned the asylum applications to the Bar Association on the grounds that they had not been submitted in person by the applicants themselves.

On 27 July 2009, without warning, all individuals were transferred under police custody to Athens and from there to Evros in the border region with Turkey on the following day.

UNHCR, Amnesty International, the Chania Migrants Forum and the Greek Council of Refugees (GCR), among others, appealed to Greek authorities requesting that the removal of the asylum-seekers be halted. However, 18 Turkish asylum-seekers, including the four unaccompanied children, were among the 40 detainees who were handed over to the Turkish authorities on 30 July. Two of the three Syrian asylum-seekers were released while the third was detained in the holding facility of the Aliens' Police Directorate in Athens.

The UNHCR located the persons concerned in Turkey after their transfer and noted that "...their return without consideration of their request for international protection highlights the need for safeguards to ensure respect for the principle of non-refoulement".

On 2 November 2010, a Rapid Border Intervention Team (RABIT) was deployed by Frontex, the EU Border Agency, to the Greek-Turkish border by the river Evros, the national frontier between Greece and Turkey.⁶⁴ The RABIT Team, comprising 175 border guards from a pool of guards of EU member states, was deployed until March 2011. At the time, Amnesty International expressed concern that RABIT operations could prevent asylum-seekers and

⁶⁴ Frontex is a European Union agency tasked with coordinating the operation cooperation between Member States in the field of border security.

refugees from accessing international protection.⁶⁵ Since March 2011 RABIT has been replaced by the “Joint Operation Poseidon Land 2011” which has performing the same tasks. In the light of this, the organization remains concerned, and stresses that Greek authorities and border guards from EU member states must guarantee that asylum-seekers are not pushed back at the border in contravention of the principle of *non-refoulement*.

Amnesty International has also expressed profound concern at the planned construction of a fence along the 10.3 km section of Greece’s land border with Turkey (Evros region). The organization believes that the construction of such a fence is likely to lead to violations of Article 18 (the right to asylum) of the EU Charter of Fundamental Rights and of the Refugee Convention since it would prevent individuals seeking international protection from reaching Greece.⁶⁶

Amnesty International is also concerned that the reported construction of a 120 km long, 30m wide and 7m deep trench alongside the river to be filled with water may lead to an increase in the number of fatalities among those trying to cross the river to enter Greece.

TORTURE OR ILL-TREATMENT OF MIGRANTS IN PLACES OF DETENTION

In July 2010, Amnesty International published a report entitled *Irregular migrants and asylum-seekers in Greece routinely detained in sub-standard conditions*.⁶⁷ Among the deficiencies identified were: prolonged detention in border guard stations and police cells designed only for short stays; unaccompanied or separated children being detained alongside adults; limited access to medical assistance; overcrowding; lack of hygiene; a lack of products for personal hygiene; lack of exercise; and restricted access to clean water. The report documents allegations of ill-treatment, including beatings and kicks, as well as verbal abuse, by coastguards and police officers, and instances of inhuman treatment during transfer from one immigration detention centre to another.

On 31 December 2009, P., a Chilean migrant, was reportedly severely beaten while detained at the Akropolis police station. As a result, he suffered serious injuries and was hospitalized. On 1 January 2011, the Head of the Greek Police assigned the criminal investigation of the

⁶⁵ See Amnesty International Submission to the UN Universal Periodic Review, May 2011 above.

⁶⁶ In January 2011, the Minister of Citizens’ Protection proposed the construction of a fence along a section of Greece’s 12,5 km land border with Turkey, as a way of cracking down on irregular immigration.. On the fence see among other sources <http://euobserver.com/9/31588> and <http://www.dw-world.de/dw/article/014749799,00.html>.

⁶⁷ *Greece: Irregular Migrants and Asylum-Seekers Routinely Detained in Substandard Conditions*, July 2010, AI Index: 25/002/2010.

incident to the Internal Affairs Department of the Greek Police. Officers of the Department conducted a preliminary inquiry and subsequently arrested five police officers. They were charged with torture and abuse of power. In addition, all five officers were suspended from their duties and a sworn administrative inquiry commenced into the incident. In September 2011, Amnesty International was informed by the victim's lawyer that the criminal investigation had been completed and a decision by the Public Prosecutor was awaited regarding the referral of the accused police officers to trial.

While visiting the immigration detention facility for children in Amygdaleza (Athens) in June 2010 and through subsequent interviews with some of those detained, Amnesty International received information concerning the treatment of four detainees. The detainees were paired up, and each pair was handcuffed to each other, wearing nothing other than their underwear. Each pair was then forced to stand either side of the two open doors of the facility's administration office. The chain of the handcuffs was placed over the top of the door, tauged and forcibly raising the detainees' handcuffed arms. They were held like this for approximately three and a half hours. Freezing water was thrown at them and the flames of lighters were held close to their bodies. The detainees showed delegates scars on their wrists. Amnesty International raised the reports with the central police authorities few days later, and was informed that an inquiry would be conducted. Amnesty International has been informed that inquiries were made into the incident but does not know of their outcome.

Amnesty International received reports that several irregular migrants and asylum-seekers detained at the border guard station of Soufli had been severely beaten on 16 August 2010 following a protest over their detention conditions. The following day detainees started a hunger strike in protest. On 18 August 2010, three of them were severely beaten. Amnesty International understands that a disciplinary investigation has commenced into the incident and that a complaint has been filed with the Greek Ombudsman.

Three male detainees in the police station in Omonoia, told Amnesty International in May 2011 that they had been beaten by police while in detention in separate incidents. One of the detainees had bruises on his back, a swollen eye and scratches on his knees. The second detainee had a large bruise in the area of his ribs and alleged that the police officers had also used an electric shock device on him. Two of the three people interviewed told Amnesty International that they were under the age of 18. Neither wanted the incident reported to the director of the police station because they were afraid of repercussions.

In May 2011, Amnesty International was informed about the alleged ill-treatment, including sexual assault of D., a Romanian female migrant by coastguard officers in the Pireus security coastguard station on 13 April 2011. D. was arrested on suspicion of drug offences at the Pireus port and allegedly severely beaten upon her transfer at the station by several coastguard officers. D. also reported that while being interrogated, the coastguards put a plastic bag over her face. Subsequently, one of the coastguard officers moved her into another room where according to the allegations he sexually attacked her and then beat her. D. also reported that subsequently more coastguards entered the room and started swearing at her. Amnesty International understands that a criminal investigation commenced into the allegations eight days later.

DETENTION CONDITIONS

The ECtHR has repeatedly found Greece in violation of Article 3 of the European Convention on Human Rights in several cases lodged by asylum-seekers and irregular migrants concerning, among others, detention conditions, the lawfulness of detention and the effectiveness of the procedure available to challenge detention.⁶⁸

In August 2010 Amnesty International visited the two immigration detention facilities at the old Athens airport where detention conditions were inhuman and degrading.

The first detention facility called Old Hellinikon, was very dirty and smelled very badly. There was insufficient natural light and ventilation. The detainees told delegates that insects crawled on their mattresses and fell on their food and that their mattresses and blankets were dirty. The authorities of the centre told the delegates that there were also mice in the cells. The detainees said that the authorities did not give them hygiene products such as toilet paper and soap. During the organization's visit the cells were not overcrowded but the detainees said that sometimes, as a result of overcrowding they had to sleep on the floor or on an elevated plinth without a mattress.

While the authorities said that the detainees were allowed outside exercise once a day during the winter and twice a day during the summer, the detainees said that they were allowed out only for 10 minutes once a week or every two weeks.

There was no doctor at the facility but according to the authorities if someone became sick, they transferred them to the hospital. However, several detainees said that their requests to see a doctor or a dentist were ignored. Two of the detainees said that they suffered from asthma and that the guards did not give them their medicines. Many of the detainees said that they suffered from skin problems caused by poor hygiene, as well as the dirt and insects in the cells.

The second detention facility, called New Hellinikon, was also very dirty and smelled badly. Detainees there also said that the detention conditions were very poor and that the authorities did not provide them with hygiene products. Some said that they had only the clothes that they were wearing. They said that they were allowed outside once a day. Several of the detainees complained that when they asked to see a doctor, the guards ignored their requests.

In October 2010, UNHCR recommended urgent measures to address the serious humanitarian needs in detention centres in the Evros region near the Turkish border, including the deployment of sufficient personnel to provide essential services to large numbers of new arrivals and immediate measures to ensure that detention conditions respect basic standards of human dignity.⁶⁹

⁶⁸ See amongst others, *S.D. v Greece*, Judgment of 11 June 2009 (Application No. 53541/2007); *Tabesh v Greece*, Judgment of 26 November 2009 (Application No. 8256/07); *M.S.S. v. Greece*, above; *Rahimi v. Greece*, Judgment of 5 April 2011, (Application 8687/08).

⁶⁹ UNHCR Press Release, No. 37/10, 15 October 2010, http://www.proasyl.de/fileadmin/fm-dam/NEWS/2010/UNHCR_Urgent_Measures_Evros_Regionen.pdf (English)

On 15 March 2011, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) made the exceptional decision to issue a public statement on Greece following what it saw as Greece's failure to tackle the Committee's grave concern over filthy, unsanitary and unsafe detention conditions of irregular migrants, prolonged detention and the unreliable nature of information supplied to the CPT by Greek authorities and inaction on their part to improve the situation over many years.⁷⁰

PROLONGED DETENTION IN POOR AND INAPPROPRIATE CONDITIONS

In December 2010, Amnesty International expressed concern over some of the grounds for which detention solely for immigration purposes may be permitted exceptionally and its maximum length as provided by the transitional legislation on asylum determination procedures.⁷¹ In January 2011, the organisation also expressed serious concern at the absence in the then draft legislation of any provisions establishing a remedy to challenge before a court the lawfulness of the detention regime in First Reception Centres and at the prolonged period of detention pending deportation envisaged by the same.⁷²

Amnesty International was also informed of cases in Evros and in the port town of Igoumenitsa where asylum-seekers who had gone to the relevant police station to file an asylum application were arrested and detained. Such practices take place despite the recent legislative reform that provide for detention of asylum-seekers only "exceptionally" and when no alternative measures would suffice.

Amnesty International visited the border guard stations of Ferres, Soufli and Tyhero and the Fylakio immigration detention facility in May 2011. In each facility Amnesty International's delegates encountered asylum-seekers and irregular migrants who had been held for prolonged periods, including cases where people had been in detention for as long as six months.

Cells were dirty and the toilets were overflowing. Many of the detainees told of dirty blankets or a lack of them, a lack of soap and clean clothes, insufficient food and little information about how long they were going to be held. Several detainees told delegates that their requests for a doctor had been ignored.

In Tyhero and Soufli, several people were sleeping on the floor on pieces of flattened cardboard. In both places, there were no facilities for outdoor exercise. Fylakio has a courtyard but the detainees told delegates that the day of Amnesty International's visit was the first time they had been allowed out for several weeks.

⁷⁰ The CPT found, among other things, overcrowding and deplorable cage-like conditions of detention. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Public statement concerning Greece, Strasbourg, 15 March 2011, <http://www.cpt.coe.int/documents/grc/2011-10-inf-eng.htm>

⁷¹ See Amnesty International, *Greece: Preliminary Comments on the Asylum-Determination Procedure Reforms*, Index: EUR 25/009/2010, 10 December 2010.

⁷² See Amnesty International, *Greece: Briefing on the Draft Law on Asylum, Migration-Related Detention and Returns of Third-Country Nationals*, Index: EUR 25/002/2011, 10 January 2011. Law 3907/2011 entered into force in January 2011. Also see concerns voiced six months later; Amnesty International, *Enough is enough: End appalling migrant detention conditions in Greece*, at <http://livewire.amnesty.org/2011/07/08/enough-is-enough-end-appalling-migrant-detention-conditions-in-greece/>.

The border-guard stations are used to detain people for prolonged periods, despite being designed only for short-term stay.

Amnesty international is also deeply concerned about the prolonged detention of irregular migrants and asylum-seekers in police cells designed to hold criminal suspects for short periods of time.

In the police stations of Omonoia, Aghios Panteleimon and Exarheia in Athens visited by the organization's delegates in May 2011, no outdoor exercise was permitted; there was little natural light. Further, Amnesty International's delegates witnessed overcrowding in some of the cells and dirty bedding. Those detained also complained about the lack of hygiene products and insufficient food. Several also reported that the authorities ignored their requests to see a doctor. Detainees did not understand the content of the deportation orders given to them since they were issued only in Greek and were not displayed in areas where individuals were detained. Many of those detained did not have money to buy phone cards in order to call lawyers or families. In addition, the card phones were situated outside the detention area.

DETENTION OF UNACCOMPANIED OR SEPARATED CHILDREN

Unaccompanied or separated children who are apprehended at the country's points of entry are routinely detained following their arrest for irregular entry. Detention continues until a legal guardian is appointed and a place found in a special reception centre for unaccompanied children. The number of such centres is limited and contributes to the prolonged detention of unaccompanied children in immigration detention facilities.⁷³

The organization expressed its concerns that transitional Presidential Decree 114/2010 (PD 114/2010) on asylum determination procedures and Article 32 (1) of Law 3907/2011 establishing a new Asylum Authority, the First Reception Authority and transposing the Returns Directive into the Greek legislation did not introduce a statutory prohibition regarding the detention of children for immigration related purposes.⁷⁴

In May 2011, Amnesty International visited immigration detention facilities in the Evros region where its delegates came across seven unaccompanied Arabic-speaking children who were being held at the border guard station of Soufli. Three of them slept in a small single occupancy cell, two in another small cell and two on the floor in the corridor outside the cell. All of them had been held there for at least one month. The authorities told Amnesty International that they planned to transfer the children to a special reception centre for unaccompanied minors in Konitsa (northwest Greece).

The children told delegates that they had not been allowed to leave their cells to exercise in

⁷³ As of June 2011, the reported number of available places in reception centres for both asylum-seekers and unaccompanied minors is between 750-800 (source UNHCR, "The situation of asylum-seekers in Greece..", above).

⁷⁴ See Amnesty International *Greece: Preliminary Comments on the Asylum-Determination Procedure Reforms*, Index: EUR 25/009/2010, 10 December 2010; and Amnesty International *Greece: Briefing on the Draft Law on Asylum, Migration-Related Detention and Returns of Third-Country Nationals*, Index: EUR 25/002/2011, 10 January 2011.

the open air during the whole period of their detention. They could only leave the cell in order to see a doctor when they felt sick. There was little natural light or fresh air. Further, they reported that the authorities had not informed them about the length of their detention and that when they were interviewed they were told to sign papers in Greek whose content was not explained to them by the interpreter who spoke to them in French. Amnesty International was able to confirm that deportation orders had been issued to at least one child in the Greek language only.

In the Fykakio immigration detention centre, delegates saw close to 30 unaccompanied male children being held in cage-like conditions in a cell with very little natural light. According to the authorities most children would remain there until a place was found in a special reception centre. The toilets and the sleeping area were flooded. One of the children spoke about being beaten by guards few days before the organization's arrival.

Unaccompanied children are often detained among adults where there are no specialised facilities but also when they are registered as adults despite their declarations to the contrary.

Between June 2009 and May 2011 Amnesty International documented many instances where minors reported that the authorities had registered them as adults. This happened among others in the Samos immigration detention centre, the New and Old Hellinikon detention centres in Athens, Tyhero border guard station (Evros region), Exarheia police station and the border guard station of Soufli.

REGISTRATION OF UNACCOMPANIED MINORS

S., a 16-year-old Afghan unaccompanied child, arrived in Greece in November 2009. He was arrested in Athens in mid-November and convicted for possession of a weapon. He was sentenced to a month's imprisonment and a fine, and was detained in Korydallos prison for the duration of the sentence. An administrative deportation order was then issued against him and he was detained in the cells of the Attika Aliens' Police Directorate (Petrou Ralli) until the beginning of January 2010, pending deportation. Police authorities had registered S. as an adult (aged 26) and so he was tried as an adult and detained with adults both in Korydallos and at the Attika Aliens' Police Directorate. S. told Amnesty International in December 2009 that he had always given his real age to authorities. Relatives of S. living abroad, who had contacted the organization, had also confirmed that he was a minor. S. had not been provided with a lawyer during his trial, and was unable to contact his family from prison because he had no money to buy a phonecard.

Amnesty International sent a letter to the Attika Aliens' Police Directorate on 17 December 2009 drawing attention to the apparent mistaken registration of both S.'s age and his country of origin, which was recorded as Iran, rather than Afghanistan. In a reply sent to Amnesty International in January 2010, authorities said that their practice was to accept the age given by aliens who were arrested with no papers. S. was released at the end of December 2009 and issued with an official notice requesting him to leave the country within 30 days.

OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE

Greece signed the Optional Protocol to the Convention against Torture in March 2011 and has expressed commitment to ratify the aforesaid Protocol.

In view of the continuing allegations of ill-treatment received either during Amnesty International's visit to immigration detention areas and police stations or by local non-governmental organizations or lawyers, the organization believes that it is paramount for the Greek authorities to proceed promptly with the ratification of the Optional Protocol to the Convention against Torture and set up or designate a national preventive mechanism in accordance with the Protocol's provisions.



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