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Grenzgebiet (Evros-Region)  
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**Bericht der Rechtsanwältinnen  
Marianna Tzeferakou und Natassa Strahini**

**10. September 2009**

**stiftung  
PRO ASYL**

**PRO ASYL**  
*Förderverein PRO ASYL e.V.*  
**DER EINZELFALL ZÄHLT.**

To:

- Office of the United Nations High Commissioner for Refugees

## REPORT

- 1) by MariannaTzeferakou, lawyer, resident of Athens, and
- 2) by Natassa Strahini, lawyer, resident of Chios

Athens, 10 /9/2009

Subject: Visit to detention facilities and Border Police stations for refugees and immigrants in the region of Evros (from 6/8/2009 to 8/8/2009) – conditions of detention of refugees and immigrants and legal aid to groups of refugees transferred there a few weeks before the visit from islands of the Aegean Sea.

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The Greek Government, right after the European elections held in June 2009, has announced a tougher stance on refugees and immigrants. This decision has been implemented at the institutional level with the amendment of the legal framework on refugees and immigrants and in practice with systematic arrests and prosecutions of refugees and immigrants. In this context, the media have begun a “barrage” of news proclaiming the issue of refugees and immigrants a fundamental problem, which must be tackled immediately: “zero illegal immigration”.

In the explanatory report to the amendment of Law Number 3386/2005 by the competent Ministers of Home Affairs, Justice and Economy & Finance, addressed to the Greek Parliament, it is stated that “(...) As already known, the problem of illegal immigration in our country has increased to an explosive level and the problem has emerged as a major social, but also national, issue. In view of this situation, it is imperative to review certain provisions of the legal framework in force, in order to tackle the problem in question (...)”.

In June 2009, the Greek Parliament voted in fact Law Number 3772/09 (Government Gazette Issue Number 112 A/10-7-2009) on the organization of the Forensic Service, the therapeutical treatment of users of drugs and other provisions, which amended the Law Number 3386/2005. Pursuant to article 48 of this Law, it was decided:

a) to **increase the maximum limit of administrative detention** of aliens under deportation from 3 months to 6 months, with a possibility to extend this period of time for 12 more months (amendment of article 76 paragraph 3 of the Law number 3386/2005).

b) to permit the issue of a deportation order, even when **criminal proceedings** have been instituted against an alien for a crime punished by a freedom-depriving penalty of at least three months (amendment of paragraph 1 c of the article 76 of the Law number 3386/2005 (Government Gazette Issue Number 212 A' ).

Almost at the same time the **Presidential Decree number 81/2009** has been adopted, by which the Presidential Decree number 90/2008 on the process of granting and withdrawing refugee status was amended. The new regulations (in force as from 20/7/2009) bring about two significant changes to the status of granting political asylum in Greece:

a) The second instance of administrative examination of the asylum process (article 5 of the presidential decree number 81/2009) is abolished and

b) The decisive competence of examining asylum requests is assigned to the directors of the local Police Directorates of the country (article 1 of the presidential decree number 81/2009). The Asylum Committee comprises today a higher Greek Police Officer as President and an Officer or Police Warrant Officer, an employee of the Aliens' and Immigration Service of the competent Region and a representative of the U.N.H.C.R. as members, while its role has been reduced from decisive to consultative (article 3 of the presidential decree 81/2009).

After these institutional reforms, the U.N.H.C.R. in a Press Release has stated that it would not participate in the new asylum requests' examination committees, denouncing at the same time these reforms: "(...) the U.N.H.C.R. notes with an increased concern that the institutional changes adopted by the PD 81/2009 do not ensure adequately a fair and efficient procedure for the recognition of refugee status in Greece according to the international and European legislation. The new PD decentralises the decision-making on the asylum requests at first instance to more than 50 Police Directorates throughout the country, which face serious

shortages in specialized personnel, interpretation services and legal aid. Furthermore, it abolishes the existing Committee of Appeals, which was the authority with a decisive competence at second instance, maintaining a limited judicial re-examination before the Council of State, without thus ensuring the right to an “effective remedy”. Based on the above, at this stage the U.N.H.C.R. cannot participate neither in the Consultative Refugee Committees for the examination of asylum requests at first instance nor in the consultative committees for the examination of some 30.000 pending appeals at second instance.<sup>1</sup> (...)”.

Besides the aforementioned institutional reforms, which were widely criticized both before and after their adoption, the Greek Government has proceeded to systematic “cleaning” operations. The unofficial Afghans’ camp in the port of Patras has been leveled by bulldozers in the presence of Order Restoration Units (ORU) and was then burned down, whereas residents not holding an asylum seeker card have been arrested and transferred to various Police Directorates of the region.

The Athens Court of Appeals’ old building, in which lived refugees and immigrants, has been sealed and many persons have been arrested, in order to be deported without further delay.

In two blocks of flats in downtown Athens, in which lived families of refugees from Somalia, the Police, in the presence of television cameras, conducted a large-scale operation, during which tens of refugees have been arrested, while family members have been separated.

At the same period, during summertime, “broom operations” were conducted by the Police throughout the country, in order to arrest and deport persons without papers. Furthermore, in parallel with these operations, systematic transfers of refugees and immigrants have taken place from Athens, from regional cities and especially from the islands of the Aegean Sea (which are points of entry) via Salonica, Kavala or Athens, to the region of Evros, in order to detain, deport or even refoul them unofficially to Turkey.

Tens of refugees have been reported to be illegally refouled to Turkey in violation of every international treaty protecting them<sup>2</sup>. The authorities state that they transfer them to new detention centres, which however have been not yet been constructed, while apparently they draw a strong reaction from the local society, which rejects the establishment of new detention centres in their regions (Kavala, Ferres-Evros etc.). According to reports, even during 2008 many

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<sup>1</sup> Press Release by U.N.H.C.R. number 09/32 (17 July 2009).

<sup>2</sup> A relevant Press Release dated 30 July 2009 was issued by the Lawyers’ Group on refugee and immigrant rights on the unofficial refoulements to Turkey, in which it is stated that “(...) there are numerous complaints about unofficial refoulements through Evros, without registering the persons refouled and without of course keeping any register of their asylum requests and of the particularity of their cases. We denounce the unofficial refoulements which put in danger human lives (...)”.

arrested persons were transferred from Greek cities (e.g. Patras) to the region of Evros, in order to be illegally deported.

Indicatively, we report the following cases of transfers:

- In early July 2009, 120 persons were transferred (among which minors) from the islands of Symi, Leros and Patmos towards the region of Evros.
- On the 16<sup>th</sup> of July 2009, 30 persons arrested on 4-6-2009 on the island of Chios were transferred from Chios to Evros via Kavala. A few days later, persons from this group contacted their relatives who were still detained in Chios and reported that they had been unofficially refouled during nighttime to Turkey through Evros River. The aforementioned have been reported to the lawyer, Ms. Natasha Sahini, during her visit as a representative of the Chios Bar to the detention facility at “Mersinidi” on Chios island. The names reported here have been provided to us by their relatives and friends who remained at Mersinidi, Chios. They belong to the aforementioned group of 30 persons, they are reported to have been refouled to Turkey (after their transfer from Chios to Evros on 16-7-2009) and are the following:

M.S., Afghan, born in 1990,

M.M., Afghan, born in 1985,

M.A., Afghan, born in 1976, and

M.M., Afghan, born in 1987

were arrested on the outskirts of Chios city among others on 4-6-2009

M.M., Somalian born in 1991,

S.S., Erythrean born in 1986,

A.M., Palestinian, born in 1980,

A.R., Afghan, born in 1980, and

O.A., Somalian, born in 1983

were arrested on the outskirts of Chios city on 28-6-2009

- On 23/7/2009 it was attempted to transfer 63 persons from the island of Mytilini to Kavala. Among them there were asylum seekers. This operation drew a strong reaction from activists and two days later (25/7/2009) the transfer of 30 persons finally took place in the presence of a strong Police force and with the assistance of a Special Missions’ Force at the port of Mytilini.

- 51 persons, among which five unaccompanied minors, were transferred from Chios island on 26/7/09 towards Evros via Thessaloniki<sup>3</sup>. There were extensive protests by citizens reacting to the transfer at the port of Chios.
- On 29/7/09 & 31/7/09, 43 persons, among which 17 asylum seekers, 4 unaccompanied minors and 2 women (the one four and a half months pregnant), were transferred from Chania (Crete) to Evros via Athens.
- many persons (around 60 persons) were transferred from Samos island to Evros via Athens.
- On 4/8/09, 60 persons were transferred from Samos island to Evros via Athens.
- On 9/8/2009, 30 persons were transferred from Chios island to Athens. 13 of them have stayed for a week in the terrace of the building at Petrou Ralli street<sup>4</sup> and the rest of them were moved to regional Police stations (e.g. Lamia), until the three months of detention would be completed.
- On 9/8/2009, 70 persons were transferred from Mytilini island to the region of Evros (Orestiada) via Athens.
- On 9/8/2009, 80 persons were transferred from Leros island to Evros via Athens.<sup>5</sup>

**Detailed information on the groups transferred in July 2009 from Chios island and Chania (Crete)**

**The case of Chios.** On 26.7.2009 the transfer of 51 persons from Chios drew a strong reaction by the local society, while extensive and unprecedented riots broke out between the Police, the Coast Guard and tens of citizens, who tried to prevent the transfer (activists, members of political organizations and active citizens). The riots gained a big publicity the following days,

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<sup>3</sup> A relevant question dated 28/07/09 was filed by the MP's of the "Coalition of Radical Left" (SYRIZA), Fotis Kouvelis, Thodoris Dritsas and Nikos Tsoukalis.

<sup>4</sup> A relevant complaint has been submitted to the Greek Ombudsman.

<sup>5</sup> A relevant question dated 12/08/09 was filed by the MP's of the Greek Communist Party (KKE), Vera Nikolaidou, Diamanto Manolakou and Spyros Halvatzis.

with coverage from all the newspapers, TV stations and many electronic media of the country. The following days, members of the Committee of Solidarity to the refugees of Chios with the assistance of personnel from the UNHCR, the Greek Ombudsman, Amnesty International, the Greek Council for Refugees (GCR) and other NGO's and bodies, with coordinated efforts ensured that five unaccompanied minors be moved to a safe reception center for unaccompanied minors run by the Ngo "ARSIS" (see the relevant complaint submitted to the Greek Ombudsman) and they stopped the refoulement process of this particular group (51 persons) to Turkey, as it derives from testimonies of detainees who had been transferred. The 51 refugees (with the unaccompanied minors) were initially transferred via Thessaloniki to the Border Police Station at the municipal district of "Tycheron" at Evros (from where there was an immediate danger of refoulement (push-back) to Turkey, as we assume from the testimonies of the detainees) and then to the Border Police Station at Venna of the Rodopi Prefecture, where they were detained under deplorable conditions until the three months of detention would be completed.

For this case, there have been questions filed in the Greek Parliament, a complaint to the Greek ombudsman (for the transfer conditions and the cases of the unaccompanied minors), as well as provisional measures taken before the European Court of Human Rights for special cases of prisoners (unaccompanied minor).

**The case of Chania.** On the 18<sup>th</sup> of July 2009, 43 Kurds, among which 4 unaccompanied minors, two women, one of them 4,5 months pregnant, arrived on two large boats to Southern Crete (Palaiochora, Chania). The access of the lawyers and supporting groups to the detainees was restricted. Once lawyers were allowed to have access to them, 17 of the detainees told them that they want to apply for asylum. The police officers in detention denied to register the written asylum requests. While the lawyers were heading to the competent authority to complain about the denial of the asylum claim's registration and try again to apply for asylum, the Police, in an operation-thunder, forced them to embark on two buses in the ship to Athens. After three days of travel, they were moved to the region of Rodopi and specifically we were informed that they were detained until 30/7/2009 in the Detention Center at Venna of the Rodopi region, from where, as we have verified, they were returned back to Turkey, pursuant to the readmission Protocol signed between Greece and Turkey.

After the recent mass transfers to Evros, the situation is extremely dangerous for all the refugees and immigrants, especially for the vulnerable groups, that are in need of immediate international protection. In the region of Evros there are no organized detention centers, apart from the one

situated in the guard station in Orestiada (Evros) and refugees are detained under degrading conditions for several weeks or even months. There are also well-founded fears that Police authorities proceed to mass illegal refoulements (push-backs) of immigrants, asylum seekers and unaccompanied minors to Turkey through the river Evros, putting their life and security in a direct danger.

### **Visit to Venna – Region of Rodopi on 7.8.2009**

#### **Detention conditions in the detention center of Venna<sup>6</sup>**

##### Main infrastructures – number of detainees per chamber (at the time of our visit):

The building is evidently old and deserted (old barns), it consists of five detention chambers and the Police offices, without any recent repair or maintenance. There is a stench in the chambers. In the chambers, where the refugees/immigrants are detained, there are no tables or chairs, and no entertainment or physical exercise whatsoever is allowed for. According to the Police, more than 200 persons were in detention. According to the detainees at least 300 persons were detained, all of them men.

Hygiene conditions: The hygiene conditions are inadmissible. Both toilets and showers and chambers are dirty. The detainees clean themselves, doing what they can. No detergents are provided to them. There are two toilets and one shower for each detention chamber, with no hot water.

Detention of minors: Minors are detained in the same space with adults.

Access to the yard / outdoor activities: Access to the yard is not allowed daily, but every 3 to 4 days and it lasts approximately 2 hours. Chambers go out in the yard two by two. This space is visible from outside, it consists of a small yard, completely empty, full of weeds, and, as stated to us by the Police officers, “full of snakes and frogs”. Due to the limited space, not all the chambers go out together, but two at a time. Moreover, the space is exposed to the sun.

Access to telephone: Possible only during the time spent at the yard, namely every 3 to 4 days. In the yard there are 5 phone booths. In order to make a call, one has to have money and to ask from the Police, via the “Police officers’ assistants”, a telephone card. If one does not have

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<sup>6</sup> A relevant question dated 10/07/09 was filed by the MP's of the Greek Communist Party (KKE), Yannis Zoyas and Sofia Kalantidou.

money, he/she does not have access to a telephone. It is not possible for a third person to call and ask to speak to a detainee.

Food: The food is not sufficient and not of good quality (e.g. rice, a sandwich). Detainees drink water from the tap of the WC. They are not given cutlery, or glasses.

Legal information / aid: Not available.

Medical care: Inadequate medical care. A nurse pays visit daily to the center. She works there for the past 7 years. The communication with the detainees is not possible, given the fact that there are no interpreters. The detainees complained about the medical care and especially for the vulnerable cases, as for example a diabetic (Semir Elbus) who has already been transferred twice in the last week to the hospital due to seizures and returned to the centre without any further care, a person facing eye problems, skin affections etc.

They all have skin problems due to the bad hygiene conditions and the innumerable mosquitoes.

Interpreters: There are no official interpreters. There are two “Police officers’ assistants”, who are detainees and act as interpreters and intermediaries between detainees and police officers. The Police officers do not come in contact with the detainees.

Provision of clothing and personal-hygiene products: The personal-hygiene products provided do not suffice. For example two shampoos have been provided for 37 persons.

Clean sheets are not provided. Detainees use the sheets already used by the detainees before them.

No clothing or shoes are provided to them. Some of them wear torn clothes and don't have shoes.

Space for lawyers' visits: Given that there is no special space for lawyers when visiting detainees, we met the detainees in the office of the Police officers. Therefore, the confidentiality rule was not observed.

Further remarks:

- No social worker or human rights organization visits them in the detention facilities.
- They don't know how long they will be detained. They don't have any possibility to get information.

- They are afraid they can be illegally deported at any time to Turkey, without being able to even ask for any kind of help from someone.
- They also complained they would not be able to celebrate the Ramadan because of the detention conditions.
- We consider important the fact that, upon our arrival, while we were demonstrating our identity cards, when the interpreter, holder of a legal pink card, demonstrated to the Police officer the political asylum seeker card, the officer did not recognize it and asked us “what is this?”. When we told him “this is a pink card”, he didn’t seem to understand and we had to explain him that he has filed an asylum request and that he resides legally in the country. This incident caused our deep concern and we wonder what would happen if a detainee was holder of a pink card and whether this fact would mean anything to the guards.
- Nine -9- persons from the team transferred from Chios on 27.7.2009, were released on 25.8.2009, under the common order number 40022/09/123577/24-8-2009, issued by the General Police Director of the Eastern Macedonia and Thrace region, according to which the execution of the deportation orders is suspended for one month. The abovementioned order refers to the report of the Police Directorate of Rodopi number 42808/09/122654/22-8-2009, which states that “the detention chambers of the existing services are overcrowded and therefore there is a danger for an onset and a spread of infectious diseases”.

**A). Monitoring the transfer of the “group” from Chios:** During our visit at the Venna Border Police Station, we managed to meet detainees, the names of which are at our disposal. It was impossible to speak with other detainees. In specific, we met the following persons, from which we received a legal authorisation for further legal action against the order of their deportation and detention:

1. H.A., of Palestinian origin
2. Y.B., of Palestinian origin
3. A.D., Somalian
4. A.M., Afghan
5. E.N., Afghan
6. I.S., Somalian
7. J.F., Somalian

All the aforementioned belonged to the group of 51 persons transferred on 26/7/2009 from Chios to Thessaloniki, who were then moved on 27/7/2009 to the Guard Post of Tycherio and finally five days later to the detention center of Venna (Komotini). Officially, the Authorities said they would be transferred from Chios to a detention facility at Kavala, then they spoke of a detention facility at Thessaloniki and they always mentioned the “better detention conditions” as a reason for the transfer of these persons (relevant interviews to the media). The detainees themselves were never informed from the Authorities about the destination of their transfer. Among them we found five unaccompanied minors, who, only because of the increased pressure and the publicity that this transfer attracted, have been moved to the guesthouse of the NGO “ARSIS” a few days later, while they had already been transferred to the Border Police Station at Tycherio (Evros) with the rest of the group.

These minors are:

A. B., Palestinian from Libanon, born in 1992 – who was then reunified with his brother, an asylum seeker at Chania.

A. H., Somalian, born in 1995

A. B., Somalian, born in 1992

S. O., Somalian, born in 1992

H. K., Palestinian, born in 1992

According to oral testimonies of all those we met at Venna, the detainees who were transferred on the ship “THEOFILOS” remained handcuffed throughout the journey (approximately 18 hours from Chios to Thessaloniki). They could not go to the toilet, they went two by two, always in handcuffs. When they arrived to the port of Thessaloniki, they signed some documents in Greek. They didn’t know what they were, nor did anyone explain them what exactly they were signing. From the port of Thessaloniki they were moved to Alexandroupoli and then to a detention facility next to the train track (Tycherio, Evros). All their papers, objects and personal belongings were removed (all their documents, mobile phones, water bottle labels, medicine, clothes, toothpaste, cigarettes), anything that showed they had been found in Greece. They stayed there four and a half days. The conditions were deplorable. The toilets were dirty and some of them out of order. There were mosquitoes and rats. There were two chambers. Every day they could hear people being transferred and around 8:30 -8:45 p.m. 30 to 40 persons per night were taken, obviously in order to be illegally refouled to Turkey (push-backs). They could hear there were women and

children. There was no telephone in the detention space. They never went out for yarding. It was not possible to communicate with anyone. They believed they would be deported as well. Nobody never told them anything about what would happen to them.

More specific events:

\* The first night a Police officer came in and threatened them in English: "I will deport you all". He beat A. very badly.

\* The next day (Tuesday) a detainee, who had diabetes and was among them, had a seizure, was taken to the hospital and came back ill-treated and in handcuffs.

\* The third and fourth night (29-30 July 2009) they didn't take anyone and it seems that the policemen's behavior was improved (we attribute this improve to the publicity and the intervention of politicians after the riots in the port of Chios).

\* According to their testimonies, the days they stayed there, they watched at night the Policemen take detainees to a big green truck, accompanied by a white car, by Police officers not wearing Police uniforms and some of them with camouflage uniforms (possibly soldiers or Border guards). They could see this truck leave, move towards the row of trees following a dirt road and return after 1,5 to 2 hours empty (remark: in this area the row of trees is situated towards the border - Evros river).

There is at least one complaint that the Police authorities of Tycherio did not return the mobile phone. In specific, Y. D. reported that they didn't hand back his mobile, model NOKIA N95.

**The detainees handed to us a hand-written letter in French about their transfer to Evros and their stay at the Border Police Station of Tycherio (see letter in French and its translation into Greek).**

### **B). The case of Turkish asylum seekers – transfer from Chania to Venna**

We asked those in charge of the detention center about the case of 17 asylum seekers of Kurdish origin, who had filed an asylum request in detention in Chania (Creat island) and about the 4 unaccompanied minors of the same group, who have been transferred to the detention facilities in Venna in Rodopi -Evros,.

The Police authorities informed us that ALL of them had been transferred along with the rest of their group to border police station of “Kipi” and had been handed over to the Turkish authorities on 30.7.2009 according to the Readmission protocol.

### Visit to Ferres, Region of on 7/8/2009

#### Detention conditions at Border police station of FERRES

Main infrastructure – number of detainees per chamber (at the time of our visit): The day of our visit on 7/8/09 in the first chamber were detained 19 men and in the second 10 women.

It is basically a small building with limited capacity in the center of **Ferres**. Nothing has changed since our last visit in 2004.

Hygiene conditions: There is no hot water, only cold.

Detention of minors: In the first chamber along with the adult men we saw a minor boy.

Yarding: The yard is small and inappropriate, surrounded by high cement walls, no bigger than 6 to 2,5-3 meters. In essence, there is no yarding, only in the aforementioned walled space usually an hour per day. The detainee we met has mentioned to us that sometimes they are not allowed to come out even in that space.

Access to telephone: The access to telephone is impossible, given that the telephone booth is an isolated small room at the entrance, situated out of the yarding space and the detention chambers. Therefore, in order to make a call, one has to get a special permission from the Police officers. Although the Police told us that the detainees can make a call whenever they wish, the detainee told us that the access to the telephone is not possible. During our visit, we asked that they allowed the detainee to call her husband. The Police was evidently reluctant to do so and it was only after we insisted and because of our presence there that they allowed her to use the telephone.

Food: there is a breakfast and food is provided two times per day. Lunch is often of bad quality and impossible to be eaten.

Legal information / support: Not available.

Medical care: During the days that the detainee was in the detention center, a nurse came only once, she examined her without touching her, said she would come again, but she never returned. She just gave her some pills. The detainee suffers from serious gastrological problems.

Interpreters: Not available

Clothing and personal-hygiene products: Not provided. The detainee reported to us that they once gave one shampoo for the whole chamber.

Space for lawyers' visits: Since there is no special room for the visits of lawyers, we had the discussion with the detainee in an outdoor space of the Border Police Station in the presence of a Police officer throughout the interview. As a result, the confidentiality of the interview was not made possible.

Further remarks: A Police officer sells them croissants for 0,50 cents each.

To our question whether her husband could visit the detainee, the Police guard replied that he must take a permission in Alexandroupoli and that he does not know because "this will be the first time, but he has to come in the afternoon and talk with the Authorities at Alexandroupoli". Let us note at this point that neither our access to the detention center was unhindered, instead we faced objections and delay.

We have visited the Border police station of Ferres and asked to see a particular female detainee and asylum seeker, R.S. from Senegal.

At first, the Police asked us to go to the Police Directorate of Alexandroupoli, in order to issue a permission to visit the detainee. We explained that the competent service at the Police Directorate of Alexandroupoli had been informed by A. Vasileiou, lawyer of the Greek Council for Refugees and that we had the permission to visit the detainee. Following a phone call to the Police Directorate, in order to confirm the aforementioned, and after half an hour of waiting, our request to meet the detainee has finally been accepted.

This woman is an example of the mental maltreatment and psychological distress, suffered by the immigrants/refugees under detention, especially the past few months in Greece.

In particular, this woman was arrested on 19 or 20 of June on Leros island (together with other 32 persons), stayed there 14 days, she had her photograph and fingerprints taken.

On July the 3d, she was transferred to a detention center in Thessaloniki. The following day somewhere else, nobody knows where exactly.

On July the 4<sup>th</sup> she was transferred to Iasmos.

Then, there was an attempt to push her back (possibly from Peplos – according to her description). According to her, they were transferred at night in a truck to an unknown area close to rail tracks, without any explanation given. She started screaming desperately and after insisting and beating the door of the truck, someone has heard her request to communicate with her lawyer and she gave them his telephone number. After a while, she was moved into a vehicle with other eight persons and transferred to Soufli. She never saw the rest of the team who had been transferred that night to an unknown area. To her belief, they were undoubtedly pushed

back that night. She stayed at Soufli for 9 days and had her photograph and fingerprints taken again.

Since August the 1<sup>st</sup> she is under detention at Ferres.

In brief, this woman, in one and a half month, has been transferred to seven different detention areas, without anyone having explained to her till now where she is, how long she will be detained, what will happen to her afterwards, while she lives under inhuman and degrading conditions, suffering at a daily basis psychological pressure, seeing people being transferred to detention areas and then disappearing.

### **Visit to the Border police station of Tychero 6/7/2009 and 7/8/2009**

During our visit to the Border police station “Tychero”, which is situated at the outskirts of the village we informed that we were lawyers and that we came to look for a detainee, who has been reported to be seen there, and we gave immediately his name.

The Police officers did not allow us even to enter the building and the whole conversation took place outside the entrance of the building. The Police officers told us to go the following day to the Police Directorate of Alexandroupolis to get a permission. We asked them to tell us whether this particular person is held in this Police Station. We received the same answer. We asked to be informed if there is registration book for the detainees. They refused to answer and told us to contact the Police Directorate of Alexandroupolis. We asked for their names and they ignored us, repeating the same thing.

According to testimonies (both oral and in writing) of former detainees in the Border Police Station of Tychero, who were transferred from Chios to be deported on 27.7.2009, the living and hygiene conditions were deplorable. There are two detention chambers. The lavatory pan was broken. There was no door in the toilet and no toilet paper. There were insects, mosquitoes and rats. There was no telephone and any communication with the outside world was impossible. There was no yarding. The treatment by the Police officers was not good. At least two incidents of maltreatment have been reported to us (see p. 10).

Upon their entrance in the Border Police Station of Tychero, all their belongings, as well as labels in Greek language from their clothes etc – were removed (see p. 10) and they were certain that they would be pushed back in secret to the borders. The detainees –transferred from Chios–

could see in the afternoon and in the evening people being moved out of the detention centre in a green truck (camion). It has been reported that these transfers are conducted by Police officers and soldiers, possibly by Special Force Corps. It is also reported that besides the green truck in these transfers a covered river boat is used. The detainees believe that these persons have been illegally pushed back to Turkey.

### **Visit to the detention facilities of FYLAKIO at Orestiada on 8-8-2009**

#### **Detention conditions in FYLAKIO at Orestiada**

##### Main infrastructure – number of detainees per chamber (during our visit):

The detention area comprises 7 chambers, in each chamber there were at least 65-70 persons. According to the Police, during our visit 319 persons were being detained. In the women's chamber there were, among others, Erythreans and Somalians. Some looked evidently minor, some had been transferred from Leros island. They themselves reported that there were minors between them.

Hygiene conditions: In each chamber there are two toilets and two showers (during our visit there were approximately 70 persons in a chamber). They have provided them soap once and there is no hot water.

The sheets are extremely dirty, they were used by the detainees before them. They all suffer dermatitis and itch, while mosquitoes are a major problem.

The chambers are very dirty and there are many cockroaches everywhere, even in the areas occupied by the guards. During our visit, we saw ourselves cockroaches of every size on the floor. Two weeks ago a cockroach got in a detainee's ear and now he cannot hear. As a minor said sarcastically "cockroaches are our entertainment, we feed them cheese..."

Detention of minors: According to the Police authorities, no minors were being detained. We already had at our disposal the names of three unaccompanied minors and we saw at least one minor Somalian (approximately 15 years old). The detainees we have met told us that, in their chamber, out of 71 persons there are at least 12 minors, while detainees from the women's chamber who talked to our interpreter reported that there were at least seven minor girls.

Yarding: Detainees have a right to go out to the yard every day for 5-10 minutes, each chamber separately. The outdoor areas are not used and are full of weeds and vegetation.

Access to telephone: Detainees have access to a telephone every Monday and Thursday for a very short period of time (10 minutes for the whole chamber of approximately 60-70 persons). To make a call they need to have a telephone card. If they don't have money for the card, they can't make a call. The persons we have met did not have any money and they had not contacted their family. The minor M.A. has stated to us that his family does not know whether he was alive or dead, since the day he was arrested (51 days before our visit to FYLAKIO).

- Food: the food is neither sufficient, nor of good quality. A small bread roll and juice is provided for breakfast, while lunch comprises usually rice or pasta, never meat. No spoons and forks are provided.

Legal information / support: Not available

Medical care: A nurse administers pills (there is not a regular day of visit) and once a month a doctor visits the station.

Interpreters: There are no official interpreters. To submit an asylum request, assistance from other detainees is asked. This evidently hinders the procedure both due to personal reasons of the detainees (lack of trust, fear etc.), but mostly because of the insufficient knowledge of the English language by the detainees (and usually by the Police officers) needed for the demanding asylum procedure.

Provision of clothing and personal-hygiene products:

There are no sufficient hygiene and cleansing products. We saw with our own eyes in the small storage area next to the "visit room", some cartons with cleansing products and on the wall a paper reading "on 7 July some products were provided. Do not give anymore". Our visit took place on August the 8<sup>th</sup>, namely one month after the provision of the products.

No one provides shoes or clothes, as confirmed by the guards. Two of the 5 detainees we met were barefoot.

The minor M. A. does not have shoes since the day of his arrest (51 days before our visit), and he wears only a sports suit, without having any other clothes with him.

Space for lawyers' visits: the relevant space is not suitable for the unhindered communication with the detainees, as it does not satisfy the need for an unhindered communication and the principle of confidentiality, necessary conditions for the contact with asylum seekers and sensitive cases. We have met all the detainees together in a small chamber, where there are two telephone booths and in the constant presence of a Police officer standing at the open door and under camera supervision everywhere. Moreover, comments to hurry up were addressed to us all the time.

Additional remarks:

- According to the testimonies of the detainees that we have met, but also from what we have seen ourselves, detention conditions are extremely unhealthy, stressful and psychologically exhausting for the detainees.
- Their fear of being pushed back or being treated violently by the Police officers, if they talk about anything, is apparent.
- Let it be noted that it is extremely difficult to trace a detainee both in the detention centers and in the local Police Directorates, as the data are almost in every case recorded wrong, while they are also indicated in a different way (transfer of the name to writing, as it sounds and as a result even a wrongly spelled letter does not allow the tracing of the detainee).
- They have not received ANY special care as unaccompanied minors and are detained together with the adults for more than a month.
- Moreover, from a short talk with another detainee, who had been transferred from Samos, it came up that most of the persons from his group had been deported to Turkey. He considers it sheer luck that that he has not been deported too and was afraid to talk about refoulements.

During our visit to FYLAKIO we visited five persons, four of which are minors.

S. S., 15 years old and A. A, 17 years old, are unaccompanied minors from Afghanistan, who, after the visit by the GCR mission, have submitted an asylum request and a family reunification request with members of their family in the UK and Italy respectively.

Both were arrested on 22/6/2009 on Symi island (Dodecanese), are registered from the Police Directorate of Dodecanese as adults and their data are not correctly registered, while a

deportation and detention decision has been issued against them, which violates fundamental law provisions.

No legal or social aid was provided to them.

#### In detail

1. S. S., apparently a minor, has been arrested on Symi Island (Dodecanese) and has been registered as being born in 1987, of Palestinian origin and his data were not recorded correctly. He never received information in a language he understands. He was never asked why he left his country, about other members of his family etc. He never received any care as a minor.

The deportation decision number 6634/2/09/2442β/25-6-2009 was issued against him by the Head of the Police Directorate of Dodecanese for violation of articles 76 and 83 of Law number 3386/2005 .

He was transferred to Evros together with other detainees, there were three buses in total carrying 91 persons.

They were transferred end of June to the Border Police Station at Orestiada and after one day most of the persons in his group disappeared. He believes that they were pushed back to Turkey. This happens systematically there. All the detainees are aware of it. They are afraid to be deported themselves. Approximately 28-30 persons are left. A person was released from the detention centre. He had a brother in Athens. One person asked to return back to Afghanistan, which he did.

At the beginning of July 2009, following an intervention of GCR, he submitted an asylum request as an unaccompanied minor (with the correct identification data) and a family reunification request.

He suffers from unbearable pains in the back. In Afghanistan he has been a victim of violence. He has been shot or beaten with a gun at the back and he has not received proper medical care in Afghanistan. As a result he still suffers and cannot sleep at night from the pain.

He has not received any medical care. We do not know whether he has been examined by a doctor or a nurse at FYLAKIO. He asks to be transferred to a hospital, to have medical tests and to be provided with the necessary medical care. We filed a relevant request on the spot.

He is apparently a minor and it is easy for someone to trace him.

He is barefoot and has very few clothes with him.

He is held in a space together with adults, despite the fact that the Authorities are aware that he is a minor, as it has been registered in his asylum request since the beginning of July.

2. A. A., 17 years old, was also arrested on Symi island on 22/6/2009 and was registered as being born in 1991. His glasses are broken and he does not see. He asks to see an oculist and to be given new glasses. We submitted a relevant request on the spot.

He repeated all the aforementioned.

3. M. A., 17 years old, was arrested on Patmos island on 20-6-2009. He is from Afghanistan and he is registered as being born in 1991. When we met him, he was apparently upset and extremely stressed. He faces well-founded fear of prosecution in his country of origin, as he used to work for 9 months as an interpreter for the Americans and therefore he was threatened by the Taliban, then he worked in a NGO " for two months as a mediator to non-combatants, he was kidnapped by the Taliban in the mountains and he was tortured. He has a visible burn on his hand. He escaped and took refuge in Pakistan, Iran, Turkey and Greece.

He has a serious health problem with his tonsils, has fever often, nose bleedings, he has not received any treatment whatsoever and has serious psychological problems of stress and pressure. We submitted a relevant request for his examination by a doctor.

4. A. Z., 24 years old from Afghanistan, was arrested on 23-6-2009 on Nimos island, close to Symi (Dodecanese). He was a farmer in the area where he lived with this family, they were pressed by the Taliban to give a portion of their harvest (the value of half the harvest), which they did once and then, when they refused, they were shot and his father was killed on the spot, while his uncle and his cousin were dead a few hours later in the hospital. He was shot in the abdominal regions, where a big wound is visible even today. The Taliban burnt their property and he had to flee to Pakistan, Iran, Turkey and then Greece.

5. M. A., 15 years old from Irak, apparently a minor, was arrested together with his mother and his sister at the end of June, on Leros island and from there they were transferred to Samos for a few days. Then he was violently separated from his family and transferred to FYLAKIO at Evros, where he is detained since the beginning of July 2009. His mother and his sister were transferred and are detained in the detention center of Mersinidi at Chios. The Authorities have been informed about this tragic mistake resulting in the separation of a minor from his mother, but they don't act for a long time to solve the problem they themselves have created. <sup>7</sup>

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<sup>7</sup> Note: M. A. Was transferred around 17 of August at the Aliens department of Athens and was held there, waiting the family reunification at Chios.

### **Visit to the border police station in SOUFLI (7/8)**

We have visited the area only in the surroundings, because we did not have any particular detainee to visit.

According to testimonies of former detainees in Soufli a large number of detainees are held there.

A detainee in Ferres stated to us characteristically “c’était de l’enfer” (“it was hell”) and reported indicatively that in her chamber there were 72 persons, men, women, minors, babies, all together. The chambers are overcrowded. There are only beds, without sheets, and certain detainees from the group transferred from Chios, mentioned that they slept on the floor. The place is full of bugs and mosquitoes. All the detainees suffer severe dermatological problems. During their stay, minors were detained, without any distinction from adults.

The persons who talked with us reported that they were not allowed access to the yard.

Communication: According to the testimonies there is no telephone booth in the detention area.

Legal information / support: Not available.

Interpreters: Not available according to testimonies.

Provision of clothing and personal-hygiene products: Not provided according to testimonies.

Remark: The detainees referred to frequent refoulements from Soufli. They could see a green truck getting filled with people and then disappear; they could see them from the toilet. They stated to us that “they take them to the border and they leave them in the other side”. Police officers even shouted to them, before taking them, they did not hide that they would deport them and they told them “we will not let you make a phone call”. From the window detainees could see that they took them in a green truck and put them handcuffs on.

## CONCLUSION

In brief, we have to highlight that all the detention areas (detention centres, Border Police Stations) that we have visited were overcrowded, minors were held together with adults, hygiene conditions were deplorable and humiliating for human dignity, there was not any interpreter anywhere, no legal support, social worker or psychologist, medical care was constantly insufficient, and the detainees did not know how long they would be detained and what would happen to them in the near future, living under extremely stressful conditions, they were held in essence confined from any external contact and during their detention they watched all the time their fellow-detainees being pushed back unofficially to Turkey.

According to the Police, the transfers from all over the country to the region of Evros aimed at the improvement of the detention conditions. As it was made clear later, the undeniable result of this choice by the Public Administration was the dramatic deterioration of the already deplorable detention conditions in Evros region and the living of the transferred detainees under inhuman and exhausting physical and psychological detention conditions.

It is very hard to put these conditions into words, still they continue to exist through the years. Dignity and basic human rights of detainees are severely violated.

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**Note: Our visit to Evros took place with the financial assistance from the NGO PRO ASYL, which covered a substantial part of our expenses.**