

PRESS RELEASE

10 February 2008

**Greece: Norway suspends asylum seekers referrals to Greece because of rights violations.
Iraqi asylum seeker alleges ill-treatment and deception.**

Greek Helsinki Monitor (GHM) informs that Norway suspended the referral of asylum seekers to Greece (as first country of entry according to the Dublin II Regulation) on 7 February 2008, *“on the basis of the latest information about the possible violations of the rights of asylum seekers in Greece, and on the basis of the need for more information about the conditions of the asylum seekers in this country”* Norway’s **Immigration Appeal Board** announced (see below). This latest information, along with a plea to stop the referrals, was provided on 18 January 2008 by the **Norwegian Helsinki Committee** and the **Norwegian Organisation for Asylum Seekers (NOAS)**, (see their letter below) following information provided by **Greek Helsinki Monitor**. Follows also the interview of Iraqi asylum seeker **Ahmad Jwad Ali** about all he went through while in Greece, including deception and alleged repeated ill-treatment. He has currently found refuge to Norway to avoid his referral to Greece, something that he is avoiding following the recent developments.

The Immigration Appeal Board

Press Release

07.02.2008

On the basis of the latest information about the possible violations of the rights of asylum seekers in Greece, and on the basis of the need for more information about the conditions of the asylum seekers in this country, the Immigration Appeal Board has halted until further notice the transfers to Greece according to the Dublin II-Regulation.

This outcome includes that the Immigration Appeal Board shall not conclude any judgment in the asylum cases whereby the individual shall otherwise be returned to Greece according to the Dublin II-Regulation. This will take place until new information about the situation is accumulated and assessed.

As for the asylum seekers whose claims have been rejected by the Immigration Appeal Board, and who are supposed to return to Greece according to the Dublin II-Regulation, their obligation to leave Norway is until further notice suspended. This includes that until further notice these asylum seekers do not have the obligation to abide by the previous decisions concluded by the Immigration Appeal Board in returning to Greece. The police have also been given instructions that until further notice these asylum seekers are not to be transported to Greece as mentioned above.

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DEN NORSKE
HELINGSFORSKOMITÉ



NORSK ORGANISASJON FOR ASYLSØKERE

The Norwegian Immigration Appeals Board

Att: Director Terje Sjeggstad
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Copy:

The Ministry of Labour and Social Inclusion

Att: Minister Bjarne Håkon Hanssen

The Directorate of Immigration

Att director Ida Børresen

The Ministry of Foreign Affairs

Att: Foreign Minister Jonas Gahr Støre

Oslo, 25th of January 2008

Stop the transfer of asylum seekers to Greece by the Dublin II- Regulation

The **Norwegian Helsinki Committee** and the **Norwegian Organisation for Asylum Seekers** (NOAS) are calling for a halt in the transfer of asylum seekers to Greece according to the terms in the Dublin II Regulation. In our opinion, these transfers are not unjustifiable as long as Greece does not fulfil its obligations mentioned in the Refugee Convention and as long as the judicial and humanitarian conditions for asylum seekers in Greece remain reproachable. We fear that Norway may indirectly violate the principle of *non-refoulement* by abiding to the Dublin II Regulation in terms of Greece.

Here follows a brief account of why we mean that it is imperative that Norwegian immigration authorities process applications for asylum (according to art. 3(2) of the Dublin II Regulation) rather than transfer them back to Greece.

Risk of “refoulement”

The **UN High Commissioner of Refugees (UNHCR)** and a number of Greek human rights organizations¹ express grave concern of the practice of the Greek authorities of returning Iraqi refugees to Turkey. According to the High Commissioner, Turkey frequently deports the refugees back to Iraq, where they risk persecution.

A note from the High Commissioner issued the summer of 2007 urges the member states to “...consider factors (...) that could result in indirect refoulement”. This is based on the fact that

¹ **Greek Helsinki Monitor, Greek Council for Refugees, Amnesty International** and **13 other NGO's**, Press Statement 1st of August 2007 <http://cm.greekhelsinki.gr/index.php?sec=194&cid=3167>

Greek immigration authorities have a continued practice of partially interrupting the process of a claim (interrupted claims) in the event the claimant travels outside Greece, in spite of the fact that the state accepts receiving again former asylum seekers. This implies that asylum seekers who are later transferred back to Greece risk not receiving a proper processing of their case.²

Greece has the lowest percentage of granted asylum claims in Europe with practically very few admissions each year. In addition, Greece issues a very limited number of residence permits based on humanitarian grounds. According to Greek Helsinki Monitor, only 0.5 % of the rejected asylum claimants were granted residence permits on humanitarian grounds. This implies that Greece rejects many asylum claims that otherwise would have been granted refugee or protection status based on humanitarian grounds in Norway.

Access to legal procedure

It is not only asylum seekers with “interrupted claims” that have problems with providing access to an asylum procedure. Greece is also criticized for not providing this access to persons who are arrested for crossing the borders illegally. The **Danish Refugee Help Organisation** reports on its website that Greece in 2006 arrested a total number of 8,157 Iraqis as illegal immigrants. Only 1,415 got the chance to apply at all – but none of these were granted asylum.

The German organization **Pro Asyl** published in October 2007 a report in cooperation with Greek organizations that documents how Greece systematically violates human rights by refusing refugees at the border, by arresting and mistreating many of them, and in addition returning them by force to Turkey wherefrom they risk being deported to their home country where they can be prosecuted. In the report “*The truth may be bitter, but it must be told*” the following can be read:

“The police arrest all new arrivals, including asylum seekers and particularly vulnerable individuals such as victims of torture and human trafficking, disabled persons, pregnant women, minors and refugees from countries such as Iraq, Afghanistan and Somalia. They are all issued with automatic deportation orders – without a hearing, without any examination of their entitlement to protection. This practice effectively constitutes a denial of access to the asylum determination procedure”.

Because of this information, the organizations demand, among others, that other Dublin-countries stop the transfer of asylum seekers to Greece in accordance with the principles of the Dublin II Regulation.³

The Greek practice in receiving refugees and asylum seekers

Greece has, in general, an underdeveloped asylum system. Even though asylum seekers have several rights according to Greek law, these do not have much relevance in practice – because asylum seekers are not informed about their rights and because the authorities in reality do not respect or practice these rights. As a consequence of the practice of not granting the asylum seekers an interpreter, they can be fooled into withdrawing their applications or lose the right to make a complaint.

The social conditions for asylum seekers whose claims are being studied are also unacceptable. In spite the fact that Greece has several thousands asylum seekers, the camps are only dimensioned for

² <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=46b889b32> See also 02/2006: “UNHCR position on important aspects of refugee protection in Greece” <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=46d530bf2>

³ http://www.proasyl.de/fileadmin/proasyl/fm_redakteure/Englisch/Griechenlandbericht_Engl.pdf

740 people. The majority of the asylum seekers are not offered any accommodation, health care or any other social services. The situation is especially intolerable for families with children.

The situation doesn't get better when many asylum seekers are held in arrest for a long time, and some of them are victims of violence from Greek police officers. Video footage that shows how the Greek police mistreat asylum seekers and immigrants have been broadcasted on different TV channels, among them Greek and Swedish channels,⁴ and on the website **YouTube**⁵.

Greek Helsinki Monitor informs in an e-mail to the Helsinki Committee and NOAS on the 18th of January 2008 about a case where an Iranian asylum seeker became a victim of violence from the Greek police:

"An eighteen-year-old Iranian applied for asylum and was called for an interview. A policeman didn't like his attitude and reprimanded him. Later, when all the other asylum seekers had left, the policeman called the Iranian in the interview zone. There he was beaten by three policemen and he was thrown out without papers..."

The Norwegian practice of transferring asylum seekers to Greece

The Norwegian Helsinki Committee and NOAS are aware of a decision taken by the **Immigration Appeal Board in Norway** (IAB) in a case that was handled in accordance with the Dublin II Regulation, dated the 17th of December 2007. The case concerns an asylum seeker from Azerbaijan, who according to the Dublin II Regulation could be returned to Greece. IAB based its final outcome in the case on the supposition that Greece treats asylum applications *"in a trustworthy manner"*. IAB is aware of the critique addressed to the Greek asylum practices. However in its decision, it refers to the **Norwegian Embassy in Athens** that has reported that measures have been taken to improve the situation, and it concludes: *"according to the understanding of IAB, there are no reasons to believe that the Greek authorities are not treating the claims of the asylum seekers that have returned to Greece according to the principles of the Dublin II Regulation on the basis of illegal entry across the border in an untrustworthy manner"*.

We would like to express our criticism of the choice taken by the Immigration Appeal Board not to recognize the present conditions in Greece, as they are described by the UNHCR and other human rights organizations, but instead to refer to the Greek authorities as having *"initiated the improvement of the situation for the asylum seekers"*.

Conclusion

The Dublin II Regulation presupposes a mutual obligation to respect the Refugee Convention and other relevant human right conventions. We appeal to the Norwegian authorities to stop transferring refugees to a country such as Greece, which obviously is not fulfilling its obligations. Norway has an independent responsibility to ensure that a person with need of protection is not being directly or indirectly sent to a place where his life or safety will be in danger. Furthermore, taking into consideration both legal safety and humanitarian concerns, our view is that Norway must choose to consider all asylum applications in Norway that Greece is otherwise responsible for according to the principles of the Dublin II Regulation.

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http://tv4nyheter.se/1.217749/nyheter/2007/11/27/avvisningar_till_grekland_bor_stoppas;jsessionid=abcxZJeoLuYNhbYYfidAr

5 <http://www.youtube.com/watch?v=Qntd8TIDgd8> and <http://www.youtube.com/watch?v=xJ8LurBh8-o>

With kind regards,

(signed)

Bjorn Engesland
Secretary General of the Norwegian Helsinki Committee

(signed)

Morten Tjessem
Secretary General of Norwegian Organisation for Asylum Seekers
(translated in English by NOAS from the Norwegian original at
[http://www.nhc.no/php/files/documents/Tema/Flyktning-
%20og%20asylpolitikk/brevHellasAsylsoker2-080125.pdf](http://www.nhc.no/php/files/documents/Tema/Flyktning-%20og%20asylpolitikk/brevHellasAsylsoker2-080125.pdf))

My experiences in Greece

(Interview with NOAS)

I am a young man from Baghdad in Iraq. In Iraq, I have worked with the American forces and as a bodyguard for the Ministry of Culture. It is because of this that I was threatened by armed groups that belong to the Muslim army. Therefore, I was forced to seek refuge from Iraq.

I left Iraq first to Syria and from there to Turkey where I stayed for three months. With the help of some smugglers I went to Greece by sea. We were 45 people in total from different nationalities on a boat. The Turkish police shot in the air to intimidate us. They threw some sort of a lasso rope after us, to catch us or frighten us. At the same time they were causing waves with their boats, until we reached the Greek side of the borders. There, we experienced the same as we did with the Turks. The Greeks were causing waves, and they shot at the boat until we jumped in the sea.

There was an island directly in the vicinity, Chios. We swam to the island where we were caught by the Greek army. After that, the military delivered us to the Greek police. They arrested us in a small room, and they took our fingerprints. I refused to do it because I wanted to travel further in Europe. They threatened me and beat me up brutally. They used an electric stick of which I still have bruises on my nose visible because of the treatment I received there.

Afterwards, they sent us to a prison on the island, Chios. The prison lies on a hill and the length of the building there was around 30 to 40 meters. There were more than 250 persons in the prison from different nationalities. There were two policemen/prison guards, Smadi and George, which had the responsibility over the prison.

After a short while a lawyer on behalf of the Greek police came in and interviewed us. Her name was Natasha [*GHM note: Natasha is not a police lawyer, but a NGO lawyer helping asylum seekers in Chios*]. She said that our fingerprints would not be registered in the Migration unit but in the register of the border police. She said that this was done just for security reasons and not for the purposes of asylum. Accordingly, these prints would not have any effect in case we wanted to travel further in Europe.

I didn't declare my real name or my country of origin because I was afraid that I would be sent back. That is why I am now in this country. After a month in prison, I was released, and I travelled further to Athens. Because I didn't have proper clothing and I looked like a foreigner, I was again caught by the Greek police. They hit me, took all my money that I had and left me in the street by myself. I had no place to go to, didn't know anyone there and couldn't speak the language. As a

result I had to sleep on the street in two weeks until I found a job with Greek man. I worked as an ironsmith worker every day from 6 in the morning until 1 after midnight for only 20 euro.

The police was looking for immigrants all the time. Therefore, I made a deal with a smuggler in order for him to help me travel to Denmark by plane. As I was about to leave the airport in Athens, I was again caught by the police. They hit me and arrested me for one week. Then, I tried the same another time, and again I was caught and I was arrested for one week. The last time it happened, I was told by a policeman that I should not travel through the airport where the security is very strict. I should instead try to travel through one of two islands [*GHM note: he means ports*] Komanizia [*GHM note: he means Igoumenitsa*] or Patra. He said that it was much easier to travel from there. But, as I came there, I couldn't leave. I tried for the third time through the airport. I made a deal with the smuggler that if he is to succeed that time, I would pay him. I owed him already 200 euro. He gave me a clear message: that if I didn't send him the money, I wouldn't be allowed to come back to Greece. He threatened me, but I paid him the whole sum right there and then. I was apprehensive as I know that smugglers use mafia methods in the way they deal with people.

Afterwards, I came to Sweden and applied for asylum there. I stayed there for 8 months. In Sweden, I was told that they have my fingerprints from Greece, and so therefore I must be sent back there. I explained to them that I couldn't be in Greece as I didn't get my rights fulfilled there, and I gave them all the documents that I had. I tried to convince them not to send me back there, but they explained to me the Dublin Agreement according to which I must be sent back.

Therefore, I escaped to Norway. I ask for your mercy because of all the obstacles that I have experienced. I ask the Norwegian Directorate of Immigration to evaluate my application for asylum and not to send me back to Greece or Iraq. I swear that my declaration is true.

Ahmad Jwad Ali

Oslo, 7th of February 2008
