



August 1, 2013 - **European Convention of Human Rights Court: Greece's treatment of asylum seeker breached human rights law**



Human rights judges have ruled today that the detention of an asylum seeker in Greek police stations amounted to degrading treatment.

In today's Chamber judgment in the case of *Horshill v. Greece* (application no. 70427/11), which is not final, the European Court of Human Rights held, unanimously, that there had been:

a violation of Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights.

The case concerned the placement in detention of Ismail Alfateh Horshill, a Sudanese national and the conditions in which he was detained. The applicant, a foreign national who was due to be deported, was held successively for fifteen days in two police stations after having applied for asylum.

Pursuant to a decree transposing a directive from the Council of the European Union into national law, Ismail Alfateh Horshill, who had no travel documents, was placed in detention by the Greek authorities.

Noting that the applicant had been released from detention after a short period of two weeks, the Court considered that his detention had not been arbitrary and that it could not be concluded that it had not been "lawful" within the meaning of Article 5 § 1 (f) of the convention.

Principal facts

The applicant, Ismail Alfateh Horshill, is a Sudanese national who was born in 1984. In 2010 Horshill entered Greece illegally. An active member of the Sudanese antigovernment student movement, he had fled his country, where he had been arrested on three occasions and subjected to torture.

On 29 April 2011, Horshill voluntarily went to the police station for foreigners, without travel documents, in order to apply for asylum. In line with warnings given by a lawyer from the association which was helping him and from police officers, he was arrested and placed in detention, on the basis of a decision by the chief of police.

That decision ordered that Horshill be detained for a period of sixty days, corresponding to the time-limit foreseen for examination of his asylum application. He was detained at the Paramythia police station until 5 May 2011, then at the Filiates police station until 13 May 2011.

Horshill lodged an appeal with the Epirus regional chief of police and submitted objections against his continued detention to the president of the Corfu Administrative Court. He also submitted a request to have the order set aside. Those appeals, objections and requests were dismissed by reasoned decisions which responded to the applicant's different arguments.

On 13 May 2011, Horshill was released, the chief of police having noted that the nongovernmental organisation "Médecins du Monde" was offering to accommodate the applicant in its hostel.

On 19 June 2012 the applicant submitted a statement withdrawing his application for political asylum and, taking advantage of a voluntary return programme, he left Greece and returned to his country of origin.

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