



Organisation Mondiale Contre la Torture
Case postale 21- 8, rue du Vieux Billard
CH 1211 Genève 8, Suisse
Tel. : 0041 22 809 49 39
Fax : 0041 22 809 49 29
E-mail : omct@omct.org
<http://www.omct.org>



Greek Helsinki Monitor
P.O. Box 60820
GR 15304 Glyka Nera, Greece
Tel.: 0030 210 347 2259
Fax : 0030 210 601 87 60
E-mail : office@greekhelsinki.gr
<http://www.greekhelsinki.gr>

Torture and other forms of ill-treatment in Greece in 2003

The situation of women, Roma and aliens

Annexes

A report prepared by
Greek Helsinki Monitor (GHM) and
the World Organisation Against Torture (OMCT)
for
the EU Network of Independent Experts in Fundamental Rights at
its Hearing of 16 October 2003

Brussel, October 2003



Case GRC 010702 Torture / Threats and harassment

The International Secretariat of OMCT requests your URGENT intervention in the following situation in Greece.

Brief description of the situation

The International Secretariat of OMCT has been informed by the Greek Helsinki Monitor, a member of the OMCT network, that Mr. Joseph Emeka Okeke, a Nigerian deportee being detained by the Alien's Department of NorthEast Attica, was subjected to torture including electric shocks, in Greece.

According to the information received, at 4 a.m. on June 25th, 2002, Mr. Okeke was roughly awakened by 3 policemen. They announced his release, so he therefore suggested being allowed to call his wife. However, when Mr. Okeke tried to insert his phone card in the phone, the policemen reportedly grabbed him and started kicking him and beating him with a large rectangular black object that had two claw-like extensions that reportedly transmitted electric shocks. One of Mr. Okeke's fellow-inmates, who witnessed the event, called Mr. Okeke's wife with his mobile phone, who arrived soon afterwards in a taxi. When she demanded to see her husband, the policemen refused. They reportedly then pushed her out of the building and accused her of wanting to attract attention and "disgrace the Hellenic Police Force".

According to the information received, the policemen put Mr. Okeke in a car and tied both his hands and feet and then took him to Eleftherios Venizelos Airport, where he was put on an Alitalia flight which was scheduled for departure at 6.30 a.m. Due to protests by the Alitalia stewardesses, notably concerning the fact that Mr. Okeke's feet and hands were tied and handcuffed respectively and that the police trying to tape his mouth shut, he was taken off the aircraft. According to the report, he was then taken to the Pallini Police Department, where he was reportedly told to face the wall and kneel down. A policeman then kicked him hard in the ribs and continued to beat him until another policeman arrived and told him to stop. Mr. Okeke was then transferred to the General Police Directorate of Attica (GADA) detention centre.

According to the report, the use of electric shocks has not been reported in Greece since 1993. In a report by the European Committee for the Prevention of Torture and Inhuman or Degrading or Punishment (CPT) following their visit to Greece between March 14th until March 26th, 1993, it was noted that there were a significant number of allegations of rough treatment and the use of torture, including that of a hand held device which produces electric shocks. The types of injuries and marks produced by these shocks were also described in the report. Mr. Okeke still bears such traces on his arms, wrists and lips from the beatings and torture to which he was subjected.

According to the information received, Mr. Okeke reportedly has several witnesses of the ill-treatment and torture to which he was subjected, including fellow-detainees and the Alitalia personnel. The police allegedly attempted to deport him without previously informing him or his wife, and this just days before the legal application for the abrogation of his judicial deportation and a trial for a false passport were scheduled to be held. Mr. Okeke's delicto trial for "resistance against the authorities" on June 27th, 2002, has reportedly been postponed until July 10th, 2002, in order to allow time to subpoena the aforementioned witnesses.

According to the information received, Mr. Okeke filed a complaint against the treatment he had received. The Minister of Public Order, Mr. Michalis Chrysochoidis, has ordered a Sworn Administrative Inquiry (EDE) be carried out by a high-ranking officer to investigate these allegations and that a medical examination of Mr. Okeke would be carried out by two forensic surgeons on June 27th, 2002.

According to the report however, the police officers that allegedly perpetrated these human rights violations have reportedly threatened Mr. Okeke. Mr. Okeke has informed his lawyer that between 10 pm

on June 27th 2002 and 4 am the next day, the officers from Pallini Police Department reportedly removed Mr. Okeke from his cell at the GADA detention facilities and took him to the 10th floor, where he was to be examined by the forensic doctors. In addition to this, however, he was reportedly subjected to several hours of interrogation and intimidation, without the presence of his lawyer, by three plainclothes policemen, who were joined by Officer Papatotiriou at around 1 am in the morning of June 28th, 2002. A translator was reportedly also present throughout this interrogation period. Mr. Okeke was questioned about his past and was told that he would regret having filed the complaint. Mr. Okeke was then allegedly forced to sign a document that he did not understand, as it was in Greek and was not translated for him, and was then transferred to a single cell where he was denied access to a telephone. According to the information received, Mr. Okeke is still being held at the GADA.

According to the information received, Mr. Rotimi Alakia, an asylum seeker from Sierra Leone that witnessed the alleged torture of Mr. Okeke has also been threatened and harassed by police officers, in order to ensure that he does not testify during the Sworn Administrative Inquiry (EDE) or in court.

The International Secretariat of the OMCT is gravely concerned about the physical and psychological integrity of Mr. Joseph Emeka Okeke and Mr. Rotimi Alakia, given the threats that have been proffered against them, and calls for them to be transferred as a matter of urgency to holding centres where their protection can be guaranteed. OMCT fears that even though the perpetrators of this attack are known, they will continue to enjoy impunity, and therefore calls for these officers to be removed from their duties and brought to justice. OMCT also fears that Mr. Okeke will not be granted adequate reparation for the injuries inflicted upon him. More generally, OMCT is gravely concerned about the Greek Police's use of excessive force and beatings, which amount to torture, and notably the alleged use of electric shocks.

Action requested

Please write to the authorities in Greece urging them to:

- i. take all measures necessary to guarantee the physical and psychological integrity of Mr. Joseph Emeka Okeke and Mr. Rotimi Alakia;
- ii. put an immediate end to the harassment and threats to which they are being subjected;
- iii. order their immediate release in the absence of valid legal charges or, if such charges exist, bring them before an impartial and competent tribunal and guarantee their procedural rights at all times;
- iv. guarantee adequate reparation to Mr. Okeke;
- v. guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance with national laws and international human rights standards.

Addresses

- Constantine Simitis, Prime Minister, Prime Minister's Office at the Hellenic Parliament, Greek Parliament Bldg, Constitution Square, Athens / Greece, Fax: +30 10 724 17 76, Email: Mail@primeminister.gr
- Constantine Skandalidis, Minister of Interior, Ministry of Interior, Stadiou 27 str, Athens 101 83 / Greece, Fax: +30 10 323 32 18
- Filippos Petsalnikos, Minister of Justice, Ministry of Justice, Mesogeion 96, Athens 115 27 / Greece, Fax: +30 10 775 58 35
- George Papandreou, Foreign Minister Athens, Fax: +30 10 36 81 433, Email: gpap@mfa.gr
- Christos Protopappas, Minister of Press and Information, Athens, Greece Fax: +30 10 36 06 969
- Mr. Mihalios Hrysohoidis, Minister of Public Order, Athens, Greece, Fax: + 30 10 69 17 944

Please also write to the embassies of Greece in your respective country.

Geneva, July 1st , 2002

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

PRESS RELEASE

20 November 2002

TOPIC: VERY STRICT REPORT ON GREECE BY EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE CONFIRMS GHM POSITIONS

Greek Helsinki Monitor (GHM) welcomes the report of the **European Committee for the Prevention of Torture** on Greece (English: <http://www.cpt.coe.int/en/reports/inf2002-31en.htm> and Greek: <http://www.ydt.gr/ekthesi/ekthesi.zip>) published today along with the replies of the Greek ministries concerned (English: <http://www.cpt.coe.int/en/reports/inf2002-32en.htm> and Greek –just the last letter of the Ministry of Public Order and not the previous ones or any letters of other ministries– : <http://www.ydt.gr/ekthesi/apantisi.zip>). The report exposes an unpleasant and, at times, dark picture of detention facilities (police detention and prisons) as well as allegations of detainees being ill-treated; these allegations are almost never investigated or reported since even the detainees' lawyers themselves discourage their clients from doing so. In addition, the report establishes the existence of a general xenophobia and "Albanophobia" climate among law enforcement officers. **The observations and the conclusions reached by the Committee totally confirm and complement years of allegations made by GHM and the relevant findings of the recent joint Amnesty International and International Helsinki Federation report "In the shadow of impunity – Ill-treatment and the misuse of firearms"** (http://www.greekhelsinki.gr/bhr/english/countries/greece/ai_main_nophotos_24_09_02.doc).

The main points of the CPT report are presented below.

In the Ministries' replies, apart from general references to laws, regulations, circulars or steps towards improvement etc., the Ministry of Public Order attempts to give a specific reply to the allegations made over the insufficient inquiry in the Messologgi Roma case. In this reply, **the Ministry of Public Order misinforms the Committee** by saying that the Sworn Administrative Inquiry could not track those responsible, when it is a fact that the Sworn Administrative Inquiry was able to find them and recommended strict penalties. Furthermore, the Ministry claims that one of the suspects on trial was acquitted of the charges because his victims, supposedly, could not recognize the perpetrators or the time of their ill-treatment, a statement contradicting the minutes of the trial: the court simply decided to ignore their testimony and the forensic medical examiner's report in order to acquit an officer who "has brought to justice many drug-related cases"... The case, handled by GHM, is now with the **European Court of Human Rights**. In addition, **the Ministry of Public Order informs the Committee falsely** that unannounced visits to detention facilities are done by non-governmental organizations, when access has been denied to GHM and **Médecins du Monde**, even after prior request: this ban, combined with Greek state statements to international organizations to the contrary, have been reported by GHM to the **Greek Ombudsman**. **GHM will send to the Committee all relevant material (translated into English) refuting the aforementioned points in the Ministry's reply.**

MAIN POINTS OF THE REPORT ON GREECE BY THE EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

*The Committee notes that it received no information on places being used on an ad hoc basis for the detention purposes of aliens, by the police, the Coast Guard or even the Customs authority, which is in breach of Article 8, paragraph 2 (b) of the Convention (paragraph 7 of the report).

*The Committee found that the conditions of detention in the Kozani and Iraklion Police Headquarters were wholly unacceptable. For these two establishments, the Committee had asked for the authorities' immediate intervention to remedy the shortcomings observed, and the Greek authorities had assured that appropriate measures were taken. (8).

*The Committee received a "considerable number" of allegations by persons who alleged that were ill-treated, mainly by law enforcement officers and to a less extent by Coast Guard officials, usually during questioning: kicks and blows with hands, fists, batons or various other objects. For those cases where ill-treatment was relatively recent, the delegation's doctors found marks verifying the allegations and they describe in detail four representative cases of detainees' ill-treatment at Khania and Igoumenitsa Police Headquarters and at the Piraeus Port Police Station (11-12).

*The head of the Coast Guard Police at Piraeus Port and certain officers admitted that using some force (e.g. slapping) was acceptable during interrogations to obtain information from detainees, particularly those arrested in connection with drug-related offences. The Committee also noticed the disrespectful attitude displayed towards immigration detainees, particularly those of Albanian origin (14).

*The Committee notes that Greece seriously underestimates the scale of the problem of detainees' ill-treatment by law enforcement officials and calls upon the authorities to remind their will to stamp out ill-treatment of detainees and to draw the attention to the provisions of Articles 137A, 137B and 137C of the Criminal Code dealing with torture and ill-treatment by state agents (15-16).

*The Committee calls upon Greece to examine diligently all complaints of ill-treatment and, where appropriate, to impose a suitable penalty. It also notes that the victims of such ill-treatment reported a lack of interest from the side of the authorities and that even their own lawyers tried to discourage them on the grounds that it would not be in their best interests. The Committee calls upon the prosecutors and judges, in particular, that whenever there are allegations of ill-treatment, these should be recorded in writing, a forensic medical examination should be ordered immediately, and that the allegations are properly investigated. At the same time, appropriate steps must be taken so that victims are not dissuaded from lodging a formal complaint and are enabled to ask for a forensic medical examination themselves, a recommendation made by the Committee in previous reports that has yet to be implemented. Finally, it asks independent organizations and the prosecutors to make regular and unannounced visits to detention facilities (18-22).

*The Committee thought that the conditions of detention in the Police Station at the Kozani Police Headquarters and in the Iraklion Police Headquarters were also "wholly unacceptable" and that the premises in Athens Police Headquarters (7th floor), in Khania and Igoumenitsa Police Headquarters, at the Iraklion Security Department and in Chersonissos and Drapetzone Police Stations were "unhygienic" and "dirty". It also found that the new facilities at Hellinikon have no exercise yard and pointed out that the Athens and Piraeus Transfer Centers are still as unsatisfactory as in the past, despite of the Committee's previous recommendations and the government's promises to relocate Piraeus Transfer Centre. Conditions at Kristalopigi and Mesopotamia Border Guard Posts for holding immigration detainees subject to immediate

readmission procedures were also far from ideal, as was the situation at Hellenikon and Piraeus Holding Centers for Aliens (26-32).

*The Committee reminds of Greece's longstanding obligation to materialize the Committee's recommendations as regards minimum cell sizes, equipment and hygiene as well as proper food (35-36). It also reminds of the relevant Greek regulations (38). It calls upon Greece to stop detaining aliens for prolonged periods in ordinary law enforcement agency detention facilities which are designed – quite often insufficiently – for short stays (39).

*The Committee expressed its concerns for not respecting detainees' rights to inform a close relative of their situation, to have access to a lawyer, to have access to a doctor and to be informed of their rights (40-46). It also recommends the existence of a single and comprehensive custody record for each person detained (48), and access to free legal aid and interpreting services for all detainees that might need them (49). It also asks that the aforementioned rights are guaranteed for the persons subject to immediate readmission procedures at the borders (50).

*The Committee has pointed out that it has been reassured by the Greek authorities and organizations active in the domain of refugees that, the persons seeking asylum are not returned to countries where there are might be a risk of being subjected to torture or ill-treatment. However, CPT observes that group and/or informal deportations to Turkey take place (52-53).

*The Committee observes significant improvements in the detention conditions but stresses that the overcrowding problem has not changed since 1993 (8,500 prisoners for 5,000 places), reaching "new heights" at Korydallos Prison Complex. The Committee does not think that the building of new prisons will solve the problem, and reminds of Recommendation No. R (99) 22 of the Council of Europe's Committee of Ministers to introduce new alternative penalties that do not deprive persons of their liberty and to decriminalize certain offences or adopt penalties not entailing the deprivation of liberty. Whereas in older prisons there were no complaints of ill-treatment, there were some complaints of ill-treatment at Malandrino Prison (Fokida). Contrary to the Alicarnassos, Khania and Korydallos Prisons, the material conditions of detention at Malandrino Prison were of a high standard. However, in all prisons there are problems with the programs of activities, especially for prisoners serving lengthy sentences (including life sentences) who require special activities. In addition, health-care services are problematic in all establishments and the Committee recommends a detailed audit. It also condemns the segregation of HIV-positive prisoners and signals the absence of a prevention policy where drug abuse and trafficking is concerned, as well as suitable assistance to all persons concerned (54-104). Disciplinary unit conditions should also be improvement and prisoners should be made aware of their rights (108-112).

*The Committee points out the unacceptable conditions of visiting booths: at Korydallos Prison, the minimum visiting entitlement of 30 minutes per week is not always respected, while only the visiting booths at Malandrino Prison are adequate. In addition, the Committee rejects the practice of prisoners lacking physical contact with their visitors during lengthy periods and recommends that the Greek authorities organize visits at the Malandrino Prison because of its geographical isolation (105-107).

*The Committee notes the ill-treatment of Albanians detained by military personnel at the borders while trying to enter Greece and lack of the rights referred to all prisoners invariably (115-117).



**Case GRC 200103 / GRC 200103.CC
URGENT APPEAL / CHILD CONCERN
Arbitrary detention / ill-treatment**

The International Secretariat of OMCT requests your **URGENT** intervention in the following situation in **Greece**.

Brief description of the situation

The International Secretariat of OMCT has been informed by Greek Helsinki Monitor, a member of the OMCT network, of the systematic and potentially very widespread detention for longer than the 3-month lawful maximum detention period, of aliens who have entered Greece illegally, as well as the unlawful and irregular treatment of asylum seekers, notably the forced transfer of 30 applicants from the Rhodes reception centre to Athens on December 27th, 2002 without any provisions having been made for their hosting upon arrival. This lack of provisions has reportedly resulted in 7 men and 2 children aged between 7-8, who could not be accommodated by Medecins du Monde and the Sisters of Calcutta, being left homeless in freezing conditions. In addition 9 more of them were left homeless on New Year's Eve and New Year's Day 2003, while 3 more persons followed on January 3rd, 2003.

Reports indicate that 30 aliens and asylum seekers, comprising 12 aliens arrested in Simi on September 6th, 2002 (10 from Afghanistan and 2 from Iran) and 18 aliens (all from Afghanistan), who had been arrested in Rhodes on September 8th, 2002, had completed three months of detention in a temporary refugee detention facility but were still being detained in Rhodes, and this despite claims from Konstantinos Boutsikos, the Public Prosecutor in Rhodes, that on December 24th, 2002 he gave an oral order to Hellenic Police (EL.AS.) to terminate the unlawful detention of aliens beyond the three-month period.

These 30 aliens were reportedly released by EL.AS. in Rhodes, in the most unacceptable of ways, on December 26th, 2002. EL.AS. released the 30 aliens, but also forced them to immediately board the boat to Piraeus Port, threatening that they would not receive their pink cards if they did not comply. When they arrived at Piraeus, on the morning of December 27th, 2002, EL.AS. informed them that they should find themselves a place to stay, and the Greek Council for Refugees (GCR) reportedly stated its complete inability to take any measures and requested that the aliens visit them the following week, in order to deal with them at that time. This occurred despite standard procedure guidelines, under which the Ministry of Public Order should first alert the Ministry for Health, which should in turn alert GCR, and a hosting area should be found before any transfer of aliens can be performed. Thanks to the hospitality of Medecins Du Monde and the Sisters of Calcutta, the women and some of the children were sheltered at their centres, however, 7 men and 2 young boys aged 7-8 were left homeless in very cold temperatures for several days and nights before they were able to find adequate shelter.

12 more aliens have reportedly been detained illegally in Rhodes by EL.AS. The group comprises citizens of Iran, Iraq and Afghanistan who entered Greece unlawfully on September 22nd, 2002 via the island of Simi. On October 10th, 2002, they were transferred to Rhodes and immediately filed asylum applications. They were detained for over three months by EL.AS., in

the same facility, instead of being provided with the necessary pink cards and released, as should be the case with asylum seekers. EL.AS. claims that following the end of the three-month period, they were regarded as being "under supervision" rather than in detention, although those who requested to leave the premises have not been allowed to do so. Furthermore, an alien who left without permission was reportedly arrested by EL.AS.

The 12 asylum-seekers were released from detention on December 31st, 2002, but were forced to board the boat departing at 8 pm. from Rhodes to the Piraeus Port, Athens, and told to then present themselves at the Medecins Du Monde Refugee Reception Center, which was not informed of their arrival and did not have the capacity to host them. EL.AS. in Rhodes agreed for only three of the aliens to remain in the reception centre in Rhodes, but the remaining 9 boarded the ship and only arrived in Piraeus at 1:30 in the morning on January 2nd, 2003, with the prospect of spending at least the first few days of 2003 homeless in Athens. The three persons who had been allowed to stay in Rhodes were reportedly shipped to Pireaus without a place to stay on January 2nd, 2003.

Before their departure, each person was served a two-page document in Greek, which they could not read, granting the 12 asylum-seekers temporary residence permits in Greece for a six month duration, starting on December 22nd, 2002 – the end of their legal three-month detention period. Therefore, EL.AS., by detaining them 10 additional days over the three-month period, was not only breaching the law but was also in contempt of the General Secretariat of the South Aegean Region's decision which EL.AS itself had requested.

Six more asylum seekers that had been detained by the police authorities in Rhodes since October 14th, 2003, when they entered illegally Greece, were also released, with a day of delay, after the expiry of the three month detention limit, on January 15th, 2003. The names of all the afore-mentioned persons are available upon request.

Moreover, EL.AS in Rhodes reportedly refused to receive the applications of asylum-seekers that arrived in three groups after mid-October 2002, an action that is against the law and has reportedly been criticized by the Greek Ombudsman when it had previously happened in Rhodes in early 2002 (one of the groups comprising 13 persons should be released on January 19th, 2003 when they complete three months of detention).

Furthermore, the police authorities in Rhodes - ignoring relevant recommendations made by the Ombudsman and claiming to be acting on an official order from the Ministry of Public Order - on January 7th, 2003 denied access to the detention area to a representative of the Rehabilitation Centre of Torture Victims of Rhodes (also visiting under her capacity of GHM representative), although four detainees had specifically asked her to visit them, as she spoke their mother-tongues. One of the asylum seekers had kidney pain, which increased considerably after he had allegedly been ill-treated by a drunk policeman during his detention on the island of Simi, while another had reported blood in his urine.

In addition, there are also reports indicating that around 1,000 aliens who also entered Greece illegally and are being hosted in the area of Thrace, are being held in conditions that constitute ill-treatment, with many of them thought to be being held beyond the 3-month period. Similar information was reported in the mainstream newspaper "Eleftherotypia" on December 23rd, 2002 for some 100 asylum seekers in the island of Chios. A great number of them have reportedly been detained for more than three months.

The International Secretariat of OMCT therefore requests that the Greek authorities take all necessary measures to guarantee the rights of all aliens and asylum-seekers, in particular by providing the currently homeless individuals in question with appropriate shelter. OMCT urges the authorities to make sure that such persons are accommodated as soon as possible, as was finally the case with two children between the ages of 7 and 8. Furthermore, OMCT requests that the authorities ensure that unlawful detention exceeding the three-month period in all of Greece's reception centres, such as that found in Rhodes, be immediately halted, as this represents violations of both Greek law and European and International human rights laws and standards. OMCT recalls that Greece currently holds the EU Presidency and has announced that amongst its priorities is the issue of refugees and immigrants. In light of this, OMCT calls upon the Greek authorities and the Greek Ombudsman to launch an immediate investigation into the afore-mentioned violations and that the authorities immediately release all aliens being detained illegally throughout Greece.

Action requested

Please write to the authorities in Greece urging them to:

- i. take all necessary measures to guarantee the physical and psychological integrity of the above-mentioned aliens and asylum-seekers, notably those who are without shelter;
- ii. guarantee an immediate investigation into the circumstances of these events, identify those responsible, bring them before a civil competent and impartial tribunal and apply the penal, civil and/or administrative sanctions provided by law, and provide those detained illegally with adequate compensation as prescribed by law;
- iii. take all necessary measures to ensure that aliens who enter illegally in Greece are treated with full respect of human rights; that their asylum applications are duly accepted and registered; that they are not detained while awaiting answers to those applications and in any way beyond the lawful three months, and that they are provided with adequate shelter;
- iv. guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance with national laws international human rights standards, particularly the Convention on the Rights of the Child.

Addresses

- Constantine Simitis, Prime Minister, Prime Minister's Office at the Hellenic Parliament, Greek Parliament Bldg, Constitution Square, Athens / Greece, Fax: +30 210 724 17 76, Email: Mail@primeminister.gr
- Filippos Petsalnikos, Minister of Justice, Ministry of Justice, Mesogeion 96, Athens 115 27 / Greece, Fax: +30 210 775 58 35
- George Papandreou, Foreign Minister Athens, Fax: 30 210 36 81 433, Email: gpap@mfa.gr
- Mihalis Hrysohoidis, Minister of Public Order, Athens, Greece, Fax: + 30 210 6917944
- George Kaminis, Deputy Ombudsman for Human Rights, Fax 30 210 7289643

Please also write to the embassies of Greece in your respective country.

Geneva, January 20th, 2003

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

List of the 48 Asylum Seekers in Rhodes – Case GRC 200103 / GRC 200103.CC

DATE OF ENTRANCE	NAME	NATIONALITY	STATUS
1	06/09/02 AMANI MOHAMAD	AFGHANISTAN	ASYLUM SEEKER
2	06/09/02 ESHAN BIBIJAN	AFGHANISTAN	ASYLUM SEEKER
3	06/09/02 AMANI ABDULLAH	AFGHANISTAN	ASYLUM SEEKER
4	06/09/02 AMANI RAHMADULLAH	AFGHANISTAN	ASYLUM SEEKER
5	06/09/02 AMANI SETARA	AFGHANISTAN	ASYLUM SEEKER
6	06/09/02 GHAZAGH MARZAH	AFGHANISTAN	ASYLUM SEEKER
7	06/09/02 GHAZAGH MARVEH	AFGHANISTAN	ASYLUM SEEKER
8	06/09/02 GHAZAH MADEVEH	AFGHANISTAN	ASYLUM SEEKER
9	06/09/02 GHAZAH MARZAN	AFGHANISTAN	ASYLUM SEEKER
10	06/09/02 GHAZAH YONOS	AFGHANISTAN	ASYLUM SEEKER
11	06/09/02 MAHZOOB ZAFARANIEH MAHDI	IRAN	ASYLUM SEEKER
12	06/09/02 MOHAMAD KASHI MAHDI	IRAN	ASYLUM SEEKER
1	08/09/02 ALI AZGAR IBRAHIMI	AFGHANISTAN	ASYLUM SEEKER
2	08/09/02 HAMEDA HAMIDI	AFGHANISTAN	ASYLUM SEEKER
3	08/09/02 ERFAN IBRAHIMI	AFGHANISTAN	ASYLUM SEEKER
4	08/09/02 MAGDI IBRAHIMI	AFGHANISTAN	ASYLUM SEEKER
5	08/09/02 ALI JAFAR HAMIDI	AFGHANISTAN	ASYLUM SEEKER
6	08/09/02 HUSEIN IBRAHIMI	AFGHANISTAN	ASYLUM SEEKER
7	08/09/02 GAFAR ALI HAMIDI	AFGHANISTAN	ASYLUM SEEKER
8	08/09/02 MOHAMAD AKTAR SARAZGAR	AFGHANISTAN	ASYLUM SEEKER
9	08/09/02 HAMEDA KARA	AFGHANISTAN	ASYLUM SEEKER
10	08/09/02 NABEE MOHAMAD FOULAT	AFGHANISTAN	ASYLUM SEEKER
11	08/09/02 AKMARAL NOORGAN	AFGHANISTAN	ASYLUM SEEKER
12	08/09/02 YASMIN FOOLAT	AFGHANISTAN	ASYLUM SEEKER
13	08/09/02 SAHIB JAMAL FOOLAT	AFGHANISTAN	ASYLUM SEEKER
14	08/09/02 MOHAMMAD YAR	AFGHANISTAN	ASYLUM SEEKER
15	08/09/02 MARYAM FOOLAT	AFGHANISTAN	ASYLUM SEEKER
16	08/09/02 JAFAR MOHAMAD	AFGHANISTAN	ASYLUM SEEKER
17	08/09/02 SENANA MOHAMAD	AFGHANISTAN	ASYLUM SEEKER
18	08/09/02 ALLAH MURAN DURAN GALDI	AFGHANISTAN	ASYLUM SEEKER

1	22/09/02 BESSAM SAAKIR	IRAQ	ASYLUM SEEKER
2	22/09/02 MUSAIID ZEYNAR	IRAQ	ASYLUM SEEKER
3	22/09/02 JABRAN MAHER	IRAQ	ASYLUM SEEKER
4	22/09/02 ABU RADLI MARIA	IRAQ	ASYLUM SEEKER
5	22/09/02 AHMED MUSTAFA KAAASIM	IRAQ	ASYLUM SEEKER
6	22/09/02 ZAMANI MUSLEM	IRAN	ASYLUM SEEKER
7	22/09/02 MOHAMADI AMIR	IRAN	ASYLUM SEEKER
8	22/09/02 BAMI MAHDI	IRAN	ASYLUM SEEKER
9	22/09/02 ASHKAN PANGAHIR	IRAN	ASYLUM SEEKER
10	22/09/02 ISMAILI AUREZA	IRAN	ASYLUM SEEKER
11	22/09/02 ABULFAZEL AMANI	IRAN	ASYLUM SEEKER
12	22/09/02 SAMIR PARIS	IRAN	ASYLUM SEEKER
1	14/10/02 KHAN GULAB	AFGHANISTAN	ASYLUM SEEKER/DETAINED UP UNTIL 15/1/2003
2	14/10/02 IMAM IMAM JON	AFGHANISTAN	ASYLUM SEEKER/DETAINED UP UNTIL 15/1/2003
3	14/10/02 SANWARY SEHR ABDEL HADI	AFGHANISTAN	ASYLUM SEEKER/DETAINED UP UNTIL 15/1/2003
4	14/10/02 DAWOD MUHAMMAD	AFGHANISTAN	ASYLUM SEEKER/DETAINED UP UNTIL 15/1/2003
5	14/10/02 FATIH MUHAMMAD	AFGHANISTAN	ASYLUM SEEKER/DETAINED UP UNTIL 15/1/2003
6	14/10/02 KAZIM ALI	AFGHANISTAN	ASYLUM SEEKER/DETAINED UP UNTIL 15/1/2003



Case GRE 050203. ESCR
Economic, Social and Cultural Rights
Right to Adequate Housing/Racial Discrimination

The International Secretariat of OMCT requests your **URGENT** intervention in the following situation in **Greece**.

Brief description of the situation

The International Secretariat of OMCT has been informed by the Greek Helsinki Monitor (GHM), a member of the OMCT network, of the arbitrary seizure, by the Nea Alikarnassos Municipality (adjoining the city of Heraklion in Crete), of a resettlement site destined for the local Roma community in Greece.

According to the information received, in mid January 2003 the Mayor of the Nea Alikarnassos Municipality, Mr. Sissamakis, authorized municipal employees to break into a site attributed to the resettlement of the local Roma community, including forcing the entrance lock and placing iron props inside.

The site in question has reportedly been selected for the resettlement of the Roma community living within the administrative borders of the Nea Alikarnassos Municipality. In this respect, it is reported that part of the necessary infrastructure has already been constructed, while it is planned to build prefabricated homes on the site. Overall, the whole project of resettlement is managed by the Eastern Crete Development Organisation (O.A.N.A.K.) and is funded by central government resources.

According to the information received, Mr. Sissamakis is opposed to the resettlement of the Nea Alikarnassos Roma community in this site, arguing that it belongs to the municipality and that it is simply not possible to create a Roma settlement next to a basketball court constructed with the budget of the 2004 Olympics. In place of the Roma settlement, Mr. Sissamakis reportedly proposed the construction of a parking lot for the adjoining basketball court.

In addition to its opposition to the resettlement, Mr. Sissamakis stated in an interview to the daily "Eleftehrotypia" (27.01.03) that Roma blemish one's sense of good taste, that they deal drugs, that he does not want them in his municipality and that they should not be accorded any privilege –such as the creation of a settlement-, that they could rent houses in Heraklion or Nea Alikarnassos.

Background Information

This arbitrary seizure of the resettlement site destined for Nea Alikarnassos Roma reportedly occurs against the background of ongoing attempts to drive the Roma away and to oppose any resettlement plan that would take place within the Nea Alikarnassos administrative borders.

The resettlement plan, opposed by the newly elected Mayor Mr. Sissamakis, concerns around 500 Roma who are currently living in a camp situated within the Nea Alikarnassos municipality's

administrative borders in the locality of Dyo Aorakia, between the highway and the industrial zone, about 500 meters away from the nearest habitation in the municipality. According to the information received, this camp was created around 15 years ago by a decision of the Heraklion Prefecture with the idea of reassembling all the scattered camps into one large one. This move was reportedly tolerated by the municipality of Nea Alikarnassos.

This camp is reportedly made of shanty houses with no water supply, electricity, sewage system or organised garbage collection. This absence of basic services has been reportedly used as a siege tactic, by the municipality authorities, in order to get rid of the Roma. Indeed, it is reported that since the establishment of the camp, the Nea Alikarnassos authorities are doing their best to drive the Roma away. For instance, the authorities refuse to have the Roma registered in the municipal list even if most of them live there permanently and despite the fact that 200 children were born there. Roma children were also reportedly not able to attend local schools from 1987 to 1998 because the camp was not within the enrolment boundaries of any school. Following 1998 and the efforts of the Heraklion Prefecture, a school for Roma children was eventually founded away from the municipality of Nea Alikarnassos, as part of the 34th Elementary School of Heraklion. In 2002, some children who attended the school for Roma went to regular schools in the municipality of Nea Alikarnassos but most of them dropped out very quickly; no Roma child of the camp has graduated from elementary school.

According to the information received, the Nea Alikarnassos municipality took a firmer stand, since 1997, regarding the Roma community living in the camp. It is reported that on December 17th 1997, the municipality issued an order of administrative eviction, claiming that it owns the land where the camp is located and asking 102 Roma families living there to vacate the area within 30 days. The families reportedly challenged the eviction order before the Heraklion County Court, which found the order abusive and cancelled it in its decision 975/1999 of November 12th 1999. The Court acknowledged that while in principle the municipality, as the owner of the land, had the right to issue an eviction order, its move was abusive because the affected Roma were living therein expecting their relocation that has been announced by the State.

This scenario was reportedly repeated in August 10th 2002 when the Roma were again served with an eviction order dated June 20th 2002 (Ref. 3754), asking them to vacate the area within 30 days. Again, the Roma challenged the eviction order before the Heraklion County Court, which, as in 1999, found the order abusive and cancelled it.

Since 2000, no other eviction attempts have been reported, although the police reportedly performs regular raids in the camp.

The Roma Situation and the 2004 Olympic Games

The arbitrary seizure of the resettlement site destined for Nea Alikarnassos Roma is also related to the preparation of the 2004 Olympic Games. Indeed, the Mayor of Nea Alikarnassos Municipality, Mr. Sissamakis, clearly stated that the establishment of a Roma settlement was inappropriate next to a basketball court built with the budget of the 2004 Olympics.

It is not the first time that Roma communities are facing threats of eviction, actual evictions, or violations of their right to adequate housing as part of the preparation for the 2004 Olympics. For instance, the Roma communities that have settled in the various areas of Athens and surroundings (area of Aspropyrgos) have been facing repeated threats of, and actual forced evictions, notably in July 2000 and September 2001. Moreover, the local authorities in Aghia

Paraskevi, Ano Liosia, Halandri and Marousi have openly claimed that they want the land on which the Roma have settled, or were meant to be settled, to build sport facilities for the 2004 Athens Olympic Games. In this respect, the National Commission for Human Rights noted in its 2001 report that “It is a fact that with the opportunity of the Olympic Games the eviction of the Gypsies from many areas has been organized.”

There are fears, therefore, that as the date for the Olympics draws nearer, municipalities that want to evict their Roma communities will increasingly invoke the Olympics in order to evict the Roma without causing public censure or reactions from the Greek central authorities. With respect to this situation Mr. Alvaro Gil-Robles -the Council of Europe’s Human Rights Commissioner- requested the Olympic Organising Committee to publish the list of the sites that have been selected for the 2004 Olympic games in order to prevent that pressure is being put on the Roma that have settled or wish to settled in those areas. According to the Greek Helsinki Monitor, this request remains, so far, unanswered. Similarly, OMCT’s appeals to the International Olympic Committee in this respect (May 2001 and February 2002), have so far remain unanswered.

Action requested

Please write to the authorities in Greece urging them to:

- i. guarantee the right to adequate housing of the Roma community of Nea Alikarnassos;
- ii. ensure respect for economic, social and cultural rights throughout the country, and in particular the right to adequate housing, in light of general Comments No. 4 and No. 7 of the U.N. Committee on Economic, Social and Cultural Rights;
- iii. guarantee that local authorities abide by international human rights obligations that Greece has freely subscribed;
- iv. guarantee that the preparation of the 2004 Olympics and activities related to it do not lead to violations of human rights;
- v. guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance with international human rights standards;

Addresses

Constantine Simitis, Prime Minister, Prime Minister’s Office at the Hellenic Parliament, Greek Parliament Bldg, Constitution Square, Athens / Greece, Fax: +30 210 724 17 76, Email: Mail@primeminister.gr

George Papandreou, Foreign Minister Athens, Fax: 30 210 36 81 433, Email: gpap@mfa.gr

George Kaminis, Deputy Ombudsman for Human Rights, Fax 30 210 7289643

Costas Skandalidis, Minister of Interior, Public and Local Administration Fax +30 2103233218



Case GRC 190203.CC
Child concern / Arbitrary detention/Fair trial

The International Secretariat of OMCT requests your **URGENT** intervention in the following situation in **Greece**.

Brief description of the situation

The International Secretariat of OMCT has been informed by Greek Helsinki Monitor, a member of the OMCT network, of the illegal proceedings against and arbitrary detention of a child seeking asylum in Greece.

According to the information received, Hormez Wisam, 17 year old, has been sentenced to 4 months imprisonment for illegal entry in Greece, following the obstruction of his asylum-seeker application by Greek authorities. Hormez Wisam is an Iraqi citizen, born on August 28th, 1985. A Christian Catholic, he and his family had to flee from Iraq in fear of their lives. They crossed Turkey and on July 5th, 2002, they entered Greece illegally from the northern Greek Turkish borders in Evros and then came to Athens where they have been residing at the suburb of Peristeri at an address known to the authorities. On November 4th, 2002, Hormez Wisam went to the Aliens' Department of West Attica in order to submit his application for political asylum. He filled in the required form, but was not allowed to submit it. Instead, a civil servant of the Department stamped his application and added, in hand writing, the date of December 20th, 2002, 8.00 a.m., for a new appointment when Hormez Wisam should proceed with his application and have his fingerprints taken. He came to the Aliens' Department on that date but was again not allowed to submit his application and was not given a renewal of his appointment in writing. The following weeks, he tried unsuccessfully to submit again his application but he was constantly prevented from doing so.

On February 10th, 2003, while waiting at a bus stop, Hormez Wisam was arrested by a police officer for lack of legal documents. His request for application still dated December 20th, 2002, was invalid and seemed to indicate that he had not appeared before the Aliens Department as he was supposed to. He was tried *in flagrante delicto* before the B' Misdemeanors Court of Athens the same day, without legal representation by a defence lawyer. The court sentenced him to 4 months imprisonment for illegal entry in the country, suspendable upon execution of his deportation. Ever since he has been held at the detention facilities of the Police Station of Peristeri area, awaiting deportation, although deportation to Iraq is impossible because of the international embargo. Due to inconsistencies in the definitions of a child within the Greek legislation, including that under civil law a minor is a person who has not reached age 18 while under penal law a minor is a person who has not reached 17, Hormez Wisam has reportedly been arrested, tried, sentenced and detained as an adult. On the contrary, the prosecutor ordered his transfer, expected to take place on February 21st, 2003, to Avlona prisons for minors in order to serve his sentence.

Greek Helsinki Monitor reported the case of Hormez Wisam to the Greek Ombudsman on February 17th, 2003, following the letter it had previously submitted on February 8th, 2003, concerning the general practice of preventing asylum-seekers from accessing Greek public

services, thus depriving them of the opportunity to submit their applications and of their rights deriving from asylum-seeker status. The U.N. High Commissioner for Refugees, Mr. Ruud Lubbers, who recently visited Greece, reportedly supported these allegations and asked the government to take well into consideration the relevant international conventions.

The International Secretariat of OMCT is strongly preoccupied by the attitude of the authorities of Greece concerning asylum-seekers, and in particular children. OMCT condemns the Greek authorities' obstruction to the submission of Hormez Wisam's asylum-seeking application. OMCT also condemns the violation of Hormez Wisam's judicial guarantees and arbitrary detention. In particular, OMCT wishes to recall that Greece is a State party to the Convention on the Rights of the Child, which establishes the following rules:

Art. 22 par. 1: States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, (...) receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

Art. 37: States Parties shall ensure that: (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time; (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Art. 40 par. 2 (b): States Parties shall, in particular, ensure that every child alleged as or accused of having infringed the penal law has at least the following guarantees: (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

In addition, OMCT wishes to recall the concluding observations of the UN Committee on the Rights of the Child following its consideration of the Greek report in April 2002 (CRC/C/15/Add.170). The Committee recommends that Greece:

Par. 30 (a) Clarify the age of majority, with particular regard to penal law and the international practice that juvenile justice standards are extended to children up until age 18;

Par. 79 (a) Develop laws, policies and mechanisms for all children under 18 and provide adequate resources to ensure the full implementation of juvenile justice standards (...); (d) Ensure respect for all juvenile justice standards including the rights of children during arrest and detention procedures, minimum conditions of detention, the non-restricted rights of appeal and to legal representation, free interpretation where needed and other relevant assistance; (e) Ensure that detention, including pre-trial detention, is used only as a measure of last resort and with due consideration for the seriousness of the crime, and that greater efforts be made to provide alternatives to detention;

Par. 69: (a) Consider means to reduce delays in the consideration of asylum requests and in subsequent administrative and judicial proceedings, which affect children, and to avoid the detention of children; (b) Ensure that child asylum-seekers or refugees, and their families, have access to legal aid;

Action requested

Please write to the authorities in Greece urging them to:

- i order the immediate release of Hormez Wisam;
- ii take all necessary measures to ensure that his asylum application is duly registered and examined in conformity with legal administrative proceedings; that he is not detained while awaiting the answer to this applications; and that he is provided with adequate protection and assistance;
- iii. guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance with national laws international human rights standards, particularly the Convention on the Rights of the Child.
- iv act in accordance with the recommendations of the UN Committee on the Rights of the Child

Addresses

- Constantine Simitis, Prime Minister, Prime Minister's Office at the Hellenic Parliament, Greek Parliament Bldg, Constitution Square, Athens / Greece, Fax: +30 210 724 17 76, Email: Mail@primeminister.gr
- Filippos Petsalnikos, Minister of Justice, Ministry of Justice, Mesogeion 96, Athens 115 27 / Greece, Fax: +30 210 775 58 35
- George Papandreou, Foreign Minister Athens, Fax: 30 210 36 81 433, Email: gpap@mfa.gr
- Mihalis Hrysohoidis, Minister of Public Order, Athens, Greece, Fax: + 30 210 6917944
- George Kaminis, Deputy Ombudsman for Human Rights, Fax 30 210 7289643

Please also write to the embassies of Greece in your respective country.

Geneva, February 19, 2003

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.



Case GRC190203.1 CC
Follow-up of Case GRC 190203.CC
Child concern/Arbitrary detention/Fair trial

The International Secretariat of OMCT has received new information regarding the following situation in **Greece**.

New information

The International Secretariat of OMCT has been informed by the Greek Helsinki Monitor (GHM), a member of the OMCT network, of the illegal proceedings in the trial of a child asylum seeker that had been arbitrarily arrested and detained in Greece.

According to the information received, Hormez Wisam was acquitted on appeal on 4 June until which point he was in prison, awaiting deportation. His lawyer had dropped him before the first appeal's date on 5/5/2003, without informing the NGOs that had shown interest in the case. In addition, the first appeal had been postponed because of the absence of an interpreter, which resulted in his staying for another month in prison. In the second appeal an interpreter was provided but he only translated the questions posed by the court to the defendant and the answers given by the defendant in reply.

During the court proceedings, the President of the Court accused the defence witness and spokesperson of GHM of challenging the existence and credibility of the police against the boy's statements while, in the context of the correspondence exchanged between the Greek police and the Ombudsman on the case, the police had admitted that as an asylum seeker Hormez Wisam should not have been arrested, but claimed that he had not mentioned that he was an asylum seeker. The President of the Court further commented that "Greece is flooded with foreigners". Finally, the court refused to consider the legal motion for compensation for wrongful detention filed by the defendant's lawyer, who will thus have now to file for cassation.

Wisam is now free and the whole family have been legally registered as asylum applicants by the Greek authorities but OMCT believes that there was a lack of due process and supports the Greek Helsinki Monitor initiated motion for compensation.

Brief reminder of the situation

Hormez Wisam, 17 year old, had been sentenced to 4 months imprisonment for illegal entry in Greece, following the obstruction of his application for asylum by the Greek police. Hormez Wisam is an Iraqi citizen, born on August 28th, 1985. A Christian Catholic, he and his family had to flee from Iraq in fear of their lives. They crossed Turkey and on July 5th, 2002, they entered Greece illegally from the northern Greek Turkish borders in Evros and then came to Athens where they had been residing at the suburb of Peristeri at an address known to the authorities. On November 4th, 2002, Hormez Wisam went to the Aliens' Department of West Attica in order to submit his application for political asylum but he was constantly prevented from doing so.

On February 10th, 2003, while waiting at a bus stop, Hormez Wisam was arrested by two police officers for lack of legal documents. His application for asylum was considered to be invalid as it seemed to indicate that he had not appeared before the Aliens Department as he was supposed to on 20/12/2002 (although, according to Wisam, he had appeared just to be prevented from entering the relevant office in order to submit his application, as GHM has recorded happening regularly with potential asylum seekers). He was tried in flagrante delicto before the Second Misdemeanors Court of Athens two days after, without legal representation by a defence lawyer. The court sentenced him to 4 months imprisonment for illegal entry in the country, suspendable upon execution of his deportation. Due to inconsistencies in the definitions of a child within the Greek legislation, including that under civil law a minor is a person who has not reached age 18 while under penal law a minor is a person who has not reached 17, Hormez Wisam had reportedly been arrested, tried, sentenced as an adult, but detained as a minor.

Action requested :

Please write to the authorities in Greece urging them to guarantee adequate compensation to Hormez Wisam.

Addresses :

Constantine Simitis, Prime Minister, Prime Minister's Office at the Hellenic Parliament, Greek Parliament Bldg, Constitution Square, Athens / Greece, Fax: +30 2107241776, Email: Mail@primeminister.gr

George Papandreou, Foreign Minister, Athens, Greece Fax: 30 2103681433, Email: gpap@mfa.gr

Mihalis Hrysohoidis, Minister of Public Order, Athens, Greece, Fax: + 30 2106917944

Filippos Petsalnikos, Minister of Justice, Athens, Greece, fax +30 2107489231

George Kaminis, Deputy Ombudsman for Human Rights, Fax +30 2107289643

Please also write to the embassies of Greece in your respective country.

Geneva, octobre 20, 2003

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.



Case GRC 280203 Ill-treatment / Death in detention

The International Secretariat of OMCT requests your URGENT intervention in the following situation in Greece.

Brief description of the situation

The International Secretariat of OMCT has received information from the Greek Helsinki Monitor, a member of the OMCT network, about the suicide of a detainee (Alexandros Kallias, age 55) at the General Police Directorate of Attica (GADA), a police holding facility, on February 25th, 2003, in Greece.

According to the information received, the prisoner committed suicide on the 7th floor of the GADA. It is reported that the 7th floor of the holding facilities should have been removed from service in December of 2002. The Minister of Public Order in Greece made a pledge to the Council of Europe's Commissioner for Human Rights and the Committee for the Prevention of Torture (CPT), that the holding facilities would be withdrawn entirely from active service because of the poor detention conditions that prevail within it: "It will be noted that following a relevant commitment undertaken by the Minister of Public Order towards the Commissioner of Human Rights of the Council of Europe, the holding facilities on the 7th floor of the Attica Security Directorate located at Alexandras Avenue will be withdrawn entirely from active service within the month of December of the current year." However, according to the information received, the facilities remain open and a detainee has now committed suicide on that floor.

Concerning the conditions of detention in the GADA, the Council of Europe Commissioner for Human Rights' report stated that:

"I made a request, granted immediately, to visit the premises of the Attica General Police Directorate in Alexandras Avenue where some tens of aliens detained pending expulsion are held. They are detained in a place that is clearly unsuitable having regard to their number and to the length of their detention often extending over several weeks and even months, not more than three according to the legislation in force. However, the case has been brought to my attention of a person held there since March 2001, plainly an unreasonable length for a detention founded solely on administrative dictates. I was able to visually determine an obvious shortage of space, the lack of any facility for physical activities and outdoor exercise, and very precarious conditions of sanitation, leading up to the conclusion that in my view the conditions under which these people are detained amount to a breach of the obligation to prevent degrading treatments."

Furthermore, a report by the CPT stated that: "Detained persons did not fare as well in other parts of Athens Police Headquarters (7th floor), (...). The premises were unhygienic and in a poor state of repair, and the available mattresses and blankets were dirty."

The International Secretariat of OMCT is gravely concerned by the reports of the death of a prisoner in a part of the GADA's detention facilities that are known for their poor detention conditions and were supposed to be closed two months prior to the incident. OMCT is concerned with the Minister of Public Order's lack of action concerning the pledge to shut down these facilities. OMCT is also gravely concerned with the physical and psychological integrity of other prisoners being held on the same floor.

Action requested

Please write to the authorities in Greece and call on them to:

- i. guarantee the physical and psychological integrity of all prisoners being held on the 7th floor of GADA;
- ii. transfer all prisoners from the 7th floor to more appropriate and safe detention facilities;
- iii. close the 7th floor of General Police Directorate of Attica, in line with the pledge made by the Minister of Public Order;
- iv. guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance with international human rights standards.

Addresses

· Constantine Simitis, Prime Minister, Prime Minister's Office at the Hellenic Parliament, Greek Parliament Bldg, Constitution Square, Athens / Greece, Fax: +30 210 724 17 76, Email: Mail@primeminister.gr

· George Papandreou, Foreign Minister Athens, Fax: 30 210 36 81 433, Email: gpap@mfa.gr

· Mihalis Hrysohoidis, Minister of Public Order, Athens, Greece, Fax: + 30 210 6917944

· George Kaminis, Deputy Ombudsman for Human Rights, Fax 30 210 7289643

Please also write to the embassies of Greece in your respective country.

Geneva, February 28th, 2003

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.



Case GRC 160403 - Ill-treatment / Torture

The International Secretariat of OMCT requests your URGENT intervention in the following situation in Greece.

Brief description of the situation

The International Secretariat of OMCT has received information from the Greek Helsinki Monitor, a member of the OMCT network, of the ill treatment and torture to which several persons who were being deported from Greece have been subjected, and the recent decision of the office of the prosecutor to take no action concerning these cases.

According to the information received, Jahangir Alam was being deported to Bangladesh on September 19, 2001 when police officers brought him to Eginitio Hospital against his will. At the hospital, it is reported that doctors of the University Psychiatric Clinic (director: Professor G. N. Christodoulou), gave him a sedative drug via intramuscular injection. According to the information received, the doctors were aware of the fact that Mr. Alam was brought to the hospital unlawfully. Following a failed attempt to deport him, Mr. Alam was reportedly returned to Greece, because the authorities failed to provide him with the appropriate documents, leading to the Bangladeshi authorities refusing to allow him into the country and sending him back to Greece. The Greek Police (EL.AS.), in a document by Police Brigadier General G. Metropoulos, Director of the Aliens Department (4/042251-538020/5.7.02), and Eginitio Hospital, in a document by Associate Professor G. Trika (6779/1.11.02), reportedly considered this operation to be lawful.

According to the information received, on October 20, 2002, Onuchukwu Uchenna Ezekiel faced a similar situation upon his attempted deportation to Nigeria. It is reported that law enforcement officers took him, without his consent, to Dromokaitio Psychiatric Hospital. Doctors reportedly tried to give him an injection of a sedative drug, even though they were aware of the fact that Mr. Ezekiel was brought to the hospital unlawfully. According to the information received, Mr. Ezekiel had heard from other detainees about the use of the sedative drug, and he resisted the sedation. Having failed to sedate Mr. Ezekiel, the police then reportedly brought him to the airport, where the airline refused to take him on board the airplane, as he had begged the airline representatives not to assist the authorities with his attempted deportation. It is reported that during the attempted deportation, he was subjected to ill-treatment, with signs of this visible to representatives for the Greek Helsinki Monitor when they saw him three days later.

According to the information received, on June 25th, 2002, Joseph Emeka Okeke, who is married to a Greek woman, also resisted his attempted deportation to Nigeria. He was reportedly brought to the Hellenic New Holding Center, at which time our sources indicate that Mr. Okeke bore marks of ill-treatment. Mr. Okeke was the subject of an OMCT urgent appeal in July 2002 – Case GRC 010702). The Greek authorities assigned Police Brigadier General G. Metropoulos, the Director of the Aliens Department, to conduct a Sworn Administrative Investigation (EDE). Gen. Metropoulos concluded that all allegations regarding torture ".....are all lies, as was confirmed by the individual who was allegedly ill-treated and by his fellow detainees."

After receiving the letter on September 20th, 2002, Mr. Okeke's attorney, who was hired by GHM, visited him to investigate the allegations. Mr. Okeke reportedly stated that he had never withdrawn his original allegations and that he had never signed a statement for the EDE, since the text was in Greek. In addition, none of Mr. Okeke's fellow detainees had been called as

witnesses; neither had Mr. Okeke's wife; nor his attorney, who had reportedly seen his injuries at the time. In addition, Mr. Okeke was never cross-examined during this process. According to the information received, the Greek authorities are refusing to hand over the copies of Okeke's records, including copies of his forensic medical examination, to the Greek Helsinki Monitor, which is legally representing Mr. Okeke. Mr. Okeke has filed a complaint concerning his case.

According to the most recent information, the Greek Helsinki Monitor was informed on April 14, 2003, that the Office of the Prosecutor was refusing to take any further action with regards to the afore-mentioned cases.

The International Secretariat of OMCT is gravely concerned by allegations that the Greek authorities are continuing to use ill-treatment and torture, including forceful sedation and electric shocks, and the impunity which accompanies these acts. OMCT therefore calls on the authorities to guarantee that a prompt and impartial investigation is launched into these cases; to ensure that the case files and all relevant material is made available to the victims' legal representation; to ensure that appropriate reparation is awarded to the victims, and that the perpetrators of these acts are brought to justice. OMCT calls on the authorities to ensure that practices such as forceful sedation and the use of electric shocks, as well as all other forms of ill-treatment and torture, are halted immediately.

Action Requested

Please write to the Greek authorities urging them to

- i. halt the use of forceful sedation on persons who have been brought to hospitals unlawfully, as well as the use of electric shock and all other forms of ill treatment and torture by members of the Greek Police and medical professionals in Greece;
- ii. guarantee an immediate investigation into the circumstances of these events, identify those responsible, bring them before a civil competent and impartial tribunal and apply the penal and/or administrative sanctions provided by law;
- iii. provide adequate reparation to all persons that have been injured during these events;
- iv. guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance international human rights laws and standards.

Addresses

- Mr. Constantine Simitis, Prime Minister, Prime Minister's Office at the Hellenic Parliament, Greek Parliament Bldg, Constitution Square, Athens / Greece, Fax: +30 210 724 17 76, Email: Mail@primeminister.gr
- Mr. George Papandreou, Foreign Minister Athens, Fax: 30 210 36 81 433, Email: gpap@mfa.gr
- Mr. Filippos Petsalnikos, Minister of Justice, Fax: 30 210 74 89 231
- Mr. Mihalis Hrysohoidis, Minister of Public Order, Athens, Greece, Fax: + 30 210 6917944
- Mr. George Kaminis, Ombudsman for Human Rights, Fax 30 210 7289643

Please also write to the embassies of Greece in your respective country.

Geneva, April 16th, 2003

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

.



GRE 290403. ESCR
Economic, Social and Cultural Rights
Threat of Unlawful Eviction of a Roma Community/Denied Access to Basic Services

The World Organisation against Torture (OMCT) requests your **URGENT** intervention in the following situation in **Greece**.

Brief description of the situation

OMCT has been informed by the Greek Helsinki Monitor (GHM), a member of the OMCT network, of a police attempt to evict a Roma community living in the Nea Zoi area of Aspropyrgos, located at approximately 15 kilometres west of Athens (Attica), Greece. This incident occurred while the Roma community living in Aspropyrgos is still awaiting the provision of water and electricity, as promised by the Greek authorities and officially announced to the Council of Europe in September 2002.¹

According to the information received, on April 21st 2003, at around 3.00 p.m., a Hellenic Police (EL.AS.) car arrived at the Roma settlement located in Aspropyrgos. Two police officers reportedly said that *“the plot was bought and the proprietor sent us to tell you to move out because he wants to clean it up and enclose it”*. It is reported that the Roma were given two weeks time to gather their belongings and leave. While the police officers reportedly had with them certain documents that they showed to the Roma, they did not give any official eviction order.

A few days earlier, an individual claiming to be the proprietor of an adjacent plot where Roma are also living, reportedly asked them to leave his alleged property within twenty days and threatened that otherwise he would be forced to “call the police”.

According to the information received, on the following day, (22 April 2003), a representative of GHM, who is also a member of SOKADRE (Coordinated Organizations and Communities for Roma Human Rights in Greece), called the Aspropyrgos Police Station in order to get some more information on the incident. The police officer reportedly claimed that he was unaware of the incident and suggested in called his chief, saying however that the Police Station frequently receives complaints by the residents in the surrounding areas asking the Police to intervene in order to drive away the Roma living in the wider area of Nea Zoi. On April 23rd 2003, the Chief of the Aspropyrgos Police Station reportedly stated to the representative of GHM and SOKADRE that he was unaware of the incident and referred him to other officers, who were unable to provide any concrete information. Following this event, SOKADRE reportedly sent a letter to the Aspropyrgos Police Station on April 23rd, asking them to provide any documentation that could justify the actions of the police officers. So far, the police has provided no further documentation.

This incident occurred while the Aspropyrgos Roma community is reportedly awaiting the provision of water and electricity as promised by the Greek authorities. Despite the assurances

¹ Council of Europe, Office of the Commissioner for Human Rights, “Report by Mr Alvaro-Gil Robles, Commissioner for Human Rights, on his Visit to the Hellenic Republic, 2-5 June, 2002”, Strasbourg, 17 July, 2002, para. 24, available at: [http://www.commissioner.coe.int/docs/CommDH\(2002\)5_E.htm](http://www.commissioner.coe.int/docs/CommDH(2002)5_E.htm)

given by the Greek delegation to the Council of Europe on September 11th 2002 that “*all necessary measures have been taken in order that the Roma/Gypsy settlement of Aspropyrgos is provided with all public facilities*”, the settlement still does not have running water and electricity.

The guarantee provided last September by the Greek authorities that all necessary measures have been taken in order to ensure that the Roma/Gypsy settlement of Aspropyrgos is provided with all public facilities, seriously contrasts with the actual denial of such services by the Municipality, along with the attempted eviction that took place on April 21st 2003.

Background information

This attempted eviction, along with denied access to water and electricity (despite the Greek authorities' guarantee that they have provided these services to the Aspropyrgos settlement) takes place in a context of ongoing harassment against the Roma population living in Aspropyrgos, including notably attempted and actual forced evictions, as well as living conditions failing to meet international standards related to the enjoyment of economic, social and cultural rights.

Besides the absence of running water and electricity that has already been mentioned, the Roma living in the Nea Zoi area of Aspropyrgos are living next to a defunct rubbish tip and in the midst of warehouses and small industrial facilities. Only about 6 families live in the settlement in question at the moment, although when Mr. Robles, the Council of Europe Commissioner for Human Rights, visited it in June 2002, there were about 20. The other families were forced to move out either due to the frequent police raids or due to the lack of infrastructure and problems with drugs. During his visit to Greece, Mr. Robles went to the settlement and stated the following in his report: “*Words fail me in saying that I am grateful to the families for their reception, as these people live under conditions very remote from what is demanded by respect for human dignity, in particular without running water supplies among other essential services.*”²

Attempted forced evictions or actual forced evictions of Roma living in Aspropyrgos are reported with alarming frequency. As highlighted by the following examples, attempted or actual forced evictions that are carried out by the Aspropyros Municipality include a certain number of similar characteristics, including the disregard for national and international law, the absence of eviction orders, the lack of alternative housing and compensation to the victims, as well as the absence of prompt and impartial investigation into the actions of the Aspropyros Municipality.

- On February 16, 1999, a municipality of Aspropyrgos crew, escorted by the two deputy mayors of Aspropyrgos and police, entered the Nea Zoe settlement with a water tanker, two bulldozers, a jeep, and three police cars. The municipal employees tore down five sheds with the two bulldozers and set the rubble on fire. The settlement comprised twelve buildings altogether, with around one hundred inhabitants. The Roma were not given enough time to remove their possessions. Some of the Romani residents were not present at the time of the operation.³
- On July 14, 2000, the municipal authorities of Aspropyros, equipped with a bulldozer, entered a settlement of Romani tent-dwellers. In the presence of the Mayor of

² *Ibid.*

³ For further details on this case, please refer to the report published by the European Roma Rights Center (ERRC) and the Greek Helsinki Monitor (GHM), *Cleaning Operations: Excluding Roma in Greece*, http://www.greekhelsinki.gr/bhr/english/organizations/ghm/greeceE_2003.rtf

Aspropyros and the police, they demolished most of the homes in the camp belonging to Greek and Albanian Roma, which contained their personal belongings. According to eyewitnesses, no eviction warrants or orders were presented to the Roma families. The operation was carried out without the authorisation or presence of a public prosecutor, as is required under Greek law in cases of invasion of privacy and the domicile. The action taken by the Municipality of Aspropyros resulted in the expulsion of the Roma from their encampment and in the demolition of their homes. According to eyewitnesses, only eight homes escaped demolition; elderly persons or people with health problems who could not move immediately were in these homes. After the demolition, the inhabitants moved to a vacant place nearby, in the wider area of Aspropyrgos.

- Mr N.A., a 35-year-old Romani man who witnessed the destruction of his home as well as many others, told that the inhabitants were not given time to remove their possessions from the huts and described how the bulldozers not only levelled the shacks, but used their blades to push the debris into the ground and cover it over with earth, burying the contents of peoples homes. According to Mr N.A., the demolition crew of the municipality proceeded to set ablaze the remains, mainly pieces of cardboard and wooden planks, which lay above the surface.⁴
- On July 17 and 18, 2001, two municipal police officers and two state police officers visited one of the makeshift settlements, next to a refuse dump, and told the Romani families there to leave the area within three days. According to Ms Dionysia Panayotopoulou, a Romani woman who had resettled with her family next to the refuse site and a representative of the community to the non-governmental umbrella group SOKADRE, the officers did not present any papers and threatened the families that if they did not leave within three days, they would send in their special forces to take care of them. The authorities never acted on the threat and the Roma are still living beside the refuse site.⁵
- On the morning of September 13th 2001, the municipal authorities of Aspropyrgos, under the orders of Aspropyrgos' Mayor G. Liakos, proceeded to destroy 6 homes together with all their contents and damage another. The destroyed homes allegedly belong to 4 Greek and 3 Albanian Roma families. A bulldozer belonging to the municipality of Aspropyrgos, accompanied by both state and municipal police officers, began demolishing dwellings belonging to Roma. One of the residents reportedly approached the police officers and asked them for the documents authorising the eviction. According to Mr V.A., one of the municipal officials reportedly told him that they had no papers. One of the state police officers reportedly stated that he thought an eviction protocol existed, but that he could not remember. Mr V.A. related that he informed the officers that the eviction action was illegal without proper authorisation. The municipal authorities of Aspropyrgos put an end to their operation following the intervention of the Greek Ombudsman and the Greek Helsinki Monitor. According to the intervention received, a police car stood by during the destruction of the homes without intervening.⁶
- On September 28th 2002, a bulldozer belonging to the municipality of Aspropyrgos, together with a municipal patrol car carrying four municipal police officers, visited a Romani man, Mr S.K., living in the Nea Zoe area. The Romani man was erecting a shed

⁴ *Supra* note 3

⁵ *Supra* note 3

⁶ *Supra* note 3; See also OMCT Urgent Appeal Case GRE 200901. ESCR (20 September 2002)

on a plot of land he owned when the bulldozer and the municipal police arrived and told him that they would have to tear his shed down. Ms Panayotopoulou asked them whether any decision had been issued by the local Town Planning Bureau, authorising the demolition. The municipal police officers responded that there was such a decision, concerning all the illegal dwellings in the area, but it had not been issued yet and hence they could not provide her with a copy. When further asked by Ms Panayotopoulou whether they had been sent there by the mayor, the municipal police responded that they were carrying out orders from the Town Planning Bureau. This is unlikely, as in such cases the town planning authorities solicit the assistance of the Greek state police and not of the municipal police forces. It is also unlikely, given that if in fact the municipal authorities had requested the intervention of municipal police, that a representative of the town-planning bureau would not be present. Finally, September 28, 2002, was a Saturday, a day when the regional authorities (to which town planning authorities belong) are closed. In the end, the municipal police and the bulldozer left, with officers telling Mr S.K. that he had time until Monday to tear down his shed himself, otherwise they would do so. The municipal police did not carry out their threat and on September 30, 2002, the SOKADRE submitted, on behalf of the Nea Zoe community, a complaint to the Ombudsman's office. On October 24, 2002, the Ombudsman's office addressed a letter (Ref. No. 19000.2.2) to the Aspropyrgos municipality, soliciting the municipal authorities' view on the issue at hand. The latter responded on February 12, 2003, (Ref. No. 3205), alleging that no municipal employees had been involved in any such activity on that particular day. The municipality of Aspropyrgos letter ended by offering its version of what actually had happened, namely that ... some individuals unknown to them, maybe even private security guards, presented themselves as municipal police officers, whereas they were not. The SOKADRE contacted both Ms Panayotopoulou and Mr S.K.'s wife, Ms G.K., (who was also present during the incident) who reconfirmed their version of the events. Ms G.K. also added that one of the municipal police officers was an acquaintance of her husband, so it is impossible she was mistaken as to the officers' identity. On February 21, 2003, the SOKADRE submitted a complaint to the Ombudsman's office in which it claimed that the municipality's reply was inadequate.⁷

The rate with which attempted or actual forced evictions of Roma occur in Aspropyrgos, along with an overall policy of harassment and denial of access to basic services suggest a systematic practice of keeping Roma permanently from long-term settlement and integration in the Municipality.

Action requested

Please write to the authorities in Greece urging them to:

- vi. guarantee the right to adequate housing of the Roma community in Nea Zoi, -namely its following elements: security of tenure, access to public and environmental goods and services, freedom from dispossession, right to information and resettlement- as recognised in International Covenant on Economic, Social and Cultural Rights, General Comments No. 4 and No. 7 of the U.N. Committee on Economic, Social and Cultural Rights, and the International Convention on the Elimination of all Forms of Racial Discrimination, among others;
- vii. provide immediately public utilities (water, electricity, etc.) to the Roma community in Nea Zoi, as pledged before the Council of Europe and in accordance with General

⁷ *Supra* note 3

- Comment No.15 of the U.N. Committee on Economic, Social and Cultural Rights on the right to water;
- viii. guarantee an immediate investigation into the circumstances of these events, identify those responsible, bring them before a civil competent and impartial tribunal and apply the penal, civil and/or administrative sanctions provided by law;
 - ix. guarantee that municipal authorities of Aspropyrgos abide by international human rights obligations that Greece has freely subscribed;
 - x. guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance with international human rights standards;

Addresses

Mr. Constantine Simitis, Prime Minister, Prime Minister's Office at the Hellenic Parliament, Greek Parliament Bldg, Constitution Square, Athens / Greece, Fax: ++30 210 724 17 76, Email: Mail@primeminister.gr

Mr. George Papandreou, Foreign Minister Athens, Fax: ++30 210 36 81 433, Email: gpap@mfa.gr

Mr. George Kaminis, Ombudsman, Fax ++30 210 7289643

Mr. Costas Skandalidis, Minister of Interior, Public and Local Administration Fax ++30 2103233218

Please also write to the embassies of Greece in your respective country.

Geneva, 29 April 2003

Kindly inform OMCT of any action undertaken quoting the code of this appeal in your reply.



Case GRE 290403. 1 ESCR
Follow-up of Case GRE 290403. ESCR
Threat of eviction of a Roma community

Geneva, May 20th, 2003

The International Secretariat of OMCT has received new information regarding the following situation in **Greece**.

New information

The International Secretariat of OMCT has been informed by the Greek Helsinki Monitor (GHM), a member of the OMCT network, of a police threat to evict the Roma community living in the Nea Zoi area of Aspropyrgos, located approximately 15 kilometres west of Athens (Attica), Greece.

According to the information received, three Greek police (EL.AS) cars – one jeep and one patrol car, each with 3-4 police officers on board, and a van with about eight police officers in blue military style clothes- visited the Roma settlement on Sunday May 11th, 2003 at around four o'clock in the afternoon.

It is reported that the Roma initially thought that the police officers were merely patrolling the area, looking for illicit transactions. The two police vehicles allegedly entered the settlement and then made a U-turn in order to leave. However, it is reported that shortly before leaving, they stopped and asked the Roma for how long they had been staying there. It is reported that upon receiving the Roma's answer, the police officers told them to leave as "the mayor has decided that you should leave". According to the information received, the Roma were not presented with any eviction orders and the police vehicles drove away.

According to the information received, the police orally denied these facts to the Greek Ombudsman, while the municipality of Aspropyrgos denied having taken such action, in an oral communication with GHM. However, as in previous cases, no investigation was carried out to identify the perpetrators, even though the Roma have in every case stated that they can identify them.

Brief reminder of the situation

The Roma of Aspropyrgos are regularly the victims of such eviction threats, coming either from Greek Police officers or the Aspropyrgos Municipal Police force.

No later than April 21st 2003, at around 3.00 p.m., a Greek Police (EL.AS.) patrol car arrived at the Roma settlement located in Aspropyrgos. Two police officers reportedly said that "the plot was bought and the proprietor sent us to tell you to move out because he wants to clean it up and enclose it". It is reported that the Roma were given two weeks time to gather their belongings and leave. While the police officers reportedly had with them certain documents that they showed to the Roma, they did not give them any official eviction order.

These incidents occur while the Aspropyrgos Roma community is reportedly awaiting the provision of water and electricity as promised by the Greek authorities. Despite all assurances given by the Greek delegation to the Council of Europe on September 11th 2002 that "all necessary measures have been taken in order that the Roma/Gypsy settlement of Aspropyrgos is provided with all public facilities", the settlement still does not have any running water and electricity. In an answer to a parliamentary question, the government has laid the blame solely on the mayor of Aspropyrgos who has repeatedly ignored government letters and a grant worth around 30'000 Euro that has been awarded in 1999 to carry out such infrastructure work. However, the government has always refrained from sanctioning the mayor or requesting an explanation as to the use of these funds.

The International Secretariat of OMCT is gravely concerned by these attempted forced evictions of the Roma living in Aspropyrgos, as well as by their alarming frequency. These have all similar characteristics, including the disregard for national and international law, the absence of eviction orders, the lack of alternative housing and compensation to the victims, as well as the absence of prompt and impartial investigation into the actions of the Aspropyros Municipality.

Action requested:

Please write to the authorities in Greece urging them to:

- i. take all necessary measures to guarantee the physical and psychological integrity of the Roma community of Aspropyrgos;
- ii. guarantee an immediate investigation into the circumstances of these events, in order to identify those responsible, bring them before a civil competent and impartial tribunal and apply the penal and/or administrative sanctions provided by law;
- iii. guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance with national laws and international human rights standards.

Addresses:

Mr. Constantine Simitis, Prime Minister, Prime Minister's Office at the Hellenic Parliament, Greek Parliament Bldg, Constitution Square, Athens / Greece, Fax: ++30 210 724 17 76, Email: Mail@primeminister.gr

Mr. George Papandreou, Foreign Minister Athens, Fax: ++30 210 36 81 433, Email: gpap@mfa.gr

Mr. George Kaminis, Ombudsman, Fax ++30 210 7289643

Mr. Costas Skandalidis, Minister of Interior, Public Administration and Decentralisation Fax ++30 2103233218

Please also write to the embassies of Greece in your respective country.

Geneva, May 20th, 2003

Kindly inform us of any action undertaken quoting the code of this appeal in your reply



Case GRE 020703.VAW
Rape/Trafficking/Lack of Due Diligence/Unfair Trial/Failure to Protect

The International Secretariat of OMCT requests your URGENT intervention in the following situation in Greece

Brief description of the situation

The International Secretariat of OMCT has been informed by the Greek Helsinki Monitor (GHM), a member of the SOS-Torture Network, of the lack of due diligence in investigating and prosecuting the rape committed against Olga B. by a police officer in 1998, as well as the lack of protection and a residence permit for Olga B. for the duration of her case.

According to the information received, on May 23, 2003, a court acquitted a police officer who was accused of raping a 19 year old Ukrainian trafficking victim, Olga B., in 1998. According to the victim, she was never summoned to testify or to be present at the proceedings. There were reportedly two summons issued to an address in Amaliada where the victim never lived. The current residents of that address have sworn that the victim never resided at the address and that they never saw any bailiffs appear to give nor to post the summons. According to the court record, the bailiffs claim to have gone to the address in Amaliada on January 29, 2003 and posted the summons as the victim was not present there. One bailiff also claims that he was told on April 14, 2003 that the victim had moved to an "unknown address." The victim asserts that she never lived at the address in Amaliada nor did she give that address to the police, and that in 2001, she gave her current address to the court, and further was known to the police as she had done some interpreting work for them.

In the absence of the victim at the trial, the court concluded that she had consented to sexual intercourse with the police officer. The other witnesses, one of which is called Irina, who had testified on behalf of the victim at the preliminary hearings also were not summoned and were not present at the trial. Additionally, there was a lack of due diligence in investigating the victim's claim of rape, and the case came to trial five years after the initial claim was made.

At the trial, the police officer was given a 2 year suspended sentence for breach of duty as a police officer since he knew that trafficking victims were being held in a bar, did not report the crime, and engaged in intercourse with one of the victims. The bar owner was sentenced to 3 years in prison for trafficking and three other defendants were also sentenced to two years in prison each for procuring women or assisting in the trafficking of women. However, the sentences of these 4 co-defendants were converted into fines (1600 Euros per year) as the court concluded that "a pecuniary fine is sufficient to deter them all from repeating the crime, after evaluating their characters and surrounding circumstances."

After much public pressure, the Minister of Justice asked the Prosecutor of the Supreme Court to take all necessary actions for the cassation of the acquittal of the police officer (overturning the case on the basis that law and/or procedure were improperly applied, not on the merits of the case). While the Prosecutor of the Supreme Court filed a motion for cassation on June 20, 2003, the motion only concerns the acquittal of the police officer on the grounds that the verdict "lacked specific and detailed explanation." OMCT, GHM and lawyers defending Olga B. note that

the motion should have been based on “relative nullity” during the trial resulting from the improper summons. If the motion were based on this alternative ground, the entire verdict would be examined for cassation, rather than only the acquittal of the police officer. According to the information received, the Prosecutor has up to 15 days before the hearing to file additional arguments, such as the nullity argument.

According to the information received, Olga B. has not received any form of effective protection during these proceedings despite the risks she faces and the threats she has received. Irina, a key witness in Olga’s case also has received no form of witness protection. Furthermore, because of the lack of proper procedure, Olga B. now faces lengthy, expensive court costs, with no offer of assistance from the government. She also has no identity papers and is facing deportation. The Ukrainian consulate has reportedly refused to issue her a new passport, her former passport having been seized by the bar owner in 1998.

OMCT is deeply concerned for the physical and psychological integrity of Olga B. who is receiving no form of protection while her case is pending and is facing deportation. OMCT is also troubled by the unfair trial procedures where the victim was not present to support her claims of rape and trafficking and the lack of due diligence in bringing this case before the court. OMCT is also deeply distressed by the inadequate punishments handed down by the court. While OMCT welcomes the filing of a motion for cassation, the organization remains concerned that, with the motion as it stands now, only part of the verdict will be retried, when the inadequate procedure of summons warrants retrying the entire case. OMCT notes that Greece is a party to the Convention on the Elimination of All Forms of Discrimination Against Women, which mandates all State Parties to take all measures to eliminate trafficking in women, including the development of appropriate legislation and sanctions. Greece is also a party to the International Covenant on Civil and Political Rights which guarantees individuals the right to a remedy when asserting rights covered by the Covenant.

Action requested

Please write to the authorities in Greece urging them to:

- i. guarantee the physical and psychological integrity of Olga B.;
- ii. ensure that both Olga B and Irina are properly informed of future court dates and guarantee them adequate witness protection services;
- iii. grant Olga B. a residence permit in Greece at least through the end of the proceedings related to her case;
- iv. extend the motion for cassation to be based on relative nullity, thus retrying the entire verdict
- v. provide Olga B. with the financial means to access effective and adequate legal assistance;
- vi. guarantee adequate reparation for Olga B.;
- vii. guarantee the respect of human rights and the fundamental freedoms throughout Greece in accordance with international human rights standards.

Please write to the authorities in the Ukraine urging them to:
grant Olga B. valid identity and travel documents, including a passport, which would enable her to return to the Ukraine if she chooses.

Addresses

- Constantine Simitis, Prime Minister, Prime Minister's Office at the Hellenic Parliament, Greek Parliament Bldg, Constitution Square, Athens / Greece, Fax: +30 210 724 17 76, Email: Mail@primeminister.gr
- George Papandreou, Foreign Minister Athens, Fax: 30 210 36 81 433, Email: gpap@mfa.gr
- Filippos Petsalnikos, Minister of Justice, Ministry of Justice, Mesogeion 96, Athens 115 27 / Greece, Fax: +30 210 775 58 35
- Mihalīs Hrysohoidis, Minister of Public Order, Athens, Greece, Fax: + 30 210 6917944
- Anatoliy M. Zlenko, Minister of Foreign Affairs of Ukraine, Ukraina, 01801 g. Kyiv, pl. Mykhalivska 1, UKRAINE, Fax: + 380 44 212 22 12, Email: zsmfa@mfa.gov.ua

Please also write to the embassies of Greece and the Ukraine in your respective country.

Geneva, July 2, 2003

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

PRESS RELEASE

9 October 2003

TOPIC: EVEN THE SUPREME COURT “FORGOT” TO SUMMON OLGA B. IN THE HEARING ON THE CASSATION OF THE ACQUITTAL VERDICT OF HER ALLEGED RAPIST...

Greek Helsinki Monitor (GHM), sent yesterday a letter to **Minister of Justice, Filippos Petsalnikos**, reporting that the organization and the legal advocates of Olga B. –victim of rape and trafficking in prostitution – were very surprised to read in yesterday’s local newspaper of Pyrgos that, the day before, the Supreme Court held the hearing on the motion for the cassation of the well known acquittal verdict of Patras Court, which had conferred and adjudicated on 23/5/03, in the absence of the civil claimant, because she had not been summoned. The motion for the cassation of the original verdict was lodged following an expressed request of the Minister of Justice, Filippos Petsalnikos to the Prosecutor’s Office of the Supreme Court. Just as it happened before, Olga was once again informed by the media that courts hearing her case had conferred in her absence; nonetheless, in both instances the accused was present. According to Article 513 of the Criminal Procedure Code, the parties –the accused and the civil claimants– are also summoned in the cassation hearing. The failure to summon a party is reason enough to nullify the procedure pursuant to Article 174 of the Criminal Procedure Code. At the same time, it casts a shadow over the intentions of justice to function properly in the particular court case. Considering that no competent state authority ever responded to any appeals for providing Olga with legal residence in Greece and any other aid, despite the fact that the case was highly publicized and contrary to new Greek legislation, it would appear that the Minister’s will regarding the affirmative and comprehensive protection of trafficking victims, as expressed in the new legislation, was not reflected in consequent sensitivity by other state agencies. GHM hopes that this conjunction of negative experiences, culminated in the new judicial oversight, will result in the Minister of Justice taking the initiative – he has the lawful authority to execute the relevant ordinance – in order to help set up immediately an appropriate and effective legal framework.



Case GRC 060803 Arbitrary detention / Ill treatment

The International Secretariat of OMCT requests your URGENT intervention in the following situation in Greece.

Brief description of the situation

The International Secretariat of OMCT has been informed by the Greek Helsinki Monitor, a member of the OMCT network, of the detention under inhuman and degrading conditions of asylum seekers in Greece.

According to the information received, on July 19th, 2003, a boat carrying 24 asylum seekers, mainly Somalis, Sudanese and Afghans, reached the coast of Nees Kidonies, Mytilini. After being unable to place the asylum seekers in the severely overcrowded detention facility currently serving the area, the 24 individuals, including a 7-month old baby girl, were detained for five days in an open-air area at the Mytilini port under conditions that constitute ill treatment. The identities of these asylum seekers are not known at present, as local NGOs have been blocked from meeting with them.

The asylum seekers were reportedly first handed over to the police and port authorities to be transferred to the former prison establishment of Lagadas, which is currently being used as a detention centre for aliens, both asylum seekers and those awaiting deportation. The facility is designed to hold approximately 70 individuals but is now housing 223 persons living in very poor conditions. The identities of 101 of these detainees can be found in the list that you can access by [clicking here](#). They have reportedly all submitted asylum applications individually, but have taken no copy of them back, with the date written on it and a protocol number. This has been reported to the Ombudsman, as there is no guarantee that their asylum applications will be properly processed or that they have even been registered as a result of this.

Upon the arrival of the 24 new asylum seekers, local residents protested, resulting in the Hellenic Police's (EL.AS) decision to relocate the new asylum seekers. They were moved to an ironbound open-air area in the Mytilini port. The asylum seekers, including the 7-month old baby, were subjected to intense heat during the day, cold at night, and in the first days were not provided with adequate water or access to a doctor. Some local residents volunteered to bring the asylum seekers water when they realized that the port authorities had not provided enough.

It has been reported that the detention is probably illegal under article 44.3 of 2910/01 on migrants as amended with article 21.7 of law 3013/02, which states that the asylum seekers may be held for up to three days after the prosecutor has abstained from prosecuting, but an administrative deportation order must be issued to continue the detention past three days. According to Greek law, the asylum seekers should also be informed of their rights in a language that they understand. The 24 asylum seekers have been held for more than five days under these conditions, without an administrative deportation order, and their rights have not been explained in a language that they understand. In addition, the Initiative for Refugees - Mytilini (IR-M), a local NGO, has been prevented from informing the asylum seekers of their rights. Hence, they have been prevented from filing their asylum applications.

On 24 July 2003, the 24 asylum seeker detainees were moved to an open-air facility belonging to the state, where they, along with another 15 persons who arrived on another boat on 27 July, have been living in five tents, and there are no toilets or showers there. Meanwhile, in the main asylum seekers detention facility, there are still some 215 persons - ten to fifteen in each room - while some 20 of them live outdoors, in the courtyard. For all of them there are only three toilets, two showers and three washbasins.

On 24 July 2003 a group of eight asylum seekers were told by the police to prepare their belongings in order to leave from the reception area, but they were not told where they would be going. They did leave, escorted by the police at 17 00. They had all applied for asylum but they had not been given a copy of their application with a date of deposition and a protocol number (as provided by Article 12 of Law 2690/1999 for all applications deposited with the administration) guarantying the registration of their application. Upon their departure they were not given the special identity card of an asylum applicant and were not given any paper informing them of their deportation. There is no other news about their current situation. The persons names are as follows: from Palestine – Hassan Abdulah Ramamazan, Hawad Mohmmad Hawad, Abdul Aziz Mohmmad Shohib, Hamada Harba Wey Adice, Sayid Mohmmad Ibrahim, Mohmmad Morsy Adice; from Sri Lanka – Lakshmi Heart Dingerbanda and Opali Jaysing Sayna Ratn. All of them arrived in Greece on 19.06.2003, apart from Lakshmi Heart Dingerbanda, who arrived on 11.05.2003.

Furthermore, 12 more asylum seekers from Afghanistan have been detained in the facility at Lagadas for more than three months, in violation of Article 44.3 of Law 2910/01 on the entry and stay of aliens, if indeed they have been legally detained for the initial three months on the basis of administrative deportation orders issued by the police. It is not currently clear whether they have been issued with deportation orders, but their ongoing detention is illegal regardless of whether this is the case.

The International Secretariat of OMCT is gravely concerned for the personal and psychological integrity of the 39 detainees being held in the open-air facility in Mytilini, most notably the 7-month old girl, for the 223 detainees being held in the overcrowded Lagadas facility and for the 8 persons whose whereabouts remain unknown. OMCT calls on the Greek government to provide the 39 asylum seekers with some form of adequate, if temporary, shelter to provide them with protection from the weather, to ensure that adequate food and water are provided, and to allow a doctor to visit them and provide whatever medical assistance the asylum seekers might need. OMCT calls on the government to allow NGOs to visit the detainees, and to end their illegal detention. Additionally, OMCT calls on the Greek government to provide better facilities and conditions for the 223 aliens being detained in the Lagadas facility, which was only built to hold 70 persons. Finally OMCT urges the Greek authorities to immediately locate the whereabouts of the eight persons who were escorted away by the police on July 24th, 2003.

Action requested

Please write to the authorities in Greece urging them to:

- i. take all necessary measures to guarantee the physical and psychological integrity of the afore-mentioned asylum seekers, notably the 7-month old girl;
- ii. to provide adequate shelter to the asylum seekers and ensure they receive adequate food and water, as well as access to medical assistance;
- iii. to ensure that the individuals currently being detained in the Lagadas facility are moved to more appropriate facilities;.
- iv. guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance with national laws and international human rights standards.

Addresses

- Constantine Simitis, Prime Minister, Prime Minister's Office at the Hellenic Parliament, Greek Parliament Bldg, Constitution Square, Athens / Greece, Fax: +30 2107241776, Email: Mail@primeminister.gr
- George Papandreou, Foreign Minister, Athens, Greece Fax: 30 2103681433, Email: gpap@mfa.gr
- Giorgos Floridis, Minister of Public Order, Athens, Greece, Fax: + 30 2106917944
- Filippos Petsalnikos, Minister of Justice, Athens, Greece, fax +30 2107489231
- George Kaminis, Deputy Ombudsman for Human Rights, Fax +30 2107289643

Please also write to the embassies of Greece in your respective country.

Geneva, August 6th, 2003

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.



OMCT/HIC-HLRN

JOINT URGENT ACTION APPEAL:

Criminal Charges against 27 Roma and Destitute Living Conditions in the Roma Settlement of Glykeia

GREECE

Case GRE-FE 110803

The International Secretariat of the World Organisation against Torture (OMCT) and the Coordination Office of Housing and Land Rights Network of Habitat International Coalition (HIC-HLRN) request your **URGENT** intervention in the following situation in **Greece**.

The situation

The Greek Helsinki Monitor (GHM), a member of the OMCT network, has informed the International Secretariat of OMCT that Greek authorities have initiated criminal charges against 27 Roma living in Glykeia, Municipality of Nea Tiryntha, Prefecture of Argolida, Southern Greece. According to the information received, the Prefecture has accused them of violating national sanitary provisions regulating living conditions in temporary settlements. It is reported that these charges do not have adequate grounds for prosecution and have been brought even though the court acquitted the same 27 Roma of the same charges in 1999.

These new charges indict the 5 men and 22 women for having intentionally violated the Minister of Internal Affairs and Minister of Health's Decision entitled, "Sanitary Provision for the organized relocation of wandering nomads" (A5/696/25.4-11.5.83), from November 1998 to 17 July 1999. The indictment reportedly specified violations of Article 1 paragraphs 1 and 2 of the Sanitary Provision, which prohibit the "unchecked, without permit, encampment of wandering nomads (athinganoi, etc.)" but authorizes the temporary encampment "provided that there is a prior relevant decision of the Prefect and a permit."

According to the information received the Prefecture Council of Argolida settled the Roma in Glykeia in 1986, where they have been living since then. As it is the Prefecture that settled the Roma in Glykeia, their settlement complies with the cited sections of the Sanitary Provision that allow encampments with "a prior relevant decision of the Prefect," rendering the present charges groundless.

It is reported that the Roma settlement in Glykeia is adjacent to the Open Air Prison Facility of Tiryntha and that it was the Chief Warden of the prison who asked for the prosecution by sending a letter (document Ref. No. 6787/27-11-1998) to the Prosecutor. The dates of November 1998 and 17 June 1999 cited in the indictment reflect the period running from the Chief Warden's letter to Prosecutor's office until the Police Station of Nafplio reported, without any investigation, the names of the 27 Roma to the Prosecutor's office. The 27 Roma involved in the pending trial were reportedly tried and acquitted on the same charges on 21 June 1999, the same month the current indictment was filed.

The GHM and SOKADRE (Coordinated Organizations and Communities for Roma Human Rights in Greece) are currently supporting the Roma. However, GHM has indicated, for lack of funds, the 27 Roma currently do not have legal representation.

The Roma are scheduled for trial in the Misdemeanour Court of Nafplio (the seat of the Prefecture of Argolida) on 22 September 2003 and face penalties of up to three months imprisonment and/or a fine.

Background information

These charges come in the context of Prefecture of Argolida officials' history of failure to carry out their responsibilities to provide services to the Roma community in Glykeia on an equal basis with other citizens. They also follow a pattern of segregated living conditions for the Roma in Greece.

As the Prefecture Council of Argolida settled the Roma in Glykeia, the Prefecture had a duty, under the Sanitary Provision, to provide sanitary facilities to them. However, the Prefecture has failed to perform this duty. Specifically, Article 3 paragraph 4 of the Sanitary Provision requires that "the organized encampments must have the necessary infrastructure that would allow for healthy living, such as facilities for drinking water, sanitary toilets, containers for garbage collection and disposal and, preferably, facilities for individual cleaning in commonly used baths and laundry facilities."

However, the Roma settlement in Glykeia is one of the most destitute settlements GHM has visited. Besides being located next to the Tiryntha Prison, it lies next to a factory and fields where garbage and rubble are dumped. The site has no electricity or telephone service, and it has only three taps providing poor-quality water. It is also reported that municipal police frequently set up checkpoints on the roads, at which they verbally abuse the Roma inhabitants.

Discrimination against the Roma is apparently common in local institutions. It is also reported, for example, that the local hospital has a segregated postnatal recovery room for Romani mothers. The Greek National Commission for Human Rights (NCHR) and the Chair of the Council of Europe's Specialist Group on Roma/Gypsies have stated that a considerable number of Roma in Greece live under "apartheid" conditions, in racially segregated ghettos that stand in stark contrast to other residential areas in Greece.

Human rights, international law, and treaty violations

The living conditions of the Roma community in Glykeia, as well as the criminal charges against the 27 Roma contravene, *inter alia*, the inhabitants' right to water and to adequate housing; i.e., the right of all women, men and children to gain and sustain a secure place to live in peace and dignity. The Greek authorities especially violate those citizens' entitlements to security of tenure, access to public and environmental goods and services, information, freedom from dispossession, an appropriate housing location, participation, compensation, and physical security. All are elements to the right to the human right to adequate housing are enshrined in international law. Specifically, the authorities have breached their treaty obligations under articles 1, 2, 4, 11, 12, and 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Greece acceded to on 16 August 1985. The State has been derelict in its obligations as elaborated in the UN Committee on Economic, Social and Cultural Rights General Comments Nos. 4 and 7 on the human right to adequate housing, and in General Comment No. 15 on the right to water. Greece has also breached articles 1, 5 and 6 of the

International Convention on the Elimination of all Forms of Racial Discrimination (CERD), which it ratified on 18 July 1970.

Action requested

Please write to the authorities in Greece urging them to:

- i. guarantee an immediate investigation into the circumstances of the duplicative criminal prosecutions, and dismiss charges that are not warranted;
- ii. guarantee the right to adequate housing of the Roma community in Nea Tiryntha: namely, its following elements: security of tenure, access to public and environmental goods and services, freedom from dispossession, right to information and resettlement, as recognised in International Covenant on Economic, Social and Cultural Rights, and elaborated in General Comments Nos. 4 and 7 by the UN Committee on Economic, Social and Cultural Rights, and the International Convention on the Elimination of all Forms of Racial Discrimination, among others;
- iii. immediately provide public utilities (i.e., water, sanitation, electricity, etc.) to the Roma community in Nea Tiryntha, as required under Article 3 of the Sanitary Provision, A5/696/25.4-11.5.83, and in accordance with General Comment No. 15 of the UN Committee on Economic, Social and Cultural Rights on the right to water;
- iv. ensure security and police protection on a equal basis with other Greek citizens;
- v. guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance with international human rights standards; the country in accordance international human rights standards.

Addresses

Mr. Constantine Simitis, Prime Minister
Prime Minister's Office at the Hellenic Parliament
Greek Parliament Bldg.
Constitution Square
Athens, GREECE
Fax: +30 2107241776
Email: Mail@primeminister.gr

Mr. George Papandreou, Foreign Minister
Ministry of Foreign Affairs
Athens, GREECE
Fax: 30 2103681433
Email: gpap@mfa.gr

Mr. Filippos Petsalnikos, Minister of Justice
Ministry of Justice
Athens, GREECE
Fax: +30 210 748-9231

George Kaminis, Greek Ombudsman
Fax +30 210 728-9643

Mr. Costas Skandalidis, Minister of Interior
Public Administration and Decentralisation
Fax: +30 210 323-3218

Geneva - Cairo, 14 August 2003

Kindly inform OMCT and HIC-HLRN of any action undertaken, quoting the code of this appeal in your reply to: omct@omct.org and mmignot@hic-mena.org
The joint urgent appeals of OMCT and HIC-HLRN are dedicated to the protection of the human right to adequate housing.

Sample Letter

Date

Prime Minister,

We have been informed by the World Organisation against Torture (OMCT) and Habitat International Coalition-Housing and Land Rights Network (HIC-HLRN) that Greek authorities have initiated criminal charges against 27 Roma living in Glykeia, Municipality of Nea Tirynta, Prefecture of Argolida, Southern Greece. The Roma have been accused of violating national sanitary provisions regulating living conditions in temporary settlements despite the fact that the same people were tried and acquitted on the same charges in 1999. They are scheduled to stand trial in the Misdemeanour Court of Nafplio on 22 September 2003 and face penalties of up to three months imprisonment, or a fine. We are very concerned about this situation, as well as by the living conditions and violations of rights of these people.

The Prefecture of Argolida has charged that the 27 Roma, including 5 men and 22 women, on charges that from November 1998 until 17 June 1999, intentionally violated the Minister of Internal Affairs and Minister of Health's Decision entitled, "Sanitary Provision for the organized relocation of wandering nomads" (A5/696/25.4-11.5.83). The indictment accused them of violating Article 1, paragraphs 1 and 2 of the Sanitary Provision, which prohibit the "unchecked, without permit, encampment of wandering nomads (*athinganoi*, etc.)" but authorizes the temporary encampment "provided that there is a prior relevant decision of the Prefect and a permit."

The Roma have not violated the Sanitary Provision. The Prefecture Council of Argolida actually settled the Roma in Glykeia in 1986 and they have been living there since that time. Therefore, their settlement complies with the cited sections of the Sanitary Provision that allow encampments with "a prior relevant decision of the Prefect," thus, rendering the charges held against the Roma groundless.

The Prefecture has, in fact, failed to comply with its obligations to provide sanitary facilities for the Roma. Specifically, Article 3, paragraph 4 of the Sanitary Provision requires that "the organized encampments must have the necessary infrastructure that would allow for healthy living, such as facilities for drinking water, sanitary toilets, containers for garbage collection and disposal and, preferably, facilities for individual cleaning in commonly used baths and laundry facilities."

The Roma in the settlement in Glykeia are living under horrendous conditions, in an area located next to a factory and fields where garbage and rubble is dumped. They have no electricity or telephone service, and they have access to only three taps, and these provide poor-quality water.

Moreover, the living conditions of the Roma community in Glykeia, contravene, *inter alia*, the inhabitants' human right to water and to adequate housing; i.e., the right of all women, men and children to gain and sustain a secure place to live in peace and dignity. The Greek authorities especially violate those citizens' entitlements to security of tenure, access to public and environmental goods and services, information, freedom from dispossession, an appropriate housing location, participation, compensation, and physical security. All are elements to the right to adequate housing as recognised in international law. Specifically, the authorities have breached their treaty obligations under Articles 1, 2, 4, 11, 12, and 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Greece acceded to on 16 August 1985. The State also has been derelict in fulfilling its obligations as elaborated in the UN Committee on Economic, Social and Cultural Rights General Comments Nos. 4 and 7 on the human right to adequate housing, and General Comment No. 15 on the right to water. These actions and omissions also have caused Greece also to breach Articles 1, 5 and 6 of the International Convention on the Elimination of all Forms of Racial Discrimination (CERD), which it ratified on 18 July 1970. We urge you to respect these minimum international legal standards, and to implement your obligations as a means toward a just and appropriate remedy.

Thanking you in advance for your attention in this matter, we look forward to hearing from you regarding your remedial actions.



OMCT/HIC-HLRN

JOINT URGENT ACTION APPEAL:

Criminal Charges against 27 Roma and Destitute Living Conditions in the Roma Settlement of Glykeia GREECE

Case GRE-FE 110803.1

Follow-up to Case GRE-FE 110803

Geneva-Cairo, 18 September 2003

The International Secretariat of the World Organisation against Torture (OMCT) and the Coordination Office of Housing and Land Rights Network of Habitat International Coalition (HIC-HLRN) request your **URGENT** intervention in the following situation in **Greece**.

New Information

The Greek Helsinki Monitor (GHM), a member of the OMCT network, has informed the International Secretariat of OMCT that on 22 September 2003, 27 Roma will be on trial before the Misdemeanour Court of Nafplio (the seat of the Prefecture of Argolida), facing penalties of up to three months imprisonment and/or a fine.

According to the information received, 27 Roma, who are living in Glykeia (Municipality of Nea Tirynta, Prefecture of Argolida), are accused of violating national sanitary provisions regulating living conditions in temporary settlements. These charges do not have adequate grounds for prosecution and have been brought even though the court acquitted the same 27 Roma of the same charges in 1999.

These new charges indict the five men and 22 women for having intentionally violated the Minister of Internal Affairs and Minister of Health's Decision entitled, "Sanitary Provision for the organized relocation of wandering nomads" (A5/696/25.4–11.5.83), from November 1998 to 17 July 1999. The indictment reportedly specified violations of Article 1 paragraphs 1 and 2 of the Sanitary Provision, which prohibit the "unchecked, without permit, encampment of wandering nomads (*athinganoi*, etc.)" but authorizes the temporary encampment "provided that there is a prior relevant decision of the Prefect and a permit."

The GHM and SOKADRE (Coordinated Organizations and Communities for Roma Human Rights in Greece) are currently supporting the Roma. GHM's legal counsel will represent the Roma during the trial, the European Roma Rights Centre (ERRC) providing the necessary funds.

Brief Reminder of the Situation⁸

According to the information received, the Prefecture Council of Argolida settled the Roma in Glykeia in 1986, where they have been living since then. As it is the Prefecture that settled the Roma in Glykeia, their settlement complies with the cited sections of the Sanitary Provision that

⁸ For more information, please see Urgent Appeal Case GRE-FE 110803, released by OMCT and HIC-HLRN at www.omct.org

allow encampments with “a prior relevant decision of the Prefect,” thus, rendering the present charges groundless.

The Roma settlement in Glykeia is adjacent to the Open Air Prison Facility of Tiryntha, and it was the Chief Warden of the prison who reportedly formally sought prosecution by sending a letter (document Ref. No. 6787/27-11-1998) to the Prosecutor. The dates of November 1998 and 17 June 1999 cited in the indictment coincide with the period from the date of the Chief Warden’s letter to Prosecutor’s office until the Police Station of Nafplio—without any investigation— reported the names of the 27 Roma to the Prosecutor’s office. The 27 Roma involved in the pending trial were reportedly tried and acquitted on the same charges on 21 June 1999, the same month the current indictment was filed.

Human rights, international law, and treaty violations

The pending trial and the criminal charges against the 27 Roma contravene, *inter alia*, the inhabitants’ right to adequate housing and due process. The Greek authorities especially violate those citizens’ entitlements to security of tenure, access to public and environmental goods and services, information, freedom from dispossession, an appropriate housing location, participation, compensation, and physical security. All are elements to the right to the human right to adequate housing are enshrined in international law. Specifically, the authorities have breached their treaty obligations under articles 1, 2, 4, 11, 12, and 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Greece acceded to on 16 August 1985. The State has been derelict in its obligations as elaborated in the UN Committee on Economic, Social and Cultural Rights General Comments Nos. 4 and 7 on the human right to adequate housing, and in General Comment No. 15 on the right to water. Greece has also breached articles 1, 5 and 6 of the International Convention on the Elimination of all Forms of Racial Discrimination (CERD), which it ratified on 18 July 1970.

The current indictment also violates domestic penal procedure provisions. For example, no investigation was undertaken to confirm that the 27 Roma currently indicted were living in the settlement during the period referred to above. Moreover, the Prosecutor appears to have merely asked the police to forward him the names of the 27 Roma that had been indicted and acquitted on 21 June 1999. Finally, it should be noted that, even if the Roma were acquitted on 22 September 2003, these duplicative criminal prosecutions would still amount to harassment aimed at forcing the Roma to abandon their settlement by virtue of incurring upon them expenses that they cannot afford.

Action requested

Please write to the authorities in Greece urging them to:

guarantee an immediate investigation into the circumstances of the duplicative criminal prosecutions, and dismiss charges that are not warranted;

- vi. abstain from initiating criminal proceedings against Roma living in destitute settlements under the Sanitary Provision, at least until the proposals put forward by many municipalities around Greece or the central government concerning the relocation of their Roma communities are materialised;
- vii. guarantee the right to adequate housing of the Roma community in Nea Tiryntha: namely, its following elements: security of tenure, access to public and environmental goods and services, freedom from dispossession, right to information and resettlement, as recognised in International Covenant on Economic, Social and Cultural Rights, and elaborated in General Comments Nos. 4 and 7 by the UN Committee on Economic, Social and Cultural Rights, and the

- International Convention on the Elimination of all Forms of Racial Discrimination, among others;
- viii. guarantee the respect of human rights and fundamental freedoms throughout the country in accordance with international human rights standards.

Addresses:

Mr. Constantine Simitis, Prime Minister
Prime Minister's Office at the Hellenic Parliament
Greek Parliament Bldg.
Constitution Square
Athens, GREECE
Fax: +30 210 724-1776
Email: Mail@primeminister.gr

Mr. George Papandreou, Foreign Minister
Ministry of Foreign Affairs
Athens, GREECE
Fax: +30 210 368-1433
Email: gpap@mfa.gr

Sample Letter

Prime Minister,

We have been informed by the World Organisation against Torture (OMCT) and Habitat International Coalition-Housing and Land Rights Network (HIC-HLRN) that, on 22 September 2003, 27 Roma will be on trial before the Misdemeanour Court of Nafplio (the seat of the Prefecture of Argolida) and face penalties of up to three months imprisonment and/or a fine.

According to the information received, 27 Roma living in Glykeia (Municipality of Nea Tiryntha, Prefecture of Argolida) are charged with violating national sanitary provisions regulating living conditions in temporary settlements. These new charges indict the five men and 22 women for having intentionally violated the Minister of Internal Affairs and Minister of Health's Decision entitled, "Sanitary Provision for the organized relocation of wandering nomads" (A5/696/25.4-11.5.83), from November 1998 to 17 July 1999. The indictment reportedly specified violations of Article 1 paragraphs 1 and 2 of the Sanitary Provision, which prohibit the "unchecked, without permit, encampment of wandering nomads (*athinganoi*, etc.)," but authorizes the temporary encampment "provided that there is a prior relevant decision of the Prefect and a permit." These charges do not have adequate grounds for prosecution, as the Prefecture Council of Argolida settled the Roma in Glykeia in 1986, where they have been living since then. As it is the Prefecture that settled the Roma in Glykeia, their settlement complies with the cited sections of the Sanitary Provision that allow encampments with "a prior relevant decision of the Prefect". Moreover, the charges have been brought even though the court acquitted the same 27 Roma of the same charges in 1999.

We urge you to guarantee an immediate investigation into the circumstances of the duplicative criminal prosecutions, and dismiss charges that are not warranted, but also to abstain from initiating criminal proceedings against Roma living in destitute settlements under the Sanitary Provision, at least until the proposals put forward by many municipalities around Greece or the central government concerning the relocation of their Roma communities are materialised. The Greek authorities should also comply with their international obligations and guarantee the right to adequate housing of the Roma community in Nea Tiryntha.

Thanking you in advance for your attention in this matter, we look forward to hearing from you regarding your remedial actions.



Case GRC 260803.CC Child concern

The International Secretariat of OMCT requests your **URGENT** intervention in the following situation in **Greece**.

Brief description of the situation

The International Secretariat of OMCT has been informed by the Greek Helsinki Monitor (GHM), a member of the OMCT network, of the 100-day delay in the case of 2 unaccompanied Somali children seeking asylum in Greece and trying to be re-united with their mother currently residing lawfully in Sweden.

According to the information received, these two Somali children, aged 6 and 13, have been held in Rhodes for three months, in a single room along with adults, due to Greek and Swedish authorities' negligence.

Fuad (Nur) Shueb Hassan and Abdul Khadir Shueb Hassan, sons of Shueb Hassan and Fozia Mohammed Ali, born, as they stated, in 1991 and 1997 respectively, citizens of Somalia, entered Greece illegally, through the island of Leros, on 23/5/2003 and were transferred to Rhodes on 28/5/2003. There, they were hosted under detention in the former "Voice of America" facility, along with other adults.

The children told GHM and Medical Rehabilitation Centre of Torture Victims (MRCT), that when civil war broke out in Somalia, their parents fled the country leaving them and their other brother, Jelani, aged 11, in the care of their grandmother. Their grandfather asked a family friend to look for the children's mother and arrange for their transfer. The children were transferred to Syria, where "...we boarded a boat to leave. Our middle brother (Jelani, aged 11) stayed back in Syria. On the boat we met with our half brother Abdel Hakim. He gave us some food and then we fell asleep. The boat brought us here". On 26/6/2003, the Swedish Red Cross (SRC), via the Greek Red Cross, contacted GHM and MRCT and asked for their mediation in order to help the two children reunite with their mother who was looking for them through SRC's missing persons service. The children's mother is a permanent resident of Sweden, on humanitarian grounds, since 1/10/2002, after filling an asylum application on 29/11/00. Under Swedish law, the children can be reunited with their mother.

Local Greek police authorities failed to inform the Prosecutor's Office in Rhodes of the presence of unaccompanied alien minors, in order for the Prosecutor's Office to take the necessary actions as far as their custody status is concerned under Greek law. On the contrary, on 26 May, Hellenic Police (EL.AS.) issued an effectively illegal deportation order ref. no. 6634/2/03/295b for them along with orders for the 19 other adult aliens that were on the same boat. EL.AS. had arbitrarily decided that their custody was at the hands of the children's half brother who was with them on the boat, and thus ordered the deportation of the three, as in the case of children accompanied by their parents.

Once informed by GHM, UNHCR in Athens, wrote on 15 August to the Secretary General of the Ministry of Public Order that the Greek Council of Refugees (GCR) would host the children once

they are transferred in Athens, in an appropriate reception centre run by GCR, in Pikermi, near Athens. An asylum application was in the meantime filed by GHM and MRCT, ref. no. 5401/2/879, on 14/7/03; on the same day, asylum applications for the 19 adults were also filed by GHM and MRCT. Despite this, Greek authorities did not cancel the deportation orders. On 25 July, EL.AS. in Rhodes issued them with the temporary residence ("pink") cards for asylum seekers -which, incidentally, mentioned an inaccurate date of birth for the youngest Somali. However, these cards were given to the 21 asylum seekers only on 24 August: their detention was thus prolonged illegally for a month even though they had legal residence papers. On 18 August, the General Secretary of the Region of Southern Aegean gave a six month suspension to the deportation orders mainly because deportation was not feasible. Such decision is illegal as deportation orders should not be issued for asylum seekers; especially for unaccompanied children, who require the agreement of the Prosecutor who has their custody. In addition, EL.AS. assigned the children and their half-borther to a different asulym seekers' facility in Sperheiada, some 200 km away from Athens. Only because of the intervention of GHM and MRCT arrangements were made so that the three Somalis end up in the GCR hosting facility on 26 August 2003.

GHM had also contacted the Swedish Embassy, on 8/7/03, to initiate the procedures for transferring the children in Sweden. The Embassy replied that it was "booked" until October. Later on, following the intervention of UNHCR and the Swedish Red Cross, the Swedish Embassy started the procedures which are now at the hands of the Swedish Migration Board.

Moreover, on 15/7/03, GHM had reported the case to the newly established Deputy Greek Ombudsman for children's rights. The latter - jointly with the Deputy Greek Ombudsman for human rights - sent a letter "*of utmost urgency and of immediate priority*" to Hellenic Police (EL.AS.) on 30/7/2003. He requested the competent EL.AS. services "*to take action in order to re-unite the children with their mother as soon as possible and to transfer their asylum applications to Sweden without delay, prioritizing the examination of their asylum applications over the applications of the remaining adults in the group with whom they had entered the country*". EL.AS. did not comply with the legal obligations that the Ombudsman reminded them of, notably to separate the case of the children from that of the adults; in fact, until 26 August, EL.AS. had not even replied to the letter. The children are thus still not in the legal custody of the Prosecutor or anyone else to look after their best interest. The reunion procedures, moreover, are following a very slow pace both in Greece and in Sweden.

Action requested

Please write to the authorities in Greece and in Sweden urging them to:

- i. bring this urgent issue to the attention of the prosecuting authorities of Athens (the children are under their jurisdiction) in order to assume temporary custody of the two children in Athens, as provided under law, and to take all necessary actions in order to ensure that their rights are fully respected,
- ii. urge the Swedish Migration Board to speed up re-unification with their mother as soon as possible.
- iii. cancel the illegal deportation orders against the 21 asylum seekers
- iv. investigate the indifference and possible illegal actions of the authorities involved, as described above.

Addresses

Mr. Constantine Simitis, Prime Minister, Prime Minister's Office at the Hellenic Parliament, Greek Parliament Bldg, Constitution Square, Athens / Greece, Fax: +30 2107241776, Email: Mail@primeminister.gr

Mr. George Papandreou, Foreign Minister Athens, Fax: +30 2103681433, Email: gpap@mfa.gr

Mr. Filippos Petsalnikos, Minister of Justice, Athens, Greece, fax +30 2107489231

Mr. Giorgos Floridis, Minister of Public Order, Athens, Greece, Fax: + 30 2106917944

Mr. George Kaminis, Greek Ombudsman for human rights, Fax 30 2107289643

Ambassador of Sweden, Johan Molander, Rue de Lausanne 82 - CP 190, CH-1211, Genève 20, Suisse, e-mail : mission.sweden@ties.itu.int, fax: +4122 908 08 10

Swedish Migration Board - Migrationsverket 601 70 Norrköping Fax 011-10 81 55

Ms. Anna Lindh, Minister for Foreign Affairs, Gustav Adolfs torg 1 - 103 39 Stockholm, Sweden, Fax:+46-8-7231176

Ms. Lena Nyberg, Ombudsman for Children, Norr Malarstrand 6, box 22 106 Stockholm, Sweden, fax: +46 8 65 46 277

Please also write to the embassies of Greece and Sweden in your respective country.

Geneva, octobre 20, 2003

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.



Case GRC 120903.CC Child concern

The International Secretariat of OMCT requests your **URGENT** intervention in the following situation in **Greece**.

Brief description of the situation

The International Secretariat of OMCT has been informed by the Greek Helsinki Monitor (GHM), a member of the OMCT network, that an unaccompanied minor, **Nagar Ali Abdyin**, citizen of Sudan, who states to be born in 1988, has been illegally held in detention in the former "Voice of America" facility along with adults, for the last 15 days. He arrived in Rhodes with 24 other aliens on 25th August 2003. His sister, Emtithal Ali Abdein Mohamed Ahmed, and her husband Abuobeida Abdalla Eljak, are legal residents of Denmark. Nagar Ali Abdyin is entitled to be set free immediately in Greece and file for reunification with his sister but is still currently held in detention by the Greek authorities.

According to the information received there has been no mobilization from the part of the police authorities of Rhodes, which detain the minor asylum seeker along with adults. They have not interviewed him in order to proceed, as provided by relevant legislation, to further action, such as informing the Prosecutor's Office, according to the Greek legislation. Greek Police (ELAS) of Rhodes, when asked on 8 September, claimed ignorance about the presence of an unaccompanied minor among the detainees.

GHM requested the Greek Ombudsman and the Minister of Justice's Office for their contribution in securing the minor's best interest, as they had also shown interest in the previous case of the two unaccompanied minors from Somalia (see OMCT appeal GRC 260803.CC).

OMCT is concerned by this case, as it is the second one taking place in the last three months. It demonstrates the urgent need for all ELAS services to be fully informed of the relevant procedures to be followed in cases of unaccompanied minors entering Greece, seeking asylum or reunification with their families residing in another EU country.

Remarks

In reference to case GRC 260803.CC, OMCT welcomes the fact that Swedish authorities have finally provided the two Somali minors with the necessary documents and that they are now in the process of being reunited with their mother.

Action requested

Please write to the authorities in **Greece** and in **Denmark** urging them to:

- iv. bring this urgent case to the attention of the prosecuting authorities of Rhodes in order to assume temporary custody of the child, as provided under law, and to take

- all necessary actions in order to ensure that his rights are fully respected and that he is soon reunited with his sister;
- v. urge the Danish Authorities to speedily and favorably review the reunification application;
 - vi. take all necessary measures to ensure that aliens who enter illegally in Greece are treated with full respect of human rights; that their asylum applications are duly accepted and registered; that they are not detained while awaiting answers to those applications and in any way beyond the lawful three months, and that they are provided with adequate shelter; and that children are not held with adults and unaccompanied children are not held at all but placed in appropriate reception centers;
 - vii. guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance with national laws international human rights standards, particularly the Convention on the Rights of the Child.

Addresses

Mr. Constantine Simitis, Prime Minister, Prime Minister's Office at the Hellenic Parliament, Greek Parliament Bldg, Constitution Square, Athens / Greece, Fax: +30 2107241776, Email: Mail@primeminister.gr

Mr. George Papandreou, Foreign Minister Athens, Fax: +30 2103681433, Email: gpap@mfa.gr

Mr. Filippos Petsalnikos, Minister of Justice, Athens, Greece, fax +30 2107489231

Mr. Giorgos Floridis, Minister of Public Order, Athens, Greece, Fax: + 30 2106917944

Mr. George Kaminis, Greek Ombudsman for human rights, Fax 30 2107289643

Mr. Klaus Wilmann Chairperson Danish Council for Children's Rights Borneradet
Vesterbrogade 35a 1620 Copenhagen Denmark Tel: (45 33) 78 3300 Fax: (45 33) 78 3301
Email: brd@brd.dk Internet: www.boerneraadet.dk

Mr. Stig Moller, Minister for European Affairs, Ministry of Foreign Affairs, Asiatisk Plads 2, DK-1448 Copenhagen K, Denmark, Fax: +45/ 32 54 05 33, Email: um@um.dk

Mr. Svend Aage Jensby, Minister for Defence, Ministry of Defence, Holmens Kanal 42, 1060 Copenhagen K, Denmark, Fax: 33 32 06 55, email: fmn@fmn.dk

Mr. Bertel Haarder, Minister for Refugee, Immigration and Integration Affairs, Ministry of Refugee, Immigration and Integration Affairs, Holbergsgade 6, 1057 Copenhagen K, Denmark, Fax: (+45) 33 11 12 39, E-mail: inm@inm.dk.

Mrs Henriette Kjaer, Minister for Social Affairs and Minister for Gender Equality, Ministry for Social Affairs, Holmens Kanal 22, 1060 Copenhagen K, Denmark, Fax.: 3393 2518, E-mail sm@sm.dk

Ambassadeur, Iversen, Henrik Rée, Rue de Moillebeau 56 (7ème) - CP 435, CH-1211, Genève 19, Suisse, e-mail : qvamis@um.dk, fax



World Organisation Against Torture

P.O. Box 21- 8, rue du Vieux Billard

CH 1211 Geneva 8, Switzerland

Phone: 0041/22 809 49 39 / Fax: 0041/22 809 49 29

E-mail: omct@omct.org / Website: www.omct.org

OPEN LETTER TO MR. CONSTANTINE SIMITIS, PRIME MINISTER OF GREECE

Geneva, September 29th 2003

Mr. Prime Minister,

The International Secretariat of OMCT has been informed by the Greek Helsinki Monitor (GHM), a member of the OMCT network, of the current difficulties faced by the 14 Roma children, who are living in the Roma settlement of the Spata Municipality, in being able to attend primary school.

OMCT believes that the difficulties faced by these children are representative of the failure by the authorities to honour their commitments towards the 22 Roma families who were compulsorily relocated in October 2000 to what was termed a 'model settlement'. Despite what was promised by the authorities, the Roma settlement still has no electricity connection. Running water is transported daily to the settlement, stored in plastic tanks and does not always cover the resident's needs. This situation unfortunately highlights a lack of vigilance and political will towards the implementation of the positive policies announced by your government, towards which the Prime Minister's Office for the Quality of Life has shown a commendable and sustained devotion.

OMCT would like to bring your attention to the fact that on September 11, 2003, 14 Roma children living in the settlement could not attend their first day of school, in spite of the guarantees given by the authorities on June 5, 2003. Indeed, on that day, the Mayor of Spata, representatives from the Ministry of Education, from the Eastern Attica Prefecture and from the Prime Minister's Office for Quality of Life agreed that a school bus will be chartered in order to transport them to the 3rd Primary School of Spata (see Minutes of the Meeting, document compiled by the Greek Ombudsman's office Ref. No. 11211/01/16-7-03). Moreover, none of the competent authorities had reportedly verified whether their commitment for a chartered school bus had been materialised. As a result, some parents interrupted their work and carried their children to school.

Following pressure exercised by GHM, a contract was signed to charter a school bus on September 12, 2003. A press release by the Mayor of Spata also confirmed that on Monday September 15, 2003, the school bus would pass by the Roma settlement. However, on that day, the bus did not show up. Following new efforts and further pressure, the parents were reassured that the school bus would go to their settlement on Tuesday September 16, 2003. On that day, the bus went to the wrong place, as no official had made sure that the bus company was

properly informed of the route. Eventually, the bus arrived at 10:30 am to the school with all children on board. However, at the same time, the bus company informed GHM that the Roma settlement was difficult to reach as the road was dangerous and in a bad condition and that it would therefore have to examine whether its bus could drive all the way to the settlement on a daily basis. It has subsequently told GHM that it does not expect the bus to be able to reach the settlement on days with bad weather as the 1,5 km bumpy road leading to it is barely useable when the road is dry.

OMCT is very concerned about this situation as transportation constitutes a crucial element for the Roma children's school attendance. The Roma settlement is located 5 kilometres away from the last house of Spata Municipality. There is no public transportation to and from the settlement and people have to use a dusty and unpaved road of 1.5 kilometres to reach it. The distance from the Municipality makes it virtually impossible for the Roma children to reach school without transportation.

In this respect, it is also important to note that since the Roma have been compulsory relocated in October 2000 to this settlement, children's school attendance has remained a recurrent problem. The children who were attending the primary school were forced to drop out as they were not provided with transportation, as required under national regulations. Art. 1 of the Joint Ministerial Decision of the Minister of Interior, Public Administration and Decentralization, Minister of Finance, Minister of Education and Religious Cults (Ref. No IB/607126-8-98). When this issue was brought to the attention of the Greek Ombudsman's Office in the summer of 2001, the competent State authorities invoked the fact that no children had been enrolled as an excuse for not providing them with a school bus. However, according to the information received, 8 Roma children were enrolled at that time. In 2002, due to the lack of transportation, Roma parents did not enroll their children for the new school year, considering that it would be of no use.

In view of these considerations, OMCT hopes that your Government will take immediate measures to ensure that Roma children get regular transportation from their settlement to the primary school in the Municipality of Spata. OMCT also hope that adequate measures will be taken in order to implement other commitments made on June 5, 2003 by the Mayor of Spata, representatives from the Ministry of Education, from the Eastern Attica Prefecture and from the Prime Minister's Office for Quality of Life according to which Roma children be provided with school items.

OMCT also hopes that your government will immediately provide public utilities (i.e., water, sanitation, electricity, etc.) to the Roma community in Spata, as required under Article 3 of the Sanitary Provision, A5/696/25.4-11.5.83, amended by the 23641/3.7.03, Joint decision by the Minister of Interior, Public Administration and Decentralization, the Minister of Health and the Minister of Environment (published in Government Gazette No 973 B', July 15, 2003) and in accordance with General Comment No. 15 of the UN Committee on Economic, Social and Cultural Rights on the right to water.

We thank you in advance for your careful consideration of this matter, and remain,

Yours Sincerely,
Eric Sottas
Director



Case GRC 091003
Child concern/Arbitrary detention/Asylum seekers

The International Secretariat of OMCT requests your URGENT intervention in the following situation in Greece.

Brief description of the situation

The International Secretariat of OMCT has been informed by the Greek Helsinki Monitor, a member of the OMCT network, that the arbitrary detention of unaccompanied minors seeking asylum in Greece continues.

According to the information received, eleven new cases of unaccompanied minor detained together with adults in asylum seekers' reception centres in Mytilini and Rhodes in Greece have been recorded.

Four Afghan children are held in Mytilini reception centre:

- KHUDADAD AHMADI, child of AHMAD ALI and QAMAR, born in 1988, detained since 09/07/2003
- YASIN JAMALI, child of M.ABRAHIM and FATIMEH, born in 1986, detained since 24/06/2003
- AHMAD MOSTAFA, child of SHAFIN NAJIBA, born in 1986, detained since 05/07/2003
- HADI REZAYI, child of JAN IOHAM. NASUMA, born in 1987, detained since 02/07/2003

One Palestinian child is held in Mytilini reception centre:

- HASSAN ALMASRY, child of ABDELFAH GAMEILA, born in 1987, detained since 16/07/2003

Four Afghan children are held in Rhodes reception centre:

- AMIRI ESMAEEL, born in 1987, detained since 19/08/2003
- RAHMANI ABDO AL., born in 1986, detained since 19/08/2003
- MAHMADI DAWOOD, born in 1986, detained since 19/08/2003
- JAFARI JAVID, born in 1985, detained since 19/08/2003

Two Palestinian children are held in Rhodes reception centre:

- AMER MOHAMAD child of DEEB born in 1987, detained since 17/9/2003
- AHMED SABRY child of MOHAMAD born in 1985, detained since 17/9/2003

Together with the three previous cases signalled by OMCT (urgent appeals GRC 120903.CC and GRC 260803.CC), 14 children have been deprived of their right to adequate protection in the last few months. This amounts to 10% of the overall asylum seekers' population in reception centres in the two islands. In addition, many more minors with parents are held together with other adults.

A new police circular reminding its services of international standards dated 4th July 2003 was distributed to NGOs by UNHCR in September. But this circular did not refer to the special situation and rights of unaccompanied children. Hence, the police as well as prosecutors remain unaware of the need for a special procedure.

Greek Helsinki Monitor has alerted the police, the Minister of Justice and the Greek Ombudsman for children. OMCT reiterates its concern about this situation and urges the government of Greece to urgently inform all concerned services of the relevant procedures to be followed in cases of unaccompanied minors entering Greece, seeking asylum or reunification with their families residing in another EU country.

Action requested

Please write to the authorities in Greece urging them to:

- i. take all necessary measures to immediately guarantee the adequate reception and protection of the unaccompanied minors seeking asylum ;
- ii. engage in a proactive campaign directed at all police and justice services dealing with asylum seekers informing them of the specific rights of and procedures for unaccompanied minors to be implemented in accordance with Greek law and EU regulations ;
- iii. guarantee the respect of children's rights throughout the country in accordance with national laws and international human rights standards.

Addresses

Mr. Constantine Simitis, Prime Minister, Prime Minister's Office at the Hellenic Parliament, Greek Parliament Bldg, Constitution Square, Athens / Greece, Fax: +30 2107241776, Email: Mail@primeminister.gr

Mr. George Papandreou, Foreign Minister Athens, Fax: +30 2103681433, Email: gpap@mfa.gr

Mr. Filippos Petsalnikos, Minister of Justice, Athens, Greece, fax +30 2107489231

Mr. Giorgos Floridis, Minister of Public Order, Athens, Greece, Fax: + 30 2106917944

Mr. George Kaminis, Greek Ombudsman for human rights, Fax 30 2107289643

Please also write to the embassies of Greece in your respective country.

Geneva, October 13, 2003

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

Organisation Mondiale Contre la Torture (OMCT)

World Organisation Against Torture (OMCT)

Organización Mundial Contra la Tortura (OMCT)

8 rue du Vieux-Billard

Case postale 21

CH-1211 Geneve 8

Suisse/Switzerland

Tel. : 0041 22 809 49 39

Fax : 0041 22 809 49 29