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Laws and international conventions protect refugees. Except that they do not apply, but for the 0.8% of those who manage to apply for asylum. All others are considered liars or...non-existent. Highest judge, an uncompromising police mechanism

The contemporary “apartheid” is completed, as the “Eurofort”, day by day, comes up with new repressive mechanisms aimed against the poor and persecuted citizens outside of its walls (who are presented as “a threat to its prosperity and safety”). Up close even our sly nation is, that is as it seems at the top of the new bullying, helped by the general xenophobic turn of the increasingly insecure Greek society.

Everything shows that the international conventions and the really progressive Greek laws have in practice been eliminated. One brigadier, Director of Foreigners in the Ministry of Public Order, and the State Security have general control on behalf of the government, reckoning that refugees don’t come to Greece, only “illegal immigrants”-a point of view that is systematically and deceitfully reproduced by the main Greek media.

The people from areas of warfare, brutal autocratism and poverty, who dare and manage(if they are not blown up in the minefields, drowned in the Aegean, imprisoned and forcefully “forwarded”) to apply for the granting of asylum, are seen at least as liars.

- This is what the Vice Minister of Public Order, Pantelis Tsertikidis claimed in Parliament on 7/10/2003: *“After all, as proven by the examination of the applications for asylum during 2002, most of those were planned by aspiring economic immigrants who wanted to stay in our country, taking advantage of the asylum procedures”*.

But the evidence (also see table) is impressive. If some people lie and deviate-with a well known bilingual and humanitarian rhetoric-the public opinion, while refusing the existence of refugees in the country, these people are in the government or the governmental staff.

- Let’s hear from Maria Stavropoulou, responsible of legal protection for the United Nations High Commissioner for Refugees: *“Assuming that almost all of the applications are denied in the first and second instance, the recognition rate of refugees has fallen to below 1% in 2002 and 0.8% in 2003. Undoubtedly, this extremely low percentage of refugee recognition troubles us because Greece is falling behind other EU countries. The recognition rate is one of the pointers that is globally used in the evaluation of the implementation of the International Congress of Geneva for the status quo of refugees. The fact that the refugees “prefer” other countries, as the Ministry of Public Order puts it should not*

appease us. Quite the opposite, it could be considered as the result of the current policy and implementation of asylum in Greece”.

- Erika Kalantzi, a lawyer who has been involved in refugee matters for many years, reaches the following conclusions: *“It is well known that the world is not “angelically made”, and that is also due to the fall of the Berlin Wall. Dictatorial regimes unfortunately continue to exist, people still suffer from torture and persecution because they belong to a certain race, ethnic group, social class, or because they believe in a certain religion or have political ideas that their countries regime does not tolerate. This is the story of mankind. The numbers concerning asylum seekers in Greece present a completely different picture of the world, dream like, since for the Greek government no “foreigner” is finally persecuted from regimes that violate human rights, that torture and punish for the ideals of democracy”.*
- From its side, the Medical Centre for the Rehabilitation of Torture Victims on the 10/11 produced its own evidence which contradict the government: *“Beyond all the other reasons that prove that the people who flee to Greece are in real danger if they return to the areas that they were forced to abandon, while examining them we found that 20% of those seeking asylum have also been tortured”.*

The denial points

The study of the whole asylum procedure from the moment that someone manages to step foot in our country up to the moment when his application is sadistically declined proves that we are not faced with individual cases where certain rights of refugees are violated, but rather with a group of intentional actions aimed at the undermining of the right itself.

- *“Because of a series of serious irregularities, if not illegalities, from the whole leadership of the Ministry of Public Order, the minister included, the rights of refugees to asylum are diminishing.”*, says Aristidis Maurogiannis, responsible of the Refugee section of the Greek Committee of Amnesty International.

More specifically, it is realised that refugees are “reforwarded”, held and deported with a managerial or court procedure, which constitutes a violation of the international treaties and laws (even the well known Greek-Turkish agreement of 2001) that specifically exempt refugees from the procedures followed for every “person who illegally” enters the country.

“When the police force orders the removal of the held asylum seekers that entered the country illegally, the communication possibilities of the refugees with lawyers or Non-Governmental Organisations becomes almost impossible”, Mrs Kalantzi highlights.

Even the normal procedure of submitting the application and then the “interview” with no interpreter or clear knowledge of his or her rights, turns into a small tragedy. “In practice the existing personnel-that is foreseen by the presidential decree 61/1999-does not cover the requirements of the law, merging the interview

procedure of the refugee with the police interrogation. Thus, most of the time the asylum seeker can not report his story and prove his justified fear of persecution that lead him to abandon his country”, says Mr Maurogiannis.

Until the refugee receives-always from the police-the desired “pink slip”(following his interview and his “caution”), with which he obtains a temporary residence permit and certain social rights (work, health care etc.) about 15 months pass by, due to the work load of the police departments, obviously though in violation of the law. During this time, the asylum seeker is humiliated by the police force, doomed to a never-ending to and fro, with no right at all. How he survives, invisible like this is one of our republic’s mysteries.

- Lawyer Eva Fakinou who fights for refugee rights notes that *“the time consuming process until the granting of the first interview is first of all seen in the incapability of exercising any social right”*.

But even after, during the purposely defective interview procedure, a gloomy future is predicted with special care.

“It has been noticed that this stage had been abolished in practice. The interviewing from police officers, the ignorance towards refugee law, human rights and special circumstances that exist in every origin country, the existence of suspicion and fear, the lack of, non-existence of and unsuitability of interpreters, the limited time for the interviewing, but mainly political expediency that is shown through the complete scornement of the procedure, are proven by the fact that all the proposals and the decisions for asylum seeking are denied and with standardised responses”.

Consequently, and according to the people we talked to who know the specific issue first hand, the first degree of recognition of the refugee state has practically been abolished. The police officers propose negatively for all the applications for asylum to the General Secretary of the Ministry of Public Order, Mr. Eustathiades (always under the orders of the well known brigadier) and he also decides negatively.

- Mrs Fakinou insists that *“the abolishment in practice of the first and extremely important instance for the recognition of the refugee status leads to the board of the second instance, which essentially looks at the application as if the first instance had not existed, because there is insufficient or wrong evidence for the story of every asylum seeker”*.

Mrs Kalantzi also considers the procedure unacceptable: *“What is remarkable is that almost all of the decisions judge, in quite a standard manner, that the requirements for granting of refugee status are not met and that the interested asylum seeker comes to Greece in search of better luck or for the improvement of his or her economic status. This means that the people who handle asylum applications in the Governmental Security Directorate of the Ministry of Public Order decided that in the approximately 5,500 applications completed last year in no cases where the credentials met for granting, and so they proposed that the General Secretary declined all applications. The question of why each individual case is not classified under the specific situation that exists in the home country of the refugee and why his or her claims of fear of persecution are not declined justifiably naturally arise”*.

The refugee, if all goes well, if that is if the mechanism of the issuance of decisions on asylum matters from the police does not ignore him or her, will be informed of the rejecting decision and within 30 days he or she will have to go to UNHCR, Amnesty International or any other sensitised organisation and to lawyers, so that he or she will have enough time to appeal to the secondary committee before the Minister of Public Order, through the Decision taking committee (article 3 paragraph 5 of the Presidential Degree 61/1999). However, the situation is not very different there: In the 6 members of the committee the state employees have the majority with 2 representatives from the ministry of foreign affairs and 2 from the ministry of public order (which also holds the chairperson's position with the right to 2 votes, and which, as we have seen, has already declined all requests for asylum in the first instance!).

The ordeal of the dropper

What can the representatives of the Bar Association and UNHCR do to convince Mr. Floridis that there are genuine refugees when he himself doesn't want to be convinced?

"According to the basic principles of management law", says Mr. Mauroyannis, "the minister's decision has to be fully justified, should take into consideration the decision of the committee and, if the decision of the minister is different to that of the committee, his different decision should be justified as well. In practice, almost all of the minister's decisions are negative with a standardised and generalised explanation, and many times these decisions are different to those of the committee without explanation, as is proper, or the negative decision. In this manner asylum claims from refugees who have proved that they have been persecuted, imprisoned and tortured and are classic cases of the implementation of the 1951 Geneva convention for refugees are being rejected. These tactics of the minister of Public Order have rendered our country the last one within the EU in granting asylum. In the first six months of 2003 refugee status was granted to only three people from a total of 4,50 applications".

From these facts from the committee of secondary instance, the image is drawn: In 2002, 657 applications from asylum seekers were examined from the many applications that the mechanism or the ministry of Public Order took care to deny in the (now non existent) first level. The committee, after being pushed, granted asylum to 81 people and humanitarian status to another 185.

In total, that is to 266 refugees. The minister rejected the 109 applications (37+72 accordingly) while 126 are still pending. In 2003 the situation worsened: 501 cases had been examined until October, the committee decided positively on 45 cases for asylum and 39 for humanitarian status, and the minister is keeping most of the cases (313) in his drawer, having rejected, so that we don't forget, 29 applications already...

The conclusion of the Amnesty International Responsible for Refugees is clear: *"All the violations that we systematically collect and record over the last years, make the practice of the Greek authorities towards refugees completely incompatible with the obligations of the government as they arise from the international conventions that the latter has signed, from the national law and the fundamental principles that*

condition the functioning of the administration, i.e. this is a practice that greatly differs from the credentials of a fair and effective procedure for the granting of asylum."

The speed at which the applications for asylum are examined (even in the second instance) is time consuming as well as unjust, resulting in hundreds of people remaining in hostage, with extremely limited social rights and always with the justified fear of remaining "without papers" (non existent citizens) in a country that, at the first chance can imprison and deport them, sending them back to the hell they were trying to escape from.

Unless of course, the refugee wins the lottery and with an army of legal advisors decides to take on the State Council, which until now, whenever called upon, has not helped those responsible for "apartheid".

“Rights only on paper”

(written by Mr Fotis Kouvelis, member of the European Parliament for the Synaspismos political party)

The evidence itself testifies that the granting of political asylum in our country is an institution that has a tendency to appear only as a possibility and insignificantly as a regulation. The final percentage of granting of the refugee or humanitarian status for citizens requesting asylum is 0.8% for 2003. The evidence of the Iraqi citizens seeking asylum in our country is characteristic. From the 2,596 applications from the authorities since the beginning of the year, not even one application for refugee status was granted and only 16 cases were granted “humanitarian status”.

I am referring to the case of the Iraqi citizens, because they come from a country where political persecution is clearly existent and sensitivity in research of evidence as well as the granting of asylum should be increased.

The generalised for the institution political prejudice of the appropriate organs exists and has lead them to the undesired notion that the granting of asylum is not the duty of our government, duty that derives from international conventions, but a right that they can exercise uncontrollably and without reason.

The foreign citizens who came to Greece to seek political asylum don't even have the proper information, as they are entitled to from the first moment they reach the Greek borders, or even later. The procedures become insurmountable for those interested, as for the applications of those granted the right to apply, they are time consuming.

The fact that fifteen thousand applications of the same number of foreign citizens are waiting their official recording form the authorities is characteristic.

Political denial as well as responsibility for the granting of political asylum or humanitarian status are taken for granted: the appeals of the interested parties are not accepted even when the appropriate committee decides favourably.

Hundreds of appeals are pending signature from the minister, which also include almost all of the favourable decisions from the asylum committee.

It should also be added, so that the substantial shrinkage of the institution of political asylum is obvious, that the court control over the denial of political asylum is difficult to impossible, as the government has no obligation to specifically and thoroughly explain its denial, despite the self evident that the foreign citizen does not have the chance to appeal to justice.

The government should change its policy and most of all should change the political perception of the organs that are involved in the process of granting of political asylum.

The United Nations High Commissioner for Refugees obviously believes, together with others, that the granting of asylum in Greece is an institution without substance.

Stories of shame

From the tens of cases of refugees faced with the denial of the Greek government to give them asylum we have chosen 6 cases. The particulars of the mentioned are at the disposal of the newspaper:

- A is an Iraqi, and he became politically active in his country after the setting up of the Islamic regime. He was arrested and was sent to prison. During his imprisonment he was tortured. Following his release from prison the regime continued to watching him. In 1999 and 2000 he took part in protest rallies against the theocratic regime, resulting in his re imprisonment. He escaped illegally and, through Turkey he reached Greece, where he applied for asylum. His application was denied in the first instance from the General Secretary of the ministry of Public Order. His appeal was examined by the proper committee, that decided to grant him the refugee status. The minister returned a negative verdict.
- B is a Turk and B took part in a student democratic movement. He was arrested and taken to a special torture chamber where they submitted him to electroshocks every ten minutes. After his release, he was put under watch. The police rearrested him several times and kept him in prison for a few days. He was arrested for the last time in 1999. During the interrogation he was badly beaten, followed by the torture of the cross, systematic electroshocks and sleep deprivation. He was moved to a prison in bad shape, where he took part in a mass prisoner's food strike. After the lethal intrusion of the army he was moved to a confinement cell in another prison. The beatings and the tortures did not make him yield. He continued his hunger strike until he was moved to the hospital. He was finally released from prison due to the severity of his situation. He escaped to Greece and immediately applied for political asylum. His application was denied in the first instance. The proper committee decided positively, but the final decision from the minister has been pending for a year now.

- C is a Turkish citizen of Kurdish descent from a village in Digiarbacir. From a young age he participated in protests and the political movement of the Kurds. He has been persecuted because of the political commitment of all his family. He is closely related to a political person who is persecuted for "defrocking behaviour" and he is being persecuted based on a testimony obtained from another relative following torture. His application for asylum had been rejected by the first instance. The proper committee decided favourably, but the final decision of the minister has been pending for a year now.
- D is an Iraqi of Kurdish descent. He was arrested by Saddam's regime as a member of the Kurdish party of the opposition. He was imprisoned and tortured (according to the relevant assurance from the Medical Centre for the Rehabilitation of Torture Victims). He was finally sentenced to death. He was freed under one of the "general amnesties" that Saddam often announced, but a few days later the protection forces entered his home and executed his brother. He himself escaped to northern Iraq, and following a decision from his party, he escaped to Greece and applied for asylum. His application was denied in the first instance and despite the unanimous decision of the Refugees Committee it was also denied in the second instance.
- E is a communist and an atheist writer from Afghanistan who left his country under the Taliban regime. In self exile he continued his political and literary action. If he is to be forced to return to his country, he will be in danger from the fundamentalist organisations and from the official Islamic state itself. The application he put forward was denied in the first instance. Despite the positive decision of the Refugee Committee, the minister dismissed his application and he was asked to abandon the country within 3 months.
- F is Sudanese and has been persecuted by the military regime of Omer Hassan Al Beshir that took over the country through a coup in 1989. F was persecuted for being a Christian and defending the freedom of expression and religion. She was arrested, held in isolation and tortured twice. Her application was denied in the second instance from the minister, despite the positive decision of the appropriate committee.