

AMNESTY INTERNATIONAL AND GREEK COUNCIL FOR REFUGEES JOINT PUBLIC STATEMENT

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NEW GOVERNMENT'S ANNOUNCEMENT OF ENDING THE POLICY OF INDEFINITE DETENTION A STEP IN THE RIGHT DIRECTION

The Greek Council for Refugees and Amnesty International welcome the announcement by Giannis Panousis, the Deputy Minister for Public Order that the authorities will cease to detain third country nationals held under return orders indefinitely. The Deputy Minister for Public Order made the announcement two days ago in his first policy speech before the Greek Parliament.

The practice was introduced a year ago by the then Minister of Public Order and Citizens' Protection in a Ministerial Decision following an Advisory Opinion by Greek State Legal Council (the Government's Legal Advisory Body) stating that irregular migrants could continue to be detained pending his/her return beyond the 18 month maximum period of detention provided by law if they were deemed not to be cooperating with the execution of a return order.¹ Since then, the Greek authorities systematically practice the indefinite administrative detention of third country nationals who are subjected to return procedures, despite the fact that this directly violates national, EU and international law.

Over the past year, the Greek Council for Refugees, with the support of Amnesty International, provided legal assistance to ten third country nationals to challenge the lawfulness of their detention beyond 18 months before the Athens First Instance Administrative Court. In all ten cases the Greek authorities had imposed *de facto* orders of indefinite detention after the third country nationals concerned had been held for the maximum period of 18 months envisaged in the Greek and EU legislation. The cases concerned nationals of Iran, Bangladesh, Pakistan, Cote d'Ivoire, Nigeria, Tunisia and Egypt, who were held between 19 and 23 months in total. In all these cases, the competent judges found that the extended detention was not in accordance with existing legislation.

The indefinite detention of irregular migrants is only one area in which Greek immigration detention policies fall short of international standards. Another cause of serious concern is the extensive and indiscriminate use of the administrative detention of irregular migrants and asylum-seekers, including unaccompanied children, who are arrested during their entry to Greece or during police sweep operations. Such detention takes place in substandard conditions that in several cases have been found by the European Court of Human Rights as amounting to inhuman and/or degrading treatment and have also been criticized by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

The Greek Council for Refugees and Amnesty International urge the Greek Government:

- to implement its decision to end the indefinite detention of migrants immediately;
- to revise the policy of indiscriminate and systematic detention of irregular migrants and of those who apply for asylum while in detention; and
- to improve detention conditions by ensuring adequate sanitation, access to health care and psychosocial assistance, personal hygiene products, and outside space in which to exercise.

¹ Advisory Opinion No 44/2014 of February 2014