

**SECRETARIAT GENERAL**

SECRETARIAT OF THE COMMITTEE OF MINISTERS  
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Date: 18/12/2012

**DH-DD(2012)1157**

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1164 DH meeting (5-7 March 2013)

Item reference: Communication from the authorities (23/11/2012)

Communication from Greece concerning the case of M.S.S. against Belgium and Greece (Application No. 30696/09).

Information made available under Rule 8.2.a of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1164 réunion DH (5-7 mars 2013)

Référence du point : Communication des autorités

Communication de la Grèce relative à l'affaire M.S.S. contre Belgique et Grèce (requête n° 30696/09)  
**(anglais uniquement)**.

Informations mises à disposition en vertu de la Règle 8.2.a des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

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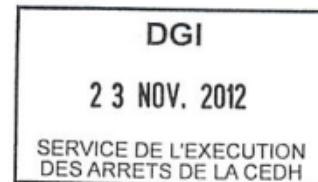
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Permanent Representation of Greece  
to the Council of Europe



No.: F 6702 /183/AS 895  
Strasbourg, 23 October 2012

To: **Mrs. Genevieve Mayer**  
**Head of the Department for**  
**the Execution of Judgments**  
**of the E.C.H.R.**  
**DG I, Council of Europe**  
**F-67075, CEDEX**

R: **Case M.S.S. v. Belgium and Greece (no 30696/09).**

Dear Madam,

Please find attached herewith some information my authorities have sent me on the present living conditions of the illegal migrants in the border area of Evros and in Athens.

Please note that this information has also been included to the last periodical report that Greek authorities send to the CPT.

Looking forward to provide you soon additional information responding further to the issues you have set in your document *CM/Inf/DH(2012)19, 29 May 2012*, I remain at your disposal for any clarification you may need.

Yours faithfully

**Ourania Patsopoulou**  
Senior Legal Adviser  
Permanent Representation  
of Greece to the Council of Europe

A. "Technical improvements to the boarder guard stations of Evros – Measures for the overall improvement of the living conditions of foreign detainees"

1. General points:

Immediate technical problems relating to existing building facilities of the Hellenic Police at the former special holding facilities at Filakio-Orestiada and Venna-Rodopi and the existing border guard stations of the Evros region were addressed in the past year (2011). Moreover, additional technical improvements to the said facilities are under way and specific action was planned and taken to handle the migration flows of illegal migrants in the said region and further improve the living conditions of foreign detainees.

Latest developments:

- √ The repair-renovation-restructuring works were completed (*end-May*) at the holding facilities of the border guard station of Soufli (32 beds), Kiprinos (Evros guard station) (378 beds) and Tycherio (76 beds), respectively;
- √ The Initial Illegal Migrants Management Centre is already operating at Poros-Evros and the necessary action was taken to procure 5 metallic houses to serve existing needs;
- √ The licensing procedures are at their final stage for the establishment of an Initial Reception Centre at a conceded area at Filakio-Evros; metallic houses will be procured by tender that will be conducted shortly.

2. In more detail, we would like to make the following points per police directorate:

(I) Police Directorate of Alexandroupoli

Migration flows of illegal migrants observed in the region of the relevant police directorate throughout 2011 continue slightly reduced in the current year. It should be

noted that in the past four months, 3689 illegal migrants were arrested in the area, compared with 4091 in the four months of 2011, i.e. their number declined by 9.83%.

a. Technical improvements to the border guard stations of Feres, Tycheron and Soufli:

(1) Technical works were completed for the upgrading of the holding facilities of the border guard station of Soufli and they were put in operation on 16 May 2012 (*their operation was suspended on 5 March 2012*). The holding facilities now consist of 4 independent areas with a total capacity of 8 persons, with separate toilet and shower in each one. The total capacity of the holding facilities is 32 persons. An area was also shaped in order for detainees to go outside. The detention facilities can also be divided into facilities for unaccompanied children, adults, women and families with children.

(2) Technical works were completed for the upgrading of the holding facilities of the border guard station of Tycheron and they were put in operation on 21 May 2012 (*their operation was suspended on 5 March 2012*). The holding facilities now consist of 4 holding areas with a total capacity of 76 persons, with separate toilets and showers in each one. Detainees cannot go outside in these facilities, since there is no such outdoor area.

(3) A closed-circuit TV system has been installed around the holding facilities at the border guard station of Tycheron and Soufli.

(4) The border guard station of Feres will be relocated in June to a new privately-owned building comprising 15 holding rooms for 5 persons each. The total capacity of these facilities will be 75 persons. There will also be an outdoor yard for all detainees. The current building has 2 detention rooms with a total capacity of 26 persons, with separate toilets and showers. There is an outdoor yard in front of each room. One such room is intended only for women with children. It is planned to close down the old facilities and relocate them to the new building.

(5) Initial Illegal Migrants Management Centre of Poros

The operation of the Initial Illegal Migrants Management Centre at Poros commenced on 5 March 2012, when the holding facilities of the border guard station of Tycheron and Soufli discontinued their operation.

Any illegal migrants arrested within the region of competence of the relevant police directorate are transferred to this centre, where:

- a. All migrants are examined by the NGO "Doctors without Borders";
- b. Greek police officers and FRONTEX officers then screen their identities, determine their nationality-citizenship and record their identity particulars, as declared by them (*date of birth, full name, father's and mother's name etc.*);
- c. Greek police officers and FRONTEX officers debrief the migrants with the assistance of interpreter when necessary;
- d. All illegal migrants are fingerprinted, photographed and checked in the databases;
- e. For all illegal migrants that must be detained to be deported or sent back, the Director of the relevant police directorate issues the administrative decisions for deportation with detention (*illegal entry*) or return with detention (*illegal residence*) and they are taken to the holding facilities of the said border guard stations. The other illegal migrants, for whom decisions for deportation or return without detention are issued, are provided with an "official note" and are released with the obligation to leave the country within 30 days.

b. Capacity of holding facilities on 11 May 2012 (*indicative*) – Length of detention by category:

Criminal detainees and illegal migrants are detained in the holding facilities of the border guard stations that fall into the competence of the relevant police directorate (*Feres, Tycheron, Soufli*).

By way of example, on 11 May 2012 only the holding facilities of the border guard station of Feres were in operation and 32 illegal migrants and 10 criminal detainees were detained.

The length of detention of illegal migrants is shown below:

- ™ A decision for deportation with detention is issued for Iraqi, Iranian and Syrian nationals arrested during their illegal entry from Turkey and the Return Protocol between Greek and Turkey is applied. The average length of their detention is 40-60 days;
- ™ Nationals of countries whose diplomatic authorities cooperate for the recognition-issuance of travel documents (*such as Georgia, Nigeria, Dominican Republic*) are detained until they are transferred to the Attica directorate for non-nationals. Their average length of detention has increased lately (*holding facilities running on full capacity*);
- ™ For the other detainees, the average length of detention depends on the entry flow of illegal migrants and the capacity of the holding facilities;
- ™ The director of the relevant police directorate issues a decision for return without detention for third-country nationals illegally residing in the country; they are given a period for voluntary departure from the country, ranging from 7 to 30 days;
- ™ If there is risk of escape or if the request for legitimate residence has been rejected as manifestly unfounded or abusive or if the third-country national is a danger to public security, order or national safety, the director of the relevant police directorate issues a decision for return with detention for no more than 3 months. In some cases, detention may be extended to 6 months, as stipulated by the provisions of Law 3907/2011;

™ When illegal migrants of any category (*illegal entry or residence*) submit a request for asylum, the enforcement of the said decisions (*deportation or return with detention*) is suspended and the director of the relevant police directorate issues a decision for detention in remand, pursuant to presidential decree 114/2010, in order to review the asylum request. Their detention cannot exceed 3 months;

™ It should be noted that the following procedure is followed for unaccompanied children arrested in the region of competence of the relevant police directorate:

The prosecutor at the magistrate court of Alexandroupoli is notified in writing immediately after their arrest. He then orders their transfer to the hospital of Alexandroupoli in order to be examined by a child psychiatrist to evaluate their psychosomatic development and undergo tests to determine whether they suffer from contagious diseases. The tests and the relevant report are then submitted to the prosecutor, who then orders the immediate transfer of the unaccompanied children to accommodation throughout Greece, as recommended by the Ministry of Health and Social Solidarity. Unaccompanied children are currently transferred to guesthouses by a special escort group of the NGO "METADRASI". Finally, it is noted that the guesthouse for unaccompanied children "ARSIS" is operating in Alexandroupoli and can accommodate 7 persons.

c. Contracts with cleaners for the daily cleaning of the facilities:

A contract has been signed until 31 December 2012 with private cleaners for the daily cleaning (twice a day) of both the holding facilities and the three border guard stations (*Soufli, Tycherio, Feres*) and the Initial Illegal Migrants Management Centre of Poros. Moreover, the relevant police directorate regularly implements contracts with cleaning shops for clothing articles and with special clearers for the disinfection of the holding facilities.

d. Medical staff for illegally entering non-nationals:

The Ministry of Health and Social Solidarity (4th healthcare region, in collaboration with HCDCP) has hired staff under six-month employment contracts as follows: 3 physicians (*1 for every border station*), 1 psychologist and 1 social worker for all 3 border stations, 5 nurses (*2 for Feres, 2 for Tychero and 1 for Soufli*), 1 interpreter for all border stations and 1 ambulance and driver for all border stations, being on a 24-hour call.

Moreover, illegal migrants arrested within the region of competence of the relevant police directorate are transferred to the Initial Illegal Migrants Management Centre of Poros, where "Doctors without Borders" carry out the initial medical checkup. The Centre has 2 alternating physicians (*they do not work on weekends and holidays, but are on call in case their services are needed*) and 5 nurses working 8-hour shifts. This entire staff has been hired by the said NGO under short-term contracts (*1 to 3 months*), which are renewed.

e. Other bodies involved in the overall improvement in the living conditions and the distribution of necessities to detainees:

- UN High Commission for Refugees

Its associates take action at the border guard stations of the relevant police directorate, have full access to all arrested illegal migrants and provide legal-international protection.

- Greek Council for Refugees

The members of the Greek Council for Refugees, on the basis of European projects, provide free-of-charge legal assistance to persons in need of international protection and, for this reason, they regularly visit the holding facilities of the border guard stations of the relevant police directorate. These members have full access to the premises when illegal migrants are detained in order to ensure their access to the asylum procedure and be represented during the review of the asylum request, or receive and any other legal assistance.



- NGO "Doctors without Borders"

In addition to the foregoing activity (*provision of doctors, nurses and ambulance to the Initial Illegal Migrants Management Centre of Poros*), in the context of the memorandum of understanding, they supply the detainees at the Poros Centre with one package containing one sleeping bag, underwear, towel, toothbrush-toothpaste and personal hygiene items.

- NGO "A 21 Campaign" (*based in Thessaloniki*)

Its associates have made two visits to date to the border guard stations of the relevant police directorate and the organisation intends to request to be involved in the field of trafficking (*in human beings*) with the daily presence of its associates.

- NGO "ARIS"

This organisation is actively involved in the management of unaccompanied children with its annex in Alexandroupoli, while it is now looking for premises in the area to establish a special guesthouse for unaccompanied children with a capacity of at least 25 persons.

- NGO "METADRASI"

In addition to the foregoing activity of the organisation in the transfer of unaccompanied children to guesthouses, the organisation also provides interpreting services to the agencies that receive asylum requests under presidential decree 114/2010, either by physical presence or via a teleconference system installed at the Alexandroupoli security sub-directorate.

f. Interpreters, translators, psychologists and social workers employed under project lease contracts (2nd phase) at the Hellenic Police (number per holding agency)

Support is being provided since 12 January 2012 to the detainees in every border guard station by teams of psychologists and social workers comprising at least 5 members,

through a team of interpreters/translators under project lease contract expiring on 30 June 2012. In more detail:

- √ The Feres border station has 3 social workers, 2 psychologists and 2 interpreters, who also cover the Initial Illegal Migrants Management Centre of Poros;
- √ The Tycherio border station has 2 social workers, 2 psychologists and 1 interpreter;
- √ The Soufli border station has 2 social workers, 2 psychologists and 1 interpreter.

#### (II) Police Directorate of Orestiada

Migration flows of illegal migrants observed in the region of the relevant police directorate throughout 2011 continue with increasing trends in the current year. It should be noted that in the past four months, 7728 illegal migrants were arrested in the area, compared with 3347 in the four months of 2011, i.e. their number increased by 130.89%.

a. Technical improvements to the Filakio holding facility, the border guard stations of Orestiada, Didimoticho and Metaxades and the small border guard station of N. Vyssa:

(1) The repair-renovation-restructuring works at the holding facilities of Filakio were completed (end-May).

The following works were carried out:

- √ Sewage problems were resolved by constructing a new sewage network;
- √ The security of the outdoor yard was upgraded by raising the fence;
- √ The bathrooms were renovated;
- √ The facilities were secured at the roof and external frames;
- √ Interiors were painted and floors were renovated;

- √ New lights, a closed-circuit TV system etc. were installed;
- √ Air conditioners were installed;
- √ A sliding gate was installed.

(2) The following works were carried out at the Metaxades border guard station:

- √ The existing 11 steel window frames were replaced with new sliding aluminum ones;
- √ Safety bars were placed in all windows with an intermediate plate;
- √ A new external wire fence was constructed with a height of 2.5m;
- √ The 2 bathrooms were reconstructed;
- √ All heating appliances were replaced with new ones;
- √ All premises were painted;
- √ Minor repairs were made to the tile roof of the holding facilities.

(3) All premises were painted at the Orestiada and Didimoticho border guard stations and damages to the toilets and sewage systems were repaired.

(4) The following works were carried out at the N. Vyssa border guard station:

- √ A new safety steel furred ceiling was constructed;
- √ A new steel safety door was installed at the holding facility entrance;
- √ Safety bars were placed externally, at the corridor windows and the toilets of the holding facilities;
- √ Minor repairs and maintenance of toilets were carried out;
- √ All premises were painted.

b. Capacity of holding facilities on 11 May 2012 (*indicative*) – Length of detention by category:

By way of example, on 11 May 2012 the number and the length of detention of illegal migrants are shown below:

- ™ Orestiada border guard station (*capacity: 12*): 4 illegal migrants are detained, arrested during the night of 10/11 May 2012;
- ™ Didimoticho border guard station (*capacity: 15*): 3 illegal migrants are detained, arrested during the night of 10/11 May 2012;
- ™ Metaxades border guard station (*capacity: 11*): 7 illegal migrants are detained, of whom 3 unaccompanied children (*held in a special room*) and 4 illegal migrants to be deported;
- ™ It should be mentioned that unaccompanied children are held at a special room of the Fylakio holding facility. However, during the upgrading works, they were taken to a special room of the Metaxades border station holding facility until they are transferred to a guesthouse for children by order of the prosecutor at the magistrate court of Orestiada;
- ™ Families with small children are not detained at the relevant police directorate. In any event, families accompanying small children are given priority in the administrative procedure.
- ™ Detainees at the Fylakio holding facility go outdoors every day. Since the reopening of the Fylakio holding facility, detainees go outdoors every day (*morning-afternoon*) since the raising of the fence meets the prescribed security requirements.

c. Contracts with cleaners for the daily cleaning of the facilities:

The relevant police directorate has commissioned under contract since 11 April 2012 with private cleaners for the cleaning of the Fylakio holding facilities and the other holding agencies all days of the week, morning and afternoon.

d. Medical staff for illegally entering non-nationals:

The Fylakio holding facility has 2 nurses and 1 physician, whose contract has expired. The 4th healthcare region has informed us that a full-time and exclusively-employed doctor will assume duties in the next few days.

Moreover, the actions of the Ministry of Health and Social Solidarity are implemented in the Fylakio holding facility. Competent officers of the Ministry of Health (HCDCP) informed us that, on commencement of operation of the Fylakio holding facility, they will assign doctors, psychologists and social workers, to be employed solely at the Fylakio holding facility, since all illegal migrants arrested by the police directorate will be transferred there.

e. Other bodies involved in the overall improvement in the living conditions and the distribution of necessities to detainees:

- UN High Commission for Refugees

The UN High Commission participates with 2 lawyers in the review of asylum requests since, pursuant to presidential decree 114/2010, the Orestiada security sub-directorate is competent to review asylum requests submitted by non-nationals within the region of competence of the police directorates of Orestiada, Alexandroupoli, Rodopi and Xanthi.

- Greek Council for Refugees

The members of the Greek Council for Refugees have been involved since early 2011 within the region of competence of the relevant police directorate with 2 lawyers who provide legal support and representation during the review of asylum requests.

- NGO "Doctors without Borders"

In the context of the existing memorandum of understanding, members of this NGO provide humanitarian and medical care to illegal migrants, as well as technical support.

- Greek Red Cross

The Greek Red Cross (*Orestiada Office*) has been assisting throughout 2010, 2011 and 2012 the agencies of the relevant police directorate by providing clothes and shoes.

f. Interpreters, translators, psychologists and social workers employed under project lease contracts (2nd phase) at the Hellenic Police (number per holding agency)

The relevant police directorate, specifically the Fylakio holding centre, has been employing since early 2012 social workers, psychologists and interpreters/translators in the context of the 2009 annual programme of the European Return Fund, in order to provide psychologist and social support to illegal migrants and to persons to be returned to their countries of origin-descent as follows:

- √ 1st period (12 Jan 2012 to 22 Feb 2012): 4 psychologists, 4 social workers and 6 interpreters/translators;
- √ 2nd period (23 Feb 2012 to 4 Apr 2012): 5 psychologists, 4 social workers and 5 interpreters/translators;
- √ 3rd period (5 Apr 2012 to 14 May 2012): 4 psychologists, 5 social workers and 4 interpreters/translators;
- √ 4th period (15 May 2012 to 27 June 2012): 3 psychologists, 4 social workers and 2 interpreters/translators.

B. Holding facilities in Attica:

(I) Attica police holding facility for aliens (Aspropyrgos):

Since early February 2011, a team consisting of a doctor, a psychologist, a social worker, an administrative officer and a translator of the NGO "Medical Intervention" has been

visiting daily the Aspropyrgos police holding facility and has been providing its services to detained aliens.

(II) "Eleftherios Venizelos" Athens Airport police holding facility:

a. The Athens airport police directorate comprises a holding facility for criminal detainees with an area of 110 m<sup>2</sup> and a capacity of 20 persons over 9 cells.

In addition to the holding facility for criminal detainees, there is a holding facility for unwanted persons and for asylum-seekers.

These facilities are separate for political asylum seekers, who are held in 3 rooms with a total of 10 beds and 2 toilets, while unwanted persons are held in 3 rooms with a total of 40 beds and 2 toilets.

b. The number of detainees on 11 May 2012 is as follows:

- Criminal detainees: 53
- Asylum-seekers: 8
- Supervised: 1

The length of detention of all the above persons ranges from a few hours to a few days.

c. As regards healthcare in the premises of the relevant directorate, there are special premises for the provision of medical assistance to detainees. Specifically, detainees are examined as follows by the NGO "Medical Intervention":

- By psychiatrist, in case a person needs psychiatric evaluation;
- By pulmonologist;
- By 2 psychologists and 2 social workers daily between 09.00 and 15.00.

d. Holding facilities are cleaned daily by special cleaners and are disinfected at least once a week.

e. Detainees cannot go outdoors and exercise at the moment, given the composition of the building, although the necessary preparatory actions have been taken by the relevant directorate, the technical directorate/AEL, the Athens international airport company and the Eastern Attica real estate agency for the creation of an outdoor yard and new, additional holding facilities.

(III) Police holding facilities in Athens:

Reconstruction works have been carried out in the holding facilities of the Attica security directorate/7th floor of GADA, and the following police stations: Omonia, Syntagma, Ambelokipi, Aghios Panteleimonas, Acropolis, Galatsi, Kypseli, Kolonos, 1<sup>st</sup> of Peristeri and Elefsina.

In more detail, further to the specific question of the Committee, the following technical improvements were made to the holding facilities of the Omonia police station:

- √ The holding facilities were reconstructed on 13 December 2010 according to all the required technical specifications. They consist of 4 cells for men and 1 for women, with a capacity of 33 persons in total, with an equal number of concrete beds, mattresses and bed linen. They have air-conditioning, ventilation, "Turkish" toilets, full plumbing and sewage systems, bathrooms, natural light-air (*insufficient*) and artificial light (*low-voltage*). Next to the holding facilities, there is a room where detainees can talk to their lawyers and visitors, where their luggage and personal items are kept, and there is also a card phone for their communication.
- √ Painting works, improvement interventions and repairs of various damages caused by the accommodation of the detainees are carried out at regular intervals.
- √ The sum of €749.77 was spent on 26 July 2011 for the repair of the holding facility at the second floor of the building (*construction of concrete benches, removal of wooden benches, painting*).



- v In addition, the sum of €1,200.00 will be paid for the supply of electric materials and paint for additional works.

#### (IV) Closed Accommodation Centre at Amygdaleza-Attica:

Reasons of broader public interest have dictated the immediate handling of migration flows with the immediate commencement of operation of an Accommodation Centre for Aliens, especially in Attica. Therefore, the Closed Accommodation Centre at Amygdaleza-Attica was constructed and put in operation (*with an initial capacity of 208 persons and prospects to expand to 864 persons*), thereby ensuring living conditions fully consistent with human value.

This was verified by the recent visit (*1 May 2012*) of the UN High Commission for Refugees, which characterised the facilities exemplary as regards accommodation and security, as well as by representatives of local Communities and Associations of Migrants from Asia, who visited the facilities in order to form their own opinion about the holding infrastructure.

In the future, depending on migration flows, similar centres will be established elsewhere in the country. Their establishment forms part of the national action plan for the management of migration flows and has been approved by the European Commission.

In addition to the foregoing, a Committee was established by order of the Hellenic Police Headquarters, consisting by officers of the general police, health and technical directorates of the police headquarters, which regularly visits police holding facilities to inspect compliance with terms and conditions of hygiene, safety of detainees and protection of their rights. The relevant reports of the Committee, along with its observations-recommendations, are immediately transmitted to the competent agencies for implementation.

### C. Medical care to detainees-Memoranda of Understanding with Non-Governmental Organisations (NGOs)

In addition to the foregoing actions of the Ministry of Health and Social Solidarity and the contribution of the said NGOs in the provision of medical services to illegal economic migrants, it should be noted that a mutual cooperation programme is being implemented with the NGO "PRAKSIS" in areas of northern Greece except Evros.

In more detail, the "Mobile Support II" programme is being implemented in the context of emergency measures of the European Refugee Fund 2011, with an aim to provide health, psychological and legal support services and boost the procedure to acknowledge the vulnerability of persons in need of international protection, including covering basic needs at points of entry and points of great accumulation of the said target group (*running until 31 August 2012*) at the general police directorate of Thessaloniki and the police directorates of Kilkis, Halkidiki, Serres, Imathia and Kozani.