

HELLENIC REPUBLIC
GREEK NATIONAL COMMISSION FOR HUMAN RIGHTS

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**Ratification of the Protocol for the Implementation of Article 8 of
the Agreement between the Government of the Hellenic Republic
and the Government of the Republic of Turkey on Combating
crime, Especially Terrorism, Organized Crime, illicit drug
trafficking and illegal Immigration**

The NCHR, at its meeting of 31 January 2002, discussed at length the issue of the Protocol on the implementation of Article 8 of the Co-operation Agreement between Greece and Turkey as concerns the rights of refugee applicants.

The Commission notes with grave concern that there are direct consequences for the rights of those who wish to enter Greek territory and to seek asylum. Given that there is no special mention of these individuals, the implementation of the Protocol is based on the treatment in advance of their entry into the country as illegal, while they are deemed to be *de facto* illegal immigrants, without their being given access to the procedures for application for and granting of asylum. Moreover, the tendency of the authorities to describe in advance and collectively all those who seek to enter this country as illegal immigrants is more generally disturbing.

In paragraph 2 of Article 8, which provides for the concluding of an agreement on re-admission, there is no reference to the international obligations of the contracting states as those are defined by other international texts and human rights conventions. The relevant reference to the Geneva Convention of 1951 relating to the Status of Refugees is considered necessary, particularly since those voices which maintain that

there is a need for the redefinition of the term *refugee* are increasingly disturbing at an international level, clearly to the detriment of the acquired rights of refugees.

More specifically, as concerns the procedures for the implementation of the agreement, an express commitment is required to the effect that:

- the scope of application of the Protocol does not include asylum-seekers;

- that for as long as their application is pending, refoulement will not be possible.

The assurances of the Greek Ministers of Foreign Affairs and of Public Order appear encouraging, but not sufficient, since in practice refoulement has up to now been carried out by summary procedures and without the safeguarding of the right of submitting an application for asylum. In practice, those on board vessels which have been propelled towards Turkish territorial waters have not been able to explain the reasons for which they could seek and obtain asylum in Greece.

Furthermore, in a number of cases, the conditions of refoulement give rise to concerns as to the guarantee of the safety and of respect for the human rights of all those who seek to enter this country, including illegal immigrants.

It is noted that the UN High Commission for Refugees has also expressed its concern over this agreement and its manner of implementation.

Finally, Amnesty International has undertaken urgent international action in cases of individuals who have been refouled and whose rights have been violated, chiefly by virtue of this specific agreement and in a way which reflects no credit on this country.

31 January 2002