



EQUAL RIGHTS

Beyond Borders

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GREEK OMBUDSMAN CALLS FOR RELEASE OF 19 PERSONS WHO ARE UNLAWFULLY DETAINED IN THE PRE-REMOVAL DETENTION CENTRE ON KOS

PRESS RELEASE

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The island of Kos hosts the last Pre-Removal Detention Centre on the Aegean Islands. Almost all persons arriving on Kos will be detained. Many for more than one year. Most of the persons – at the moment – are detained to “prepare their removal”. However, a removal will not take place – Turkey did not take back anyone for 17 months. The Greek Ombudsman now confirmed in 19 cases that this detention is without any legal basis and hence unlawful. The Greek government is now asked to reassess the detention orders and the persons concerned must be released.

In July, Equal Rights Beyond Borders submitted a complaint to the Greek Ombudsman on behalf of 19 people detained in the Kos Pre-Removal Detention Centre. All 19 people had received final rejections to their asylum applications and were being held in the detention centre “pending their removal” to Turkey. However, “readmissions” to Turkey have been suspended since March 2020—for over one year now—and despite requests from the Greek government for Turkey to resume them, the situation has no sign of changing. For months now, our office on Kos has witnessed the authorities detain people over and over again on the grounds that they will be returned to Turkey, holding them essentially indefinitely. However, the law on this is clear: as soon as there is no reasonable prospect of removal, authorities must lift a person’s detention immediately.

On 30 July the Greek Ombudsman issued an opinion requesting that the authorities “reconsider the decision of administrative detention” in all 19 cases. The Ombudsman’s opinion stressed that as long as there is no reasonable prospect that they will be deported, their detention is unlawful. The opinion also pointed out that our clients had been detained for long periods of time – most for more than six months – during a global pandemic and had been issued generic detention orders that failed to examine our clients’ individual needs and circumstances. Indeed, many of the people included in our submission have serious vulnerabilities, including being survivors of sexual and gender-based violence, victims of trafficking, and having medical conditions that place them at higher risk for complications from Covid-19.

[The Opinion can be found here.](#)

An opinion concerning such a large group of people in detention, is unprecedented on the Greek islands. That it had to be taken is more than only questionable as such. The detention was evidentially unlawful. Anyway, persons have been detained in inhumane conditions needlessly and unlawfully for months now. For the past year it has been clear that Greece could not return people to Turkey; all 19 people should have been released a long time ago.

“The decision shows what was clear for long: the detention of hundreds of persons is evidentially unlawful. The persons concerned have to be released immediately. And so have many others not included in the complaint. The administration now knows that their practice is illegal. Illegal practices have to be stopped”, says Athina Ntavasili, who was part of the team drafting the complaint.

This means that the majority of persons on Kos is detained unlawfully. Equal Rights Beyond Borders is aware of many more people detained on Kos in “preparation for their return” who were not included in our submission.

Not only the 19 persons included in the decision of the Greek Ombudsman have to be released immediately – the detention scheme is unlawful and to be stopped.

For further information please contact Athina Ntavasili (athina.ntavasili@equal-rights.org).