HO Ref: J1959073

Case ID: 018011518

Urgent
Attention Please

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LAW CHAMBERS LTD.

Home Office
NRC Croydon
13th Floor (Short)
Lunar House
40 Wellesley Road
Croydon
CR9 2BY

By First Class Recorded Post

Dated: 14/07/2015

Dear Sirs,

Re: Miss Antonia ILIA Greece 16 March 1959

We are acting on behalf of the above named client as her legal representative in her further submissions application.

We have enclosed additional evidence in support of our client's further submissions. Our client intends to provide English translation of enclosed exhibits, statement of her sister namely Mrs Evangellia Ilia. and an expert's update, if necessary, related to the consequences of the recent dramatic economic changes in Greece to the prison conditions and requesting more time to provide these documents within next four weeks.

Please find enclosed following documents:

1. Additional legal representation on behalf of the client
2. **Annex 1** – the report of Theodoros Lafazanos, Former Vice Chairman of the Supreme Court
3. **Annex 2** – Press publication in the newspaper "To Vima", dated 6/02/2005 and its accompanying translation
4. **Annex 3** - The applicant's statement to the High Court, dated 3nd of June 2014 with the excerpts of the irrevocable decisions of the Greek Court of Appeal in the context of the extradition case on 03.06.2014, served to the Court and Prosecution, by the applicant's lawyer, on 03.06.2014, as an additional bundle of evidence (Pages 15-41 of the attached document *"INDEX TO APPELLANT'S SUBMISSIONS"*). They were, also, submitted as evidence in the Asylum claim of the applicant (1st Bundle of original submissions made on 15/09/2014)

☑ **Birmingham Head Office**
531 Green Lane
Birmingham
B9 5PT

☐ **London Branch**
163-165 Hoe Street
London
E17 3AL

☐ **Manchester Branch**
Evans Business Centre
Dane Street, Rochdale
OL12 6XB

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T: 0207 993 8852 | **F:** 0121 294 6525 | **M:** 0789 499 5680 | **E:** info@shehzadlaw.co.uk | **W:** www.shehzadlaw.co.uk
Companies House Reg No: 9186043

5. **Annex 4** - Email confirmation of the applicant's lawyers, that the excerpts of the judgments 4898/10 & 1487/12 of the Court of Appeal of Athens, were submitted, translated in English, to the High Court and Prosecution on 3/6/2014 , just before the hearing date of 4 June 2014.

6. **Annex 5** - Documentation in relation to the complaint of the Applicant to the Judicial Conduct Investigations Office and to the Ombudsman against the failure of the High Court to take into account the irrevocable decisions 4898/10 & 1487/12 of the Appeal Court of Athens.

7. **Annex 6** - Statement of the Greek Journalist,Mr Charalabos Tsirigotakis, dated 25.06.2015.

8. **Annex 7** - Statement of Mrs Nguyet Hung, mother of the minor Tia Freezer, dated on 25th Jun 2015.

9. **Exhibit1** - Copy of the judgment 26/2005 of the "PERSONAL DATA PROTECTION AUTHORITY". It allowed, unlawfully, Miss Ilia's denigration, through the "AUDIO TAPES". (Not translated in English, The context has been described on page 2 point 5 in Giossakis' statement, dated 21.05.2015, submitted to the HOME OFFICE on 16.06.2015).

10. **Exhibit 2** - Copy of the page 300 of the judgment 4898/10 the Appeal Court of Athens. It considered the "AUDIO TAPES", as "ILLEGAL JUDICIAL MEANS". (Not translated in English, The context has been described on page 2 point 5 in Giossakis' statement, dated 21.05.2015, submitted to the HOME OFFICE on 16.06.2015).

11. **Exhibit 4** - Copy of the newspaper "TO VIMA". It shows that in 2006, all the judges, apart from Miss Ilia, who had failed to submit copies of their " TAX RETURNS" to the Prosecutor of the Supreme Court, were exonerated with Exculpatory Judicial Council Decision, following the suggestion ,by the then President of the Supreme Court, Mr Kedikoglou. (It has been translated in English. It's referred on page 3 point 8 in Giossakis' statement, dated 21.05.2015, submitted to the HOME OFFICE on 16.06.2015).

12. **Exhibit 5** - Copy of the newspaper "TO VIMA", dated 27-11-2005. It was published by the journalist, B, Labropoulos, about A, Toskas, with tire: "A PROFESSIONAL WITNESS", where, In yellow highlighted, A.Toskas was described, as an "UNRELIABLE WITNESS", with serious criminal record, who distorts, intentionally, the truth. (Not translated in English. The context has been described on page 6 point 15 in Giossakis' statement, dated 21.05.2015, submitted to the HOME OFFICE on 16.06.2015).

13. **Exhibit 6** - Copies of the pages 449,456,459,460 of the judgment 4898/10 of the Appeal Court of Athens. They include the bishop "KOUMARIANOS" statement ,dated 22-9-2009,where ,in yellow highlighted, describes on page 459 the loan given to Mrs A.Ilia and on page 460 that he trusted her and that, contrary to the indictment, he was never deceived, by her. Consequently, the offence of fraud stated on the 5th warrant, against Miss Ilia, is, unlawfully, expediency on behalf of the Greek Judicial Authorities. (Not translated in English .

The context has been described on page 6 point 16 in Giossakis' statement, dated 21.05.2015,submitted to the HOME OFFICE on 16.06.2015).

14. **Exhibit 7** - Copy of "PREZA TV", dated 18-1-10. It shows in yellow highlighted, that the Prosecutor Marousso Kalatzi, during her speech, emphasized, that the Prosecutor Sanidas, during his investigation about the "PARA-JUDICIAL SCANDAL", had targeted intentionally specific Judges. (Not translated in English. The context has been described on page 7 point 18 in Giossakis' statement, dated 21.05.2015, submitted to the HOME OFFICE on 16.06.2015).

If you have any other queries then please do not hesitate to contact us

Yours faithfully,

M. Usman Sajid

Muhammad Usman Sajid
Shehzad Law Chambers

SHEHZAD
LAW CHAMBERS LTD.

URGENT

ATTENTION PLEASE

NRC Croydon
13th Floor (Short)
Lunar House
40 Wellesley Road
Croydon
CR9 2BY

By Recorded First Class Post

DATED: 14.07.2015

DEAR SIRS,

RE: MISS ANTONIA ILIA - GREECE 16 MARCH 1959

Further Submissions under Rule 353 [Additional Submissions]

We are acting on behalf of the above named client as her legal representative in her asylum application.

NB: Further to our further submissions dated 08.06.2015, 16.06.2015 and 03.07.2015 submitted by post we request you to consider the below as part of the applicant's further submissions under rule 353 in relation also to the statement of additional grounds under section 120 of NIA 2002 Act.

☑ **Birmingham Head Office**
531 Green Lane
Birmingham
B9 5PT

☐ **London Branch**
163-165 Hoe Street
London
E17 3AL

☐ **Manchester Branch**
Evans Business Centre
Dane Street, Rochdale
OL12 6XB

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T: 0207 993 8852 | **F:** 0121 294 6525 | **M:** 0789 499 5680 | **E:** info@shehzadlaw.co.uk | **W:** www.shehzadlaw.co.uk

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A. The Applicant's asylum Claim

As previously submitted in the original asylum application and the further submissions mentioned above, the applicant claimed asylum in the United Kingdom for the following reasons:

1. Persecution on grounds of her political beliefs and her anti-establishment approach from the State, and in particular from the Greek judicial authorities, motivated by powerful economic and business actors linked to the judicial authorities who are largely corrupt. Given the circumstances of her case and the reasons which forced the Applicant to leave from Greece in 2005, the Applicant submits that her continued prosecution from the Greek authorities amounts to persecution and that in the event of her removal to Greece, where she will be detained so as to serve her sentence of 20 days for the crimes already convicted in her absence and/or be put for 18 months on remand in relation to the offences she will stand trial, there is a real risk that she may be assassinated while in detention, as she considers herself to be a threat to highly influential and powerful political, business and judicial persons who would try to silence her.
2. Violation of her rights safeguarded under Article 3 ECHR – prohibition of torture, inhuman and degrading treatment as in the event of her forced return to Greece, her imprisonment in Korydallos prison facilities (new Wing for Women) according to the statements made by the Greek authorities in the context of the extradition procedures, constitutes a real risk that she will be subjected to torture, inhuman and degrading treatment on account of the conditions of detention.

B. The decision on the clear unfoundedness of the claim

3. On 22 May 2015, the applicant's asylum claim was rejected as clearly unfounded, with no possibility to appeal the decision while remaining in the UK, on the following grounds:
    i. There is no real risk of persecution from the Greek authorities if returned to Greece, because it was considered that there is a functioning judicial

system in the country, and, whilst there may be some corruption, it is not considered that this is indicative that her case will be prejudiced. Moreover, the Government in Greece has now changed and the new Government has appointed a new anticorruption Minister, therefore the applicant will be returned to Greece with a new Government and a "revised system". In addition, the applicant did not demonstrate either that death is virtually certain or that there is a real risk of treatment that would amount to a breach of Article 2.

ii. That the High Court in the case of **Ilia v Appeal Court in Athens (Greece) [2015]EWHC 547** was satisfied that there is no real risk for an Article 3 ECHR violation, holding that:

> *«The assurances are made by a responsible minister and official of the Ministry of Justice of an EU state. There is no evidence that the current Greek government disavows the assurance of 9 September 2014; indeed the terms of the letter of 16 February 2015 shows the opposite. Mr Cooper relied upon the fact that the CPT report of 2012 stated that facts given to it by the Greek authorities previously had not been reliable, but we do not regard that as sufficient evidence to say that we should find that these assurances will not bind the Greek authorities in this specific case. As Moses LJ said with respect to Spain in the case of Hilali v The Central Court of Criminal Proceedings No 5 of the National Court of Madrid [2007] 1WLR 768 at [77], we think that the courts should give great weight to the fact that Greece is a western democracy, subject to the rule of law, a signatory to the ECHR and a party to the Framework Decisions of 2002 and 2009. It is a country which has and which applies the same international obligations as the UK. The assurances have been given at the highest institutional level. Unless there is some concrete, cogent, evidence that undermines the mutual trust upon which the whole EAW, indeed EU*

criminal justice co-operation venture is founded, then we have to accept that the assurances will be acted upon as stated.

There is no contrary evidence that does undermine the presumption that we can accept that those assurances will be binding. Mr Cooper relied upon the fact that in his report of 14 November 2014, Professor Tsitselikis in a report argued that the Greek government would be unaffected by a concern that future extraditions would be in jeopardy if the assurances given in this case were not observed. He noted that a number of EU countries have suspended returns of asylum-seekers to Greece because of the conditions in which they would then be detained. We find this analogy to be unpersuasive. The EU Dublin Regulation which attributes as between the Member States responsibility for examining an asylum-seeker's claim imposes an obligation on Greece to accept their return in certain situations. The position with extradition is different. Whether the matter concerns a conviction or an accusation, when the Greek Judicial Authority issues a European Arrest Warrant it positively wants to have the requested person extradited. If it breaches the assurance in the present case, its prospect of realising such a request in the future will be very much diminished.

The second question is whether those assurances are sufficient to "dispel the doubts" that we assume are raised about Article 3 and prison conditions in Greece in relation to this appellant. The first assurance, in the letter of 9 September 2014, is very detailed and specific in setting out where and in what conditions the appellant would be kept if extradited. The second, in the letter of 16 February 2015, deals with the specific issue of possible overcrowding in the New Wing. We are prepared to accept that the letter sets out the up-to-date position there,so that even if there are 108 female inmates there at present, they have a personal space of 3.63m² per detainee, which is notably more than the level at which the ECtHR has stated will raise an Article 3 "issue". We also note the proposed regime for prisoners set out in the letter of 14 September 2014, which contemplates that the

inmates will be outside their cells for much of each day and there are educational and recreational facilities available to inmates as well as suitable provision for visitors. Under cross-examination Professor Tsitselikis agreed that the conditions in the New Wing did comply with the standards of Article 3 although we accept that it was not entirely clear whether this was in relation to the issue of overcrowding or conditions more readily.

We have borne in mind the factors set out in Othman at [189], in particular those at questions (1), (2), (3), (4), (6), (7) and (8), bearing in mind our view that, in relation to the last, we are entitled to rely on a presumption of mutual trust, as we have set out at [40] above. In all the circumstances, we accept that the assurances can be relied upon and, on the basis of them, we are satisfied that there is not substantial grounds for concluding that there is a real risk that the appellant's Article 3 rights would be infringed if she is extradited and detained in the New Wing of Korydallos."

iii. The applicant's removal from the UK would not breach her right to private and family life under Article 8 of ECHR as it does not fall within any of the categories of Appendix FM and paragraphs 276ADE-CE of the Immigration Rules by virtue of paragraph 326B.

C. New evidence hereby submitted by the Applicant as regards each aspect of her claim and the grounds of rejection

Persecution on grounds of political belief

4. It is stressed that the applicant considers that her continued prosecution from the Greek authorities, amount to persecution because of her political beliefs. According to the UNHCR Handbook and Guidelines on Procedures and Criteria for Determining Refugee status- *"56. Persecution must be distinguished from punishment for a common law offence. Persons fleeing from prosecution or punishment for such an offence are not normally refugees. It should be recalled that a refugee is a victim – or potential victim – of injustice, not a fugitive from justice. 57.* ***The above distinction may, however,***

occasionally be obscured. In the first place, a person guilty of a common law offence may be liable to excessive punishment, which may amount to persecution within the meaning of the definition. Moreover, penal prosecution for a reason mentioned in the definition (for example, in respect of "illegal" religious instruction given to a child) may in itself amount to persecution. 58. Secondly, there may be cases in which a person, besides fearing prosecution or punishment for a common law crime, may also have "well founded fear of persecution". In such cases the person concerned is a refugee. It may, however, be necessary to consider whether the crime in question is not of such a serious character as to bring the applicant within the scope of one of the exclusion clauses. 59. In order to determine whether prosecution amounts to persecution, it will also be necessary to refer to the laws of the country concerned, for it is possible for a law not to be in conformity with accepted human rights standards. More often, however, it may not be the law but its application that is discriminatory. Prosecution for an offence against "public order", e.g. for distribution of pamphlets, could for example be a vehicle for the persecution of the individual on the grounds of the political content of the publication. 60. In such cases, due to the obvious difficulty involved in evaluating the laws of another country, national authorities may frequently have to take decisions by using their own national legislation as a yardstick. Moreover, recourse may usefully be had to the principles set out in the various international instruments relating to human rights, in particular the International Covenants on Human Rights, which contain binding commitments for the States parties and are instruments to which many States parties to the 1951 Convention have acceded.

[...]

(f) Political opinion 80. Holding political opinions different from those of the Government is not in itself a ground for claiming refugee status, and an applicant must show that he has a fear of persecution for holding such opinions. This presupposes that the applicant holds opinions not tolerated by the authorities, which are critical of their policies or methods. It also presupposes that such opinions have come to the notice of the authorities or are attributed by them to the applicant. The political opinions of a teacher or writer may be more manifest than those of a person in a less exposed position. The

relative importance or tenacity of the applicant's opinions – in so far as this can be established from all the circumstances of the case – will also be relevant. 81. ***While the definition speaks of persecution "for reasons of political opinion" it may not always be possible to establish a causal link between the opinion expressed and the related measures suffered or feared by the applicant. Such measures have only rarely been based expressly on "opinion". More frequently, such measures take the form of sanctions for alleged criminal acts against the ruling power. It will, therefore, be necessary to establish the applicant's political opinion, which is at the root of his behaviour, and the fact that it has led or may lead to the persecution that he claims to fear.*** *" [...]*

5. The applicant submits that her initial and continued prosecution from the Greek authorities and their denial to discontinue the only European Arrest Warrant remaining, after the withdrawal/rejection of the other four European Arrest Warrants, even though her codefendants for the same alleged offences in all relevant cases have been irrevocably acquitted on appeal by the Greek Court, amounts to persecution on grounds of her political beliefs.

6. **To** further support her claim on persecution on grounds of political belief from the Greek judicial system, the applicant hereby submits as **Annex 1,the Report of Theodoros Lafazanos, Former Vice Chairman of the Supreme Court** in the context of promotion of judges back in 2004, who did not recommend the applicant for promotion on the ground of decisions taken by the applicant not to order the provisional detention of suspects for drug related offences in a number of cases, even though such decisions are purely at the discretion of the deciding judge depending on the circumstances of each case and the evidence brought forward by the prosecution. The motive behind that decision became a matter of press reporting at the time, highlighting the inconsistency of the decision in relation to previous performance of her duties by the applicant as attested by the same authorities **(See attached as Annex 2 a press publication in the newspaper To Vima dated 6.2.2005 and its accompanying translation)**

7. The applicant further submits that her prosecution amounts to persecution as this is evident from the fact that:

    a. The Greek public prosecutors Mrs. Anna Zairi and Mr Ioannis Aggelis with their statements dated 3nd of July 2013 and 5th of February 2014, submitted to the High Court on her extradition case, intentionally lied and/or misled the High Court deciding on extradition as to the applicable provisions under Greek Law and their implementation in the case of the Applicant on both the issue of the appeal against her in absentia as according to expert evidence the Applicant is barred from seeking a retrial or appealing her conviction in absentia under the Greek law (See Expert evidence in Page numbers 512-540 in the 1st Bundle of original submissions dated on 15-9-2014,Pyromallis Reports dated on 8-10-12 and 2-11-12)

    b. The above mentioned Greek prosecutors, intentionally lied and/or misled the High Court deciding on the extradition as to the effects of the acquittal of the other codefendants of the Applicant in relation to the felonies for which she will stand on trial, in the event of her removal to Greece, by stating that those are irrelevant to the cases of the applicant. (See expert evidence in Page numbers 512-540 in the 1st Bundle- of original submissions dated on 15-9-2014,Pyromallis reports dated on 19-4-2013 and 13-5-2013 and excerpts from the irrevocable decisions 4898/10 and 1487/12 of the Greek courts in the applicants codefendants cases attached in Page numbers 51-88 in the 1st Bundle of original submissions dated on 15-9-2014)

8. The High Court in relation to the above mentioned statements of the Greek public prosecutors goes as far as stating the following:

"It may be that Mr Pyromallis is really intending to make a different point, namely that it is hard to see how the Appellant can be convicted of receiving bribes in circumstances where the lawyers and other persons from whom she is said to have received them have

*been acquitted. That is more compelling. But Ms Zairi says in her note of 3 July that Messrs Kehagioglou and Emmanoulidis were acquitted "for evidence substantiating reasons which are irrelevant to the requested person". **There is no basis on which we could go behind that statement.** Ms Zairi does not refer to all the other co-defendants, including in particular Mr Nicolapoulos. I suspect that that is because she is focusing on the appeal judgment (1487/12), in which Mr Nicolacopoulos was not involved, rather than the first-instance trial (4898/10); but what she says is plainly sufficient to undercut the case that the acquittal of a co-defendant must automatically preclude the conviction of the Appellant.*

9. However, there was clearly a basis which enabled the Court to go behind the statement .of the Greek public prosecutor and those are the excerpts of the irrevocable decisions of the Greek Courts submitted as evidence in the asylum claim of the applicant(1st Bundle of original submissions on 15-9-2014), as well as before the High Court,as an additional bundle of evidence, with the applicant statement, included to the pages 15-41 of the attached document ***"INDEX TO APPELLANT'S SUBMISSIONS"***, served to the Court and Prosecution, in the context of the extradition case on 3/6/2014, by the applicant's lawyer,(hereby attached as **Annex 3**), which point otherwise. If for example there has been no evidence to prove that the codefendants of the applicant demanded money to be forwarded to the applicant so as not to order the remand of Dr. Lymberis, at the time, how can the applicant be accused for receiving money that they were never given, to act in a certain manner. This is only one example taken from the excerpts of the above mentioned decision, clearly establishing that the acquittal of the codefendants of the applicant automatically precludes the conviction of the applicant.
10. It is highlighted that the above mentioned excerpts of the said judgments were translated at the cost of the applicant and upon persisting instructions of the applicant to the lawyers representing her before the High Court and Prosecution, **they were submitted to the High Court on 3/6/2014** (relevant email confirmation of the applicant's lawyers is hereby attached as **Annex 4**), right before the hearing of 4

June 2014. However, they were never taken into account at all from the High Court, as evidenced by the High Court decision in paragraphs 86 - 98 of the judgment:

"(2). MR COOPER'S SUBMISSIONS IN JUNE

86. *Mr Cooper relied on a number of developments since March 2013 which if taken together required, so he submitted, a reconsideration of our previous conclusion. They are as follows.*

87. *First, he sought permission to put in a report, served on 2 May 2014, from Professor Konstantinos Tsitselikis, a legal academic and human rights activist with extensive experience of prison conditions in Greece. The report was nominally addressed to conditions in what Professor Tsitselikis describes as the "female section" of Korydallos prison in Athens (though it seems in fact that the men's and women's prisons at Korydallos are on separate sites, albeit adjacent), which is where female prisoners are held on remand. It is common ground that the Appellant would be held at Korydallos if returned on the accusation element in the warrant (I appreciate that a few weeks remain to be served on the conviction element, but neither party took a point on that in this context). Much of the report is in fact about the deficiencies in the Greek prison system generally, relying on a range of published national and international materials which Professor Tsitselikis collates and explains: these include a report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment ("CPT") dated 10 January 2012 which was not referred to in Achmant (the hearing in the Magistrates Court in Achmant was in fact in March 2012, but the Judge seems to have been referred only to a CPT report from 2010; and that remained the case on appeal to this Court). The report identifies severe problems of over-crowding, under-staffing and very poor living conditions generally. Professor Tsitselikis emphasises that these problems had been drawn repeatedly to the attention of the Greek government but that no serious attempt had been made to redress them: a scheme had been devised to release large numbers of prisoners on tag but its implementation was uncertain. Specifically as regards Korydallos, and the women's section, he asserts that there is severe over-crowding, with inmates enjoying (on average) only 2-2.5 m^2 of personal space and also that as a result of under-staffing parts of the prison have in effect been ceded to the control of the prisoners, allowing "stronger groups of inmates to impose their will upon other prisoners". Mr Cooper acknowledged that the judicial authority would have to be given the opportunity to answer this evidence, which would necessarily involve further delay; but what he was seeking at this stage was permission to admit it.*

88. *Secondly, Mr Cooper relied on the decision of the City of Westminster Magistrates Court (Deputy Senior District Judge Arbuthnot) dated 10 July 2013 in Court of Appeal, Thrace v Bosma, refusing an application for extradition to Greece on the basis of evidence that conditions in the prison at which the defendant would be held if returned (which was not Korydallos prison) were such as to give rise to a breach of article 3. The District Judge relied primarily on evidence (both written and oral) from Professor Tsitselikis, which seems to have been broadly in line with the report put before us. She was impressed by the fact that although conditions in Greek prisons had been a matter of concern for some time the materials before her suggested that no effective steps had been taken to improve matters and the severe austerity measures taken in Greece over the last two years had made the prospect of improvement in the near future very unlikely.*

89. *Third, he relied on the decisions of the European Court of Human Rights in Nieciecki v Greece (11677/2011), and, very recently, Tsokas v Greece (41513/12), [2014] ECHR 526, both of which found breaches of article 3 in relation to prison conditions in Greece (though again neither concerned Korydallos).*

90. *Fourth, he referred to a bundle containing a quantity of miscellaneous reports and materials evidencing the poor standard of prison conditions in Greece (and a recent news report available online), including the 2012 CPT report, though in truth most of this material advanced his case a good deal less than the evidence of Professor Tsitselikis.*

91. *Mr Cooper acknowledged that these materials were being put in at a very late stage; but he submitted that at the first hearing the article 3 issue had been effectively, if not formally, closed off by the decision in Achmant, whereas there had since then been what he described as a sea-change in the attitude of the Courts both here and in Strasbourg – no doubt partly reflecting an actual deterioration in conditions in Greek prisons. He submitted that we had a duty, even as an appellate court, where necessary to admit and consider up-to-date evidence tending to show a risk of a breach of article 3. He referred us to R v Secretary of State for the Home Department, ex p. Turgut [2000] EWCA Civ 22, [2001] 1 All ER 719.*

92. *Mr Stansfeld submitted that none of the judicial decisions referred to advanced matters. They were concerned with the position in other prisons, based on the evidence peculiar to those prisons; and it would be quite illegitimate to assume without evidence that all Greek prisons suffered from the same problems. The only evidence that related to Korydallos women's prison was the report of Professor Tsitselikis. He was unable to deal with that since it had been lodged so late. He made it clear that (as Mr Cooper had accepted) if it was admitted the judicial authority would need to consider whether to adduce evidence of its own and/or to seek to cross-examine the witness. But his primary submission was that the evidence should not be admitted at this remarkably late stage, three years after the start of the proceedings and as a second attempt after the circulation of our draft judgment rejecting the case based on the evidence of Mr Pyromallis. He acknowledged that in a case involving human rights it might be necessary for an appellate court to entertain further evidence, but that could only be in exceptional cases: he referred to Fenyvesi and Krolik (above). There had been no such sea-change as Mr Cooper asserted: the evidence of Professor Tsitselikis in fact showed that the problems in Greek prisons were of long standing, and the Appellant had always been aware of them.*

93. *It is tempting to have regard to the already extraordinarily long history of these proceedings and to dismiss out of hand the application to adduce the evidence of Professor Tsitselikis. But I think it would be wrong to do so. If there is a justification for the evidence being sought to be introduced now, i.e. in mid-2014 rather than at an earlier stage, the fact that, for quite other reasons, the case has already been delayed is immaterial: it is the Appellant's good fortune that the case is still live, so that she has the opportunity to adduce the evidence, but that cannot be held against her. The real question is whether there is indeed such a justification. Not without considerable hesitation, I have concluded that there is. In my view it is legitimate that the recent acceptance by the City of Westminster Magistrates Court of a submission that conditions in a major Greek prison, albeit a different one, constituted a breach of article 3 – distinguishing Achmant partly on the basis of the 2012 CPT report and the evidence of further deterioration – coupled with the decisions in Strasbourg should have caused the Appellant's advisers to seek fresh evidence. While there are certainly points to be made about Professor Tsitselikis's report, including about the source of some of the*

statements in it, it is sufficiently substantial to require a response of a kind which Mr Stansfeld was not in a position to give at the hearing.

94. *The upshot is that I believe that we are obliged to admit the evidence of Professor Tsitselikis and to give the judicial authority in Greece the opportunity to answer it. That gives rise to certain case-management questions, which I would propose that we deal with as follows.*

95. *First, by e-mail dated 6 June 2014, i.e. two days after the hearing, Mr Cooper copied to the Court a short supplementary report from Professor Tsitselikis.* ***The Appellant and her advisers must appreciate that the Court will not accept a drip-feed of further materials in this way, and we have paid no regard to the further report in reaching the conclusion set out above.*** *However, having reached the conclusion that I have without reference to the supplementary report, it seems to me that it would be disproportionately disciplinarian for us to forbid the Appellant from relying on it at the next stage.*

96. *Subject to one complication, it seems to me that the sensible approach to a timetable, recognising that this Court cannot sit again before the Michaelmas term, is to direct that the judicial authorities lodge such material as they wish in response to the evidence of Professor Tsitselikis by the end of September and to fix a further hearing, with an estimate of one day, as early as possible in that term, with a direction that Professor Tsitselikis be available at the hearing for cross-examination (in person or by video-link). I would however be sympathetic to a somewhat more extended timetable if the judicial authorities preferred: it is not for the Appellant, even if she wished to do so, to complain of any delay in the particular circumstances of this case. Mr Stansfeld has undertaken to inform the Court by 4 p.m. on 15th July if more time is sought. It will make listing easier if the adjourned hearing does not have to be before the present constitution of the Court, and since the remaining issue is entirely self-contained it does not seem to me necessary that that should be the case.*

97. *The complication is that we were told at the hearing that Professor Tsitselikis is due to be giving evidence about conditions in Korydallos women's prison in other proceedings in the Magistrates Court "in the next few weeks". Very recently we have been told that that will in fact be in the week beginning 15 July. It was initially suggested that it might make sense for Professor Tsitselikis to give evidence to this Court on the same visit. That is not now practicable; but even if it had been I would not myself have acceded to that invitation: it would be very undesirable that both we and the Magistrates Court should be reaching a decision, as primary fact-finders, on the same point, based on essentially the same evidence, at the same time. There may in fact be a positive advantage in our deferring the adjourned hearing before this Court until the decision of the Magistrates Court in that case is known; indeed in the event of either party appealing on this particular issue it may make sense for that appeal to be heard with the deferred hearing in this case. We do not, however, know when the decision in that case will be promulgated or whether either party will seek to appeal. The prudent course in my view is to proceed on the basis of the timetable outlined at para. 96 above for the time being, while giving the parties liberty to apply if the course of the other proceedings in the Magistrates Court suggests that it should be adjusted.*

98. *I should mention for completeness that while this judgment was in the final stage of preparation we were told that on 7 July 2014 in the City of Westminster of Magistrates Court District Judge Purdy, having heard evidence from Professor Tsitselekis, refused extradition to Greece on article 3 grounds in a case concerning prison conditions in Crete. I had already formed the views expressed above before receiving this information and I have not taken it into account.»*

11. It is obvious that nothing is mentioned in the decision of the High Court, in relation to the submission **of this substantial evidence** for the case of the applicant, which prove beyond any reasonable doubt that the acquittal of the codefendants of the applicant is directly relevant to the charges against the applicant and that her prosecution remains without merit. It is therefore obvious that **they were never taken into account by the High Court**. They are not even mentioned in the list of evidence or documents submitted by the lawyers of the applicant on 3 June 2014. Instead of relying directly to the irrevocable decisions of the Appeal Court of Athens, which constitute the only evidence for the offences stated on the 5t warrant, the High Court relied on a "statement" made by a public prosecutor. **The applicant complained** against the failure of the High Court to take into account also that evidence, to **the Judicial Conduct Investigations Office** which however dismissed her complaint as a result of which she subsequently filed **a complaint to the Ombudsman**, but she has never received any reply, **(relevant documentation in relation to the complaint of the Applicant are attached as Annex 5)** .
12. **The applicant has further submitted to the Home Office as evidence in the Bundle of evidence of further submissions on 16.06.2015,** as **Annex iv** of those submissions, the **Affidavit Statement dated 21.5.2015** with supporting documents, (supporting evidences referred on that Statement as **Exhibits with numbers 1,2,4,5,6,7, which** are hereby attached ,with the same numbers, as ***EXHIBITS OF* GIOSSAKIS' STATEMENT),of the Priest Iakovos-Pavlos Giossakis,** one of the codefendants of the applicant on the felony charges of Fraud, Money Laundering and Corruption, who, together with all the other codefendants, were irrevocably acquitted in relation to the same charges by the Greek Court of appeal with judgments 4898/10 and 1487/12. Priest Iakovos - Pavlos Giosakis, in his affidavit statement, counters the statements made by the Greek public Prosecutor Zairi statement that the acquittal of all the codefendants of the applicant in that case, bares no impact on the prosecution and charges against her for the detailed reasons explained therein. It is also noted that the Priest Iakovos - Pavlos Giosakis

successfully brought his case before the European Court of Human Rights which found that there has been a violation of Article 6 as regards the same cases for violating the presumption of innocence[1].

13. **In addition, the applicant has further submitted to the Home Office, as evidence in the Bundle of evidence of further submissions on 16.06.2015 , as Annex iii** of those submissions, the **affidavit statement dated on 02.06.2015,** of **Mr Athanasios Kechagioglou, a lawyer of the Athens Bar,** another codefendant of the applicant, **charged with the same charges**, again countering the statement made by Greek Prosecutor Zairi, because he states very clearly,that his acquittal, from the Athens Court of Appeal with judgment 1487/12,of the offences of bribery and money laundering, linked to bribery, related to the **Lyberis Case, tried by the applicant,** automatically precludes the conviction of the applicant ,because she cannot be prosecuted or extradited for offences, which following the reasoning of the irrevocable judgment, had never been committed.

14. The above statements together with the statement of **Mr Spyridon Robotis**, already **submitted as evidence in the Bundle of evidence of further submissions on 16.06.2015,as Annex ii of those submissions**, could not have been submitted before the High Court in the extradition case where the Greek Government and the Greek judicial authorities requesting the extradition of the applicant were a party, because all three persons providing witness statements in relation to the case of the applicant, were fearing retaliation from the Greek judicial authorities as they are professionally or otherwise involved with these judicial authorities on an everyday basis. As a result these statements were given only to be used in the context of the asylum procedures, were the principle of confidentiality applies.

15. It is further submitted from the applicant that if she is forcibly returned to Greece, her right to a fair trial will be violated as she is already denigrated and "tried" by the media repeatedly in her absence, despite the number of years that lapsed since her flight from Greece. The applicant submits as **Annex 6** an additional **affidavit statement** of **Mr Tsirigotakis, dated 25.06.2015** a Greek journalist reporting on the

[1] AFFAIRE GIOSAKIS c. GRECE (N° 3), Application No 5689/08, Judgment 03/05/2011

reaction of the press in Greece, on the announcement on 5th June 2015, by the press office of the Ministry of Justice of the imminent extradition of the applicant to Greece. Mr Tsirigotakis, as a journalist loyal to the code of ethics of journalists, confirms that the highly repetitive reporting of the Greek media for the period **between the 5th and the 14th of June 2015**, amidst far more serious problems Greece was and still faced with, such as the Greek financial crisis, was not informative press, but inaccurate, misleading, insulting, offensive and highly prejudicial so as to denigrate the applicant and "try" her through the media in violation of the presumption of innocence. According to the statement " *such offensive publications, had the purpose of brainwashing and influencing "THE PUBLIC OPINION", portraying MISS A.ILIA, as a "CORRUPT JUDGE" so as to lay the ground for her unlawful conviction.*" It is noted that the Greek authorities, not only they did not take any measures or actions to safeguard the presumption of innocence of the applicant and to protect the applicant of such denigration, but on the contrary they contributed to it by publicly announcing the imminent extradition of the applicant to Greece. It is obvious that there is no state protection as regards the right to a fair trial and adds to the inner belief and fear of the applicant that her prosecution is actually persecution on behalf of the Greek authorities. This statement could not be considered by the High Court as it refers to facts which took place after the final judgement of the Court.

16. The asylum claim of the applicant was rejected on the ground that there is a functioning judicial system in Greece, despite some corruption and on the grounds that anyway the Government has now changed and the appointment of a new anticorruption Minister safeguards that that the applicant will be treated in accordance with a "revised" system. The Home Office relied on a report of the US State Department of 2013 and a press publication.
17. The 2013 US State Department Report on Greece states the following: *"The law provides for an independent judiciary, and the government generally respected this provision. Observers, nevertheless, reported the judiciary was inefficient and sometimes*

subject to influence and corruption. The judiciary was more lenient toward those claiming political motives for acts of property destruction than those who did not. Authorities generally respected court orders, and there were no reports of instances in which trial outcomes appeared predetermined.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence. Trials are public in most instances, and most felony cases use juries. The law permits denial of a jury trial in cases of violent terrorism. Defendants have the right to be present at trial and to consult with an attorney in a timely manner. The government provides attorneys to indigent defendants facing felony charges. Defendants may present witnesses and evidence on their own behalf as well as question prosecution witnesses. Defendants and their attorneys have access to government-held evidence relevant to their cases. They have the right to appeal.

On October 18, the ECHR issued a ruling against the country for violating article 5 of the European Convention for Human Rights (the right to a speedy review of the lawfulness of detention) in the case of an Albanian national arrested in February 2009. A review of the lawfulness of his pretrial detention did not occur until May 2009. The court ordered the country to pay 4,000 euros ($5,400) in damages. The government recognizes sharia (Islamic law) as the law regulating family and civic issues of the Muslim minority in Thrace. Muslims married by a government-appointed mufti were subject to sharia family law. Members of the Muslim minority also have the right to a civil marriage and the right to take their cases to civil court."

18. The above information used by the Home Office to justify the rejection of the claim of the applicant does not support the findings of the Home Office. In that report it is reported that there is a functional, **yet admittedly corrupt**, judicial system in Greece. Moreover, in the 2014 Report of the State Department it is repeated that *"The constitution and law provide for an independent judiciary, and the government generally respected judicial independence. **NGO observers reported the judiciary was at times inefficient and sometimes subject to influence and corruption**."* The same report refers to the following:

"Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, but the government did not always implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. NGOs and other observers expressed concern over perceived high levels of official corruption. Permanent and ad hoc government entities charged with combating corruption were understaffed and underfinanced.

The government implemented structural reforms as part of its financial bailout program with the European Commission, the European Central Bank, and the International Monetary Fund (IMF), which included measures, such as automating tax payments and other services, designed to increase transparency, reduce opportunities for official corruption, and impose stricter penalties. During the year the government implemented administrative procedures for the dismissal of corrupt state officials. Changes introduced in 2013 in disciplinary procedures and penalties resulted in the removal of 218 state employees in 2013 for breach of faith and 562 employees during the first eight months of the year. In 2013 the government appointed independent public prosecutors against corruption within the public prosecutor's offices in Athens and Thessaloniki. A law enacted on July 14 deprives members of parliament of certain parliamentary privileges if an appeals court finds them guilty of felonies and certain misdemeanors.

Corruption: On February 3, the European Commission's anticorruption report noted that corruption continued to pose considerable challenges in the country and highlighted public procurement as a risk area. A Eurobarometer poll on corruption, conducted in February-March 2013 and published the following February, reported 99 percent of Greek respondents considered corruption to be a widespread problem and 93 percent stated that bribery and the use of connections was often the easiest way of obtaining public services.

Although the government intensified efforts to combat tax evasion by increasing staff, inspections, and fines imposed and reported some successes, the media alleged instances of complicity by tax officials in tax evasion by individuals and businesses. Reports of police corruption continued. The police bureau of internal affairs conducted investigations and took numerous disciplinary measures, including dismissal and

suspension, against officers involved in corruption. Corrupt practices reportedly included blackmail, bribery, human smuggling, and drug and cigarette trafficking.

In February the Supreme Court upheld a 2011 appeals court decision imposing a three-year suspended sentence on a former transport minister for filing false tax statements in 2006 and 2007. His separate trial for accepting 230,000 euros ($287,500) in bribes and money laundering was pending at yearend. On December 11, a Supreme Court judicial council ruled that a former finance minister involved in the mismanagement of a list of more than 2,000 citizens with foreign bank accounts should stand trial for allegedly tampering with an official document and breach of faith.

Financial Disclosure: The law requires income and asset disclosure by appointed and elected officials, including nonpublic sector employees, such as journalists and heads of state-funded NGOs. Several different agencies are mandated to monitor and verify disclosures, including the General Inspectorate for Public Administration, the police internal affairs bureau, the Piraeus Appeals Prosecutor, and an independent permanent parliamentary committee. Declarations are made publicly available. The law provides for administrative and criminal sanctions for noncompliance. Prison penalties range from two to 10 years and fines, from 10,000 euros to one million euros ($12,500 to $1.25 million).

On April 2, a court sentenced a former defense minister, who was serving a 20-year prison term for taking kickbacks to approve defense ministry arms programs, to an additional five years and six months in prison and fined him 210,000 euros ($262,500) for submitting an inaccurate statement of wealth. The added prison sentence was convertible to a fine of 10 euros ($12.50) per day.

Public Access to Information: The law provides for the right of access to government-held information, with the exception of cases pertaining to national security or privacy. NGOs and media observers noted that bureaucratic delays sometimes hindered access to information."

19. In the above mentioned report, even though it seems that action is taken to fight corruption in various areas, mainly because of the obligations of the Government towards its lenders, there is not a single reference to actions or measures undertaken

to fight corruption **within the judicial system itself.** And this despite the fact that according to the same report NGOs, mention corruption of the judiciary as a serious problem whereas 66% of the people in Greece consider that the judiciary is very or extremely corrupt according to a survey of Transparency International (http://www.transparency.org/gcb2013/country/?country=greece) The finding therefore of the Home Office as to the treatment of the applicant in a "revised system" is not supported by any evidence to that effect and is completely arbitrary.

20. Moreover, the fear of persecution of the applicant is not only diminished with the change of the Government, but on the contrary is strengthened and reinforced as the persons who actually, accused her and charged her in her absence, in 2006, Ioannis **Sideris and Ioannis Fiorakis** ,who were interrogator judges at the time of the criminal investigation of the ***"PARAJUDICIAL SCANDAL"*** and **Panagiotis Nicoloudis,** who was one of the two prosecutors, charged with the prosecution, at the time of the criminal investigation (http://www.antenna.gr/news/Society/article/102578/oristike-efetis-anakritis), **have now actually been promoted to Judges of the Supreme Court and Anti-corruption Minister, respectively** (http://www.protothema.gr/greece/article/474962/gia-duo-akoma-hronia-eisaggeleas-diafthoras-i-eleni-raikou/ and http://dikastis.blogspot.com/2015/05/2015.html) and https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCMQFjAA&url=http%3A%2F%2Fwww.naftemporiki.gr%2Fstory%2F120708%2Foristikan-oi-eisaggeleis-efeton-stis-ereunes-gia-to-paradikastiko-kukloma&ei=xzubVdbeFIbWUc6WmsAL&usg=AFQjCNGxyIlJVHK-taWR3JLn1IamDYn0BQ&sig2=MmpOsX1tvRa0VGvqG48kcw&bvm=bv.96952980,d.d24.

21. **In addition, the public prosecutor Anna Zairi**, who has lied and misled the High Court on the extradition case against the applicant, as regards the impact of the irrevocable acquittal of her codefendants solicitors, Nicolaos Emmanouilidis and

Athanasios Kechagioglou in the cases 4898/10 & 1487/12, to the validity of the prosecution and charges against the applicant as well as the applicability of article 406A of the Greek Penal Code relating to the entire indemnification of the supposed victims as included in the reasoning of the above mentioned judgments, **has been recently promoted to a vice prosecutor of the Supreme Court.**

22. It is apparent from the above that the applicant cannot expect to have a fair and impartial trial if returned back to Greece and that her persecution on grounds of her political beliefs, will continue as her persecutors, mentioned above, who are all of them of right wing opinions, can now influence even more and from a more powerful position the outcome of her trial and/or any hearing related to the applicant and/or any charges made against her. As they are now magistrates at the Supreme Court they can exercise their power to all the inferior judges, who will eventually judge the applicant, because **according to the article 90 of the Greek Constitution, the promotion, detachment, dismissal of all the Judges, is decided by the magistrates and prosecutors at the Supreme Court. In addition, the prosecutor Anna Zairi is highly likely to retaliate against the applicant,** due to the fact that the applicant has denounced her in public, by her statements to the Greek Media and to the new Minister of Justice, because of her false statements to the High Court and on which the High Court relied, in order to extradite her, as already evidences from the numerous press interviews given by the applicant on this matter and they have already been submitted as evidences on her asylum claim. **Moreover,the Magistrate of the Supreme Court,Ioannis Sideris is,also,highly liked to retaliate against the applicant,**due to the fact that the applicant revealed in public,by her press interview on 11.8.14, that his daughter had been appointed at the Greek Parliament during the time of his criminal investigation of the ***"PARAJUDICIAL SCANDAL"***,as, already, evidence from such press interview given by the applicant on this matter,has,already, been submitted as evidence on her asylum claim in Page numbers 409-415 in the 1st Bundle of original submissions dated on 15-9-2014 (http://www.efsyn.gr/11.8.14).

23. The applicant further submits that on the basis of the above, there is clear and compelling evidence that the extradition to Greece is politically motivated and as such, there is a real risk that she will be killed while in detention, as she was already warned when she had to flee Greece ten years ago. The possibility that the applicant may be killed while in detention or imprisonment and the authorities will make it

look like an accident or suicide are quite high taking into account that there are many suicides in the Greek prisons[2] which remain uninvestigated. Suicides in the prison of Korydallos, where the applicant is supposed to be detained in the event of her removal have also been reported very recently according to the press (http://globalvoicesonline.org/2014/04/07/inmate-at-greeces-infamous-korydallos-prison-commits-suicide/ and https://www.facebook.com/pages/%CE%9A%CE%BF%CE%BB%CE%B1%CF%83%CF%84%CE%AE%CF%81%CE%B9%CE%BF-%CE%9A%CE%BF%CF%81%CF%85%CE%B4%CE%B1%CE%BB%CE%BB%CE%BF%CF%8D-kolastirio-nosokomeio-kratoumenon-korydallou/416834991786188) whereas it is widely accepted and reported that in the Greek prison system assaults, torture and assassinations are very often evident (http://news247.gr/eidiseis/reportaz/to_news247_anoigei_thn_porta_twn_ellhnikwn_fylakwn_epitheseis_vasanisthria_dolofonies_sygklonistikes_martyries_kratoymenwn_kai_ypallhlwn.2752946.html?service=print)

24. What is also more worrying for the applicant is **the recent statement on 5th May 2015 of the Deputy Citizen Protection Minister, Yiannis Panousis'** that the state has no control whatsoever in what is happening in the Greek prisons as he accepted

[2] Data obtained from the Greek Ministry of Justice reveal that there were 457 deaths in the Greek prison system (which includes prisons, mental hospitals, and other general hospitals) over the past 20 yrs, 93 of which were attributed to suicide. 55% of these suicides occurred in prison hospitals. It was also noted that the prison system averages 4.65 suicides per year or 112 per 100,000 inmates in convicted, on remand, or hospitalized status. Suicide rates fluctuated widely, from a low rate of 32.3 in 1982 to the high rate of 390.8 in 1979. A noticeable decrease in the suicide rate was found for 1995 and 1996. Findings are compared with other European countries, Canada, and the US. The limited reliability of data, drawn from unpublished prison records, is addressed (e. g., 11% of deaths recorded by the correctional administration remained without specification of cause; social and penal demographic data of the inmates who committed suicide were kept unsystematically; detailed information on the circumstances of suicide was not always available). Implications for future research and prevention of prison suicide are discussed, including the need for correct and systematic recording of all inmate deaths, suicides, and self-injuries. (PsycINFO Database Record (c) 2012 APA, Suicide in Greek prisons: 1977 to 1996.

Spinellis, Calliope D.; Themeli, Olga

Crisis: The Journal of Crisis Intervention and Suicide Prevention, Vol 18(4), 1997, 152-156. http://dx.doi.org/10.1027/0227-5910.18.4.152

as a fact that a remanded person accused of killing his own child will be soon assassinated in the prison by his inmates and that the ones who rule the prisons in Greece are the various gangs (http://www.tanea.gr/news/greece/article/5235451/panoyshs-poly-grhgora-tha-exoyme-ton-thanato-toy-patera-ths-annys/).

25. According to most recently published evidence and statistics, also from the Council of Europe (http://wp.unil.ch/space/space-i/annual-reports/) suicides in the Greek prison system, is of the most serious concern, its rising yet the state remains incompetent to take any effective measures to address it. (http://www.suicide-help.gr/%CE%B1%CF%85%CF%84%CE%BF%CE%BA%CF%84%CE%BF%CE%BD%CE%AF%CE%B5%CF%82-%CF%83%CF%84%CE%B1-%CE%BA%CE%B1%CF%84%CE%AC%CF%83%CF%84%CE%B7%CE%BC%CE%B1-%CE%BA%CF%81%CE%AC%CF%84%CE%B7%CF%83%CE%B7%CF%82-m%CE%B5/ and
http://kratoumenoi.blogspot.gr/2015/06/blog-post.html and
http://www.tokeli.gr/2007/06/blog-post_25.html and
http://pacific.jour.auth.gr/emmeis/?p=1543

26. The above mentioned failings amount to a continuing breach of the Greek state's positive obligation to provide a reasonable level of protection to inmates at Korydallos prison. The Applicant therefore submits that in the event of her removal to Greece, there is a real risk that she will be killed while in Korydallos prison and therefore there is real risk of Article 2 ECHR violation.

27. Finally, the change of the Greek Government which is now a left wing government does not alter the fact that the Applicant is still persecuted, as the MP Mr Jeremy Corbyn, the applicant's lawyer and the applicant herself addressed letters to the newly appointed **Minister of Justice Nicos Paraskevopoulos (as they were submitted with our fourth bundle dated on 16.04.2015 and they were mentioned to our covering letter dated on 16.04.2015 with numbers 7,8 & 9)** to investigate the misconduct of the Greek Public Prosecutors and to reexamine whether they insist on

retaining the European Arrest Warrant against the applicant, but up to now they have never received any response. The omission of the Minister to reply, in conjunction with the publicity initiated by the Ministry of Justice over her imminent extradition to Greece on 5th June 2015, which led to the denigration again of the applicant, strengthen her fear that nothing has actually changed as regards her persecution.

Violation of Article 3 – Detention conditions

28. The High Court, in the extradition case against the applicant, in finding that Greece will abide by its obligations under Article 3 ECHR, as regards detention conditions in the New Women's Wing of Korydallos prison, where the applicant will be detained in the event of her extradition to Greece, relied on the assurances of the Minister of Justice of 9 September 2014 which were repeated by the new Government in a letter of 16 February 2015.

29. It is stressed, that according to ECtHR case law there is an obligation on Contracting States not to extradite or expel an alien, to another country where substantial grounds had been shown for believing that he or she, if expelled, faced a real risk of being subjected to treatment contrary to Article 3 of the Convention (see Chahal v. the United Kingdom, judgment of 15 November 1996, Reports 1996-V, p. 1853, §§ 73-74; Soering, cited above, pp. 34-36, §§ 88-91; and Cruz Varas and Others, cited above, p. 28, §§ 69-70). The Convention prohibits in absolute terms treatment contrary to Article 3, irrespective of the victim's conduct (see D. v. the United Kingdom, judgment of 2 May 1997, Reports 1997-III, p. 792, § 47-48, and H.L.R. v. France, judgment of 29 April 1997, Reports 1997-III, p. 757, § 35). In addition, Articles 2 and 3 of the Convention make no provision for exceptions and no derogation from them is permissible under Article 15, even in the event of a public emergency threatening the life of the nation (see Ireland v. the United Kingdom, judgment of 18 January 1978, Series A no. 25, p. 65, § 163, and Tomasi v. France, judgment of 27 August 1992, Series A no. 241-A, p. 42, § 115).

30. In determining whether such a risk exists, the assessment must be made primarily with reference to those circumstances which were known or ought to have been known to the extraditing State at the time of the extradition.

31. The Applicant **submitted on the 3rd of July 2015 further/fresh evidence, following the High Court judgement of 6th March 2015,** in relation to detention conditions in the Women's New Wing in Korydallos, where she will be detained in the event of her extradition to Greece, according to the Greek Government assurances. In particular the applicant submitted an updated report on the Current Situation in the New A Wing (Block) of Korydallos Prison Branch for Women, from Mr Nikolaos Koulouris Assistant Professor in Social Policy and Offenders' Custodial and Non-Custodial Treatment, Department of Social Administration and Political Science, Democritus University of Thrace.

32. The report establishes beyond any reasonable doubt that assurances were not, and under any circumstances, cannot be met and had the applicant extradited to Greece upon the rejection of her asylum application in May 2015, she would be subjected to inhuman and degrading treatment contrary to Article 3 of ECHR whereas she would be faced with a real risk of an Article 2 violation on account of her persecution and the lack of any security measures in the said prison.

33. It is firstly stressed that assurances given by the Ministry of Justice cannot be met as this is not the competent body to provide such assurances, regardless of being the highest political body responsible for prisons in Greece. According to the report the Minister of Justice **has no statutory power to decide and order or predetermine decisions of the competent judicial and administrative bodies in relation to detention, therefore no absolute assurances can be given as regards her protection from Article 3 violations.** The assumption therefore of the High Court that the Greek Government would honour their assurances because those were given at the highest political level, is flawed as this is irrelevant when it comes to Greek law and practice.

34. Moreover, the report provides up to date information on detention conditions in the specific prison, which clearly establishes a violation of Article 3 standards and that the Greek Minister's assurances have not and in any way cannot be met. According to the assurances given to the High Court, this prison, with a certified accommodation of sixty (60) inmates, would meet all the legal requirements of national and international detention standards. These assurances were decisive in the judgment passed by the UK courts to extradite the applicant to Greece.

35. However, according to the Expert's report those standards are not met. To highlight **only some of the findings in the report**-

    a. *Despite the temporary reduction of women inmates, which is reversed after the High Court Judgment and particularly in June 2015, occupancy rates constitute in all circumstances severe overcrowding, approaching or surpassing 200%, as the number of women inmates reached 124 – far more than the certified number of 60.The inmates' number, given the free space available to them according to the 2014 assurances description of the facilities and the certified accommodation of the women's branch, results in severe overcrowding levels which constitute a real risk of Article 3 ECHR violation (occupancy level 200%),as it is the current situation when the inmates number reached 118 on the 26th of June 2015. This risk is further increased because the "actual" free space is reduced to 2 – 2.5 sq.m. and sometimes even less than 2sq.m, compared to the total surface of the rooms where inmates are locked in daily for about thirteen hours, during the night (20.30 or 21.00 - 07.00) and in the afternoon (12.00 -14.30 or 15.00). In sum, the new A wing of Korydallos Prison Branch for Women is already overcrowded as the number of inmates is exceeding certified accommodation and, therefore, the free space in each cell (according to the ECtHR, beds, furniture etc. are not taken into account) per inmate has been reduced proportionally.*

    Summing up, September 2014 assurances, given by the then Greek Minister of Justice, Transparency and Human Rights are not legally binding and custodial

standards set there are not met. Especially as regards the prison population, inmates' numbers in the Women's Prison Branch of Korydallos are continuously higher than the certified accommodation, consisting permanent overcrowding which results in art. 3 ECHR violation when free in-room space available for each inmate is less than 2.5 or 2 or even less than 2 sq.m. This is undoubtedly the case when the number of inmates approaches or surpasses 100, as it is the case of the current situation where the number of inmates is 118 (reference date: June 26th , 2015

Moreover, the combination of overcrowding and understaffing raises serious security related concerns, especially inmates' personal safety problems due to insufficient supervision of the detention areas.

Overcrowding and understaffing, as Professor Nikolaos Paraskevopoulos, the new Minister of Justice, Transparency and Human Rights recently (on May 4th, 2015) declared, invoking the observations made by the CPT in their April 2015 visit to Greece, is connected with prison tensions and violence, questioning inmates' safety and prison security. Violent events, the injury of eighteen inmates and the death of two other inmates in the Men's section of the same prison, operating in the same area, are the "living proof" of the situation.

b. *The gradual transfer of forty women ordered in February 2015 from Korydallos to Eleonas Thiva Women's Prison coincided with the UK High Court correspondence with the Greek authorities, asking them to provide information on the particular case. This correspondence seems to have initiated the Greek authorities' reaction as the Ministry of Justice was in fact inert for months (late 2014 and early 2015) and tolerated overcrowding in the women's new A wing. It can be conjectured that the purpose of such transfers was to present to the UK authorities a situation approaching the one described in the assurances, which, though, was a temporary, not a stable, sustainable and long term solution to the overcrowding problem.* ***Consequently, overcrowding at Korydallos Prison A Wing for Women persists and has deteriorated since the High Court Judgment dated on 6th March 2015.***

c. *Contrary to the September 2014 Assurances given by the then Minister of Justice, no indication exists that low staffing levels have been improved.* ***On the contrary, since the High Court Judgment dated on 6th March 2015, they have reached the lowest possible point.*** *There is only one member of the custodial staff per shift to supervise all inmates in the wing. One more guard is observing the yard when approximately one hundred and sometimes more inmates are allowed to use it (three hours in the morning and two-three hours in the afternoon, depending on the season).*

d. *As to the healthcare available, inpatient health care structures do not exist for women inmates in the Greek prison system. Instead, complex and usually time consuming transfer procedures may be needed, first to Korydallos Prison Hospital for outpatient care and then, if necessary, to a national health system hospital with the involvement of the external guards' service, the police and the national emergency centre, insufficiently staffed especially after recent austerity measures. The time needed for these transfers depends on the availability of doctors, ambulances and escort.*

e. *This situation, in combination with the above described in-prison system deficiencies, even in regular healthcare provision, show that the potential danger of a failure in an inmate's treatment is high, especially when urgent health problems should be dealt with. According to the Moorfields' Eye Hospital medical letter, dated on 8.6.2015, Mrs. Ilia has a retinal detachment precedent on her right eye. I was also informed that there is a family medical record with a respective problem. Consequently, based on the above medical letter, in case of relevant/further symptoms, she will need to be transferred urgently to a public hospital. In such case, for all the above described reasons, (lack of permanent ophthalmologist, lack of escort staff, difficulty in finding on time ambulance), nobody can ensure that the urgent transfer needed will happen in time and therefore her eye could be in danger.*

f. *Last but not least, the prospects for an improvement of the situation in the Greek prison system are very limited or, rather, nullified. During the economic crisis*

public spending cuts and austerity measures affected seriously the prison and the penal system. In 2009, an amount of 137.4 million euros was allocated to prison and probation services (facilities, staff, infrastructure etc.). In 2014 the respective amount dropped to 108.8 million euros, which is a decrease approximating 20% within five years. The daily cost of food per inmate has decreased by 28% between 2003 and 2013 (from 3.2 euros to 2.4 euros). The last developments in the field of the economy and the expected termination of the country's bailout programme resulted in financial asphyxia and the implementation of emergency measures (bank holidays, capital controls). Public funding is reducing seriously.

36. In view of all the above, it is established that following the decision of the High Court, assurances of the Greek Government given to the High Court, **are not, and in fact, cannot be met** and that in the case of the extradition of the applicant in Greece, there is a real risk that she will be subjected to treatment contrary to Article 3 ECHR obligations.

Violation of Article 8 ECHR

37. As previously stated in the submissions for fresh evidence, the applicant is entitled for further leave to remain in the United Kingdom on the basis of her significant private life in the UK. She has spent a period of 10 years in the United Kingdom as an EU national. She has established her private life through very close friends, equivalent to family members, students, employment and other social interactions.

38. It is further stated that if she is required to leave the United Kingdom then there will be very significant obstacles to her re-integration in Greece. She will be critically targeted and subject to prejudicial conduct by the state and society in general due to the way she has been presented in the media and dealt by the Government Officials.

39. It is further stated that the applicant has good arguable article 8 case outside the rules therefore, a further scrutiny into her exceptional and compelling circumstances is appropriate.

40. To support the above mentioned arguments, the applicant submits as further evidence an affidavit **dated on 25th Jun 2015** statement of Mrs Nguyet Hung (attached **as Annex 7),** mother of the minor Tia Freezer, whose welfare will be seriously affected if the applicant is extradited to Greece. Even though Tia is not the child of the applicant, they have developed through the years a very strong and affectionate relationship as attested by the mother of Tia, which requires an evaluation of whether the extradition of the applicant would actually comply with the best interest of the child principle.

41. In view of all the fresh evidence submitted in relation to the asylum claim of the applicant, we submit that the applicant's asylum claim is not clearly unfounded and has prospects of success if all the evidence is considered in round. A presumption that a claim for asylum by EU applicant is clearly unfounded is rebuttable where substantial grounds of persecution are shown, followed by strong supporting evidence, as it happens to the applicant's case.

42. As previously stated, the Policy guidance Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 (clearly unfounded claims) provides that: In all cases where a protection and/or human rights claim is refused caseworkers must consider whether certification is appropriate and cases that are clearly unfounded should be certified unless an exception applies.

43. It is stated that the criteria for a claim to be clearly unfounded is that a "caseworker must be satisfied that the claim cannot, on any legitimate view, succeed". The cases

of **Thangarasa and Yogathas [2002] UKHL 36 and ZL and VL v SSHD [2003] EWCA Civ 25** defines that a manifestly unfounded claim is a claim which is so clearly without substance that it is bound to fail.

44. It is stated that the decision maker is obliged by the policy guidance to consider:
    i. the factual substance and detail of the claim
    ii. how it stands with the known background data in the round whether it is capable of belief
    iii. Whether some part is capable of belief
    iv. whether, if eventually believed in whole or part; it is capable of meeting the requirements of the Refugee Convention.
45. It is stated that on the basis of new objective evidence submitted up to now, there is an arguable basis that feared persecution and mistreatment would arise on return to Greece therefore, a claim is not clearly unfounded.
46. It is finally stated again that in this case it is appropriate to conduct a fresh interview with the applicant so that she will be able to substantiate her claim with further explanation.

If you have any other queries then please do not hesitate to contact us

Yours faithfully,

p.p. M. Usman Sajid

Shehzad Sajid

Shehzad Law Chambers