



*"Justice for Amir and Razuli, Free them now!"*

Family members and supporters from civil society standing in front of Mytilene Court, Lesvos, in support of the two young Afghan men criminalized for seeking asylum in Greece, 17 March 2022.

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# LEGAL CENTRE LESVOS QUARTERLY REPORT JANUARY – MARCH 2022

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Since the start of the year, the Greek Government has further obstructed access to asylum for most migrants seeking protection in Greece, through the implementation of unfair policies and dysfunctional asylum procedures. In doing so, Greece (like all other EU Member States) has unashamedly adopted a racist double-standard of protection and treatment towards people from the global South seeking safety in the EU compared with the swift provision of protection to Ukrainians. In stark contrast to the opening of borders to Ukrainian nationals, [evidence continues to emerge](#) showing that Greek authorities systematically perpetrate violent and illegal pushbacks in the Aegean, with the complicity of EU institutions and agencies. As a result, only a limited number of migrants have reached the Greek islands and managed to exercise their right to seek international protection, without being violently thrown back at sea on floating motorless liferafts.

In parallel, the population in the Reception and Identification Centre of Lesbos (Lesvos RIC or camp) steadily declined since the start of the year. Despite this, the reception and living conditions imposed on migrants forced to live in Lesbos RIC over the winter remained inadequate to protect people from freezing winter temperatures and a dangerous and destructive series of fires. Under the pretext of COVID-19 prevention, arbitrary and unjustified restrictions on movement continue to be imposed on migrants trapped in Lesbos: amounting to effective detention. Such conditions have also increasingly gone unreported and unnoticed given the gradual exodus of major humanitarian organisations working in Lesbos, now re-focusing their funding and work towards the war in Ukraine.

In this context, Legal Centre Lesbos (LCL) carried out its usual activities, including information sessions and individual legal consultations to improve people's access to information and ability to exercise their rights in their asylum interviews, on appeal, or for subsequent applications for asylum. In addition, LCL continued documenting human rights violations through the publication of updates and reports denouncing the dreadful conditions imposed on hundreds of people forced to live in the Lesbos RIC. LCL lawyers also represented several migrants before national and international courts. For instance, interim measures filed by LCL on 14 February were partially granted by the European Court of Human Rights (ECtHR), preventing the illegal removal of 11 unregistered asylum seekers from Greek territory and ensuring their access to basic needs. LCL also represented one of the two criminalised young Afghan men (Amir Zahiri and Akif Razuli) - wrongfully convicted of smuggling, despite being refugees themselves subject to smuggling operations, and sentenced them to 50 years in prison in the first instance. Their appeal trial before Greek criminal courts, was shamelessly interrupted and then postponed, leaving both unjustifiably in detention.

The month of March was also marked by the shocking news of the death of seven migrants, whose bodies were found by passersby, washed up on the beach in Mytilene. Despite several requests from civil society, Greek authorities have yet to publish an official report or announcement about the causes and circumstances of those seven persons' deaths, leaving many questions unanswered. The fact that the tragedy received only passing attention in a few national and international media outlets, only demonstrates once again that such deaths have become part of an accepted normality at Europe's borders. Tragic crossings like this one are not accidents. Subjecting people to danger and death is the inevitable – and therefore intentional – consequence of the European Union's refusal to create safe and legal migration routes for racialised people from the global South. The rapid creation of safe, legal routes for people fleeing Ukraine only underlines how easily things could be different, how senseless the loss of those seven lives. We stand in solidarity with all those who loved these seven people and others missing or lost at sea, and we continue our struggle against Europe's murderous border imperialism in their memory.

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## 1. Updates on the situation for migrants in Lesvos



Children inside one of the prefabricated shelter structures of the “health quarantine” in the Lesvos RIC.  
February 2022, Photograph by a camp resident.

The population of the Lesvos RIC has continued to progressively decrease since the start of the year. **Despite this, the living conditions imposed on people forced to live in the camp have not significantly improved.** With the start of the war in Ukraine, most civil society actors, and in particular international NGOs, have either drastically reduced their capacity or closed their programmes and left Lesvos. This, alongside the Greek government’s imposition of onerous registration requirements for NGOs, has drastically limited the ability of civil society actors to bear witness to the Greek state’s inhumane treatment of migrants, let alone hold authorities to account. As a result, the deplorable and dangerous living conditions in the camp have gone widely unnoticed and undocumented during the winter months.

### ➤ **23 February 2022 - Winter months in deplorable conditions for those forced to live in the Lesvos Reception and Identification Centre**

In Lesvos, the few asylum seekers who now manage to reach the island without being illegally pushed back to Turkey by Greek authorities, are brought to the Lesvos RIC, where they are systematically detained in deplorable conditions, unsuitable for medical isolation, in the so-called “COVID-19 health quarantine area” of the camp, before they are even officially registered as asylum seekers by the authorities.

The lives and well-being of other residents of the Lesvos camp have also repeatedly been put at risk in this period, as several domestic fires (caused by dangerous electrical installations and lack of a centralised heating system) destroyed or damaged many of the unsafe and unwinterised rubhall shelters of the Lesvos RIC.

### 1. The “COVID-19 quarantine” area or the shameful jail of the Lesvos RIC

LCL has documented conditions in this “health quarantine area” of the Lesvos RIC, which were in no way compliant with COVID-19 preventive measures, unfit for medical isolation and left people exposed to extreme weather and inhumane conditions during the winter months. LCL has also reported on other parts of the Lesvos RIC where several rubhall structures, unfit for human habitation (especially in the winter) were destroyed by domestic fires, repeatedly putting people’s lives at risk.



The “COVID-19 health quarantine” of the camp is a **closed area under police and camera surveillance, surrounded by double fences with barbed wire**, where new arrivals on the island are normally held for at least 10 days. In February, however, at least 19 unaccompanied minor children remained detained there for around 20 days – together with unrelated adults – despite the fact that they had completed their quarantine period and did not have COVID-19 – under the pretext that there was no space for them in either the “Safe Area” of the RIC or housing for unaccompanied minors provided by the NGO Iliaktida.

*(Left) Picture of the prefabricated shelters of the quarantine prison in the Lesvos RIC, February 2022, Photograph by a camp resident.*

The living conditions for people effectively detained in this area over the winter months were deplorable. As shown in several pictures, new arrivals were forced to share prefabricated units with unrelated individuals living in the Lesvos RIC who were suspected to be infected with COVID-19.

Various clients of the LCL, who had been detained in this quarantine area, explained that they were **forced to sleep on the floor with their children, without a mattress or bed**, and that they suffered from the

cold, especially at night (see picture above). Contrary to the [promises about preparing for winter made by European authorities last Spring](#) **no heating system** had been installed in living units in the RIC by the start of the winter of 2021-2022, leaving residents no choice but to use individual heating systems. Many LCL clients explained that there were no individual heaters available while they were detained there in December 2021. Moreover, when temperatures have reached as low as 0 degrees celsius in Lesvos in January, the prefabricated units housing people in quarantine were **not adequately winterised** and unsuitable to protect people from the harsh weather conditions. People effectively detained there have been forced to hang blankets around the walls in an effort to insulate their otherwise non-winterised shelters.

Apart from one week in the month of January, there was **no hot water** available during the whole winter for people to shower in the shower cabins – which are outside – despite near-freezing temperatures. People detained in the quarantine area also explained that **no hygiene packs, no soap, shampoo or protective masks** were distributed to them, leaving them without access to adequate hygiene and sanitation, or to effective protection from Coronavirus for themselves and others detained there.

Given the awful conditions of the quarantine area, clients of LCL revealed that many residents of the camp were deterred from mentioning that they were sick or experiencing symptoms of COVID-19 to the health services in the camp, for fear of being detained in such conditions. In the past, police officers operating in the camp have been known to forcibly transfer families from their containers to the quarantine area, where they were held in the conditions described above.

During their time in “health quarantine”, new arrivals officially have **no legal status in Greece** and are **not in a position to access external support**, including access to legal information. Apart from one employee of the RIC and the public health agency EODY, **no one was allowed access to this zone**, not even UNHCR protection and detention officers, NGO medical staff, or authorised lawyers wishing to visit their clients. Until recently, the authorities were also refusing to provide people detained there with the list of lawyers and legal organisations available in Lesbos to support them in the asylum procedure. The detention of asylum seekers in this quarantine area for at least 10 days, added to the over-acceleration of the asylum procedure, which is highly problematic and unfair because it de facto denies asylum seekers access to individual information or legal advice after their release from quarantine, and before a final decision is taken in their case by the Regional Asylum Service.

The Greek authorities have been using the COVID-19 pandemic as a pretext to expand detention-like conditions in refugee camps throughout Greece, including discriminatory restrictions on movement in and out of camps and unjustified curfews.

Our [full report](#) on these conditions included the publication of pictures of the so-called ‘health quarantine’ and was based on our regular communications with people detained there. As a result of such publications and the filing of this information in the context of interim measures before the European Court of Human Rights, residents of the camp reported that the living conditions and equipment within the quarantine area have slightly but notably improved, including through the delivery of bunk beds with mattresses.

## 2. Dangerous fires destroying one rubhall after the other in the Lesvos RIC



*Pictures of the 28 January 2022 fire which destroyed rubhall RH6 and damaged RH5 in the yellow zone of the Lesvos RIC at around 8pm leaving 49 persons without a shelter.*

As for the last series of fires that happened on 15 and 18 of November and destroyed two large rubhalls of the yellow zone in a matter of minutes, the rapidity of the January fires shows once again that these rubhalls constitute an **unsafe and hazardous shelter**. In all cases, the causes of the fires seemed to be linked to the use of individual heaters (inevitable given the lack of centralised heating) as well as repeated cuts of electricity due to the insufficient capacity of generators in the camp.

Luckily, in those recent fires, no one was reported to have been hurt or harmed, except in the incident of 14 January where at least one resident was brought to the hospital due to toxic smoke inhalation during the fire. Until now, the men living in those rubhalls have managed to escape in extremis, however leaving most of their belongings behind them, including some of their personal documents which are crucial for their asylum claims.

On 14 and 28 January 2022, severe and rapid fires broke out, once again in the Lesvos RIC, destroying entirely and in a matter of minutes, several of the large rubhall shelters accommodating hundreds of people in the **“yellow zone” of the camp**

This zone is where (most) single men who have had their asylum claim rejected are forced to live, and where living conditions remain most miserable and precarious. Most of the shelters there are large rubhalls (see picture) which only offer very rudimentary living conditions, without protection from the winter’s near-freezing temperatures or heavy rains. In case of fire, the polyester covering those rubhalls is capable of melting very rapidly, leaving only a very short amount of time for the 50 to 100 people living there to exit through one of the two openings at each end of the central corridor.



In most instances, people who were housed in the destroyed rubhalls were not immediately offered alternative housing by camp authorities but were told to find a place in someone else's container.

Just like in the former Moria camp, where since March 2016 at least 6 people had died in container or tent fires or from carbon monoxide poisoning, **such incidents have become routine in the Lesvos RIC since its construction in October 2020**. Many of the residents of Lesvos RIC previously resided in Moria camp and were displaced by the [massive fires that destroyed the site in September 2020](#). They have already experienced the fear and psychological trauma arising from the blaze and its aftermath, and families have reported how their children's repeated exposure to such dangers has had a **deleterious effect on their mental health**. As per UNHCR data, children constitute a fourth of the population in the Lesvos RIC, out of whom nearly 4 out of 5 are younger than 12 years old. Instead of taking into account this reality, the Greek Ministry of Migration and Asylum has continued to concentrate its efforts on the [closure of all existing alternative and safe accommodations available](#) in Lesvos, including for minors, families and people with vulnerabilities or medical conditions. Neither the Greek nor the European Union authorities have taken any measures to host people in safe and dignified places, continuing to tolerate the fatal risk that camps like the Lesvos RIC represent for migrants.

It should be recalled that the Ministry of Migration and Asylum has received at the end of 2020 [an additional 5.36 million euros in emergency funding from the EU](#) to upgrade the "Installations and infrastructures of temporary reception facility in the region of Kara Tepe – Mavrovouni, Municipality of Mytilene" in 2021. Yet, at the same time, in several cases filed by the Legal Centre Lesvos, the European Court of Human Rights has in 2021 [repeatedly found that the living conditions in the Lesvos TRIC were "not compatible with Article 3 of the Convention"](#). That is to say, not guaranteeing the European standards on the prohibition on torture, inhuman and degrading treatment, for over 25 clients of the LCL with health conditions or in need of specific healthcare.

Read more about our report on those topics [here](#).



➤ 4 March - What happened to the 7 persons found dead on Lesbos shores?



Picture of messages and candles left in Sappho square, Mytilene, on 1 March 2022, in memory of the persons found dead on Lesbos shores. Photo Credits: [Women in Solidarity House – WISH Lesbos](#)

In the morning of 1 March, Lesbos witnessed the shocking death of at least seven migrants, whose bodies without life jackets, were found by passersby, washed up on the beach of Epano Skala, a neighbourhood of Mytilene, just north of the centre, on the way to Lesbos' Reception and Identification Centre, where migrants have been housed in effective detention since the fire that destroyed the notorious Moria camp. While search and rescue operations and investigations were deployed at land and sea to find survivors or other victims, no information about a proper investigation is known, and no official report has yet been released by the Greek authorities about the circumstances and cause of their death at sea which remain a mystery.

Several media outlets already mentioned the hypothesis of another fatal shipwreck of a dinghy trying to reach the European shores in the hope to seek asylum, as the Greek islands have witnessed so often in the past years. However, no official explanations were yet provided and **many questions remain unanswered: if those persons arrived on a dinghy from Turkey, where is their boat now ? Were those seven people accompanied by others, as is commonly the case for dinghies crossing from Turkey to Greece ? And if so, where are the others ? Who were these seven people whose lives were taken so unnecessarily?**

These questions arise just after the United Nations High Commissioner for Refugees, Filippo Grandi, published a [statement](#) warning about the increased level of violence and human rights violations documented by their agency at European borders, and in particular at Greece's land and sea borders with Turkey. This statement which directly and specifically targets Greece also reveals that "UNHCR has interviewed thousands of people across Europe who were pushed back and reported a disturbing pattern of threats, intimidation, violence and humiliation. At sea, people report being left adrift in life rafts or sometimes even forced directly into the water, showing a callous lack of regard for human life. At least three people are reported to have died in such incidents since September 2021 in the Aegean Sea, including one in January."

As highlighted by the UNHCR as well as [recent major media reports](#), pushbacks are well documented and have already led to several fatal incidents over the last months. The policy of pushbacks is also shown in [UNHCR official numbers](#): whereas in 2021 arrivals registered in the Greek islands have decreased by 93% compared to 2019, the number of deaths and missing persons have remained the same on average from 2019 to 2021.

**Although the exact circumstances of the death of the seven migrants found on the Lesbos shore remain uncertain, there is no doubt that their deaths are the direct consequence of the inhumane and dangerous border regime implemented by Greece and the European Union. No person would drown at sea attempting to reach Greece, if legal and safe routes were available.**

The facility with which legal routes of migration can be established, if there is political will, has been demonstrated by the swiftness with which the Ministry of Migration [established procedures](#) for Ukrainian nationals to gain access to Greece via airport or road, who upon entry to Greece are eligible for Temporary Protection by the Asylum Service for one year, and have the right to access accommodation, work and medical care. The establishment of this procedure for Ukrainian nationals has also exposed the underlying white supremacy defining European migration policies.

**Instead of ensuring that people can safely and legally access refuge and asylum via the Turkish border, Greece has over the last six years focused its efforts on deterring migration of racialised migrants from the global south, at any cost to human life or dignity, through the creation of "hotspots" on the Greek islands. Institutional violence and cruel disregard for the lives of migrants in border regions such as Lesbos have been silently tolerated in the European Union for years, if not directly caused by the European Union's migration policies such as the EU-Turkey Deal.** Given this tacit support, it is no surprise that Greece continues to escalate its cruel methods of maintaining its borders, through increased use of pushbacks. A radical reform to European migration policies, that would allow for nondiscriminatory legal and safe routes of migration for all, is needed if we hope to end the ongoing attack against migrants' lives at Europe's borders, which led to the tragedy we witnessed in Lesbos.

## 2. Continued work to advocate for fair asylum proceedings

On 19 January 2022, the European Asylum Support Office (EASO) was replaced by the European Union Agency for Asylum (EUAA) with “*the aim to achieve convergence of asylum and reception practices in the EU*” and the [attribution of a new mandate and mission as a European agency](#). Despite the agency's continuous and major involvement in the asylum process in Greece over the last years, the asylum procedures implemented in Greece remain unfair and dysfunctional as shown below.

### ➤ **7 February 2022 - Resumption of the rights to file second and following subsequent application in Lesbos after 6 months disruption.**

On 7 February, the Lesbos Regional Asylum Office (RAO) finally resumed the registration of second and following subsequent applications for international protection in Lesbos which had stopped for at least 6 months (from September 2021). For that entire time period, the RAO of Lesbos had stopped registering such applications, **restricting access to international protection and impeding asylum seekers in Lesbos presenting any new or fresh evidence for their asylum case**, in violation of the principle of legal certainty and Article 6 par. 1 of Directive 2013/32/EU.

Individuals affected by this disruption were also left outside of any legal status and procedures, which in turn obstructed their access to social rights on the island, as well as forcing them to live in the Lesbos camp without remedies or alternatives. These people were forced into inhuman and degrading conditions for several months given that after the final rejection of their previous application and consequent deactivation of their social security number (P.A.A.Y.P.A.), they were deprived of access to healthcare and were not receiving even the inadequate financial support granted to asylum applicants, while being deprived of any other means of subsistence and facing the risk of arrest, administrative detention and deportation. Several months later, and without any information provided to those affected, RAO Lesbos resumed the registration of the aforementioned applications, however with new requirements and obstacles.

### ➤ **2 March 2022 - Imposition of a 100 euros fee to access asylum from the second and every following subsequent application to applicants for international protection, including minors**

Once the registration of second and following subsequent applications for international protection resumed, further obstacles were implemented by the Asylum Service, including the introduction of a new requirement to pay a 100 euro fee for each individual wanting to file their second and every following subsequent application (legislative regulation of par. 10 of Article 89 of Law 4636/2019). In fact, based on the Joint Ministerial Decision (JMD) no. 472687/2021. If the application is submitted on behalf of several members of one family, a separate deposit for each family member is required, including minor children. This translates to the fact that for a family of five – two parents with three minor children – a fee of 500 euros is required.

On 2 March, the Legal Centre Lesbos together with 19 other civil non-profit organisations providing legal support in Lesbos co-signed a [statement](#) denouncing this development and reminding the Greek state of its obligation to provide unhindered and effective access to asylum procedures. The legislative provision making payment of fees a prerequisite is yet another obstacle for people who are otherwise eligible for international protection, and is especially prohibitive for large families, and undermines the right of access to asylum, as

enshrined in Article 18 of the Charter of Fundamental Rights, and Articles 6 par. 1 and 40-42 of Directive 2013/32/EU.

Restrictions on free and unhindered access at any stage of the asylum procedure is to the detriment of the fair and effective nature that must characterise the procedure as a whole. In 2021, a JMD<sup>1</sup> defined Turkey as a “safe third country” for applicants from Syria, Afghanistan, Pakistan, Bangladesh and Somalia. The full implications of this decision can be read [here](#). In short, applicants from these countries whose cases were rejected on the basis that Turkey is a safe third country, in particular should not be obliged to apply for international protection for the third time and pay 100 euros for this purpose, when they have never had the opportunity to have their asylum claims examined.<sup>2</sup> Moreover, the fee also applies to asylum seekers from countries where a substantial change of circumstances has taken place, such as Afghanistan, despite the fact that there are clearly new and essential elements of their application.

**LCL and the other signatories call on the Ministry of Immigration and Asylum to abolish the legislative regulation of par. 10 of Article 89 of Law no 4636/2019 and JMD No. 472687/2021, as their content is contrary to the provisions of Article. 6 par.1 and 40-42 of Directive 2013/32/EU, which prohibit rules that will “render impossible the access of applicants to a new procedure or result in the effective annulment or severe curtailment of such access”. In addition, it conflicts with the provisions of Articles 25 par. 2 and 20 par. 1 of the Constitution of Greece, Articles 18, 47 and 52 of the Charter of Fundamental Rights of EU law and the relevant case law of the ECtHR regarding the provisions of Articles 3, 8 and 13 of the ECHR, since it effectively makes it impossible for those refugees who do not have the financial means to pay the fee of 100 euros per person/family member.**

We call on the competent authorities and the RAO Lesvos to respect the European fundamental right to seek asylum and to refrain from actions that violate the rights of asylum seekers, violate national and EU law and may cause serious and irreparable harm to asylum seekers, violating the principle of non-refoulement fundamental to international law.

**➤ 8 March 2022 - Greece’s continuous implementation of the ‘safe third country’ concept is violating EU law and migrants’ rights**

Legal Centre Lesvos together with other 27 civil society organisations addressed a joint letter to the EU commissioner for Home Affairs, Ylva Johansson, denouncing the implementation by Greece of the "safe third country" concept and urging the Commissioner to promptly take the necessary measures against Greece.

Since the adoption on [7 June 2021 of a Joint Ministerial Decision 42799/2021](#) by the Minister of Migration and Asylum and the Deputy Minister of Foreign Affairs, the Greek asylum authorities arbitrarily and systematically consider that Turkey is safe for persons originating from Syria, Afghanistan, Somalia, Pakistan and Bangladesh, without an examination of the merits of their asylum claim – i.e. the reason they left their

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<sup>1</sup> 42799/2021

<sup>2</sup> Article 86 par. 5 of law 4636/2019

home country. **This Joint Ministerial Decision exposes applicants for international protection to a legal limbo whereby they are never granted access to an examination of their asylum applications on the merits, contrary to the purpose of the Geneva Convention and of the Asylum Procedures Directive. It also leads to their exclusion from reception conditions and to cater for their basic subsistence needs, including health care and food.**

It should also be mentioned that especially for Syrian citizens, the above procedure was in force even before the implementation of the Joint Ministerial Decision and resultantly, there are cases of applicants who had not been able to access a safe legal status for 3 years, as their claims were repeatedly rejected as inadmissible.

As further described in the joint letter, this led to a large number of claims for international protection being rejected as inadmissible on this ground, and applicants being ordered to return to Turkey, without any prospect for such readmission. It should be recalled that Turkey is not a safe third country for migrants: most migrants are unable to access any form of protection in Turkey, owing to a geographic restriction that Turkey imposed to the 1951 Convention on the Status of Refugees, and migrants there are at grave risk of exploitation, inhumane detention, and deportation. Only Syrian nationals are able to obtain a form of temporary protection, which falls far short of refugee protection and, in practice, provides little protection against refoulement.

**Through this joint letter, the co-signatories requested that asylum seekers to whom the 'safe third country' concept has been applied, see their international protection applications promptly examined on the merits and be provided with respective legal status and adequate reception conditions.**

It is not the first time that the legality of this Joint Ministerial Decision is being challenged: on 8 October 2021, the Greek Council for Refugees (GCR) and Refugee Support Aegean (RSA) had [already requested the judicial review and annulment](#) of the Joint Ministerial Decision before the Greek Council of State. The joint letter to the EU Commissioner Johansson can be downloaded [here](#). Further publication of LCL on the same topic can be found [here](#).

➤ **Overview of the legal support provided by Legal Centre Lesvos between January and March 2022**

**Legal Centre Lesvos lawyers represented:**

- ★ 25 individuals in the asylum procedure, including cases of family reunification;
- ★ 17 individuals on appeal of their asylum claims;
- ★ 8 detained individuals facing criminal charges.

**Volunteer caseworkers with the Legal Centre Lesvos carried out:**

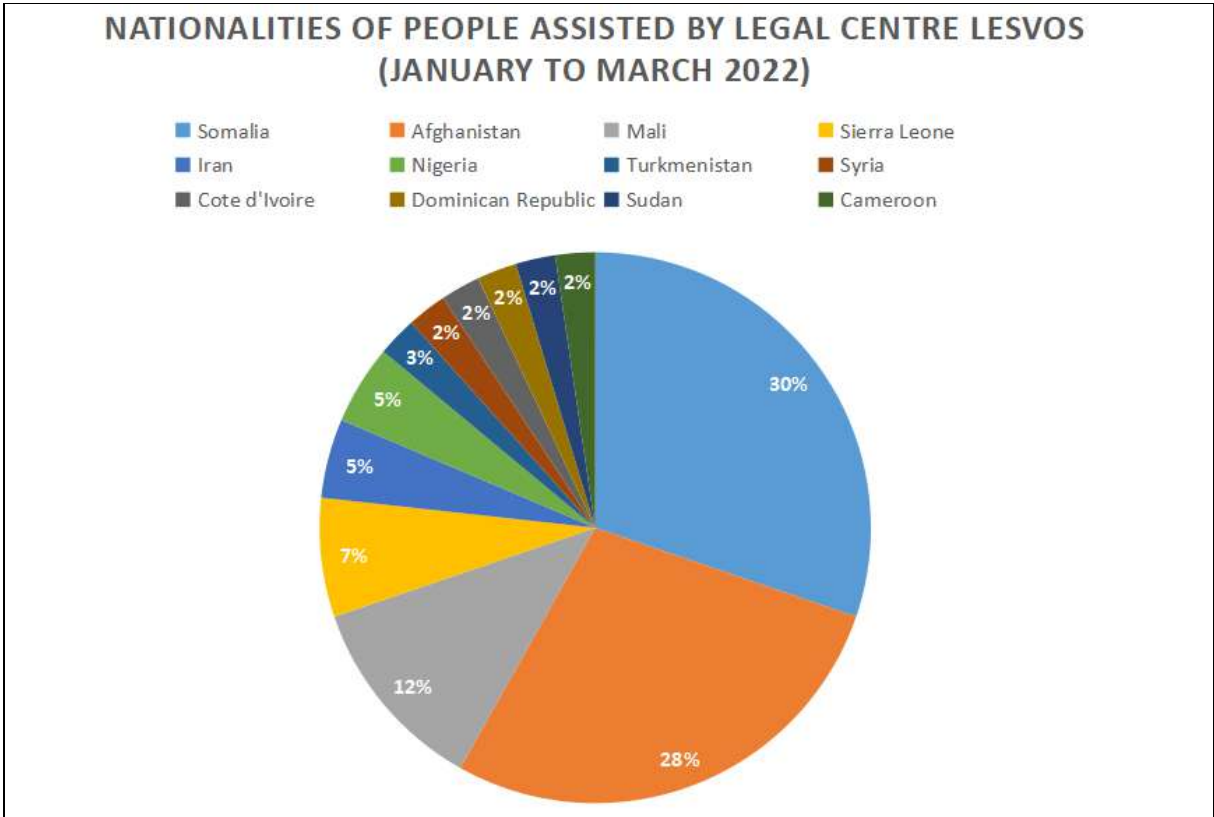
Between January and March of 2022, volunteer caseworkers, under the supervision of Greek attorneys, supported 43 new cases, and actively worked on over 267 cases over the course of three months.

**Legal aid in the above cases included:**

- ★ 205 individual legal consultations;
- ★ 34 interview preparations and preparation of legal memos in 33 cases;
- ★ 24 referrals to alternative housing services or protection services;
- ★ 19 persons attended information sessions on the asylum procedure and asylum interview.

Over the reporting period, LCL also provided **training on the asylum procedure in Greece to other solidarity groups and civil society organisations** working on the island. Those training sessions were attended by around 20 volunteers and staff.

**Legal Centre Lesvos filed 1 petition for interim measures on 14 February 2022 before the European Court of Human Rights, which was partially granted**, and ensured that 11 unregistered asylum seekers newly arrived in Lesvos could finally - after 24 hours in the woods without assistance - access food, water and shelter, as well as be officially registered as asylum seekers by the Greek authorities. 5 of the adults represented before the ECtHR were also supported by LCL in their asylum procedure and have since then received subsidiary protection.



As shown on the diagram above, people who received legal aid from the Legal Centre this period were mainly from Somalia and Afghanistan and included people from throughout the Middle East and African continent, **some of whom have been trapped on the island of Lesvos for 5 years without legal status since the EU-Turkey deal.** The number of asylum seekers from Somalia arriving on the island continued increasing over the reporting period and around 30% of the new cases supported by the Legal Centre in this period concerned individuals from Somalia.

In light of this, as well as the increasingly unfair asylum procedures applied specifically to Somali nationals (see above), LCL worked on translating **two of the “Know your Rights” Info sheets to Somali, specifically regarding rights in the asylum interview and rights after receiving a negative decision.** LCL also published two new Infosheet “Know your Rights” to provide basic information about **Family reunification in the European Union** as well as **Rights after a negative decision**. All info sheets are available online [here](#) and in our office in four languages.

The info sheets are not intended to be a replacement for direct and in-person legal assistance, they - in the present circumstances - represent an additional opportunity to reach out and provide information to more people in need of legal assistance. The Legal Centre Lesvos will continue to publish additional info sheets over the next months.

### 3. Litigation and criminal defence for the respect of migrants' rights

- 15 February 2022 - European Court of Human Rights acknowledges once again the imminent risks of irreparable harm faced by unregistered asylum seekers newly arrived to Greece



Picture of the 11 asylum seekers represented by the Legal Centre Lesbos before the ECtHR after their arrival on the island on 14 February 2022.

**On 14 February 2022, the Legal Centre Lesbos made an emergency petition for interim measures to the European Court of Human Rights (ECtHR) under Rule 39 of the Court, on behalf of 11 unregistered asylum seekers recently arrived on the island of Lesbos, given the imminent risk they faced of collective expulsion, or ‘pushback’ to Turkey. The next day the ECtHR partially granted the petition, recognising that the Applicants were at risk of irreparable harm - the standard used by the Court in granting interim measures.**

The group of 11 asylum seekers, including 5 unaccompanied minors, had arrived in Lesbos from Turkey on a dinghy in the early hours of 14 February. The Greek authorities, including the Coast Guard police, the Reception and Identification Centre of Lesbos (RIC) and the Greek asylum service - as well as UNHCR - were informed about the group’s presence on the island and about their desire to seek asylum from the early afternoon of 14 February. Nonetheless, the group was left without assistance, including medical assistance, food or water, until 15 February in the afternoon - nearly 24 hours after the authorities were informed about the exact location of the Applicants and their need for assistance, and after the group had to resort to filing interim measures with the European Court of Human Rights.



At the time of filing the request for interim measures, the 11 Applicants had already stayed outside for at least 15 hours, without any assistance, without water and food, they felt cold and dehydrated, their clothes were wet from the crossing at sea and they did not have any change of clothes or blankets. Some had already suffered pushback to Turkey after previous crossings to Greece, and their situation of uncertainty and fear was causing them additional stress and anxiety which exacerbated their risk of dehydration and hypothermia. The temperatures in Lesbos, which ranged from 8 to 11 degrees celsius on that day, were dropping as night fell. This situation was putting their health and lives at risk as the only prospect for them in that situation was to spend another night outside in woods, without blankets, shelter, food or water supply.

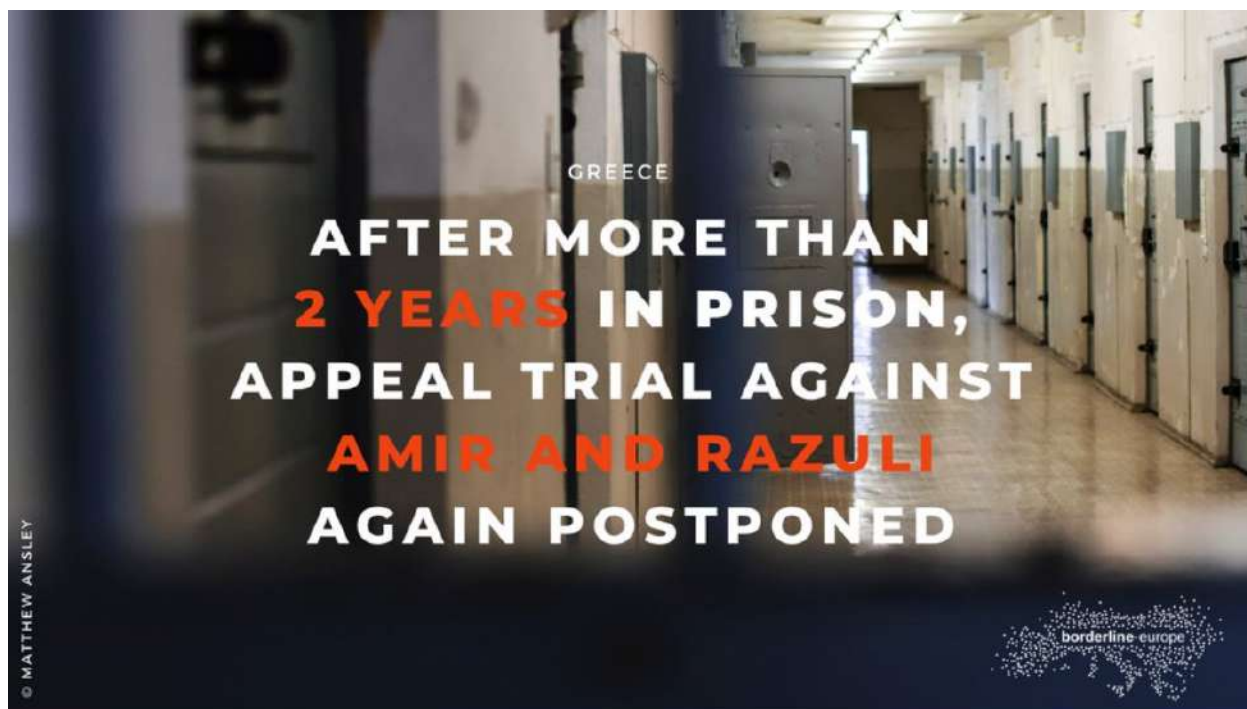
In the present case of interim measures, the Legal Centre Lesbos lawyers argued that the **lives and health of the 11 Applicants were at risk due to a lack of assistance by Greek authorities, and that they were at imminent risk of being illegally removed from the Greek territory**, in light of the overwhelming evidence and reports demonstrating that Greece has systematically pushed back migrants to Turkey over the last years.

In its initial decision **on 15 February, the ECtHR partially granted the measures, ordering Greece to provide the Applicants with “food, water, clothing, adequate medical care and temporary shelter until 22 February 2022”**. It further suspended its decision until 18 February on the potential risk of expulsion from Greece, requiring that the parties provide updated information about the whereabouts and situation of the 11 Applicants. Fortunately, following the filing of interim measures with the ECtHR, the 11 asylum seekers were finally attended by the Greek authorities and taken to the Lesbos RIC ‘Health quarantine area’ on 15 February. Although the Applicants had still not officially been registered as asylum seekers, they had been provided with a very minimum of assistance including a provisional shelter, food and water, as well as medical check for a few of them.

Additionally, in its 15 February decision, the ECtHR required the Greek State to provide information about what steps “[have] Greek authorities taken regarding the allegations of pushbacks that the applicants refer to?”. In response to this question of the Court, the counselor of the Greek government asserted that “[t]he Greek authorities do not carry out any illegal “push back” expulsions”, and claimed that the allegations are “based on various unsubstantial publications”. This position is concordant with the [denial of truth](#) that Greek officials have repeatedly adopted while talking publicly about accusations of pushbacks. In response to the latest public statement of the UN High Commissioner for refugees, Filippo Grandi, warning about the increased level of violence and human rights violations documented by their agency at European borders, and in particular at Greece’s land and sea borders with Turkey, the Greek Minister for Migration and Asylum [expressed his “surprise” at UNHCR concerns](#).

**Despite this continued denial by Greek authorities, the trend of the ECtHR shows that the Court is taking the abundant evidence of pushbacks from Greece to Turkey seriously.** The order issued in this case is the third interim measure brought by the Legal Centre Lesbos on behalf of recently arrived asylum seekers, following a [successful petition filed in October 2021](#). In all three cases brought by the Legal Centre, the individuals represented were subsequently registered in the Reception and Identification Centre, and allowed to apply for asylum. Additional successful interim measures were brought on behalf of asylum seekers who had recently entered Greece in the [Aegean](#) and the [Evros](#) regions, demonstrating the very real and alarming risk of ill treatment asylum seekers face upon entering Greece.

➤ 17-18 March 2022 - Justice for Amir and Razuli! #FreeAmirAndRazuli



In March, the lawyers of LCL and of the Human Rights Legal Project on Samos represented Amir Zahiri (27 years old) and Akif Razuli (24 years old) in their appeal trial initially scheduled to take place on 17 March 2022 in Mytilene Court in Lesvos. Both young Afghan men had been **sentenced to 50 years in prison** in a [summary and unfair first instance trial](#) on 8 September 2020, for “facilitating illegal entry” and “illegal entry” to Greece, while they were only trying to reach Europe in search of a life in safety.

With Europe’s ever-increasing closure of borders and the lack of safe and legal ways to enter Europe and claim asylum, both men were forced to embark on the dangerous journey on a rubber boat across the Aegean Sea in March 2020. At that time, the Greek government had announced the suspension of one of the most fundamental human rights – the right to apply for asylum, and consequently charged people seeking protection with their own “illegal entry”, blatantly contradicting [EU law](#) and [the Geneva Convention](#).

In their first trial, on 8 September 2020, Amir and Akif testified that the Greek coast guard attacked their boat as soon as they had entered Greek waters and tried to push it back into Turkish waters using metal poles. In doing so, they punctured the boat, causing water to enter and putting the life of the people onboard at risk. As the boat was about to sink, the coast guard eventually took them on board. Following this deeply traumatising experience, the coast guard proceeded with heavily beating up Amir and Razuli, arbitrarily accusing the two of being the smugglers. According to Amir’s wife who had to witness all of this together with her daughter, they only stopped when she held up their young child in front of her husband begging the men to stop. As soon as they arrived at the Greek island of Lesvos, Amir and Razuli were separated from the rest of the group and brought to the police station. The coast guard accused them of their own entry, of facilitating the unauthorised entry of the other people on the boat and of having endangered the people’s

lives. They were since then held in pre-trial detention and sentenced to 50 years in prison despite the absence of any evidence against them, apart from a statement of one officer of the Hellenic coast guard, accusing both defendants of “provoking a shipwreck”- accusation for which they were acquitted.

For the appeal trial scheduled on 17 March 2022, Amir and Akif were brought from their respective prisons in Chios island and Nigrita Serres (Greek mainland), where they had already been detained since their arrival in Greece, that is for nearly two years. While waiting for their appeal trial to take place, both defendants were seated handcuffed in the courtroom and were not given any information about if or when the trial would happen, in violation of the Greek criminal procedural law. **After two days of waiting the appeal trial finally opened on 18 March at around 2:30 pm, just to be halted immediately after, due to the workload and limited working hours of the Court Secretary.** A new date was scheduled to resume the trial 20 days later, on 7 April 2022. **This postponement of their appeal trial constitutes a denial of justice and perpetuated the chain of injustice both defendants have been the victims of since their arrival in Greece.** In addition, despite the Legal Centre Lesbos’ lawyers request for their client Akif Razuli to stay in Lesbos until the new date of trial (20 days later), he was **unjustifiably and unnecessarily transferred all the way back to Nigrita Serres prison on the Greek mainland.** He was taken on 21 March out of Lesbos police station and passed through different detention places in Athens and Thessaloniki before finally arriving in Nigrita Serres prison, 8 days later, on 29 March. He stayed only two days in detention there before being taken back again to Mytilene, Lesbos, on 31 March, where he arrived only on 2 April.

**The Legal Centre Lesbos, Aegean Migrant Solidarity, borderline-europe e.V., You can’t evict Solidarity and Deportation Monitoring Aegean have and will continue to closely followed the trial and demand:**

- **A thorough investigation, justice and the release of Amir and Razuli, as well as the dropping of all charges against them!**
- **Freedom for all those imprisoned for “boat driving” and the end of criminalization of people on the move!**
- **That the European Union must stop the arbitrary incarceration of refugees and migrants.**

Almost every day, people seeking protection are criminalised for their own flight and arbitrarily sentenced to lengthy prison terms and heavy fines. Recently, a survivor of a shipwreck has even been criminalised for the death of his six-year-old son, who died when they tried to cross from Turkey to Greece (see the campaign [Free the #Samos2](#)). Suspects, or what we would deem ‘victims’ of this unjust legislation, usually have limited access to legal assistance. Judgments are often pronounced despite lack of evidence and poor quality of translation. In Greece, the average trial in these cases lasts only around 30 minutes, leading to an average sentence of [44 years and fines over 370.000 Euro](#). According to official numbers by the Greek ministry of justice, almost 2.000 people are currently in Greek prisons for this reason. **People charged with similar smuggling offences constitute the second largest prison population in Greece.** However, the fates of these people are seldom known. Arrested immediately upon arrival, most of them are locked away unnoticed, without their names known and no access to support from outside. **We will continue to stand in solidarity with the defendants, no matter how long it will take to achieve justice for Amir and Razuli. Our press releases on this trial can be read [here](#) and [here](#).**