



Forensic Architecture platform showing where migrants were abandoned at sea by Greek authorities from and off the shores of Lesbos island since March 2020. Available under: <https://forensic-architecture.org/investigation/drift-backs-in-the-aegean-sea>

LEGAL CENTRE LESVOS QUARTERLY REPORT APRIL – JUNE 2022



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Since the spring, Legal Centre Lesvos' work continued to be instrumental in preventing illegal pushbacks of unregistered asylum seekers newly arrived on Lesbos through the provision of Emergency Legal Assistance. Thanks to coordination with other international actors, such as the United Nations High Commissioner for Refugees (UNHCR) and non profit organisations defending migrants' rights, including Médecins Sans Frontières (MSF) and Alarm Phone, this work ensured that asylum seekers who have arrived on Lesbos - sometimes for a few days already, without access to food, water or shelter in extreme weather conditions - have eventually had access to international protection procedures in Greece as well as other critical services such as urgent medical support. This work has been increasingly critical given the persistent, violent, and illegal practice of summary pushbacks at sea carried out by the Greek authorities, to expel and abandon at sea those who manage to arrive to the Greek waters and those who reach the Greek islands.

Over the last three months, denunciation of pushbacks in the Aegean Sea and across the Evros River has intensified – with the extensive documentation and wide publication of cases where people seeking protection in Greece have instead been hunted down, captured, and taken out to sea where they were abandoned in motorless life rafts or the damaged dinghies they had travelled on, and in some documented cases thrown directly into the sea in a murderous and calous disregard for their lives. As denunciation efforts increased, NGOs and solidarity actors across Greece are also facing increasing pressure, intimidation and criminalisation for their reporting, denouncing and advocating work against these human rights violations. Indeed, officials of the Greek government, and media platforms continue to tacitly accuse those who advocate against pushbacks of being involved in smuggling networks themselves.

The efforts of organisations reporting on and advocating against those illegal pushbacks, however, have undoubtedly contributed to a shift in public discourse regarding pushbacks during this period: FRONTEX executive director resigned after a long investigation by the European Anti-Fraud Office and media reports revealing how FRONTEX actively covered up pushbacks of the Greek authorities; the Council of Europe Human Rights Commissioner issued recommendations denouncing pushbacks in different Council of Europe member states, including Greece; the Special Rapporteur on the situation of human rights defender published a press statement after her official visit in Greece expressing her concerns about the escalation of criminalisation of actors involved in the advocacy against pushbacks.

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1. Updates on the situation for migrants in Lesvos

- The construction of the new Reception Centre in Vastria is progressing despite the high risks of fires

Despite being delayed from its originally scheduled construction in the summer 2021, after months of [opposition, protests](#), and legal actions, the construction of the new EU-funded, high-security, multi-purpose reception and identification centres (MPRICs) structure in Plati, Lesvos, is progressing rapidly and is scheduled to [be completed in September 2022](#). While the Greek government describes this new camp as a solution to bring “normality” to Lesvos island, the facility will in reality be a prison surrounded by barbed-wire fences and concrete walls with 24/7 surveillance for up to 3.000 individuals - following the example of the [Samos MPRIC](#). Moreover, the location of this new facility is particularly problematic, as it will be located in the middle of the largest pine forest in the Aegean region and next to the island’s largest landfill site.



Pictures from Manolis Lagoutaris for AFP

This is unsuitable in particular because of the high risks of fires caused by the density of pine trees all around the area. Giorgos Dinos, head of the local firefighters' union, told the AFP that ***“it is the worst possible place to build the camp. If a fire breaks out there, it will burn down half the island”***. He also underlined the difficulties to evacuate the residents of the closed camp as the location is difficult to access in case of an emergency. The camp will only be accessible by a long and narrow road that snakes through dry forest terrain for roughly ten kilometres.

As shown in the past years, fires are inevitable in refugee camps, and often caused by the inadequate conditions which force people to heat themselves with fires or unsafe electric heaters due to lack of heating in the winter, to cook for themselves using unsafe cooking stoves or fires due to the lack of edible food distributed, or to set up unsafe electrical wiring without the proper equipment.

Protests against the inhumane conditions of the Greek “hotspot” camps also too often lead to fires, often following violent police repression of these protests. The construction of a camp in the centre of the

highest risk area for forest fires is another proof that no lesson has been learned since the [destruction of Moria camp](#) in a fire in 2020 and the [regular series of fires](#) that have put people's lives at risk in the current camp of Kara Tepe - the latest example being the fire of 28 May 2022 that destroyed an entire rubhall where around 150 people were living in a matter of minutes.



Pictures from Manolis Lagoutaris for AFP

No official report on the progress of construction of this new camp is available and access to the site is forbidden to local politicians, NGO workers, and journalists. The construction site is also guarded 24/7 by a private security company under the direction of the Ministry of Migration.

➤ 15 June 2022 - People forced to move from rubhalls to prefabricated units in Lesbos camp

On 13 June 2022, a few weeks after a fire burnt down an entire rubhall, the authorities passed by each of the 18 remaining rubhalls of the yellow zone in the Lesbos RIC with translators to inform the residents that they would have to move two days later, on 15 June, from their current rubhalls into prefabricated units in the camp. While the closure and replacement of the rubhall dangerous structures is generally good news, the conditions in the shelters to which they were moved was even worse according to some residents. Additionally, the methods used by the authorities to force people to move out of the rubhalls where some had been living nearly two years, again shows the disregard for the humanity of those forced to live there.

Residents of rubhalls have explained to LCL that when people refused to move out of the rubhalls, authorities threatened them with retaliatory actions, such as turning off the electric generators, stopping food distribution, and cutting access to other services, such as medical assistance. On 15 June 2022, the authorities went again with their interpreters to announce that people had to move out that same day, as the electric generator would be cut at 3 p.m., and that if they refused to do so, asylum seekers with positive decisions would not have their fingerprints taken, which is necessary to process their resident IDs and travel documents.

People who were forced to move out of the rubhalls report that the living conditions in the prefabricated units they were moved to are unbearable, and even worse than the rubhalls, particularly because of the extreme heat. Indeed, the units heat up quickly due to high summer temperatures, and they are not equipped with air conditioning units.



Pictures of the prefabricated units installed in Lesvos camp from the outside (above pictures) and inside (below), Pictures taken by a camp resident

Five people are housed in each unit. Some units are housing individuals with very vulnerable medical conditions, such as diabetes, epilepsy, and hypertension. Although there are at the moment several empty ISO box containers available in the camp, which are equipped with air conditioning and provide better shelter from weather conditions such as wind and rain, people are still forced into the inadequate prefabricated shelters. For their health and safety, vulnerable individuals in particular should be given extra care and be moved to the vacant ISO box containers.



Moreover, these prefabricated units raise serious safety issues related to fire risks, given that some of the elementary precautionary measures were not fulfilled. As shown in the pictures above, the different units are in very close proximity (less than 2 metres from each other), whereas they should be separated by at least 5 metres, as per their technical specifications. Even with the recommended precautionary spacing between the units, residents would only have a maximum of 2 minutes to evacuate in case of a fire. Better separation would facilitate faster evacuation and lessen the risk of fires spreading between units

quickly. Considering that recurrent fires are common in Greece during the summer, and especially in the Lesvos RIC where two rubhalls already burned down this year, these dangers are all too apparent for residents of the camp. Those examples show once again how asylum seekers' lives are casually put at risk and disregarded in camp structures in Greece, do not meet the minimum safety requirements, and expose people to inhumane and degrading conditions of bare life survival.

➤ Procedural violations and obstacles at the Regional Asylum Office of Lesvos

The Regional Asylum Office in Lesvos (RAO Lesvos), located in Pagani, is a public service, however, since the destruction of Moria camp, **access to the Lesvos asylum offices is not permitted for asylum seekers, who only have access if given an appointment by the asylum service. Furthermore access has also been restricted recently for lawyers** who want to enquire or follow up on specific ongoing cases, except if it is to attend asylum interviews.

Another major issue noticed is the **excessive and unacceptable waiting time** imposed on some asylum seekers or **unexpected and last minute changes in appointments**. For instance, one individual reported to LCL that he had to wait over 9 hours to have his asylum interview, and a single woman with a one-year-old child was forced to wait over 5 hours for the registration of her subsequent asylum application. This having in mind that asylum seekers called to Pagani for appointments must in any event board the organised bus leaving the camp at 06:30 a.m., and often take the bus back to the camp which does not leave Pagani until late in the afternoon. On numerous occasions, people have reported to LCL that they have been denied boarding in the bus from the camp entrance at 6:30 a.m. although they had a specific invitation or appointment to the RAO Lesvos for an interview, a registration, a meeting with their state appointed lawyer representing them on appeal, or an appointment to lodge an appeal. Instead, they were told their appointments would be rescheduled to another day. In some cases, applicants went to the Asylum Office for appointments with their state appointed lawyers, waited all day without seeing their lawyers, and were then asked to come back another day. During this waiting time, people are forced to wait outside, subject to the weather, and without any access to food or water, unless they bring it themselves.

Several people reported to the LCL that the **minimum privacy and confidentiality required for appointments at the RAO Lesvos were not respected**. For instance, during appointments to register subsequent applications for asylum, they were repeatedly interrupted by other RAO employees or contractors coming in and out of the appointment rooms and leaving the doors open while individuals were sharing their information, including personal and sensitive information. Another individual, who is a minor, reported to the LCL that he did not tell the asylum caseworker everything at his registration because he could sense that the caseworker was stressed because of the number of other people waiting for their appointments and he did not want to add to her stress. This comment highlights the need for a child-sensitive environment for minors going through the asylum procedure.

The disorganisation and lack of confidentiality is sometimes also coupled with the **visible lack of experience and competence of some of the asylum caseworkers employed at the RAO Lesvos**. For instance, during an appointment to register her application for asylum, one woman who is a victim of Feminine Genital Mutilation (FGM) from Somaliland, a de facto state within the borders of Somalia, faced issues to be registered, as the assigned Asylum Office caseworker was unaware of the existence of this region within Somalia. This lack of basic knowledge of the country of origin shows how unprepared the caseworker was for that appointment. To resolve her unpreparedness, the caseworker brought in another colleague who then stayed for most of the registration. This other worker from the Asylum Office did not introduce herself to the client, a situation which became overwhelming and uncomfortable for the applicant who had to disclose sensitive and personal details of trauma she had survived. The whole registration appointment became very disorganised while the door of the appointment room remained open, impeding confidentiality and privacy.

Moreover, **basic rules during the asylum interviews are often disregarded.** For example, one individual reported to LCL that he repeatedly asked for a break in order to use the toilet during his asylum interview, but his request was ignored by the Asylum Office caseworker who instead repeated the questions and forced the applicant through an interview of over three hours without a break. This is a clear violation of the asylum seeker's basic rights, including the [EEAU practical guidelines for conducting personal interviews](#), which provide that people are entitled to take a break at any point during an interview.

Finally, several people **reported to the LCL that they faced interpretation issues during the asylum interviews.** This crucial problem, which has been raised for years by asylum seekers and legal actors in Lesvos, continues. For example, one individual from Sierra Leone reported that during his interview the interpretation was from Krio to French, then from French to Greek. The interpreter could not understand Krio well enough and the applicant noticed that parts of his explanations were lost through the multiple translations.

These examples reveal continuous and systematic violations of asylum seekers' rights during the asylum procedure. This inhuman and undignified treatment makes it even more difficult for asylum seekers to present their fears of persecution or risk of serious harm, as the Regional Asylum Office itself is a hostile environment that causes intense anxiety and stress for applicants before, during, and after their appointments.

2. Overview of LCL work to defend the rights of migrants

LCL's lawyers and legal volunteers continued accompanying clients through their asylum procedure, including by providing them support and representation.

Between April and June 2022, Legal Centre Lesvos' lawyers represented:

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

Over the same time period, volunteer caseworkers, under the supervision of Greek attorneys, supported 70 new cases, and actively worked on over 360 cases over the course of three months.

Legal aid provided included:

- ★ 104 registered asylum claims in Lesvos, following the provision of legal assistance by LCL for newly arrived people to access the asylum procedures;
- ★ 261 individual legal consultations;
- ★ 55 interview preparations, and preparation of legal memos in 39 cases;
- ★ 20 referrals to alternative housing services or protection services;
- ★ 36 people attended information sessions on the asylum procedure and asylum interview.

People who received legal aid from the Legal Centre this quarter were mainly from Somalia, Afghanistan, Sierra Leone, Democratic Republic of Congo and Iran. Some of these clients have been trapped on the island of Lesvos for three years without legal status.

In the continuation of LCL's work monitoring, [documenting](#) and denouncing collective expulsions in the [Aegean Sea](#), litigating [strategic cases](#) and submitting [emergency petitions before the ECtHR](#), the Legal Centre Lesvos continued over the last three months to provide legal assistance to migrants newly arrived in Lesvos who wish to seek asylum in Greece, in order to defend their right to be free from illegal collective expulsion to Turkey, to access health care, and to access the asylum procedure in Greece. Between April and June 2022, **104 people who arrived to Lesvos from Turkey were registered in the RIC, and allowed to apply for asylum, after they or someone in the boat they arrived with contacted the LCL for legal assistance.** This work is conducted in close coordination with actors such as UNHCR and MSF.

3. Continued efforts to fight criminalisation of migrants and human rights defenders

- April to May 2022 – Amir and Razuli, Kalamata, the Paros 3 and the Samos 2 trials: continued criminalisation of people reaching the EU borders to seek asylum

In March 2020, two young men from Afghanistan, Amir Zahiri (27) and Akif Razuli (24), were arrested and accused of smuggling, while they themselves are asylum seekers, forced to enter Greece using smuggling networks. They were convicted in the first instance in 2020, represented by state appointed lawyers. They are now represented on appeal by lawyers from the LCL and the Human Rights Legal Project of Samos (HRLP). Their appeal trial has now been postponed twice, until 8 December 2022, after initially being scheduled for [18 March 2022](#), and then again on [7 April 2022](#). To date they have already spent over two years behind bars, despite the lack of any credible evidence against them.

Despite a request by the lawyers to free both men until their appeal trial date in December, with which the Public prosecutor agreed, the Court of three judges denied the petition, ordering that they remain in prison until their appeal trial. Subsequent petitions for their release filed by lawyers from LCL and the HRLP, were also rejected in early June 2022.

While Mr. Zahiri and Mr. Razuli have been denied release while awaiting their appeal trial, within a few weeks of this decision from the Mytilene Appeal Court, the former Director of the National Theatre, [Dimitris Lignadis](#), was ordered released until his appeal, after having been convicted of raping two minor boys. Furthermore, the one of the men convicted in the brutal murder of [Zak Kostopoulous](#), was also released awaiting appeal (the second man convicted was not imprisoned due to his age). In a parallel proceeding [Giannis Michailidis](#), a known anarchist, had his petition for conditional release from prison denied, despite his deteriorating health, **demonstrating yet again the unbalanced and corrupted scales of justice in the Greek penal system.**

Unfortunately, the case of Zahiri and Razuli's prosecution is not unique. Greek authorities systematically criminalise people on the move; [for most boats that arrive in Greece, several people are arrested and afterwards legally prosecuted for steering the boat or for helping in other ways during the journey](#). The trials are often over very quickly, with decisions reached in a short time, and the sentences are draconic. Without sufficient evidence, people are usually arrested upon arrival and kept in pre-trial detention for months. When their cases finally come to court, their trials average only [38 minutes in length, leading to an average sentence of 44 years and fines over 370,000 euros](#).

Several other trials for similar charges against migrants took place in May. On 5 May, [the trial of the "Paros 3" took place on the island of Syros](#). Although both the prosecution and the judges acknowledged that the three defendants were not the smugglers or had acted for profit, nor were they to blame for the 18 people who lost their lives, the three young fathers Kheiraldin, Abdallah and Mohamad, were nevertheless convicted of "facilitating unauthorised entry", resulting in a sentence of 187 years for the "captain" and 126 years for each of the two "assistants".

On 18 May, [the "Samos 2"](#) stood trial on Samos. The first defendant, whose six year old son tragically drowned during the crossing, was absurdly charged for "endangering the life of his child" and faced up to 10 years in prison. During the trial he was finally acquitted in a welcomed verdict. The other defendant,

who was criminalised for steering the boat, was found guilty of all charges, including “facilitating of unauthorised entry”, “involuntary manslaughter” of the child of the other defendant, and of his own “unauthorised entry”. However, he was sentenced to one year and five months of probation, which is a relatively low sentence compared to the common sentences decided by other courts in such cases. Considering how people on the move are systematically criminalised by Greek courts, this decision is particularly exceptional.

On 19 May 2022, the trial of [two migrants arrested and accused of smuggling in Kalamata](#), nearly a year before, finally took place. The two defendants who appeared for the trial were freed but three other passengers were tried in absentia, and sentenced to over 361 years in prison each.

In parallel to these increasingly publicised trials, there is growing political pressure for Greece to change its anti smuggling legislation. On 10 May 2022, LCL, together with other organisations and human rights defenders, made an intervention in the European Union Parliament regarding criminalisation of migrants under Greece’ harsh anti smuggling laws, and advocating for change in both the European Union anti-smuggling directive and Greece’s anti-migrant practices. The systematic and disproportionate arrests and condemnations of migrants trying to cross the EU borders are a denial of justice - by the same authorities responsible for the crimes of systematic pushbacks and violent attacks against people on the move who however face no charges. **To us it is clear: steering or driving a boat and crossing borders cannot be a crime. The real crime is the border regime put in place by the EU - which impedes legal and safe routes of migration. Seeking asylum is a fundamental right – one we will continue to uphold and support.**

- [7 June 2022 - Trial of the Moria 6: guilty verdict confirmed for the two teenagers arrested following the Moria fires in another miscarriage of justice from Mytilene’s Courts](#)



On Tuesday 7 June 2022, A.A. and M.H, two of the six Afghan teenagers who were accused and convicted for the fires that destroyed Moria refugee camp in September 2020, had their conviction and sentence re-examined before the Juvenile Appeal Court of Mytilene, represented by lawyers from the LCL. Once again, the courts of Mytilene flouted the basic rules of a fair trial and the rights of the accused, by affirming the conviction of A.A. and M.H. on appeal with no credible evidence. While

the Mytilene Juvenile Court of Appeal finally recognised the defendants’ mitigating circumstances, the court reduced their sentence by only one year, from five years to four years imprisonment. Fortunately, the Athens Juvenile Court of Appeal decided in favour of A.A., who was finally released from prison in July 2022.

Our full report on the trial can be found [here](#).

➤ [23 June 2022 - Submission of Legal Centre Lesvos to the UN Special Rapporteur on the situation of human rights defenders in Greece](#)

Following an official visit to Greece from 13 to 22 June 2022, the United Nations Special Rapporteur on the situation of human rights defenders, Mary Lawlor, published a [statement](#) presenting her preliminary observations and recommendations. During her visit, she met with Legal Centre Lesvos and other human rights defenders across Greece. In her statement, she adopted one of [Legal Centre Lesvos' primary recommendations](#): to bring the current law on anti-smuggling (Migration law) fully in compliance with the UN Protocol on Smuggling.

As demonstrated in our submission, the Greek legislation currently in force is overly broad and vague, which gives the opportunity for its misuse in criminal proceedings and has led to the prosecution and conviction of human rights defenders for their legitimate human rights work, and of migrants who are themselves subject to smuggling networks.

Our full report can be read [here](#).



Picture of Mary Lawlor during her statement following her official visit to Greece

4. Updates on fight to end pushbacks

- [29 March to 6 May - The fiasco of the Greek National Transparency Authority's investigation into evidence of pushbacks in Greece.](#)

On 29 March, the Greek National Transparency Authority (NTA) issued a [press release](#) announcing the conclusions of a three-month investigation launched at the request of the Ministry of Migration and Asylum, into, among other, claims of pushbacks made by [Lighthouse Reports](#) and nine more [European media](#) outlets. Unsurprisingly, the NTA - whose independence and competence are being seriously questioned - concluded that all internal procedures and protocols were followed by Greek authorities and that **no evidence was found to support or confirm the available testimonies, pictures, videos and reports documenting pushbacks in Greece.**

The summary conclusions of the NTA were published just a few days before the Council of Europe Commissioner for Human Rights, Dunja Mijatovic, [publicly required the urgent and concerted action of the Government and Parliament of Greece to end pushbacks at Europe's border](#), as well as a [new report by Human Rights Watch](#) was published exposing, once again, how Greek authorities are “assaulting, robbing, and stripping Afghan asylum seekers and migrants, including children, before summarily pushing them back to Turkey via the Evros river”. On 28 June, [Lighthouse Reports](#) similarly denounced specific details about how the Greek police are using migrants as “police auxiliaries” to push back other migrants through the Evros river. This old practice of forcing migrants into doing this “dirty job” in place of the police is [nothing new in Evros](#), where those police auxiliaries are commonly locked up in buildings connected to the police station, and forced to stay there to work as slaves for the police for several months in exchange of a residence permit to stay in Greece or a guarantee to continue their travel in the European Union if the person pays 5,000 euros.



Google map extract from the Evros River marking the land border between Greece and Turkey

Together with 25 other organisations, [Legal Centre Lesvos demanded that the NTA publish the full report of this investigation](#) in order for its methodology and conclusions to be available for evaluation and to ensure the accountability of the implicated actors and national authorities. A version of the NTA full investigation was finally [published on 3 May 2022](#) before being removed only three days after, because it was breaching EU data protection rules. In the meantime, the NTA's conclusions received strong

criticism as it was revealed that the investigation was largely based on interviews of coast guard personnel and police officers - that is the alleged perpetrators of those same illegal pushbacks under investigation, In fact out of the 65 interviews carried out by the NTA, [around 45 percent of them were in fact police or coast guard officials; only one was a representative of an NGO, and only four were migrants.](#)

Apart from being highly concerning - in particular in light of the overwhelming evidence already available proving the systematicity and severity of pushbacks happening in Greece - the methodology and quality of the NTA's investigation puts into question the agency's independence and competence to act as a monitoring body. The NTA is [not a constitutionally established independent authority](#) (unlike other independent authorities in Greece) and does not meet the [ten guiding points](#) of an independent mechanism articulated by UN agencies and the European Network of National Human Rights Institutions (ENNHRI). Further, [as highlighted in a recent study](#), the NTA does not have the required specialisation on border issues.

Following the fiasco of the investigation, the head of Greece's NTA, Angelos Binis, has [against all odds reportedly been promoted as head of the internal audit of Frontex](#). In the meantime, Frontex executive director, Fabrice Leggeri, was forced to resign after the release of investigation reports confirming Frontex' involvement in pushbacks of migrants in Greece.

➤ 28 April 2022 - Joint investigations confirm Frontex' involvement in pushbacks in Greece and leads to the resignation of its Executive Director, Fabrice Leggeri

On 28 April 2022, Frontex executive Director Fabrice Leggeri [resigned from the agency](#). His resignation coincided with the publication of an [investigation from Lighthouse Reports, Der Spiegel, SRF Rundschau, Republik and Le Monde](#), which revealed that the EU border agency Frontex is complicit in



covering up human rights violations during illegal, violent expulsions carried out by the Greek authorities. Between March 2020 and September 2021, the European agency's internal database recorded as "prevention of departure" from Turkey in the scope of Frontex' Poseidon operation, 145 illegal pushback operations from Greece in the Aegean Sea. Notably, these expulsions led to the refoulement of at least 957 – but potentially over 8,355 – asylum seekers from Greece who were later found drifting at sea by the Turkish Coast Guards.

Picture of Fabrice Leggeri at a meeting in the European Council, Credits: Virginia Mayo

These allegations come just after the issuance of the report from the European Anti-Fraud Office (OLAF) issued in February 2022 after a year-long investigation into Frontex activities, which has until now not been made public.

Leggeri - who had been at the head of Frontex since 2015 and participated in its growth, making it the EU's largest agency with an increasing budget over the years, and up until over 750 millions euros in 2022 - was already criticised by the European Parliament for the Agency's failure to protect the human rights of

asylum seekers in the EU. Leggeri was [forced to resign](#) in order to avoid Frontex management taking disciplinary action and sanctions against him.

Despite the above and the massive amount of evidence, the Greek government keeps denying any pushback allegations and reports published in the last months confirming systematic pushbacks. In an intervention on [27 June 2022 in front of the Committee on Civil Liberties Justice and Home Affairs \(LIBE\)](#), the Minister of Migration and Asylum Notis Mitarakis assured that all actions taken by the Greek government comply with its obligation under the Geneva Convention of 1951. He accused their “opponents” of spreading lies to divide them without explaining who these opponents are.

Further, the Greek government [continues to accuse NGOs](#) working in support of asylum seekers and refugees, who denounce the government’s violations of human rights and fight to prevent pushbacks of coordinating with human smugglers that are encouraged and tolerated by Turkish authorities to circumvent border controls and make appeals to the European Court of Human Rights.

- [5 April 2022 - European Court of Human Rights judgement in A.A. and Others v. North Macedonia: hypocrisy at all levels of European governance leaves little hope of legal redress for migrants pushed back at Europe’s borders.](#)

On 5 April, the European Court of Human Rights rendered [another alarming judgement](#) justifying the illegal collective expulsion of migrants by the authorities of North Macedonia back to Greece in March 2016. This pushback happened after a group of over 1,500 refugees living in terrible conditions in Idomeni – an informal refugee camp Greece – tried to cross the border with North Macedonia. Shortly after crossing, armed officers intercepted and surrounded them, boarded them into vans, drove them to the border fence, and forced them back into Greece through a hole in the fence. The case was brought by the European Centre for Constitutional and Human Rights (ECCHR) and PRO ASYL on behalf of group of Syrians, Iraqis, and Afghans – including one family and a person using a wheelchair – who had crossed into North Macedonia in 2016 and, instead of being allowed to seek asylum, were summarily expelled to Greece.

The Court, following the detached-from-reality logic of [ND and NT v. Spain](#), found that there was no violation under Article 4 of Protocol No. 4 (the absolute prohibition of collective expulsions) and Article 13 of the European Convention on Human Rights, because “applicants placed themselves in an unlawful situation by deliberately attempting to enter North Macedonia by crossing the border” and “chose not to use the legal procedures which existed in order to enter the territory of the respondent State lawfully, thereby failing to abide by the relevant domestic legislation”. As rightly pointed out by Hanaa Hakiki, ECCHR’s senior legal advisor: [“The court has ignored the factual situation at the border and evidence that it was not possible to claim asylum anywhere in North Macedonia for months”](#). Hakiki also notes that: [“Concluding that a mass expulsion is lawful goes against the essence of the prohibition of collective expulsion”](#).

This pattern of decisions from the European Court is concerning as it explicitly supports and reinforces the impunity of European countries in carrying collective expulsions of migrants, seemingly without taking into consideration the reality at their borders: at present, **there are no legal and safe ways to access asylum, particularly because of the brutal EU externalisation policies implemented in Europe since March 2016.**