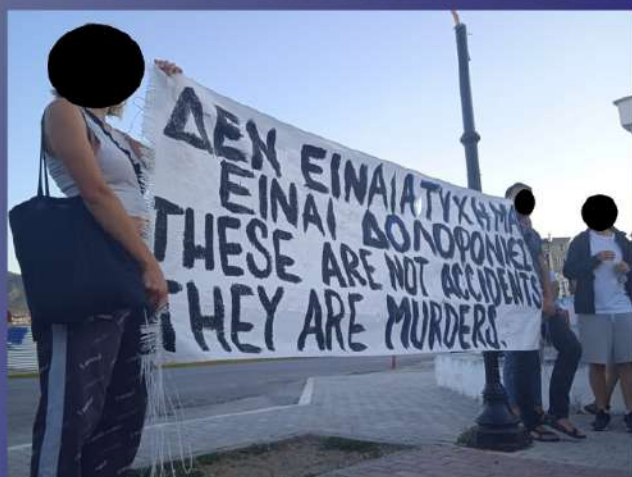




LEGAL
CENTRE
LESVOS



Photos: The solidarity protests in Thessaloniki, Athens and Lesvos after the shipwreck in Pylos, Greece (Photos: Social Media Posts of Stop War on Migrants, Open Assembly against Border Violence and Pushbacks Lesvos, Open Assembly Against Pushbacks Athens)

LEGAL CENTRE LESVOS NEWSLETTER OF APRIL – SEPTEMBER 2023

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Table of Contents

1. Updates from Lesvos and Closed Controlled Access Center (CCAC)	1
➤ Increase in arrivals to Greek islands and continued unlawful detention of over 5.000 asylum seekers in Lesvos and Samos CCACs	1
➤ LCL and the Feminist Autonomous Centre for research publish 'A Pandemic of Abuses'	2
➤ LCL welcomes lifting of geographic restrictions for new arrivals	3
➤ Food and water denial based on legal status	3
➤ Months-long shutdown of the Greek asylum service online database Alkyoni leaves thousands in limbo	5
2. Overview of LCL Work to Defend the Rights of Migrants	6
➤ Legal Centre Lesvos' work recognised by International University for Peace	6
➤ LCL legal assistance work in numbers	7
➤ Arbitrary use of administrative detention leads to lengthy detention in inhuman conditions for LCL clients	7
➤ Arbitrary, politicised asylum policies lead to rejection of asylum claims	9
❖ Arbitrary Assessment of Credibility Leads to rejected asylum claim for gay man from Sierra Leone	9
❖ Approval on appeal for vulnerable woman and her daughter who had been rejected on the use of politicised determination that Turkey is a 'safe third country'	10
❖ Arbitrary rejection of asylum claim on a technicality	10
❖ Rejection of asylum claim on basis applicant can hide their religion in country where they face persecution	11
➤ "Memorialize Turkey" Project: LCL's Collaboration with Memory Center in Turkey	11
3. Challenging Border Violence & Shifting Narratives	13
➤ Continued policy of pushbacks in the Aegean Sea	13
➤ NYTimes publication of April 2023 pushback from Lesvos island	14
➤ Pylos massacre	14
➤ Progress in reaching accountability for border crimes	15
4. Continued Efforts to Fight Criminalization of Migrants and Human Rights Defenders	17
➤ Legal Centre Lesvos joins defence for the nine survivors of the Pylos shipwreck who have been accused of smuggling, membership in a criminal organisation, and causing the deadly shipwreck	18
➤ Victory for LCL client - Mytilene Court orders compensation after nearly three years of unjust imprisonment	18
➤ Continued advocacy against use of anti-smuggling legislation to criminalise people on the move	19
➤ Criminalisation of lawyers and solidarity actors in Greece	20
➤ Athens Bar Association publishes an expert opinion confirming the right of lawyers to provide legal aid to newly arrived asylum seekers	21

The Summer of 2023 was marked by particularly deadly events at the EU's external borders, with the massacre of over 600 people on the move in the [tragic Pylos shipwreck](#). The capsizing of the Adriana boat and the mounting evidence indicating the non-rescue and life-threatening sea operations by the Hellenic Coast Guard are once again exposing the criminal policies implemented in Greece against migrants. If this was not enough, the dangerous and criminal operations carried out by Greece's border guards at sea were [fully captured on video and broadcasted](#) by the New York Times, in a publication which shows the full process of a pushback operation from Lesbos island, including the illegal and clandestine abduction of migrants, followed by their abandonment at sea. Despite all this, pushbacks in the Aegean have continued.

The systematic criminalisation of migrants arriving to Greece as "smugglers" has also continued, despite noticeable civil society and political efforts to denounce the current laws and procedures often used to cover up the state's own crimes. In the Pylos massacre, instead of launching serious and independent investigations into the circumstances of the shipwreck, the Greek authorities have prioritised the arrest and imprisonment of nine survivors, who are currently being held in pre-trial detention facing serious felony charges. In this context, and as further described within this newsletter, the Legal Centre Lesbos' lawyers have taken over the criminal defence of two of the accused of the 'Pylos9'.

Meanwhile in Lesbos, the population of the current Closed Controlled Access Centers (CCAC) in Kara Tepe has continued to grow and conditions worsened due to policies of detention, denial of food, and arbitrary application of geographic restrictions. In August and September, thousands of migrants were unlawfully detained for weeks in appalling conditions while waiting for their registration as asylum seekers, due to the lack of preparedness of the authorities.


Unfortunately, the practice of systematic detention of migrants is nothing new in the EU-funded CCACs. The continuation of the construction work of the massive EU-funded CCAC in Vastria is a further proof of this policy objective. Construction is ongoing in the remote Vastria CCAC despite the August 2023 [decision to revoke its construction permit by the Greek Council of State](#) due to the lack of a proper environmental impact assessment. Even before it begins operating as a CCAC, problems continue to emerge with this centre, including a recent report which exposes how migrants were employed at [extremely low wages for the construction of their 'own prison'](#) in Vastria.

The plans on the EU Pact on Migration and Asylum resuming in Brussels unsurprisingly confirm this 'model' of detention of migrants in camps. [LCL and other organisations are challenging](#) this new Pact, and in Lesbos we will continue to work to document and expose the detrimental effects of concentrating migrants in camps. In August 2023, in collaboration with the Feminist Autonomous Centre for research, LCL published an extensive report based on three years of research, '[A Pandemic of Abuses](#)', in which we documented how Greece used the COVID-19 pandemic to further generalise its policies of detention of migrants, which we demonstrate lead to severe human rights violations to which member States and institutions will have to respond.

1. Updates from Lesvos and Closed Controlled Access Center (CCAC)

- Increase in arrivals to Greek islands and continued unlawful detention of over 5.000 asylum seekers in Lesvos and Samos CCACs

Over the summer months, the island of Lesvos (and the other Aegean islands) saw a significant increase in arrivals. In Lesvos alone, the arrival of over 6000 people was recorded by the authorities between July and September 2023, [compared to approximately 1000 during the same time period in 2022](#). The total population of the Lesvos Closed Controlled Access Center (CCAC) passed 5000 people by the end of September 2023, and with this increased population there was a return to the overcrowding, long lines for food, medical services, information, and increased tensions that are reminiscent of the notorious Moria camp.

 HELLENIC REPUBLIC MINISTRY OF CITIZEN PROTECTION NATIONAL COORDINATION CENTER FOR BORDER CONTROL, IMMIGRATION AND ASYLUM (N.C.C.B.C.I.A.)														Athens, 2/10/2023	
NATIONAL SITUATIONAL PICTURE REGARDING THE ISLANDS AT EASTERN AEGEAN SEA (01/10/2023)															
PLACE/LOCATION	LESVOS		CHIOS		SAMOS		LEROS		KOS		OTHER ISLANDS		TOTAL		
	OCC.	CAP.	OCC.	CAP.	OCC.	CAP.	OCC.	CAP.	OCC.	CAP.	OCC.	CAP.	OCC.	CAP.	
C.C.A.C.	5.013	3.840	976	1.014	4.303	3.659	2.350	2.150	2.341	2.923			14.983	13.586	
OTHER ACCOMODATION FACILITIES	0	352											0	352	
HELLENIC POLICE FACILITIES									33	440			33	440	
P.D.C. DETENTION FACILITIES	1		0		0		0		0		78		79		
MINISTRY OF MIGRATION AND ASYLUM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
N.C.S.S.	130	193	10	18	14	15							154	226	
OTHER N.G.O.s	0	0											0	0	
MAKESHIFT CAMPS	0		0		0		0		0		0		0		
MIGRANTS PRESENT ON THE ISLAND	5.144		986		4.317		2.350		2.374		78		15.249		
ARRIVALS	73		0		63		0		0		0		136		
TRANSPORTS TO THE MAINLAND	4		0		0		6		3		0		13		
DEPARTURES (EU-TURKEY STATEMENT)	0		0		0		0		0		0		0		
DEPARTURES (I.O.M.)	0		0		0		0		0		0		0		
TOTAL DEPARTURES FROM THE ISLAND	0		0		0		0		0		0		0		
CAP.	CAPACITY														
OCC.	OCCUPANCY														
R.I.C.	RECEPTION AND IDENTIFICATION CENTRE														
C.C.A.C.	CLOSED CONTROLLED ACCESS CENTER														
N.C.S.S.	NATIONAL CENTRE FOR SOCIAL SOLIDARITY														
P.D.C.	PREDEPARTURE DETENTION CENTRE														

Population of CCAC in Lesvos and other hotspot islands as of 2/10/2023.

Source: [Hellenic Ministry of Migration and Asylum](#)

The increase in population of the Lesvos CCAC has created a major backlog in the registration process carried out by Frontex and the Greek authorities upon arrival and exposed, once more, the Greek and EU authorities' inability or lack of political will to effectively manage this influx. As a result, and in a deeply concerning development, **all asylum seekers arriving to the island Lesvos are being detained inside the Lesvos CCAC for extended periods of time while awaiting registration of their asylum requests, sometimes up to four weeks.**

The automatic detention of all new arrivals in the Lesvos CCAC violates both Greek and EU law, which stipulate that detention should only be used as a last resort and be accompanied by an individualised detention order. It is also leading to mass violations of the right to liberty under Article 5 of the European Convention on Human Rights (ECHR) and risks infringing upon Article 3 of the ECHR's prohibition against torture and inhuman or degrading treatment. Moreover, these unjustified measures coupled with the inability of the Greek authorities to register people's asylum claim also impedes people to to exercise their rights to access legal assistance.

At the end of September, 1.500 persons were unlawfully detained inside the Lesvos CCAC while waiting for their registration. Moreover, the unregistered arrivals are housed inside large rub-halls, where insufficient numbers of beds are placed next to each other, without separation, housing unrelated men, women, and children all together without any privacy or safety measures. The conditions reported in these rub-halls are deplorable, with no electricity (supposedly in order to avoid fire risks) and insufficient bedding, food, and water, leaving people constantly hungry and without proper clothing.

On 19 September 2023, LCL joined other organisations on Lesvos and Samos, where the same unlawful practices are taking place, in a [joint public statement](#) to **call for an immediate end to the unlawful practice of systematically detaining people upon arrival and awaiting the registration of their asylum requests.**

➤ **LCL and the Feminist Autonomous Centre for research publish 'A Pandemic of Abuses'**

Unfortunately, the practice of systematic unlawful detention of migrants upon arrival in appalling conditions is nothing new in EU-funded CCACs. In August 2023, in collaboration with the [Feminist Autonomous Centre for research](#), we published an extensive report based on three years of research, '[A Pandemic of Abuses](#)', in which we document how Greece dismantled the right to asylum and normalised the violation of migrants' rights throughout the COVID-19 pandemic in Lesvos. The report shows how holding people in detention centres at the external border automatically leads to severe human rights violations to which member States and institutions will have to respond. Additionally, it demonstrates how restrictive and discriminatory policies targeting migrants have remained in place even after all other COVID-19 related restrictions have been lifted.

Among other findings, our report shows that the systematic and unhindered detention of migrants upon arrival was normalised during the pandemic. Under the guise of COVID-19, mandatory quarantine measures were imposed on all new arrivals from April 2020 until December 2022, exposing thousands of migrants to strict carceral isolation under constant police surveillance, in extremely poor and unsanitary conditions, at high risk of contamination by the virus, and in full disregard of people's specific situation, age, or health.

Mandatory quarantine measures against migrants remained in force for nearly three years, despite obvious challenges about their legality and discriminatory character, and despite being unjustified by health imperatives given the lack of similar measures imposed on other people

entering the country. This practice continued even after December 2022, through the detention of new arrivals in Megala Therma camp in Western Lesvos, until May 2023, and subsequently in Lesvos CCAC in Kara Tepe, with the disastrous consequences described above. Our full report can be read [here](#).

➤ **LCL welcomes lifting of geographic restrictions for new arrivals**

Not all developments in the last months, however, have been negative. In order to manage the influx of arrivals, the camp management has not been imposing geographical restrictions on newly arrived asylum seekers in Lesvos once their asylum claims are finally registered, since late August. We welcome this practice, which is in line with [Article 7\(1\) of the EU Reception Conditions Directive](#) - dictating that restriction of movement for asylum seekers to a specific geographic area can only be justified if adequate reception conditions are met.

At LCL we have consistently been advocating that the imposition of geographic restrictions on asylum seekers on the Greek islands violates not only people's freedom of movement, but their basic human rights due to the horrendous conditions they are subject to in Greece's hotspot camps. Many people who arrived prior to August, however, continue to be restricted to the island. This arbitrary application of the law leads to confusion, frustration and tensions amongst those forced to live in Lesvos CCAC.

➤ **Food and water denial based on legal status**



Photos: Police officers controlling the food line (left). Masses of people waiting on the food line (centre). Pregnant women being denied access to the food line (right), 21 May 2023. Source: [Now You See Me Moria / Instagram](#).

An added source of tension this summer was the announcement by Lesvos CCAC management on 17 May, that starting the next day, food and water would only be distributed to asylum seekers in the Lesvos CCAC. From that day onwards, both people who have had their asylum claim rejected with a final decision (normally a rejection on appeal) and people who were granted asylum are no longer receiving food or water in the Lesvos camp.

As a consequence of this announcement, police officers started checking IDs of people in the food line, removing people who they considered ineligible to receive food, which at the time amounted to approximately 36% of the camp residents. While children were exempted from this denial of food, even people who are also considered to be vulnerable such as mothers who recently gave birth, people above 65 years old or with chronic illnesses were not exempted.

In response, LCL joined over 40 organisations in a [joint letter to Greek and EU authorities](#), on 15 June 2023 in order to draw attention to the obligation of the state to provide adequate and edible food and water to anyone in the CCAC, independent from their legal status. Following this letter, on 3 July 2023, a coalition of UN Special Rapporteurs, including the Special Rapporteur on the right to food, sent a [follow up letter to Greek authorities](#), in which they found that the “deliberate food insecurity imposed upon individuals who are not part of the formal asylum process (including recognised refugees and individuals whose protection claims have been rejected) in Lesvos, **constitute clear violations of their human rights to sufficient access to food, healthcare, and clean water.**” The European Commissions’ Directorate-General for Migration and Home Affairs (DG HOME), however, responded suggesting that a solution to the denial of the fundamental human right to food - which is undeniably the responsibility of the Greek state - could be solved by the resumption of “efficient return procedures and effective returns to Turkey in line with the EU-Turkey Statement,” i.e. by the deportation of those currently denied food on the basis of losing their status as asylum seeker.

Several civil society organisations and self-organised groups on the island started providing food and other humanitarian assistance in order to attempt to fill the gap left by the government’s decision. In a recent Interagency meeting on the island, the camp director of Lesvos CCAC suggested that a solution to the complete lack of basic necessities for people, including health care, should be resolved by nongovernmental organisations talking to their funders in order to cover what is a clear government responsibility. In parallel to the food denial, camp residents reported that the camp staff started to give ultimatums to people who are outside of the asylum procedure, telling them that they should voluntarily depart from the camp, otherwise they will be forced out. The denial of food is another way for the Greek government to deter migrants from coming to Greece and from staying in the camp of Lesvos, despite the fact that there are no alternatives or means for many of those seeking asylum to access food in these circumstances.

This denial of migrants’ fundamental rights depending on their legal status has unfortunately become a habit in Greece: over the last years, the Legal Centre Lesvos repeatedly documented and filed complaints before the European Court of Human Rights on behalf of migrants who were denied access to health care and decent living conditions in the Lesvos camps, in violation among others of Article 3 of the European Convention of Human Rights. In all of these cases, the [Court confirmed](#) that Greece is obligated to respect and protect the fundamental rights of all within its jurisdiction, regardless of their legal status.

➤ **Months-long shutdown of the Greek asylum service online database Alkyoni leaves thousands in limbo**

The situation described above was aggravated from May 2023 onwards, as the Greek Asylum Service announced the shutdown of most of its services due to the update of its online database, named Alkyoni. This closure of the Asylum service database extended from 5 May to 21 August 2023, and impeded during that time period, amongst other things, the filing of any new asylum applications including subsequent applications.

As a consequence, hundreds of people found themselves in a situation where they were falling outside of the asylum procedure without being able to re-enter these procedures, due to the administration's failure, while being stuck in the camp without access to food and water. The backlog caused by the shutdown led to further severe delays in issuing decisions, documents and in booking appointments for people seeking asylum and beneficiaries of international protection in Greece, who were also unable to renew their residence permits and were therefore deprived from accessing social welfare services during the shutdown period. LCL and five other organisations published [a joint statement](#) denouncing some of the effects of the closure of the online asylum service database Alkyoni over the summer months.

The denial of access to the asylum procedures, just like the denial of food described above, are another proof of the clear disregard of the Greek government for migrants' lives. Far from being stand-alone inefficiencies of the system, the measures described above show a clear political will to dismantle asylum and any sort of protection provided to migrants in Greece. Beyond being unlawful in light of Greece's obligations under EU and international laws, these measures continue to expose hundreds of migrants to inhuman and degrading treatment in camps, for which Greece continues to receive, unhindered, millions of euros in European Union funding.

2. Overview of LCL Work to Defend the Rights of Migrants

➤ Legal Centre Lesvos' work recognised by International University for Peace

On 7 June 2023, the Legal Centre Lesvos [received the annual peace prize](#) issued by the International University for Peace (Unipau) in Barcelona, Catalunya. The LCL was awarded for its work to expose and advocate against the abuse and violence migrants are subject to at the European borders. This peace prize was established in 1967 to recognise the courageous work of those opposing Franco's dictatorship. Also honoured together with the LCL this year were the [Forn de teatre Pa'tothom](#), a community theatre in Barcelona's diverse Raval neighbourhood, and [Dones x Dones](#), an anti-military feminist collective. We are honoured as Legal Centre Lesvos to join a long line of people struggling and organising against oppressive regimes and policies.



Photo: Representatives of LCL, Forn de teatre Pa'tothom, and Dons x Dons, receiving recognition at the International University for Peace, 6 June 2023. Source: Unipau Twitter Account

➤ **LCL legal assistance work in numbers**

LCL's lawyers and legal volunteers continued providing legal support to migrants throughout their asylum procedure, including through legal consultations and representation.

Between April and September 2023, Legal Centre Lesvos' lawyers represented:

- ★ 30 individuals in the asylum procedure, including cases of family reunification;
- ★ 20 individuals on appeal of their asylum claims;
- ★ 14 detained individuals facing criminal charges or administrative detention.

Over the same time period, volunteer caseworkers, under the supervision of Greek attorneys, actively worked on over 132 cases. People who received legal assistance from the Legal Centre this quarter were mainly from Afghanistan (34%), Syria (15%), Somalia (11.5%), Sierra Leone (8%), Eritrea (4.5%) or Democratic Republic of Congo (4%).

Legal assistance provided included:

- ★ 1797 newly arrived asylum seekers who requested legal support in order to register in Lesvos CCAC, access the asylum procedure and avoid illegal pushback operations to Turkey.
- ★ 386 individual legal consultations;
- ★ 23 cases in which a legal memo was prepared;
- ★ 42 asylum interview preparations;
- ★ 10 referrals to alternative housing services or protection services;
- ★ 9 people attended 2 information sessions on the asylum procedure and asylum interview, when individualised consultations were not possible prior to an interview

➤ **Arbitrary use of administrative detention leads to lengthy detention in inhuman conditions for LCL clients**

In August 2023, two of the Legal Centre Lesvos' clients were finally released from administrative detention after nearly six months in which they were held in the Mytilene police station, without any criminal charges or accusations against them. These two men were detained on the grounds that they had a pending deportation order, since their asylum claims had been rejected with a final decision. This is despite the fact that deportations (or "readmissions") from Greece to Turkey have stopped since early 2020. In effect, this meant that these two individuals were detained in the Mytilene police station awaiting a deportation that practically was not going to take place.

In general, since the September 2020 fires which destroyed Moria RIC and the Pre-Removal Detention Centre (PROKEKA) within Moria RIC, the police in Lesvos have stopped detaining people whose asylum claims have been rejected and who have an outstanding deportation order. However, for reasons which remain unknown, these two men were arrested and detained for nearly six months on these grounds. During a time period where a large proportion of the Lesvos CCAC in Kara Tepe are in the exact same legal status, the prolonged detention of these two men is particularly egregious. The conditions in the Mytilene police station are inadequate for a few nights, let alone six months. The conditions below are as described by one of the two men:

The police station has four cells containing between three and six beds each. I didn't have a mattress and slept on a stone 'bed' the whole time I was detained. The cell that I was detained in had windows, but they were very high and covered in black. I did not see the sun for six months. The cell was filthy and filled with insects including cockroaches. We were only given 5 euros per day to eat, and if we wanted food we had to ask the police to order food to be delivered to the police station from this allowance. It wasn't enough in order to eat properly or healthily. During the nearly six months I was in the police station I was not allowed to go outside a single time. I was only allowed to receive visits from close family members, but because I don't have any close family members with me in Greece I didn't have anyone to visit me. Even the few friends I have in Greece were not allowed to visit me and I didn't have a single visitor during the six months I was detained, except for my lawyer. I kept asking the police why I was being held there, but they never gave me any answer, except to ask my lawyer.

LCL lawyers filed objections to the detention orders in both cases in Administrative Court, however, following a telephonic hearing, both petitions were rejected. In one case the judge confused "Mavrovouni" RIC with Montenegro - thinking that the individual (an Afghan national) was a resident of Montenegro. The judge also was unaware prior to the filing of objections that readmissions to Turkey were not taking place since March 2020 - a fact that is quite relevant for the deciding of these cases. In both cases, in decisions which cannot be appealed, the court rejected the objection to detention on the grounds that deportations to Turkey could potentially start some time in the future, finding that the detention of these men awaiting a potential deportation is lawful.

The LCL assisted both individuals in filing subsequent applications for asylum. However, even this was not enough for their release. It was not until the subsequent application for asylum was found admissible for one of the individuals that he was finally released: nearly six months after his arrest. The second individual, whose asylum application is pending a decision on appeal, was also finally released following repeated intervention of LCL's lawyers. In a further arbitrary move, both individuals had their cell phones confiscated when they were arrested, which were not returned upon their release.

While both men have been released, the arbitrary use of administrative detention is unfortunately not restricted to these two cases.

In June 2023, LCL client, MH, who was arrested as a child, accused and later convicted of the fires which destroyed Moria RIC in September 2020 (one of the Moria6), was released on parole in June 2023, based on time served and discounted days in which he was in school and working while in prison. However, due to a determination by the police that he still posed a “threat to public security” (which is one ground for administrative detention of asylum seekers), upon release from prison instead of being set free, he was transferred from prison to an administrative detention centre in another place in Greece. The detention of individuals on ‘public security’ grounds is often in violation of people’s due process rights, since no criminal charges are brought to court, and in violation of the principle of double jeopardy, since people are detained after they have already served the sentence imposed through criminal proceedings. Both are the case here. Until September 2023, MH remains in administrative detention. More information on the unjust prosecution of the Moria 6 can be found [here](#).

➤ **Arbitrary, politicised asylum policies lead to rejection of asylum claims**

The Legal Centre Lesvos continued to represent individuals on appeal, whose asylum claims were rejected without legal or factual basis. The following case studies illustrate the cruel result of Greece’s implementation of the Common European Asylum System.

❖ *Arbitrary Assessment of Credibility Leads to rejected asylum claim for gay man from Sierra Leone*

In April 2023, MF, a gay man from Sierra Leone, had his asylum claim rejected despite the fact that he faces [persecution from the government and society in Sierra Leone due to his sexual orientation](#). Of note in this case is that following his asylum interview the European Union Agency for Asylum (EUAA) wrote a detailed opinion in which it considered the applicant’s claim as credible and suggested that international protection should be granted to the applicant. Despite this opinion, the Greek asylum service rejected the application as non-credible. Upon receiving his rejection, MF stated:

“I had to hide who I am all my life, and now here in Europe the authorities do not believe me. Even more difficult than the lack of medical care and safety, is having my identity denied.”

While the role of the EUAA in decision making in what should be within the sovereignty of the Greek asylum service is itself problematic, the **direct contradiction of the decision in this case with the EUAA’s opinion demonstrates the often arbitrary consideration of credibility, in particular in cases of people who have survived trauma and persecution.**

A lawyer from the LCL represented MF on appeal, however, the appeal was also rejected in June 2023, on the same ground that the Appeals Committee - who did not even speak to MF - did not believe him. **Having to prove to strangers something which is so personal and integral to one’s**

identity as one's sexual orientation is [one of the inherent problems with the asylum regime](#). Since his rejection in July, the LCL is supporting MF to lodge a new asylum application.

- ❖ *Approval on appeal for vulnerable woman and her daughter who had been rejected on the use of politicised determination that Turkey is a 'safe third country'*

During the reporting period, the LCL also had several successful cases. One of these is the case of SB and her daughter, who arrived in Lesvos, Greece in November 2022. Their claim for asylum was assessed at a time when [nearly all applicants for asylum from Afghanistan](#) had their claims for asylum rejected as inadmissible, on the ground that Turkey is a safe third country - a determination that is based on a political decision rather than any serious assessment of the safety and protection offered to Afghan nationals in Turkey. On appeal, LCL lawyers representing SB and her daughter highlighted the family's particular vulnerabilities, and SB was finally granted international protection in July 2023.

We have [long criticised](#) the determination of Turkey as a safe third country, given that in Turkey (1) it is not possible to receive protection in accordance with the 1951 Geneva Convention relating to the status of Refugees; (2) there is real risk of deportation and pushback of refugees from Turkey; (3) there is a risk in many cases of serious harm, or a threat to life or liberty on account of race, religion, nationality, membership of a particular social group, or political opinion. **In September 2023, Medico International, [published an expert opinion](#) thoroughly establishing why Turkey cannot be considered as a 'safe third country'.** This expert opinion was the result of an extended collaboration between LCL partners from the European Association of Lawyers for Democracy and World Human Rights (ELDHR), the Progressive Lawyers Association (CHD), and the Lawyer Association of Freedom (ÖHD). We hope that this research will contribute to the continued recognition of migrants' right to seek asylum when they arrive in the EU, regardless of whether they passed through Turkey on their way here.

- ❖ *Arbitrary rejection of asylum claim on a technicality*

In July 2023, an Appeal Committee rejected the appeal of a young man from Iran, MHH, based on a technicality because his asylum seeker card had expired at the time of issuance of the decision and he allegedly had not tried to renew it. The Appeal Committee assumed that this constituted an implicit withdrawal of his asylum application and considered that his case was already closed.

While this case could be one among many rejections, the nonsensical reasoning adopted in the Appeal Committee's decision is worth highlighting. In fact, while rejecting the appeal on the grounds mentioned above, the Committee at the same time acknowledged in its decision that MHH would actually face persecution if he would go back to Iran. Therefore he was recognised to fit the definition of a refugee **based on the clear narrative and supporting documents he provided**. Apart from the absurdity of the legal reasoning in itself, the decision is in full disregard of the administrative hurdles and reality faced by asylum seekers who tried to renew their identification cards. In fact, during the Summer 2023, the renewal of asylum seekers cards was difficult, first due to the months-long shutdown of the Greek asylum service online database

Alkyoni (described above) and to the overcrowding in the camp leading to huge delays in the processing of cases. Contrary to the Committee's decision, MHH had in fact tried several times to renew his asylum seeker card before it expired. While trying to do so, he was asked to come back, or not allowed in the camp.

LCL lawyers who represent MHH will file an Application of Continuation of the case which, if successful, would result in the case being reopened and the Appeals Committee's decision to finally grant international protection being reinstated. Meanwhile, however, MHH remains officially outside of the asylum procedure, with limited access to social services, including health care - despite the recognition of the Appeals Committee that he has a well founded fear of persecution in Iran.

- ❖ *Rejection of asylum claim on basis applicant can hide their religion in country where they face persecution*

Another case demonstrating the need for due and effective legal assistance to support asylum seekers going through the procedures is that of MH. MH converted to Christianity after leaving his home country of Somalia. In the assessment of his asylum claim, the Asylum Service found that MH's conversion was genuine and that Christians do face persecution in Somalia due to their religion - a standard case of someone who would be eligible for refugee status. The EUAA likewise recognises that in [Somalia, converts from Islam face harassment, physical attacks, arrest and risk of execution](#).

Nevertheless, the Asylum Service reasoned that MH could return to his country without a risk of persecution since no one in Somalia is aware of his conversion. This reasoning is a clear violation of the well-established principle that an individual cannot be forced to hide a fundamental component of their identity in order to avoid persecution. On 20 June 2023, the Appeals Committee reaffirmed the determination of the Asylum Service, on the same grounds. As a result of this series of erroneous assessments, in September 2023, the LCL filed an annulment application before the Administrative Court, petitioning to overturn the decision of the Appeals Committee.

- **“Memorialize Turkey” Project: LCL's Collaboration with Memory Center in Turkey**

During the Summer of 2023, two forensic digital reconstruction projects commissioned by the Legal Centre Lesbos lawyers namely, [S.A.A. and other, vs. Greece](#) and [the Fire in Moria Refugee Camp](#) have been selected for the [“Memorialize Turkey” project](#) of the Memory Center.

The [Memory Center](#) is a Istanbul based civil society organisation, working on memory and peace studies through the scope of human rights, international cooperation and solidarity, by aiming “to uncover the truth concerning past violations of human rights, strengthen the collective memory about those violations, and support survivors in their pursuit of justice.” Started in 2013, the project memorialises significant events in order to understand gross human rights violations affecting various groups and individuals, covering more than 100 years in the late Ottoman Empire and the Republic of Turkey.

The Memory Center chose to memorialise the work of the LCL, recognizing that the deadly nature of the Aegean Sea border can not be separated from the anti-migrant policies of both Turkey and Greece. Forensic Architecture, which conducted the [video reconstruction of the fire in Moria Refugee Camp](#), has also contributed to many important reconstruction projects in Turkey as part of the Memorialize Turkey project, including [the murder of Tahir Elçi](#), a Kurdish human rights lawyer and the head of Diyarbakir Lawyers Bar Association. Elçi was tragically assassinated in broad daylight in 2016. As Legal Centre Lesvos, our partnership with the Memory Centre and other civil society organisations in Turkey is crucial in order to foster international cooperation and solidarity between neighbouring communities and organisations.

Our collaboration with the Memory Center is ongoing, and we are currently working on a series of podcasts to commemorate the 100th anniversary of the so-called “population exchange” between Turkey and Greece. These podcasts will delve into the history of this ‘exchange’ and its enduring effects today. We anticipate releasing the first episodes in 2023, so stay tuned!

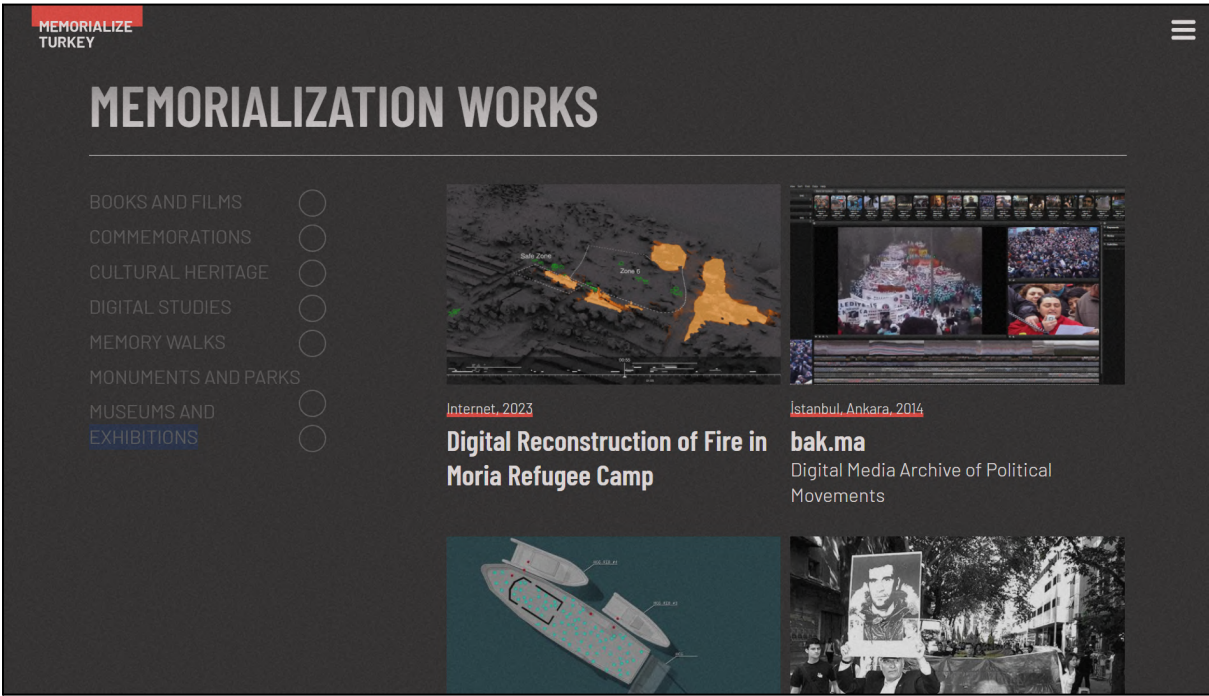
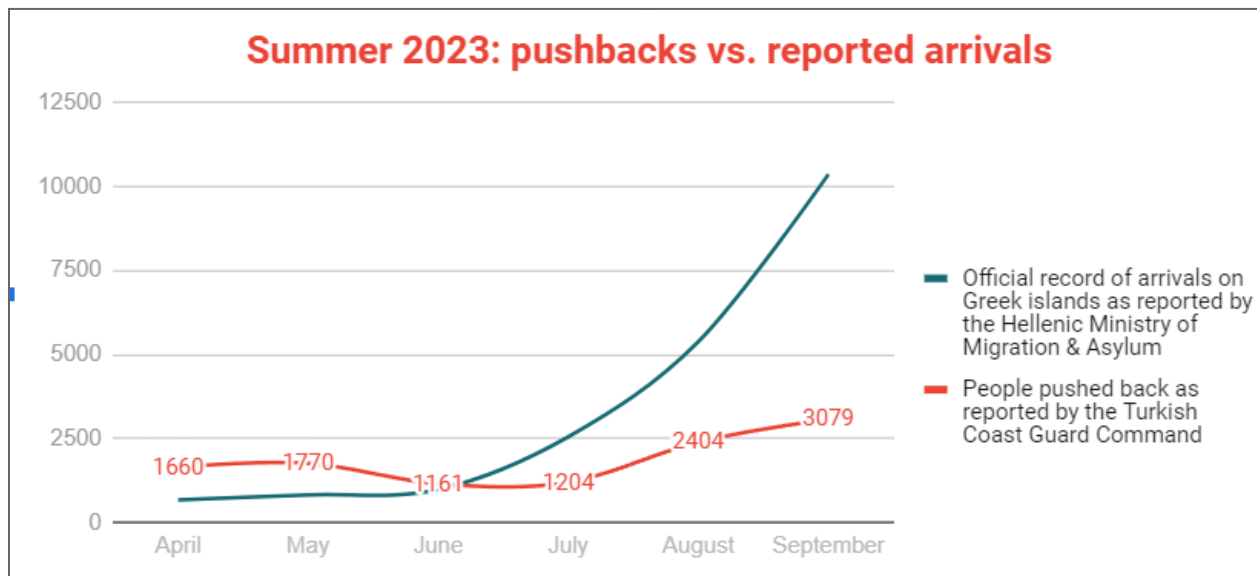


Photo: Memorialization works archived on the database of Memorialize Turkey (Source: <https://memorializeturkey.com/en>)

3. Challenging Border Violence & Shifting Narratives

The increase in officially recorded arrivals of migrants to Lesbos this summer (and the rest of the Greek islands in the Aegean), unfortunately does not seem to indicate that Greece's widespread and systematic policy of pushbacks has stopped. What has changed, however, is that in the last several months, there has been a marked decreased use (but not complete disuse) of life rafts to carry out pushback operations, according to data from the Turkish Coast Guard Command, in particular since July 2023. This evidence suggests that more and more pushbacks are being carried out at sea, rather than after people land on the islands. Another notable shift in Greece's border management policies is the more frequent carrying out of search and rescue operations by the Hellenic Coast Guard, which, since mid-summer, have been prominently displayed in the Greek press, particularly since the massacre of the Pylos shipwreck. As demonstrated below, however, this shift does not seem to coincide with a decrease in pushbacks at sea.

➤ **Continued policy of pushbacks in the Aegean Sea**



The data published by the Turkish Coast Guard Command shows that pushbacks continue to occur at sea, which is consistent with what the LCL has been able to document. The Legal Centre Lesbos has received reports of four separate pushback incidents in July and August 2023 from survivors, including some video and photo evidence. In these operations, the modus operandi of pushbacks at sea that the LCL has been [documenting since 2020](#) continues. Survivors have reported to the LCL that on their journey to Greece, in many cases when they are near to arriving on a Greek island, they have been attacked by the Hellenic Coast Guard vessels and officers (who are masked and armed) and either towed or forced back towards Turkish waters, where they are left adrift in damaged dinghies awaiting rescue from the Turkish Coast Guard. **Despite assertions of the government that it is engaged in lawful border enforcement, this practice of attacking unseaworthy migrant vessels violates both Greece's obligation under maritime law to carry out**

rescue operations of vessels in distress, and the absolute prohibition of torture, collective expulsions, and refoulement.

It is important to reiterate that the violent and unlawful expulsion of migrants at sea in pushback operations are still occurring. If the numbers of the Turkish Coast Guard are any indication, the rescue efforts of the Hellenic Coast Guard seem unfortunately to remain the exception, contrary to the narrative that has emerged in the last months from several local and national media outlets who have lauded the rescue efforts of the HCG. Why this shift in the public narrative? There are several factors which likely are an influence, and seemingly in response to the increased exposure of Greece's crimes in the Aegean and Mediterranean.

➤ **NYTimes publication of April 2023 pushback from Lesbos island**

On 19 May, the [New York Times published video evidence](#), captured by [Fayad Mulla](#), of 12 people who were captured after they had landed on Lesbos island, transported in unmarked vans, forced to board a HCG vessel by masked men, and ultimately transported towards Turkish waters where they were abandoned at sea until rescued by the Turkish Coast Guard.

The indisputable evidence published in the New York Times demonstrated, once more, the modus operandi of pushback operations of migrants who had reached the Greek islands - a modus operandi that has been extensively documented and reported on by human rights organisations for years, including the Legal Centre Lesbos. In response, the European Commission and [EU home affairs commissioner](#), Ylva Johansson, called for an independent investigation into the event. Greece announced that [an internal investigation](#) would be carried out by the National Transparency Authority - [the same authority which a year earlier had found there was no evidence of pushbacks taking place](#). In June 2023, the LCL joined 22 organisations in [calling for independent and effective monitoring](#) of violations of the human rights of refugees and migrants to restore the rule of law. This was followed up by a [submission of 28 civil society organisations](#), including the LCL, to the Prosecutors of the Piraeus Naval Court, the First Instance Court of Mytilene and the Supreme Court Prosecutor, calling for an effective investigation into potential criminal acts committed in relation to the NYTimes publication.

➤ **Pylos massacre**

On 14 June 2023, it is estimated that more than 600 people, many who were trapped inside the lower decks of the ship, drowned in one of the deadliest shipwrecks in recent history, when a boat carrying approximately 700 people attempting to reach Europe from Libya capsized about 50 miles from the Greek port city of Pylos. Only 104 men survived and all women and children on board lost their lives. In the aftermath of this tragedy, Greek institutions rushed to blame the migrants themselves and the smuggling networks. Official government accounts of what happened have been [inconsistent, and lack credibility](#). Meanwhile, evidence has emerged that Frontex and the Greek coastguard were aware that the boat was in distress for an entire day, [yet did not carry out a rescue](#). Even more damning, additional evidence, including [testimonies from survivors](#), show that [the ship capsized after being towed by a Greek coastguard vessel](#).

The evidence emerging of the role of Greek and EU border authorities and policies in manufacturing the massacre of hundreds of these people in the Pylos shipwreck cannot be ignored by European institutions. Following the tragedy, the LCL joined in several joint calls for [investigation, accountability](#), and [safe and legal route for migration](#). Several protests and marches were also spontaneously organised around Greece, be it in [Athens](#), [Thessaloniki](#) and [Lesvos](#) in support of the victims and survivors, as well as to denounce the massacre.

A month later, the [EU ombudsman initiated an inquiry into the role of Frontex in search and rescue operations in the Mediterranean](#), to which the LCL will contribute together with other organisations working on the Greek islands. Greek authorities announced they would conduct their own internal investigation of the Pylos shipwreck, yet three months later, as far as a coalition of lawyers representing some of the survivors had knowledge, none of the survivors have been called to give testimony about the circumstances of this tragedy. On 13 September 2023, forty survivors, represented by the Network for Refugee and Migrant Rights, the Hellenic League for Human Rights (HLHR), the Greek Council for Refugees (GCR), the Initiative of Lawyers and Jurists for the shipwreck of Pylos, and Refugee Support Aegean (RSA), [filed a criminal complaint](#) against responsible Greek authorities before the Naval Court of Piraeus. The survivors demand an effective investigation into the circumstances of the shipwreck, including violations of the Greek authorities' obligation to protect the lives of those on board.

Since the tragic shipwreck, following every search and rescue operation by the Hellenic Coast Guard, local media [immediately publishes](#) regarding the incident, including information on migrants who face charges for smuggling and causing a shipwreck following these incidents. This public coverage reinforces the narrative that it is migrants themselves and smuggling networks who are culpable, rather than the Greek State and European Union in the enforcement of border policies against migrants. **This public campaign is unlikely to be successful, however, as evidence continues to emerge not only demonstrating the Greek state's continuing practice of illegal expulsions, but also showing their systematic policy of border violence and non-rescue of migrants.**

➤ **Progress in reaching accountability for border crimes**


In early September, a lawyer of one of the five border guards arrested and accused of smuggling migrants from Turkey to Greece in the Evros region [gave a radio interview](#) in which he asserted that the Border Guard Department of the police, who operate throughout the country, have official orders “from the top” to push back migrants. Of note, according to the interview with the lawyer, this unit of the police does not wear official insignia.

This is not news to anyone who has been documenting the consistent and systematic modus operandi used in pushback operations throughout Greece. As we have asserted since our February 2021 publication, **pushback operations are carried out pursuant to and in furtherance of a coordinated State and organisational policy and amount to [Crimes Against Humanity](#).**


As a coalition of UN experts and Special Rapporteurs [stated in response to the NY Times publication](#) “[t]he violence [of pushbacks] expose[s] the racist exclusion and cruelty of Europe’s border protection practices . . . The lack of regular migration pathways, coupled with restrictive migration policies, xenophobic rhetoric and many other push factors for the migration and displacement of persons on the move, including climate change and conflict, which have deep historical roots within colonial practices, often operate to aggravate these dangers and risks rather than mitigate them.”

We welcome investigation into individual incidents of pushbacks, but also assert that individualised accountability is not enough. Justice for these atrocity crimes of the state must include safe and legal routes to Europe, as well as defunding, demilitarising and dismantling Europe’s violent border regime.


3rd International Symposium on Migration and Border Violence
Social Sciences and Civil Society in the Context of European Necropolitics
Saturday 23 September, 10:00 a.m.
Central Lyceum, Ermou 1



Faculty of Applied Social Sciences
Technical University of Applied Sciences
Würzburg-Schweinfurt



Laboratory of Collective Action and Social Movements
Sociology Department
University of the Aegean



The event will be held in English

Image: On 23 September 2023, the Legal Centre Lesbos presented its ongoing research on “The Industry of Pushbacks” in the Technical University of Applied Sciences Würzburg-Schweinfurt and University of the Aegean-hosted International Symposium on Migration and Border Violence.

4. Continued Efforts to Fight Criminalization of Migrants and Human Rights Defenders

The LCL continues to work defending people on the move accused of smuggling simply for crossing borders or for steering the boat or car they use to cross the border. People accused or convicted of human smuggling now make up the second largest prison population in Greece, confirming that this systematic criminalisation is part of the migration management in Greece (and throughout Europe).

The human cost of this practice is immeasurable. Migrants who are charged with smuggling normally have to endure long pre-trial detention periods, lack proper interpretation, information and legal support, and endure severe psychosocial pressure due to a variety of factors, such as isolation in prison and the repeated postponement of their planned trials.

As Legal Centre Lesvos, we reiterate that Greek and European anti-smuggling legislation ('Facilitators Package') should be brought in line with the UN Protocol against the Smuggling of Migrants, to eliminate the prosecution of migrants who are themselves subject to smuggling networks and people working in solidarity with migrants.



Image: Borderline Europe's Campaign Visual for A.B 's Release (Source: Borderline Europe)

- **Legal Centre Lesvos joins defence for the nine survivors of the Pylos shipwreck who have been accused of smuggling, membership in a criminal organisation, and causing the deadly shipwreck**

Following the tragic shipwreck in Pylos, authorities and the media were quick to scapegoat migrants themselves for causing the disaster. Following the interrogation of survivors, who were being detained in a warehouse in Kalamata, nine survivors of the shipwreck were arrested and accused of membership in a criminal organisation, facilitating illegal entry (smuggling), and causing the shipwreck which led to the deaths of hundreds of people.

As discussed above, **despite the evidence which has emerged of the role of the HCG in failing to rescue and potentially causing the Pylos shipwreck, to date it is only nine survivors who are facing criminal charges. Following their arrest, the nine had their photographs printed in major media outlets in Greece, who followed the government narrative attempting to scapegoat the migrants themselves for the hundreds of people who died.**

Given the massive scale of the Pylos shipwreck and the implications of the HCG's own culpability, we expect that the upcoming trial of the nine accused will be highly politicised. It is therefore crucial that the nine accused have adequate support and legal representation. Two of LCL's attorneys have now taken on representation of two of the nine accused men, who, along with the other seven are being held in pre-trial detention. As the trial is likely to take place in 2024, LCL lawyers filed a memo against the prosecutor's proposal for continuing the pre-trial detention, however this was rejected by the Three Judge Council of Kalamata in September 2023. Additionally, LCL lawyers, in collaboration with the other defendants' lawyers, have filed an objection to the submission of an "expert" opinion by the Hellenic Coast Guard regarding the circumstances of the shipwreck. This objection is still pending.

Meanwhile, the LCL continues to represent migrants in less publicised cases, who face criminal charges in similar circumstances. Among other smuggling cases that LCL has undertaken is the case of A.B., whose trial was once again postponed in May 2023, until December 2023. A.B., who arrived in Greece in March 2020, continues to face criminal charges despite video evidence proving that he was not even steering the boat on which he arrived. You can read our latest statement on the details of A. B.'s case, [here](#).

- **Victory for LCL client - Mytilene Court orders compensation after nearly three years of unjust imprisonment**

On 5 September, the Three Member Felony Appeal Court of the Northern Aegean in Mytilene granted compensation to LCL client, Akif Rasuli, after nearly three years of unjust imprisonment. When Mr. Rasuli arrived in Greece in 2020, he was immediately arrested, and charged with both causing a shipwreck and of smuggling as the alleged driver of the boat he arrived on from Turkey. During his first trial he was convicted of smuggling, in a trial that lasted under half an hour. With representation of the LCL in his appeal trial, he was finally unanimously acquitted of all charges, and released from prison in December 2022. Following a petition by LCL lawyers, the Mytilene Court agreed that Mr. Rasuli should be compensated for the time he stayed in prison unjustly.

LCL's press release following the compensation decision can be accessed [here](#). More information about the case is available under the [criminalisation of migration section of our website](#).

- **Continued advocacy against use of anti-smuggling legislation to criminalise people on the move**

In June 2023, the LCL joined the campaign "[Free Homayoun](#)", launched in order to draw attention to the criminalisation of migration at the European borders. The case of Homayoun Sabetera is yet another example of the effects of anti-smuggling/facilitation law. Homayoun Sabetera was arrested and sentenced to 18 years in prison in Thessaloniki, Greece in 2021 for "smuggling" for driving a car with seven people across the Turkish-Greek border, while he was himself fleeing Iran in order to reach Europe. He has been in prison since then, and his appeal is scheduled for 22 April 2024.



Photo: Solidarity picture from LCL office in support of the #DecriminalizeFacilitation campaign

LCL is also supporting the [Juventa Crew and the #DecriminalizeFacilitation campaign](#) in their fight to challenge the European anti-smuggling laws which criminalise both people on the move and people in solidarity with them. On 24 June, in the ongoing case of criminalisation against the crew of search and rescue vessel, Juventa, the court in Trapani Italy, [rejected a constitutional complaint filed by the defence](#) bringing light on the serious contradictions existing between fundamental rights' protection and Italian legislation as well as EU directives on facilitation. While this decision is disappointing, on 25 July, a case [challenging the compatibility of the EU Facilitators Package and Article 12 of the Italian Consolidated Immigration Act with the EU Charter of Fundamental Rights](#) was finally referred by the Court of Bologna to the European Court of Justice (ECJ). **This is the first time that the European court has to assess the legitimacy of EU legislation criminalising the facilitation of migration. If successful, the effects of the decision would impact on similar past**

and future cases in Europe, including in Greece. [We stand in solidarity with our friends in Luventa Crew](#) and those all over the world who fight against the violent nature of borders.

In July, Borderline-Europe published a new study "[A Legal Vacuum: The Systematic Criminalization of Migratns for Driving a Boat or a Car to Greece](#)" to which Legal Centre Lesvos and in particular LCL lawyer, Vicky Aggelidou, collaborated through the provision of legal review, fact-checking, and the sharing of expertise in detailed interviews on the matter.

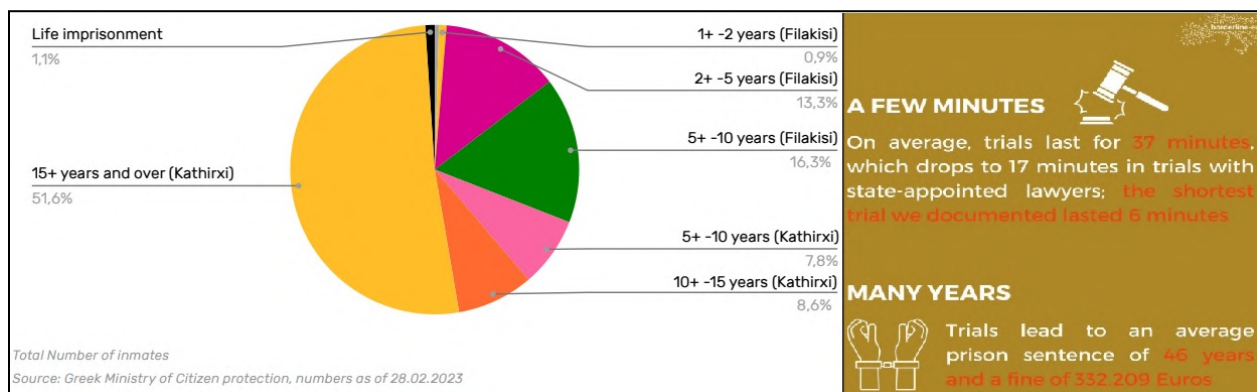


Photo: Screenshot of important findings from the Borderline Europe report (Source: https://www.instagram.com/borderline_europe/)

A presentation of the report took place in Berlin, with the participation of LCL lawyer Natasha Dailiani, under the title "[37 minutes for 46 years](#)", underlining the incredibly short court proceedings and incredibly long prison sentences to which criminalised migrants are subjected in Greece. During the event, the current legal framework in Greece and the EU was deconstructed; from the broad definition of smuggling which is widely and arbitrarily used to criminalize migrants, to gross rights violations such as arbitrary arrests, torture, abuse, coercion and lack of access to legal support and interpretation, which further aggravates the harm caused towards people on the move. **We hope that the report will help to advance the campaign for structural change and justice.** The report can be read in English, in German and in Greek, [here](#).

➤ Criminalisation of lawyers and solidarity actors in Greece

The prosecution of [Panayote Dimitras](#) - a known human rights defender and founding member of Greek Helsinki Monitor who has been charged with "[setting up a criminal organisation with the purpose of facilitating illegal entry and stay in Greece of third country nationals](#)", has recently seen some developments. On 2 June 2023, the court decided to freeze his and the assets of Greek Helsinki Monitor based on allegations of "[mismanagement of European and other funds](#)", as part of pre-trial restrictive measures.

These new measures against Mr. Dimitras come despite the condemnation from [the Commissioner for Human Rights at the Council of Europe](#) and [UN Special Rapporteur on Human Rights Defenders and on Rights of Migrants](#).

The targeting of human rights defenders continues in other areas of Greece. On 28 June, a lawyer was arrested in Thessaloniki when he appeared together with an interpreter to meet with unregistered asylum seekers who were being detained by the authorities. Although the two identified themselves to the authorities and explained they were visiting in a professional capacity in order to provide legal assistance, they instead found themselves [detained on suspicion of 'facilitating illegal entry'](#) of their clients. Both were later released, following a direct intervention of the president of the Bar Association of Thessaloniki.

➤ **Athens Bar Association publishes an expert opinion confirming the right of lawyers to provide legal aid to newly arrived asylum seekers**

It should be self-evident that lawyers can provide legal aid to unregistered asylum seekers, without being criminalised. However, given the climate of fear created by ongoing prosecution and targeting of human rights defenders such as in the above situations, many legal actors are still hesitant to intervene. In Lesbos, the Legal Centre Lesbos is still the only legal aid organisation providing legal assistance to newly arrived asylum seekers, who contact the LCL in order to ensure their access to the asylum procedure. Of course, this criminalisation is also occurring in a context in which the systemic unlawful pushback operations are occurring at both the land and sea borders, meaning that legal assistance to prevent such human rights violations remains critical.

In response to ongoing criminalisation and threatened criminalisation of legal professionals, on 11 September 2023, the Athens Bar Association [published an expert opinion](#), reconfirming that "according to the [Greek Code of lawyers Articles 1, 2, 5 and 38], . . . lawyers may provide legal assistance to irregularly arriving [third country nationals (TCN)] to initiate asylum applications." Of note, the expert opinion asserts that "[t]he possibility to apply for asylum cannot be exercised if TCNs do not have the necessary legal assistance during which they can communicate freely and appoint the lawyer as their representative."

Despite not being legally binding, this expert opinion is reassuring for the lawyers' community and confirms that access to legal assistance is a fundamental right for everyone, notwithstanding their legal status or situation.