



Press Release
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Appeal trial for four defendants of the Moria 6

Three young Afghans erroneously tried as adults finally released from prison, however guilty verdict confirmed on appeal for remaining adult defendant

Following a three day trial between 4-8 March 2024, M.F.R., one of the six young Afghans (the "Moria 6") accused and convicted for the fires that destroyed Moria camp in September 2020, was found guilty in a 5-2 ruling by the Mixed-Jury Court of Appeals of the North Aegean in Mytilene, Lesvos and sentenced to 8 years in prison. This trial came after [a one-year postponement](#) during which he and the three other defendants scheduled to appear last week remained in prison. The remaining two of the Moria 6 were previously tried and convicted separately in juvenile court, and had already been released from prison ahead of last week's trial.

Last week the court of Mytilene once again flouted the fundamental principles behind the right to a fair trial in a three day hearing attended by [international trial monitors and the press](#). The trial was tainted throughout by willfully ignorant and discriminatory statements against migrants and the flagrant dismissal of relevant and exculpatory evidence. It ended in the inexorable decision to convict on appeal the only adult defendant in this case, M.F.R.

"This court's decision was once again based solely on a dubious written declaration taken by the police following the Moria fires, from a witness who has since vanished. The plethora of evidence raising doubt, which should have led to our client's acquittal, was completely disregarded by the court. An eight year prison sentence for nothing," concluded LCL lawyer Vasilis Psomos.

In more positive news, the three other defendants scheduled to appear last week had their prior conviction thrown out and have now been released after three and a half years unjust imprisonment, after the court accepted the objection brought forward by the defence lawyers and finally recognised that they were under 18 when they were arrested, and so were convicted in error by an incompetent court in their first trial in Chios in 2021. However, they are not completely free as they will have to go through a new trial on the same charges in juvenile court.

After being postponed from Monday, the appeal trial for four of the Moria 6 defendants started on Wednesday, 6 March 2024, exactly one year after the initially scheduled date of the appeal trial last year. The defence lawyers, three of whom are from the Legal Centre Lesbos, first objected to the procedure on the grounds that the defendants had not received in a language they understood the decision of the first instance court and the notification of the charges for the appeal court. Despite being a legal requirement in both Greece and internationally that people accused of crimes receive information on the charges against them in a language they understand, this objection was rejected by the court. The defence lawyers objected to the procedure on the basis that three of the four defendants were in fact minors at the time of the Moria fires and so should have been tried in a juvenile court. Both of these objections had likewise been presented in the initial trial of these four defendants of the Moria 6 in Chios Mixed-Jury Court in June 2021, but during that trial [the objections had been summarily dismissed](#). The defence lawyers also objected last week to the participation in the procedure of a lawyer representing a civil party to the proceeding, who claimed that the defendants had caused damage to their property, which had been destroyed in the Moria fires. Despite the fact that the defendants were only accused of causing a fire in one small section of Moria camp - which did not include the civil plaintiff's property. The objection was accepted only after the trial had concluded, meaning that the plaintiff's lawyer was allowed to participate throughout the trial.

In a significant decision, the **Court accepted the objection to the procedure for S.M.H, S.A.M.S. and H.W., on the grounds that they were in fact minors when they were arrested.** In accepting the objection the court threw out the first instance decision of the Chios Mixed Jury Court which had convicted the minors as adults and sentenced them to 10 years in prison in June 2021. The Court ordered the three to be released from prison with restrictive measures until a new trial takes place before a competent juvenile court. While their release from prison is a welcome outcome, the three have already spent three and a half years in prison.

Anastasia Ntailiani, LCL lawyer representing the Moria 6 stated, "The incompetence of the court to judge these three minors should already have been recognized during the first trial in 2021, which blatantly ignored all the relevant facts and documents submitted. But at least this flagrant violation was remedied, even if it was in the appeal court."

Nevertheless, the fight to acquit these three young Afghans is not over, as they still face charges in Juvenile court given the highly politicised nature of this case and the malicious persecution faced by all of the Moria 6.

The Prosecutor, who from the start of the trial showed clear intentions to prove the guilt of the defendants despite an evident lack of any credible evidence against them, requested that a bail of 2.000 euros be paid by each of the three defendants for their release from prison. Thankfully this disproportionately severe and unjustified demand was rejected by the Court, which conditioned the three defendants' release to an obligation to stay in Greece and present themselves monthly at the police station.

After this positive news, the trial continued with only one young man sitting on the defendants' bench, R.F.M., whose appeal trial extended until Friday, 8 March. The Court, composed of 3 judges and 4 appointed jury members, decided in a 5-2 vote that he was guilty of arson with danger to human lives and reduced his sentence from 10 to 8 years in prison, based on mitigating circumstances of good behaviour in prison.

The conviction of R.F.M. on appeal demonstrates the predetermined nature of this case, particularly having in mind [the blatant lack of credible evidence against the defendant](#). Throughout the two and a half days of trial witness after witness for the prosecution (police officers, firefighters and locals) stood up to testify about what they had seen on the night of the Moria fires, and each **one confirmed that they had not seen the defendant setting fires in Moria camp.**

The prosecution was once more unable to locate the one and only witness who had testified against the defendant through a preliminary examination taken by the police. He once again did not appear in court and could not be cross examined. His testimony was read in court despite objections from the defence lawyers, that the introduction of his preliminary testimony as evidence was in violation of the internationally recognised principle that a criminal defendant has the right to cross-examine evidence presented against him. The defence's witnesses, on the other hand, were summarily dismissed by the court. In particular, the court limited the testimony of the expert witness, Dimitra Andritsou, senior researcher from Forensic Architecture / Forensis, whose team had prepared an [extensive report and video](#) after a year of investigation and the analysis of hundreds of videos taken on the nights of the Moria fires. Ms. Andritsou's testimony was continuously interrupted by the prosecutor, whose interjections attacking the witness were allowed by the court, preventing Ms. Andritsou from explaining the results of her research. The crucial video prepared by Forensic Architecture / Forensis- which debunks the state's only witness statement "identifying" the defendants, was not allowed to be shown in the trial, and only portions of the report were read into evidence. Furthermore, no witness was allowed to speak about the prevailing conditions in Moria camp in the months and weeks leading up to the Moria fires.

Throughout the trial the prosecutor expressed her disdain for the defendants and demonstrated willful ignorance, making several discriminatory statements against migrants that were completely irrelevant to the determination of the defendant's guilt. "He could have stayed in his country." "Why didn't he go to Iran where they speak the same language?" "Why didn't he buy a passport and get a visa to come to Europe?" This attitude was reproduced by several witnesses, including one police officer who stated that he didn't know how these people live in their own countries, suggesting that the conditions in Moria camp prior to the fire were not so bad for them because they are foreigners.

"During my 30 years of experience in Greek courts, I have never heard such egregious spewing of racist hate speech and irrelevant drivel as I heard this week," stated LCL lawyer Vicky Aggelidou, who represents the Moria 6.

The court's decision to confirm the guilty verdict against R.F.M. was unfortunately not unexpected. Throughout the prosecution of the Moria 6 the Greek state has demonstrated that it is determined to hold migrants as the sole responsible for the Moria fires, with or without evidence. We saw this played out last week once again, in gross disregard to the most basic principles of justice.

The representing lawyers will make an annulment application before the Supreme Court in order to address the procedural and legal miscarriages that took place in this court and in the first instance trial in Chios.

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