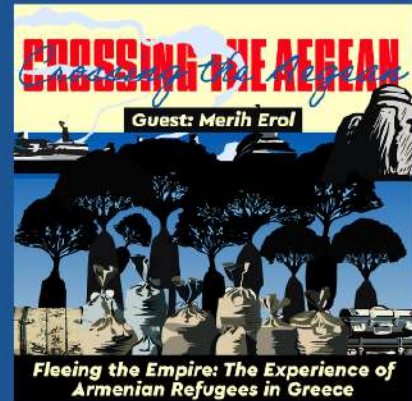




LEGAL  
CENTRE  
LESVOS



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# LEGAL CENTRE LESVOS NEWSLETTER OF JANUARY – MARCH 2024

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The year started with a new damning condemnation of Greece by the European Court of Human Rights, on 16 January 2024, for the killing a Syrian man during border operations in the Aegean Sea in 2014. Mr. Belal Tello was fatally shot in the head and two others on a migrant boat were seriously injured as the Hellenic Coastguards attempted to halt their boat by shooting over a dozen shots, while in movement, near the island of Pserimos. In the ruling in this case, [Alkhatib and Others v. Greece](#), the Court ordered Greece to pay €80,000 in moral damages to Mr. Tello's surviving wife and two children.

This case demonstrates that excessive use of lethal force and violence at sea against migrants is unfortunately nothing new for the Hellenic Coast Guard, who continues, unhindered, its policy of non-rescue and violent pushback at land and sea borders. While dozens of other cases of human rights violations caused during Greece's border operations are pending before courts, no serious official investigations have yet been launched by Greece into what is now a well-documented illegal and dangerous policy of exclusion. On the contrary, everything seems to be business as usual: despite the increased scrutiny of the European Ombudsperson into [Frontex' operations in Greece](#) and into the [European Commissions' allocation of funding to Greece's border operations](#) – neither operation has been suspended or even scaled down to date. Even the last [resolution](#) voted by the European Parliament on 7 February 2024 to express its grave concerns about serious threats to democracy, the rule of law and fundamental rights in Greece, pointing specifically at the [treatment of migrants and systematic pushbacks](#) at the borders, seems to be of little concern to the European Commission and other Member States.

On the other side of the border, while Turkish authorities are focusing on the [thorough documentation of Greece's pushbacks](#), similar and long-dated illegal practices of collective expulsions and severe [exploitation](#) of migrants continue to be documented in the Southern and Eastern borders of the country with Iran. As in Greece, these allegations of human rights violations are not investigated and [easily denied and swept away by state officials](#) through ready-made formulas, such as “activities in line with international law within the context of border security and sovereignty”. Since the May 2023 Parliamentary and Presidential elections in Turkey, controls of migrants at the borders by the Turkish Coast Guards seem to be [more frequent and more violent](#). The election period was seemingly used as an opportunity for both the ruling and opposition parties to scapegoat migrants as the main source of political instability in Turkey, leading to enhanced and unprecedented anti-immigrant sentiment. Added to that, the burden of the economic crisis along with the increasing population of migrants with no structural policies in place allowing them to legalise their status in Turkey, is [reported](#) to have made people on the move an easy target for populist intentions.

This decline in migrants' rights and apparent greenlight for border authorities to do everything to stop migrants from coming to the EU has now been endorsed by the political agreement reached in December 2023 on the new Pact on Migration and Asylum. As [decried by hundreds of civil society actors](#), the Pact is a continuation of a decade of harmful policy that has led to the proliferation of rights violations in Europe and will have [devastating implications](#) for the right to asylum, allowing abuses including racial profiling, default detention and pushbacks to continue.

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*Picture (Top): Banners hanging outside of Mytilene Court for the Moria 6 Appeal trial.*

*Pictures (Bottom- from left to right): Poster of our Joint Statement on the 8th year of the EU-Turkey Statement, Free Pylos9 Campaign and our ongoing Podcast "Crossing the Aegean".*

## **1. Updates from Lesvos Closed Control Access Centre (CCAC)**

Lesvos saw a rise in arrivals of migrants at the start of the year compared to the same period in 2023, with UNHCR recording 1,899 people arrived on the island in February. This rise in arrivals suddenly reduced from the month of March 2024, during which a daily average of 11,6 persons arrived in Lesvos, that is almost five times less than in February. People who were registered by the Greek Asylum Service between January and March 2024 were in majority from Afghanistan (71%), Eritrea (9%), Syria (7%), Sierra Leone (4%) and Sudan (3%).

### **1.1. Conditions in the Lesvos CCAC and abusive measures to chase recognised refugees away from the camp**

Due to the sudden decrease of arrivals in March and the departure of recognized refugees from Lesvos following the receipt of their ID and travel documents, the number of residents accommodated in the Lesvos CCAC in Kara Tepe reduced by one third, and counted 3,150 residents as of 31 March (compared to 4,872 residents at the end of February).

Many residents of the camp reported about a scabies' outbreak in the Lesvos CCAC while access to medical support inside the camp remains extremely limited with only two doctors and a few nurses available for the whole camp residents.

The start of the year saw drastic and abusive measures implemented by the camp authorities against people living in Lesvos CCAC in Kara Tepe. In particular, increased pressure was put on recognised refugees to make them leave the camp within 24 hours after receiving their documents. Clients of the Legal Centre Lesvos, who left the camp to pick up their decisions in the Asylum Service at Pagani have had the unpleasant surprise to see their ISOBX emptied when they returned to the camp. Their belongings were removed during their absence and the lock of their ISOBX changed to impede them from accessing their accommodation. These measures deprived several people of their belongings and forced some of them to move to the big open rubhalls to find a place to sleep. Other clients have reported incidents where camp authorities entered their ISOBX during their absence, in order to unplug and throw away their refrigerators, under the justification that CCAC's residents are not allowed to have their own refrigerators inside their ISOBX.

This kind of intrusive and abusive measures are common in the Lesvos CCAC, in which the surveillance of people's lives has only increased over time, through the deployment of police and private security companies. Arbitrary enforcement measures against people living in the camp in Lesvos are rarely accompanied by rational justification or by any efforts to ensure that people are informed beforehand about measures concerning their place of accommodation. Greek authorities' priority appears to be to push people outside of the CCACs as soon as they are officially considered by the Asylum Service as outside of the asylum procedures, that is after a positive decision or a final negative decision on appeal. This is unfortunately also consistent with the [policy of denial of food observed against camp residents](#) who are outside of the asylum procedures but still living inside the camp, as widely documented over the last year.



## 1.2. Entry into force of a new Migration Code and insufficient regularisations of undocumented people in Greece

Following its adoption in April 2023, a new Greek Migration Code entered into force as of 31 March 2024 reforming in particular the [different types of residence permits provided by Greece to third country nationals](#). Some of the new provisions are positive, such as the 10-year residence permits open for persons who entered Greece as unaccompanied minors and have completed at least 3 grades of secondary education. Similarly a 3-year residency is now available for foreigners living and regularly employed in Greece.

However some of the provisions are further restricting access to regularisation and residence permit for foreigners living in Greece. For instance, under the previous migration code, any person who could prove their presence on Greek territory during a seven year time period was eligible for residency. Under the new Migration Code, while there is still a provision granting residence to people who have lived in Greece seven years, the time spent in Greece as asylum seeker is not counted towards the seven years, meaning that the clock stops as soon as an asylum application is made, and only starts again when a final decision is issued.

Such restrictive provision is unnecessarily impeding the regularisation of many foreigners who are living in the country for 7 years or more, but spent many of these years as asylum seekers. This kind of measure is particularly unfair given the lengthy asylum procedures observed in Greece over the last years, which are - once more - playing against people's rights, although not of their making. **Instead of facilitating the regularisation of undocumented people and allowing people to live in more stability and to potentially access legal work in Greece, the new Migration Code limits their options without any practical or legal justification.**

## 2. Overview of Legal Centre Lesvos' work to defend the rights of migrants

### 2.1. Our legal assistance work in numbers

Legal Centre Lesvos' lawyers and legal volunteers continued providing legal support to migrants throughout their asylum procedures, including through legal consultations and representation.

**Between January and March 2024, the Legal Centre Lesvos' lawyers represented:**

- ★ 13 individuals in the asylum procedure, including cases of family reunification;
- ★ 4 individuals on appeal of their asylum claims;
- ★ 8 individuals facing criminal charges or administrative detention.

**Over the same time period, volunteer caseworkers, under the supervision of Greek attorneys, actively worked on over 145 cases.**

People who received legal assistance from the Legal Centre this quarter were mainly from Afghanistan (24%), Eritrea (18%), Sierra Leone (11.7%), Syria (7%). Somalia (5%) and the Democratic Republic of Congo (5%).

**Legal Centre Lesvos' legal assistance provided included:**

- ★ 463 newly arrived asylum seekers who requested legal support in order to register in Lesvos CCAC, access the asylum procedure and avoid illegal pushback to Turkey;
- ★ 50 individual legal consultations;
- ★ 51 asylum interview preparations; and
- ★ 8 referrals to alternative housing services or protection services.

## 2.2. Actions taken to support Eritrean nationals forced to register as Ethiopians



In the first trimester of 2024, the Legal Centre Lesvos [continued reporting](#) about the Lesvos Regional Asylum Offices' (RAO) abusive policy of forcing Eritrean asylum seekers to change their nationality to Ethiopian during their asylum interview, or otherwise seeing their interview stopped and their case rejected.

*Picture: 'We Never Change Our Nationality' protest in the Lesvos CCAC on 6 November 2023, Sto Nisi.*

In order to challenge these unfair procedures, the Legal Centre Lesvos filed **three complaints on 18 December 2023 before the Greek Ombudsperson on behalf of three single women from Eritrea. Their asylum interviews had been interrupted based on the fact that they were not believed to be Eritrean, before any nationality assessment or assessment as to their eligibility for asylum were carried out.** In March 2024, the Legal Centre Lesvos received an answer from the Greek Ombudsperson who shared its observations on this issue and addressed several questions to the Directorate of Immigration, the Directorate for Border Protection, the Lesvos Police Directorate, the Lesvos Regional Asylum Service and the CCAC of Lesvos, in order to assess whether a proper nationality assessment interview was carried out during their registration and the asylum interviews.

At the same time period and following increasing pressure from the Eritrean community in the camp and legal organisations on the island, the RAO Lesvos stopped its malpractice of denying the right to an interview to Eritrean asylum seekers who refused to change their nationality to Ethiopian. From the end of December 2023, the RAO Lesvos resumed the conduction of interviews with Eritrean nationals, yet **these interviews now consist mostly of a nationality assessment and do not always explore the individual grounds for asylum, nor the applicants' specific needs and vulnerabilities, such as sexual and gender-based violence or human trafficking, etc.**

For instance, the Legal Centre Lesvos' lawyers took on the legal representation of two Eritrean nationals on appeal in November 2023, whose asylum claims had been rejected as Ethiopians. Both cases were unfortunately rejected again on appeal in February 2024. The Appeal Committees did not accept that both individuals are from Eritrea, basing their decisions on the fact that the asylum seekers were not able to provide some information about their country of origin during their asylum interviews. One of the applicants was three years old and the other was four years old when they fled Eritrea with their family. As a result, they did not recall many details about Eritrea as they had lived in Ethiopia for most of their lives.

These decisions, once more, disregard the individual circumstances and history of the asylum seekers in question and, more generally, of displaced Eritreans living in Ethiopia and the logical reasons behind their limited knowledge about Eritrea. **These are unfortunately only two examples of the many [ridiculous](#) decisions taken by the Greek asylum service with the support of the European Union Asylum Agency (EUAA) and the Appeals Committee on similar cases. This practice prevents Eritrean asylum seekers who grew up in Ethiopia from accessing a fair asylum procedure and therefore denies them access to international protection.**

### 2.3. Advocacy towards the facilitation of family reunifications to Greece



The Legal Centre Lesvos is increasingly supporting cases of recognised refugees in Greece who wish to exercise their right to family reunification but are facing insurmountable [obstacles](#) while trying to do so.

Picture: "Family reunification is my right", in a 2021 protest in Gaza, Palestine supporting the right to family reunification. Credits: Abdallah al-Naami, [The Electronic Intifada](#)

**Family reunification pathways for refugees constitute a legal obligation for Member States to ensure that protected families are able to reconstruct links with their relatives, often broken by their forced exile and displacement.**

Major obstacles faced by applicants to family reunification in Greece include the **strict and inflexible requirements imposed by the Greek Asylum Services** to process applications, leaving applicants in dead-end situations without any alternatives.

For instance, the requirement for family members abroad to submit certified copies of their identity documents, travel documents and documents proving the family links, such as family booklets. Such certification is to be carried out by Greek consular services abroad, which are, however, not present or are inaccessible in many of the countries of residence of applicants' family members (such as in Afghanistan, Sierra Leone, Palestine, Sudan, Burundi, Bangladesh, etc.).

This situation forces applicants' family members to contact and potentially take personal risks in travelling to neighbouring countries in order to access Greek consular services, which in many cases is impossible due to lack of appropriate travel permits. Additionally, in these instances, consular services in neighbouring countries often do not respond to such requests or declare that they are unable to handle such requests. Such practices are thus in fact impeding people from completing their application, delaying or blocking the progression of family reunification procedures.

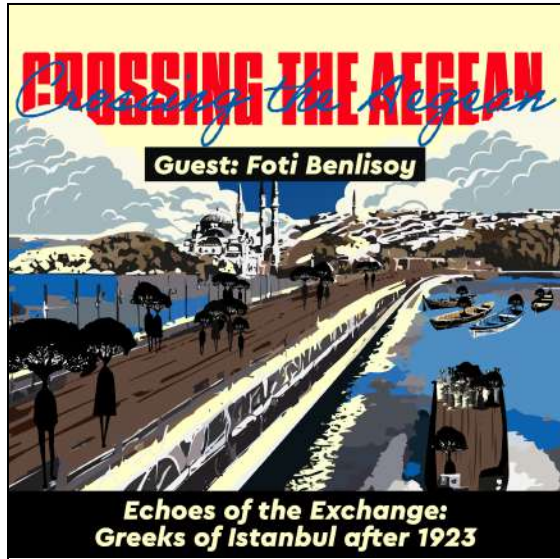
In March 2024, the Legal Centre Lesvos published a [joint statement](#) together with 14 civil society organisations, also shared with the relevant Greek Ministries of Asylum and Migration, Foreign Affairs and Interior. The joint statement aims at recalling Greece of its obligations to ensure the rights of refugees to family reunification under Greek law provisions transposing the European Directive 2003/86/EC on the right to family reunification, as well as in application of the fundamental right to private and family life, enshrined in Article 21 of the Greek Constitution, Article 8 of the European Convention on Human Rights (ECHR), Article 7 of the European Union Charter of Fundamental Rights and Article 16 of the Universal Declaration of Human Rights. This statement also emphasises the particularly dire situation of recognised refugees who have family in the Gaza strip. Though legally entitled to be reunited in Greece, these families are absolutely unable to exercise their rights to family reunification with their loved ones, given the ongoing Israeli assault and war on Gaza and the impossible access to Greek diplomatic services there.

The Legal Centre Lesvos is currently representing the cases of five Palestinian refugee families and urging Greece to follow the lead of countries such as [Belgium](#) providing consular assistance and humanitarian solutions for their safe and legal evacuation from Gaza.



## 2.4. Collaborations and events about migrants' rights

### ★ Crossing the Aegean Podcast ★



Legal Centre Lesvos continues to collaborate with the [Memory Centre](#) and [Community Peacemakers Teams](#) on the bi-weekly publication of the ongoing Podcast “Crossing the Aegean”.

Since December, eight episodes have been released, touching on the rippling effects of the population exchange between Greece and Turkey today. Season 1 of the podcast is now over and we will return to you in late May with Season 2.

You can listen to the podcast in English, Greek and Turkish on Spotify, [here](#).

### ★ ‘Chroniques à MER’ Podcast ★

On 14 February 2024, the Legal Centre Lesvos participated in the monthly French-speaking radio podcast produced by members of the Alarm Phone network, named ‘**Chroniques à MER**’.

The podcast episode #23 dedicated to the context for migrants in the Aegean Sea can be listened to and downloaded [here](#).

### ★ Ravages review ★

The Legal Centre Lesvos took part in the francophone Review ‘Ravages’, Chronicles of struggles at the Franco-Italian border, based in Briançon.

This was the occasion to share our experience about the violence of collective expulsions at the Greek-Turkish border in an article called ‘The story of a European drift’, written together with former volunteers of the Legal Centre Lesvos. Have a read [here](#).

### 3. Challenging border violence

#### 3.1. EU-Turkey deal: 8 years of violence, discrimination, segregation and exclusion



On 18 March 2024, at the occasion of the eighth ‘anniversary’ of the EU-Turkey statement, the Legal Centre Lesvos published a [joint statement](#), alongside with the Progressive Lawyers Association (ÇHD), the Association of Lawyers for Freedom (ÖHD), the European Association of Lawyers for Democracy and World Human Rights (ELDH), Community Peacemakers Teams (CPT), I Have Rights, Human Rights Legal Project, Refugee Legal Support, and Equal Legal Aid.

As organisations working in the field in Turkey and Greece, we further denounce Turkey and EU states’ consistent failure to uphold their international obligations about migrants and refugees, and strengthen

our joint commitment to challenge all official and unofficial policies that lead to the discrimination, segregation, and ultimately exclusion of migrants. The joint statement was also the occasion to reiterate our demands for:

- the immediate termination of the EU-Turkey Statement, as well as all similar externalisation statements with other countries, which have been implemented with the motive of preventing migrants from entering the EU;
- the end of the practice of pushbacks at Turkey and Greece’s external borders, in which the right to life and the prohibition of torture are routinely violated, be stopped and remedy mechanisms for the survivors to be implemented immediately;
- the establishing of regulations assuring that migrants’ rights are respected, ensuring decent living conditions and freedom of movement, be implemented.

#### 3.2. ‘Recording Mechanism of Incidents of Informal Forced Returns’ annual report

On 24 January 2024, the Greek National Commission for Human Rights presented its [annual report](#) including the findings of the ‘Recording Mechanism of Incidents of Informal Forced Returns’ from Greece to Turkey, also known as pushbacks.

Between 2020 to 2022, testimonies were collected by the Legal Centre Lesvos and other organisations through the Recording Mechanism of pushback operations in which at least 2.157 people were illegally expelled from Greece. The testimonies demonstrate that they were subjected to: physical violence, verbal abuse and threats to their lives and physical integrity often at gunpoint, sexual harassment, degrading treatment, deprivation of personal belongings

and identity documents, informal detention in places under humiliating conditions, separation of family members, and, in some cases, even losses of human lives.

**The report concluded that informal forced returns or pushbacks from Greece are carried out by mobilising human resources, facilities, heavy vehicles or watercrafts and other material and technical means and that they do 'no longer constitute an occasional and *irregular* phenomenon' but have on the contrary 'developed the pattern of a systematic and *organised* operation'.**

### 3.3. Hunger Strike in Corinthos

On 26 February 2024, 13 people went on hunger strike in the Korinthos detention centre. These 13 people were arrested after a shipwreck in December 2023 and have been detained ever since with no further explanation, denying them the right to ask for asylum. This group, having first survived a shipwreck, was immediately placed in pre-removal detention, despite the Greek Ombudsperson requesting their immediate release. While on strike, the police raided their cells, threatening and manipulating them into ending it.

On 22 March 2024, 46 people held in the same detention centre [went on hunger strike](#) to protest the conditions of their detention. Systematic violence and arbitrary detention that migrants experience in Greek prisons are [well documented](#) and have been ongoing without remedies.

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

The Legal Centre Lesbos continued supporting and defending migrants criminalised for political acts or simply for crossing borders, such as in the Moria 6 trial related to the 2020 destruction of the Moria camp and the Pylos 9 prosecution following the deadly shipwreck of June 2023.

### 4.1. Moria 6: Appeal trial of four of the 'Moria 6' convicted for the fires of Moria



Following an appeal 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, Lesbos and sentenced to 8 years in prison (instead of 10 years in the first instance).

*Picture: Drawing of the defendants leaving the Court of Mytilene.*

During this highly political trial, waking up the ghost of the Moria camp, 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, including the [conclusions of an expert report by forensic expert teams released in 2023](#).

One of the defence lawyers, Vasilis Psomos stated that **“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.”**

In more positive news, the three other defendants had their prior conviction thrown out after the same Mytilene Appeal court finally recognised that they were under 18 when they were arrested and that they were therefore convicted in error by an incompetent court in their [first trial in Chios in 2021](#). They have now been released from prison after three and a half years of unjust imprisonment, but are not completely free as they will in the future have to go through a new trial on the same charges before a juvenile court.

This trial came after [a one-year postponement](#) during which the four defendants 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.

Read our full press release [here](#).

#### 4.2. Free #Pylos 9: rushed closure of investigation and trial date on 21 May 2024



The nine defendants accused by the Greek State for the Pylos shipwreck of 14 June 2023, will be tried on 21 May 2024 before the three member Appeal Court of Kalamata, Greece.

The defendants, who are also survivors of the shipwreck, were arbitrarily arrested and accused of being responsible for the tragedy in the aftermath of the shipwreck, based on dubious [copy-pasted testimonies from only a handful of other survivors](#) who were interrogated in the days following the shipwreck while still being detained in a warehouse in the port of Kalamata.

*Picture: #FreePylos9 Campaign logo.*



The investigation of the Pylos 9 was [closed after only six months](#), without thorough consideration of the available evidence, in particular evidence that could have shed light on the [actual circumstances of the shipwreck](#).

Now that a trial date has been scheduled, only two Hellenic Coast Guard officers have been called as witnesses for the prosecution, neither of whom identified any of the Pylos 9 as potential suspects.

As in all cases of [systematic criminalisation of migrants in Greece](#), the Pylos 9's arrest, investigation, prosecution and upcoming trial were rushed, while the investigation into the responsibility of the Greek Coast Guard for the shipwreck has stalled and so far led nowhere. This is despite the fact that mounting evidence from survivors and civil society clearly implicate the Greek Coast Guard authorities and Frontex, who were aware of and monitored the distress situation of the Adriana ship for almost an entire day but did not carry out a rescue operation. Furthermore, testimonies from survivors indicate that the ship capsized after being towed by a Greek coastguard vessel.

As in most criminalisation cases of migrants as alleged smugglers, the [Pylos 9 are facing several life sentences in prison](#) if convicted. The charges against them include (a) membership in a criminal organisation, (b) transporting as boat drivers, citizens of third countries from abroad to Greece, who do not have the right to enter Greek territory, with danger for human life, causing deaths (c) intentionally causing a shipwreck with danger to for human life and with fatal result and (d) unauthorised entry to Greek territory.

**As LCL, we demand that the nine accused of the Pylos shipwreck be immediately released and provided with appropriate psycho-social support as survivors of one of the deadliest shipwrecks in the Mediterranean in recent years. Charges against them should be dropped and an independent and effective investigation should be carried out into the circumstances of the shipwreck, in order to determine the responsibilities and involvement of the Greek authorities and Frontex in the capsizing of the boat.**

Read our joint call for international observers at the 21 May trial [here](#).

For further information about the Pylos 9 case:

- [General updates and information of the Legal Centre Lesbos](#)
- [#FreePylos9 Campaign website](#)
- [Counter-investigation into the shipwreck by Forensic Architecture and Forensis](#)
- [Amnesty and Human Rights Watch's report](#)

### 4.3. Final report on the treatment of lawyers imprisoned and prosecuted in Turkey



The fact-finding mission on the treatment of lawyers deprived of their liberty and prosecuted in Turkey, in which the Legal Centre Lesvos took part in November 2023 in Istanbul, published its [final report in February 2024](#).

*Picture: (above) Fact-finding delegation including LCL members in Istanbul.*

The report concludes that the lawyers detained and prosecuted were subjected to various violations of human rights, including arbitrary arrest and detention, non respect of the fair trial principles, submission to inhuman and degrading treatment and torture. The conditions in which they are detained violate internationally accepted standards for prisons, including the U.N. Standard Minimum Rules for the Treatment of Prisoners. It also states that the lawyers' detention continues to be arbitrary and prolonged with little justification or explanation, based on charges with national security offences.

As a conclusion, the international delegation calls on the Turkish government to **end all acts of intimidation and harassment of lawyers and respect the independence of the legal profession**, in accordance with international law, including the U.N. Basic Principles on the Role of Lawyers.