



*Lesvos or the “Human Rights Graveyard” for migrants trapped on the island, Wall of Moria 1.0.  
Photo Credits: Boštjan Videmšek.*

(1) Living conditions

- Continued inhumane and degrading living conditions in Mavrovouni de-facto detention-center.
- 24-30 April – Closure of all safe and alternative accommodations for migrants in Lesvos -
- Part II: Evictions of families hosted in Kara Tepe municipality run camp.
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- 7 June – Greek authorities declare Turkey safe for Afghan, Bangladeshi, Syrian, Somali and Pakistani Nationals, instituting further mass exclusion from asylum in Europe
- Families remain separated for months and even years after arrival to Europe
- Continued failure by the Greek State to proceed with age assessments of minor children wrongly registered as adults

(3) Advocacy efforts increase against continued policy of collective expulsions in the Aegean

- 12 April – New case filed against Greece before the European Court of Human Rights, for massive pushback operation of over 180 migrants caught in a storm near Crete
- 28 April, the Greek Ombudsman published an interim report on pushbacks
- 12 May, UN Special Rapporteur on the human rights of migrants published report on pushbacks
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- 23 April – Justice for K.S
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- 22-29 June: Vial 15 Trial in Mytilene

## **(1) Living conditions**

### ***> Continued inhumane and degrading living conditions in Mavrovouni de-facto detention-center.***

The forced closure of most of the safe and alternative accommodation facilities in Lesvos put additional pressure on the already overcrowded and inhumane hotspot camp Mavrovouni / Karatepe ‘Temporary Reception and Identification Centre’ (so-called Moria 2.0), where as of 4 July, 4329 people were living in shared tents.<sup>1</sup> Still labeled as a ‘temporary’ camp, thousands of people have been forced to live there for over nine months.

With particular regard to COVID-19, the internal measures in place within the camp are insufficient to effectively allow any physical distancing from others or suitable hygiene conditions. In May, there was an increase in people who tested positive for COVID-19 in the camp and on the island. 550 positive COVID-19 cases were reported in Lesvos, 227 of which were found amongst the residents of Mavrovouni camp. Residents of the camp share a very limited living space with other people, and stand in long queues in close proximity to others in order to access all basic necessities, including food, water, toilets and showers. In May, the so-called “quarantine area” set up inside Mavrovouni camp to isolate people who tested positive for COVID-19 and their contacts reached its full capacity for at least a week. People who were not sick when they entered the quarantine area became sick while imprisoned there. While the quarantine area was full, people with COVID symptoms were asked by the camp authorities to self-isolate in their tents - a practical impossibility, given how overcrowded the camp is and that all tents are shared with other persons or families.

The camp residents of Moria and later Mavrovouni have remained subjected to discriminatory movement restrictions ostensibly justified by the COVID pandemic since March 2020, and are prevented from moving freely in and out of the camp. When the rest of Greece was opened for foreign tourists and movement restrictions were progressively lifted for the general population, starting on the 3 May 2021, people forced to live in Mavrovouni camp remained under a 5pm curfew, and continued to be prohibited from leaving the camp except for once a week, and for medical or legal appointments.

Migrants were also disproportionately targeted in police controls during the pandemic. The official police record fines issued for alleged breaches of COVID measures in Lesvos show that in Lesvos between 23/03/2020 and 24/05/2021 74% of the fines were issued against foreigners, that is 3 times more than the ones issued against Greek nationals - despite the fact that foreign nationals make up a small percentage of the island’s population. Clients of LCL have reported that people have received fines in Mavrovouni camp for failing to wear a mask while washing their face outside their tent and for not wearing a mask while smoking - demonstrating the absurdity and arbitrariness in the issuance of fines against migrants. The police record also mentions the issuance of fines against 21 members of NGOs in Lesvos as a specific category of foreigners. This official publication confirms the ongoing racial profiling, which is shamelessly published by the authorities.

Meanwhile, inside the camp, conditions remain dire. As of May, only 302 toilets were operational. These toilets are often covered in faeces and are a breeding ground for communicable diseases. There are

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<sup>1</sup> UNHCR Operational Portal, Greece

numerous reports documenting that the camp's sewage system overruns during rainstorms, causing the ground within the camp to become a bed of mud, water and excrement. Mavrovouni camp has 10 electricity generators which often fail due to network overload, causing power cuts which leave residents without light, heat or air conditioning, or electricity and which poses a fire hazard. Incidents of violence and harassment are common, with little protection provided by the Greek authorities despite the heavy police presence in the camp.

Moreover, the site was used for almost a century (1926-2020) as a military firing range, and high levels of lead have been found in soil samples. Prolonged exposure to lead can cause long-lasting, and often irreversible, neurological and behavioural damage. Many camp residents, including pregnant women and small children (who are particularly vulnerable to the impacts of lead exposure), have now lived there for over nine months as of the end of June 2021.



*Stacking of shared tents on a military firing range, Mavrovouni hotspot camp or "Moria 2.0", Photo Credits: UNHCR.*

➤ ***24-30 April – Closure of all safe and alternative accommodations for migrants in Lesbos - Part II: Evictions of families hosted in Kara Tepe municipality run camp.***

In the last week of April, vulnerable people and families who were hosted in the municipality-run Kara Tepe camp were evicted from their containers in the early morning hours over several days. Although the Ministry of Migration and Asylum announced that the majority of the evicted families from Kara Tepe camp would be moved to the mainland or relocated elsewhere in the EU, over 500 persons were moved to Mavrovouni camp.<sup>2</sup>

This follows the closure of Pikpa solidarity camp - which hosted particularly vulnerable families and individuals - and was evicted by the Greek authorities on 30 October 2020. Many vulnerable families were transferred to Kara Tepe containers when Pikpa was forcibly evacuated, and in April were once again uprooted and forced to move to shared tents in Mavrovouni camp.

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<sup>2</sup> Oxfam/Greek Council for Refugees, Lesbos Bulletin, June 2021, available at: [https://www.gcr.gr/media/k2/attachments/June\\_Lesbos\\_Bulletin.pdf](https://www.gcr.gr/media/k2/attachments/June_Lesbos_Bulletin.pdf).

The Minister of Migration and Asylum, Notis Mitarakis visited the emptied Kara Tepe camp on 7 May just after the evictions and congratulated himself publicly that “the municipal structure of Kara Tepe returned today, after six years of operation, to the municipality and the citizens of Mytilene.”<sup>3</sup> He also announced the upcoming closure of all apartments hosting asylum seekers under the ESTIA programme - currently hosting families, unaccompanied minors and particularly vulnerable persons - by 30 November 2021 and the creation of a new “closed/controlled” Multi-Purpose Reception and Identification Centre (MPRIC) on Lesbos, located outside the urban area and entirely funded by the European Commission (effectively a detention center).<sup>4</sup>

Several LCL clients with recognised vulnerabilities were forcibly moved from the municipality-run Kara Tepe camp to Mavrovouni camp. One family from Syria with 3 teenage children and 1 adult son who has extreme mental health conditions and does not speak were among those forced to pack up their belongings at six in the morning and move to Mavrovouni camp. The mother is his sole carer, and he relies on her support in all of his daily tasks; she, however, suffers from her own urgent medical problems, including a cyst in her brain and kidney stones, which require urgent treatment in Athens. Although the family’s geographical restrictions to the island had been lifted to allow for needed medical treatment, their asylum claim was rejected on appeal - on the basis that Turkey is a country from which they could have sought protection, and as a result, they are again restricted to the island. This family has now been trapped in Lesbos since November 2019 - approaching two years - unable to access the asylum procedure and unable to obtain needed medical treatment.

**The progressive concentration and confinement of migrants into a single site in Lesbos where conditions are inhumane and degrading - in full disregard of people’s recognised vulnerabilities and specific needs - raises great concern and is in clear violation of their fundamental and human rights.** It is also a precursor to the EU and Greek authorities’ aim of mass detention of migrants across the Aegean islands in “Multi-Purpose Reception and Identification Centres” outside urban areas, where migrants will be subjected to expedited processing of their asylum claims, swift rejections and deportations to countries where they are not safe.

It should be noted that since the eviction of Pikpa solidarity camp in October 2020 and Kara Tepe in April 2021, both municipal spaces have been left abandoned and unused.

➤ *June 2021: Recognition by the European Court of Human Rights of the Greek authorities’ persistent and official indifference to migrants suffering in Mavrovouni camp*

The Legal Centre Lesbos continued denouncing the ongoing failure of the Greek authorities to provide adequate housing and medical care to vulnerable people forced to live in Mavrovouni camp. Following the granting of Interim Measures for three LCL clients in March 2021, on the basis that they had been denied adequate housing and medical care, the Ministry of Migration continued to deny this care to other families and individuals in similar circumstances, despite ongoing advocacy by LCL. As a last

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<sup>3</sup> Greek Ministry of Migration and Asylum, Press release, 7 May 2021, available in Greek at: <https://bit.ly/3bIJOyZ>

<sup>4</sup> Memorandum of Understanding between the European Commission, the European Asylum Support Office, the European Border and Coast Guard Agency, Europol and the Fundamental Rights Agency, of the one part and the Government of the Hellenic Republic, of the other part, on a Joint Pilot for the establishment and operation of a new Multi-Purpose Reception and Identification Centre on Lesbos, 2 December 2020, available at: [https://ec.europa.eu/home-affairs/sites/default/files/pdf/03122020\\_memorandum\\_of\\_understanding\\_en.pdf](https://ec.europa.eu/home-affairs/sites/default/files/pdf/03122020_memorandum_of_understanding_en.pdf)

resort, the LCL was forced to return to the European Court of Human Rights in order to ensure our clients' access to needed urgent medical care. In June, **two additional interim measures petitions were filed by LCL lawyers before the European Court of Human Rights were granted (ECtHR).**

#### INTERIM MEASURES GRANTED BY EUROPEAN COURT OF HUMAN RIGHTS

- ★ *In the first case, LCL represented a 21 year-old Syrian national who had arrived in Lesbos in September 2019 with her family and suffers from severe treatment resistant epilepsy as a result of a major head trauma and injuries from an airstrike in Syria. The Applicant had been **living for the past 21 months first in Moria and then in Mavrovouni camp** during which time her health had deteriorated. After all her medical documents were lost in the fires that destroyed Moria camp in September 2020, she was officially referred twice by the General Hospital in Mytilene for an electroencephalogram and for a digital angiography of the spinal cord at a specialised hospital in Athens in October 2020 and in March 2021 respectively - since neither procedure could be carried out on the island. The state of health of the applicant and the need to be treated in Athens had also been certified by the Hellenic National Public Health Organisation (EODY) in May 2021. Despite this, the family was still forced to live in Mavrovouni camp **more than seven months after her first post-fire referral** from Greek public health authorities **for urgent and specialised medical care in Athens.***
- ★ *In the second case, LCL represented a 24 year-old Syrian national, in her sixth month of pregnancy, who arrived in Lesbos in January 2020 and suffers from a degenerative condition in her shoulders, chronic asthma and, owing to her living conditions, inflammation and an infection in her lungs - causing her to be severely limited in her breathing and mobility. Her 4 year-old daughter, who stopped talking after the trauma of the fires that destroyed Moria camp, also suffers from physical disabilities, including a weakness to her legs, and lack in balance and movement control allowing her only to walk short distances. This woman and her family **were living for the past 17 months in Moria and Mavrovouni camp** during which time, their health had further deteriorated. In August 2020, the Applicant had been referred to treatment in a hospital in Athens by the General Hospital of Mytilene for further examination of her degenerative shoulder condition and in February 2021 EODY confirmed that she had to be moved to better living conditions, due to the impact that living in the camp has on her breathing difficulties. In January 2021, her daughter had also been referred by Mytilene hospital for urgent transfer to Athens for neurological examination. Nevertheless the pregnant woman and her children were still forced to live in the inhuman and degrading conditions of Mavrovouni camp **almost a year after they were first identified by Greek public institutions as persons in need of urgent transfer** to safe accommodation and medical care in Athens.*

In both cases the Greek authorities in charge of the identification and transfer of vulnerable persons to the mainland had failed to proceed with the transfer of the concerned families for months despite the repeated requests by the families and LCL to the Greek authorities. Over months of waiting for treatment, they meanwhile had their asylum claims rejected on the grounds that Turkey was a safe third country for them (a factually inaccurate claim, as detailed in [previous LCL posts](#)). Because they were no longer considered asylum seekers, their transfer was further delayed and denied.

The ECtHR granted both applications, recognising that, due to their severe health situation and the living conditions in the camp, both applicants were at imminent risk of irreparable harm. **We reiterate - and as confirmed by the ECtHR - that the right to health and life are fundamental rights that must be guaranteed for ALL, regardless of legal status.**

These cases are only two examples among hundreds of people in need of urgent care and assistance, who have been contained for months or years in immiserating conditions in the EU hotspots on the Greek islands, and left there without sufficient medical attention or basic protection. The ongoing and flagrant institutional indifference towards the needs of migrants seeking asylum in Greece demonstrate that the living conditions in those camps are not a random occurrence but rather the demonstration of a deliberate treatment imposed on racialised migrants denied safe and legal routes of migration. The swiftness with which individuals are transferred following successful petitions before the European Court of Human Rights demonstrate that the Greek state has the capacity, but lacks the will to provide adequate medical care and housing to those with the most urgent needs.



*A woman and a man in a wheelchair sit outside a tent in Mavrovouni camp,  
Photo Credits: EPA/Vangelis Papantonis*

## **(2) Asylum procedures**

- ***7 June – Greek authorities declare Turkey safe for Afghan, Bangladeshi, Syrian, Somali and Pakistani Nationals, instituting further mass exclusion from asylum in Europe***

On 7 June, the Greek authorities furthered Europe's border externalisation policy through the formal designation of Turkey as a safe country for Afghan, Syrian, Somali, Pakistani and Bangladeshi nationals. Announced in a Joint Ministerial Decision, this means that all new asylum claims made by people of these nationalities are **now facing expedited and superficial procedures that assess the**

**“admissibility” - rather than the substance - of their claim.** These mirror the procedure for Syrian nationals on the Eastern Aegean islands applied since the EU-Turkey Statement of March 2016, which has been found to offer insufficient protection against *refoulement*.<sup>5</sup> Nonetheless, as confirmed by Minister of Migration and Asylum N. Mitarachis, this is a further step towards “the full and unconditional implementation” of the EU-Turkey Statement.

Following the Joint Ministerial Decision, people of those nationalities are no longer asked in their personal interview as to the reasons they left their home country, but only about their experience in Turkey. As a consequence, all cases relating to nationals of those countries (with some rare exceptions) are currently being rejected as “inadmissible” on the grounds that Turkey is a safe country for them. The populations affected by this Joint Ministerial decision are by no means surprising: as of June 2021, the majority of the migrant population arriving to the Aegean islands in 2021 were from Afghanistan (45.3%), Somalia (23%), and Syria (5.8%)<sup>6</sup>.

This measure adopted in Greece constitutes an abusive and dangerous misapplication of the safe third country concept, provided for by Article 38 of the European Union’s Asylum Procedures Directive, not least because Turkey is not a safe third country for migrants.<sup>7</sup> The Asylum Procedures Directive requires, among other things, that “safe” third countries offer asylum seekers the potential of being recognised as refugees and enjoying protection in accordance with international law, and that such countries ensure adequate protection against *refoulement*.<sup>8</sup> In Turkey, neither of these criteria is met. Moreover, the decision is an explicit and unapologetic endorsement of Europe’s drive to exclude migrants from its territory, which are manifest in its ongoing deals with third countries (such as the EU and Italy’s ongoing cooperation with and funding of the Libyan Coast Guard), policies of systematic violence, and continued, fatal disregard for migrant lives.<sup>9</sup>

For more details, read our statement [here](#), and a joint letter in which we participated alongside other legal organisations and published on 14 June [here](#).

➤ ***Expedited procedures, mass rejections, no access to lawyers: “business as usual”.***

**Denial of legal aid to new arrivals:** New arrivals to Lesbos, who are not pushed back to Turkey, have been detained in a quarantine camp in the north of the island and then rushed through their asylum procedure, within a few days of their release and without access to legal aid. This is despite efforts by lawyers and the Lesbos Legal Aid Sub Working Group to gain access to the site. Efforts to distribute the contact information of legal aid actors were denied by UNHCR and the Greek authorities controlling

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<sup>5</sup> “Court of Munich again: Turkey is not a safe third country - Is the EU Turkey Deal dead?”, Equal Rights Beyond Borders, August 2019, available at:

<https://equal-rights.org/en/news/court-of-munich-again-turkey-is-not-a-safe-third-country-is-the-eu-turkey-deal-dead/>

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<sup>6</sup> UNHCR Operational Portal, Greece.

<sup>7</sup> Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection,

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0032&from=en>

<sup>8</sup> Article 38(1)(c) (*refoulement*), Article 38(1)(e) (refugee status in accordance with the 1951 Convention on the Status of Refugees), Directive 2013/32/EU (recast).

<sup>9</sup> See, among others, Human Rights Watch, “EU: Shifting Rescue to Libya Risks Lives” 19 June 2017, available at: <https://www.hrw.org/news/2017/06/19/eu-shifting-rescue-libya-risks-lives>.

the camp. Most of the new arrivals, therefore, have been rushed to their asylum interview without being able to see a lawyer or get any legal information about the complex and ever-changing procedures that they are subject to. The denial of access to legal information and from the possibility of accessing a lawyer of their choice is a severe violation of their rights to a fair asylum procedure, and of the State's specific obligation to guarantee that applicants "shall not be denied the opportunity to communicate with UNHCR or with any other organisation providing legal advice or other counselling to applicants."<sup>10</sup>

**Copy-paste rejection of asylum claims:** In parallel, the asylum service continued its expedited processing of ongoing asylum claims, issuing an increasing number of negative decisions. Within the negative decisions reviewed by the Legal Centre Lesvos team, there have been **gross procedural irregularities**, including "copy-paste" decisions issued by the Greek Asylum Service and the European Asylum Support Office (EASO), for instance indicating that Afghan nationals could "return to (their) country of origin, Turkey," or that a Iraqi national could "return to (his) country of origin, Afghanistan".

**Denial of effective legal representation on appeal:** Since January 2021, people who have been rejected in the asylum procedure have access to a State appointed lawyer to represent them on appeal. Following years of advocating that the State fulfils its obligation - under Greek and EU law - to provide free legal aid to those lodging a first-instance appeal, we welcome the introduction of state appointed lawyers.<sup>11</sup> However, the current system often continues to prevent effective assistance of counsel. People seeking counsel at the Legal Centre Lesvos have reported difficulties or impossibility in contacting their state appointed lawyers. Those that have met with their lawyers, are in some cases not informed of all the reasons for their rejection, and are not provided with a translation of the Greek decision, so often are not able to provide information or evidence that could support their asylum claims.

As has been the case for years, often the Appeals Committee simply rubber stamps the decisions made at the first instance by the Lesvos Regional Asylum Office (RAO), regardless of legal representation provided. One of LCL's clients who had faced persecution in his home country due to his political activity, received a rejection on appeal with identical argumentation as to that he had received from the Lesvos RAO. The additional evidence submitted by LCL on appeal was not even considered when the Appeals Committee made its decision.

**Delayed registration of subsequent asylum claims:** Since March 2020, those in Lesvos who have had their asylum applications rejected on appeal are no longer recognised as asylum seekers and have been stuck in an ongoing procedural limbo: unable to leave the island, owing to ongoing COVID restrictions; unable to return to Turkey, owing to the suspension on deportations and voluntary returns; and, for the most part, unable to lodge a subsequent application for asylum.

Given the constantly changing context in the countries from which they came or through which they travelled, people have legitimate new grounds for international protection. However, the registration of subsequent asylum applications (new asylum applications based on new substantial evidence that an individual is eligible for international protection) has been effectively frozen since early 2021. Registration of subsequent asylum applications resumed in early June 2021, but at a slow pace, leaving

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<sup>10</sup> Article 12(c), Directive 2013/32/EU (recast).

<sup>11</sup> Among others, Article 20, Directive 2013/32/EU (recast).

over a thousand people on the island outside the asylum procedure in legal limbo - unable to leave the island, and unable to access any services here that are reserved for officially recognised asylum seekers or “beneficiaries” of international protection, including access to the public health care services, education, or cash assistance provided through UNHCR. As described above, the Legal Centre Lesvos has successfully filed interim measures with the European Court in Human Rights on behalf of two individuals with families who were denied health care, in part because they were no longer considered asylum seekers.

Given the above context, legal aid provided by the Legal Centre Lesvos and other actors remains essential, at all stages of the asylum procedure.

**Legal Aid Provided by Legal Centre Lesvos  
between April and June 2021**

Legal Centre Lesvos’ Greek lawyers represented:

- ★ 55 individuals in the asylum procedure, including cases of family reunification;
- ★ 20 individuals on appeal of their asylum claims;
- ★ 7 persons in detention.

LCL volunteer case workers carried out:

- ★ 432 individual legal consultations;
- ★ 26 interview preparations;
- ★ 76 referrals to alternative housing services or protection services.

Furthermore, with the European Court of Human Rights, LCL filed:

- ★ 1 application in representation of 11 survivors of a collective expulsion
- ★ 2 petitions for interim measures were made in representation of two individuals, due to imminent risk of irreparable harm for failure to provide needed medical treatment and accommodation

➤ ***Families remain separated for months and even years after arrival to Europe***

European Regulation No 604/2013 (commonly known as the “Dublin III Regulation”), sets out criteria for determining “as quickly as possible” the country in Europe responsible for assessing an individual’s asylum claim. Part of the purpose of this regulation is to allow family members who are present in different European countries to reunite as soon as possible after entering Europe, and without having to wait for procedural delays such as the processing of asylum claims, and production of IDs and travel documents. In practice however, the process is fraught with delays, in part due to COVID-19 related restrictions on travel, but also due to bureaucratic delays and other failings by Greek and other European authorities.

Between April and June 2021, several of the families represented by the Legal Centre Lesvos had their applications for family reunification under the Dublin III Regulation granted, and several others finally travelled to join family members in other European countries.

Many of these families have had to **wait for reunification for over a year**, and have had to endure unbearable periods of uncertainty after first having their claims rejected, necessitating representation by LCL in requests for reconsideration, and cooperation with lawyers other European member states to litigate and advocate with national authorities there for the right of these families to reunite.

Dublin “Successes” following unwarranted rejections and delays

- ★ *SV finally travelled to Germany in May 2021 together with her children, to join her minor son who was just seven years old at the time of their separation. Germany initially rejected her request to reunite with her minor son, and her reunion in May this year followed a two-year struggle, requiring litigation in German court (in cooperation with Equal Rights Beyond Borders). This is one of several families whose cases LCL has had to litigate in German courts following a rejection by the German Dublin Unit, which requires unreasonable documented proof of family relationships from families who have fled their countries in the midst of war and persecution, and have been separated in unstable and often insecure circumstances.*
  
- ★ *Other families represented by LCL had to wait months, and sometimes over a year to be reunited even AFTER their applications for family reunification were approved. FH arrived to Lesvos in November 2019, and first came to the Legal Centre Lesvos that month. With LCL’s assistance, FH submitted an application for family reunification to join his partner and their daughter, who live in Finland. In June 2020, Finland accepted his request; his transfer, therefore, should have taken place within the six months before December 2020 according to Dublin III Regulation. Legal Centre Lesvos made repeated interventions on his behalf with the Greek Dublin Unit; still, it was not until 8 June 2021 - a year after his acceptance - that he was finally issued with tickets to travel. He is now reunited with his partner and daughter, in Finland.*
  
- ★ *AK arrived with his family to Greece in September 2019. His wife had survived severe trauma in their home country and on their journey to Greece, and she found life in Moria camp impossible. AK’s wife managed to travel to Switzerland with one of their young daughters, and seek asylum there. Despite the vulnerable mental and physical health of both AK and his wife, they were denied reunification for months, due to the fact that AK and his wife had separated only after they reached Greece, and it was well after the strict three month deadline in which requests for reunification must be sent according to the Dublin III Regulations. However, following months of advocacy by LCL, Switzerland finally accepted on humanitarian grounds (Article 17 of the Dublin III Regulation) the right of AK and his children to join his wife, and the children’s mother. Following their acceptance, however, it took a further 8 months (two months passed the deadline) for them to actually be able to travel to Switzerland and reunite, during which time AK and he and his wife’s children were forced to live in Mavrovouni camp, with limited access to needed health care and other services.*

➤ *Continued failure by the Greek State to proceed with age assessments of minor children wrongly registered as adults*

The age assessment procedures have been suspended since January 2021 in Lesvos and resumed only in mid-June after a five month gap due to a pending training of the Greek National Health services (EODY). As a consequence, newly arrived minors who had their birth date incorrectly registered by Frontex have been unable to correct their dates of birth if they do not have original identification documents from their countries of origin. The failure to recognise the minor status of these children has had severe impact - as they are denied the protections guaranteed to minor asylum seekers - such as special reception conditions including housing separate from adults they are not related to, access to public education, and the right to reunite with family members in other European states under the Dublin III regulations.

The denial of these rights run contrary to Greece's own age assessment procedure, which provides that individuals should benefit from the presumption of minority, and "should be treated as a child until proven otherwise."<sup>12</sup>

In mid-June, EODY finally began conducting age assessments again, however, many of the minors had already been waiting over six months to be assessed, and as time passed they of course became older. Besides being untimely, the age assessments themselves were superficial and cursory. According to the minors' statements, the age assessment procedure lasted between 3 and 15 minutes. Age assessments are currently being carried out by an urologist, employed by EODY.

Between April and June 2021, LCL represented **15 alleged minors victims of those registration "errors", including the lack of possibility to request an age assessment.** In one of those cases, LCL represented an Afghan boy who arrived in Lesvos as a 15-year old unaccompanied minor in January 2021. He has an adult brother in Germany with refugee status, with whom he could potentially reunify under the Dublin regulations. However, while he gave his correct age and birth date at the initial registration in February 2021, and holds a copy of his Afghan National ID stating his actual date of birth, he was registered by Frontex as 18 years old instead of 15. During his asylum interview, he attempted to correct his age, yet the interview was continued by the EASO caseworker. Due to the lack of age assessments being conducted in Lesvos at that time, the unaccompanied child was exposed to inadequate and dangerous conditions in Mavrovouni camp, where he was forced to live the past four months. He was also at risk of missing the deadlines applicable for his family reunification with his brother in Germany. With the help of LCL lawyer, the minor was referred for an age assessment to EODY on 1 March 2021 - which was finally carried out at the end of June - but for which no decision has yet been issued. Thanks to the legal support he received, Germany exceptionally accepted his request for family reunification on humanitarian grounds notwithstanding the pending age assessment decision.

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<sup>12</sup> Joint Ministerial Decision 3390, Article 1, paragraph 12, 13 August 2020.

### (3) Advocacy efforts increase against continued policy of collective expulsions in the Aegean

➤ *12 April – New case filed against Greece before the European Court of Human Rights, for massive pushback operation of over 180 migrants caught in a storm near Crete*

On 12 April 2021, LCL filed its fifth complaint before the European Court of Human Rights (ECtHR) regarding “pushback” operations in the Aegean Region by the Hellenic Coast Guard. In the present case, LCL’s lawyer represents 11 Syrian nationals who were part of a group of 180-200 people violently expelled from Greece to Turkey on 20-21 October 2020. The group included at least 40 children and one pregnant woman, who Greek authorities collectively expelled to Turkey in a violent and massive coordinated operation carried out for over more than 24 hours in the Mediterranean Sea, and involving multiple vessels of the Hellenic Coast Guard including one Search and Rescue vessel. The case was reported in the [international press](#) and on social media and includes extensive evidence corroborating survivors’ testimonies, such as GPS locations, media reports, photographs and video footage.

As already highlighted by LCL and several other monitoring and human rights groups, the illegal acts committed by Greek authorities in this case are not isolated and instead form part of an **ongoing systemic and widespread practice implemented by the Greek authorities** over the last year (in particular since March 2020), which **amount to crimes against Humanity**. Despite extensive evidence, reports, investigations and denunciations at both national and international levels, the Greek authorities continue to deny that pushbacks are taking place. Greece is one of the few European countries that has not explicitly prohibited collective expulsions, and Greece’s legal system does not provide adequate criminal remedy to redress the gravity of the international and human rights law violations entailed in collective expulsions, much less the political interest to seriously investigate these crimes. The ECtHR has thus become a court of last resort for a growing number of survivors. The ECtHR timelines mean that it could take years for such applications to even be considered, while the individualised character of human rights violations as adjudicated at the ECtHR normally fail to capture the systematic nature of collective expulsions. However, in the current context of absolute impunity for these atrocity crimes it is worth pursuing all remedies available for pushback survivors. This does not change the fact that meaningful justice for survivors of collective expulsions must include safe and legal routes to Europe, and a decisive end to fortress Europe’s border regime of deterrence at any human cost, which has as its logical endpoint the spectacular violence of pushbacks such as this one.

→ Read the LCL full statement about the case [here](#).

➤ *28 April, the Greek Ombudsman published an interim report on pushbacks*

Following its own initiative investigation of alleged cases of pushbacks at the Greek-Turkish land border (Evros region) between the summer of 2017 through the end of 2020. The report acknowledges a constant flow of complaints received regarding illegal pushbacks which in the Ombudsman’s opinion creates “concerns regarding the level of protection of human rights in Greece”. It also urged for investigations by the Greek police and authorities, as claims of pushbacks are persistently accompanied by a denial from the country’s authorities. Full report is available [here](#).

➤ *12 May, UN Special Rapporteur on the human rights of migrants published report on pushbacks*

The report addresses the human rights impact of pushbacks, and the growing body of evidence of the illegal practice of pushbacks across borders around the world. LCL contributed through submission in February 2021, documenting Greece's practice of carrying out pushbacks to Turkey in the Aegean region. The full report is available [here](#).



*A Hellenic Coast Guard vessel patrols the Aegean Sea off the coast of Lesbos island at dusk, August 2021.*

➤ *June - Frontex under scrutiny of the European Parliament*

In June, LCL participated in various other public initiatives to further raise awareness about the insurmountable amount of evidence of Greece's pushback of migrants in the Aegean region including by joining the **End Pushbacks Partnership** and **Abolish Frontex** communication campaigns.

LCL also contributed to the fact-finding mission of the **Frontex Scrutiny Working Group**, which was established by the European Parliament Committee on Civil Liberties, Justice and Home Affairs in March 2021. It was mandated to assess the functioning of the European Border and Coast Guard Agency, Frontex, following the increasing amount of media and NGOs reports evidencing that the agency was involved in pushbacks of asylum-seekers in the Aegean Sea. LCL was first involved in internal meetings with the Frontex Scrutiny Group members about Frontex's complicity in human rights violations, and later submitted relevant evidence on pushbacks carried out by the Hellenic Coast Guard in the Aegean Sea, and on the connection between such pushbacks and Frontex's operations in the region, following a call for evidence by European Parliament members.

Those initiatives came in the continuity of LCL work initiated since the start of the year to **denounce the complicity of Frontex and its Executive Director** in the collective expulsions carried out by the Greek authorities in the Aegean region - where the agency operates as part of the Joint Operation Poseidon. The ongoing and inherent failure of Frontex's internal reporting and monitoring mechanisms

in relation to fundamental rights violations, and Frontex Direction's failure to act in relation to fundamental rights and international protection obligations violations - despite well-documented and systematically carried out collective expulsions - are already unlawful and should lead to its accountability.

LCL was also invited to participate in one of the meeting sessions of the **Frontex Consultative Forum on Fundamental rights** together with the Border Violence Monitoring Network to share its insights about human rights violations carried out by or with the complicity of Frontex.



*Abolish Frontex Campaign, Photo Credit: No Border Kitchen Lesvos.*

#### **(4) Criminalisation**

##### **➤ 23 April – JUSTICE FOR K.S**

On Friday 23 April 2021, in a trial that lasted less than four hours, the Mytilene Court convicted a young man from Syria, K.S., of illegal entry (art. 83 g.l. 3686/2005) and facilitating illegal entry (art. 30 par. 1 and 3 g.l. 4251/2014). Despite arguments made by Legal Centre Lesvos lawyers regarding numerous procedural irregularities, the lack of convincing evidence against him, and demonstrable mitigating circumstances, K.S. was sentenced to a total of 52 years in prison and a fine of €242,000. K.S. could be eligible for early release after 7 years; but this would nonetheless mean that K.S. will be incarcerated for the remainder of his three young sons' childhood.

This disproportionate and scandalous sentence follows state violence inflicted upon K.S. and his family in Syria, Turkey and now Greece. After being shot in Syria and fleeing with his family, K.S. fled to Turkey. There, he was imprisoned and tortured, after resisting the draft to join Turkish military operations in Libya. In Greece, he has been subject to numerous violations of international law, and has already spent over a year in Korydallos prison, the country's largest penitentiary. By the time of his trial, he had not seen his wife or three children for fourteen months. In early March 2020, K.S., his wife, and

their three young children fled Turkey to seek international protection in Greece. Upon their arrival to the island of Chios, however, K.S. was arrested and accused of having driven the dinghy upon which he and his family had arrived. This formed the basis for the aforementioned criminal charges brought against him.

The gross miscarriage of justice inflicted upon K.S. is not the first case of its kind. Less than a month later a young man from Somalia was sentenced to 142 years prison after having been arrested and convicted following a shipwreck in which two people died.

Since 2014, Aegean Migrant Solidarity, Deportation Monitoring Aegean and borderline-europe e.V. have documented the systemic punishment and incarceration of migrants accused of the same crimes that K.S. was convicted for. According to the Greek Ministry of Justice, in 2019 1,905 people were imprisoned in Greece on charges of facilitating illegal entry. They observed that: “While smuggling accusations against European sea rescuers such as the Sea Watch captain Carola Rackete gain a lot of media attention, which can lead to international pressure and courts eventually deciding to drop the charges, the everyday practice of incarcerating non-Europeans on the Greek islands goes almost unnoticed by the public.”

Legal Centre Lesvos lawyers have appealed K.S.’s unjust conviction and will continue to fight for his release from incarceration. Alongside comrades from solidarity movements in Lesvos and internationally, we will continue to denounce the systematic criminalisation and punishment of migrants, to fight for justice for K.S., and to stand in solidarity with everyone facing Europe’s punitive border regime.

Read the full statement on the trial [here](#).

### ➤ *11-12 June – Trial of the Moria 6*

On Friday 11 and Saturday 12 June 2021, the trial of four young Afghans, accused by the Greek authorities for the fire in Moria which resulted in the camp’s total destruction in September 2020, took place in Chios before a Mixed Jury Court. All four were unanimously sentenced to ten years’ imprisonment, without recognition of any mitigating circumstances, and without their appeal having a suspensive effect. They were therefore taken back to Avlona prison, near Athens, where they have already been held in pre-trial detention for almost ten months.

The court’s intended result was evident from the outset of the trial. Upon entry to the court and on the order of the President of the Judges, the defence lawyers were first searched, including the case files and their personal belongings. After that, the court denied essentially every request made by the defense lawyers throughout the trial. The entry of trial observers and the press was denied on the pretext that COVID-19 measures prohibited the presence of more than 15 persons inside the court, despite a request by the defendant’s lawyers to allow entry to at least one legal observer. At the same time, 7 to 9 police officers were present inside the courtroom throughout the proceedings, supposedly in order to secure the court. Furthermore, the fact that three of the four were minors at the time of the arrest, defense attorneys had presented to the court original documentation showing their age, and considerable documentation showing irregularities in the age assessment procedure - all four were tried as adults.

The conviction of the defendants was solely on a single witness, whose written testimony was read aloud in court, against the objection of defense counsel that this violated the defendants' right to cross-examination. Other major procedural violations were documented, including: erroneous or incomplete interpretation; insults to and harassment of defence witnesses; violations of the rights of the defence witnesses; and violations of the right of the defendants to make a statement. Finally, the court unanimously decided to reject all mitigating circumstances in the defendants' sentencing. This included a refusal to recognise their young age, despite the fact that the Greek state had already recognised this vulnerability by incarcerating them in a specific juvenile prison. Not even the inhumane living conditions of the defendants in the "hell" of Moria – otherwise recognised by all – were taken into account by the court to reduce the defendants' sentence.

All of the above leaves the undeniable impression that the trial in question was anything but fair, and that in matters of national interest and public opinion, such as the Moria fire, expediency and political exploitation subordinate the rule of law and the rights of the accused.

Read the full statement of the defense lawyers [here](#) and the statement following the trial and conviction of the two minors who form part of the Moria [6](#) [here](#).



*Police officer outside the Court in Chios, 11 June 2021. Photo credit: Free the Moria Six campaign, @freethemoriasix*

➤ **22-29 June: Vial 15 Trial in Mytilene**

Following the discouraging and unacceptable results of the trial of four of the Moria 6 in Chios, a few weeks later, in Mytilene's Mixed Jury Court, 14 of the 15 young men who were arrested following riots and fires that broke out in Chios' Reception and Identification Centre in April 2020 were tried. The riots in Chios' refugee camp had broken out following the death of one woman in the camp, who was suspected to have COVID-19. Unlike in Chios, the Mytilene Court accepted many of the petitions of the defense attorney, including requesting a larger courtroom so the trial was open to the public, and a petition to try one of the defendants at a later date in a court for minors. As in the case of the Moria 6,

there was insufficient evidence to identify any of the defendants as having committed the crimes they were accused of. In the end 4 of the men tried were acquitted, and the remainder were found guilty only of minor offenses. All were ordered released, with suspended prison sentences for those found guilty of the lesser crimes.

While the 14 should never have spent 14 months in pretrial detention, we welcome the result of this trial, and hope it can serve as precedent for future criminal proceedings. The contrast to the results in Chios demonstrate the arbitrariness of the outcome of criminal trials, which should, by law, be made isolated from any political influences, such as those that overshadowed the prosecution of the Moria 6.