



#AbolishFrontex Protestors Declaring
the "Closure of Frontext Due to Crimes Against Humanity", Brussels
December, 2022

LEGAL CENTRE LESVOS QUARTERLY REPORT OCTOBER- DECEMBER 2022

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The newsletter for the current period of October - December 2022 will focus on Legal Centre Lesbos' ongoing dedication to challenge daily human rights violations at Europe's borders. Violent, illegal pushbacks by Greek authorities occur unabated despite widespread condemnation. Vital to challenging pushbacks is the wider exposure of the EU pouring hundreds of millions of euros into the militarization of its borders whilst sidestepping accountability for its deadly consequences. EU funding used in connection to pushbacks transpires in multiple ways: a recent example is the EU funding of border authorities in Bulgaria, Hungary and Croatia who are responsible for manning secret detention facilities used to detain asylum seekers before illegally deporting them (Bulgaria receiving €320m, Croatia €163m, and Hungary €144m)¹. More broadly, Frontex, the European Border and Coast Guard Agency, who has proved complicit in pushbacks with the Hellenic Coast Guard, has had its budget skyrocket from €6 million in 2006 to over €750 million in 2022, making it the highest EU funded agency².

EU funding on the policing of its external borders has come under increasing scrutiny, with the European Parliament rejecting Frontex's 2020 budget in October 2022. This coincided with the European Anti-Fraud Office's (OLAF) investigative report on Frontex finally being leaked to the public (despite the report being finalised in February 2022). Within, it was confirmed that Frontex workers were actively encouraged to avoid monitoring pushbacks by the Greek Government and shared incorrect or biased information on this with European Institutions. The investigation also details how Frontex used European taxpayer money to fund pushbacks in at least six instances, including through co-funding the Hellenic Coast Guard's activities³. Incredibly, EU Commissioner Margaritis Schinas and Greek Migration Minister Notis Mitarakis both refused to acknowledge evidence of pushbacks in Greece⁴, with Mitarakis additionally claiming *zero infringements of fundamental rights*, in front of the European Parliament Civil Liberties Committee following the initial publishing of the report. This is what we are up against: leaders who are unafraid to deny hard facts when it inconveniences them, and at the cost of lives of the most politically disempowered: migrants and asylum seekers.

It is important to highlight here that the Greek Executive had no shame in jumping on a media opportunity to champion the heroism of its citizens who were involved in the rescue of migrants following [two deadly shipwrecks](#) in early October 2022. On the 6th of October, a vessel carrying 95 people from

¹ Lighthouse Reports, *EUROPE'S BLACK SITES*, 8 December 2022, Available at:

<https://www.lighthousereports.nl/investigation/europes-black-sites/>

² EU Observer, *Leaked Report: Frontex compared rights officer to "Khmer Rouge"*, 14 October 2022, Available at:

<https://euobserver.com/migration/156286>

³ Spiegel International, *Classified Report Reveals Full Extent of Frontex Scandal*, 29 July 2022, Available at:

<https://www.spiegel.de/international/europe/frontex-scandal-classified-report-reveals-full-extent-of-cover-up-a-cd749d04-689d-4407-8939-9e1bf55175fd>

⁴ European Parliament Multimedia Centre, *Committee on Civil Liberties, Justice and Home Affairs*, 14 July 2022, Available at (between 12:01 and 12:02):

https://multimedia.europarl.europa.eu/en/webstreaming/committee-on-civil-liberties-justice-and-home-affairs_20220714-0900-COMMITTEE-LIBE

Afghanistan crashed off the coast of Kythira. Greek construction company owner, Michalis Protopsaltis, rescued 80 people by dispatching a crane and ropes to pull people fighting for their lives in the waters adjacent to a steep cliff drop. A few hours prior to this, a boat carrying 40 passengers capsized off the coast of Lesbos resulting in the drowning of 18 people: 16 young women, a man and a boy. In a farcical show of solidarity, the Greek Prime Minister called Protopsaltis to express his personal thanks and expressed his sadness of the tragic loss of human life in the two shipwrecks, “despite the heroic efforts of the Greek Coast Guard”⁵ - a state institution proven to engage in systematic pushbacks.

The Greek Coast Guard and Frontex are not the only ones using EU taxpayers' money to violate fundamental rights at the borders. In a bid to distance itself from being accountable for pushbacks and human rights violations in migration policy, the EU is externalising its asylum policy to third countries with dismal reputations on upholding [human rights](#). During the three month period covered by this Newsletter, there have been powerful movements towards countering this practice. NGO Egypt Refugees Platform has released a position paper criticising the EU granting €80 million to the Egyptian Coast Guard to buy “maritime border control equipment” without clear indicators as to how it will be used and how to ensure human rights protection⁶. Additionally, the European Centre for Constitutional and Human Rights (ECCHR), a German NGO, submitted a complaint to the International Criminal Court, accusing EU politicians of conspiring with the Libyan Coast Guard to illegally pushback refugees. The accused include the EU’s former Foreign Policy High Representative Federica Mogherini, Italy’s current and former Interior Ministers and the current and former Prime Ministers of Malta⁷.

⁵ The Guardian, ‘*Nobody Forced Us’: the Greek builder who saved 80 Afghans from the sea*, 23 October 2022, Available at: <https://www.theguardian.com/world/2022/oct/23/greek-builder-saved-80-afghans-the-sea-athens>; Office of the Prime Minister, Prime Minister Kyriakos Mitsotakis’ doorstep statement at the European Political Community Summit, in Prague, 6 October 2022, available at <https://primeminister.gr/en/2022/10/06/30363>

⁶ Refugee Platform in Egypt, *EU funding for the Egyptian Coast Guard (Strengthening a Partnership That Violates Human Rights)*, 27 October 2022, Available at: <https://rpegy.org/en/editions/eu-funding-for-the-egyptian-coast-guard-strengthening-a-partnership-that-violates-human-rights/>

⁷ The Guardian, *European politicians accused of conspiring with Libyan coastguard to push back refugees*, 30 November 2022, Available at: <https://www.theguardian.com/world/2022/nov/30/european-politicians-accused-of-conspiring-with-libyan-coastguard-to-push-back-refugees>

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1. Updates on the situation for migrants in Lesvos

- 17 November 2022, The Greek Government declares that all refugee camps on the Aegean islands will be operated as “Closed Controlled Access Centers”

On the 17 of November 2022, Greece established that all existing Reception and Identification Centres in the Aegean Region - in Samos, Lesvos, Chios, Kos, and Leros would be operated as “Closed Controlled Access Centres” (CCAC) via [Presidential Decree 77/2022](#), Articles 11-12. The existing, recently constructed Reception and Identification Centres (RIC) in Samos, Kos, and Leros were already operating as CCAC, with construction well underway for the planned CCAC in Lesvos (see below). The EU funded the construction of these camps with a budget of €276 million⁸. While in many ways superfluous, the Presidential Decree confirmed the policy of detention and restriction of movement of migrants, and opened the possibility to further restrict the movement of migrants residing in the current RICs in Lesvos and Chios (such as the Temporary RIC in Kara Tepe in Lesvos). The currently operating CCACs have been widely criticised by [NGOs and human rights groups](#) for their resemblance to prisons with their use of barbed wire fences and surveillance technologies such as CCTV cameras, magnetic gates and X-ray technology. It is extremely concerning that these prison-like structures, which isolate and further stigmatise migrants, are becoming the new norm.



Pictures: Excerpts from various photos of Samos CCAC (Source: Official Website of Ministry of Migration and Asylum of Hellenic Republic)

⁸ InfoMigrants, *Inauguration du nouveau camp de Samos : "C'est un pas en arrière pour l'intégration des réfugiés"*, 18 September 2021, available at: <https://www.infomigrants.net/fr/post/35136/inauguration-du-nouveau-camp-de-samos-cest-un-pas-en-arriere-pour-lintegration-des-refugies>

- 12 December 2022, Fire at Kara Tepe RIC

Conditions continue to be dire in Lesvos' RIC in Kara Tepe, where approximately 2000 people are currently residing. In December 2022, a fire broke out within the camp destroying four housing containers and severely damaging three others. While no injuries were reported,⁹ the LCL has repeatedly [warned](#) of the risks of dangerous fires in these camps given the highly flammable polyester material of the housing tents and a total lack of insulation/heating. The EU and Greek authorities have done nothing to respond to this, despite repeated fires, which are an inevitable and predictable occurrence in refugee camps.



Pictures: Photos taken by camp residents after the fire (*Source: in.gr*)

- Updates on the construction of the new CCAC in Vastria, Lesvos

Work on the construction of the CCAC in Vastria, in Lesvos, is developing at a rapid pace and covers an enormous tract of land in the middle of pine forest in the centre of the island. The enormity of the project has given rise to [suspicion](#) on the amount of migrants they intend to host there and whether it is intended for long-term stays. Worryingly, the project appears to be focused on the setting up of quantities of container huts, with the construction of key infrastructure such as water and sewage not yet in place.



⁹ eKathimerini, *Fire breaks out at Lesvos refugee facility*, 12 December 2022, available at: <https://www.ekathimerini.com/news/1200040/fire-breaks-out-at-lesvos-refugee-facility-2/>

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

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

Between October and December 2022, Legal Centre Lesvos' lawyers represented:

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

Over the same time period, volunteer caseworkers, under the supervision of Greek attorneys, supported 24 new cases, and actively worked on over 96 cases over the course of three months.

Legal aid provided included:

- ★ 144 individual legal consultations;
- ★ 40 interview preparations, and preparation of legal memos in 23 cases;
- ★ 11 referrals to alternative housing services or protection services;
- ★ 11 people attended information sessions on the asylum procedure and asylum interview.

People who received legal aid from the Legal Centre this quarter were mainly from Afghanistan (28%), Syria (16%), Sierra Leone (12%), Somalia (9%), Democratic Republic of Congo (8%) and Mali (6%).

Additionally, the LCL continued to provide legal assistance to newly arrived asylum seekers prior to their registration in the RIC, who had recently arrived in Lesvos from Turkey, and faced an imminent risk of an illegal pushback operation. Between October and December 2022, **444 people who arrived to Lesvos from Turkey** were registered in the RIC, and allowed to apply for asylum, after they or someone in the boat they arrived with contacted the LCL, requesting legal assistance to ensure their access to the asylum procedure.

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

- December 2022: Representation and support of asylum seekers criminalised under Greece's anti-smuggling laws: trials of Zahiri & Razuli, A.B, and Mohammad Hanad Abdi

In December a series of trials of migrants facing criminal charges under Greece's blanket anti-smuggling laws took place in Mytilene. A broad coalition of NGOs and human rights groups have condemned Greece for its systematic criminalisation of migrants under Greece's broad anti-smuggling laws which carry disproportionately lengthy prison sentences. These laws were transposed from the [2002 EU "Facilitators' Package"](#) which defines facilitation of unauthorised entry, transit and residence. The EU legislation has been criticised by NGOs and a [European Parliament study](#) for its vague definition of smuggling which creates legal ambiguity and discrepancies in its transportation into national law. Greece's anti-smuggling laws have been thus used to criminalise migrants for "facilitating illegal entry" and "boat driving" without any evidence of financial gain or intent, which has in turn violated the human rights of those seeking asylum and those working to protect them.

Within the criminal procedures in Greece, due process of the accused has repeatedly been hindered by lack of access to translation, legal representation and a generally hostile court environment that has no problem with repeatedly delaying appeals on spurious reasoning. This travesty of justice is part of a systemic practice to criminalise migrants under Greece's anti-smuggling laws.

The individuals tried in the three cases detailed below, that were scheduled in Mytilene in December 2022, are only a small representation of those affected by Greece's anti-smuggling laws. It has been reported that since the start of 2022, 2,282 people are in prison for facilitating illegal immigration in Greece alone, and across Europe 9,862 people have been arrested between 2018 and 2021¹⁰. This blanket criminalisation is totally ineffective at cracking down on those profiting from the lack of legal and safe means of migration to Europe, nor is it an effective deterrence policy for those with no other option but to seek asylum in Europe.

Appeal Trial of Amir Zahiri and Akif Razuli: On 8 December 2022, the twice-delayed appeal of Amir Zahiri and Akif Razuli finally took place. Zahiri and Razuli, asylum seekers from Afghanistan, were sentenced to 50 years each for "facilitating illegal entry" in March 2020 in their initial trial, based upon the sole written testimony of one Hellenic Coast Guard officer who has refused to turn up to subsequent trials. They have faced arbitrary imprisonment for nearly three years after their appeal was delayed in March and April 2022 for several months. Locked away, with their future in the balance, and in Zahiri's case, separated from his wife and young children, has had an immeasurable impact on their mental health and well being.

¹⁰ Liberation, *Aux frontières de l'Europe, des migrants devenus boucs émissaires de la «guerre aux passeurs*, 14 November 2022, available at:

https://www.liberation.fr/international/aux-frontieres-de-leurope-des-migrants-devenus-boucs-emissaires-de-la-guerre-aux-pas-seurs-20221114_QNM2V3T3OJH6RKHU6DN5BO2U6I/?redirected=1



Picture: Flyers distributed at the court before the trial

The final judgement: Razuli was acquitted, but Zahiri's guilty verdict for 'facilitating illegal entry' was upheld, despite evidence that Zahiri was forced to drive the boat out of necessity to save the life of his family and others on the boat – a legal reason for acquittal. Further information on the case of Razuli and Zahiri can be found [here](#).

Appeal Trial of Mohammad Hanad Abdi: Migrants are often forced to drive the boat, sometimes under brutal force. This was the case of Somali asylum seeker Mohammad Hanad Abdi who was sentenced to 142 years in prison following a traumatic crossing from Turkey to Greece where two women drowned in rough seas. Mohammad claims that the smuggler from Türkiye left the boat early in the journey, leaving them to drive it under bad conditions¹¹. At his appeal on Jan 9, his sentence was reduced to 8 years and he was released on time served and good behaviour.

Case of A.B: Other factors which characterise the criminalisation trials include reliance on witness testimony of only one or two Greek Coast Guards or police. This was the case with defendant A.B, represented by LCL lawyer Vicky Angeliodu, who was due to have his first instance trial in December 2022. A.B was charged with "unauthorised entry" and "facilitating the unauthorised entry of 28 people" on the

¹¹ AP News, *Critics: Greece criminalises migration, prosecutes helpers*, 15 November 2021, Available at: <https://apnews.com/article/afghanistan-somalia-middle-east-turkey-europe-48431fc521e8de559347dc3e3ac6fdb9>

basis of statements by two Coast Guard Officers. A.B faces more than 60 years in prison, despite there being video evidence that he was not steering the boat during his journey. A.B's trial was postponed until May 2023 because the Coast Guard Witness did not turn up and even failed to present any excuse for his absence. The Coast Guard has been fined 200 Euros for this whilst A.B is forced to wait for another 6 months in limbo, as his asylum procedure has been suspended for the last 2.5 years. Further information on the case of A.B. can be found [here](#).

- Prosecution of human rights defenders

Despite the extensively documented practice of systematic and illegal violent pushback policy of Greek authorities, instead of investigating those carrying out and ordering these crimes against migrants, the people and organisations that denounce the crimes themselves are becoming the target of criminal prosecution.

The latest target is [Panagiotis Dimitras](#), known for his decades long defence of human rights in Greece, who has been publicly advocating against pushbacks for several years. He is accused of forming a criminal organisation with the purpose of receiving information about foreigners attempting to enter Greece without authorisation, in order to facilitate their unauthorised entry and stay, and was summoned before the Kos prosecutor relating to these charges in December 2022. Following his interrogation in Kos, Mr. Dimitras, who was charged together with Tommy Olson of Aegean Boat Report, [has been ordered](#) to desist from his work at the Greek Helsinki Monitor, is prohibited from leaving the country, had to post a 10,000 euro bail, and is required to report bimonthly to the police, as pre-trial restrictive measures. The LCL joined 12 other organisations in a series of [joint statements](#), in solidarity with the accused, and against these draconian measures.

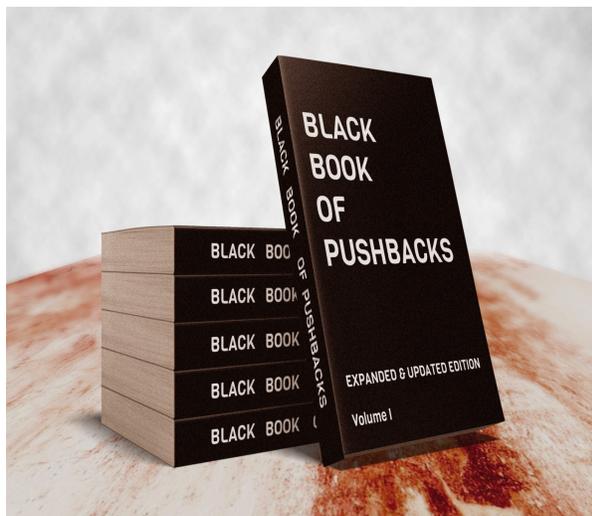
The prosecution of Mr. Dimitras and Mr. Olson form a part of a brutal [campaign of intimidation and harassment](#) by the state at judicial level against human rights defenders who are calling out state-sponsored, illegal pushbacks. These campaigns have targeted a range of civil society workers working on refugee protection, including [Sean Binder and Sarah Mardini](#), who experienced detainment and the prohibition of their involvement and participation in civil society activities in Greece as a result of Greece's criminalisation of humanitarian assistance for asylum seekers.

Update: as of the release of this LCL Quarterly Newsletter, the court case that involves Sean Binder, Sara Mardini and 22 others, was heard in part on 9th of January 2023, as the trial scheduled for January 2023 was regarding only the misdemeanour charges (and not the more serious felony charges). The Court annulled the charges against the foreign defendants due to lack of translation of the indictments. For the remaining Greek defendants, the court annulled the charge of espionage because of the vagueness of charges. The court also remanded the remaining charges for forgery against one defendant, and for support to a criminal organisation against a second defendant, as the court was not competent to try these charges. An inadequate

decision, and not to be celebrated given that felony charges are still pending against all defendants, but an important first step indeed.

As LCL, we stand firmly in solidarity with all migrants who are criminalised for crossing borders, and for all those criminalised for advocating for their rights and freedom of movement.

4. Updates on fight to end pushbacks



- LCL contributes to the “Black Book of Pushbacks”

LCL contributed, in partnership with the Border Violence Monitoring Network (BVMN), to the latest edition of the Black Book of Pushbacks. This extensive paper (over 3,000 pages long), published by the Left Group of the European Parliament, documents testimonies and everyday violence experienced by people arriving to the EU’s external and internal borders. Since the first edition published in 2020, scandals of systemic push-backs linked to EU funding have come to light, including Frontex’s complicity with Greek Coast Guard’s pushbacks to Greece, and video reportage of violence against migrants at land and sea borders by European border authorities. Despite incremental amounts of evidence of this brutal and illegal practice - it appears to fall on deaf ears in the Commission and national government who have failed to properly investigate criminal pushbacks or launch infringement procedures. The work is a collective endeavour by a broad coalition of NGOs and activists to hold their governments to account, please find [here](#).

- Pushbacks in the Aegean are form of torture: New report by LCL submitted to Special Rapporteur on Torture

Based on its own documentation and reporting, the Legal Centre Lesvos demonstrates in a recent submission to the [UN Special Rapporteur on Torture](#) that the illegal practice of systematic pushbacks in the Aegean region amount to torture, both under international and Greek law. The modus operandi of these practices are as follows; (1) subjecting migrants who have recently arrived to Greece to physical violence and other inhumane acts, including the stealing of personal belongings; (2) arbitrarily detaining them in inadequate and inhuman conditions with the purpose of illegally expelling theme from Greece; (3) summarily expelling them from Greek territory through forcible transfer via Hellenic Coast Guard vessels

towards Turkish waters; (4) ultimately abandons them at sea, putting their lives in grave danger, and causing extreme mental anguish and physical exhaustion; and (5) conducting all of the above acts by unidentified agents of the Greek state who normally have their faces covered with masks or balaclavas.

Recognizing pushbacks as torture, is naming this illegal practice for what it is: deliberate inhuman treatment causing very serious and cruel suffering with the purpose to punish, to intimidate or to discriminate against migrants at Greece's border. Legal Centre Lesvos' full submission to the Special Rapporteur can be read [here](#).

- [#StrongerTogether Funding Campaign](#)

Leave Noone Behind (LNOB) has organised an end of year Funding Campaign under the name “#StrongerTogether”. #StrongerTogether campaign had the support of several prominent artists, musicians and other well known personalities, who used their platforms in order to help raise funds for several organisations working with migrants and refugees in different contexts, including the LCL. Through this campaign we were able to meet a great friend and an ally, [Roger Rekless](#) a.k.a David Mayonga. A hip hop artist based in Germany, he was wonderfully kind and invested into putting an effort to promote and present both the situation for migrants in Lesvos, and the work of the LCL.

Throughout the campaign, the LCL was able to reach a wider audience through social media platforms, presenting its work and recent developments, thanks to the help of LNOB and Roger Rekless himself. Campaigns such as these not only allow organisations to gather funds to continue operating, but much more importantly, to raise awareness, as well as clarifying the vital and political nature of our work. We wish to thank Roger Rekless for his incredible hospitality and his interest in defending and advancing the rights of people on the move, as well as all of you who joined the #StrongerTogether campaign that Leave Noone Behind organised, or who have been supporting our work for years with your donations!

You can check out the Instagram Live show that Roger Rekless has invited us to, [here](#).

