



**LEGAL
CENTRE
LESVOS**

Legal Centre Lesvos 2022 Annual Report

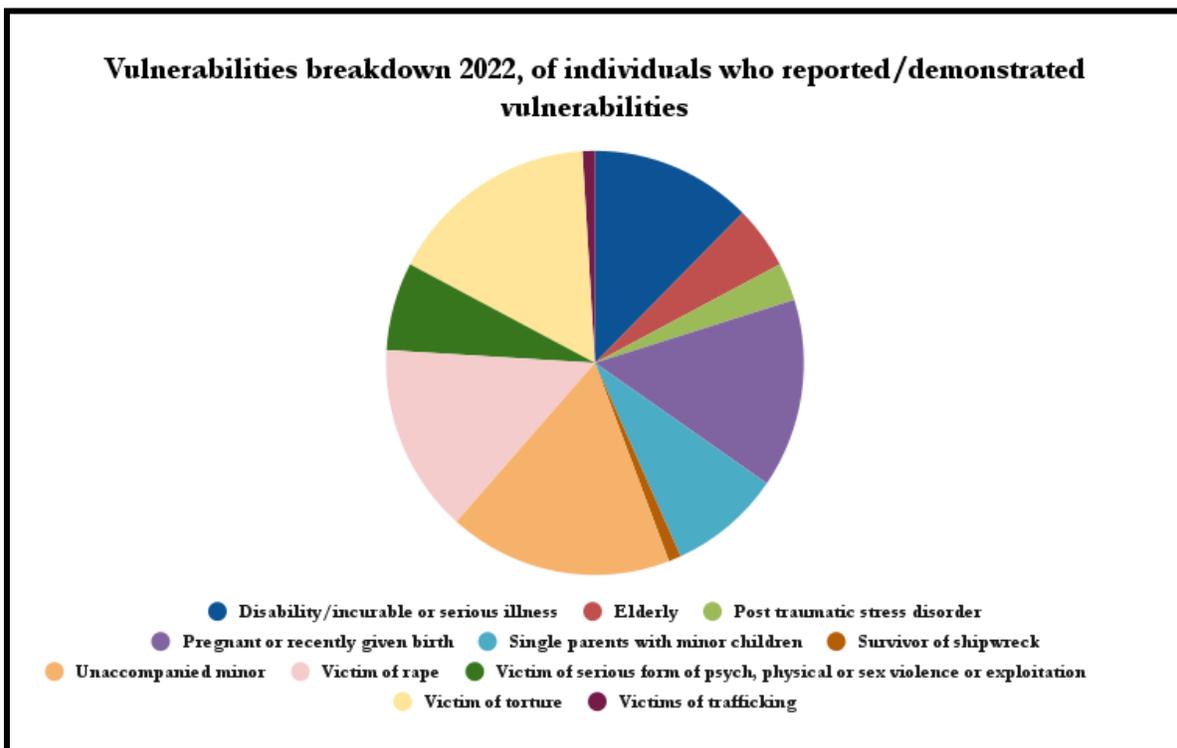
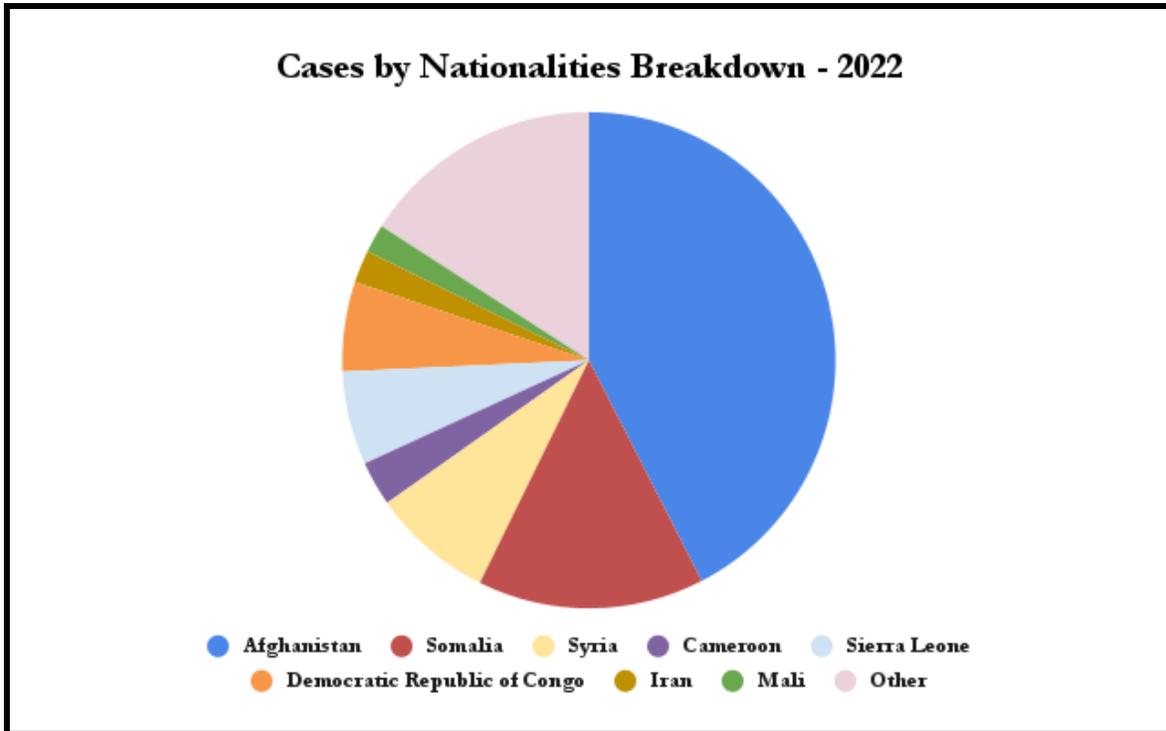
In 2022, the Legal Centre Lesvos provided free **legal information and assistance to 377 cases of individuals and families in their asylum procedure**, which included: representation before the Asylum Service, Appeals Committees, and Administrative Court; conducting individual consultations and information sessions in order to provide information on legal rights and obligations under the greek asylum procedure; preparation of legal memoranda in support of asylum claims - on both admissibility and eligibility of the claims; providing information on the content of international protection rejection decisions and advising on grounds for appeal; registration of subsequent applications for international protection; and applications for reunification with family members in other European Union (EU) Member States under the Dublin III Regulation. In addition to the above the Legal Centre Lesvos **provided legal assistance to over 800 recently arrived asylum seekers in 2022, in order to ensure their access to the asylum procedure**. Throughout 2022, the Legal Centre Lesvos also advocated before the Reception and Identification Service (RIS) and police for lifting of geographic restrictions of individuals with specific medical needs; made referrals to competent organisations and entities for safe housing, healthcare, psychological and psychosocial support; represented individuals in criminal and administrative proceedings, and in other proceedings before authorities, in order to protect the rights of migrants in these procedures. The Legal Centre Lesvos has continued to monitor and document human rights violations: publishing numerous reports; participating in advocacy initiatives; and litigating cases before the European Court of Human Rights (ECtHR).

Of the people who accessed Legal Centre Lesvos' services in 2022, approximately 43% were nationals from Afghanistan, 14.9% from Somalia, 8% were from Syria, 7.4% were from the Democratic Republic of Congo and 6.1% were from Sierra Leone. The rest of the people accessing Legal Centre Lesvos' services in this period were from Cameroon, Eritrea, Ethiopia, Iran, Iraq, Congo, Sudan, Nigeria, Guinea, Mali, Palestine, Morocco, Gambia, Burkina Faso, Zimbabwe, Djibouti, Tajikistan, Yemen or were stateless.

87.4% of these individuals were accommodated in Lesvos' Closed Control Access Centre in Karatepe; 2.2% in accommodation by the organisation "Iliaktida"; 8.5% in private or other accommodation on the island.

Legal Centre Lesvos assisted individuals and families belonging to particular vulnerable groups including pregnant women, women who recently gave birth, unaccompanied minors, people with disabilities, people suffering from serious illnesses, survivors of torture and sexual assault, single parents with minor children, elderly, people suffering from post traumatic stress disorder and survivors of other serious forms of psychological, physical or sexual violence or exploitation.

The work of the Legal Centre Lesvos was conducted by a team of interpreters, lawyers, legally trained volunteer caseworkers, and people working in advocacy, communication, and coordination.



1. Case Management and Legal Assistance

- In 2022, Legal Centre Lesvos provided individualised legal information and assistance in 377 cases including 134 families through its legally trained volunteer caseworkers and lawyers, respectively.
- Legal Centre Lesvos lawyers represented, on average, 5 individuals per month in the asylum procedure by accompanying them to their asylum interviews and submitting legal memos.
- Legal Centre Lesvos represented 2 families in applying for family reunification under the Dublin III Regulation. One successful case was a Somali teenager who was registered as a minor when he arrived on Lesvos, but then was assessed to be an adult following a superficial age assessment procedure. He presented a certified, original birth certificate proving his status as a minor, which was rejected by Greek authorities. However, after advocacy from the LCL, Germany recognized him as a minor and organised his transfer. In December 2022, he was reunited with his sister in Germany.
- In 2022, Legal Centre Lesvos represented 58 people on appeal of the rejection of their asylum claims in front of the Appeal Committees and filing annulment applications against second instance rejections before the competent Administrative Courts.
- In 2022, Legal Centre Lesvos held group information sessions which reached over 68 individuals. These information sessions were provided predominantly to new arrivals on Lesvos subject to an accelerated asylum procedure, enabling people to receive basic information about their rights prior to their asylum interviews.
- Legal Centre Lesvos referred over 60 people who use its services to alternative accommodation in Mytilene and on the mainland, as well as to medical, psycho-social, or other support services.
- Additionally, apart from the daily legal assistance provided in LCL offices, LCL provided emergency legal aid through its lawyers to recently arrived, unregistered asylum seekers, in order to ensure their access to the asylum procedure and exercise their right to seek asylum. This support is carried out in close coordination with Greek authorities, UNHCR and Médecins Sans Frontières (MSF) and has ensured not only access to legal assistance and the asylum procedure, but also urgently needed medical and/or psychological support. Over 800 people were successfully supported by the LCL in 2022 in exercising their right to apply for asylum in Greece, avoiding their refoulement to Turkey.

2. Advocacy and Strategic Litigation

- In 2022, Legal Centre Lesvos continued documenting and denouncing human rights violations at the Aegean Sea border and proceeded with following legal actions and submissions:
 - Submission to the [United Nations Special Rapporteur on the Situation of Human Rights Defenders](#) regarding the broad and vague application of Greece’ anti-smuggling law, which is used to criminalise individuals and organisations documenting and reporting on human rights violations in the Aegean;
 - Submission to the [United Nations Special Rapporteur against Torture](#) demonstrating that the illegal practice of systematic pushbacks in the Aegean region amount to torture, both under international and Greek law;
 - In February 2022, the Legal Centre Lesvos filed a [petition for interim measures](#) to the ECtHR in representation of recently arrived asylum seekers prior to their registration, to ensure access to urgently needed medical care, and to ensure their access to the asylum procedure. In partially granting the emergency petition, the ECHR recognised the imminent risk of irreparable harm to the Applicants. The Applicants were subsequently registered in Greece as asylum seekers.

- In 2022, LCL continued litigating cases before the European Court of Human Rights that had been filed in previous years. Five cases LCL submitted to the ECtHR in 2021 had been communicated by the Court to Greece in late 2021, and litigation in these cases proceeded throughout 2022.
 - Two of these cases, [S.A.A. and others v Greece](#) and [H.T. and others v Greece](#) are in representation of survivors of collective expulsions or “pushback” operations from Greece to Turkey, in which Applicants argue violations of Article 2, 3, 5, and 13 of the ECHR. Several academic institutions, [human rights](#) and [legal](#) organisations submitted third party interventions in support of both cases in mid 2022. The UNHCR additionally submitted a [Third Party Intervention](#) in support of the Applicants in the case of S.A.A. and others v Greece. In September 2022, Legal Centre Lesvos lawyers submitted the applicants’ written observations on the admissibility and merits and claims for just satisfaction in reply to the Greek government observations.
 - A further three cases that had been initially submitted by the Legal Centre Lesvos to the ECtHR under Rule 39, requesting interim measures, were also communicated to Greece following presentation of evidence by Applicants demonstrating that the Greek state had failed to comply with the ECtHR’s order granting the interim measures and indicating the Greek state to ensure healthcare and living conditions compatible with Article 3 of the ECHR. These three cases are regarding individuals who were denied necessary medical care that was unavailable on the island of Lesvos, and whose conditions deteriorated while geographic restrictions prevented them from travelling off the island. In August and September 2022, Legal Centre Lesvos lawyers submitted

the Applicants' written observations to the ECtHR in reply to the Greek government observations in these three cases.

- Decisions on all five cases by the ECtHR are pending.
- Legal Centre Lesvos took on representation on a variety of issues in defence of migrant rights including:
 - Representation of individuals, who themselves were subject to smuggling operations, and faced smuggling charges upon entry to Greece, in contravention of the UN Protocol on Smuggling:
 - [8 December 2022: Representation before the North Aegean Three Member Appeal Court for Felonies on appeal of an asylum seeker charged and found guilty of boat driving](#). In the final judgement the defendant represented by LCL attorneys was acquitted from all charges and subsequently released after approximately three years of imprisonment.
 - [5 December 2022: Representation before the North Aegean One Member Appeal Court for Felonies, for the first instance trial of an Iraqi asylum seeker](#) charged with “unauthorised entry” and “facilitating the unauthorised entry of 28 people” for which he faces a prison sentence of more than 60 years. The trial was postponed until May 2023, because the key Coast Guard witness - who failed to present any excuse for his absence - did not show up.
 - [20-21 September 2022: representation of a seventeen year old Afghan teenager, in the Thrace One Member Appeal Court for Felonies](#). He was accused of having smuggled 5 people across the border between Turkey and Greece for financial gain. Although he was registered as an adult upon his arrival to Greece, the lawyers succeeded to prove his minority, allowing him to be referred to a minor's court and be released from pre-trial detention.
 - [7 June 2022: Representation in front of the Mytilene Juvenile Court of Appeal](#) of the two minors accused of the fire that destroyed Moria's Reception and Identification Centre in 2020. In its decision, the court confirmed the conviction of the two on appeal, despite procedural and evidentiary issues. However the sentence was reduced after mitigating circumstances were accepted, and one of the two was released from prison.
 - [Advocacy and representation of migrants in front of ECtHR in order to hold the Greek state accountable to its obligations to protect the rights of migrants in Lesvos](#). In September 2022, an interim measure filed under Rule 39 of the Court, by the Legal Centre on behalf of a client who suffers from a severe injury that requires medical treatment in Athens, was granted by the ECtHR. Following the granting of our Rule 39 petition, the individual was transferred from Lesvos to Athens, where the medical care was available. In ordering Greece to ensure this individual's access to health care and living conditions compatible with Article 3 of the ECHR, the ECtHR recognised that migrants in Greece have the right to health, regardless of legal status.

- Throughout 2022, the Legal Centre Lesvos took part in joint advocacy actions, [including joint initiatives with other legal actors and NGOs](#), participated in numerous [panel discussions](#), [presentations](#), and [conferences](#), including the CCAR and Fons Catala organised [Cities, Defenders of Human Rights](#); and gave regular input to the European Parliament members, human rights institutions, and the press on a range of issues related to migrants' rights and the situation in Lesvos. For example, as a member of both the Greek National Commission of Human Rights established [Recording Mechanism of Incidents of Informal Forced Returns](#) and [Racist Violence Recording Network](#), the Legal Centre Lesvos submitted incident reports which were incorporated into the published reports of both entities.

- The Legal Centre Lesvos continues to regularly publish statements, reports and updates on its website , such as the two [“Know your rights” information sheets](#) providing information about people's rights following a first rejection of their asylum claim and when they want to reunify with their family in the European Union.

Conclusion: Our actions in this operational period demonstrate that Legal Centre Lesvos AMKE continues to work in a manner that is true to its statutory purposes. Further details of the Legal Centre Lesvos' work can be found in our Quarterly Reports.

- [January - March 2022 Quarterly Report](#)
- [April - June 2022 Quarterly Report](#)
- [July - September 2022 Quarterly Report](#)
- [October - December 2022 Quarterly Report](#)