

Legal Centre Lesvos, Greece

Thanks to a generous Human Rights Lawyers Association bursary, I was able to spend 3 months working as a caseworker at the Legal Centre Lesvos from June until September 2017.

The Legal Centre Lesvos was founded in June 2016 following the [EU-Turkey statement](#) in March 2016, which transformed the island of Lesvos into a place of indefinite imprisonment for migrants in response to the so-called ‘Refugee Crisis’ of 2015. As the Legal Centre states on its website; “the term ‘Refugee Crisis’ is a poor misnomer, seemingly absolving EU member states of having created a problem arising from European illegal intervention abroad and racist indifference and hostility at home”. This statement is indicative of the Legal Centre’s position. Based on principles of solidarity not charity, the Legal Centre provides access to legal information, assistance, representation and advocacy in solidarity with migrants trapped on Lesvos, without ever losing sight of the fact that the brutal human rights violations witnessed there are political choices; and that the people most affected – migrants themselves – are the most important political actors in challenging and resisting them.

The situation in Lesvos

Since the EU-Turkey agreement (commonly known as the EU-Turkey ‘deal’) came into force in March 2016, thousands of people fleeing all forms of violence have been trapped on the Greek islands at the outskirts of fortress Europe, as part of a European border externalisation drive. The ‘[deal](#)’ means that European states line the pockets of Erdogan’s authoritarian regime to the tune of around \$6 billion; while turning a blind eye to the factors that might render such an arrangement illegal under international law, *inter alia*: Turkey’s well-documented [human rights violations](#); [breaches](#) of *non-refoulement*; and the fact that Turkey is not even a signatory to the [1967 Protocol to the Geneva Convention](#) extending international protection to non-EU nationals. Despite all this, European powers have justified the EU-Turkey agreement by [citing](#) dodgy diplomatic assurances in order to designate Turkey a ‘[safe third country](#)’ and thereby justify deporting people seeking international protection back there.

Meanwhile, the islands of Lesvos, Samos, Chios, Kos and Leros have been transformed into sites of indefinite confinement – where people seeking freedom, safety and dignity have instead been left in limbo often for years; enduring abject inhumane and degrading conditions in dangerously overcrowded Reception and Identification facilities, under the constant threat of deportation to Turkey if their claim is found ‘inadmissible’ in Europe. Applicants for international protection who arrive to the islands are subject to a ‘[fast-track border procedure](#)’, originally legislated as an exceptional short-term measure following the EU-Turkey statement. This procedure facilitates systematic violations of due process: through the use of European Asylum Support Office (EASO) ‘opinions’ in decision-making; through truncated time limits for applicants which preclude access to legal advice; and through procedures being differentiated on the basis of country of origin – in violation of the principle of non-discrimination in the right to international protection, set out in Article 3 of the [1951 Geneva Convention](#).

Even more unjustifiable, on the principle of non-discrimination, is a so-called ‘pilot project’ under which applicants for international protection in Lesvos are detained for the duration of their procedure if they are nationals of countries with asylum recognition rates under 25% in Greece — revealingly, and disturbingly, described as “economic profile” rather than “refugee profile” applicants in a 2016 police circular outlining the policy. Such detention amounts to arbitrary deprivation of liberty, discrimination on the basis of nationality and precludes both effective remedy and access to the procedure (including medical attention and legal support); which tends to make “low-recognition rate” a self-fulfilling category. In fact, everyone who arrives to Lesvos is subject to a systematic

‘detention on arrival’ policy unjustifiable under both international and Greek law; which permits detention only for limited time periods as a measure of last resort under exceptional circumstances that must be individually assessed in every case.

Living Conditions

Lesvos is the largest of the ‘hot-spot’ islands in the eastern Aegean. With its northernmost tip only eight kilometres from Turkey, hundreds of people make the perilous journey across the Mytilene strait to arrive at its shores on a daily basis. Many people have not survived this crossing. On arrival, people are brought to the Reception and Identification centre of Moria camp, which is a former army base built to accommodate a maximum of 1,800 people. While I was in Lesvos, there were nearly four times that number – around 7,000 – crammed within the confines of its razor-wire topped fences living in conditions unfit for human habitation. This included unaccompanied minors, pregnant women, disabled folk, the wounded, the elderly, people with serious mental illness, survivors of all forms of violence. Many people are forced to sleep in flimsy summer tents even when temperatures drop to single digits and below. At least five people died in Moria during the winter before I was there. Two people, including a five-year-old child, died there in the autumn months of 2017, just after I left.

A combination of inadequate accommodation, lack of access to healthcare, information or legal advice, unhygienic facilities, queues for hours for appalling food, limited access to clean water, fascist attacks and interminable waiting in fear have created a truly desperate situation. Sexual exploitation of both minors and adults is a reality. So is violence, particularly against [women, girls](#) and [LGBTQI+ individuals](#). While I was there many women were sleeping in adult diapers to avoid having to make a trip alone to the toilets in the night. Moria has been called ‘[a concentration camp](#)’ by a Human Rights Watch worker and ‘[the worst refugee camp on earth](#)’ by the BBC. It is, in all honesty, a living hell.

Article 7 of the Recast Reception Conditions Directive, part of the Common European Asylum System, authorises European member states to restrict the free movement of applicants for international protection within their territories only where “the assigned area shall not affect the unalienable sphere of private life and shall allow sufficient scope for guaranteeing access to all benefits under this Directive”. Given the abysmal conditions in “the assigned area” of Lesvos, it is clear that other “benefits” under the directive, including “material reception conditions [which] provide an adequate standard of living for applicants... guarantee their subsistence and protect their physical and mental health” are not “guarant[eed]”, to say the least. Even without examining the legality of the EU-Turkey agreement – or indeed the ‘[safe third country](#)’ [concept](#) more broadly – geographical restriction to Lesvos should be regarded unlawful. Geographical restriction to the island compounds every systematic human rights violation already taking place there.

Migrant-led resistance & the Moria 35

In the face of such crushingly systematic human rights violations, many people trapped on Lesvos collectively organised to denounce the injustice and inhumanity that surrounded them. For the period that I was there, I witnessed many forms of powerful and humbling organised resistance, which the Legal Centre acted in solidarity with. People organised [hunger strikes against arbitrary detention](#), peaceful protests and occupations in the main square of Lesvos’s capital city, Mytilene, and community leaders discussed collective demands on [local radio](#). My first month in Lesvos coincided with a conference on the situation in Lesvos following the EU-Turkey deal organised by Amnesty International. In the hope that this conference would draw some attention to a desperate situation which

had long since fallen out of the international media spotlight, migrant communities organised a peaceful protest in which hundreds of people, of all different ages and nationalities, gathered outside the European Asylum Support Office (EASO) in Moria on Monday the 17th of July. Their modest demand was that all individuals held on the island for over 6 months be permitted free movement to the Greek mainland. People held hand-painted banners, made speeches and chanted “*Liberté!*”.

When people returned to continue this peaceful protest on the morning of Tuesday 18th of July 2017, they were met with brutal repression on the part of the Greek police, who locked the camp down, used dangerous quantities of tear gas at close range and were filmed throwing stones at protesters. Colleagues from the Legal Centre and I, after receiving urgent messages from friends trapped within the camp, made our way to the hill overlooking Moria in order to observe the situation. By 3pm everything seemed calm, and people were walking about normally inside the camp again. Then, approximately an hour later, a number of police vans arrived outside Moria, and armed police officers dressed in riot gear suddenly entered the camp. They made directly for the ‘African section’ of the camp, which they proceeded to violently raid: forcing entry into ‘isobox’ containers, dragging people out, and assaulting seemingly everyone they came into contact with, including a pregnant woman. From the hill outside the camp my colleagues and I filmed police officers knocking anyone who tried to flee down to the ground, where groups of police officers surrounded them, brutally kicking with their boots and beating with their truncheons individuals already crumpled on the floor, individuals barefoot and barely clothed, individuals already in handcuffs. Detailed reports, video footage, and an Amnesty International statement urging an investigation into police violence amounting to possible torture can be found [here](#).

35 men – 34 of whom were black – were arrested in this violent, racist, arbitrary raid. One of the individuals arrested had been so brutally assaulted by the police that he was hospitalised for a week. Criminal proceedings were brought against the 35 men on identical charges: ‘Arson with intent to endanger life’, ‘Dangerous bodily harm’, ‘Damage to foreign property’ and ‘Using or threatening violence to force an authority or public official to execute an act within his capacities or to refrain from a legitimate act’. The indiscriminate nature of the arrests, charges, and pre-trial detention orders provided reason to suspect a policy of intimidation intended to instill fear in the camps and prevent migrant-led organising that drew attention to the situation in Lesvos. The Legal Centre took on responsibility for the coordination of the Moria 35’s criminal defence and I remained very involved in the case even after leaving Lesvos in September 2017. What followed in the case of the Moria 35 — the unjustifiable 10-15 months that the majority of the men spent in pretrial incarceration; the grossly unjust procedure; their conviction on no evidence for assaulting police officers while the investigation into well-documented police brutality was quietly dropped; their release from pre-trial detention in April 2018 only for the majority to be transferred directly into immigration detention in Moria — constitutes a catalogue of the gross human rights abuses with impunity that are enabled by the intersection of violent immigration and criminal justice systems in Europe. For more information, a detailed timeline of the events of the case, which I wrote for the Legal Centre Lesvos, can be found [here](#).

Work at the Legal Centre

As a caseworker, my day to day role was to provide legal and procedural information and assistance to clients. This might include information about the criteria for admission into the asylum procedure in Greece, trying to prove someone was ‘vulnerable’ and therefore exempt from the fast-track border procedure and granted free movement to the mainland, making applications for family reunification under the Dublin regulations, making accommodation transfer requests, and preparing for substantive asylum interviews. After the open office hours from 10:00-14:00, we

either had further private meetings scheduled with clients, or afternoons were used to compile evidence in support of clients' asylum cases such as country of origin information, which often required hours of detailed research.

The Legal Centre is the only legal organisation on the island which has an 'open doors' policy – seeking to provide legal information and advice to everyone who comes through its doors during drop-in hours. I had a case list of approximately 60 clients at any given time. Practically everyone I met had very recently lived through indescribable horrors. Most people were in a state of trauma. Many people were still experiencing different forms of violence – physical, sexual, transphobic, homophobic, gendered, violence – inside Moria camp. We worked closely with Medicines Sans Frontiers (MSF) and attempted to refer as many people as possible to psychologists, but by that time MSF were only accepting the most urgent cases. It seemed to me that everyone's case was urgent. At that time there were regular suicide attempts in the camp and self-harm was endemic. MSF has since termed the situation in Lesbos a [mental health emergency](#).

As well as the daily casework, the Legal Centre Lesbos attempts to document what is happening on the island through monthly 'Reports on Rights Violations and Resistance'. This was something that was started while I was working at the Legal Centre and I wrote the first two monthly reports for [August](#) and [September](#) 2017. The Legal Centre Lesbos is also attempting to build towards strategic litigation and I assisted with some research to this end. After the Moria 35 criminal case had begun, we at the Legal Centre also had to undertake the requisite collection of medical papers and court documents, prison visits and coordination between the emergent team of Greek criminal defence lawyers alongside our casework. While I was in Lesbos I was also involved in setting up a group called [Lesbos LGBTQI+ Refugee Solidarity](#), which came into existence organically in the absence of any form of organisational support for queer migrants on the island; who were facing very specific forms of violence in Moria specifically and the island in general. One of our first actions as a collective was to document these specific forms of violence in a collective assessment based on anonymised testimony, and present it to the UNHCR.

Conclusion

The lessons I learned from working at the Legal Centre Lesbos range from the very specific to the very general. I learned how vitally necessary but undervalued the work of translators is, how flawed asylum decision-making is revealed to be when EASO caseworkers are caught by applicants googling a city, or when rejection decisions cite a New York Times article written by a fly-in European journalist as authority instead of the detailed information provided by applicants far more familiar with their own context. I also learned important lessons about the efforts on the part of state authorities to criminalise and collectively punish migrant-led resistance, as well as criminalising many other forms of solidarity. Above all, I left Lesbos with a powerful sense of solidarity and community being built in the face of the barbaric violence enacted by European states at the borders of fortress Europe. A friend of mine who had recently fled the war in Syria described the situation in Lesbos as the frontline of another kind of warzone. It is hard, from my experience, to overstate the truth in his reflection; and the importance of picking a side.

My sincere thanks, once again, to the Human Rights Lawyers Association for awarding me this bursary.

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