
Lesbos Bulletin

Update on Lesbos and the Aegean Islands, by the Greek Council for Refugees & Oxfam



View of the new Closed and Controlled Access Centre (CCAS) on Samos Island. December 2021. Photo by Aideen Elliot

SUMMARY

In September 2021, the Greek government opened the first Closed Controlled Access Center (CCAC) on the island of Samos. In this new center, built with €43 million in EU funds¹, containers with beds and toilets replaced the makeshift tents of the old camp. Yet testimonies collected by the Greek Council for Refugees from people living in the new center and civil society organizations report prison like conditions. Approximately 100 people have not been able to leave the reception center for two months due to an exit ban that the Greek administrative court found amounts to illegal *de facto* detention. The Ministry of Asylum and Migration takes great pride in the 24/7 surveillance and security control mechanisms of the new center, while at the same time, the medical unit of the facility has no doctor. These hotspots were born from the EU Agenda on Migration of 2015 and the construction of the closed camps are 100% EU funded. EU actors must ensure that the violation of the right to liberty in these centres is not purposefully part of a policy of deterring people from entering Greece, or indeed the EU. Closed centers and human rights violations should not and are not a migration policy strategy. These camps make it impossible for “Europeans to trust that migration is managed in an effective and humane way, fully in line with our [EU] values”².

In December 2021, a GCR delegation visited the Samos CCAC and met with residents, the administration, and civil society organizations operating on the island which provide legal, medical and psychosocial aid to migrants.

CALL TO ACTION

The The Greek Council for Refugees and Oxfam are calling on EU member states' governments, with the support of the European Commission to accept responsibility for the refugee population that reaches Europe.

The Greek Council for Refugees and Oxfam are calling on EU Member States and EU institutions to:

- ❖ Reject the policy of remote and closed centers and, instead, promote social integration policies for newly arrived asylum seekers and recognized refugees, in compliance with the EU own integration policy
- ❖ End the use of official and *de facto* administrative detention measures against people seeking international protection in the EU.
- ❖ Establish a mechanism to monitor the living conditions of migrants in the camps and secure that basic human needs such as access to healthy, safe and nutritious food and efficient medical care will not be undermined.
- ❖ Ensure asylum seekers' effective access to the asylum procedure and substantive examination of their asylum applications.
- ❖ Ensure that Greece complies with the European Commission's call to establish an effective and independent border monitoring mechanism.
- ❖ Share responsibility with Greece for receiving and welcoming people asking for asylum in Europe. Most urgently this should include relocation of asylum seekers who are identified by Greek authorities and NGOs as those most in need of relocation.

In addition, the Greek Council for Refugees and Oxfam are calling on Greece, with the support of the European Commission, to:

- ❖ Abandon the strategy and implementation of "Closed Controlled-Access Centers".
- ❖ Stop all unjustified and/or illegal restrictions of asylum seekers' freedom of movement.
- ❖ Respect the right to personal and family life of the asylum seekers and adapt the safety mechanisms of the new centers.
- ❖ Ensure the adequate and specialized staffing of the Medical and Psycho-social Units based in camps.
- ❖ Ensure vulnerable camp residents' prompt transfer to the mainland for the required medical treatment that cannot be provided in islands' hospitals suffering from staff and equipment shortage.
- ❖ Examine all asylum applications on the merits, ensure that every individual asylum seeker has access to effective asylum procedure and none is trapped in legal limbo.
- ❖ Remove the illegal obligation of a €100 fee for second and further subsequent asylum applications' registration that violates the right to access to asylum procedure.
- ❖ Apply alternatives to administrative detention measures and, in any case, refrain from using administrative detention, when there is no real and immediate possibility of removal.
- ❖ Examine all the reports of alleged pushbacks and guarantee the establishment of an independent and effective national border monitoring mechanism.

From the “Jungle” to the “Prison”

Two years ago, in February 2020, the previous Reception and Identification Center (RIC) on Samos housed about 7,200 people – nearly 10 times its capacity.³ These overcrowded conditions resulted in many people living in makeshift tents in inhuman and degrading conditions, in the wider forest area known as the “jungle”.⁴ The previous RIC was about 400 meters from the city center and within a 10-minute walk, asylum seekers could have access to essential services and goods, interact with the local society and engage in social activities. Although conditions were still inhumane, before the pandemic, asylum seekers were able to move freely in and out of the camp.

Now, two years later, Samos has become a center for reports⁵ and complaints⁶ of illegal pushbacks. The island only hosts 372 people seeking asylum⁷ in the new camp, located in the remote Zervou area. The new Closed and Controlled Facility or camp has a capacity of 3,000 residents, including 900 in the pre-removal detention section that has not been yet operational. The camp is heavily fortified and guarded 24/7 by the Greek police and a private security company.⁸ It is surrounded by two layers of barbed wire and has additional internal fences between its different areas; with even the kindergarten being surrounded by fences. To walk from container to the administrative services’ office inside the camp, residents must pass through a gate manned by a security officer and submit to a security check and have a metal detector bodily check. There are security guards patrolling elevated observation posts and monitoring a closed-circuit surveillance system⁹ with camera surveillance and motion analysis algorithms monitoring the behaviour and movement of residents inside the camp. This level of supervision, which is fully funded by the EU, could be viewed as an invasion of an asylum seekers’ right to private and family life.¹⁰

To enter and exit the camp, residents have to go through turnstiles, magnetic gates, x-rays and pass through a two-factor access control system (electronic card and fingerprint). In addition, each time camp residents return, they are subjected to body and bag searches and pass again through a metal detector.¹¹ Even children attending school, are forced to undergo this exhausting screening twice a day. According to the General Regulation on the operation of Islands’ CCACs, residents are only allowed to exit and enter the camp during a specific window of time. In case of absences or lateness, those residents can be punished with a decision of termination of residence and the material reception conditions provided, meaning cash assistance and food.¹² Legal aid organizations operating on Samos report cases where the security guards did not let a resident enter the site as he was absent for one day without notice, where the administration rejected a resident’s request without justification for a few days-absence for personal reasons, and where the administration did not approve the exit for residents to go to work or volunteer.

These instances raise concerns that the administration and security service of the camp are arbitrarily preventing exit without following official procedures, without written justified decisions, and in violation of procedural safeguards and residents’ rights.

Lawyers supporting asylum seekers through their asylum application process report incidents where they had to wait for unreasonable time at the gate for their entrance to be approved and/or that they were being followed by security guards while visiting their clients inside the camp. Additionally, a resident reported that when journalists visited the facility, they were accompanied by security guards, and residents did not feel free to express their views. MSF reported that the majority of their mental health patients on Samos present symptoms of depression and PTSD and denounced the deterioration of these people’s mental and physical well-being in the new closed camp.¹³

“Since November, we don’t have the right to exit; it is like living in a prison. The only thing that changed comparing to the old camp, the only improvement is that here we live in containers; for the rest, the new center is worse; we don’t have our freedom, we are prisoners here.”

-A. Afghan Mother, trapped on Samos since 2019

Illegal Detention Practice

According to residents' testimonies and reports by Amnesty International, GCR and civil society organizations operating on Samos, an illegal detention regime has been in operation on the island for several months.¹⁴ Beginning on 17th November, Samos CCAC's residents that do not have an asylum applicant smart card (necessary to access the centers security systems) have been generally forbidden to leaving the site. This has been done without an administrative decision and without providing information regarding the legal basis on which the exit ban is implemented. Security guards at the gates of the CCAC said that those who do not have an asylum applicant card cannot exit the facility.

People without asylum applicant cards are newly arrived persons waiting for a card to be issued, persons with second-instance negative decisions that have not registered or cannot register a subsequent asylum application, persons who have registered a subsequent application, and those with a first-instance negative decision waiting for an appeal.

In December, the number of the people banned from exiting the camp was around 100, out of the 450 residents.¹⁵

On 17 December 2021, the Administrative Court of Syros, ruling in the case of an Afghan resident of the facility, confirmed that the prohibition of exit from the Samos CCAC imposed by the Greek state was unlawful.¹⁶ The Court stated that the Head of the CCAC illegally took the measure in question, the exit ban, against the applicant and ordered for it to be lifted. In the aforementioned case, there was no chance to monitor the administration's reaction to the court decision as the Afghan resident received an asylum applicant card and now can exit the center due to an admissibility decision on his subsequent application issued by the asylum service, not due to the CCAC administration's compliance with the court decision.

Despite the court's decision on the arbitrary nature of this practice, recent residents' testimonies and civil society organizations report that the Administration of the camp continue to impose this illegal detention measure on dozens of residents, although the administration officially denies the practice.¹⁷ Additionally, civil society organizations observe that since the illegal detention practice became known and some residents have proceeded with legal actions, the administration has adopted "revenge tactics". These have included sudden police incursion inside residents' containers in early morning hours, transfers to the police station and oral eviction notices to residents with a second instance rejection, pending for the registration of their subsequent application.¹⁸

It must be made clear that the use of excessive technological means of control, such as the use of the two-factor access control system, are an intentional and optional choice that the administration is making¹⁹ and this choice cannot result in the unlawful deprivation of asylum seekers' freedom and basic rights. Inside the camp, the food and clothing distribution areas and restaurants (not yet operational) are equipped with turnstile access control system which require the use of the electronic asylum applicant card. People without an asylum applicant card who are currently arbitrarily denied their freedom, will in the future also be deprived of access to food and basic items simply due to not having the applicant card.

"I just want to go outside. They don't let me. They are keeping me here as a prisoner. If I had to choose, I would say that I would prefer the previous camp – at least, there, I was free. I was not living in a cage. At least, I had my freedom to go somewhere."

-T. Young Afghan man, trapped on Samos since 2019

Lack of Medical Staff and Limited Access to Healthcare

The Medical and Psychosocial Unit of the RIC (staffed by EODY, National Organization for Public Health), based in the Samos CCAC, has 4 nurses, 2 social workers, 1 psychologist, 4 interpreters and 1 supervisor.²⁰ There is no doctor on staff. Currently, a military doctor visits the facility for a few hours regularly but not during the weekends or even every weekday. EODY can refer cases to Samos General Hospital for further examination, preparing every Friday a list of appointments in consultation with the hospital. However, EODY only operates between 8:00-16:00; the remaining 16 hours per day, there is no one to provide medical first aid and assess health risks. Unskilled and untrained security and police personnel are responsible for identifying urgent medical cases and it is left to their discretion if someone should be transferred to the hospital or not. In parallel, residents are not able to independently visit the Emergency department of the hospital as local Greeks do, as they do not enjoy freedom of movement. Finally, the hospital is 9 km away, the bus is unaffordable²¹ and only available during the limited hours. There is just one ambulance serving the whole island of more than 30,000 people. It is only a matter of time before asylum seekers under the care and protection of the RIC will need urgent medical care and will suffer great health risks due to the lack of medical infrastructure.

"There are some days that the food is really bad; you can get sick from the bad quality. At night, we have to beg for just some bread. I have a medical problem with my eyes. There is no doctor here to examine me."

-R. Young Somali Man

GCR and Oxfam are very concerned about the minors on Samos island as the Medical Unit stated their inability to examine alleged minors and assess their age (age assessment procedure), because the unit lacks the required specialized medical staff.²² As a result, cases of alleged minors have to be referred directly to Samos General Hospital, which is contrary to a child-friendly and integrated approach.

Finally, the General Hospital of Samos is under-staffed, as is the case with all hospitals on the Greek islands.²³ Not all needed specializations are available and it lacks specialized medical equipment. For these well-known reasons, all vulnerable people like those with severe physical or mental health issues, pregnant women, and elderly people should be promptly transferred to proper and special accommodation facilities on the mainland, where they can have access to well-resourced hospitals and required medical treatment.

Isolated Camps, Local Objections, and the Policy of Deterrence

Following the opening of the first CCAC on Samos island, new CCAC's on Kos and Leros islands were officially inaugurated on November 27th 2021. They have a capacity of 1540 and 1780 residents respectively but currently only host 280 and 24 residents.²⁴ Similar closed and controlled camps are due to be built on Chios and Lesbos next. The CCACs on all the islands are located in remote, isolated areas that exclude any possibility for refugees' social integration and infringe on their ability to access services which contradicts the EU's own integration policy²⁵.

The new CCAC in Kos is built in the same spot as the old facility, in a remote area, 15 km outside of the city.²⁶ Since January 2020, everyone arriving on Kos has been detained automatically upon arrival.²⁷ Despite this automatic detention being illegal under Greek, EU and other international human rights law, the situation on Kos has been relatively under reported, with asylum seekers abandoned there, invisible and feeling like "ghosts".²⁸ Kos facility has been functioning as a de facto closed

center since 2020 which gives rise to concerns that closed centers in remote areas could leave space for arbitrary administrative practices and violations of asylum seekers' rights happening out of the public eye. Moreover, any forms of collective protest migrants might choose will be far from the center and, thus, remain invisible.²⁹

Protests were held in early January of this year in response to the launch of construction for the new CCAC on Chios and Lesbos islands. Local Greeks gathered at the islands' ports and managed to block the ferry carrying the machinery for the new facilities from docking.³⁰ The North Aegean Regional Governor actively participated in protests. Those opposed to the creation of these new centers point out that this will also include a pre-removal detention section, which could trap thousands of people on the island. Vastria, the selected remote area for the Lesbos CCAC is in the middle of a pine forest with no fire-breaks.³¹ The Migration and Asylum Minister, during an online press conference with local media, claimed that the locals should not worry. He said that the structure will protect the islanders and the rest of the country, and the pre-removal detention section *"will be totally closed, like the prisons of Chios"*.³² The Minister also clarified that *"closed centres are a choice made by the governing party based on ideology"*³³ and that closed centers together with the "safe third countries concept" approach (the non-examination of asylum applications³⁴) and reduction of duration and cost of benefits for asylum seekers³⁵ aim to *"discourage them from coming in the first place"*.³⁶ **This explicit link between the unlawful detention of people seeking safety and deterring migration is unacceptable.**

NOTES

¹<https://migration.gov.gr/en/o-ypovrgos-metanasteysis-kai-asyloy-k-notis-mitarakis-egkainiase-ti-nea-kleisti-elegchomeni-domi-sti-samo/>

²Communication from the Commission on a New Pact on Migration and Asylum, available in: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020DC0609&rid=6>

³ UNHCR, Samos Weekly Snapshot, 27 January- 2 February 2020.

⁴See relatively: <https://www.gcr.gr/el/news/press-releases-announcements/item/1352-to-edda-xorigei-asfalistika-metra-se-asynodefta-anilika-pou-zoun-sto-kyt-kai-stin-zoygkla-tis-samou>, <https://www.rlc-berlin.org/post/echr-has-granted-another-request-for-interim-measures-on-behalf-of-woman-living-on-samos>, <https://newneighbours.eu/2021/02/02/european-court-of-human-rights-greek-government-agrees-to-pay-compensation-for-inhumane-and-degrading-living-conditions-in-the-samos-hotspot/>, <https://metadasi.org/en/european-court-of-human-rights-grants-interim-measures/>

⁵<https://www.theguardian.com/global-development/2021/jun/29/greece-accused-of-refugee-pushback-after-family-avoid-being-forced-off-island>, <https://racistcrimeswatch.wordpress.com/2021/10/06/2-308/?fbclid=IwAR0jvrBrJVWPvk6GbzOlu1MqTjK9dhC62sQfJaYUm7a8MzyuB865JTfyMvE>, https://www.efsyn.gr/ellada/koinonia/309031_toys-apigagan-toys-listepsan-toys-epanaproothisan-mprosta-sta-matia-ntopion, <https://www.opendemocracy.net/en/north-africa-west-asia/turkish-asylum-seekers-allegedly-being-pushed-back-in-small-boats-by-greece/>

⁶<https://www.independent.co.uk/news/world/europe/greek-pushbacks-brought-to-european-court-after-child-refugees-placed-back-in-boat-and-abandoned-at-sea-b1812161.html>, <https://www.glanlaw.org/aegean-pushbacks>

⁷ See <https://migration.gov.gr/statistika/>, 1/2/2022. According to UNHCR Samos Weekly Snapshot, 17-23 January 2022, the majority of the population at the CCAC are from Somalia (40%), Afghanistan (10%) and Syria (7%), while women account for 24% of the population, and children for 21%, of whom nearly 1 out of 4 are younger than 12 years old.

⁸ <https://migration.gov.gr/ked-samoy-kleisti-elegchomeni-domi-samoy/>

⁹ Ibid.

¹⁰<https://theconversation.com/inside-new-refugee-camp-like-a-prison-greece-and-other-countries-prioritize-surveillance-over-human-rights-168354>

¹¹ <https://www.gcr.gr/en/news/newsletters-en-list/item/1865-december-2021-newsletter>

¹² See the General Regulation on Islands' CCACs' Operation – Decision of the General Secretary of Reception of Asylum Seekers, FEK 25.0/118832, available at: <https://migration.gov.gr/wp-content/uploads/2021/09/%CE%9ACE%BB%CE%B5%CE%B9%CF%83%CF%84%CE%AD%CF%82-%CE%95%CE%BB%CE%B5%CF%87%CE%B3%CF%8C%CE%BC%CE%B5%CE%BD%CE%B5%CF%82-%CE%94%CE%BF%CE%BC%CE%AD%CF%82.pdf>

¹³ <https://www.msf.org/we-can-only-help-refugees-survive-new-camp-greek-island>

¹⁴<https://www.amnesty.org/en/latest/news/2021/12/greece-asylum-seekers-being-illegally-detained-in-new-eu-funded-camp/>, <https://www.gcr.gr/en/news/newsletters-en-list/item/1865-december-2021-newsletter>, <https://www.amnesty.org/en/documents/eur25/5178/2022/en/>, <https://thepressproject.gr/peripou-100-prosfyges-echoun-paei-sti-samo-tora-den-boroun-na-vgoun-katholou-apo-to-kentro-fylaki/>, <https://www.avocatsansfrontieres-france.org/media/data/actualites/documents/document1-385.pdf>, <https://www.gcr.gr/el/news/press-releases-announcements/item/1893-kleisti-domi-samou-o-egklovismos-synexizetai>

¹⁵<https://www.amnesty.org/en/latest/news/2021/12/greece-asylum-seekers-being-illegally-detained-in-new-eu-funded-camp/>

¹⁶<https://www.gcr.gr/en/news/press-releases-announcements/item/1867-the-administrative-court-of-syros-ruled-unlawful-the-measure-of-prohibiting-the-exit-of-an-afghan-asylum-seeker-from-the-new-closed-controlled-access-facility-of-samos-ccf-samos>

¹⁷https://www.gcr.gr/el/news/press-releases-announcements/item/1893-kleisti-domi-samou-o-egklovismos-synexizetai?fbclid=IwAR1TCvD3nEfZGgM9y3faT77fdmfKy9TAmdCh1XykQODtiTS4nIKkm60h_6l

¹⁸ https://www.efsyn.gr/ellada/dikaiomata/324809_paranomi-i-apagoreysi-exodoy-prosfygon-apo-ti-domi-tis-samoy

¹⁹ According to the General Regulation on Islands' CCACs' Operation

²⁰ Information provided by EODY personnel, during the visit to Samos CCAC, on December 4th, 2021.

²¹ The cost of a return ticket for the local bus is €3.20, while the daily financial aid – when actually paid – is €2.50 per day for a single person and for a four-member-family €1.75 euro per person. At present, UNHCR provides free bus

tickets only for residents with a hospital appointment.

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- ²² Information provided during Samos Legal Aid Working Group meeting of 27/1/2022.
- ²³ https://asylumineurope.org/reports/country/greece/asylum-procedure/guarantees-vulnerable-groups/identification/#_ftn4
- ²⁴ <https://migration.gov.gr/en/inauguration-of-new-closed-controlled-access-centers-of-leros-and-kos/>, <https://migration.gov.gr/statistika/>, accessed 2 February 2022.
- ²⁵ https://ec.europa.eu/home-affairs/system/files/2020-11/action_plan_on_integration_and_inclusion_2021-2027.pdf
- ²⁶ <https://migration.gov.gr/new-closed-controlled-center-of-kos/>
- ²⁷ Detention as the default, GCR-Oxfam Joint Agency Briefing Paper, November 2021, available at: https://www.gcr.gr/media/k2/attachments/bp_detention_as_default_greece_asylum_161121_en.pdf
- ²⁸ <https://www.thenewhumanitarian.org/news-feature/2020/1/16/Greece-Kos-refugees-asylum-Pyli>, <https://equal-rights.org/en/news/report-on-systematic-detention-of-migrants-on-kos/>
- ²⁹ <https://rsaegean.org/en/michalis-psimitis-interview/>
- ³⁰ <https://www.politischios.gr/koinonia/i-hios-epi-podos-sto-tholos-vinteo>, <https://www.ekathimerini.com/news/1175153/opposition-mounting-to-new-chios-migrant-camp/>, <https://www.stonisi.gr/post/22853/apovivazontai-ta-emporeymata-feygoyn-ta-mhxanhmata-pics-video>
- ³¹ https://www.lesvospost.com/2022/02/pics_01061183429.html
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- ³² https://www.youtube.com/watch?v=cBMhd_aXe4I&ab_channel=%CE%9D%CF%8C%CF%84%CE%B7%CF%82%CE%9C%CE%B7%CF%84%CE%B1%CF%81%CE%AC%CE%BA%CE%B7%CF%82, https://www.avgi.gr/politiki/406984_methodeyseis-gia-tin-kataskevi-yperdomon-fylakon-se-hio-kai-lesbo
- ³³ <https://migration.gov.gr/n-mitarakis-prochorisame-se-aposymforisi-kai-ton-nision-kai-tis-endochoras-kai-tis-athinas-oi-nees-kleistis-elegchomenes-domes-leitoyrgoyn-apotreptika-anadeiknyoyn-tin-ideologiki/>, <https://www.politischios.gr/politiki/mitarakis-ideologiki-mas-epilogi-oi-nees-domes-ihitiko>
- ³⁴ <https://reliefweb.int/report/greece/greece-deems-turkey-safe-refugees-are-not-substantive-examination-asylum-applications>
- ³⁵ <https://www.gcr.gr/en/news/press-releases-announcements/item/1828-are-you-eligible-to-eat>, <https://www.infomigrants.net/en/post/30610/greek-authorities-accused-of-criminally-abandoning-migrants>
- ³⁶ <http://chiosnews.com/aytokinitopompi-6-chiliometron-kata-tis-neas-domis-video-epanalipsi-theseon-apo-n-mitaraki/>

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This paper was written by Alkistis Agrafioti. It is part of a series of papers written to inform public debate on development and humanitarian policy issues