



Brussels, July 25th 2017

To:

Mr Dimitris Avramopoulos
European Commissioner for Migration and Home Affairs

Ms Federica Mogherini
High Representative of the Union for Foreign Affairs and Security Policy / Vice-President of the Commission

Mr Nikos Toskas
Greek Minister of citizen protection

Mr Yiannis Mouzalas
Greek Minister of Immigration Policy

And:

Mr Filippo Grandi
United Nations High Commissioner for Refugees (UNHCR)

Mr William Lacy Swing
Director General of the International Organization for Migration (IOM)

Dear High Representative, dear Commissioner, dear Ministers,

We learnt from the statement of the Human Rights Activist Nawal Soufi (European Citizenship Prize 2016) that at 6 in the morning of the 24th of July several police and military agents broke into Moria's hotspot on the Greek island of Lesbos, awakening migrants with violence and abuse. «The police had a list of people to take. Dozens of migrants have been arrested, 90% of them are asylum seekers. Among them there are many Syrians and even Kurdish-Syrians. Some of them have only received the first rejection and are waiting for the decision on the appeal. One of the asylum seekers arrested is a young Kurdish-Syrian who has already suffered violence in Turkey».¹

Already on July 23th, as shown by a video,² the Greek police broke into Moria's hotspot, suppressing

¹ <http://video.sky.it/news/mondo/lesbo-migranti-portati-via-a-forza-dal-centro-di-moria/v357130.vid>

² <https://vimeo.com/226277179?ref=fb-share>.

with violence a protest of asylum seekers detained on the island for months – some even for a year – under constant threat to be deported or repatriated. There was a flash mob organized by Amnesty International and Lesbos Solidarity on the island to protest against the EU-Turkey agreement and the trap in which migrants and asylum seekers are detained for months.³

According to Iranian activist Arash Hampay, two Kurdish-Iraqi refugees detained in Moria have been in a hunger strike for 27 days and are in precarious physical conditions, without receiving adequate care and without the possibility of communicating with anyone outside.⁴

The situation of Moria's hotspot is clearly described in the recent denunciation by Medecins Sans Frontieres.⁵ There are also reports of cases of police violence and serious ill treatment⁶.

Recourse to the detention of asylum seekers should, according to national and European law, be limited to *extrema ratio*, proportionate and adequately motivated on an individual basis. It appears to us instead that on the Greek islands, as observed by the MEPs' mission in May 2017, there is a systematic recourse to detention of asylum seekers in the so-called *pre-removal centres*, awaiting repatriation to Turkey on the basis of the EU-Turkey statement, or to their countries of origin. In *pre-removal centres* different categories of people are being detained together, i.e. people waiting for repatriation to Turkey after a negative decision on the second appeal, people who have only faced the first rejection and are waiting for the decision on the appeal, people who have opted for Assisted Voluntary Return with IOM, people who claim to be in detention for the only reason that they have not yet filed their asylum request, and people categorized as “troublemakers”, without any judicial charges. In these centres, access to healthcare and legal aid is not adequate, as detailed also by a Refugee Support Aegean report, where overcrowding and lack of medical, psychological and psychiatric care are pointed out.⁷ The possibility for people in detention to see a lawyer has to be ensured.

The main element of the asylum and refugee right is to protect a person from repatriation to a country where there is reason to fear persecution. This protection is enshrined in the principle of *non-refoulement* referred to in Article 33 (1) of the 1951 Convention relating to the Status of Refugees (the Geneva Convention) as follows: 'No Contracting State shall expel or reject in any way Refugee to the boundaries of territories in which his life or his freedom would be threatened by reason of his race, religion, nationality, membership of a social group or his political views.'

This element also is stated in Directive 2013/32/ EU of 26 June 2013 that defines common procedures for the recognition and withdrawal of international protection status. Greece is a contracting party to the Geneva Convention and is bound by the aforementioned Directive.

We appeal to the Greek authorities to put an end to the systematic use of detention, to investigate fully any case of police violence reported, and to ensure full respect for the fundamental rights of each asylum seeker. We also appeal that asylum seekers are not sent back to countries where their safety is at risk, as it is evident in the case of the Kurdish-Syrian⁸ boy arrested yesterday. We call on the European Commission to stop putting pressure on Greek authorities in order to step up the number of returns, that is also affecting particularly vulnerable people and putting at risk family unity. The full respect of

³ <https://www.amnesty.org/en/latest/news/2017/07/lesvos-symbolic-protest-from-refugees-caught-in-the-net-of-the-eu-turkey-deal/>.

⁴ <https://www.facebook.com/arashampay>.

⁵ <http://www.msf.org/en/article/greece-dramatic-deterioration-asylum-seekers-lesbos>.

⁶ <http://www.efsyn.gr/arthro/minysei-kata-astynomikon-gia-orgio-xylodarmon>

⁷ <http://rsaagean.org/serious-gaps-in-the-care-of-refugees-in-greek-hotspots-vulnerability-assessment-system-is-breaking-down/>.

the fundamental rights of every person is not negotiable, and is at the very core of the principles on which our Union is based.

Elly Schlein (MEP, Italy)

Barbara Spinelli (MEP, Italy)

Sergio Cofferati (MEP, Italy)

Tanja Fajon (MEP, Slovenia)

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