

The Refugee Crisis: Crimes against Humanity in the Aegean

Chris Jones Reporting from Samos Island

By [Chris Jones](#)

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Crimes Against Humanity in the Aegean is a 43 page report from the Legal Centre Lesvos (LCL) published on February 1st 2021. It is impressive on many levels. The detail provided in their investigation of refugee push backs in the Eastern Aegean over the past year is meticulous and includes powerful and distressing eye witness evidence from some of the refugees who suffered the push backs.

The Report provides overwhelming **evidence of criminal activity by state agencies** which is systematic following a clear pattern often involving the use of ‘commandos’ – i.e. unidentifiable hooded and masked armed men who attack the boats as they attempt to cross to Greece – working in close co-operation with the Hellenic Coast Guard and Frontex, the EU border guards. As always, the relevant state agencies deny that push backs are happening; total denial accompanied with impunity.

“Despite the numerous reports and investigations showing the widespread and systematic nature of this ongoing practice, the Greek state continues to dismiss such allegations as ‘fake news.’

Europe has been perpetrating violence against migrants at its borders with complete impunity for so many years that it seems EU and Greek authorities believed that under the cover of the COVID-19 pandemic they could escalate their attack on migrants in the Aegean region without anyone reacting.”
(Lorraine Leete, Co-ordinator, LCL, Feb 2021)

Against this trend however, on February 23rd 2021, the European Parliament began its investigation into the push back activities of Frontex which is not only in the process of forming an army 10,000 strong but is now the biggest single agency of the EU.

As Birgit Sippel, one of the people in the parliament demanding the inquiry said:

“Frontex’s reputation has gone from bad to worse in recent months. Change starts from the top and that’s why we urged the Frontex Director to stand down, following repeated allegations of fundamental rights violations at the EU’s borders. While Mr Leggeri is still in office, he is not in control of the

situation. The result is not only that the credibility of the EU's largest agency is in shreds, but it has meant that the disgraceful and unacceptable push backs of vulnerable people at Europe's borders keep taking place. Frontex' decision to pull out of Hungary, where push backs were well documented even after a recent ruling of the European Court of Justice, is a welcome first step in the right direction. But this step comes too late and is too little to restore the confidence in the Executive Director of the EU's largest agency." (See [this](#))

With its notion that change starts from the top with the top being identified as the person deemed to be in charge of the organisation, it is good to see key figures named and being held to account. But given that the EU in its various institutions including the parliament has conspicuously failed until now to act on the criminal push backs despite compelling evidence suggests that we might well be disappointed by their efforts.

As LCL remind us, in March 2020 **Ursula von der Leyen**, the president of the European Commission, thanked Greece for being "Europe's shield" at the very time Greece unilaterally and illegally suspended the right to asylum and embarked on push backs which involved the use of lethal force, sugared with an additional 700 million euros for border and migration management followed in June 2020 by a further 10.75 million euros for the reinforcement of Greece's eastern borders.

Ineffective Accountability

"The foregoing laundry list of ongoing violations entailed in the modus operandi of collective expulsions in the Aegean only underscored the ineffectiveness of existing accountability mechanisms. A number of extensively evidenced complaints on collective expulsions in the Aegean have already been submitted to the Greek courts, the Hellenic Parliament, the Greek National Commission of Human Rights, the European Commission and other EU institutions and the European Court of Human Rights by numerous civil society and legal actors including LCL, yet collective expulsions in the Aegean **continue with absolute impunity**" (LCL Report, p.32).

This is what I have also witnessed over 15 years living on Samos. There has been no shortage of reports detailing the daily horrors confronting the refugees on the island; no shortage of visitors who have been shaken by what they witness and not least countless testimonies of the refugees who have been or who are, still here. But all with little or no consequence. The authorities don't give a damn about the living conditions of the refugees here. You would need to be living on another planet not to know this. We are now coming to the end of winter. The island has been pounded by storms, winds and rain. It has been very cold. Every winter here is a challenge both for locals with no income who can't heat their homes and the refugees living in their shacks and tents in the jungle. Every winter NGOs and volunteers file their reports detailing these horrors. NOTHING CHANGES.

That so many refugees survive their ordeals on the frontier islands is almost entirely due to the refugees themselves. It is their efforts in building shelters that can withstand the harsh weather, in providing food and clothes especially for those facing problems that sees them through. And the efforts are wide and varied from caring for the sick and distressed to making Covid masks. It is a community of many layered solidarities between and within the nationalities and the generations. It is sad and reprehensible that many of those who work with (on) refugees fail to acknowledge this, including many of the volunteers who drop by the island to 'help'. Charity and not solidarity epitomises much of this effort (but I will write

more on this in a later article).

I defy anyone to tell me of any positive state action that benefits the refugees on Samos and more widely in Greece. Has the food improved or is it still shit? Has the Covid threat and shadow stopped the endless queues for food or any service? Have the managers of the camp accepted offers of support from the appropriate medical NGOs to develop a Covid strategy? Why are those who test positive quarantined in overcrowded containers? Every opportunity to make something better is shunned as exemplified by the new but as yet unopened camp on a remote and exposed hill top on Samos and the decision to open a new camp on Lesbos (replacing the fire destroyed Moria camp) on a site contaminated with dangerous levels of lead. On every dimension of life, from education to health the actions of the authorities have been cruel. And for years and years they get away with it. Critical and outraged reports are brushed aside, and “as if impunity was not enough, four human rights monitoring and migrants solidarity groups which have all publicly denounced collective expulsions in the Aegean, have been identified by Greek police in an investigation that accuses them of espionage, forming and membership of a criminal organisation, violating state secrets and violating the immigration code.” (LCL, p.34)

Deterrence

The European state agencies involved with refugees have been explicit in placing *deterrence* as the core principle of its strategy in trying to halt or at least moderate the flow of refugees from the broken and war torn countries of the middle east. On no account were these push factors to be aided by pull factors from within Europe itself. So no safe passage for refugees. Instead the death journeys across the seas or through militarised borders. And should you be lucky enough to make it, the ancient British Poor Law principle is practised namely that your living conditions and application for asylum should be so uncomfortable and degrading that you would do anything to keep away.

But as the LCL Report demonstrates all too clearly the dynamic of deterrence is and has moved on to greater violence and cruelties. As I read the accounts of the push backs at sea I could not stop thinking about what was going on in the heads of those carrying out these practices which included throwing terrified families and children into the sea at night to climb into tiny rubber dinghies which would take them to the Turkish coast and (hopefully) rescue from the Turkish coastguards. What goes through the minds of the Greek crews who drive their boats at speed at the small refugee dinghies knowing full well the dangers posed to the refugees as the bow waves roll over them?

These are important questions for as the LCL report makes clear,

“The complex network and multiplicity of actors involved in collective expulsions in the Aegean would require independent international institutions with significant investigative powers to trace modes of liability. In this context, international criminal law’s foundational logic that atrocities are **‘committed by men, not abstract entities,’** and its promise to de-naturalise the banality of evil appears more appropriate.” (LCL, p.35)

It is clear, that to date the efforts of those who compile, record and publish their damning reports of ongoing atrocities against so many refugees in Greece have had no impact on changing policy or practice. Perhaps it is time to change the focus in the struggle to ‘de-

naturalise the banality of evil'; looking more to those who do this work. And its not just on the push backs where we should be thinking of what can be done. After all, how does a person feed another with food they would never touch ? How do you quarantine Covid victims with 20 others in a locked container with no toilet ? How do you tell refugees that they have to leave their accommodation four weeks after getting their asylum because now they have to live like Greeks supporting and housing themselves through work? Even without Covid this is not easy in Greece. With Covid it is almost impossible. Throughout this winter thousands of refugees have lost their homes and been forced onto the streets or into overcrowded squats.

And without exception, all refugees here have to deal with an Asylum Service that does not give a damn for you. It is evident the moment you arrive at virtually any Asylum Office where crowds of refugees are compelled to wait outside in all weathers to even get inside. So much for respect. Take Fahima and Yousef from Algeria. They have had 2 rejections for asylum which they appealed last September with the help of a lawyer. The court in Athens which heard the appeal made its decision at the end of October 2020. As of this day they have no idea what that decision was. They plead but get no answer. Torture for them. Take Mohammed, he was told in January that he had to travel from Samos to Athens to be interviewed over his application for family re-unification. He takes around 100 euros a month. The Asylum Service offered no expenses. The same for Younis who was faced with the same problem when told that he would have to go to Athens to collect his asylum papers. When he got to the office, he found a note pinned on the door informing him that his interview had been postponed (Covid) and to await further notice. These are just a few instances from Samos. Similar examples are legion.

The spectrum of cruelties is wide and the 'doctrine of do no harm' enshrined in international refugee law is endlessly breached. And breached by people 'doing their jobs'. Within Greece the challenge of ensuring people to do indecent jobs quietly and without fuss seems to fall along two related dimensions. One is protection and the other is extreme regulation. Protective measures range widely from body armour, small arms, chemical weapons at one extreme through to ensuring that state agents carry no identifying insignia at the other. (Moreover, with or without legislation, most adults in Greece know that you don't openly photograph the police in any context if you value your well being.)

Fear plays a significant role in this country in sustaining unacceptable and often criminal activity across vast parts of the society. It is a fear that goes well beyond 'police phobia' in a society which has endured massive economic and social decline over the past 15 years and is now worsened further by the Covid pandemic. Poverty is deep and widespread. Birth rates are plummeting. Those who can leave the country. The fear of losing your job is an ever-present worry for many and a remarkable percentage of those who work with refugees as in the Asylum Service are on short-term contracts often renewed but never secure. With high rates of unemployment it follows that many simply keep their heads down and mouths shut. Any step out of line can carry severe consequences.

In addition, over the years a raft of regulations and procedures have been implemented which explicitly constrain in great detail, those working in any formal capacity with refugees. A condition for working with refugees in Greece even as an individual (registered) volunteer or an NGO demands obedience to the Greek authorities. Criticism of the authorities is not allowed. On no account are you to disclose to any outside persons or organisations any aspect of your job or your experience including photographs. These are all set out in the contracts of employment and engagement which now run to pages and pages. Failure to

comply brings disciplinary action and dismissal. Translators currently employed in the camp on Samos for example are forbidden from talking or socialising with any refugees outside their work time. I spoke just 2 weeks ago with a translator who when not working in the camp stays in his hotel room so as to avoid any contact with refugees as he was frightened about losing his job. Similar restrictions were introduced for the 'volunteers' who were forbidden to develop personal relationships with refugees which included not visiting refugee homes. (It should be noted that a few volunteers have resigned over the years because of these restrictions). Considerable effort has gone into ensuring all those who came to Samos as volunteers should be formally registered. This was entirely motivated by the concern to control and regulate their activities. These regulatory frameworks have not emerged to protect refugees nor the volunteers for that matter.

Regulations which seek to hide and close off any scrutiny have no place in welfare work with any group of people where the possibility of positive support demands that we identify the problems and challenges people confront. But instead we have front line workers gagged, frightened to speak out for fear of losing their job. This is the case in Greece. Many here generally fear complaining about any state crimes and violence because they fear the repercussions especially when their complaints concern the police. This must change and effective protection measures implemented for all those who have cause to complain. Quite simply, as we have learnt, refugee engagements in darkness are all too likely to be cruel and dangerous. But without effective and trustworthy protection for those who complain or just reveal poor practice then it is almost certain that the current darkness will continue. (There is something deeply sad about all this. Working with refugees should be celebratory and joyous as we help those seeking life and security in Europe. It is work that should bring pride and not shame to those involved. In all their diversities refugees enrich our lives and our societies despite all they have endured.)

Even with all these efforts, we should not assume that the authorities have stopped all front line workers from supporting refugees when possible. My evidence comes mainly from refugees who have been employed in the camps and by many of the bigger agencies as translators/facilitators. Taking advantage of their supervisors' lack of language, translators are able to say things to the refugees which are not understood by their managers. They can and do tell refugees what they need to say or not say when asking for help or information. They tell them when they are being lied to or are being given useless information. Oppressive welfare systems all face the problem that no matter how many procedures and regulations are imposed on their front line workers, there are always points in practice where workers and recipients inter-act without supervision; where there are opportunities for help and support however small. I have no reason to doubt that there are many front line workers, not only refugee employees, involved in such activities. But without any imaginative support networks these activities understandably remain largely hidden from view.

The impunity which cloaks the illegal activities of so many of the key actors plays a key role in ensuring the continuation of daily state violence. It naturalises the banality of evil. It banishes any notion of a common humanity. In its wake it brings secrecy, corruption and dismay. Refugees are casualties of this impunity but so are the majority of Greeks who live daily with a state that in so many ways fails the people.

A final plea! I believe that the work of organisations such as the Legal Centre Lesbos and Front Lex is of great importance for as Front Lex notes:

“EU migration policy constitutes a flagrant breach of all the international and European law frameworks regulating migration and borders: refugee, human rights, maritime and criminal law. For the first time since WWII, European institutions, governments and officials are committing countless crimes against humanity. These atrocious crimes are targeting the most vulnerable population on earth: civilians in need of international protection. Front-Lex reinstates the Law at Europe’s borders by holding the EU, its Member States and their officials responsible.

Through legal actions and public trials, we will seek to terminate EU migration policy, provide remedy for its victims, and hold the culprits to account.” (See [this](#))

They need our support. The stakes could not be higher, both for the refugees and indeed for us all:

We do expect Frontex to comply with its own regulations, the [EU treaties] and European and international human rights and criminal law. In case they won’t we will expect the competent courts to force them to do so. In case they won’t, well, this would be a sad day for the rule of law and mean the EU dropped its liberal ethos altogether.”

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