

## **PRO ASYL / Refugee Support Aegean (RSA)<sup>1</sup>**

### **Policy Note**

**14<sup>th</sup> June 2017**

#### **Greek Hotspots: Deaths Not to Be Forgotten**

#### **The authorities' incapacity to follow up on fatal incidents at hotspots perpetuates hazardous conditions and impunity for administrative failures.**

Since March 20th 2016 and the enacting of the EU-Turkey statement («deal»), hotspots on the Greek islands have become focal points for the implementation of the «deal». Initially, they were expected to transform overnight to closed facilities – a vain attempt, given a complete lack of infrastructure and safety safeguards that had quickly transformed them into spaces of rampant unaccountability and utter administrative disorder. Very soon hotspots became «open» spaces within which refugees and migrants are forced to remain due to their dependency on provisions from the authorities (food, accommodation etc.) and a problematic access to asylum procedures. The absence of basic safety guarantees is an ongoing issue, with only minor temporary improvements.

Since November 2016, a number of people residing or present at hotspots in Lesbos, Chios and Samos have been seriously harmed or even killed in a series of accidents or other tragic events. Refugee Support Aegean (RSA) has researched on whether and in what way the authorities followed up such cases, identified responsibility and imposed penalties if necessary.

The impression gained from RSA research is that the Ministry of Migration has not pursued vigorously the investigation of these important cases in a timely and persistent manner. In most instances, investigations have been pending for a long period of time or have simply ground to a halt due to administrative red tape. The authorities' competence to examine the state's and government's responses to incidents of death, serious harm or other associated serious concerns remains limited or inexistent, mostly due to an acute lack of political will and a complicated bureaucratic environment that hampers their ability to instigate such inquiries. As a result, hotspots exist within an institutional gray zone.

The role of EU authorities present or involved has not created expected incentives for improving the hazardous and unsafe conditions affecting the population held in the hotspots (refugees and migrants). This is also cause for concern.

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<sup>1</sup> Refugee Support Aegean (RSA) is a non-profit organisation in support of refugees. The RSA team in Athens, on Lesbos and Chios monitors human rights violations and offers legal aid and social support for asylum seekers and refugees. RSA is the implementing partner of the Foundation PRO ASYL project RSPA (Refugee Support Program Aegean).

[The European Court of Auditors' special report \(published on April 25th, 2017\)](#) about the »Hotspots Approach« and its implementation in Greece and Italy provides sufficient grounds for raising the issue of responsibility of the Commission for unaccountability over deaths and serious harm taking place within these spaces. The report specifically mentions how the Commission is actively involved in the co-ordination of the functioning of hotspots:

*»In Greece, central co-ordination takes place at inter-agency coordination meetings, which bring together all the different national authorities, the Commission, the EU agencies and the main international organisations. Commission support is provided by a new commission service created in 2015 (the 'Structural Reform Support Service', SRSS), together with staff from other Commission departments. The Director General of the SRSS chairs this inter-agency meeting, which is held every other week in Athens.«*

It is also apparent that dedicated Commission staff members are present on the ground and involved in the hotspots on a regular basis. Nevertheless, the report identifies serious handicaps regarding evaluation and planning in relation with security and safety, as well as the absence of SOPs (standard operation procedures) for long periods of time.

In addition, no permanent directors of hotspots on the Greek islands were appointed by the Ministry until February 2017, despite repeated concerned calls by civil society organisations and EU authorities. Initially, the Ministry of Migration solved the issue by giving administrative responsibilities to Reception and Identification Authority staff for short periods of time (2-3 weeks) on a rotational basis – an approach that contributed severely to the lack of a safe and secure environment within hotspots and the lack of accountability of officials and their political superiors.

Administrative and Managerial problems appear to be chronic and irresolvable, something mentioned recently by Greek Ombudsman Andreas Pottakis: »We can't unfortunately say that the adequacy, the functioning and the management of structures and services, has been, yesterday and today up to standards that the EU has set in its founding core.«

#### **A brief history of some important cases:**

##### **November 24th, 2016 – a fatal accident in Moria**

A 66-year-old woman and a 6-year-old child were killed after a portable cooking gas stove exploded inside a tent, setting on fire parts of the Moria hotspot on the island of Lesbos in Greece.

B.K., the 30-year-old mother of the child, and B.N., her other 4-year-old child, (the family are Syrian Kurds) were seriously injured with third degree burns to about 55% of their bodies and were transferred to Athens for medical treatment. Both had suffered severe injuries during the explosion. The mother was finally released from hospital at the beginning of March 2017 but remains in need of medical support, while her injured child still remained hospitalised during the month of April.

The Norwegian organisation Dråpen i Havet which followed up the incident and offered support to survivors of the family, has not mentioned any significant follow-up to the incident on part of the authorities. Secretary General of the organisation Trude Jacobsen has told RSA there has not been any follow up »contact from the Ministry of Migration regarding responsibility«. The Fire Brigade have opened an investigation into the incident, but this is still pending.

Absence of a complete forensic report as late as May 2017 has delayed the completion of this investigation and any following legal action by the judicial authorities against any possible responsible parties. At the beginning of May 2017, the family was transferred to another European

country due to B.N.'s urgent medical requirements. Absence of people with direct personal interest into this kind of cases increases possibilities that they are not pursued.

### **Deaths related to winterisation failures – January 25th - 30th, 2017 (Lesvos and Samos)**

On January 5th, the Minister of Migration, Giannis Mouzalas, confidently declared that no refugees were any longer »sleeping in the cold«. Nevertheless, in the five days following January 25th, four persons perished during severe weather conditions on the Greek islands, due to what appear to be inappropriate and unsafe accommodation conditions.

The reported deaths were:

Tuesday, January 24th, 2017: a 22-year-old Egyptian man died in a tent at Moria in his sleep. The day after, on January 25th, a 41-year-old Iraqi man was found dead at the Samos hotspot. On January 28th, a 45-year old Syrian father of six, M.M., died in the same tent at Moria where the Egyptian had died four days earlier.

On Monday, January 30th, a 20-year-old Pakistani man lost his life, again at Moria, and an Afghan man was transferred to an intensive care unit in a critical condition and remained in a life-threatening condition for several days.

The Greek Minister responded aggressively to criticism following these serious incidents, deflecting responsibility to various factors that had allegedly obstructed better winterisation procedures and the protection of people at the hotspots, mainly at Moria. He caused public reaction with a notorious remark about the deaths, saying that he »hoped these deaths made all of us wiser«.

Local communities, members of the press and several members of the general public present at the hotspot of Moria during the days in question attributed the deaths to inhalation of toxic fumes emitted by stoves in which people were burning garbage in an attempt to keep warm. To date no official cause of death has been publicly established, and it appears specific technical examinations required for the forensic reports are still pending.

This means that the cases of the individuals who lost their lives in Moria during January could be ready for examination by the prosecution as long as a year after the incidents. However, RSA has learned that blood samples extracted from the deceased could establish clarity if the carboxyhemoglobin (COHb) levels in their bloodstreams were »not compatible with life«, thus making it almost certain that fume inhalations were the cause of death.

Carboxyhemoglobin is a stable complex of carbon monoxide and hemoglobin (Hb) that forms in red blood cells upon contact with carbon monoxide (CO). Exposure to small concentrations of CO hinders the ability of Hb to deliver oxygen to the body; severe exposure results in death.

The four deaths have caused alarm among civil society organisations. Various eyewitnesses have speculated that, in some cases, the decision taken by a relief organisation to add insulation material to the tents might have led to a buildup of fumes within the tents. From RSA contact to various actors present in the field, it appears that no authority has intervened to examine any such allegation or to properly investigate how these incidents occurred and who is potentially responsible for the loss of life at the hotspots.

It appears that the very structure of hotspots – spaces not clearly integrated into the Greek administrative structure and legal system – is creating confusion regarding competence over the premises, thus leading to a legal void regarding their management and monitoring.

It also appears that the serious delay by the Ministry to appoint directors of hotspots has further aggravated this confusion (where appointed as late as February 2017). An INGO representative present on Lesbos mentioned to RSA that his organisation had asked the Hellenic Centre for Disease Control and Prevention (KEELPNO) to examine these cases but was unaware if they had responded.

KEELPNO has not launched a formal inquiry into the cases. According to Agis Terzidis, vice president of the organisation, KEELPNO is responsible to intervene when hygiene and epidemiological issues occur, thus the four deaths can be interpreted to fall outside its mandate. Nevertheless, KEELPNO has previously undertaken a survey of 16 refugee camps in Northern Greece, investigating public hygiene issues and the suitability of premises at the camps, the outcome of which was a non-binding advice to close the facilities. Still, Terzidis makes clear that »long term habitation of population in inadequate conditions by definition leads to unfortunate events like these deaths«.

RSA also inquired at the Hellenic Centre for Health Operations (EKEPY) (the authority responsible for co-ordinating crisis response in relation with health concerns as well as the hospital system) regarding its mandate to look into the conditions in which the deaths occurred at the hotspot. A representative of the crisis response authority clarified that the cases are clearly beyond the mandate of this authority, but also pointed out the insufficient status of hotspots spaces within the Greek administrative and bureaucratic apparatus. Similarly, the Public Health Director of the Northern Aegean Prefecture based on Lesbos did not consider the issue of the deaths at the hotspots to be within the mandate of that authority.

The General Inspector of Public Administration Maria Papaspyrou was the only one who responded positively to RSA's inquiry into the mandate of the institution, in theory, to intervene and examine the responsibility of the authorities regarding maladministration that leads to inadequate safety provisions. However, the Inspector's office would examine, in practise, if adequate reason for such an investigation exists and only after a complaint or a request made by a competent authority or government representative. The Inspector told RSA that no such complaint or request had thus far been received in relation to spaces hosting migrant and refugee population.

### **Total absence of a protection framework at Chios**

On Friday, March 31st 2017, a 29-year-old Syrian reportedly named A. M. (a name circulated by the media but not confirmed) set himself on fire at the Vial hotspot on Chios. Having suffered over 90% percent of burns all over his body, he died a week later in a hospital in Athens. According to a Chios-based lawyer who followed the case after the incident and inquired into the refugee's personal conditions, it appears that on the morning of the day of the incident A.M. had allegedly already once been removed from the premises at Vial by police officers who had been called in to restrain him. He was later released before returning to Vial where the incident ultimately took place.

Members of the general public often report that, in absence of a functioning protection network, the police are frequently expected to intervene and to restrict people who are not criminals, but who are in fact in need of psychological or social support. As a result, some very vulnerable cases will not be identified or dealt with appropriately and in a timely manner, thus exposing the individuals concerned to dangerous situations.

A significant detail in this case concerns the preparedness of the security personnel in the Chios hotspot to deal with such an incident. Until 12 of June 2017, Vial had not been issued a fire safety certificate as the Mayor of Chios Manolis Vournous stated in a conference held in Chios by the [Council of European Municipalities and Regions](#). A video of the incident of the immolation that circulated widely online appears to show that security personnel attempting to stop the refugee from setting himself on fire did not use or did not appear to have immediate access to the necessary safety equipment.

In connection with Vial, the European Court of Auditors' report mentions that on Chios »people had fled the main camp (due partly to safety concerns) and were sleeping rough«. The majority moved to a makeshift camp at Souda on the outskirts of the city. The site has become a frequent target for attacks by locals radicalised against refugees and migrants, sometime resulting in severe injuries of the latter.

The camp also witnessed frequent inter-ethnic violence that has resulted in loss of life or life-threatening injuries. On June 23rd, 2016 an Egyptian man was fatally wounded while trying to restrain two of his compatriots during a fight. He died later that day at the local hospital. The assailant was arrested immediately by the police. On April 13th, 2017 an Iraqi suffered severe head injuries during a clash between Afghan and Arab groups. He was flown to Athens the same night and remained in an intensive care unit for a long period of time. The day after the incident, police arrested many Afghans in Souda irrespective of their involvement in the incident.

Souda remains an unsuitable and overpopulated place for habitation, lacking even minimum safety and security standards.

### **Recommendations**

The General Inspector of Public Administration is encouraged to investigate maladministration regarding the pro-active and timely approach of Greek authorities for the establishment of a safety framework and appropriate conditions within hotspots and examine the issue of accountability of those who failed to protect the population held within the hotspot system.

The EU authorities should reexamine their priorities and prioritise safety and the well-being of the population subject to the EU-Turkey deal, who are currently subject to specific restrictions following the implementation of various provisions within the EU-Turkey statement.

The European Ombudsman is encouraged to launch an own-initiative inquiry into the implementation of the »Hot-Spot Approach« and specifically aim to clarify if EU officials have pursued by all means available to them (during SRSS meetings as well as while implementing EU policy in the field) the prioritisation of safety measures to protect the well-being and life of refugees and migrants within the hotspots on Greek islands.