



### **INTERIM MEASURES GRANTED FOR 49 TURKISH AND SYRIAN ASYLUM SEEKERS ON A GREEK ISLET IN THE EVROS RIVER. GREECE YET TO COMPLY.**

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#### **Overview of case**

On the 16th August at 06.26 EEST, the Border Violence Monitoring Network (BVMN) was alerted to a group of Syrian and Turkish asylum seekers stranded on an islet in the Evros river close to Didymoteicho, in Greek territory. The Syrian nationals of the group stated that they were seeking asylum due to the war in their country which has placed them at risk of serious physical harm, and the Turkish nationals are from the Kurdish minority and therefore at risk of persecution in Turkey. They reported that they had been stuck on the islet since the 14th August 2022. The group includes nine women, 16 children and eight individuals who are particularly vulnerable and require medical attention. One is four months pregnant, two are asthmatic, one is diabetic and suffers from high blood pressure, another suffers from high blood pressure, two of the children are having difficulty breathing, and another child has a severe visual impairment. We immediately relayed this information to the competent authorities: the Hellenic Police, Frontex, the Ombudsperson, the National Human Rights Institution, and UNHCR. Our operatives on the ground called the emergency 112 line at 18.23 EEST on 16th August who assured us that they were aware of the group and a search and rescue (SAR) operation was underway. The following morning, on 17th August at 09.27 EEST the group again shared their live location which showed them on the islet, stating that nobody had approached the islet the previous evening or over the night.

#### **Interim Measure decision**

Following the lack of response or action by the authorities, BVMN submitted an application for interim measures at the European Court of Human Rights (ECtHR) with the support of the Rule 39 Initiative (CILD), on the morning of the 17th August. The transit group reported a rapidly deteriorating situation, having run out of clean water and requiring urgent medical attention for members of the group. At 18:33 EEST on the same day, the ECtHR indicated an interim measure, deciding to indicate Rule 39 measures effective immediately and until further notice, and to order the Greek Government that the applicants should not be removed from Greece and be provided with food, water and adequate medical care as needed until further notice. The Court ruling draws attention to the fact that failure of a Contracting State to comply with a measure indicated under Rule 39 may entail a breach of Article 34 of the Convention. When our operatives called the emergency services again at around 12.39 EEST on 18th August, they were told that SAR operations were ongoing but until now nobody had been located.



## Border Violence Monitoring Network

### Greek non-compliance with interim measures

As detailed in our recent [report](#) and following major policy changes in November 2021, there has been extremely limited access to asylum procedures on mainland Greece. This lack of effective access has forced transit groups left stranded on islets in the Evros river to find other - often more dangerous - means to enter the asylum system. Since the beginning of March 2022, interim measures have been increasingly used by civil society organisations (CSOs) as an attempt to ensure that the Greek state complies with fundamental rights and provides transit groups stranded on islets access to international protection systems in Greece. Interim measures are an urgent measure of last resort which apply only where there is an imminent risk of irreparable harm, and in the case of people seeking international protection, play a vital role in avoiding irreversible situations that prevent the Court from examining the application, specifically, in the event of *refoulement*. Upon indication by the ECtHR, interim measures legally require Greek authorities to launch SAR operations for the transit groups trapped on islets, provide them access to asylum procedures, medical care and material reception conditions. However, since March 2022, interim measures have been indicated in 15 Evros islet cases - impacting over 500 individuals - yet only five groups were actually rescued by Greek authorities.

The Greek authorities have recently adopted common statements in response to questions regarding their consistent lack of compliance with ECtHR, often declaring that they '[could not detect](#)' transit groups, or that the location of transit groups [lay outside of Greek territory](#). This argumentation is not plausible considering the precise GPS coordinates provided, as well as in consideration of the extensive surveillance technologies reportedly [employed at the Evros border](#). In addition, the Court ruling mandates Greece to comply with interim measures regardless of disputes over territory. The previous [Evros islet case](#), which attracted extensive and ongoing [media attention](#) and public visibility (see examples [here](#), [here](#), and [here](#)), saw the Greek state use these arguments despite the urgency of the situation, and death of a [5-year-old girl](#) on the islet. These tragic consequences were utterly preventable, and highlight the severity of the Greek state's inaction despite their legal obligation. Furthermore, the unprecedented media attention on the last islet case also led to increased engagement of right-wing groups and social media accounts. They sought to distort the story as 'fake news', which is punishable by five years in prison in Greece since a [new law](#) was passed in November 2021. Not only is the Greek state failing to follow interim measures as indicated by the Court, but there is an increasingly hostile environment for CSOs who are filing for these measures and urging the Greek state to follow them.

**We urgently call upon the Greek state to comply with the ECtHR ruling, rescue the transit group and provide immediate access to food, water, medical care and international protection systems. We seek to reiterate that an intervention by the ECtHR should not be necessary to ensure the safety of men, women and children seeking to access international protection in Europe. Access to asylum procedures, including an individualised assessment, right to appeal and effective legal remedy should be granted**



## **Border Violence Monitoring Network**

**to all persons regardless of status, country of origin, age or gender. We stand in solidarity with people-on-the-move and advocate for the unquestioning fulfilment of their fundamental rights in line with national, European and international law.**