



Border Violence Monitoring Network



**I HAVE
RIGHTS.**

September 2025

W.B. and Others against Greece Application (No: 34712/23)

**Third Party Intervention to the
European Court of Human Rights**

Judge Mattias Guyomar
President of the European Court, Grand Chamber
European Court of Human Rights
Council of Europe
F-67075 Strasbourg CEDEX
France
By FAX and post

Application (No: 34712/23)
in *W.B. and Others against Greece*

29 September 2025

Third party intervention on behalf of Border Violence Monitoring Network and I Have Rights¹

Pursuant to the Registrar's notification dated 4 July 2022 that the President of the Section has granted leave, under Rule 44(3) of the Rules of the European Court of Human Rights

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I. Introduction

1. Border Violence Monitoring Network (BVMN) is a network of non-governmental organisations situated along the Balkan and Greek migration route, whose purpose is to monitor, document and litigate human rights violations at European borders.² Since 2017, BVMN has collected more than 1,800 testimonies of pushbacks. With such evidence, BVMN produces comprehensive reports that trace and analyse patterns in border violence.³ As well as coordinating grassroots participation in legal processes at national, regional and international levels, BVMN routinely files submissions to judicial and international bodies outlining rights violations during pushbacks, including legal briefings to Special Rapporteurs on states' use of torture during pushbacks.⁴
2. I Have Rights (IHR) is a Samos based human rights organisation. Since March 2022, IHR has provided specialised legal support to around 1,000 clients and legal information to nearly 2,000 people through its information hotline. IHR documents human rights violations and hate crimes against people on the move, advocates for policy change and litigates against human rights violations. IHR is a member of the BVMN.
3. This intervention seeks to assist the Court by providing impartial, evidence-based insight into the conditions and practices in the Samos CCAC, particularly with regard to Articles 3, 5 and 8 of the Convention. It draws on testimonies from asylum seekers held in the facility, complemented by on-the-ground observations, gathered through sustained and systematic monitoring conducted by BVMN and IHR.

II. Living conditions in Samos CCAC

4. Article 3 of the Convention enshrines an absolute prohibition on torture and inhuman or degrading treatment. The Court has consistently emphasised that this provision reflects one of the most fundamental values of democratic society and permits no

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³ See for example: BVMN, 'Annual Torture Report 2020', available at: <https://www.borderviolence.eu/annual-torture-report-2020/>; BVMN, 'Violations at the Greek Borders. Sea and Land Report (February/March)' (2020) Available at <https://www.borderviolence.eu/new-report-on-violations-at-greek-borders/>; BVMN, 'Special Report: COVID-19 and Border Violence along the Balkan Route' (2020) available at: <https://www.borderviolence.eu/special-report-covid-19-and-border-violence-along-the-balkan-route/>; Mobile Info Team (member of BVMN), 'Illegal Pushbacks at the Border: Denying Refugees the Right to Claim Asylum' (2019) available at: <https://www.mobileinfoteam.org/pushbacks>.

⁴ See for example: BVMN, 'Submission to the UN Committee on Enforced Disappearances' (2022), Report for the 22nd Session, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCED%2FNGO%2FGRC%2F48018&Lang=en and BVMN, 'Submission to the UN Rapporteur on Torture Regarding Greece' (2021), available at: <https://www.borderviolence.eu/submission-to-the-un-special-rapporteur-on-torture-regarding-greece>

derogation.⁵ In examining whether conditions of detention or reception fall within the scope of Article 3, the Court considers the cumulative effect of material conditions, their duration, and the particular circumstances of the individuals concerned, including their vulnerability.⁶

a) Access to medical care

5. On 3 May 2023, a group of Samos-based organisations issued a joint statement calling for the immediate closure of the Samos Closed Controlled Access Centre (CCAC), citing its persistent failure to comply with human rights standards. Since the facility's opening, civil society organisations have repeatedly raised concerns, characterising the conditions within the CCAC as "*prison-like and degrading*".⁷ Furthermore, the CPT (Committee for the Prevention of Torture) published a report following its November-December 2023 visit to Greece, describing conditions in the Samos CCAC as inhuman and degrading.⁸ The report highlighted severe overcrowding, lack of medical care, inadequate food and sanitation, unlawful deprivation of liberty, and systematic failures to identify and respond to the vulnerabilities of residents.⁹
6. Since the opening of the Samos CCAC, there has been a chronic and severe shortage of medical staff. Only one state-appointed doctor was assigned to the medical unit, and this was limited to a single month, between October and November 2023. In an effort to address this critical gap, Médecins Sans Frontières (MSF) launched an emergency response in 2022 to provide essential medical support to residents of the CCAC. However, in 2023, MSF's access to the facility was progressively curtailed and, at times, entirely restricted.¹⁰ As a result, the provision of medical services within the CCAC has been rendered almost nonexistent, leaving persons deprived of their liberty inside the facility without adequate access to healthcare.
7. I Have Rights (IHR), in collaboration with other organisations, published a statement in September 2023 stating that there was no permanent doctor in the CCAC.¹¹ As a result, vulnerability assessments were conducted by a doctor from the Samos hospital

⁵ *Bouyid v. Belgium*, no. 23380/09 (2015), para. 81; *A. and Others v. the United Kingdom*, 2009, para. 126; *Selmouni v. France*, no. 25803/94, para. 95.

⁶ The ECtHR held in *W.A. v. Greece*, no. 21997/20 that the living conditions in the Samos "Reception and Identification Centre (RIC)" in 2019–2020, due to severe overcrowding and inadequate medical and sanitary facilities, amounted to a violation of Article 3. Also, the ECtHR found violations of Article 3 with reference to the situation of pregnant women in the Samos RIC in *M.B. v. Greece*, no. 8389/20, *M.L. v. Greece*, no. 8386/20, and *A.D. v. Greece*, no. 55363/19.

⁷ Joint Statement: Call for the Closure of the Samos Closed Controlled Access Centre (May 2023) <<https://ihaverights.eu/wp-content/uploads/2023/05/joint-statement-4.pdf>> accessed 15 September 2025.

⁸ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), 'Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 20 November to 1 December 2023', CPT/Inf (2024) 21, p.4.

⁹ *Ibid*, 3-5.

¹⁰ Joint Statement: Not again in 2024: Call for upholding human rights in the Samos Closed Controlled Access Centre, <<https://rsaegcan.org/en/joint-statement-samos-ccac/>> accessed 10 September 2025.

¹¹ Joint Statement: 'Unlawful detention and worsening conditions: Over 4,000 asylum seekers unlawfully detained on Samos and Lesbos' (19 September 2023) <<https://ihaverights.eu/wp-content/uploads/2023/09/Joint-Statement-Unlawful-detention-and-worsening-conditions.pdf>> accessed 5 September 2025.

who visits the site for one or two afternoons a week.¹² It is the doctor in question who must refer a patient to the camp psychologist for a psycho-social evaluation (an essential step for certification as a survivor of trafficking).

8. Furthermore, the quality of the assessments made in the CCAC has been repeatedly questioned,¹³ with women reporting to IHR that their time with the doctor felt expedited and “*like a tick boxing exercise*”.¹⁴ Newly arrived persons were detained without access to any medical assistance, despite the clear requirements of both Greek national law and the EU Reception Conditions Directive.
9. Interviews conducted by I Have Rights between May and June 2023 further corroborate the absence of adequate medical care in the Samos CCAC.¹⁵ For instance, a respondent stated:

*“The lack of access to medical treatment is stressful because they only give you painkillers. That cannot cure every disease. It is not easy with the camp doctors. You go and explain to them, but they just give you painkillers.”*¹⁶

This account is echoed by others. A second respondent stated:

*“When you say you don’t feel well, they give you some strange medicine but never explain what it is.”*¹⁷

Another respondent described being prescribed large quantities of unidentified medication:

*“Right now I take pills three times per day, different ones, eight to ten different pills. The psychologist told me to take these. They treat me like a donkey—just take these pills! I don’t even know what type of pills they are giving me.”*¹⁸

¹² I Have Rights and the Human Rights Legal Project Joint Submission for: GREVIO evaluation report on the implementation of the Council of Europe convention on preventing and combating violence against women and domestic violence (7 March 2023), para 17 < <https://rm.coe.int/joint-report-of-i-have-rights-and-the-human-rights-legal-project-ngos/1680aaa214> > accessed 26 September 2025.

¹³ Border Violence Monitoring Network (BVMN), I Have Rights (IHR) and Mobile Info Team (MIT), 'Briefing on Articles 4, 6, 6a, 8 and 13 of the Screening Regulation' <https://borderviolence.eu/uploads/document/file/400/Briefing-06_11_2023-Screening-Trilogue-1.pdf> accessed 10 September 2025, p. 4; Statement: 'Unlawful detention and worsening conditions: Over 4,000 asylum seekers unlawfully detained on Samos and Lesbos' (19 September 2023) < <https://ihaverights.eu/wp-content/uploads/2023/09/Joint-Statement-Unlawful-detention-and-worsening-conditions.pdf> > accessed 5 September 2025.

¹⁴ I Have Rights, 'Unidentified, Unrecognised and Denied Support: Survivors of Human Trafficking in SAMOS CCAC' (6 September 2023) < <https://ihaverights.eu/wp-content/uploads/2023/09/Unidentified-unrecognised-and-denied-support-survivors-of-human-trafficking-in-the-Samos-Closed-Controlled-Access-Centre.pdf> > p.29

¹⁵ I Have Rights, 'They are killing minds: Life in the Samos Closed Controlled Access Centre' (20 June 2023) < <https://ihaverights.eu/they-are-killing-minds/> > accessed 13 September 2025.

¹⁶ Ibid, p. 9.

¹⁷ Ibid.

¹⁸ Ibid.

10. These testimonies reveal not only a lack of proper medical treatment but also a failure to provide even the most basic information about the nature of prescribed medication, thereby exposing residents to uncertainty and potential harm.
11. Further accounts highlight the denial of treatment for serious health conditions. A respondent reported:

“... for a long time I haven’t been able to sleep because it is difficult to breathe. Sometimes I take painkillers because of the pain. I told them, but they don’t give me any respect—no help, nothing. I still have trouble breathing.”¹⁹

Another described resorting to civil society for life-saving support:

“Sometimes I use sleeping tablets. MSF [Médecins Sans Frontières] gave them to me, otherwise I cannot sleep because of the stress of the camp. If there was no MSF in the camp for us, some people would die there. The camp doctor makes no effort. You tell them you are feeling bad, and they simply tell you to leave. The workers in the camp are very, very wicked. Sometimes I feel like harming myself because of the stress of being in the camp.”²⁰

12. Taken together, these statements demonstrate that medical care in the Samos CCAC is not only grossly inadequate but also degrading. Residents are routinely denied effective treatment, prescribed unidentified medication without explanation, and left to depend on NGOs for even the most basic healthcare. Such conditions contribute directly to deteriorating physical and psychological health and give rise to a real risk of irreparable harm, particularly for those already vulnerable.

b) Treatment of vulnerable people

13. The CPT delegation noted in their report with concern covering their visit from 20 November to 1 December that CCAC arrivals were not receiving adequate medical screening or assessments of special needs and vulnerabilities.²¹ The admission procedure fails to take into account individual circumstances, particularly for unaccompanied minors, families with young children (especially single mothers), pregnant women, people with serious health conditions, and survivors of torture, trafficking, or gender-based violence. The Greek authorities seem not to make sufficient efforts to identify such individuals.²²
14. The work of civil society, along with other developments, further supports this finding. For instance, in 2023 and 2024, the ECtHR granted Interim Measures in three cases concerning the inhuman and degrading treatment of vulnerable applicants in the Samos CCAC.²³ For example, in *H.T. and M.T. v. Greece*, the applicants were a highly

¹⁹ Ibid, p.10.

²⁰ Ibid.

²¹ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), 'Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 20 November to 1 December 2023', CPT/Inf (2024) 21, p.42.

²² Ibid.

²³ App. No. 2368/24 – granted 05.02.2024; App. No. 34712/23 – granted 19.09.2023; App. No. 2868/24 – granted 05.02.2024.

vulnerable single mother and her newborn and were *de facto* detained in conditions that the Court found to be inhuman and degrading. The mother and child were forced to share a bunk bed with an unrelated adult male, and the mother was compelled to wear the same clothes she went into labour in for several weeks. They did not receive any medical treatment and relied on others to collect food on their behalf due to fears for their safety in food queues, where physical altercations were reported to occur frequently. In another interim decision, *Z.H. v Greece*, a survivor of sexual violence, and her six-month-old daughter *S.T.H.*, who has serious health conditions, faced challenges in accessing medical care and were detained in inhumane conditions. On 19 September 2023, the Court granted interim measures, ordering Greece to provide appropriate medical care for *S.T.H.* and adequate living conditions for both applicants, considering their extreme vulnerability.²⁴

15. As Samos constitutes a key point of first entry to the European Union, the CCAC is a critical site for identifying survivors. In 2023, IHR published a report highlighting the neglectful treatment of survivors of human trafficking in the CCAC. Among IHR's clients from March 2022 to July 2023, 13% were survivors of trafficking (53 clients).²⁵ 0% of these survivors were identified during initial police screenings or registration interviews, only 13% during vulnerability assessments, and 29% during asylum interviews.²⁶ This occurred despite all survivors presenting clear indicators of trafficking, such as pregnancy resulting from sexual violence, sexually transmitted infections, and genital injuries. Identification was rendered largely ineffective because survivors were not able to access the rights arising from it, including psychological, physical, and social recovery.
16. Between August 2021 and July 2023, MSF provided medical care on Samos and Lesbos to 467 survivors of sexual violence and 88 women and girls who had survived female genital mutilation in their countries of origin.²⁷ Many of these patients were also suspected survivors of trafficking and some were pregnant or had given birth as a result of rape.²⁸ The living conditions in these facilities aggravate long-term medical conditions and force applicants with chronic or infectious diseases to interrupt their treatment, especially where essential medication was lost or destroyed during pushbacks.²⁹ MSF has further documented that the already acute mental health distress of applicants is exacerbated by their prolonged stay in the segregated, high-security CCACs on Samos and Lesbos. A visual diagram provided in the MSF report demonstrates the significant deterioration of patients' mental health, including high rates of depression, post-traumatic stress disorder and anxiety.³⁰

²⁴ Human Rights Legal Project, 'Interim measures granted by the ECtHR for a woman and her daughter on Samos' (19 September 2023) <<https://www.humanrightslp.eu/post/interim-measures-granted-by-the-ecthr-for-a-woman-and-her-daughter-de-facto-detained-on-samos>> accessed 10 September 2025.

²⁵ I Have Rights, 'Unidentified, Unrecognised and Denied Support: Survivors of Human Trafficking in SAMOS CCAC' (6 September 2023) <<https://ihaverights.eu/wp-content/uploads/2023/09/Unidentified-unrecognised-and-denied-support-survivors-of-human-trafficking-in-the-Samos-Closed-Controlled-Access-Centre.pdf>> p.28-31.

²⁶ *Ibid.*

²⁷ Medecins Sans Frontieres (MSF), 'In plain sight: The Human Cost of Migration Policies and Violent Practices at Greek Sea Borders' (2 November 2023) <<https://www.msf.org/plain-sight-migration-policies-greek-sea-borders>> accessed 15 September 2025.

²⁸ *Ibid.*, p.13.

²⁹ *Ibid.*, p.28.

³⁰ *Ibid.*, p.29.

17. The treatment of unaccompanied and separated children (UACs) in the CCAC is particularly severe. Upon arrival, UACs are automatically placed in a fenced-off “safe-zone,” which functions as a *de facto* detention area within the CCAC. Children are permitted to leave the “safe-zone” for only two hours of “free time” in a restricted section of the facility.³¹ Aside from police-accompanied hospital visits for urgent medical care or informal weekly education classes, UACs are not allowed to leave the CCAC. Children themselves have described this situation as “a prison within a prison”.³²

c) Material conditions

18. Throughout 2023, the Greek Ombudsman received several complaints on ill-treatment and overcrowding.³³ IHR submitted a complaint in that month as well, regarding a group of men forced to sleep outside or in makeshift shelters around November 2023.³⁴ In September 2023, the population of the Samos CCAC reached over 200% of its official capacity.³⁵ Despite official claims that CCACs provide dignified reception conditions and facilitate fair and efficient asylum procedures, thousands of individuals were unlawfully *de facto* detained in overcrowded and inhuman conditions.³⁶
19. In May 2023, IHR reported that the CCAC management provides only a small starter pack and limited clothing for some women and children; men rely entirely on support from external organisations.³⁷ Unaccompanied minors lacked access to sufficient clothing, footwear, and hygiene items. During winter, children were observed walking barefoot or in sandals, and some resorted to using towels while waiting for their single set of clothes to be washed. Requests for basic hygiene items such as toothbrushes, toothpaste, and soap were routinely ignored. The insufficient provision of clothing and hygiene items significantly increases the risk of illness and disease. It has been further reported throughout 2023 and 2024 that these conditions have been exacerbated by disruptions in laundry services. Residents have reported outbreaks of skin conditions, including scabies, reflecting the impact of these service gaps.³⁸

³¹ Border Violence Monitoring Network, 'Illegal Pushbacks and Border Violence Reports: Monthly Report October 2023', p.11, <<https://www.borderviolence.eu/uploads/document/file/408/BVMN-Monthly-Report-October-2023.pdf>> accessed 20 September 2025.

³² I Have Rights (IHR), 'The EU-funded Closed Controlled Access Centre - The De-Facto Detention of People Seeking Protection in Samos' (23 February 2023) <https://ihaverights.eu/wp-content/uploads/2023/02/detention_report_full.pdf> accessed 22 September 2025, p.29.

³³ The Greek Ombudsman, 'The Challenge of Migratory Flows and Refugee Protection - Reception Conditions and Procedures' (2024), Available at: <https://www.synigoros.gr/en/category/default/post/ek8esh-or>

³⁴ Border Violence Monitoring Network, *MSS v Greece* (App no. 30696/09), Rule 9 Communication to the Council of Ministers, < https://borderviolence.eu/app/uploads/BVMN_Rule-9_MSS-vs.-Greece_.pdf > See p.20-21 for photos of the makeshift shelter and men forced to sleep outside in the Samos CCAC.

³⁵ Border Violence Monitoring Network, 'Illegal Pushbacks and Border Violence Reports: Monthly Report September 2023', p. 9, Available at: <https://www.borderviolence.eu/uploads/document/file/401/BVMN-Monthly-Report-September-2023-.pdf-1.pdf>.

³⁶ Border Violence Monitoring Network, 'Illegal Pushbacks and Border Violence Reports: Monthly Report October 2023', p.12 <<https://www.borderviolence.eu/uploads/document/file/408/BVMN-Monthly-Report-October-2023.pdf>> accessed 20 September 2025.

³⁷ Joint Statement: Call for the Closure of the Samos Closed Controlled Access Centre (May 2023) <<https://ihaverights.eu/wp-content/uploads/2023/05/joint-statement-4.pdf>> accessed 15 September 2025.

³⁸ Joint Statement: Call for the Closure of the Samos Closed Controlled Access Centre (May 2023) <<https://ihaverights.eu/wp-content/uploads/2023/05/joint-statement-4.pdf>> accessed 15 September 2025); Border Violence Monitoring Network, 'Illegal Pushbacks and Border Violence Reports: Monthly Report

20. Meal provision was limited to twice daily, with reported portion sizes insufficient to meet basic nutritional needs. Typical meals consist of a small bread roll with jam for breakfast and a small portion of rice and chicken for the final meal. Residents have repeatedly reported the food to be inedible, spoiled, or expired, with some items having been past their expiry date for over a year. Food labelling often lacked essential information, including product name, nutritional content, and expiry dates. The limited quantity and poor quality of meals are incompatible with international standards for adequate nutrition.³⁹
21. Infrastructure within the CCAC was also deficient. Residents experience restricted access to running water and temperature control, with repeated periods of water cuts.⁴⁰

III. *De facto* detention in Samos CCAC

22. Asylum seekers in the CCAC are often subjected to measures that, in practice, amount to *de facto* detention. Although Greek law requires that “Restriction of Freedom” (ROF) orders be issued upon entry, in practice they are given only after *de facto* detention has already started.⁴¹ The *de facto* detention begins with confining newly arrived asylum seekers to the “Temporary Accommodation Zones” of the CCAC, that are fenced, container-only areas under constant police surveillance.⁴² This practice began during the covid-19 pandemic, when asylum seekers were immediately sent to quarantine zones.⁴³ However, although the pandemic measures were lifted by 2023, this practice continued. They may leave only for urgent medical needs or official interviews. Upon arrival, police also confiscate mobile phones for 7–10 days, cutting people off from legal or medical support.⁴⁴
23. Asylum seekers are first held in *de facto* detention in these isolated zones, and then under Article 40 of the Greek Asylum Act, the Head of the CCAC/Reception and Identification Centre (RIC) order ROF for up to 25 days (5+20 days) to complete reception and identification procedures.⁴⁵ Under the law, an initial period of 5 days is

August 2023', p.10-11, <<https://borderviolence.eu/uploads/document/file/394/BVMN-Monthly-Report-August-2023-1-2.pdf-2.pdf>> accessed 20 September 2025.

³⁹ Joint Statement: Call for the Closure of the Samos Closed Controlled Access Centre (May 2023); Border Violence Monitoring Network, 'Illegal Pushbacks and Border Violence Reports: Monthly Report August 2023', p.11, <<https://borderviolence.eu/uploads/document/file/394/BVMN-Monthly-Report-August-2023-1-2.pdf-2.pdf>> accessed 20 September 2025.

⁴⁰ Border Violence Monitoring Network, 'Illegal Pushbacks and Border Violence Reports: Monthly Report August 2023', p.11 <<https://borderviolence.eu/uploads/document/file/394/BVMN-Monthly-Report-August-2023-1-2.pdf-2.pdf>> accessed 20 September 2025.

⁴¹ Joint Statement: 'Unlawful detention and worsening conditions: Over 4,000 asylum seekers unlawfully detained on Samos and Lesbos' (19 September 2023) <<https://ihaverights.eu/wp-content/uploads/2023/09/Joint-Statement-Unlawful-detention-and-worsening-conditions.pdf>> accessed 5 September 2025; Amnesty International, "Greece: Samos: “We feel in prison on the island”: Unlawful detention and sub-standard conditions in an EU-funded refugee centre" (30 July 2024) <<https://www.amnesty.org/en/documents/eur25/8356/2024/en/>> accessed 10 September 2025.

⁴² Joint Statement: 'Unlawful detention and worsening conditions: Over 4,000 asylum seekers unlawfully detained on Samos and Lesbos' (19 September 2023) <<https://ihaverights.eu/wp-content/uploads/2023/09/Joint-Statement-Unlawful-detention-and-worsening-conditions.pdf>> accessed 5 September 2025.

⁴³ I Have Rights, 'The EU-Funded Closed Controlled Access Centre - The De-facto Detention of People Seeking Protection on Samos' (23 February 2023), p.33 <https://ihaverights.eu/wp-content/uploads/2023/02/detention_report_full.pdf> accessed 25 September 2025.

⁴⁴ Ibid.

⁴⁵ Greek Law 4939/2022, art. 40.

granted, which should then be extended to 20 days. In practice, however, no vulnerability assessments are conducted when considering the extension, and the orders are instead applied indiscriminately as a blanket measure.⁴⁶ Furthermore, the orders are often backdated or improperly issued, meaning people are detained for days without legal documentation. In some cases, residents are only given draft translations of restrictions without dates or names, undermining transparency and accountability.⁴⁷

24. These measures are decided by the Head of the CCAC/Reception and Identification Centre (RIC) pursuant to Law 4939/2022 (Greek Asylum Act). Importantly, the Hellenic Police do not issue or oversee ROF decisions, which distinguishes them from official detention decisions issued in detention and pre-removal centers (*PRO.KE.KA.*), where different legal frameworks and procedures apply.
25. Article 1 of the General Regulation of CCACs (Government Gazette 7533/B/31-12-2023) clarifies that CCACs operate as regional services of the Reception and Identification Service and are governed by Law 4939/2022, as well as the general regulations on Reception and Identification Centers and Controlled Temporary Accommodation Facilities, but excluding the provisions governing Pre-Removal Detention Centers.⁴⁸ This confirms that the CCAC is not legally established as a detention facility.
26. Asylum seekers arriving to Samos CCAC face ROF orders automatically, which severely limit their access to services outside the center, including hospitals, shops, education, legal support and leisure activities, including survivors of sexual violence, pregnant women, and individuals with chronic health conditions.⁴⁹ Police surveillance is continuous, and mobile phones are confiscated for up to 10 days, cutting off communication with external support.⁵⁰
27. Residents that are not under ROF orders also have concerning restriction of movement. They are subject to curfews (8 pm–8 am), weekly censuses, and approval for any visitors, and they may face consequences if they fail to comply with these rules.⁵¹ Even when permitted to leave for appointments, residents often rush back due to fear that

⁴⁶ I Have Rights, 'The EU-Funded Closed Controlled Access Centre - The De-facto Detention of People Seeking Protection on Samos' (23 February 2023) <https://ihaverights.eu/wp-content/uploads/2023/02/detention_report_full.pdf> accessed 25 September 2025, p.43.

⁴⁷ Joint Statement: 'Unlawful detention and worsening conditions: Over 4,000 asylum seekers unlawfully detained on Samos and Lesbos' (19 September 2023) < <https://ihaverights.eu/wp-content/uploads/2023/09/Joint-Statement-Unlawful-detention-and-worsening-conditions.pdf>> accessed 5 September 2025.

⁴⁸ I Have Rights, 'The EU-Funded Closed Controlled Access Centre - The De-facto Detention of People Seeking Protection on Samos' (23 February 2023) <https://ihaverights.eu/wp-content/uploads/2023/02/detention_report_full.pdf> accessed 25 September 2025.

⁴⁹ Joint Statement: 'Unlawful detention and worsening conditions: Over 4,000 asylum seekers unlawfully detained on Samos and Lesbos' (19 September 2023) < <https://ihaverights.eu/wp-content/uploads/2023/09/Joint-Statement-Unlawful-detention-and-worsening-conditions.pdf>> accessed 5 September 2025; I Have Rights, 'The EU-Funded Closed Controlled Access Centre - The De-facto Detention of People Seeking Protection on Samos' (23 February 2023) <https://ihaverights.eu/wp-content/uploads/2023/02/detention_report_full.pdf> accessed 25 September 2025, p.43.

⁵⁰ Joint Statement: 'Unlawful detention and worsening conditions: Over 4,000 asylum seekers unlawfully detained on Samos and Lesbos' (19 September 2023) < <https://ihaverights.eu/wp-content/uploads/2023/09/Joint-Statement-Unlawful-detention-and-worsening-conditions.pdf>> accessed 5 September 2025

⁵¹ I Have Rights, 'The EU-Funded Closed Controlled Access Centre - The De-facto Detention of People Seeking Protection on Samos' (23 February 2023) <https://ihaverights.eu/wp-content/uploads/2023/02/detention_report_full.pdf> accessed 25 September 2025, p.24.

missing a summons (e.g., via the speaker system) could negatively affect their asylum claim.

28. The Samos CCAC is designed and operated in a way that mirrors the architecture and conditions of a prison: it is enclosed by double NATO-type security fences, monitored 24 hours a day by uniformed police and private security personnel, subject to constant CCTV surveillance, and equipped with controlled access systems requiring identity and fingerprint checks.⁵² Movement inside and outside the facility is strictly regulated through security gates and airport-style checks, while residents are bound by a strict curfew, a weekly census, and a complex set of bureaucratic rules, under constant supervision and control.⁵³
29. These severe restrictions on liberty, combined with the centre's geographical isolation and its regimented social environment, transform any prolonged extension of confinement—well beyond 25 days—into a condition indistinguishable from *de facto* detention under international human rights standards. This reality is reinforced by the daily use of a megaphone system summoning residents by name, the limitation of visitors, and the denial of meaningful autonomy, all of which make the CCAC a controlled, prison-like environment where extended restrictions become *de facto* detention. Hence, *de facto* detention practices in the CCAC therefore raises serious concerns under Article 9 ICCPR, Article 5(1) ECHR, and Article 6 of the Charter of Fundamental Rights of the EU (CFR).

IV. Right to privacy violations in Samos CCAC

30. Article 8(1) of the Convention guarantees respect for private life, which encompasses the right to physical and psychological integrity. The Court has consistently held that Article 8 imposes positive obligations on state authorities to secure this right in practice.⁵⁴ In some cases, the authorities' positive obligations arise under Articles 2 or 3 and, in other instances, under Article 8 taken alone or in combination with Article 3. In its case-law on Articles 3 and 8, the Court has also stressed the heightened need to protect children and other vulnerable groups whose well-being is at risk.
31. The Court has further stated that when a measure falls short of Article 3 treatment, it may nevertheless violate Article 8.⁵⁵ In particular, conditions of detention may give rise to an Article 8 violation where they do not attain the level of severity necessary for a violation of Article 3.⁵⁶ In *Szafrański v. Poland*, the Court found that the domestic authorities failed to discharge their positive obligation of ensuring a minimum level of privacy for the applicant and had therefore violated Article 8 where the applicant had to use the toilet in the presence of other inmates and was thus deprived of a basic level of privacy in his everyday life.⁵⁷ In *Gorlov and Others v. Russia*, the Court found that constant CCTV surveillance of prisoners was not “in accordance with the law,” since it did not define the scope of the state authority's power and failed to provide

⁵² Ibid, p.21-22.

⁵³ Ibid, p. 21-24.

⁵⁴ *Miličević v. Montenegro*, ECtHR, 6/11/2018, App. No. 27821/16, para. 54.

⁵⁵ *Wainwright v. the United Kingdom*, ECtHR, 26/09/2006, App. No. 12350/04, para. 43.

⁵⁶ *Raninen v. Finland*, ECtHR, 16/12/1997, 152/1996/771/972, para.63.

⁵⁷ *Szafrański v. Poland*, ECtHR, 15/12/2015, App. No. 17249/12 at para. 39 to 41.

safeguards against arbitrariness. These precedents underline that breaches of privacy, including in a detention setting, can violate Article 8.

32. Clients of IHR, including survivors of human trafficking, described being forced to share cramped spaces where doors could not be closed: *"I don't feel safe in this environment. They can always enter the containers when they want. no privacy. Of course it's bad, especially we ladies need privacy. of course it stresses you, but there is nowhere you can go and complain"*.⁵⁸
33. Families with children are often placed in shared cramped containers with unrelated men and adults. One father who had already been in the CACC for 3 months reported: *"children sleep early, and if there are conflicts between single men it affects us, it wakes us up...It is unsafe for my kids, they cannot go to the toilet alone, I need to accompany them. Most of the time my children pee themselves because they are afraid to go out at night"*.⁵⁹
34. According to an Amnesty International Report, overcrowding has further led to people being housed in non-residential. One resident recalled: *"In the 'kitchen' there were 251 people, mixed nationalities, men women and children with no privacy...we built a tent, under the 'kitchen' roof, where we slept"*.⁶⁰ Thus, people had to stay *"without beds, mattresses, proper bathrooms, kitchens or any form of privacy"*.⁶¹ For those forced to sleep in communal areas such as the canteen, privacy was further undermined by the presence of CCTV cameras, amounting to continuous surveillance of their living and sleeping space.⁶²

⁵⁸ I Have Rights "Submission to the Committee of Ministers of the Council of Europe in the cases of Belgium and Greece & Rahimi v Greece – 12 years after M.S.S: Reporting on human rights, access to asylum & detention conditions in Greece" (July 2023), p. 9. See: <https://ihaverights.eu/wp-content/uploads/2023/08/I-Have-Rights-and-the-Mobile-Info-Team-Rule-9.2-Communication-to-the-Committee-of-Ministers-regarding-the-execution-of-M.S.S.-v.-Belgium-and-Greece-and-Rahimi-v.-G.pdf>.

⁵⁹ Ibid, p. 9.

⁶⁰ Amnesty International, "Greece: Samos: "We feel in prison on the island": Unlawful detention and sub-standard conditions in an EU-funded refugee centre" (30 July 2024), p.12
<<https://www.amnesty.org/en/documents/eur25/8356/2024/en/>> accessed 10 September 2025.

⁶¹ Joint Statement: Not again in 2024: Call for upholding human rights in the Samos Closed Controlled Access Centre, <<https://rsaegean.org/en/joint-statement-samos-ccac/>> accessed 10 September 2025.

⁶² See IHR and BVMN's recent report on the use of surveillance technologies in Samos CCAC (21 January 2025): <https://ihaverights.eu/wp-content/uploads/2025/01/FINAL_IHR-BVMN_TECHNOLOGIES-REPORT.pdf> p.34-36.