

The Aegean and Balkan routes are crimes against humanity The concurrent responsibilities of Turkey, Greece and European Union

A DECLARATION OF THE PERMANENT PEOPLES' TRIBUNAL

The depth, extension and intensity of the deterioration over the last several weeks of the already dramatic situation of the hundreds of thousands of migrants - across the scenarios of the Aegean and the Balkan routes, with the concurrent responsibilities of Turkey, Greece, and the European Union - have become intolerable. The violence of the police intervention to block any movement of refugees and impede the disembarkation from so fragile boats to the Greek islands; the direct aggression by neo-nazis and deliberately uncontrolled groups and the inhuman conditions to which are tens of thousands of those who survived the hate and the violence of war are condemned represent for the European peoples and for their institutions an eternal shame.

With this declaration, the [Permanent Peoples Tribunal - in continuity with its work developed over five public hearings \(2017-2019\) on the violations with impunity of the human rights of migrant and refugee peoples](#), with the participatory support of hundreds of movements and organisations of the European democratic society- denounces with the greatest emphasis and concern the further dramatic involvement of the policies and practices of the European Union and of its member states. Consistent with the clear qualifications already provided in the [final document presented to the European Parliament in Brussels \(April 2019\)](#), the massive and systematic violations of the human rights of individuals and of entire populations of refugees and migrants must be considered an ongoing, planned and systematic denial of the fundamental rights: crimes against humanity, produced by and attributable to public policies with the concurrence of many actors, and therefore qualified as “crimes of system”.

The above events document how the externalisation of frontiers targeted to prohibit and forbid the entrance into Europe through the effective cancellation of the right to asylum, is producing a profound human catastrophe: no human being could be indifferent to this, without abdicating from her/his human dignity. The many thousands of migrants condemned to drown in the Mediterranean through policies and practices of prohibition of rescue and of planned strategies of rejection, the denial of the human dignity of migrant and refugee peoples continues once more at the physical frontiers.

[As clearly stated by the UNHCR](#): “Neither the 1951 Convention Relating to the Status of Refugees nor EU refugee law provides any legal basis for the suspension of the reception of asylum applications. Article 78(3) of the Treaty of the Functioning of the EU (TFEU) has been evoked by the Greek Government in this regard, however this provision allows for provisional measures to be adopted by the Council, on a proposal from the Commission and in consultation with the European Parliament, in the event that one or more Member States are confronted by an emergency situation characterised by a sudden inflow of third country nationals while it cannot suspend the internationally recognized right to seek asylum and the principle of non-refoulement that are also emphasized in EU law. Persons entering irregularly on the territory of a State should also not be punished if they present themselves without delay to the authorities to seek asylum.”

The direct responsibilities of the authorities of the EU are enormous: the visit of the President of the European Commission on the Greek-Turkish frontier has been exercised

in significant approval of the Greek policies and methods of containment and rejection. The redefinition of the Agency of the Control of external European frontiers in terms of European Frontiers and Coastal Guard - a formal military equipped police force, coordinated and synergistic with the frontiers-guards of the concerned countries - confirms a policy of indiscriminate rejection and forced custody irrespective of the violence of the measures which are adopted.

Confronted with the dramatic worsening of the war situation in the area, which cannot simply be qualified as 'emergency', as it is a clearly a long term condition, the answer of the EU is a myopic and short sighted expression of a purely self-interested containment strategy, based on the ever increasing ambiguity of the relationships with the main political, economic, military actors. The confirmation of the central role of Turkey in the Syrian conflict is a clear determinant of the creation of the too well known concentration camps, and at the same time assures to Erdogan a blackmail power in its relations with the EU.

According to what was foreseen in the Union Treaty (art.78.3), the above scenarios are not compatible with further delays for an EU intervention through an extraordinary and urgent plan of return-allocation of the tens of thousands who are requesting to enter in Greece and Bulgaria and have the full right, protected from arbitrary violence, to request European Asylum. A concrete plan must foresee adequate quotas, and be rapidly implemented with simplified procedures, without restrictive conditions bound to nationalities, to avoid irrational discriminations and the reoccurrence of the failure of 2015 with the measures adopted , but never substantially applied, to support Greece and Italy.

We are perfectly aware that so complex phenomena cannot be faced nor solved with purely juridical principles and criteria: politics is however obliged to recognise and respect the fundamental human and peoples rights. The guarantee of their protection corresponds to an inviolable obligation also for legislators and Governments, through the indication of perspectives and solutions where human rights, as well as the aspiration towards a peaceful community of 'different' individuals, are effective and not simply declared.

The policies of the EU are the expression, and at the same time one of the main determinants, of the behaviour and the culture of the European civil society, also beyond the specificity of each member state. The present acute attention to the COVID-19 pandemic – while justified, complex, scientifically uncertain, and economically disrupting many paradigms - is certainly contributing heavily to hide and deny the permanent absolute priority of the migrants and refugees. The traditionally declared unique capacity of the European civilisation of being "human", is metamorphosed into a culture and policies which cancel the life and dignity of all those humans not 'recognised' by development models, where only financial and economic goods have a right of citizenship.

The impunity of this denial charges the 'systemic crimes' with a deep echo of an 'ongoing genocide' for which accountability will be demanded.

Philippe Texier, President of the PPT,

On the behalf of the members of the panel of the judges of the Sessions on *The violations with impunity of the human rights of migrant and refugee peoples*

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