

## Report on Legal Activities 2023

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### I. The Organization

*front-LEX* is challenging EU migration policies through strategic litigation before EU ([CJEU](#)), European ([ECtHR](#)) and International ([ICC](#)) Courts. Giving advice and providing pro-bono legal representation to individual and organisational victims of EU migration policies, *front-LEX* aims to bring about policy change, provide legal remedy to victims of these policies, and hold those responsible to account.

#### i. The Strategy

*front-LEX*'s cutting-edge litigation campaign aims to reinstate the Rule of Law at the EU's external borders and counter the impunity EU agencies and states enjoy whilst openly violating fundamental rights and international protection obligations. In light of the colossal failure to protect the lives and rights of people on the move in the past decade, *front-LEX* is focused on developing innovative legal strategies that go beyond the national responsibility of EU states, in an attempt to also capture the liability of EU bodies such as Frontex) and EU officials such as Frontex Director. More broadly, *front-LEX* aspires to turn the EU Court of Justice - the only Court that is competent to regulate the conduct of EU bodies – to an actor playing a role similar to that the ECtHR plays in regulating the conduct of EU States.

#### ii. The Team

*front-LEX* is a legal hub of lawyers and human rights defenders. It is led by lawyers with 15 years' experience in international and national litigation, with expertise in complex human rights and migration-related matters. Cases litigated by *front-LEX*' lawyers have established several precedents, prodded governments and parliaments to review their migration policies and laws and released thousands refugees from prison.

## II. Activities in 2023

### i. The Eastern Mediterranean and the Evros River

In 2023, *front-LEX* filed **one** new case - in connection with the legal representation of the Applicants in the ECtHR cases against Greece – requesting the Court to order the Turkish government to release the applicants from their prolonged, arbitrary and unlawful imprisonment.

- **7510/23 D.G. v. Turkey**

In addition, and mainly, *front-LEX* continued its litigation in **four** cases pending before European Courts in connection with EU migration policy in the Eastern Mediterranean & the Evros river (Turkish/Greek migratory route):

- **The European Court of Human rights**
  - **10063/22 - A.B. v. Greece**
  - **11762/22 – D.G. v. Greece**
- **The Court of Justice of the European Union**
  - **T-136/22 Hamoudi v. Frontex**
  - **T-600/22 S.T. v. Frontex**

The work on each of these cases included required the completion of the following assignments:

- **Advocacy:** preparing and implementing advocacy campaigns in mainstream and social media; meetings and interventions before European parliament members and policymakers. Researching, drafting, and publishing a legal opinion on the situation, Law, and *front-LEX* legal strategy in the Aegean Sea/Eastern Mediterranean, as well as holding a workshop under the aegis of Heinrich Boell Foundation in Brussels on this topic (see <https://gr.boell.org/en/2023/12/08/who-guards-guards>).
- **Applicant(s):** continued relationship with the applicants including provision of legal advice and facilitating contact with stakeholders.
- **Litigation:** research, drafting and submission of interim motions in connection with the main proceedings; research, drafting and submission of observations/responses/rejoinders in connection with submissions by the Defendant, such as reply to Observation of the Greek

Government, reply to questions posed by the ECtHR, and submission of application for just claims, in the above-mentioned ECtHR cases.

ii. **The Central Mediterranean and Libya**

*front*-LEX also continued its research, advocacy, and litigation in connection with EU migration policies in the **Central Mediterranean** and Libya.

The work on a 2nd submission in the pending ICC Case #OTP-CR-237/19 (in collaboration with Adv. Juan Branco) has been significantly advanced, with an objective to file in FY2024.

Finally, *frontex*-LEX further worked on the CJEU Frontex/Libya case. Factual investigation and forensic analysis included collaboration with experts in the field and submission of parliamentary questions via MEPs in order to obtain information to substantiate the case. Victims were interviewed and, through collaboration with grassroots NGO in Libya, front-LEX succeeded in securing a potential applicant in this case.

Notwithstanding the progress in the case, the rejection of the pending CJEU cases by the General Court of the CJEU in **December 2023** required the legal team to first work on appeals in these two cases and only thereafter to renew the work on this case. This is so both in terms of legal strategy, hoping favorable judgments in these appeals will facilitate the submission of the CJEU Frontex/Libya case; and in terms of the limited resources of the organization. Given these unexpected developments, the submission of the CJEU Libya/Frontex case has been postponed to the second half of FY2024.