

From an Act of Despair to Criminal Prosecution
Press Release: Regarding the case of M.M. — a 27-year-old woman who attempted to self-immolate at the Kara Tepe camp of Lesbos

On February 21, M.M., attempted to take her life by setting herself on fire inside the new Kara Tepe Reception and Identification Centre (RIC) of Lesbos. As a result, she sustained injuries on several parts of her body, including her head, both hands, back, and legs, and inhaled smoke which caused her to lose consciousness for a short period of time. The residents of the neighboring tents rescued her from the burning tent and extinguished the fire using water bottles and towels before the fire-fighter brigade's arrival at the scene. M.M. was then transferred to the hospital due to the injuries suffered from the fire. Following the incident M.M. was charged with arson with intent, endangering life and the objects of others, as well as with damage of an object of common utility by means of fire. M.M. and her family have been living in the RICs of Moria and Kara Tepe for a year and four months, in conditions which amount to inhuman and degrading treatment. In particular, the conditions at Kara Tepe, where the pregnant 27-year-old had to live, raise children and give birth to a newborn via a fourth cesarean section, have been marked with extreme lack of hygiene and sanitary infrastructure, as well as with severe weather conditions, to name but a few of the problems. The extreme weather conditions, the effects of which have been compounded by the terrible seaside location of the camp and by the lack of adequate infrastructure, have led to flooding of the camp, on multiple occasions, including the flooding of tents. It should be also noted that the article 58, L.3646/2019, includes pregnant women in the list of vulnerable categories of persons who should receive special reception conditions; therefore M.M., as a pregnant woman, should have been transferred to suitable accommodation.

While the case was still pending at the pretrial-stage, the family was successfully relocated to Germany after a legal intervention for lifting her travel restriction. During the pretrial procedure the Judicial Authorities didn't recognize M.M.'s act of desperation as self harm, which is not punishable according to Greek penal code. For this act of despair, the woman was finally charged with arson with intent, endangering life and the objects of others, as well as with damage of an object of common utility (tent) by means of fire. The case will be tried by jury on 22nd June on the island of Lesbos.

This criminal case constitutes another example of misguided use of criminal law mechanism against refugees, and simultaneously reveals that the prosecution has served to eclipse the State's responsibility and failure to ensure adequate living conditions for persons seeking international protection in Greece by portraying an act of despair as the result of criminal intent. After all, this case did not take place in a political vacuum; notably the incident occurred only a few months after the arson and the complete destruction of Moria camp in September 2020. Despite HIAS' deep concern about the criminal prosecution of a behaviour that does not itself constitute a criminal offence, we still hope that the criminal law will be applied appropriately in this case of an attempted suicide and the right to a fair trial will be respected unconditionally.