

Catharina Ziebritzki

The EU's Liability for its Refugee Camps

Responsibility for Fundamental Rights Violations
in the Integrated EU Hotspot Administration



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This book came out of a long journey. I would like to express my deep gratitude to all those who have made this journey possible, be it through their inspiration or their support, and to all those who have accompanied me, be it for a shorter or for a longer part of the way.

The journey began in summer 2015 in the refugee camp *Moria*, on the island of Lesbos, Greece. I had just completed my law degree in Heidelberg, and was drawn towards the shores of Europe, where I would see with my own eyes what European externalisation policies really do to our fellow humans. I realised two things. Firstly, I began to sense the extent of suffering caused by European policies. It became obvious to me that this suffering affects racialised people in particular and that it hits children and vulnerable people especially hard. Secondly, I realised that, contrary to what media reports at the time often suggested, the inhumane camps were projects not of Greece but of the EU. It seemed strange to me that officials from EU agencies and the European Commission had their office containers inside the camps and walked through the mud alongside their Greek colleagues while the EU fiercely denied any legal responsibility for human rights violations.

The journey continued in January 2016 when I started my work as a research fellow at the Max Planck Institute for Comparative Public Law and International Law in Heidelberg. This was a different world. Unlike in *Moria*, there was not always an urgent next thing to do. There was space and time for thought and reflection. The Institute offered me a truly wonderful space to discuss, learn, read, write, think, and discuss again. We had time for concentrated research, and we were given the possibility to follow our inclinations and interests.

I thank all those who have accompanied me during my time at the Institute, both intellectually and personally. I am truly grateful to Professor Armin von Bogdandy for his generous trust. From the very first moment, he gave me the greatest possible freedom to do things the way it seemed right to me – even when this meant things would take me longer. He managed to both inspire and challenge me. Without his support, the journey would have stopped before it really began.

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Berlin, 5 September 2024

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List of Abbreviations

AFSJ	Area of Freedom, Security and Justice
AMIF	Asylum, Migration and Integration Fund
AST	Asylum Support Team
CAT	Convention against Torture
CEAS	Common European Asylum System
ChFR	Charter of Fundamental Rights
CJEU	Court of Justice of the European Union; the same abbreviation is used to refer to the CJEU's predecessors, i.e. the Court of Justice of the European Coal and Steel Communities and the Court of Justice of the European Communities
COM	European Commission
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CRC	Convention on the Rights of the Child
DARIO	Draft Articles on the Responsibility of International Organizations
DARS	Draft Articles on Responsibility of States for Internationally Wrongful Acts
ECA	European Court of Auditors
EASO	European Asylum Support Office
EC	European Community
ECCHO	European Commission, Directorate General European Civil Protection and Humanitarian Aid Operations
ECGAB	European Code of Good Administrative Behaviour
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EFCA	European Fisheries Control Agency

List of Abbreviations

EMA	European Agency for the Evaluation of Medicinal Products
EMSA	European Maritime Safety Agency
ESM	European Stability Mechanism
EU	European Union
EUAA	European Union Agency for Asylum
eu-LISA	Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice
Europol	European Union Agency for Law Enforcement Cooperation
EURTF	European Regional Task Force
FRA	European Union Agency for Fundamental Rights
Frontex	European Border and Coast Guard Agency, and formerly: European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
GAS	Greek Asylum Service
HOME	European Commission, Directorate General Home Affairs
ICCPR	International Covenant on Civil and Political Rights
IMF	International Monetary Fund
IOM	International Organization for Migration
JMD	Joint Ministerial Decision
MMST	Migration Management Support Team
MoU	Memorandum of Understanding
MoU-JP	Memorandum of Understanding on a Joint Pilot
MP-RIC	Multi-Purpose Reception and Identification Centre (also referred to as 'EU Hotspot 2.0')
NGO	Non-Governmental Organisation
OHCHR	Office of the United Nations High Commissioner for Human Rights
OP	Operational Plan
RABIT	Frontex, Rapid Border Intervention Team
RIC	Greek Reception and Identification Centre

RIS	Greek First Reception and Identification Service
SoP	Standard Operation Procedures
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
ToC	Terms of Cooperation
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNGA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees

