

Monday 13 October 2014, Mitilini.

9am, Court of Mitilini.

Rabee a young Syrian fleeing from Aleppo, not wanting to take part in the war, arrived in Mitilini with his 2 brothers and his uncle on a boat.

The coast guards chose him and his uncle out of the 22 people travelling on that boat and accused them of being facilitators. That was 5 months ago. Since then Rabee has been imprisoned in Athens in Avlona prison for minors, waiting for the trial that will give him his freedom.

His older brother left for Sweden to join the rest of the family. He followed their plan to get to Sweden where more family members are.

The youngest brother stayed in Athens waiting for Rabee to get free. They all could not believe that this nonsense accusation would last.

Today Rabee's uncle who came specially from Sweden to witness the trial and his small brother M. who waits since 5 months in Athens to continue his journey to his family in Sweden, were present in the court of Mitilini and wanted to be witnesses.

Three people from the Christian Peacemakers Team Mediterranean and me as a journalist wanted to observe this trial of a minor accused for something he has not done. We were all concerned about the rights of the minor.

Facilitator trials take place once in a month in Mitilini and usually last about 10 minutes, most people get sentences of 25-75 years.

Today was a special case; it is a minor's court that will judge.

We know that Rabee is sick and in the prison of Avlona every week he at least twice fainted, probably due to his low blood pressure and diabetes. He believes that the hospital in Athens had submitted reports to the court but the lawyer has not found them in his files.

Rabee is brought to court with two other minors. All three are attached to one another with handcuffs. They only can move together. They sit and wait for hours like this in a court room. Since I know about his health problem and I see that they don't get anything to eat or drink all the time, I get a coke and go to offer it to him. The guarding policeman doesn't allow me to hand it over to him.

A while later as his turn comes, after the two other minors have been sentenced to 5 and 6 years respectively, being Turks and not having any witnesses, we are thinking his chances are better.

His lawyer has collected the ID cards of the Peacemakers and me and goes to the court to tell them that we are a delegation from Germany who came specially to observe the trial of this minor. The court forbids us to enter.

Strange that the coastguard witnesses are allowed to stay during the whole court process in the room and listen to everything . What a lack of respect for the privacy rights of minors!

The court also forbids Hussein , a translator who knows Rabee and his brothers since they arrived in Mitilini, and is assigned to assist the lawyer and accepted for the Mitilini court.

Only one translator is allowed and that is a Greek Syrian young man who is coming from Chios specially to be at the trial, ordered by the court.

Rabee and the lawyer are alone in the court. We stand outside and can only look through the glass door but can't hear anything. Luckily we can reconstruct the

trial through the direct word protocols that were made with witness accounts (except the ones of the coast guard of course).

First the two coastguard witnesses are heard. They have been brought specially from Athens, the same happened few weeks ago during the trial of Rabee's uncle who got sentenced to 10 years!

One of the coast guard people insists that Rabee has destructed the boat with a knife and he had seen him. They also insist that they, who came with the fast coast guard boat hunting the small boat with 22 refugees on it, by wind 7 Beaufurt, have exactly seen that it was Rabee who was calling on the phone and that they have seen that he had a paper in his hands which he tore into pieces. They suggest that they had collected pieces of paper in the water and had seen that they were instructions in English for facilitators!! But they cannot present the paper because they threw it in the sea.

The fact that Rabee doesn't speak English and that the coast guards destroyed court evidence does not change the court's belief in their accounts.

Unfortunately I can't say if someone asked them if they themselves speak English and how they managed to stop a small boat with 22 refugees, at the same time look in the water with all the waves their own boat produced, and find pieces of paper. They, who can't even help people get out of the water from their boats, want to have collected pieces of paper, in waves of 7 Beaufurt and put them together and the throw them away.

Greek courts are famous for believing the coast guards and not the ones accused. The saying 'innocent until proven guilty' does not exist here.

After the two coast guards finished their story-telling, the family witnesses of Rabee came to be heard.

First T. his uncle from Sweden who himself had arrived in Mitilini one and a half years ago , had seen with his own eyes the problems people get who steer boats and therefore had strongly advised the boys what they should under no circumstances do: don't destroy the boat, don't steer it.

Now I give you a protocol of what the people said. Maybe the court thought if they forbid us to enter we will not know what was said. Sorry but we do:

T. said that he is the uncle living in Sweden now and he sent the money (3.000 Euros) to them to Turkey so that they could travel.

The judge asked why he sent money to travel by boat while at the same time advising them not to steer and destroy the boat. If he knew the trip was dangerous he should not have sent them the money.

The judge wanted to know how he sent the money
t: with Western Union

When did you send the money
t: 10th of April

Do you have the receipt?
t: no I sent the money and when it arrived I threw the receipt away.

The court asked if Rabee can swim and he said no.
t: no one of them can swim.

Where did you find the money asked the judge?
t: I have 5 brothers and 2 sisters in Sweden, we collected the money all together and sent it to turkey.

The judge said that Rabee had said when he was caught that he was steering the boat and that he destroyed the boat.

T. answered that Rabee never said that, but the court translator, an Afghan translating bad Arabic said it although Rabee had not said it himself.

The judge: why does Rabee want to go to Sweden?

t: to stay with me and to continue his chemistry studies.

And then bring his parents to Sweden. They are still in Aleppo.

At the end the judge asked: do you have anything to say?

t: I wish to get out of here with Rabee free, said T.

Judge: when did you last see and talk to Rabee?

t: we talked on the phone, he told me what happened

How long you have not seen him?

I live for one and a half years in Sweden, so long I haven't seen him.

The lawyers asked T. why did Rabee left from Syria?

I said because he was getting 17 years old and with 18 they take you to fight and he didn't want to go to the army.

Then M. the younger brother who came from Athens gave his witness account.

The judge told him he is minor himself and therefore he cannot be a witness but asked him still some questions:

He said they were 3 brothers on the boat and all could not swim.

At one moment he was calling his mother and gave the phone also to Rabee. He was talking to reassure her that they are alive when the coast guard came.

He was asked what his plans were for the future and he said he cannot go from Greece without his brother, so he will wait until he is free.

Then Rabee talked. He said that he left Syria due to the war and that he did not want to go to the army and kill people. He wanted to go to Sweden and continue his chemistry studies. The boat was driven by a Turkish person. He did not destroy the boat. If the paper was in English he doesn't speak English.

Then Dimitris the lawyer talked.

And then the court decided that they don't agree on the decision.

They went to the next room then returned and one of the coastguard witnesses was asked again.

Then the decision came with 2/1 :
7 years imprisonment!

For a minor who is Syrian and travelling with his two brothers and uncle and who is, on top of it all, permanently sick.

Immediately the lawyer said they will appeal and went with Rabee in handcuffs who could hardly breathe and policemen to the first floor to make the appeal.

The next thing we saw were ambulance people coming with gloves and running upstairs and then carrying Rabee on a wheelchair without consciousness but with handcuffs, to the ambulance.

No, his brother and uncle cannot go with him to hospital. He is a criminal detainee, the police said.

So we ordered a taxi and Husein T. and M. went to the hospital. They had to wait

more than half an hour, because the ambulance with the fainted Rabee in it, waited in front of the court for exactly 20 minutes for the police car to come and escort them so that the unconscious person would not escape. Who cares about his health, security comes first.

At the hospital, Rabee was checked up still in handcuffs and the policeman were diagnosing that he has nothing but just got shocked from receiving a 7 years sentence!

The doctor and nurse were saying nothing. Husein told them: he is since weeks fainting every week many times and is going to hospital. He has sugar and low blood pressure. Then the doctors decided to look at him. After he said he is hungry and the brother proposed to bring him food but they didn't allow him.

Only after long arguments they were able to enter the room where he was guarded and could from a distance, touch his feet only and talk so that he briefly seemed to recover.

At the evening Rabee was brought back to the police station and already the next day transported back to the prison in Avlona. The court decision will be published in one month.

Rabee has to get acquitted and be immediately released.

w2eu_Welcome to Europe Mitilini

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1. Even if Rabee is not a facilitator, here is a recent court decision in Greece that said that transporting Syrian refugees is no crime even if they don't have papers.

<http://www.dimokratiki.gr/09-10-2014/vomva-se-diki-enopion-tou-efetiou-akires-oles-dikografies-gia-ti-metafora-siron-metanaston>

2. The verdict of 7 years of imprisonment could be exchanged with a fine: 10 Euros per day = 25.000 euro.