



## Joint Statement on push backs practises in Greece

The undersigned civil society organisations would like to share their concerns regarding the phenomenon of illegal refoulements at the Greek-Turkish borders. A phenomenon which is ever-present and yet qualitatively and quantitatively on the rise the last few years and in particular the recent period since March 2020, which should also be read within the framework of the more restrictive policies applied on the EU level. Pushbacks constitute a direct violation of the Greek, regional and international law regarding the minimum safeguards that a person willing to apply for international protection should enjoy. Yet, this illegal practice has become a central element of the Greek government's migration policy, introducing a permanent anomaly in the legal system, violating the core of basic human rights and endangering the victims' life and health.

### General framework of illegal pushbacks in Greece

Illegal refoulements in Greece consist of unlawful returns without respect for formal procedures, including the non-registration of those arrested, the denial of access to asylum procedures, the theft and damage of personal items, abduction, the verbal, psychological and/or physical violence and arbitrary detention. The removals take place more often shortly after the arrival or immediately upon the arrival to the territory, while reports highlight the practice of arbitrary removals of persons that have applied for asylum or even enjoy international protection status in Greece or in another EU country. During 2020 there have been persistent allegations of deterrence tactics such as manoeuvres at the sea aiming to push back refugee boat and allegations of groups who after arrival, have been arbitrarily arrested on the Greek islands and later pushed back and left adrift in life rafts in the Turkish territorial waters. The alleged practice takes place mostly in Evros region and the Aegean Islands,<sup>1</sup> but recent reports have stated incidents that include the informal arrest of persons in the mainland (mainly Thessaloniki<sup>2</sup>) and their transfer to Evros, where the refoulement is

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<sup>1</sup> Border Violence Monitoring Network, "Press Release: Collective Expulsion from Greek Centres", 5 May 2020, HRW, "Greece: Violence Against Asylum Seekers at Border", 17 March 2020.

<sup>2</sup> Border Violence Monitoring Network and Wave Thessaloniki and Mobile Info Team "Press release", 06 May 2020. Available at: <https://www.statewatch.org/news/2020/may/greece-documented-pushbacks-from-centres-on-the-greek-mainland/>.

completed, even though some possessed documents proving their legal presence in Greece.<sup>3</sup>

Actors involved include the Police, the Border Guards, the Coast Guard, the Army, and in some cases paramilitary groups or persons. Regarding Frontex, the up until recently vague information regarding its knowledge of the illegal operations and the possible participation of Frontex officials has shifted towards the substantiation of the relevant accusations,<sup>4</sup> causing the launching of official inquiries and investigations.<sup>5</sup> Indeed, the inquiries so far have been fruitful, raising specific concerns over some cases in need of further investigation.<sup>6</sup>

### **Pushbacks in years 2017-2020**

Allegations and testimonies from victims of push-backs have been systematically reported since 2017 and continued increasingly within the year 2020 by international and Greek journalists, NGOs and official institutions and the migrants (or victims) themselves, both at the land and sea borders.

In February 2018, a report issued by GCR documented a number of complaints of push-backs in the Evros region. GCR mentioned that allegations of push-backs have been consistent and increasing in numbers, referring *inter alia* to large families, pregnant women, victims of torture and children.

Following a visit to Greece in April 2018, the European Committee for the Prevention of Torture (CPT) stressed that it: “[R]eceived several consistent and credible allegations of informal forcible removals (push-backs) of foreign nationals by boat from Greece to Turkey at the Evros River border by masked Greek police and border guards or (para-)military commandos. In a number of these cases, the persons concerned alleged that they had been ill-treated and, in particular, subjected to baton blows after they had been made to kneel face-down on the boat during the push-back operations. These allegations, which were obtained through individual interviews with 15 foreign

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<sup>3</sup> Complaint to the European Commission concerning infringements of EU law by Greece on behalf of WeMove Europe and Oxfam International, 22 September 2020.

<sup>4</sup> Bachiller López, C. and Keady-Tabbal, N. (2021). *Validating Border Violence on the Aegean: Frontex's Internal Records*. Available at: <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2021/01/validating-border>.

<sup>5</sup> European Council on Refugees and Exiles (2020). *Frontex: Commission Calls for Urgent Meeting over Complicity in Pushbacks, Critique of 100 Million Euro Investment in Drone Surveillance*. Available at: <https://www.ecre.org/frontex-commission-calls-for-urgent-meeting-over-complicity-in-pushbacks-critique-of-100-million-euro-investment-in-drone-surveillance/>; European Commission (2020) *Extraordinary meeting of Frontex Management Board on the alleged push backs on 10 November 2020*. Available at: [https://ec.europa.eu/home-affairs/news/extraordinary-meeting-frontex-management-board-alleged-push-backs-10-november-2020\\_en](https://ec.europa.eu/home-affairs/news/extraordinary-meeting-frontex-management-board-alleged-push-backs-10-november-2020_en).

<sup>6</sup> Frontex (2021). *Conclusions of the Management Board's meeting on 20-21 January 2021 on the preliminary report of its Working Group on Fundamental Rights and Legal Operational Aspects of Operations in the Aegean Sea*. Available at: <https://frontex.europa.eu/media-centre/management-board-updates/conclusions-of-the-management-board-s-meeting-on-20-21-january-2021-on-the-preliminary-report-of-its-working-group-on-fundamental-rights-and-legal-operational-aspects-of-operations-in-the-aegean-sea-GnFalc>.

*nationals carried out in private, all displayed a similar pattern and mainly referred to incidents that had taken place between January and early March 2018, whereas some dated back to 2017. The persons who alleged that they had been pushed back from Greece to Turkey had again entered Greek territory, and had subsequently been apprehended by the Greek police”.*<sup>7</sup>

The CPT highlighted that the *“information gathered during the visit suggests that – until early March 2018– a number of foreign nationals were not effectively protected against the risk of refoulement”* and urged the Greek authorities to prevent such operations.

Respectively, in a report following her visit to Greece in June 2018, the Council of Europe Commissioner for Human Rights expressed *“deep concern about persistent and documented allegations of summary returns to Turkey, often accompanied by the use of violence”* and also urged the Greek authorities to put an end to push-backs and to investigate any allegations of ill-treatment perpetrated by members of Greek security forces in the context of such operations.<sup>8</sup>

In a report published in August 2018, UNHCR mentioned that it continued to receive *“numerous credible reports of alleged push-backs”* by Greek authorities at the land border between Greece and Turkey, *“[i]ncluding by detaining persons, giving no opportunity to apply for asylum, and then summarily returning them to Turkey via the Evros River, with violence sometimes being used... UNHCR has received multiple accounts of such incidents since the start of the year referring to summary group returns through the river allegedly affecting several hundred people. Such returns pose several physical and other protection risks to persons affected, who often include children and vulnerable individuals”.*<sup>9</sup>

In December 2018, GCR, ARSIS and HumanRights360 published a report including 39 testimonies of people who attempted to enter Greece from the Greek-Turkish border in Evros border, were subjected to illegal detention and were subsequently pushed back to Turkey. 24 similar incidents have also been registered by Human Rights Watch, in a report issued during the same period. The launching of the report and the subsequent media coverage led to the initiation of an *ex officio* investigation of the relevant testimonies by the Public Prosecutor of Orestiada, the outcome of which is not known to us .

On 12 June 2019, the European Commission’s representative stated that the Commission has taken notice of the publications regarding the alleged push-back practices. She further stated that the Commission *“takes into serious consideration”* all complaints regarding the ill-treatment of migrants, while also expressing

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<sup>7</sup> CPT/Inf (2019) 4, Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 19 April 2018.

<sup>8</sup> COUNCIL OF EUROPE, COMMISSIONER FOR HUMAN RIGHTS, Report of the Commissioner for Human Rights of the Council of Europe following her visit to Greece from 25 to 29 June 2018.

<sup>9</sup> UNHCR, DESPERATE JOURNEYS, JANUARY – AUGUST 2018.

*“concerns”*. She further noted that the Commission is in contact with the Greek authorities and that *“respect for the rights of migrants”* is above all *“the responsibility of the Greek authorities”*. *“We await for the Greek authorities to respond to these allegations and will continue closely monitoring the matter”*, the Commission’s representative concluded.<sup>10</sup>

Since early March 2020 there were persistent reports on pushbacks from Evros border but also from the mainland, and from the Greek islands, publicized in the press and social media at a worrying rate and level of severity.

On 10 June 2020 the International Organization for Migration (2020) issued a statement expressing its deep concerns *“about persistent reports of pushbacks and collective expulsions of migrants, in some cases violent, at the European Union (EU) border between Greece and Turkey”*. The Organization states its opposition to a practice which is extremely dangerous for human lives that are already in danger and advises the Greek authorities to *“investigate these allegations and testimonies given by people forced to cross the Greece-Turkey border”*.<sup>11</sup>

On 12 June 2020 UNHCR called on Greece to *“investigate multiple reports of pushbacks by Greek authorities at the country’s sea and land borders, possibly returning migrants and asylum seekers to Turkey after they had reached Greek territory or territorial waters”*.<sup>12</sup>

On 18 June 2020 the Third Sub-Commission of the Greek National Commission for Human Rights (GNCHR), the independent advisory body to the State specialized in human rights issues, held a hearing of public authorities and persons for the issue of pushbacks and police violence. The Greek authorities dismissed the reports on illegal refoulements as non-credible. However, the GNCHR on its Public Statement as of 9 July 2020 noted that on the basis of the allegations, there is clearly a gradual but steady consolidation of the characteristics of the phenomenon, with same or similar methodology of informal push backs. GNCHR, has invited the Greek Authorities to ensure that all state organs comply with the non refoulement principle without exception, act in conformity with it and carry out rescue at sea operations in a timely manner; to establish an official independent mechanism for recording and monitoring informal push backs complaints; to bring those responsible for any such illegal act to justice; to ensure the collection of objective data; to ensure an effective cooperation with the judicial authorities and to adopt measures on the effective access of victims to justice and their protection similarly to other victims of crime, such as victims of

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<sup>10</sup> Amnanews, “Commission’s contact with the Greek authorities regarding illegal refoulements in Evros”, 11 June 2019, available at: <http://amna.gr/home/article/368365/Epafi-tis-Komision-me-tis-ellinikes-arches-gia-kataggelies-paranomom-epanaproothiseon-ston-Ebro->

<sup>11</sup> International Organisation for Migration, IOM Alarmed over Reports of Pushbacks from Greece at EU Border with Turkey, 10 June 2020. Available at: <https://greece.iom.int/en/news/iom-alarmed-over-reports-pushbacks-greece-eu-border-turkey>.

<sup>12</sup> United Nations High Commission for Refugees, UNHCR calls on Greece to investigate pushbacks at sea and land borders with Turkey, 12 June 2020. Available at: <https://www.unhcr.org/news/briefing/2020/6/5ee33a6f4/unhcr-calls-greece-investigate-pushbacks-sea-land-borders-turkey.html>.

trafficking in human beings and victims of forced labor. Moreover, Frontex has been invited to ensure that its operations at the EU external borders with Turkey comply with the non-refoulement principle and the duty to rescue persons in distress at sea.<sup>13</sup>

On 6 July 2020, in the meeting of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament, the members of the Committee invited Greece to investigate the pushback incidents that have been reported. The Minister of Citizen Protection and the Alternate Minister on Asylum and Migration denied the existence of such incidents, labeling them as “fake news”. The majority demanded from Greece to ensure its compliance with the EU law on asylum and to impose punishment in the cases that the latter is violated.<sup>14</sup>

On 19 November 2020 the CPT called on Greece (CPT visit in March 2020) to reform its immigration detention system and put an end to illegal refoulement practices. In the report, it is also highlighted that “*the CPT again received consistent and credible allegations of migrants being pushed back across the Evros River border to Turkey*”. The CPT also raised concerns over actions by the Greek Coast Guard to prevent boats carrying migrants from reaching Greek islands and questioned the role and engagement of FRONTEX in such operations.<sup>15</sup> Greek Authorities, rejected these findings arguing that “*The alleged practice of military and police officers operating outside the official administrative facilities and secretly assisting in carrying out supposed push backs to the border is unsubstantiated and completely wrong. No complaint or evidence has come to our knowledge about this*”.<sup>16</sup>

Greece systematically refuses to investigate the numerous complaints for illegal refoulement operations in the land and sea borders of the country. On the contrary, on 28 September 2020, it was announced by the Police of North Aegean that the Greek authorities were initiating a criminal investigation against 33 members of non-governmental organizations and 2 migrants for facilitating the illegal entry of third country nationals, by *inter alia* allegedly “*providing confidential information to refugee flows from Turkey via closed groups and internet applications under the guise of humanitarian action*” and persons under investigation were to face charges including

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<sup>13</sup> Greek National Commission for Human Rights, Statement on the reported practices of push backs, 9 July 2020. Available at: [https://nchr.gr/images/English\\_Site/PROSFYGES/GNCHR-Statement-on-the-reported-practices-of-push-backs.pdf](https://nchr.gr/images/English_Site/PROSFYGES/GNCHR-Statement-on-the-reported-practices-of-push-backs.pdf).

<sup>14</sup> European Parliament, Investigate alleged pushbacks of asylum-seekers at the Greek-Turkish border, MEPs demand, 6 July 2020. Available at: <https://www.europarl.europa.eu/news/en/press-room/20200703IPR82627/investigate-pushbacks-of-asylum-seekers-at-the-greek-turkish-border-meps-demand>; TVXS “European Parliament: The government is blamed for far-right refugee polic”, 6 July 2020. Available at: <https://tvxs.gr/news/eyropi-eop/eyrokoinoboylio-katigorisana-tin-kybernisi-gia-akrodeksia-politiki-sto-prosfygiko> (in Greek).

<sup>15</sup> CPT/Inf (2020) 35, Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 17 March 2020.

<sup>16</sup> CPT/Inf (2020) 36, Response of the Greek Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Greece from 13 to 17 March 2020.

“espionage”, “violation of state secrets”, “creation of and participation in a criminal organisation” and “violations of the migration law”.<sup>17</sup>

On 17 November 2020 the Global Legal Action Network in cooperation with Human Rights 360 submitted a complaint to the UN Human Rights Committee,<sup>18</sup> arguing *inter alia* that Greece has violated its obligations under the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED). The latter was ratified by Greece on 9 July 2015 and entered into force, regarding, Greece on 8 August 2015. Law 4268/2014 ratifying the Convention amended the Criminal Code, establishing that enforced disappearance is a specific, self-standing criminal offense, distinct from other related offenses, punishable as a serious crime.

The Black Book of Pushbacks, a 1,500-page book documenting hundreds of illegal pushbacks against asylum seekers by official authorities on Europe’s external borders, was released on 18 December 2020 by the Border Violence Monitoring Network (BVMN) and handed over to the EU Commission. It includes an extended report, numerous statements and allegations regarding pushbacks in Greece;<sup>19</sup> among the authors are NGOs whose action has been the subject of the above criminal investigation of the Greek authorities against 33 NGO members and 2 migrants.

On 29 December 2020, RSA along with Proasyl provided a timeline of a non-exhaustive compilation of main reports that were publicized in the media, concerning push backs and other violations of human rights at the Greek-Turkish sea borders since March 2020. The reports concern also a new worrying trend of migrants left adrift in the Turkish territorial waters in totally inappropriate life rafts, after having been brought on board of the Greek Coast Guard’s boats, and in some cases even after having been disembarked on Greek soil.<sup>20</sup>

Regarding the protection of the victims, there is no effective domestic remedy at place against an unlawful return, except for the regular criminal proceedings which do not ensure the protection from refoulement or the return. The investigation of the cases that have been referred to the Courts faces severe obstacles, including the difficulty of obtaining testimonies from witnesses and other evidence, the risk of criminal charges for “false reporting” against persons reporting such incidences, the lack of official registration/recording etc. Moreover, and as far as the undersigned

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<sup>17</sup> Greek Police, Press Release, 28 September 2020. Available at: [http://www.astynomia.gr/index.php?option=ozo\\_content&perform=view&id=97610&Itemid=2509&lang](http://www.astynomia.gr/index.php?option=ozo_content&perform=view&id=97610&Itemid=2509&lang) (in Greek); see also OMCT, Greece: Ongoing crackdown on migrants’ rights defenders as pushbacks of people on the move continue, 28 January 2021. Available at: <https://www.omct.org/en/resources/statements/greece-ongoing-crackdown-on-migrants-rights-defenders-as-pushbacks-of-people-on-the-move-continue>.

<sup>18</sup> Global Legal Action Network, Enforced disappearance & expulsion at Greece’s Evros Border, 17 November 2020. Available at: <https://www.glanlaw.org/enforced-disappearance-greece>.

<sup>19</sup> The Black Book of Pushbacks - Volumes I & II, December 2019. Available at: <https://www.guengl.eu/issues/publications/black-book-of-pushbacks-volumes-i-ii/>; Volume I, pp. 539-669 regarding Greece.

<sup>20</sup> Refugee Support Aegean. *Push backs and violations of human rights at sea: a timeline*, December 2019. Available at: <https://rsaegean.org/en/push-backs-and-violations-of-human-rights-at-sea-a-timeline/>

organisations are aware, incidents of pushed backs have been described while the asylum interviews before the Greek Authorities, without such allegations resulting in an effective investigation.

The Greek Ombudsman could be involved in border protection monitoring activities acting as the National Preventive Mechanism (NPM) in the frame of the UN OPCAT, as well as the National Monitoring Mechanism (NMM) for Returns of third country nationals and Readmissions in the frame of EU Directive 2008/115. The independent complaints mechanism regarding ill-treatment by police/military officers from the Greek Ombudsman has initiated a preliminary investigation in 2017 on incidents of pushbacks (yet there is no information concerning this until now).

## **Conclusion**

As a conclusion to this brief report, it has to be noted that Greece has never conducted an effective investigation regarding the numerous allegations, reports, testimonies and criminal complaints on illegal push-backs, neither at the level of the Judicial System nor at the level of Independent Authorities or mechanisms. The Government's official response has been a mere renunciation of the facts, and a persistent refusal to reply in the reports while alleging that civil society organizations spread "fake news", "play Turkey's game", or "try to loosen the country's control of its borders". On the contrary, the consistent and even credible, as reported, allegations of illegal pushbacks have been rising at an alarming rate since March 2020, revealing an unsettling pattern of a practice endangering people's lives and even inhuman at its essence and at the same time contrary to national, European and international framework.

Athens, 1 February 2021

The undersigned organizations

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