

Παράρτημα Ι

21 Αυγούστου 2020, δήλωση της Ύπατης Αρμοστείας του ΟΗΕ για τους Πρόσφυγες (UNHCR)

<https://www.unhcr.org/gr/16203-i-ya-anisihei-gia-tis-anafores-gia-atypes-epistrofes.html>

Η Ύπατη Αρμοστεία ανησυχεί για τις αναφορές για άτυπες αναγκαστικές επιστροφές και απευθύνει έκκληση για την προστασία προσφύγων και αιτούντων άσυλο

21 Αυγ 2020

Η Ύπατη Αρμοστεία του ΟΗΕ για τους Πρόσφυγες (Υ.Α.) εξακολουθεί να είναι βαθιά ανήσυχη εξαιτίας του αυξανόμενου αριθμού αξιόπιστων αναφορών που καταδεικνύουν ότι άνδρες, γυναίκες και παιδιά μπορεί να έχουν επιστραφεί άτυπα στην Τουρκία αμέσως μετά την άφιξή τους σε ελληνικό έδαφος ή σε ελληνικά χωρικά ύδατα τους τελευταίους μήνες.

Η Ύπατη Αρμοστεία υπογραμμίζει την έκκλησή της προς την Ελλάδα να απέχει από τέτοιου είδους πρακτικές και να διερευνήσει με σοβαρότητα τις αναφορές αυτές, που περιλαμβάνουν μια σειρά από αξιόπιστες και άμεσες μαρτυρίες που έχουν καταγραφεί από το γραφείο της Ύπατης Αρμοστείας στην Ελλάδα και για τις οποίες έχουν ενημερωθεί οι αρμόδιες αρχές. Δεδομένης της φύσης, του περιεχομένου, της συχνότητας και της συνεκτικότητας των αναφορών αυτών, πρέπει να διενεργηθεί άμεσα κατάλληλη έρευνα χωρίς καμία άλλη καθυστέρηση.

Η Ύπατη Αρμοστεία σέβεται πλήρως το νόμιμο δικαίωμα των κρατών να ελέγχουν τα σύνορά τους και αναγνωρίζει τις προκλήσεις που προκύπτουν από τις μεικτές μεταναστευτικές μετακινήσεις στα εξωτερικά σύνορα της Ε.Ε. Ωστόσο, τα κράτη πρέπει να εγγυώνται και να διασφαλίζουν τα δικαιώματα όσων αναζητούν διεθνή προστασία σύμφωνα με το εθνικό, το Ευρωπαϊκό και το διεθνές δίκαιο. Κάθε άνθρωπος έχει το δικαίωμα να εξεταστεί η προσωπική του περίπτωση και να εκτιμηθούν οι ανάγκες του για προστασία.

«Η Ελλάδα και ο ελληνικός λαός έχουν επιδείξει τεράστια αλληλεγγύη και συμπόνοια σε χιλιάδες πρόσφυγες και αιτούντες άσυλο που έχουν αναζητήσει ασφάλεια στη χώρα αυτή από το 2015», δήλωσε ο Philippe Leclerc, Αντιπρόσωπος του Ύπατου Αρμοστή του ΟΗΕ για τους Πρόσφυγες στην Ελλάδα. «Εκτοτε, ο αριθμός των αφίξεων έχει μειωθεί σημαντικά αλλά υπάρχουν ακόμα άνθρωποι που συνεχίζουν να αναζητούν προστασία και άσυλο στην Ελλάδα και την Ευρώπη», πρόσθεσε.

«Η διαφύλαξη των συνόρων της Ελλάδας και η προστασία των προσφύγων δεν αποκλείουν το ένα το άλλο. Και τα δύο μπορούν και πρέπει να γίνουν. Δεν πρόκειται για δίλημμα αλλά για μια ισορροπία που πρέπει να επιτευχθεί», τόνισε ο κ. Leclerc. «Διαφορετικά, οι συνέπειες μπορεί να είναι πολύ ευρύτερες και καταστροφικές: για τους ανθρώπους των οποίων η ζωή και η ασφάλεια μπορεί να τεθούν σε κίνδυνο, για την τήρηση των θεμελιωδών αρχών του διεθνούς και Ευρωπαϊκού δικαίου, καθώς και για τα ευρέως αναγνωρισμένα πρότυπα και τις αξίες των ανθρωπίνων δικαιωμάτων που μπορεί να υπονομευθούν ανεπανόρθωτα», πρόσθεσε.

Η Ύπατη Αρμοστεία ανησυχεί ιδιαίτερα για τον αυξανόμενο αριθμό των αναφορών, από τον Μάρτιο του 2020, για φερόμενες άτυπες επιστροφές μέσω θαλάσσης ανθρώπων οι οποίοι, σύμφωνα με δικές τους μαρτυρίες ή τρίτων προσώπων, αποβιβάστηκαν σε ελληνικές ακτές και κατόπιν οδηγήθηκαν πίσω στη

θάλασσα. Ανησυχία προκαλούν επίσης αναφορές και μαρτυρίες που έχει λάβει το Γραφείο σχετικά με ανθρώπους να εγκαταλείπονται στα ανοιχτά, σε βάρκες οι οποίες συχνά είναι μη αξιόπλοες και υπερπλήρεις, για πολλές ώρες προτού διασωθούν.

Η Ύπατη Αρμοστεία έχει επίσης απευθύνει έκκληση για τη λήψη περαιτέρω προληπτικών μέτρων ενάντια σε αυτές τις πρακτικές, για ξεκάθαρους κανόνες όσον αφορά τη διαδικασία που ακολουθείται στα σύνορα και για εσωτερικούς μηχανισμούς ελέγχου, μέσω και της ενδυνάμωσης του ρόλου του Συνηγόρου του Πολίτη.

Η προστασία της ανθρώπινης ζωής οφείλει να είναι η πρώτη προτεραιότητα, και στην ξηρά και στη θάλασσα. Η Ύπατη Αρμοστεία αναγνωρίζει τις προκλήσεις που αντιμετωπίζουν τα κράτη πρώτης γραμμής όπως η Ελλάδα και καλεί τα κράτη μέλη της Ε.Ε. να επιδείξουν την αλληλεγγύη τους προς την Ελλάδα, ιδιαίτερα μέσω της μετεγκατάστασης αιτούντων άσυλο.

Μπορούν να επιτευχθούν λύσεις μέσω της καταπολέμησης της διακίνησης, της διεύρυνσης των νομικών επιλογών για τη μετανάστευση και της διασφάλισης ότι όλοι όσοι χρήζουν προστασίας θα μπορούν να έχουν αποτελεσματική πρόσβαση σε αυτή. Παράλληλα, η επιστροφή όσων διαπιστώνεται ότι δεν χρήζουν διεθνούς προστασίας, κατόπιν επίσημης εκτίμησης των αναγκών τους, συνιστά εξίσου κομμάτι της αποτελεσματικής διαχείρισης της μετανάστευσης και θα πρέπει να αντιμετωπίζεται με συνέπεια, καθώς και να υποστηρίζεται.

Το δικαίωμα του να αναζητάει κάποιος άσυλο είναι ένα θεμελιώδες ανθρώπινο δικαίωμα. Μέσα από συντονισμένες προσπάθειες και συνεργασία μεταξύ των ενδιαφερομένων κρατών και της Ε.Ε., μπορεί να επιτευχθεί και η διαχείριση των συνόρων και να αντιμετωπιστούν τα ζητήματα προστασίας των προσφύγων.

Παράρτημα II

12 Ιουνίου 2020, δήλωση της Ύπατης Αρμοστείας του ΟΗΕ για τους Πρόσφυγες (UNHCR)

https://www.unhcr.org/gr/14935-erevna_atypon_anagastikon_epistrofon.html

Η Ύπατη Αρμοστεία καλεί την Ελλάδα να ερευνήσει τις άτυπες αναγκαστικές επιστροφές στα θαλάσσια και χερσαία σύνορα με την Τουρκία

12 Ιούν 2020

Η Ύπατη Αρμοστεία του ΟΗΕ για τους Πρόσφυγες (Υ.Α.) καλεί την Ελλάδα να ερευνήσει τις πολλαπλές καταγγελίες για άτυπες αναγκαστικές επιστροφές -pushbacks- από τις ελληνικές αρχές στα θαλάσσια και χερσαία σύνορα της χώρας, κατά τις οποίες πιθανόν επιστρέφονται μετανάστες και αιτούντες άσυλο στην Τουρκία, αφού έχουν φτάσει σε ελληνικό έδαφος ή σε ελληνικά χωρικά ύδατα.

Η Ύπατη Αρμοστεία έχει εκφράσει επανειλημμένα τις ανησυχίες της προς την ελληνική κυβέρνηση και έχει απευθύνει έκκληση για επείγουσα έρευνα σε μια σειρά από περιστατικά που έχουν καταγγείλει μέσα ενημέρωσης, πολλά από τα οποία έχουν επιβεβαιωθεί από μη κυβερνητικές οργανώσεις και απευθείας μαρτυρίες. Τέτοιου είδους ισχυρισμοί έχουν αυξηθεί από τον Μάρτιο, με αναφορές ότι αρκετές ομάδες ανθρώπων μπορεί να έχουν επιστραφεί με συνοπτικές διαδικασίες μετά την άφιξή τους στην ελληνική επικράτεια.

Περίπου 3.000 αιτούντες άσυλο έφτασαν στην Ελλάδα μέσω ξηράς ή θαλάσσης από τις αρχές Μαρτίου, κάτι που συνιστά απότομη μείωση σε σχέση με τους προηγούμενους μήνες και συγκριτικά με τα προηγούμενα χρόνια. Ωστόσο, ο αριθμός των άτυπων επιστροφών που έχουν καταγγεληθεί, ιδίως στη θάλασσα, αυξάνεται.

Η Ελλάδα έχει το νόμιμο δικαίωμα να ελέγχει τα σύνορά της και να διαχειρίζεται την παράτυπη μετανάστευση σεβόμενη παράλληλα τα διεθνή πρότυπα για τα ανθρώπινα δικαιώματα και την προσφυγική προστασία. Ο έλεγχος των συνόρων και οι πρακτικές θα πρέπει να εξασφαλίζουν τον σεβασμό στα δικαιώματα των αιτούντων άσυλο, οι οποίοι δεν θα πρέπει να απομακρύνονται κατ' αυτόν τον τρόπο από τα σύνορα.

Το Λιμενικό Σώμα – Ελληνική Ακτοφυλακή έχει επιδείξει εξαιρετική αφοσίωση και θάρρος στη διάσωση αμέτρητων προσφύγων και μεταναστών στη θάλασσα. Ωστόσο, οι τωρινοί ισχυρισμοί αντιβαίνουν στις διεθνείς υποχρεώσεις της Ελλάδας και μπορεί να εκθέτουν ανθρώπους σε πολύ μεγάλο κίνδυνο.

Το δικαίωμα να αναζητά και να απολαμβάνει κάποιος άσυλο είναι θεμελιώδους σημασίας και θα πρέπει να παρέχεται σε όλους τους αιτούντες άσυλο πρόσβαση στις διαδικασίες ασύλου και προστασία από επαναπροώθηση ή άτυπη αναγκαστική επιστροφή.

Η πανδημία του κορωνοϊού έχει δυσχεράνει τα δεινά των ανθρώπων που τρέπονται σε φυγή εξαιτίας του πολέμου, των συγκρούσεων και των διώξεων, όμως όσοι αναγκάζονται να διαφεύγουν από τις συγκρούσεις και τις διώξεις δεν θα πρέπει να στερούνται την ασφάλεια και προστασία που δικαιούνται κάτω από αυτές τις συνθήκες.

Η Ύπατη Αρμοστεία έχει απευθύνει εκκλήσεις στα κράτη να διαχειρίζονται τους περιορισμούς στα σύνορά τους με τρόπους που σέβονται επίσης τα διεθνή πρότυπα ανθρωπίνων δικαιωμάτων και προσφυγικής προστασίας, μεταξύ άλλων μέσα από την επιβολή καραντίνας και υγειονομικών ελέγχων. Καθώς η μείωση των κινδύνων κατά της δημόσιας υγείας είναι αναγκαία, η Υ.Α. υποστηρίζει εδώ και καιρό τις προσπάθειες που καταβάλλονται προς αυτόν τον σκοπό και καλεί για επιπλέον και περισσότερο επαρκείς χώρους για την καραντίνα των 14 ημερών.

Παράρτημα III

10 Ιουνίου 2020, δήλωση του Διεθνούς Οργανισμού Μετανάστευσης (ΔΟΜ)

Ο ΔΟΜ εκφράζει έντονη ανησυχία για τις καταγγελίες επαναπροώθησης από την Ελλάδα στα σύνορα της ΕΕ με την Τουρκία

Γενεύη, 10 Ιουνίου 2020

Ο Διεθνής Οργανισμός Μετανάστευσης (ΔΟΜ) εκφράζει βαθύ προβληματισμό σχετικά με τις επαναλαμβανόμενες καταγγελίες που αφορούν επαναπροωθήσεις και συλλογικές απελάσεις μεταναστών – σε ορισμένες περιπτώσεις ακόμα και βίαιων – στα σύνορα της ΕΕ μεταξύ Ελλάδας και Τουρκίας. Σχετικές εκθέσεις και πλάνα από διεθνή μέσα ενημέρωσης, που δείχνουν τη χρήση πλωτών μέσων διάσωσης για την απομάκρυνση των μεταναστών στο Ανατολικό Αιγαίο, προκαλούν ιδιαίτερη ανησυχία.

Ο ΔΟΜ, μαζί με συνεργαζόμενους φορείς, παρακολουθεί στενά την κατάσταση και έχει λάβει πληροφορίες για περιπτώσεις μεταναστών που συλλαμβάνονται αυθαίρετα και επαναπροωθούνται στην Τουρκία, αλλά και για περιστατικά βίας κατά μεταναστών που φέρεται να έχουν λάβει χώρα από προσωπικό των συνόρων.

Ο Οργανισμός καλεί τις ελληνικές Αρχές να διερευνήσουν τις κατηγορίες και τις μαρτυρίες που δόθηκαν από άτομα που εξαναγκάστηκαν να περάσουν τα σύνορα Ελλάδας-Τουρκίας.

Εν μέσω αυξημένης ανησυχίας αναφορικά με τα ζητήματα υγείας, καλούμε τα κράτη να αποφύγουν την εφαρμογή πρακτικών μετανάστευσης με τρόπο που να θέτει σε κίνδυνο την προάσπιση των ανθρωπίνων δικαιωμάτων των μεταναστών, μέσω της κατασκευής τειχών στα σύνορα, της στρατιωτικοποίησης των συνοριακών περιπολιών ή της αύξησης των απελάσεων, μεταξύ άλλων.

Ο ΔΟΜ καλεί επίσης τα κράτη να αναστείλουν τις απελάσεις κατά τη διάρκεια της πανδημίας του COVID-19, διευκολύνοντας παράλληλα τις εθελούσιες επιστροφές όταν και όπου είναι δυνατόν, ιδίως για εκείνους τους μετανάστες που, λαμβάνοντας υπόψη την κατάσταση, αισθάνονταν πιο ασφαλείς στην πατρίδα τους και εκφράζουν την επιθυμία να επιστρέψουν σ' αυτήν.

Σε κάθε περίπτωση, πρέπει να δίνεται προτεραιότητα στη διαχείριση του λεπτού ζητήματος διασφάλισης των συνόρων που χρήζουν ιδιαίτερης ανάγκης προστασίας, σύμφωνα με το διεθνές δίκαιο, που σέβεται τα ανθρώπινα δικαιώματα και τις θεμελιώδεις ελευθερίες όλων των μεταναστών, ανεξάρτητα από το μεταναστευτικό καθεστώς και συμπεριλαμβανομένου του δικαιώματός τους να ζητήσουν άσυλο.

Μολονότι τα κυριαρχικά δικαιώματα των κρατών - συμπεριλαμβανομένου εκείνου της διατήρησης της ακεραιότητας των συνόρων - πρέπει να είναι σεβαστά, η ισχύς τους παύει σε περίπτωση αλληλεπικάλυψής τους από διεθνείς υποχρεώσεις για τα ανθρώπινα δικαιώματα.

Για περισσότερες πληροφορίες:

Χριστίνα Νικολαΐδου - IOM Greece, Email: cnikolaidou@iom.int tel +30 210 9919 040 (ext.248)

Παράρτημα IV

Αποσπάσματα για τις αναγκαστικές επιστροφές από την Έκθεση για την Ελλάδα της Ομάδας Εργασίας για τις Αυθαίρετες Κρατήσεις των Ηνωμένων Εθνών με ημερομηνία 29 Ιουλίου

Η πλήρης έκθεση επισυνάπτεται στο τέλος του Παραρτήματος

Human Rights Council Forty-fifth session

14 September–2 October 2020 Agenda item 3

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Visit to Greece (from 2 to 13 December 2019 upon the invitation of the Government).

6. Pushbacks at the border between Greece and Turkey

87. The Working Group was informed that a number of persons newly arrived in the Evros region had been arrested, detained and summarily returned across the land border between Greece and Turkey without being given the opportunity to apply for international protection in Greece. In some cases, it was alleged that individuals had made previous attempts to cross the border, but had been forcibly removed to Turkey in each case. Pushback practices are not permitted under Greek law and are contrary to the right to seek asylum. The Working Group is therefore of the view that detention for this purpose has no legal basis. The Working Group urges the Government to promptly and fully investigate all allegations of such pushbacks, including any acts of violence or ill-treatment that may have occurred during such incidents, and to ensure that such practices do not occur in future.

88. The Working Group was informed that the European Border and Coast Guard Agency offered an anonymous complaints mechanism. While the Government indicates that no complaints were made through this mechanism in 2019 for irregular pushbacks, the Working Group considers that it may be a useful means of ensuring that any allegations of pushbacks are received and investigated by the appropriate authorities.

Παράρτημα V 17 Μαρτίου 2020, Έκθεση της Human Rights Watch

<https://www.hrw.org/el/news/2020/03/17/339568>

Ελλάδα: Βία κατά των αιτούντων άσυλο στα σύνορα
Κρατούνται, Δέχονται Επιθέσεις, Αναγκάζονται να γυμνωθούν και Απελαύνονται με συνοπτικές διαδικασίες

Οι ελληνικές δυνάμεις ασφαλείας και ένοπλοι άνδρες χωρίς διακριτικά στα [Ελληνοτουρκικά](#) χερσαία σύνορα έχουν προχωρήσει σε κρατήσεις, επιθέσεις, σεξουαλικές επιθέσεις, κλοπές και αφαίρεση ρούχων αιτούντων άσυλο και μεταναστών και στη συνέχεια τους επαναπροωθούν στην Τουρκία, ανακοίνωσε σήμερα η Human Rights Watch. Οι κορυφαίοι αξιωματούχοι της ΕΕ επαίνεσαν τα μέτρα φύλαξης των συνόρων της Ελλάδας και [παρείχαν στήριξη](#) μέσω του Ευρωπαϊκού Οργανισμού Συνοριοφυλακής και Ακτοφυλακής (FRONTEX).

«Η Ευρωπαϊκή Ένωση κρύβεται πίσω από μία ασπίδα καταχρηστικών πρακτικών από πλευράς των ελληνικών δυνάμεων ασφαλείας αντί να βοηθήσει την Ελλάδα να προστατεύσει τους αιτούντες άσυλο και να τους επανεγκαταστήσει σε ολόκληρη την ΕΕ», δήλωσε η [Nadia Hardman](#), ερευνήτρια και υπέρμαχος των δικαιωμάτων των προσφύγων στην Human Rights Watch. «Η ΕΕ οφείλει να προστατεύσει τους ανθρώπους σε κατάσταση ανάγκης αντί να στηρίζει δυνάμεις που ξυλοκοπούν, κλέβουν, γυμνώνουν και πετούν τους αιτούντες άσυλο και μετανάστες και πάλι πίσω, στην άλλη όχθη του ποταμού.

Η Ελλάδα οφείλει να αντιστρέψει άμεσα την απόφαση της [1ης Μαρτίου](#) σχετικά με την αναστολή επί ένα μήνα της πρόσβασης σε άσυλο ατόμων που εισέρχονται παράτυπα στην χώρα και την απέλασή τους, όπου είναι δυνατόν, στις χώρες καταγωγής ή διέλευσης. Η ελληνική Βουλή οφείλει να ερευνήσει, και η FRONTEX να ελέγξει, οποιαδήποτε κακοποίηση και συνοπτική απέλαση αιτούντων άσυλο και μεταναστών από πλευράς των ελληνικών δυνάμεων ασφαλείας. Τα κράτη μέλη της ΕΕ οφείλουν επειγόντως να προχωρήσουν στην επανεγκατάσταση των αιτούντων άσυλο από την Ελλάδα προς τις άλλες χώρες της ΕΕ και να διεκπεραιώσουν με δίκαιο τρόπο τις αιτήσεις ασύλου τους.

Μεταξύ 7 και 9 Μαρτίου, η Human Rights Watch πήρε συνέντευξη από 21 αιτούντες άσυλο και μετανάστες, 17 εκ των οποίων ήταν άνδρες και 4 γυναίκες, στην Τουρκία αναφορικά με τον τρόπο που προσπάθησαν να εισέλθουν στην Ελλάδα μέσω των χερσαίων συνόρων κατόπιν ανακοίνωσης της Τουρκικής κυβέρνησης στις 27 Φεβρουαρίου ότι [δεν θα παρεμπόδιζε πλέον](#) την έξοδο των αιτούντων άσυλο και μεταναστών από την Τουρκία στην προσπάθειά τους να φθάσουν στην Ευρωπαϊκή Ένωση.

Όσοι παραχώρησαν συνέντευξη και χιλιάδες άλλοι έχουν ταξιδέψει στη συνοριακή πύλη του Pazarkule (Καστανιές) στα ελληνοτουρκικά σύνορα και στον ποταμό Έβρο, που είναι το φυσικό σύνορο μεταξύ Τουρκίας και Ελλάδας, νότια του Pazarkule. Οχτώ από τα άτομα που παραχώρησαν συνέντευξη είπαν ότι η τουρκική αστυνομία τους μετέφερε σε παραμεθόρια χωριά και τους υπέδειξε από πού θα περάσουν στην Ελλάδα.

Σε αντίδραση η ελληνική κυβέρνηση ενίσχυσε τα σύνορά της με αστυνομία, στρατό και ειδικές δυνάμεις, που έκαναν χρήση δακρυγόνων και [φέρεται](#) να άνοιξαν πυρ χρησιμοποιώντας πλαστικές σφαίρες κατά

ατόμων που πλησίαζαν το πέρασμα στο Pazarkule. Δύο αιτούντες άσυλο που μίλησαν με την Human Rights Watch είπαν ότι οι ελληνικές δυνάμεις ασφαλείας χρησιμοποίησαν επίσης πραγματικά πυρά κατά την επαναπροώθηση ανθρώπων. Ένα από τα άτομα αυτά, που παραχώρησε συνέντευξη σε νοσοκομείο, όπου νοσηλευόταν, είπε ότι τον πυροβόλησαν στο πόδι. [Σύμφωνα με Τούρκους αξιωματούχους](#), οι ελληνικές δυνάμεις ασφαλείας έχουν πυροβολήσει και σκοτώσει τουλάχιστον τρεις αιτούντες άσυλο ή μετανάστες, αλλά η Human Rights Watch δεν έχει επιβεβαιώσει τον αριθμό αυτό.

Όσοι παραχώρησαν συνέντευξη είπαν ότι εντός ωρών μετά τη διάσχιση του ποταμού είτε με βάρκες είτε πεζή, ένοπλοι άνδρες φορώντας στολές διαφόρων υπηρεσιών ασφαλείας ή με πολιτική περιβολή, ακόμα και μαυροφορεμένοι κουκουλοφόροι, συνέλαβαν όλα τα μέλη της ομάδας τους. Όλοι είπαν ότι οι άνδρες τους έθεσαν υπό κράτηση σε επίσημα ή ανεπίσημα κέντρα κράτησης ή δίπλα στην άκρη του δρόμου και τους έκλεψαν τα χρήματά τους, τα κινητά τους και τις τσάντες τους προτού τους επαναπροωθήσουν με συνοπτικές διαδικασίες πίσω στην Τουρκία. Δεκαεπτά περιέγραψαν τον τρόπο με τον οποίο οι άνδρες επιτέθηκαν στους ίδιους και σε άλλους, συμπεριλαμβανομένων των γυναικών και των παιδιών: τους προκάλεσαν ηλεκτροσόκ, τους χτύπησαν με ξύλινες ή μεταλλικές ράβδους, τους χτύπησαν παρατεταμένα στα πέλαμα, τους γρονθοκόπησαν, τους κλώτσησαν και τους ποδοπάτησαν.

Η Human Rights Watch επίσης πήρε συνέντευξη από πέντε Τούρκους κατοίκους παραμεθόριων χωριών που περιέγραψαν πώς στο χρονικό διάστημα μεταξύ 28 Φεβρουαρίου και 6 Μαρτίου είχαν συνδράμει στην φροντίδα μεγάλων ομάδων ατόμων που επέστρεψαν τραυματισμένοι και σχεδόν γυμνοί από την Ελλάδα λέγοντας ότι οι ελληνικές δυνάμεις ασφαλείας τους είχαν ξυλοκοπήσει, κλέψει, γυμνώσει και απελάσει.

Σε μία περίπτωση, ένας άνδρας που παραχώρησε συνέντευξη περιέγραψε πως η γυναίκα του δέχθηκε σεξουαλική επίθεση από τις ελληνικές δυνάμεις ασφαλείας όταν πέρασαν τα σύνορα. «[Οι ελληνικές δυνάμεις ασφαλείας] προσπάθησαν να κάνουν σωματική έρευνα στη γυναίκα μου και της άγγιξαν το στήθος», είπε ένας Σύρος άνδρας που ταξίδευε με τη γυναίκα και τα παιδιά του. «Μετά προσπάθησαν να της βγάλουν τη μαντήλα και το παντελόνι της. Όταν προσπάθησα να τους σταματήσω με ξυλοκόπησαν άσχημα με γροθιές, με τα πόδια τους, με ένα βαρύ πλαστικό ραβδί καθώς και με ένα μεταλλικό ραβδί. Χτύπησαν τη 2χρονη κόρη μου με ένα βαρύ πλαστικό ραβδί στο κεφάλι και φαίνεται ακόμα ο μώλωπας». Η Human Rights Watch είδε έναν μώλωπα κάτω από τα μαλλιά του κοριτσιού.

Στις περισσότερες περιπτώσεις, όσοι παραχώρησαν συνέντευξη είπαν ότι ένοπλοι άνδρες τους ανάγκασαν να μείνουν μόνο με τα εσώρουχα, πράγμα που έκαναν και σε ορισμένες γυναίκες, και τους εξανάγκασαν να διασχίσουν τον Έβρο για να επιστρέψουν στην Τουρκία. Πολλοί είπαν ότι πέρασαν από τα χέρια πολλών ομάδων, γεγονός που υποδηλώνει έναν συντονισμό μεταξύ αστυνομίας ή στρατιωτών και των ανδρών χωρίς διακριτικά.

Σε τρεις περιπτώσεις, οι αιτούντες άσυλο και μετανάστες είπαν ότι άτομα που δεν μιλούσαν ελληνικά και δεν φορούσαν ελληνική στολή τους ανάγκασαν να επιστρέψουν στην Τουρκία ή τους παρέδωσαν σε επιθετικές ελληνικές δυνάμεις. Δεν γνώριζαν, όμως, από που προέρχονταν τα άτομα αυτά. Στις 3 Μαρτίου 2020 η FRONTEX συμφώνησε στην ανάπτυξη της σε όλο το μήκος των ελληνοτουρκικών χερσαίων συνόρων, αλλά πόσες ακριβώς δυνάμεις έχουν αναπτυχθεί παραμένει ασαφές. Στις 13 Μαρτίου η Human Rights Watch ενημέρωσε τη FRONTEX για την καταγγελθείσα κακοποίηση από μη Ελληνικές δυνάμεις και ρώτησε για την ανάπτυξη των δυνάμεών της κατά μήκος των συνόρων. Στις 16 Μαρτίου η FRONTEX απάντησε ότι δεν είχε τις απαραίτητες πληροφορίες και ότι θα απαντήσει μόλις τις έχει.

Ορισμένα από τα άτομα που παραχώρησαν συνέντευξη είπαν ότι προσπάθησαν πολλές φορές να εισέλθουν στην Ελλάδα, αλλά τους επέστρεψαν με τη βία κάθε φορά. Συνολικά, οι ερωτηθέντες περιέγραψαν 38 περιστατικά απελάσεων που περιλάμβαναν περίπου 4.000 άτομα, αν και μπορεί κάποια να έχουν διπλομετρηθεί.

Στις 6 Μαρτίου, ο διευθυντής επικοινωνίας του Τούρκου Προέδρου Fahrettin Altun [καταδίκασε](#) αναφορές για την αφαίρεση των ενδυμάτων, το ξυλοκόπημα και την απέλαση μέσω Έβρου αιτούντων άσυλο από την ελληνική συνοριοφυλακή, αλλά η Τουρκία συνέχισε να μεταφέρει άτομα στα σύνορα και να τα ενθαρρύνει να περάσουν στην Ελλάδα.

Στις 3 Μαρτίου, οι ανώτατοι αξιωματούχοι της ΕΕ συναντήθηκαν με τον Έλληνα πρωθυπουργό Κυριάκο Μητσοτάκη στα ελληνοτουρκικά σύνορα επαινώντας την κυβέρνηση για την προστασία των συνόρων και χαρακτηρίζοντας την Ελλάδα ως την «ασπίδα» της ΕΕ. Σε επόμενες δηλώσεις της η πρόεδρος της Ευρωπαϊκής Επιτροπής, Ursula van der Leyden και η Επίτροπος Μετανάστευσης Ylva Johansson [είπαν](#) ότι είχαν τονίσει την ανάγκη σεβασμού των θεμελιωδών δικαιωμάτων, συμπεριλαμβανομένου του [δικαιώματος στο άσυλο](#).

Η Ελλάδα δεσμεύεται από τη Χάρτα Θεμελιωδών Δικαιωμάτων της ΕΕ, που αναγνωρίζει το δικαίωμα αίτησης ασύλου και εγγυάται προστασία από την επαναπροώθηση, την αναγκαστική επιστροφή οποιουδήποτε βρίσκεται σε πραγματικό κίνδυνο διώξεων ή σε άλλο σοβαρό κίνδυνο.

Η Τουρκία [δεν πληροί τα κριτήρια της ΕΕ ασφαλούς τρίτης χώρας](#) στην οποία μπορεί να επιστραφεί ο αιτών άσυλο, τα οποία περιλαμβάνουν την αρχή της μη επαναπροώθησης. Από τον Ιούλιο 2019, η Τουρκία [έχει απελάσει](#) εκατοντάδες Σύρους από τις πόλεις της, εκθέτοντας όσους επαναπροωθούνται με τη βία από την Ελλάδα σε κίνδυνο περαιτέρω επαναπροώθησης στη Συρία.

Από το 2016, οι Τούρκοι συνοριοφύλακες που περιπολούν τα κλειστά σύνορα της Τουρκίας με τη Συρία έχουν σκοτώσει και τραυματίσει Σύρους αιτούντες άσυλο και έχουν πραγματοποιήσει ομαδικές επαναπροωθήσεις με συνοπτικές διαδικασίες. Οι περισσότεροι έχουν επιστραφεί στο κυβερνείο του Ιντλίμπ, όπου η Συριακή κυβέρνηση και οι Ρωσικές δυνάμεις έχουν πρόσφατα πραγματοποιήσει νέα σειρά βομβαρδισμών [αδιακρίτως](#), χτυπώντας αμάχους, νοσοκομεία και σχολεία, εξαναγκάζοντας στη φυγή ένα εκατομμύριο άτομα. Το 2018 η Τουρκία επίσης [απέλασε χιλιάδες Αφγανούς με συνοπτικές διαδικασίες](#) στην πατρίδα τους.

Η Ελλάδα οφείλει να επιτρέψει στα άτομα που ζητούν προστασία στα σύνορά της να εισέλθουν και να αποτιμήσει τις αιτήσεις ασύλου τους δίκαια και αποτελεσματικά, δήλωσε η Human Rights Watch. Η Ευρωπαϊκή Επιτροπή οφείλει να ενθαρρύνει την Ελλάδα να επαναφέρει τις διαδικασίες ασύλου για άτομα που εισήλθαν παράτυπα στην Ελλάδα από την Τουρκία, να σταματήσει τις επιστροφές με συνοπτικές διαδικασίες στην Τουρκία και να πιέσει τις αρχές να προχωρήσουν στη δίωξη όσων αξιωματούχων τα κακομεταχειρίζονται/χρησιμοποιούν καταχρηστικές πρακτικές.

Η FRONTEX οφείλει να παρακολουθεί και να κάνει δημόσιες αναφορές για τη συμμόρφωση των ελληνικών δυνάμεων ασφαλείας με την ευρωπαϊκή και διεθνή νομοθεσία για τα ανθρώπινα δικαιώματα και τους πρόσφυγες, συμπεριλαμβανομένων και των συνθηκών κράτησης, καθώς και για την παρόμοια συμμόρφωση από τους αξιωματούχους τους και εκείνων που συνεισφέρουν άλλα κράτη μέλη. Η Τουρκία δεν πρέπει να υποχρεώνει κανέναν να περνάει τα σύνορα παράτυπα προς την Ελλάδα.

«Χωρίς την πίεση της ΕΕ προς την Ελλάδα να σταματήσει αυτές τις φρικτές κακομεταχειρίσεις, αυτός ο κύκλος βίας θα συνεχιστεί», είπε η Hardman. «Αλλά η ΕΕ οφείλει επίσης να βοηθήσει την Ελλάδα με την μετεγκατάσταση των αιτούντων άσυλο προς την υπόλοιπη ΕΕ και να βοηθήσει την Τουρκία, τη χώρα που φιλοξενεί τον μεγαλύτερο αριθμό προσφύγων, με την μετεγκατάσταση πολύ μεγαλύτερων αριθμών προσφύγων».

Πρόσφυγες, Αιτούντες Άσυλο και Μετανάστες στην Τουρκία. Οι μετακινήσεις προς τα Σύνορα τον Φεβρουάριο και τον Μάρτιο

Η Τουρκία φιλοξενεί περίπου [3.6 εκατομμύρια καταγεγραμμένους Σύρους](#) υπό καθεστώς «προσωρινής προστασίας», το οποίο οι τουρκικές αρχές λένε ότι ισχύει αυτόματα [σε όλους τους Σύρους που αιτούνται άσυλο](#). Αυτό αντανακλά [τη θέση της Ύπατης Αρμοστείας του ΟΗΕ](#) ότι η «μεγάλη πλειονότητα των αιτούντων άσυλο εξακολουθούν να ...χρειάζονται διεθνή προστασία ως πρόσφυγες» και ότι «τα κράτη [οφείλουν] να μην προβαίνουν στην αναγκαστική επιστροφή Σύρων και πρώην κατοίκων της Συρίας».

Σύμφωνα με τις [αρχές μετανάστευσης](#) της Τουρκίας, σχεδόν 115.000 αιτούντες άσυλο υπέβαλαν αιτήματα προστασίας το 2018, συμπεριλαμβανομένων 70.000 Ιρακινών και 40.000 Αφγανών, ενώ [το 2019](#) περίπου 35.000 Αφγανοί και 15.000 Ιρακινοί υπέβαλαν αιτήματα ασύλου. Στα τέλη του 2019, η Τουρκία [δήλωσε](#) ότι φιλοξενούσε περίπου 460.000 παράτυπα διαμένοντες, συμπεριλαμβανομένων 200.000 Αφγανών, 70.000 Πακιστανών, 55.000 Σύρων, 12.000 Ιρακινών, 12.000 Παλαιστινίων και 9.000 Ιρανών. Είναι ασαφές το πώς η Τουρκία κατόρθωσε να ταυτοποιήσει τα άτομα αυτά χωρίς την καταγραφή τους.

Μέχρι την ανακοίνωση της 27ης Φεβρουαρίου 2020, οι τουρκικές συνοριακές αρχές γενικά παρεμπόδιζαν την παράτυπη έξοδο αλλοδαπών από την Τουρκία στα χερσαία σύνορά της με την ΕΕ, κάτι που δηλώνονταν από τον υψηλό αριθμό ατόμων τα οποία αναγκάζονταν να εισέλθουν στην Ελλάδα με βάρκες διακινητών από τις αρχές του 2015. Μεταξύ του Ιανουαρίου 2015 και της 21ης Μαρτίου 2020, η τουρκική ακτοφυλακή [φέρεται](#) να έχει συλλάβει περίπου 186.766 αιτούντες άσυλο και μετανάστες στο Αιγαίο.

Στις 5 Μαρτίου η Τουρκία [ανακοίνωσε](#) ότι έστειλε 1.000 πρόσθετους αστυνομικούς στα σύνορα με την Ελλάδα για να παρεμποδίσει την επαναπροώθηση αιτούντων άσυλο στην Τουρκία. Τα τουρκικά ΜΜΕ [δημοσίευσαν](#) φωτογραφίες των νέων θέσεων ανάπτυξης κατά μήκος του ποταμού Έβρου, σύμφωνα με τις αρχές.

Οκτώ αιτούντες άσυλο και μετανάστες με τους οποίους μίλησε η Human Rights Watch είπαν ότι, μεταξύ 28 Φεβρουαρίου και 6 Μαρτίου, η τουρκική αστυνομία ή ο τουρκικός στρατός τους είχαν μεταφέρει με λεωφορεία σε χωριά στον ποταμό Έβρο νότια του συνοριακού περάσματος του Pazarkule (Καστανιές) και τους βοήθησαν να περάσουν στην Ελλάδα. Μεταξύ αυτών περιλαμβάνονταν δύο άνδρες από προαναχωρησιακά κέντρα μεταναστών, ένας εκ των οποίων είπε ότι οι αρχές απείλησαν να τον σκοτώσουν εάν δεν συμφωνούσε στη μεταφορά του στα ελληνικά σύνορα. Δύο άλλοι είπαν ότι αστυνομικοί ή στρατιωτικοί τους πήγαν στο Pazarkule. Στις 8 Μαρτίου, ώρα 7 μ.μ., η Human Rights Watch είδε εκατοντάδες ξένους υπηκόους να αποβιβάζονται από μεγάλα λευκά πούλμαν χωρίς εμπορικό λογότυπο που ήταν σταθμευμένα δίπλα σε αστυνομικά οχήματα στο χωριό Küplü, 400 μέτρα από τα ελληνικά σύνορα.

Καταχρηστικές πρακτικές των ελληνικών Δυνάμεων στα τέλη Φεβρουαρίου και στις αρχές

Μαρτίου

Μεταξύ 7 και 9 Μαρτίου, δύο ερευνητές της Human Rights Watch πήραν συνέντευξη από 21 αιτούντες άσυλο και μετανάστες στην πόλη Edirne κοντά στον ποταμό Έβρο, στα νότια της πόλης Edirne, σχετικά με τις καταχρηστικές πρακτικές που αντιμετώπισαν στην ελληνική πλευρά του ποταμού. Από αυτούς δεκαεπτά ήταν άνδρες και τέσσερις ήταν γυναίκες: 7 ήταν από το Αφγανιστάν, 4 από τη Συρία, από 2 από το Μαρόκο, το Πακιστάν και τη Σενεγάλη και από ένας από το Αζερμπαϊτζάν, την Γκάμπια, το Ιράν και το Ιράκ.

Οι συνεντεύξεις διεξήχθησαν κατ' ιδίαν και εμπιστευτικά, στη μητρική γλώσσα των ατόμων μέσω ανδρών και γυναικών διερμηνέων. Ένα άτομο μιλούσε άριστα αγγλικά. Μοιράστηκαν οικειοθελώς τις μαρτυρίες τους, χωρίς αμοιβή, και συναίνεσαν στην καταγραφή και δημοσίευση της μαρτυρίας τους χωρίς τη χρήση του ονόματός τους από την Human Rights Watch.

Οι μαρτυρίες τους επιβεβαιώνουν κάποιες τάσεις που η Human Rights Watch είχε καταγράψει σε παρόμοιες καταστάσεις το [2008](#) και το [2018](#). Στα μέσα του 2018 [η Επιτροπή για την Πρόληψη των Βασανιστηρίων του Συμβουλίου της Ευρώπης](#) ανέφερε ότι είχε λάβει «αρκετούς συνεπείς και πιστευτούς ισχυρισμούς απωθήσεων με σκάφος από την Ελλάδα προς την Τουρκία στα σύνορα του Έβρου από μασκοφόρους της Ελληνικής Αστυνομίας και της συνοριοφυλακής ή από (παρα-) στρατιωτικούς κομάντο». Και τον Νοέμβριο του 2018 [η Επίτροπος Ανθρωπίνων Δικαιωμάτων του Συμβουλίου της Ευρώπης](#) κάλεσε την Ελλάδα να διερευνήσει τους ισχυρισμούς για τις ελληνικές καταχρηστικές πρακτικές στα σύνορα με την Τουρκία, εν όψει πληροφοριών που υποδείκνυαν μία «παγιωμένη πρακτική» .

Σύλληψη και Κράτηση

Όσοι παραχώρησαν συνέντευξη είπαν ότι ένοπλοι άνδρες, και σε μία περίπτωση μία γυναίκα, ένστολοι ή μαυροφορεμένοι ή με πολιτική περιβολή, συνέλαβαν όλα τα μέλη της ομάδας τους σε χρονικό διάστημα 1 έως 10 ωρών αφότου διέσχισαν τον ποταμό Έβρο. Είπαν ότι οι άνδρες ήταν οπλισμένοι με πιστόλια, τυφέκια, μεταλλικές ράβδους και ξύλινα ή πλαστικά γκλομπ.

Δέκα από τα άτομα που παραχώρησαν συνέντευξη περιέγραψαν 19 περιπτώσεις όπου τους σταμάτησαν άνδρες που πίστευαν ότι ήταν αστυνομικοί, επειδή φορούσαν μπλε, γκριζες ή σκουρόχρωμες στολές. Πέντε άτομα που παραχώρησαν συνέντευξη περιέγραψαν έξι περιστατικά όπου τους σταμάτησαν άνδρες που πίστευαν ότι ήταν στρατιωτικοί, επειδή φορούσαν πράσινες ή μπεζ στολές παραλλαγής. Πέντε άλλοι είπαν ότι τους σταμάτησαν άνδρες που φορούσαν μαύρα ή άλλη πολιτική περιβολή. Ένα άτομο είπε ότι τον σταμάτησαν τέσσερις ένοπλοι άνδρες και μία γυναίκα που φορούσε μαύρα με τη γερμανική σημαία στο μανίκι καθώς και ένας άνδρας που φορούσε μαύρα με την σουηδική σημαία στο μανίκι και ότι παρέδωσαν τον ίδιο και άλλα άτομα σε άλλους μαυροφορεμένους και κουκουλοφόρους άνδρες.

Σε δύο άλλες περιπτώσεις οι αιτούντες άσυλο περιέγραψαν άνδρες ντυμένους στα μαύρα και με κουκούλες, οι οποίοι μιλούσαν αγγλικά και γαλλικά, που είπαν ότι ήταν από τη Γαλλία, καθώς και άνδρες με στολές παραλλαγής που μιλούσαν κάποια γλώσσα που έμοιαζε με γερμανικά, οι οποίοι τους κακομεταχειρίστηκαν και τους απέλασαν στην Τουρκία.

[Σύμφωνα](#) με τις ελληνικές αρχές οι αστυνομικοί που φορούν σκούρα μπλε στολή εργάζονται στα

αστυνομικά τμήματα, ενώ οι αστυνομικοί που περιπολούν τα σύνορα φορούν στολές παραλλαγής. Οι φύλακες της FRONTEX φορούν τις εθνικές τους στολές με μπλε περιβραχιόνιο που φέρει την σημαία της ΕΕ.

Άτομα που παραχώρησαν συνέντευξη είπαν ότι οι άνδρες που τους σταμάτησαν στην Ελλάδα κατέφθασαν με αστυνομικά αυτοκίνητα, ημιφορτηγά, λευκά βαν χωρίς παράθυρα ή σήμανση ή με μεγαλύτερα φορτηγά πράσινου χρώματος ή οχήματα με καμουφλάζ που έμοιαζαν με στρατιωτικά φορτηγά. Δεκαέξι είπαν ότι τέθηκαν υπό κράτηση δίπλα στον δρόμο ή σε δάση για μισή ώρα έως τέσσερις ώρες από τη στιγμή της σύλληψής τους, ενώ πέντε είπαν ότι ένοπλοι άνδρες τους οδήγησαν σε ανεπίσημα κέντρα κράτησης. Περιέγραψαν τις τοποθεσίες κράτησης ως μικρά σπίτια, μικρά κτιριακά συγκροτήματα και ημιτελή σπίτια και είπαν ότι κρατήθηκαν εκεί για δύο έως πέντε ώρες. Σε μία περίπτωση ένας άνδρας είπε ότι άνδρες οι οποίοι φορούσαν στολές που έφεραν το διακριτικό της αστυνομίας τον έθεσαν υπό κράτηση σε μεταλλικό κοντέινερ μαζί με περίπου 50 άλλα άτομα για 18 ώρες χωρίς νερό ή πρόσβαση σε τουαλέτα.

Δεν καταχωρίστηκε κανένα από τα άτομα που παραχώρησαν συνέντευξη, είπαν, και η κράτησή τους φαίνεται να ήταν αυθαίρετη και μυστική.

Στις 10 Μαρτίου η εφημερίδα *New York Times* δημοσίευσε [ρεπορτάζ](#) σχετικά με ένα κέντρο κράτησης λίγες εκατοντάδες μέτρα από το συνοριακό χωριό του Πόρου, τέσσερα χιλιόμετρα ανατολικά της πόλης Feres, που συμπέρανε ότι οι ελληνικές δυνάμεις ασφαλείας είχαν επιδοθεί σε κράτηση αιτούντων άσυλο και μεταναστών στις αρχές Μαρτίου προτού αυτοί επιστραφούν στην Τουρκία. Στις 11 Μαρτίου η Επίτροπος Εσωτερικών Υποθέσεων Ylva Johansson [είπε](#) ότι θα μιλούσε σχετικά με το κέντρο με τις ελληνικές αρχές.

Ευλοδαρμοί και Κακοποίηση

Δεκαεπτά από όσους παραχώρησαν συνέντευξη είπαν ότι οι άνδρες που τους έθεσαν υπό κράτηση κακοποίησαν σωματικά τους ίδιους ή άλλους, συμπεριλαμβανομένων γυναικών και παιδιών. Οκτώ άτομα είπαν ότι η αστυνομία ευθυνόταν για την κακομεταχείριση, τρία άτομα ταυτοποίησαν στρατιώτες, τρία άτομα μίλησαν για άνδρες ντυμένους με μαύρα και μάσκα, ενώ τρεις είπαν ότι άνδρες με πολιτική περιβολή τους συμπεριφέρθηκαν βάνανσα.

Ένας 31χρονος Σύρος άνδρας και μία 22χρονη Σύρια γυναίκα από το Ιντλίμπ και τρεις κόρες τους, ηλικίας 2, 4 και 6 ετών, είπαν ότι πέρασαν στην Ελλάδα στις 5 Μαρτίου, όπου άνδρες με παραλλαγή που θεώρησαν ως Έλληνες στρατιώτες, τους οδήγησαν με άλλους 40 σε ένα μικρό κτιριακό συγκρότημα. Ο άνδρας περιέγραψε τι συνέβη μετά:

[Οι ελληνικές δυνάμεις ασφαλείας] προσπάθησαν να κάνουν σωματική έρευνα στη γυναίκα μου και της άγγιξαν το στήθος. Μετά προσπάθησαν να της βγάλουν τη μαντήλα και το παντελόνι της. Όταν προσπάθησα να τους σταματήσω με ξυλοκόπησαν άσχημα με γροθιές, πόδια, ένα βαρύ πλαστικό ραβδί, καθώς κι ένα μεταλλικό ραβδί. Χτύπησαν τη 2χρονη κόρη μου με ένα βαρύ πλαστικό ραβδί στο κεφάλι και φαίνεται ακόμα ο μώλωπας. Μετά έκαναν ηλεκτροσόκ στον καρπό και στον ώμο της γυναίκας μου και ένας άνδρας στόχευσε με το όπλο του το κεφάλι μου. Ευλοκόπησαν πολλούς από τους άλλους άνδρες [στην ομάδα] και τους ανάγκασαν όλους να βγάλουν σχεδόν όλα τους τα ρούχα. Πήραν τα τηλέφωνα, τα χρήματα και τα διαβατήριά μας. Μετά από δύο ώρες μας οδήγησαν με ένα φορτηγό πίσω στο ποτάμι, όπου ένας μαυροφορεμένος

άνδρας με κουκούλα πήγαινε και ερχόταν [διασχίζοντας τον ποταμό] μέχρις ότου όλοι μας επιστρέψαμε στην Τουρκία.

Ένας 33χρονος άνδρας από το Αφγανιστάν, ο οποίος είπε ότι πέρασε στην Ελλάδα την 1η Μαρτίου, εξήγησε:

Διέσχισα το ποτάμι με βάρκα μαζί με περίπου 60 άλλα άτομα, συμπεριλαμβανομένων οικογενειών. Η τουρκική αστυνομία βεβαιώθηκε ότι δεν υπήρχε ελληνική αστυνομία στην άλλη όχθη του ποταμού. Περπατήσαμε για περίπου οκτώ ώρες και μετά μας βρήκε η ελληνική αστυνομία και μας πήγε σε ένα ημιτελές σπίτι. Ανάγκασαν τους άνδρες να μείνουν μόνο με τα εσώρουχα και μας χτύπησαν με τα χέρια τους, με κλωτσιές και με ξύλινα ραβδιά. Δεν έδειξαν κανένα έλεος και ξυλοφόρτωσαν και ορισμένες γυναίκες και παιδιά. Μας πήραν τα τηλέφωνα, τα χρήματα, τις τσάντες και τα ρούχα και μας κράτησαν εκεί επί πέντε ώρες. Έφεραν κι άλλους πρόσφυγες στο κτίριο αυτό. Όταν συγκεντρωθήκαμε σχεδόν 300, μας πήγαν πίσω στο ποτάμι και μας επιβίβασαν σε μικρές βάρκες προς την Τουρκία.

Ένας 25χρονος Σύρος με δεμένο το δεξί του χέρι είπε ότι είχε περάσει στην Ελλάδα στις 2 Μαρτίου με μία ομάδα περίπου 200 ατόμων και ότι περπατούσαν μέσα από δάση και χωριά για περίπου 2 ώρες:

Ξαφνικά κατέφθασαν ένα βαν και ένα ημιφορτηγό με περίπου οκτώ άνδρες. Τέσσερις έφεραν πολιτική περιβολή και όλοι είχαν γένια. Ορισμένοι φορούσαν στολές παραλλαγής με μαύρες μπότες και άλλοι φορούσαν πράσινη στολή με μπεζ μπότες. Όλοι έφεραν μεγάλα όπλα, που φαίνονταν μεγαλύτερα από Καλάσνικοφ. Μας σταμάτησαν και μας πήραν τις τσάντες, τα χρήματα και τα τηλέφωνα μας. Κάποιοι από εμάς προσπαθήσαμε να κρατήσουμε τα πράγματά μας και μας γρονθοκόπησαν και μας κλώττησαν, χτυπώντας ακόμα και γυναίκες. Με έριξαν στο έδαφος και ένας από τους άνδρες ποδοπάτησε το δεξί μου χέρι περίπου δέκα φορές. Αφού μας έστειλαν στην Τουρκία, ένας Σύρος γιατρός χειρούργησε το χέρι μου για να αποκαταστήσει τη ζημιά σε ένα νεύρο.

Ένας 30χρονος Πακιστανός σε μία ομάδα 20 ατόμων περιέγραψε την άφιξή τους κατά τη διάρκεια της πρώτης εβδομάδας Μαρτίου:

Όλοι μας προσπαθήσαμε να περάσουμε στην Ελλάδα κάθε μέρα κατά τη διάρκεια της προηγούμενης εβδομάδας. Κάθε φορά που μας έπιανε η ελληνική αστυνομία, μας αφαιρούσε τα ρούχα, μας ξυλοφόρτωνε, χρησιμοποιούσε ηλεκτροκοσόκ στο πάνω μέρος του σώματός μας, έκλεβε ό,τι είχαμε και μας έστελνε πίσω. Κάθε φορά βρίσκουμε ντόπιους στην Τουρκία που μας δίνουν ρουχισμό. Σήμερα δύο άνδρες στην ομάδα μας ξυλοκοπήθηκαν τόσο άσχημα στα πέλματά τους που ένα ασθενοφόρο ανέλαβε την μεταφορά τους από το χωριό στο νοσοκομείο.

Κλοπές, Αφαίρεση Ρούχων και Απελάσεις με Συνοπτικές Διαδικασίες

Δεκατέσσερα από τα άτομα που παραχώρησαν συνέντευξη περιέγραψαν 20 περιστατικά κατά τα οποία ένοπλοι άνδρες που τους συνέλαβαν τους πήραν τα προσωπικά τους υπάρχοντα, συμπεριλαμβανομένων των εγγράφων ταυτοποίησης, χρημάτων, τηλεφώνων και τσαντών. Επτά είπαν ότι η αστυνομία τους πήρε τα υπάρχοντα, επτά είπαν ότι ήταν μαυροφορεμένοι άνδρες, πέντε είπαν ότι στρατιωτικοί πήραν τα υπάρχοντά τους και ένας είπε ότι επρόκειτο για άνδρες με άλλη πολιτική περιβολή.

Έντεκα άνδρες περιέγραψαν 15 περιστατικά κατά τα οποία άνδρες που τους είχαν υπό κράτηση τους αφαίρεσαν τα ρούχα, αφήνοντάς τους μόνο με τα εσώρουχα, συμπεριλαμβανομένων τριών που είπαν ότι ακόμα και γυναίκες αναγκάστηκαν να γυμνωθούν, και μετά τους ανάγκασαν να διασχίσουν και πάλι τα σύνορα προς την Τουρκία.

Ένας 32χρονος άνδρας από το Αφγανιστάν είπε ότι η τουρκική αστυνομία τον οδήγησε μαζί με 300 άλλα άτομα σε ένα συνοριακό χωριό στην Ελλάδα, από όπου πέρασαν στην Τουρκία στις 29 Φεβρουαρίου. Είπε ότι άνδρες με διάφορες στολές και πολιτική περιβολή τους συνέλαβαν μετά από δύο ώρες και τους κράτησαν για μισή ώρα στο πλάι του δρόμου:

Μετά από 30 λεπτά περίπου κατέφθασαν τρία μεγάλα φορτηγά. Οι οδηγοί και ορισμένοι άλλοι άνδρες στα φορτηγά φορούσαν σκούρα μπλε στολή και τους είχαν δώσει ράβδους που προκαλούν ηλεκτροσόκ. Καθώς οι άνδρες μας ανάγκασαν να ανέβουμε στα φορτηγά, μας είπαν να βγάλουμε όλα μας τα ρούχα εκτός από τα εσώρουχά μας. Ξυλοφόρτωσαν τους άνδρες που δεν ήθελαν να γυμνωθούν. Μετά μας πήγαν στον ποταμό και μας ανάγκασαν να επιβιβαστούμε σε φουσκωτά σκάφη για να μας επιστρέψουν στην Τουρκία.

Τα 21 άτομα που παραχώρησαν συνέντευξη περιέγραψαν τα 38 περιστατικά απέλασης τα οποία αφορούσαν σχεδόν 4.000 άτομα. Αυτά περιλαμβάνουν οκτώ ομάδες με περίπου 50, κατά μέσο όρο, άτομα που απελάθηκαν τις τελευταίες δύο ημέρες του Φεβρουαρίου και τριάντα ομάδες που απελάθηκαν τις πρώτες επτά ημέρες του Μαρτίου, συμπεριλαμβανομένων 22 ομάδων περίπου 50, κατά μέσο όρο, ατόμων, επτά ομάδων 200, κατά μέσο όρο, ατόμων και μίας ομάδας περίπου 1.000 ατόμων.

Όλοι όσοι παραχώρησαν συνέντευξη είπαν ότι με τη συνοδεία ένοπλων ανδρών μεταφέρθηκαν εκ νέου πεζή ή με στρατιωτικά φορτηγά, ημιφορτηγά ή άλλα οχήματα, χωρίς διακριτικά, στον Έβρο. Εκεί τους δόθηκαν εντολές από ένοπλους άνδρες να επιβιβαστούν σε μικρές βάρκες που έλεγχαν άνδρες με στολή παραλλαγής ή πολιτική περιβολή και έκαναν το ταξίδι μπρος – πίσω μέχρις ότου είχαν μεταφέρει ολόκληρη την ομάδα πίσω στην Τουρκία. Ορισμένοι είπαν ότι κάποιοι ένοπλοι παρακολουθούσαν την τουρκική όχθη των συνόρων με κιάλια κατά τη διάρκεια της απέλασης.

Πυροβολισμοί με πραγματικά πυρά

[Σύμφωνα με ρεπορτάζ](#) σε ΜΜΕ, Τούρκοι αξιωματούχοι έχουν κατηγορήσει τις ελληνικές δυνάμεις ασφαλείας ότι άνοιξαν πυρ και σκότωσαν τουλάχιστον τρία άτομα κατά την διάρκεια της πρώτης εβδομάδας του Μαρτίου. [Πιθανώς σε αυτά να περιλαμβάνεται](#) ένας Σύρος που [σκοτώθηκε](#) στην ελληνική όχθη του Έβρου το πρωί της 2ας Μαρτίου.

Στις 10 Μαρτίου μία δικηγόρος στο Κέντρο Ανθρώπινων Δικαιωμάτων του Δικηγορικού Συλλόγου της Κωνσταντινούπολης είπε ότι προσέφυγε στο Ευρωπαϊκό Δικαστήριο Δικαιωμάτων του Ανθρώπου (ΕΔΔΑ) για να επιβάλει στην Ελλάδα να επιτρέψει στους αιτούντες άσυλο να εισέλθουν στην Ελλάδα και να σταματήσει να χρησιμοποιεί πραγματικά πυρά και δακρυγόνα εναντίον τους, με βάση το δημοσίευμα για τον νεκρό πρόσφυγα στις 2 Μαρτίου.

Ένας Σενεγαλέζος αιτών άσυλο είπε στην Human Rights Watch ότι, λίγο αφότου διέσχισε τον Έβρο, το πρωί της 2ας Μαρτίου με περίπου 300 άτομα, οι ελληνικές δυνάμεις ασφαλείας άνοιξαν πυρ στην ομάδα και είδε δύο άνδρες που νόμιζε ότι ήταν Σύροι να πέφτουν στο έδαφος. Έφυγε τρέχοντας και δεν είδε τι συνέβη στη συνέχεια.

Η δικηγόρος του Δικηγορικού Συλλόγου είπε επίσης ότι η τουρκική εισαγγελία είχε ανοίξει έρευνα για τη δολοφονία ενός Πακιστανού στις 4 Μαρτίου στο συνοριακό πέρασμα στο Pazarkule (Καστανιές). Η δικηγόρος είπε ότι το Γραφείο του Κυβερνήτη της Επαρχίας Αδριανούπολης αναφέρθηκε στον θάνατο του άνδρα στις 4 Μαρτίου σε δελτίο τύπου. [Σύμφωνα με αυτό](#), στις 11 π.μ, οι ελληνικές δυνάμεις συνοριοφυλακής στο συνοριακό πέρασμα του Pazarkule (Καστανιές) έκαναν χρήση «δακρυγόνων, πλαστικών σφαιρών και πραγματικών πυρών» κατά αιτούντων άσυλο και είχαν τραυματίσει έξι άτομα, ένας εκ των οποίων πέθανε αργότερα την ίδια μέρα.

Στις 9 Μαρτίου η Human Rights Watch πήρε συνέντευξη από έναν νοσηλευόμενο Πακιστανό άνδρα, ο οποίος είπε ότι Έλληνες συνοριοφύλακες τον πυροβόλησαν στο πόδι κοντά στο συνοριακό πέρασμα του Pazarkule (Καστανιές) την 1η Μαρτίου ενώ στεκόταν σε τουρκικό έδαφος σε απόσταση περίπου 200 μέτρων από την ελληνική συνοριακή πύλη. Ο γιατρός του είπε ότι είχε τραυματιστεί από σφαίρα που θρυμματίστηκε μέσα στο πόδι του.

Στις 4 Μαρτίου εκπρόσωπος τύπου της ελληνικής κυβέρνησης [είπε](#) ότι η Τουρκία «κατασκευάζει ψευδείς ειδήσεις με δήθεν τραυματισμούς από ελληνικά πυρά» και [επανέλαβε](#) τον ισχυρισμό τις επόμενες ημέρες σε μέσα κοινωνικής δικτύωσης. Στις 5 Μαρτίου [ανακοινώθηκε](#) στα τουρκικά ΜΜΕ ότι οι τουρκικές αρχές «ετοίμαζαν προσφυγή στο Ευρωπαϊκό Δικαστήριο Δικαιωμάτων του Ανθρώπου για την μεταχείριση των αιτούντων άσυλο εκ μέρους της Ελλάδας, ενώ επιχειρούσαν να περάσουν τα σύνορα από την Τουρκία.

Η συνδρομή των Τούρκων χωρικών

Η Human Rights Watch στις 8 Μαρτίου πήρε συνέντευξη από πέντε Τούρκους που ζουν σε παραμεθόρια χωριά κοντά στο συνοριακό πέρασμα στο Pazarkule οι οποίοι επιβεβαίωσαν τις μαρτυρίες βίας. Είπαν ότι κάθε βράδυ δεκάδες ή εκατοντάδες άνδρες, γυναίκες και παιδιά επέστρεφαν αφού είχαν επιχειρήσει να περάσουν στην Ελλάδα, συχνά σχεδόν γυμνοί, περιγράφοντας σε «σπαστά» τουρκικά ότι τους είχαν ξυλοκοπήσει, κλέψει, αφαιρέσει τα ρούχα και επαναπροωθήσει στην Τουρκία οι ελληνικές δυνάμεις ασφαλείας. Οι χωρικοί είπαν ότι είδαν τραυματισμούς σε πλάτες και κεφάλια και ένα κάταγμα κάτω άκρου.

Επίσης είπαν ότι επί σειρά ετών αιτούντες άσυλο και μετανάστες έχουν διέλθει από τα χωριά τους, έχουν περάσει στην Ελλάδα και έχουν επαναπροωθηθεί στην Τουρκία, αλλά οι αριθμοί τους ήταν σχετικά μικροί. Επίσης, είπαν ότι οι αριθμοί που επαναπροωθούνται έχουν αυξηθεί σημαντικά μεταξύ 28 Φεβρουαρίου και 6 Μαρτίου, αφού τα λεωφορεία έφεραν δεκάδες ή εκατοντάδες άτομα στο χωριό κάθε νύχτα.

Ένας άνδρας σε παραμεθόριο χωριό είπε:

Κάθε νύχτα από τις 27 Φεβρουάριο, λεωφορεία με μετανάστες έχουν φτάσει στο χωριό μας. Μένουν σε τζαμιά και σε άλλα κτίρια και διασχίζουν τον ποταμό [προς την Ελλάδα] σε φουσκωτά σκάφη. Στις αρχές Μαρτίου κατά καιρούς ακούγαμε και πυροβολισμούς στην απέναντι όχθη του ποταμού. Τους είδαμε να επιστρέφουν γυμνοί, παγωμένοι και ξυλοφορτωμένοι. Ορισμένοι φαίνεται να είχαν σπασμένα πόδια και μια γυναίκα κούτσαινε πολύ. Άλλοι έφεραν άσχημα τραύματα στο κεφάλι τους. Οι περισσότεροι έφεραν σημάδια στην πλάτη τους από ξυλοδαρμό. Οι άνδρες φορούσαν μόνο εσώρουχα. Βλέπαμε να επιστρέφουν πάντα ομάδες με τους άνδρες χωρίς ρούχα. Οι περισσότεροι μιλούσαν τουρκικά

και μας είπαν ότι Έλληνες στρατιώτες τούς είχαν πιάσει και βάλει σε καταυλισμούς όπου τους πήραν τα τηλέφωνα και τα χρήματα. Αυτό συνέβαινε πάντοτε, ίσως μία φορά τον μήνα, αλλά όχι όπως τώρα, με τόσα άτομα και κάθε βράδυ.

Ένας άνδρας σε άλλο χωριό είπε:

Την προηγούμενη εβδομάδα ομάδες δεκάδων ατόμων, ως και 100 συνολικά, ήρθαν εδώ και πήγαν στην Ελλάδα. Όταν επέστρεψαν είδαμε άνδρες και γυναίκες που είχαν μείνει μόνο με τα εσώρουχά τους ενώ ορισμένοι άνδρες ήταν εντελώς γυμνοί. Κάποιοι μιλούσαν τουρκικά και είπαν ότι οι Έλληνες τους είχαν επαναπροωθήσει. Είδαμε τραύματα στην πλάτη τους, που έμοιαζαν με κόκκινες λωρίδες και έφεραν μώλωπες στα μάγουλά τους και πληγές στα χείλη. Τους δώσαμε να φάνε και να πιούν καθώς και ρούχα. Τι άλλο μπορούσαμε να κάνουμε;

Συστάσεις

Η Ελλάδα, η Ευρωπαϊκή Ένωση και η Τουρκία οφείλουν να λάβουν μία σειρά από επείγοντα μέτρα για να αντιμετωπίσουν τις καταχρηστικές πρακτικές στα ελληνοτουρκικά σύνορα, δήλωσε η Human Rights Watch.

Η Ελλάδα οφείλει να επιτρέψει στους ανθρώπους που ζητούν προστασία στα σύνορά της να εισέλθουν και να αξιολογείται δίκαια και αποτελεσματικά το αίτημα ασύλου τους. Οφείλει, επίσης, να άρει την απόφασή της να επιστρέφει με συνοπτικές διαδικασίες αιτούντες άσυλο στην Τουρκία χωρίς την καταγραφή των αιτήσεων ασύλου τους. Οι αρχές οφείλουν άμεσα να διερευνήσουν με διαφανή, ενδεδειγμένη και αμερόληπτο τρόπο, εάν η ελληνική αστυνομία και συνοριοφύλακες έχουν επιδοθεί σε καταχρηστικές πρακτικές καθώς και σε συλλογικές εξωδικαστικές απελάσεις κατά αιτούντων άσυλο και μεταναστών στην περιοχή του Έβρου. Οι αρχές οφείλουν επείγοντως να διερευνήσουν αναφορές για τη χρήση υπερβολικής βίας από αξιωματικούς των ελληνικών υπηρεσιών επιβολής του νόμου και να προσάγουν τους υπεύθυνους στη δικαιοσύνη.

Μέλη της ελληνικής Βουλής οφείλουν άμεσα να ερευνήσουν όλους τους ισχυρισμούς συλλογικών απελάσεων, επαναπροωθήσεων και βίας στα χερσαία σύνορα με την Τουρκία. Η Ελληνική Βουλή οφείλει να ασκήσει την εποπτική της εξουσία προκειμένου να διερευνήσει τις καταχρηστικές πρακτικές και να αποτιμήσει κατά πόσο συνιστούν συντονισμένη πολιτική.

Η Ευρωπαϊκή Επιτροπή οφείλει να ενθαρρύνει την Ελλάδα να επαναφέρει τις διαδικασίες ασύλου για άτομα που εισήλθαν παράτυπα στην Ελλάδα από την Τουρκία, να σταματήσει τις επιστροφές με συνοπτικές διαδικασίες στην Τουρκία και να πιέσει τις αρχές ώστε να προχωρήσουν στη δίωξη όσων αξιωματούχων επιδεικνύουν καταχρηστική συμπεριφορά. Πρέπει, επίσης, να συνδέσει την στήριξή της για διαχείριση των συνόρων στην Ελλάδα με τη δέσμευση εγγύησης του δικαιώματος αίτησης ασύλου και να κινησει νομικές διαδικασίες κατά της Ελλάδας με σκοπό την παραπομπή της υπόθεσης στο Δικαστήριο της Ευρωπαϊκής Ένωσης εάν η Ελλάδα δεν αποκαταστήσει την αποτελεσματική πρόσβαση στο άσυλο.

Η ΕΕ και τα κράτη μέλη οφείλουν επείγοντως να αυξήσουν τον αριθμό των Σύρων προσφύγων προς επανεγκατάσταση από την Τουρκία στην Ευρώπη και να επανεγκαταστήσουν αιτούντες άσυλο από την Ελλάδα σε άλλες χώρες της ΕΕ, οι οποίες θα επεξεργάζονται τα αιτήματα ασύλου τους με ισότιμο, δίκαιο και ανθρώπινο τρόπο.

Η FRONTEX οφείλει να παρακολουθεί και να προβαίνει σε δημόσιες αναφορές για τη συμμόρφωση των ελληνικών δυνάμεων ασφαλείας με την ευρωπαϊκή και διεθνή νομοθεσία για τα ανθρώπινα δικαιώματα και τους πρόσφυγες, συμπεριλαμβανομένων και των συνθηκών κράτησης, καθώς και για τη συμμόρφωση εκ μέρους των αξιωματικών της αλλά και εκείνων των αξιωματικών που συνεισφέρουν τα άλλα κράτη μέλη. Επίσης, οφείλει να εξετάσει επειγόντως εάν η εντολή της επιτρέπει την ανάπτυξη των δυνάμεών της στην Ελλάδα, ενόσω η Ελλάδα έχει άρει την διαδικασία ασύλου για τους αφιχθέντες από την Τουρκία και έχει ανακοινώσει ότι θα επιστρέφει με συνοπτικές διαδικασίες τους αιτούντες άσυλο στην Τουρκία.

Η Τουρκία δεν πρέπει να υποχρεώνει κανέναν να διασχίζει παράτυπα τα σύνορα προς την Ελλάδα.

Παράρτημα VI 16 Ιουλίου 2020, Έκθεση της Human Rights Watch

<https://www.hrw.org/el/news/2020/07/16/375802>

Ελλάδα: Να διερευνηθούν οι Επαναπροωθήσεις και οι Συλλογικές Απελάσεις

Η ΕΕ οφείλει να πιέσει την Αθήνα να σταματήσει τις καταχρηστικές πρακτικές

Αξιωματικοί των [ελληνικών](#) υπηρεσιών επιβολής του νόμου έχουν επιστρέψει με συνοπτικές διαδικασίες αιτούντες άσυλο και μετανάστες στα θαλάσσια και χερσαία σύνορα με την Τουρκία κατά τη διάρκεια των μέτρων περιορισμού της κυκλοφορίας λόγω του Covid-19, ανακοίνωσε σήμερα η Human Rights Watch. Οι αξιωματικοί σε ορισμένες περιπτώσεις χρησιμοποίησαν βία κατά των αιτούντων άσυλο, συμπεριλαμβανομένων ορισμένων που βρίσκονταν βαθιά στην ενδοχώρα, και συχνά κατείσχαν και κατέστρεψαν τα υπάρχοντα των μεταναστών.

Κατά την αξιολόγηση 9 περιπτώσεων, η Human Rights Watch δεν εντόπισε στοιχεία που να αποδεικνύουν ότι οι αρχές έλαβαν οποιεσδήποτε προφυλάξεις ώστε να αποτρέψουν τον κίνδυνο μετάδοσης του Covid-19 στους μετανάστες ή μεταξύ των μεταναστών ενώ αυτοί τελούσαν υπό κράτηση. Αυτά τα ευρήματα προστίθενται στον αυξανόμενο αριθμό καταχρηστικών πρακτικών που διαπίστωσαν μη κυβερνητικές οργανώσεις και ΜΜΕ, οι οποίες αφορούν εκατοντάδες άτομα που συνελήφθησαν και επαναπροωθήθηκαν από την Ελλάδα στην Τουρκία από αξιωματικούς των ελληνικών υπηρεσιών επιβολής του νόμου ή άγνωστης ταυτότητας μασκοφόρους άνδρες τους τελευταίους μήνες. Οι επαναπροωθήσεις παραβιάζουν κανόνες ανθρωπίνων δικαιωμάτων, συμπεριλαμβανομένων εκείνων κατά των [μαζικών απελάσεων](#) βάσει της Ευρωπαϊκής Σύμβασης για τα Δικαιώματα του Ανθρώπου.

«Οι ελληνικές αρχές δεν πτοήθηκαν από τα μέτρα περιορισμού της κυκλοφορίας που εφαρμόστηκαν σε εθνικό επίπεδο και επιδόθηκαν σε ένα νέο κύμα μαζικών απελάσεων», είπε η [Εύα Κοσσέ](#), ερευνήτρια της Human Rights Watch υπεύθυνη για την Ελλάδα. «Αντί να προστατεύσουν τους πλέον ευάλωτους ανθρώπους κατά τη διάρκεια της παγκόσμιας αυτής κρίσης, οι ελληνικές αρχές τούς έχουν βάλει στο στόχαστρο καταστρατηγώντας πλήρως το δικαίωμά τους να αιτηθούν άσυλο και χωρίς καμία μέριμνα για την υγεία τους».

Η Human Rights Watch πήρε συνέντευξη από 13 θύματα και μάρτυρες που περιέγραψαν περιστατικά, στα οποία η Ελληνική Αστυνομία, η Ελληνική Ακτοφυλακή και άνδρες αγνώστου ταυτότητας ντυμένοι στα μαύρα ή με ένδυμα παραλλαγής, που φαίνεται να συνεργάζονται στενά με τις ένστολες αρχές, επαναπροώθησαν βίαια τους μετανάστες στην Τουρκία τον Μάρτιο και τον Απρίλιο 2020.

Έξι από τα άτομα που παραχώρησαν συνέντευξη είπαν ότι αξιωματικοί της Ελληνικής Αστυνομίας συνέλεξαν άτομα με σκοπό τα την απέλαση από τον καταυλισμό στα Διαβατά για αιτούντες άσυλο (Θεσσαλονίκη), σε απόσταση 400 χιλιομέτρων από τα χερσαία σύνορα με την Τουρκία. Αυτή είναι η πρώτη φορά που η Human Rights Watch έχει καταγράψει μαζικές απελάσεις αιτούντων άσυλο από την βαθιά ενδοχώρα, μέσω του Έβρου.

Έξι αιτούντες άσυλο από τη Συρία, την Παλαιστίνη και το Ιράν, συμπεριλαμβανομένου ενός 15-χρονου ασυνόδευτου κοριτσιού από τη Συρία, περιέγραψαν τρία περιστατικά τον Μάρτιο και τον Απρίλιο, όπου το προσωπικό της Ελληνικής Ακτοφυλακής, η Ελληνική Αστυνομία και ένοπλοι μασκοφόροι με σκουρόχρωμα ρούχα συντόνισαν και πραγματοποίησαν επαναπροωθήσεις με συνοπτικές διαδικασίες στην Τουρκία από τη Ρόδο, τη Σάμο και τη Σύμη.

Όλοι τους είπαν ότι τους συνέλλεξαν στα νησιά λίγο μετά την άφιξή τους, τους τοποθέτησαν σε μεγαλύτερα σκάφη της Ελληνικής Ακτοφυλακής και, όταν έφθασαν στα θαλάσσια σύνορα, τους ανάγκασαν να επιβιβαστούν σε μικρές φουσκωτές σωστικές λέμβους, χωρίς κινητήρα, και τους άφησαν να πλέουν σε αυτά τα ακυβέρνητα σκάφη κοντά στα τουρκικά χωρικά ύδατα.

Άλλος ένας αιτών άσυλο περιέγραψε ένα τέταρτο περιστατικό, όπου η Ελληνική Ακτοφυλακή και άνδρες αγνώστου ταυτότητας με περιβολή σκούρου χρώματος και κουκούλα κατέφυγαν σε επικίνδυνους ελιγμούς για να αναγκάσουν μία βάρκα γεμάτη μετανάστες να επιστρέψει στην Τουρκία.

Στις 10 Ιουνίου ο Διεθνής Οργανισμός Μετανάστευσης (ΔΟΜ) [ανακοίνωσε](#) ότι είχε λάβει καταγγελίες για την αυθαίρετη σύλληψη μεταναστών στην Ελλάδα και την επαναπροώθησή τους στην Τουρκία και ζήτησε από την Ελλάδα να τις διερευνήσει. Στις 12 Ιουνίου η Ύπατη Αρμοστεία του ΟΗΕ για τους Πρόσφυγες (UNHCR) [παρότρυνε την Ελλάδα να διερευνήσει](#) πολλαπλές καταγγελίες για επαναπροωθήσεις από τις ελληνικές αρχές στα θαλάσσια και χερσαία σύνορά της, πιθανώς επιστρέφοντας μετανάστες και αιτούντες άσυλο στην Τουρκία, αφού έφθασαν σε ελληνικό έδαφος ή σε ελληνικά χωρικά ύδατα.

Λόγω της πανδημίας Covid-19, η ελληνική κυβέρνηση επέβαλε περιορισμούς στις μετακινήσεις σε ολόκληρη την χώρα από τις 13 Μαρτίου έως τις αρχές Μαΐου. Μετανάστες και αιτούντες άσυλο περιορίστηκαν κλειδωμένοι σε ορισμένους καταυλισμούς, κυρίως στα ελληνικά νησιά, όπου συνεχίζονται οι περιορισμοί στην ελευθερία μετακινήσεων μέχρι και σήμερα.

Η Human Rights Watch έστειλε επιστολές στην Ελληνική Αστυνομία και στην Ελληνική Ακτοφυλακή στις 29 Ιουνίου, παρουσιάζοντας στις αρχές μία σύνοψη ευρημάτων, αλλά δεν έλαβε απάντηση. Η Ελληνική Ακτοφυλακή υπέδειξε ότι θα απαντήσει αλλά κατά τον χρόνο της παρούσας δημοσίευσης δεν είχαμε λάβει κάποια απάντηση.

Οι ελληνικές δικαστικές αρχές οφείλουν να πραγματοποιήσουν ενδελεχή και αμερόληπτη έρευνα των ισχυρισμών σύμφωνα με τους οποίους το προσωπικό της Ελληνικής Ακτοφυλακής και της Ελληνικής Αστυνομίας συμμετέχει σε πράξεις που θέτουν σε κίνδυνο τη ζωή και την ασφάλεια των μεταναστών και των αιτούντων άσυλο, είπε η Human Rights Watch. Οποιοσδήποτε αξιωματικός συμμετέχει σε παράνομες πράξεις, καθώς και οι διοικητές τους, οφείλουν να υπόκεινται σε πειθαρχικές κυρώσεις και, κατά περίπτωση, σε ποινική δίωξη.

Η Βουλή των Ελλήνων πρέπει επειγόντως να διενεργήσει έρευνα για όλους τους ισχυρισμούς περί συλλογικών απελάσεων, συμπεριλαμβανομένων των επαναπροωθήσεων, και περί βίας στα σύνορα και να αποφανθεί εάν συνιστούν μία *de facto* πολιτική της κυβέρνησης.

Ο Συνήγορος του Πολίτη, ανεξάρτητη εθνική αρχή, οφείλει να εξετάσει το ζήτημα των συνοπτικών και μαζικών απελάσεων και να εκδώσει έκθεση με συστάσεις προς τις ελληνικές αρχές, είτε η Human Rights Watch,

Η Ευρωπαϊκή Επιτροπή, που παρέχει οικονομική στήριξη στην ελληνική κυβέρνηση για τον έλεγχο της μετανάστευσης, συμπεριλαμβανομένων της περιοχής του Έβρου και του Αιγαίου, οφείλει να παροτρύνει την Ελλάδα να βάλει ένα τέλος στις επαναπροωθήσεις με συνοπτικές διαδικασίες και στις μαζικές απελάσεις αιτούντων άσυλο στην Τουρκία, να πιέσει τις αρχές ώστε να διερευνήσουν τις καταγγελίες περί βίας και να εξασφαλίσει ότι κανένα κονδύλι χρηματοδότησής της δεν συμβάλει σε παραβιάσεις των θεμελιωδών δικαιωμάτων και νομοθεσιών της ΕΕ. Η Ευρωπαϊκή Επιτροπή οφείλει επίσης να κινηθεί νομικές διαδικασίες κατά της Ελλάδας για την παραβίαση της ενωσιακής νομοθεσίας που απαγορεύει τις μαζικές απελάσεις.

Στις [6 Ιουλίου](#), κατά τη διάρκεια συζήτησης στο Ευρωπαϊκό Κοινοβούλιο για τα θεμελιώδη δικαιώματα στα ελληνικά σύνορα, η Ευρωπαϊκή Επίτροπος Εσωτερικών Υποθέσεων, Ylva Johansson, είπε ότι τα περιστατικά πρέπει να διερευνώνται και ανέφερε ότι η Ευρωπαϊκή Επιτροπή μπορεί να εξετάσει ένα νέο σύστημα παρακολούθησης και εξακρίβωσης των καταγγελιών επαναπροωθήσεων εν μέσω αυξανόμενων ισχυρισμών καταχρηστικών πρακτικών στα εξωτερικά σύνορα της ΕΕ. Η Επιτροπή οφείλει να λάβει σαφή μέτρα ώστε να κινηθεί μία ανεξάρτητη και διαφανή έρευνα σε διαβούλευση με μέλη της κοινωνίας των πολιτών, είτε η Human Rights Watch.

Όσοι αναζητούν διεθνή προστασία έχουν δικαίωμα να αιτούνται άσυλο και πρέπει να τους δίνεται αυτή η ευκαιρία. Οι επιστροφές πρέπει να ακολουθούν μία διαδικασία που να παρέχει πρόσβαση σε αποτελεσματικά ένδικα μέσα και διασφαλίσεις κατά της επαναπροώθησης – επιστροφής σε μία χώρα όπου είναι πιθανό οι αιτούντες άσυλο να υποστούν διώξεις και βάνανυση συμπεριφορά.

«Η Ελλάδα έχει την υποχρέωση να συμπεριφέρεται σε όλους ανθρώπινα και να μην επαναφέρει τους πρόσφυγες και τους αιτούντες άσυλο σε διώξεις ή σε οποιονδήποτε πραγματικό κίνδυνο απάνθρωπης και εξευτελιστικής μεταχείρισης ή και χειρότερα» είπε η Κοσσέ. «Η εξάλειψη τέτοιων επικίνδυνων περιστατικών πρέπει να αποτελέσει προτεραιότητα τόσο για την ελληνική κυβέρνηση όσο και για την Ευρωπαϊκή Επιτροπή».

Επαναπροωθήσεις στην Τουρκία από τη Θάλασσα

Μεταξύ 29 Μαΐου και 6 Ιουνίου η Human Rights Watch πήρε συνέντευξη από έξι άνδρες από το Ιράν, την Παλαιστίνη και τη Συρία και από ένα 15χρονο ασυνόδευτο κορίτσι από τη Συρία, που βρίσκονταν στην Τουρκία και που περιέγραψαν τρία περιστατικά όπου είπαν ότι η Ελληνική Ακτοφυλακή, αξιωματικοί της Ελληνικής Αστυνομίας και άνδρες χωρίς διακριτικά ντυμένοι στα μαύρα ή με παραλλαγή συντόνισαν συνοπτικές επιστροφές από τη Σύμη, τη Σάμο και τη Ρόδο τον Μάρτιο και τον Απρίλιο. Σε ένα τέταρτο περιστατικό, η Ελληνική Ακτοφυλακή και ένστολοι κουκουλοφόροι άνδρες χωρίς διακριτικά επιδόθηκαν σε επικίνδυνους χειρισμούς για να εξαναγκάσουν ένα σκάφος γεμάτο μετανάστες να επιστρέψει στην Τουρκία από το Αιγαίο.

Ο Μαρβάν (ψευδώνυμο), 33 ετών, από τη Συρία, είπε ότι στις 8 Μαρτίου, η Ελληνική Ακτοφυλακή επιδόθηκε σε απειλητικούς για τη ζωή χειρισμούς ώστε να αναγκάσει μία μικρή βάρκα που μετέφερε τον ίδιο και 22 άλλους επιβάτες, συμπεριλαμβανομένων γυναικών και παιδιών, να επιστρέψει στην Τουρκία:

Είδαμε ένα σκάφος της Ελληνικής Ακτοφυλακής. Ήταν μεγάλο και έφερε την ελληνική σημαία... Άρχισαν να σπρώχνουν τη βάρκα μας προς τα πίσω και προκαλώντας κύματα έκαναν δύσκολη τη συνέχιση της πορείας μας... Ήταν σαν μία μάχη – σαν να ζούσαμε στη Συρία, νομίζαμε ότι θα πεθάνουμε.

Σε τρεις περιπτώσεις συνοπτικών επιστροφών ατόμων που είχαν ήδη βγει στη στεριά, αξιωματικοί της Ελληνικής Αστυνομίας τους συνέλαβαν εντός λίγων ωρών από την αποβίβασή τους και τους απέλασαν με συνοπτικές διαδικασίες στην Τουρκία. Όσοι παραχώρησαν συνέντευξη είπαν ότι αναγκάστηκαν να επιβιβαστούν αρχικά σε μεγάλα σκάφη της Ελληνικής Ακτοφυλακής και έπειτα σε φουσκωτές σωστικές σχεδίες, χωρίς κινητήρα, και ότι τους άφησαν ακυβέρνητους κοντά στα τουρκικά θαλάσσια σύνορα. Σε όλες τις περιπτώσεις, είπαν ότι οι Έλληνες αξιωματικοί έκλεψαν τα υπάρχοντα των ανθρώπων, που περιλάμβαναν ταυτότητες, τσάντες και χρήματα.

Αυτά τα ευρήματα προστίθενται στον ολοένα αυξανόμενο αριθμό καταχρηστικών πρακτικών που διαπιστώθηκαν από μη κυβερνητικές ομάδες, συμπεριλαμβανομένων των [Alarm Phone](#) και [Aegean Boat Report](#), καθώς και από το έγκριτο ειδησεογραφικό πρακτορείο [Deutsche Welle](#) και [Just Security](#). Η Human Rights Watch κατάφερε να ταυτοποιήσει 26 περιστατικά που αναφέρθηκαν σε δημοσιεύματα άλλων φορέων, τα οποία συνέβησαν μεταξύ Μαρτίου και αρχών Ιουλίου και αφορούσαν τουλάχιστον 855 άτομα. Το 2015, η Human Rights Watch είχε καταγράψει ότι ένοπλοι μασκοφόροι, αχρήστευαν λέμβους που μετέφεραν μετανάστες και αιτούντες άσυλο στο Αιγαίο και τις επαναπροωθούσαν στα τουρκικά χωρικά ύδατα.

Ο Καρίμ (ψευδώνυμο), 36 ετών, από τη Συρία, είπε ότι έφθασε με πλοίο στη Σύμη στις 21 Μαρτίου μαζί με περίπου 30 άλλους Σύρους, συμπεριλαμβανομένων τουλάχιστον 10 παιδιών. Είπε ότι η Ελληνική Αστυνομία πλησίασε την ομάδα λίγες ώρες μετά την άφιξή τους. Εξήγησαν ότι ήθελαν να αιτηθούν άσυλο αλλά οι αξιωματικοί τους έθεσαν υπό κράτηση σε έναν ανεπίσημο λιμένα και τους επέστρεψαν με συνοπτικές διαδικασίες στην Τουρκία δύο ημέρες αργότερα, είπε. Τους επιβίβασαν σε στρατιωτικό σκάφος μέχρι τα ανοιχτά, όπου έριξαν βίαια τους αιτούντες άσυλο – συμπεριλαμβανομένων των παιδιών και ατόμων με αναπηρία – από το κατάστρωμα του πλοίου σε μία φουσκωτή λέμβο:

[Ε]κείνοι [η Ελληνική Αστυνομία] μας έβαλαν σε στρατιωτικό σκάφος και μας έσπρωξαν [από το κατάστρωμα] σε [φουσκωτή] λέμβο που δεν είχε κινητήρα. Μας άφησαν μέσα στη λέμβο και μας πήραν όλα τα προσωπικά μας αντικείμενα, τα χρήματά μας, τις ταυτότητές μας. Στη λέμβο πάνω ζαλιζόμασταν. Κάναμε εμετό. Εκείνοι [η Ελληνική Ακτοφυλακή] δεν μας είπαν κάτι... Ήμασταν μεσοπέλαγα. Καλέσαμε την Τουρκική Ακτοφυλακή. Ήρθαν και συνέλεξαν τη λέμβο μας.

Ο Καρίμ και η ευρύτερη οικογένειά του κρατούνταν στο Προαναχωρησιακό Κέντρο της Matalya στην ανατολική περιφέρεια της Τουρκίας και σε τρία άλλα κέντρα κράτησης στην Τουρκία, επί επτά εβδομάδες. Τους άφησαν ελεύθερους στις 7 Μαΐου.

Σε άλλο περιστατικό στα τέλη Μαρτίου, 17 άνδρες και μία γυναίκα καθώς και ένα ασυνόδευτο κορίτσι, από το Ιράν, την Παλαιστίνη και τη Συρία, συνελήφθησαν σε αυτοκινητόδρομο στη Ρόδο, μία ώρα μετά την άφιξή τους και τους ανάγκασαν να επιστρέψουν στην ακτή. Τους κράτησαν σε αντίσκηνο επί δύο ημέρες, χωρίς τρόφιμα και νερό, και έπειτα, την τρίτη μέρα, τους ανάγκασαν να επιβιβαστούν σε σκάφος που πίστευαν ότι ήταν της Ελληνικής Ακτοφυλακής, και τους εγκατέλειψαν αβοήθητους στη θάλασσα μέσα σε μία σωσίβια σχεδία χωρίς κινητήρα. Η Human Rights Watch συνέλεξε τις μαρτυρίες τεσσάρων διαφορετικών ατόμων για το ίδιο περιστατικό, στις οποίες όσοι παραχώρησαν συνέντευξη αφηγήθηκαν παρόμοια γεγονότα. Τους διέσωσε η Τουρκική Ακτοφυλακή.

Η Λέιλα Λ.(ψευδώνυμο), 15 ετών, ένα κορίτσι από τη Συρία που ταξίδευε ασυνόδευτο, είπε:

Την τρίτη ημέρα, ήταν νύχτα, δεν γνωρίζουμε τι ώρα, μας είπαν να μετακινηθούμε ... έμοιαζαν με κομάντο του στρατού και κρατούσαν όπλα. Ήταν έξι στο σύνολο, φορούσαν μάσκες... και μας σημάδευαν με τα όπλα τους. Μας έσπρωξαν με φρικτό τρόπο κι έσπρωξαν και τις τσάντες μας στη θάλασσα. Προτού επιβιβαστούμε στο πρώτο σκάφος, μας πήραν όλα μας τα υπάρχοντα – τα τηλέφωνα μας, τις ταυτότητές μας, τις τσάντες μας... τα πάντα εκτός από τα ρούχα που φορούσαμε. Φοβηθήκαμε πολύ. Ορισμένοι έκαναν και εμετό. Φανταστείτε πώς θα νοιώθατε εάν ήσασταν μεσοπέλαγα και δεν γνωρίζατε τι θα σας συμβεί. Μείναμε από δύο έως τρεις ώρες [στη θάλασσα]. Η βάρκα δεν είχε κινητήρα. Ήταν βάρκα διάσωσης. Έμοιαζε με λέμβο. Μετά από δύο με τρεις ώρες, η Τουρκική Ακτοφυλακή μας έβγαλε στη στεριά.

Σε άλλο περιστατικό, ο Χασάν (ψευδώνυμο), 29 ετών, Παλαιστίνιος πρόσφυγας από τη Γάζα, είπε ότι η αστυνομία τον συνέλαβε μαζί με την ομάδα του, γύρω στα 25 άτομα, ατόμων περίπου τρεις ώρες μετά την άφιξή τους στη Σάμο, την τρίτη εβδομάδα του Μαρτίου. Είπε ότι η αστυνομία τους οδήγησε στην ακτή όπου περίμενε άλλη ομάδα αστυνομικών και αξιωματικών της Ελληνικής Ακτοφυλακής:

Η Ελληνική Ακτοφυλακή μας επιβίβασε σε ένα μεγάλο σκάφος... Ταξιδεύαμε επί τρεις ώρες αλλά μετά μας επιβίβασαν σε μια μικρή βάρκα. Έμοιαζε με λέμβο. Ήταν φουσκωτή και δεν είχε κινητήρα. Ήταν σαν τις σωσίβιες λέμβους που έχουν στα πλοία σε περίπτωση έκτακτης ανάγκης. Μας εγκατέλειψαν μόνους στη θάλασσα. Δεν είχαμε φαγητό ή νερό. Μας άφησαν εκεί επί δύο νύχτες. Είχαμε και παιδιά μαζί μας....

Ο Χασάν είπε ότι την τρίτη μέρα επέστρεψε ένα σκάφος της Ελληνικής Ακτοφυλακής, τους πέταξαν ένα σκοινί και τους «ρυμουλκούσε επί δύο ώρες στη θάλασσα» για να τους αφήσει σε σημείο πλησιέστερο στα τουρκικά χωρικά ύδατα. Τους διέσωσε η Τουρκική Ακτοφυλακή.

Σε βιντεοσκοπημένο υλικό που ανέλυσε η Human Rights Watch από ένα συμβάν που λέγεται ότι έλαβε χώρα στον θαλάσσιο χώρο μεταξύ Λέσβου και Τουρκίας στις 25 Μαΐου εικονίζονται γυναίκες, άνδρες και παιδιά να πλέουν ακυβέρνητοι σε μία φουσκωτή πορτοκαλί σωσίβια

σχεδία, από εκείνες που μοιάζουν με αντίσκηνο, ενώ στο βάθος διακρίνονται τρεις ακόμη σχεδίες. Οι σχεδίες είναι κατασκευασμένες από την ελληνική εταιρεία «Λάλιζας», η οποία σύμφωνα με [δημόσια διαθέσιμες πληροφορίες](#) είναι τουλάχιστον μία από τις φίρμες που προμηθεύεται το Υπουργείο Ναυτιλίας και Νησιωτικής Πολιτικής. Το άτομο που μιλά στο βίντεο ισχυρίζεται ότι η Ελληνική Ακτοφυλακή τους επιβίβασε στις σχεδίες για να τους επιστρέψει με τη βία στην Τουρκία.

Η Human Rights Watch επικοινωνήσε μέσω email με την εταιρεία «Λάλιζας» με ερωτήσεις για τη χρήση των σωσίβιων σχεδιών από την Ελληνική Ακτοφυλακή, αλλά δεν έλαβε απάντηση.

Σε δήλωσή του στις 10 Ιουνίου, ο Διεθνής Οργανισμός Μετανάστευσης σημειώνει ότι «τα πλάνα όπου διακρίνεται η χρήση πλωτών μέσων διάσωσης για την απομάκρυνση των μεταναστών στο Ανατολικό Αιγαίο προκαλούν ιδιαίτερη ανησυχία».

Συλλογικές Απελάσεις στα Χερσαία Σύνορα

Τον Μάιο η Human Rights Watch πήρε συνέντευξη από έξι άνδρες από το Αφγανιστάν που περιέγραψαν πέντε διαφορετικά περιστατικά στα οποία τους επέστρεψαν με συνοπτικές διαδικασίες από την Ελλάδα στην Τουρκία τον Μάρτιο και τον Απρίλιο. Έδωσαν αναλυτικές περιγραφές της σύλληψής τους από την Ελληνική Αστυνομία στον καταυλισμό στα Διαβατά, έναν χώρο υποδοχής στη Θεσσαλονίκη.

Είπαν ότι η αστυνομία τους οδήγησε σε χώρους που νόμιζαν πως ήταν αστυνομικά τμήματα, αν και δεν μπορούσαν πάντα να τα ταυτοποιήσουν, ή σε ένα ανεπίσημο κέντρο κράτησης που είπαν πως ήταν σαν μικρή φυλακή, κοντά στα ελληνοτουρκικά σύνορα, τους έκλεψαν τα προσωπικά τους αντικείμενα, συμπεριλαμβανομένης της ταυτότητας, του τηλεφώνου και των ρούχων τους, τους ξυλοκόπησαν με ξύλινα ή μεταλλικά ραβδιά και τους απέλασαν με συνοπτικές διαδικασίες στην Τουρκία.

Σε μία περίπτωση, ένας 19χρονος άνδρας από την Καπίσα του Αφγανιστάν έδωσε στη Human Rights Watch μία φωτογραφία των τραυμάτων του – κόκκινα σημάδια με μορφή λωρίδων σε όλη την πλάτη του – που προκλήθηκαν, καθώς είπε, από ξυλοδαρμό από άτομα τα οποία πίστευε ότι ήταν αστυνομικοί.

Οι αναφορές από την Human Rights Watch και άλλες ομάδες υποδηλώνουν ότι οι συλλογικές απελάσεις ατόμων με έγγραφα που επιτρέπουν την παραμονή τους στην Ελλάδα, από βαθιά στην ενδοχώρα, φαίνεται να είναι μια νέα τακτική των ελληνικών δυνάμεων επιβολής του νόμου.

Πέντε από τους άνδρες είχαν προμηθευτεί έγγραφο από τις αστυνομικές αρχές στη Θεσσαλονίκη που τους έδινε το δικαίωμα να παραμείνουν στην Ελλάδα για διάστημα μέχρι τριάντα ημέρες. Ενώ το έγγραφο συνιστά επίσημα εντολή απέλασης, το άτομο πρέπει να έχει την ευκαιρία να αιτηθεί άσυλο κατά τη διάρκεια της περιόδου 30 ημερών, εάν το επιθυμεί, και το έγγραφο δύναται να ανανεωθεί υπό συγκεκριμένες προϋποθέσεις.

Οι άνδρες είπαν ότι είτε δεν είχαν καταλάβει τα δικαιώματά τους είτε δεν ήταν σε θέση να αιτηθούν άσυλο ή να ανανεώσουν το συγκεκριμένο έγγραφο εξαιτίας της διακοπής λειτουργίας

των δημόσιων υπηρεσιών λόγω Covid-19. Είπαν ότι προτού επιστρέψουν στην Τουρκία, στις εβδομάδες μετά την απαγόρευση κυκλοφορίας σε εθνικό επίπεδο λόγω Covid-19, είδαν δυνάμεις της Ελληνικής Αστυνομίας να επισκέπτονται τον καταυλισμό στα Διαβατά σε σχεδόν καθημερινή βάση και να επιστρέφουν στην Τουρκία τους διαμένοντες των οποίων τα έγγραφα είχαν λήξει.

Η Ελλάδα ανέστειλε το δικαίωμα υποβολής αιτήσεων ασύλου για όσους έφτασαν παράτυπα μεταξύ 1ης και 31ης Μαρτίου, μετά από εντάσεις στα ελληνοτουρκικά χερσαία σύνορα στο τέλος Φεβρουαρίου λόγω σημαντικής και ταχείας αύξησης των ατόμων που προσπαθούσαν να περάσουν τα σύνορα. Στην [Πράξη Νομοθετικού Περιεχομένου προβλέπεται ότι αυτά τα άτομα](#) θα επιστρέφονται στην χώρα προέλευσης ή διέλευσης «χωρίς καταγραφή».

Η κατάσταση επιδεινώθηκε περαιτέρω επειδή η Υπηρεσία Ασύλου ανέστειλε τις υπηρεσίες της προς το κοινό μεταξύ 13 Μαρτίου και 15 Μαΐου ως μέτρο προστασίας κατά της μετάδοσης του ιού Covid-19. Κατά την περίοδο αυτή, δεν καταχωρίστηκαν αιτήματα διεθνούς προστασίας, δεν έλαβαν χώρα συνεντεύξεις και δεν καταχωρίστηκαν προσφυγές. Η Υπηρεσία Ασύλου ξεκίνησε να λειτουργεί πλήρως στις 18 Μαΐου, αλλά το [Ελληνικό Συμβούλιο Προσφύγων](#), μία μη κυβερνητική ομάδα που παρέχει νομική συνδρομή σε αιτούντες άσυλο, είπε ότι δεν είχαν κατατεθεί νέες αιτήσεις ασύλου μέχρι τέλος Μαΐου με εξαίρεση άτομα υπό διοικητική κράτηση.

Η [ελληνική νομοθεσία](#) απαιτεί οι αρχές να προνοούν προκειμένου οι συνθήκες υποδοχής των υπηκόων τρίτων χωρών που συλλαμβάνονται λόγω της παράνομης εισόδου ή που διαμένουν στην Ελλάδα να εγγυώνται τα ανθρώπινα δικαιώματα και την ανθρώπινη αξιοπρέπεια σύμφωνα με τα διεθνή πρότυπα. Κατά την διαδικασία υποδοχής και ταυτοποίησης, οι αρχές οφείλουν να παρέχουν κοινωνικοψυχολογική στήριξη και πληροφορίες για τα δικαιώματα των μεταναστών και των αιτούντων άσυλο, συμπεριλαμβανομένου του δικαιώματος υποβολής αίτησης ασύλου, και να παραπέμπουν ευάλωτα άτομα, όπως τα ασυνόδευτα παιδιά και τα θύματα βασανιστηρίων, στις κοινωνικές υπηρεσίες.

Ο Μοσταφά (ψευδώνυμο), 19 ετών, από το Αφγανιστάν, είπε ότι κατά τα μέσα Απριλίου η Ελληνική Αστυνομία τον συνέλαβε από τον καταυλισμό στα Διαβατά, τον προσήγαγε σε αστυνομικό τμήμα κοντά στον καταυλισμό κι έπειτα τον μετέφερε σε άλλο μικρό κέντρο κράτησης κοντά στα σύνορα, όπου κρατήθηκε για μία νύχτα, και τέλος τον ανάγκασε να επιβιβαστεί σε βάρκα και τον απέλασε στην Τουρκία:

Όταν ήρθε [η αστυνομία] να ελέγξει τα χαρτιά μου [στον καταυλισμό στα Διαβατά] τους είπα ότι δεν μπορούσα να τα ανανεώσω επειδή το γραφείο ήταν κλειστό, αλλά δεν μου έδωσαν σημασία... Δεν μας έδωσαν καθόλου χρόνο. Μας επιβίβασαν στο λεωφορείο και είπαν, «Θα σας πάμε να ανανεώσετε τα χαρτιά σας». Μας χτυπούσαν συνεχώς... [Μ]ας πήγαν στο αστυνομικό τμήμα κοντά στον καταυλισμό. Εκεί υπήρχαν κι άλλα άτομα, 10 άτομα συνολικά... [Μ]ας άφησαν στη βροχή για λίγες ώρες και μετά μας μετέφεραν στα σύνορα με λεωφορείο. Ήταν και δύο παιδιά μαζί μας – περίπου 15 ή 16 ετών... Όταν μας πήγαν στο αστυνομικό τμήμα, μου πήραν το παλτό μου, έμεινα μόνο με το παντελόνι και ένα μπλουζάκι, και στα σύνορα, τα πήραν και αυτά. Πήραν τα πάντα, τα χρήματά μου, την ταυτότητά μου, το τηλέφωνό μου.

Ο Μοσταφά έδωσε την ακόλουθη περιγραφή του κέντρου κράτησης κοντά στα σύνορα και της μυστικής απέλασης που ακολούθησε:

Έμοιαζε με μικρό αστυνομικό τμήμα. Υπήρχαν τουαλέτες. Υπήρχαν και άλλοι μετανάστες εκεί. Ήταν σε απόσταση περίπου 4,5 ωρών από τα σύνορα. Μας μετέφεραν μέσα σε ένα λεωφορείο που έμοιαζε με φυλακή. Μείναμε σε αυτήν την μικρή φυλακή για μία νύχτα, δεν δόθηκαν τρόφιμα. Στις 10 ή 11 τη νύχτα μας πήγαν στα σύνορα. Τα διέσχισα με βάρκα. Ήμασταν 18 άτομα μέσα σε μία βάρκα. Μας πήρε 6 ή 7 λεπτά – έπειτα φτάσαμε στην τουρκική πλευρά. [Η] αστυνομία στεκόταν στα σύνορα [στην ελληνική πλευρά] και μας κοίταζε.

Δύο άνδρες που περιέγραφαν δύο ξεχωριστά περιστατικά, είπαν ότι η αστυνομία τούς οδήγησε σε ένα ανεπίσημο κέντρο κράτησης κοντά στα σύνορα. Περιέγραψαν τις τοποθεσίες κράτησης ως «μικρές φυλακές» και είπαν ότι κρατήθηκαν εκεί για μία ή δύο ημέρες.

Τέσσερις από τους έξι αιτούντες άσυλο είπαν ότι οι Ελληνικές Δυνάμεις Ασφαλείας τούς κακομεταχειρίστηκαν, καθ' όλη τη διάρκεια της απέλασής τους με συνοπτικές διαδικασίες, χτυπώντας τους με βαριά μεταλλικά, πλαστικά ή ξύλινα ραβδιά.

Ο Μοχάμεντ (ψευδώνυμο), 24 ετών, από το Αφγανιστάν, είπε:

Είχαν το ραβδί που φέρουν όλοι οι αστυνομικοί Το ραβδί είναι κατασκευασμένο από πλαστικό, αλλά είναι πολύ βαρύ. Φορούσαν μαύρες στολές. Δεν μπορούσα να διακρίνω όλη την στολή – δεν μπορούσα να διακρίνω τα πρόσωπά τους - όταν κοίταζα προς τα πάνω μας χτυπούσαν. Ξυλοφόρτωναν έναν μετανάστη επί 5 λεπτά ... Ήταν οχτώ στο σύνολο – μας ρώτησαν εάν ερχόμασταν από τη Θεσσαλονίκη και όταν είπαμε «ναι» άρχισαν να μας χτυπούν.

Όσοι παραχώρησαν συνέντευξη είπαν ότι οι Ελληνικές Δυνάμεις Ασφαλείας τούς αφαίρεσαν τα ρούχα, αφήνοντάς τους μόνο με τα εσώρουχα ή με ελάχιστο ρουχισμό, καθώς και τα υπάρχοντά τους, συμπεριλαμβανομένων ταυτότητας, χρημάτων, τηλεφώνων και τσαντών, προτού τους προωθήσουν στην Τουρκία.

Σε έκθεση που δημοσιεύθηκε τον Μάρτιο, η Human Rights Watch [κατέγραψε](#) ότι οι Ελληνικές Δυνάμεις Ασφαλείας και ένοπλοι άνδρες αγνώστου ταυτότητας στα χερσαία σύνορα προέβησαν σε κρατήσεις, επιθέσεις, σεξουαλικές επιθέσεις, κλοπές και αφαίρεση ενδυμάτων αιτούντων άσυλο και μεταναστών και στη συνέχεια τους επαναπροώθησαν στην Τουρκία. Στα τέλη Ιουνίου, ο Εισαγγελέας του Αρείου Πάγου [ξεκίνησε ποινική έρευνα](#), κατόπιν μηνυτήριας αναφοράς του Ελληνικού Παρατηρητηρίου των Συμφωνιών του Ελσίνκι, μίας μη κυβερνητικής ομάδας, για τις παράνομες επαναπροωθήσεις και τη βία που κατέγραψαν η Human Rights Watch και άλλοι, καθώς και για τους πυροβολισμούς και τον θάνατο δύο ατόμων στον Έβρο τον Μάρτιο.

Η Human Rights Watch είχε καταγράψει παρόμοιες καταστάσεις το [2008](#) και [2018](#). Τον Μάρτιο 2019, ο Εισαγγελέας της Ορεστιάδας στον Έβρο [κίνησε έρευνα](#) αναφορικά με τις επαναλαμβανόμενες καταγγελίες συστηματικής βίας κατά μεταναστών και αιτούντων άσυλο στον Έβρο, με βάση την έκθεση της Human Rights Watch του 2018 και την έκθεση τριών μη κυβερνητικών ομάδων, συμπεριλαμβανομένου του Ελληνικού Συμβουλίου Προσφύγων.

Το δίκτυο Border Violence Monitoring Network (BVMN), μία μη κυβερνητική ομάδα, έχει στοιχειοθετήσει εκτενή [βάση δεδομένων μαρτυριών](#) από άτομα που επαναπροωθήθηκαν από την Ελλάδα στην Τουρκία μέσω του Έβρου. Μεταξύ 31 Μαρτίου και 28 Απριλίου, το BVMN έχει αναφέρει τουλάχιστον 7 περιστατικά που αφορούν περισσότερα από 306 άτομα. Μεταξύ αυτών των [περιπτώσεων](#), συμπεριλαμβάνονται έξι άτομα που διέθεταν νομικά έγγραφα τα οποία νομιμοποιούσαν τη διαμονή τους στην Ελλάδα, όταν τους απέλασαν με συνοπτικές διαδικασίες.

24 Ιουλίου 2020: Αυτή η έκθεση έχει ενημερωθεί για να συμπεριλάβει αναφορά σε μια έκθεση του Just Security σχετικά με τις επιστροφές στο Αιγαίο Πέλαγος.

Παράρτημα VII
Εκτελεστική Σύνοψη της Έκθεσης της Διεθνούς Αμνηστίας με ημερομηνία 3
Απριλίου 2020

Η πλήρης έκθεση επισυνάπτεται στο τέλος του Παραρτήματος

<https://www.amnesty.org/download/Documents/EUR0120772020ENGLISH.PDF>

CAUGHT IN A POLITICAL GAME

ASYLUM-SEEKERS AND MIGRANTS ON THE GREECE/TURKEY BORDER PAY THE PRICE FOR EUROPE'S FAILURES

EXECUTIVE SUMMARY

On 27 February 2020, following statements from the Turkish authorities that the country's borders with the European Union (EU) would be opened, families and individuals from Afghanistan, Iraq, Syria and from many other countries made a rushed journey to the border region with Greece. Pursued by Turkish and international media, thousands seeking safety approached the border in scenes reminiscent of the 2015 mass irregular migration of asylum-seekers through Turkey's western borders and onwards through the EU.

On 18 March 2016 EU countries and Turkey had agreed the 'EU-Turkey deal',¹ aimed at returning all those arriving irregularly on the Greek islands – including asylum-seekers – back to Turkey. Turkey committed to 'prevent new sea or land routes for illegal migration'. In exchange, EU member states among other things agreed: to take one Syrian refugee from Turkey for every Syrian returned back to the country from the Greek islands; adopt visa liberalization measures for Turkish citizens; and mobilize significant financial support for reception and other projects benefitting refugees in Turkey. The arrival of people at the land border in 2020 came nearly four years after the deal was signed, amid accusations by the Turkish authorities that the EU had not honored its agreement to provide a €6 billion contribution to hosting up to 3.6 million Syrian refugees. These latter make up most of Turkey's refugee and asylum-seeker population of four million people.

The Turkish government's announcement on 27 February that it was opening the border with the EU was made concurrent with its "Spring Shield" military operation in Syria's Idlib province, launched after at least 34 Turkish soldiers were killed in a single attack in that province. The Syrian military (supported by Russia) had at that point advanced into the last stronghold controlled by Turkey-supported opposition armed groups. Turkey requested NATO assistance with the "Spring Shield" operation.

The movement of people seeking safety via Turkey's western borders was starkly different from 2015 movements – merely tolerated by Turkish authorities. In 2020, according to reports and in what appears a calculated political gesture, Turkish border guards and security forces actively prevented access to the Bulgarian border. At the same time, they encouraged and facilitated movement to the Greek border. Whether to pressure the EU for support to Turkey in Syria, increase funding for hosting refugees or for reasons of domestic politics, the move was reckless and destined to lead to harm for those who attempted the journey. Amnesty International spoke to asylum-seekers and migrants, some of whom had arrived on free buses, who stated they had understood from those operating the buses that the borders had been completely opened and they would be able to walk through unrestricted. It was not clear who had paid for

these buses, and some people we interviewed explained they had given up their accommodation and spent all their money to transport their families to the border.

The response from the Greek authorities was categoric. On 28 February Kyriakos Mitsotakis, the Greek Prime Minister, tweeted “Significant numbers of migrants and refugees have gathered in large groups at the Greek-Turkish land border and have attempted to enter the country illegally. I want to be clear: no illegal entries into Greece will be tolerated.” Greece bolstered its ground border forces, sending in troops that used tear gas, water cannons, plastic bullets against people attempting to cross the land border, and sent 52 ships to prevent arrivals to the islands.

Greece passed an emergency legislative Act on 2 March suspending new asylum applications for a month. In consequence, at sea most new arrivals were held arbitrarily in port facilities and other areas, unable to claim asylum and at risk of return to Turkey or to countries of ‘origin or transit’. Later on, Greece announced that due to the Covid-19 pandemic, asylum services stopped receiving claims. In the weeks following Turkey’s announcement to open its borders with the EU, hostility, threats and attacks soared against refugees, NGOs and journalists throughout the Greek islands. Greek authorities now face exceptional challenges due to the Covid-19 pandemic, but all measures need to be taken to provide adequate medical care to those in need.

Greece’s actions were initially supported by the EU, which, in the words of European Commission President Ursula von der Leyen, thanked the country for being “Europe’s shield.” The Greek authorities had in brazen violation of EU and international law temporarily suspended the right to seek asylum. In addition, evidence of grave abuses by Greek border troops had mounted, including excessive use of force, beatings, use of live ammunition and systematic pushbacks into Turkey.

Παράρτημα VIII

13 Ιουλίου 2020, Δελτίο Τύπου αναφορικά με έκθεση του Legal Centre Lesvos

Η πλήρης έκθεση επισυνάπτεται στο τέλος του Παραρτήματος

<https://legalcentrelesvos.org/2020/07/13/press-release-new-legal-centre-lesvos-report-details-collective-expulsions-in-the-aegean-sea/>

ΔΕΛΤΙΟ ΤΥΠΟΥ

Οι ελληνικές αρχές προβαίνουν σε παράνομες απελάσεις μεταναστών που έχουν φτάσει στην Ελλάδα και τους εγκαταλείπουν στη θάλασσα σε φουσκωτές βάρκες χωρίς κινητήρα. Σε έκθεση που δημοσιεύθηκε σήμερα από το LegalCentreLesvos, μαρτυρίες από 30 επιζώντες περιγράφουν λεπτομερώς τη συστηματική, παράνομη και ιδιαίτερα βίαιη μορφή αυτών των ομαδικών απελάσεων.

Αφότου οι ελληνικές αρχές ανέστειλαν τα αιτήματα ασύλου, την 1η Μαρτίου 2020, η ελληνική κυβέρνηση έχει υιοθετήσει ποικίλες παράνομες πρακτικές που αποσκοπούν ευθέως στην αποτροπή και τη βίαιη διακοπή των μεταναστευτικών ροών, με ελάχιστο σεβασμό στις υποχρεώσεις που απορρέουν από το διεθνές δίκαιο και συγκεκριμένα από την αρχή της μη επαναπροώθησης – και ακόμη λιγότερο για τη ζωή εκείνων που αναζητούν καταφύγιο.

Ενώ οι ομαδικές απελάσεις από την Ελλάδα στην Τουρκία δεν είναι κάτι νέο, τους τελευταίους μήνες οι ελληνικές αρχές χρησιμοποιούν εξοπλισμό διάσωσης – δηλαδή φουσκωτές, σωσίβιες σχεδίες – στο πλαίσιο ενός νέου τύπου τρομακτικής απέλασης. Οι μετανάστες μεταφέρονται βίαια από ελληνικά νησιά, ή από τη βάρκα στην οποία ταξιδεύουν, σε τέτοιες σχεδίες, οι οποίες στη συνέχεια αφήνονται στο νερό.

Επιπλέον εκτός από την καταγεγραμμένη πρακτική της μη παροχής βοήθειας σε βάρκες μεταναστών, οι ελληνικές αρχές έχουν καταστρέψει τον κινητήρα ή την δεξαμενή βενζίνης των λέμβων πριν επιστρέψουν τη βάρκα – και τους ανθρώπους που βρίσκονται σε αυτό -, όπου στη συνέχεια εγκαταλείπονται. Αυτές οι ομαδικές απελάσεις, που συμβαίνουν στην περιοχή του Αιγαίου, δεν είναι μεμονωμένα γεγονότα. Οι άμεσες μαρτυρίες επιζώντων, που συλλέχθηκαν από το Legal Centre Lesvos, αποδεικνύουν ότι αποτελούν μέρος μιας διαδεδομένης και συστηματικής πρακτικής, με ένα σαφές modus operandi που εφαρμόζεται σε διάφορες τοποθεσίες στο Αιγαίο Πέλαγος και στα νησιά του Ανατολικού Αιγαίου.

Οι πληροφορίες που κοινοποιούνται στο Legal Centre Lesvos προέρχονται από 30 επιζώντες και μαρτυρίες από 7 άτομα που ήρθαν σε άμεση επαφή με τους επιζώντες ή ήταν μάρτυρες μιας ομαδικής απέλασης. Αυτές οι μαρτυρίες, που σχετίζονται με οκτώ ξεχωριστές ομαδικές απελάσεις, συλλέχθηκαν μεταξύ Μαρτίου και Ιουνίου 2020, απευθείας από Legal Centre Lesvos.

Τέτοιες ομαδικές απελάσεις είναι ξεκάθαρα βίαια γεγονότα. Οι ομαδικές απελάσεις είναι αντίθετες με τις διεθνείς νομικές υποχρεώσεις της Ελλάδας και παραβιάζουν τα θεμελιώδη και ανθρώπινα δικαιώματα των επιζώντων, συμπεριλαμβανομένου του δικαιώματος στη ζωή τους και την *juscogens* απαγόρευση των βασανιστηρίων και επαναπροώθησης. **Όταν πραγματοποιείται ως μέρος μιας διαδεδομένης και συστηματικής πρακτικής, όπως τεκμηριώνεται στην έκθεσή μας, αυτά ισοδυναμούν με εγκλήματα κατά της ανθρωπότητας.** Οι ομαδικές απελάσεις πρέπει αναμφίβολα να καταδικάζονται με τον πιο emphaticό τρόπο. Ωστόσο, αυτό δεν αρκεί: μόνο με την άμεση παύση τέτοιων παράνομων πρακτικών θα

αποκατασταθεί η προστασία των ανθρωπίνων δικαιωμάτων και η πρόσβαση στο άσυλο στα εξωτερικά σύνορα της Ευρωπαϊκής Ένωσης.

Η Lorraine Leete, δικηγόρος και μία από τις συντονίστριες του Legal Centre Lesbos, δήλωσε ότι:

«Οι ελληνικές αρχές εγκαταλείπουν τους ανθρώπους σε ανοιχτή θάλασσα, σε φουσκωτές βάρκες χωρίς μηχανή – που έχουν σχεδιαστεί για διάσωση – χωρίς να λαμβάνεται υπόψη η θεμελιώδης ασφάλειά τους, πόσο μάλλον το δικαίωμά τους να υποβάλλουν αίτημα ασύλου. Τέτοιες ριψοκίνδυνες πράξεις δείχνουν τη βία στον πυρήνα του ευρωπαϊκού συνοριακού καθεστώτος και την αδιαφορία που έχει για την ανθρώπινη ζωή.

Οι ελληνικές αρχές έχουν αρνηθεί τις καταγγελίες ομαδικών απελάσεων ως “fakenews”, παρά την πληθώρα αδιαμφισβήτητων στοιχείων, από επιζώντες και διάφορα μέσα ενημέρωσης. Αυτό είναι αβάσιμο: τα στοιχεία που οι ανωτέρω μοιράζονται με το LegalCentre κατέδειξαν ότι οι ομαδικές απελάσεις συμβαίνουν στο Αιγαίο, με ένα συστηματικό και διαδεδομένο τρόπο λειτουργίας που ισοδυναμεί με έγκλημα κατά της ανθρωπότητας. Διεξάγονται φανερά – εάν όχι με τη συμμετοχή του Ευρωπαϊκού Οργανισμού Συνοριοφυλακής και Ακτοφυλακής, Frontex. Τα Ευρωπαϊκά Όργανα είναι συνένοχα σε αυτά τα εγκλήματα, καθώς μέχρι στιγμής δεν κατάφεραν να ενεργήσουν για να αποτρέψουν περαιτέρω επαναπροωθήσεις (“pushbacks”) ή να λογοδοτήσουν οι ελληνικές αρχές.

Εκπρόσωπος Τύπου: Lorraine Leete, lorraine@legalcentrelesvos.org, +30 6955074724

Παράρτημα ΙΧ
**1 Σεπτεμβρίου 2020, Δελτίο Τύπου σχετικά με την υποβολή του Border
Violence Monitoring Network στην Επιτροπή των Ηνωμένων Εθνών για τις
Εξαναγκαστικές Εξαφανίσεις**

Η πλήρης έκθεση επισυνάπτεται στο τέλος του Παραρτήματος

<https://www.borderviolence.eu/15638-2/>

**ENFORCED DISAPPEARANCES REPORT TO UN COMMITTEE ON ENFORCED
DISAPPEARANCES**

September 1, 2020

For the [International Day of the Victims of Enforced Disappearances](#), the Border Violence Monitoring Network releases its seminal report to the United Nations Committee on Enforced Disappearance regarding the use of illegal pushbacks by the Greek government.

BVMN has consistently documented the disappearance of refugees and migrants from Greek territory, including the illegal pushbacks of 1196 persons. BVMN is increasingly concerned of the disappearance and pushbacks of refugees and migrants from humanitarian distribution sites, refugee camps and pre-removal centers in Greece. The illegal pushback and disappearance of refugees and migrants is systematically followed by the statewide dismissal of credible evidence and the perpetual refusal to open a free and fair investigation into the whereabouts of the missing.

The Border Violence Monitoring Network joins numerous other organizations including; The European Committee for the Prevention of Torture, Human Rights Watch and the United Nations Working Group on Arbitrary Detention in calling for a complete stop to all practices of pushbacks and disappearance from Greek territory. Further to this, today we are calling on the United Nations to formally request that Greece explains the persistent policy of illegally pushing back and disappearing refugees and migrants from its territory who are seeking safety and international protection.

The report to the United Nations asserts that:

- Despite the ratification of the International Convention for the Protection of All Persons from Enforced Disappearances (ICPPED) and its subsequent integration into Greek domestic law, the Greek government has failed to meet its obligations under the ICPPED
- The continuous use of illegal pushbacks and disappearance of refugees and migrants from Greek territory as documented by the Border Violence Monitoring Network and partner organization Mobile Info Team is unlawful and in contradiction to the obligations set out under the Convention.
- The use of pushbacks and collective expulsion, specifically to Turkey, is a further breach of the ICPPED due to the substantial risk of human rights abuses and enforced disappearances that victims of illegal pushbacks and disappearance by Greek authorities to Turkey face.

Παράρτημα X

19 Μαρτίου 2020, Εκτελεστική Σύνοψη της Έκθεσης της Mobile Info Team

Η πλήρης έκθεση επισυνάπτεται στο τέλος του Παραρτήματος

https://static1.squarespace.com/static/597473fe9de4bb2cc35c376a/t/5e747d5185894d689a084750/1584692583068/Report-on-Greece_March-2020.pdf

Violations at Greek borders

Sea and Land report February/March 2020

March 19, 2020

Introduction

The deteriorating situation at the Greek land and sea borders represents an affront to the basic rights of people-on-the-move - not only since Turkish President Erdogan's decision to "open the gates" for refugees. This joint report summarizes the most recent findings of multiple organizations who are documenting violations at Greek borders, including firsthand testimonies from people suffering at the hands of EU border externalization policies. Of deep concern are the commonalities in fundamental rights violations across the Greek islands and the mainland, and the fact that recent events show intentional and deliberate human rights violations against vulnerable transit groups, instead of an emergency reaction as presented by government and media within the European Union.

Overview of Situation

Tens of thousands of people have attempted perilous land and sea crossings into Greece since the end of February 2020 and were met with a wall of violence. The need for safe passage is evident for the transient migrant and refugee populations stuck in Turkey. But Turkish President Erdogan's decision on 17th February to "open the border" to Greece is also the culmination of a perfect storm that has been a long time coming. Publicly, the Turkish government justifies its decision to open the border to Greece with humanitarian motives due to the further displacement of Syrian civilians from Idlib towards Turkey and with the EU's failure to live up to its responsibility under the EU-Turkey deal, concluded in early 2016.

Turkey certainly has a point: the EU has barely carried out any resettlement of people-on-the-move from Turkey to the EU, which it had promised – although this presents, technically speaking, not a breach of the agreement as resettlements are linked to the number of people sent back from Greece. The six billion Euros Turkey was meant to receive in exchange for closing its borders, were disbursed behind schedule. Finally, the EU has failed to honor its commitment to re-invigorate Turkey's membership process, and, more importantly, to grant visa free entry to Turkish citizens. Turkey's unhappiness with the EU is thus understandable and has been continuously expressed by officials over the years – yet it is not the full explanation for Turkey's decision to open the border.

Domestically, the Turkish government is embattled on three fronts. In 2018, it has faced off an economic crisis in the making by refueling its economy with additional debt. The current growth appears unstable and there is a strong sense that the country could slip back into a recession at any time. Domestic opinion has increasingly turned sour on Erdogan's openness towards refugees. After electoral losses in Istanbul and other major cities, the government may feel that it is time to respond to popular demand and to begin expelling people-on-the-move. Finally, Turkey's intervention in Northern Syria has led to an increasing number of casualties. Fearing popular backlash, the government temporarily shut down major social

media sites in the last week of February. Embedded in this military crisis is the fear that once Idlib falls to Assad, it could cause a mass exodus from the region, destabilizing Turkey's domestic situation further.

With this context in mind, it becomes possible to understand what Erdogan wants out of this crisis. Simply, expelling people-on-the-move is part of the goal as it will satisfy popular anti-refugee sentiment. But more importantly, he wants money – preferably disbursed directly to his government – in order to stabilize the country's economy. Finally, geopolitical support from the EU (and NATO) could increase the legitimacy of Turkey's military action in Northern Syria and possibly tip the scales to affect the outcome of the conflict through sanctions or limited military action.

Driven by a lack of European solidarity, economic woes, popular backlash, and geopolitical interest, Turkey has made people-on-the-move pawns in a bigger power struggle between the EU and Turkey. As the remainder of this report shows, Greek authorities under the conservative Prime minister Kyriakos Mitsotakis known for his tough stance on migration followed suit and responded with unspeakable violence against those who are most in need of protection - with full support of the EU.

Suspension of Asylum Rights

As people began to muster at the land border and the islands from 27th February onwards, the Greek government dealt a swift and illegal rebuttal. On 1st March 2020, the Greek National Security Council announced the “temporary suspension, for one month [...] of the lodging of asylum claims by all people entering the country illegally” and their “immediate deportation without registration, where possible, to their countries of origin or transit.” Since the announcement, multiple international agencies and NGOs have affirmed that the suspension of asylum rights and the principle of non-refoulement is neither permitted under international law nor European law. The UN Declaration of Human Rights, the 1951 UN Convention Relating to the Status of Refugees, and the EU Charter of Fundamental Rights all protect the right to asylum or non-refoulement. The EU Commission has sent deliberately incoherent messages in response to Greece's infringement of internationally affirmed rights and principles.

The infringement and suspension of fundamental rights by Greek authorities has facilitated and intensified a brutal border regime that has led to people-on-the-move being shot and tear gassed at official border crossing points and pushed back across the Evros river. Whilst, unfortunately, the practice of illegal pushbacks is commonplace across Europe's external borders, the veracity with which Greece has enforced these illegal procedures and the political will from the EU to back such violations are particularly disturbing. Despite the documentation of widespread abuse, violence and a host of human rights violations currently being carried out against people-on-the-move by Greek border officials, multiple EU member states have used the frame of a security threat to justify the deployment of additional police forces to the region. The ongoing support that member states are providing has allowed their Greek counterparts to act with impunity during the current suspension of rights at both the Evros land border and across the islands.

Παράρτημα XI 14 Αυγούστου 2020, άρθρο των New York Times

<https://www.nytimes.com/2020/08/14/world/europe/greece-migrants-abandoning-sea.html?searchResultPosition=1>

Taking Hard Line, Greece Turns Back Migrants by Abandoning Them at Sea

By [Patrick Kingsley](#) and Karam Shoumali

Aug. 14, 2020

Many Greeks have grown frustrated as tens of thousands of asylum seekers languished on Greek islands. Now, evidence shows, a new conservative government has a new method of keeping them out.

RHODES, Greece — The Greek government has secretly expelled more than 1,000 refugees from Europe’s borders in recent months, sailing many of them to the edge of Greek territorial waters and then abandoning them in inflatable and sometimes overburdened life rafts.

Since March, at least 1,072 asylum seekers have been dropped at sea by Greek officials in at least 31 separate expulsions, according to an analysis of evidence by The New York Times from three independent watchdogs, two academic researchers and the Turkish Coast Guard. The Times interviewed survivors from five of those episodes and reviewed photographic or video evidence from all 31.

“It was very inhumane,” said Najma al-Khatib, a 50-year-old Syrian teacher, who says masked Greek officials took her and 22 others, including two babies, under cover of darkness from a detention center on the island of Rhodes on July 26 and abandoned them in a rudderless, motorless life raft before they were rescued by the Turkish Coast Guard.

“I left Syria for fear of bombing — but when this happened, I wished I’d died under a bomb,” she told The Times.

Illegal under international law, the expulsions are the most direct and sustained attempt by a European country to block maritime migration using its own forces since the height of the migration crisis in 2015, when Greece was the main thoroughfare for migrants and refugees seeking to enter Europe.

The Greek government denied any illegality.

“Greek authorities do not engage in clandestine activities,” said a government spokesman, Stelios Petsas. “Greece has a proven track record when it comes to observing international law, conventions and protocols. This includes the treatment of refugees and migrants.”

Since 2015, European countries like Greece and Italy have mainly relied on proxies, like the Turkish and Libyan governments, to head off maritime migration. What is different now is that the Greek government is increasingly taking matters into its own hands, watchdog groups and researchers say. For example, migrants have been forced onto sometimes leaky life rafts and left to drift at the border between Turkish and Greek waters, while others have been left to drift in their own boats after Greek officials disabled their engines.

“These pushbacks are totally illegal in all their aspects, in international law and in European law,” said Prof. [François Crépeau](#), an expert on international law and a former United Nations special rapporteur on the human rights of migrants.

“It is a human rights and humanitarian disaster,” Professor [Crépeau](#) added.

Greeks were once far more understanding of the plight of migrants. But many have [grown frustrated and hostile](#) after a half-decade in which other European countries offered Greece only modest assistance as tens of thousands of asylum seekers languished in squalid camps on overburdened Greek islands.

Since the election last year of a new conservative government under [Prime Minister Kyriakos Mitsotakis](#), Greece has taken a far harder line against the migrants — often refugees from the war in Syria — who push off Turkish shores for Europe.

The harsher approach comes as [tensions have mounted with Turkey](#), itself burdened with 3.6 million refugees from the Syrian war, far more than any other nation.

Greece believes that Turkey has tried to weaponize the migrants to increase pressure on Europe for aid and assistance in the Syrian War. But it has also added pressure on Greece at a time when the two nations and others spar over contested gas fields in the eastern Mediterranean.

For several days in late February and early March, the Turkish authorities [openly based thousands of migrants to the Greek land border](#) in a bid to set off a confrontation, leading to the shooting of at least one Syrian refugee and the [immediate extrajudicial expulsions](#) of hundreds of migrants who made it to Greek territory.

For years, Greek officials have been accused of intercepting and expelling migrants, on a sporadic and infrequent basis, usually before the migrants manage to land their boats on Greek soil.

But experts say Greece’s behavior during the pandemic has been far more systematic and coordinated. Hundreds of migrants have been denied the right to seek asylum even after they have landed on Greek soil, and they’ve been forbidden to appeal their expulsion through the legal system.

“They’ve seized the moment,” Professor Crépeau said of the Greeks. “The coronavirus has provided a window of opportunity to close national borders to whoever they’ve wanted.”

Emboldened by the lack of sustained criticism from the European Union, where the migration issue has roiled politics, Greece has hardened its approach in the eastern Mediterranean in recent months.

Migrants landing on the Greek islands from Turkey have frequently been forced onto sometimes leaky, inflatable life rafts, dropped at the boundary between Turkish and Greek waters, and left to drift until being spotted and rescued by the Turkish Coast Guard.

“This practice is totally unprecedented in Greece,” said Niamh Keady-Tabbal, a doctoral researcher at the Irish Center for Human Rights, and [one of the first to document the phenomenon](#).

“Greek authorities are now weaponizing rescue equipment to illegally expel asylum seekers in a new, violent and highly visible pattern of pushbacks spanning several Aegean Islands,” Ms. Keady-Tabbal said.

Ms. al-Khatib, who recounted her ordeal for The Times, said she entered Turkey last November with her two sons, 14 and 12, fleeing the advance of the Syrian Army. Her husband, who had entered several weeks earlier, soon died of cancer, Ms. al-Khatib said.

With few prospects in Turkey, the family tried to reach Greece by boat three times this summer, failing once in May because their smuggler did not show up, and a second time in June after being intercepted in Greek waters and towed back to the Turkish sea border, she said.

On their third attempt, on July 23 at around 7 a.m., they landed on the Greek island of Rhodes, Ms. al-Khatib said, an account corroborated by four other passengers interviewed by The Times. They were detained by Greek police officers and taken to a small makeshift detention facility after handing over their identification documents.

Using footage filmed at this site by two passengers, a Times reporter was able to identify the facility’s location [beside the island’s main ferry port](#) and visit the camp.

A Coast Guard officer and an official at the island’s mayoralty both said the site falls under the jurisdiction of the Port Police, an arm of the Hellenic Coast Guard.

A Palestinian refugee, living in a disused slaughterhouse beside the camp, confirmed that Ms. al-Khatib had been there, recounting how he had spoken to her through the camp’s fence and bought her tablets to treat her hypertension, which Greek officials had refused to supply her.

On the evening of July 26, Ms. al-Khatib and the other detainees said that police officers had loaded them onto a bus, telling them they were being taken to a camp on another island, and then to Athens.

Instead, masked Greek officials transferred them to two vessels that ferried them out to sea before dropping them on rafts at the Turkish maritime border, she and other survivors said.

Amid choppy waves, the group, which included two babies, was forced to drain the raft using their hands as water slopped over the side, they said.

The group was rescued at 4:30 a.m. by the Turkish Coast Guard, according to [a report by the Coast Guard that included a photograph of Ms. al-Khatib](#) as she left the life raft.

Ms. al-Khatib tried to reach Greece for a fourth time, on Aug. 6, but said her boat was stopped off the island of Lesbos by Greek officials, who removed its fuel and towed it back to Turkish waters. Some groups of migrants have been transferred to the life rafts even before landing on Greek soil.

On May 13, Amjad Naim, a 24-year-old Palestinian law student, was among a group of 30 migrants intercepted by Greek officials as they approached the shores of Samos, a Greek island close to Turkey.

The migrants were quickly transferred to two small life rafts that began to deflate under the weight of so many people, Mr. Naim said. Transferred to two other rafts, they were then towed back toward Turkey.

Videos captured by Mr. Naim on his phone show the two rafts being tugged across the sea by a large white vessel. [Footage](#) subsequently published by the Turkish Coast Guard shows the same two rafts being rescued by Turkish officials later in the day.

Migrants have also been left to drift in the boats they arrived on, after Greek officials disabled their engines, survivors and researchers say. And on at least two occasions, migrants have been abandoned on Ciplak, an uninhabited island within Turkish waters, instead of being placed on life rafts.

“Eventually the Turkish Coast Guard came to fetch us,” said one Palestinian survivor who was among a group abandoned on Ciplak in early July, and who sent videos of their time on the island. A [report](#) from the Turkish Coast Guard corroborated his account.

In parallel, several rights organizations, [including Human Rights Watch](#), have documented how the Greek authorities have rounded up migrants living legally in Greece and secretly expelled them without legal recourse across the Evros River, which divides mainland Greece from Turkey.

Feras Fattouh, a 30-year-old Syrian X-ray technician, said he was arrested by the Greek police on July 24 in Igoumenitsa, a port in western Greece. Mr. Fattouh had been living legally in Greece since November 2019 with his wife and son, and showed The Times documents to prove it.

But after being detained by the police in Igoumenitsa, Mr. Fattouh said, he was robbed and driven about 400 miles east to the Turkish border, before being secretly put on a dinghy with 18 others and sent across the river to Turkey. His wife and son remain in Greece.

“Syrians are suffering in Turkey,” Mr. Fattouh said. “We’re suffering in Greece. Where are we supposed to go?”

[Ylva Johansson](#), who oversees migration policy at the European Commission, the civil service for the European Union, said she was concerned by the accusations but had no power to investigate them. “We cannot protect our European border by violating European values and by breaching people’s rights,” Ms. Johansson said in an email. “Border control can and must go hand in hand with respect for fundamental rights.”

Patrick Kingsley reported from Rhodes, Greece, and Karam Shoumali from Berlin.

Παράρτημα XII 16 Ιουνίου 2020, Έκθεση της Der Spiegel

<https://www.spiegel.de/international/europe/videos-and-eyewitness-accounts-greece-apparently-abandoning-refugees-at-sea-a-84c06c61-7f11-4e83-ae70-3905017b49d5>

Greece Suspected of Abandoning Refugees at Sea

An investigation by DER SPIEGEL and partners has revealed that the Greek Coast Guard intercepts refugee boats, puts the migrants in life rafts, tows them toward Turkey and then abandons them to their fate. What do German troops in the area know about the practice?

By [Giorgos Christides](#) and [Steffen Lüdke](#)

June 16, 2020, 7:19 p.m.

Europe is just a few kilometers away, recalls Amjad Naim, when the men in masks show up. It's the morning of May 13 and the Palestinian is sitting in an inflatable boat, having paid migrant smugglers in Turkey for the trip. Naim can already see the Greek coast, and with every second, he is getting closer and closer.

Naim wasn't alone in the boat. They were a group of at least 26 people, and they had almost reached the island of Samos. Naim remembers hearing a helicopter, and then all hell broke loose. For the next several hours, those on board would be afraid for their lives.

The men in the masks approached in a large vessel, says Naim, adding that he remembers seeing the Greek flag and several dinghies. And then, he says, the masked men went on the attack.

They fired shots into the water, he says, snagged the migrants' inflatable raft with a grappling hook and destroyed the motor, thus stopping the boat. The men then took the migrants on board their vessel, Naim says, adding that he started crying and hid his mobile phone in his underwear.

There are videos that prove that Naim really was on his way to Samos. The images show a young man with closely cropped hair and a smooth-shaven face. The motor of the small inflatable boat hums in the background as Naim smiles into the camera. He is originally from the Gaza Strip in the Palestinian Territories, where he studied law and got married. His wife is waiting for him in the Netherlands. Naim blows a kiss into the camera.

The next images of Naim are shaky -- a 55-second clip made by Naim that clearly documents a crime. The footage shows him and the other refugees on two inflatable life rafts. The Greek Coast Guard had put them off of the ship and onto the rafts. The square-shaped platforms are little more than wobbly rubber rafts.

In the video, a Greek Coast Guard ship, 18 meters (59 feet) long, is dragging the rafts back toward Turkey. An additional ship stands by. Water can be seen pouring into Naim's raft.

Then, as can be seen in the video, the Greek Coast Guard unties the tow rope, leaving the refugees to their fate in the middle of the sea. Sitting in a rubber raft that has no ability to maneuver on its own.

It is possible that Naim's experience could be an isolated incident. It is conceivable that the Greek sailors simply lost their patience or that that particular ship was crewed by an especially nasty group. But that is not the case. Naim is apparently just one victim among many. There is a system behind the tactics he was exposed to. In a joint investigation with Lighthouse Reports and Report Mainz, DER SPIEGEL has forensically analyzed dozens of videos and compared them with geodata in addition to speaking with numerous eyewitnesses.

The material shows beyond doubt: In the eastern Aegean, European values are being sacrificed in the name of protecting its external borders.

Masked men, almost certainly Greek border control officials, regularly attack refugee boats in the area. In one case on June 4, the inflatable boat belonging to the masked men can be clearly identified as a Greek patrol boat. It belongs to Greek Coast Guard ship *ΑΣ-080*.

After the refugee boats are intercepted, the Greeks, apparently, frequently put the migrants in inflatable life rafts, tow them toward Turkey and then leave them to their fates. In most cases, they are dragged ashore after several hours by the Turkish Coast Guard.

The actions taken by the Greeks are a clear breach. It has long been known that Greek Coast Guard personnel delay rescue attempts and perform aggressive maneuvers. Now, though, they are actively putting the lives of migrants at risk and they are using life-saving equipment to put people in danger.

Images of migrants on orange life rafts have been appearing for weeks on Facebook and Instagram. NGOs like [Aegean Boat Report](#), [Josoor](#) and [Alarm Phone](#) have also spoken with refugees and reported their experiences - and since March 23, activists have documented a number of incidents. The Turkish Coast Guard has also published images of the orange life rafts. But Naim's video is the first to document beyond doubt a Greek Coast Guard vessel towing life rafts toward Turkey and then abandoning the refugees on the open sea.

These so-called pushbacks represent both a violation of international law and of the European Union's Charter of Fundamental Rights. Asylum seekers have a right to have their cases heard on an individual basis and countries are not permitted to bring them back against their will to a place where their safety is not guaranteed.

Itamar Mann, a lawyer at the University of Haifa and member of the Global Legal Action Network, believes pushbacks could also have criminal consequences. From a legal perspective, such operations, he says, are a kind of torture, with refugees experiencing inhumane treatment and humiliation.

When contacted, the Greek Coast Guard denied the accusations and claimed that its personnel does not wear masks. They also said they obey all applicable laws. Delays in rescuing the refugees, they said, were due to the Turkish Coast Guard because they only accompany refugee boats if they are traveling in the direction of Greece. The Greek officials, they said, only locate the refugee boats and then inform the Turkish Coast Guard as quickly as possible.

They claimed that they cooperated with the Turkish Coast Guard in the May 13 incident. In their statement, the Greek Coast Guard did not specifically address the video showing the pushback.

Caught in the Middle

Prime Minister Kyriakos Mitsotakis has been in office since last July, and since then, he has taken several steps to ensure that fewer refugees arrive in Greece. He had temporarily suspended the right to asylum and shortened the deadline for appeal in asylum cases. Furthermore, during his tenure, border guards on the Maritsa River between Turkey and Greece have apparently used live ammunition against refugees, likely killing at least one. His government has considered blocking refugee boats with barriers at sea.

Παράρτημα XIII

8 Μαΐου 2020, Έκθεση της Der Spiegel

<https://www.spiegel.de/international/europe/greek-turkish-border-the-killing-of-muhammad-gulzar-a-7652ff68-8959-4e0d-9101-a1841a944161>

The Killing of a Migrant at the Greek-Turkish Border

On March 4, Pakistan national Muhammad Gulzar was shot and killed at the Greek-Turkish border. Evidence overwhelmingly suggests that the bullet came from a Greek firearm. An investigation into the tragedy at the edge of Europe.

By [Giorgos Christides](#), [Steffen Lüdke](#) and [Maximilian Popp](#)
May 8, 2020, 5.00 p.m.

The land border between Greece and Turkey is 212 kilometers long, with most of it running along the Maritsa River. There's just one segment in the north where an 11-kilometer stretch of border fence runs between the two countries near Karaağaç.

In early March, just before the coronavirus took over the news cycle, this fence was the focus of headlines around the world.

On that early spring day, thousands of migrants were crowding the Turkish side of the border, while on the Greek side, security forces had taken up their positions. The acrid odor of tear gas filled the air and helicopters circled the area. People were shouting back and forth.

Muhammad Gulzar, 42, hadn't slept well the night before, his wife Saba Khan, 38, would later recall, and he woke up hungry on March 4. Khan would have preferred, that morning, to return to Istanbul, from where the couple had started their journey in the hopes of making it to Europe. But Gulzar had talked his wife into making one final attempt to get across the fence. A short time later, Gulzar was dead, struck by a bullet in the chest.

Muhammad Gulzar and Saba Khan, both from Pakistan, had only recently got married, on Jan. 21. Just a few days after the shooting, Khan was sitting in a restaurant in Istanbul, her face buried in her hands. On her wrist was the watch that her husband had given her. Khan was in a state of deep desperation, wondering if Muhammad might still be alive if she had insisted on turning around and going back.

The deadly incident that unfolded in the first week of March along the border between Turkey and Greece has long since dropped out of the international headlines. Khan, though, can't put it behind her - nor can the other families who lost relatives in those chaotic March days. At least two people died trying to cross the border into Greece, and dozens were injured, some seriously. And to this day, it still isn't entirely clear who bears responsibility.

A propaganda war over the incident has broken out between Turkey and Greece. Turkish President Recep Tayyip Erdoğan alleges that Greek security forces deliberately fired on the migrants, while the Greek government denies all such claims.

DER SPIEGEL reporters spent weeks reporting on both sides of the border, together with the research teams Forensic Architecture, Lighthouse Reports and Bellingcat. The reporters interviewed two dozen witnesses, including refugees, border guards, politicians and doctors. They also reviewed official documents, including Muhammad Gulzar's autopsy report, and evaluated more than 100 videos and photos taken by migrants at the border.

The findings of the reporting contradict the official versions, especially – on decisive points – the Greek account. Muhammad Gulzar's death may well have been an accident, but it was a predictable accident. A reconstruction of the events surrounding his March 4 death reads as though both sides were eager to escalate the situation.

BLACKMAIL

On Feb. 27, Russian fighter jets are believed to have killed at least 33 Turkish soldiers in an attack on military posts in the Syrian province of Idlib. The Turkish authorities blocked both Facebook and Twitter, but they were unable to suppress news about the deaths for long. In response to the incident, Erdoğan convened a crisis meeting, which ended with a surprising decision: Turkey would be opening its border to Europe.

That border had been closed ever since the EU and Turkey had agreed to a pact years earlier that would sharply reduce the number of refugees making their way north to Europe. And by publicly breaching that deal, Erdoğan was likely seeking to distract from the problems his military was having in Syria, while at the same time blackmailing the Europeans for more money to care for the large numbers of refugees in Turkey. And the gambit seemed to have had the desired effect: Over the course of the next few days, there was little talk about the Turkish losses in Idlib.

At the height of the refugee crisis in 2015, the bus station in Istanbul's Aksaray neighborhood served as a hub for migrants making their way to Europe, and now, refugees were once again boarding buses at the site. The news had spread on Facebook and WhatsApp that the gates to Europe had reopened, and more than 10,000 migrants had decided to see for themselves. In some instances, the Turkish authorities even chartered buses to transport migrants to the border.

Pakistan national Gulzar and his wife were among those who took a bus from Istanbul to the border. It wasn't the first time that Gulzar had traveled to Europe. In 2007, he had made his way to Greece, where he ended up working for years – most of the time with a "tolerated" status from the immigration authorities. He was initially on his own, but was later joined by his oldest son. His wife at the time and four children remained in Pakistan. Gulzar repaired fireplaces in Greek homes, with his last boss, Nikolaos Tzokanis, describing him as honest and hard-working.

Things were going well professionally for Gulzar, but privately, something was amiss. He was married, but his true love, Saba Khan, lived in Pakistan, so he decided to separate from his wife and move back to Pakistan to marry Khan. Tzokanis says he asked Gulzar to wait until Khan received an official entry permit before returning to Greece. But that would have taken months and they didn't want to wait that long. He says Gulzar told him: "I've made it to Europe before. I can do it again."

Gulzar flew from Greece to Pakistan, where he and Khan married on Jan. 21, and a few days later, the newlyweds traveled to Turkey via Iran. They had big plans for their future in Greece: Khan wanted to

work as a hairdresser and maybe even open up her own beauty salon. The only thing standing in their way were the Greek border guards.

Kyriakos Mitsotakis had only been prime minister of Greece for nine months, but the refugee crisis was already overshadowing his tenure. Migrants were living in overcrowded camps on the Greek islands and there had been repeated instances of violence against them. Mitsotakis was well aware that the asylum system would collapse for good if the number of refugees was to rise sharply. But that's exactly what was in store now that Erdoğan had reopened the border.

Facing this dilemma, Mitsotakis suspended the right of asylum on March 1 for one month, a move lawyers would later deem illegal. He also dispatched 1,000 soldiers and 1,000 police officers to the north.

THE BATTLEFIELD

Gulzar and Khan believed Erdoğan's claim that the border had been opened. But when they arrived at Pazarkule, it was like a battlefield. Thousands of people were camping outdoors while Greek security forces were firing tear gas and water cannons.

Khan says they never would have boarded the bus had they known what was awaiting them at the border, adding that they would have tried to get to a Greek island by boat instead. But now they were stuck at the border area. To keep pressure on the Europeans, Turkish gendarmes even prevented refugees from returning to Istanbul from Pazarkule.

The migrants grew increasingly desperate as a result, with some throwing rocks at Greek border guards. The BND, Germany's foreign intelligence service, believes that Turkish agents mixed in with the crowds to exacerbate the situation. The Greeks clearly sought to keep the onslaught at bay – and not just with water cannons and tear gas. Several refugees told DER SPIEGEL that they had been shot at by Greek security forces.

One Syrian said his wife has been missing since Greek border guards stopped the family from crossing the Maritsa River. He claims that Greek officers fired at him several times and forcibly separated him from his wife. Another Syrian man, Mohammad al-Arab, died on March 2 along the Maritsa, more than 80 kilometers south of the Pazarkule border post. The research agency Forensic Architecture has determined through video analysis that al-Arab was shot. Two witnesses claim it was Greek soldiers who opened fire on him.

European Commission President Ursula von der Leyen traveled to the crisis area on March 3. For the first time in four years, the EU could no longer rely on Erdoğan to stop the refugees, and Greece, in the words of von der Leyen had become Europe's "shield." She made no mention of the accusations of violence against Greek security forces.

Elias Tzimitras always gets called in when there's danger. He's part of a Greek armed forces special unit that the military leadership had deployed at the Greek-Turkish border. The Greek security forces were organized in two lines: On the front line were the police officers with shields, batons and pistols, while behind them were soldiers with semi-automatic rifles. Tzimitras and his men.

As an officer, Tzimitras is forbidden from speaking to the media. As such, we have decided to keep secret his real name, rank and the name of his unit. Tzimitras reports that the situation at the border was extremely tense. He and his colleagues feared they might get kidnapped and said that some of the

migrants were also armed. Tzimitras and his comrades worked in day shifts and night shifts, and they were constantly subjected to provocations by Turkish soldiers, Tzimitras says.

The government in Athens has denied that Greek security forces used live ammunition. Tzimitras, however, disputes such claims. "We fired both blanks and live ammunition," he says. But he claims they were only warning shots into the air or the ground. Authorization to do so, he says, came from the military leadership.

Videos that have been evaluated by the forensics experts also prove that shots were fired with live ammunition on March 4. One video filmed on the Turkish side of the border and shown by Turkish state broadcaster TRT shows a fire at the border fence. Then shots ring out and a young man collapses.

The man filming the blurred images shouts in English: "Gunfire from the Greece army ... I have seen someone who is shot." Migrants can be seen fleeing from the fence, and a little later, men appear behind the fire at the fence – apparently Greek soldiers.

In a video from the Greek side, the same sequence of shots can be found. Two Greeks can be heard talking to each other off camera. "They aimed", the first person says in it. "They aimed," the second person confirms. "That's the only way ..."

In the video, the characteristic sounds of live ammunition can be heard: first a crack produced by the shock wave of the projectile followed by the sound of the muzzle blast. With blanks, you would only hear the muzzle blast. Steven Beck, an American weapons expert who reviewed the footage, is certain that the shots that can be heard in the video are live ammunition. According to his analysis, the intervals between the shots indicate it was a semi-automatic weapon. He believes the shooter was standing around 40 to 60 meters away from the camera. In all the available videos, it is only on the Greek side that individuals can be seen standing within a radius of 60 meters and carrying such weapons.

THE SHOT

When Gulzar and Khan woke up after a restless night, the first altercations had already broken out at the border post and the air was full of tear gas. Khan could barely breathe.

That day, Gulzar wore a black jacket, a pair of blue jeans with holes and black, ankle-high boots with a zipper. He took his wife's hand and they marched toward the fence together. "Do not attempt to cross the border," Greek border guards warned over a loudspeaker. Khan watched as a man cut a hole in the fence just a few meters away from them. Some of the migrants used bolt cutters, which the Turkish gendarmes likely supplied.

The Greek soldiers stood parallel to the fence, with a few meters between them. They wore face masks and carried semi-automatic rifles. Shots could be heard every few minutes, including from semi-automatic weapons. But the men continue trying to break through the fence. A group of migrants carried the first injured person away, the man holding the left side of his face with his arm. The migrants placed his legs in a blanket to make it easier to carry him. When they reached the road, they put the injured man in a Turkish ambulance.

Gulzar and Khan weren't far from the border fence. Gulzar spoke to the security forces in Greek and had just turned away, Khan says, when the fatal shot was fired. Her husband collapsed with his hand on his chest. "Get up," she screamed at him, "get up!"

"The shot definitely came from the Greek side," Khan says. She says she barely missed getting shot in the foot.

In the video, you can see people rushing to the injured Gulzar. His face is covered, but the zippered boots, the pattern of the torn blue jeans and the black jacket leave no doubt that it is Gulzar who is lying there on the ground.

"They killed him, lift him up!" the migrants shouted in Arabic. They pulled him up by his shirt and jacket, running as they carried Gulzar toward the street to the ambulance.

DER SPIEGEL spoke with two of the migrants who filmed the events that day. Both claim that Gulzar was shot and killed by the Greeks. One of the men, named Sobhi, says that a soldier shot Gulzar with an assault rifle. He can be seen in a video shortly after the incident. He says: "There's a Pakistani who's been shot in the shoulder with live ammunition. At the fence. The ambulance just took him away."

Images from the Greek television station Skai TV show Greek soldiers along the fence near the place where Gulzar was shot and killed. They are carrying FN Minimi, M4 and M16 semi-automatic weapons, which fire 5.56-millimeter caliber bullets. According to the autopsy report of the Istanbul Institute of Forensic Medicine, which DER SPIEGEL has obtained, it is precisely one of these bullets that was found inside Gulzar's body.

The rattle of automatic weapons never seemed to stop on that day. Mobile phone cameras captured the sound, and more migrants started filming. Some fled the fence area in panic. Within four minutes, four injured men were carried away. Fourteen minutes later, a fifth was taken away. Some suffered from gunfire wounds.

One of the injured can be identified beyond any doubt. His name is Mohammad Hantou. Videos show him stumbling across the field, holding his head with one hand. When he falls down, other men help him up and support him.

DER SPIEGEL met with Hantou at the hospital at Edirne one day later. His brother Riad was with him, and Hantou had a bandage on his right ear. Two pieces of shot from a shotgun struck him there, one of them destroying a bone behind his ear, he says. That's what the doctors told him. Hantou is certain that Greek security forces fired on him that day.

The university hospital in Edirne is located only 14 kilometers from the border post. Gulzar arrived at the hospital's emergency room a half hour after he was shot and the doctors tried in vain to reanimate him. They declared him dead 45 minutes later.

When Saba Khan received the news, she collapsed on the sidewalk next to the hospital, as can be seen in a video shot by a CNN camera team. It shows Khan sobbing, screaming and banging her head against a car repeatedly. She will say later that she believed right to the very end that Gulzar would survive.

When contacted by DER SPIEGEL for a statement, the Greek government rejected all the accusations, dismissing them as "Turkish propaganda." Greece has the "right to protect its borders," the government said in a written statement, adding that "Greek police and military forces were charged with using non-lethal measures."

The European Union member states have been tightening their migration policies since 2015 and they have ceased conducting rescue missions in the Mediterranean, but Gulzar's death nonetheless marks a turning point. In his case, border guards not only failed to help – in all likelihood, they themselves were the ones who killed him.

It's quite possible that Gulzar was shot accidentally, that he was hit by a ricochet. But it is also the responsibility of the authorities to determine exactly what happened. By dismissing all reports on the attacks against migrants as fake news, however, the Greek government is making it impossible to uncover all the facts.

Back at the restaurant in Istanbul, Khan swipes through the photos on her mobile phone. She has retained a lawyer to pursue the case – and she's prepared to go all the way up to the European Court of Human rights if she has to. It would then be up to the judges to deliver what politicians have failed to: justice for Muhammad Gulzar.

With reporting by Usman Mahar

Παράρτημα XIV

Μη εξαντλητικός κατάλογος άλλων εκθέσεων

Κατάλογος Εκθέσεων του Greek Helsinki Monitor

<https://racistcrimeswatch.wordpress.com/2020/08/27/2-244/>

Μαρτυρίες αναγκαστικών επιστροφών από την Mobile Info Team

<https://www.mobileinfoteam.org/testimony-1>

Κατάλογος εκθέσεων της Aegean Boat Report

<https://aegeanboatreport.com/reports/>

27 Σεπτεμβρίου 2020, άρθρο του The Guardian

<https://www.theguardian.com/global-development/2020/sep/27/catastrophe-for-human-rights-as-greece-steps-up-refugee-pushbacks>

4 Σεπτεμβρίου 2020, Δελτίο Τύπου του European Council on Refugees and Exiles

<https://www.ecre.org/greece-10000-people-prevented-access-lockdown-extended-recognition-rate-increases/>

21 Αυγούστου 2020, Έκθεση του Border Violence Monitoring Network

<https://www.borderviolence.eu/bvmn-investigations-analysis-of-video-footage-showing-involvement-of-hellenic-coast-guard-in-maritime-pushback/>

26 Ιουνίου 2020, Έκθεση του Border Violence Monitoring Network:

<https://www.borderviolence.eu/violence-reports/june-21-2020-2100-ipsala-edirne-turkey/>

16 Ιουνίου 2020 Έκθεση του Border Violence Monitoring Network

<https://www.borderviolence.eu/balkan-region-report-april-may-2020/>

3 Ιουνίου 2020, Έκθεση του Border Violence Monitoring Network:

<https://www.borderviolence.eu/violence-reports/june-3-2020-0200-lesvos-greece/>

22 Μαΐου, Έκθεση του Just Security

<https://www.justsecurity.org/70309/tents-at-sea-how-greek-officials-use-rescue-equipment-for-illegal-deportations/>

21 Μαΐου, έκθεση της Deutsche Welle

<https://www.dw.com/en/migrants-accuse-greece-of-forced-deportations/a-53520642>

20 Μαΐου 2020, Έκθεση του Refugee Support Aegean

<https://rsaegean.org/en/alarm-over-increase-of-reported-push-backs-at-sea-and-risks-for-the-lives-of-those-seeking-protection/>

14 Μαΐου 2020, Έκθεση του Alarm Phone

<https://alarmphone.org/en/2020/05/14/push-backs-the-new-old-routine-in-the-aegean-sea/>

12 Μαΐου 2020 Έκθεση του Border Violence Monitoring Network

<https://www.borderviolence.eu/special-report-covid-19-and-border-violence-along-the-balkan-route/#more-14584>

23 Απριλίου 2020 Έκθεση του Border Violence Monitoring Network

<https://www.borderviolence.eu/violence-reports/april-23-2020-0000-near-to-uzunkopru/>

19 Μαρτίου 2020 Έκθεση του Border Violence Monitoring Network

<https://www.borderviolence.eu/new-report-on-violations-at-greek-borders/#more-14389>

10 Μαρτίου 2020, Έκθεση των New York Times

<https://www.nytimes.com/2020/03/10/world/europe/greece-migrants-secret-site.html>

15 Νοεμβρίου 2019, έκθεση της Mobile Info Team

<https://www.mobileinfoteam.org/pushbacks>

18 Δεκεμβρίου 2018, Έκθεση της Human Rights Watch

<https://www.hrw.org/news/2018/12/18/greece-violent-pushbacks-turkey-border>

22 Οκτωβρίου 2015, Έκθεση της Human Rights Watch

<https://www.hrw.org/news/2015/10/22/greece-attacks-boats-risk-migrant-lives>

26 Νοεμβρίου 2008, Έκθεση της Human Rights Watch

<https://www.hrw.org/report/2008/11/26/stuck-revolving-door/iraqis-and-other-asylum-seekers-and-migrants-greece/turkey>

Παράρτημα XV
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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Visit to Greece

Report of the Working Group on Arbitrary Detention*, **

Summary

The Working Group on Arbitrary Detention visited Greece from 2 to 13 December 2019 upon the invitation of the Government. The Working Group identified positive developments, including the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the designation of the Greek Ombudsman as the national preventive mechanism, and the use of alternatives to detention and provisions for early release. At the same time, there were challenges in the criminal justice system, such as widespread pretrial detention, insufficient awareness of the right to legal assistance and instances of short trials. In the context of migration, the Working Group observed, among other issues, a lack of awareness among detainees of their right to apply for international protection and of the procedural requirements, a substantial burden on shelters for unaccompanied children, instances of inaccurate application of procedures for the assessment of age and vulnerability, and insufficient legal aid to challenge detention and removal decisions. Lastly, the Working Group found that the procedure for involuntary admission of persons with psychosocial disabilities remained problematic, and identified delays in consideration of involuntary admissions by the courts and lack of access to a lawyer to challenge mental health assessments. Among its recommendations, the Working Group encourages Greece to become a party to several human rights instruments and to adopt specific practices that offer greater protection against arbitrary detention.

* The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission only. The appendix is being circulated without formal editing, in the language of submission only.

** Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



Annex

Report of the Working Group on Arbitrary Detention on its visit to Greece

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I. Introduction

1. At the invitation of the Government, the Working Group on Arbitrary Detention conducted an official visit to Greece from 2 to 13 December 2019. The Working Group was represented by José Antonio Guevara Bermúdez (Mexico, Chair-Rapporteur), Leigh Toomey (Australia, Vice-Chair) and Sètondji Roland Adjovi (Benin) and accompanied by staff from the Office of the United Nations High Commissioner for Human Rights. This was the second official visit of the Working Group to Greece, the first visit having been conducted in 2013 (see A/HRC/27/48/Add.2). The Working Group would like to thank the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Children's Fund for the support provided prior to and during the visit.
2. The Working Group extends its gratitude to the Government for inviting it to undertake this visit and for its fullest cooperation. This includes securing all requested meetings with stakeholders, providing relevant data and information and ensuring unimpeded access to all places of detention. This is a strong foundation for the Working Group to continue to provide advice and assistance to the authorities on detention practices.
3. The Working Group met with officials from the Ministry of Foreign Affairs, the Ministry of Citizen Protection, the Ministry of Health, the Ministry of Labour and Social Affairs, the Ministry of Shipping and Island Policy, the Hellenic Supreme Court of Civil and Criminal Justice, the Supreme Court's Public Prosecutor's Office, the Public Prosecutor's Office in Thessaloniki, members of the Athens and Thessaloniki Bar Associations, the National Centre for Social Solidarity, the National Coordinator for Unaccompanied Minors, the Greek National Commission for Human Rights and the Greek Ombudsman.
4. The Working Group visited 21 places of deprivation of liberty in Attica (including Athens), the Peloponnese, the island of Kos in the south Aegean, Thessaloniki and eastern Macedonia and Thrace (see appendix). It was able to confidentially interview over 150 persons deprived of their liberty.
5. The Working Group also recognizes various stakeholders within the country who shared their perspectives on the arbitrary deprivation of liberty, including representatives of civil society, lawyers and individuals currently deprived of liberty. The Working Group thanks them for the information and assistance provided.
6. The Working Group shared its preliminary findings on 13 December 2019. It intends to continue its constructive dialogue with the Government on the issues presented in the present report. This report takes into account information provided by the Government on progress made since the Working Group's previous visit, in 2013.

II. Overview of the institutional and legal framework

A. International human rights obligations

7. Greece is party to most major international human rights instruments, including the International Covenant on Civil and Political Rights, the Optional Protocol to the International Covenant on Civil and Political Rights and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; the Convention on the Rights of the Child and two of its Optional Protocols; the Convention on the Rights of Persons with Disabilities and its Optional Protocol; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol.
8. Furthermore, the State has ratified or acceded to the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention relating to the Status of Refugees and the Protocol thereto, the Convention relating to the Status of Stateless

Persons, the Geneva Conventions of 12 August 1949 and the Protocols additional thereto, the fundamental conventions of the International Labour Organization, the Rome Statute of the International Criminal Court, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

9. The State is not party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure or the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

10. Greece has been subject to the universal periodic review, having participated in two cycles, in 2011 and 2016. Its third-cycle review is scheduled for 2021.

B. National legal framework

1. Constitutional protections

11. The current Constitution was adopted in 1975 and revised most recently in 2019. According to article 28 (1), international treaties ratified by Greece are an integral part of domestic Greek law and prevail over any contrary provision of the law.

12. The Constitution guarantees respect for and protection of the value of the human being (art. 2); full protection of life, honour and liberty, irrespective of nationality, race, language, or religious or political beliefs, for all persons living within the Greek territory (art. 5 (2)); and the inviolability of personal liberty (art. 5 (3)). Furthermore, the Constitution provides for freedom of opinion, expression, speech and the press (art. 14).

13. The Constitution prohibits arrest or imprisonment without a reasoned judicial warrant which must be served at the moment of the arrest or detention pending trial, except when a person is caught in the act of committing a crime (art. 6 (1)). Article 7.4 provides for compensation for unjust or unlawful deprivation of liberty.

14. According to the Constitution, all persons are entitled to receive legal protection by the courts and may plead their views concerning personal rights or interests, as specified by law (art. 20 (1)). The right of a person to a prior hearing also applies in any administrative action or measure adopted at the expense of the person's rights or interests (art. 20 (2)).

2. Penal Code and Criminal Procedure Code

15. Defendants have the right to counsel and enjoy the presumption of innocence. Depending on the seriousness of the offence, a detainee may be held in remand for up to one year. According to article 87 of the Penal Code and article 371 (4) of the Criminal Procedure Code, the term of pretrial detention and the time between the arrest and the order of pretrial detention is deducted from the sentence.

16. Rules of evidence apply in court, and witnesses are subject to cross-examination. Detainees have unlimited access to their defence lawyer. Defendants may present witnesses and evidence on their behalf, and question witnesses testifying against them. They have access to evidence held by the authorities. They may appeal a court decision to a higher court. Persons who have been detained on remand and subsequently acquitted are entitled to request compensation if it has been established in the proceedings that they did not commit the criminal offence for which they were detained.

3. Laws concerning migration

17. The new Law No. 4636/2019 on international protection codifies the legislation on international protection and aims to reinforce legal certainty and efficiency.¹ The law features more restrictive provisions in regard to the detention of applicants compared to previous legislation.

¹ Certain provisions of Law No. 4636/2019 were amended by Law No. 4686/2020.

18. More specifically, article 46 (2) introduces the possibility of detention even for applicants who have not been in detention in view of return and deportation procedures before becoming asylum seekers. Previous legislation provided that a detention order may be issued only upon the recommendation of the Asylum Service, unless detention is ordered on the basis that the applicant constitutes a danger for national security or public order.² However, article 46 (4) of the new law provides that the Asylum Service is merely informed about the detention order, which is now issued by the competent police director in all cases without the prior requirement for a recommendation by the Asylum Service.

19. Article 46 (5) (b) of the new law removes the automatic judicial review of initial detention orders and retains the remedy only for the prolongation of detention orders. Article 46 also provides for an increase in the maximum initial detention period for which asylum seekers may be held, from 45 to 50 days. The same change applies to orders to extend the initial period of detention. It also extends the total maximum detention period from 3 months to 18 months. Furthermore, the law explicitly provides that pre-removal and asylum detention is counted separately for the purposes of calculating the maximum detention period (art. 46 (5) (b)).

4. Laws concerning psychiatric institutions

20. Law No. 2071/1992 governs involuntary hospitalization in psychiatric institutions (arts. 96–99). This legislation provides that patients may be hospitalized involuntarily only when they have a psychiatric disorder and are incapable of taking decisions affecting their health, and when failure to hospitalize them would be detrimental to their state of health. Persons with a psychosocial condition may be hospitalized to prevent them from self-harming or harming others (*ibid.*, art. 95).

21. A district prosecutor may authorize placement upon the request of a spouse, parent, relative or guardian and, in emergency cases, the placement procedure may be launched *ex officio*, to be supported by medical opinions from two psychiatrists.³

22. Patients admitted on an involuntary basis have the right to be heard in person by the court during the placement or appeal (*ibid.*, arts. 96 (6) and 97). Patients are entitled to legal assistance in placement proceedings. They may be represented by someone acting in their interests.

23. A reform of the law governing involuntary hospitalization was launched in late 2017 and is ongoing.

III. Positive measures and initiatives

A. Ratification of international human rights instruments

24. The Working Group welcomes the State's ratification of the Optional Protocol to the Convention against Torture on 11 February 2014 and the designation of the Greek Ombudsman as the national preventive mechanism. Regular independent oversight over all places of deprivation of liberty has a significant role in reducing the incidence of arbitrary detention. The Working Group calls upon the national preventive mechanism to strengthen its efforts to visit in a more regular manner all places of deprivation of liberty. The Working Group also urges the Government to increase its efforts to engage constructively with the national preventive mechanism, especially on the implementation of its recommendations.

² Law No. 4375/2016, article 46 (3).

³ If a second psychiatrist's opinion cannot be obtained, the second opinion may be supplied by a doctor with another related specialization (Law No. 2071/1992, art. 96).

B. Alternatives to detention

25. The Government has underlined that it applies alternative forms of detention, such as the obligation to report regularly to the authorities.

26. Under the amended Penal Code (Law No. 4619/2019), penalties have been reduced and the use of non-custodial measures is encouraged. Article 52 reduces the maximum penalty to 15 years for all offences, with the exception of life sentences. Sentences in youth detention facilities range from six months to five years if the normal sentence applicable is up to 10 years' imprisonment, and from two to eight years for a life sentence or other sentence (art. 54). Article 55 provides for community service alternatives, while minor offences punishable by fines only are no longer prosecuted.

27. While the Working Group acknowledges that these provisions are positive steps forward, it emphasizes that there is still considerable scope for their implementation and encourages the Government to expand the use of non-custodial measures.

C. Provisions for early release

28. The Working Group was informed that prisoners who had served a percentage of their sentence were eligible for early release from detention. Under article 105B of the Penal Code, convicts may be released when they have served two fifths of the required time to be served in the case of a sentence up to five years, and three fifths of the required time in the case of a sentence of between 5 and 20 years.

29. In addition, according to article 105B of the Penal Code, convicts who work, attend school or participate in vocational training are eligible for a reduction in their sentence to reflect the time spent working or attending these programmes. Up to two days are deducted from the sentence for every day of occupational or educational activity undertaken. Prisoners working in agricultural detention establishments and the Central Warehouse of Prison Material are paid for their work (art. 43 of the Penitentiary Code).

30. Furthermore, certain categories of prisoners are eligible for early release. According to article 105 (1) of the Penal Code, persons over the age of 70 years who have been sentenced to up to 15 years' imprisonment serve the sentence or the remainder of the sentence at home. In addition, under article 105B (4) of the Code, each day of detention spent working by prisoners suffering from a number of serious health conditions is considered to count as two days of their sentence. The same applies to prisoners with a disability rate of 50 per cent or more, who cannot work or who require assistance; prisoners with a disability rate of 67 per cent or more; detainees who are prohibited by the opinion of a disability certification centre from taking up work or employment; prisoners who are being treated in medical institutions and whose treatment has lasted for at least four months; detained mothers with minor children; prisoners participating in a treatment programme for drug addiction; and prisoners detained in police stations or police division offices. However, the Working Group met with one detainee aged 70 who had not benefited from these provisions, and therefore encourages the Government to ensure that they are uniformly applied in practice.

31. The Working Group was informed that early release was implemented and was able to confirm that assertion during its visits to detention facilities. For example, the Working Group observed that, despite the challenging conditions at Korydallos Prison in Athens, the authorities delivered educational programmes, including for the purposes of finishing high school and studying at university, and various vocational projects that could be used to reduce sentences.

32. The reduction of sentences under these provisions is commendable as it provides convicted persons with the ability to undertake work and gain new vocational and other skills, and contributes to reintegrating them into society more quickly. These provisions are also an important means of addressing the serious problem of overcrowding in detention facilities. The Working Group urges the Government to continue to extend this practice as much as possible.

IV. Main findings concerning the right to personal liberty

33. In determining whether the information provided, including from persons interviewed during the visit, raised issues regarding the arbitrary deprivation of liberty, the Working Group referred to the five categories of arbitrary deprivation of liberty outlined in paragraph 8 of its methods of work (A/HRC/36/38).

A. Deprivation of liberty in the context of the criminal justice system

1. Presentation before a judicial authority

34. The Working Group recalls that anyone arrested or detained on a criminal charge has the right to be brought promptly before a judicial authority. According to article 87 of Law No. 1756/88, the Public Prosecutor is a judicial authority independent of the courts and the executive power. In the case of a crime or an arrest made by order of the investigator, the Prosecutor refers the arrested person to the investigator. If it is a misdemeanour, the Prosecutor may refer the accused immediately to the competent court that is in session on that day, without a written preliminary hearing, and the court hears the case on the same day. Exceptionally, when the court is unable to convene on the same day, detention may be ordered for a maximum of 24 hours.

35. During its visit, the Working Group ascertained that individuals are normally presented before the Public Prosecutor within 24 hours of arrest. While this is commendable, it considers that presentation before the prosecutorial authorities, whose role is to prosecute rather than adjudicate each case, cannot be equated with presentation before a judge as required under article 9 (3) of the International Covenant on Civil and Political Rights. Given their role and interest in prosecuting cases, the Working Group considers that prosecutorial authorities do not possess the requisite degree of independence to assess the necessity and proportionality of detention.⁴ The Working Group recommends that Greece complies with its obligations under the Covenant.

2. Pretrial detention

36. Pretrial detention, according to Greek legislation, should be imposed only when release under restrictive measures is deemed insufficient for the purposes of the criminal proceedings. The Working Group notes, however, that the imposition of pretrial detention is in practice automatic, as there is no individual assessment of whether detention is necessary and proportionate, contrary to article 9 (3) of the Covenant. Pretrial detention may also be imposed, exceptionally, for up to 18 months, contrary to article 6 (4) of the Constitution, which stipulates that detention pending trial may not exceed one year in the case of felonies or six months in the case of misdemeanours, and that these periods may be extended for up to six months in exceptional cases only.

37. The placement of pretrial detainees and their separation from convicted persons is provided for in article 11 of the Penitentiary Code and in article 10 of the internal regulations for the operation of detention centres. However, that separation was not in place in any of the facilities visited. Failure to separate pretrial detainees and convicted prisoners is contrary to article 10 (2) (a) of the Covenant and rule 11 (b) of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Pretrial detainees are also subject to the same treatment as those who have been convicted, contrary to the presumption of innocence to which all persons are entitled prior to conviction. Such a practice may amount to de facto punishment without conviction (A/HRC/39/45/Add.1, para. 33).

38. The Working Group recalls the concluding observations of the Committee against Torture (CAT/C/GRC/CO/7, para. 37) and urges Greece to abide by its international obligations to ensure that pretrial detention is exceptional, and that persons detained

⁴ Human Rights Committee, general comment No. 35 (2014) on liberty and security of person, para. 32.

pending trial are separated from convicted persons and are not treated as though they were convicted persons.

3. Presumption of innocence

39. The Working Group recalls that everyone charged with a criminal offence has the right to be presumed innocent under article 14 (2) of the Covenant. The Working Group received credible information concerning non-nationals in pretrial detention who had been detained exclusively on the basis of police testimony, including when there was other evidence that did not support their guilt. Similar instances were reported in cases of drug-related crime and organized crime.

40. The presumption of innocence imposes a burden on the prosecution of proving charges beyond reasonable doubt. The Working Group urges the judicial authorities to ensure that they afford accused persons the presumption of innocence and fair consideration of all available evidence when making decisions to detain, regardless of the nationality of the accused.

4. Right to legal counsel

41. Under article 33 of the internal regulations for the operation of detention centres, detainees are entitled to legal support and assistance under specific conditions, including if detainees declare that they are financially unable to exercise their defence rights. The Working Group, however, was informed of cases in which detainees accused of misdemeanours were not informed of their right to legal assistance, including legal aid. In most instances, the detainees were brought before the Public Prosecutor without a lawyer when pretrial detention was ordered. As a result, the detainees could not effectively defend themselves and were not given a fair opportunity to contest their detention.

42. The Working Group received information that detainees who were accused of felonies, particularly in relation to serious drug offences, were informed of their right of access to a lawyer of their choice or at no cost if they did not have sufficient means to afford legal assistance. It recommends that the right to legal assistance be extended to all persons who are accused of any type of crime, particularly misdemeanours.

43. The Working Group encourages the Government to ensure that all persons are promptly informed upon apprehension of their right to legal assistance, including immediately after the moment of apprehension, by counsel of their choice or at no cost if they cannot afford a lawyer.⁵ The authorities must also ensure that all persons deprived of their liberty benefit from this right at any time during their detention (CAT/C/GRC/CO/7, paras. 14–15).

5. Provision of information in other languages

44. According to articles 9 (2) and 14 (3) (a) of the Covenant, anyone who is arrested has the right to be informed in a language that he or she understands of the reasons for the arrest, and to be promptly informed of any charges. The authorities are required to inform detained persons of their rights in a language that they understand, including the right to legal counsel and to request a court to consider the legality of the detention.

45. The authorities informed the Working Group that all detainees are informed of the reasons for their detention, either orally or in writing. If the detained person is a foreign national who does not understand the Greek language, care is taken to explain his or her rights through an interpreter or consular authority. Individual informative sessions are provided when necessary. Information bulletins in the language of the detainee are also available, but were not visible in most of the sites visited. The Ministry of Citizen Protection demonstrated printed materials with the rights of detainees explained in various languages, but these materials do not appear to be consistently provided to detainees.

⁵ United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court (A/HRC/30/37), principle 9 and guideline 8.

46. The Government also informed the Working Group that the list of interpreters is compiled by the Misdemeanours Judges Council, following a recommendation by the Public Prosecutor. There has been an effort to populate that list with interpreters for all required languages, based on statistics and on the predetermined court session days of each year. However, the Working Group received numerous reports that, despite efforts by the authorities to expand the list of interpreters, there was a lack of interpreters and, as a result, detainees were not informed in a language that they understood of the reasons for their arrest, or their rights as detainees. According to article 14 (3) (f) of the Covenant, anyone charged with a criminal offence has the right to the free assistance of an interpreter if he or she cannot understand or speak the language used in court. While the challenges of providing interpretation are considerable in a context in which persons of many different nationalities and languages are in contact with the law, the Working Group urges the Government to provide interpretation services to all persons who have been deprived of their liberty.

6. Short trials

47. A fair trial requires time for the parties to present their evidence and, in particular, for the accused person to be given adequate time to be heard pursuant to article 14 (1) and (3) (b) and (d) of the Covenant. According to several credible reports, some criminal trials have been short, ranging from a few minutes to a few hours, and have been concluded in a single day. There is often no opportunity for the accused to address the court, while law enforcement agents are extensively heard. This practice is in direct violation of the right to a fair trial, including the principle of equality of arms. The Working Group calls upon the Government to ensure that the accused is given adequate time to present a defence and to address the court.

7. Overcrowding of detention facilities

48. The Working Group notes that severe overcrowding remains an issue in most detention facilities.

49. It welcomes the Government's efforts to address the problem of overcrowding, such as the construction of new facilities and the priority examination of detainee requests for transfer to agricultural detention establishments and the Central Warehouse of Prison Material.

50. The Working Group invites the Government to continue its efforts and considers that overcrowding could be further addressed by reducing the use of pretrial detention, establishing new, separate facilities for pretrial detainees and implementing alternative measures to detention.

8. Conditions of detention

51. During its visits to detention facilities, the Working Group noted that the conditions were in some instances better for Greek nationals than for foreign nationals. At some prison facilities, the wards in which Greek nationals were detained appeared to be significantly less crowded than wards housing non-European nationals. In addition, several non-Greek detainees reported serious health issues requiring urgent medical attention that had not been granted by the authorities.

52. The Working Group was also informed, however, of other cases of vulnerable individuals and groups who had received appropriate individualized treatment from the authorities, including persons who had been accused of or had committed serious sexual offences that required protective measures, and lesbian, gay, bisexual, transgender and intersex persons. The Working Group invites the Government to ensure consistent application of individualized treatment in all places of detention.

53. Furthermore, the Working Group is concerned that, in general, and despite current efforts by the authorities to meet the staffing needs of the special regional clinics in detention facilities, the medical services located in prisons are understaffed, which could result in a higher risk of deaths in custody. According to rule 24 of the Nelson Mandela Rules, prisoners should enjoy the same standards of health care that are available in the

community, and should have access to necessary health-care services free of charge without discrimination.

54. Having visited detention facilities related to the criminal justice system, including police stations and prisons, the Working Group concludes that, currently, they do not generally meet international standards, particularly the Nelson Mandela Rules, owing to overcrowding, lack of adequate cleaning and sanitary services, and inadequate or non-existent health services. The lack of satisfactory conditions of detention often affects a detainee's ability to participate in the criminal proceedings and to present an effective defence and appeal.⁶ It is therefore important for the Government to address the conditions within detention facilities as a matter of priority.

9. Monitoring of places of detention

55. In accordance with article 6 of the Penitentiary Code, all detainees are being informed on their admission to the detention facility about their rights and the possible ways to address any violation. The Working Group identified, however, a general lack of awareness among detainees as to how to submit a complaint in relation to their detention and the conditions in which they were held. There is no visible mechanism in places of deprivation of liberty, such as a telephone number or relevant contact details, to present claims to the Greek Ombudsman on violations of human rights. Many detainees also reported that there were few visits, if any, to their places of detention by relevant monitoring mechanisms. The Working Group urges Greece to consider establishing a hotline for reporting in the prisons, taking into account the need for confidentiality of complaints; to display information about the hotline throughout the prisons; and to provide sufficient funding for regular and independent monitoring and oversight of places of detention.

B. Detention of persons in the context of migration

56. The Working Group recognizes the challenges involved in respecting international human rights standards in the current context of mass migration into the country and the arrival of large numbers of people seeking international protection. Following the closure of the borders along the Balkan corridor and the adoption of the statement by the European Union and Turkey in March 2016, the administrative detention of migrants has significantly increased. In 2017, 68,112 persons were arrested for illegal entry or stay in Greece, 93,367 persons in 2018, and 123,710 persons in 2019. On 1 May 2020, 3,250 persons were in detention in pre-removal detention centres, while 2,329 of them were under asylum procedures. In addition, the total number of persons detained in facilities under the competence of the Hellenic Police was 1,085.

57. The Working Group visited 11 facilities in which asylum seekers could be deprived of their liberty, including police stations, border guard stations and cells maintained by the Hellenic Coast Guard, reception and identification centres and pre-removal detention centres. It identified problems that could lead to arbitrary and prolonged deprivation of liberty, including inadequate individual assessment of the appropriateness and necessity of detention, and detention in inappropriate facilities such as police stations. Equally, the Working Group identified gaps in the provision of interpretation and legal aid, resulting in lack of access to judicial remedies against detention decisions. It notes with particular concern the policy of geographical restriction on the movement of asylum seekers from the islands and the lack of awareness among asylum seekers of the consequences of breaching this restriction, namely placement in detention.

1. Right to seek asylum

58. According to the Government, the Hellenic Police has been given clear orders to respect the right of detainees to submit an application for international protection and to

⁶ Opinion No. 52/2018, para. 79 (j), and E/CN.4/2004/3/Add.3, para. 33.

exercise legal remedies. The authorities claim that no foreign citizen in detention who has applied for international protection may be returned until the examination of the application, since Greece fully respects the Convention relating to the Status of Refugees, and the procedures in Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection, which have been incorporated into national law.

59. The Hellenic Coast Guard and UNHCR signed a memorandum of understanding in September 2014, which was renewed in 2018. The memorandum is aimed at protecting and safeguarding the fundamental rights of migrants and refugees, in accordance with international, European and national law. Furthermore, representatives of civil society and UNHCR have access to detention areas and access is not generally hindered in practice.

60. According to the authorities, foreign citizens in detention are provided with information notes, and booklets and other resources are available online, so that they are informed in a language that they understand of their rights regarding detention and the asylum procedure. The presence of an interpreter is also standard, with interpreters appointed by the Government or provided by non-governmental organizations (NGOs).

61. During its on-site visits and interviews, the Working Group observed that many detainees did not understand their right to apply for asylum and the corresponding procedure, with some individuals incorrectly believing that the process was initiated when they were fingerprinted. There was no established scheme for providing legal aid during the first-instance asylum application, and interpretation was not consistently provided, with asylum seekers relying on second-hand information from fellow applicants.

62. The Working Group was informed that no information was provided by the police to detainees on their right to apply for international protection or on the procedural stages, and that such information was provided by non-governmental actors only. No further information appears to be provided regarding the time limits for detention. In addition, both the original detention decisions and their reviews, following *ex officio* review by the judicial authorities, are drafted in Greek only. Most pre-removal detention centres do not have interpretation services, and when interpreters are available, they do not provide interpretation throughout all procedural steps and everyday issues or translate all documents involved, especially given the high number of detainees in many pre-removal detention centres.

63. Furthermore, some persons who had been detained on separate criminal charges but were also applying for asylum informed the Working Group that they experienced significant barriers to pursuing their claims when they were unable to attend their interviews with the Asylum Service owing to their detention. The Working Group was informed that such criminal charges could affect the determination of the asylum claim.

64. The right to seek asylum is recognized under article 14 (1) of the Universal Declaration of Human Rights. In addition, as the Working Group recognized in its revised deliberation No. 5 on deprivation of liberty of migrants, the right to personal liberty extends to all persons at all times, including migrants and asylum seekers, irrespective of their citizenship, nationality or migratory status (A/HRC/39/45, annex, para. 7). All detained migrants must have access to legal representation and interpreters.

2. Protective custody

65. Article 19 of Presidential Decree No. 220/2007 obliges the competent authorities to undertake all the necessary measures for the representation of unaccompanied minors. This entails informing the prosecutor for minors or, when there is no such prosecutor, the prosecutor at the local first-instance court, who acts as a temporary guardian. Moreover, Law No. 4554/2018, which entered into force on 1 March 2020, foresees that all unaccompanied minors in Greece are assigned a professional guardian. The process of hiring such guardians is ongoing. Interim arrangements include the participation of authorized representatives from NGOs as guardians. The Working Group encourages the relevant authorities to ensure that this process is completed as a matter of priority.

66. According to article 118 of Presidential Decree No. 141/1991, children can be placed under protective custody until they are referred to appropriate reception facilities or until they are reunited with the persons responsible for them. Protective custody does not always amount to detention but, in practice, it has mostly been implemented through the detention of children in pre-removal detention facilities or police stations. In some cases, children have been reportedly placed under protective custody in hospitals, also under the care or supervision of the police.

67. The number of children in protective custody remains high. According to data from the National Centre for Social Solidarity, as at 30 April 2020, there were 276 minors in protective custody. The Centre prioritizes unaccompanied minors in administrative detention for placement in alternative emergency accommodation or proper shelters. However, the Government points to the considerable lack of such accommodation for the purposes of covering the needs of all unaccompanied minors. The Working Group welcomes the recent increase in total capacity for the long-term accommodation of unaccompanied minors. By May 2020, while there was a total of 5,009 unaccompanied minors in the country, there were 1,699 places in long-term accommodation and 659 in short-term accommodation.

68. The Working Group confirmed the existing substantial burden on shelter facilities, which resulted in many unaccompanied children being held in protective custody, in unacceptable conditions, in facilities that were not appropriate for the detention of children, such as police stations and pre-removal facilities on the mainland. Although officials appeared to be providing the best support available in the circumstances, the Working Group noted that some children were held for prolonged periods, of more than two months, in conditions similar to those of criminal detention, especially in police stations. These children were held with adults, in dark cells, with no access to recreational or educational activities, and no information on what would happen to them, which appeared contrary to article 37 (c) of the Convention on the Rights of the Child. There is no maximum time limit on the period for which a child may be held in protective custody.

69. Furthermore, the Working Group was informed that the Public Prosecutor, as the authority responsible for the care and security of the children under protective custody, did not visit the children in the detention facilities.

70. The Working Group was also informed of the appointment of the National Coordinator for Unaccompanied Minors and was able to meet with her. The Coordinator was in a newly created position for which she was still developing a plan. The Working Group urges the authorities to ensure that the Coordinator has sufficient authority and resources to take effective action to protect children.

71. In February 2019, the European Court of Human Rights found that the automatic placement of unaccompanied asylum-seeking children under protective custody in police facilities, without taking into consideration the best interests of the child, violated article 5 (1) of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights).⁷ The Working Group urges the Government to uphold its obligations under the Convention on the Rights of the Child and the European Convention on Human Rights by putting an end to the detention of children under protective custody in police stations or other facilities related to the criminal or immigration systems.

72. The Working Group invites the Government to prioritize the best interests of each child, and ensure that children who enter the country in an irregular manner are not detained and are placed in facilities appropriate to their age. As the Greek Ombudsman has observed, this could be achieved by transitioning to community-based care, foster care, supported independent living, and the gradual reduction of institutional structures. The Working Group welcomes the recent European Union initiative for the relocation of

⁷ European Court of Human Rights, *Affaire H.A. et autres c. Grèce*, Application No. 19951/16, Judgment, 28 February 2019.

unaccompanied children from Greece, which led to the relocation of 59 children in April 2020.

3. Age assessment

73. According to article 14 (9) of Law No. 4375/2016, whenever there is doubt as to whether a third-country national or stateless person is a minor, an age assessment is undertaken and, until the assessment ruling is issued, the person is presumed to be a minor. According to article 6 of Joint Ministerial Decision No. 92490/2013, age assessment is to be conducted in three consecutive stages: clinical examination by a paediatrician; psychological and social expert evaluation; and medical examination of skeletal age. Article 6 (8) of the decision provides for procedural guarantees, including ensuring that the person is represented throughout the procedure, obtaining consent and ensuring that the primary consideration is the best interests of the child.

74. The Working Group notes that these provisions are not being applied in practice. At present, the police reportedly rely primarily on X-ray and dental examinations under the third step of the age-assessment procedure. Persons claiming to be children are not generally represented or informed of their rights in a language that they understand during the assessment. In order to challenge the outcome of the assessment, the person must submit an appeal to the secretariat of the reception and identification centre within 10 days of notification of the decision, which poses difficulties for persons who cannot access the relevant documentary proof of their age within such a short time frame.

75. Joint Ministerial Decision 1982/2016 on the age-assessment procedures initiated by the Asylum Service applies when there are serious doubts about the age of a person lodging an application for international protection, with similar provisions and procedural guarantees. A new joint decision is planned to be issued by the Minister of Migration and Asylum and the Minister of Health in order to adopt a common approach for age assessment in both the identification and the asylum procedures.

76. Minors are thus being detained unnecessarily owing to inaccurate assessment procedures, and are treated as and detained with adults. The Working Group recommends that the authorities consistently apply the guarantees outlined above, particularly the presumption that a person is a child unless the contrary can be proven. The Working Group reiterates the Greek Ombudsman's call to the Government in 2018 to put a complete end to all administrative detention of migrants under the age of 18 years.

4. Vulnerability assessment

77. Greek law does not prevent the detention of vulnerable individuals or groups. However, the law contains guarantees for such individuals. Under article 20 of Law No. 4636/2019 (as amended), vulnerable persons include minors, family members of victims of shipwrecks, persons with disabilities, older persons, pregnant women, single-parent families with minors, victims of trafficking, persons with severe health conditions, persons with intellectual or psychosocial disabilities or mental health conditions, victims of torture, rape or other severe forms of psychological, physical or sexual violence. The vulnerability of an individual must be assessed by the Reception and Identification Service prior to registration of an asylum application or during the asylum process, and is a factor in determining whether to detain or prolong detention.

78. According to article 46 (4) of Law No. 4636/2019, any relevant decision on a person's detention must be justified for each person.

79. The determination of vulnerability has been critical to the immigration and asylum procedures, at least until the entry into force of the new law on international protection, under which the vulnerability assessment is no longer associated with the type of asylum procedure to be followed. Before November 2019, if a person was determined to be part of a vulnerable group specified in the legislation, the geographical restriction to remain on the island at which he or she arrived or was registered was lifted, and the person could travel freely within Greece without risk of arrest. The consideration of asylum applications was also partially prioritized, for the most vulnerable groups.

80. Some of the vulnerable persons were detained in practice, however, and the Working Group was informed of cases in which individuals did not undergo proper identification of vulnerability and an individualized assessment prior to the issuance of a detention order. There were also delays after the time of arrival in conducting the vulnerability assessments, owing to understaffing and a lack of medical and psychosocial experts.

81. Under Law No. 4636/2019, individuals identified as belonging to a vulnerable group, as specified in the amended provision, are now subject to highly accelerated asylum procedures and their geographical restriction on the islands is not lifted before this is completed. The authorities are urged to ensure the prompt examination of applications from vulnerable individuals in practice.

5. Opportunity to challenge detention and removal decision

82. The authorities have pointed out that the right of foreign citizens to challenge detention in case of expulsion is provided for in article 76 of Law No. 3386/2005, a right that may be exercised at any time during detention.

83. Asylum applications are submitted to the Asylum Service in the first instance. If the application is rejected, the applicant may appeal the decision in the second instance before an independent appeals committee. An appeal must be lodged within five days, during border procedures. Legal aid is provided on appeal only and, if a person did not have his or her own lawyer during the initial first-instance hearing and given that the Asylum Service lawyers are unable to meet all demands, it is practically impossible to find a lawyer within the prescribed time in order to prepare for the appeal. Under article 92 (1) (c) of Law No. 4636/2019, the deadline for applications examined through the border procedures is 10 days after the notification of the first-instance decision.

84. The Working Group urges the Government to expand the availability of publicly-funded legal aid so that persons seeking international protection have access to legal advice at all stages of the process, from the moment of filing their application until a final determination is made.

85. Before the entry into force of Law No. 4636/2019, asylum seekers could lodge an application for annulment of the second-instance decision before the administrative court of appeal within 60 days of notification of the decision. However, the effectiveness of that legal remedy was undermined by a number of obstacles, including the fact that only a lawyer could file the application. Inadequate legal aid is provided for challenging a second-instance negative decision on an asylum application, and the capacity of NGOs to file this application is very limited given the number of persons in need of international protection. In addition, the application for annulment would not automatically suspend deportation, and there was no guarantee that the applicant would not be removed during lengthy delays in the court hearing the matter.

86. According to article 104 (4) of Law No. 4636/2019, any negative decision must not lead directly or indirectly to refoulement. The independent appeals committee examines the conditions for non-refoulement as specified in article 3 of the Convention against Torture, article 7 of the International Covenant on Civil and Political Rights, and articles 31 and 33 of the Convention relating to the Status of Refugees. In such a case, the independent appeals committee provides the individual with an attestation for non-removal on humanitarian grounds.

6. Pushbacks at the border between Greece and Turkey

87. The Working Group was informed that a number of persons newly arrived in the Evros region had been arrested, detained and summarily returned across the land border between Greece and Turkey without being given the opportunity to apply for international protection in Greece. In some cases, it was alleged that individuals had made previous attempts to cross the border, but had been forcibly removed to Turkey in each case. Pushback practices are not permitted under Greek law and are contrary to the right to seek asylum. The Working Group is therefore of the view that detention for this purpose has no legal basis. The Working Group urges the Government to promptly and fully investigate all

allegations of such pushbacks, including any acts of violence or ill-treatment that may have occurred during such incidents, and to ensure that such practices do not occur in future.

88. The Working Group was informed that the European Border and Coast Guard Agency offered an anonymous complaints mechanism. While the Government indicates that no complaints were made through this mechanism in 2019 for irregular pushbacks, the Working Group considers that it may be a useful means of ensuring that any allegations of pushbacks are received and investigated by the appropriate authorities.

7. Legislative amendments and the announced policy on migration

89. The Working Group notes the entry into force of Law No. 4636/2019 on 1 January 2020. The new provisions appear to introduce more restrictive procedures that may compromise the general legal principle that detention of asylum seekers is exceptional and should be resorted to only where provided for by law and where necessary to achieve a legitimate purpose.

90. According to article 46 of Law No. 4636/2019, persons applying for international protection may be detained, if necessary, regardless of whether they apply for asylum while in detention or not. In addition, as outlined above, the Asylum Service will no longer provide a recommendation regarding the detention to the police.

91. The Working Group also notes that the extension of the maximum detention period for asylum seekers from 3 months to 18 months, which may reach 36 months if added to immigration detention, appears to treat the detention of migrants and asylum seekers as the rule and not the exception. The Working Group is concerned that these provisions are not in accordance with the principles of proportionality, necessity and reasonableness, which should govern measures of deprivation of liberty in the context of migration to ensure that such detention is a measure of last resort.⁸

92. The Working Group is aware of the Government's plans to establish five new centres on the islands of the northern Aegean at the sea borders with Turkey to create more space to accommodate asylum seekers. It is unclear whether and to what extent these centres will be closed centres, meaning that residents are in effect deprived of their liberty. The Working Group received numerous allegations that the facilities, as created by the new law and in accordance with the Government's policy, will indeed be closed, as opposed to de facto open centres such as the existing reception and identification centres. The authorities have argued that the term "closed" means only that the entrance and exit of the centre will be controlled.

93. It is important to ensure that any new centres are open centres and do not reinforce the practice of detaining asylum seekers. However, the plans also reportedly include the creation of centres for unaccompanied minors staffed by doctors and psychologists, which may be a positive development if they are not closed centres.

C. Deprivation of liberty in the context of psychosocial disability and social care

94. The Working Group was informed that psychosocial disabilities are increasingly common as a result of the economic crisis in recent years. The Ministry of Health is prioritizing the deinstitutionalization of persons with psychosocial disabilities whenever possible, which is commendable and has resulted in community-based care being made available to more individuals. For example, Dromokaiteio Psychiatric Hospital in Attica provides hospices, boarding houses and supported-living apartments to allow persons to live independently in the community.

95. With regard to the care institution for children and young adults with disabilities in Lechaina, the Working Group encourages the Government to continue with the deinstitutionalization process and to provide it with sufficient resources and personnel to

⁸ Revised deliberation No. 5, paras. 12–13.

enable the institution to fully comply with the Convention on the Rights of Persons with Disabilities.

96. However, psychiatric clinics and units within hospitals continue to receive many involuntary admissions; indeed, approximately 60 per cent of admissions to Dromokaiteio Psychiatric Hospital are involuntary. According to the Ministry of Health, out of a total 21,500 cases of psychiatric hospitalization in 2018, 8,300 were involuntary commitments.

97. The procedure for involuntary admission is problematic in several respects, including the fact that police officers are frequently required, by order of the Public Prosecutor, to arrest persons who have been reported by relatives or neighbours to have a psychosocial disability, rather than the detention being carried out by appropriately qualified medical personnel. Additionally, according to Law No. 2071/1992, following an assessment of the mental health of such individuals, a court must consider the involuntary admission within 10 days. However, lengthy delays are reportedly common, and when the matter is heard, the proceedings are usually not conducted in the presence of the individual concerned or of his or her legal counsel. Lastly, while involuntarily admitted individuals are given a statement of their rights upon admission, they frequently do not have access to a lawyer to challenge their mental health assessment, either because they do not have the capacity to contact legal counsel themselves or because they are unaware of or unable to understand this right.

98. A draft law is currently being developed in relation to the deprivation of liberty of persons with psychosocial disabilities, and the Working Group urges the Government to address these issues as part of the development of that legislation. Such reforms could include the automatic release of involuntarily admitted individuals if their case cannot be reviewed by the courts within the statutory deadline of 10 days, and ensuring that a guardian is appointed in cases where the individual does not have the capacity to represent him or herself or is unable to seek the assistance of a lawyer.

99. Reportedly, some individuals are detained involuntarily for prolonged periods, in some cases for years. This is often because the individuals have no family or other community support. While this can be a means of providing care, such cases must remain under regular review by the courts so that involuntary admission does not become indefinite deprivation of liberty against the will of the individual concerned.

100. Lastly, the Working Group was informed that the legal basis for the involuntary admission of persons with psychosocial disabilities to private clinics was unclear owing to the absence of a ministerial decision covering private facilities. It is important that this gap in the law is addressed promptly, given the increasing use of private clinics. The Ministry of Health should also conduct regular visits to all places where persons with psychosocial disabilities are held to monitor the length and conditions of involuntary admission and to bring cases that may amount to arbitrary deprivation of liberty to the attention of the Public Prosecutor and the courts. In this regard, the Working Group urges the authorities to visit the Athina Vrillissia Psychiatric Clinic as a matter of priority to ensure that the conditions in which persons are housed are significantly improved, and that the length of time of all admissions is closely monitored.

V. Conclusions

101. The Working Group commends the Government for its willingness to submit itself to scrutiny through the visit, and considers that the findings in the present report will support the Government in addressing situations of arbitrary deprivation of liberty.

102. Positive changes are being made across Greece in relation to the deprivation of liberty, including the ratification of the Optional Protocol to the Convention against Torture, the designation of the Greek Ombudsman as the national preventive mechanism, the introduction of alternatives to detention into legislation, and the use of provisions allowing for early release.

103. However, problems within the criminal justice system place defendants at risk of arbitrary detention, namely:

(a) While individuals are normally presented before the Public Prosecutor within 24 hours of arrest, such presentation before the prosecutorial authorities cannot be equated with presentation before a judge as required under article 9 (3) of the International Covenant on Civil and Political Rights;

(b) The use of pretrial detention is widespread, as individual assessment of whether detention is necessary and proportionate does not take place in practice. Pretrial detainees and convicted persons are not held separately, contrary to article 10 (2) (a) of the Covenant and rule 11 (b) of the Nelson Mandela Rules;

(c) There have been instances of failure to respect the right to the presumption of innocence, contrary to article 14 (2) of the Covenant, in which non-nationals in pretrial detention were detained exclusively on the basis of police testimony, including when other evidence was available;

(d) There has been an inability to universally guarantee the right to legal assistance, including legal aid, as detainees accused of misdemeanours have not always been informed of this right;

(e) There have been significant challenges in providing interpretation to foreign nationals, resulting in difficulty guaranteeing that anyone who is arrested is informed in a language that he or she understands of the reasons for the arrest, and is promptly informed of any charges, in accordance with articles 9 (2) and 14 (3) (a) of the Covenant;

(f) Short trials have been held, giving rise to potential breaches of article 14 (1) and (3) (b) and (d) of the Covenant, under which the accused person should be given adequate time to be heard;

(g) Conditions of detention, including overcrowding, at facilities related to the criminal justice system do not generally meet international standards, which may affect a detainee's ability to participate in criminal proceedings and to present an effective defence. In some facilities, the conditions of detention appeared to be better for Greek nationals than for foreign nationals;

(h) There is a general lack of awareness among detainees as to how to submit a complaint in relation to their detention and the conditions in which they are held, and few visits, if any, are conducted by relevant monitoring mechanisms.

104. Challenges with regard to respecting international human rights standards in the current context of mass migration include lack of information for detainees on their right to apply for international protection or on the procedural stages involved in seeking asylum, unaccompanied minors being held in protective custody in inappropriate facilities, deficiencies in the practical application of age- and vulnerability-assessment procedures, obstacles to the remedy of challenging detention and removal decisions, and allegations of pushbacks in the Evros region.

105. In relation to the full entry into force on 1 January 2020 of Law No. 4636/2019, the Working Group notes that the new provisions appear to introduce more restrictive procedures that may compromise the general legal principle that detention of asylum seekers is exceptional.

106. While there is an ongoing commitment to prioritizing the deinstitutionalization of persons with psychosocial disabilities, the procedure for involuntary admission is problematic, as the arrest is frequently carried out by the police rather than by qualified medical personnel. Frequent delays in consideration of involuntary admissions by the courts and lack of access to a lawyer to challenge mental health assessments were also identified. The legal basis for the involuntary admission of persons with psychosocial disabilities to private clinics is unclear owing to the absence of a ministerial decision covering private facilities.

VI. Recommendations

107. The Working Group recommends that the State become a State party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

108. The Working Group recommends that the Government take the following measures in building upon its positive initiatives to address the arbitrary deprivation of liberty:

(a) Support the Greek Ombudsman – the national preventive mechanism – to enable visits in a more regular manner to all places of deprivation of liberty across the country, and engage with it on the implementation of its recommendations;

(b) Implement provisions allowing for alternatives to detention and non-custodial measures, including Law No. 4619/2019;

(c) Continue to extend the provisions for early release as much as possible, ensuring that all those who work as part of such schemes are paid for their labour.

109. The Working Group recommends that the Government take the following measures in relation to the criminal justice system:

(a) Ensure that all persons arrested or detained on a criminal charge are brought before a judicial authority, rather than the Public Prosecutor, within 48 hours, in compliance with article 9 (3) of the International Covenant on Civil and Political Rights;

(b) Seek non-custodial measures whenever possible and ensure that persons detained pending trial are separated from convicted persons and are not treated as though they were convicted persons;

(c) Ensure the presumption of innocence and fair consideration of all available evidence when making decisions to detain, regardless of the nationality of the accused;

(d) Extend the right to legal assistance to all detainees, including those accused of misdemeanours, and promptly inform them upon apprehension about the right to legal assistance, including immediately after the moment of apprehension;

(e) Provide interpretation services to all persons deprived of their liberty;

(f) Provide the accused with adequate time to present a defence and to address the court, taking into account the nature and complexity of the alleged criminal offence;

(g) Address overcrowding in detention facilities by reducing the use of pretrial detention, establishing new, separate facilities for pretrial detainees and implementing alternative measures to detention;

(h) Address unsatisfactory conditions of detention and health services, and the reportedly unequal treatment of Greek and other nationals;

(i) Provide information to detainees on how to lodge complaints, including by establishing a reporting hotline and publicly displaying information on the complaints procedure while taking into account the confidentiality of complaints, and by providing sufficient funding for regular and independent monitoring of places of detention.

110. The Working Group recommends that the Government take the following measures in relation to the deprivation of liberty in the context of migration:

(a) Ensure that detention of asylum seekers is applied exceptionally and as provided for by law, and that alternatives to detention are considered; that asylum

applications are registered and examined on time; and that persons are not detained in cases in which there is no reasonable prospect of return;

(b) Give full effect to the right to seek asylum by:

(i) Ensuring that no foreign citizen in detention who has applied for international protection may be returned until the application has been examined;

(ii) In consultation with civil society and other organizations (for example, bar associations), providing legal aid during the first-instance asylum application, as well as interpretation services;

(iii) Ensuring that representatives from the Asylum Service visit detention centres to assist those detained on criminal charges who are also applying for asylum; in addition, ensuring that criminal charges do not affect the determination of an asylum claim, consistent with the presumption of innocence;

(c) Address, as a matter of urgency, the situation of unaccompanied minors who enter Greece in an irregular manner by:

(i) Assigning a professional guardian to every unaccompanied minor, in accordance with Law No. 4554/2018;

(ii) Ending the detention of children under the protective custody scheme in police stations or other facilities and ensuring that unaccompanied minors are transitioned to community-based care, foster care, supported independent living, and the gradual reduction of institutional structures;

(iii) Until the situation can be completely addressed, continuing to prioritize the placement of unaccompanied minors in emergency accommodation or shelters, which must be regularly visited by the Public Prosecutor;

(iv) Uniformly applying the provisions of Law No. 4375/2016 and Joint Ministerial Decision No. 92490/2013 regarding age-assessment procedures, particularly the presumption that a person is a child unless the contrary can be proven;

(v) Ceasing all administrative detention of migrants under the age of 18 years;

(d) Conduct a thorough assessment of vulnerability prior to the issuance of a detention order during immigration and asylum procedures, prioritizing the hiring of staff to minimize delays after the time of arrival in conducting such assessment;

(e) Provide sufficient opportunities to challenge detention and removal decisions, including by expanding access to legal representation during the first-instance hearing of asylum applications, extending the deadline for appealing first-instance rejection of asylum applications, and ensuring that all avenues for such challenges suspend the possibility of deportation until a final determination is made;

(f) Promptly and fully investigate all allegations of pushbacks, including any acts of violence or ill-treatment that may have occurred during such incidents, and ensure that such practices do not occur in future.

111. The Working Group recommends that the Government take the following measures in relation to the deprivation of liberty in the context of psychosocial disability and social care:

(a) Continue to prioritize deinstitutionalization whenever possible, making greater use, in appropriate cases, of community-based care;

(b) With regard to the care institution for children and young adults with disabilities in Lechaina, continue with the deinstitutionalization process and provide it with sufficient resources and personnel, in compliance with the Convention on the Rights of Persons with Disabilities;

(c) Ensure that draft legislation addresses the problems identified in the involuntary admission of persons, including introducing a requirement for the automatic release of involuntarily admitted individuals if their case cannot be reviewed by the courts within 10 days, and ensuring that a guardian is appointed in cases where an individual does not have the capacity to represent him- or herself or is unable to seek the assistance of a lawyer;

(d) Ensure that admissions to all psychiatric institutions remain under regular review by the Public Prosecutor and the courts to avoid indefinite deprivation of liberty against the will of the individual concerned;

(e) Introduce legislation to provide a legal basis for the involuntary admission of persons with psychosocial disabilities to private clinics, and ensure that the Ministry of Health conducts regular visits to all places where persons with psychosocial disabilities are held in order to monitor the length and conditions of involuntary admission.

Appendix

Detention facilities visited

The Working Group visited 21 places of deprivation of liberty, including prisons and a prison hospital, police stations; pre-removal detention centres; Hellenic Coast Guard detention centres; a special detention establishment for youth; psychiatric hospitals.

Attica, including Athens, and Peloponnese regions

Amygdaleza pre-removal centre

Drapetsona police station

Dromokaiteio Psychiatric Hospital

Tavros pre-removal detention centre

Korydallos Prison I and II

Korydallos Prison Hospital

“Athina Vrilissia” Psychiatric Clinic

Lechaina care institution for children and young adults with disabilities

Hellenic Coast Guard detention centre in Piraeus

Island of Kos

Pili pre-removal detention centre

Kos detention establishment

Police station in Kos

Hellenic Coast Guard detention centre

Thessaloniki

Thessaloniki Sub-Directorate for Transit Detention of Criminal Cases & Guard Department of Aliens’ Police

Diavata Prison

Police Station of White Tower

Police Directorate of Thessaloniki – Aliens’ Department/Migration Department of Mygdonia

Eastern Macedonia and Thrace

Xanthi pre-removal detention facility

Paranesti (Drama) Pre-Removal Centre

Iasmos border police station

Ferres border police station



CAUGHT IN A POLITICAL GAME

ASYLUM-SEEKERS AND MIGRANTS ON THE GREECE/TURKEY
BORDER PAY THE PRICE FOR EUROPE'S FAILURES

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Cover photo: Migrants try to talk with Greek police officers during clashes on the buffer zone Turkey-Greece border, near Pazarkule crossing gate in Edirne, Turkey, on March 4, 2020.
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EXECUTIVE SUMMARY

On 27 February 2020, following statements from the Turkish authorities that the country's borders with the European Union (EU) would be opened, families and individuals from Afghanistan, Iraq, Syria and from many other countries made a rushed journey to the border region with Greece. Pursued by Turkish and international media, thousands seeking safety approached the border in scenes reminiscent of the 2015 mass irregular migration of asylum-seekers through Turkey's western borders and onwards through the EU.

On 18 March 2016 EU countries and Turkey had agreed the 'EU-Turkey deal',¹ aimed at returning all those arriving irregularly on the Greek islands – including asylum-seekers – back to Turkey. Turkey committed to 'prevent new sea or land routes for illegal migration'. In exchange, EU member states among other things agreed: to take one Syrian refugee from Turkey for every Syrian returned back to the country from the Greek islands; adopt visa liberalisation measures for Turkish citizens; and mobilise significant financial support for reception and other projects benefitting refugees in Turkey. The arrival of people at the land border in 2020 came nearly four years after the deal was signed, amid accusations by the Turkish authorities that the EU had not honoured its agreement to provide a €6 billion contribution to hosting up to 3.6 million Syrian refugees. These latter make up most of Turkey's refugee and asylum-seeker population of four million people.

The Turkish government's announcement on 27 February that it was opening the border with the EU was made concurrent with its "Spring Shield" military operation in Syria's Idlib province, launched after at least 34 Turkish soldiers were killed in a single attack in that province. The Syrian military (supported by Russia) had at that point advanced into the last stronghold controlled by Turkey-supported opposition armed groups. Turkey requested NATO assistance with the "Spring Shield" operation.

The movement of people seeking safety via Turkey's western borders was starkly different from 2015 movements – merely tolerated by Turkish authorities. In 2020, according to reports and in what appears a calculated political gesture, Turkish border guards and security forces actively prevented access to the Bulgarian border. At the same time, they encouraged and facilitated movement to the Greek border. Whether to pressure the EU for support to Turkey in Syria, increase funding for hosting refugees or for reasons of domestic politics, the move was reckless and destined to lead to harm for those who attempted the journey. Amnesty International spoke to asylum-seekers and migrants, some of whom had arrived on free buses, who stated they had understood from those operating the buses that the borders had been completely opened and they would be able to walk through unrestricted. It was not clear who had paid for these buses, and some people we interviewed explained they had given up their accommodation and spent all their money to transport their families to the border.

The response from the Greek authorities was categorical. On 28 February Kyriakos Mitsotakis, the Greek Prime Minister, tweeted "Significant numbers of migrants and refugees have gathered in large groups at the Greek-Turkish land border and have attempted to enter the country illegally. I want to be clear: no illegal entries into Greece will be tolerated." Greece bolstered its ground border forces, sending in troops that used tear gas, water cannons, plastic bullets against people attempting to cross the land border, and sent 52 ships to prevent arrivals to the islands.

Greece passed an emergency legislative Act on 2 March suspending new asylum applications for a month. In consequence, at sea most new arrivals were held arbitrarily in port facilities and other areas, unable to claim asylum and at risk of return to Turkey or to countries of 'origin or transit'. Later on, Greece announced

¹ Council of the European Union, "EU-Turkey Statement," 18 March 2016, available at <http://www.consilium.europa.eu/en/press/pressreleases/2016/03/18-eu-turkey-statement/>. The document is technically only a "statement," but as it is usually referred to as a "deal," Amnesty International will use the latter term in this document.

that due to the Covid-19 pandemic, asylum services stopped receiving claims. In the weeks following Turkey's announcement to open its borders with the EU, hostility, threats and attacks soared against refugees, NGOs and journalists throughout the Greek islands. Greek authorities now face exceptional challenges due to the Covid-19 pandemic, but all measures need to be taken to provide adequate medical care to those in need.

Greece's actions were initially supported by the EU, which, in the words of European Commission President Ursula von der Leyen, thanked the country for being "Europe's shield." The Greek authorities had in brazen violation of EU and international law temporarily suspended the right to seek asylum. In addition, evidence of grave abuses by Greek border troops had mounted, including excessive use of force, beatings, use of live ammunition and systematic pushbacks into Turkey.

1. METHODOLOGY

This briefing covers events which occurred at the land border between Greece and Turkey between 27 February and 27 March and the situation in the Greek islands between 27 February and 23 March.

The briefing refers to migrants, potential asylum seekers and refugees in general terms, without prejudging the status of each person which needs to be determined in a separate, individual procedure.

This briefing was finalised after Greece announced a full lockdown on 22 March in response to the Covid-19 pandemic. On 17 March, to address the risk of an outbreak, the Greek authorities implemented restrictions on the movement of people living in refugee camps. The briefing acknowledges, but does not delve into, the significant difficulties and risks that such limitations pose for the population of the camps, and the broader risks posed by the pandemic for asylum-seekers, refugees and migrants across Greece.

The sections of this report that cover the situation at the Turkey-Greece land borders were produced through on-the-ground research by an Amnesty International delegation on 4 and 5 March in Turkey's Edirne province, which borders Greece. We spoke to 21 men and 13 women seeking safety, and to NGOs and local people in the border area. We requested a meeting with the Governor of Edirne province but did not receive a positive reply. Amnesty International conducted telephone interviews with asylum-seekers, human rights defenders and humanitarian organizations and others on both sides of the border before and after this time.

With regard to the situation on the Greek islands, this report is based on desk research and remote interviews and exchanges with three people seeking safety (one man and two women), seven lawyers and members of legal NGOs, two journalists, six other NGOs and agencies operating on the islands, and various activists. Interviews with refugees and asylum seekers were conducted over the phone and through written exchanges. Where possible, information was corroborated through copies of legal documents, photos and videos.

When reporting extracts of interviews with refugees and migrants, only aliases are used save in cases published widely or where consent was received, in which case full names are used.

In reporting information provided by organisations and lawyers some names are kept anonymous at their request. For the desk-based research component, researchers consulted media and civil society reports in Greek, Turkish and English, legislative acts in Greek, as well as EU and UN press releases, factsheets and other NGOs' and civil society reports. Background information used for this briefing was also gathered in the course of a visit by Amnesty International researchers to the Greek islands of Lesbos and Samos between 8-16 February 2020.

Ahead of the publication of this briefing, relevant extracts of the text have been shared for comment with the Greek and Turkish authorities in March 2020.

2. UNLAWFUL PUSHBACKS AND USE OF FORCE BY GREEK BORDER GUARDS

2.1 PUSHBACKS, BEATINGS AND ARBITRARY DETENTION

“I crossed the river and walked inside Greece for four days and four nights before I was caught. They drove me to a place where they beat me and took my phone and money, 2000 Lira, it was all I had. They took me back across the river to Turkey and left me there without coat or shoes.”

“Mathab” from Deir ez-Zor, Syria on his experience of crossing into Greece on 4 March².

Testimonies by asylum-seekers to Amnesty International provided a consistent picture of how Greek border forces implemented government policy to repel asylum seekers instead of taking their asylum claims. Asylum-seekers who spoke to us and other NGOs reported widespread practices included beatings by border guards with truncheons, periods of detention at sites in the border area ranging from hours to several days, and returning groups of asylum-seekers to Turkey in boats across the Evros river. Amnesty International has previously reported on very similar abuses by Greek border forces implementing pushbacks in previous years.³

Amnesty International spoke to 23 men and women from Afghanistan, Jordan, Iraq, Morocco, Pakistan and Syria, all of whom had attempted to cross into Greece irregularly across the Evros river during the first week of March. They explained that they had either been apprehended directly after crossing the river or after walking through Greece for hours or in some cases up to four days. All of the 16 men whom Amnesty International spoke with, bar one man who was already injured at the time that he was apprehended, said that they had been beaten, most often with truncheons, with blows to the body or head but also with kicks

² Interview 5 March

³ See for example Amnesty International *Fear and Fences: Europe's approach to keeping refugees at bay*, pages 57-66. Index no: EUR 03/2544/2015 available at <https://www.amnesty.org/download/Documents/EURO325442015ENGLISH.PDF>

and punches. According to the testimonies, beatings occurred at the time people were apprehended while being made to get into minibuses, and/or when they were held at detention sites in the border area. Some of the people we spoke to had obvious trouble walking and bruises on their bodies or head injuries. We spoke to a Syrian man after he had been pushed back from attempting to cross at the Pazarkule/Kastanies official border crossing point who was only able to walk with the assistance of a friend after he had been struck, he stated, by a Greek soldier using his gun. Asylum-seekers told Amnesty International that they were beaten by border forces wearing either military uniform, police uniform or by individuals in plain clothes working in cooperation with uniformed border forces.⁴ A health professional working in Turkey's border region told us that asylum-seekers commonly requested medical assistance following alleged beatings by Greek border guards, and that the numbers of people reporting such injuries had risen to an average of around 50 per day in that location during the first week of March, up from an average of six or seven per day in previous months.⁵

Fifteen people seeking safety, including those with young children, told Amnesty International that they were held in Greek detention facilities in the border area after being apprehended. None of those we spoke with had been informed by the Greek authorities of the reason for their detention, given an opportunity to seek asylum or provided access to lawyers during their detention. Detention periods described to Amnesty International ranged from several hours to several days. All 15 that we spoke with recounted that some or all their possessions, including phones, in some cases passports or other forms of identification, had been taken and not returned by the detaining Greek authorities. Some men, sometimes boys, had had their clothes or shoes taken from them. Asylum-seekers told Amnesty International that border forces also took their money, in some cases thousands of dollars – all the money with which they and their families had hoped to start a new life in Europe.

Interviewees told Amnesty International that they and their families were driven by Greek security forces in minibuses to the Evros river border and taken across to the Turkish side in groups of 10-15 people. Some reported remaining for several hours without clothes, shoes or phone (for communication) in cold temperatures, posing a further risk to their health before they could receive assistance.

2.2 ABUSIVE USE OF “LESS LETHAL” WEAPONS

Greek border forces used tear gas extensively against groups of asylum-seekers and migrants, including families with young children attempting to cross the border. On 4 March Amnesty International observed Greek border guards using tear gas constantly over the three hours that our delegation monitored the Pazarkule border gate. During this time several people returned to the Turkish side, visibly injured and complaining of being hit by tear gas canisters fired by Greek border forces. Other reports were received of use of projectiles and stun grenades that Amnesty International could not verify. A health professional working in Turkey's border region confirmed that some individuals had received medical treatment for injuries consistent with use of plastic bullets.⁶

2.3 DEATHS AND INJURIES RESULTING FROM USE OF LIVE AMMUNITION

Asylum-seekers and migrants frequently reported to Amnesty International and other NGOs that Greek border forces used live ammunition against them, both firing into the air and in their direction, as they attempted to cross the border. We were shown a bullet allegedly fired by a Greek soldier at a group of asylum-seekers as they attempted to cross the Evros river border south of the city of Edirne; allegedly, it narrowly missed them as it lodged in a tree. The Turkish authorities claim that three people were killed as

⁴ In Greece, police forces – including border police – operates under the direction of the Ministry of Citizen Protection, <http://www.mopocp.gov.gr/main.php?lang=EN>. On 12 March 2020 FRONTEX also sent additional assets at Greece's land border. See: <https://frontex.europa.eu/media-centre/news-release/frontex-launches-rapid-border-intervention-on-greek-land-border-J7k21h>. Greek army forces in Evros were also enhanced during that period. See <https://www.iefimerida.gr/ellada/ebros-enishyetai-stratos-epiheiriseis-sta-synora>. Further, it was reported that the Greek Supreme Court prosecutor ordered an investigation into news articles about the presence of members of far-right groups on Evros and Lesvos. See: <https://tvxs.gr/news/ellada/parembasi-areioy-pagoy-gia-toys-neonazi-ston-ebro-kaitis-pyrkagies->

⁵ Interview 4 March 2020.

⁶ Interview 4 March

the result of use of force by Greek border forces and that 164 had been injured by 5 March.⁷ A larger number of shootings have been alleged by asylum-seekers and migrants but remain undocumented.

One well-documented case is that of Muhammad Gulzari, a 43-year-old Pakistani man who attempted to cross into Greece at the Pazarkule/Kastanies border crossing point on 4 March. According to an official statement by the Edirne Governor's office he was shot in the chest and pronounced dead in hospital on the same day, while five others were injured with gunshot wounds in the same incident.⁸ Amnesty International witnessed ambulances rushing from the scene at the time of the incident and spoke to a Pakistani man who was uninjured but covered in blood and said that he helped carry his friend from the scene after he had been shot. Amnesty International has received a copy of Muhammed Gülzari's autopsy report which records the fact that a 5mm 5,56 nub bullet was removed from his body. An investigation into the death by Turkish prosecutors continues.

Another well-documented case is that of Muhammad al-Arab, a 22-year-old Syrian man, who also died in the area. The research group Forensic Architecture documented his fatal shooting on 2 March after he crossed into Greek territory.⁹

A less reported case is that of Fatma. On 29 February Fatma, from Syria, was attempting to cross the river Evros south of Edirne to enter Greece along with her husband and six children. Her husband Ahmed told Amnesty International that their six children crossed the river in a boat first while he and his wife and others waited on the Turkish side for the boat to return to take them across, but that as soon as the children reached the Greek side of the river six soldiers arrived in two army vehicles. He explained what happened next:

They fired in the air. My wife was afraid for our kids and wanted to go to them and she went into the river and I went with her. The water at first reached our waist. I am about 1.70 cm and my wife is shorter than me. The Greek soldiers shouted at us in a language I did not understand. I don't think it was English. It must have been Greek. We kept walking in the river towards the Greek side and as we reached just over halfway, towards Greece, the water was at our shoulder and my wife's neck. We raised our hands and kept walking and as we got about 2 or 3 metres from the river bank the Greek soldiers were right in front of us, on the riverbank, about 7 or 8 metres from us, pointing their rifles at us. They shot and we went into the water out of fear. I saw one with a handgun and one with a rifle. I reached the riverbank and my wife was behind me. The last sight I caught of her was when she was standing with her head above water about two meters behind me. The soldiers came towards me, I tried to go back to get my wife but they grabbed me and pushed me face down with my head away from the water so I could not see the river. I tried to get up but the soldier put his rifle to my head so I could not move. In all they shot at least three times.

Ahmed told Amnesty International that he attempted to ask the Greek soldiers about what happened to his wife but they did not answer. After he and his children were detained for four of five hours and their possessions and his and his sons' clothes taken from them, they were driven back to the river and put in a wooden boat that brought them and others back to the Turkish side. Ahmed has returned to the scene to discover what happened to his wife, and has been supported by lawyers in Turkey and Greece who approached the authorities in both countries, but no information is available on the whereabouts of Fatma or whether she was shot and killed, or injured or drowned in the river.

⁷ See Anadolu Agency İçişleri Bakanı Soylu: *Geride itmeleri engellemek için Meriç sınırına bin özel harekat polisi getireceğiz* 5 March, available at <https://www.aa.com.tr/tr/turkiye/icisleri-bakani-soylu-geride-itmeleri-engellemek-icin-meric-sinirina-bin-ozel-harekat-polisi-getirecegiz/1755486>

⁸ Press release by the Edirne Governorship 4 March, available at <http://www.edirne.gov.tr/basin-aciklamasi->

⁹ See Forensic Architecture video *The Killing of Mohammad al-Arab* available at <https://vimeo.com/395567226>

3. CONDITIONS IN TURKEY

“We heard that the border was open, so we sold everything we had and came here. Now our money is finished. We’ve been here for six days.”

“Razan” a woman in her 30s part of family of six from Kirkuk, Iraq, sleeping at Edirne bus station

A wealth of evidence shows that the Turkish authorities facilitated and encouraged the movement of asylum-seekers and migrants to the Greek border after President Erdogan’s 27 February announcement that the country’s western borders would be opened. Amnesty International observed buses travelling towards the border in convoy escorted by ambulance and police vehicles, state officials paying for fuel for buses and gendarmerie officers disembarking people and instructing them to walk the short remaining distance to the river Evros border. This facilitation continued during the first week of March, after abuses by Greek border forces and deaths and injuries at the border had been reported. While after the first week of March the authorities began to encourage and facilitate travel away from the border, interviewees also told Amnesty International that they were provided with free bus transportation to the border but then required to pay inflated sums for travel back.¹⁰ Asylum-seekers and migrants also told us that they were told prior to boarding buses that “the borders were open”; they had understood that they and their families would walk through the official border gates unrestricted.¹¹ While states in any instance are required to ensure that the rights of all people within their jurisdiction are upheld, the Turkish authorities in these circumstances could be expected to have had a greater degree of preparedness to meet the needs of those who travelled to the border area seeking safety.

The most severe shortage observed by Amnesty International in the border area was lack of decent shelter. While there were instances of asylum-seekers and migrants being accommodated by the authorities, in a sports centre, for instance, almost all of the people seeking safety that we spoke with had slept in the open in the area close to the border.¹² We spoke with families who had spent up to five days sleeping in fields, some with makeshift tents made with tarpaulin or plastic sheeting bought at inflated prices, with blankets, or nothing at all. While transport had been provided for people to travel away from the border area as of 26 March an estimated five to six thousand people remained in the border area, groups of people were camped out at the transit point of Istanbul’s main bus station and other areas of the city. People who had remained at an informal camp told Amnesty International that on the morning of 27 March the Turkish authorities cleared the informal camp, burning tents at the Pazarkule border gate.¹³ The Turkish authorities reported that the

¹⁰ Interviews 4,5 March

¹¹ Interviews 4, 5 March

¹² Interviews 4,5 March

¹³ Interview 27 March

camp had been cleared and that 5,800 people had been transferred to nine different locations where they would remain in quarantine for 14 days as a precaution due to the spread of Covid-19.¹⁴

Sanitation was also a significant problem, with many people camped in rural areas close to the border. The Pazarkule border gate where thousands of people had gathered did have NGO-provided portable toilets and hygiene kits, but as with other services they were far below the number required for such a large group of people. An NGO representative told Amnesty International that the Turkish authorities had rejected a proposal to install showers, and washing facilities were absent, an issue of heightened concern given fears regarding the spread of Covid-19 and the particular vulnerability of asylum-seekers and migrants.¹⁵ Despite the best efforts of NGOs, food provision was also far below the level required, leaving people vulnerable to opportunistic private vendors selling food items at vastly inflated prices. This situation in addition to massively inflated prices for transport contributed to the destitution of already poor refugees effectively trapped in the border area.¹⁶

3.1 HARASSMENT OF JOURNALISTS

Amnesty International observed, and was told by journalists working in the border area that the Turkish authorities attempted to stop effective independent reporting of the events taking place in the border area.¹⁷ Journalists were prevented at various periods from filming or reporting at the Pazarkule border crossing point and at Doyran, a village next to the river Evros border where crowds had gathered to attempt the border crossing. A total of at least 13 international and independent Turkey media journalists were detained in both locations, mostly on grounds of entering or filming in a first-degree prohibited military zone, despite the fact that Turkish state media and government supporting media was present and filming at the same locations. Most journalists were quickly released without formal proceedings, but on 28 February police detained Rawin Sterk Yıldız and cameraman Mehmet Şirin Akgün, journalists for the Kurdish Erbil-based Rudaw news agency. While Mehmet Şirin Akgün was released on 4 March, Rawin Sterk Yıldız remains in pre-trial detention on unrelated but similarly baseless charges regarding his social media posts investigated by the authorities after he was detained at the Pazarkule border area.¹⁸

¹⁴ See for example Sendika.org *Çadırlar yakıldı, Pazarkule boşaltıldı: Yunanistan sınırındaki mülteciler sessiz sedasız illere götürüldü* available at <https://sendika63.org/2020/03/cadirlar-yakildi-pazarkule-bosaltildi-yunanistan-sinirindaki-multeciler-sessiz-sedasiz-illere-goturuldu-581793/>

¹⁵ Interview 4 March

¹⁶ Interviews 4,5 March

¹⁷ Interviews 29 February – 6 March.

¹⁸ See amnesty statement at: <https://www.amnesty.org/en/documents/eur44/2037/2020/en/>

4. THE SITUATION ON THE GREEK SIDE OF THE BORDER

4.1 THE SUSPENSION OF THE RIGHT TO SEEK ASYLUM IN GREECE AND THE EU'S RESPONSE

Greece responded to the situation unfolding at its land borders with Turkey with draconian measures across the country, in blatant breach of the right to asylum and the principle of *non-refoulement*. On 2 March, a new 'Act of Legislative Content' suspended the registration of asylum claims for a month for people entering irregularly from 1 March,¹⁹ so that they would be returned '*without registration, to the country of origin or transit*'. However, Asylum Services were temporarily suspended on 13 March due to the Covid-19 pandemic.²⁰ Other measures taken in response to Turkey's move²¹ included the strengthening of border control at land and sea employing 'security forces and armed forces to the maximum level', a request to the EU's Border and Coast Guard (EBCG) for the deployment of rapid border intervention teams (RABIT) and one of support to the EU Council.²² In response, the EU Commission mobilised 700 million Euros to support Greece's reception capacity and voluntary returns. Meanwhile, the EBCG arranged the deployment of assets for 2 RABIT operations and patrol assets and was requested to support a programme on returns.²³ The European Commission has so far refrained from recognising the illegality under EU law of Greece's suspension of asylum applications and ensuing returns.²⁴ EU Home Affairs commissioner Ylva Johansson hinted that the Commission would look at Greece's measures in light of derogations allowed under the relevant EU *acquis*.²⁵

¹⁹ Act of legislative content on the 'Suspension of the submission of asylum applications', 2 March 2020, in Greek at:

<http://www.immigration.gr/2020/03/pnp-anastolh-ths-ypovolis-aitheon-asylou.html?m=1>.

The 'Act of Legislative Content' ceased to apply on the 1 April 2020 as its duration was for a month. However, new arrivals and other individuals will not be able to register asylum claim because the Asylum Service's administrative services have been temporarily suspended since the 13 March following the Covid19 pandemic.

²⁰ See <http://asylo.gov.gr/wp-content/uploads/2020/03/Annoucement-Suspension-of-Services-to-the-Public-English.pdf>

²¹ Measures agreed by the Greek Government Council on National Security (KYSEA). See

<https://www.thenationalherald.com/289130/measures-to-guard-greeces-eastern-borders-to-be-stepped-up-to-maximum-kysea-meeting-decides/>

²² Notification pursuant to Article 78.3 of the Treaty on the Functioning of the European Union

²³ European Commission, Press remarks by Vice-President Schinas on immediate actions to support Greece 4 March 2020, at:

https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_20_395.

²⁴ The Guardian, 'Greece warned by EU it must uphold the right to asylum', 6 March 2020, at:

<https://www.theguardian.com/world/2020/mar/12/greece-warned-by-eu-it-must-uphold-the-right-to-asylum>.

²⁵ Permissible derogations under the EU Asylum Procedures Directive No. 2013/32, Articles Nos 6(5), 14(1), 31(3)(b), 49; 'Return' Directive No. 2008/115 at Article 18.

According to UNHCR “neither the 1951 Convention Relating to the Status of Refugees nor EU refugee law provides any legal basis for the suspension of the reception of asylum applications”.²⁶ Indeed, the measures enacted by Greece go well beyond derogations allowed under EU law.²⁷

We also question the legality of the deployment of EBCG’s assets given Greece’s suspension of asylum and evidence of pushbacks, police abuses and violence at the border.²⁸

4.2 IMPACT ON INDIVIDUAL RIGHTS: PROSECUTION OF ASYLUM-SEEKERS FOR IRREGULAR ENTRY AND ARBITRARY DETENTION AT SEA BORDERS

Following the suspension of asylum, those entering Greece irregularly face prosecution for irregular entry and prison sentences of up to four years, in a departure from previous practice where Greek courts refrained from prosecuting such crime in cases involving asylum seekers. Since 1 March, the legal NGO HIAS has assisted 10 cases where charges have been brought against people who arrived after 1 March and who are barred from claiming asylum. In seven of these the defendants were subjected to speedy trials, charged with 3.5 years in detention and are now in prison. In three cases, those charged are unaccompanied minors, currently awaiting trial in migration detention facilities.²⁹ Many more of these proceedings are likely to have been brought across the country since 1 March.

In the absence of a functioning asylum system, new arrivals are unable to show ‘good cause’ for entering irregularly. As such, such prosecutions are at odds with the prohibition of penalization of asylum-seekers and refugees for irregular entry, under Article 31 of the 1951 Refugee Convention,³⁰ which covers prosecution and detention for irregular entry.³¹

Since the suspension of asylum applications, new arrivals were also no longer granted accommodation in reception facilities for asylum-seekers, so authorities stopped transferring them to the hotspots on the Aegean islands. As a result, for at least 10 days, most of those landed in Lesvos were transferred to the ‘Rodos’ navy ship docked in Mytilini and in the port area, which ultimately hosted 510 people, including Syrians, Afghans, Somalis and Palestinians.³² The group included 210 children, some of whom were unaccompanied. People on the ‘Rodos’ were unable to claim asylum and were treated as irregular entrants and fingerprinted. They were held in detention pending a decision to return them to their countries of origin (repatriation), with no prior individual assessment, despite many of those onboard being nationals of countries with well-documented human rights violations. Amnesty International is informed that decisions were issued in cases of pregnant women, new mothers, who are protected from deportation under Greek law, as well as elderly people, people with disabilities, children and people in other vulnerable situations.³³

On 13 March, people in this group were unexpectedly served decisions to return them to Turkey (currently pending), under the EU-Turkey deal, in contrast with the original pre-repatriation detention orders issued under the Act of Legislative Content of 2 March. Through these decisions the original detention orders were extended.³⁴

²⁶ UNHCR statement on the situation at the Turkey-EU border, 2 March 2020, at:

<https://www.unhcr.org/uk/news/press/2020/3/5e5d08ad4/unhcr-statement-situation-turkey-eu-border.html>. See also: UN Office of the High Commissioner on Human Rights, UN Special Rapporteur on the human rights of migrants, ‘Greece: Rights violations against asylum seekers at Turkey-Greece border must stop’, 23 March 2020, at:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25736&LangID=E>

²⁷ See: Amnesty International, ‘Greece: Inhumane asylum measures will put lives at risk’, 2 March 2020, at:

<https://www.amnesty.org/en/latest/news/2020/03/greece-inhumane-asylum-measures-will-put-lives-at-risk/>.

²⁸ See EU Regulation no. 2019/1895, Article 46.5. Along the same lines, see the opinions of experts reported by Euronews, ‘Frontex border operation in Greece ‘lacks legal basis’ after Greece suspends asylum law’, 11 March 2020, at:

<https://www.euronews.com/2020/03/10/frontex-border-operation-in-greece-lacks-legal-basis-after-greece-suspends-asylum-law>.

²⁹ Interview with members of the legal NGO HIAS on 10, 16 and 18 March 2020.

³⁰ UN General Assembly, Convention Relating to the Status of Refugees, 28 July 1951, Article 31.1

³¹ Goodwin-Gill, Guy S. “Article 31 of the 1951 Convention relating to the Status of Refugees: Non-penalization, Detention and Protection”, 2001, para. 29, at: <https://www.unhcr.org/3bcfdf164.pdf>

³² Based on interviews with “Firas”, see footnote no. 27 and legal NGOs who managed to have access.

³³ For the whole paragraph: Information from organizations operating in Lesvos. Also, interviews with the legal NGO HIAS on 10, 16 and 18 March 2020.

³⁴ Interview with members of the legal NGO HIAS on 10, 16 and 18 March 2020.

Legal NGOs in Lesvos also faced serious issues in accessing those on the ship or having meaningful interactions with clients.³⁵ Given the large number of people onboard, it is unlikely that access to legal information, representation or language assistance, as required by EU and international law, was secured for all.³⁶ According to Firas, a Palestinian man from Damascus on the 'Rodos' since 4 March, papers served to him were in Greek and no interpretation was available. Similar experiences were confirmed by legal NGOs' reports.³⁷

Furthermore, those on the ship lived in deeply inadequate conditions. Firas, on the ship since 4 March, explained that food was inadequate and hygienic facilities severely lacking. There were only eight chemical toilets without running water and no showers. "*We have been here 10 days with the same clothes, without showering*", he told Amnesty International.³⁸ Medical care was inadequate, despite the presence of people with disabilities or health issues, including a girl in need of dialysis.³⁹

On 14 March, 450 of those on the ship were eventually transferred to detention camps in mainland Greece in Malakasa and Sérres.⁴⁰

Amnesty International has also learned of new arrivals being held in various areas of Lesvos, including – since the 5 March – on the beaches of Skala Sikaminias (42 people), later in Korakas (28), and in a building in Eftalou (24), without registration, in unclear legal circumstances and deeply inadequate conditions. Those in Skala Sikaminias and Korakas were left without any shelter nor access to washing facilities. As of 17 March, those in these groups including a new mother, had been delivered a three-day provisional detention decision in view of an upcoming repatriation decision.⁴¹

Those in these locations, together with the remainder of those held on the 'Rodos' were transferred to detention camps on the mainland on 20 March.⁴²

However, to Amnesty International's knowledge, hundreds of others have been held in conditions similar to those on the ship in various other port locations across the other Aegean islands of Leros, Samos, Kos and Chios.

On **Leros**, around 250 were held first in the yard of the coastguard and subsequently in the port area, in inadequate conditions.⁴³ In **Samos**, 93 persons were held in a coastguard facility in the capital Vathy.⁴⁴

On the island of **Kos**, at least 220 new arrivals, many of whom were children, were kept in the port area. Some were held in a building normally used as a waiting area, while some were left to stay in tents and exposed to harsh weather conditions.⁴⁵ As of 18 March, all of them were moved to a building used for customs controls. Pregnant women, children and people with disabilities were in the group. Manar, a Syrian woman, told Amnesty International that medical assistance was inadequate and that people's phones were confiscated. Manar, who has renal calculi, says that during her stay in the facility the police mistreated her, including by kicking her and forcing her to stand up from the floor and sit on a chair when she was too fatigued to do so, and left her to wait for over an hour before she was transferred to receive medical assistance.⁴⁶

³⁵ Some NGOs who were prevented access were directed by the port authorities to the Public prosecutor, who confirmed their right to access those on the ship. Phone interview with HIAS on 16 and 18 March and written exchange with RSA (Refugee Support Aegean) on 30 March 2020. See also Lesvos Legal Centre (LLC) report, 'No man's land for Europe's undesirables', 13 March 2020 <http://legalcentresvos.org/2020/03/13/no-mans-lands-for-europes-undesirables/>.

³⁶ In violation of Article 13.3 the EU Return Directive.

³⁷ Phone interview with Firas on 10 March 2020. The NGO Lesvos Legal Centre (LLC) confirms similar accounts from others on the ship (report in footnote n.14)

³⁸ Phone interview with Firas on 10 March 2020

³⁹ Phone interview with members of the legal NGO HIAS on 10, 16 and 18 March 2020 and subsequent written exchanges.

⁴⁰ From 13-17 March the Council of Europe's Committee for the Prevention of Torture (CPT) carried out a rapid reaction visit to Greece to assess the treatments applied to new arrivals since 1 March 2020. In addition to locations in Evros, the CPT visited the camp of Malakasa, where many of those held in the military ship in Lesvos have been transferred, and the detention cells under the authority of the Hellenic Police at the Coastguard premises in Samos. At: <https://www.coe.int/en/web/cpt/-/anti-torture-committee-undertakes-rapid-reaction-visit-to-greece-to-examine-treatment-of-migrants>. See: local media (in Greek) on the new camp in Serres: <https://www.stonisi.gr/post/7757/189-apo-th-lesvo-gia-to-kleid-i-twn-serwn>

⁴¹ Information from organizations operating in Lesvos. The legal NGO HIAS is assisting one person from this group: interview with members of HIAS on 30 March 2020.

⁴² Full breakdown at Aegean boat report as of 20 March at: <https://www.facebook.com/AegeanBoatReport/>.

⁴³ Interview with a solidarian working in Leros, on 11 March 2020.

⁴⁴ Based on publicly available reports as to 13 March 2020: <https://www.documentationnews.gr/article/exwdiko-astynomikwn-sta-nhsia-enantion-xrysoxoidh-mhtarakh-kai-kikilia-eiste-aneparkeis-kai-tha-logodothsete>.

⁴⁵ interview with Kos local 18 March 2020

⁴⁶ Phone interview and written exchange with Manar on 22 March 2020.

In Chios, 254 were held in the port area.⁴⁷ Aiki Potamianou, a Chios-based lawyer working for the legal NGO Equal Rights Beyond Borders, told Amnesty International that the prosecutor denied her access and her requests for access to the police remained pending up until the transfer of detainees to the mainland.⁴⁸

As of 20 March, most of new arrivals held on the Aegean and other islands up to that point were transferred to detention facilities on the mainland.⁴⁹ As of 23 March, sea arrivals to Greece for the month amounted to 2.281 people,⁵⁰ over 500 of whom arrived on the smaller Dodecanese islands.⁵¹

4.3 ATTACKS AGAINST AND HARASSMENT OF REFUGEES, NGOS AND JOURNALISTS

Within the context of these developments, tensions mounted within the local population in the Aegean islands and in several cases led to attacks against refugees, NGOs and journalists and other organisations. Even before Turkey's announcement, the constant state of overcrowding of refugees' facilities in the years following the EU-Turkey deal had fuelled social tension on the islands. From 2019, the government began to adopt a rhetoric of increased hostility and suspicion against NGOs working with refugees, in some cases blaming them for episodes of unrest among the refugee population and putting them under stricter controls.⁵² In the words of the Greek government's spokesperson Stelios Petsas, "many NGOs may have helped decisively [...] but others operated in a faulty and parasitic manner."⁵³

The root of the new friction appeared to be the government's plans to create new "closed" asylum facilities on the islands, pursued despite opposition by locals.⁵⁴ As the government took steps to implement the plans in February 2020, including by expropriating private land, clashes followed in Lesvos and Chios between the islanders and riot police units.⁵⁵ Allegations of use of teargas and water cannons by the police against local protesters, as well as attacks on the riot police, were reported in local media.⁵⁶

Turkey's announcement of 27 February that it would no longer stop crossings into Greece occurred against this backdrop. This set the stage for an escalation of locals' reactions to new arrivals via sea, which also increased over this period⁵⁷ and led to attacks by local vigilante groups on refugees, journalists and NGOs.⁵⁸ On 1 March in Lesvos a dinghy with 50 adults and children on board arrived in Thermi and was actively prevented from disembarking by a crowd of locals gathered in protest on the dockside, verbally abusing those onboard.⁵⁹ Giorgos Christides, a journalist for Der Spiegel there to report on the incident, was also attacked. He recalls: "*When I tried to report on what was happening and to record the scene on my phone, I*

⁴⁷ Local media reports: https://www.ethnos.gr/ellada/94470_hios-ta-mpopor-sikosan-ston-aera-ton-katavlysmo-prosfigyon-sto-limani. Partly different numbers here: <https://www.documentonews.gr/article/exwdiko-astynomikwn-sta-nhsia-enantion-xrysoxoidh-mhtarakh-kai-kikilia-eiste-aneparkeis-kai-tha-logodothsete>.

⁴⁸ Interview with Aiki Potamianou, of Equal Rights Beyond Borders, on 13 and 16 March.

⁴⁹ Full breakdown at Aegean Boat Report (ABR) as of 20 March at: <https://www.facebook.com/AegeanBoatReport/>, specifically: People from the Aegean islands and some Dodecanese islands were boarded on the boats "Aqua Blue" and "SuperJet" and transferred to the camps in the area of Klidi, Sérres, northern Greece, and Malakasa, north of Athens: "Arrivals in detention from Lesvos(192 people), Chios(283 people), Samos(129 people) and Kea(190 people), will be taken to Sérres deportation center. Arrivals in detention from Leros(252 people), Kos(237 people), Kastelorizo(106 people), Syros(21 people), Kalymnos(60 people) and Rhodes(43 people), will be taken to Malakasa deportation center". It should be noted that, also due to developments occurred in the meantime, final numbers reported by ABR differ from numbers reported in the main text.

⁵⁰ Estimates by Aegean Boat Report (ABR) as of 18 March 2020, 09:04 am, at: <https://bit.ly/3dplFNB>. Partly different estimates by UNHCR's, which, as of 18 March, indicated a monthly total of 2.368 arrivals.

⁵¹ UNHCR Aegean Islands Weekly Snapshot of 2-8 March and 9-15 March, at: <https://bit.ly/2JcgU5f>.

⁵² DW, Greece: NGOs accused of stoking unrest in refugee camp, 10 February 2020, <https://www.dw.com/en/greece-ngos-accused-of-stoking-unrest-in-refugee-camp/a-52320720>

⁵³ Euractiv, Greece passes new law to better monitor NGOs dealing with migration, 5 February 2020, at:

<https://www.euractiv.com/section/justice-home-affairs/news/greece-passes-new-law-to-better-monitor-ngos-dealing-with-migration/>. See also: Punishing compassion. Solidarity on trial in fortress Europe, March 2020, p. 52, at: <https://www.amnesty.org/download/Documents/EUR0118282020ENGLISH.PDF>.

⁵⁴ The Guardian, Greece to replace island refugee camps with 'detention centres', 20 November 2019, at: <https://bit.ly/2y2Dzot>. Also, Exchange between Council of Europe Commissioner for Human Rights Dunja Mijatović and the Minister of Citizen Protection of Greece, Michalis Chrysochoidis, 3 December 2019 at: <https://bit.ly/3bkPLze>.

⁵⁵ The Guardian, Greek authorities scramble to calm tensions over migrant detention camp, 25 February 2020, <https://bit.ly/3ds3xC1> and 'Police and protesters clash on Greek islands over new migrant camps', 25 Feb 2020, <https://bit.ly/39hu4ij>.

⁵⁶ For reports of clashes see: Al Jazeera, Scuffles break out over migrant camps on Greek islands, 25 Feb 2020, at: <https://bit.ly/2JmiiZf>. See also: <https://www.keeptalkinggreece.com/2020/02/25/greece-islands-lesvos-chios-police-migration-centers/>. For the attacks on the police see: <https://www.keeptalkinggreece.com/2020/02/26/lesvos-chaos-locals-weapons-against-riot-police/>.

⁵⁷ UNHCR Weekly Snapshots of 02-08 March and 24 February - 1 March 2020, at: <https://bit.ly/2vROLWf>. Between 1 and 2 March reports also emerged of dangerous practices by the Greek Coastguard: <https://bit.ly/2Ulsms3>. A refugee child drowned after a dinghy capsized off Lesvos, 2 March 2020, at: <https://bit.ly/3bqYK1Z>.

⁵⁸ For a comprehensive timeline of the attacks see: <https://saegean.org/en/timeline-of-attacks-against-solidarity/>.

⁵⁹ For media reports see: <https://bit.ly/2QKzX0o>.

*was threatened, pushed and shoved by locals on the dock. A policeman on duty at the scene saw the incident but failed to intervene. I complained to him but I was told 'don't provoke them'.*⁶⁰

Christides was also attacked at the many roadblocks patrolled by locals around Lesbos. A group targeted his rental car, others tried to block his way and hit him twice on the hand with a stick through the car window. He remarked to Amnesty International: "In general, you are not in danger working as a journalist in Greece. I have been covering the country since 2011. This was the first time I was scared, that I felt I should be looking over my shoulder".⁶¹

German journalist Franziska Grillmeier and photographer Julian Busch faced similar attacks on 2 March. When driving towards Moria camp, they came across a big group of men carrying sticks, stones and sharp pieces of glass. Grillmeier recalls: "*When one of them noticed us and realised that I was a foreigner, he tried to jump on the car and open the doors, calling the others in the group. We managed to speed up and leave, although one man tried to throw himself on the car to stop it and others ran beside it throwing stones and sticks*".⁶²

NGOs and international organisations have also been targeted by attacks in this period. MSF, which runs a clinic outside Moria camp and a clinic for people with severe mental health issues in Mytilene, was forced to suspend operations for two days,⁶³ because of the situation of insecurity and uncertainty and the limited access to the camp due to the roadblocks in the area.⁶⁴

Other NGOs suffered more lasting damage. UNHCR's "Stage 2" transit camp for refugees in North Lesbos was set on fire on 1 March.⁶⁵

On 7 March, a fire also hit 'One Happy Family' (OHF) Community Centre in Lesbos. There were no injuries or casualties, but substantial damage was inflicted on the property, as the Centre's 'School of Peace' was burned down as well as the two main offices of the NGO. "*We had been closed for two weeks at the time of the fire following the tensions on the island, so luckily nobody was inside*", OHF's coordinator Julia Bürge told Amnesty International "*The fire brigade acted fast and did a very good job. Now we are trying to figure out how to move forward. There are still many unanswered and open questions*".⁶⁶ On 20 March, the Mytilene police classified the incident as arson and three individuals were charged.⁶⁷

In **Samos**, although to a lesser degree, attacks have also left a mark. The car of a nurse working at the Samos hospital⁶⁸ and one of the vehicles of the NGO Arsis - implementing partners of UNHCR's ESTIA project⁶⁹ were set on fire.

In **Kos**, after clashes broke out in front of the RIC on 4 March, early on 5 March a group of locals attacked the van of the NGO Metadrasis, as three staff members were transferring two refugees to Kos General Hospital.⁷⁰ On 3 March in **Chios** a warehouse run by volunteers, providing non-food items to refugees and marginalised groups, was destroyed by a fire, later determined to be arson.⁷¹

Many other attacks have taken place across the islands. According to M., one of Chios volunteers, "*a change is happening on the island: we are starting to see negativity by locals towards NGOs and volunteers, whereas in the beginning of the refugee crisis they were applauded*".⁷² Following the incidents, many NGOs have been forced to reduce or suspend operations, being unable to operate effectively or safely. This has

⁶⁰ Interview with Giorgos Christedes on 11 March 2020. On 1 March, another journalist, Michael Trammer, and a member of UNHCR were also attacked. See: VICE, 'Video Shows Greek Mobs Attacking Migrant Boats and Aid Workers', 3 March 2020, <https://bit.ly/39nFdhs>.

⁶¹ Interview with Giorgos Christides on 11 March 2020.

⁶² Interview with Franziska Grillmeier, 11 March 2020

⁶³ See MSF statement condemning attacks, 29 February 2020, <https://bit.ly/3bqZzb5>.

⁶⁴ Interview with MSF field coordination in Lesbos on 12 March 2020.

⁶⁵ Stage 2 camp had been ordered to close on 31 January 2020 by municipal authorities and had been recently proposed for re-opening temporarily, See: <https://bit.ly/2wtcpXl>.

⁶⁶ Interview with OHF's coordinator Julia Bürge on 9 March 2020.

⁶⁷ Two foreigners and a national of foreign origin were arrested. See Police press release (in Greek) on 20 March 2020.

<https://bit.ly/33QhQfp> and OHF's own reactive statement: <https://bit.ly/2QEpm7R>.

⁶⁸ Also, an apartment where NGO volunteers resided had stones thrown at: <https://bit.ly/33T6siT>. Other media reports at: <https://www.efsyn.gr/node/234264>. Criminal charges have been brought against 4 people found to have been involved in the 3 incidents, see reports of 27 March 2020: <https://www.efsyn.gr/node/236825>.

⁶⁹ Interview with a NGO member operating in Samos, on 12 March 2020. ESTIA provided accommodation to vulnerable asylum seekers: <http://estia.unhcr.gr/en/home/>.

⁷⁰ See Metadrasis' own statement on 13 March 2020, at: <https://bit.ly/2QvbZXh>.

⁷¹ Local media report (in Greek) and photos see: <https://bit.ly/2QIQxhK>.

⁷² Interview with a volunteer operating in Chios on 11 March 2020.

weakened the support system available to refugees on the islands, who increasingly turn to NGOs for basic services like education or healthcare.⁷³

The restrictive measures adopted by the Greek Government in response to COVID-19,⁷⁴ including movement restrictions in camps and rules preventing NGOs from working inside camps, further limited the rights and freedoms of the refugee population in camps. This, combined with the temporary suspension of asylum service operations, is likely to significantly affect the lives of the over 40.000 refugees on the islands.⁷⁵

In the midst of the above, the Greek authorities took some steps to address the attacks on NGOs. On 6 March two residents of Lesbos were sentenced to three months' suspended prison sentences for threatening a member of the NGO PIKPA on social media and planning to carry out attacks on NGO staff.⁷⁶ More cases of attacks have been brought and investigated since, and while the attacks have fuelled fear and uncertainty, they have also encouraged solidarity for and support to NGOs. *"During this time support has been overwhelming. Many locals have shown great solidarity"* says Julia Bürge *"We have been grateful for the offers of support, however what we need most right now is political change"*.⁷⁷

⁷³ See also the UN Special Rapporteur on the human rights of migrants flagging concerns about the hostility against humanitarian workers, HRDs and journalists in Greece (footnote n.7)

⁷⁴ Restrictions in General on 17 March, <https://www.stonisi.gr/post/7728/kleinei-h-moria>.

⁷⁵ Restrictions were adopted on 17 March: Ministry of Migration and asylum, Coronavirus protection measures at Reception and Identification Centers, Hosting Structures and the Asylum Service, at: <https://bit.ly/2JcQXJh>. Since 22 March, the country announced a full lockdown: <https://bit.ly/39ohFsS>.

⁷⁶ Report (in Greek) on the case in local media, 05 March 2020, at: <https://bit.ly/2UjohUZ>.

⁷⁷ Interview with OHF's coordinator Julia Bürge on 9 March 2020.

RECOMMENDATIONS

TO THE GREEK AUTHORITIES:

- Urgently restore the right to seek asylum in the country.
- Protect people entering Greece from land and sea borders: ensure safe access to the territory and access to protection procedures and basic services. Refrain in all cases from pushbacks, *refoulement* and collective expulsions. Conduct prompt, impartial and effective investigations into allegations of such practices.
- Ensure that measures such as restrictions on movement implemented in response to Covid-19 are applied in a manner consistent with international human rights law and standards, including the protection of the right to seek asylum and the principle of *non-refoulement*.
- Ensure that despite the temporary closure of the Asylum Service in Greece, the right to asylum is upheld at all times. People affected by the temporary suspension of the Asylum Service operations should not be exposed to risks as a result, including risk of *refoulement*, and should be provided with access to healthcare, accommodation, material support and other basic services. To this end, where applicable, the validity of the documentation required to have access to health care and other services should be automatically extended during this period.

WITH REGARD TO PEOPLE HELD IN DETENTION ACROSS GREECE AND NEW ARRIVALS FROM 1 MARCH:

- Immediately release all people held in arbitrary detention conditions across the country and grant them access to basic services, including adequate shelter, and access to protection procedures.
- Halt the criminalization of irregular entry of asylum seekers, who should be exempted from both criminal prosecution and detention and granted access to protection procedures.
- Regarding those who entered Greece from 1 March and have so far not been registered with the authorities or served with return decisions, Greece must urgently clarify their legal status, grant them access to legal assistance and information and where applicable, release them from detention as above and grant them access to protection procedures.
- Conduct prompt, impartial and effective investigations into the allegations of mistreatment of people held in the port facilities of Kos, as well as any allegation of mistreatment or abuse raised in relation to the detention of new entrants.

WITH REGARD TO NGOS AND JOURNALISTS:

- Protect humanitarian actors, members of NGOs, volunteers and activists working with asylum-seekers, refugees and migrants. Create the conditions for them to operate effectively and safely in Greece.
- Protect journalists and media workers and ensure that they can exercise their role free of threats or intimidation.
- Conduct prompt, impartial and effective investigations into all incidents of violence, threats, harassment or other undue interference with the activities of these groups.

TO EU INSTITUTIONS AND MEMBER STATES:

- Take urgent measures to ensure that Greece restores conditions that ensure the respect of European asylum and fundamental rights law.
- In view of the suspension of the asylum system in Greece for a month, of the evidence of pushbacks and violence at the border, withdraw the deployment of EBCG's border control and intervention assets.
- Affirm the right to asylum and respect for international law in Europe, and unequivocally condemn pushbacks, collective expulsions and unlawful returns.
- Uphold the principle of solidarity under EU and international law by effectively and meaningfully relocating asylum seekers from Greece and resettling refugees from Turkey. While the relocation and resettlement programmes may be temporarily affected by public health restrictions adopted in response to Covid-19, this should not have the result of impeding the transfer of asylum seekers, with priority to those in vulnerable circumstances, nor the continuation of relocation and resettlement plans on the longer term. Such efforts should continue without prejudice to health screenings or checks that might be necessary.
- Recognise the vital role of HRDs helping refugees, asylum-seekers and migrants and insist that in Europe, aid workers and journalists should operate unhindered and be protected from violence

TO THE TURKISH AUTHORITIES:

- Press the EU and its member states and other wealthy states to accept their responsibility for hosting refugees and asylum-seekers and to make greater financial contributions to countries such as Turkey and others who host a disproportionately larger number of refugees, through negotiation and dialogue in a way that does not threaten the rights of people seeking safety.
- Refrain from making announcements or taking unilateral actions that are likely to result in greater harm rather protection for people seeking safety.

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CAUGHT IN A POLITICAL GAME

ASYLUM-SEEKERS AND MIGRANTS ON THE GREECE/TURKEY BORDER PAY THE PRICE FOR EUROPE'S FAILURES

On 27 February 2020, the Turkish authorities announced that their western borders would be opened to asylum-seekers and migrants in the country wishing to leave. Families and individuals from Syria, Iraq, Afghanistan and other countries rushed to the land border with Greece, in the belief that their borders were open. They were not.

The response of the Greek authorities was categoric. Across the country, asylum applications were suspended for a month. At land borders, violent pushbacks, water cannons, tear gas, rubber bullets and live ammunition were used against those trying to enter, in disregard of international human rights law. Border control measures at sea were reinforced.

In the face of these actions, EU authorities initially commended Greece for being Europe's "shield" and only in a second moment sought to address human rights concerns. Meanwhile, some of those entering Greece irregularly faced prosecution and prison sentences. Hundreds of people reaching the Aegean islands were detained arbitrarily in various port areas and threatened with return without having the opportunity to seek asylum. Tensions on the islands mounted, with local vigilante groups engaging in a spree of attacks against asylum-seekers and migrants, NGOs and journalists, in a climate of increasing hostility.

COLLECTIVE EXPULSIONS DOCUMENTED IN THE AEGEAN SEA : MARCH - JUNE 2020

LEGAL CENTRE LESVOS- 13 JULY 2020



In a photo taken by Legal Centre Lesvos from Lesvos island on 17 June 2020, two Greek vessels surround a migrant boat, which GPS coordinates sent to Alarm Phone confirmed was in Greek territorial water. For several hours, the migrant boat was left without assistance. The Turkish Coast Guard later collected the occupants of the boat, returning them to Turkey. Collective expulsions carried out in this manner are contrary to international law, violate individuals' right to life and right to be free from cruel and degrading treatment, and are in violation of international maritime law obligating rescue at sea.



**LEGAL
CENTRE
LESVOS**

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A. WHO WE ARE

The Legal Centre Lesvos AMKE, is a civil non profit organisation, registered in Mytilene, Greece, operating since May 2019. Between 2016 and 2019, the legal centre operated as “Legal Centre Lesbos” a grassroots organization, registered under Prism the Gift Fund Charity in the UK.

We provide free and individual legal support to asylum seekers, migrants, and refugees and advocate for human rights and for equal access to legal and safe routes of migration in Lesvos, Greece and globally. We also work to document rights violations and advance the rights of migrants and refugees on the Greek island of Lesvos, and throughout Greece.



B. GROWING REPORTS OF COLLECTIVE EXPULSIONS

On 1 March 2020, Greece suspended the right to seek asylum, and announced that it would fortify its borders to prevent entry of migrants traveling from Turkey. While the right to seek asylum has technically been reinstated, following the 1st of March announcement the Greek state adopted various practices, which continue to this day and violate migrants' human rights; including the violent fortification of its borders, growing numbers of collective expulsions from Greece to Turkey, and the systematic violation of the human rights of those who do reach Greece.

While reports of collective expulsion from Greece to Turkey are not new [1], Greek authorities have introduced new tactics since March of this year to prevent the entry and enforce the return of migrants, including those who have already reached Greek territory - whether at land or sea. In addition to the previously reported tactic of abandoning migrant boats in distress at sea, inflatable motor-less life rafts - originally designed to save lives - are now being used by Greek authorities to carry out expulsions in the Aegean Sea.

Recently, the Legal Centre Lesvos has been documenting cases of expulsion using life rafts. In all cases documented, Greek authorities forced migrants into these life rafts after intercepting them at sea, or after arresting them following the migrants' landing in Greece. The Greek authorities subsequently abandoned the occupants of these life rafts at sea, in open water in the Aegean between the Greek islands and Turkey, where they were later rescued by the Turkish Coast Guard. In addition, Legal Centre Lesvos has documented cases in which the boat upon which migrants attempt the Aegean crossing was damaged by Greek authorities, and subsequently re-used in an expulsion.

Such collective expulsions to Turkey must also be seen in the context of the Hellenic Coast Guard's prolonged non-assistance to boats in distress [2], the mistreatment of those who do successfully arrive to the islands, including arbitrary detention in inhuman and degrading conditions [3], and the roll-back of migrants' legal rights as manifest in new asylum laws that entered into force in January and June 2020 [4].

Taken together, it is evident that the Greek government is openly pursuing a policy of deterrence and violent disruption of migrant crossings, with little regard for its obligations deriving from international law and specifically from the non refoulement principle - and even less for the lives of those seeking sanctuary. When carried out as part of a widespread and systematic practice, as documented below, these amount to a crime against humanity.

C. TRENDS FROM OUR DATA

The collective expulsions happening in the Aegean region are not isolated events. Direct testimonies from survivors, shared with the Legal Centre Lesvos, demonstrate that they are happening systematically and have a clear *modus operandi* implemented across various locations in the Aegean and on the Eastern Aegean islands.

The information gathered by the Legal Centre Lesvos is based on testimonies from 30 survivors that were exposed to collective expulsions, and testimonies from 7 individuals who were in direct contact with survivors, or were witness to, a collective expulsion. These testimonies were collected between 23 March 2020 and 20 June 2020, directly by the Legal Centre Lesvos.

More specifically, the testimonies concern 8 reported collective expulsions incidents between 5 March 2020 and 19 June 2020, taking place from or near the coast of Samos, Chios, Lesvos and Symi. Each individual presented information/testimony that was corroborated by other individuals' testimonies or media evidence (photos, videos and GPS locations), and was also found to be consistent with the patterns that have been identified in other collective expulsions - whether documented by Legal Centre Lesvos, or in the multiple media and civil society reports that have been published in recent months. [5]

Many survivors of the described incidents have experienced multiple collective expulsions from Greece, whether on land (from the Evros region) or at sea.

The circumstances in which collective expulsions are usually carried out by the authorities differ, in terms of actors and spaces involved, depending on whether migrants are intercepted by the authorities at sea, or after a group has already arrived to Greek land. However, recurrent practices have been identified as described below:

- When intercepted at sea, Greek authorities menace and damage arriving migrant boats, or refuse to assist boats for a prolonged period of time; Survivors of two collective expulsions reported that the motor or gasoline tank of their boat had been damaged or removed by Greek authorities.

- When intercepted on land, Greek authorities transfer migrants to an unofficial detention site before carrying out collective expulsion at sea;

In every collective expulsion documented by the Legal Centre Lesvos following a landing, survivors were apprehended by Greek police and held in an unofficial detention site. In one incident, Greek authorities detained migrants outdoors, without shelter, in a port; in two others, Greek authorities detained migrants in warehouses next to or within ports. The period of detention differed: in one, migrants were detained for several hours; in two, migrants were detained for two days. In at least one of the two-day detentions, Greek authorities did not provide food or water to detainees.

- Greek authorities transfer migrants on to the authorities' vessel- often with the assurance that migrants will then be transferred within Greece;

In three collective expulsions at sea, and two collective expulsions following a landing, survivors boarded Greek authorities' vessels on the false information that they would be transferred within Greece.

- In one expulsion at sea, a survivor told Legal Centre Lesvos that “we asked [the Greek authorities], where are you taking us, they said, to the port”;
 - In one expulsion at sea, a survivor's relative informed Legal Centre Lesvos that Greek authorities said to the migrants, in English, “if you want to come to Greece, get on the big boat [the authorities' vessel]”;
 - A survivor of one expulsion following a landing reported to Legal Centre Lesvos that one member of their group asked authorities, in English, where they would be taken, and if they would be taken to Athens. The authorities replied yes.
- When on board of the authorities' vessel, Greek authorities:
 - exercise physical violence against migrants; Survivors of three collective expulsions where migrant boats were intercepted at sea, and two collective expulsions following a landing, reported that they were beaten by authorities upon being brought to Greek vessels, and/or were beaten before being thrown on to life rafts, and
 - instruct migrants to sit, heads down, with the threat of being hit in the face with a baton if they look up. In two collective expulsions at sea (before landing), and one collective expulsion following a landing, survivors were instructed by Greek authorities to sit with their heads down. Authorities told them that if they looked up, they would be hit in the face with a baton. Survivors of one collective expulsion following a landing reported the same instruction.
 - Greek authorities deprive migrants of their belongings, including cell phones, identity documents, money and personal possessions; [6]

Greek authorities confiscated survivors' possessions in three collective expulsions following a landing. Cell phones were taken away prior to the expulsions, isolating detainees and depriving them of the ability to document their detention (and subsequent expulsion) or contact legal support organisations. In one collective expulsion, migrants' possessions were confiscated at the moment of their detention, and repeated requests to access medicines in their bags for an amputee and an ill child were denied. Survivors of two collective expulsions where migrants were intercepted at sea also reported that their mobile phones and personal possessions, including identity documents and large sums of money, were confiscated upon being transferred to the Greek authorities' vessel.

- Greek authorities do not register migrants' arrival, or provide migrants with information about, or an opportunity to, register any prospective asylum claims;

In two of the documented collective expulsions following a landing, Greek authorities did not register individuals' arrival and/or detention, effectively foreclosing any opportunity for individuals to legally challenge their detention or subsequent expulsion. Greek authorities did not provide any information about accessing asylum procedures, let alone any opportunity to register prospective claims. No interpreters were provided, depriving migrants of any information that they could be reasonably expected to understand. Likewise, in the five incidents of collective expulsions following interception at sea, migrants were denied the ability to seek asylum, and were denied interpreters.

- Greek authorities physically and verbally abuse migrants and then throw them, from a height of approximately 3m, from the authorities' vessel on to a motorless life raft or their previously damaged, and now motorless, boats.

Survivors of three collective expulsions - two following a landing in Greece, and one after being intercepted at sea - reported that Greek authorities threw them from the Greek vessel's deck, at a height of approximately 3m, to a motorless life raft or their now-damaged dinghy below. In two documented collective expulsions following a landing, survivors reported that Greek authorities - who were wearing balaclavas or other face coverings - hit (with hands and/or batons), pushed and shouted at migrants, before throwing individuals from the deck. The individuals thrown included women, children, people with disabilities, and people with medical issues.

- Greek authorities tow the raft or damaged dinghy to open water, unless it is already there, in which case it is left adrift.

Survivors of at least one collective expulsion at sea were dragged by Greek authorities on life rafts, attached to the authorities' vessel, to open water. In each documented collective expulsion following a landing, survivors were transferred on the Greek vessel to open water, where they were forced on to motorless life rafts or, in one case, on to the dinghy that they had originally arrived on.

- The Greek authorities depart, leaving migrants adrift, on motorless vessels, or damaged dinghies, in open water.

Survivors of every collective expulsion documented by the Legal Centre Lesvos were left adrift, on damaged dinghies or on motor-less life rafts, in open water. They were all subsequently rescued by the Turkish Coast Guard.

D. CASE STUDIES

The following case studies concern incidents which were experienced by survivors of collective expulsions who have authorized the Legal Centre Lesvos to represent them. All documentation and videos cited herein were received directly from the respective individuals, or other individuals subject to the same collective expulsion.

Case study 1 - 23 March 2020 - Collective Expulsion off Symi Island

On 21 March 2020, at approximately 4.30am, a group of 31 persons of Syrian origin, including 19 adults (of which 16 are men, and 3 women) and 12 children (including two unaccompanied boys) left from the Marmaris region of Turkey on a rubber boat with a small motor towards Greece. At approximately 6am the group arrived to the Greek island of Symi. Out of the 31 persons, 27 have relatives with international protection or pending asylum claims in other European countries. At least 2 intended to make family reunification applications to join relatives elsewhere in Europe.

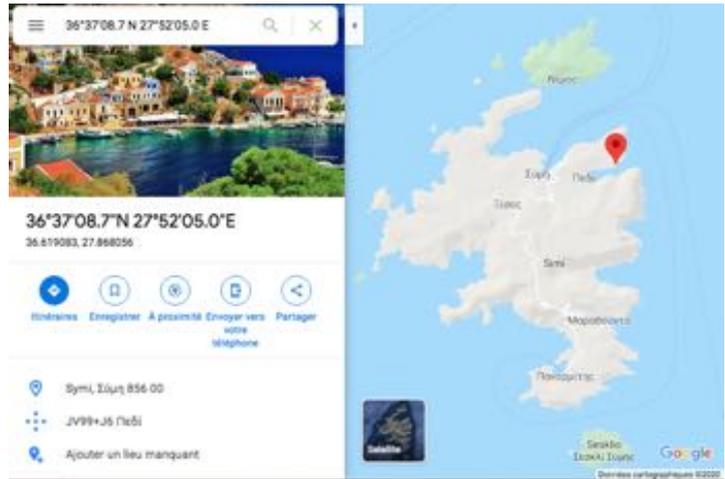


Image 1. Screenshot of the GPS location 36°37'08.7"N 27°52'05.0"E (Symi, Greece).

The group walked for several hours through the hills and along the roads in Symi, to make contact with authorities and state their intent to seek asylum. At approximately 12.30pm, they sat down by the side of a road to rest, where they took some photographs, and sent their GPS location to a friend (36°37'08.7"N 27°52'05.0"E), both confirming that they had reached the bay of Pedi in Symi (See image 1).



Image 2. Picture of the group in front of the bay of Pedi, Symi, taken on 21 March 2020.

Images 3 and 4. Picture of the group waiting along the road in Symi.

Later on, Greek police officers escorted the group to a nearby port. The group was detained in this unofficial site under twenty-four-hour surveillance during two days and two nights. Most of the survivors' personal possessions were permanently confiscated, including some cell phones, passports and identification documents, large amounts of money, and prescribed medication. Survivors testified that the police were verbally abusive and insulting towards them, that they did not get any food or water and had no access to bathrooms or sanitation facilities.

On 23 March 2020, a large grey military ship came to pick up the group. Survivors explained that the authorities on board wore white protective medical uniforms with hoods, black masks that covered their faces, COVID-19 masks, and had weapons, including guns, strapped to their legs. The group believed that they would be taken to Athens, where they would be allowed to apply for asylum.

The group was instructed to sit on the floor with their heads down. The military vessel left the island of Symi in the start of the afternoon and sailed for approximately one hour and a half. It then stopped in the middle of the sea when the survivors were instructed to get up and were then taken one-by-one to the back of the ship. The officers guarding the group were shouting at the group and using their batons to hurry the individuals and forced them, individually, to jump in an orange inflatable life raft approximately 3 metres by 3 metres, without a motor. As shown on the pictures taken by one of the survivors with his phone inside the life raft, the authorities gave life jackets to the children and a disabled amputee. They drifted on the life raft for approximately two hours.

The Turkish Coast Guard arrived and the victims of the push back were transferred on to larger boats, and taken to a port in the Turkish city of Datça, approximately 20km away from Symi, which they confirmed with the map on their phones. After spending one night detained in the port of Datça, Turkish authorities detained the group in Malatya.



Image 5. Screenshots of a video taken inside the life raft by one of the survivors on 23 March 2020.

Case study 2 - 13 May 2020 - Collective Expulsion off Samos Island

On 13 May 2020, approximately 30 people, including 11 children and 4 women traveled from Turkey towards Greece in a dinghy. As the dinghy was approaching Samos island, it was intercepted by the Hellenic Coast Guard, who damaged their engine with an iron pole. The Hellenic Coast Guard forced the passengers into two orange life rafts without motors, and stole their phones and money. At least one survivor was able to conceal his phone and avoided having it stolen.

The life rafts were then dragged by the Hellenic Coast Guard by rope to open water between Samos island and Turkey, where they were left. They were rescued by the TCG, and detained in overcrowded conditions where there was inadequate food, water, and medical care. After 18 days they were released.

Evidence from this collective expulsion includes personal testimony from two survivors, a GPS location sent when the dinghy was approaching Samos, photo and video evidence, and confirmation from the Turkish Coast Guard of the rescue of 30 individuals in 2 life boats off the coast of İzmir's Menderes district/ Özdere on 13 May 2020.

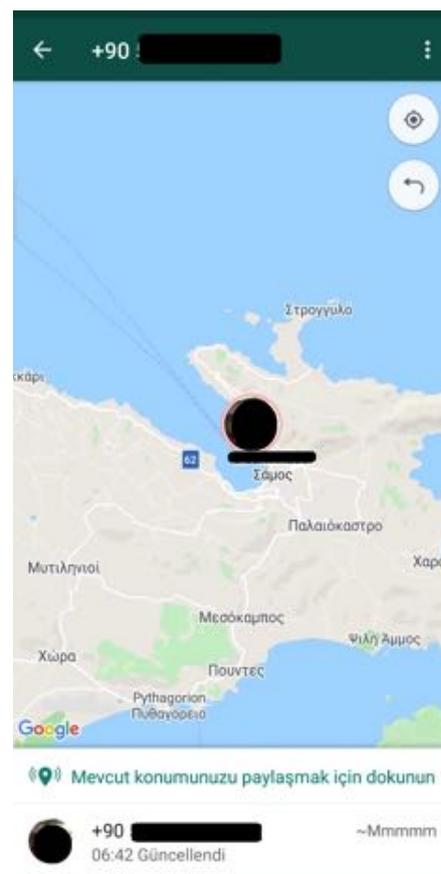


Image 6. Screenshot of the GPS location sent by one survivor, as dinghy was approaching Samos island on 13 May 2020.



Images 7 and 8. Screenshots from video taken 13 May 2020, showing life rafts being dragged by the Hellenic Coast Guard (all videos available for review).

Case study 3 - 19 June 2020 - Collective Expulsion off Lesvos island

Approximately 35 people, including at least 4 children and 4 women, including people with Somali, Palestinian, and Syrian nationalities were traveling on a dinghy from Turkey to Greece, leaving around midnight on the morning of 19 June 2020.

According to the testimony of one survivor, the dinghy was approximately 50m from the coast of Lesvos island in the early morning of 19 June, when they were intercepted by the Hellenic Coast Guard. They were towed by the Hellenic Coast Guard to open water in the North Aegean Sea between Lesvos island and Turkey, and left there.



Images 9 and 10. Screenshots from videos taken 19 June 2020, showing respectively Lesvos island behind dinghy and the towing of dinghy by Hellenic Coast Guard.

After approximately four hours, they were rescued by the Turkish Coast Guard and brought to Turkey. In addition to personal testimony from two survivors, evidence includes photos, video evidence, and a report from the Turkish Coast Guard Command confirming that they picked up 36 people in an inflatable boat at 10:50am on 19 June 2020, off the coast of Izmir/Foça.

*Testimony from one survivor describing the video, translated from Arabic:
"This video is from today, when we arrived to Mytiline in the morning.
Yesterday, at about midnight, we left Turkey, and we arrived this morning.
We almost arrived to the island, we were only 50m away, then the Greeks
came and took us. They brought us in the middle of the water, and they left.
We asked them, where are you taking us, they said, to the port. They put us in
the sea, and they left. And the Turkish coast guard came and took us."*

E. ANALYSIS

The abovementioned collective expulsions, or so-called “pushback” practices, constitute egregious violations of Greece’s basic international obligations and are a **crime against humanity** in the meaning of Article 7(i)(d) and 7(i)(k) of the 1998 Rome Statute establishing the International Criminal Court, respectively condemning “deportation or forcible transfer of population” and “inhumane acts causing great suffering, or serious injury to body or to mental or physical health,” when carried out as part of a widespread or systematic practice.

The act of abandoning people at sea on a motorless raft does not only constitute a **denial of assistance to individuals in distress**, it also amounts to deliberately placing individuals’ lives at serious risk and therefore necessarily **violate their right to life** according to Article 2 of the ECHR [7]. It also contravenes every state’s duty to provide an “adequate and effective” search and rescue service at sea, regardless of whether the vessel in distress falls within a state’s territorial waters, in accordance with three Maritime Conventions/international maritime law [8]. Rescue must be provided “regardless of the nationality or status” of the person in distress or the “circumstances in which that person is found.”[9]

Those collective expulsions often also violate the absolute prohibition of exposure to the risk of **torture, inhuman or degrading treatment of any person** within the Greek territory, irrespective of their residence status, according to Article 3 of the ECHR.

(a) During their detention on Greek land, survivors of at least one of the collective expulsions described above provided sufficient details and material evidence to conclude that - as in similar cases judged by the European Court of Human Rights - they were subjected to “distress or hardship of an intensity exceeding the unavoidable level of suffering inherent in detention” [10] when they were detained in unofficial detention sites after landing in Greece, without access to food, water, blankets, shelter, toilets, access to medical care, or any information about the grounds or length of their detention, and were subjected to violence by the Greek authorities and the confiscation of their belongings and identification papers. It should be highlighted that the group detained also included minors which is a particularly severe violation of Article 3 of the ECHR, considering the inherent “situation of extreme vulnerability” of minor children [11].

(b) Testimonies of survivors also show how physical violence as well as humiliating and debasing modes of operation are being used by authorities during expulsions, falling into the category of inhuman and/or degrading treatment within the meaning of Article 3 of the ECHR. For instance, in one of the documented cases, once forced to board the authorities’ vessel, the survivors were taken one by one by masked individuals, out of sight of the others who could only hear them screaming, before being thrown in a motorless life raft in the middle of the Aegean. This, added to the fact that the survivors were not provided with any information about their fate and were laughed at by the Greek authorities who intentionally provided them with false information about their destination, is such as to create “feelings of fear, anguish and inferiority” and constitute mental violence of a particularly serious and cruel nature.[12]

(c) After being collectively expelled to Turkey, the survivors were detained there in conditions that violate Article 3 of the ECHR, and were held for up to sixty-five days. In some of the above mentioned cases, survivors were held in overcrowded jails, without access to adequate food, water, hygiene facilities, medical care and legal assistance. Families were separated. Survivors experienced violence and solitary confinement. Survivors were denied information on why or how long they will be held. Article 3 of the ECHR prohibits expulsion to countries where individuals may face Article 3 violations. In accordance with this principle, States have an obligation to assess a claim of potential ill-treatment if returned to another State through an 'independent and rigorous scrutiny', even if that country is considered to be a 'safe third country' [13]. The Greek authorities can be reasonably expected to know about the poor conditions existing in Turkish detention centres and about the fact that those arrested by the Turkish Coast Guard at sea are systematically detained in conditions which are cruel and degrading. [14]

Finally, the collective expulsions reported are in breach of the principle of non-refoulement established, *inter alia*, in Article 33 of the Geneva Convention of 1951 relating to the Status of Refugees, and the right of access to asylum provided for, *inter alia*, in Article 18 of the Charter of Fundamental Rights of the European Union.

In the documented collective expulsions, the survivors did not have, at any moment, the opportunity to lodge their asylum claim in Greece or family reunification request to another European country, nor were they provided with any information by the Greek authorities. They did not have access to legal aid or any other information or proposed legal representation at any point.

Article 3 of the ECHR also prohibits 'indirect refoulement', which means the expulsion to a State where asylum seekers might face deportation without proper assessment of their claim. [15] According to the Turkish law in force, [16] people considered in breach of legal exit from Turkey (as migrants who traveled irregularly to Greece) are consequently at risk of refoulement to their countries of origin. According to ECRE, these legal provisions enable the 'unlawful deportation of asylum seekers, beneficiaries of international protection and beneficiaries of temporary protection [...] on the aforementioned grounds which remain largely vague and could be interpreted widely'. [17] Other sources have pointed out similar concerns with regard to the aforementioned legal provisions, which might 'lead to arbitrary decisions' [18]. In practice, cases of deportation from Turkey had reportedly already increased in 2018, including cases against persons who have been resident for a long time in Turkey [19]. As an example, unlawful deportations of Syrians in Turkey and violations of the principle of non-refoulement are well documented and have been reported by a number of sources in the period 2018-2019, including Norsk Organisasjon for Asyløkere, Human Rights Watch and Amnesty International [20].

F. CONCLUDING REMARKS

Although collective expulsions of refugees and migrants are not a new trend in Greece, a clear pattern of increased and uninhibited recourse by the Greek authorities to illegal “push-backs” in the Aegean sea has emerged over the last months, in flagrant disregard for Greece’ international obligations. The reported evidence and testimonies above only constitute a sample of those illegal practices happening in the open. Whereas national and international press outlets, as well as non-governmental organisations and other civil society actors, are publicly denouncing those practices, the impunity of the Greek State towards its international obligations remains.

Such impunity is the result of various factors, not least the fact that most of the survivors of collective expulsions “disappear” in Turkey - detained, deprived of their cell phones either by Greek or Turkish authorities, and without access to legal support. Moreover, they are by definition no longer in a position to access legal remedies in Greece or other European countries to obtain reparation for the violations of their rights.

The status quo is also due to the systematic and ongoing denial of all allegations of collective expulsions by the Greek State, as well as the evident failure by national and European institutions (who are responsible for monitoring Greece’s activities at the European border) to condemn and further investigate - such incidents. Finally, the fact that collective expulsions are happening primarily at sea, on board of authorities’ vessels, and/or involving unofficial detention sites on land, makes the monitoring of such illegal acts particularly challenging.

Based on the numerous civil society and media reports and evidence already available, investigations should urgently be initiated. Measures must be taken to immediately prevent collective expulsions carried out by the Greek State, to protect and respect the human rights of all those under Greece’s jurisdiction, whether at sea or on land, and to remedy the rights violations of survivors of collective expulsion.

Collective expulsions are contrary to Greece’ international legal obligations and violate survivors’ fundamental and human rights, including their right to life and the jus cogens prohibitions on torture and refoulement. Collective expulsions should undoubtedly be condemned, in the strongest possible terms; however, this is not sufficient: it is only through the immediate cessation of such illegal practices that the protection of human rights and access to asylum will be restored at the European Union’s external borders.

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(3) See, for example, the prolonged detention of migrants on public buses and a military vessel in Mytilene port, without access to showers for up to three weeks (Legal Centre Lesvos, No Man's Land for Europe's Undesirables, 13 March 2020, available at <http://legalcentrelesvos.org/2020/03/13/no-mans-lands-for-europes-undesirables>); the detention of migrants at roadside sites in northern Lesvos, without shelter or access to hygiene facilities (see, for example, Greek City Times, Boat with thirty-nine migrants arrives in Lesvos, 02 April 2020, available at <https://greekcitytimes.com/2020/04/02/boat-with-thirty-nine-migrants-arrives-in-lesvos/>); and the deliberate detention of migrants on public buses in Mytilene port, as opposed to in buildings prepared as quarantine for arrivals during COVID-19 (Legal Centre Lesvos, Hostility towards migrants and those working to support them continues as state policy in Lesvos, 27 May 2020, <http://legalcentrelesvos.org/2020/05/27/hostility-towards-migrants-and-those-working-to-support-them-continues-as-state-policy-in-lesvos/>).

(4) Legal Centre Lesvos, January 2020 Report on Rights Violations and Resistance in Lesvos, 22 January 2020, <http://legalcentrelesvos.org/2020/01/22/january-2020-report-on-rights-violations-and-resistance-in-lesvos/>

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(6) The chronology differs: in some cases, the confiscation of personal belongings occurs at the moment of apprehension; in others, after Greek authorities transfer migrants to detention.

(7) *Makaratzis v. Greece* [GC], no. 50385/99, §§ 49-55, ECHR 2004-XI; *Soare and Others v. Romania*, no. 24329/02, §§ 107-111, ECHR 2011; *Trévalec v. Belgium*, no. 30812/07, §§ 55-61, ECHR 2011.

(8) United Nations, Treaty Series, vol. 1833, No. 31363, art. 98 (United Nations Convention on the Law of the Sea); vol. 1184, No. 18961, regulation 15 (International Convention for the Safety of Life at Sea, 1974); and vol. 1405, No. 23489, annex, chap. 2.1.1 (International Convention on Maritime Search and Rescue).

(9) United Nations, Treaty Series, vol. 1405, No. 23489, annex, chap. 2.1.10 (International Convention on Maritime Search and Rescue).

(10) *M.S.S. v Belgium and Greece*, no. 30696/09, § 221, ECHR 2011; *Dougoz v Greece*, no. 40907/98, §§ 45-49, ECHR 2011-II; *A.A. v Greece*, no. 12186/08, §§ 54-65, ECHR 2010; *Elçi and others v Turkey*, no. 23145/93 and no. 25091/94, § 637, ECHR 2003.

(11) *Rahimi v Greece*, no. 8687/08, § 87, ECHR 2011; *SH.D. and others v. Greece, Austria, Croatia, Hungary, North Macedonia, Serbia and Slovenia*, no. 14165/16, § 56, ECHR 2019.

(12) *Selmouni v France*, no. 25803/94, §§ 97-105, ECHR 1999-V; *Elçi and others v Turkey*, no. 23145/93 and no. 25091/94, § 637, ECHR 2003.

(13) *Hirsi Jamaa and others v Italy* [GC], no. 27765/09, § 198, ECHR 2012; *Shamayev and Others v. Georgia and Russia*, no. 36378/02, § 448, ECHR 2005-III.

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(18) NOAS, Seeking Asylum in Turkey – A critical review of Turkey's asylum laws and practices, December 2018 Update, p. 6, p. 25, available under https://www.noas.no/wp-content/uploads/2019/02/Tyrkia-2018-Update_Web.pdf.

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**REPORT FOR THE
19TH SESSION OF
THE COMMITTEE ON
ENFORCED DISAPPEARANCES**

SUGGESTED LIST OF ISSUES

**BORDER VIOLENCE
MONITORING NETWORK**



GREECE

Photo credit: Anek Flouz



Photo credit: Are You Syrious

EXECUTIVE SUMMARY

Reporting Organisation

1. Border Violence Monitoring Network (BVMN) is a coalition of organisations working to document illegal pushbacks, collective expulsions and police violence along the EU's external borders in the Western Balkans, Greece and Turkey since the network's formulation in 2016. The collection of data on illegal pushbacks and police violence is done by a consortium of independent field volunteers who are part of or cooperate with humanitarian support groups united through the Border Violence Monitoring Network.

Executive Summary

2. Despite the ratification of the International Convention for the Protection of All Persons from Enforced Disappearances (ICPPED) and its subsequent integration into Greek domestic law, we assert that Greece has failed to meet its obligations under the ICPPED.

3. We affirm that the continuous action of pushbacks and collective expulsion of refugees and migrants, carried out by Greek authorities is illegal and in contradiction to the obligations set out under the International Convention for the Protection of All Persons from Enforced Disappearances, more specifically Article 1 that states: "no one shall be subjected to enforced disappearance".

4. Furthermore, we maintain that the continued and credible allegations published by a range of NGOs and international monitoring bodies would meet any threshold to sustain the claim that Turkey is not a safe country for expulsion, return, surrender or extradition. Therefore, all actions of pushbacks, collective expulsions or any other forms of return carried out by Greece to Turkey would be in violation of the International Convention for the Protection of All Persons from Enforced Disappearance, specifically Article 16 (1) and 16 (2):

Article 16 (1): no State Party shall expel, return (“refouler”), surrender or extradite a person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to enforced disappearances.

Article 16 (2): for the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations, including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights or of serious violations of international humanitarian law.

5. Lastly, as defined in Article 5 of the International Convention for the Protection of All Persons from Enforced Disappearance, the “widespread or systematic practice of enforced disappearance constitutes a crime against humanity”. Therefore we attest that the practice of illegal pushbacks and collective expulsion as carried out by the Greek State constitute crimes against humanity as defined in the Rome Statute of the International Criminal Court (the Rome Statute of the ICC) in Article 7 (1) letter (i):

“For the purpose of this Statute, “crime against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

(...)

(i) Enforced disappearance of persons (...)”

PUSHBACKS AND COLLECTIVE EXPULSION FROM GREECE AMOUNTING TO VIOLATIONS OF ARTICLE 1 ICPPED

6. “Pushback” is a common term to denote the action of State representatives forcibly returning individuals seeking protection to another country and subsequently preventing or restricting them access to protection mechanisms. Pushbacks encompass the legal concept of collective expulsion, which is prohibited in Article 4 of Protocol No. 4 to the European Convention of Human Rights (ECHR). This refers to the “prohibition of collective expulsion of aliens”, which occurs when a group is compelled to leave a country without reasonable and objective examination of individual cases. Additionally, collective expulsion is further prohibited within Article 3 of the ECHR, which prohibits torture and “inhuman or degrading treatment or punishment” and obliges signatory countries to consider the risk of refoulement[1].

7. In a six-week period between March and April 2020, the Border Violence Monitoring Network received reports of 194 people removed from Greek territory and

pushed back into Turkey [2]. The first-hand testimonies collected by the field teams of BVMN and partners: Mobile Info Team and Wave Thessaloniki, allege serious breaches of Article 3 and Article 4 of the European Convention of Human Rights. Across six distinct cases recorded by the teams, Greek authorities removed people from two locations: the surrounding area of the refugee camp Diavata and from the Paranesti Pre-removal Centre in Drama prefecture. The practices described by the interview respondents were consistent with previously reported practices of pushbacks: police violence, robbery and destruction of personal belongings, secret detention, and reports of military-clothed personnel using boats to return them to Turkey across the Evros River[3].

8. The current evidence of illegal pushbacks and collective expulsion carried out by Greek authorities in the Evros region is further supported by the continued documentation of these illegal practices by multiple NGOs[4]. In addition to oral testimonies

and research reports, investigations by Forensic Architecture and der Spiegel also filmed one removal carried out by masked authorities matching the description of multiple other reports [5].

9. Upon visiting Greece in December 2019, the United Nations Working Group on Arbitrary Detention sustained the continued allegations of pushback and stated: “The Working Group urges the Government to put an immediate end to pushbacks and to ensure that such practices, including any possible acts of violence or ill-treatment that have occurred during such incidents, are promptly and fully investigated”[6].

10. In 2018, the Europe Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) affirmed in their report to the Greek government that they had received consistent and credible allegations of pushback operations from Greece to Turkey via boats across the Evros River Border [7]. The CPT stated that these reports correspond to previous allegations that they had received in 2015[8].

11. A report published in 2018 by the UNHCR examining refugees and migrants arriving in Europe

and at Europe's borders confirmed that the UNHCR continues to receive numerous credible reports of Greek authorities pushing people back to Turkey via the Evros River [9].

12. The Greek Council for Refugees (GCR) published 39 testimonies of illegal pushbacks carried out by Greece in 2018. The report by GCR attests to a continued and systematic use of the Evros river by Greek authorities to pushback refugees and migrants [10] [11].

13. Following a visit to Greece in June 2019, the Commissioner for Human Rights of the Council of Europe published a report in which she states that throughout her visit to Greece, many of the Commissioner's interlocutors drew her attention to the consistent allegation of pushbacks from Greece to Turkey. Similar to other allegations, these reports of pushbacks were accompanied by the use of extreme violence [12].

14. In 2018, Human Rights Watch interviewed 26 asylum seekers who alleged 24 incidents of pushbacks across the Evros River from Greece to Turkey. In the interviews, the respondents indicated that the pushbacks were carried out by Greek police and unidentified forces wearing uniforms and masks without

recognisable insignia. In addition to experiencing pushbacks, the respondents recall how they were stripped to their underwear and had their personal possessions and documents stolen from them [13].

15. Furthermore, as well as demonstrating the illegal pushbacks and collective expulsion being carried out by the Greek State, many of the reports also document the violent and abusive nature of these practices. In addition to using boats and cars to push people back, there has also been widely cited evidence of Greek authorities forcing people to swim across the Evros River. Similar reports have demonstrated how victims of pushbacks and collective expulsion have also died through drowning in the Evros river or as a result of hypothermia [14]. These reports indicate violent and abusive pushbacks are indiscriminate and are carried out regardless of a person's age or gender.



Photo credit: josoor
Published by BVMN

CASE EXAMPLE 1

“WITH OUR HANDS HANDCUFFED, THEY THREW US INTO THE WATER OF EVROS RIVER”

The respondent had been living in Greece for many months and had applied for asylum, settling in Athens. He had his first interview and had been issued a white card which is valid until September 2020. He had been waiting for his final interview, set for May 2021. He went to Alexandroupolis from Athens as part of his job. The purpose of the trip was to visit a stables where his employer wanted to buy a horse (the respondent works in a professional stables in Athens). On the morning of

21st June, at around 10:00, police in blue uniform stopped him in a town 20km from Alexandroupolis and asked to see his papers. He did not understand as he couldn't speak Greek. Because he was unable to answer the police responded by beating him with a wire. After several minutes, a white van came, driven by a man dressed in black and wearing a black mask. The respondent was forced to get in the car and was taken to a police station, the drive took about two hours, there were no windows in the van so the respondent doesn't know where it was. He was detained there for two hours and then taken to a detention centre where 80 to 90 other people were detained. This included both men and women from Afghanistan,

CASE EXAMPLE 1

Iran, Kurdistan and different other nationalities. Police there took everything from them – money, mobile, belt, clothes, shoelaces and whatever else they had – and put the people into cells.

Two policemen in uniform and one “commando soldier” (wearing a ski mask) were taking refugees one by one to a room. Whether he/she was man or woman, they were beating him/her violently and brutally before loading them into a dark green camouflage lorry. They were beating them not with batons, but with thick wooden sticks. The police took off their clothes and left them naked. The respondent was severely hit on his torso, arms, knees and head. In his case, it was specifically one “commando man” cooperating with two uniformed officers. Other than these three, around 20 policemen and other staff were present at the detention centre. The respondent says that all of them spoke Greek, and some spoke Turkish as well. Access to toilets, water and food was denied throughout. After eight hours in detention, the military-style lorry took them to the Evros river. The drive was around 30min. They proceeded to beat them for one hour and used zip ties to handcuff them. With their hands handcuffed,

they threw them into the water of Evros river. The respondent and some others couldn’t swim; other refugees helped them stay afloat. This was around sunset, approximately 21:00 on 21st June 2020. When they arrived in Turkish territory after crossing the river by swimming, the respondent was unconscious. Afghan, Kurdish, Syrian, Arab and Iranian guys with their money helped them reach Istanbul by paying a driver to take them.

The respondent can’t remember anything after they threw them into the river, but his friends told him that from the border they went by foot to a place where they called a taxi from the phone of a Turkish local and arrived in Istanbul a few hours later. The respondent only woke up once they had arrived in Istanbul. He says he is still in unbearable pain. His whole body is bruised due to severe blows (pictures and video of the bruises available). He was beaten and kicked on his head, torso, abdomen, arms and legs by the one commando man at the detention centre that he had to throw up several times.

“FROM THE TIME I GOT ARRESTED TILL THE TIME WE WERE BROUGHT TO EVROS RIVER, WE WERE NOT ALLOWED TO HAVE ACCESS TO ANY BASIC NEEDS.”

PUSHBACKS AND COLLECTIVE EXPULSION FROM GREECE TO TURKEY AMOUNTING TO VIOLATIONS OF ARTICLE 16 ICPPED

16. In accordance to Article 16 (1) of the International Convention for the Protection of All Persons from Enforced Disappearances, Greece should not expel, return (“refouler”) surrender or extradite a person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to enforced disappearances. Yet since 2016, continuous evidence and testimonies collected by international monitoring bodies and NGOs, indicated that enforced disappearances are being carried out by Turkish authorities.

17. We assert that therefore due to the continued and substantiated allegations of enforced disappearances and other allegations of mass breaches of human rights occurring in Turkey, Greece has breached its duties and obligations under the International Convention for the Protection of All Persons from Enforced Disappearances.

18. Despite continued calls by the international community,

Turkey is not a party to the International Convention on the Protection of All Persons from Enforced Disappearances and thus not bound to the responsibilities set out in the Convention.

19. In 2019, Turkish MPs reported 28 individuals who had disappeared or who were victims of politically motivated kidnapping attempts [15]. The United States Department of State country report in 2019 for Turkey, maintains the continued allegations of individuals being abducted and disappeared. The report explained how eyewitness reports alleged that approximately 40 plainclothes officers in Ankara had abducted several of the affected men and taken them away in an unmarked van. The Department of State country report, upholds that the Turkish government had declined to provide information on efforts to prevent, investigate and punish such acts [16].

20. In 2019, based on first-hand testimonies, Mobile Info Team (MIT)

published a report detailing illegal pushbacks in Evros, highlighting the human rights abuses occurring at the Greek-Turkish border. MIT confirm that they have consistently been recording evidence of pushbacks from Greece to Turkey since August 2018 when they began collecting testimonies, but based on reports and testimonies from other NGOs in Greece believe the practice goes as far back as 2013.

21. The United States Department of State country report in 2019 for Turkey reported that authorities had “prevented migrants placed in detention and return centres from communicating with the outside world, including their family members and lawyers, creating the potential for refoulement as migrants accept repatriation to avoid indefinite detention. As outlined under Article 18 of ICPED, a State must guarantee that the legal consul or relatives of any individuals deprived of liberty can access information including but not limited to the whereabouts, transfer or destination of the individual. Thus, we affirm that the demonstrated practice of denying migrants held in detention and return centres contact with the outside world is a clear example of the continued breach of responsibilities under ICPED.

22. In 2016, following a visit by the Working Group on Enforced or Involuntary Disappearances, the Working Group received reports of the disappearance of migrants in, or transiting through Turkey. The information provided to the Working Group stated that women and children, particularly Yazidi women and girls, were disappearing into trafficking networks. The report confirms that the Yazidi victims were being trafficked from Syria to Turkey and sold by the Islamic State in Gaziantep in the south of Turkey. The report produced by the Working Group confirms that not all of these allegations may constitute as acts of enforced disappearances, but the information that they received indicates that these crimes often occur with the complicity or at least the connivance of the local authorities [17]. Furthermore, the Working Group stated its concern at the “almost complete lack of accountability for cases of enforced disappearance in Turkey” and its “palpable lack of interest [in] seriously investigating, prosecuting and adjudicating these cases” [18].



Photo credit: josoor
Published by BVMN

CASE EXAMPLE 2

"HUNDREDS OF PEOPLE DETAINED WITHOUT FOOD FOR MANY, MANY DAYS BEFORE PUSHBACK TO TURKEY"

The respondent, in this case, is a 24 years old male from Afghanistan. It was his second pushback from Greece within the last year. He was documented by the Greek Asylum Office and the UNHCR and also had an appointment in order to receive his Greek "white card" (International Protection Applicant Card) for refugees on 7th August 2020.

On the evening of 15th May 2020 he was arrested together with another 14 people in the streets of Ladochori

(harbor city of Igoumenitsa). At that time he was on a pedestrian walkway close to a street with his friends, when they saw Greek police officers and understood they were about to be arrested. They attempted to escape but were finally caught by officers coming from the opposite side. There were eight officers in the streets, some in uniform, some in civil clothing.

Two minors of the ages around 13 or 14 years were allowed to leave. A group of 15 young men between 16 and 30 years of Afghan and Kurdish (Iraq) origin were arrested. Their phones were taken from them. Then the police handcuffed and escorted them to the police station which was within 8 or 9 minutes walking time from the spot of the arrest (most likely Astinomiko Tmima in Ladochori).

CASE EXAMPLE 2

At the police station, everyone was searched. They had to take all clothes off (except for underwear), shoe-laces were taken out of their shoes and whatever they carried with them was taken away.

They got their clothes back afterwards and were all put into one cell together. Whenever someone raised their voice or simply asked for assistance (e.g. to go to the toilet) the police would come and beat the person heavily. Out of fear they did not dare to claim their rights and status according to their papers. The group was kept in the cell for one night. In the early morning of the next day (16th May 2020) at 06:30 they were put into a police bus. It had very dark cabins inside from which the respondent couldn't see the outside. Four people were put in each cell and the doors were locked. They drove for around 10 hours until they arrived at the "camp".

With "camp" the respondent referred to a "very dirty, nasty place" in the forest close to the river Evros. There was a building which had one floor only, and had a big hall. The group was put there after they had to take their clothes off again for a second search of all their belongings. In the hall there were more than 100 other people waiting.

They had stayed there for one or two nights in some cases, others for almost an entire week, during which they didn't receive food, water or anything else.

The officers were "very violent and cruel". All detainees in the camp had to keep their heads down otherwise they would be beaten with heavy batons.

The officers mostly had their faces covered with ski masks and wore uniforms which the respondent compared to those of the police that arrested him previously ("Greek city police"). As he was not allowed to look up, he is only sure about 7 or 8 different officers being present.

The group of 15 was "lucky" as they only were kept in the main hall for some minutes. Then the entire group of detained persons departed. They were put in a van. It was described as a big, old military car of green color. About 120 people were forcefully loaded on the car which was far beyond its capacity.

They drove for 40 minutes and arrived at a place close to the river. 15 to 20 people at once were embarked into a 5 to 6 meter long boat and taken to the other/Turkish side.

The Turkish army, when finding them, gave some old jackets and other clothes to those who were insufficiently dressed during the cold weather.

CHAIN PUSHBACK TO SYRIA AMOUNTING TO VIOLATIONS OF ARTICLE 16 ICPPED

23. In addition to the risk of enforced disappearances that face individuals who are illegally pushed back or collectively expelled from Greece whilst in Turkey, many face threats of subsequent human rights violations including the threat of being detained and pushed back to their countries of origin. The practice of being pushed back through multiple countries is called “chain pushbacks”, and within Turkey current reports indicate that this is disproportionately affecting Syrian nationals who are being illegally returned en-masse to Syria.

24. In 2019, Amnesty International published a research report that, through interviews with 28 Syrian nationals, documented 20 cases of unlawful forced returns that occurred between 25th May and 13th September 2019. Amnesty International explained that of the 20 cases documented within their report, the interview respondents said that several dozen (between

35 and 60) people were on their busses, therefore illustrating a sample of several hundred victims of forced returns to Syria by Turkish authorities [19].

25. In 2019, Mobile Info Team recalled multiple testimonies of people who were pushed back from Greece across the Evros River to Turkey, where they were subsequently arrested by Turkish authorities and then sent back to Idlib, Syria. Upon being forced back into Syria, one of the respondents testifies how as a result of the chain pushback initiated by Greece, he was destined and placed in a prison in Idlib where he was subsequently tortured [20].

26. The report of the Working Group on Enforced or Involuntary Disappearances on Enforced Disappearances in the Context of Migration, assert that the act of pushing back migrants or conducting collective expulsion contravenes the Declaration. Furthermore, the report states

that mass returns by Turkish authorities could violate Turkey's obligations of non-refoulement under the Declaration.

27. In 2017, Human Rights Watch reported the collective expulsion of large groups of Syrian refugees to Idlib Syria. According to Human Rights Watch, the Turkish authorities have routinely intercepted hundreds, and at times thousands, of asylum seekers at the Turkey-Syrian border since at least December 2017 and summarily deported them to the war-ravaged Idlib governorate in Syria [21]

28. In 2016, Amnesty International published evidence of the near-daily forced expulsion of around 100 Syrian men, women and children from Turkey to Syria. At the Southern Turkish border, multiple testimonies were collected by Amnesty International of large-scale returns from the Hatay province to Syria, a practice that is illegal under both Turkish, EU and international law [22].



Photo credit: BVMN, Balkan Info Van
Published by: BVMN

CASE EXAMPLE 3

“REMOVED FROM THESSALONIKI AND THEN PUSHED BACK ACROSS THE MERIC RIVER”

During the morning, Greek police dressed in black and several officers in civil clothing entered the camp. They arrived with several vehicles: small white vans with barred windows, and a larger blue coach with “Police” written on the outside of it. The officers rounded up approximately 50 people from the camp.

The respondent says the people taken included many Afghans, as well as North African people from Morocco and Algeria. The police told

the groups that they were to be taken to the station temporarily to be issued “khartias” [informal name for a short term legalisation document. Some had papers with an expired date though according to the measures brought in by the Greek government, these remained valid until the asylum office opened again after the COVID-19 restrictions.

The respondent had a scheduled interview at the asylum office for mid-March, but this had been cancelled because of the health restrictions. He still had a handwritten note with the date and time of this appointment.

The officers loaded them into the vans and bus and drove them a short

CASE EXAMPLE 3

distance. The respondent recalls the vehicles taking them onto the main road running into Thessaloniki (Motorway 2) because he recognised the 81 bus line which he regularly took. After a short drive, the 50 people were disembarked at a large police station where many officers and cars were stationed. The group were taken inside the station, but rather than being processed and issued “khartia”, the officers ordered them to lie down and searched them. The police took phones, money and other valuable possessions. The officers also reportedly used batons to hit the majority of the people, and also used handheld taser devices to administer electric shocks to some people's legs. The respondent recalls how one of the officers in civil clothes ordered them to lie on the floor. Following this, many of the people were assaulted with batons by the officers present. The police then removed the group into an outdoor/parking area where they were detained for approximately two hours. During this time it rained and the group got very wet and cold.

The Greek officers then loaded the 50 people into a large bus (blue with “police” written on the side) and drove them for several hours. The group were disembarked in the evening and held in a facility staffed

by Greek military personnel. The officers inside were described as wearing “Military uniform, masks, guns, electric [taser]”.

The people were held there overnight in shared cells. The respondent describes how violence was used by the military officers inside the detention space. The next day, Thursday 16th April 2020, they were taken in a van and moved to another site which was staffed by similarly dressed authorities. After this, they were put in several vans and driven to the Meric river. There, the Greek military officers removed them from the vans and forced them to strip near the bank of the river. The authorities beat the group again with batons, leaving visible bruising.

The people were divided and ferried across in smaller groups in a boat. Once the respondent had been pushed back onto the Turkish side, he reports being found by Turkish police who held them. The officers told them they could not stay in Turkey and had to reenter Greece. The Turkish officials made them wait and said they would bring the men a boat for them to cross back. The respondent and others then ran away from the river to avoid this, and eventually found their way to Istanbul.

“THEY CATCH US IN THE CAMP”

PRACTICES FALLING UNDER ARTICLE 5 OF ICPPED AND ARTICLE 7 OF THE ICC ROME STATUTE.

29. Article 5 of the International Convention for the Protection of All Persons from Enforced Disappearance states that the widespread or systematic practice of enforced disappearance constitutes a crime against humanity as defined in applicable international law and shall attract the consequences provided for under such applicable international law.

30. The Rome Statute of the International Criminal Court qualifies enforced disappearances as crimes against humanity in Article 7 (1) (i) and defines the act of enforced disappearance as: “the arrest, detention or abduction of persons by, or with the authorisation, support or acquiescence of, a State or a political organisation, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time” [23].

31. As developed in jurisprudence, crimes against humanity have two elements, the widespread scale, or massive commission or the systematic practice of certain acts, on the one hand, and the acts themselves, on the other. With regard to massive, widespread or systematic practice, the element points out to a phenomenon that is not isolated nor merely sporadic events [24]. The ICC notes that the term “widespread” “refer to the large-scale nature of the attacks as well as to the number of victims”, whereas the term “systematic” pertains to the organised nature of the acts of violence and to the improbability of their random occurrence [25].

32. The testimonies collected from 2018 until 2020 describe widespread practices, similar in manifestations, such as being removed from Greek territory, detained for a period of time, from hours to days, at times in places that are not designated detention places. The detention does not constitute criminal detention nor

administrative detention and deportation orders are not being served. Personal belongings are at times taken, while other times are kept. A general occurrence is the expression of the persons to request asylum that is not being respected. The removal itself often takes place at night and often conducted through violent means.

33. Additionally, the description of the events, more specifically, removals from different locations within Greece and transportation to the border area, imply multiple and different authorities communicating and coordinating their actions. It is as if there is not in existence a written plan, but it can be inferred from the series of events and common patterns of the acts as well as statements and the behaviour of the perpetrators [26].

34. With regard to the second element, the acts themselves, both in customary and treaty-based international law, the systemic or wide scale practice of enforced disappearance, among other acts, constitute crimes against humanity [27].

PROPOSED QUESTIONS FOR THE COMMITTEE TO ASK TO GREECE

35. What steps are being taken to ensure that the Ombudsman's office and relevant international or civil society organisations have **full and unimpeded access to the border areas** and the mandated access to information on the operations of Greek authorities in these areas?

36. What preventative mechanisms have or are being introduced to **safeguard potential violations of the principle of non-refoulement** and the International Convention for the Protection of All Persons from Enforced Disappearance?

37. What measures have been taken to **ensure a full investigation into any and all allegations of violations of the International Convention for the Protection of All Persons from Enforced Disappearance** as a result of pushbacks and collective expulsion?

38. Please specify if any effective mechanisms have been put in place to **protect migrants, refugees or third-country nationals from Enforced Disappearances?** Additionally, how have these mechanisms been used to deter against practices that constitute Enforced Disappearances, such as pushbacks?

39. Please clarify if Turkey is considered 'safe' in relation to procedures of expulsion, return, surrender or extradition of a person. If so, please indicate through **which criteria was Turkey considered safe and how often is this decision reviewed.** Furthermore, please specify if this assessment assesses the risk of Enforced Disappearances or further pushbacks or collective expulsion carried out by Turkey?

For all inquires:
advocacy@borderviolence.eu

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REPORT CREATED: 2020-08-03

PDF EXPORT OF TESTIMONIES DATABASE FROM THE BORDER VIOLENCE MONITORING NETWORK

Number of reports: 26 reports were exported

Filter settings: Start: 2017-01-01, End: 2020-08-03, Pushback from Greece.

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The testimonies database does not represent all pushbacks happening and cannot be seen as a statistical representation of a population of pushbacks.

We can only report testimonies when the affected persons are willing to talk about what happened to them, if we have volunteers collecting testimonies on the spots and if no repression stops our work.

For further information or for feedback on this export tool please contact mail@borderviolence.eu

18/05/2019

“COMMANDOS SHOULD HAVE TAKEN CARE OF HUMANITY; THEY PUNCHED ME AND TOOK MY 400 EUROS”

Date and time: May 18, 2019 03:00

Location: Mandra, Greece

Coordinates: 41.243598 , 26.313322

Push-back from: Greece

Push-back to: Turkey

Demographics: Initially 3, which increased to around 40-45 afterwards. person(s), age: 47 of the respondent, two other people around 20-25 , from: Syria

Minors involved? No

Violence used: beating (with batons/hands/other), pushing people to the ground, theft of personal belongings

Police involved: 7 Greek policemen having Greek flag sewed on their uniforms. 2 Police Cars

Taken to a police station?: yes

Treatment at police station or other place of detention: detention, no translator present, denial of access to toilets, denial of food/water

Was the intention to ask for asylum expressed?: No

Reported by: Mobile Info Team

ORIGINAL REPORT

The respondent who is aged 47 started his journey on 15th of May 2019 from Edirne (Turkey). He was with two other people aged between 20 to 25, making a group of three. The group managed to cross the river which borders Turkey and Greece with a boat. They continued their journey and passed through a village which the respondent named Didymoteicho.

Google map of the village.

The group walked for three days until they were apprehended by Greek police at 3:30 am on 18th of May 2019 in a forest which is separated by a road (approximate coordinates: 41.243598, 26.313322), not far away from the Greek town Mandra.

According to the respondent, he saw two police cars with seven policemen approaching them and they finally managed to arrest the group.

The group tried to explain their situation to the policemen, saying that they don't want asylum in Greece and just want to continue their journey towards Germany. However, the officers didn't pay heed to what the group was saying. The respondent tried to show them all the documents proving that his family had been granted asylum in Germany, but the officers didn't reply to any of their comments. The officers took the group's cell phones and never gave them back to their owners. Soon they called a van with two civilian people on board. The van, according to respondent, was not a police vehicle but a white civilian Volkswagen van. He described the van to have been very small, making it difficult for them to even breathe. They couldn't see the front compartment of the vehicle as there was a barrier between the front seats and the rear compartment where the group was placed.

After some 45 minutes of driving, around 4:15 am, the van reached a building which the respondent called "prison". They were put in a cell behind bars. The group found out that there were already around 25 people present in the building who also had tried to cross the border.

During their detention, the respondent wasn't provided food, and neither did he have access to a toilet. Moreover, access to translator was also not provided. The next night, around 7pm, all the detained persons, including families with children, were told to board a big van and were shifted to an unknown place.

This time, according to the respondent, the people who put them into the big van and accompanied them all the way were not the local police but "commandos" who were eight in number with desert colored uniforms wearing masks with only their eyes visible. All the people were told to remain head down while being put into the van so that they could not have a closer look at the "commandos".

After an hour journey, all the people were now taken out of the van at a place which was near a river. As it turned out, the river was the border river between Greece and Turkey. There were already some more arrested people lying on the ground with their heads down. According to the respondent, now the total number of people was around 40 – 45. This larger group consisted of people from Syria, Egypt, Algeria and Tunisia.

At this stage of the interview, the respondent termed the behavior of the commandos towards the people on the move as “inhuman”. The officers in the desert-colored uniforms punched, kicked and hit all the people with batons. According to the respondent, one Egyptian refugee was hit with batons on his head which resulted in a serious head injury as he immediately fell down on the ground and started bleeding.

“Commandos should have taken care of humanity; they punched me and took my 400 Euros”.

After gathering all the people together, the officers made them cross the river with a boat. There were two boats which were repeatedly used to shift the people to the other side of the river, each time with one boat carrying ten people accompanied by two armed officers. This way, all the people were shifted to the other side of the river which was in Turkey at around 9:30 pm on 19th of May.

There were no Turkish authorities on the other side of the river. The respondent then went to Istanbul to borrow some money from one of his relatives there as all of his money along with personal belongings had been taken by the Greek authorities.

03/07/2019

“THEY ARRIVED IN TWO VEHICLES WITH FOUR POLICEMEN. ONE WAS A WHITE NISSAN PICKUP WHILE THE OTHER ONE WAS A JEEP”

Date and time: July 3, 2019 11:00

Location: Komotini, Greece

Coordinates: 41.151944 , 25.432861

Push-back from: Greece

Push-back to: Turkey

Demographics: 4 person(s), age: Respondent was aged 45, Algerian man 34 and two Moroccans 26 and 37 , from: Morocco, Algeria

Minors involved? Yes

Violence used: beating (with batons/hands/other), threatening with guns, theft of personal belongings

Police involved: 4 Greek Policemen (masked and in military uniform) with one van, 2 police cars + an undefined number of Turkish police upon readmission

Taken to a police station?: yes

Treatment at police station or other place of detention: detention, photos taken, personal information taken

Was the intention to ask for asylum expressed?: Yes

Reported by: Mobile Info Team

ORIGINAL REPORT

On the 28th of June 2019, the respondent aged 47 from Algeria left Edirne, Turkey at 21:00 by foot to enter Greece, with three other people, one from Algeria while two others from Morocco. The transit group managed to cross the fence at around 22:30. While scaling the fence, the respondent felt that there were some chemicals

on the fence which caused the group members body to become itchy. After entering Greek territory, the transit group walked for almost 40 minutes in the direction of Greek-Bulgarian border.

Afterwards, the group took some rest in a nearby forest and then continued their journey. They kept on walking for five nights while resting during the day time. On the 3rd of July 2019, at around 11:00 in the morning, in a forest near a road, the group was caught by the officers in green uniform whom the respondent termed as “police”.

“They arrived in two vehicles with four policemen. One was a White Nissan Pickup while the other one was a jeep”.

Police searched the bodies of the transit group and subsequently handcuffed them. Afterwards, they were transferred in the White Nissan Pickup’s trunk and were transported to a building with two very dirty rooms having an attached small toilet which respondent termed as “a jail in a police station”. The room in which the transit group was put in had six people including children and women from Iraq, Syria and Somalia. Meanwhile the respondent states that another room had approximately 40 people and most of them from Pakistan and Afghanistan.

The group was detained for almost five hours and at around 19:00, four officials having a military uniform with their faces masked came whom respondent termed as “Greek Military” personals. The military personnel, along with some Greek policemen, put all the detainees of both rooms in a police van.

After 1.5 hours of driving the police van reached a place which respondent termed as a “camp” where more people were loaded into the van. According to the respondent they were not allowed to get down from the vehicle while more people were forcibly put into the vehicle.

At this stage the respondent termed the behavior of the authorities as inhuman, because they were beating people to get inside the vehicle despite the fact there was not enough room available. Once all the people were inside, the vehicle

started moving, now also escorted by two police vehicles. One from the front while the other one from the back.

At around 21:00, the group reached a place near a river where they were asked to get down. Here they saw two wooden motor boats which were used to shift the people to the other side of the river. With 10 people boarded on each boat accompanied by two military personnel, the transit groups were dropped at different spots on the Turkish side of the river. Thus, all the people were pushed back to the Turkish side from Greek territory. Once they were all in Turkey, the military personnel fired in the air to alert the Turkish authorities. Soon Turkish authorities, which the respondent termed as Turkish military, arrived at the scene and arrested all the people. However, some managed to flee. The respondent and his friend were among the ones arrested.

According to the respondent they were taken to a police station in Edirne where their personal data was taken along with photographs. Afterwards, they were moved by the Turkish authorities to Istanbul where they were released.

24/10/2019

“BEATEN AND IMPRISONED BY GREEK POLICE”

Arm broken by officers during apprehension, showing horizontal contusion.

Date and time: October 24, 2019 00:00

Location: Nea Vyssa

Coordinates: 41.58101804671091 , 26.54130550193679

Push-back from: Greece

Push-back to: Turkey

Demographics: 3 person(s), age: 18-25 years old , from: Morocco

Minors involved? No

Violence used: beating (with batons/hands/other), theft of personal belongings

Police involved: Greek police officers, non-uniformed men in balaclavas

Taken to a police station?: yes

Treatment at police station or other place of detention: detention

Was the intention to ask for asylum expressed?: No

Reported by: Philoxenia

ORIGINAL REPORT

The respondent crossed the Turkey-Greece border on the 24th of October, 2019 from the Turkish city of Edirne. The respondent was in a transit group with two other people from Morocco (group members aged 18, 22 and 25 years old). On route to the Greek village of Nea Vyssa, the transit group was stopped by two police officers. The respondent was able to identify the officers as part of the Greek police forces from their uniform.

The officers violently beat the men in the transit group using batons. The beating from Greek police officers left the respondent as well as another man in the transit group with broken arms.

Arm broken by officers during apprehension, showing horizontal contusion.

The group was then taken to a facility like a prison which the respondent described as being very dirty. The transit group were not given any food during their detention in this site.

Officers in balaclavas took the transit group back to the border of Greece-Turkey and pushed them back to the Turkish town of Uzunkopru. The officers took all possessions from the transit group including money, clothes and mobile phones.

06/11/2019

“THEY BEAT US WITH A BATON WITHOUT CARING WHICH PART OF THE BODY THEY WOULD HIT”

Date and time: November 6, 2019 00:00

Location: Orestiada

Coordinates: 41.50138413299929 , 26.53166787910152

Push-back from: Greece

Push-back to: Turkey

Demographics: 5 person(s), age: 20-26 years old , from: Algeria, Tunisia

Minors involved? No

Violence used: beating (with batons/hands/other), pushing people to the ground, destruction of personal belongings, theft of personal belongings

Police involved: Greek officers wearing balaclavas

Taken to a police station?: yes

Treatment at police station or other place of detention: detention, denial of food/water

Was the intention to ask for asylum expressed?: Unknown

Reported by: Philoxenia

ORIGINAL REPORT

The respondent attempted to cross the Turkey-Greece border in a transit group of five people during the evening in early November. The transit group consisted of the respondent and his four friends. Four of the people were from Algeria and one person was from Tunisia. The transit group was arrested in the Greek city called Orestiada, which is close to the Turkish border, by police officers wearing balaclavas. The respondent describes them as having a strong and broad physique.

These police officers treated the transit group in “ *a horrific way – inhumane*”. He explains there were about five police officers, but he is not able to say for certain as he was being beaten so was unable to look up at the police officers. The respondent recounts that the police officers beat them with batons, broke their mobile phones, took any large sums of money and burnt their sleeping bags.

“They (police officers wearing balaclavas) beat us with baton without caring about what part of their body they would hit. One of my friends was hit in the head. There was blood. They were treating us in an inhumane way. We are refugees not anything else.”

After the beating, the transit group was tied up and taken to a camp close to the border that the respondent describes as “ *resembling a prison*”. The transit group were put in a dirty, small room that contained around 60-70 people.

“They didn’t provide us with food and the water we drank was from the toilet.”

The transit group stayed at this camp for two nights and were forced to cross the Evros river back to Turkey at midnight (approximately 24:00 on 6th November 2019). The respondent shared that he didn’t know exactly where the camp where he had been detained or the precise pushback site because the police officers broke their phones when the group was arrested (and so he was unable to use a GPS).

Note: The respondent in this incident stated he had been arrested by police on three attempts at trying to cross the Turkey-Greece border, but this encounter had been far more traumatic. The first two times the respondent attempted to cross the border, he was push-backed to Turkey in a non-violent manner. However, reflecting on this incident the respondent shared the level of violence inflicted

during removal from Greece compared to previous experiences. The transit group had been arrested by police officers the previous two times (once in the Greek town, Didymoteicho, and once in the Greek city, Alexandroupoli). On these first two attempts, the police officers brought the transit group back to a Greek camp before pushing them back to Turkey.

29/11/2019

“I DON'T KNOW IF HE IS DEAD OR HE IS ALIVE. I HAVE NO IDEA”

Date and time: November 29, 2019 06:00

Location: Evros river, near Uzunkopru (est. loc.)

Coordinates: 41.329620651505046 , 26.600317092350565

Push-back from: Greece

Push-back to: Turkey

Demographics: 3 person(s), age: 25-6 years old , from: Morocco

Minors involved? No

Violence used: water immersion, theft of personal belongings, binding hands and feet

Police involved: 13-4 balaclava officers ("kagol") in Greek territory. Later handed over to Turkish police officers.

Taken to a police station?: yes

Treatment at police station or other place of detention: detention

Was the intention to ask for asylum expressed?: No

Reported by: Philoxenia

ORIGINAL REPORT

The respondent attempted to cross the Turkey-Greece border on the night of 28/29th of November 2019. The respondent was in a transit group of three other people between the ages of 25-26 years old. They were all from Morocco. The transit group attempted to cross the border from the Turkish city of Uzunkopru which is located next the Evros River that runs along the border between Turkey and Greece.

The transit group crossed the border at around 05:00-06:00. On reaching Greek land, the transit group saw officers in balaclavas and proceeded to hide under a tree. The police officers caught one of the members of the transit group. The

officers in balaclavas tied this man's wrists and ankles together using plastic cable ties and threw him into the Evros River. The respondent states that he still does not know what happened to this man:

“I don't know if he is dead or he is alive. I have no idea”

The other members of transit group ran for about 200m but were arrested by more officers in balaclavas.

The respondent explains that there were about 13 to 14 officers. The officers took the transit groups belongings and then took the group to a prison on the Greek side of the river. The transit group was then pushed back to Turkey (on the same day of 29th November 2019, where they were given to Turkish police. The Turkish police took everything that the transit group had left including clothes, phone, money and jewelry.

11/12/2019

“DETAINED FOR TWO DAYS WITHOUT FOOD, WITHOUT WATER”

Satellite view of the place of detention, Soufli (GRK), coordinates 41.190806,26.304000

Date and time: December 11, 2019 00:00

Location: Soufli, Greece

Coordinates: 41.128335 , 26.321678

Push-back from: Greece

Push-back to: Turkey

Demographics: 20 person(s), age: 41 , from: Syria, Morocco

Minors involved? Yes

Violence used: beating (with batons/hands/other), insulting, forcing to undress, destruction of personal belongings, theft of personal belongings

Police involved: 3 Greek police officers and 1 van at initial arrest. Unknown number of Greek police at site of detention and during push-back. 2 vehicles and 2 boats used in push back. Unknown number of Turkish officers.

Taken to a police station?: yes

Treatment at police station or other place of detention: detention, denial of access to toilets, denial of food/water

Was the intention to ask for asylum expressed?: Yes

Reported by: Philoxenia

ORIGINAL REPORT

On approximately 9th December 2019, the respondent was at a supermarket buying food in the town of Soufli (GRK) when he was approached by three male, Greek police officers. The officers apprehended the respondent, asking him to take off his shoes before placing him in the back of a police van. Here, he discovered two other people from Syria who had been caught by the police earlier that day.

The respondent was then taken to a “prison” (coordinates 41.190806,26.304000) where there were lots of large vehicles with people being detained in the back of them. Here, the police stole everything from the respondent:

“all the phones, all the money, all the clothes, all the bag,”

The officers also stole the food he had bought at the market and his friend’s passport, which he was looking after. The respondent was denied access to the toilet while inside the detention facility and remembers being provided a dirty blanket covered in urine (“*have like pee*”). In relation to the lack of toilet facilities the respondent said

“if you want to pee, you should to pee in one bottle. And you can see a lot of old bottle from the pee. It was so disgusting”

The respondent also describes two incidents inside the detainment facility, one, where the police began filming a 60 year old man (allegedly speaking Bulgarian) who they had allowed to go to the toilet. And another, where the police beat people for knocking on the doors of the cells where they were being held. The respondent was detained for two days “*without food, without water*” but encountered other people who had been held there for up to a week. During this time, the police did not take the respondent’s details or fingerprints. However, they did mislead him by promising to take him to a camp.

Satellite view of the place of detention, Soufli (GRK), coordinates 41.190806,26.304000

On 11th December 2020, at night, the police drove the respondent and a group of around 20 people (men, women and children, from Syria, Morocco and Bulgaria) to the Evros river (coordinates 41.128335, 26.321678). The police wore black and used binoculars (this the respondent said was to look out for Turkish police).

The group was split in half and put onto two separate boats. Then, the police threw a bag into the river claiming it had everyone’s phones in it, although the respondent said he thought the bag looked like it was actually full of rocks. The respondent was told, “*Shut up, we don’t want to hear you. Be quiet.*” Then, making

as little noise as possible, the boats moved slowly across the river, and the two groups were released onto Turkish land.

Satellite view of pushback, between Likofos (GRK) and Subaşı (TU), coordinates 41.128335, 26.321678

Approximately 500 meters inland, the transit group were met by Turkish police or “army” who provided them with food and clothing, and helped to make a fire. Afterwards, people who were sick were provided access to medical care and taken to the hospital whilst the others had their papers checked. Many people were then removed to unknown locations, but those without documentation, like the respondent, were provided with a “paper” .

At a later date when the respondent was able to successfully cross to Greece, his transit group (eight men from Syria, Palestine and Iraq, between the ages of 18-46) had to endure snowy conditions walking through the Greek mountains and said he feared for their lives. They managed to reach Xanthi (GRK) where some passersby offered the transit group transport to Thessaloniki, before threatening them with knives and stealing their money, phones and power banks. The respondent compared this experience to that of the Greek police and suggested both were “*like mafia*”.

08/02/2020

“PEOPLE WERE FORCED TO UNDRESS AND THEN, EIGHT BY EIGHT, WERE LOADED INTO A BOAT”

Date and time: February 8, 2020 21:00

Location: Alexandroupoli, Greece

Coordinates: 40.981204 , 26.325298

Push-back from: Greece

Push-back to: Turkey

Demographics: 16 person(s), age: 27-30 , from: Morocco, Algeria

Minors involved? Unknown

Violence used: beating (with batons/hands/other), kicking, forcing to undress, theft of personal belongings

Police involved: Black uniforms and balaclavas; army uniforms

Taken to a police station?: yes

Treatment at police station or other place of detention: detention, denial of food/water, physical violence (beating)

Was the intention to ask for asylum expressed?: No

Reported by: Philoxenia

ORIGINAL REPORT

The respondent in this case, a 27-year-old man from Morocco, was in the city of Alexandroupoli (GR) with other five men from Morocco and Algeria aged 29-30, when they were caught by police, at approximately 23.00 on 7th February 2020. Five policemen wearing black uniforms and ski masks forced the transit group onto a bus where there were already around 30 people detained. This group was composed of men, women and children, hailing from different countries, including Pakistan and Syria.

The people on the bus were transported to a “*detention centre*” near Alexandroupoli. The respondent is not aware of the exact location. In total, approximately 50 people were being held at the detention centre. There, six male and four female officers stole the detainees money and “everything”. Some of these officers were wearing the same black uniforms of those that apprehended the transit group, whilst others were dressed in army uniform. In addition to the theft, the officers beat some people with batons, “*some people like a little bit, some people too much*”. The respondent himself was beaten with the baton and punched. Access to both water and food was denied and only permission to use the toilets was granted. No one asked for asylum.

People were detained until the next day, 8th February 202, at around 21.00, sixteen of them were loaded in a big vehicle similar to a bus “closed like detention” and were transported to a river (approximate coordinates 40.981204,26.325298). There, four police officers were waiting to push them back to Turkey. People were forced to undress and then, eight by eight, were loaded into a boat from which they could not see outside; because of this, the respondent does not know who was driving the boat. When they reached Turkey, the Turkish police, “the army” saw them and shot in the air, shouting at them ““be there, don’t come”. So, the transit group waited there for three nights close to the border area sleeping outside. Then they managed to escape police control and headed to a town where they had previously slept.

The same respondent also refers to a previous time when, still in Turkey, he tried to cross the same river from which he was pushed back in this last case (approximate coordinates 40.981204,26.325298) on, around 3rd February 2020. At the time of this previous attempt, the respondent was caught with another eight men (Morocco, Algeria, aged 27-32) by four Turkish police officers wearing army uniforms with the Turkish flag. The respondent and his group were transported, travelling on a bus for roughly 30 minutes, to a nearby camp whose name the respondent cannot recall. After spending three days in the camp, the group was transferred to a police station where no translator was present to facilitate the ongoing procedures. There, the respondents had their fingerprints and pictures taken and received a paper from the police containing personal information such as name and age, which the respondent describes as a sort of “*carta*”.

20/02/2020

“THE MEN WERE REFUSED WATER AND WERE ONLY ALLOWED FOOD IF THEY PAID €2”

Date and time: February 20, 2020 05:00

Location: Alexandroupoli, Greece

Coordinates: 41.625268 , 26.565369999999999

Push-back from: Greece

Push-back to: Turkey

Demographics: 40 person(s), age: 16-35 years old , from: Pakistan, Morocco

Minors involved? Yes

Violence used: beating (with batons/hands/other), theft of personal belongings

Police involved: Police officers wearing balaclavas and black uniforms

Taken to a police station?: yes

Treatment at police station or other place of detention: detention, denial of food/water, forced to pay fee, denial of medical support

Was the intention to ask for asylum expressed?: Unknown

Reported by: Philoxenia

ORIGINAL REPORT

The respondent attempted to cross the Turkey-Greece border on the 19th of February 2020. The respondent is Moroccan and 16 years old. The respondent was travelling with his friend who was male, 23 years old and also from Morocco. The respondent and his friend arrived at the Greek border city of Orestiada where they bought a bus ticket to Alexandroupoli (GRK).

The transit group took the bus to Alexandroupoli but were unable to buy another ticket for onward travel because they had run out of money, hence they began

walking out of the city. Approximately 10 kilometres away from Alexandroupoli (GRK), the respondent's friend fell over and injured his foot. Unable to continue, the respondent and his friend sought help from three male police officers. This was at about 16:00 in the afternoon on the 19th of February.

The police officers took the respondent and his friend to a police station near Alexandroupoli (GRK) which the respondent described was only for migrants and was 'very old'. In the police station, the men were refused water and were only allowed food if they paid €2. The police officers bandaged the injured foot but did not offer the respondent's friend any additional medical care. The respondent was kept in detention for nine hours

At 05:00 the following morning (20th February 2020), the respondent was driven from the location by Greek authorities and five officers wearing black uniforms and balaclavas pushed the respondent and his friend back to Turkey. The officers brought the respondent and his friend with a group of approximately 40 other men from Pakistan and Morocco between the ages of 25 and 35 years old to the Greek side of the River Evros (border between GRK and TU). The officers asked all the men where they were from and their ages as well as taking all of their phones.

The officers in balaclavas pushed the group across the River Evros in one boat. The respondent explains that conditions were 'so cold'. After the respondent reached the Turkish border city of Edirne, the respondent and his friend were stopped by Turkish army. They were kept in a camp in Bosna, close to Edirne (TUR) for one night. The respondent's fingerprint and photograph were taken. The respondent explains that some of the people at this camp were punched by officers.

31/03/2020

“TAKEN FROM DIAVATA CAMP (GRK) AND PUSHED BACK VIOLENTLY TO TURKEY”

Date and time: March 31, 2020 00:00

Location: Meric river (btw GRK/TUR)

Coordinates: 40.70014283507027 , 22.859823015223206

Push-back from: Greece

Push-back to: Turkey

Demographics: 40 person(s), age: 19 - 40+ (respondents aged 24, 30, 26) , from: Afghanistan, Pakistan, Bangladesh, Palestine, Syria, Iraq, Morocco, Algeria, Tunisia

Minors involved? No

Violence used: beating (with batons/hands/other), forcing to undress, theft of personal belongings

Police involved: Greek officers wearing black uniforms, one large bus, large blue bus with "police" written on the side, several smaller unmarked vans

Taken to a police station?: yes

Treatment at police station or other place of detention: detention, denial of food/water

Was the intention to ask for asylum expressed?: Yes

Reported by: Border Violence Monitoring, Balkan Info Van, Mobile Info Team

ORIGINAL REPORT

Reportedly on the 29th March 2020, 40 people were removed by Greek police from inside Diavata camp (**Echedoro 545 00**), close to the city of Thessaloniki in Greece. Several persons who were removed gave matching accounts of Greek police officers who entered the camp and approached those specifically who were staying in tents and improvised shelters in the grounds of the site.

The respondent among friends in Diavata camp (GRK), photo taken in the weeks before the pushback.

One respondent, a man from Tunisia, explained how he was approached in the camp by two police officers (one man and one woman). They allegedly said to him:

“Where is your khartia? How long have you been in Greece?”

“Khartia” is the informal name for a legal document to regularize stay in Greece, and was offered to a number of people staying in the grounds of Diavata camp on the conditions they came with the officers. The respondent was told by the police that he would be taken to a police station for 1-2 days and be issued this document. He was told he would be returned to the camp and that he didn’t need to bring any of his possessions. Another man from Algeria shared the same experience, having been told by officers:

“We are going to do khartia”

He was also denied the chance to collect his possessions and informed he would be back at the camp within two days. Up to 40 persons were loaded into vans in the camp on the basis of receiving a khartia from the police. The people in the group were from a range of countries, including Algeria, Morocco, Tunisia, Palestine, Iraq, Syria, Bangladesh, Afghanistan and Pakistan. The authorities drove them a short distance (approx. 10 minutes) to a police station where they were unloaded and brought inside.

But rather than being processed and issued the aforementioned paper, the 40 persons had their possessions removed (including phones, money, parts of their clothing and shoes). One respondent recalls that people in the group vocalised expression for asylum, but the Greek officers in the station used physical intimidation and hit people who continued to verbalise these requests. The same day, the group was loaded into a large blue bus with “police” written on the side. The people were not informed of the reasons they were detained, nor of their

destination. The bus drove for around five hours and delivered them to an unknown detention site.

The group were unloaded at this site at around sunset on the day they were arrested. The respondent from Tunisia stated: *“It did not look like a police station”* and it was an *“old house”* in the some trees/unpopulated countryside . Meanwhile another group member stated that the detention space was also close to an abandoned railway station, and was in the area of Alexandroupolis (GRK).

The detention conditions were described as very poor. The respondents recall how they were held for two days in cramped conditions, and without enough food. One suggests they were ordered by officers to share some small amount of bread as the only meal they received. Meanwhile another described the sleeping conditions as 20 beds per room, and that they were one of several rooms within the site. During the two days they were held there, the respondents did not report receiving violence directly to themselves, but state that other people in their group did suffer beatings from Greek authorities.

On the night of 31st March/1st April 2020 at least 20 persons were loaded into vehicles (some into a large bus and some into a smaller van) and driven to the Evros/Meric river. The respondents describe the journey as taking around 15-30 minutes. They were unloaded in the dark next to the river and ordered to strip to their underwear. The Greek authorities used batons and fists to hit some members of the group. After the beating, the transit group were placed in a rubber dingy (small plastic vessel) and transported to the Turkish side of the river.

This occurred in two stages, with around ten people transported each time. The respondents describe the driver of the boat being a masked person that they suspected to be Moroccan who was working with the Greek police. This person steering the boat did not start the motor, allegedly to make *“no noise”* in order to not alert the Turkish authorities to the pushback. The driver reportedly returned to the Greek bank of the river with the boat after conveying the second group across. As they were pushed back to Turkey the Greek officers shouted at them to continue walking. In this way the total transit group was dispersed into several smaller groups of around 6-7 people, meaning that when the respondent landed on the Turkish side he did not find the group that was ferried before him.

After the pushback, the group approached officers of the Turkish Gendarmerie who were patrolling in the area. They were all taken to a detention facility somewhere nearby and held for three day before being released. The respondents describe fair treatment during this period, having been issued clothes, shoes and food.

16/04/2020

“REMOVED FROM THESSALONIKI AND PUSHED BACK ACROSS THE MERIC RIVER”

Date and time: April 16, 2020 00:00

Location: Meric river GRK-TUR

Coordinates: 40.700484915197784 , 22.859056428505102

Push-back from: Greece

Push-back to: Turkey

Demographics: 50 person(s), age: respondent aged 26 years old , from: Afghanistan, Morocco, Algeria

Minors involved? No

Violence used: beating (with batons/hands/other), electric shock, forcing to undress, theft of personal belongings

Police involved: Greek police in black uniform, civil officers, white vans with barred windows, large blue police coach, armed military officer (masked with guns)

Taken to a police station?: yes

Treatment at police station or other place of detention: detention

Was the intention to ask for asylum expressed?: No

Reported by: Border Violence Monitoring, Balkan Info Van

ORIGINAL REPORT

On Wednesday 15th April 2020, the respondent – a 26 year old Afghani male – was staying with other people in Diavata camp, close to Thessaloniki (GRK). He was camping with others in an informal section of the site, made of tents and over spill shelters built because the facility was already full.

During the morning, Greek police dressed in black and several officers in civil clothing entered the camp. They arrived with several vehicles: small white vans with barred windows, and a larger blue coach with “Police” written on the outside of it. The officers rounded up approximately 50 people from the camp.



“They catch us in the camp”

The respondent says the people taken included many Afghans, as well as North African people from Morocco and Algeria. The police told the groups that they were to be taken to the station temporarily to be issued “*khartias*” [informal name for a short term legalisation document. Some had papers with an expired date, though according the measures brought in by the Greek government, these remained valid until the asylum office opened again after the COVID-19 restrictions.

Papers held by one of the group members taken, evidencing presence in Greek territory.

The respondent had a scheduled interview at the asylum office for mid March, but this had been cancelled because of the health restrictions. He still had a hand written note with the date and time of this appointment.

Appointment time and date.

The officers loaded them into the vans and bus and drove them a short distance. The respondent recalls the vehicles taking them onto the main road running into Thessaloniki (Motorway 2) because he recognised the 81 bus line which he regularly took. After a short drive the 50 people were disembarked at a large police station where many officers and cars were stationed.

The group were taken inside the station, but rather than being processed and issued “*khartia*”, the officers ordered them to lie down and searched them. The police took phones, money and other valuable possessions. The officers also reportedly used batons to hit the majority of the people, and also used handheld taser devices to administer electric shocks to some peoples legs. The respondent recalls how one of the officers in civil clothes ordered them to lie on the floor:

“Sleep here, don’t move”

Following this, many of the people were assaulted with batons by the officers present. The police then removed the group into an outdoor/parking area where they were detained for approximately two hours. During this time it rained and the group got very wet and cold.

The Greek officers then loaded the 50 people into a large bus (blue with “police” written on the side) and drove them for several hours. The group were disembarked in the evening and held in a facility staffed by Greek military personnel. The officers inside were described as wearing

“Military uniform, masks, guns, electric [taser]”

The people were held there overnight in shared cells. The respondent describes how violence was used by the military officers inside the detention space. The next day, Thursday 16th April 2020, they were taken in a van and moved to another site which was staffed by similarly dressed authorities. After this they were put in several vans and driven to the Meric river. There, the Greek military officers removed them from the vans and forced them to strip near the bank of the river. The authorities beat the group again with batons.,leaving visible bruising.

Lateral bruising left from assault by batons inflicted by Greek authorities.

The people were divided and ferried across in smaller groups in a boat. Once the respondent had been pushed back onto the Turkish side he reports being found by Turkish police who held them. The officers told them they could not stay in Turkey and had to reenter Greece. The Turkish officials made them wait and said they would bring the men a boat for them to cross back. The respondent and others then ran away from the river to avoid this, and eventually found their way to Istanbul.

17/04/2020

“THEY WERE TOLD TO KEEP THEIR HEADS DOWN”

Applicant card issued to asylum seekers in Greece

Date and time: April 17, 2020 00:00

Location: Greek-Turkish border, near Edirne

Coordinates: 41.67712969999999 , 26.5557145

Push-back from: Greece

Push-back to: Turkey

Demographics: 50 person(s), age: 15 years old, 35 years old , from: Afghanistan, Pakistan, Syria, Algeria

Minors involved? Yes

Violence used: beating (with batons/hands/other), kicking, insulting, forcing to undress, theft of personal belongings

Police involved: Greek police officers, 1 in civilian clothes

Taken to a police station?: yes

Treatment at police station or other place of detention: detention, papers signed, no translator present, denial of access to toilets, denial of food/water

Was the intention to ask for asylum expressed?: Yes

Reported by: Mobile Info Team

ORIGINAL REPORT

In this case, the respondent was picked up by Greek police around 09:00 in the morning on 17th April 2020, about 100 metres from Diavata camp, a refugee camp nearby Thessaloniki. He was told that he needed to accompany the police officers to the police station in order to be issued a valid document. He was taken together with 15 other people who were circulating outside the camp. They were loaded in a white van.

The respondent had arrived to Greece in April 2018 and applied for asylum which was registered in May 2018. While still going through the asylum procedure, he worked as an interpreter for a Greek medical organization in a detention centre in Greece. After his contract had ended, without financial resources and accommodation, the respondent relocated to Diavata camp.

On the morning of 17th April, the respondent was approaching Diavata camp when he was stopped by the police. The policemen explained to him that since he was not in the possession of a valid applicant card, he had to accompany them to the police station to be issued a police note. The policemen loaded the respondent in the van together with 14 other people. He explains that they were forcefully pushed in the van while the policemen were kicking them with their legs and shouting at them. The respondent declares that the nationalities of people in the van were Algerian, Afghanistan, and Syria. Among them, 2 minors, an Afghan national and a Syrian national.

After a 40 minutes drive, they arrived at a police station. They were shoved into a small room that could hardly accommodate the number of people present, to the extent that they fell down when the door was closed. Afterwards, one by one they were taken into an office where they were forced to sign a document provided to them in Greek, without the document being translated to them with the use of an interpreter in a language they could understand. The respondent could communicate with the authorities in English, however they refused to explain the content of the document he was signing. He states that the policemen were aggressive and refused to give additional explanations. During this time, all the persons in questions were searched and their phones were removed together with their headphones and any additional electronic devices and cables.

After two hours and a half and once everyone was walked through the same procedure, the group was taken outside and loaded into a bigger van. The van proceeded to transport them to a place which the respondent describes as a detention centre, surrounded by barbed wire and fence. He states that he could not observe more details because they were told to keep their heads down throughout the time they were kept there. The group was once again searched and all their belongings were removed: backpacks, shoelaces, jumpers or sweaters, and the money in their possession, respectively. They were left in light clothing and they were loaded into a bus – the respondent describes it as – a police bus, with individual locked cabins, without windows and complete darkness. The

respondent recalls that additional people were taken from this location and loaded into the bus. He estimates that around 50 persons were in the bus, including the group of 15 which was taken from Diavata.

The bus drove for more than 5 hours and reached a place close to a railroad and next to a river. The respondent and the others were taken out of the bus and moved into another vehicle described as a military vehicle. Before the policemen transferred the group from one vehicle to the other, they performed another body search, this time hitting the persons over their heads and backs with batons. The respondent recalls one person in the group fell to the ground because of the heavy blows.

The respondent recalls waiting in the military vehicle for a long time, he estimates to more than one hour, before being driven to a different location. He describes that he was on the bank of a wider and deeper river. The police had also brought along 4 or 5 boats which they inflated with a pump. The large group was separated and was ferried across the river in groups of 9 to 10. The respondent says that the boats were inflated one after the other and launched quickly in the river to speed up the crossing. He recalls that the 4 or 5 boats were launched almost at the same time. The boats were ferried across with the help of non-police personnel. The respondent recalls that one of the persons assisting the police was also an Afghan national who confided in him that the police had told them that they will be given an asylum card if they accept to work with them.

Due to the fact that the crossing was hurried to avoid the Turkish border guards becoming aware of the operation, according to the respondent, one of the persons in the boat fell into the river and almost drowned. He states that everyone in the group had gotten wet trying to descend from the boats, at night, without visibility, and that once crossed over they had to start a fire in order to stay warm.

Lastly, the respondent states that he spent around 3 days between the Greek and Turkish border. The following day, the group was stopped by the Turkish border guards who drove them back to the river bank and pushed them back to Greece. Once again on Greek territory, they were captured by the Greek border guards, they were beaten and pushed once again back to Turkey. In Turkey, they were stopped by the Turkish border police who proceeded to send them to Greece one more time. The respondent states that one of the persons in the group spoke Turkish and was begging the Turkish commander not to send them back. The

Turkish commander took out his gun and pointed it at the head of the person and told him he has to go. Then they forcefully pushed the group back once again to Greece, from where the group returned for a third and last time. Avoiding the border guards and the police, they managed to reach Istanbul, on foot, walking 3 days and 3 nights.

18/04/2020

“THE OFFICERS USED BATONS AND STICKS FROM TREES TO STRIKE THEM”

Date and time: April 18, 2020 00:00

Location: btw Soufli (GRK) and Meric (TUR)

Coordinates: 41.2053735774063 , 26.319997467922697

Push-back from: Greece

Push-back to: Turkey

Demographics: 40 person(s), age: Respondent aged 21 years old , from: Afghanistan, Pakistan, Morocco

Minors involved? No

Violence used: beating (with batons/hands/other), electric shock, forcing to undress, theft of personal belongings

Police involved: Greek officers dressed in blue uniforms with a patrol car, large blue "police" bus, officers in green uniform and masks at the border

Taken to a police station?: yes

Treatment at police station or other place of detention: detention

Was the intention to ask for asylum expressed?: No

Reported by: Border Violence Monitoring, Balkan Info Van

ORIGINAL REPORT

The respondent – a 21 year old man from Morocco – was by the central train station in Thessaloniki along with two friends from Morocco on 17th April 2020. The group were approached by Greek police officers wearing blue uniforms and accompanied by patrol car. The officers stopped the men and asked them for their papers. Having none, the authorities informed the men they would be taken to detention

where they would be issued a “khartia” (temporary regularisation document) and then released.

Location in central Thessaloniki where the respondent was apprehended.

The respondent said this apprehension happened at around 17:00/18:00, after the group had been at a food distribution run by outreach volunteers. The respondent usually attended this food drop every day by taking the bus from the suburb Diavata where he was staying in an improvised shelter in the grounds of the camp.

On the day in question, the police stated they could not return to the camp and were instead taken in a vehicle a short distance to what the respondent described as a “*commissariat*” building. The men were taken inside and had all their possessions removed by police officers. This included phones, overclothes, powerbanks and a combined total of around 300 euros.

The three men were not informed further about their detention or whether they would be issued a khartia. They were detained in this police station overnight in a cell. On 18th April 2020 the police removed the three, taking them in a vehicle to another station where they were held for around 30 minutes.

At this location around 40 people were detained (including the three originally caught in this incident). The respondent said that he spoke with some of them and they stated they’d been subject to similar processes of being taken of the street by police with the promise of khartia during the previous 24 hours. The respondent says the people were from Morocco, Pakistan and Afghanistan. He stated he was the youngest at 21, meanwhile the eldest was around 40 years old.

After half an hour at the station a large blue coach was brought (with “police” written on the side). All 40 were loaded into the bus and driven for around three hours. The respondent describes how they arrived to a location close to Soufli (GRK) and were unloaded and received by a new set of Greek authorities. The respondent says these officers were wearing green uniforms and face masks. The authorities were described as “*cagoule*” and were holding batons, tree branches, and some had tasers. The respondent says there were approximately 12 officers waiting at the border for them.

The group of 40 were walked to the river bank of the Evros. The officers used batons and sticks from trees to strike them as they walked. The respondent says that some officers used tasers on some of the Pakistani and Afghani people (targeting the exposed sections of the neck). The people were then transported in smaller groups across the river to Turkey using a small boat. The respondent said there were around ten in each turn, so the same boat went back and forward four times.

Red line, border area where pushback happened. Red pin, the town of Meric where the respondent first arrived to in Turkey.

On the Turkish side, the group found the Turkish army who took them to a village and gave them some food. The respondent states that they were brought a short distance, and the village was called Meric (opposite the Greek town of Soufli). The respondent alleges the pushback must have taken place somewhere along the nearby section of border river (marked in red on the map).

23/04/2020

“THEY TELL THEM, 'WE WILL LET YOU FAST WITH ERDOGAN'”

Date and time: April 23, 2020 00:00

Location: Near to Uzunkopru

Coordinates: 41.26595271024839 , 26.689067219808223

Push-back from: Greece

Push-back to: Turkey

Demographics: 24 person(s), age: 20-50 years old , from: Morocco, Algeria, Tunisia

Minors involved? Unknown

Violence used: beating (with batons/hands/other), electric shock, water immersion, pouring water over one's head, destruction of personal belongings, theft of personal belongings

Police involved: 30 Greek officers, 2-3 females, the rest male. Wearing army uniform, face-masks.

Taken to a police station?: no

Was the intention to ask for asylum expressed?: Unknown

Reported by: Wave - Thessaloniki

ORIGINAL REPORT

The respondent and his friend had a white card regularizing their stay in Greece. He had been in the Drama Paranesti Pre-removal Centre for 10 months, and in Greece for 3 years. The respondent shared that he knew people who had been in the centre for longer than 10 months and met people who had ended up there because Greek authorities had promised to give them papers, but then taken them to detention and later pushed them back to Turkey.

In Drama Paranesti he shared that people were provided with food and medicine, but were regularly beaten by authorities inside. Many people took part in a recent

hunger strike in the centre, but the respondent suggests that people stopped because they were scared it would result in them being pushed back to Turkey as well.

As Ramadan was approaching, the respondent was told by camp authorities: *'We will let you fast with Erdogan'*, clearly intimating the intent of officials to carry out a removal during the fasting period. During the hunger strike the officers closed all the doors so no one was allowed outside. Approximately one month ago, people began to get sick inside the centre and the officers refused to take people to the hospital, so people started to fight. This led to the riot police being called on two occasions.

On the 23rd April 2020, police officers removed at least 24 people from the centre. The Greek authorities told them they would take them to Athens but they were instead taken to the border in a blue truck meaning they were unable to see where they were being driven. They left the site at approximately 10:00 in the morning. The respondent believes he interacted with around 30 officers, all male except for 2-3 who were women. He said the female officers lied to him and other people in Drama, promising to provide them a paper lasting six months.

The group were driven by bus to the border with Turkey where they were confronted with an unknown number of army officers wearing surgical masks who then used electricity tasers and water immersion to torture the entire transit group across a period of six hours. The respondent says authorities held his head under a body of water as a punishment, and also administered electric shocks to the group.

The evening of the same day, the group were taken to the Evros river by authorities. The masked military officers beat the group with batons and threatened them with knives. Then the 24 people were put onto a boat in groups of around seven to be ferried across the Turkish side.

The respondents asserts that three Afghan men were driving the boat and wearing military attire. During the push-back the officers told them:

'Be careful to come back'

Many in the group suffered injuries as a result of the treatment from the Greek authorities, and the respondent stated some of the wounded were in hospital in Uzunköprü (TUR) which was the first large town they reached after being pushed back. He also alleged he knew two people who were pushed back in the group that had been in Greece for up to 10 years and were removed from the Drama Paranesti Pre-removal Centre.

When they arrived on Turkish land they were met by three Turkish police who took them to five military personnel. The officers told them they have two options: 1) to cross the river back to Greece 2) to walk 230km to Istanbul. The group of approximately 24 people decided to split up into two smaller groups and walk to Istanbul.

23/04/2020

“HE WAS COMING OUT OF THE SHOWER AT THE TIME AND THE POLICE SURPRISED HIM”

Date and time: April 23, 2020 22:00

Location: Evros border

Coordinates: 40.7011416 , 22.863616699999999

Push-back from: Greece

Push-back to: Turkey

Demographics: 22 person(s), age: 16, 18, 22 years old , from: Afghanistan, Pakistan, Morocco, Algeria, Tunisia

Minors involved? Yes

Violence used: beating (with batons/hands/other), kicking, forcing to undress, theft of personal belongings

Police involved: 15-20 Greek police officers

Taken to a police station?: yes

Treatment at police station or other place of detention: no translator present, denial of access to toilets, denial of food/water

Was the intention to ask for asylum expressed?: Yes

Reported by: Mobile Info Team

ORIGINAL REPORT

The respondent, an Afghan national, arrived in Thessaloniki (GRK) two months and a half before he was illegally removed on April 23, 2020. He was living in Diavata camp. He was issued a “khartia” (temporary regularisation document) on 12th February 2020, which was valid for one month (until March 13, 2020). He was unable to submit an asylum application, considering that all asylum applications

were suspended by the Greek government in March, and the Asylum Service was closed due to restrictions imposed during the Corona pandemic.

The respondent declared that on 23rd April 2020, around 12:00, the Greek police came to the camp and informed people that they would be issued a “kheartia” or they could receive a new “kheartia”, if the period of legal stay in the country had expired. The respondent agreed to accompany the policemen and be issued a new document. He describes that around 15 to 20 policemen were in the camp the day in question and rounded up multiple persons. The respondent recalls that he was coming out of the shower at the time and the police surprised him. He states that they picked up all the others from their tents and that everyone was forced to comply and go with the police.

Once he accepted to enter the van, he was repeatedly hit by the police. He recalls being taken to a police station in Thessaloniki and on the way another person was picked up by the van at the train station in Thessaloniki. In the police station, he and others were body searched, their phones and money confiscated. The respondent stated that among the persons in the group, there were asylum seekers in possession of an applicant card, which the policemen destroyed by tearing the document.

Afterwards, they were taken outside the station where a bus was waiting for them. The newly arrived policemen searched them once again, and then proceeded to load everyone in the bus. They took their jackets, leaving them in light clothing.

At night, they had already reached the border and they were being ferried to Turkey. There were around 22 persons pushed back, among them Afghan nationals, Pakistan nationals, and from Northern African countries. Among the Afghan nationals, there were 2 boys, one 18 years old, and the second, a minor of 16 years old. During the bus ride, one of the detainees asked to have a bathroom break but the policeman refused. When the person in question insisted, the policeman got up from his seat and hit the person in question as well as the others.

The Greek authorities placed the group in a boat and ferried them across the river. The respondent recalls it was around 20:00 or 21:00 of the same day he was taken from the camp. He recalls that the “*captain*” of the boat was working with the police and that he spoke various languages like Pashtoo, Arabic, and Farsi.

25/04/2020

“THEY WERE BEATING THEM WITH THE STICK WHEN THEY PASSED NEAR THEM YOU HEAR THE SOUND OF THE ELECTRIC GUN”

Date and time: April 25, 2020 00:19

Location: Evros delta

Coordinates: 40.64573047997234 , 22.917981916896647

Push-back from: Greece

Push-back to: Turkey

Demographics: 50 person(s), age: 15 - 42 years old , from: Afghanistan, Pakistan, Iran, Syria, Morocco, Algeria, Sri Lanka

Minors involved? Yes

Violence used: beating (with batons/hands/other), electric shock, forcing to undress, theft of personal belongings

Police involved: Greek officers dressed in navy blue uniform, 1 white transit van, a blue coach with "police" written on the side, officers in green uniforms with masks, a large metal truck, three toyotas, and inflatable boat

Taken to a police station?: yes

Treatment at police station or other place of detention: detention, papers signed, no translator present, denial of food/water

Was the intention to ask for asylum expressed?: Unknown

Reported by: Border Violence Monitoring, Mobile Info Team

ORIGINAL REPORT

In this incident, 70 people were removed from Greece to Turkey across the Evros river. Two respondents were interviewed: a Moroccan man arrived who had arrived in Greece on 24th February 2020 and was issued a “kheartia” two days latter, and

another Moroccan man who had arrived in March but did not hold any documents in Greece. The two men were living in squats in Thessaloniki when they were seized by the police on 24th April 2020 alongside a large group of other people.

The first respondent (who had received a *khartia* in February) was stopped by Greek police officers close to the **Media Markt** shop on Νέα Δυτική Είσοδος Κωλέττη, Thessaloniki 546 27. He was with a friend walking close to the shop and Greek police officers captured them both. The officers made them put their valuables (phones, money) in a plastic bag and then put the men in a car. Once put into the vehicle, the pair found that others friends they knew from the area where already detained inside.

Location in central Thessaloniki where some of the affected group were seized by Greek police.

The police drove away and proceeded to make a tour of the city collecting more people of the street. The respondent describes the use of a white Transit van and a regular patrol car to pick up 12 people in total. A similar process resulted in the pickup of the second respondent. He described being outside a cafe near the central train station (Thessaloniki 546 29) and a police car drawing up, and two officers exiting the vehicle. The officers, dressed in blue, asked him “*do you have khartia*” and then took him along with a Pakistani teenager aged 19 who was stood outside the same cafe.

Neither respondents knew where they were being taken. One describes being taken through three police stations. In the first station, at around 19:30, he had all his possessions removed by police (15 euros, powerbank, mobile phone, rings, a sliver bracelet, an asthma inhaler). In the second station he was held for three hours with no information or processing. In the third station (which he arrived at around 23:00). the respondent passed one night and was made to sign some paperwork in Greek along with having his fingerprints taken. He was not given any food or water.

Both captured persons were transferred along with others in vehicles to a larger detention space around two hours away from Thessaloniki. One respondent shared that in this space, which was described as a “*prison*”, the Greek authorities removed more of their possessions. This time clothes and shoes were taken, leaving the men in only their trousers and shirts.

Inside the facility the officers didn't let the detained persons speak or raise their heads. One respondent alleges a person received a broken hand after being struck violently by the police in the detention space. There were other people held in the detention space and the police brought a large blue bus to the site, loading it with approximately 36-40 people.

The bus was blue with barred (partially covered) windows. Inside was 10 divided compartments which were used to hold small groups of people.

“They collected them from other jails, the other people in the bus, as they collected them in the street, you are not allowed to look but I looked and I saw the rooms were full”

The bus left the detention space in the morning on the 25th April 2020. It drove for around 3/4 hours. Inside were people from several countries, including Algeria, Morocco, Pakistan, Afghanistan, Iran. Most were aged between 20-40 years old. There was one woman from Iran aged around 42.

The respondents describe being unloaded at a site near the border with Turkey. It was suggested not to be a formal prison, but like an “isobox” with windows. They could not recall many features of the space because they were ordered to keep their heads down while waiting.

At the detention space, between 40-60 people (including women, children, minors) were already being held. The respondents recall seeing people from Afghanistan, Pakistan, Syria, Iran, Sri Lanka and Morocco. They suggest there were minors aged around 15-16 and women in the detained group. There were around seven unaccompanied minors also. Some people had injuries from the Greek authorities, the respondent said the people followed the authorities orders because they thought the police would give them papers or move them to another place.

“If someone don’t walk or don’t move or ask something they beat the person, you can see a lot of people with broken arm in the commandos area”

The authorities were described as “*commandos*” or “*cagoule*” because of the military attire and face masks they were wearing. The respondents report being held a short time at this location until a larger dark metal truck was used to load between 50-70 detained persons inside. This occurred at about 18:30 on 25th April 2020. The people were taken by the Greek authorities to the Evros/Meric river. The drive time was approximately 40 minutes. The respondents describe passing divisions of the Greek military on the way who stopped and spoke to the drivers of the vehicle.

At the river, described as in the delta area between Ipsala and Uzunköprü, the group were unloaded by a further division of Greek authorities at around 19:00. Some of these officers were dressed in the same military uniform, while others were in civil clothes. The authorities apparently had at least one inflated boat and three Toyota vehicles with them.

“commandos speaks all the languages, speak English, speak German, if you raise your eyes they will beat you, we were like animals, only look down and if you try to do anything they beat you”

The respondent said the officers spoke in English with them, and when one of them asked for his friend for a lighter, the officer replied “sorry” in German. One respondent also suggested that some of the plain clothes officers could also speak Bulgarian.

Close to the river the group were made to wait on the floor, officers shouting:

“sit down! sit down! shut up! sit down!”

They were taken in groups of around 10 to the boat. The respondents recall being forced to approach the boat in a kneeling position, shuffling on their knees in an uncomfortable fashion.

The officers were carrying guns and batons. Some of them were also reportedly holding electric taser devices. One respondent recalls being threatened with the taser close to his ear as he was at the river bank.

“they were beating them with the stick when they passed near them you hear the sound of the electric gun [taser], put it next to your ear, put it next to your head, because you are supposed to hold your head down”

The respondents recall being loaded into the boats and then driven quietly across to Turkey. The drivers of the boats were described as Pakistanis or Afghans from the transit community. The boat docked on the Turkish side and the affected groups dispersed, looking for help from locals in the nearby villages. One respondent sought help at a local mosque where he received food, shoes and clothes.

Of the approximately 50 persons pushed back, a small group of friends who had known each other in Thessaloniki recrossed into Greece on the afternoon of 25th April 2020. The group, composed of adults from Morocco and Algeria, traveled for 12 days in order to reach Thessaloniki. On the way however, close to Xanthi, one Moroccan man was the victim of a hit and run by a Greek driver who swerved to injure the group as they walked along a road that ran close to the highway number 2. The driver, who allegedly had two children in the passenger seats, swiped the one man's legs, causing a severe break.

The Xanthi area where the hit and run incident occurred, resulting in the missing group member.

The driver then escaped without stopping. Frightened for their friends wellbeing, the rest of the transit group tried to stop multiple cars in order to alert the emergency services. Eventually one member of the public stopped and helped to call an ambulance. The friends waited with the injured man, but then concealed themselves in some nearby bushes when the ambulance arrived because it was accompanied by Greek police. The ambulance took the man away, escorted by police. At the time of interview, the transit group had no further information where their friend was or what his physical condition was like. The man was not contactable by phone and the group had no idea which hospital he had been taken to (only that he had been picked up by the ambulance in the area of Xanthi).

28/04/2020

“IN TEN MINUTES THEY TOOK ALL PEOPLE TO TURKEY”

Police note of the respondent issued on 12/03/2020 valid for 30 days, until 12/04/2020

Date and time: April 28, 2020 22:00

Location: Evros border

Coordinates: 40.699936345819665 , 22.85918023809816

Push-back from: Greece

Push-back to: Turkey

Demographics: 30 person(s), age: 19 years old , from: Afghanistan, Syria, Morocco, Algeria

Minors involved? Unknown

Violence used: beating (with batons/hands/other), kicking, insulting, threatening with guns, theft of personal belongings

Police involved: Greek border guards, green uniform

Taken to a police station?: yes

Treatment at police station or other place of detention: personal information taken, denial of access to toilets, denial of food/water

Was the intention to ask for asylum expressed?: Yes

Reported by: Mobile Info Team

ORIGINAL REPORT

The respondent states that he was picked up by the police, early in the morning from his tent in Diavata camp, on Tuesday, 28 April, 2020. He was 19 years of age and he had set up a tent in the minor's section, while, like many others, he was not registered in the camp. He was in possession of a valid "khartia" (informal term referring to the police note) when the police had taken him. His "khartia" is still valid at the moment of publication of this report.

The respondent tells how he was woken up by the police, picked up from his tent and shoved into a van together with ten other persons from the camp. He told the policemen, in the basic Greek he learnt, that he does not want to be deported. They reassured him that they will only issue him a new document. After a short ride, he arrived at a police station.

They didn't take us inside, just outside, and they took our stuff and then they transferred us.

In the yard of the station, there were around 30 people who had been picked up from the camp. The policemen proceeded to performing body searches and confiscated all their belongings: phones, money, shoelaces, belts, and others. He states that the policemen were cruel and were hitting people. Ten minutes later, everyone was loaded into a bigger bus. The bus he describes was compartmentalized into different locked sections.

The bus drove for about three hours and a half the respondent estimates, but says he cannot know since he did not have his phone. They arrived at the destination and were told to wait in the bus. They were not allowed bathroom breaks. The group were unloaded from the bus and taken to the river bank. They were hit again while they were being loaded in boats. Asked if the policemen were hitting them for not obeying orders, he answers that they were hitting them randomly and that they hit him so many times over the hands that he sustained injuries to his wrist (pictured).

They were ferried to the other side of the Evros river in smaller groups in three boats, arriving into Turkey within one day of being picked up in Diavata. Describing the episode at the border the respondent stated:

“In ten minutes they took all people to Turkey. If I knew they were going to deport me, I would have killed myself.”

03/05/2020

“A NEW PRACTICE IN NORTHERN GREECE - FROM IGUMENITSA TO TURKEY”

Date and time: May 3, 2020 00:00

Location: Feres

Coordinates: 40.742790221978034 , 26.041011630939707

Push-back from: Greece

Push-back to: Turkey

Demographics: 60 person(s), age: 23 years old , from: Afghanistan, Pakistan, Syria

Minors involved? Unknown

Violence used: beating (with batons/hands/other), kicking, insulting, electric shock, forcing to undress, destruction of personal belongings, theft of personal belongings

Police involved: Igumenitsa: 5 in cover clothes plus the captain; 2 police officers driving the van; 3 officer in border uniform; 6 army officers

Taken to a police station?: no

Treatment at police station or other place of detention: detention, no translator present, denial of access to toilets, denial of food/water

Was the intention to ask for asylum expressed?: Yes

Reported by: No Name Kitchen

ORIGINAL REPORT

“G.” is asylum seeker in Greece who arrived to the country towards the end of 2019 and he asked for asylum in Filakio; he also states that he spent several months in Drama centre. He was the primary respondent for this report.

On the 3rd of May at a little after midnight, the respondent, along with two other people, were going to buy some food in a 24 hour grocery shop in Igoumenitsa.

Within the group, there was a man who had been waiting for official papers in Greece for just 20 days. They were celebrating Ramadan. People-on-the-move staying in the city often live in a forest which is colloquially referred to as the “jungle”. It is a bit outside the city centre, but near to the main gate of the Port (see picture). When the men came to the inner-city area for their errand, they were stopped by “private security”. “G.” and the rest of the group could not see them well because they were in a car with black windows. According to the respondent, the “private security” wore civilian clothing: one of them was in red jacket, blue pants, wearing cap. They said: “Come with us” and, afterwards, they arrested them. When the respondent asked where they were taking them, the “security guy” answered they would send them to Athens. Far from the truth, they instead were brought to a building which the respondents described as “Comando house”. At this building, they found another 14 more people who had been arrested within the city that evening with similar methods.

One or two hours later, another vehicle arrived to the building. The respondent described it as follows:

“Like a bus, blue color, a jail car, with separate cells which you cannot run away from. When you are inside, you cannot see outside”

“Door is lock, door is lock, door is lock” (see drawing) .

They put them inside and two police officers were driving. The respondent states that the travel lasted around 10 hours.

An image obtained of the “jail car” which the respondent described as transporting the group to the Turkish border

A drawing of the “jail car”

According to “G.”, the bus transported them all the way back to the border with Turkey, but they were still on the Greek side (see map). When they were told to exit out of the vehicle, three Greek police officers were outside: two men and one woman. The woman had an electro-taser and she was described as shocking the individuals of the group as they were getting out. Besides that, these police officers also were described as physically hitting them as they left the vehicle. It was the first out of three times that the group would be beaten during their ordeal.

According to the respondent, the perpetrators were wearing border police uniforms. Afterwards, they “put them in jail” nearby the border for between 5 and 6 hours.

After this, an officer wearing an army uniform arrived to their cell and asked the group for their money; he also broke their phones and started to “hit too much”. It was the second time the group were beaten. The respondent further described that they were ordered to give over much of their clothing of their bodies and some people had their papers torn up.

“There is a room like Comando where they wear black mask” (balaclavas). There, they took the clothes even the shoes, just having the shorts, they hit again.”

The respondent described being held in a container immediately before being pushed back. He believed that this detention location may have been where the arrow designates

Afterwards they were brought to a “container like those of trailer” on foot (see drawing). There were around 60 more arrested people, among them were Afghan, Pakistani, and Syrian nationals. The respondent recalled that they were “close to die because the lack of oxygen, you know, container is locked”.

Eventually, they were all brought out of this container and were brought even closer to the border, next to the Evros river. At this point once, 6 officers clad in army-like fatigues beat them for the third time with batons:

“Break hands, break legs, hit too much”.

Close to the river, they put them “in plastic boats”; around 30 – 35 people in each boat. The respondent described them as “Comando boats.”

“Comando boat, they have them in the border”.

During this time, the respondent recalled that the Greek authorities were looking around to make sure that there was not any people witnessing the actions, such Turkish border police. Once they checked that out, they sent the boat across the river to Turkish territory, towards the other side of Evros river, with the help of what the respondent described as a non-Greek person.

“There is a place, forest, we put out in the wood. The weather was warm, too much mosquitos”

In Turkey, the group became fractured and the respondent walked almost a half a day to reach a small city in Turkey, without shoes and clothes. They only had on their t-shirts and underwear and were afraid that they would be arrested again.

“We walked, walked, walked, we were in shock.”

It is important to be mindful here that the memories after being pushed back can often get blurred, therefore the events once they were in Turkey are not precise. The respondent recalled that they continued walking and at one point entered a forested area.

Finally, several Turkish police officers found the respondent and his companions and they brought them to a “when people [get] pushed back, [they] bring here”. The location of this camp remains undetermined. At the time of the interview, the respondent and the group are still in Turkey.

06/05/2020

“THE POLICE COME TO THE CAMP, PICK UP PEOPLE AND DEPORT THEM”

Date and time: May 6, 2020 00:00

Location: near Ipsala, Turkey

Coordinates: 40.92923200000001 , 26.393941

Push-back from: Greece

Push-back to: Turkey

Demographics: 70 person(s), age: 16, 20, 26, 29 years old , from: Afghanistan, Pakistan, Syria, Morocco, Algeria, Tunisia

Minors involved? Yes

Violence used: no violence used, theft of personal belongings

Police involved: Unknown number, Greek police officers

Taken to a police station?: yes

Treatment at police station or other place of detention: detention, no translator present, denial of access to toilets, denial of food/water

Was the intention to ask for asylum expressed?: Yes

Reported by: Mobile Info Team

ORIGINAL REPORT

The respondent affected by this pushback was living in Diavata camp, close to Thessaloniki. He had a constant presence at the food distribution place in Thessaloniki where assistance was provided to transit groups on the street. Often, he would interpret for his fellow Urdu speakers because his language skills were good and he would facilitate the flow of information between the English-speaking volunteers and the Urdu-speaking people in need of medical help or practical aid.

The respondent had a *khartia* – the police note issued to people who had entered irregularly until they can access the Asylum Service – valid until March 20, 2020.

The Greek Asylum Service shut down all activities on 13th March 2020, and before that, the Government had announced that starting March 2020 all arrivals are prevented from submitting an asylum application. The measure was eventually lifted at the beginning of April.

When the lockdown measures were implemented, the respondent was living in the overspill area surrounding Diavata camp. He kept in contact with volunteers requesting information about the suspension of the asylum procedure, regarding the renewal of his *khartia*, and general information regarding the restrictive measures during the Corona outbreak. At the end of March, cold rains hit Thessaloniki and he sent around a video of the state of Diavata camp, of persons having to live in tents where they are neither warm, nor protected.

<https://www.borderviolence.eu/wp-content/uploads/Trimmed-video-1.mp4>

He describes the conditions while he is filming, shivering and laughing ironically, and he adds:

“Many people think that we are in Europe living the luxury... enjoying the luxury life of Europe, but the situation is different, totally different.”

On 26th April 2020, the respondent got in contact again and reported that every one or two days, “*the police come to the camp, pick up people and deport them*”. He added that the police were beating the persons as well. He asked for clarifications about the situation as well as for help from the NGOs to prevent these seemingly unlawful arrests. He wanted to help out himself by providing information that 29 people had been “*deported*” in the last 6 days, at the time, and he forwarded the social medial profiles of persons he alleged had been “*deported*”. He could not forward their phone numbers because everyone had their phone taken during the operation by the perpetrating officers.

On 28th April 2020, the respondent reached out again and he explained that the police had raided the surrounding area of Diavata camp and taken many people in vans. He explained that everyone would certainly be sent back to Turkey. In the days following the raids, the respondent and many others did not return to their

tents out of fear that they would be taken. None of the persons previously taken had returned.

Despite his precautions to sleep in the fields farther from the camp, on May 5th, at 15:30, he tried to reach out and sent a short message saying:

“ police caught us i don’t know what going do with us/ please on your data”

Two days later, he messaged again: he was in Istanbul. The respondent would describe at a later date, when it became possible to interview him, that he was stopped outside the camp by the police while trying to reach the bus station to take a bus into Thessaloniki. The police asked for his documents and he showed his expired *khartia*. The respondent explained that indeed his police note is expired but that the Asylum Office has been closed because of the quarantine. He describes that then they put him in the same white van former respondents described and that he was taken to a police station where he spent the night. The following day, he was driven to the border and pushed back to Turkey.

The respondent tells how he was moved from police station to police station and subsequently loaded into a bus, 32 people in total. Asked as to how he is so sure of the number of people, he explains that the bus is separated into 8 contained spaces with 4 people capacity for each, and that makes 32 in total. He said that among the persons there were Afghans, Pakistanis and Arabs, and four underage minors from Afghanistan. He cannot be more precise with the information because *the “situation was stressful”*, in his own words. The bus brought them close to the border, to a detention place where they spent an additional 4 or 5 hours, and where a larger number of people were waiting. Among the group, more nationalities were represented including two Syrian women.

When the night fell, everyone was loaded into two big metal vans, 35 people in one and 35 in the other. They were driven for a half an hour to arrive at the river bank where the boats were waiting for them. They were loaded in the boat in numbers of 9 or 10 while 2 armed men were driving the boat on the other side. He explains that they were police officers who looked like border police, but that he could not

observe more details because it was night time and because he kept his head down in order not to be hit by the Greek authorities. Also, the perpetrators involved in the pushbacks were all wearing a mask, a balaclava.

On 12th May 2020, the respondent was eventually available to be interviewed. He cannot be reached easily because his phone was taken and he has to use his friend's phone. He describes the experience with a sense of irony. He states he will try to cross back into Greece at a certain point. He adds that he did try to go to the Asylum Office in Thessaloniki one day before the quarantine and they turned him away telling him that the Office will be closed starting the following day. His will to apply for asylum was never recorded.

14/05/2020

“PUSHED BACK WITH A BROKEN LEG FROM A HOSPITAL IN XANTHI”

Side photo of the corrective splint.

Date and time: May 14, 2020 00:00

Location: Xanthi hospital to Evros river

Coordinates: 41.101205974654945 , 24.859105595593654

Push-back from: Greece

Push-back to: Turkey

Demographics: 30 person(s), age: 6 - 50 years old , from: Palestine, Syria, Morocco, Somalia, Eritrea

Minors involved? Yes

Violence used: forcing to undress, hit by car driven by member of the public

Police involved: Greek police officers with car, multiple "commandos" (authorities in green uniforms with masks), large truck

Taken to a police station?: no

Treatment at police station or other place of detention: detention

Was the intention to ask for asylum expressed?: No

Reported by: Mobile Info Team

ORIGINAL REPORT

The respondent re-entered Greece from Turkey on 26th April 2020 after being violently pushed back from Thessaloniki in the days before (**see report**). He is a man from Morocco, and traveled in a small transit group with other North Africans, attempting to return to Thessaloniki where he was staying prior to the first pushback.

The respondent traveled westwards with the group for several days. On 2nd May 2020, close to Xanthi on a stretch of B road near the motorway, the group were

subject to a car crash by a Greek driver who swerved to hit them. The respondents legs were swiped in the incident, causing a severe break.

“it wasn’t like an accident like he tried to do that”

The respondent stated his friends were close behind him, but were fortunately not hit by the car (though it seems the driver intended to hit all of them). The friends of the victim tried to help him, but it was a very severe injury, so they were forced to stop members of the public and ask someone to call the emergency services. Eventually a driver helped them to do this. They waited with the injured respondent, and then hid nearby, scared that they would be caught and pushed back if the police found them at the crash site.

The Greek police arrived but did not seem interested in investigating the attack or arresting the driver. They just simply called the ambulance to attend, which came after a little while and took the respondent to a hospital in Xanthi. The officers took the respondents clothes, and he was dressed in hospital garments. The respondent described being treated well in the hospital and that one of the doctors could speak German with him, and was reassuring. He was operated for the injury and fitted with bolted metal splints in his lower right shin.

Metal splint fitted in the hospital in Xanthi.

Side photo of the corrective splint.

On 12th May 2020, the police arrived and took the respondent out of the hospital, despite him still having large sections of exposed metal bolted in the leg (and requiring follow up operations). The officers loaded him into a windowless vehicle and took him to what the respondent described as a “jail”, where he was held for one and a half days.

The respondent described the detention space as having cells with around six person per room. He was alone in one room because of his injury, but he could here many others were being held in the facility. On the second day he was removed by Greek authorities who took him to another detention space, which he

termed “the commandos place” because it was run by masked men in green military uniform.

The respondent said this place was heavily guarded. The location was in remote farmland and he couldn't see many houses nearby. The respondent says that through the bars of the cell he was held in he could see the police come several time, and take approximately 30 people at a time in truck. The respondent saw around 80 people being held at this site, composed of multiple nationalities including Eritrea, Somalia, Syria and Palestine. There were also many children between 6-7 years old, and old people and he met at least two single women from Morocco.

The respondent described the setting of the second detention space as “horrible” and alleged it to be a big farmyard with stables for animals. He said he was held in one of these stables as a cell, alongside 50-60 other people. All were being held without shoes, and many had their clothes removed before arriving.

A truck came and loaded around 30 people, including the respondent and drove them to the Evros river. Because of his severe injuries, the respondent had to be carried to the car.

At the river he was unloaded and four people from the pushback group helped him, holding his legs and arms, and placed him in the boat. He crossed with these four people to the Turkish side

Describing this incident in comparison with the pushback he had suffered a week earlier, the respondent said:

“the same commandos, the same tactic, the same plan, the same guns, just different place where they crossed”

After two days of sleeping in the forest on the Turkish side the respondent along with others met people who had been pushed back from Paranesti Drama Pre-removals Centre. While the Turkish police passed by and refused to help them,

they managed to get a local to drive them to Istanbul (though they were charged 500 euros).

At the time of interview, the respondent remained essentially bedridden, unable to walk. He stayed with friends in rented accommodation and was forced to carry out his own wound dressings with the help of others who collected bandages and iodine for him from the pharmacy.

Respondent cleaning his own wound in Istanbul.

16/05/2020

“100+ DETAINED WITHOUT FOOD FOR MULTIPLE DAYS BEFORE PUSHBACK TO TURKEY”

Date and time: May 16, 2020 00:00

Location: Ladochori, Greece

Coordinates: 39.489598356872534 , 20.261736604062424

Push-back from: Greece

Push-back to: Turkey

Demographics: 120 person(s), age: 16-30 years old , from: Afghanistan, Kurdistan (Iraq)

Minors involved? Yes

Violence used: beating (with batons/hands/other), forcing to undress, theft of personal belongings, destruction of papers

Police involved: 8 greek police officers during arrest (some in Greek police uniform); police bus (with cells); at least 7 officers in detention camp (greek police uniform); large army van; 5 to 6 m long boat

Taken to a police station?: yes

Treatment at police station or other place of detention: no translator present, denial of access to toilets, denial of food/water

Was the intention to ask for asylum expressed?: Yes

Reported by: josoor

ORIGINAL REPORT

The respondent in this case is a 24 years old, male from Afghanistan. It was his second push-back from Greece within that last year. He was documented by the Greek Asylum Office and the UNHCR and also had an appointment in order to

receive his Greek “white card” (International Protection Applicant Card) for refugees on 7th August 2020.

Email exchange with asylum officer regarding an appointment for the respondent.

On the evening of 15th May 2020 he was arrested together with another 14 people in the streets of Ladochori (harbor city of Igoumenitsa). At that time he was on a pedestrian walkway close to a street with his friends, when they saw Greek police officers and understood, they were about to be arrested. They attempted to escape but were finally caught by officers coming from the opposite site. There were eight officers in the streets, some in uniform, some in civil clothing.

“They don’t want you to have a phone, so you can call no-one to ask for help. [...] If you were trying to escape, they would take you to the side and beat you so much. [...]”

Two minors of the ages around 13 or 14 years were allowed to leave. A group of 15 young men between 16 and 30 years of Afghan and Kurdish (Iraq) origin were arrested. Their phones were taken from them. Then the police handcuffed and escorted them to the police station which was within 8 or 9 minutes walking time from the spot of the arrest (most likely Astinomiko Tmima in Ladochori: <https://goo.gl/maps/TsFgszAkoTqYdah59>). Attempts to escape by people in the group were followed by beatings from the police.

“Papers were torn apart and thrown in the paper bin. [...] When they arrest you they don’t listen to you. They know you have the papers, they checked the papers. They don’t allow you to ask for water. What would happen if you asked for asylum.”

At the police station, each of the group-members was searched thoroughly by two police officers. They had to take all clothes off (except for underwear), shoe-laces were taken out of their shoes and whatever they carried with them was taken away.

“[...] at police station, we were beaten a lot. [...] If someone was trying to shout or scream or simply asking for something they were beating them [...] for example asking for toilet.”

They only got their clothes back afterwards. Then they were put into one cell together. Whenever someone raised their voice or simply asked for assistance (e.g. to go to the toilet) the police would come and beat the person heavily. Out of fear they did not dare to claim their rights and status according to their papers.

The group was kept in the cell for one night. In the early morning of the next day (16th May 2020) at 06:30 they were put into a police bus. It had very dark cabins inside from which the respondent couldn't see the outside. Four people were put in each cell and the doors were locked. They drove for around 10 hours until they arrived at the “camp”.

Image of the type of bus identified by the respondent.

With “camp” the respondent referred to a “very dirty, nasty place” in the forest close to the river Evros. There was a building which had one floor only, and had a big hall. The group was put there after they had to take their clothes off again for a second search of all their belongings. In the hall there were more than 100 other people waiting. They had stayed there for one or two nights in some cases, others for almost an entire week, during which they didn't receive food, water or anything else.

“whenever we were trying to look in another direction, they [the officers] were coming and beating”

The officers at the place were “very violent and cruel”. All detainees in the camp had to keep their heads down at all times. Otherwise they would be beaten with heavy batons. (This in combination with the short time the respondent spent in the “camp” are the reasons why he is not perfectly sure about the other group-members of the push-back, other authorities present, other buildings or the environment.)

The officers mostly had their faces covered with ski masks and wore uniforms which the respondent compared to those of the police that arrested him the other day (“Greek city police”). As he was not allowed to look up, he is only sure about 7 or 8 different officers being present.

“In the camp, most of the police faces were covered, but one wasn’t. He had a baton in his hand. He was beating every refugee when they were embarking them in the car.”

The images below depict some of the bruising conferred onto the body of one of the individuals during the pushback:

The group of 15 was “lucky” as they only were kept in the main hall for some minutes. Then the entire group of detained persons departed. They were put in a van. It was described as a big, old military car of green color. About 120 people were forcefully loaded on the car which was far beyond its capacity.

Then they drove for 40 to 50 minutes. The car only had two small windows through which the respondent could see the forest, small villages and farming lands. They arrived at a place close to the river. The respondent remembered thousands of

mosquitoes were flying around. 15 to 20 people at once were embarked into a 5 to 6 meter long boat and taken to the other/Turkish side.

The Turkish army, when finding them, gave some old jackets and other clothes to those who were insufficiently dressed during the cold weather in an obvious way.

“[the soldier] told us that Turkey was under Quarantine or Lockdown and they couldn’t take them to a camp or shelter. So they told them to go to wherever they wanted.”

The respondent stayed outside at the site close to the river for the night. The next day (17th May 2020) a josoor partner team got in in contact with them and provided them with food and goods. Then they started walking towards Istanbul. They walked about 150 km themselves. At three different occasions different cars drove them for some distance after stopping next to them on the motorway they were walking at.

25/05/2020

“THEY DID NOT ONLY DENY US WATER, THEY ALSO THREW AWAY THE LITTLE FOOD WE HAD”

Date and time: May 25, 2020 00:00

Location: Nea Vyssa, Greece

Coordinates: 41.5863678 , 26.5428404

Push-back from: Greece

Push-back to: Turkey

Demographics: 9 person(s), age: 12-52 years old , from: Syria, Kasmir

Minors involved? Yes

Violence used: beating (with batons/hands/other), kicking, pushing people to the ground, insulting, forcing to undress, theft of personal belongings

Police involved: unknown number of Greek police officers in uniform; unknown number of Commandos dressed in black with masks

Taken to a police station?: yes

Treatment at police station or other place of detention: detention, no translator present, denial of access to toilets, denial of food/water

Was the intention to ask for asylum expressed?: No

Reported by: josoor

ORIGINAL REPORT

On 15th May 2020, a transit group of 11 people crossed the Evros River from Edirne (TR) into Greece. After watching a group of approximately 70 people on the move get pushed back the night before from Greece to Turkey, the transit group decided to walk to another location where they successfully crossed the border.

They slept for one night and then walked for ten days; by the ninth day (29th May 2020) the respondent advised the group were starving so two group members decided to enter a village to buy food. They never returned, and after waiting many hours, the group decided to continue walking. When they reached the next village, again two members entered town to buy food, but were caught and beaten by police until they gave up the location of the others. Police arrived, arrested the transit group and violently beat them.

The transit group were taken to a police station where they stayed from the morning of 29th May 2020 until 20:00. The respondent alleges that at the police station, the officers took everyone's belongings (including money, bags, documents, food and water), stripped the men totally naked and beat them in a degrading manner. They were then put in cells with other women and families who were caught somewhere else, in order to humiliate the transit groups (according to the respondent). The police did not offer the transit group food, water, or access to a toilet, and they also threw away the food and water they had bought from the village.

Afterwards, the transit group were transferred to another police station for 30 minutes. At approximately 20:30 (29th May 2020), they were taken to the GR-TR border where they were pushed back to the Turkish side across the Evros River. The transit group were handed over to authorities who the respondent described as men wearing dark uniforms with black masks; he alleges they were Commandos. These 'Commandos' pushed the transit group back

across the river with rubber boats and beat and kicked them until they reached Turkey.

The respondent alleged that he recognised one of the officers involved in the push-back as someone who tortured him when he went to a police station to try to report that his documents, passport, and residence papers from Austria were stolen from him during his visit to Greece in 2016.

From here, the transit group walked to the closest village (the respondent alleged it was close to Edirne). They walked until spotted by police, who took them to the bus station in order to get to Istanbul. At the bus station, the transit group could not find help from anyone to take them to Istanbul because they did not have any money with them, so the police took them to a gas station nearby and told them to try to find help there. The next morning (30th May 2020) a man with a van agreed to drive the transit group to Istanbul in return for €100.00 per person upon arrival.

03/06/2020

“THEY ARE READY TO PUSH US BACK AND BACK AGAIN AND AGAIN”

Date and time: June 3, 2020 02:00

Location: Lesvos, Greece

Coordinates: 39.386211790672405 , 26.432889184765635

Push-back from: Greece

Push-back to: Turkey

Demographics: 32 person(s), age: 2-50 years old , from: Afghanistan, Syria, DR Congo

Minors involved? Yes

Violence used: beating (with batons/hands/other), insulting, reckless driving, engine destroyed or removed, waves created to push dinghy back

Police involved: HCG in navy blue uniform, masked men dressed in black and camouflage uniform on RHIB and Panther boats

Taken to a police station?: no

Treatment at police station or other place of detention: detention, personal information taken, no translator present

Was the intention to ask for asylum expressed?: Unknown

Reported by: josoor

ORIGINAL REPORT

The respondent, a 17 year old male from Afghanistan, was apart of a transit group instructed to spend two nights in the forest, somewhere between Izmir and Çanakkale in Turkey. On the night of 2nd of June 2020, smugglers told the transit group to walk to the

shore which took roughly two hours. At 20:00 they arrived at the shore where five-six Turkish people were preparing a dinghy which they made the group carry into the sea. At 21:15, the transit group boarded the boat and left the Turkish coast.

At approximately 02:00 after five hours at sea, the Greek Coast Guard (HCG) detected the transit group, who were allegedly five minutes off the coast of Lesbos. The respondent alleged he saw a large boat but was blinded by a strong spotlight so he could not make out any descriptive details. A smaller boat approached the transit group and destroyed and removed their dinghies engine. With a hook on a stick (like a spear), the transit group were beaten by authorities; one group member was injured during the attack, with several cuts on his head and face. The HCG then attached a rope to the dinghy and towed it towards Turkish waters.

The respondent alleges that the Turkish Coast Guard (TCG) tried to intercept the pushback and described it as if the TCG and HCG

“were creating waves trying to drown each other”

The TCG cut the rope between the HCG and their dinghy, after which the HCG withdrew from the situation. The TCG asked the transit group which countries they were from and where the HCG had picked them up. After answering these questions, the TCG left the transit group in their dinghy in the sea; they spent the rest of this first night and the next morning alone at sea.

On 3rd June 2020 around 12:00-13:00, another boat with three people approached the transit group and advised they would help and take them to a camp if they threw their life-vests and rubber rings away. Some transit group members complied, however others did not so one of three individuals entered their dinghy and threw all of their rubber rings and life-vests into the sea. The man who

entered their dinghy was wearing a mask and dressed in all black; the other two were wearing navy blue uniforms. They attached a rope to the dinghy and told the transit group they would be taken to a Greek camp, but started towing the dinghy towards Turkey. The TCG intercepted the situation like the night before and created waves until the Greek boat drove away; again, afterwards, the TCG left the transit group out in the ocean alone, however this time, water was entering their dinghy. The respondent alleges that the transit group could see Lesvos but not Turkey, so they decided to try and paddle towards the island.

Throughout their journey, the respondent alleges members of the transit group were calling 112 and the HCG as instructed; the TCG advised the transit group that they were in Greek waters and were unable to intervene. During this time, members of the group became desperate and emotional. One member was a woman with a small baby, who was unconscious on board for a few hours.

The respondent alleges that the HCG was constantly watching the transit group and created waves to block them from reaching the island. The respondent texted his friend in Turkey, saying that if he did not hear from him again, he should call his siblings to tell them he had died so they would not wonder where he was. The respondent alleged he was trying to organise help for the transit group, so he felt that he could not show his emotions as the other members were relying on him; he did not want them to see that he was crying too, so he turned his face towards the water, pretending to paddle, when in reality he was crying.

On 4th June 2020, from 05:00, the respondent alleges he attempted to contact the UNHCR numerous times but was unsuccessful. After this, he streamed the situation live on Facebook and requested access to two groups for support. Two-three hours later he was accepted to the Information Point for Lesvos Group where he posted his videos from their situation and went live with a new video.

In one of the videos, the respondent describes and films one large and two smaller vessels of the HCG as they created waves to push

the dinghy back to Turkish water. The respondent can be heard saying,

“another boat is coming also, and it will push again. And a third one is behind them. You can see clearly. And they are ready to push us back and back again and again. We were just near there and they are pushing us back, back and back towards Turkey. This is not fair”

At 11:00 a German vessel approached their dinghy and immediately told the transit group,

“don’t worry we are from Germany and we will help you“

The respondent described everyone on the dinghy crying in relief. One officer asked the group where they wished to go; the respondent said somewhere safe and happy. The officers gave the transit group water and chocolate, and asked if they wanted to go to Turkey or Greece; the respondent told them to Greece, as they were closer and had just spent 38 hours at sea after leaving Turkey. After five minutes of talking on a radio, the officer told the group that their videos had been seen -

“don’t worry, be patient, you are safe”

The German boat's towed the dinghy towards shore, with a second German boat trailing behind (as shown in image below).

On shore, an old woman and some men who had been swimming came to meet the transit group. They had a camera and gave the transit group water. Some of the group member were scared and ran away, however the swimmers were from an NGO which had been helping refugees for 40 years.

One hour later, police arrived and told the transit group to clean their mess up; so they collected the trash from their journey (including rubbish and their dinghy) and threw it away. The police made them walk for one hour to a spot where they reunited them with those who had run away earlier. Together the transit group walked another 30 minutes to a spot, where police told them they would stay for the next few days. The respondent alleges it was in the middle of nowhere.

A man waiting at the spot advised he was from the United Nations (UN), and asked the transit group for their personal information (names, age, nationality). The respondent alleges this man called the Afghani's Taliban; the respondent said maybe he was trying to joke, but it wasn't funny. The man gave the transit group food and sleeping bags, but told the group he would punish them if asked again, after a group member requested cigarettes. The police remained at the spot with the man and watched the transit group in shifts.

On 5th June 2020, five officials approached the transit group and tested all members for COVID19. The UN representative also came back twice to give them food, however on the second time, the respondent alleges the police took the food for themselves.

On 6th June 2020 at 22:00, police officers arrived and took the transit group in multiple vehicles - seven in a police car (including the respondent) and the rest on a bus. The respondent described the car as one that is made for arrests - no windows and just a small

hole for air. The officers did not tell the group anything except repetition of the same message,



“you will be deported”

The respondent alleges the vehicles arrived at a camp and were welcomed by others. Some individuals claimed they had been there for more than a month. The respondent alleged that there were roughly 250 people at the camp, with no shower or electricity, and no where near enough tents.

05/06/2020

“[THEY TOLD US] WE DON’T CARE...DIE... WE WANT YOU TO DIE”

Date and time: June 5, 2020 10:00

Location: Aegean Sea, Lesvos-Turkey

Coordinates: 39.42442846288276 , 26.363677503974447

Push-back from: Greece

Push-back to: Turkey

Demographics: 21 person(s), age: 2-47 years old , from: Afghanistan, Iran

Minors involved? Yes

Violence used: beating (with batons/hands/other), insulting, engine destroyed or removed, creation of waves, holes cut into the dinghy

Police involved: unknown number of Greek Coastguard (HCG), five Greek masked men ("Commandos") in grey shirts and camouflage pants; unknown number of Turkish Coastguard (TCG)

Taken to a police station?: no

Was the intention to ask for asylum expressed?: No

Reported by: josoor

ORIGINAL REPORT

At 02:30 on 5th June 2020, the transit group left their location in Turkey, walked to the shore and boarded a boat at approximately 05:00.

After 20 minutes (still in Turkish waters) when the transit group was 500 meters away from Greek waters, they were approached by one

large and one small Greek Coastguard (HCG) ship. The HCG created waves in an attempt to push them transit group from Greek territory into Turkish waters. The small boat approached the transit group's dinghy with five men on board wearing black masks, grey shirts and camouflage pants. The respondent alleged one was driving; one kept an eye out for the Turkish Coastguard (TCG); and two had long sticks which they used to beat and threaten everyone in order to prevent the transit group from stopping the third man, who had a knife and used it to cut a hole in their dinghy and fuel hose. When the TCG approached, the HCG left. The respondent alleged their dinghy was slowly sinking and that the transit group used their shoes and water bottles to scoop the water out.

A few hours later when the light was better, the respondent went live on Facebook and posted three - four videos of their situation. Some group members jumped into the water and helped to push the boat towards Greek waters. The respondent alleged the HCG was observing the situation with one large ship and several smaller boats, and drove between their dinghy and the TCG to prevent the TCG from taking footage.

After this, the TCG left and the small boat with the same five men from before came back; one got into the transit groups dinghy and told the respondent to give him his phone. The man attacked him with a stick and searched his pockets, but the respondent had given the phone to someone else on the boat to hide it. The respondent alleged the man beat him so badly that he was about to jump into the water; in response the man said *"don't do it"* and stopped the attack. The masked men then dragged the transit groups dinghy back into Turkish waters. The group pleaded with them to let them go, said that they have kids and they will die. One of the masked men replied by saying,

"We don't care...die...we want you to die"

Once back in Turkish waters, the attackers let go of the dinghy; it was sinking and there were strong waves made from both the HCG ship and the weather. At approximately 10:00 on 15th June 2020, the TCG took the transit group onto their ship after a Turkish speaking member of the group begged them to. On board, the TCG gave the transit group masks and water and left the dinghy abandoned at sea.

Back on land, Turkish police took the transit group to a camp in Ayvacik and gave them some water. The camp manager told them they would have to pay money if they wanted to leave the camp and that they could only leave to go to Bursa. The respondent alleged that usually the bus ticket for that trip would be 70TL, however the authorities wanted 200TL per person; they advised that if the transit group did not pay, they would start deportation procedures and threatened,

“as soon as there are planes again, you will be on them”

The respondent and the transit group had money sent to them and gave it to the camp manager and police to pay for their journey to Bursa. Authorities then took them to the bus stop in Ayvacik and put them on a bus to Bursa; they paid 3500 Lira in total.

06/06/2020

“A THESSALONIKI POLICE INTERVENTION LEADS DIRECTLY TO A MASS PUSHBACK TO TURKEY”

Date and time: June 6, 2020 01:00

Location: Meric river, Ipsala

Coordinates: 40.92923200000001 , 26.393941

Push-back from: Greece

Push-back to: Turkey

Demographics: 35 person(s), age: 19, 20 years old , from: Afghanistan, Pakistan, Syria, Morocco, Algeria

Minors involved? Unknown

Violence used: beating (with batons/hands/other), kicking, forcing to undress, theft of personal belongings

Police involved: 6 police officers at the border, 15-20 police officers in Thessaloniki

Taken to a police station?: yes

Treatment at police station or other place of detention: detention

Was the intention to ask for asylum expressed?: No

Reported by: Border Violence Monitoring

ORIGINAL REPORT

On 5th June 2020, people were gathered at a regular food distribution where outreach groups provide material support to transit populations in the Thessaloniki area. During the afternoon distribution, an intervention by the Thessaloniki police force took place.

Officers arrived at the distribution on motorbikes and in cars, fully equipped, in large numbers, between 15 to 20, “*in the context of the implementation of*”
www.borderviolence.eu

operational planning to deal with delinquency and the identification of persons residing illegally in the country”, as stated in a **press release** announcing the raid. The police officers arrived in a coordinated group and blocked side roads, entrances and exits to prevent people from fleeing.

Officers blocking and monitoring access points to the scene where approximately 20 people were removed.

The officers were dressed in black uniforms with “police” while others were in civil clothes with official vests. The police separated those with papers and those without. The officers rounded up around 20 persons without documents and took them away to a police station in the Thessaloniki area with the promise of issuing them a document to regularize their stay in Greece for a period.

Video of people being rounded up from the area and walked away by police:

<https://www.borderviolence.eu/wp-content/uploads/VideoJune5.mp4>

On the 6th June 2020, one of the individuals who had been taken in this incident contacted a BVMN volunteer and informed them that he and others were in Istanbul, Turkey. This person provided a full oral testimony on 7th June 2020, describing the events that passed: from their capture, to their pushback from Greek territory.

The respondent is 19 years old from Algeria and shared his story alongside another person aged 20 years old also from Algeria. The respondent states that he entered Greece in mid-May, about 15 days before he was apprehended.

He described how he was attending the food distribution in the area of Thessaloniki close to the industrial port on 6th June 2020. The respondent says that the police arrived and surrounded the people in attendance. During the police intervention, the policemen informed every person without temporary documents that they would be taken to the police station and issued a “khartia” (a short term document regularizing their stay) until they can submit an asylum application. The **asylum service in Greece** is not registering new asylum applications at this moment. The Skype service is also unavailable, meaning that asylum seekers cannot arrange an appointment to register their asylum application.

Officers pictured blocking traffic in nearby street. The authorities are dressed in black and wearing white motorcycle helmets, matching those in the video who remove people from the abandoned house.

Officers with motorbikes blocking another access point to the area subject to the raid.

After being apprehended, the respondent describes how he was taken to a police station and held for one to two hours in the courtyard, sitting on the ground. In this time his belongings were taken, including his phone, 15 euros, his jackets and other items. His shoelaces and trousers belt were also taken. At the police station were 20 others taken from the food distribution, as well as an additional 15 people who had been detained prior. The people came from a variety of places, including Afghanistan, Pakistan, Syria, Morocco and Algeria.

The respondent describes how a blue bus arrived, “*the prison bus*”, and 35 people were pushed and kicked to enter the bus with excessive force by the officers in the courtyard area. The bus left Thessaloniki and drove for approximately four hours.

The bus proceeded to transport the people to a place he calls the “*caserne*” – translated into barracks – where the 35 people were detained for half an hour. He describes how at this location there was a different unit of officers present, wearing dark blue uniforms. He cannot describe them fully because he did not look up from the ground in the position they had to assume.

Half an hour later, they were taken to the river Evros which borders Turkey. The 35 people were divided up by Greek authorities and crossed via boat in groups of 5-6 to the Turkish side of the river. A police officer wearing a balaclava was driving the boat, taking people in groups to the other side of the border. The respondent says five Greek authorities were present at the border during the pushback and that they hit the group with batons and with hands, and kicked them as well before loading them into the boat.

The pushback occurred at night at what the respondent suspects was approximately 01:00 on 6th June 2020. The people were removed across the border in the vicinity of Ipsala (TUR) where they then sought help from locals. Summarising his feeling in the period after the pushback, the respondent states he was shocked. He adds saddened:

“15 days [to arrive to Thessaloniki] and they take us to Turkey in five hours”

The respondent gave his testimony in English, from Istanbul. He reached Istanbul the following day after his pushback, driven by a Turkish national who agreed to assist the group in exchange for cash. The two young men did not have money on them since all their belongings were taken by Greek officers, so they decided to run away once they arrived in Istanbul. They spent two nights sleeping on the streets and had only biscuits to eat.

20/06/2020

“PLEASE BE SILENT, IT IS OUR GOVERNMENT DECIDING WHAT WE DO WITH YOU, I AM SORRY”

Date and time: June 20, 2020 01:00

Location: İpsala, Edirne, Turkey

Coordinates: 40.9562697 , 26.2680259

Push-back from: Greece

Push-back to: Turkey

Demographics: 60 person(s), age: 20-50 years old , from: Pakistan, Bangladesh, Iran, Syria, Iraq

Minors involved? No

Violence used: beating (with batons/hands/other), insulting, sexual assault, forcing to undress, theft of personal belongings

Police involved: 12-14 police officers; 20 police officers, some in uniform and some in black clothes with masks

Taken to a police station?: yes

Treatment at police station or other place of detention: detention, no translator present, denial of access to toilets, denial of food/water

Was the intention to ask for asylum expressed?: Yes

Reported by: josoor

ORIGINAL REPORT

The transit group of 15 left Istanbul at 23:00 on 17th June 2020 and headed towards the GR-TR border. At 22:00 on 18th June 2020, they

left Ipsala towards Greece, crossed the border and proceeded on foot through eggplant fields for one and a half hours nearby to a highway. At 00:00, the respondent alleged police officers (some in black uniforms wearing masks) apprehended the transit group and ordered some group members in German and Albanian to take off their shoes and clothes; the respondent believes they were 'Commandos'. Whenever anybody in the transit group looked at the officers, they were beaten. Several members of the group (including the respondent) repeatedly asked for asylum; the officers laughed at them and said,

“you have no reason to be here...shut up”

When the respondent asked where her human rights were, the officers replied,

“you don't have any rights here, it's our country, we don't want you here...you are lying”

The officers forced the transit group into vehicles and repeatedly beat the men on their backs before taking them to a police station.

Here, they forced the transit group to hand over their phones, documents, backpacks and money. They were ordered to undress to their underwear and had their bodies searched; the respondent alleged the male officers searched the two women's underwear and repeatedly touched them inappropriately. When the officers did find anything on a person, they ordered them to fully undress in front of the whole group. The officers handed the transit group disinfectant, gloves and papers (some with the UNHCR logo) in a foreign language. No one in the group signed any of papers, no fingerprints were taken and no fee was paid. After this, the officers forced the

transit group into a container, roughly five-six meters long, with a total of 60 people inside.

For 36 hours the transit group were detained in this container without water and food. The two women were allowed to go to the toilet but none of the men were; the respondent alleged it was very hot and felt the oxygen level inside was extremely low. Approximately 12-14 officers were involved in this event at the police station.

At 01:00 on 26th June 2020, everyone in the container was removed and taken were taken to the border. The respondent alleged that 20 police officers (some dressed in black) were involved in the pushback. Some threatened they would kill members of the transit group if they did not stay absolutely quiet during the pushback; one of them told the respondent,

“please be silent, it is our government deciding what we do with you, I am sorry. Tell them Germany paid lots of money to protect us from you, many German soldiers here”

The transit group were taken to Ipsala by boat, where Turkish police apprehended them and forced them to return back to Greece. The respondent started crying and was desperate, with no shoes, phone, and no money left. She was released by authorities while the rest of the transit group were forced back into Greek territory.

21/06/2020

“WITH OUR HANDS HANDCUFFED, THEY THREW US INTO THE WATER OF EVROS RIVER”

Date and time: June 21, 2020 21:00

Location: İpsala, Edirne, Turkey

Coordinates: 40.93975254650879 , 26.37059505273438

Push-back from: Greece

Push-back to: Turkey

Demographics: 80-90 person(s), age: 6 months to 50 years old ,
from: Afghanistan, Iran, Syria, DR Congo

Minors involved? Yes

Violence used: beating (with batons/hands/other), kicking, pushing people to the ground, insulting, forcing to undress, theft of personal belongings, handcuffed, thrown into river

Police involved: Around 20 officers involved, some in blue Greek uniform, some dressed in black with masks, a few speaking Turkish

Taken to a police station?: yes

Treatment at police station or other place of detention:
detention, no translator present, denial of access to toilets, denial of food/water

Was the intention to ask for asylum expressed?: Yes

Reported by: josoor

ORIGINAL REPORT

The respondent had been living in Greece for many months and had applied for asylum, settling in Athens. He had his first interview and had been issued a white card which is valid until September 2020. He had been waiting for his final interview, set for May 2021. He went to Alexandroupolis from Athens as part of his job. The purpose of the trip was to visit a stables where his employer wanted to buy a horse (the respondent works in a professional stables in Athens).

On the morning of 21st June, at around 10:00, police in blue uniform stopped him in a town 20km from Alexandroupolis and asked to see his papers. He did not understand as he couldn't speak Greek. Because he was unable to answer the police responded by beating him with a wire. After several minutes, a white van came, driven by a man dressed in black and wearing a black mask. The respondent was forced to get in the car and was taken to a police station, the drive took about two hours, there were no windows in the van so the respondent doesn't know where it was.

He was detained there for two hours and then taken to a detention center where 80 to 90 other people were detained. This included both men and women from Afghanistan, Iran, Kurdistan and different other nationalities.

Police there took everything from them - money, mobile, belt, clothes, shoelaces and whatever else they had - and put the people into cells.

Two policemen in uniform and one "*commando soldier*" (dressed in black and wearing ski mask) were taking refugees one by one to a room. Whether he/she was man or woman, they were beating him/her violently and brutally before loading them into a dark green camouflage lorry.

They were beating them not with batons, but with thick wooden sticks. The police took off their clothes and left them naked. The respondent was severely hit on his torso, arms, knees and head. In his case it was specifically one “*commando*” man cooperating with two uniformed officers.

Other than these three, around 20 policemen and other staff were present at the detention center. The respondent says that all of them spoke Greek and some spoke Turkish as well.

Access to toilets, water and food was denied throughout:

“From the time I got arrested till the time we were brought to Evros river, we were not allowed to have access to any basic needs.”

After eight hours in detention, the military style lorry took them to the Evros river. The drive was around 30min. They proceeded beating them for one hour and used zip ties to handcuff them. With their hands handcuffed, they threw them into the water of Evros river. The respondent and some others couldn’t swim, other refugees helped them stay afloat. This was around sunset, approximately 21:00 on 21st June 2020.

When they arrived on Turkish territory after crossing the river by swimming, the respondent was unconscious. Afghan, Kurdish, Syrian, Arab and Iranian guys with their money helped them reach Istanbul by paying a driver to take them.

The respondent can’t remember anything after they threw them into the river but his friends told him that from the border they went by foot to a place where they called a taxi from the phone of a Turkish local and arrived in Istanbul a few hours later.

The respondent only woke up once they had arrived in Istanbul. He says he is still in unbearable pain. His whole body is bruised due to severe blows (pictures and video of the bruises available). He was beaten and kicked on his head, torso, abdomen, arms and legs by the one commando man at the detention center that he had to throw up several times.

The respondent later took a video of his injuries and said:

“This is what they did to us. Do we have the right to asylum or not? Does the international law not say that every human being has the right to ask for asylum? What kind of right is this? Does the European Union have the right of beating and torture? How can the commandos beat us like this! And then put you in the river while your hands are tied! This is our situation as refugees. They beat every part of your body with a stick. They take you to a room and then beat everyone. They have neither mercy nor compassion towards women nor men. They are taking your money, phones and then put you in river while you hands are cuffed.”