



GREECE: VIOLENCE, LIES, AND PUSHBACKS

REFUGEES AND MIGRANTS STILL DENIED SAFETY AND ASYLUM AT
EUROPE'S BORDERS

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Cover photo: "Two migrants are detained by Greek Police, near the village of Kavyli, in Evros, close to the Greek-Turkish borders, on 03 March 2020" © Achilles Chiras/NurPhoto via Getty Images/

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1. EXECUTIVE SUMMARY

In April 2020 Amnesty International and many others documented how, in the midst of escalating political tensions with Turkey, Greece systematically used “pushbacks” and committed other human rights abuses to prevent people from entering the EU. Months later, pushbacks continue to regularly trample migrants and refugees’ rights, despite systematic official denials and aided by a climate of impunity. This research documents 21 new pushback incidents and other abuses occurring between June and December 2020, based on the testimonies of 16 individuals. Through their experience and building upon the compelling body of evidence by international human rights bodies, civil society, and journalists, it proves the continued, routine use of these brutal tactics by Greece as an entrenched method of border control at land and sea. Amnesty International’s research highlights the frequency and similarity of patterns of violation, focusing primarily on the land border between Turkey and Greece (the “Evros” region).

The findings of the present research, together with the comprehensive body of evidence on the subject, show that the use of pushbacks by Greece cannot be considered as a response to exceptional events or the actions of rogue actors. Rather, it is a de facto policy of border management that relies on the coordinated efforts of multiple authorities in Greece. The pushbacks documented by Amnesty International for this report reveal that, prior to being summarily expelled from Greece over the Evros river, individuals were often targets of complex and coordinated operations across the country, aimed at transferring them within close proximity to the Evros land border in order to expel them.

The incidents documented for this report all resulted in forced returns that violate Greek, EU and international human rights law. Additionally, the methods used to intercept, apprehend, and return migrants and refugees, which include the use of violence and arbitrary detention, ill-treatment, and possibly torture, often amounted to violations in their own right.

Turkey’s practices, documented as part of the research, are also often problematic. While border forces were described to sometimes assist victims of pushbacks by Greece, Amnesty International documented incidents of seeming retribution against refugees and migrants. These included threats or acts of violence and even unlawful returns to Greece.

PUSHBACKS AS A DE FACTO POLICY

Across cases documented, Amnesty International has identified a common thread of violations and sequence of events leading up to pushbacks. In pushbacks at land, Individuals interviewed described being apprehended on Greek territory, often detained arbitrarily, and ultimately transferred across the Evros river into Turkey. In the majority of cases, they described experiencing or witnessing violence at the hands of those conducting the pushback operations. This common narrative is further supported by the organization’s findings in prior investigations on the issue, as well as evidence by other actors mentioned above.

The organization received consistent testimonies describing how return operations were conducted by individuals appearing to belong to law enforcement, with the frequent participation of individuals dressed in civilian or unmarked clothing (no uniforms or identifiable insignia). Based on descriptions of their observable demeanor, clothing, actions, and coordination with people described as uniformed officials, they appeared to be working in cooperation with and/or at the behest of the latter. In the majority of cases, victims told Amnesty International that third country nationals in civilian clothing operated the boats used to transfer them across the river.

From interviews, there was no information provided indicating that individuals, their family members, or people in the group with them were provided with an individual assessment of their need for protection ahead of return, even if they declared such a need or attempted to present evidence of their documented status in Greece. All were denied their right to challenge their return.

PUSHBACKS FROM MAINLAND GREECE

Contrary to the idea that pushbacks only affect people at the borders, Amnesty International documented four cases where people and (if present) their accompanying family members were apprehended from mainland Greece. In two of these cases, individuals had a registered protection status in Greece.

ARBITRARY ARRESTS AND DETENTION

In 12 cases documented, individuals stated that, before being pushed back, they were held in places of detention for periods ranging from a few hours to more than one day without access to phone calls, lawyers, and without registration procedures. The organization has concluded that every apprehension and detention reported occurred outside of identifiable legal procedures and meets the definition of arbitrary arrest and detention. Every person interviewed was in the custody of individuals whom they believed to be officials (usually described as police or military due to appearance and behavior) and/or people in civilian clothing cooperating with the former.

Testimonies collected by Amnesty International indicate that Greece uses both “official” and “unofficial” detention sites to hold people arbitrarily before pushbacks. Some interviewees identified their places of detention as the Tycherio border guard station and a detention site in Poros. Inside the facilities, those interviewed overwhelmingly reported unhygienic and sometimes overcrowded conditions, sometimes reporting a lack of clean water available or working toilets.

VIOLENCE AND ACTS AMOUNTING TO TORTURE AND OTHER INHUMAN OR DEGRADING TREATMENT

The use of violence and other acts that could amount to torture or inhuman or degrading treatment featured prominently throughout the descriptions of pushbacks. The majority of people interviewed witnessed or directly experienced violence. Abuses reported included blows with sticks or truncheons, kicks, punches, slaps, and pushes.

Victims described the most brutal acts of violence as largely occurring during the final phase of pushbacks, often at the riverbank. Officials, often described as “commandos” or “soldiers,” were usually indicated as the perpetrators. Severe injuries, some requiring immediate medical intervention such as a broken spine, hands, and extensive bruises were reported by those being pushed back. Some acts may have also violated Greece’s obligations to protect the right to life.

Searches, including naked or strip searches, were also reported. Testimonies gathered described rough treatment during searches, men conducting body searches of women, and strip searches - sometimes violent - of men in full view of women and children.

Amnesty International believes that, due to the severity of the treatment reported, the intent to harm or humiliate the victims, and the context in which they occurred, the acts of violence

documented, as well as the use and execution of searches, violated the prohibition of inhuman and degrading treatment and could have, in some cases, constituted torture.

VIOLATIONS ALSO IN TURKEY

Amnesty International believes that Turkey also violated the rights of refugees and migrants at the borders and exposed them to risks. The organization heard the testimonies of people who stated that as they were returning from Greece to Turkey via the Evros river, including after a pushback by Greece, they encountered Turkish “officers” who forced them or attempted to force them back to Greece or to an islet in the river. On the islets, in some instances, Turkish authorities allegedly refused to promptly rescue people or allow them on the shore. In one case, Amnesty International heard allegations that a large group of people, including many small children, were held arbitrarily at a Turkish “military base” after having been pushed back by Greece, and officers manning the site attempted to force some of them back across the river.

LONGSTANDING LACK OF ACCOUNTABILITY

Greece’s regular failure to properly investigate the continued and mounting evidence of pushbacks and other violations detailed above is unconscionable. The EU has also repeatedly failed to hold Greece to account for these violations, ultimately reinforcing the practice and tacitly giving permission for it to continue by way of inaction.

Victims are effectively prevented from seeking justice or to report violations for many reasons, among them a lack of effective or accessible remedies in Greece and beyond.

The “elephant in the room” is the EU’s failure to reconcile its human rights commitments with its role in Greece’s border control. From labelling Greece as “Europe’s shield” during the brutal repression of refugees and migrants at the borders in 2020, to the half-hearted and ineffective attempts to establish Frontex’s accountability, the EU has so far failed to resolutely condemn pushbacks and other violent practices at its borders and demand actions to bring Greece’s policies in line with the EU’s own founding values.

CONCLUSIONS AND RECOMMENDATIONS

Testimonies gathered by Amnesty International from victims, civil society organizations, and lawyers illustrate how systematic pushbacks not only scar those who endure them but contribute to creating and maintaining a climate of impunity and insecurity, fueled by the authorities’ failure to acknowledge or effectively investigate pushbacks, a lack of effective remedies for victims, and the continued criminalization of NGOs.

Amnesty International urges Greece to immediately halt all pushbacks from land and sea and refrain from them in the future.

Greece must finally acknowledge the severity and pervasiveness of pushback practices in the country and investigate allegations of unlawful returns, arbitrary detention and violence against refugees and migrants.

Turkey must also halt all practices forcing or pressuring individuals to return to Greece or otherwise exposing them to risks.

The EU and its member states should take urgent, effective measures to ensure that Greece stops violating the rights of refugees and migrants at its borders. This should include the launch of infringement proceedings against Greece and the creation of an effective, independent monitoring mechanism for violations of human rights at the borders.

In view of the evidence of continuing human rights violations, Frontex should trigger Article 46 of Regulation (EU) 2019/1896 with a view to suspending or withdrawing its deployment in Greece.

2. METHODOLOGY

This report documents pushbacks from Greece to Turkey and other violations of the rights of refugees and migrants by both Greece and Turkey. It is based on research conducted between November 2020 and April 2021, including first-hand interviews with rights-holders, lawyers, and civil society organizations; examination of documents, audio-visual and other materials; as well as official communications with Greek, Turkish and EU authorities, and UN agencies.

Due to the ongoing global COVID-19 pandemic, interviews were conducted via phone using messaging apps with interpretation. The organization spoke with 16 people (ten men and six women) who experienced, alone or together with family members, including small children, one or more pushbacks (unlawful, summary forced returns) from Greece to Turkey.¹ Through these interviews, the organization documented in detail 21 separate incidents of pushbacks, including two at sea, which occurred between April and December 2020. In total, interviewees stated that they were part of at least 45 incidents of pushbacks, though not all documented in detail by Amnesty International. In each case documented, those interviewed stated that they were returned as part of a larger group. To protect the identities of the interviewees, throughout this report all names have been changed and, when necessary, some identifying information has been withheld.

Amnesty International corroborated first-hand testimonies by examining copies of official identification documents, registration documents in Greece, audiovisual evidence including pictures of bruises, or showing individuals in Greece and Turkey before and after the alleged pushbacks. We received some geolocations of several points across the individuals' route of travel across the border in Turkey and Greece and locations within mainland Greece to verify presence. Amnesty International is grateful to the organization Disinfo Collective for their contribution to investigations conducted for this research.

Amnesty International also conducted interviews with members of civil society organizations and lawyers active in Greece and Turkey. This information, where not explicitly referenced, informs the conclusions and recommendations of this research. Amnesty International received contributions and advice from lawyers at the Greek Council for Refugees, Human Rights 360, HIAS and the Istanbul Bar Association, members of the NGOs Border Violence Monitoring Network, Josoor, Mobile Info Team, the Racist Violence Recording Network and Lena Karamanidou, Researcher at Glasgow Caledonian University. Amnesty International researchers also examined reports and research by national and international organizations, academics, and journalists, as well as information by state bodies in Greece and Turkey.

On 29 March 2021 Amnesty International shared the preliminary findings of this research and requests for information with the Greek Minister of Migration and Asylum Policy, the Minister of

¹ Thirteen of the people interviewed originate from Syria, one from Morocco, one from Palestine, one Kurdish person from Turkey. In some cases, those interviewed travelled with small children and other family members. At the time of interviews, individuals were in Turkey, Greece, or another European country.

Citizen Protection, the Minister for Ministry of Shipping and Island Policy, the Minister of Justice, as well as the Hellenic Police and Coast Guard. Responses were received by all authorities, except for the Minister of Justice and are, as much as possible, reflected in the text.

Similarly, on 2 April, the organization shared preliminary conclusions and requests for information with the Executive Director of Frontex and a response was received on 31 May.

On 4 May 2021, Amnesty International similarly informed the Turkish Minister of National Defense and Minister of the Interior, but no response was received at the time of publication. The organization also communicated information about incidents to the United Nations Refugee Agency (UNHCR) in Greece and Turkey and to the International Organization for Migration (IOM).

Amnesty International has been documenting cases of pushbacks of refugees and migrants from Greece to Turkey since 2013. Its findings were published in several outputs, including: *Frontier Europe: Human rights abuses on Greece's border with Turkey* (2014);² *Greece: Frontier of hope and fear. Migrants and refugees pushed back at Europe's border* (2014);³ *Europe: caught in a political game: asylum-seekers and migrants on the Greece/Turkey border pay the price for Europe's failures* (2020).⁴

The organization has been documenting the prevalence of pushbacks and other abuses against migrants and refugees at land and sea borders across other European countries, including Croatia, Bosnia-Herzegovina, Cyprus, France, Italy, Malta, Slovenia, and Spain. For an overview of Amnesty International's research in this sense see: *Submission to the United Nations Special Rapporteur on the human rights of migrants, Europe: pushback practices and their impact on the human rights of migrants and refugees* (February 2021).

² Amnesty International, *Frontier Europe: Human rights abuses on Greece's border with Turkey*, (Index: EUR 25/008/2013), 9 July 2013, [amnesty.org/download/Documents/12000/eur250082013en.pdf](https://www.amnesty.org/download/Documents/12000/eur250082013en.pdf).

³ Amnesty International, *Greece: Frontier of hope and fear. Migrants and refugees pushed back at Europe's border*, (Index: EUR 25/004/2014), 29 April 2014, [amnesty.org/download/Documents/8000/eur250042014en.pdf](https://www.amnesty.org/download/Documents/8000/eur250042014en.pdf)

⁴ Amnesty International, *Europe: caught in a political game: asylum-seekers and migrants on the Greece/Turkey border pay the price for Europe's failures*, (Index number: EUR 01/2077/2020), 3 April 2020, [amnesty.org/download/Documents/EURO120772020ENGLISH.PDF](https://www.amnesty.org/download/Documents/EURO120772020ENGLISH.PDF)

3. THE DE FACTO POLICY OF GREEK BORDER CONTROL: PUSHBACKS

“I have the feeling that everyone thinks pushbacks are a normal procedure for protecting the border. I think they have lost the measure of what is legal and what is not.”

A Lawyer from the NGO Human Rights 360⁵

3.1 BACKGROUND

For years, Greece has been the primary receiving country for hundreds of thousands of refugees and migrants travelling towards Europe on the eastern Mediterranean route. The country has played a key role in the implementation of the EU-Turkey migration “deal,” enacted in March 2016, aimed at returning new, irregular arrivals to the Greek Aegean islands back to Turkey on the ill-conceived notion that the country is safe for them.⁶ A policy of mass containment of newly arrived refugees and migrants by Greece soon followed, in often inadequate and overcrowded camps on the Aegean islands. From 2019, this was accompanied by the gradual but steady degradation of migration policies in Greece, also facilitated by the lack of solidarity and assistance from European countries.⁷

In 2020, the increased militarization of Greece’s borders with the declared aim to reduce arrivals,⁸ including through new or reinforced surveillance or deterrent infrastructures and the increased deployment of law enforcement personnel, bore testament to the tougher approach to migration

⁵ Interview of 11 March 2021.

⁶ European Council, EU-Turkey statement, 18 March 2016, consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/. Also: Amnesty International, *A Blueprint for Despair: Human Rights Impact of the EU-Turkey Deal*, (Index: EUR 25/5664/2017), 14 February 2017, at: [amnesty.org/en/documents/eur25/5664/2017/en](https://www.amnesty.org/en/documents/eur25/5664/2017/en).

⁷ See Amnesty International, *A Blueprint for Despair*, above and: Greece: Amnesty International’s submission to the Committee of Ministers in the *M.S.S. and Rahimi groups of cases v. Greece* (applications no. 30696/09 and no. 8687/08), (Index: EUR 25/3063/2020), 15 September 2020, [amnesty.org/en/documents/eur25/3063/2020/en/](https://www.amnesty.org/en/documents/eur25/3063/2020/en/).

⁸ Politico, “EU migration plan doomed to fail without solidarity, Greece says”, 7 October 2020, [politico.eu/article/eu-migration-asylum-seekers-plan-will-fail-unless-other-countries-share-burden-says-greek-migration-minister/](https://www.politico.eu/article/eu-migration-asylum-seekers-plan-will-fail-unless-other-countries-share-burden-says-greek-migration-minister/)

in the country.⁹ However, despite the Greek authorities' repeated denial, from 2020 an increasing number of reports emerged that the tightening of borders was achieved also through the use of unlawful techniques to deter and counter the arrival of refugees and migrants, including violence by border force officers, arbitrary detention, dangerous maneuvers at sea, and ultimately, pushbacks.¹⁰

Greece is, regrettably, not alone in the use of pushbacks and violence to protect its borders. With EU policies failing to deliver relocation or safe and legal routes, borders and their protection have become a cornerstone of migration and asylum policy across countries in and the periphery of Europe. In 2020, Amnesty International documented the prevalence of pushbacks and other border practices preventing access to asylum across Europe, in countries including Bosnia and Herzegovina, Croatia, France, Italy, Malta, Spain and Cyprus.¹¹

PUSHBACKS: WHAT THEY ARE AND WHY THEY ARE UNLAWFUL

The term "pushback" is colloquial but has become more common vernacular with the rise of practices to repel, intercept, and forcibly return refugees and migrants across the globe. In this report, we employ the term "pushback" to describe the summary, unlawful, forcible, and sometimes violent transfer of refugees and migrants back across an international border without consideration of their individual circumstances, often, but not exclusively, upon or shortly after they crossed it. The practice is unlawful because it deprives people of the right to challenge the decision to return them as required by law¹² making it impossible to determine whether they would be at risk of *refoulement*.¹³ When, as it is often the case, the practice concerns a group, pushbacks can amount to collective expulsions, which are prohibited under EU and International law.¹⁴ Pushbacks and collective expulsions are illegal irrespective of when they happened or whether returnees are undocumented.¹⁵

The various means by which pushbacks are carried out, ranging from the use or threat of physical violence to arbitrary arrest and detention in inadequate conditions, can in themselves amount to violations of rights, including the right to be free from torture and inhuman or degrading treatment or punishment and the right to liberty and security. The lack of an institutional framework around the return operation also means that individuals are often de facto deprived of the opportunity to access means of redress, especially where the right to re-enter the country is concerned.

As an EU country and a signatory of international and European human rights instruments, Greece is bound by law to respect and protect the above-mentioned rights, which are transposed into national legislation, including through Article 20 and 41 of Law no. 3907 of 2011.¹⁶

While pushbacks at sea and other dangerous conduct towards migrants and refugees braving the Aegean Sea have long been depicted in the media, apprehensions and pushbacks at land and from mainland Greece are also, regrettably, not new. Amnesty International has documented

⁹ Among others: Keep Talking Greece, "Greece shields Evros border with blades wire, 400 new border guards", 17 May 2020, keeptalkinggreece.com/2020/05/17/greece-shields-evros-border-blades-wire-400-border-guards/;

Lena Karamanidou, Twitter thread of 18 October 2020, twitter.com/lk2015r/status/1317840820771475458

¹⁰ Among others: UNHCR, "UNHCR concerned by pushback reports, calls for protection of refugees and asylum-seekers," 21 August 2020, [unhcr.org/gr/en/16207-unhcr-concerned-by-pushback-reports-calls-for-protection-of-refugees-and-asylum-seekers.html](https://www.unhcr.org/gr/en/16207-unhcr-concerned-by-pushback-reports-calls-for-protection-of-refugees-and-asylum-seekers.html); International Organization for Migration (IOM), "IOM Alarmed over Reports of Pushbacks from Greece at EU Border with Turkey", 11 June 2020, [iom.int/news/iom-alarmed-over-reports-pushbacks-greece-eu-border-turkey](https://www.iom.int/news/iom-alarmed-over-reports-pushbacks-greece-eu-border-turkey); Council of Europe, Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Report to the Greek Government on the visit to Greece carried out from 13 to 17 March 2020, November 2020, [bit.ly/3fCMPlz](https://www.cpt.int/en/visits/visits-to-greece).

¹¹ Amnesty International, *Submission to the United Nations Special Rapporteur on the human rights of migrants, Europe: pushback practices and their impact on the human rights of migrants and refugees*, (Index number: IOR 40/3669/2021), February 2021, [amnesty.org/download/Documents/IO4036692021ENGLISH.PDF](https://www.amnesty.org/download/Documents/IO4036692021ENGLISH.PDF)

¹² Among others, European Convention on Human Rights (ECHR), Article 13 (Right to an effective remedy) and equivalent provisions in the EU Charter of Fundamental Rights (CFR), Article 47 (Right to an effective remedy and to a fair trial).

¹³ Meaning a real risk of a serious human rights violation in the country of return. The principle of *non-refoulement* is enounced, among other instruments, under the 1951 Convention relating to the Status of Refugees, Article 33, and the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN CAT), Article 3, and in the jurisprudence of the European Court on Human Rights (ECtHR), under Article 2 and 3.

¹⁴ Including EU CFR, Article 19.

¹⁵ Amnesty International, *Frontier Europe* (previously mentioned), endnote 17 on the EU Prohibition of collective expulsion.

¹⁶ Greece, Law no 3907/2011 on the establishment of an Asylum and First Reception Service, adaptation of Greek legislation to the provisions of Directive 2008/115/EC 'on common standards and procedures in Member States for returning illegally staying third-country nationals' and other provisions, [ilo.org/dyn/natlex/docs/SERIAL/89452/102770/F922547156/A-7.pdf](https://www.ilo.org/dyn/natlex/docs/SERIAL/89452/102770/F922547156/A-7.pdf).

cases as early as in 2013,¹⁷ more recently, media and civil society organizations have reported an uptick in frequency,¹⁸ branding apprehensions from areas far from the land border as a “‘new tactic’ of migrant expulsion” from mainland Greece.¹⁹

In a conversation with Amnesty International, a seasoned field reporter from the organization Border Violence Monitoring Network (BVMN) suggested that several factors have increased the frequency of pushbacks and the further entrenchment of this brazen tactic: “Initially [pushbacks] were happening...to people in the vicinity of the crossing who would be apprehended in the border area...[From January 2020] we saw everything changing with people on the move...We started observing pushbacks from sites deep into the mainland. Previously, Thessaloniki would be considered as a safe place along the route and people would be resting before moving further, but we saw people apprehended and detained in Thessaloniki, then in pre-return facilities, and we would discover them in Turkey.”²⁰

3.2 “UNOFFICIAL” POLICIES AND SYSTEMIC PRACTICES OF EXPULSION

“[...] During their management, the detected individuals, are treated with full respect of their fundamental rights and dignity, without discriminatory behaviour and are registered in special service records, following internal standard procedures. In addition, the right of telephone communication is granted to them.”

Letter to Amnesty International, of 12 April 2021, by Police Major General Dimitrios Mallios, Head of Aliens and Border Protection Branch of the Greek Police

The findings of this report point to the fact that Greek authorities continue to use pushbacks at land and sea to thwart the rights of people on the move. Violations documented in this report are aligned with patterns of abuse documented by Amnesty International in the past and with incidents increasingly reported by other civil society actors, journalists and human rights bodies.²¹ Startling similarities emerge with regard to the abusive and violent techniques used to summarily expel people, including beatings, excessive use of force and other forms of prohibited treatment, arbitrary detention, lack of access to information or remedies, lack of registration, and confiscation of personal property.

The continuation of previously documented practices and the consistency of the allegations alarmingly reinforces the conclusion that coordinated efforts exist by law enforcement and other authorities across different areas of Greece, often cooperating with unidentified individuals, aimed at forcibly returning refugees and migrants at the border.

¹⁷ Amnesty International, *Frontier Europe* (previously mentioned), p. 15.

¹⁸ The NGO Border Violence Monitoring Network (BVMN) documented several such incidents: 1. BVMN, “Pushback from Lagadikia camp”, 16 September 2020, borderviolence.eu/violence-reports/september-16-2020-0000-lagadikia-greece/; 2. BVMN, “If we had known, we would not have come to Thessaloniki. But I thought we have papers, we have UNHCR documents, nothing will happen to us!”, 27 August 2020, borderviolence.eu/violence-reports/august-27-2020-0900-thessaloniki-greece/; 3. BVMN, “They were beating them with the stick when they passed near them you hear the sound of the electric gun”, 25 April 2020, borderviolence.eu/violence-reports/april-25-2020-0000-evros-delta/; 4. BVMN, “Taken from Diavata camp (GRK) and pushed back violently to Turkey”, 31 March 2020, borderviolence.eu/violence-reports/march-31-2020-0000-meric-river-btw-grk-tur/; 5. BVMN, “In ten minutes they took all people to Turkey”, 28 April 2020, borderviolence.eu/violence-reports/april-28-2020-2200-evros-border/.

¹⁹ The New Humanitarian, “Greece’s ‘new tactic’ of migrant expulsion from deep inside its land borders”, 7 October 2020, thenewhumanitarian.org/news-feature/2020/10/07/Greece-migrant-pushbacks-expulsion-Evros-Turkey

²⁰ Interview by video call of 17 February 2021.

²¹ Reports by other actors include: Forensic Architecture, *Pushbacks across the Evros/Meriç river: situated testimony*, October 2020, bit.ly/34nw2xL; Human rights 360, *Defending human rights in times of border militarization*, October 2020, <https://bit.ly/2SmE5l1>; Der Spiegel, “EU Border Agency Frontex Complicit in Greek Refugee Pushback Campaign”, October 2020, bit.ly/2T40Sc2.

In each of the 21 incidents Amnesty International documented in detail, interviewees stated that they were returned summarily to Turkey in larger groups of eight to over 170 people. Amnesty International estimates that the 21 incidents likely affected over 1,000 people in total.²²

Eight people interviewed stated that they were victims of multiple pushbacks, and two reported that they have each been subjected to at least ten pushbacks. Amnesty International estimates that the 16 people experienced a total of at least 45 incidents of pushbacks.

In most cases, those interviewed reported the presence of people they identified as officers at different stages of their return, i.e. people who based on their demeanor, equipment and gear appeared to belong to police or armed forces. Individuals in civilian clothing, often armed, were also often described as participating in the forced return, working in cooperation with those appearing as officers. Vehicles used by those carrying out the pushbacks included various sized civilian cars, vans, military trucks, cars identified as police cars and a black bus marked with police logos.

PRESENCE AND APPEARANCE OF LAW ENFORCEMENT AT GREECE'S BORDERS

The Aegean Sea and the Evros region are areas of considerable deployment of diverse national police and army forces, as well as officers deployed under Frontex, the EU Border and Coast Guard, which has an established presence both at sea and land borders. Therefore, it is not uncommon for officers with different insignia, uniforms, or gear to be present in the area. The Hellenic police, including specialized border police forces, operate under the direction of the Ministry of Citizen Protection. In Evros, the presence of the Greek army, operating under the Ministry of National Defense, was also enhanced during the increased land arrivals of refugees and migrants from February 2020.²³ The presence of riot police was also documented at the time.²⁴ The Hellenic Coastguard falls instead under the Ministry of Shipping and Island Policy.²⁵

All of the land pushbacks documented (19) took place via the Evros river, at the border with Turkey, even in cases where individuals had not crossed into Greece there or were apprehended in areas of mainland Greece. At several points during the pushback operations, people were submitted to body searches and subjected to beatings and/or rough treatment. The pattern that emerged from the testimonies generally followed the same sequence of events leading up to their expulsion:

An interception or arrest by uniformed individuals, in most cases described as police or military officers:

- Most of the people were captured shortly after crossing the Evros river into Greece. Some described an “ambush” by soldiers or police.
- The officers initially encountered by the group often summoned additional officers or civilians, who usually brought a vehicle for transport.

Initial searches and transport to detention or directly to the riverbank:

- At the arrest/apprehension, in most cases officers demanded mobile phones, which were confiscated and not returned. Most also had to turn over their backpacks and anything inside them, including ID documents and personal belongings, to the officers.
- Disturbingly, even parents with infants or young children were forced to turn over their belongings with supplies like food, diapers/nappies, bottles, and formula milk.

²² The number in question was calculated as follows: in each of the 21 forced return cases documented (indicated as C1 to C21), people returned amounted to approximately: C1: 60-70 people, C2: 15-16 people, C3: over 100 people, C4: 32 people, C5: 17 people; C6: 70 people; C8: at least 15 people; C9: 45 people; C10: 60 people; C11: 11 people; C12: 8 people; C13: 60 people, C14: 45 people; C15: 22 people; C15-16-17: around 240 people in total; C18: 100 people, C19: 78 people, C20: 60 people; C21: 77 people.

²³ Iefimerida, “Evros: Greek army strengthens - Framework operations at the border”, 1 March 2020, bit.ly/3wwilcs

²⁴ Reuters, “Migrants clash with Greek police at border after Turkey opens floodgates”, 1 March 2020, reut.rs/35yB9eJ

²⁵ Information regarding Greece’s Maritime authorities by the European Maritime Safety Agency (EMSA): bit.ly/3zyMqJM.

- Individuals were then boarded into vehicles and transported to a detention site or directly to the river.²⁶

Arbitrary, incommunicado detention with access to no or false information about the reasons for arrest and detention:

- In the 14 cases where people were transported to detention sites, all appeared to be held incommunicado with no access to lawyers or phone calls.
- None were informed that they were under arrest. Information provided regarding reasons for people's apprehension and detention was either false or completely absent.
- None were officially registered at detention sites.
- In detention, people were overwhelmingly held in unsanitary, crowded conditions without access to clean water or toilets, hence exposed to heightened risks of COVID-19 infections.
- In some cases, civilians working with official-looking individuals were also present at detention sites.²⁷

People were transported to the riverbank and expelled:

- If at a detention site, people were loaded into vehicles by individuals manning the site and taken to the river, usually in the evening or night. People were generally treated roughly when made to board vehicles and conditions were cramped and unsafe, with no proper restraints for adults or children.
- At the riverbank, in most cases, operations were conducted or overseen by groups of men in military style or fully black uniforms and black balaclavas.
- All were ultimately boarded in boats and forced across the river in smaller groups. In some cases, people were forced to ford parts or the whole of the river.
- Boats were, in most cases, operated by individuals in civilian clothing who appeared to be third country nationals, rather than by uniformed officers or people involved in earlier stages of the return.

3.3 NO ACCESS TO ASYLUM OR DUE PROCESS

“I was still trying to speak to the person who looked in charge. I was trying to say: ‘you can’t throw me back, this is against the law, you have to accept my asylum’. He said ‘ok, ok wait, the chief is coming...ok we will not push you back’. They were giving us hope and I don’t know why they were doing it. I then realized they wanted us to be silent so we won’t yell and scream, because on the [Turkish] side there may be military outposts...The chief finally came...he told me ‘what do you want?’ and I said ‘I want to stay you can’t push me back, I want asylum here’...He looked me in the eyes and said [in English] ‘this is my country, I don’t want you. Leave this place I don’t want to see any of you again’”.

Azad, a 25 y.o. Kurdish man from Turkey who was pushed back in the summer of 2020²⁸

“Someone from the group asked for asylum, but they [referring to the individuals manning the detention site] did not care”.

Amira, 24 y.o. Syrian woman pushed back in December 2020.²⁹

²⁶ The vehicles used to transfer refugees and migrants, based on the descriptions received, were often without seats, windows, ventilation and were completely closed. The types of vehicles described included vans, military trucks, or vehicles resembling trucks/vans used to transport meat or vegetables.

²⁷ In one incident, a detention site was reportedly staffed by three armed civilians carrying out duties such as searches, while uniformed officers came and went to bring people to the site or transfer them to the river.

²⁸ Interviews of 17, 19 and 20 February 2021.

²⁹ Interview of 23 February 2021.

Not one person that Amnesty interviewed reported being questioned about their need for protection, asked about their migration status in Greece, or given an evaluation of their individual circumstances. Even in the few cases where people challenged the officers pushing them back or detaining them, they were all denied their rights. Notably, two of the cases documented included a registered asylum-seeker and a recognized refugee in Greece who, despite producing evidence of their status, were still expelled.

While people do not automatically have a right to receive protection, everyone has the right to seek asylum, including in line with Article 18 of the EU Charter of Fundamental rights, and is entitled to an individual evaluation of protection needs ahead of a return decision.³⁰

Additionally, none of the individuals Amnesty interviewed, or their accompanying families, were given access to their right to due process to challenge the reasons for their deportations: all of the deportations were illegal under national and international human rights law. In particular, not providing for an evaluation of individual circumstances and risks before the expulsion is a violation of the principle of non-refoulement.³¹

³⁰ Article 18, Right to asylum, EU CFR. Also: UN General Assembly, New York Declaration for Refugees and Migrants: resolution / adopted by the General Assembly, 3 October 2016, A/RES/71/1, para. 27 and 67; UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), Article 14.

³¹ As defined in footnote n. 7. The need for an individual assessment of the individual circumstances of returnees ahead of a return decision that could expose them to risks can be derived from the jurisprudence of the ECtHR under Article 3 and Article 4 of Protocol no 4 (Prohibition of Collective Expulsion), among others: ECtHR, *F.G. v. Sweden*, Application no. 43611/11, 16 January 2014, hudoc.echr.coe.int/fre#%7B%22itemid%22%3A%5B%5C%22001-140020%22%5D%7D, paras. 33-34. With regard to cases involving people at land and sea borders see: ECtHR, *Hirsi Jamaa and Others v. Italy*, Application no. 27765/09, 23 February 2021, hudoc.echr.coe.int/spa#%7B%22itemid%22%3A%5B%5C%22001-109231%22%5D%7D; paras. 183-186 and ECtHR, *N.D. and N.T. v. Spain*, Applications nos. 8675/15 and 8697/15, 13 February 2020, hudoc.echr.coe.int/spa?i=001-201353, para. 178: "...the prohibition of refoulement includes the protection of asylum-seekers in cases of both non-admission and rejection at the border...".

4. PUSHBACKS FROM MAINLAND GREECE

“Before I entered the bus, I showed the police my asylum card, but they took it from me, shredded it, and told me to get into the bus.”

Nabil, a 31 y.o. Syrian, registered as an asylum-seeker in Greece

As an unlawful and aggressive means of border control, pushbacks tend to occur upon or shortly after people cross a border. However, the practice of pushbacks in Greece is so entrenched that Amnesty International researchers documented four cases where people affected had a registered protection status in Greece or had been in the country days or weeks before, and were apprehended well inland.³² In the first half of 2020, other NGOs also documented apprehensions and pushbacks from facilities in the north of Greece, including from Diavata refugee camp and Drama Paranesti pre-removal facility.³³

Pushbacks of registered asylum-seekers and refugees violate the 1951 Refugee Convention, related EU law, and the prohibition of collective expulsions, as the status of those affected proves that Greece formally assumed responsibility towards them.³⁴ Pushbacks are unlawful irrespective of when they happened or whether returnees are undocumented. Still, when they affect people with an established presence or family ties in a country, these returns have an enormous impact on the individuals and the community: they are tearing people away from one another after they have found what they thought was safety.



NABIL: A REGISTERED SYRIAN ASYLUM-SEEKER IN GREECE, APPREHENDED IN IGOUMENITSA

Nabil, a Syrian man and registered asylum-seeker in Greece since late 2019, told Amnesty International that as he entered the port of Igoumenitsa in the North-West of Greece on 24 July 2020, he was quickly arrested by three police officers and his phone was taken from him.³⁵

³² In these cases, people were apprehended in Alexandroupoli, at the port of Igoumenitsa, at the entrance of the “Drama refugee camp” near Drama city, and on a bus travelling to Kastoria. One of the people interviewed by Amnesty International was a recognized refugee and a second was a registered asylum-seeker.

³³ BVMN, “Documented pushbacks from centers on the Greek mainland”, 5 May 2020, [borderviolence.eu/press-release-documented-pushbacks-from-centres-on-the-greek-mainland](https://www.borderviolence.eu/press-release-documented-pushbacks-from-centres-on-the-greek-mainland).

³⁴ Amnesty International, *Frontier Europe*, (previously mentioned) p. 16.

³⁵ According to Nabil, “The arresting officers were the port police or guards. They were in police uniforms, which were blue/dark blue, with a logo of the Greek police on the uniform”. Interview of 27 January 2021.

After the arrest, Nabil stated that he was detained for two days in a facility at the port with other men, including Iraqi Kurds, Iranians, and Afghans. At the end of the second day the group had grown to 30 people. Nabil said the police told him that he had been arrested for entering the port illegally and he would be transferred to Athens and released. According to him, his presence at the detention site in Igoumenitsa was never registered.

On 27 July, the police forced all detainees to board a bus and drove them for approximately 10 hours to a detention site in the Evros region.³⁶ Nabil stated that, before entering into the bus, the police took his asylum card and destroyed it.³⁷ He also said that all 30 people with him had papers to show their registered presence in Greece.

Nabil and the group were delivered to a detention site bearing no sign nor insignia, which he described as a “prison near a camp.” Nabil and the group of detainees from Igoumenitsa were stripped searched and, once allowed to dress, the officers from the bus, and the three soldiers struck them with batons/truncheons.

In detention, Nabil was held with around 70 people, including children. In the evening of the same day, the group was transported to the river and pushed back to Turkey.



HASSAN: A RECOGNIZED SYRIAN REFUGEE IN GREECE, APPREHENDED IN ALEXANDROPOULI

Amnesty International heard a similar story from Hassan,³⁸ a 27-year old Syrian man who had been in Greece since November 2019. He was a recognized refugee when he was apprehended and pushed back to Turkey.

Hassan told Amnesty that on 26 September 2020, he reached Alexandroupoli from a smaller city in northern Greece where he was living. He was in a square in the city when he was approached by two men in uniforms: “Suddenly two soldiers came; one wearing a light blue uniform, the second a camouflage military uniform [...] They had a van [similar to the ones] used to carry vegetables [...]. They didn’t show any badge, they just stopped me and asked to show my ID.”³⁹

Hassan was not carrying his original ID at this time, so he showed them a copy he had on his mobile phone.⁴⁰ Eventually, the soldiers made him board a van and drove to a site near the border, 25 minutes away, described as a “police station.” Hassan told Amnesty International: “We arrived at the police station at the border. There were military trucks full of ‘refugees’ [...]”

At the site, officers tried to take Hassan into trucks with the other people: “I protested and said: ‘why you are doing this to me, I have papers, I am legal.’” Hassan said that the “commander” got nervous and they took him out of the truck and placed him in detention. He was detained for one day and, at night, was pushed back across the river in a group of around 100 people, including children.

³⁶ Nabil described the bus as black and marked with police logos: “[it was] closed, with no windows and just a small hole in the roof to breathe.” Inside the bus, Nabil and the others were placed in small “cells.” Nabil reported that the bus driver was a policeman in the same uniform as the officers at the port, and two more policemen were with them on the bus. Interview of 27 January 2021. The description of the bus is consistent with that made by other victims of a pushback from Igoumenitsa in May 2020. BVMN, “100+ detained without food for multiple days before pushback to Turkey”, 16 May 2020, [borderviolence.eu/violence-reports/may-16-2020-0000-ladochori-greece/](https://www.borderviolence.eu/violence-reports/may-16-2020-0000-ladochori-greece/)

³⁷ Amnesty International saw the evidence of Nabil’s registered status in Greece.

³⁸ Multiple interviews including on 4 and 9 February 2021, 17 and 26 March 2021

³⁹ In Hassan’s memory, the officer in blue was around 50 years old and tall, wearing black military boots, carried handcuffs in his belt and a pistol, and had a very aggressive attitude. The officer in camouflage was around the same age and carried handcuffs and a baton. Neither the uniforms nor the van had logos, marks, or insignia.

⁴⁰ Amnesty International saw the evidence of Hassan’s refugee status in Greece.

TARIQ AND RIMA; APPREHENDED NEAR DRAMA: “ONE OF THE TWO MEN IN CIVILIAN CLOTHES PUT [COVID-19] MASKS ON OUR FACES WITH HIS HANDS. HE LOOKED ANGRY AND LOOKED AT US. I FELT HE HATED US. HE SAID TO GET IN THE CAR.”



Tariq, Rima, photographed with the children who travelled with them in the incident discussed and their newborn baby (June 2021)

Tariq and Rima, a young couple from Syria travelling with two small children, were apprehended under false pretences at the accommodation site for refugees near the city of Drama in Northern Greece, detained, and eventually expelled.⁴¹

They told Amnesty International that, after crossing into Greece from Turkey on 11 September 2020, they reached the accommodation site in Drama with the intention to join Rima’s mother, a registered asylum-seeker in the site, and to seek asylum there.⁴² The facility in Drama is run by Greece’s Reception and Identification Services with the support of IOM.

The family stayed at Rima’s mother’s accommodation for a couple of days.⁴³ On the following Monday morning, 14 September, the family stated that they presented themselves to the staff of the camp, including the camp manager, to be registered. Tariq reported that an English-speaking woman wearing a hijab interviewed them for around one hour; then she told him and the rest of the family that the police would be coming to place them in quarantine, then they should register them and eventually bring them back to the camp. Tariq described how, after 30 and 75 minutes, two police cars arrived at the site.⁴⁴ One of the cars then drove towards the city, while one policeman stayed back watching the family.

After this, a black BMW sedan car arrived with two men in black civilian clothes, carrying handcuffs and guns. In the trunk of the car, Tariq saw what he believed were tools “for beating or torturing” and plastic zip ties for handcuffs. “When I saw this, I felt that we would be pushed back”, he recalls, describing the sinking feeling he had about their situation. “I told [Rima’s mother] that it was strange they were in civilian clothes and there were wires in the car, but she said that she had spoken to the [female staff member] and she said we would be going to Komotini or Kavala to be registered.”

The men drove Tariq, Rima, and the children to a place they described as a “detention centre” or “police station” in the city of Komotini, as Tariq could see from the map on his phone at the time. At the station, “police officers” searched them, took their phones and belongings, and then placed them in a cell. After a few hours, some of the same police officers removed them from the cell and handed them over to two men in civilian clothes and balaclava to board a van where more people were already present. The family was taken to a remote facility in Poros, staffed by “soldiers,” detained with others for several hours until nightfall, and ultimately pushed back across the river as part of a larger group.

⁴¹ The Drama reception facility, operational since 2017, is run by Greek authorities with the support of IOM, which provides Site Management Support (SMS) services in the site. Information about the site is available at: greece.iom.int/el/locations/drama?page=3.

⁴² Multiple interviews conducted, including on 12 December 2020, 26 February 2021, 8 April 2021.

⁴³ The family took several photographs of this reunion and showed this evidence, with both time/date stamps and location data near or in the camp, to Amnesty International, including a photo showing the serial number of Rima’s mother room.

⁴⁴ Tariq declared that both cars were marked with a “police” logo on the side and had red and blue lights. The policemen on the cars, two in each, were also described as wearing dark blue uniforms marked with police logos on arm and shoulder and the writing “police” on the back.

Amnesty International contacted IOM in Greece about the events reported above.⁴⁵ Though IOM maintains that none of their staff members were present at the arrival, the organization confirmed that the Reception and Identification Service (RIS) of the accommodation site in Drama informed them that an undocumented family of four (two adults and two children) “spontaneously arrived” to the site on 14 September and was “referred to the local police.” IOM also confirmed that a few days later, Rima’s mother informed them separately about the family’s detention and pushback. IOM states that they raised the incident with the RIS in October 2020, but they had received no response.

On 4 June 2021, Amnesty International informed the RIS in Greece and Drama about the incident, questioning the failure to follow up IOM’s report. On 15 June 2021, the Director of the Drama reception facility confirmed that an unregistered family of four had arrived at the site on 14 September 2020, and that, in line with Greek legal procedures, the police had been informed of the arrival “as the competent authority to lead the newly arrived persons to a Reception and Identification Center”.⁴⁶

⁴⁵ Amnesty International contacted IOM Greece via email on 12 April 2021. The query was addressed to IOM’s Chief of Mission in Greece, Gianluca Rocco. In view of IOM’s SMS role in the reception site of Drama, we requested if they could verify the version of events received by the individuals affected. After a few exchanges via email, on 29 May 2021 Mr Rocco confirmed the information reported in the text.

⁴⁶ Email of 15 June 2021 by Toutountzoglou Dimitrios, Manager of the Migration Reception Facility of Drama. The communication provided no information regarding the actions taken by the RIS in Drama following IOM’s incident report and failed to address the return of the family to Turkey.

5. ‘LIKE ANIMALS IN A CAGE’: ARBITRARY ARRESTS AND DETENTION

“Then we started hearing yells from neighbouring cells, people were taken out one by one until no sound was left.”

Azad, a 25 y.o. Kurdish man from Turkey.⁴⁷

Quote in title above from Amira, a Syrian woman.⁴⁸

In 14 cases documented by Amnesty International, individuals stated that they were held in places of detention for periods ranging from a few hours to more than one day, some being transferred from one site to another as part of the same return operations. In most cases, interviewees described the site of detention as a “prison,” “police station,” or a “migration detention center.” In some instances, individuals could identify and locate the facilities used. Where this was not possible, individuals often provided descriptive testimonies which lent credence to the contention that official detention or police facilities were used. Amnesty has reasons to believe that individuals’ presence in detention or details were never registered.⁴⁹

5.1 ARBITRARY DETENTION

“Initially, I thought it was a normal house with red roof, and when I entered, I saw it was not a prison because it doesn’t look like a prison. But then, they said you have to stay in this room, so I realized it was a prison.”

Ulfat, a Syrian woman detained and pushed back in December 2020.⁵⁰

⁴⁷ Interview of 17 February 2021.

⁴⁸ From an interview of 23 February 2021 with Amira, woman whose case is discussed in this report. When talking about her time in detention, Amira recalled: “We felt humiliated like animals in a cage.”

⁴⁹ Arbitrary detention breaches the right to liberty and security, protected by -among others- Article 5 of the ECHR. Detainees should be informed promptly, in a language that they understand, of the reasons for their arrest and have a right to challenge the detention decision (Article 5(2) ECHR). Also: UN Commission on Human Rights, Report of the Working Group on Arbitrary Detention (WGAD), 28 December 1999, E/CN.4/2000/4, [bit.ly/3gDSxnB](https://www.unhcr.org/refugees-and-migrants), Annex II, Deliberation No. 5, Situation regarding immigrants and asylum-seekers, guarantees concerning persons held in custody, Principle 4: “Any asylum-seeker or immigrant, when placed in custody, must enter his or her signature in a register [...] indicating the person’s identity, the grounds for the custody and the competent authority which decided on the measure, as well as the time and date of admission into and release from custody”.

⁵⁰ Interview of 11-12 December 2020 and 10 March 2021.

The 14 cases of detention documented by Amnesty International appear to have taken place outside of any formal procedure or legal framework. As such, Amnesty International is of the opinion that all individuals concerned have been subject to arbitrary detention.

Some individuals were able to deduce that they were being detained under questionable circumstances and/or would be returned by relying on visual cues or information by fellow detainees.



AZAD: 25 Y.O. KURDISH MAN FROM TURKEY ARBITRARILY DETAINED IN A POLICE STATION

Azad was apprehended and detained in what he described as an official police station, with insignia and flags at the door. Azad told us that “there were Turkish, Kurdish, English writings about refugee rights on the wall.”

Azad fled Turkey for Greece in the summer of 2020 to claim asylum there. Within the same day of crossing, four men, described as “soldiers,” on a small, black pick-up truck stopped him. More people and vehicles, including official-looking individuals and security forces vehicles, came to the scene. Eventually, two men searched Azad, made him board a windowless, unmarked transit van and transferred him to the detention site where a group of around 70 people, including children and older people, were detained in side by side cells.

In detention, Azad plead for information about his status: “I was continuously asking ‘what is going to happen to me? are you not going to register and fingerprint me?’ but they were always postponing and saying ‘when the chief comes, ‘later’.” According to Azad, no others detained with him were afforded a formal registration process.

Azad told Amnesty International that during the evening of the same day, he and his cell mates were told that they would be released, but not that they would be deported. “Then we started hearing yells from neighbouring cells, people were taken out one by one until no sound was left”. Upon release, Azad and others were harshly beaten and they were then pushed back to Turkey with the other detainees.



THE DETENTION OF ASYLUM SEEKERS AND MIGRANTS UNDER GREEK AND EU LAW

While cases documented in this report occurred outside a legal framework, Greece has recently tightened the regime governing the detention of third country nationals. In 2019 and 2020, the legal amendments to migration and asylum laws have created a possibility for the expanded use of detention during return and asylum procedures,⁵¹ in clear violation of international and European standards.⁵²

Pre-return detention in Greece can last up to 18 months; this time is now counted **separately** from detention during the asylum procedure.⁵³ Concerns also exist about the effectiveness of domestic remedies to challenge detention decisions in Greece.⁵⁴

Under EU law, third-country nationals can only be detained, for a limited time, for migration-related reasons under specific circumstances in the context of asylum procedures and in preparation of a return decision.⁵⁵

⁵¹ Amnesty International, *Submission on the proposed changes to the Greek Law on International Protection*, October 2019, [bit.ly/30Bx06X](https://www.amnesty.org/en/documents/EUR/25/2259/2020/); *Greece: Worrying Legal Developments for asylum-seekers and NGOs*, (Index: EUR/25/2259/2020), 4 May 2020, [bit.ly/3h4MOZZ](https://www.amnesty.org/en/documents/EUR/25/2259/2020/).

⁵² UN WGAD, Revised Deliberation No. 5 on deprivation of liberty of migrants, 7 February 2018, [bit.ly/3cLRDo4](https://www.refworld.org/docid/3cLRDo4.html), paras 12-24.

⁵³ This was the result of the new Greek law on international protection (IPA). Greece, Law 4636/2019 on international protection and other provisions, Gazette 169/A/1-11-2019, [asylumineurope.org/reports/country/greece/overview-legal-framework/](https://www.asylumineurope.org/reports/country/greece/overview-legal-framework/), Article 46.5.b; Amnesty International, *Submission on the proposed changes to the Greek Law on International Protection*, above.

⁵⁴ European Council for Refugees and Exiles (ECRE), 2019 AIDA Report on Greece, pp. 200-201.

⁵⁵ EU Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection, Article 8. Asylum-seekers should not face penalties “on account of their illegal entry or presence”: UN Convention Relating to the Status of Refugees, 28 July 1951, [refworld.org/docid/3be01b964.html](https://www.refworld.org/docid/3be01b964.html), Article 31. This rule underpins the so-called “non-penalization principle”.

5.2 OFFICIAL AND UNOFFICIAL DETENTION SITES

Greece, and especially the highly militarized region of Evros, has a large concentration of sites designed or regularly used for the reception or containment of migrants. A non-exhaustive list of facilities in Evros includes: the Komotini Immigration Detention Centre, Fylakio Reception Centre and Immigration Detention Centre, the Poros facility (“under the authority of Feres Police and Border Guard Station”)⁵⁶ as well as border guard and police stations including in Metaxades, Tycherio, Soufli, Feres, Iasmos,⁵⁷ Alexandroupoli, Didimoticho, Isaakio, Neo Cheimonio, Orestiada.

The use of official and unofficial detention sites to hold people arbitrarily has been denounced in Greece. This is the case of the Poros facility, which maintains an unclear legal standing in Greece’s detention system. In March 2020, the New York Times described it as a “secret site” to hold migrants incommunicado ahead of pushbacks.⁵⁸ Greek police have used the facility for migration-related purposes since 2012, but research has noted that since 2015, official information about the site has been scarce, suggesting its use as “an informal detention center.”⁵⁹

From 1999 to 2020,⁶⁰ the Council of Europe Committee for the Prevention of Torture (CPT) visited facilities used for holding foreigners in Evros, systematically calling on Greece to improve detention conditions. Repeatedly, including in 2011,⁶¹ 2012,⁶² 2014,⁶³ and 2019,⁶⁴ the Committee denounced overcrowding, inadequate conditions or allegations of ill-treatment from detainees in facilities in Evros. The lack of separation between women and unrelated single men was observed,⁶⁵ as were flaws in keeping custody records.⁶⁶ After a “rapid-reaction” visit in March 2020, the CPT reiterated many of these findings, lamenting how its calls since 1997 “to address the structural deficiencies in Greece’s immigration detention policy” were met by “either inaction or a minimalist approach from the Greek authorities in addressing the very serious concerns raised.”⁶⁷

In its 2020 visit, the CPT made concerning remarks on the state of custody records in facilities in Evros. The report clarified the status of the Poros facility as a temporary detention site “under the jurisdiction of the Feres Police and Border Guard Station” and used as such “at least since 29 February 2020,” but noted the absence of any evidence of registration of people detained there, as recordings were reportedly “thrown away” by officers at the end of the day. The CPT noted that this practice “lends credence” to allegations that people were held in Poros arbitrarily, and the site “served as a staging post for the pushback of migrants.”⁶⁸ Since the visit, the CPT made

⁵⁶ CPT, Report to the Greek Government on the visit to Greece from 13 to 17 March 2020, November 2020, para. 4.

⁵⁷ In April 2013, Amnesty International visited the Komotini and Fylakio Immigration Detention Centers, the facility defined at the time as the “Fylakio Initial Reception Centre”, four border guard stations in Metaxades, Tycherio, Soufli, Feres and a police station in Iasmos, for the report: *Frontier Europe* (previously mentioned).

⁵⁸ New York Times, “We Are Like Animals’: Inside Greece’s Secret Site for Migrants”, 10 March 2020, [nyti.ms/35vU0Hz](https://www.nytimes.com/2020/03/10/europe/greece-migrants-secret-site.html).

⁵⁹ Karamanidou, Lena and Kasperek, Bernd, Hidden infrastructures of the European border regime: the Poros detention facility in Evros, Greece, 8 March 2020, respondmigration.com/blog-1/border-regime-poros-detention-facility-evros-greece.

⁶⁰ CoE CPT, Reports to the Government of Greece on visits to Greece carried out: 1. from 25 May to 6 June 1997, CPT/Inf (2001) 18 [Part 1], 13 September 2001, rm.coe.int/16806964ee; 2. from 26 October to 2 November 1999, CPT/Inf (2001) 18 [Part 2], 13 September 2001, rm.coe.int/16806964f0; 3. from 23 September to 5 October 2001, CPT/Inf (2002) 31, 20 November 2002, bit.ly/3iNsk94; 4. from 27 August to 9 September 2005, CPT/Inf (2006) 41, 20 December 2006, bit.ly/2THmVpa; 5. from 20 to 27 February 2007, CPT/Inf (2008) 3, 8 February 2008, bit.ly/35taaRY; 6. from 19 to 27 January 2011, CPT/Inf (2012) 1, bit.ly/2SOLgG8; 7. from 4 to 16 April 2013, CPT/Inf (2014) 26, 16 October 2014, bit.ly/2Sxwrel; 8. from 13 to 18 April and 19 to 25 July 2016, CPT/Inf (2017) 25, 26 September 2017, rm.coe.int/pdf/168074f85d; 9. from 10 to 19 April 2018, CPT/Inf (2019) 4, 19 February 2019, rm.coe.int/1680930c9a; 10. from 13 to 17 March 2020, CPT/Inf (2020) 35, 19 November 2020, rm.coe.int/1680a06a86 and Public statement concerning Greece, CPT/Inf (2011) 10, 15 March 2011, bit.ly/3gDNvrf.

⁶¹ CPT/Inf (2011)

⁶² CPT/Inf (2012) 1

⁶³ CPT/Inf (2014) 26

⁶⁴ CPT/Inf (2019) 4

⁶⁵ CPT/Inf (2012) para. 17 and CPT/Inf (2019), para. 89.

⁶⁶ In 2019 the CPT noted the poor keeping of custody records in some establishments: CPT/Inf (2019) 4, Para. 81.

⁶⁷ CPT/Inf (2020) 35, para. 62.

⁶⁸ CPT/Inf (2020) 35, para. 24.

recommendations for the adequate registration of detainees in Poros, in response to which the Greek Government Response argued that a “Detained Persons Book” was now being kept.⁶⁹ In contradiction with this statement -as discussed in detail below- a couple of Syrians, Tariq and Rima, interviewed by Amnesty International, alleged that they were held incommunicado first in a facility in Komotini and then in the Poros site along with around 100 people, and then forcibly returned from there as recently as in September 2020.

Amnesty International questioned the Greek migration and police authorities about this incident, asking access to the records of the ‘Detained person book’ at the time. While this request was not fulfilled, the Greek Minister of Citizen Protection’s response to us of 12 April 2021 affirmed that the site is used “only as a place for short stay, until the transfer of the detected individuals to the Feres BCU [Border Control Unit]” and is not currently operational. It adds, responding to allegations that Rima and Tariq were also detained in Komotini, that “there has never been established a detention center in the area, neither has been a case of collective expulsions, from Komotini to Turkey, through the Evros river.”⁷⁰

5.3 LOCATIONS AND SITES IDENTIFIED BY THE SUBJECTS OF THIS RESEARCH

Individuals speaking to Amnesty International were, in most cases, unable to exactly identify the different locations that they were at during the return operation due to their phones being confiscated. We have been able to identify some locations based on their detailed descriptions.



HASSAN: DETAINED IN TYCHERO BORDER GUARD STATION

In Hassan’s case, discussed fully in Chapter 4, he was able to identify his place of detention.⁷¹ He was apprehended by two men in Alexandroupoli and reported being transferred to a “police station” he later identified as the Tychero border guard station, in the municipality of Soufli.⁷² Hassan was detained in Tychero for over one day and at night, he was pushed back across the river in a group of around 100 people, including children.

The CPT repeatedly observed that custody records in detention facilities in Evros are inadequate, and, with regard to the Tychero Police and Border Guard Station, specifically, it noted that the detention of people in this site in early 2020 “was not recorded in any register”.⁷³



The Tychero facility. Image: 30 July 2020, Google ©, 2021 Maxar Technologies.



⁶⁹ CoE CPT, Response of the Greek Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Greece from 13 to 17 March 2020, CPT/Inf (2020) 36, 19 November 2020, rm.coe.int/1680a06a87, p. 13.

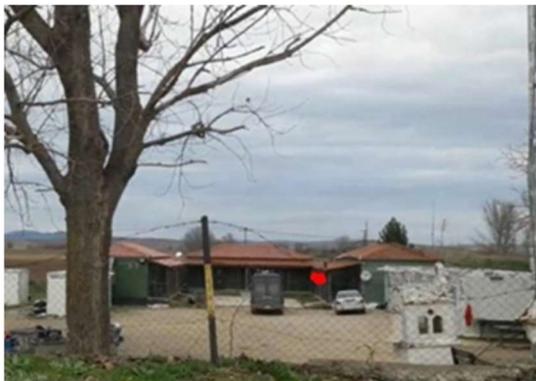
⁷⁰ Response of Dimitrios Mallios, Police Major General and Head of Aliens and Border Protection Branch of the Hellenic Police to Amnesty International communication and request for information, 12 April 2021, on file with the organization.

⁷¹ Subsequent phone interviews of 4 and 9 February, 17 and 26 March, 2 and 8 April 2021.

⁷² Hassan described the site as follows: “[...] there was no fence around [the site]. The front walls were grey, but old, the walls from inside was white. The smell inside the prison room was very bad. Behind the building was a trainline. The station was on a road [...] There were windows with bars. There was no main entrance, just two rooms [...] The building was composed of one big prison cell and one office. The two rooms are part of the same building but are separated. I could see the office when I was searched in front of the building [...] the [prison] room was long, about 20x7 meters. There were three metal beds. There was a door separating the toilet room, with three toilets inside which did not work”. Hassan was showed a picture of the interior of Tychero Border Guard Station, which he recognized as his place of detention. The picture was extracted from a video made public by alarm phone at: bit.ly/3gwtRyv.

⁷³ The CPT extended its recommendations about the maintenance of custody records to the Tychero site. CPT/Inf (2020) 35, para. 38.

TARIQ AND RIMA: HELD INCOMMUNICADO IN KOMOTINI AND POROS



The Poros facility, as marked by Tarik Photo by Lena Karamanidou, 'Figure 4: Video Still of the Poros facility', from Lena Karamanidou, Bernd Kasperek, 'Hidden infrastructures of the European border regime: the Poros detention facility in Evros, Greece', 8 March 2020. respondmigration.com/blog-1/border-regime-poros-detention-facility-evros-greece

Tariq and Rima, whose case is discussed in Chapter 4, told Amnesty that they were detained incommunicado in two separate sites before being forcibly returned on 14 September 2020. The couple reported being detained first in a site around the center of the city of Komotini,⁷⁴ then transferred to a second site in Poros. Based on information received by the organization, they were not registered nor granted an opportunity to seek asylum in either of the two facilities. They eventually identified the second facility as the site the CPT refers to as “*Poros detention facility under the jurisdiction of the Feres Police and Border Guard Station*,” discussed above.

Tariq stated that their transfer from Komotini to Poros took 1.5 hours.⁷⁵ He provided a detailed description of the appearance of the Poros facility, describing a yard and a green building composed of three blocks (defined as ‘wood cottages’), with a roof made of red bricks. Tariq stated that he and his family were detained in the ‘cottage’ on the right side. Amnesty International researchers showed Tariq and Rima the photo of the Poros detention site (picture on the left), and both confirmed this was the same place where they were detained. The couple sent back the picture with markings to indicate how the different blocks were used, indicating that families were held on the right side, and individuals on the left side. The block in the middle was said to be used by the people manning the site, described as “soldiers.” Tariq explained: “When we arrived at the detention center, there were around 120 refugees already [...] they separated families from individuals or women from men.” Upon arrival, officers searched the family and others in their group and confiscated their belongings, including shoes. They were held in Poros for approximately 3 hours.

Tariq and Rima’s story appears to corroborate the CPT’s remarks regarding the use of the Poros facility “as a staging post for the pushback of migrants.”⁷⁶

⁷⁴ The individuals reported they still had their phone in their possession at the time of their transfer to this site and they were able to trace their location on an online map. This facility was described as a building with a hall and a separate detention area with different cells where other foreigners were held, including one who was allegedly serving a 15-year sentence for smuggling.

⁷⁵ A timeframe consistent with an average driving time from Komotini city to the village of Poros.

⁷⁶ CPT/Inf (2020) 35, para. 24.

5.4 CONDITIONS OF DETENTION

“I went in with my backpack, without shoelaces. I was feeling still some sort of security, but once I got inside with mud all over my shorts and clothes I noticed it [the inside of the detention site] looked like a slave market of sorts [...] there were about 7 detention rooms side by side, with maybe 10-15 [people] in each of them and there were beds in the rooms but they did not have any mattress on, just iron beds”

Azad, pushed back in the summer of 2020

The conditions of detention sites where people were held were described in most instances as wholly inadequate and unhygienic. Descriptions of no toilets or no working toilets were common, and in one case the individual said that men would urinate and defecate on the floor of a small room. In others, there was no working sink or access to drinking water and people, including children, were told to drink from the toilet. The smell was reportedly awful in many locations.

“Inside the room there was rubbish everywhere. We stayed on the floor. In the room women and men were staying together, so it was really uncomfortable, the smell was very bad... We could move around in the room but we did not as there were so many people it was impossible to walk in the room.”

Ulfat, a Syrian woman, returned in December 2020

“I asked ‘why no food, no water? why no actual bed?’ The police said: ‘this is not a hotel; you can go to bed when you are in Turkey.’”

Azad, a 25 y.o. Kurdish man from Turkey

Some of those interviewed said they were held in overcrowded conditions or in mixed-gender groups outside of family units, including in cases involving children. Lila, a 37-year-old Syrian woman, pushed back in November 2020, stated that the site “was so crowded that no one could lie down so I put my head on a woman next to me.”⁷⁷ In two cases, sites were described as hosting as many as 100 individuals prior to the pushback.

While Amnesty International could not identify all sites described nor conclusively determine if official or unofficial sites were used, the organization considers interviewees’ allegations to be credible. In 2020, the CPT observed how “deficiencies noticeable in most, if not all, places in which irregular migrants are detained include a lack of maintenance of the building (especially the sanitary facilities), poor lighting and ventilation, insufficient personal hygiene products and cleaning materials [...]” as well as “extreme overcrowding prevalent in several facilities.”⁷⁸

The detention conditions reported by interviewees are of particular concern as they took place during the COVID-19 pandemic. People who are forced to share a living space and cannot adequately practice self-isolation or access protective measures, as in the cases of arbitrary detention described, are at particular risk of infection.

⁷⁷ Interview of 3 and 24 February 2021.

⁷⁸ CPT/Inf (2020) 35, para. 62

5.5 DETENTION AND ILL-TREATMENT OF CHILDREN AND PEOPLE AT INCREASED RISK OF ABUSE

“They treated me badly...when I had to change my child’s diaper, they did not give me one, although there were many as they had confiscated them from other refugees, and they did not allow me to use my own. When I asked them for something, I think they responded using bad words or made jokes. They were shouting at me, then looking at each other and laughing.”

Amira, a 24 y.o. Syrian woman detained with her child

“They took my phone, my money, the milk bottle for the baby and all of our belongings, they took the diapers for our child.”

Rima, detained with her husband and two children in September 2020

In 10 cases, children, infants, and/or pregnant women were detained.⁷⁹ Individuals said they were not given access to essential supplies for the health and safety of their children, like diapers or baby food, even from the supplies they brought with them because their personal items were confiscated.

⁷⁹ There is increasing consensus that the detention of migrant or asylum-seeking children violates international law and should be eradicated. Joint publication of the Initiative for Children in Migration, Child immigration detention in the EU, March 2019, bit.ly/3xrAMi5; UN WGAD, Revised deliberation No. 5 on deprivation of liberty of migrants, 2 July 2018, A/HRC/39/45, bit.ly/3gyaTYA.

6. PHYSICAL VIOLENCE AND ACTS PUTTING LIVES AT RISK

“They leave no evidence behind them at all, so when we go back, we can’t prove that we went through torture.”

Mustapha, 32-year-old man from Beni Mellal, Morocco.⁸⁰

In 17 of the 21 incidents documented by Amnesty International, individuals either directly suffered or witnessed physical violence at different points of a pushback. Abuses reported included blows with sticks or truncheons, kicks, punches, slaps. Pushes, often aimed at forcing individuals to enter vans or other vehicles, were also reported.

Some individuals described serious injuries resulting from the violence: reports of possible broken bones due to the beatings, including a man’s nose, another man’s foot and, in a particularly gruesome incident, one man’s spine and another man’s hand.

While events described in this report cannot be conclusively attributed to specific official bodies, based on the testimonies of those interviewed, Amnesty International believes that in most cases violence was committed by individuals who – by reason of their demeanor and gear – presented themselves as exercising public law enforcement functions, in some cases operating in official-looking sites or driving marked military or police vehicles and/or by civilians cooperating with the former. It is reasonable to conclude that acts of violence described were committed “by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”⁸¹

Beatings and other physical violence causing bodily harm can violate the right not to be subjected to torture or inhuman or degrading treatment or punishment and even the right to life, protected under Article 3 and 2 ECHR, to which Greece is a signatory.⁸²

Amnesty International believes that, in most cases, the actions reported by those interviewed constituted a violation of the prohibition of inhuman or degrading treatment or punishment. The

⁸⁰ Interview of 11 January 2021.

⁸¹ UN CAT, Article 1.

⁸² And corresponding provisions under other instruments, including the EU CFR, Article 4 and 2.

severity of the violence described and the strong indications of a humiliating or punitive intent behind it, led us to conclude that some actions amounted to torture. We consider this to be the case of particularly severe beatings, including those resulting in broken bones, or, as discussed below, in some instances of naked searches.

6.1 BEATINGS AND OTHER ACTS CAUSING BODILY HARM

I was beaten on my head and there was blood coming from my ear. I had eye surgery for a cataract, but since I was beaten, I cannot see very well from that eye, it is blurry.”

Nabil, a Syrian man from Damascus

“The last three guys were forced to be naked completely, without underwear, and were beaten very much with sticks and kicks and by hands. One of them...was wounded in his head... His whole body was covered with blood.”

Tariq and Rima, a young Syrian couple, whose case is discussed in Chapters 4-5



AZAD’S STORY CONTINUED: UNIFORMED OFFICERS AND CIVILIANS COOPERATE IN BEATINGS, VIOLENCE, AND PUSHBACKS

Before being pushed back in the summer of 2020, Azad was detained in what he described as an “official police station,” where uniformed “policemen” were present with a man in black clothes and a man in civilian clothes.

Upon release from their cell, he recounted: “When we got out, there were 10-12 people, all masked with balaclava and all wearing black civilian clothes, some carrying guns, some batons. They put us by the wall and one of the individuals in the group started passing in front of us going back and forth [...] then out of nowhere one of them started hitting us with the baton”. Azad stated that one unmasked man in civilian clothes present at the beating was seen earlier in the police station.

“We were thrown on the ground kicked and punched, and that person [the unmasked man in civilian clothes] was grinning at me...We were punched, kicked in the face and then with military boots they pressed on our head while [the masked men were] swearing at us. I could see my 25 years happening all over again in front of my eyes – and I was really saddened to see what level humanity has gone to.”

Azad did not think that any of the 10-12 people present at or doing the beating were among the policemen present in the morning. However, the fact that the beating occurred upon release from and on the premises of what appears to be an official detention site, and in the presence of an individual who was present in the detention site during the day, leads us to believe that the beating and ensuing pushback occurred under the coordination of, at the orders of, or, at a minimum, with the acquiescence of Greek authorities.

SAIF: BEATEN WITH OTHERS WHO HAD BONES BROKEN BY “SOLDIERS”



←  Photo sent by Saif to Amnesty International researchers to illustrate bruises acquired during a beating

Saif,⁸³ a 25-year-old Syrian man who reported being pushed back four times in August 2020, told Amnesty that on his second attempt, shortly after crossing the river in a group of around 60 adults and children, three men “ambushed” the group.

The men were described as “soldiers” in black uniforms and balaclavas with a German Shepard dog. They told the group to lie flat on the ground and to put their belongings away from them. One of the soldiers put the individuals’ phones in a black bag, while the other two guarded the group. Then, two trucks with at least 20 men described as “soldiers in camouflage” arrived.

Saif and the group were told to stand on their knees in a circle. One of the three “soldiers” walked behind them and beat them on their legs with a baton. Saif recalled that “[a man] from Damascus, tried to escape. [The soldiers in balaclava] had a German Shepard police dog so they released the dog and it ran to this guy and distracted him from running, so he fell to the ground. One of the soldiers brought him back and separated him from the rest of the group. Then, the three soldiers in black took this guy and started beating him...They beat him very much, all his body was dark blue, there was blood coming from his mouth and nose...they used sticks to beat him and I also saw them putting their feet on his face. [The man] had family with him...his wife tried to protest, she stood on her feet and she walked a little bit so one of the soldiers beat her on her head with a stick.”

Later, as all were made to board the trucks, the soldiers in balaclava pushed families and beat individuals. The group was transferred to the riverbank, where Saif recalls seeing 30-35 men (“soldiers”) in black gear and balaclava and carrying machine guns, sticks, and flashlights.

There, a second gruesome episode of violence occurred. Two men described as “Afghans” tried to escape but were stopped and ruthlessly beaten by one of the soldiers: “One of them [had] his hand broken and the second I believe had his spine broken. [The soldier] carried one of them and tried to throw him in the river but another soldier stopped him.”

Saif told us that other soldiers took the two injured men across the river to Turkey in a boat: “They carried them out, laid them on their back and started moving the rest of us.” People in the group “were on their knees in a line. Those travelling alone were closer to the river, families in the back...We were the first group on the Turkish side so we tried to help the Afghan guys but once we tried to carry them they said ‘stop, stop’...The second man whose spine I think was broken could not move at all, he could not even move his hands.” According to Saif, Turkish soldiers and an ambulance came to assist the injured.

⁸³ Interview of 5 February 2021.

6.2 VIOLENT OR ABUSIVE SEARCHES, INCLUDING STRIP SEARCHES

“They forced me to be completely naked, even without my underwear...it was in the open area between the rooms so people could see us. My wife and children were there, and they could see.”

Ali, a Syrian man travelling with his wife and children.⁸⁴

“They asked one man to undress including by removing his underwear and asked him to squat down and go up, because they thought he was hiding something between his legs. They did not care that there were women and kids.”

Omar, a 32 y.o. man from Syria.⁸⁵

“Greece authorities [described as ‘soldiers working at the borders’] ...forced us to be naked completely and then started beating us. I never got beaten this way, never in my life.”

Mustapha, a 32 y.o. man from Morocco

Individuals told Amnesty International that they were subjected to personal searches and their belongings were confiscated, and, in most cases, not returned. In some cases, people reported that searches were conducted roughly or accompanied by aggressive behavior, and that women were searched by male officers even if they protested this. In some cases, children were also searched.



OMAR: CHILDREN THROWN DOWN; WOMEN INAPPROPRIATELY SEARCHED

Omar, a 32-year-old Syrian man, told us that upon entering Greece, policemen and civilians intercepted his group and forcibly transported them back to the riverbank. There, “military officers or commandos” searched and beat some of them.

“They opened the door of the van and began to force [us] down...one by one they threw us on the floor, like we are not humans. They did this with everyone, even women and children.” He added “Their plan is to hurt us not to search.”

He added: “During the search they slapped some of us...they searched and slapped me in face and then kicked me and punched me in my stomach. I saw one woman who did not want to be searched because they wanted to touch her, so they slapped her in her face. All women were searched in all places in their bodies. They did not ask them to remove clothes. [the search was done above the clothes] with open hands [i.e. patting or frisk search] even though the woman did not accept to be searched. It was humiliating as it was a man searching a woman”

Eleven out of the 16 individuals interviewed reported enduring or witnessing men being forced to be naked to be searched, often in the presence of others including women and children. In one case men were not only forced to undress but were not given their clothes back and were made to cross in their underwear.

⁸⁴ Interview of 14 December 2020 and 12 March 2021.

⁸⁵ Interview of 2 February 2021.



LILA: SEARCHED UNDER CLOTHING BY MEN; WITNESSED NAKED MAN THROWN IN RIVER

Lila, a 37-year-old Palestinian woman from Gaza who was pushed back in November 2020, told Amnesty International about an event she witnessed at the river when being pushed back: “Before we got in the boat, they searched everyone again and seemed to be looking for money... One of the men had a mobile phone and they beat him very badly. They kicked him, hit him with sticks. Later they forced him to be completely naked, not even any underwear.”

When people were transferred across the river in smaller groups, this man was not returned with them: “A few people said to wait because he would need some help, he couldn’t walk or had any clothes. Three men were waiting for him on the bank. The soldiers threw the man in the river and the three men had to go in the river and get him.”

She added: “They [“commandos”] searched the women under their clothes in the sensitive places. [...] We felt really abused but we could not do anything. [...] At least in the prison place they brought women soldiers to do this, but men searching in this way [...] they were not just searching but touching in places... When they searched the women, no one dared to protest or look up... Through the searching, one of the soldiers was searching a woman, and a woman next to her tried to look at how the searches were happening, and the soldier kicked her in her back.”

As procedures that inherently interfere with individuals’ personal sphere, dignity and integrity, body searches are thoroughly regulated by human rights law; they should be conducted by competent state authorities, as part of institutional procedures, and by a person of the same gender.⁸⁶ An assessment of the necessity, legality, and proportionality of the search must be in place⁸⁷ and it should be conducted with the least intrusive means.⁸⁸ They must not be used “to harass, intimidate or unnecessarily intrude upon a prisoner’s privacy.”⁸⁹

Intrusive searches “may only be undertaken where absolutely necessary.”⁹⁰ Strip searches and invasive body searches conducted in a humiliating manner can constitute torture or other ill-treatment.⁹¹ Factors considered when assessing whether the threshold is met include the underlying “intention to degrade or humiliate” by the searching officers,⁹² or the presence of women during a male strip search,⁹³ both elements raised by individuals speaking to Amnesty International.

Individuals enduring the searches and other violence consistently described those responsible as unidentified uniformed officers and/or civilians, sometimes cooperating with the former. Searches documented above likely occurred in a wholly arbitrary and unlawful procedure, and Amnesty International believes that allegations of naked searches described above violated the prohibition of inhuman or degrading treatment. In some instances documented, naked searches, such as those accompanied by severe physical violence, due to their inherent invasiveness, the strong indications that they were conducted with an intent to humiliate and intimidate, the overall context

⁸⁶ EU 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, Recital 35 and Article 13; UN General Assembly, United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules), 6 October 2010, [A/C.3/65/L.5, refworld.org/docid/4dcbb0ae2.html](https://www.refworld.org/docid/4dcbb0ae2.html), Rule 19.

⁸⁷ UN General Assembly, United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), 8 January 2016, A/RES/70/175, [refworld.org/docid/5698a3a44.html](https://www.refworld.org/docid/5698a3a44.html), Rule 50.

⁸⁸ UN General Assembly, Code of conduct for law enforcement officials, 5 February 1980, A/RES/34/169, [refworld.org/docid/48abd572e.html](https://www.refworld.org/docid/48abd572e.html), Art. 2; UN Committee against Torture, Concluding Observations, Hong Kong Special Administrative Region of China, CAT/C/HKG/CO/4, 19 January 2009, para. 10, (recommendations a and b), [digitallibrary.un.org/record/647022?ln=en](https://www.digitallibrary.un.org/record/647022?ln=en).

⁸⁹ UN Mandela Rules, Rule 51.

⁹⁰ UN Mandela Rules, Rule 52; Amnesty International, *Combating torture and other ill-treatment – A manual for action*, (Index: POL 30/4036/2016), 11 November 2016, [amnesty.org/download/Documents/POL3040362016ENGLISH.PDF](https://www.amnesty.org/download/Documents/POL3040362016ENGLISH.PDF), references in footnote 138.

⁹¹ Amnesty International, *Combating torture and other ill-treatment*, footnote n. 140, citing *Boodoo v Trinidad and Tobago*, HRC, UN Doc. CCPR/C/74/D/721/1996 (2002) paras. 6.5, 6.7; Concluding Observations of CAT: Qatar, UN Doc. CAT/C/QAT/CO/1 (2006) para. 21, *López-Álvarez v Honduras* Inter-American Court (Ser. C) No. 149 (2006) paras. 54(12), para. 107.; See also European Prison Rules, June 2006, [rm.coe.int/european-prison-rules-978-92-871-5982-3/16806ab9ae](https://www.rm.coe.int/european-prison-rules-978-92-871-5982-3/16806ab9ae), Rule 54.6-7.

⁹² ECHR, *Iwanczuk vs Poland*, application no. 25196/94, 15 November 2001, paras. 57-59; *Arai-Yokoi, Yutaka, Grading Scale of Degradation: Identifying the Threshold of Degrading Treatment or Punishment under Article 3 ECHR*, Netherlands Quarterly of Human Rights. 2003;21(3):385-421, [corteidh.or.cr/tablas/r30903.pdf](https://www.corteidh.or.cr/tablas/r30903.pdf), *Lorse’ and Others vs the Netherlands*, Judgment of 4 February 2003, paras. 70-74 and *McFeeley and Others vs UK*, No. 8317/78, 15 May 1980, paras. 60-61.

⁹³ *Arai-Yokoi, Yutaka*, footnote no. 129.

in which they took place, and the resulting psychological and physical harm may also have amounted to torture.

6.3 DEATH RESULTING FROM FAILURE TO RESCUE

The crossing of the Evros river can present serious risks for people. The Greek Police informed Amnesty International that between October-November 2020, authorities conducted at least three search and rescue operations in the region, rescuing “at least 35 individuals.”⁹⁴



MUSTAPHA: FORCED TO JUMP IN RIVER, WATCHED A MAN GET SWEEP AWAY WHILE OFFICERS STOOD IDLE

Mustapha, a man from Morocco, told us that as he and a group of ten more men were pushed back early on 30 November 2020, they were forced to jump into the river 10-15 meters from an islet off the dinghy used to transport them.

Another man of Moroccan origin who was unable to swim and was the last person left in the boat protested vociferously against jumping in but was forced off of the boat into the water anyway. Mustapha said: “[The man] was screaming for help, was going under and back up; the soldiers and men on the boat just watched him doing nothing. The water took him away and we never saw him again.”

The boat was reportedly driven by two individuals in civilian clothes, but four individuals in military uniforms directed the operation from the Greek side of the river. According to Mustapha, the uniformed individuals gave the civilians sticks which they used to force people into the water. Neither the civilians nor the uniformed individuals took action to rescue the man in the water and left the scene once the rest of the group reached the islet, taking the boat with them.

Amnesty International raised the incident in a letter to the Greek police. In its response of 12 April 2021, the Police could not confirm the incident.⁹⁵

⁹⁴ Response letter to Amnesty International by Dimitrios Mallios. According to it, six dead bodies were recovered in Evros since 30 November 2020, and the origin of only two of them was identified.

⁹⁵ Response letter to Amnesty International by Dimitrios Mallios.

7. PUSHBACKS AND ABUSES BY TURKISH BORDER FORCES

“We didn’t see the soldiers before crossing back, but the Turkish soldiers must have heard us and came. They beat everyone...they even shot their weapons in the sky.”

Farah, a Syrian woman who was beaten in a group with others after crossing back to Turkey following a failed attempt to travel to mainland Greece.⁹⁶

Testimonies heard by Amnesty International provide an alarming insight into continued political tensions between Turkish and Greek border authorities in the Evros region. People continue to be used as pawns in a political game,⁹⁷ at times being “ping-ponged” back and forth across the river, unnecessarily putting the lives of children and adults at risk.

People interviewed by Amnesty International reported varied treatment by Turkish authorities during their journey and/or pushback. In some cases, people reported that Turkish authorities (described as “soldiers” or “officers”) provided rescue, food and water, and other support to pushback victims and facilitated medical treatment for severely injured people.

However, the organization also heard allegations that Turkish “officers” at the Evros border threatened individuals attempting to cross into Greece not to return to Turkey and pushed - or attempted to push - people back to Greece or to islets in the middle of the river after finding them, failed to promptly rescue people stranded on an islet in the river, or used excessive force and beatings to intimidate people not to return or prevent them from re-entering the territory.⁹⁸

⁹⁶ Interviews of 25 January and 3 February 2021.

⁹⁷ Amnesty International, *Europe: caught in a political game*, (previously mentioned).

⁹⁸ Based on descriptions given to Amnesty International, Turkish authorities described as “officers” appear to be border force authorities belonging to the police or the army. These individuals are stationed along the border region and were encountered by people interviewed either prior to crossing or after crossing. In some cases, individuals reported being conducted to Turkish facilities described as “military bases”.

7.1 PUSHBACKS TO ISLETS AND DELAYED RESCUE

Amnesty International has documented incidents of both Greek and Turkish authorities forcing people onto islets in the river Evros, likely as a tactic to eschew responsibility for them and for their safety.⁹⁹ These actions could be indicative of ongoing tense relations between the two states, and could constitute an attempt from each side to push the other to yield. These islets in the river are not permanently above water and are mostly abandoned, small pieces of land offering no shelter, food, or potable water.



MUSTAPHA'S STORY CONTINUED: ABANDONED ON AN ISLET FOR DAYS

Mustapha, whose story is detailed in the previous chapter,¹⁰⁰ told us that he was pushed back with a group of 10 men and deposited on one such islet, where 30 others of various nationalities were already stranded for one week, including three women and a family with three young children.

Mustapha told us: “The next morning [later that day] we tried to cross to the Turkish side...about 150 meters away. We tried to get to the Turkish bank by holding hands because the water wasn’t so deep, but the Turkish soldiers wouldn’t allow us back and told us to go back to the island. There were four Turkish soldiers on the bank, and a patrol car coming back and forth every 15 minutes or so. The soldiers had military uniforms and machine guns.” Mustapha stated that Turkish authorities repeatedly told them that they were not authorized to rescue them or allow them onto Turkish territory.

The following day, the family with children was rescued by Turkish authorities, but no one else was permitted to leave. Those who were stranded were in miserable conditions due to the cold and wet weather, “One of the men had a broken hand and they [the Greek officers] had taken his heavy [warm] clothes. It was raining—it was too much suffering; I have never faced something like this before.”

Mustapha’s testimony indicates that Turkish authorities were aware of their presence, as patrols were regularly present and visible from the islet, and they did provide food and water to the group every two days. From the date of Mustapha’s pushback, Turkish authorities failed to rescue the people remaining on the islet for four days, until they were eventually assisted by AFAD, the Turkish disaster management organization.

⁹⁹ These islets emerge and disappear in the river Evros based on flows, water volume, and the seasons.

¹⁰⁰ Interview of 11 Jan 2021.

7.2 THREATS, INTIMIDATION, AND USE OF FIREARMS

“When we reached the Turkish border we were hiding from Turkish military as if they saw us they would send us back to Greece...but as we were walking a military group stopped in front of us and said you have to go back to Greece. I told them ‘please we can’t go there we don’t have food, money, water; we can’t go back to Greece.’”

Ulfat, a Syrian woman returned in December 2020

In nine incidents, individuals stated that Turkish officers intimidated or threatened them either before they attempted a crossing or as they attempted to re-enter Turkish territory. Intimidation prior to crossing occurred in the form of direct or implied threats not to return—four people told Amnesty that Turkish soldiers found them and others they were with and took their photographs. In two of those, Turkish officers told the groups that the photos were “to remember them” if they were to return and, in one of these two, the group was told explicitly that they would be punished if they returned.¹⁰¹

Farah, a 32 year old Syrian woman from Raqqa, told us that she and the group she travelled with in late November 2020 encountered four Turkish soldiers who beat them with sticks, pointed guns at them, and even fired their weapons into the air as they returned from Greece to Turkey after a failed attempt to cross into the Greek mainland.¹⁰² Prior to crossing, Farah recalled the same soldiers had been kind to them, bringing food and “chatting.”

In two cases, including Farah’s, individuals told Amnesty International that Turkish officers used firearms when encountering a group that had just returned from the Greek side of the river. In Farah’s case, they were used to intimidate her group to turn back around and cross into Greece, but in the other event, Turkish soldiers were described shooting firearms in the air and quickly moving towards the river as a reaction to being informed that a pushback was taking place.

Hassan, introduced previously, explained this incident. He told Amnesty international what happened to him after he and his group were pushed back: “The Turkish military stopped us and asked, ‘What are you doing here?’ Some...answered that Greek soldiers pushed us back just now. After they heard that, he [the soldier] fired in the sky and they [Turkish military] started running to the river.” Hassan said that he and his group started running the opposite way away from the river but heard multiple shots as they escaped.¹⁰³

7.3 DETENTION AND RETURNS BACK TO GREECE



AMIRA: PUSHED BACK, THEN HELD AT A TURKISH ‘MILITARY BASE’ WITH HER YOUNG CHILD

Amira and her toddler were victims of a mass pushback with over 100 people from Greece in December 2020, only to be captured and detained by Turkish officers shortly after. Amira recalled: “We walked around one hour, then a Turkish military jeep came. There were five soldiers inside. They told us to sit down on the ground, they took pictures, not one by one but for many refugees together. They made calls, and then a big military truck came, and they took us to a base. They asked us where we are from and where we were pushed back from. Then, they told us, ‘you are not going home, you should go back to Greece.’”

¹⁰¹ Interviews with four people, January and February 2021.

¹⁰² Interview of 3 February 2021.

¹⁰³ Interview of 17 March 2021.

Amira recounted that these officers held her group arbitrarily for approximately four hours without access to communication with the outside world in what she referred to as a “base” before finally letting 12 women go who had small children with them.¹⁰⁴ Everyone was not so lucky, however, and she told Amnesty International that during the time she was detained the Turkish soldiers took a smaller group of 20-30 people and told them that they were going to push them back to Greece. They were taken away on a truck, and stated that after about 15-20 minutes: “We heard the bullet sounds—and when the refugees came back, the Turkish officers brought them [back to the base], they [the refugees] said ‘we were scared we were close to dying.’”

Amira was told by the group returning to the base that, once they stepped into the boat, Greek soldiers were on the bank and started shooting. The boat flipped, and the people tumbled out into the cold water and were very cold upon return to the base. Luckily, there were no reported injuries because of the shooting.

Men, women, and at least one child were forced to remain at the base after the 12 women with small children were released. Amira kept in contact with some of the people in that group, who told her that the Turkish authorities held the group for the entire day and waited until nightfall to again push them back across the river into Greece.

¹⁰⁴ Amira did not report any mistreatment while being held and stated that Turkish authorities did provide food and juice for people to eat and drink.

8. PUSHBACKS AND ACCOUNTABILITY: THE BEST-DOCUMENTED HUMAN RIGHTS VIOLATIONS THAT ‘NEVER OCCURRED’

“Greek authorities constantly say pushbacks are fake news. As a lawyer, I heard cases involving more than 200 people. Not every migrant and refugee can lie.”

Esin Bozovali, a lawyer in Istanbul.¹⁰⁵

For years, Greece has failed to take responsibility for or conduct adequate investigations into allegations of pushbacks, instead opting to deny their regular occurrence and Greek authorities’ involvement in them. Greece’s firm, monotonic refutation of pushback allegations is completely untenable in the face of the mounting evidence documenting this practice.¹⁰⁶

On top of the staggering number of incidents reported by Civil Society Organizations (CSOs) between 2020-2021, the European Parliament, the CoE CPT and Commissioner for Human Rights, UNHCR, IOM and the Greek Ombudsman¹⁰⁷ have all expressed concern or called for

¹⁰⁵ Interview of 16 March 2021.

¹⁰⁶ Amnesty International and other NGOs, “Greece: Joint open letter to members of the Hellenic Parliament calling for an investigation into border abuses”, Index: EUR 25/3196/2020, 6 October 2020, [amnesty.org/en/documents/eur25/3196/2020/en/](https://www.amnesty.org/en/documents/eur25/3196/2020/en/).

¹⁰⁷ Greek Ombudsman, Interim report - Own initiative investigation by the Greek Ombudsman on alleged pushbacks to Turkey of foreign nationals who had arrived in Greece seeking international protection, (updated up to 31 December 2020), 28 April 2021, https://www.synigoros.gr/resources/060521-pushbacks-interim-report_eng.pdf.

investigations into pushbacks. Yet, in 2020, Greek authorities maintained their denial, dismissing pushbacks as “fake news” fabricated by Turkey and/or smuggling networks.¹⁰⁸

To make matters worse, the work of organizations active in monitoring and reporting on pushbacks and rights violations at sea in Greece is being obstructed. In late 2020, serious criminal charges, including smuggling-related, were announced against several NGOs.¹⁰⁹ The continued criminalization of civil society in Greece risks to irreparably damage its ability to provide services and report violations.¹¹⁰

The question must be asked as to what is hampering the pursuit of accountability for human rights violations at Greek borders, considering the large body of evidence corroborating the country’s continued use of pushbacks at land and sea, confirmed by the events documented in this report. In this chapter we explore some of the factors that may play a role.

8.1 THE LACK OF EFFECTIVE REMEDIES

Routes of redress for pushbacks victims have so far proved to be generally inadequate or ineffective in practice.¹¹¹ Accessing remedies for violations that occurred in Greece can be complicated or time-consuming for pushback victims who are in Turkey. Esin Bozovali, a lawyer in Istanbul, told Amnesty International, that some of the pushbacks cases she represents were escalated to the European Court of Human Rights due to the difficulties in accessing procedures in Greece. Meanwhile, people who do eventually make it back into Greece are stymied by an inadequate protective framework for disclosing what happened to them and the fear that reporting may negatively affect their status or asylum applications.¹¹²

Victims of pushbacks who do manage to re-enter Greece can report violations by filing a criminal complaint to the office of the Greek public prosecutor, requesting an investigation into the abuse suffered and for those responsible to be identified and sanctioned at a criminal and disciplinary level, as appropriate.¹¹³ However, criminal complaints cannot achieve the readmission of victims into Greece, and, so far, many complaints concerning pushback incidents remain pending or

¹⁰⁸ VOA, “UNHCR, EU Slam Greece Over Migrant Pushbacks, Abuse,” 21 November 2020, voanews.com/europe/unhcr-eu-slam-greece-over-migrant-pushbacks-abuse; EU Observer, “Greek minister says people-smugglers behind ‘fake news’”, 30 March 2020, euobserver.com/migration/151392

¹⁰⁹ EU Observer, “NGO rebuts Athens’ charge of aiding people smugglers”, 9 December 2020, euobserver.com/migration/150316.

¹¹⁰ Amnesty International, *Europe: Punishing Compassion: Solidarity on trial in Fortress Europe* (INDEX: EUR/01/1828/2020), 3 March 2020, [amnesty.org/en/documents/eur01/1828/2020/en/](https://www.amnesty.org/en/documents/eur01/1828/2020/en/) and *Greece: regulation of NGOs working on migration and asylum threatens civic space*. 31 July 2020, index: EUR 25/2821/2020, [amnesty.org/en/documents/eur25/2821/2020/en/](https://www.amnesty.org/en/documents/eur25/2821/2020/en/).

¹¹¹ European Center for Constitutional and Human Rights (ECCHR), *Report for the Special Rapporteur on pushback practices and their impact on the human rights of migrants at European land borders*, ecchr.eu/fileadmin/Juristische_Dokumente/ECCHR_REPORT_UN_SR_PUSHBACKS.pdf

¹¹² Lawyers from the NGO HR360 told Amnesty International that “there is no provision on victims protection, for instance some humanitarian residence permit, if [victims] testify about a pushback” and “In registration forms I see people indicating ‘multiple crossing’ but mentioning pushbacks does not affect positively or negatively [your asylum application].” Interview of 11 March 2021.

¹¹³ In a letter of 12 April 2021 to Amnesty International, the Greek Police reported a pending disciplinary investigation into an incident of June 2020 regarding an “illegal readmission to Turkey”. Response of Dimitrios Mallios, Police Major General, above. The Greek Ombudsman report of 2021 mentions other “preliminary inquiries” into police behaviour. Greek Ombudsman, Interim report, above.

have been archived.¹¹⁴ Among others, the legal NGO Greek Council for Refugees (GCR)¹¹⁵ brought three criminal complaints before the Prosecutor's offices of Orestiada and Alexandropouli concerning incidents of 2019 in Evros. In two of them, appeals are currently pending, whereas GCR's appeal in the third case was rejected and the case is now before the ECtHR, following an application filed by the organization in March 2021.¹¹⁶ In a welcome recent development, on 12 May 2021, the office of Greece's Supreme Court prosecutor transmitted a criminal complaint concerning 147 incidents of pushbacks occurred between March and December 2020, filed by the Greek Helsinki Monitor (GHM), to 16 first instance prosecutors across Greece, for their investigations of the events.¹¹⁷

Several other complaints regarding pushbacks and violations by Greece border forces are also pending before the ECtHR. One case concerning an incident in Evros in February 2020 has been communicated to Greece, which is now expected to answer the Court's questions.¹¹⁸ A case concerning a pushback via sea from Samos in September 2020 was brought before the ECtHR in March 2021 by the legal organization GLAN.¹¹⁹ If successful, these cases would set key precedents for the rights of refugees and migrants. However, they are time-consuming and unable to deliver immediate relief to victims.

Non-judicial complaints of pushbacks can be brought to the Greek Ombudsman, which acts as the National Mechanism for investigating police's arbitrariness and oversees return procedures. In 2017, the Ombudsman launched an ex-officio investigation into pushbacks in the Evros area, publishing its interim findings only in April 2021. It investigated 15 complaints of pushbacks in the Evros region and, under its mandate as National Mechanism for Police's behavior, six cases where findings are pending or under assessment. While the report expresses lukewarm concerns about pushbacks and the Greek authorities' response to them, by the Ombudsman's own admission, its limited mandate and lack of tools and means constrains the effectiveness of this mechanism to produce conclusive findings.¹²⁰

Other non-judicial remedies exist in the context of **Frontex**, which have received strong criticism for their inadequacy.¹²¹ These include the possibility for Frontex staff to file "Serious Incident Reports" (SIRs) alleging fundamental rights violations, and Frontex's own Complaint Mechanism, which is open to "anybody directly affected by the actions or failure to act of any staff," who considers themselves to be a victim of human rights violations.¹²² In 2020, only a very limited

¹¹⁴ In a response letter to Amnesty International of 21 May 2021, the Hellenic Coastguard detailed the state of investigations into five cases of "alleged forced returns", most of which initiated following reports of the GHM: i. one incident at sea, near Samos, of January 2019, described as being currently pending before the Court. Based on information by the GHM to Amnesty International, the case has been archived. ii. An incident of January 2020 concerning a group of migrants allegedly "taken back to the Turkish territory against their will by Hellenic Police" from Alexandropouli, described as pending. iii. An incident at sea, near Kos, in March 2020, archived in October 2020. iv. An incident at sea of April 2020, which was described as under 'penal evaluation' as of the date of the letter but, according to information by the GHM on 17 June 2021, appears to have been archived; v. an incident at sea near Lesbos, of 13 June 2020, also archived. Letter to Amnesty International by Rear admiral HCG Aristeidis Pantazoglou, Director General for security and law enforcement, Directorate of security and sea border protection, Integrated maritime surveillance bureau of the Hellenic Coastguard. In relation to 'case iii', the GHM informed Amnesty International that with the decision to archive the case, the Greek authorities simultaneously archived a separate complaint raised in August 2020 by the GHM in the context of the investigations into 'case iii'. The separate complaint concerned 36 other incidents. Racist Crimes Watch, "Indictment report for 1389+ illegal repatriations of aliens (March - July 2020)", 27 August 2020, racistcrimeswatch.wordpress.com/2020/08/27/2-244/

¹¹⁵ EU Fundamental Rights Agency (FRA), Migration: Fundamental rights Issues at land borders, 8 December 2020, fra.europa.eu/sites/default/files/fra_uploads/fra-2020-land-borders-report_en.pdf, P. 24.

¹¹⁶ Email exchange with lawyers from GCR on 18-19 May 2021.

¹¹⁷ Racist Crimes Watch, "16 Greek prosecutors investigate GHM complaint on 147 pushbacks or deportations of 7000+ foreigners" 4 June 2021, racistcrimeswatch.wordpress.com/2021/06/04/2-294/.

¹¹⁸ ECtHR, *L.A. and Others v. Greece and A.A. v. Greece* Application nos. 12237/20 and 12736/20 hudoc.echr.coe.int/eng/#%7B%22itemid%22%3A%5B%5C%22001-202800%22%5D%7D. Other cases pending before the ECtHR include those relating to the deaths of Muhammad Gulzari and Muhammad al-Arab (*M.T. v. Greece*, application no. 12288/20), and the disappearance Nadera Almonla, all also documented by Amnesty International in 2020. Amnesty International, *Letter to the Committee on Civil Liberties, Justice and Home Affairs (LIBE) of the EU Parliament*, 6 July 2020, amnesty.eu/wp-content/uploads/2020/07/AI-Advocacy-letter_LIBE_6-July-2020.pdf

¹¹⁹ GLAN, "'Drift-backs' and torture on the Aegean" 23 March 2021, glanlaw.org/aegean-push-backs.

¹²⁰ Greek Ombudsman, Interim report, above, p. 28 (VII. Findings).

¹²¹ Including: Frontex's Working Group on Fundamental Rights and Legal Operational Aspects of Operations in the Aegean Sea (FRALO), Conclusions of the Management Board's meeting on 5 March 2021 on the report of its [FRALO], 5 March 2021, bit.ly/3zKcUsa.

¹²² Frontex, Complaints Mechanism explanation and instructions, frontex.europa.eu/media-centre/multimedia/videos/complaints-mechanism-tKAj1m#:~:text=It%20allows%20anybody%20directly%20affected,act%2C%20or%20any%20party%20representing

number of SIRs were reported concerning the Greek-Turkish land border and some formal complaints concerning Greece. The Frontex Consultative Forum has repeatedly questioned the low number of serious incidents reports in the face of persistent allegations of pushbacks at the Greek-Turkish border.¹²³

The need for an effective, independent avenue to monitor human rights at the border has been at the core of the calls by civil society to expand the scope of the EU proposal for an “independent monitoring mechanism” (IMM), part of the “screening procedure” proposed in the EU migration pact of September 2020.¹²⁴ Amnesty International considers that an adequate IMM cannot do without strong safeguards to ensure its real independence and ability to achieve accountability and redress.¹²⁵ The IMM should be accessible to victims both in theory and in practice, and be equipped with tools to empower and protect them and other reporting actors from any form of criminalization or retaliation during and after reporting.

8.2 BEYOND PROSECUTIONS: CHALLENGES IN THE PROTECTION OF VICTIMS OF PUSHBACKS IN GREECE

Since 2019, Greece’s treatment of refugees and migrants in law and practice has undergone a steady deterioration, with migration and criminal law being increasingly used to deter entry.¹²⁶ From March 2020, Greek prosecutors began charging asylum-seekers for irregular entry, with severe sanctions, reversing the trend whereby charges for this “crime” were not brought in line with the principle of non-penalization of refugees.¹²⁷ Prosecutions have continued beyond the temporary suspension of asylum in the country.¹²⁸

These factors, read in conjunction with the absence of a solid framework for the protection of the victims of human rights violations at the borders and a dominant narrative advocating the primacy of border control, can also contribute to obstruct reporting of violations.

EU law does provide protection to victims of crime, irrespective of their residence status, through Directive 2012/29.¹²⁹ However, while providing for forms of assistance and support, this tool does not foresee residence rights for undocumented victims,¹³⁰ as is the case, for instance for situations covered by the Council of Europe Istanbul Convention countering violence against women and domestic violence,¹³¹ or by the EU Directive 2004/81/EC on residence permits for victims of trafficking.¹³² Some countries, including Greece, provide targeted protection to

¹²³ Frontex Consultative Forum on Fundamental Rights, Seventh Annual Report, 2019,

frontex.europa.eu/assets/Partners/Consultative_Forum_files/Frontex_Consultative_Forum_annual_report_2019.pdf, p. 25.

¹²⁴ EU Commission, New Pact on Migration and Asylum, 23 September 2020, ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/new-pact-migration-and-asylum_en.

¹²⁵ Amnesty International and others, Joint letter “Turning rhetoric into reality: New monitoring mechanism at European borders should ensure fundamental rights and accountability” (INDEX EUR 01/3320/2020), 10 November 2020.

[amnesty.org/download/Documents/EUR0133202020ENGLISH.PDF](https://www.amnesty.org/download/Documents/EUR0133202020ENGLISH.PDF)

¹²⁶ Amnesty International, *Submission to the Committee of Ministers in the M.S.S. and Rahimi groups of cases v. Greece*, above.

¹²⁷ Amnesty International, *Europe: caught in a political game*, p. 13.

¹²⁸ EU FRA, Migration: Fundamental rights Issues at land borders, p. 27.

¹²⁹ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32012L0029. The Directive is transposed into Greek law through Law 4478/2017, lawspot.gr/nomikes-plirofories/nomothesia/nomos-4478-2017.

¹³⁰ The committees overseeing the Directive’s implementation welcomed the initiative of some Member States to grant undocumented victims a “residence permit on humanitarian grounds or for the duration of criminal proceedings”. EU Parliament, Committee on Civil Liberties, Justice and Home Affairs, Committee on Women’s Rights and Gender Equality, Report on the implementation of Directive 2012/29/EU, 14 May 2018, europarl.europa.eu/doceo/document/A-8-2018-0168_EN.html, para. 13.

¹³¹ PICUM, Guide to the EU victims’ directive: advancing access to protection, services and justice for undocumented migrants, November 2015, http://picum.org/wp-content/uploads/2017/11/VictimsDirectiveGuide_Justice_EN.pdf, p.7, referring to Article 59 of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the “Istanbul Convention”), November 2014, ISBN 978-92-871-7990-6, refworld.org/docid/548165c94.html

¹³² EU Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, refworld.org/docid/50ec1e172.html; Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action

undocumented victims of other crimes, but these remedies are not specific to actions affecting migrants and refugees or committed in the context of border control, and do not appear to have been used in this sense.¹³³

Because of the lack of protections and other factors above, the disclosure of personal details can be a major obstacle when accessing remedies. Victims' preference to remain anonymous could be linked to a valid fear of repercussions in Greece,¹³⁴ since the very authorities who may have been involved in pushing them back are also the ones to whom they would have to report these crimes, or they may want to avoid prejudicing their status in the country. As noted by a lawyer from the organization Human Rights 360 (HR360): *"if [pushbacks victims who re-enter Greece] are applying for asylum, they are afraid. They want to forget and go on with their life without further complications in their asylum process."*¹³⁵

Difficulties in reporting or corroborating allegations are further compounded by the lack of hard evidence, which is often conveniently destroyed during the course of a pushback, the lack of records concerning the return operation and the difficulty in identifying perpetrators who are often wearing masks and not easy to identify.¹³⁶

8.3 THE EU'S COMPLACENCY

The EU seems to struggle to reconcile its human rights commitments with its role in border control in Greece. Following the brutal repression of people at the Turkish borders in February-March 2020, in a comment illustrative of the EU's prioritization of border control over human rights, Commissioner Ursula von der Leyen labelled Greece as Europe's shield.¹³⁷ Meanwhile, Frontex maintains the biggest contingent of officers deployed in Greece, and has even reinforced its presence during and after the February-March 2020 border situation.¹³⁸ At the time, Amnesty International urged Frontex to withdraw from operations in the country,¹³⁹ arguing that the emerging evidence of serious human rights violations could impact its engagement and lead to complicity. Our calls were unanswered and, even after pushbacks and violence were widely documented, in May 2020 Frontex extended its Rapid Border operations.¹⁴⁰

All incidents in this report allegedly took place in areas where Frontex is operational. However, little clarity exists as to the number, origin, and location of deployment of Frontex officers (including

to facilitate illegal immigration, who cooperate with the competent authorities, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32004L0081>.

¹³³ Taverriti, Sara Bianca, Safe Reporting of Crime for Victims and Witnesses with Irregular Migration Status in Italy, September 2019, compas.ox.ac.uk/wp-content/uploads/SR19-Italy-country-report.pdf, p. 15-24; PICUM, Guide to the EU victims' directive, p. 31. Victims of violent pushbacks in Greece could under certain conditions be protected under the national legislation on the granting of residence permits on humanitarian grounds to victims and witnesses of certain crimes, such as those involving threats to life and physical integrity, provided that an investigation has started or prosecution is brought. The Racist Violence Reporting Network (RVRN) reports that victims or witnesses of hate crime, who are also eligible for this type of permit, appear to face challenges. Interview with RVRN representatives on 9 June 2021. RVRN, Submission to the Committee of Ministers of the Council of Europe for the supervision of the execution of judgments in the case of *Sakir v. Greece*, No. 48475/09, at: rnrn.org/wp-content/uploads/2020/12/Rule-9.2_Sakir-v.-Greece_RVRN-Submission_rev_fn.pdf. Greek Law N° 4251/2014 enacting the Code of Immigration and Social Integration, and other provisions, ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=100567, Article 19A. Greek Law N° 4332 of 2015 amending the provisions of the Code of Greek Citizenship and the provisions of Law N° 4251 of 2014 [...], ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=102283.

¹³⁴ As evidenced by personal data not being disclosed in cases in the Greek Ombudsman Report. In one case, the Ombudsman's suggests victims' hesitation to be identified, for fear of risks to their safety, also affected the investigation. Greek Ombudsman Interim Report, Footnote 31.

¹³⁵ Interview of 11 March 2021.

¹³⁶ Interview with Esin Bozovali, a lawyer in Istanbul.

¹³⁷ The Guardian, "Migration: EU praises Greece as 'shield' after Turkey opens border", 3 March 2020, theguardian.com/world/2020/mar/03/migration-eu-praises-greece-as-shield-after-turkey-opens-border

¹³⁸ In Greece, Frontex works through the Joint Operation Flexible Operational Activities (FOA Land 2021), between March and October 2020, two rapid border intervention teams at land and sea. Letter by Police Major General Dimitrios Mallios; Frontex, "Frontex launches rapid border intervention on Greek land border", 13 March 2020, frontex.europa.eu/media-centre/news/news-release/frontex-launches-rapid-border-intervention-on-greek-land-border-J7k21h and Amnesty International, *Submission to the United Nations Special Rapporteur on the human rights of migrants*, above.

¹³⁹ Amnesty International, *Europe: Caught in a political game*, above; Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard.

¹⁴⁰ Twitter status by Frontex of 21 May 2020, twitter.com/Frontex/status/1263386853912305665

whether they are deployed in the proximity of the border),¹⁴¹ which affects the transparency and accountability of the agency's actions.¹⁴² Amnesty International raised preliminary concerns about the incidents in this report to Frontex and requested further information about their operations and placement of officers on 2 April 2021. Frontex only answered our request on 31 May 2021, failing to address our requests for information on the merits, and ultimately rejecting that the agency had any responsibility in the incidents alleged.

Attempts to establish Frontex's responsibility in pushbacks were limited to the creation of a "Working Group on Fundamental Rights and Legal Operational Aspects of Operations in the Aegean Sea (FRALO)", under Frontex's Management Board. However, the Group could not establish Frontex's responsibility for incidents considered, and the inquiry did not look into cases in the Evros region. However, the FRALO reports brought to the fore serious gaps in the fundamental rights reporting and accountability mechanisms established by Frontex, which the Agency has been called to address.¹⁴³

¹⁴¹ Lena and Kasperek, Bernd, Fundamental Rights, Accountability and Transparency in European Governance of Migration: The Case of the European Border and Coast Guard Agency Frontex, Global Migration: Consequences and Responses – Working Paper Series, RESPOND 2020, 31 July 2020, p. 63.

¹⁴² Research indicates that information about Frontex's officers' deployment and assets were not revealed for "security reasons". Karamanidou, Lena and Kasperek, Bernd, above, p.56.

¹⁴³ Frontex, Conclusion on the report of the FRALO, March 2021, footnote no. 120.

9. CONCLUSIONS AND RECOMMENDATIONS

This research provides a disturbing confirmation that Greek authorities continue to violate the rights of people on the move through the systematic use of pushbacks (unlawful forced returns) to Turkey via sea and land borders, including in the form of collective expulsions. These practices are, in most cases, carried out through the threat or use of violence and arbitrary detention. In some cases, they affected people with a registered protection status in Greece. Pushbacks systematically prevent people's access to protection procedures in the country.

Authorities' failure to acknowledge or effectively investigate pushbacks, combined with the lack of effective remedies for victims and the continued criminalization of NGOs, contributes to maintain this dangerous status quo.

The research also suggests that Turkish authorities sometimes engage in practices that endanger refugees and migrants, including by threatening or pressuring them to return to Greece, pushing them back or failing to promptly rescue people in need.

In view of the above, Amnesty International makes the following recommendations:

TO THE GREEK AUTHORITIES

- Immediately halt all pushbacks from land and sea borders and refrain from them in the future.
- Conduct prompt, independent, impartial, and effective investigations into all allegations of unlawful forced returns, excessive use of force, beatings, and other abuses. Ensure that victims and other actors reporting the violations can do so safely and that their allegations are duly followed up.
- Protect people who enter Greece from land and sea borders, including by:
 - Ensuring that border control operations at land and sea are conducted in compliance with human rights law and the principle of *non-refoulement*.
 - Ensure that all those subjected to border control operations at sea and land have access to individualized procedures to raise protection needs and have access to effective remedies against deportation and detention decisions.
- Halt the criminalization of irregular entry of refugees and migrants.

- Release refugees and migrants in arbitrary detention in Greece. Urgently implement the recommendations of human rights bodies, including the CoE CPT, regarding the country's migration detention policy, including in terms of maintenance of adequate detainees' records and detention conditions in facilities across the country.
- Halt the criminalization of individuals and groups working with refugees and migrants. Create an enabling environment for civil society, journalists, and activists, ensuring that they can carry out their work free and unhindered and report violations encountered.

TO THE TURKISH AUTHORITIES

- Immediately halt all practices forcing or pressuring individuals to return to Greece, including through the use of threats or violence and conduct prompt, independent, impartial, and effective investigations into all such allegations.
- Ensure that border control operations are carried out with full respect of international human rights law.
- Continue providing aid and assistance to those in situations of need at the Turkish borders.

TO EU INSTITUTIONS AND MEMBER STATES:

- Take urgent measures to ensure that Greece restores conditions that respect European asylum and fundamental rights law at its borders and across the country.
- In view of the overwhelming, consistent evidence indicating the persistence of pushbacks, the EU Commission should initiate infringement proceedings against Greece for its violation of EU asylum and fundamental rights law.
- Ensure that Greece establishes an Independent Border Monitoring Mechanism (IBMM) by enhancing existing mechanisms with an adequate mandate, means, and independence.
- In view of the evidence of continued pushbacks and violence at land and sea, Frontex should assess the human rights implications of its activities at the Greek land and sea border and trigger Article 46 of Regulation (EU) 2019/1896 with a view to suspending or withdrawing its deployment in Greece. .
- Uphold the principle of solidarity under EU and international law by effectively and meaningfully relocating asylum seekers from Greece and resettling refugees from Turkey.

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GREECE: VIOLENCE, LIES, AND PUSHBACKS

REFUGEES AND MIGRANTS STILL DENIED SAFETY AND ASYLUM AT EUROPE'S BORDERS

In 2013, Amnesty International first reported pushbacks of refugees and migrants from Greece.

Years later, Greece is still violently and illegally returning people to Turkey, in contravention of their human rights obligations under EU and international law. Amnesty International documented 21 new incidents of summary, unlawful returns from Greece to Turkey, often accompanied by arbitrary detention and violence, in some case amounting to torture. It concluded that the use of pushbacks and other human rights violations by Greece cannot be considered as a response to exceptional events or the actions of rogue officers and other authorities. Through the continuation of long-standing patterns of abuses, confirmed by this research, alongside coordinated operations across the entire country, Greece has shown that pushbacks and violence are de facto methods of border control.

Greece's regular dismissal of and refusal to acknowledge and properly investigate the ever-mounting evidence of pushbacks and other violations is unconscionable. The EU has also repeatedly failed to hold Greece to account for these serious violations, ultimately reinforcing the practice and tacitly giving permission for it to continue by way of inaction.