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AT EUROPE'S BORDERS: PUSHBACKS CONTINUE AS IMPUNITY PERSISTS

This report from the Greek Council for Refugees (GCR) contributes to an existing body of extensive documentation of the Greek state's illegal pushbacks practice, by providing particularly detailed descriptions of twelve pushback cases at the Evros border region occurred in 2023 and legally represented by GCR before the European Court of Human Rights (ECtHR). These victims' testimonies offer a disturbing insight into the organized and systematic nature of these illegal practices of the Greek authorities, in consistency with reports from national and international human rights bodies, institutions and organizations, documenting the same *modus operandi*. Furthermore, the report highlights the systemic issue of ineffective investigations into reports and complaints for pushbacks and rights violations at the EU's external borders, that contribute to an environment of total impunity, by presenting details on the investigation and recent judicial developments of three pushback cases, legally represented by GCR before the ECtHR, along with official statistics on Greek judicial investigations and cases brought before the ECtHR.

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TABLE OF CONTENTS

1. INTRODUCTION	<i>p.4</i>
2. THE SITUATION AT THE BORDERS	<i>p.6</i>
2.1. One Year After the Deadly Pylos Shipwreck	<i>p.7</i>
2.2. Human Rights Violations Continued to Be Reported Throughout 2023 and 2024	<i>p.10</i>
A. International Media Reports on Pushbacks	<i>p.11</i>
B. 2023-2024 Reports by Human Rights Bodies, Institutions, Civil Society on Documented Pushbacks	<i>p.12</i>
C. EU funds to Greece for border management and compliance with fundamental rights	<i>p.16</i>
D. Greece remains a hostile environment for human rights defenders.....	<i>p.17</i>
2.3. 2023 Updates on the Situation in Evros	<i>p.18</i>
A. The Evros Border Region.....	<i>p.18</i>
B. The extension of the Evros border fence.....	<i>p.18</i>
C. The official procedure in Evros for newly arrived asylum seekers	<i>p.19</i>
D. Asylum Seekers Trapped in the Dadia Forest and Burned to Death during Evros Wildfire	<i>p.20</i>
E. The 2023 CPT visit in Evros	<i>p.21</i>
3. NEW PUSHBACK CASES IN EVROS BEFORE THE ECtHR	<i>p.22</i>
I. The Case of a Turkish Asylum Seeker Pushed Back from Evros mainland on 22 February 2023 After Being Pushed Back from Lesbos Island on 28 January 2023	<i>p.26</i>
II. The Case of 17 Syrian Asylum Seekers Pushed Back 4 Times from Evros mainland on 25 and 28 February 2023 and 3 and 6 March 2023.....	<i>p.29</i>
III. The Case of 6 Afghan Asylum Seekers Pushed back from a forest near Soufli on 20 June 2023.....	<i>p.36</i>
IV. The Case of 27 Syrian and Iraqi Asylum Seekers Pushed Back from a forest near Kastanies on 31 August 2023.....	<i>p.38</i>
V. The Case of a Turkish Asylum Seeker Pushed Back After Being Arrested Inside the Orestiada Bus Station on 16 August 2023	<i>p.42</i>
VI. The Case of a Turkish Asylum Seeker Pushed Back After Presenting Himself at the Greek Police Station on 22 November 2023.....	<i>p.45</i>
VII. The Pushback of two Turkish Asylum Seekers from Kastanies area on 24 November 2023	<i>p.48</i>
VIII. The Case of a Turkish Asylum Seeker Pushed Back from Kastanies on 29 November 2023	<i>p.50</i>
IX. The Case of a Turkish and an Iraqi Asylum Seeker Pushed Back from Lagyna village in Soufli on 1 December 2023	<i>p.52</i>
4. INEFFECTIVE INVESTIGATIONS INTO PUSHBACKS AND RIGHTS VIOLATIONS	<i>p.55</i>
4.1. Not a single pushback case before the Greek courts	<i>p.55</i>
4.2. Pushback Cases Before the ECtHR - Not Effectively Investigated by Greek Authorities.....	<i>p.56</i>
A. Greece Condemned in 2023 for not effectively investigating the abduction from the center of Athens and illegal return of a Turkish asylum seeker in 2013..	<i>p.59</i>
B. 2023 Application before the ECtHR for the ineffective investigation of “the Megala Therma Pushback” of 2021.....	<i>p.60</i>
C. 2024 Oral hearing before the ECtHR for the pushback of a Turkish woman in 2019	<i>p.62</i>
5. FINDINGS & CONCLUSION	<i>p.65</i>
6. RECOMMENDATIONS	<i>p.68</i>

1. INTRODUCTION

This report is a follow up to GCR's 2023 Report on pushback cases titled "At Europe's Borders: Between Impunity and Criminalization".¹ The aim of this series of reports is to contribute to an existing body of extensive documentation of the Greek state's illegal pushbacks practice and shed light on this systematic state policy, by providing detailed descriptions of pushback cases legally represented by GCR before the European Court of Human Rights (ECtHR) and / or the Greek Public Prosecutor.

While the GCR's 2023 Report recounted pushback cases brought before the ECtHR between March 2022 and October 2022, this report recounts pushback cases in the Evros border region that occurred in 2023 and brought before the ECtHR between May 2023 and February 2024. The report also presents essential judicial developments that occurred in 2023 and the first half of 2024 on earlier pushback cases, all legally represented by GCR and filed with the ECtHR.

The report first presents the latest updates on the situation of human rights at the EU's external land and sea borders as documented by international and national human rights bodies and institutions and independent authorities, in line with civil society organizations' and international media's reports (see

Chapter 2 below). Within this context, we share updates on the Deadly Pylos Shipwreck case and set the broader context with regards to the treatment of the newly arrived asylum seekers in the Evros border region.

Next, an in-depth analysis of the victims' testimonies on 12 pushback operations in the Evros region throughout 2023 demonstrates that said illegal practices are continuing as a **comprehensive, systematic, and meticulously planned** migration and border policy of the Greek state, revealing a modus operandi of the Greek authorities, consistent with numerous credible reports from UN, European and national institutions, documenting the same pattern: informal arrest, arbitrary and incommunicado detention, illegal confiscation of personal belongings, degrading strip search, violent transfer to the Evros riverbank and illegal expulsion to Türkiye. Additionally, the recent judicial developments of three cases regarding pushbacks that occurred between 2013 and 2021, in conjunction with official statistical data on the progress of investigations into pushback cases in the country, highlight the **systemic issue of ineffective criminal investigations into pushbacks and rights violations in Greece**, that contribute to an environment of impunity, as the cycle of ill-treatment of people in need of international protection at the EU external borders remains unchallenged.

¹ GCR's 2023 Report recounted pushback cases brought before the ECtHR between March 2022 and October 2022: GCR, At Europe's Borders: Between Impunity and Criminalization, March 2023, available [in English and Greek] at: <https://www.gcr.gr/en/ekdoseis-media/reports/item/2110-at-europe-s-borders-between-impunity-and-criminalization>



Map 1: The map displays the Pylos shipwreck location (see Chapter 2.1.) and the locations of the asylum seekers before / at the beginning of the pushback operation in the cases presented in this report (see Cases I - IX, Chapter 3 and Cases A - C, Chapter 4).

With this report we aim to raise the issues of the systemic human rights violations against migrants and refugees seeking protection in Europe at the EU's external borders and of the ongoing impunity of the perpetrators, and to promote a human rights - based approach to the EU external migration and border policy.

2. THE SITUATION AT THE BORDERS

2023 will be mostly remembered for the deadliest migrant shipwreck in the Mediterranean Sea in recent years, the Pylos Shipwreck of 14 June 2023 (see subchapter 2.1). However, this was not an isolated incident, but instead occurred within a larger context. There are numerous reports of alleged pushbacks and violations committed by the Greek authorities in 2023, published by international and national human rights bodies and organizations to independent authorities and international research media, while the civic space in Greece remains restricted due to concerns related to civil society organizations working with refugees and asylum seekers (see subchapter 2.2.). Moreover, the situation at the Evros Greek-Turkish border continued to be particularly worrying (see subchapter 2.3.).

2.1. One Year After the Deadly Pylos Shipwreck



Image 1. The Adriana vessel/ Source: Hellenic Coast Guard

On 14 June 2023, the “Adriana” fishing vessel, traveling from Libya to Italy with hundreds of migrants on board, sank off Pylos, leaving over 600 people dead or/and missing and 104 survivors. The deadly incident took place in international waters, inside the Greek Search and Rescue (SAR) zone, meaning the Greek state was responsible for initiating the necessary search and rescue operation. Alarm Phone² and Frontex, separately, alerted the Greek authorities but

no rescue operation was attempted. Furthermore, Frontex did not issue a Mayday alert even though one of its aircraft had observed that the boat was overcrowded and passengers had no life jackets.³ A search and rescue operation by the Hellenic Coast Guard (HCC) was initiated only after the boat had capsized. **Frontex Fundamental Rights Office**⁴ Document unveiled the prolonged inaction of the HCC, while leaving open the possibility that the sinking may have been caused by the Coast Guard’s attempt to tow the vessel, citing the consistency of the survivors’ testimonies.⁵

² Watch the Med - Alarm Phone is a hotline for boatpeople in distress. See the website here: <https://alarmphone.org/en/about/>

³ See the European Ombudsman’s Decision on how the European Border and Coast Guard Agency (Frontex) complies with its fundamental rights obligations with regard to search and rescue in the context of its maritime surveillance activities, in particular the Adriana shipwreck (OI/3/2023/MHZ), 26 February 2024, available at: <https://www.ombudsman.europa.eu/en/decision/en/182665>

⁴ “The Fundamental Rights Officer (FRO) is mandated with monitoring Frontex’s implementation of its fundamental rights obligations in accordance with EU and international law and with advising the Executive Director on fundamental rights-related issues. The FRO and the staff of the Fundamental Rights Office, including Fundamental Rights Monitors, have an independent role within the agency to reinforce respect, protection and promotion of fundamental rights” in: Frontex, Fundamental Rights at Frontex, available at: <https://www.frontex.europa.eu/fundamental-rights/fundamental-rights-at-frontex/fundamental-rights-office/>

⁵ Justice4Pylos, Frontex Fundamental Rights Office document exposes Greek authorities, 6 February 2024, available at: <https://tinyurl.com/5t4r3sbk>



Map 2: The map displays the location where the Pylos shipwreck occurred: approximately 47 nautical miles off the coast of Pylos, Greece - in international waters within the Greek Search and Rescue (SAR) zone.

On 19 July 2023, the **Council of Europe Commissioner for Human Rights** addressed a letter to the Greek Prime Minister, stressing that Greece has the legal obligation to conduct effective investigations into the shipwreck, establish the facts and punish those responsible.⁶

*“In my view, **the shipwreck of 14 June is unfortunately not an isolated incident. The overall context in which the shipwreck occurred [...] should also lead to a reconsideration of the approach to refugees and migrants arriving by sea at the political, policy and practical level...**”*, wrote the Commissioner.⁷

In a similar vein, GCR and the European Council on Refugees and Exiles (ECRE) argued that the violations identified by the Court in the *Safi and others v. Greece* judgment [regarding the Farmakonisi Shipwreck] are not isolated, instead they reflect systemic, structural and complex problems in Greece that repeatedly generate identical or broadly similar violations, with the most tragic demonstration of these being the Pylos shipwreck.⁸

Greek authorities initiated **two criminal investigations into the shipwreck**: one by the Public Prosecutor’s Office of Kalamata city targeted at 9 survi-

vors - alleged smugglers - and another by the Prosecutor Office of Piraeus Naval Court into the possible criminal responsibility of the HCG. On 13 September 2023, forty survivors of the deadly shipwreck, represented by GCR and other organizations⁹, filed a **criminal complaint against all responsible authorities** before the Public Prosecutor Office of Piraeus Naval Court.¹⁰ The survivors argued that the Greek authorities not only refrained from taking the necessary rescue measures as soon as the vessel was located, but instead proceeded to tow the vessel resulting in its capsizing and sinking. At the same time, concerns have been raised regarding the lack of independence of investigative officers and the deficient evidence collection. Since early 2024, 15 more survivors filed a criminal complaint against all responsible authorities before the Naval Court of Piraeus, bringing the total number of complainants to 55.

On 21st May 2024, the Criminal Court of Kalamata **acquitted the nine survivors - defendants** of smuggling and illegal entry, while dismissing the charges against them for causing the shipwreck, ruling that it had no jurisdiction over the

⁶ Council of Europe Commissioner for Human Rights Letter, Pylos shipwreck: the Greek authorities must ensure that effective investigations are conducted, 19 July 2023, available at: <https://tinyurl.com/yzevprjh>

⁷ Ibid.

⁸ GCR and ECRE Submission to the Committee of Ministers of the Council of Europe regarding the execution of the *Safi* judgment (Farmakonisi case), available at: <https://gcr.gr/en/submissions-to-international-bodies/item/2232-gcr-and-ecre-submission-to-the-committee-of-ministers-of-the-council-of-europe-regarding-the-execution-of-the-safi-judgment-farmakonisi-case/>

⁹ Greek Council for Refugees (GCR), Refugee Support Aegean (RSA), The Network for Refugee and Migrant Rights, the Hellenic League for Human Rights (HLHR), the Initiative of Lawyers and Jurists for the shipwreck of Pylos.

¹⁰ GCR, 40 Survivors of the Pylos Shipwreck file a criminal complaint before the Naval Court of Piraeus, 14 September 2023, available at: <https://gcr.gr/en/news/item/2184-minysi-enopion-tou-nafto-dikeiou-peiraia-katethesan-40-epizontes-tou-navagiou-tis-pylou/>

case, as the shipwreck occurred in international waters.¹¹ The preliminary investigation by the Prosecutor Office of Piraeus Naval Court - that has jurisdiction over the Hellenic Coast Guard regardless of an operation's location - is still pending at the time of writing. Moreover, the **Greek Ombudsman launched an independent inquiry** into the acts and omissions of members of the HCC, in its capacity as National Mechanism for Investigation of Arbitrariness Incidents by members of the security forces, after the HCC refused to conduct an internal disciplinary investigation into its operations relating to the shipwreck.

Furthermore, on 13 June 2024, a **complaint was submitted to the FRONTEX Fundamental Rights Officer** by 27 survivors, requesting the investigation of any action, omission or failure to act of the respective Frontex personnel in relation to the violations committed against the Pylos shipwreck victims. The survivors, represented by GCR and other organizations, stated that FRONTEX did not take the necessary actions and measures (such as issuing a Mayday alert and duly performing a surveillance operation) to protect persons in distress at sea while possessing the necessary means and, eventually, its omissions resulted to the death of hundreds of people who could have been rescued if the competent officials and staff had acted in accordance with their obligations under EU Law.

2.2. Human Rights Violations Continued to Be Reported Throughout 2023 and 2024

“Pushbacks” is the illegal state practice of informally and forcefully removing a person or a group of persons out of the country’s territory without assessing their claims for entry or protection.¹² Pushback operations take place both at land and sea borders and can be conducted not only during the crossing of the border, but even after the arrival of the individual or the group to the territory.¹³

¹¹ HRW, Accountability Needed For Pylos Shipwreck, 22 May 2024, available at: <https://www.hrw.org/news/2024/05/22/accountability-needed-pylos-shipwreck>

¹² See relatively the definition of “pushbacks” provided by ECCHR, European Center for Constitution and Human Rights, available at: <https://www.ecchr.eu/en/glossary/push-back/>; See also the “2.1. Definition of Pushbacks” in: GCR, At Europe’s Borders: Between Impunity and Criminalization, March 2023, pp. 5-6.

¹³ Ibid.

A. International Media Reports on Pushbacks



Image 2. Screenshot of the online article in the New York Times.

On 19 May 2023, the **New York Times** published video footage taken on the Greek island of Lesbos on 11 April 2023 showing a group of refugees with children from the Horn of Africa, including an infant, disembarking from an unmarked white van to a remote spot on Lesbos, forced on a speedboat by men wearing balaclavas and transferred to a Greek Coast Guard vessel. In the video, the Hellenic Coast Guard vessel is shown to abandon the people adrift in an inflatable emergency raft in the middle of the Aegean Sea.¹⁴ Regarding the incident, the European Commissioner for Migration and Home Affairs, Ylva Johansson

stated: “My services have sent a formal request to Greek authorities that this incident be fully and independently investigated”.¹⁵ Moreover, GCR, together with other legal organizations, submitted a report to the Supreme Court Public Prosecutor asking for an investigation of the incident. A **preliminary investigation** regarding possible criminal liability of the Hellenic Coast Guard and the Hellenic Police has been initiated by the Piraeus Naval Court Prosecutor and the Athens Public Prosecutor, and is still pending. In relation to the New York Times’ article, OHCHR published a UN experts statement urging Greece

¹⁴ New York Times, Greece Says It Doesn't Ditch Migrants at Sea. It Was Caught in the Act, 19 May 2023, available at: <https://tinyurl.com/5hct63pb>. See also PRAB VI, What we do in the shadows, p. 2, May 2023, available at: <https://www.gcr.gr/el/news/press-releases-announcements/item/2141-what-we-do-in-the-shadows>

¹⁵ Statement of the European Commissioner for Migration and Home Affairs, Ylva Johansson on 22 May 2023 available at: <https://twitter.com/YlvaJohansson/status/1660581189487296514>. See also: The New York Times, E.U. Asks Greece to Investigate Video Showing Migrants Abandoned at Sea, 22 May 2023, available at: <https://www.nytimes.com/2023/05/22/world/europe/greece-migrants-video-eu-investigation.html>

“to take steps to ensure a transparent and impartial investigation into allegations of violations of the principles of non-refoulement and non-discrimination and of the right to life involving Greek law enforcement personnel, including the Hellenic Coast Guard, and border violence”, stating that **“there is growing evidence of a deliberate and coordinated policy of forcible return and other dehumanizing border control practices by Greece going far beyond deterrence and in contravention of its international obligations”**.¹⁶

On 18 September 2023, the FRONTEX Fundamental Rights Office issued its final **Serious Incident Report (SIR)**, following its own independent investigation regarding the allegations contained in the NYT article, and “*established beyond doubt that the twelve migrants were on 11/4/2023 subjected to ill treatment and pushed back from [...] Lesvos to Turkey. The pushback was beyond doubt carried out by the Hellenic Coast Guard assets, including a Frontex co-financed CPB 617, which had brought the migrants into Turkish territorial waters and abandoned them adrift in a life-raft*”.¹⁷

On 17 June 2024, a **BBC** article stated that “*the Greek coastguard has caused the deaths of dozens of migrants in the Mediterranean over a three-year period*”.¹⁸ Specifically, according to BBC analysis, between May 2020 and 2023, more than 40 people have allegedly died as a result of being forced out of Greek territorial waters or abandoned out to sea upon their arrival on Greek islands, including 9 asylum seekers who were deliberately thrown into the water. To this day, we are not aware of any investigation into these grave allegations being initiated by the Greek judicial authorities.

B. 2023 × 2024 Reports by human rights bodies, organizations and civil society on documented pushbacks:

Pushbacks are a violation of the main principle of asylum and refugee law, the principle of non-refoulement.¹⁹ Pushbacks can also violate other fundamental rights, such as the right to life, the prohibition of torture and inhuman or degrading treatment or punishment, the right to property, and respect for private and family life.

¹⁶ OHCHR, Press release, Greece: UN experts call for safe, impartial border policies and practices, 23 August 2023, available at: <https://www.ohchr.org/en/press-releases/2023/08/greece-un-experts-call-safe-impartial-border-policies-and-practices>

¹⁷ FRONTEX Fundamental Rights Office, FINAL SIR REPORT - SIR 12070/2023, 18 September 2023, available at: <https://drive.google.com/file/d/1GIU0BS-CMegd1s4j8lofJ2775lQJbgi6/view>

¹⁸ BBC, Greek Coastguard threw migrants overboard to their deaths, witnesses say, 17 June 2024, available at <https://www.bbc.com/news/articles/cOvv71yvpeo>

¹⁹ In particular, according to Article 33 (1) of the 1951 Refugee Convention: “*No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion*”. The principle of non-refoulement is part of Directive 2013/32/EU of the European Parliament and of the Council on common procedures for granting and withdrawing international protection. The Court of Justice of the European Union (CJEU) has also recognized the principle of non-refoulement, specifically under 6 article 4 (prohibition of torture and inhuman or degrading treatment or punishment) and article 18 (right to asylum) of the EU Charter. The ECtHR has recognized the same core principle, namely under article 3 (prohibition of torture, and inhuman or degrading treatment or punishment) of the European Convention of Human Rights.

Pushbacks do not constitute an isolated practice: The ECtHR requested third party interventions²⁰ by the Greek

Ombudsman, the Greek National Commission for Human Rights²¹ and UNHCR within the context of the Court's examination of the pushback cases *A.E. v. Greece and G.R.J. v. Greece*²², both examined by the Court in an oral hearing on 4 June 2024.

In particular, the **Greek Ombudsman**, after taking under consideration the number of reported pushback incidents between 2017 and March 2024, the relevant complaints submitted to the Ombudsman and the findings of its own investigations in his capacity as National Mechanism for the Investigation of Arbitrary Incidents regarding law enforcement officers, concluded that *"the persistent reluctance on the part of the disciplinary bodies of the enforcement agencies to investigate such incidents"* and *"the recurrent shortcomings impeding the effectiveness and diligence of the few investigations launched"*, suggest that *"...unlawful pushbacks at land and sea borders present features*

that do not correspond or correlate to an isolated phenomenon".²³

Moreover, according to the **Greek National Commission for Human Rights**, the alleged informal forced returns (IFRs) *"are carried out by mobilizing human resources, infrastructure and facilities, heavy vehicles [...] and other material and technical means"*, thus they *"do not constitute an occasional and irregular phenomenon. On the contrary, [...] they have developed the pattern of a systematic and organized operation"*.²⁴

To its third party intervention, the **UNHCR** *"has documented what appears to be a systematic practice by the Greek authorities of arbitrarily denying entry at land and sea borders and/or summarily removing individuals potentially in need of international protection from the Greek territory without evaluating the risk of direct or indirect refoulement"*.²⁵

In its annual report, the **Recording Mechanism of Incidents of Informal Forced Returns of the Greek National Com-**

²⁰ Third party interventions before the Court are a way in which States Parties, other international organizations and national human rights institutions and civil society can engage actively in a dialogue with the Court. Article 36(2) of the ECHR enables the President of the Court to invite Third Parties to submit written comments or take part in hearings.

²¹ The Greek National Commission for Human Rights (GNCHR) was established by Law 2667/1998 as the independent advisory body to the Greek State in accordance with the UN Paris Principles, adopted by the United Nations (General Assembly Resolution A/RES/48/134, 20.12.1993, "National institutions for the promotion and protection of human rights") and is the national institution for the protection and promotion of human rights (NHRI) in Greece. For more information see the GNCHR's website here: <https://nchr.gr/en/gnchr.html>

²² Applications nos. 15067/21 - *G.R.J. v. Greece*, and 15783/21 - *A.E. v. Greece* [for the case *A.E. v. Greece*, legally represented before the Court by GCR, see sub-chapter 4.3. below]

²³ The Greek Ombudsman, Third-party intervention by the Greek Ombudsman, 26 March 2024, p. 11, available at: <https://tinyurl.com/y3djb4b9>

²⁴ Greek National Commission for Human Rights (GNCHR), written submission (as a third party) to the European Court of Human Rights (Third Section), in relation to Applications nos. 15067/21 - *G.R.J. v. Greece*, and 15783/21 - *A.E. v. Greece*, 28 March 2024, available at: <https://tinyurl.com/38st5mkr>

²⁵ UN High Commissioner for Refugees (UNHCR), Submission by the Office of the United Nations High Commissioner for Refugees in the case of *G.R.J. v. Greece* (App. No. 15067/21) before the European Court of Human Rights, 16 April 2024, <https://www.refworld.org/jurisprudence/amicus/unhcr/2024/en/147997>

mission for Human Rights²⁶, exhibits the systematic and organized nature of the illegal operations, with the involvement of law enforcement and armed forces personnel, such as the police, the coast-guard, the army, and FRONTEX.²⁷ The total number of the victims of the push-back incidents reported to the Mechanism from January to December 2023, is at minimum 1.438 people, including at least 158 women, 190 children and 41 people with special health needs.²⁸ The Recording Mechanism considers that its recordings of pushbacks “are limited only to what is commonly known as the tip of the iceberg”.²⁹

In its annual report for 2023, the **Greek Racist Violence Recording Network**³⁰ refers to testimonies of victims “attacked by groups of men at the country’s borders, who in some cases appear to have carried weapons (batons), and/or wearing black clothes or military-type clothing and in some cases covering their faces with (full face) masks. [...] the

way in which the perpetrators operate and the equipment they carry [...] lead victims to perceive perpetrators as representatives of the state”³¹.

Furthermore, according to **the Council of Europe’s Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) report to the Greek government**, following CPT delegation’s visit to Greece in 2023: “[T]he CPT has continued to receive consistent and credible allegations of violent informal forcible removals (“pushbacks”) both across the Evros River and in the Aegean Sea, whereby foreign nationals who had been intercepted or apprehended in Greece were informally and forcibly removed back to Türkiye, without regard to their individual circumstances and without considering their international protection needs or assessing the expected treatment in the receiving country”.³² [t]he Greek authorities have continued to maintain that violent

²⁶ “The Recording Mechanism was founded by a decision of the Plenary of the Greek National Commission for Human Rights (GNCHR) in September 2021 as the response of the National Human Rights Institution (NHRI) following two major findings: a) the absence of an official and effective data collection mechanism of informal forced returns; and b) the need for coordination among organizations who record on their own initiative any alleged incidents of informal forced returns from persons who recourse to their services. The Recording Mechanism consists of civil society organizations active in the field, offering legal, medical, psychosocial, or other services to third country nationals. The United Nations High Commissioner for Refugees (UNHCR) Representation in Greece within the framework of its mandate, contributes its expertise and technical support to the Recording Mechanism, as a co-operating Agency”. For more information on the Recording Mechanism, see: <https://nchr.gr/en/recording-mechanism.html>

²⁷ Greek National Commission for Human Rights (GNCHR), 2023 Annual Report of the Recording Mechanism of Incidents of Informal Forced Returns, June 2024, available at: https://www.nchr.gr/images/pdf/RecMechanism/Final_Annual_Report_202311.pdf

²⁸ Ibid, p. 10.

²⁹ Ibid, p. 70.

³⁰ The Racist Violence Recording Network (RVRN) is an initiative of the Greek National Commission for Human Rights (GNCHR) and the Office of the United Nations High Commissioner for Refugees in Greece (UNHCR). The RVRN is comprised of actors offering medical, social, legal services or/and coming in direct contact with victims of racist violence or victims of other hate- or bias-motivated violent attacks. For more information, see the website of RVRN here: <https://rvrn.org/en/>

³¹ Racist Violence Recording Network, Annual Report 2023 (in Greek), pp. 15-17, available at: <https://tinyurl.com/msbz75fz>

³² CPT, Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 20 November to 1 December 2023, 12 July 2024, available at: <https://rm.coe.int/1680b0e4e1>

forcible informal removals from Greece to Türkiye do not occur". However, the Committee explicitly responds that "[f] or the CPT, there is sufficient information to conclude that pushbacks to Türkiye have taken place and continue to take place [...]".³³ Furthermore, the CPT expressed its serious concerns, as the Committee is not yet convinced that the allegations of pushbacks are being effectively investigated.

The **Frontex Fundamental Rights Officer**, following up on continued reports on fundamental rights violations and the "New York Times case" (see above), in July 2023, issued a fourth opinion concluding that collective expulsions at sea and land borders in Greece, accompanied by additional associated fundamental rights violations, are conducted systematically rather than constituting isolated incidents.³⁴ To this end, the Fundamental Rights Officer reiterated the advice to the Frontex Executive Director to trigger the mechanism to suspend or terminate Frontex activities in Greece, in whole or in part, unless major changes were made.³⁵

Moreover, 2023 and 2024 reports have been published by **human rights non-governmental organizations**, regarding pushback operations carried out by the Greek authorities, documenting the common patterns of pushback operations and the violent practices at the borders even against children.³⁶

Medecins Sans Frontieres (MSF), based on testimonies from their patients on the islands of Lesbos and Samos over the past two years, published two reports, in November 2023 and in February 2024, regarding the *fierce practices at Greek sea borders*, depicting the common patterns of pushback operations carried out by uniformed officers and/or groups of unidentified masked individuals, including *"abduction, physical assault, strip searching including intrusive body searches, confiscation or destruction of personal possessions, humiliation and verbal violence. [...] beating with sticks, slapping, kicking and punching of men, women, pregnant women and children. [...] MSF patients [...] spoke about officers putting their fingers inside men,*

³³ Ibid, p. 5.

³⁴ FRONTEX Fundamental Rights Officer Annual Report 2023, 10 July 2024, available at: <https://prd.frontex.europa.eu/document/fundamental-rights-officer-annual-report-2023/>

³⁵ According to Article 46 (4) of Regulation (EU) 2019/1896 the "executive director shall, after consulting the fundamental rights officer and informing the Member State concerned, withdraw the financing for any activity by the Agency, or suspend or terminate any activity by the Agency, in whole or in part, if he or she considers that there are violations of fundamental rights or international protection obligations related to the activity concerned that are of a serious nature or are likely to persist."

³⁶ MSF, In plain sight: the human cost of migration policies and violent practices at Greek sea borders, November 2023, available at: <https://www.msf.org/plain-sight-migration-policies-greek-sea-borders>, MSF, Death, Despair and Destitution: The human costs of the EU's migration policies, February 2024, available at: <https://www.msf.org/death-despair-and-destitution-human-costs-eu-migration-policies>, Save the Children, Hope and Harm: Children's Experiences of Seeking Safety in Europe, January 2024, available at: https://resourcecentre.savethechildren.net/pdf/Hope-and-Harm_children-on-move_Europe_designed.pdf/, Border Violence Monitoring Network, Violence Within State Borders: Greece, January 2024, p. 4, available at: <https://borderviolence.eu/reports/violence-within-state-borders-greece/>, Human Rights Watch, World Report 2024: Greece, available at: <https://www.hrw.org/world-report/2024/country-chapters/greece>, There have been also investigative journalism reports on pushbacks' practices in Greece; see Solomon, The Great Robbery: during illegal pushbacks in Greece, refugees are robbed by border guards, 9 March 2023, available at: <https://wearesolomon.com/mag/format/investigation/the-great-robbery-during-illegal-pushbacks-in-greece-refugees-are-robbed-by-border-guards/>

women and children's genitals to 'search' for money or possessions".³⁷ **Amnesty International** in its report on the state of human rights during 2023, published in April 2024, reported that "*Human rights violations continued at Greece's borders, including unlawful, summary returns, in some cases accompanied by violence*".³⁸

C. EU funds to Greece for border management and compliance with fundamental rights:

Despite the high number of credible allegations of fundamental rights violations at its EU external land and sea borders, as presented above, Greece is the EU member state receiving the largest amount of resources for border management in absolute terms - more than 1 billion euros.³⁹ This amount constitutes around one quarter of the total EU resources available for national programmes under the Border Management and Visa Instrument (BMVI) for 2021 - 2027.⁴⁰ In early 2023, during the approval phase of the national programmes, the European Commission requested additional information

on various issues in Member States to assess their compliance with the EU's commitments to fundamental freedoms and human rights - the horizontal enabling conditions (HECs) related to the EU Charter, to ultimately approve all programmes.⁴¹

On 7 November 2023, the European Ombudsman, following a CSOs' complaint, opened her own inquiry - still pending - on how the European Commission monitors EU funds granted to Greece in the context of border management operations at the EU's external border with Türkiye along the Evros river and in the Aegean region and what measures has the Commission put in place to ensure that EU funding respects fundamental rights.⁴² According to the complaint, the "*Commission's financing is contributing to fundamental rights violations at Greece's border with Türkiye, including, it claims, through its failure to investigate the misuse of EU funds by Greek ISF beneficiaries in the context of operations at the EU's external border with Türkiye along the Evros river and in the Aegean region*".⁴³ The Commission's reply was that, for the period 2021-2027,

³⁷ MSF, In plain sight: the human cost of migration policies and violent practices at Greek sea borders, November 2023, pp. 17-22, MSF, Death, Despair and Destitution: The human costs of the EU's migration policies, February 2024, p. 45.

³⁸ Amnesty International, The State of the World's Human Rights, April 2024, p. 183, available at: <https://www.amnesty.org/en/documents/pol10/7200/2024/en/>

³⁹ PICUM, ECRE, Beyond walls and fences: EU funding used for a complex and digitalised border surveillance system - Study on the use of the Border Management and Visa Instrument during the 2021 - 2027 Multiannual Financial Framework, July 2024, p. 5, available at: <https://tinyurl.com/2xd2hsxn>

⁴⁰ Ibid.

⁴¹ Ibid, p.8.

⁴² European Ombudsman, How the European Commission monitors EU funds granted to Greece in the context of border management operations, Case 1418/2023/V5, 7 November 2023, available at: https://www.ombudsman.europa.eu/en/opening-summary/en/177468#_ftn2

⁴³ Ibid.

the HECs are currently considered fulfilled in the case of Greece.⁴⁴

However, the European Parliament, in a resolution adopted on 7 February 2024, raised grave concerns about very serious threats to democracy, the rule of law and fundamental rights in Greece, including the treatment of migrants, the systematic pushbacks and the attacks against civil society, and called on the Commission to act.⁴⁵

D. Greece Remains a Hostile Environment for Human Rights Defenders

In March 2023, the **UN Special Rapporteur on human rights defenders**, following her visit to Greece in June 2022, concluded that “[h]uman rights defenders promoting and protecting the rights of migrants, asylum-seekers and refugees, including human rights lawyers, humanitarian workers, volunteers and journalists, have been subjected to smear campaigns, a changing regulatory environment, threats and attacks and the misuse of criminal law against them to a shocking degree”.⁴⁶ The UN Special Rapporteur made a number of recommendations to the Greek govern-

ment, including to “[p]ut an end to the misuse of criminal law for the peaceful and legitimate activities of human rights defenders, in particular those working in the context of migration and asylum” and “[e]nsure no retaliation, including stigmatizing statements by public officials and threats of criminal proceedings, including investigations, against human rights defenders on the basis of their engagement with regional human rights mechanisms, in particular the European Court of Human Rights”.⁴⁷ However, human rights defenders working with refugees and migrants continued to face criminalization, while hostile narratives and targeting of NGOs persisted at the level of government representatives and agencies.⁴⁸

Precisely because of this hostile environment and following the arbitrary arrest of an asylum lawyer during the exercise of his functions in July 2023, the **Athens Bar Association** issued a Legal Opinion in September 2023, clarifying that lawyers providing legal assistance to persons arriving irregularly in Greece and wishing to apply for asylum – as well as interpreters used to enable communication – can in no way be considered as facilitating illegal entry or stay, citing the UN Basic Principles on the Role of Lawyer

⁴⁴ Reply by the European Commission to a request for information from the European Ombudsman on how it monitors EU funds granted to Greece in the context of border management operations, 29 February 2024, available at: <https://www.ombudsman.europa.eu/en/doc/correspondence/en/187208>

⁴⁵ European Parliament, Press Release, Parliament concerned about very serious threats to EU values in Greece, 7 February 2024, available at: <https://www.europarl.europa.eu/news/en/press-room/20240202IPR17312/parliament-concerned-about-very-serious-threats-to-eu-values-in-greece>

⁴⁶ UN HRC, Report of the Special Rapporteur on the situation of human rights defenders, Mary Lawlor – Visit to Greece (A/HRC/52/29/Add.1), 2 March 2023, available at: <https://tinyurl.com/f6js97uk>

⁴⁷ Ibid.

⁴⁸ See Joint Civil Society Submission to the European Commission on the 2024 Rule of Law Report “Greece in Institutional Decline”, January 2024, pp. 44-47, available [in Greek] at: https://gcr.gr/wp-content/uploads/RoL2024_JointSubmission_CSO_Greece.pdf, European Commission, 2024 Rule of Law Report Country Chapter on the rule of law situation in Greece, 24 July 2024, available at: <https://tinyurl.com/2jwaudvw>

and case law of the Court of Justice of the European Union (CJEU).⁴⁹

In April 2024, the **Greek National Commission for Human Rights** noted that the situation of human rights defenders working with migrants and asylum seekers had deteriorated and made an urgent appeal to the Greek government to act, proposing concrete measures.⁵⁰

2.3. 2023 Updates on the Situation in Evros

A. The Evros Border Region: The Evros region in Northern Greece is a prefecture constituting the land border between Greece and Turkey. The Evros River delineates the border between Greece and Turkey along its full length (approximately 200 km), except for a 12.5 km-long part between the village of Kastanies and the city of Adrianoupoli, where the border is purely terrestrial. The area of the regional unit of Evros is considered the easternmost land border of the European Union along the Mediterranean route and for hundreds of thousands of migrants on the eastern Mediterranean route the natural boundary of the Evros River has been the last major obstacle to overcome before en-

tering the Schengen area.⁵¹ The area adjacent to the Greek-Turkish borders in Evros is a military zone, not accessible to civil society organizations.

“If there are no places along the border that asylum seekers can reasonably reach to request international protection without undue delay – i.e. there are no gates in the fence which are at reasonable distance from each other or if border-crossing points are not accessible, [...] this raises serious issues in light of the obligation of EU Member States under Article 4 of the Schengen Borders Code to apply the code in full compliance with the Charter [of Fundamental Rights of the European Union], the requirements of the 1951 Geneva Refugee Convention, and obligations related to access to international protection.”

EU Fundamental Rights Agency
Report, 2020⁵²

B. The Extension of the Evros Border Fence: In August 2022, the Greek Minister of Migration and Asylum announced the government’s plans to extend the 40km long fence along the Greek-Turkish border at Evros as part of an effort to control border crossings of migrants. In early January 2023, the Minister of Citizens’ Protection announced that a first 35km (out of 140km) extension of the fence had been approved by the

⁴⁹ See Athens Bar Association, Opinion No 143, 11 September 2023, in: Elena, *Greece: Athens Bar Association’s interpretation of the Greek Bar Code on guaranteeing the lawyer-asylum applicant relationship without criminalization*, 12 September 2023, available at: <https://tinyurl.com/3mj2h83>

⁵⁰ European Commission, 2024 Rule of Law Report Country Chapter on the rule of law situation in Greece, p. 33, available at: <https://tinyurl.com/2jwaudvw>

⁵¹ P. Pavlidis, M. Karakasi, Greek land borders and migration fatalities – Humanitarian disaster described from the standpoint of Evros, *Forensic Science International*, Volume 302, 2019, 109875, ISSN 0379-0738, available at: <https://www.sciencedirect.com/science/article/abs/pii/S0379073818307321>

⁵² FRA report, Migration: Fundamental Rights Issues at Land Borders, 2020, available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-land-borders-report_en.pdf



Image 3. Evros Border Fence.

Credits: AMNAnews/Dimitris Tosidis

Ministry of Finance and would cost the state budget 100 million euros. By December 2023, the first meters of the fence in the area of Psathades Didymoteicho had been constructed.⁵³ Since early 2024, construction work has continued to extend the fence to the Kornofolia area of Soufli and in September 2024 4km remained to complete the aforementioned 35km extension.⁵⁴ Moreover, seven new observation posts with anti-ballistic protection will also be constructed.⁵⁵

However, it should be noted that, apart from important questions raised, in general, as to the border fences' compatibility with EU law, in particular the Schengen Borders Code and fundamental rights obligations, it is also the effectiveness of walls and fences at borders that has been contested, as policy reports and analysis have argued that border fences in EU and around the world “do not block unwanted flows, but rather lead to a re-routing of migrants to other paths” and that “increasing both opportunities and routes of legal immigration

⁵³ In.gr, Έβρος: Κατασκευάστηκαν τα πρώτα μέτρα του νέου φράχτη στους Ψαθάδες (δείτε βίντεο) [Evros: Construction of the first meters of the new fence at Psathades (see video)], 12 December 2023, available [in Greek] at: <https://www.in.gr/2023/12/12/greece/evros-kataskeyastikan-ta-protometra-tou-neou-fraxti-stous-psathades-deite-vinteo/>

⁵⁴ Evros News, Έβρος: Προχωράει πυρετωδώς ο νέος φράχτης 35 χλμ Ψαθάδες-Κορνοφωλιά [Evros: The new fence 35 km Psathades-Kornofolia is full steam ahead], 6 January 2024, available [in Greek] at: <https://tinyurl.com/mtfztfxj>, Ekathimerini, Greece boosting Evros border protection, 17 September 2024, available at: <https://www.ekathimerini.com/news/1248572/greece-boosting-evros-border-protection/>

⁵⁵ Ibid.

is more effective in reducing irregular migration than border fences”.⁵⁶

C. The Official Procedure in Evros for Newly Arrived Asylum Seekers: Provided the legal procedures are followed, persons entering Greece through the Greek-Turkish land border in Evros once detected, are officially arrested by the authorities and subject to reception and identification procedures at the Reception and Identification Center (RIC) of Fylakio, Orestiada. In 2023, the Greek Asylum Service registered 7,376 asylum applications in the Fylakio Reception and Identification Center (RIC), in Evros.⁵⁷ However, **the registered number of entries under-represents⁵⁸ the number of people actually entering Greek territory**, considering the systematic report of pushback incidents at the Greek-Turkish land borders (see also numerous reports’ findings presented in Chapter 2.2. above & reported pushbacks in Evros in Chapter 3 below).

D. Asylum Seekers Trapped in the Dadia Forest in Evros Wildfire and Burned

to Death: In August 2023, a group of approximately 18 Syrian asylum seekers crossing into Europe found themselves “trapped between Greek police and a wildfire” and burned to death.⁵⁹ According to a forensics anthropologist involved in the victims’ identification process, Dadia Forest has been a common migration route, as it is densely forested, allowing asylum seekers to hide themselves from the Greek authorities who would likely push them back to Turkiye.⁶⁰ A total of 20 charred bodies, including those of 2 children, believed to be migrants who had crossed the Turkish-Greek border, were found in the same forest in the last days of August.⁶¹ Furthermore, there were asylum seekers that went missing after crossing the Turkish-Greek border and remained in a forested area near the wildfires in Evros region for days, during the same period at the end of August (see below).

“As they traversed the harsh, wooded terrain in northeastern Greece, the 18 asylum seekers were presented with an agonizing dilemma: Take the safer route through villages and over high-

⁵⁶ European Parliament, Briefing, Walls and Fences at EU borders, 2022, available at: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/733692/EPRS_BRI\(2022\)733692_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/733692/EPRS_BRI(2022)733692_EN.pdf)

⁵⁷ Regarding the number of arrivals and asylum applications registered in Evros see: official statistics by the Greek Ministry of Migration and Asylum: <https://tinyurl.com/msyd38me>, UNHCR, Operational Data Portal, Mediterranean Situation: Greece, available at: <https://data.unhcr.org/ar/situations/mediterranea/location/5179>

⁵⁸ See among others: Border Violence Monitoring Network (BVMN), Violence Within State Borders: Greece, January 2024, p. 4, available at: <https://borderviolence.eu/reports/violence-within-state-borders-greece/>; ECRE, Asylum Information Database - AIDA: Greece, p. 34, available at: <https://asylumineurope.org/reports/country/greece/>; For the registered number of entries see: UNHCR, Operational Data Portal, Mediterranean Situation: Greece, 2024, available at: <https://data.unhcr.org/en/situations/europe-sea-arrivals/location/24489>

⁵⁹ See New York Times (NYT), They Ran for a Better Life Straight into a Wildfire, 1 October 2023, available at: <https://tinyurl.com/42wxhxz9>, Amnesty International, Greece: Evros wildfire dead are victims of ‘two great injustices of our times’, 23 August 2023, available online at: <https://tinyurl.com/2repjnuv>

⁶⁰ Middle East Eye, Greece: Suspected Asylum seekers killed in Evros fires, 22 August 2023, available at: <https://www.middleeasteye.net/news/greece-suspected-asylum-seekers-killed-evros-fires>

⁶¹ Charred body found in Dadia Forest; number of migrants burned in Evros rises to 20, 25 August 2023, available at: <https://www.keeptalkinggreece.com/2023/08/25/migrants-burned-dadia-evros/>

ways, but into the arms of the Greek authorities, or travel through the forests and fields being ravaged by Europe's largest recorded wildfire.

They opted for the forests."

New York Times article, 1 October 2023.

E. The 2023 CPT Visit in Evros: Between 21 November 2023 and 1 December 2023, the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) delegation visited a range of places of detention in Greece, including various police and border guard stations in the Evros region.⁶²

The CPT delegation, after interviewing several detainees, described in its post visit report the pattern of the alleged pushback operations at the land border in the Evros region: "[...] *detained persons reported that they had crossed the Evros river from Türkiye and had arrived on Greek territory, where they were apprehended by police officers or unidentified masked men in military fatigues*

*and brought to a holding place (usually a building but sometimes in the open) where they were held for several hours".*⁶³ The CPT recorded several testimonies that people during their informal detention "*had to kneel with their hands behind their back or lie down on the floor, head down, and that they were subjected to baton blows, kicks or punches if they disobeyed*" while afterwards "*they were placed in overcrowded vans*" and "*were then reportedly brought to the river by men dressed in dark clothes or military fatigues, wearing balaclavas and equipped with sticks*". Additionally, the CPT reported that several of the interviewed alleged pushback victims were submitted to strip search while all victims stated that the perpetrators removed their personal belongings before being placed in boats and pushed back to the Turkish riverbank. Finally, the CPT delegation received corroborating allegations that "***some of the alleged pushbacks were carried out by foreign nationals employed for this purpose, who were wearing balaclavas and wielding plastic sticks.***"⁶⁴

⁶² COE, Council of Europe anti-torture Committee (CPT) visits Greece, 12 December 2023, available at: <https://www.coe.int/el/web/cpt/-/council-of-europe-anti-torture-committee-cpt-visits-greece>

⁶³ CPT, Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 20 November to 1 December 2023, 12 July 2024, para 155, p. 46, available at: <https://rm.coe.int/1680b0e4e1>

⁶⁴ CPT, Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 20 November to 1 December 2023, 12 July 2024, p. 46, available at: <https://rm.coe.int/1680b0e4e1>. The use of migrants as police auxiliaries in pushback operations in Greece has been documented also in earlier human rights NGOs' and investigative journalism reports. See: Human Rights Watch Report, "Their Faces were covered" Greece's Use of Migrants as Police Auxiliaries in pushbacks migrants, 7 April 2022, available at: <https://www.hrw.org/report/2022/04/07/their-faces-were-covered/greeces-use-migrants-police-auxiliaries-pushbacks>, according to which "Greek authorities, including through proxies they use, are assaulting, robbing, and stripping Afghan asylum seekers and migrants, including children, before summarily pushing them back to Turkey via the Evros River. They are employing men who appear to be of Middle Eastern or South Asian origin, to force stripped or barely clothed migrants onto small boats, take them to the middle of the Evros River, which marks the land border between Greece and Turkey, and force them into the frigid water, making them wade to the riverbank on the Turkish side. These men often wear balaclava masks to conceal their faces and black or commando-like clothing", Lighthouse Reports et al., "We are Slaves" Greece uses asylum seekers to forcibly return migrants to Turkey, 28 June 2022, available at: <https://www.lighthousereports.com/investigation/we-were-slaves/>, according to which "In recent years there have been numerous accounts from the victims, as well as reports by human rights

3. New Pushback Cases before the ECtHR

❖ Interim measures (or ‘Rule 39 orders’) are urgent orders issued by the European Court of Human Rights (ECtHR), under Rule 39 of its Rules of Court, only in ‘exceptional circumstances’, when applicants would otherwise face an imminent risk of serious and irreparable harm to a right protected by the European Convention on Human Rights (ECHR).⁶⁵

❖ urgent measures are then indicated to the respective Government.

❖ State Parties are under an obligation to comply with the Court’s interim measures.

❖ A State’s noncompliance with an interim measure constitutes a violation of article 34 (right of individual application to the ECtHR)⁶⁶ of the ECHR irrespective of the subsequent finding of other material provisions of the ECHR by the Court.

→ The ECtHR interim measures decisions are **LEGALLY BINDING** on the State concerned!

FROM MARCH 2022 to 7 OCTOBER 2024:

→ GCR filed **85 requests for interim measures (Rule 39) before the ECtHR**, legally representing a total of **730 Syrian, 130 Turkish, 92 Iraqi, 56 Palestinian, 28 Afghan, 3 Egyptians and one Somali asylum seekers, including many children**, requesting its clients be granted humanitarian assistance and access to the asylum procedure.⁶⁷

→ **The Court granted the requested interim measures for all cases** and ordered the Greek government to not remove the refugees from the country’s territory and, in the majority of the cases, to provide them with food, water and proper medical care. The ECtHR also requested to be informed by the Greek government, amongst others, on whether the refugees have submitted an asylum application and whether they have access to the asylum procedure and to legal assistance.

→ **In only 20 out of these 85 cases, the asylum seekers were formally arrested by the Greek authorities.**

organizations and the media, stating that the men driving these boats [used in pushback operations in Evros] speak Arabic or Farsi, indicating they are not from Greece. A months-long joint investigation with The Guardian, Le Monde, Der Spiegel and ARD Report München has for the first time identified six of these men – who call themselves slaves– interviewed them and located the police stations where they were held”.

⁶⁵ ECtHR, Factsheet - Interim Measures, March 2024, available at: https://www.echr.coe.int/documents/d/echr/fs_interim_measures_eng

⁶⁶ According to Article 34 of the ECHR: “The Court may receive applications from any person, non-governmental organization or group of individuals claiming to be the victim of a violation by one of the High Contracting Parties [State Parties] of the rights set forth in the Convention or the Protocols thereto. The High Contracting Parties undertake not to hinder in any way the effective exercise of this right.”

⁶⁷ See GCR Information Note on interventions and on interim measures granted by the ECtHR in cases regarding pushbacks, 7 October 2024.

→ In 44 out of these 85 cases, the asylum seekers complained to GCR that they were pushed back to Türkiye.⁶⁸

→ In 21 out of these 85 cases the asylum seekers went missing after the Court's decision and we are not aware of their whereabouts.

→ In several cases, the victims have reported suffering more than one pushback.

Greece remains among the **top countries cited by the ECtHR in interim measures** granted in 2023.⁶⁹ The majority of the interim measures' orders concerned immediate assistance to and non-removal of refugees and migrants at the Greek-Turkish borders. However, Greece has continued to demonstrate contempt for the Rule 39 process and has proceeded to unlawfully remove persons in need of international protection from its territory in direct breach of the Court's orders.

Between January 2023 and 7 October 2024 GCR successfully filed **interim measures** at the European Court of Human Rights (ECtHR) under Rule 39 for **64 cases** of asylum seekers that arrived in the Evros region, following unsuccessful written interventions made by GCR towards the Greek authorities to locate and rescue these particular groups of people and provide access to reception,

identification and asylum procedures; the authorities either did not respond to the interventions or responded that they could not locate said persons.

An interim measure decision issued on 12 July 2023 concerned a Syrian recognized refugee in Greece, who was pushed back from Thessaloniki to Türkiye in October 2022. He has been repeatedly pushed back by the Greek police ever since - more than 20 times. The pushbacks occurred every time he tried to re-enter Greece from Evros to Türkiye, even after showing a copy of his passport and residence permit (issued in Greece).

Despite the Court's order to the Greek government not to remove the asylum seekers from Greek territory and provide them with food, water and adequate medical care, **in 37 out of these 64 cases** people complained to GCR that they were pushed back to Türkiye.⁷⁰ **In 10 out of these 64 cases**, all or some of the Turkish asylum seekers, upon their refoulement, were imprisoned in Türkiye; **in 16 cases**, GCR lost contact with the asylum seekers and has no further information about their whereabouts. Furthermore, there have been **at least 4 cases** of non-Turkish asylum seekers, as GCR has been informed by asylum seekers of the same group or the victims' relatives, where certain individuals were further refouled from Türkiye to their country of origin.

⁶⁸ GCR has received pushback complaints from victims either upon their pushback by the Greek authorities and while they were in Türkiye or at a later stage upon their pushback, while they were in Greece, after having managed to re-enter.

⁶⁹ Rule of Law Report Submission 2024, p.33.

⁷⁰ GCR Information Note on interventions and on interim measures granted by the ECtHR in cases regarding pushbacks, 7 October 2024.

In only 11 cases out of these 64, the asylum seekers were formally arrested by the Greek authorities and registered an asylum application. In 5 cases, the asylum seekers managed to re-enter Greece after their pushback, were formally arrested and registered an asylum application.

In addition to the interim measures filed before the ECtHR **between January 2023 and February 2024**, GCR filed **full applications before the Court for violation of the ECHR articles for 9 cases – involving 13 pushback incidents occurred in 2023**, pursuant to Article 34 of the ECHR. The examination of these cases by the Court is currently pending.

Said 9 cases submitted before the ECtHR are presented in detail below.

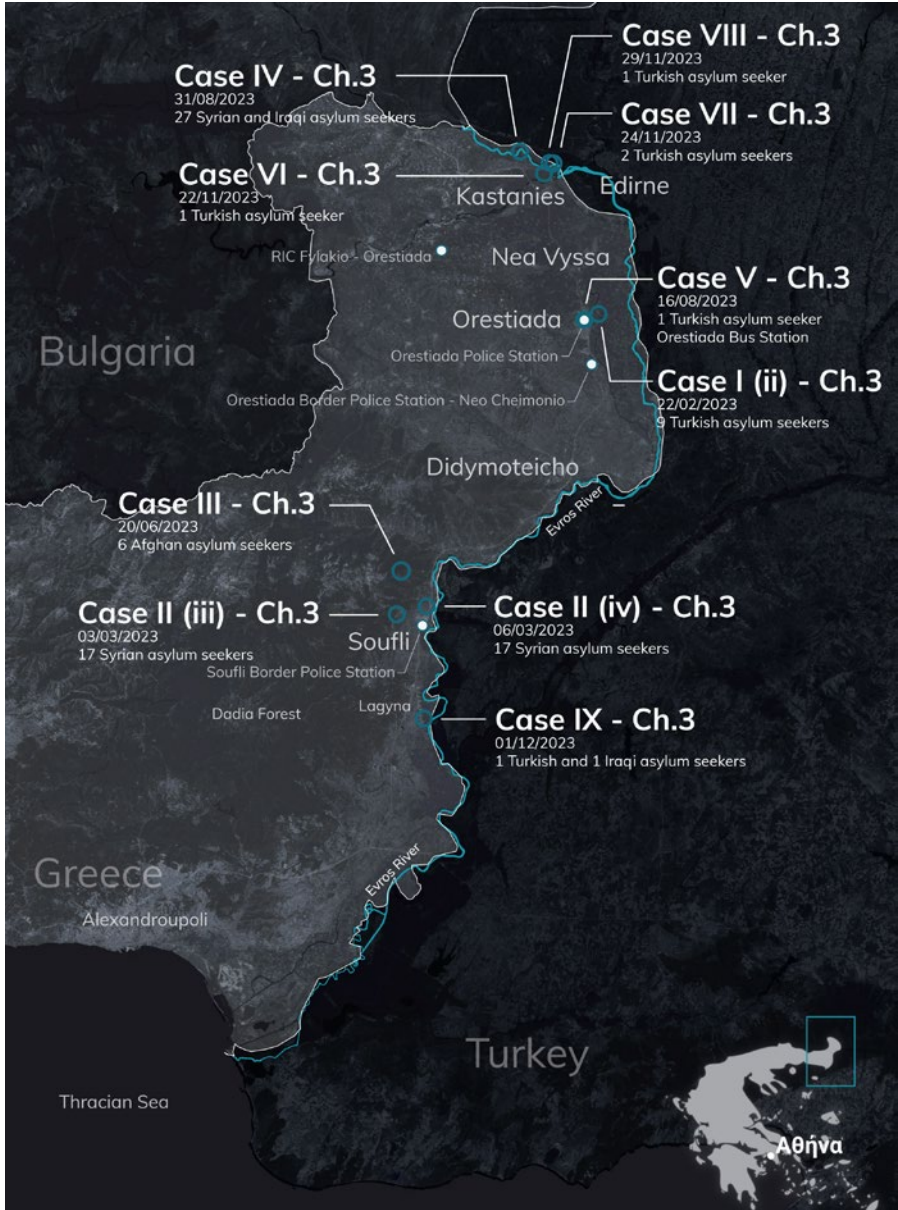
In all said cases, GCR also informed the Public Prosecutor and the Supreme Court Prosecutor of the Turkish asylum seekers' refoulement and/or the pushback of asylum seekers. Moreover, the Greek National Commission for Human Rights (GNCHR) intervened by addressing a letter to the Ministry of Citizens' Protection and the Minister of Migration and Asylum for each case. To date, GCR has received no information about a preliminary investigation order by the judicial authorities for any of

these cases.

Regarding the Turkish asylum seekers - pushback victims, for whom GCR has submitted full applications before the ECtHR, these are persons of Turkish or Kurdish ethnic origin, who all declare that fled Türkiye due to their persecution because of their political beliefs and / or of being wrongfully accused as members of political groups (i.e. FETO). As regards the applicants/pushback victims of other nationalities, for whom GCR has submitted full applications before the ECtHR, these include persons from Syria, Afghanistan and Iraq, who feared being sent back from Türkiye to their country of origin / habitual residence, where they declared to face persecution.⁷¹

⁷¹ Regarding the risk of refoulement, see among others: 2023 Country Report on Human Rights Practices: Turkey, of the United States Department of State Bureau of Democracy, Human Rights and Labor Country Reports on Human Rights Practices for 2023, available at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/turkey/>, according to which: "[...] Authorities engaged in pushbacks of asylum seekers at the country's borders and there were multiple reports by international media of alleged violence and forced returns to Iran of Afghans, to Syria of Syrians, and of other asylum seekers attempting to enter the country. [...]". Moreover, there were reports of "[...] Afghans and Syrians [who] were coerced into providing a fingerprint signature on 'voluntary' repatriation forms in removal centers through physical force or terrible conditions that induced them to 'sign'. Following the government's July 9 announcement to 'visibly curb undocumented migrants', there were increased reports of a government crackdown on irregular migration that included forced returns and deportations to Syria and Afghanistan. Many asylum seekers claimed they were not provided an opportunity to file for asylum protection, prevented from accessing legal aid support, or both [...]". Human Rights Watch, *World Report 2024: Türkiye - Events of 2023*, available at: <https://www.hrw.org/world-report/2024/country-chapters/turkey>. According to the said report: "The Turkish government mostly deems people from Afghanistan, Iraq, and other non-European countries irregular migrants and strictly limits avenues for them to apply for international protection, routinely deporting large groups and publishing statistics that show it. Turkish authorities also conduct mass summary pushbacks at the borders."

More specifically:



Map 3: The Evros map displays the locations (according to GPS coordinates) as shared by the

asylum seekers before their pushback (see Case I - Case IX, below).

I. The case of a Turkish asylum seeker pushed back from Evros mainland on 22 February 2023 after being pushed back on 28 January 2023 from Lesbos island

Date of arrival: 22 February 2023

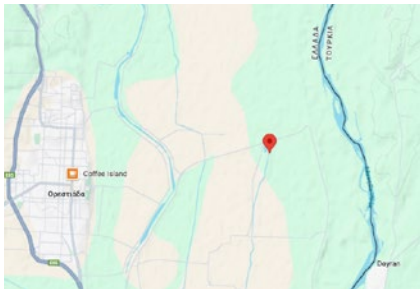
Date of ECtHR's interim measures:
No interim measures

Date of pushback operation: 22 February 2023

Relevant application before ECtHR:
Submitted on 24 May 2023

Alleged Violations of the Convention: Art. 2, art. 3, art. 13 ECHR

Essential aspects of the case: Humiliating strip search, use of migrants in the pushback operation, imprisonment in Türkiye after the pushback



Google maps, GPS Coordinates, shared by the asylum seeker(s)

Arrival of 9 Turkish asylum seekers near Orestiada, Evros mainland: On 22 February 2023 around 05:00, a Turkish asylum seeker entered Greece - together with 8 more Turkish citizens - via the Greek-Turkish land border near the city of Orestiada, in the Evros mainland.

GCR's intervention to the Greek authorities: At 08:28, the aforementioned Turkish asylum seekers contacted GCR in order to intervene with the Greek authorities and assist them to seek international protection, sharing with GCR their details and documents, together with videos and photos. At 12:23, GCR's lawyer sent a written intervention to all competent authorities and informed them about the wish of the nine asylum seekers to apply for asylum. Following the written intervention, a GCR lawyer repeatedly contacted the Greek authorities by telephone, in order to be informed about the whereabouts of the asylum seekers, but the authorities replied that no Turkish citizens were detected. Meanwhile, communication with the asylum seekers was no longer possible and their mobile phones were deactivated.

Informal arrest, threats and unofficial confiscation of mobile phones: According to the statement of one of the asylum seekers to GCR at a later time, approximately at 10:20 of 22 February 2023, **two Greek soldiers wearing military camouflage uniforms, full face masks and bulletproof vests (see photo below)**, shouted at them to reveal themselves from the woods where they were hiding.

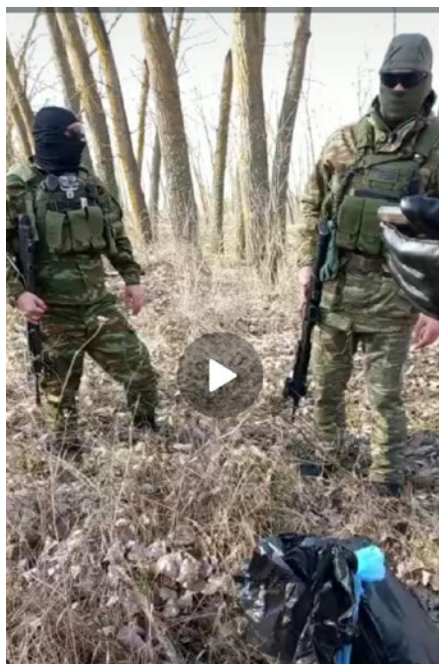


Image 4. Screenshot of the video sent to GCR by the applicant – asylum seeker.

Apart from the two soldiers, other persons were also present at the scene, some of them in military uniforms with insignia (two or three stars at the shoulder) and one person in civilian clothes. There were also two vehicles at the site (a white minivan with bars on the windows and a green pickup). The perpetrators took the cell phones of the asylum seekers and body searched them all, before forcing them into the minivan. After a 20-25-minute drive, the minivan made one stop on a small country road where there were four more persons (two wearing dark blue shirts like uniforms and two in military camouflage uniforms). There, according to the asylum seeker

“They switched on our cell phones and looked at the pictures we had taken. They asked me why I had kept pictures and videos and threatened me by saying:

‘we will beat you, we will beat you, where are you sending these, to whom have you sent this’”

After that, the perpetrators took all asylum seekers’ belongings, forced them into the same minivan and took them to the river.

Use of migrants at the riverbank: There, the asylum seekers were handed over to two men in military uniforms, who –according to the asylum seeker – were speaking an Afghan dialect. Meanwhile, another minibus arrived at the spot carrying approximately 15 people (Afghans and Syrians), including children. The two men in military uniforms were speaking with the Afghans in an Afghan dialect, holding expandable batons, yelling at the asylum seekers and beating some of them. All asylum seekers (including women) were subjected to strip search, including intrusive body searches. Soon after, all the asylum seekers were transferred to the Turkish riverbank by boat. The pushback operation was completed at approximately 11:30.

What happened after the pushback of 22 February: After the pushback, the asylum seekers were arrested by the Turkish police and interrogated for approximately 10 hours. Two of them were released, but the rest (seven) remained under detention. On 7 March 2023, the asylum seeker, with whom GCR maintained communication, at

tempted again to enter Greece but was arrested on the Turkish riverbank, which led to criminal charges against him for entering a military zone. This eventually led to his criminal conviction and to a 20-month imprisonment. The asylum seeker did not appear in Court and he is a wanted person in Türkiye. The said asylum seeker stated that he has been repeatedly targeted by the Turkish Authorities, exposed to police brutality, arrests and detention, and that he is facing real risk of being subject to new persecution, inhuman and degrading treatment and imprisonment in Türkiye for his lawful political action and affiliation. On 12 June 2023, the asylum seeker managed to enter Greece again together with a group of 55 Turkish nationals and -following GCR's intervention- he was officially arrested in accordance with due process of law and finally registered his asylum application.

On 24 May 2023, the aforementioned asylum seeker filed before the ECtHR an application against Greece for violation of articles 2, 3 and 13 of the Convention. The application concerned two pushbacks the asylum seeker was subjected to; one on 22 February 2023 from Evros and one a few weeks earlier on 28 January 2023 from Lesbos island (for more information about this first pushback from Lesbos island see table below).

Date of arrival: 28 January 2023

Place of arrival: Lesbos island

Date of ECtHR's interim measures:

No interim measures

Date of pushback operation: 28 January 2023

Relevant application before ECtHR:

Submitted on 24 May 2023

Alleged Violations of the Convention: Art. 2, art. 3, art. 13 ECHR

Essential aspects of this case: Fired upon in the dark, strip search, abandonment on a life raft in the sea under bad weather conditions and without life jacket

Location: <https://goo.gl/maps/vgQ-y38VMvyKiSzBu5>

Located by the Greek coast guard and abandoned in the open sea:

On 28 January 2023 approximately at 01:00, a Turkish national entered Greece in Lesbos island on a small dinghy boat, intending to apply for international protection. He was together with approximately 20 Afghan nationals.

The asylum seekers were reaching the coast of Lesbos, when they heard 1-2 gunshots fired in the dark towards their dinghy boat. A bullet hit their boat, which started to sink. The men of the group went in the water trying to save the children who were in the sinking boat. When they managed to reach the coast, the group was separated and the Turkish asylum seeker together with an Afghan man from the group started walking to find a road. After walking for ten minutes, the two asylum seekers were located by three soldiers in military uniforms with uncovered faces and holding guns. The soldiers immediately removed the asylum seekers' cell phones, forced them into a small white pick-up truck and drove them to the coast. In the meantime, the rest of the asylum seekers were

also apprehended by the soldiers. All of them were put in two black inflatable boats and were transferred and embarked on a Greek coast guard vessel. The Turkish asylum seeker recognized blue stripes on the boat and a waving Greek flag. He tried to explain, in English, to the 3 soldiers who arrested them and to the other 5 officers who were on board of the Greek Coast Guard vessel (all of them in military camouflage clothing) that he was Turkish and he wanted to seek asylum in Greece asserting that he faced persecution in Türkiye. The soldiers ignored him. The Turkish asylum seeker restated his wish to apply for asylum and then one of the soldiers, who was acting as the commander, told him that they were taking all of them to a refugee center.

Aboard the Coast Guard vessel, the Turkish asylum seeker was treated violently. According to his statement:

“One military man stepped on my neck and asked me what my political opinion is. The other officers were kicking me and twisted my wrist. We were all subjected to body search. I was naked during the body search and the officers touched my genitals in front of everyone”

After a while, all the asylum seekers were boarded on in two inflatable life rafts and abandoned in the open sea between Greece and Türkiye. The weather was worsening. It was windy and raining, the two boats

with the asylum seekers were drifting towards Türkiye and their lives were in great danger.

What happened after the pushback of 28 January: The asylum seekers were rescued by the Turkish coast guard and the rescue operation was covered by Turkish media. According to the Turkish Coast Guard, the Turkish asylum seeker was arrested because of his illegal exit from the country, and he was subsequently interrogated.

II. The case of 17 Syrian asylum seekers pushed back 4 times from Evros mainland on 25 and 28 February 2023 and on 3 and 6 March 2023

1st PUSHBACK

Date of arrival: 25 February 2023

Date of pushback operation: 25 February 2023

Relevant application before ECtHR: Application no. 9906/23 - M.D. and Others v. Greece submitted on 24 May 2023 on behalf of seven (7) of the 17 applicants that GCR managed to locate in Türkiye

Alleged Violations of the Convention: Art. 2, art. 3, art. 5, art. 13, art. 34

Location: Exact location not available

Pushback of 17 Syrian asylum seekers by men in military uniform: In the afternoon of 25 February 2023, 17 Syrian asylum seekers (all members of the same family) entered Greece crossing

the Evros river in a small rubber dinghy. They walked for about an hour until they reached an unknown location next to a motorway.

According to the asylum seekers' testimonies, that night they were apprehended by two men in balaclavas and olive-green military clothes in a dark blue minivan. The two men were holding wooden bats and weapons, were cursing and shouting at the asylum seekers, bodily searched them and confiscated their mobile phones. Then, the two men transferred the asylum seekers with the minivan to the riverbank and ordered them to get into a rubber dinghy driven by two other men in civilian clothes without masks, who according to the asylum seekers' understanding were likely Afghans and were shouting at them:

“Get on the boat, shut up and don’t talk”

After the pushback, the asylum seekers spent the night on the Turkish shore and managed to re-enter Greece three days later, on 28 February 2023, near Soufli in the Evros region.

2nd PUSHBACK

Date of arrival: 28 February 2023

Date of pushback operation: 28 February 2023

Relevant application before ECtHR:

Application no. 9906/23 - M.D. and Others v. Greece submitted on 24 May 2023 on behalf of seven (7) of the 17 applicants that GCR succeeded to locate in Türkiye

Alleged Violations of the Convention: Art. 2, art. 3, art. 5, art. 13, art. 34

Essential aspects of this case: Cruel acts and intimidation

Location: Exact location not available

Inappropriate body search of women, confiscation of medication from a vulnerable woman and confiscation of children’s diapers:

On 28 February 2023, at around 14:30, the 17 Syrian asylum seekers entered Greece from Türkiye for the second time crossing Evros river in a small rubber dinghy. As soon as they entered Greece, they started walking towards Soufli. After a 2 hour walk next to a motorway, they encountered a sign reading “Soufli”, and this is where they were apprehended by 3-4 armed men in olive green clothes, wearing balaclavas and holding big guns, in a small olive-green car. According to the asylum seekers' statements:

“The armed men started shouting and pointed their guns at us and threatened us and the children started crying. The men asked us if we speak English. They put us on the ground and started body searching us. They searched women first with a stick and then with their hands. We felt embarrassed.

The body search could easily be seen by the passing cars due to the headlights of the armed men’s car pointing at us. The armed men confiscated our mobile phones.

They also confiscated one woman’s medicine for diabetes mellitus, even though her children were trying to explain to them that their mother needed them. The armed men also

confiscated all the things we had for the children, including their diapers”

Transfer at the river bank and use of violence: The armed men made a call with their radio and a few minutes later a dark blue van arrived. Three men in military uniform, wearing balaclavas and holding small guns, got off the van. One of them was wearing an olive-green jacket with the word “police” on the back. The three armed men in military uniform transferred the asylum seekers to the Greek riverbank, and with the use of violence pushed them on a rubber boat. At that moment, one of the asylum seekers fell into the water while holding his daughter in his arms.

Asylum seekers forced to enter a rubber dinghy filled with water: The asylum seekers were ordered to take off their shoes and get inside the rubber boat, which was filled with water. Four men in civilian clothes (probably Afghans according to the asylum seekers) without balaclavas were operating the boat. In two consecutive trips with the inflatable boat, the asylum seekers were pushed-back to Türkiye around midnight, after having spent about 5-6 hours on Greek soil.

The 17 asylum seekers managed to re-enter Greece a few days later, on 1 March 2023, near Soufli.

3rd PUSHBACK

Date of arrival: 1 March 2023

Date of ECtHR’s interim measures:
3 March 2023

Date of pushback operation: 3

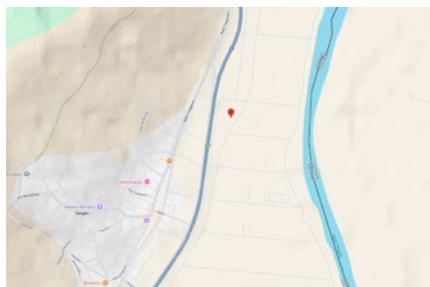
March 2023

Relevant application before ECtHR:

Application no. 9906/23 - M.D. and Others v. Greece submitted on 24 May 2023 on behalf of seven (7) of the 17 applicants that GCR succeeded to locate in Türkiye

Alleged Violations of the Convention: Art. 2, art. 3, art. 5, art. 13, art. 34

Essential aspects of this case: Humiliation, intimidation and cruel acts



Google maps, GPS Coordinates, shared by the asylum seeker(s)

Third pushback of the 17 asylum seekers:

On 1 March 2023, the 17 Syrian asylum seekers entered Greece for the third time and headed to a forest area near Soufli. On 2 March, the group managed to communicate with GCR expressing their fear of being illegally pushed back to Türkiye and stated their wish to apply for asylum in Greece. GCR immediately informed the competent Greek authorities and requested their immediate actions to rescue the asylum seekers and provide them humanitarian assistance and access to reception, identification and asylum procedures.



Image 5.

Acts of violence towards women: According to what the asylum seekers later told GCR: During the night of 3 March, the group was apprehended by three unidentified men who treated them violently, ordered them to “sit down”, put them in a row, bodily searched them and violently pushed them (wooden bats and sticks were used against all women and two of the men) to get into a van. One of the three perpetrators hit the van to make noise and scare the asylum seekers. The children started crying. After a half an hour drive, the three men dropped the asylum seekers on the Greek Evros riverbank and forced them to get into a rubber boat operated by two other men dressed in black and wearing balaclavas.

Application for Interim Measures before the ECtHR: In several phone communications with the border police station in Soufli on 3 March, GCR lawyers repeatedly asked if an operation to locate the asylum seekers was under initiated and the outcome thereof. In all communications, the police officer on duty replied either that the patrol was or would be informed, that the location of the group is mountainous and hardly accessible or that the police car had not located anyone in the indicated area. As there was no response from the Greek authorities regarding the tracking and arrest of the asylum seekers, on the same day GCR lawyers submitted an application for interim measures before the ECtHR. On the same day, the Court granted interim measures indicating to the Greek Gov-

ernment that: *“the applicants should not be removed from Greece and be provided with food, water and adequate medical care as needed until further notice”*. On the same day, approximately at 19:20, GCR lawyers forwarded the Court’s decision to the competent authorities and communicated again with the authorities who orally replied that the asylum seekers were not located. As GCR would later discover, by that time, it was already too late, as the applicants had been already pushed back to Türkiye. In the afternoon of 4 March, the police officer on duty informed GCR lawyers that the searches had stopped, since nobody had been located in the indicated area. Moreover, communication with the asylum seekers was no longer possible, as their phone was deactivated.

The 17 asylum seekers managed to enter Greece for the fourth time in the morning of 3 March 2023.

4th PUSHBACK

Date of arrival: 3 March 2023

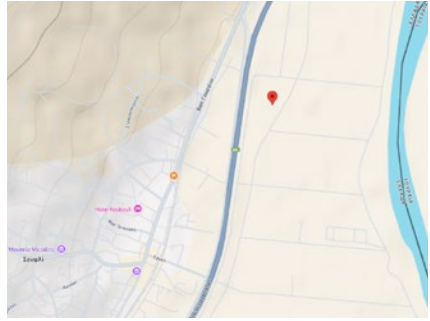
Date of ECtHR’s interim measures: 3 March 2023

Date of pushback operation: 6 March 2023

Relevant application before ECtHR: Application no. 9906/23 - M.D. and Others v. Greece submitted on 24 May 2023 on behalf of seven (7) of the 17 applicants that GCR succeeded to locate in Türkiye

Alleged Violations of the Convention: Art. 2, art. 3, art. 5, art. 13, art. 34

Essential aspects of this case: Display of the ECtHR decision to the police upon arrest, inhuman treatment and violence against children



Google maps, GPS Coordinates, shared by the asylum seeker(s)

Walking towards the nearest border

police station: On 3 March 2023, at approximately 06.00, the 17 asylum seekers entered Greece for the fourth time and headed to the forest area of Soufli. They later described to GCR lawyers that by this time they were mentally and physically devastated. On 5 March, the asylum seekers started walking towards the nearest police station, which according to Google Maps, was the Soufli Border Police Station.

On 5 March, at approximately 21:20, two of the asylum seekers’ relatives residing in Greece, urgently contacted GCR informing the lawyers of the new location of the group and that -while they were talking on the phone with the asylum seekers- they heard somebody addressing them by saying: “Stop police” and then the communication with their relatives was interrupted.

Alerting Soufli border police station

about the case: Immediately after receiving this information from the relatives of the asylum seekers, GCR lawyers sent an email to all the competent authorities, with the new location of the

group, which was 2,1 kilometers away from Soufli Border Police Station, according to Google Maps. GCR lawyers communicated several times by phone with the aforementioned border police station, stressing the urgency of the case, the vulnerability of the asylum seekers and the proximity of their location to the police station. Multiple replies were given by the authorities to GCR lawyers, such as that the police patrol would go to the location, that the police patrol had already gone to the location, but did not locate anybody, or that the police authorities were monitoring the indicated location through cameras already installed in the area. In the last phone communication of GCR lawyers with the aforementioned police station at approximately 23:45 on 5 March, the officer on duty responded again negatively, stating that there is nothing more to be done.

Stopped by the police: In the morning of 6 March 2023, a relative of the applicants informed GCR that the asylum seekers had been pushed back again from Greece to Türkiye in the early morning hours of 6 March. According to what the asylum seekers described later to GCR lawyers: while they were in a phone communication with their relatives on 5 March 2023, an olive-green military jeep with four men inside appeared. Three of the men were dressed in olive green clothes (two of them in balaclavas) and the fourth man in black. All four were carrying big guns. The four men shouted several times at the asylum seekers “Stop, police!” and ordered them to “sit down”. Thereafter, they called via

radio for another vehicle to come. The two men wearing balaclavas bodily searched the asylum seekers.

Displaying the ECtHR’s Decision to the police: At that moment, the asylum seekers tried to show them the Court’s decision on interim measures saved on their mobile phone and stated their wish to ask for asylum. The four men ignored the asylum seekers and kept shouting at them. A few minutes later, a blue van arrived and the asylum seekers were violently pushed inside the van. After a few minutes’ drive, the group was transferred to a police station in an unknown area around Soufli, where the asylum seekers remained detained between 21:30 of 5 March until approximately 09:00 the following day.

Informal detention and inhumane treatment in the police station yard: During their informal detention, the asylum seekers complained that they had been physically abused, threatened, transferred outside the police station for a few hours, while it was raining, and forced to stand under the rain without moving.

The asylum seekers described the detention site as an outdoor cage with a fence inside the yard of a police station. Men were separated from women, but they were all kept in the same yard. Two police officers in blue uniform with the word “police” appeared and there was also another police officer in blue uniform (with two or three stars on his shoulder) who was mainly supervising the other police officers while they were yelling, curs-

ing and beating the asylum seekers. One of the asylum seekers tried to explain in English to the police officers that they want to ask for asylum and that the ECtHR has issued a decision not to remove them from Greece. One of the police officers started yelling at them and told them that only passports are accepted here and also said that:

“If your lawyer is strong enough, [he/she] will send an airplane to return you from Turkey”

The police officer was screaming and saying offensive words towards the ECtHR and the applicant’s lawyers and kept repeating the word “*mala-ka*”, a Greek swear word. According to a message sent in Arabic to GCR lawyers by one of the asylum seekers on 8 March, one of the police officers was approaching the asylum seekers almost every half an hour and was shouting at them:

***“Greece is our country and you are trash and you have no right to enter our country.
And if the President of the European Court was coming to the border, we would send him away with you”***

Thereafter, two female police officers arrived and conducted a body search -in front of everybody and in an offensive manner- on the female asylum seekers. After the body search, the asylum seekers were put in a cell. During their unofficial detention, the asylum seekers asked a police officer for water, who replied to them:

“NO WATER”

and threatened them by showing them his baton. Access to toilets was also not allowed. According to the asylum seekers’ testimonies:

***“A woman who was having health problems and was under medication needed to go to the toilet.
We asked a police officer to let her go. Instead, the police officer gave her an empty bottle and told her to urinate in it. The woman urinated in front of everyone and felt ashamed”***

Food and water was not provided to the children either, although the asylum seekers repetitively asked for it. The group remained in informal detention for approximately 12 hours until 09:00 on 6 March when they were put into a large white van together with other people, and became part of a larger group of approximately 43 people in total. The driver of the van was a policeman in blue uniform and the co-driver was dressed in an olive-green uniform. Inside the white van there were no seats and all the people were standing, there was no air, the conditions were unbearable and the children were crying.

Violence against asylum seekers, including a child, by the riverbank:

When the asylum seekers arrived on the Greek bank of the Evros river and while they were exiting the van, they were beaten with sticks by two men in olive green military clothes. One asylum seeker was hit on the head.

At the said site, there was also a dark blue police van with six police officers in blue uniforms and balaclavas. On the Greek riverbank, a few meters from them, stood another man in olive green clothes without a mask, holding a baton. This man led the asylum seekers to the dinghy boats in the river. According to one of the asylum seekers – a father of four children:

“These people took our shoes, our things, our phones and the jackets we were wearing, and they hit my one and a half-year-old son on the head, because he was crying”

The asylum seekers were forced to enter the two dinghy boats (one black, one white) where there were already four operators in plain clothes without masks. The dinghy boats left the asylum seekers in the middle of the river, closer to the Turkish side and the asylum seekers were forced to walk in the water, holding their children in their arms.

What happened after the pushback of 6 March 2023: After the pushback, seven of the asylum seekers headed back to Kahramanmaras, while the other ten remained at the Turkish riverbank. The seven asylum seekers who returned to Kahramanmaras lived there in poor conditions, in tents outside their house which had collapsed during a recent earthquake, while there was a huge humanitarian crisis in the region. On 24 May 2023, the aforementioned 7 asylum seekers filed before the ECtHR an application against Greece for violation of articles 2, 3, 5, 13 and 34 of the Convention.

III. The case of 6 Afghan asylum seekers pushed back from Evros mainland on 20 June 2023

Date of arrival: 12 June 2023

Date of ECtHR’s interim measures: 20 June 2023 (Application no. 24691/23 – S.J.A. and Others v. Greece, Application no. 24692/23 – B.H v. Greece, Application no. 24693/23 - M.A and A.A. v. Greece)

Date of pushback operation: 20 June 2023

Relevant application before ECtHR: S.J.A. and Others v. Greece & B.H v. Greece submitted on 25 September 2023

Alleged Violations of the Convention: Art. 2, art. 3, art. 5, art. 13 ECHR

Essential aspects of this case: physical, verbal and psychological violence even towards children, pushback to Türkiye which led to the chain refoulement back to Afghanistan of two asylum seekers



Google maps, GPS Coordinates, shared by the asylum seeker(s)

Arrival of 6 Afghan asylum seekers, including 3 children: On 12 June 2023, 6 Afghans, including 3 children, entered Greece via the Greek-Turkish land border seeking international protection and found themselves in a forested area near Soufli. They had no food and or water and were forced to drink dirty rainwater, which caused vomiting and diarrhea in two of the children.

Request for humanitarian assistance to vulnerable asylum seekers, including children: On 16 June, the group managed to communicate with GCR to intervene with the Greek authorities and assist them with their wish to seek international protection, sharing with GCR their exact location. GCR lawyers immediately informed all the competent authorities and requested the Greek authorities' immediate action to locate and rescue them and provide them with humanitarian assistance, as well as access to the reception, identification and asylum procedures. A photograph of the six asylum seekers was attached to the letter addressed to the competent authorities. Between 16 and 20 June, GCR lawyers contacted by phone the border police station of Soufli, 16 times in total. In all phone call interventions, the police officer on duty of said border police station replied that searches were being carried out. Moreover, on 17 and 19 June, GCR lawyers addressed two emails to the Greek authorities informing them of the state of health of the asylum seekers and their new location, and requesting their immediate rescue and provision of reception and identification services. The emails were accompanied by two

videos of the asylum seekers sent to GCR. All emails remained unanswered. The last communication of GCR lawyers with the asylum seekers was on 19 June, just before their pushback. Then communication was lost.

Apprehended by the police: According to the asylum seekers' testimonies shared with GCR at a later date, on 19 June at approximately 13:30, the asylum seekers, while searching for water in the nearby forest, were apprehended by two police officers, one of which was armed. The police officers took the mobile phones from the asylum seekers and asked them to put their hands up. The armed police officer was touching his gun in its holster. The asylum seekers felt extreme fear for their life and begged the police officer not to shoot them, telling him that they wished to apply for asylum in Greece. The police officer was shouting at them in a language the asylum seekers could not understand. A few minutes later, another car arrived with two policemen inside, who ordered the asylum seekers to get inside the car and transferred them to an unknown detention site about half an hour away.

Physical and verbal violence also against children during informal detention: Inside this detention site, there were more detainees (approximately 40 people, most of them families). After a while, more people arrived, amounting to approximately 100-150 detainees. The asylum seekers were informally detained in that site for about 3-4 hours. No food or water was provided to them. Only children were provided with water from a hose. The six asylum seekers expressed

their wish to seek asylum in Greece, but to no avail. Between 17:00 and 18:00 approximately, they were transferred to another detention center, where more than 200 people were detained. In this second detention center, the police officers were using violence against the detainees. One child and his father were beaten with a stick with a rope on it. Moreover, the child was also beaten with a slap on his head. According to the child:

“People were beaten for no reason, at the will of the officers”

The asylum seekers reiterated their request for asylum, but nobody was listening to them.

On 20 June, at about 05:00, after spending approximately 12 hours in this second unidentified detention site, the asylum seekers -together with approximately another 200 people- were transported by police officers in a large dark truck close to a location near the land border with Türkiye. After approximately twenty minutes, they arrived at an unknown location and were all handed over by Greek police to four fully masked people speaking the Afghan dialect. The four masked men were holding bats, speaking violently and kept repeating the word ‘fast’ in the Afghan dialect and led all the asylum seekers into Türkiye, by foot.

Granting of interim measures by the ECtHR: A request for interim measures was submitted by GCR lawyer before the ECtHR and the Court’s decision was granted on the same day indicating to the Greek Government “that the

applicants should not be removed from Greece and be provided with food, water and adequate medical care as needed until further notice”.

What happened after the pushback of 20 June: When they arrived on the Turkish side, the six asylum seekers were arrested by the Turkish authorities and detained in a camp for three days. Upon their release, four of the asylum seekers (a family) were given a document ordering them to return immediately to Afghanistan. It was at that moment that they lost contact with the other two asylum seekers, with whom they had been together all this time. It was later that they **were informed that Turkish authorities had returned the other two asylum seekers back to Afghanistan.**

On 17 July GCR re-established communication with the four asylum seekers who are currently living in Türkiye undocumented with restricted access to basic services and goods. On 25 September, an application for ECHR violations was submitted before the ECtHR for four of the asylum seekers and its examination is pending. For the other two asylum seekers, an application for ECHR violations was not lodged due to their unknown whereabouts after their pushback from Greece to Türkiye and their alleged chain refoulement from Türkiye to Afghanistan.

IV. The case of 27 Syrian and Iraqi asylum seekers pushed back from Evros mainland on 31 August 2023

Date of arrival: 25 August 2023

Date of ECtHR’s interim measures: 1 September 2023

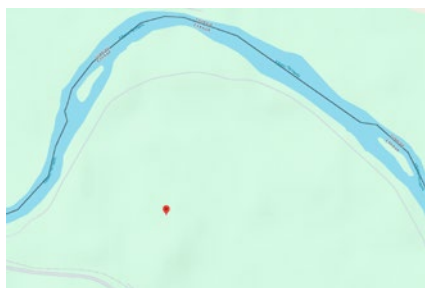
Date of pushback operation:

Relevant Application before the

ECTHR: Application no. 33059/23 – M.A.D. and others v. Greece submitted on 23 October 2023 (the full application was submitted by 1 of the 27 asylum seekers, due to the loss of contact with the rest of the group)

Alleged violations of the Convention: Art. 2, art. 3, art. 5, art. 13 ECHR

Essential aspects of the case: exposure at grave risk of death by starvation and dehydration, severe physical attack and extreme mental distress, refusal to provide water to children



Google maps, GPS Coordinates, shared by the asylum seeker(s)

Arrival of 27 asylum seekers, including 12 children and a vulnerable woman:

On 25 August 2023, 27 Syrian and Iraqi asylum seekers, including 12 young children and one woman with severe medical needs, entered Greece via the Greek-Turkish land border seeking international protection. They found themselves in a forested area near Kastanies. They had no access to food and water, and the vulnerable members of the group started facing health problems and anxiety about their survival.



Image 6. The asylum seekers in the forested area



Image 7.



Image 8.

Contact with GCR: On 30 August, the asylum seekers managed to communicate with GCR in order to intervene with the Greek authorities to provide humanitarian aid due to lack of water, food and necessary urgent medical assistance for a vulnerable woman, and also assist them with the registration of their asylum application, sharing with GCR their exact location. GCR immediately informed all the competent authorities about the group and requested the Greek authorities' immediate actions to locate and rescue the asylum seekers and provide humanitarian assistance, as well as access to the reception, identification and asylum procedures. On the same day, GCR lawyers contacted by phone the border police station of Orestiada, which responded that the asylum seekers were not found in the indicated area.

Fear for their lives: On 31 August, at approximately 11:30, the asylum seekers contacted again GCR and informed the lawyers that no Authority had been to their location. The asylum seekers stated that they feared for their lives and that an Iraqi woman had lost consciousness. The asylum seekers called the emergency number 112 to seek immediate medical assistance and were told that the competent authorities would be informed. Upon receiving this information, GCR on the same day sent another email to all competent authorities, informing them that the asylum seekers remained at the same location and requested the Greek authorities' immediate actions to rescue the asylum seekers and provide them with humanitarian assistance. Once again, the lawyer shared

the location and new photos of the group, stressing the risk for the life and physical integrity of the asylum seekers. Following a new phone call intervention by GCR lawyers, the Regional Center for Integrated Border Management and Migration (PEKODISME in Greek) and the border police station of Orestiada replied respectively that vehicles had been dispatched in search of the group, without result and that there was no information regarding the group. Around 14:00 on the same day, GCR requested interim measures from the ECtHR. On 1 September, the Court granted interim measures and ordered that the asylum seekers should not be removed from Greece. Immediately, GCR lawyers notified by email the Court's decision to all competent authorities. By that time, it was already too late, as GCR would later discover that the asylum seekers had been pushed back to Türkiye in the afternoon of 31 August, as described in detail below.

Physical violence, humiliation, degrading body-search of women: In the afternoon of 1 September, one of the asylum seekers communicated with GCR and sent a photo of his injured head. In the communication that followed, he informed GCR lawyers that all the 27 asylum seekers were pushed back to Türkiye in the afternoon of 31 August. He stated that on 31 August, immediately after the communication of the asylum seekers with GCR lawyers, approximately at 13:00, they were attacked by a masked man, dressed in military trousers and an olive-green shirt with the word "police" on the one shoulder presenting himself as police. This man was

holding a bat and beat up members of the asylum seekers' group. Soon after the violent attack, three more masked men in military uniform and approximately ten men wearing full-face masks and sunglasses appeared.

The men in military clothes bodily-searched the women in front of everyone in an inappropriate and degrading way. The asylum seekers described that one police officer in blue uniform and three more men in light green uniforms were also present at the scene. After half an hour, a closed light-yellow van arrived, and the asylum seekers were violently forced inside the van by two of the aforementioned men dressed in light green clothes who were speaking in a language the asylum seekers could not understand. The group was bodily-searched by the two men and a third man was watching. The asylum seekers stated:

“One of the men also body-searched the women.

Some of the men in our group were forced to take off their clothes before entering the van and we were body-searched in detail. All 27 of us entered the van and we could not breathe. There was only a little window that did not open.

The driver and the co-driver of the van were in civilian clothes. The van was followed by two white and blue police cars, with the word “police” written on them and by another vehicle.

These men told us that they will transfer us to a camp”.

Unofficial detention and denial of water to children: When the asylum seekers got out of the van, they were in front of a big open space like a stadium with bars all around. They were body-searched by two men in light green clothes and their bags were removed. Then, they were all transferred to the ground floor of a nearby building, which also had bars. The asylum seekers were detained in an enclosed area of this detention site. Between the yard and the enclosed area there was something like a corridor. **The asylum seekers asked for water for the children, but the authorities did not give it to them.** They remained in incommunicado detention without provision of food, water and medical care for almost four hours, until approximately 18:00 when the asylum seekers were forced to enter the same van that had brought them to the detention center and were transferred to a location near the Evros river, an hour and a half away from the detention location. When they arrived at this site, the asylum seekers were violently made to kneel and look at the ground. Any person who disobeyed this order was beaten. At this point, the asylum seekers were handed over by police officers to 5-6 masked men wearing black full-face masks and camouflage trousers and hoods, whom the asylum seekers identified as being mainly Afghans according to their understanding and whom they described as mercenaries (“*mourtazaka*”). These masked men - police auxiliaries - together with another man speaking in Greek and Turkish to the asylum seekers - started beating them with sticks. The group remained there lying on their knees for approximately three hours and were beaten on

their backs. According to the asylum seekers' statements:

“The person who was beating us was asking us repeatedly in Greek and Turkish how we contacted the lawyers, who was the person who called 112 and who was the person speaking English. We heard these men talking on the radio in Greek. The ‘mourtazaka’ (mercenaries) were also beating us with great violence. They were wearing black full-face masks and camouflage trousers and hoods. They treated us with great violence; especially the person from our group who was holding his mobile phone, and the one who contacted 112 were treated very bad”

After that, the asylum seekers were transferred to Türkiye after being separated into 3 groups and put in three boats inflated at that moment.

Granting of interim measures by the ECtHR: On 1 September the Court granted interim measures, ordering that the asylum seekers should not be removed from Greece and that they should be provided with food, water and adequate medical care. Immediately, GCR lawyers notified the Greek authorities of the Court's decision.

What happened after the pushback of 31 August 2023: Upon arrival at the Turkish riverbank, Turkish Border Guards started beating the asylum seekers and separated them into families. GCR lost contact with all asylum seekers except one, who was removed from the group

after the Turkish border guards separated them. Said person currently lives in Istanbul undocumented with restricted access to basic services and goods and declares that he faces the risk of forced deportation from Türkiye to Syria. Moreover, this person was severely injured in the head during the pushback operation, but he could not access medical treatment in Türkiye and suffered for several days from symptoms of concussion, headaches, insomnia and stress. On 23 October 2023, he filed before the ECtHR an application against Greece for violation of articles 2, 3, 5 and 13 of the Convention. The whereabouts of the other 26 asylum seekers are unknown at the time of writing.

V. The case of a Turkish asylum seeker Pushed Back After Being Arrested Inside the Orestiada Bus Station on 16 August 2023

Date of arrival: 16 August 2023

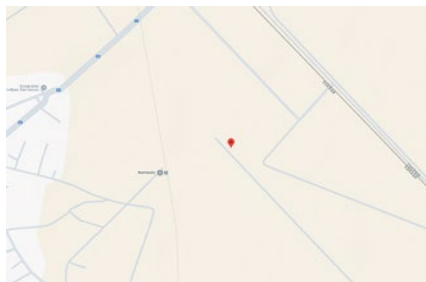
Date of ECtHR's interim measures: 16 August 2023

Date of pushback operation: 16 August 2023 (from Orestiada bus station)

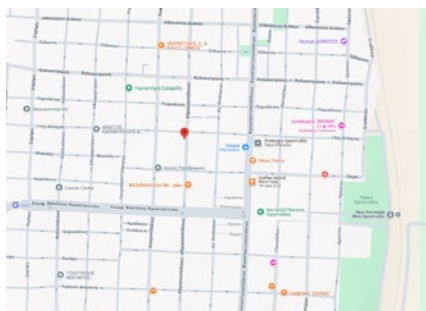
Relevant application before ECtHR: Submitted on 8 December 2023

Alleged Violations of the Convention: Art. 2, art. 3, art. 5 paras. 1-f, 2a art. 13

Essential aspects of this case: asylum seeker's informal arrest in public space/bus station



Location: (the location sent to the authorities with GCR's first intervention letter) /



(the new location sent to the authorities at 12.12 p.m. of 16 August 2023)

Disappearance of a Turkish asylum seeker from Orestiada bus station:

On 16 August 2023 around 06:00, a Turkish citizen entered Greece crossing the Greek-Turkish land borders in the Kastanies area of the Evros region seeking international protection due to political persecution and conviction by the Turkish authorities. At 09:17, the asylum seeker contacted GCR via WhatsApp to intervene with the Greek authorities and assist him with the registration of his asylum application, sharing with GCR lawyers his exact location, pictures, ID and other documents proving his fear of persecution. Immediately, GCR informed all the competent authorities about the asylum seeker, his location

and his wish to apply for asylum. GCR requested that the Greek authorities not remove the asylum seeker from Greece and provide him access to the reception, identification and asylum procedures. On the same day, GCR sent another email to the Greek authorities, with the new location of the asylum seeker (**Orestiada bus station**) and new photos that the asylum seeker had sent to GCR.



Image 9. Photo of the applicant in front of the Evros - Orestiada Bus Station (ΚΤΕΛ Ν. ΕΒΡΟΥ - ΣΤΑΘΜΑΡΧΕΙΟ ΟΡ/ΔΑΣ)

More precisely, at 11:01, the asylum seeker managed to take a bus from Kastanies to the nearby city of Orestiada with the aim of presenting himself to the Police and applying for asylum. About 30 minutes later, he reached the central bus station in Orestiada. Since there was no internet signal outside the bus station, he entered the station and headed to a cafe where he managed to

reconnect to the Internet. From there, he sent to the GCR lawyers his new location and three photos of him in front of the bus station (see above; the back of the photo shows the Evros Bus Station sign “ΚΤΕΛ Ν. ΕΒΡΟΥ - ΣΤΑΘΜΑΡΧΕΙΟ ΟΡ/ΔΑΣ” [BUS OF EVROS REGION - STATION OF ORESTIADA]). The last communication of GCR lawyers with the asylum seeker was at 12:12, when he sent a last message from inside Orestiada bus station. The same day, a GCR lawyer contacted via phone the border police station and the Regional Center for Integrated Border Management and Migration (PEKODISME in Greek) of Orestiada but was informed that the asylum seeker was not located or arrested. Moreover, all emails and documents addressed by GCR lawyer to the authorities remained unanswered.

Informal arrest by the police: According to the asylum seeker’s testimony shared with GCR at a later date, on 16 August at around 12:30, a police vehicle and a civilian white van arrived outside the bus station of Orestiada and stopped in front of the cafeteria where the asylum seeker was sitting. Two men in military camouflage uniforms entered the bus station holding heavy weapons. They confiscated the asylum seeker’s mobile phone and forced him out of the cafeteria, asking him in English if there was anyone else with him.

The asylum seeker replied negatively and said he wants to register an asylum application before the Greek authorities. Twenty minutes later, the asylum seeker was transferred by a man in civilian clothes in the civilian white van to a police station. At said site, a man in

civilian clothes body searched the asylum seeker in an insulting way and then put him in one of the four available cells. Approximately 10 minutes later, the asylum seeker was handed over by a male and a female police officer in police uniform to the man in civilian clothes who had initially brought him to the police station. The asylum seeker asked the man in civilian clothes where they were going and when his asylum application would be registered, with the man in civilian clothes replying:

“No problem, we will take you to the camp”

Then, the asylum seeker was put in the same white van that had brought him to the police station.

Transfer to the riverbank: At around 13:30, the civilian white van with the asylum seeker inside arrived next to the Greek riverbank of Evros. Two persons in civilian clothes forced the asylum seeker with threats to get out of the van. There, he witnessed 6-7 masked men surrounding him. From the language they spoke, he believed that they were Afghans. They body searched him, took all his money and asked him if he had more money. He replied negatively and then the masked men started beating him with a belt and with the paddle of an inflatable boat. Afterwards, they put him in an inflatable boat with two masked men operating the boat and forcibly pushed him back to Türkiye.

Granting interim measures by the ECtHR: On 16 August at 14:39, GCR submitted a request for interim measures

before the ECtHR. The Court issued its decision on the same day, indicating to the Greek Government “*that the applicant should not be removed from Greece and be provided with food, water and adequate medical care as needed until further notice*”. Immediately, GCR lawyers notified the Greek Authorities of the Court’s decision.

What happened after the pushback of 16 August 2023: After being pushed back to Türkiye, the asylum seeker started walking to hide and avoid arrest by the Turkish authorities. Approximately two hours later, he was arrested by the Turkish border guards and was taken to the local police station. The Turkish authorities accused him of entering a military zone and initiated legal procedures for the enforcement of the pending conviction against him and his ongoing political persecution. On the night of 16 August 2023, the asylum seeker testified before the Turkish authorities about the incident in Greece and his pushback. On 17 August 2023, he testified again on the same issue before the Turkish Court and was immediately transferred to a Turkish prison. On 24 August 2023, the Greek Government in a letter addressed to the ECtHR stated:

“The police authorities reported that it has not been possible to locate the applicant within the area of their responsibility”

On 8 December 2023, he filed before the ECtHR an application against Greece for violation of articles 2, 3, 5 and 13 of the Convention. After his refoulement from Greece to Türkiye, he

remained in Turkish prisons for a total period of at least one year, serving a sentence both for a previous conviction related to his alleged political persecution and the subsequent conviction for illegally entering in a Turkish military zone on the day of his refoulement.

VI. The case of a Turkish asylum seeker Pushed Back After Presenting Himself at the Police Station on 22 November 2023

Date of arrival: 22 November 2023

Date of ECtHR’s interim measures: 22 November 2023

Date of pushback operation: 22 November 2023

Relevant application before ECtHR: submitted 19 January 2024

Alleged Violations of the Convention: Art. 2§1, art. 3, art. 5§ 1(f), 2 and 4, art. 13 ECHR

Essential aspects of this case: the pushback operation was carried out outside two police stations, use of migrants in the pushback operation, knife threat, imprisonment in Türkiye after the pushback



Google maps, GPS Coordinates, shared by the asylum seeker(s)

Hidden in a forest in the Evros border region upon arrival: On 22 November 2023, around 07:00, a Turkish citizen and a four-member family entered Greece crossing the Greek-Turkish land border in the Kastanies area in the Evros region, seeking international protection. Shortly thereafter, the family was captured by the Greek authorities while the Turkish asylum seeker hid in fear in the forest area near Kastanies.

Request for legal aid: At 8.18, while still hiding, the Turkish asylum seeker contacted GCR via WhatsApp and requested legal assistance to access the asylum procedure:

“Hello, I escaped from Turkey to Greece for political reasons... If I go back, I’ll go to prison. I request political asylum, please save me”

Later, at 9.50 he managed to send the GCR lawyer his coordinates and ID documents. In the communication that followed, he stated that he was wet, very cold and in immediate need of rescue. On the same day, GCR addressed a letter to the competent Greek authorities requesting the asylum seeker be identified and subjected to the procedures provided for by law. Moreover, a photograph of the asylum seeker was attached to this letter in order to facilitate his identification.

Loss of communication; Greek authorities claim to have found no one: The last contact with him was at 13:09. Immediately, the GCR lawyer con-

tacted the Orestiada border police, which responded that no arrest of this person had taken place. At 13:55 GCR filed interim measures before the ECtHR and contacted the border police again. They insisted that there was no arrest of this person. At 16:54 GCR sent an email to the Greek authorities, informing them about the personal details of the four-member family that had entered Greece together with the applicant - Turkish asylum seeker, asking for confirmation of the arrest of the family and their access to asylum procedures, and also requesting information about the Turkish asylum seeker. No response was provided. Following a new phone call intervention by a GCR lawyer, the police responded that neither the Turkish asylum seeker nor the four-member family were located by the Greek authorities.

Granting interim measures by the ECtHR: On the same day, at 19.32, the ECtHR issued a decision on interim measures ordering the Greek authorities *“to locate the applicant, not remove him from Greece, provide him with food, water and medical care and give him access to international protection procedures”*. By that time, it was already too late, as GCR would later discover that the applicant had already been pushed back to Türkiye, as described in detail below. The Greek Government in its letter of 6 December 2023 to the Court stated that *“despite all efforts, the applicant was not located”*.

What actually happened: beaten and abducted after presenting himself at Orestiada Police Station: According to

the asylum seeker's testimony shared at a later date with GCR:

"A car [not a police one] picked me up [on 22 November 2023] and after a 15-minute drive, at around 16:00, I reached the police station in the city center of Orestiada.

There, a police officer took my mobile phone and started punching me.

A few minutes later, two more men in civilian clothes arrived. They both joined the police officer and started punching and beating me and took me halfway up the stairs to a ramp, which led to the back of the police building, where they put me in a medium sized car.

I was trying to explain to them my situation and that I want to seek asylum in Greece.

The men were speaking Greek among[st] them[selves] and did not pay any attention to me. One of the men in civilian clothes got into the car and started driving in an aggressive manner"

Changing vehicles outside another police station: After they had driven about 10 kilometers, the car with the asylum seeker inside arrived at another police station with an electric sliding gate in the entrance. Fifteen police cars were parked behind that gate. There, they changed cars and got into a black civilian minibus with a large trunk. A uniformed police officer arrived at the scene, asked the asylum seeker where he was from and took his ID. The applicant tried to explain again that he is an asylum seeker and that he faces political persecution in Türkiye.

Fifteen minutes later, the police officer got in the car, and they started to drive again.

Use of migrants as authorities' auxiliaries at the riverbank: A few minutes after, they stopped to load an inflatable boat in the trunk. During this stop, the police officer got out of the car and three Arabic speaking men with full face masks got into the car, as well as two men in civilian clothes, one of whom was armed. The men in civilian clothes started punching the applicant inside the car, then held a knife to his throat and with gestures threatened him that they would cut him up if he resisted. After a 10-minute drive, they reached the Evros riverbank. There the two men in civilian clothes started inflating the boat after inspecting the Turkish side of the river with binoculars. Then, they forced the asylum seeker to enter the dinghy, after beating him up and stealing his money and all of his belongings. Finally, two of the Arabic speaking men got into the inflatable boat and transferred the asylum seeker to the Turkish riverbank.

What happened after the pushback of 22 November: According to information provided by the asylum seeker's brother the day after, following his illegal forced return to Türkiye, the asylum seeker was arrested by the Turkish authorities and imprisoned for political reasons and on accusation of illegally entering a military zone. On 19 January 2024, he filed before the ECtHR an application against Greece for violation of article 2 para 1, art. 3, art. 5 paras 1(f), 2 & 4, art. 13 of the Convention.

VII. The pushback of two Turkish asylum seekers from Kastanies area on 24 November 2023

Date of arrival: 24 November 2023

Date of ECtHR's interim measures: granted on 24 November 2023 for 2 Turkish applicants

Date of pushback operation: 24 November 2023

Relevant application before ECtHR: submitted on 23 February 2024 on behalf of 1 Turkish applicant

Alleged Violations of the Convention: Art. 3, art. 5§ 1(f), 2 and 4, art. 13 ECHR

Essential aspects of this case: informal detention inside a trunk, use of migrants in the pushback operation, imprisonment in Türkiye after the pushback



Google maps, GPS Coordinates, shared by the asylum seeker(s)

One detected by the Greek border police - the other hides: In the early morning of 24 November 2023, approximately at 3.30, two Turkish asylum seekers entered Greece crossing the Evros river border in a fishing boat. Shortly after their arrival, one of them was detected and arrested by the Greek authorities. The other one, who had been hiding,

witnessed the arrest with in person. Both managed to contact GCR, one directly and the other through his wife.

Communication with GCR while hiding in the woods: The asylum seeker that hid in the forest contacted GCR via WhatsApp to request legal assistance for access to the asylum procedure. He also sent his coordinates at that time - near the area of Kastanies - and documents concerning his identity and alleged political persecution in Türkiye.

“PLEASE PLEASE PLEASE HELP ME. I was tortured and imprisoned in Türkiye [...]. I’m running away to avoid experiencing the same things again. I am currently within the borders of Greece and hiding. My friend ... was caught at night, I do not know his fate. I managed to escape. If I am caught, I will be mistreated and deported and in this case, I will be imprisoned in Türkiye. PLEASE HELP ME”
The asylum seeker’s message to GCR.

The efforts of the wife of the “arrested” man: On the same day, the wife of the arrested asylum seeker contacted GCR to ask for legal assistance for the registration of her husband’s asylum application in Greece. She also sent us his location data, ID and a document from a Turkish Court.

No formal arrest was ever made: On 24 November 2024 at 9.30 approximately, the GCR lawyer lost contact with one of the asylum seekers and immediately communicated by phone with the Bor-

der Police of Orestiada, which responded that no arrest had taken place. At 10.03, GCR sent to all competent Greek authorities a document concerning the two asylum seekers, informing them about the arrest of one of them and the presence of the other in a specific location (a forest area in Kastanies) and requesting the asylum seekers be identified and subjected to the procedures of reception and identification provided for by law for their access to international protection, as they were both Turkish nationals persecuted in Türkiye for political reasons. In the afternoon, GCR requested interim measures from the ECtHR for the two Turkish asylum seekers and contacted the border police again by phone. The police insisted that the men had never been arrested. In the telephone communications that followed over the next hours the border police replied to the GCR lawyer that the two asylum seekers were not found. On the same day, the Court granted interim measures and ordered that the asylum seekers should not be removed from Greece and should have access to international protection procedures. The decision was notified at 19.50 to all competent Greek Authorities, requesting information about their compliance with the Court's decision. By that time, it was already too late, as GCR would later discover that the two people had been already pushed back to Turkey, as described in detail below.

Reestablishment of contact; what really happened:

“My husband was deported and detained in Turkey... Thank you but

I am now sure that there is no justice neither in my country nor in the world. The decisions given by ECHR, for my husband and the innocent people in my husband's situation, are far from being strong enough. Unfortunately, all hope is gone.”

E-mail of the wife's victim to GCR, 25 November

According to the letter of one of the pushback victims written at a later date from inside a Turkish prison, one of them was arrested on 24 November by Greek security forces, soon after crossing the border; he was arrested along with another Turkish asylum seeker. The other that had stayed behind, hid in the bushes. A few hours later, he was also tracked and informally arrested by two unmasked - and identifiable - police officers, a man and a woman.

Informal detention inside a trunk: Upon their arrest, the police put them all in a pickup “Amarok” vehicle and crammed them into its trunk, where it was hard to breathe. They were trapped inside the trunk for many hours in despair, while the weather was cold and their clothes were wet. They faced further inhumane and humiliating treatment, as they were not given food or water. Later, the police officers stopped the car under a bridge and changed vehicles. In total, the asylum seekers were informally detained, inside the vehicles and in the open, for approximately 8-10 hours. During their informal detention, they repeatedly told the police that they face political persecution in Türkiye and that they want to register an asylum application but received no response.

Use of migrants in the pushback operation:

The Greek police took the asylum seekers' ID cards and handed them over to a group of armed men described by the asylum seekers as men speaking Afghan dialect(s), who were taking orders from a Greek police officer. Both the group of armed men and their leader - Greek policeman - were wearing hoods. The armed hooded group, after taking their money, phones and clothes, transferred the asylum seekers to the Turkish riverbank at 13:00 approximately. During this time, the Greek police was acting in collaboration with the armed hooded group, either by giving them orders or by watching them preying on the asylum seekers without intervening.

What happened after the pushback of 24 November:

On 24 November, following the pushback to Turkey, the asylum seekers were **arrested and detained by the Turkish authorities**. On 6 December, the **Greek Government replied** to ECtHR that **“Despite all efforts, the applicant was not located”**. GCR filed an application before the ECtHR for violations of articles 2 para 1, 3, 5 paras 1(f), 2 & 4, and 13 of the Convention on behalf of one of the Turkish asylum seekers.

VIII. The case of a Turkish asylum seeker pushed back from Kastanies area on 29 November 2023

Date of arrival: 29 November 2023

Date of ECtHR's interim measures: 29 November 2023

Date of pushback operation: 29 November 2023

Relevant application before ECtHR: submitted on 14 February 2024

Alleged Violations of the Convention: Art. 2 §1, art. 3, art. 5§ 1(f), 2 and 4, art. 13 ECHR

Essential aspects of this case: use of migrants as authorities' auxiliaries in the pushback operation, humiliation, imprisonment in Türkiye after the pushback



Google maps, GPS Coordinates, shared by the asylum seeker(s)

Two “arrested” and one hiding after jumping a wire fence at Evros border:

On 29 November 2023, at 13:00 approximately, three Turkish asylum seekers entered Greece after jumping a wire fence at the Evros land border. Shortly after their arrival, they heard a gunshot on the Greek side of the border. The two of them laid down on the ground to protect themselves but after a while they got arrested by unknown men. The third watched what happened from a distance and ran to hide in the forest. While hiding, at 5:51, he contacted GCR via WhatsApp to request legal assistance for access to asylum. He also shared a video stating his personal details and his fear of persecution in Türkiye. At 10.00 approximately, his mobile phone went off-line and communication was no longer possible. On the same day, his wife contacted GCR and

provided more audiovisual evidence of her husband's presence in Greece.

Alerting competent authorities: At 10.06, GCR sent a document to the Greek authorities, requesting confirmation of the arrest of the two asylum seekers in Kastanies, Evros region, informing them of the presence of a third one in the indicated area in a location near Kastanies and requesting access to asylum procedures to all three of them due to fear of persecution in Türkiye. Following a call intervention by GCR lawyers, the Orestiada Border police station responded that the three asylum seekers had never been arrested. On the same day, at 13:33, GCR requested interim measures from the ECtHR for the asylum seeker hiding in the forest who had contacted GCR. In the following calls over the next hours, the police insisted that the asylum seekers were not found and no arrest had taken place. By 17:58, when the ECtHR granted interim measures, it was already too late, as GCR would later discover that he had been pushed back to Turkey, as described in detail below.

Showed up voluntarily to the police and beaten up: According to the asylum seeker's testimony later shared with GCR, on 29 November, at around 9.30, shortly after communicating with the GCR lawyer, he decided to come out of the forest. He was heading to the nearby train tracks when, after a 5-minute walk, he saw the police. There were 6-7 police officers, all in military clothing except one in a blue uniform, all wearing full face masks and apparently unarmed. They were standing in front of a pick-up

white jeep with a white tarp and a small van further away. The asylum seeker approached the police voluntarily to seek asylum. However, instead of any formal procedure, he was beaten up as soon as he showed up. One of the officers punched him in the ribs and chest and kicked him in the stomach and legs, while the others were watching. The beaten asylum seeker was asked in poor Turkish where he was from and forced to enter in the white pick-up jeep.

Change of vehicles and transfer to the riverside/use of migrants as authorities' auxiliaries: After a 45-minute ride, they stopped and changed vehicles and the asylum seeker was forced into a blue rusty minibus with no license plates. Inside the minibus, there were seven masked men, described by the applicant as Afghan dialect and Arabic speaking men collaborating with the Greek authorities. When the asylum seeker asked where they were heading, two policemen and three of the masked men replied that they were taking him to Athens. He tried to start a conversation with the masked men and begged them to let him contact his wife in Turkey. And in fact, after he provided them with his wife's phone number, they called her and falsely stated that they were taking her husband to the police station.

"The ride took about 10 minutes. The minibus was driven by two unmasked police officers in blue uniforms with insignia, handcuffs, guns, radio and all the accessories of a police officer. [...] When the minibus reached the riverside, the two uniformed police officers were

looking across to Turkey with binoculars. They were communicating with a radio. I was in the back of the van with the seven [migrants - authorities' auxiliaries] Those seven masked men took all of my belongings and were speaking in Turkish and Kurdish with me. I begged them not to send me across the border, since I was facing political prosecution."

Turkish applicant's testimony

Upon arrival at the riverside, the masked migrants, Greek authorities' auxiliaries, took a picture of the asylum seeker's identity card and, then, forced him into a black-gray dinghy and transferred him to the Turkish riverside at approximately 12.00 p.m.

What happened after the pushback of

29 November: On 29 November 2023, the asylum seeker found himself on Turkish soil. He was feeling major anxiety and fear about the prospect of being arrested and detained by the Turkish Authorities as it had happened before. He hitchhiked a truck, which dropped him off in the center of Edirne, where he remained in hiding for a few days. On 6 December 2023, the Greek government replied to the Court that *"Despite all efforts, these persons, including the applicant, were not found"*. On 15 December 2023, the Turkish asylum seeker **managed to re-enter Greece** and informed GCR about his presence in Nea Vissa (Evros, Greece) together with nine other Turkish asylum seekers. GCR sent a letter to the competent authorities requesting their access to asylum procedures. On the same day, the Orestiada border po-

lice responded that the 10 Turkish asylum seekers, including the applicant, were officially arrested. Following his asylum application's registration, he filed before the ECtHR an application against Greece for violation of articles 2, 3, 5 and 13 of the Convention.

IX. The Case of a Turkish and an Iraqi Asylum Seeker Pushed Back from Lagyna village in Soufli on 1 December 2023

Date of arrival: 1 December 2023

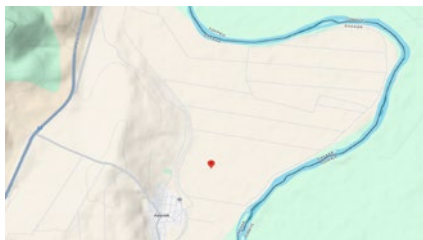
Date of ECtHR's interim measures: granted 1 December 2023 regarding both asylum seekers

Date of pushback operation: 1 December 2023

Relevant application before ECtHR: submitted on 23 February 2024 on behalf of 1 Turkish applicant [Joint legal representation with RSA]

Alleged Violations of the Convention: Art. 2 §1, art. 3, art. 5§ 1(f), 2 and 4, art. 13 ECHR

Essential aspects of this case: use of a warehouse and migrants in the pushback operation, informal detention inside a van, strip search in public view, house detention in Türkiye after the pushback



Google maps, GPS Coordinates, shared by the asylum seeker(s)

Arrival of 2 asylum seekers in the

Soufli region: On 1 December 2023, around 11:30, two asylum seekers entered Greece crossing the land border of the Evros river. They started walking for about an hour to reach the nearest village. The same day, the wife of the Turkish asylum seeker sent an email to several human rights organizations, including GCR, requesting legal assistance for her husband to access the asylum procedure, while she expressed her fears about her husband's life, as he had gone missing.

Granting of interim measures by the

ECtHR: That same day, the lawyers sent a letter to the competent authorities about the case, sharing the location of the asylum seekers, asking whether they are under detention and requesting the registration of their asylum application. Moreover, they contacted several times by phone the competent police authorities, including the Soufli Border Police Station and the Regional Center for Integrated Border Management and Migration of Alexandroupoli (PEKODISME in Greek), but all denied the asylum seekers' arrest. The same day the ECtHR granted interim measures indicating the Greek Government to *"locate the applicants, not to remove them from Greece, provide them with food, water and medical assistance and to give them access to international protection procedures"*. It was only the next day that the lawyers were informed about the fate of the missing asylum seekers.

What actually happened; apprehended by the police:

According to the testi-

mony of the Turkish asylum seeker later shared with GCR, on 1 December 2023, around 12.30 p.m., the two asylum seekers had just seen a Greek farmer, when in less than two minutes the Greek authorities showed up. There were about 8 unmasked men wearing camouflage and boots, holding batons in their hands and knives in their waistband. They arrived with 2 military camouflage jeeps without license plates and they had a radio. When the Greek authorities realized that the applicant was filming them, they put on their masks and forcibly grabbed his mobile phone from his hands, cutting off all communication with the outside world. The authorities also illegally confiscated his ID, driver's license and bank cards. Afterwards, a white police pickup truck arrived with a police officer in green uniform, and a gun and handheld radio in his waistband. While arresting the two Turkish asylum seekers, the officers were talking on both the radio and the phone. The applicant - asylum seeker repeatedly told the authorities in English that he had been sentenced for political reasons in Türkiye and that he wanted to apply for asylum in Greece and begged them for protection. The authorities paid no attention to his request for asylum. Then, the two asylum seekers were forcibly put in the trailer of the police car.

Use of a warehouse and "migrants" in the pushback operation:

Afterwards, they were transferred to a quite large warehouse, where there was an official white and blue police vehicle with Greek letters and flashing lights. Next to the warehouse, there was a small hut with a generator, where -according to the asylum seeker- migrants were staying.

The asylum seeker also saw two inflatable boats outside the warehouse in a corner.

Strip search and detention inside a van: There were two police officers with olive oil uniforms, who subjected the asylum seekers to a strip search under humiliating conditions. According to the asylum seeker:

“They ordered us to pull our pants down to our knees and searched us - even into our underwear- in a humiliating way in public view. We felt humiliated and totally helpless.”

After the humiliating strip search, six unmasked men, described to the asylum seeker by an Afghan pushback victim as “Pakistanis”, acting under the orders and control of the Greek authorities, took their clothes, bags and shoelaces and put them in other big bags. Then, the asylum seekers were forced to enter in a closed white van along with five other asylum seekers (one Afghan and four Syrians) who they were seeing for the first time. All seven asylum seekers were kept confined inside the van for approximately 5 hours.

“We were screaming for water. We were suffocating, as there was no air. We were suffering. The door was locked. Only some holes of the cover of the van were letting air in. It was so cold and there was no way to get warm.”

While they were de facto detained inside the van, there was a change of shift

of the police officers and two more officers came in. The asylum seeker begged again for access to asylum and shouted his fear and risk of political persecution in Turkey. The police authorities responded “no problem” but no formal procedure for an official arrest and access to asylum was followed.

Forced into an inflatable boat and pushed back to the Turkish riverside:

Shortly after 16.20 p.m., the six men, authorities’ auxiliaries, got into the van, bringing with them an inflatable boat. Then, the van -driven by two policemen- started moving and, when they arrived in a location near the riverbank of Evros, the Greek authorities forced the asylum seekers to get out and walk to the riverbank. Approximately 10 perpetrators in total conducted the refoulement: four police officers, who were in charge of the operation, and six men (described by the applicant as “Pakistanis”) who were acting under the orders of these officers. The asylum seeker noticed around five more officers in military clothes (camouflage) and big guns hiding a bit further near the trees, supervising the illegal operation. Four of the migrants forced the Turkish asylum seeker to enter into the dinghy. He was again trying to talk and ask for help, but the men were shouting at him and pushing him. Finally, he was forced to embark on the overloaded dinghy, together with the five asylum seekers and four migrants- authorities’ auxiliaries, without any life-saving equipment. At around 18.00 they had been transferred to the Turkish riverbank.

What happened after the pushback of 1 December: According to the testimony

of the Turkish asylum seeker, upon his informal forced return, he hid in a small Turkish village across the Evros river. At around 2.30 the next day, he got **arrested by the Turkish authorities**. He was subsequently **subjected to detention** by order of the Istanbul Penal Court. On 8 December 2023, GCR sent to the ECtHR the Turkish asylum seeker's testimony with details on his refoulement. The Greek Government denied the incident with the usual response, responding to the Court that *"Despite all efforts, the applicants were not located."* On 23 February 2024, an application against Greece was lodged before the ECtHR for violation of articles 2 §1, 3, 5§ 1(f), 2 and 4, 13 of the Convention. At the time of writing, the Turkish asylum seeker - applicant remains under detention and **suffers from psychological issues related to his enforced disappearance and torture** both in Türkiye and Greece.

4. Ineffective Investigations into Pushbacks and Rights Violations

EU Member States' duty to carry out effective investigations into allegations of fundamental rights violations stems from Article 19 of the Treaty on European Union. It requires Member States to provide remedies to ensure effective legal protection in the field covered by EU law.

The **EU Fundamental Rights Agency** in its 2023 submission to the European Commission's Rule of Law Report, underlined the broader impact of ineffective judicial protection against widespread rights violations at EU borders, that poses a risk to the respect of the rule of law as enshrined in Article 2 of the Treaty on European Union. Additionally, in its latest 2024 report on "Guidance on investigating alleged ill-treatment at borders" the FRA states that fundamental rights violations in the EU's land and sea borders often go unreported and that investigations into these violations need to be more effective.

The **Greek Ombudsman**, under the special mandate of the National Mechanism for the Investigation of Arbitrary Incidents regarding law enforcement officers, notes *"the persistent reluctance on the part of the Greek disciplinary bodies of the enforcement agencies to investigate such [pushback] incidents"* and *"the recurrent shortcomings impeding the effectiveness and diligence of the few investigations launched"*.⁷²

4.1. Not a single pushback case before the Greek courts

Despite the numerous reports on pushbacks of thousands of asylum seekers, recorded victims' testimonies, as well as the witnesses and video evidence in some cases, not a single pushback case has been tried in a Greek courtroom, confirming to a large extent the ineffectiveness of the investigations into rights violations allegedly committed by the Greek authorities at the EU land and sea external borders.

⁷²

Greek Ombudsman, Third Party Intervention, available at: <https://tinyurl.com/52c7mke2>

According to official data submitted by the Greek Minister of Justice before the Greek Parliament, all cases for which a criminal investigation has been initiated by Greek Public Prosecutors of the domestic Courts (after the submission of a criminal complaint or ex officio⁷³), have been either closed following a preliminary investigation conducted by the Public Prosecutor (no criminal prosecution has been initiated against persons of law enforcement bodies or other persons and thus, no case has been referred to a domestic criminal Court for a hearing⁷⁴) or are still pending.⁷⁵ Similarly, no criminal charges have been brought regarding any examined case involving the potential criminal liability of the personnel of the Hellenic Coast Guard.⁷⁶

More specifically:

According to the Letter of the then Greek Secretary General of Migration Policy to the Director General of DG Migration and Home Affairs, 21 February 2024:
“Since 2020, Public Prosecutors

in Greece [having jurisdiction over members of the Hellenic Police] have opened 79 investigations of allegations, in total. Out of those 79 cases: 48 cases have been closed, 15 cases are currently at the stage of preliminary investigation, nine (9) cases have been transmitted to other competent services, and seven (7) cases are pending.”⁷⁷

At the same time, as of 1 January 2024, there were 31 communicated cases pending before the ECtHR that entail alleged ill-treatment at the EU’s external borders and concern 8 Member States: Croatia, Cyprus, Greece, Hungary, Italy, Latvia, Lithuania and Poland. Out of these 31 communicated cases, 9 are cases against Greece, including the examination of more than 30 applications that will be co-examined.

4.2. Pushback Cases Before the ECtHR – Not Effectively Investigated by the Greek Authorities

During the previous year, beside the filing of new applications before the

⁷³ According to the Greek Code of Criminal Procedure, the Public Prosecutor opens criminal proceedings after receiving information that a criminal offense has been committed. The primary source of information is usually the person filing a criminal complaint stating the facts which constitute a criminal offense and the alleged perpetrators. The Prosecutor may also start criminal proceedings ex officio (meaning on her/his own initiative) for any criminal offense of which (s)he is informed by any other means e.g., other public authorities, the press etc.

⁷⁴ There have been few cases where prosecution has been initiated against unknown perpetrators and, thus, these cases were shelved (in the archive of unknown perpetrators).

⁷⁵ Greek Minister of Justice Response to the Parliamentary Question No 6153/31-07-2024, available [in Greek] at: <https://tinyurl.com/yc4mma7r>

⁷⁶ Greek Minister of Maritime Affairs and Insular Policy Response to the Parliamentary Question No 6153/31-07-2024, 22 August 2024, available [in Greek] at: <https://www.hellenicparliament.gr/User-Files/67715b2c-ec81-4f0c-ad6a-476a34d732bd/12663341.pdf>

⁷⁷ Reply from the Hellenic Secretary General of Migration Policy, as forwarded to the European Commission, following parliamentary question to the Greek authorities regarding investigations into allegations of pushbacks, 21 February 2024, available [in English] at: https://www.europarl.europa.eu/doceo/document/E-9-2024-000150-ASW-ANN02_EN.pdf

ECtHR for pushbacks reported in 2023, there have been significant court developments in earlier pushback cases, legally represented by GCR or jointly by GCR and other legal aid organizations:

According to the Greek Minister of National Defense in response to a parliamentary question, 18 October 2024:

“The Prosecutor’s Office of the Piraeus Naval Court, from 01-01-2019 until today [18-10-2024], has investigated one hundred and twenty-five (125) cases regarding the criminal responsibility of port authorities or Navy personnel for alleged illegal pushbacks of foreigners. Of these, one hundred and six (106) have been closed by Order or Act of the Prosecutors of the Piraeus Naval Court, fifteen (15) are pending, while four (4) cases have been referred to other Prosecutors’ Offices of the Greek Territory according to jurisdiction. None of the above cases has led to criminal prosecution to date.”⁷⁸

→ On 26 January 2023, the ECtHR issued a significant **judgment** in **B.Y. v. Greece case**, condemning Greece for failure to properly investigate a forced disappearance and unlawful removal of a Turkish asylum seeker

from its territory, that had occurred back in 2013 (see sub-chapter A below).⁷⁹

→ In December 2023, following an ineffective criminal investigation, GCR filed an **application before the ECtHR** regarding the pushback incident⁸⁰ that occurred on Lesbos back in February 2021 upon the entry of the asylum seekers into a government-run facility (see sub-chapter B below).

→ On 4 June 2024, the ECtHR held a **public hearing**⁸¹ for the **A.E. v. Greece case**, concerning the pushback of a Turkish single woman in 2019 (see sub-chapter C below).

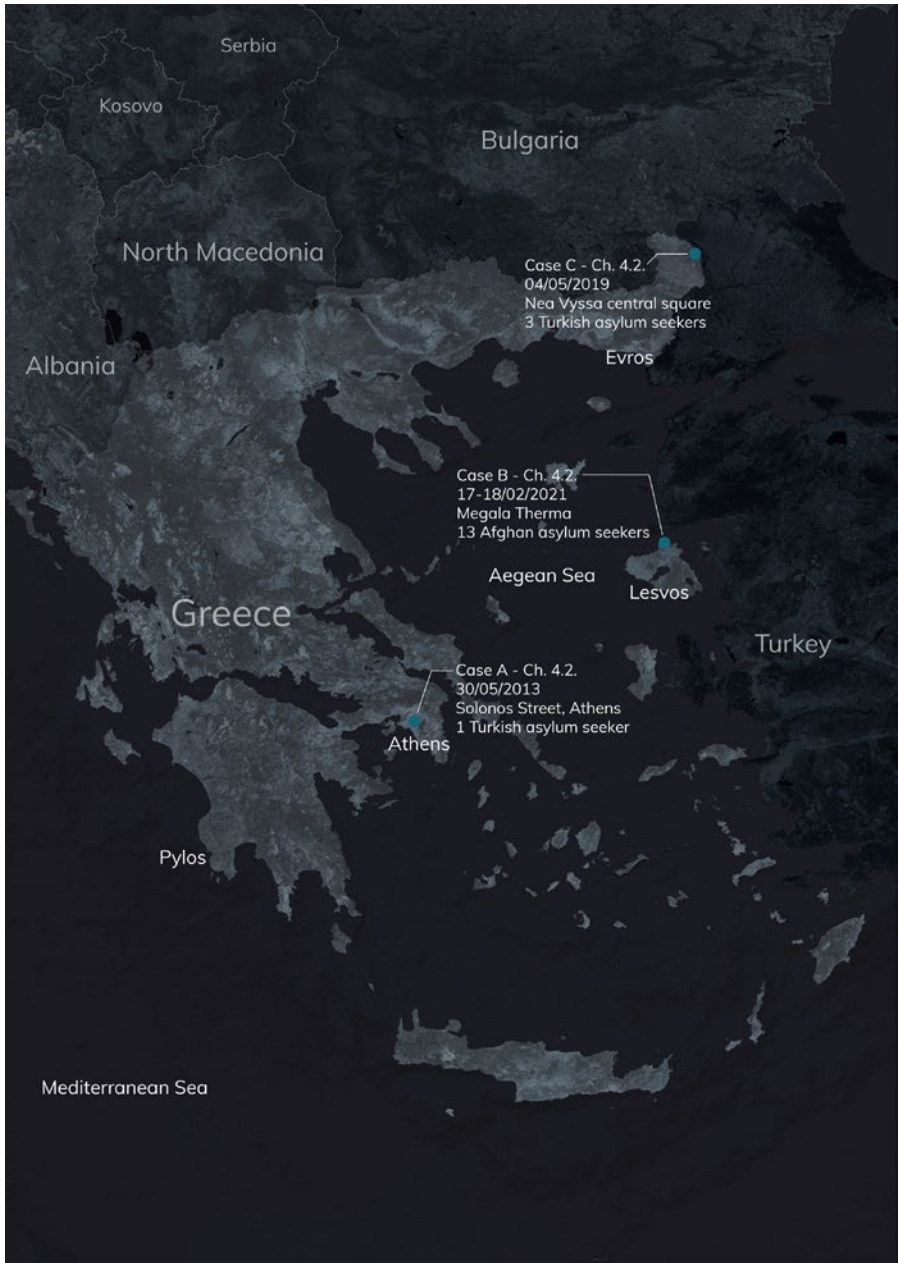
The common element of all the aforementioned cases brought before the European Court of Human Rights was that domestic criminal cases were closed at the pre-trial phase and no criminal prosecution was initiated against personnel of law enforcement agencies or other persons, following serious omissions of the competent authorities to investigate the incidents and/or disregard of victims’ testimonies and available evidence. More specifically:

⁷⁸ Greek Minister of National Defense, Response to 6153/31-7-2024 Parliamentary Question, 18 October 2024, available [in Greek] at: <https://www.hellenicparliament.gr/UserFiles/67715b2c-ec81-4f0c-ad6a-476a34d732bd/12722929.pdf>

⁷⁹ ECtHR, B.Y. v. Greece, Application no. 60990/14, Judgment of 26 January 2023, available [in French] at: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-222656%22%5D%7D>

⁸⁰ For details on the pushback incident see Chapter “4. I. Pushback after entry into a government-run facility in Lesbos” in GCR, *At Europe’s Borders: Between Impunity and Criminalization*, pp. 36-39.

⁸¹ ECtHR G.R.J. v. Greece and A.E. v. Greece (nos. 15067/21 and 15783/21) Chamber hearing - 4 June 2024, available at: <https://www.echr.coe.int/w/g.r.j.-v.-greece-and-a.e.-v.-greece>



Map 4: The map displays the locations of the asylum seekers before / at the beginning of the pushback operation (see Case A - Case C, below).

A. Greece Condemned in 2023 for not effectively investigating the abduction from the center of Athens and illegal return of a Turkish asylum seeker in 2013

Application before the ECtHR:

B.Y. v. Greece, Application No. 60990/2014

State of Proceedings: Judgment issued on 26 January 2023

Violation found: art. 3 ECHR [procedural limb]

Date/Place of pushback operation: 30 May 2013/Athens

Essential aspects of the case: the informal forced return was carried out in the centre of Athens, using a car with Greek police plates

Relevant domestic legal procedures: reopening of the criminal case following ECtHR judgment

On 26 January 2023, the ECtHR condemned Greece for violation of Article 3 of the ECHR in the case of a Turkish asylum seeker, who complained that he was **forcibly abducted from the center of Athens**, in front of dozens of citizens, on 30 May 2013.⁸² The victim reported that his abductors put a hood over his head, forced him into a car and returned him to Turkey, allegedly with the involvement of the Turkish authorities. The Greek investigative authorities shelved the criminal case in the archive of unknown perpetrators.

In its judgment, **the Court condemned**

Greece for breach of the obligation to carry out an effective investigation into any allegation of torture or inhumane and degrading treatment, under Article 3 of the ECHR, which formed the basis of the applicant's complaints, who, following his informal forced return to Turkey, was arrested and imprisoned on charges of belonging to a criminal organization and persecuted for his political beliefs.

The Court took into consideration two elements to justify its judgment. Firstly, although it was established that the number plate of the vehicle involved in the abduction of the victim belonged to the Greek Police (in fact the Greek authorities themselves confirmed, in a document, that the plates belonged to the Greek anti-terrorist service), no police officer or official was ever questioned by the Greek investigating authorities on that matter and the identity of the persons involved in the abduction was not further investigated. Additionally, two eyewitnesses were examined by the competent investigative authorities almost eight months after the Public Prosecutor's Office was informed of their existence.

The case was represented before the Court by GCR, the Network of Social Support of Refugees and Immigrants and the Lawyers' Group for the rights of Refugees and Immigrants. **Following the ECtHR findings on a violation of the ECHR, 10 years after the incident, the domestic criminal investigation has been reopened and it is still pending before the competent Greek Public Prosecutor.**

⁸² ECtHR Judgment in *B.Y. v. Greece* - Application 60990/14, 26 January 2023, available [in French] at: [https://hudoc.echr.coe.int/eng#\(f%22itemid%22:%22001-222656%22\)](https://hudoc.echr.coe.int/eng#(f%22itemid%22:%22001-222656%22)), GCR, Press Release [in Greek], available at: <https://tinyurl.com/yrks6afu>

B. 2023 Application before the ECtHR for the ineffective investigation of “The Megala Therma Pushback” of 2021

Application before the ECtHR: Application no. 27/24

State of Proceedings: pending

Alleged Violations of the Convention: art. 2, 3, 2/3 & 13, 6 ECHR

Date/place of pushback operation: 18 February 2021/Lesvos island

Essential aspects of the pushback operation: the pushback was carried out after the asylum seekers' entry into a government-run facility on the island

Relevant domestic legal procedures: preliminary investigation by the Public Prosecutor's Office of Mytilene filed in the archive of unknown perpetrators

In February 2021, an ex officio (own initiative) criminal investigation was launched by the competent Public Prosecutor following news articles on the pushback of 13 Afghan asylum seekers, including a pregnant woman and 3 children, following their arrival on the island of Lesvos and after entering the government-run quarantine facility in Megala Therma area.⁸³ Reports by UNHCR and NGOs regarding the incident, sharing victims' testimonies, were also included in the criminal case opened. The preliminary examination concerned the investigation of the criminal acts of illegal detention, theft, dangerous phys-

ical injury, illegal violence, exposure to risk likely to cause harm or death, breach of duty, with racist characteristics. The Supreme Court Public Prosecutor had been also following the case.

In 2022, three of the 13 pushback victims managed to re-enter Greece and testified in the context of the pending preliminary examination regarding the criminal acts against them during the pushback operation of February 2021. Additionally, they submitted a declaration in support of the charges. However, there have been substantial procedural irregularities and omissions which prevented an effective criminal investigation from being carried out. An inconceivable omission was that **the Coast Guard and Hellenic Police officers on duty on the places, dates and hours of the alleged incident, were never examined in the context of the (criminal) preliminary examination.**

In fact, the Hellenic Police officers on duty, guarding the government-run facility on the island at the time of the incident, were only called to testify in the administrative inquiry launched by the law enforcement agency to which they belong, but not in the context of the criminal preliminary examination of the Public Prosecutor. Furthermore, the victims, when called to testify, despite giving a description of the unmasked uniformed perpetrators- police officers involved, had not undergone a suspect identification procedure. Moreover, the Coast Guard officers on duty at the time of the incident were not called to

⁸³ GCR Report “At Europe's Borders: Between Impunity and Criminalization”, March 2023, pp. 36-39.

testify neither in the criminal preliminary examination nor within the context of the administrative inquiry. In view of the foregoing, the case was filed in the archive of unknown perpetrators.

On 23 December 2023, GCR lodged an application before the ECtHR for this case, both for the pushback incident and the ineffective investigation thereof.

C. 2024 Oral hearing before ECtHR for the pushback of a Turkish woman in 2019



Image 10. Photo of the courtroom of the European Court of Human Rights based in Strasbourg.

Application before the ECtHR: A.E. v. Greece, Application no. 15783/21
State of Proceedings: pending decision upon oral hearing before the Court
Alleged Violations of the Convention: art. 2, 3, 5 and 13 ECHR
Date/place of pushback operation: 4 May 2019/Evros
Essential aspects of the pushback operation: imprisonment in Türkiye after the pushback
Relevant domestic legal procedures: complaint before the Public

Prosecutor of Orestiada dismissed for lack of evidence.

On 4 June 2024, GCR represented at an oral hearing before the ECtHR a Turkish woman - victim of a pushback operation by the Greek Authorities on 4 May 2019.⁸⁴ This has been the first case examined by the ECtHR in relation to a complaint for a pushback in the Evros region by the Greek authorities.⁸⁵

According to the pushback victim's tes-

⁸⁴ GCR, Oral hearing before the European Court of Human Rights, Press release, 5 June 2024, available at: <https://tinyurl.com/53xbf94b>, ECHR, G.R.J. v. Greece and A.E. v. Greece (nos. 15067/21 and 15783/21) Chamber hearing - 4 June 2024, available at: <https://www.echr.coe.int/w/g.r.j.-v.-greece-and-a.e.-v.-greece>

⁸⁵ GCR, Greece faces European Court of Human Rights over alleged pushbacks for the first time, Press release, 3 June 2024, available at: <https://tinyurl.com/jdnaps3n>; GCR, Greek pushbacks: case of refugee woman before the European Court of Human Rights, Press release, 28 May 2024, available at: <https://tinyurl.com/yc76evd3>

timony, the Greek police informally arrested her and two more persons at the central square of Nea Vyssa town in the Evros region, transferred them to different police stations, informally detained them and transferred them (together with a larger group) near the Evros river from where they were all pushed back to Türkiye in a small inflatable boat. Upon her arrest and during the pushback operation, the victim explicitly and repeatedly stated to the authorities her wish to apply for asylum, but to no avail. Arriving at the Turkish side, she was arrested by the Turkish authorities and imprisoned. On 18 June 2019, GCR filed a complaint on behalf of the victim and against anyone responsible before the competent Public Prosecutor of Orestiada for, *inter alia*, the criminal acts of abuse of power, breach of duty, unlawful detention, exposure to risk of life, hazardous physical injuries, and torture and other infringements of human dignity.

Prima facie evidence⁸⁶ submitted: The presence of the victim in Greece at the central square of Nea Vyssa and her informal arrest by the Greek Authorities was corroborated by two sworn testimonies of an eye-witness before the Public Prosecutor. Moreover, a number of digital material in support of the victim's allegations, including video, photos, screenshot of communications via WhatsApp, pin of map location and live locations were provided by the brother of the victim who took screenshots of the conversations between himself and his sister and extracted all other materi-

als from his mobile phone. Furthermore, the fact that the pushback victim found herself in Türkiye the next day on 5 May 2019, was confirmed by a Decision of the Turkish Court. All the foregoing was part of the evidence submitted before the competent investigative authorities.

The complaint was dismissed on the grounds that there was no evidence that a criminal offense had been committed. After an appeal lodged before the Prosecutor of the Court of Appeal of Thrace, the latter ordered the continuation of the preliminary examination due to the fact that the material collected was incomplete in material and essential elements and ordered that testimony also of the brother of the applicant should be taken. The case was finally dismissed on the grounds that there was no evidence against the police and that it was not possible for the brother of the applicant to testify as he was in another European country. The applicant's brother, residing in Greece and later on in another European member state, was not summoned to testify before the Greek authorities. The Greek Investigative authorities did not initiate the procedure of judicial assistance by other EU member states, despite the lawyers' request.

The application to the ECtHR concerns violation of article 2 (right to life), article 3 (prohibition of torture), article 5 §§ 1-f, 2 & 4 (right to liberty and security) and article 13 (right to an effective remedy) of ECHR. As mentioned in the

⁸⁶ Prima facie evidence: evidence sufficient to establish a fact or to raise a presumption of fact unless rebutted.

previous Chapter, upon request by the Court, third party interventions were submitted by the Greek Ombudsman⁸⁷ and the National Commission for Human Rights⁸⁸ responding to the following Court question: *“Has there been a systematic practice of refoulement of foreign nationals by the Greek authorities to Türkiye at land and sea borders?”*. As the Greek National Commission for Human Rights respectively underlined before the Court, pushbacks *“do not constitute an occasional and irregular phenomenon”*, but they *“have developed the pattern of a systematic and organized operation”*⁸⁹. Additionally, the Greek Ombudsman noted that *“unlawful pushbacks at land and sea borders present features that do not correspond or correlate to an isolated phenomenon”*⁹⁰.

The recent judicial developments and details on the investigations of the three cases, presented above, regarding asylum seekers’ pushbacks and human rights violations occurred between 2013 and 2021, none of which ended up in a Greek courtroom combined with the official data presented at the beginning, shed light on the **systemic issue of ineffective criminal investigation into reports and complaints for push-**

backs and rights violations in Greece, that contribute to an environment of total impunity and free and unhindered commission of crimes by the Greek authorities to this day.

⁸⁷ The Greek Ombudsman, Third-party intervention by the Greek Ombudsman, 26 March 2024, available at: <https://tinyurl.com/y3dpb4b9>

⁸⁸ GNCHR, Written intervention by the GNCHR in the ECHR as regards the case of G.R.J. v. Greece and A.E. v. Greece, 6 June 2024, available at: <https://nchr.gr/en/news/1798-written-intervention-by-the-gnchr-in-the-echr-as-regards-the-case-of-g-r-j-v-greece-and-a-e-v-greece.html>

⁸⁹ Written intervention by the GNCHR in the ECHR as regards the case of G.R.J. v. Greece and A.E. v. Greece, 6 June 2024.

⁹⁰ The Greek Ombudsman, Third-party intervention by the Greek Ombudsman, 26 March 2024, available at: <https://tinyurl.com/y3dpb4b9>

5. FINDINGS & CONCLUSION

An in-depth analysis of victims' testimonies on 12 pushback operations in the Evros region over the period of almost a year (from February to December 2023), sheds light on these criminal activities as **a comprehensive, systematic, and carefully planned migration and border policy of the Greek state. The consistent patterns and characteristics of these pushback operations,** as described by victims and presented below, contradict the 'lack of evidence' narrative that is still perpetuated by EU and Greek authorities:

Numerous Greek authorities participate in the perpetration of pushbacks. In the majority of cases, uniformed and armed personnel (police and/or military) appear to first locate and informally arrest the asylum seekers. Individuals - with or without covered faces - dressed in military uniforms or civilian/black clothes and carrying weapons, usually participate in the multiple violent stages of the pushback operation. Additionally, **men acting as auxiliaries of the Greek authorities, identified as migrants by the victims, are often involved in the final stages of the pushback operations,** usually operating the inflatable boats and physically pushing back the asylum seekers to Türkiye. Most pushbacks take place upon the ar-

rival of the asylum seekers in the Evros mainland, unlike 2022 where there were many cases of arrival or abandonment of asylum seekers on the Evros islets.⁹¹ The asylum seekers, after crossing the Turkish-Greek border, most often **pass through or hide in forest areas** of Evros before being detected and pushed back by the Greek authorities.

Most times pushbacks take place on the same day of the discovery and informal arrest of the asylum seekers by Greek authorities.

Pushback operations take place even in front of police stations and in public central areas, which is indicative of the environment of impunity wherein the authorities act arbitrarily, criminally and undisturbed. In addition to forced transfers, the pushback operations always involve periods of arbitrary detention. Asylum seekers are illegally detained - without registration, information or access to rights and without basic supplies - in closed or open detention sites inside police stations, unidentified locations, a stadium or even inside vehicles with no access to air, food and water. The operations involve considerable state resources, such as human resources, infrastructure and facilities used to detain the victims, means of transport used to forcibly transfer victims throughout the various stages of the pushback operation - from police vehicles to military camouflage jeeps, civilian vehicles to vans, pick-up trucks

⁹¹ The case presented at this report combined with the overall picture stemming from the requests for legal assistance GCR received by newly arrived asylum seekers in Evros in 2023 lead to the conclusion that there have been very few cases of arrival or abandonment of asylum seekers on the Evros islets, unlike 2022 when this was common. See GCR, At Europe's Borders: Between Impunity and Criminalization, Chapter 3. Pushback Cases in Evros - A. Evros islets, pp. 13-26.

to dinghy boats. Pushbacks involve degradation, arbitrary confiscations of personal belongings, inhumane and humiliating treatment, physical and mental abuse, as well as gender-based violence against victims - from strip searching to invasive genital search and forced nudity.

After their pushback to Türkiye, the victims are exposed to the risk of being arrested by the Turkish authorities, detained for entering a military zone and/or imprisoned for former political convictions (in the case of Turkish asylum seekers), or even refouled back to their country of origin.

Furthermore, official statistics on Greek judicial investigations along with details on the investigation of three cases, where no criminal prosecution was initiated against personnel of law enforcement agencies or other persons, highlight a systemic issue of ineffective criminal investigations into alleged pushbacks and rights violations in Greece.

Despite the fact that during the previous two years the European Court of Human Rights has issued more than 80 interim measures aimed at the protection of newly arrived asylum seekers in the Evros region, the perpetrators continue to feel untouchable in Greece, showing complete indifference about the Court's decisions. Moreover, the ineffective criminal investigations into reports and complaints for pushbacks and rights violations in Greece contribute to an environment of total impunity.

Despite numerous reports by international human rights bodies and independent authorities, recorded victims' testimonies, growing evidence, and cases brought before the Greek Public Prosecutors, the Greek state continues to officially deny allegations of pushbacks. Not a single pushback case has been examined in a Greek court-room, while at the same time an increasing number of cases is filed with the European Court of Human Rights against Greece.

Pushbacks, human rights violations and ill-treatment of people in need of international protection continue at the EU's external borders as a systematic migration and border policy of the Greek state within the context of the broader EU migration policy focused on border control rather than on safe migration routes and the protection of human rights. Huge amounts out of the EU budget continue to support border management activities in Greece, despite concerns raised by the European Parliament on the rule of law situation in the country, and alarming reports, inter alia by the Council of Europe Committee against Torture (CPT) and the EU Agency for Fundamental Rights (FRA) for Greece, regarding the ill treatment of newly arrived asylum seekers and the systemic gaps and obstacles to investigating incidents of loss of life and ill-treatment at the EU's borders.

Simultaneously, the work of civil society and human rights organizations in Greece, especially those working on the promotion and protection of fundamental rights, channeling the voices of victims at the EU external borders, is

obstructed by the Greek government.

We strongly believe that independent, prompt and effective investigations will increase accountability for rights violations at the EU external borders and can end this cycle of violence. In parallel, public watchdogs, monitoring bodies and civil society should carry out their activities unhindered as they can have a significant impact on the proper functioning of a democratic society, ensuring respect for the rule of law.

6. RECOMMENDATIONS

We call on the European Union and its Member States to:

- Create safe and legal routes for people on the move to and in Europe.
- Ensure through regular monitoring that EU funded border surveillance technologies are used for search and rescue operations and in support of the right of access to asylum and the right to life.
- Implement and/or pro-actively monitor and assure complete, regular compliance of Greek authorities' use of EU funds for migration management purposes with the EU's commitments to fundamental freedoms and human rights, to ensure that EU funds are not being misused to fund operations that endanger migrants and refugees or violate EU law. To this end, clarify the role of the EU Task Force on Migration Management and include in their mandate regular scrutiny and reporting on said funding and the spending thereof.
- The European Commission should take disciplinary action and launch infringement proceedings against the Greek state for well-documented, long-term, and systematic breaches of international and EU law in its treatment of asylum seekers,

including during the conduct of pushback operations. Make the content and focus of the current infringement proceedings transparent.

- Ensure the establishment of safe and confidential mechanisms for reporting criminal offenses committed by public officials (e.g. violence by police and border guards) before independent competent authorities, as the victims may be afraid to testify before police or coast guard personnel.
- Stop establishing non-transparent and ineffective migration 'agreements' with non-EU countries. These deals undermine the adherence of the EU and its member states to their human rights obligations, make the EU and its member states skirt their responsibility for hosting refugees, and make the EU and its member states vulnerable to politicizing potential human mobility actions by third country governments.
- Address the shrinking civic space and the dangerous trend of criminalization of HRDs at EU's external borders as an urgent issue and urge the Greek government to immediately put an end to these practices.

We call on the Greek Government and the Greek judicial authorities to:

- Stop the illegal practice of push-back operations.

- Ensure with the support of the EU that the border procedures (reception and identification, registration, examination and overall processing of asylum claims) at the Greek-Turkish borders are conducted in compliance with human rights law and the principle of non-refoulement.
- Comply with all binding interim measures decisions granted by the European Court of Human Rights on not removing asylum seekers from Greek territory, providing them with food, water, adequate medical care and access to asylum procedures.
- Carry out investigations that are prompt, rapid, thorough, and capable of leading to the identification and punishment of all responsible for serious allegations of ill treatment related to the Hellenic Police and the Hellenic Coast Guard at external borders. The Public Prosecutors should promptly initiate effective criminal investigations for each case of which they become aware of, also in the absence of victims' complaints.
- Guarantee access to justice for victims of pushbacks and rights violations at the EU's external land and sea borders. Make all possible efforts to allow victims to participate without fear of being apprehended and removed for lack of legal status. To this end, provide free legal aid during criminal proceedings, safe shelter and a residence permit. This support to the pushback

victims should be independent of their cooperation with the investigative authorities in other criminal cases against the smugglers.

- Accordingly, provide safe shelter, access to victim support services and a residence permit to all Pylos shipwreck survivors - especially those at risk of deportation - and to guarantee their access to justice and participation in criminal proceedings against those responsible.
- The investigative authorities should use the European and international judicial cooperation mechanisms to obtain timely testimonies from victims and witnesses.
- Take into consideration the findings of the Recording Mechanism of Incidents of Informal Forced Returns by the Greek National Commission for Human Rights, the Greek Ombudsman's, the FRONTEx Fundamental Rights Office's and the CPT's reports on fundamental rights patterns and trends at the borders. The investigative authorities should make use of these findings to identify and investigate structural issues or to initiate ex officio investigations.
- Establish specialized Prosecutor's and Court Offices staffed with Immigration Prosecutors and special inquiry - immigration judges, competent for on-site inspections in detention sites and locations of newly arrived asylum seekers and carrying out investigations themselves

on alleged pushbacks incidents and criminal offences committed by police and other law enforcement officials, to ensure impartiality and independence from the agencies involved in the incidents, according to EU FRA guidelines.

- Ensure the installation and proper operation of a 24-hour CCTV systems to monitor the external perimeter of detention facilities, the parking areas of police vehicles and the internal common areas where detainees circulate.
- Establish immediately, in close cooperation with the European Commission, a truly Independent Border Monitoring Mechanism (IBMM) with the necessary scope, mandate and expertise to investigate pushbacks and human rights violations at the Greek borders. Greek state authorities cannot be part of this mechanism, which should be free from any institutional connections with the Ministry(ies) or other authorities responsible for border management. Additionally, in line with the CPT's and FRA's recommendations on a number of criteria that should be met if any monitoring mechanisms are to be considered independent and effective, the monitoring mechanism should have a mandate, inter alia, to: conduct unannounced inspections of law enforcement premises, inspect all relevant documentation of law enforcement patrols operating at the EU external borders as well

as access to all recordings of stationary and mobile video and motion-detecting devices covering the external borders; liaise with international organizations and other relevant stakeholders operating on the other side of EU external borders in order to collect real-time information on possible cases of malpractices. In order to safeguard its independence, any such mechanism should also be adequately staffed by appropriately qualified staff and empowered to produce periodic and ad hoc visit reports with clear recommendations to the competent authorities and to report on the implementation of those recommendations.

- Ensure that human rights defenders, including civil society organizations supporting newly arrived asylum seekers by providing medical, psychosocial and legal assistance, as well as private citizens who act in solidarity with them, will not be construed as facilitating illegal entry of third country nationals. To this end, circulars should be published by the Prosecutor's Office addressed to the police and coast guard authorities in support of the work of human rights defenders and against their persecution.
- Ensure that legal representatives of asylum seekers can provide legal assistance without hindrance and ensure individuals' access to judicial protection and redress before domestic and international courts.

