



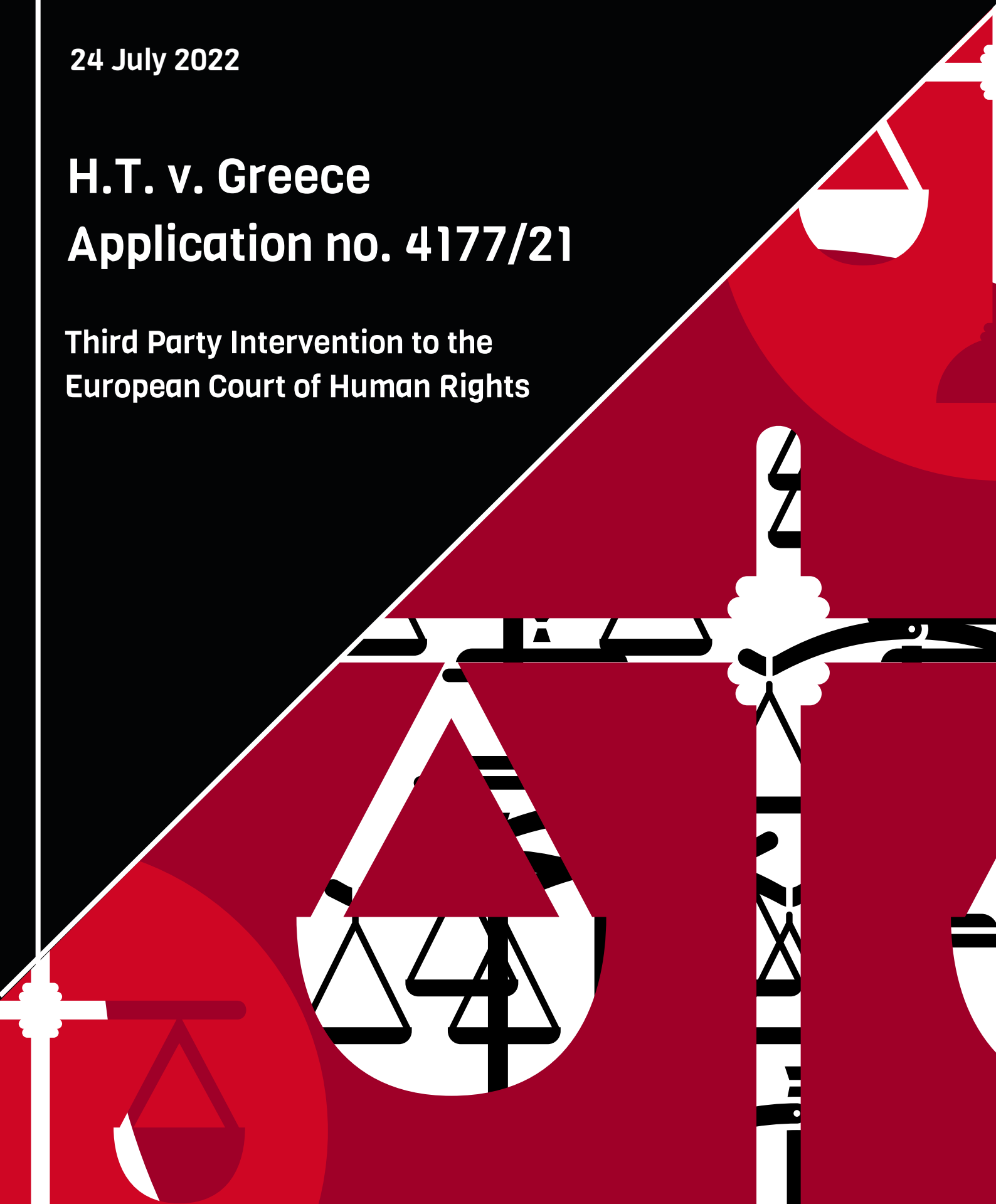
Border Violence Monitoring Network

24 July 2022

H.T. v. Greece

Application no. 4177/21

**Third Party Intervention to the
European Court of Human Rights**





**Border Violence
Monitoring Network**

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EUROPEAN COURT OF HUMAN RIGHTS

Council of Europe

67075 Strasbourg

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BY POST AND FAX

24 July 2022

Application no. 4177/21

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Third party intervention on behalf of Border Violence Monitoring Network

Pursuant to the Registrar's notification dated 4 July 2022 that the President of the Section has granted leave, under Rule 44 § 3 (a) of the Rules of the European Court of Human Rights

Summary

1. This intervention is submitted by the Border Violence Monitoring Network (BVMN) in collaboration with Forensic Architecture. BVMN is a consortium of independent organizations based in Turkey, Greece, and throughout the so-called Balkan migration route. BVMN bases its intervention on testimonies from survivors of pushbacks and other types of human rights violations in Greece and Turkey collected by field reporters and field coordinators present on the ground, and member organizations with a presence in these relevant contexts. Forensic Architecture is a research group based at Goldsmiths, University of London, investigating cases of state violence and violations of human rights abuses through architectural techniques and technologies.
2. BVMN seeks to bring to the Court's attention the corroboration of independent reports on violations of *non-refoulement* of pushbacks from Greece into Turkey, occurring at the land border of the Evros/Meric river, sanctioned by the Greek state, and implicating the responsibility of law enforcement officials and other public authorities. BVMN strives to provide the Court with information regarding the fact that pushbacks or summary expulsions are committed with specific methods employed by Greek law enforcement officials. At the Evros/Meric border, this practice ordinarily involves groups of migrants being accosted by Greek officers, arrested without explanation, and driven to a detention site where they are held for an indefinite amount of time, usually without access to food, water and sanitary facilities, before being driven back to the Evros/Meric river and forced to cross back into Turkey. Testimonies frequently include beatings, kicking, forced undressing, being threatened with guns, and theft of personal belongings, including personal identity documentation.¹
3. BVMN strives to present sufficient information to support the argument that these methods a) endanger the lives of people crossing the Evros/Meric river, in violation of Article 2 of the European Convention on Human Rights, b) amount to torture or inhumane or degrading treatment, in violation of Article 3, and c) constitutes arbitrary detention, in violation of Article 5, by providing evidence of the organised and systemic nature of pushbacks corroborated by extensive testimony collection.
 - a) **Identifying a broader pattern of practices in violation of Article 2.**
4. The systematic practices of Greek authorities at the Evros/Meric land border consistently endanger the lives of migrants and asylum seekers, violating the State's positive obligation to take appropriate steps to safeguard the lives of those within their jurisdiction under Article 2 of the European Convention on Human Rights.

¹ BVMN exported data 01.01.2020 - 31.12.2020 available at: https://docs.google.com/file/d/1BJaH_HP17ritKisyuyCuiX7Ro7myuXsU/edit?usp=doclist_api&filetype=msexcel

5. For over a decade, NGOs and human rights monitoring organisations have recorded the practice of pushbacks at the Evros border, where groups of individuals who have arrived in Greek territory are pushed back into Turkey, often in small dinghies, or by being forced or thrown into the Evros river.² As BVMN has reported, ‘water cannons, tear gas, rubber bullets and live ammunition are among methods used to target men, women and children alike by Greek military and police personnel’ at the border.³ This practice has resulted in death for many; in 2021, IOM recorded that at least 55 migrants died at the land border between Greece and Turkey,⁴ and at least 21 lost their lives in the first six weeks of 2022.⁵
6. The Evros river is fast flowing year-round, with a mean annual flow rate of 103 cubic metres per second (the rate may double between December and April).⁶ Its large width, steeply unequal depth, and muddy texture of the riverbed also heighten the risk to life.⁷ Individuals who fall into, attempt to, or are forced to cross the river are at risk of drowning, particularly if they cannot swim, with drowning recognised as the cause of death for 70% of recorded migrant deaths at the Evros border.⁸
7. In April 2021, having been beaten by officers, stripped naked, and denied food and water in detention, one young Palestinian man tried to make his way across the water after an officer told him, ‘it’s not deep and it’s only five metres to get to the Turkish territory’.⁹ He drowned, whilst the remainder of the group remained stuck on an islet in the river for two days without food or water.¹⁰ In November 2020, a group of 11 men were forced to jump into the river 10-15 metres from an islet off a dinghy that had been used to transport them, including a Moroccan man who

² Border Violence Monitoring Network (BVMN), ‘Violations at Greek Borders, Sea and Land Report,’ March 2020, pg. 8, available at: https://www.borderviolence.eu/wp-content/uploads/Report-on-Greece_March-2020.pdf, and Pro Asyl, ‘Pushed Back: Systemic human rights violations against refugees in the Aegean Sea and at the Greek-Turkish land border,’ November 2013, available at: <https://www.proasyl.de/material/pushed-back-engl/>.

³ BVMN et al., ‘Violations at Greek Borders: Sea and Land Report,’ March 2020, pg. 5, available at: https://www.borderviolence.eu/wp-content/uploads/Report-on-Greece_March-2020.pdf.

⁴ International Organisation for Migration (IOM), ‘IOM concerned about increasing deaths on Greece-Turkey border’ February 18 2022, available at: <https://www.iom.int/news/iom-concerned-about-increasing-deaths-greece-turkey-border#:~:text=At%20least%2021%20migrants%20have,to%20IOM's%20Missing%20Migrants%20Project>.

⁵ Info Migrants, ‘IOM issues alarm over deaths at Greece-Turkey border’, February 18 2022, available at: <https://www.infomigrants.net/en/post/38658/iom-issues-alarm-over-deaths-on-greekturkish-border>

⁶ T. D. Kanellopoulos et al., ‘Geochemical composition of the uppermost prodelta sediments of the Evros River, northeastern Aegean Sea,’ *Journal of Marine Systems* 63 (2006), pgs. 63–78, 65, available at: <https://www.sciencedirect.com/science/article/abs/pii/S0924796306001266>, and, I. Duncan and S. Levidis, ‘Weaponizing a River,’ April 2020, available at: <https://www.e-flux.com/architecture/at-the-border/325751/weaponizing-a-river/>.

⁷ P. Pavlidis and M. Karakasi, ‘Greek land borders and migration fatalities – Humanitarian disaster described from the standpoint of Evros’, 2018, available from: https://www.researchgate.net/publication/335677441_Greek_land_borders_and_migration_fatalities.

⁸ M. Karakoulaki, ‘The deadly Evros River borderland’, 2018, available at: <https://www.dw.com/en/the-deadly-evros-river-borderland/g-45301014>.

⁹ BVMN, ‘They kept saying to us “Arab dog”. You can’t imagine how much hatred was there. It felt like it was a retaliation’, April 10 2021, available at: <https://www.borderviolence.eu/violence-reports/april-10-2021-0000-soufli-to-nasuhbey-via-evros-meric-river/>

¹⁰ *Ibid.*

announced he was unable to swim. He was forced off the boat, screaming for help, and drowned in the river as ‘soldiers and men on the boat just watched him doing nothing’.¹¹

8. The risk of death is exacerbated by practices such as tying people’s hands behind their backs before throwing them into the river, as has been reported by BVMN member organisation Josoor.¹² The inflatable boats, which are used to drive people onto small islets on the Evros/Meric river or to the Turkish riverbank, have also been described as overcrowded by several witnesses, further increasing the risk to life.¹³ Between January 2018 and October 2020, the International Organisation for Migration (IOM) recorded that at least 86 people had drowned in the Evros river, with 16 of those being children.¹⁴
9. In winter and spring, low air temperatures combined with high humidity and exhaustion from swimming put individuals at risk of hypothermia, the second largest cause of death after drowning in the Evros region.¹⁵ The risk to life is often exacerbated by wet clothes or the removal of personal belongings,¹⁶ including jumpers, sweaters, and sometimes all items of clothing.¹⁷ In February 2022, according to the Turkish Ministry of Interior, 12 migrants were found dead close to the Turkish/ Greek border crossing of Ipsala. The Turkish Ministry stated that the 12 deceased were part of a group of 22 migrants who were pushed back to Turkey by the Greek authorities.¹⁸
10. Considering the frequent publication of reports of migrants who have lost their lives, and life threatening conditions of the Evros river, the Greek State finds itself under a heightened obligation to safeguard the lives of those at risk in the area, including by taking preventative

¹¹Amnesty International, ‘Greece: Violence, Lies, and Pushbacks: Refugees and migrants still denied safety and asylum at Europe’s borders’, June 2021, available at:

<https://www.amnesty.org/en/wp-content/uploads/2021/07/EUR2543072021ENGLISH.pdf>

¹² Josoor, ‘They left them on an island. He couldn’t swim, he called his mother one last time. Greece has become hell for refugees’, March 31 2021, available at:

<https://www.josoor.net/post/they-left-them-on-an-island-he-couldnt-swim-he-called-his-mother-one-last-time-greece-has-become-hell-for-refugees>

¹³ Greek Council for Refugees et al., ‘The New Normality: Continuous Push-backs of Third Country Nationals on the Evros River’, December 2018, pg. 2, available at:

https://www.gcr.gr/en/ekdoseis-media/reports/reports/item/download/492_22e904e22458d13aa76e3dce82d4dd23,

and, European Committee for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment, ‘Report to the Greek Government on the visit to Greece’, para. 139, April 2018, available at:

<https://rm.coe.int/1680930c9a>.

¹⁴ European Union Agency for Fundamental Rights, ‘Migration: Fundamental rights issues at land borders’, December 2020, available at:

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-land-borders-report_en.pdf.

¹⁵ Refugee Info, 25 January 2019, ‘Hidden dangers at the Greece-Turkey land border’, available at:

<https://blog.refugee.info/major-risks-at-the-greek-land-border/>.

¹⁶ Mobile Info Team, ‘Illegal Pushbacks in Evros: Evidence of Human Rights Abuses at the Greece/Turkey Border’, November 2019, available at:

<https://static1.squarespace.com/static/597473fe9de4bb2cc35c376a/t/5dcd1da2fefabc596320f228/1573723568483/III+egal+Evros+pushbacks+Report+Mobile+Info+Team+final.pdf>.

¹⁷ BVMN, ‘People were forced to undress and then, eight by eight, were loaded into a boat’, February 8 2020, available at: <https://www.borderviolence.eu/violence-Reports/february-8-2020-2100-Alexandroupoli-Greece/>.

¹⁸ The Guardian, ‘12 people found frozen to death near Turkey’s border with Greece’, February 2 2022, available at: <https://www.theguardian.com/world/2022/feb/02/turkey-accuses-greece-of-pushing-back-people-who-later-froze-to-death>

operational measures aimed to prevent any arbitrary loss of life at the Evros border.¹⁹ The risk to migrants' lives is also exacerbated by their inherent vulnerability as asylum seekers 'because of everything [they have] been through during [their] migration and the traumatic experiences [they were] likely to have endured previously' (M.S.S. v. Belgium and Greece [GC], no. 30696/09, 21 January 2011, § 232). Migrants who are minors may also be particularly vulnerable: at least 51 out of 77 testimonies collected by BVMN in 2020 involved minors.²⁰

Involvement of Greek Authorities

11. The evidence published by Mobile Info Team in their 2019 report 'clearly shows that divisions of the Greek police are involved in systematic round up activities in the Evros region, detaining and handing over apprehended groups who are subsequently pushed back to Turkey' and consequently the life-endangering practices experienced by migrants.²¹ Mobile Info Team notes that 'the level of coordination seems to be relatively high as indicated by the testimonies in the report'.²²
12. In a report published in October 2020, investigating pushbacks from 2016 to 2019, Forensic Architecture used a 'situated testimony' interview technique to collect and corroborate evidence to prove that the practice of pushbacks at the Evros/Meriç river are methodical and widespread, and to identify the agents and agencies responsible.²³ Because witnesses' phones are typically stolen, there is usually limited evidence of the events other than witnesses' testimonies. Situated testimony is a technique of interviewing developed by Forensic Architecture, which uses 3D models of the scenes and environments in which events occurred to aid in the process of interviewing and gathering testimony from witnesses to those events. Together with an architectural researcher, a witness is filmed reconstructing the scene of an event, exploring and accessing their memories of the episode in a controlled and secure manner. Using evidential material like satellite images, maps, official documents, videos, photographs, and meteorological data, Forensic Architecture corroborated these testimonies and identified some of the places and actors involved. These included Greek police, border guards, and military, and sometimes civilians and German-speaking personnel.²⁴

¹⁹ Case of Osman v. The United Kingdom, European Court of Human Rights, No. 23452/94, Judgment of October 28, 1998, paras. 115 and 116, and Safi and Others v Greece, No. 5418/15, Press Release, 07 July 2022, available at: <https://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=003-7380289-10089391&filename=Judgment%20Safi%20and%20Others%20v.%20Greece%20-%20Sinking%20of%20a%20migrant%20boat.pdf>

²⁰ BVMN exported data 01.01.2020 - 31.12.2020 available at:

https://docs.google.com/file/d/1BJaH_HP17ritKisyvyCuiX7Ro7myuXsU/edit?usp=doclist_api&filetype=msexcel

²¹ Mobile Info Team, 'Illegal Pushbacks in Evros: Evidence of Human Rights Abuses at the Greece/Turkey Border, November 2019, available at:

https://static1.squarespace.com/static/597473fe9de4bb2cc35c376a/t/5dcd1da2fefabc596320f228/1573723568483/III+egal+Evros+pushbacks+Report_Mobile+Info+Team_final.pdf

²² *Ibid.*

²³ Forensic Architecture, 'Pushbacks across the Evros/Meriç River: Situated Testimonies, October 2020, available at: <https://forensic-architecture.org/investigation/evros-situated-testimony>

²⁴ *Ibid.*

13. In August 2020, BVMN also published evidence of the involvement of third-country nationals in pushback operations at Evros.²⁵ In June 2022, a joint investigation by the Guardian, Lighthouse Reports, Le Monde, Der Spiegel and ARD Report München confirmed that ‘Greek police coerce asylum seekers into pushing fellow migrants back to Turkey’.²⁶ The investigation corroborated the asylum seekers’ testimonies that the Greek police beat them and threatened them, coercing them into rowing boats migrants back across the Evros river. This evidence places responsibility for life-endangering actions of the coerced asylum seekers on the Greek authorities.

b) Identifying a broader pattern of practices in violation of Article 3.

14. Refugees, asylum seekers and migrants have reportedly been subjected to beatings and other physical ill-treatment throughout clandestine pushback operations and in secret detention. BVMN and Mobile Info Team have collected pushback testimonies since 2017 which document the beatings of asylum seekers by Greek authorities before they are pushed back across the Evros/Meric river.²⁷ 73 of the 77 testimonies (95%) collected by BVMN in 2020 relating to pushbacks in the Evros region involved violent treatment, including beating, threatening with guns, and water immersion.²⁸ These findings have been supported by other testimonies collected by the Greek Council for Refugees²⁹ and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.³⁰ The latter also referred to ill-treatment that included slapping, dragging and throwing, as well as kicking various body parts of the victims, including their heads.³¹

15. In a testimony describing a pushback on the 23rd April 2020, the reportant describes his ill-treatment during detention in Drama Paranesti Pre-removal Centre before he was forced back to Turkey.³² He was ‘singled out’ for ‘no reason’ and subjected to ‘particularly severe beating by the officers’.³³ One of the officers stamped on his head and he lost consciousness, waking up in hospital. Shortly after he regained consciousness, he was taken back to the centre. He reported that he was hospitalized a further 5 times over the next 45 days. In a second testimony of a

²⁵ BVMN, ‘Illegal pushbacks and border violence reports’, August 2020, available at:

<https://www.borderviolence.eu/wp-content/uploads/Working-Doc-August-Report-BVMN-2.pdf>,

²⁶The Guardian, ‘Revealed: Greek police coerce asylum seekers into pushing fellow migrants back into Turkey’, June 28 2022, available at:

<https://www.theguardian.com/global-development/2022/jun/28/greek-police-coerce-asylum-seekers-pushbacks-migrants-turkey>.

²⁷ Mobile Info Team, ‘Annual Report 2018-2019: Evidence of Human Rights Abuse at the Greece/Turkey Border’, November 2019, Testimony 1 and 2, available at: <https://www.mobileinfoteam.org/testimony-1>, and <https://www.mobileinfoteam.org/testimony-2>.

²⁸ BVMN exported data 01.01.2020 - 31.12.2020 available at:

https://docs.google.com/file/d/1BJaH_HP17ritKisyvyCuiX7Ro7myuXsU/edit?usp=doclist_api&filetype=msexcel

²⁹Greek Council for Refugees et al., ‘The New Normality: Continuous Push-backs of Third Country Nationals on the Evros River’, December 2018, available at:

https://www.gcr.gr/en/ekdoseis-media/reports/reports/item/download/492_22e904e22458d13aa76e3dce82d4dd23.

³⁰ European Committee for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment, ‘Report to the Greek Government on the visit to Greece’, April 2018, available at: <https://rm.coe.int/1680930c9a>.

³¹ *Ibid*, para 139.

³² BVMN, ‘They [are] using people from Pakistan to cross us to the other side of the border’, April 23 2020, available at: <https://www.borderviolence.eu/violence-reports/april-23-2020-2000-greek-turkish-border-near-meric/>

³³ *Ibid*.

separate pushback on the same day, the reportant states that many of the wounded went to hospital in Uzunköprü, the first Turkish town they reached, as a result of injuries sustained during the pushback.³⁴

16. Furthermore, whilst detained (a practice explained in further detail in section d) below), migrants and asylum seekers are frequently denied food or access to a toilet,³⁵ with some having reported being beaten by officers after asking for water.³⁶ A previous testimonial stated, ‘I thought we were going to die because we were hungry and so thirsty’.³⁷ Some have also reportedly been denied medical attention whilst being held in detention near the Evros border.³⁸ This constitutes inhuman or degrading treatment, which has been characterised by the Court as treatment or punishment that humiliates or debases an individual, showing a lack of respect for, or diminishing, his or her human dignity, or arouses feelings of fear, anguish or inferiority capable of breaking an individual’s moral and physical resistance (see, *Kudła v. Poland*, no. 30210/96, § 92, ECtHR 2000 and *Pretty v. the United Kingdom*, no. 2346/02, § 52, ECtHR 2002).
17. 53 of the 77 testimonies collected by BVMN at the Evros border in 2020 involved detention with deprivation of food and water. In their 2019 report, BVMN partner Mobile Info Team noted that ‘many asylum seekers reported being left for hours without food and water’, in one case for 20 hours, and some were told to drink toilet water.³⁹ Some did have to drink the toilet water, which subsequently made them sick.⁴⁰ The Greek Council of Refugees has also collected testimonies that reference migrants being denied access to food or water by Greek authorities.⁴¹

c) Identifying a broader practice of theft of personal belongings, including mobile phones and identifying documents.

³⁴ BVMN, They tell them, “We will let you fast with Erdogan”, April 23 2020, available at: <https://www.borderviolence.eu/violence-reports/april-23-2020-0000-near-to-uzunkopru/>.

³⁵ BVMN, ‘Commandos should have taken care of humanity; they punched me and took my 400 euros’, May 18 2019, available at: <https://www.borderviolence.eu/violence-reports/may-18-2019-0300-mandra-greece/>, and Mobile Info Team, ‘Illegal Pushbacks in Evros: Evidence of Human Rights Abuses at the Greece/Turkey Border, November 2019, pgs. 9 - 11, available at: https://static1.squarespace.com/static/597473fe9de4bb2cc35c376a/t/5dcd1da2fefabc596320f228/1573723568483/III+egal+Evros+pushbacks+Report_Mobile+Info+Team_final.pdf.

³⁶ BVMN, ‘Detained for 18 hours and pushed back via the Evros river: “I thought we were going to die because we were hungry and so thirsty”’, May 10 2022, available at: <https://www.borderviolence.eu/violence-reports/may-10-2022-2200-palea-sagini-gr-to-karakasim-tr/>

³⁷ *Ibid.*

³⁸ BVMN, “Even if we had a doctor, we would not bring him to see you”, July 18 2020, available at: <https://www.borderviolence.eu/violence-reports/july-18-2020-0000-uzunkopru/>

³⁹ Mobile Info Team, ‘Illegal Pushbacks in Evros: Evidence of Human Rights Abuses at the Greece/Turkey Border, November 2019, pg. available at: https://static1.squarespace.com/static/597473fe9de4bb2cc35c376a/t/5dcd1da2fefabc596320f228/1573723568483/III+egal+Evros+pushbacks+Report_Mobile+Info+Team_final.pdf.

⁴⁰ *Ibid.*, pg. 10.

⁴¹ Greek Council for Refugees et al., ‘The New Normality: Continuous Push-backs of Third Country Nationals on the Evros River’, December 2018, available at: https://www.gcr.gr/en/ekdoseis-media/reports/reports/item/download/492_22e904e22458d13aa76e3dce82d4dd23.

18. Since 2012, it has been documented that the Greek police and other unidentifiable non-state actors are taking away the personal belongings of asylum seekers and refugees during pushback operations at the land border.⁴² As Forensic Architecture has reported, ‘witnesses describe having their phones, documents, and possessions confiscated and often thrown into the river, suggesting an operation that is carefully designed to remove any potential evidence of human rights violations’.⁴³ The destruction or confiscation of mobile phones is particularly problematic. On the one hand, many asylum seekers have important personal data saved on their phones, helping them to identify themselves and substantiate their reasons for asylum once they have lodged their application for international protection. On the other hand, the theft of phones before pushing people back to Turkey or the Evros islets means that people are often unable to call for urgent assistance, including essential medical attention and legal intervention.
19. Throughout 2020, 75 of the 77 testimonies (97%) collected by BVMN, involving a minimum of 635 people, documented that personal belongings, including mobile phones, clothes, food, money and personal documents, were stolen or destroyed by uniformed or armed guards at the Evros/Meric river border between Greece and Turkey.⁴⁴ One BVMN testimony describes how ‘officers took everything from the respondent and his friends, including all the respondents papers and the 1,500 USD he had with him, all their phones and even their jackets...’ The respondent describes the treatment at the detention site as ‘incredibly brutal and humiliating’.⁴⁵
20. The confiscation of phones also renders the documentation of pushbacks and other related rights violations by the migrants themselves extremely difficult. Furthermore, those who are left without phones at the Turkish riverside cannot phone for rescue or navigate the terrain anymore due to being without a navigation or communication system; this is a key reason why many go missing, exposing them to further threats to their safety.
21. Moreover, various reports attest to the intentional destruction of identity related documents of migrants. In early 2020, one witness testified that their ‘khartia’, the registration paper issued by the police in Greece, was taken by an officer and ripped apart in front of them.⁴⁶ Other testimonies refer to incidents where the birth certificate of a migrant was destroyed by the police

⁴² Pro Asyl, ‘Pushed Back: Systemic human rights violations against refugees in the Aegean Sea and at the Greek-Turkish land border,’ November 2013, pgs. 29 & 63, available at: <https://www.proasyl.de/material/pushed-back-engl>, and European Committee for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment, ‘Report to the Greek Government on the visit to Greece’, April 2018, para. 140, available at: <https://rm.coe.int/1680930c9a>.

⁴³ Forensic Architecture, ‘Pushbacks across the Evros/Meric River: Situated Testimonies, October 2020, available at: <https://forensic-architecture.org/investigation/evros-situated-testimony>

⁴⁴ BVMN exported data 01.01.2020 - 31.12.2020 available at: https://docs.google.com/file/d/1BJaH_HP17ritKisyvyCuiX7Ro7myuXsU/edit?usp=docslist_api&filetype=msexcel

⁴⁵ BVMN, ‘I need asylum and I can prove that I do, but they took all my papers and my belongings’, December 20 2020, available at: <https://www.borderviolence.eu/violence-reports/december-20-2021-2000-orestiada-karakasim/> (includes photographs).

⁴⁶ BVMN, ‘Mugged by the Greek police officers during three subsequent pushbacks’, April 14 2020, available at: <https://www.borderviolence.eu/violence-reports/april-14-2020-1300-evros-meric-river-near-gemici-turkey/>

in front of him, an essential document to support his family reunification claim,⁴⁷ or where the police burned the bags of a group in a bonfire, thereby destroying original documents such as IDs and medical exams.⁴⁸

d) Identifying a broader practice of arbitrary detention in violation of Article 5.

22. Pushbacks at the Evros/Meric border systematically involve arbitrary detention by the Greek authorities, in violation of Article 5 of the ECHR. 52 of 77 testimonies collected by BVMN at the Evros border in 2020 involved detention with the sole purpose of illegal expulsion to Turkey.⁴⁹ In 38 out of 77 testimonies collected by BVMN, no translator was present, which suggests the authorities systematically violate Article 5(2).
23. Similarly, in their 2019 report, BVMN partner Mobile Info Team noted that ‘detention and confiscation of personal property’ typically constitutes the second stage in the ‘methodology of pushbacks’, which are ‘systematically repeated’, violating the right not to be unlawfully detained.⁵⁰ Between June and December 2020, Amnesty International documented that out of 21 pushback cases, 12 included detention that ‘appear to have taken place outside of any formal procedure or legal framework’.⁵¹ Amnesty International went on to conclude that ‘all individuals concerned have been subject to arbitrary detention’.⁵²
24. The same Amnesty International report further describes how the highly militarised region of Evros has a ‘concentration of sites designed or regularly used for the reception or containment of migrants’ including ‘the Komotini Immigration Detention Centre, Fylakio Reception Centre and Immigration Detention Centre, the Poros facility (“under the authority of Feres Police and Border Guard Station”) 56 as well as border guard and police stations including in Metaxades, Tycherio, Soufli, Feres, Iasmos, 57 Alexandroupoli, Didimoticho, Isaakio, Neo Cheimonio, Orestiada.’⁵³
25. In their investigation of pushbacks experienced by 4 migrants across the Evros river between 2016 and 2019, Forensic Architecture worked with witnesses to reconstruct the sites where they were detained.⁵⁴ At the end of each interview, the witnesses were presented with precise models and photographs of specific police and border guard stations, modelled from satellite imagery and

⁴⁷ Greek Council for Refugees et al., ‘The New Normality: Continuous Push-backs of Third Country Nationals on the Evros River’, December 2018, pg. 16, available at:

https://www.gcr.gr/en/ekdoseis-media/reports/reports/item/download/492_22e904e22458d13aa76e3dce82d4dd23.

⁴⁸ *Ibid.*

⁴⁹ BVMN exported data 01.01.2020 - 31.12.2020 available at:

https://docs.google.com/file/d/1BJaH_HP17ritKisyvyCuiX7Ro7myuXsU/edit?usp=doclist_api&filetype=msexcel

⁵⁰ Mobile Info Team, ‘Illegal Pushbacks in Evros: Evidence of Human Rights Abuses at the Greece/Turkey Border, November 2019, available at:

https://static1.squarespace.com/static/597473fe9de4bb2cc35c376a/t/5dcd1da2fefabc596320f228/1573723568483/III+egal+Evros+pushbacks+Report_Mobile+Info+Team_final.pdf.

⁵¹ Amnesty International: ‘Greece: Violence, lies, and pushbacks - Refugees and migrants still denied safety and asylum at Europe’s borders, June 23 2021, available at: <https://www.amnesty.org/en/documents/eur25/4307/2021/en/>

⁵² *Ibid.*

⁵³ *Ibid.*

⁵⁴ Forensic Architecture, ‘Pushbacks across the Evros/Meric River: Situated Testimonies, October 2020, available at: <https://forensic-architecture.org/investigation/evros-situated-testimony>

ground footage. Through this verification process, the witnesses were able to identify four different border guard stations that they were held in, at Tychero, Poros, Feres, and Soufli.⁵⁵

26. In March 2020, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) noted that the Poros facility, ‘under the jurisdiction of the Feres Police and Border Guard Station’, lacked evidence of the registration of migrants detained in the facility, where forms containing information on detainees ‘collected upon entry’ were reportedly thrown away at the end of the day.⁵⁶ The CPT notes that this practice ‘lends credence’ to allegations that Poros detention facility ‘is used to hold persons arbitrarily’ without any access to their rights and as ‘a staging post for pushbacks’, corroborating testimonies collected by BVMN, Forensic Architecture, and Mobile Info Team.

⁵⁵ *Ibid.*

⁵⁶ European Committee for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment, ‘Report to the Greek Government on the visit to Greece’, April 2018, available at: <https://rm.coe.int/1680930c9a>.