

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

## SUGGESTED LIST OF ISSUES

**BORDER VIOLENCE  
MONITORING NETWORK**



**GREECE**

Photo credit: Anek Flouz



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# EXECUTIVE SUMMARY

## Reporting Organisation

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

## Executive Summary

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

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

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

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

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

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

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

(...)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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## CASE EXAMPLE 1

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

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

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

## CASE EXAMPLE 1

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

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

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

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

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

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

**16.** In accordance to Article 16 (1) of the International Convention for the Protection of All Persons from Enforced Disappearances, Greece should not expel, return (“refouler”) surrender or extradite a person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to enforced disappearances. Yet since 2016, continuous evidence and testimonies collected by international monitoring bodies and NGOs, indicated that enforced disappearances are being carried out by Turkish authorities.

**17.** We assert that therefore due to the continued and substantiated allegations of enforced disappearances and other allegations of mass breaches of human rights occurring in Turkey, Greece has breached its duties and obligations under the International Convention for the Protection of All Persons from Enforced Disappearances.

**18.** Despite continued calls by the international community,

Turkey is not a party to the International Convention on the Protection of All Persons from Enforced Disappearances and thus not bound to the responsibilities set out in the Convention.

**19.** In 2019, Turkish MPs reported 28 individuals who had disappeared or who were victims of politically motivated kidnapping attempts [15]. The United States Department of State country report in 2019 for Turkey, maintains the continued allegations of individuals being abducted and disappeared. The report explained how eyewitness reports alleged that approximately 40 plainclothes officers in Ankara had abducted several of the affected men and taken them away in an unmarked van. The Department of State country report, upholds that the Turkish government had declined to provide information on efforts to prevent, investigate and punish such acts [16].

**20.** In 2019, based on first-hand testimonies, Mobile Info Team (MIT)

published a report detailing illegal pushbacks in Evros, highlighting the human rights abuses occurring at the Greek-Turkish border. MIT confirm that they have consistently been recording evidence of pushbacks from Greece to Turkey since August 2018 when they began collecting testimonies, but based on reports and testimonies from other NGOs in Greece believe the practice goes as far back as 2013.

**21.** The United States Department of State country report in 2019 for Turkey reported that authorities had “prevented migrants placed in detention and return centres from communicating with the outside world, including their family members and lawyers, creating the potential for refoulement as migrants accept repatriation to avoid indefinite detention. As outlined under Article 18 of ICPPED, a State must guarantee that the legal consul or relatives of any individuals deprived of liberty can access information including but not limited to the whereabouts, transfer or destination of the individual. Thus, we affirm that the demonstrated practice of denying migrants held in detention and return centres contact with the outside world is a clear example of the continued breach of responsibilities under ICPPED.

**22.** In 2016, following a visit by the Working Group on Enforced or Involuntary Disappearances, the Working Group received reports of the disappearance of migrants in, or transiting through Turkey. The information provided to the Working Group stated that women and children, particularly Yazidi women and girls, were disappearing into trafficking networks. The report confirms that the Yazidi victims were being trafficked from Syria to Turkey and sold by the Islamic State in Gaziantep in the south of Turkey. The report produced by the Working Group confirms that not all of these allegations may constitute as acts of enforced disappearances, but the information that they received indicates that these crimes often occur with the complicity or at least the connivance of the local authorities [17]. Furthermore, the Working Group stated its concern at the “almost complete lack of accountability for cases of enforced disappearance in Turkey” and its “palpable lack of interest [in] seriously investigating, prosecuting and adjudicating these cases” [18].



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## CASE EXAMPLE 2

### "HUNDREDS OF PEOPLE DETAINED WITHOUT FOOD FOR MANY, MANY DAYS BEFORE PUSHBACK TO TURKEY"

The respondent, in this case, is a 24 years old male from Afghanistan. It was his second pushback from Greece within the last year. He was documented by the Greek Asylum Office and the UNHCR and also had an appointment in order to receive his Greek "white card" (International Protection Applicant Card) for refugees on 7th August 2020.

On the evening of 15th May 2020 he was arrested together with another 14 people in the streets of Ladochori

(harbor city of Igoumenitsa). At that time he was on a pedestrian walkway close to a street with his friends, when they saw Greek police officers and understood they were about to be arrested. They attempted to escape but were finally caught by officers coming from the opposite side. There were eight officers in the streets, some in uniform, some in civil clothing.

Two minors of the ages around 13 or 14 years were allowed to leave. A group of 15 young men between 16 and 30 years of Afghan and Kurdish (Iraq) origin were arrested. Their phones were taken from them. Then the police handcuffed and escorted them to the police station which was within 8 or 9 minutes walking time from the spot of the arrest (most likely Astinomiko Tmima in Ladochori).

## CASE EXAMPLE 2

At the police station, everyone was searched. They had to take all clothes off (except for underwear), shoe-laces were taken out of their shoes and whatever they carried with them was taken away.

They got their clothes back afterwards and were all put into one cell together. Whenever someone raised their voice or simply asked for assistance (e.g. to go to the toilet) the police would come and beat the person heavily. Out of fear they did not dare to claim their rights and status according to their papers. The group was kept in the cell for one night. In the early morning of the next day (16th May 2020) at 06:30 they were put into a police bus. It had very dark cabins inside from which the respondent couldn't see the outside. Four people were put in each cell and the doors were locked. They drove for around 10 hours until they arrived at the "camp".

With "camp" the respondent referred to a "very dirty, nasty place" in the forest close to the river Evros. There was a building which had one floor only, and had a big hall. The group was put there after they had to take their clothes off again for a second search of all their belongings. In the hall there were more than 100 other people waiting.

They had stayed there for one or two nights in some cases, others for almost an entire week, during which they didn't receive food, water or anything else.

The officers were "very violent and cruel". All detainees in the camp had to keep their heads down otherwise they would be beaten with heavy batons.

The officers mostly had their faces covered with ski masks and wore uniforms which the respondent compared to those of the police that arrested him previously ("Greek city police"). As he was not allowed to look up, he is only sure about 7 or 8 different officers being present.

The group of 15 was "lucky" as they only were kept in the main hall for some minutes. Then the entire group of detained persons departed. They were put in a van. It was described as a big, old military car of green color. About 120 people were forcefully loaded on the car which was far beyond its capacity.

They drove for 40 minutes and arrived at a place close to the river. 15 to 20 people at once were embarked into a 5 to 6 meter long boat and taken to the other/Turkish side.

The Turkish army, when finding them, gave some old jackets and other clothes to those who were insufficiently dressed during the cold weather.

## CHAIN PUSHBACK TO SYRIA AMOUNTING TO VIOLATIONS OF ARTICLE 16 ICPPED

**23.** In addition to the risk of enforced disappearances that face individuals who are illegally pushed back or collectively expelled from Greece whilst in Turkey, many face threats of subsequent human rights violations including the threat of being detained and pushed back to their countries of origin. The practice of being pushed back through multiple countries is called “chain pushbacks”, and within Turkey current reports indicate that this is disproportionately affecting Syrian nationals who are being illegally returned en-masse to Syria.

**24.** In 2019, Amnesty International published a research report that, through interviews with 28 Syrian nationals, documented 20 cases of unlawful forced returns that occurred between 25th May and 13th September 2019. Amnesty International explained that of the 20 cases documented within their report, the interview respondents said that several dozen (between

35 and 60) people were on their busses, therefore illustrating a sample of several hundred victims of forced returns to Syria by Turkish authorities [19].

**25.** In 2019, Mobile Info Team recalled multiple testimonies of people who were pushed back from Greece across the Evros River to Turkey, where they were subsequently arrested by Turkish authorities and then sent back to Idlib, Syria. Upon being forced back into Syria, one of the respondents testifies how as a result of the chain pushback initiated by Greece, he was destined and placed in a prison in Idlib where he was subsequently tortured [20].

**26.** The report of the Working Group on Enforced or Involuntary Disappearances on Enforced Disappearances in the Context of Migration, assert that the act of pushing back migrants or conducting collective expulsion contravenes the Declaration. Furthermore, the report states

that mass returns by Turkish authorities could violate Turkey's obligations of non-refoulement under the Declaration.

**27.** In 2017, Human Rights Watch reported the collective expulsion of large groups of Syrian refugees to Idlib Syria. According to Human Rights Watch, the Turkish authorities have routinely intercepted hundreds, and at times thousands, of asylum seekers at the Turkey-Syrian border since at least December 2017 and summarily deported them to the war-ravaged Idlib governorate in Syria [21]

**28.** In 2016, Amnesty International published evidence of the near-daily forced expulsion of around 100 Syrian men, women and children from Turkey to Syria. At the Southern Turkish border, multiple testimonies were collected by Amnesty International of large-scale returns from the Hatay province to Syria, a practice that is illegal under both Turkish, EU and international law [22].



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## CASE EXAMPLE 3

### “REMOVED FROM THESSALONIKI AND THEN PUSHED BACK ACROSS THE MERIC RIVER”

During the morning, Greek police dressed in black and several officers in civil clothing entered the camp. They arrived with several vehicles: small white vans with barred windows, and a larger blue coach with “Police” written on the outside of it. The officers rounded up approximately 50 people from the camp.

The respondent says the people taken included many Afghans, as well as North African people from Morocco and Algeria. The police told

the groups that they were to be taken to the station temporarily to be issued “khartias” [informal name for a short term legalisation document. Some had papers with an expired date though according to the measures brought in by the Greek government, these remained valid until the asylum office opened again after the COVID-19 restrictions.

The respondent had a scheduled interview at the asylum office for mid-March, but this had been cancelled because of the health restrictions. He still had a handwritten note with the date and time of this appointment.

The officers loaded them into the vans and bus and drove them a short

## CASE EXAMPLE 3

distance. The respondent recalls the vehicles taking them onto the main road running into Thessaloniki (Motorway 2) because he recognised the 81 bus line which he regularly took. After a short drive, the 50 people were disembarked at a large police station where many officers and cars were stationed. The group were taken inside the station, but rather than being processed and issued “khartia”, the officers ordered them to lie down and searched them. The police took phones, money and other valuable possessions. The officers also reportedly used batons to hit the majority of the people, and also used handheld taser devices to administer electric shocks to some people's legs. The respondent recalls how one of the officers in civil clothes ordered them to lie on the floor. Following this, many of the people were assaulted with batons by the officers present. The police then removed the group into an outdoor/parking area where they were detained for approximately two hours. During this time it rained and the group got very wet and cold.

The Greek officers then loaded the 50 people into a large bus (blue with “police” written on the side) and drove them for several hours. The group were disembarked in the evening and held in a facility staffed

by Greek military personnel. The officers inside were described as wearing “Military uniform, masks, guns, electric [taser]”.

The people were held there overnight in shared cells. The respondent describes how violence was used by the military officers inside the detention space. The next day, Thursday 16th April 2020, they were taken in a van and moved to another site which was staffed by similarly dressed authorities. After this, they were put in several vans and driven to the Meric river. There, the Greek military officers removed them from the vans and forced them to strip near the bank of the river. The authorities beat the group again with batons, leaving visible bruising.

The people were divided and ferried across in smaller groups in a boat. Once the respondent had been pushed back onto the Turkish side, he reports being found by Turkish police who held them. The officers told them they could not stay in Turkey and had to reenter Greece. The Turkish officials made them wait and said they would bring the men a boat for them to cross back. The respondent and others then ran away from the river to avoid this, and eventually found their way to Istanbul.

**“THEY CATCH US IN THE CAMP”**

# PRACTICES FALLING UNDER ARTICLE 5 OF ICPPED AND ARTICLE 7 OF THE ICC ROME STATUTE.

**29.** Article 5 of the International Convention for the Protection of All Persons from Enforced Disappearance states that the widespread or systematic practice of enforced disappearance constitutes a crime against humanity as defined in applicable international law and shall attract the consequences provided for under such applicable international law.

**30.** The Rome Statute of the International Criminal Court qualifies enforced disappearances as crimes against humanity in Article 7 (1) (i) and defines the act of enforced disappearance as: “the arrest, detention or abduction of persons by, or with the authorisation, support or acquiescence of, a State or a political organisation, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time” [23].

**31.** As developed in jurisprudence, crimes against humanity have two elements, the widespread scale, or massive commission or the systematic practice of certain acts, on the one hand, and the acts themselves, on the other. With regard to massive, widespread or systematic practice, the element points out to a phenomenon that is not isolated nor merely sporadic events [24]. The ICC notes that the term “widespread” “refer to the large-scale nature of the attacks as well as to the number of victims”, whereas the term “systematic” pertains to the organised nature of the acts of violence and to the improbability of their random occurrence [25].

**32.** The testimonies collected from 2018 until 2020 describe widespread practices, similar in manifestations, such as being removed from Greek territory, detained for a period of time, from hours to days, at times in places that are not designated detention places. The detention does not constitute criminal detention nor

administrative detention and deportation orders are not being served. Personal belongings are at times taken, while other times are kept. A general occurrence is the expression of the persons to request asylum that is not being respected. The removal itself often takes place at night and often conducted through violent means.

**33.** Additionally, the description of the events, more specifically, removals from different locations within Greece and transportation to the border area, imply multiple and different authorities communicating and coordinating their actions. It is as if there is not in existence a written plan, but it can be inferred from the series of events and common patterns of the acts as well as statements and the behaviour of the perpetrators [26].

**34.** With regard to the second element, the acts themselves, both in customary and treaty-based international law, the systemic or wide scale practice of enforced disappearance, among other acts, constitute crimes against humanity [27].

# PROPOSED QUESTIONS FOR THE COMMITTEE TO ASK TO GREECE

35. What steps are being taken to ensure that the Ombudsman's office and relevant international or civil society organisations have **full and unimpeded access to the border areas** and the mandated access to information on the operations of Greek authorities in these areas?

36. What preventative mechanisms have or are being introduced to **safeguard potential violations of the principle of non-refoulement** and the International Convention for the Protection of All Persons from Enforced Disappearance?

37. What measures have been taken to **ensure a full investigation into any and all allegations of violations of the International Convention for the Protection of All Persons from Enforced Disappearance** as a result of pushbacks and collective expulsion?

38. Please specify if any effective mechanisms have been put in place to **protect migrants, refugees or third-country nationals from Enforced Disappearances?** Additionally, how have these mechanisms been used to deter against practices that constitute Enforced Disappearances, such as pushbacks?

39. Please clarify if Turkey is considered 'safe' in relation to procedures of expulsion, return, surrender or extradition of a person. If so, please indicate through **which criteria was Turkey considered safe and how often is this decision reviewed.** Furthermore, please specify if this assessment assesses the risk of Enforced Disappearances or further pushbacks or collective expulsion carried out by Turkey?

**For all inquires:**  
**[advocacy@borderviolence.eu](mailto:advocacy@borderviolence.eu)**

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