



Border Violence Monitoring Network

Addressed to:

the Executive Director of the European Border and Coast Guard, Fabrice Leggeri
the *ad interim* Fundamental Rights Officer of the European Border and Coast Guard, Annegret Kohler

To the attention of the:

Consultative Forum to the European Border and Coast Guard Agency

The Border Violence Monitoring Network (BVMN) is a watchdog platform of NGOs working in Greece, Turkey and Western Balkans¹. From November 2019 to November 2020, our members have collected compelling evidence that reveals human rights violations taking place at Frontex operational areas at the Greek-Turkish and Albania-Greek land and sea borders. The collected evidence is a continuation of our investigative and reporting work that dates back to the opening of the so-called Balkan migration route in the summer of 2015.

Since 2015, Are You Syrious, a Croatian-based watchdog NGO operating along the Balkan route, published a series of articles in collaboration with volunteer teams on the ground, describing, among other trends, pushbacks at the land border between Greece and Turkey. Several groups of victims were interviewed by the AYS and their correspondents from 2018 to 2020 alleged Frontex personnel was present during the pushback². In 2018, reports on systematic pushbacks in Evros region were published by the Greek Council for Refugees³, Human Rights Watch⁴ and other relevant watchdog organisations.

In November 2019, Mobile Info Team, a project of a Dutch NGO operating in Greece, published a report recording systemic pushbacks at the land border between Greece and Turkey⁵. The report found corroborating accounts of masked authorities dressed in military style uniform conducting collective expulsions via boats across the Evros river, or via land, where people-on-the-move are stripped of their belongings and often of their clothes, and sent back to Turkey on foot. Greek Council for Refugees⁶,

¹ BVMN is a network of NGOs such as Mobile Info Team, No Name Kitchen, Are You Syrious, Rigardu, Centre for Peace Studies, Balkan Info Van and Escuela con Alma, who are monitoring human rights violations in Greece and Western Balkans

² Are You Syrious, "Violent Robberies and Forced Returns of Refugees in Greece's Evros Region", September 2018, available at: <https://medium.com/are-you-syrious/ay-s-special-violent-robberies-and-deportations-of-refugees-in-greeces-evros-region-2056ba6195b0>

³ Greek Council for Refugees, "The new normality: Continuous push-backs of third country nationals on the Evros river", December 2018., available at: https://www.humanrights360.org/wp-content/uploads/REPORT_EN.pdf

⁴ Human Rights Watch, "Greece: Violent Pushbacks at Turkey Border", December 2018, available at: <https://www.hrw.org/news/2018/12/18/greece-violent-pushbacks-turkey-border>

⁵ Mobile Info Team, "Illegal Pushbacks in Evros. Evidence of Human Rights Abuses at the Greece/Turkey Border", Annual Report 2018-2019, November 2019, available at <https://static1.squarespace.com/static/597473fe9de4bb2cc35c376a/t/5dcd1da2fefabc596320f228/1573723568483/Illegal+Evros+pu+shbacks+Report+Mobile+Info+Team+final.pdf>

⁶ Greek Council for Refugees, ARSIS-Association for the Social Support of Youth, and HumanRights360, "The new normality: Continuous push-backs of third country nationals on the Evros river", February 2018, available at: https://www.gcr.gr/en/news/press-releases-announcements/item/download/492_22e904e22458d13aa76e3dce82d4dd23



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UNHCR⁷, and Human Rights Watch⁸ have previously published corroborating reports on systematic returns.

Between February and March 2020, Border Violence Monitoring Network, released a report describing identical practices of pushbacks in Greek-Turkish border, via dinghy boats across the river and on foot, beatings and thefts of personal belongings, unlawful imprisonment of people-on-the-move, prevented from applying for asylum⁹. Human Rights Watch¹⁰ and Amnesty International¹¹ investigated and affirmed the use of such practices .

Illegal removals from the Greek territory and pushbacks to Turkey are continuing to this day. BVMN reports between June¹² and July¹³ a trend where people on the move are being removed from different locations, including further inland locations such as Thessaloniki and Diavata, as reported by pushbacks victims and published in the BVMN testimony database¹⁴. These practices have been reiterated in reports by Human Rights Watch¹⁵ and Human Rights 360¹⁶.

Evidence has come to light of alleged Frontex involvement in pushbacks on the Albanian-Greek border. BVMN's July report explains that collected testimonies evidence pushbacks occurring on a daily basis and they claim that these pushbacks are facilitated by both the Greek authorities and Frontex personnel¹⁷. One testimony in June includes six Frontex officers wearing balaclavas beating victims with a "kind of truncheon but like metal" as quoted by the respondent. The victim also claimed to have their fingerprints taken, as well as being strip searched against their will¹⁸. Another testimony in May

⁷ UNHCR, "Desperate Journeys. Refugees and migrants arriving in Europe and at Europe's borders" January-August 2018, page 17, available at https://data2.unhcr.org/en/documents/download/65373#_ga=2.113530311.1350135585.1536653508-2022578857.1536218621

UNHCR, "Desperate Journeys. Refugees and migrants arriving in Europe and at Europe's borders" January-December 2018, page 21, available at https://data2.unhcr.org/en/documents/download/67712#_ga=2.207236051.1385565082.1549874018-1708400283.1543860321

⁸ Human Rights Watch, "Greece: Violent Pushbacks at Turkey Border. End Summary Returns, Unchecked Violence", December 18, 2018, available at <https://www.hrw.org/news/2018/12/18/greece-violent-pushbacks-turkey-border>

⁹ Border Violence Monitoring Network, Mobile Info Team, Mare Liberum, No Name Kitchen, Balkan Info Van, "Violations at Greek Borders Sea and Land Report", February/March 2020, available at <https://static1.squarespace.com/static/597473fe9de4bb2cc35c376a/t/5e747d5185894d689a084750/1584692583068/Report-on-Greece-March-2020.pdf>

¹⁰ Human Rights Watch, "Greece: Violence Against Asylum Seekers at Border. Detained, Assaulted, Stripped, Summarily Deported", March 17, 2020, available at <https://www.hrw.org/news/2020/03/17/greece-violence-against-asylum-seekers-border>

¹¹ Amnesty International, "Europe: Caught in a political game: Asylum-seekers and migrants on the Greece/Turkey border pay the price for Europe's failures", April 3, 2020, available at <https://www.amnesty.org/download/Documents/EUR0120772020ENGLISH.PDF>

¹² Balkan Region Report - June 2020, available at <https://www.borderviolence.eu/wp-content/uploads/JUNE-REPORT.pdf>

¹³ Balkan Region Report - August 2020, available at

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

¹⁴ Border Violence Monitoring Network, "They were laughing as they forced them to undress", 31 October 2020, available at <https://www.borderviolence.eu/violence-reports/>

¹⁵ Human Rights Watch "Greece Is Still Denying Migrant Pushbacks", August 21, 2020, available at <https://www.hrw.org/news/2020/08/21/greece-still-denying-migrant-pushbacks>

¹⁶ Human Rights 360, "Defending human rights in times of border militarization", October 2020, available at <https://www.humanrights360.org/defending-human-rights-in-times-of-border-militarization/>

¹⁷ Border Violence Monitoring Network, "Illegal push-backs and border violence reports: Balkan Region July 2020", July 2020, available at https://www.borderviolence.eu/wp-content/uploads/2020_July_Report.pdf

¹⁸ Border Violence Monitoring Network, "Next time if you run we can shoot on you, if we said 'stop', you stop", May 30, 2020, available at <https://www.borderviolence.eu/violence-reports/june-1-2020-0700-trestenik-albania/>



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identified officers involved in the pushback wearing dark blue uniforms with a light blue band on the upper arm, which was subsequently visually identified as a Frontex accessory¹⁹.

Reports of pushbacks including accusations of Frontex involvement have also been prevalent on the Greek-Turkish border. Two officers were accused by a respondent of inciting racial attacks on an Afghan and a Libyan man before beating them²⁰. Another account details at least two of the “masked men” spoke German to one another, and the respondent, who was fluent in German, overheard the officers referring to himself, and others, as “rats” and “terrorists”. These officers proceeded to laugh at the respondent, and the other people with him, while they hit them²¹. In another testimony detailing a pushback, four German vehicles were identified by the respondent, recognising the EU flag and ‘D’ on the license plates²².

We recall that the European Border and Coast Guard Agency must conduct all its operations in full respect of fundamental rights as enshrined in Article 80, Regulation (EU) 2019/1896 governing the European Border and Coast Guard Agency (Frontex) and in the articles 4 and 5 of the Frontex Code of Conduct. Accordingly, Frontex shall ensure that no person, in contravention of the principle of *non-refoulement*, be forced to disembark in, forced to enter, or conducted to a country, or be otherwise handed over or returned to the authorities of a country where there is a serious risk that the person would be subjected to the death penalty, torture, persecution, or other inhuman or degrading treatment or punishment.

Article 80 equally provides that actions at the external borders, such as rapid border interventions, migration management support in hotspot areas, and operational assistance in search and rescue at sea must operate in accordance with the European Union Charter of Fundamental Rights, the European Convention on Human Rights, the 1951 Geneva Convention relating to the Status of Refugee, the 1967 Protocol thereto, including the principle of *non-refoulement*.

The above mentioned reports evidence of systematic human rights violations occurring in Frontex operations. Based on the duty to cooperate in good faith (Article 11, Reg. (EU) 2019/1896) and the obligation to exchange information (Article 12) between Frontex and the host Member State, in this case Greece and Albania, we hold that Frontex if not directly complicit in the violations itself, at a minimum had effective access to information about the above mentioned violations.

¹⁹ Border Violence Monitoring Network, “[Frontex in Albania] they have no mercy”, 1 June 2020, available at <https://www.borderviolence.eu/violence-reports/june-1-2020-0700-trestenik-albania/>

²⁰ Border Violence Monitoring Network, “You can’t imagine how someone is sleeping and then someone took me by force from this place”, 30 September 2020, available at: <https://www.borderviolence.eu/violence-reports/september-30-2020-0700-evros-border/>

²¹ Border Violence Monitoring Network, “They were laughing while they were hitting us. Laughing so much. No normal person can do that”, 2 September 2020, available at:

<https://www.borderviolence.eu/violence-reports/september-2-2020-0700-30min-drive-outside-alexandropouli/>

²² Border Violence Monitoring Network, “I got drunk for the first time in my life to have the courage to tell them, but I can’t. How can I tell them their son is dead?” 6 September 2020, available at <https://www.borderviolence.eu/violence-reports/september-6-2020-1700-alexandropouli-bus-station/>



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Evidence suggests that there is frequent involvement of Frontex personnel and international officers in pushbacks at the EU's external borders, specifically on the Albanian-Greek and Greek-Turkish borders.

In accordance with the right to good administration enshrined in Article 41 of the Charter of Fundamental Rights of the European Union and the right of any natural or legal person to receive an answer from the Agency enshrined in Article 114(4) of Reg. (EU) 2019/1896, we urge the Executive Director and the Fundamental Rights Officer of the European Border and Coast Guard to answer the following questions:

Questions:

- 1) What is the knowledge and understanding of the Agency about alleged involvement or presence of Frontex personnel during pushbacks?
- 2) What is the response of the Executive Director and of the Fundamental Rights Officer to the above mentioned allegations?
- 3) Would the Executive Director and the Fundamental Rights Officer launch an internal inquiry into accusations of violations of the law or Frontex Code of Conduct into incidents reported by the BVMN?

On behalf of the Border Violence Monitoring Network

Milena Zajović

Head of Advocacy

+385 91 6300 103

advocacy@borderviolence.eu

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