

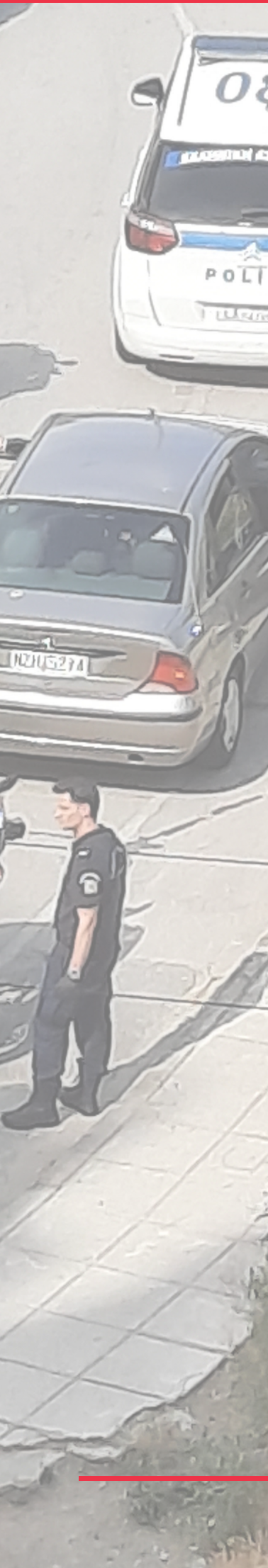
SUBMISSION TO THE 39TH SESSION OF THE UNIVERSAL PERIODIC REVIEW: GREECE

STAKEHOLDER BRIEFING REPORT

BORDER VIOLENCE MONITORING NETWORK



GREECE



INTRODUCTION

The Border Violence Monitoring Network is a coalition of organisations documenting pushbacks and state violence in the Western Balkans, Greece and Turkey, since the formal closure of the migration route 5 years ago.

In 2016, during the last Universal periodic review, 35 countries made recommendations to Greece regarding the protection of migrants and asylum seekers.

Despite this, we assert that the Greek government has failed its obligations under international law and has systematically rolled back protection granted to migrants and refugees.

We have witnessed how within Greece the use of pushbacks has both increased and intensified, and now constitutes an unofficial pillar of the country's migration policy.

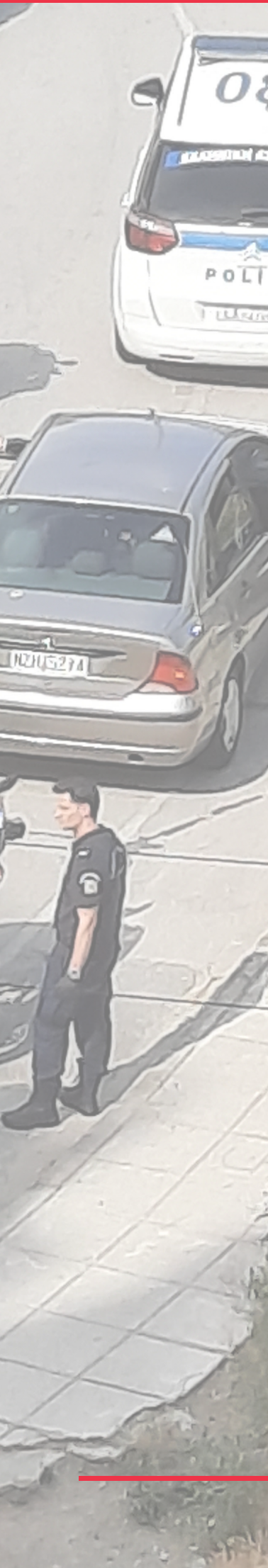
Let us be clear, pushbacks substantially violate the principle of non-refoulement, the prohibition of torture and pose a significant threat to the right to life.

Pushbacks occur at Greek land borders, deep from within Greek territory and at sea, where victims are left abandoned in motorless rafts.

The Border Violence Monitoring Network has documented that 98% of pushbacks testimonies from Greece contained torture or ill-treatment.

Pushbacks are perpetrated with excessive violence, including forced undressing and theft of personal belongings, as well as sexual assault. In 68% of pushbacks, children have either been subjected to or witnessed this disturbing abuse.

Despite the increase in violence and numbers of pushbacks, the Greek state has refused to investigate, has not held perpetrators to account, and has systematically targeted and defamed human rights organisations speaking out against these practices.



INTRODUCTION

We make the following **recommendations**:

1. Greece must immediately **halt pushbacks and collective expulsions** of refugees and migrants.
2. It must reinforce its commitments to international human rights by providing **remedies to pushback victims and public recognition of their entitlement to international protection**.
3. Greece must **strengthen the role of the Ombudsman as the National Mechanism for the Investigation of Arbitrary Incidents** by ensuring its ability to investigate allegations of law-enforcement officials perpetrating pushbacks.
4. Greece must **establish an independent border monitoring mechanism involving civil society**.
5. The Greek state should **limit the use of detention of migrants and asylum seekers**. Greece must investigate all cases of violence and torture by police and detention centre staff and provide effective remedies to victims.

6. The first steps Greece could take is by making a **declaration to the competence of the Committee on Enforced Disappearances to consider individual communications** as regulated in Article 31 **and by signing ratifying Protocol 4 to the European Convention on Human Rights prohibiting collective expulsions**.

**The introduction constitutes the transcript of the video intervention delivered by the Border Violence Monitoring Network during the UPR Pre-Session on Greece, on October 7th, 2021. The statement can be found as well on the UPR Info's official website.*



1. Reporting Organisation

1.1. The Border Violence Monitoring Network (BVMN) is a coalition of organisations working to document illegal pushbacks, collective expulsions and police violence along the European Union's external borders in the Western Balkans, Greece and Turkey since the formal closure of the route 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.

2. Executive Summary

- 2.1. Within the past five years, pushbacks from Greece have increased in both violence and numbers, representing a systematic practice. On the land borders, the practice of pushbacks has expanded from apprehension in and pushbacks from the militarized Evros region to expulsions from deep inside the mainland. Moreover, new trends emerged, including the use of third country nationals to conduct pushbacks. During sea pushbacks, a concerning new tactic has emerged of abandoning people in motorless life rafts, including those who have been apprehended after arriving to the Greek islands. BVMN has also found that Pre-Removal Detention Centres are being used as key sites facilitating pushbacks, thus situating them within the network of systemic state orchestrated illegal returns.
- 2.2. Greek national law's expansion of the use of detention for migrants is in variance with its international human rights obligations. Moreover, BVMN can corroborate reports of the unsanitary, violent and cruel, inhumane and degrading treatment in detention.
- 2.3. BVMN has collected testimonies showing the emergence of a pattern of systemic violence against migrants in Greece. Internal violence is carried out mainly by law enforcement officers, private security companies and vigilante groups, that have been involved in attacks in areas known to host migrants.
- 2.4. Criminalisation of Civil Society Organisations, NGOs and solidarity groups in general has become a worrying trend in recent years, inhibiting the effectiveness of humanitarian aid and shrinking the space for civil society engagement.
- 2.5. Defining terminology
 - 2.5.1. "Pushback" is a common term to denote the action of a State forcibly returning an individual or a group across borders to another country



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without due process and subsequently preventing or restricting them access to protection mechanisms.

- 2.5.2. Pushbacks are violations of the principle of *non-refoulement* which has found expression in a number UN treaties including: Article 33 of the 1951 Geneva Convention;¹ Article 7 of International Covenant on Civil and Political Rights (ICCPR);² and Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).³
- 2.5.3. Pushbacks encompass acts prohibited under Article 3 CAT. Pushbacks constitute enforced disappearances as described by Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED).⁴ When a pushback results in the death of the person, it constitutes a violation of the right to life, enshrined in Article 6 ICCPR.
- 2.5.4. Pushbacks also breach the procedural guarantees of Article 13 of the ICCPR, which prohibits expulsion without due process.⁵
- 2.5.5. Throughout this submission we use the term “migrant” as an all-encompassing term for people on the move whose legal status could not be determined at the time of reporting. Where applicable and known, we use the terms “asylum seeker” for persons who have expressed their wish to apply for asylum as well as those whose application for international protection was registered, and “refugees” and “beneficiaries of international protection” for persons whose refugee status has been recognised, as well as persons who have been afforded another type of

¹ UNHCR. 1951. *Convention and Protocol Relating to the Status of Refugees*. [Online]. [Accessed 20/03/2021]. Available from: <https://www.unhcr.org/3b66c2aa10>

² UN International Covenant on Civil and Political Rights. Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 23 March 1976, in accordance with Article 49. [Online]. [Accessed 20/03/2021]. Available from: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

³ UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984 entry into force 26 June 1987, in accordance with article 27 (1). [Online]. [Accessed 20/03/2021]. Available from: <https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>

⁴ UN International Convention for the Protection of All Persons from Enforced Disappearance. Adopted by the United Nations General Assembly on 20 December 2006 and opened for signature on 6 February 2007. It entered into force on 23 December 2010 [Online]. [Accessed 20/03/2021]. Available from: <https://www.ohchr.org/en/hrbodies/ced/pages/conventionced.aspx>

⁵ Although Article 13 is only applicable to those who are lawfully in the country, the UN Human Rights Committee has found that if the lawfulness of the stay is in dispute Article 13 should apply (Human Rights Committee. General Comment No. 15 “The position of aliens under the Covenant”, 11 Apr 1986, para. 9). Regarding whether the stay is lawful or not, the committee has found that the question is governed by the laws of the state as long as they are “compliance with the State’s international obligations.” (Human Rights Committee. 3 General Comment No. 27 “Freedom of Movement (Article 12)”, 2 Nov 1999, para. 4) Taking into account the right to ask for asylum and the fact that asylum seekers have the right to stay in the country for the duration of their asylum proceedings, Article 13 should be applicable to those who wish to apply for asylum.



international protection, such as subsidiary protection according to European Union (EU) law⁶ or humanitarian protection in accordance with domestic law.⁷

3. Systemic pushbacks from Greece

- 3.1. Civil society organisations expressed concerns in the 2011 and 2016 UPR cycles over pushbacks and the lack of state investigation. In 2011, Human Rights Watch (HRW) found the Greek authorities' forcible expulsions in the Evros Region to be "systematic and routine".⁸ Amnesty International (AI) recommended to ensure that no individual is *refouled* to their country of origin, directly or indirectly and expressed concern over the securitisation at the Greek-Turkish land border and called to end pushbacks from Greece.⁹ The Human Rights Committee (HRC) also called for an end to pushbacks and recommended ensured access to the refugee determination process.¹⁰ The HRC urged Greece that it be viewed as a "consistent practice of the competent authorities to investigate all allegations about incidents of ill treatment and purported "push-back" practices".¹¹
- 3.2. Upon the upheaval at the Greek-Turkish borders in March 2020, the UN Special Rapporteur on the Human Rights of Migrants stated concern about "the reported pushbacks of asylum seekers and migrants, which constitutes a violation of the prohibition of collective expulsions and the principle of *non-refoulement*".¹² The

⁶ The protection given to a non-EU national or a stateless person who does not qualify as a refugee, but in respect of whom substantial grounds have been shown to believe that the person concerned, if returned to his or her country of origin or, in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm and who is unable or, owing to such risk, unwilling to avail himself or herself of the protection of that country. Chapter V of *Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted*. [Online]. [Accessed 20/03/2021]. Available from: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32004L0083&from=EN>

⁷ Law 4686/2020 "Improvement of the migration legislation, amendment of L. 4636/2019 (A' 169), 4375/2016 (A' 51), 4251/2014 (A' 80) and other provisions" Gov. Gazette A' 96 /12-5-2020. [Online]. [Accessed 20/03/2021]. Available from: <https://www.taxheaven.gr/law/4686/2020>

⁸ Universal Periodic Review. 2011. *Greece: Summary of stakeholder information*. [Online]. [Accessed 14/03/2021]. Available from: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/GRIndex.aspx>

⁹ Universal Periodic Review. 2016. *Greece: Stakeholder Information*. [Online]. [Accessed 14/03/2021]. Available from: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/GRIndex.aspx>

¹⁰ Universal Periodic Review. 2016. *Greece: Compilation of UN Information*. [Online]. [Accessed 14/03/2021]. Available from: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/GRIndex.aspx>

¹¹ Universal Periodic Review. 2016. *Greece: Greek Universal Periodic Review National Report*. [Online]. [Accessed 14/03/2021]. Available from: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/GRIndex.aspx>

¹² UN Special Rapporteur. 2020. *Greece: Rights violations against asylum seekers at Turkey-Greece border must stop*. [Online]. [Accessed 15/03/2021]. Available from:

<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25736&LangID=E>



UNHCR has repeatedly expressed concern over forcible expulsions¹³ and called for investigations.¹⁴ These concerns were reiterated by the International Organization for Migration (IOM)¹⁵ and human rights watchdogs.¹⁶

- 3.3. Since July 2019, BVMN has recorded 97 testimonies of pushbacks from Greece to Turkey, both by the Greek-Turkish land border and by the Aegean sea, affecting at least 5086 people.¹⁷ Over this period, the number of people per pushback has substantially increased. 2019 showed an average of 3.67 person per pushback, 2020 an average of 36.03, the beginning of 2021 saw 62.89 persons per pushback, with February 2021 up to 75.67. Testimonies included incidents where migrants were apprehended in camps,¹⁸ urban centers and pre-removal detention centers, before being detained and pushed back.¹⁹
- 3.4. Approximately 90% of BVMN's pushback testimonies report acts of torture as described by Article 1 CAT or acts amounting to inhuman and degrading treatment in Article 16

¹³ UNHCR. 2020. *UNHCR concerned by pushback reports, calls for protection of refugees and asylum seekers*. [Online]. [Accessed 20/03/2021]. Available from: <https://www.unhcr.org/gr/en/16207-unhcr-concerned-by-pushback-reports-calls-for-protection-of-refugees-and-asylum-seekers.html>

¹⁴ UNHCR. 2020. *UNHCR calls on Greece to investigate pushbacks at sea and land borders with Turkey*. [Online]. [Accessed 20/03/2021]. Available from: <https://www.unhcr.org/news/briefing/2020/6/5ee33a6f4/unhcr-calls-greece-investigate-pushbacks-sea-land-borders-turkey.html>

¹⁵ IOM. 2020. *IOM Alarmed over Reports of Pushbacks from Greece at EU Border with Turkey*. [Online]. [Accessed 20/03/2021]. Available from: <https://greece.iom.int/en/news/iom-alarmed-over-reports-pushbacks-greece-eu-border-turkey> and <https://www.iom.int/news/iom-alarmed-over-reports-pushbacks-greece-eu-border-turkey>

¹⁶ Amnesty International. 2015. *Greece: Farmakonisi migrant tragedy - one year on and still no justice for victims*. [Online]. [Accessed 20/03/2021]. Available from: <https://www.amnesty.org/en/latest/news/2015/01/greece-farmakonisi-migrant-tragedy-one-year-and-still-no-justice-victims/>; Amnesty International. 2014. *Greece: Stop unlawful and shameful expulsion of refugees and migrants*. [Online]. [Accessed 20/03/2021]. Available from: <https://www.amnesty.org/en/latest/news/2014/04/greece-stop-unlawful-and-shameful-expulsion-refugees-and-migrants/>

; Human Rights Watch. 2014. *Greece: Investigate Pushbacks, Summary Expulsions*. [Online]. [Accessed 20/03/2021]. Available from: <https://www.hrw.org/news/2014/01/30/greece-investigate-pushbacks-summary-expulsions>; Greek Council for Refugees. 2021. *Joint statement on push back practises in Greece*. [Online]. [Accessed 20/03/2021]. Available from: https://www.gcr.gr/media/k2/attachments/JOINT_STATEMENT_GR_NGOS.pdf; The New Humanitarian. 2020. *Greece's 'new tactic' of migrant expulsion from deep inside its land borders*. [Online]. [Accessed 20/03/2021]. Available from: <https://www.thenewhumanitarian.org/news-feature/2020/10/07/Greece-migrant-pushbacks-expulsion-Evros-Turkey>

¹⁷ Border Violence Monitoring Network. *Testimony Database*. [Online]. [Accessed 20/03/2021]. Available from: <https://www.borderviolence.eu/violence-reports/>

¹⁸ Border Violence Monitoring Network. 2020. *Press Release: Collective Expulsion from Greek Centres*. [Online]. [Available 05/05/2020]. Available from: https://www.borderviolence.eu/wp-content/uploads/Press-Release_Greek-Pushbacks.pdf

¹⁹ Border Violence Monitoring Network. 2020. *Police Raids Humanitarian Distribution Site and Pushback People in Need*. [Online]. [Available 08/06/2020]. Available from: <https://www.borderviolence.eu/wp-content/uploads/Press-Release-Pushback-from-Thessaloniki.pdf>



including forced undressing, sexual harassment/ assault, water immersion and the use of electric discharge weapons.²⁰ The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment has provided similar findings in its report on Greece, highlighting widespread violence and the practice of holding the victims of pushbacks in detention arbitrarily.²¹

- 3.5. Due to the denial of access to asylum by Greek authorities, migrants are becoming increasingly reluctant to approach Greek authorities and express their willingness to apply for asylum, as they are aware of, or have themselves experienced, pushbacks.²²

Pushbacks at the Greek-Turkish Land Border

- 3.6. In 2020, there have been reported pushbacks from deep inside mainland Greece,²³ including from Thessaloniki and Igoumenitsa.²⁴ Often, asylum seekers in possession of valid asylum applicant's cards face arbitrary detention and subsequent pushbacks across the Greek-Turkish land border.²⁵ A case reported in August 2020 documents the pushback of a family when they applied for asylum at a police station in Thessaloniki.²⁶ At the Greek-Turkish land-border, there is also mounting evidence that Greek authorities are enlisting the help of third country nationals (TCN) to drive dinghies, ferrying migrants across the Evros in exchange for residence documents.²⁷

²⁰ Border Violence Monitoring Network. 2020. *Testimony Database*. [Online]. [Accessed 23/02/2021]. Available from: <https://www.borderviolence.eu/violence-reports/>

²¹ Council of Europe. 2020. *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 13 to 17 March 2020*. CPT/Inf (2020) 35. paragraphs. 25-27 [Online]. [Accessed 23/02/2021]. Available from: <https://rm.coe.int/1680a06a86>

²² Greek Council for Refugees. 2020. *Registration of the Asylum Application, Greece*. [Online]. [Accessed 22/02/2021]. Available from: https://asylumineurope.org/reports/country/greece/asylum-procedure/access-procedure-and-registration/registration-asylum-application/#_ftn24

²³ See above.

²⁴ Border Violence Monitoring Network. 2020. *A New Practice in Northern Greece - From Igoumenitsa to Turkey*. [Online]. [Accessed 23/03/2021]. Available from: <https://www.borderviolence.eu/violence-reports/may-3-2020-0000-feres/>.

²⁵ Border Violence Monitoring Network. 2020. *"A New Practice in northern Greece - from Igoumenitsa to Turkey"* [Online]. [Accessed 19/02/2021]. Available from: <https://www.borderviolence.eu/violence-reports/may-3-2020-0000-feres/>; Border Violence Monitoring Network. 2020. *Balkan Region Report - April, May 2020* [Online]. [Accessed 20/02/2021]. Available from: <https://www.borderviolence.eu/wp-content/uploads/Balkan-Region-Report-May-2020.pdf>.

²⁶ Border Violence Monitoring Network. 2020. *Respondents requested asylum in a police station and were subsequently pushed back*. [Online]. [Accessed 22/02/2021]. Available from: <https://www.borderviolence.eu/violence-reports/august-28-2020-0000-meric-river-ipsala-turkey/>

²⁷ Border Violence Monitoring Network. 2020. *September Monthly Report*. [Online]. [Accessed 15/03/2021]. Available from: <https://www.borderviolence.eu/wp-content/uploads/September-2020-BVMN-Monthly-Report.pdf>



- 3.7. Since March 2020, BVMN's reports show a connection between the rise of apprehension in urban/ mainland areas and subsequent pushbacks, with the COVID-19 pandemic due to increased police presence and absence of oversight from civil society organizations.²⁸ Throughout spring 2020 BVMN documented 10 instances of pushbacks from Diavata refugee camp, involving 517 people,²⁹ where migrants residing in the camp informally were specifically targeted.³⁰ The victims experienced beatings with batons, detention and subsequent pushbacks.
- 3.8. In Spring 2020, numerous reports emerged of arbitrary arrests in Thessaloniki, combined with destruction of valid asylum applicants cards and subsequent pushbacks.³¹ The New Humanitarian documented a story of a 24-year-old Afghan asylum seeker, who was

²⁸ Border Violence Monitoring Network. 2020. *Balkan Region Report - October 2020* [Online]. [Accessed 19/02/2021]. Available from:

<https://www.borderviolence.eu/wp-content/uploads/BVMN-Monthly-Report-October-2020.pdf>

²⁹ Border Violence Monitoring Network. 2020. "The police come to the camp, pick up people and deport them". [Online]. [Accessed 22/02/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/may-6-2020-0000-near-ipsala-turkey/>

Border Violence Monitoring Network. 2020. "In ten minutes they took all people to Turkey". [Online]. [Accessed 22/02/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/april-28-2020-2200-evros-border/>

Border Violence Monitoring Network. 2020. "He was coming out of the shower at the time and the police surprised him". [Online]. [Accessed 22/02/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/april-23-2020-2200-evros-border/>

Border Violence Monitoring Network. 2020. "You can't imagine how someone is sleeping and then someone took me by force from this place". [Online]. [Accessed 22/02/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/september-30-2020-0700-evros-border/>

Border Violence Monitoring Network. 2020. "The officers arrested him, placing him on a blue bus that was like a prison". [Online]. [Accessed 22/02/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/april-26-2020-0000-along-the-erdine-border-near-ipsala-tu/>

Border Violence Monitoring Network. 2020. "Removed from Thessaloniki and pushed back across the Meric river". [Online]. [Accessed 22/02/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/april-16-2020-0000-meric-river-grk-tur/>

Border Violence Monitoring Network. 2020. "They told us we don't have food for you". [Online]. [Accessed 22/02/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/september-12-2020-2230-greek-turkish-border-near-uzunkopru/>

Border Violence Monitoring Network. 2020. "Taken from Diavata camp (GRK) and pushed back violently to Turkey". [Online]. [Accessed 22/02/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/march-31-2020-0000-meric-river-btw-grk-tur/>

Border Violence Monitoring Network. 2020. "They put me into the van like an animal". [Online]. [Accessed 22/02/2021]. Available from: <https://www.borderviolence.eu/violence-reports/september-4-2020-2300-ipsala-turkey/>

Border Violence Monitoring Network. 2020. "They were told to keep their heads down". [Online]. [Accessed 22/02/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/april-17-2020-0000-greek-turkish-border-near-edirne/>

³⁰ Border Violence Monitoring Network. 2020. "Press Release: Collective Expulsion from Greek Centres" [Online]. [Accessed 21/02/2021]. Available from:

https://www.borderviolence.eu/wp-content/uploads/Press-Release_Greek-Pushbacks.pdf

³¹ Border Violence Monitoring Network. 2020. "If we had known, we would not have come to Thessaloniki. But I thought we have papers, we have UNHCR documents, nothing will happen to us!" [Online]. [Accessed 22/02/2021]. Available from: <https://www.borderviolence.eu/violence-reports/august-27-2020-0900-thessaloniki-greece/>



pushed back despite having a valid asylum applicants card.³² BVMN was also alerted to five cases where people with refugee status granted in other EU countries and valid travel documents were apprehended by Greek police, had their papers taken from them and were pushed back to Turkey. Other watchdog organisations have reported on the issue, including Forensic Architecture.³³

- 3.9. Migrants are often stranded on islets in the Evros river for days after being pushed back by Greek authorities.³⁴ BVMN documented five such cases in November alone, one of which the network was alerted to while it was ongoing.³⁵ In all reported cases, migrants are unable to reach the shore either due to the river's strong current or because border forces on both the Greek and Turkish side prevent them from crossing to their respective territory.

Chain Pushbacks

- 3.10. Chain pushbacks have become a routine fixture of the EU border regime, where migrants are violently *refouled* through several countries. Chain pushbacks carried out in the tri-border area of Orestiada, the Greek territory sandwiched between Bulgaria and Turkey, involve Bulgarian, Turkish and Greek officials, unidentified “masked men” and personnel of the European Coast and Board Guard, Frontex.³⁶
- 3.11. BVMN observed a trend of chain pushbacks via the Orestiada area, where migrants are pushed back from Bulgaria, are intercepted by Greek police and returned to Turkey. For instance, a Tunisian man was caught in Bulgaria, robbed of his possessions, attacked by a police dog and pushed to Greece where he was captured by police, detained and

³² The New Humanitarian. 2020. *Greece's 'new tactic' of migrant expulsion from deep inside its land borders* [Online]. [Accessed 19/02/2021]. Available from:

<https://www.thenewhumanitarian.org/news-feature/2020/10/07/Greece-migrant-pushbacks-expulsion-Evros-Turkey>

³³ Forensic Architecture. 2020. *Pushbacks Across the Evros/Meriç River: Situated Testimony*. [Online]. [Accessed 13/03/2021]. Available from: <https://forensic-architecture.org/investigation/evros-situated-testimony>

³⁴ Border Violence Monitoring Network. 2020. *Illegal Pushbacks and Border Violence Reports: November 2020*. [Online]. [Available 20/03/2021]. Available from:

<https://www.borderviolence.eu/wp-content/uploads/BVMN-November-Report.pdf>; Border Violence Monitoring Network. 2020. *“Sometimes they hit you with the baton, for nothing. Just like that. For having fun maybe”*. [Online]. [Accessed 20/03/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/november-14-2020-0000-dilofos-kapikule/> ;

³⁵ Border Violence Monitoring Network. 2020. *Frontex ignore rights violations at the Evros Border*. [Online]. [Accessed 13/03/2021]. Available from:

<https://www.borderviolence.eu/frontex-ignore-rights-violations-at-the-evros-border/>

³⁶ Border Violence Monitoring Network. 2020. *“I need asylum and I can prove that I do, but they took all my papers and my belongings”*. [Online]. [Accessed 20/02/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/december-20-2021-2000-orestiada-karakasim/>



pushed back to Turkey.³⁷ Another group of migrants in Bulgaria was beaten, bitten by police dogs, forced to undress, and had their belongings stolen before being pushed-back to Greece where they were pushed back to Turkey with hundreds of others.³⁸

Pushbacks of Turkish Nationals

- 3.12. Since 2015, there has been an increase of people seeking international protection in Greece from Turkey, including ethnic Kurds, socialist activists/politicians and alleged members of the Gülen movement, considered a clandestine terrorist organization by Turkish authorities, all of whom are often fleeing persecution, imprisonment and death.³⁹ According to testimonies collected by BVMN, pushbacks of refugees from Turkey are frequent and systematic, clearly violating the principle of *non-refoulement* by returning people to their state of persecution.
- 3.13. Testimonies of Turkish nationals describe them clearly expressing their intention to claim asylum, while Greek authorities ignored their requests and pushed them back to Turkey, in clear violation of Greece's international obligations to protection. Reports reveal that the authorities denied access to legal counselors to the applicants in detention.⁴⁰ Testimonies detail strip-searches, theft of personal belongings, beatings, arbitrary detention with no access to food and water,⁴¹ and pushbacks at gunpoint over

³⁷ Border Violence Monitoring Network. 2020. "He asked for asylum in both Bulgaria and Greece. Both times the answer was beatings". [Online]. [Accessed 20/02/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/december-15-2020-0000-orestiada-karakasim/>

³⁸ Border Violence Monitoring Network. 2020. "I saw people walk into the river and the current took them away". [Online]. [Accessed 20/02/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/october-30-2020-0000-nea-vyssa/>

³⁹ Shetty, Salil. 2018. *The human cost of Turkey's crackdown*. Amnesty International [Online]. [Accessed 01/02/2021] Available from:

<https://www.amnesty.org/en/latest/news/2018/06/the-human-cost-of-turkeys-crackdown/>; von der Breille, Hans.

2019. *Turks threatened over alleged links to the Gülen movement find a safe haven in Greece*. Euronews. [Online]. [Accessed 17/05/2020]. Available from:

<https://www.euronews.com/2019/11/22/turks-persecuted-over-alleged-links-to-the-gulen-movement-find-a-safe-haven-in-greece>.

⁴⁰ Border Violence Monitoring Network. 2020. *The System is Like This, Come Back Tomorrow*. [Online]. [Accessed 24/03/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/september-26-2020-0000-411929-9n-262943-1e/>.

Border Violence Monitoring Network. 2020. *Asylum is in Athens [And Not Here]*. [Online]. [Accessed 24/03/2021]. Available from: <https://www.borderviolence.eu/violence-reports/october-17-2021-0000-405633-8n-262108-2e/>

⁴¹ Border Violence Monitoring Network. 2020. *Asylum is in Athens [And Not Here]*. [Online]. [Accessed 24/03/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/october-17-2021-0000-405633-8n-262108-2e/>. Border Violence Monitoring Network. 2020. *Really, You cannot say Anything and you cannot do Anything. This is Really Very Difficult for a Person*. [Accessed 24/03/2021]. Available from: <https://www.borderviolence.eu/violence-reports/june-26-2021-0000-kastaneai-greece/>.



the Evros river.⁴² One account describes a Kurdish asylum seeker pushed back and apprehended by Turkish soldiers who, having identified him as a ‘terrorist’, surrendered him to a self-proclaimed pro-state ultra-nationalist Turkish crowd, who attacked him and would have beaten him to death if the soldiers had not eventually intervened.⁴³

- 3.14. The above-mentioned accounts are from those who were able to subsequently return to Greece. Often, once pushed back to Turkey, people are apprehended and disappear. For example, Ayse Erdogan, a victim of a pushback on the 5 May, 2019, was later imprisoned on terrorism charges due to her alleged connections with the Gulenist movement.⁴⁴

The Implication of Pre-Removal Detention Centres (PRDCs) in Pushback Practices

- 3.15. Since April 2020, BVMN has taken 11 first hand testimonies of migrants who have been pushed back from the Pre-Removal Detention Centres (PRDCs) of Paranesti (9), Xanthi (1) and Amygdaleza (1). PRDCs is a term used by the Greek authorities ‘to refer to police-run administrative detention facilities for third country nationals’.⁴⁵
- 3.16. In May 2020, BVMN released a report documenting multiple pushbacks from Paranesti which includes ‘first hand testimonies and photographic evidence indicating the existence of violent collective expulsions’.⁴⁶ One respondent shared that a large number of people were taken from Paranesti to the Evros border region, where:

[...] they were allegedly tortured across a period of six hours by Greek authorities using electricity tasers and water immersion, as well as beatings with batons. The respondent was in a group of around 24 but alleges this is standard practice and that around 400 individuals have been subject to the same process

⁴² Border Violence Monitoring Network. 2020. If We [the Kurds] Had a Country, We Would Have Gone There. [Online]. [Accessed 24/03/2021]. Available from: <https://www.borderviolence.eu/violence-reports/december-16-2020-0000/>.

⁴³ Border Violence Monitoring Network. 2020. Really, You cannot say Anything and you cannot do Anything. This is Really Very Difficult for a Person. [Accessed 24/03/2021]. Available from: <https://www.borderviolence.eu/violence-reports/june-26-2021-0000-kastaneai-greece/>

⁴⁴ Koculu, Zubeyir. 2020. “I will never forget how they made me suffer”: Turkish refugee sues Greece over forced return claims.” Euronews, 11 March. [Online]. [Accessed 20/022021] available from: <https://www.euronews.com/2020/03/11/i-will-never-forget-how-they-made-me-suffer-turkish-refugee-sues-greece-over-forced-retur>.

⁴⁵ UNHCR. 2014. *Greece as a Country of Asylum, UNHCR Observations on the Current Situation of Asylum in Greece* [online]. P.41. [Online]. [Accessed 22/03/2021]. Available from: <https://www.refworld.org/pdfid/54cb3af34.pdf>

⁴⁶ BVMN. 2020. *Press Release- Documented Pushbacks from Centres on the Greek Mainland*. [Online]. [Accessed 22/03/2021] Available from: <https://www.borderviolence.eu/press-release-documented-pushbacks-from-centres-on-the-greek-mainland/>



*in recent weeks, taken to the border in coach-loads and shipped across back to Turkey.*⁴⁷

- 3.17. In another report,⁴⁸ the respondent, “explained they were detained [in a cell in Paranesti PRDC] for 2-3 hours. After 2-3 hours, “all 140 people were ordered to leave the detention site. Two vehicles were waiting outside”. The people were forced into the vehicles and were driven to the river where “they were awaited by 9 to 10 more officers [...] in camouflage army uniforms and wearing black balaclavas” who took them halfway across the river and then forced them to swim to the Turkish bank.⁴⁹
- 3.18. A BVMN testimony recorded in January 2021, documents how a group of 6 people who had been detained in Xanthi for 6 months were taken out of the PRDC and directly pushed back to Turkey. This occurred after they had been told that they would be released from detention.⁵⁰
- 3.19. Amygdaleza is also implicated in pushbacks. In a BVMN report, a 29-year-old from Algeria testifies that he was taken to a police station in Athens after being stopped by the police, despite having legal papers. After being detained for four months without legal process in deplorable conditions (for example, having to drink water from the toilet), he attempted to commit suicide but was stopped by the police guard. He was later transferred to Amygdaleza, and then to Paranesti, from where he was pushed back to Turkey.⁵¹
- 3.20. Thus far there have been no investigations by Greece in relation to pushbacks. This approach falls in sharp contrast with Greece’s 2016 UPR voluntary commitments to, ‘Investigate all cases of violence and xenophobic attacks, including... the staff of detention centres’⁵² and ‘establish an independent mechanism for the investigation of

⁴⁷ BVMN. 2020. *Press Release- Collective Expulsion from Greek Centres*. p.2. [Online]. [Accessed 22/03/2021] Available from: https://www.borderviolence.eu/wp-content/uploads/Press-Release_Greek-Pushbacks.pdf

⁴⁸ BVMN. 2021. *THEY DON'T TALK TOO MUCH, THEY JUST TAKE EVERYTHING FROM YOU AND THEY BEAT YOU*. [Online]. [Accessed 22/03/2021] Available from:

<https://www.borderviolence.eu/violence-reports/february-17-2021-0000-lavara-alibey/>

⁴⁹ BVMN. 2021. *THEY DON'T TALK TOO MUCH, THEY JUST TAKE EVERYTHING FROM YOU AND THEY BEAT YOU*. [Online] [Accessed 22/03/2021] Available from:

<https://www.borderviolence.eu/violence-reports/february-17-2021-0000-lavara-alibey/>

⁵⁰ BVMN. 2021. *I DON'T KNOW HOW TO SWIM, THE RIVER CAME AND I THOUGHT I WAS FINISHED*. [Online]. [Accessed 22/03/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/january-8-2021-0000-near-nea-vyssa/>

⁵¹ BVMN. 2020. *WATER? THEY DRINK WATER FROM THE TOILET*. [Online]. [Accessed 22/03/2021] Available from: <https://www.borderviolence.eu/violence-reports/april-23-2020-1400-drama-detention-center-greece/>

⁵² Recommendation enjoying the support of Greece: 134.41, *Guatemala*. Human Rights Council. 2016. *Report of the Working Group on the Universal Periodic Review, Greece*. [Online]. [Accessed 22/03/2021] Available from: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/GRIndex.aspx>



allegations of torture by police officers in order to ensure that police detention remains subject to rigid time limits and judicial review by a court'.⁵³

Maritime pushbacks

- 3.21. Pushbacks on the Aegean Sea have become widespread and systematic.⁵⁴ From 2016 to 2019, BVMN testimonies show that maritime pushbacks from Greece conducted by officers of the Hellenic Coast Guard (HCG) involve intercepting migrant dinghies and removing or breaking the engines of dinghies⁵⁵ and/or puncturing holes in inflated rubber sections of boats.⁵⁶ Other testimonies include HCG ships driving close to dinghies at high speeds to create large waves in order to push the vessels back into Turkish territorial waters.⁵⁷ Additionally, reports described the presence of “masked men”, i.e. people dressed in black clothes wearing balaclavas,⁵⁸ conducting maritime pushbacks on the Aegean Sea with unmarked vessels.⁵⁹

⁵³ Recommendation enjoying the support of Greece: 136.12, Albania. Human Rights Council. 2016. *Report of the Working Group on the Universal Periodic Review, Greece*. [Online] [Accessed 22/03/2021] Available from: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/GRIndex.aspx>

⁵⁴ Alarm Phone. 2017. *Rollback in the Aegean Sea*. [Online]. [Accessed 18/02/2021]. Available from: https://alarmphone.org/en/2017/11/09/rollback-in-the-aegean-sea/?post_type=release_type=post; Alarm Phone. 2019. *Aegean Regional Analysis*. [Online]. [Accessed 18/02/2021]. Available from: https://alarmphone.org/en/2019/06/28/alarm-phone-aegean-report/?post_type=release_type=post; Alarm Phone. 2020. *Aegean Regional Analysis*. [Online]. [Accessed 18/02/2021]. Available from: https://alarmphone.org/en/2020/10/14/aegean-regional-analysis-28-february-30-september-2020/?post_type=release_type=post; Info Migrants. 2021. ‘Unprecedented’ rights violations against migrants in the Aegean Sea: NGO. [Online]. [Accessed 18/02/2021]. Available from: <https://www.infomigrants.net/en/post/30229/unprecedented-rights-violations-against-migrants-in-aegean-sea-ngo>; Global Legal Action Network. 2021. “Drift-Backs” and torture on the Aegean. [Online]. [Accessed 20/03/2021]. Available from: <https://www.glanlaw.org/aegean-push-backs>

⁵⁵ Border Violence Monitoring Network. 2020. *They Are Ready to Push Us Back and Back Again and Again*. [Online]. [Accessed 18/02/2021]. Available from: <https://www.borderviolence.eu/violence-reports/june-3-2020-0200-lesvos-greece/>

⁵⁶ Border Violence Monitoring Network. 2020. *We Did Not Want to Put Our Children Through all that so to Protect them, we Preferred to Return Directly. The Ship Chased us Until we had Returned to Turkish Waters*. [Online]. [Accessed 18/02/2021]. Available from: <https://www.borderviolence.eu/violence-reports/august-24-2020-0230-greek-waters-off-of-kos/>

⁵⁷ Border Violence Monitoring Network. 2020. *They Are Ready to Push Us Back and Back Again and Again*. [Online]. [Accessed 18/02/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/june-3-2020-0200-lesvos-greece/>; Border Violence Monitoring Network. 2020. *[They Told Us] We Don't Care...Die... We Want You To Die*. [Online]. [Accessed 29/01/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/june-5-2020-1000-aegean-sea-lesvos-turkey/>

⁵⁸ Bellingcat. 2020. *Masked men on a Hellenic Coast Guard boat involved in pushback incident*. [Online]. [Accessed 20/02/2021]. Available from: <https://www.bellingcat.com/news/uk-and-europe/2020/06/23/masked-men-on-a-hellenic-coast-guard-boat-involved-in-pushback-incident/>

⁵⁹ Border Violence Monitoring Network. 2020. *BVMN Visual Investigation: Analysis of video footage showing involvement of Hellenic Coast Guard in Maritime Pushback*. [Online]. [Accessed 20/02/2021]. Available from: <https://www.borderviolence.eu/bvmn-investigations-analysis-of-video-footage-showing-involvement-of-hellenic-coast-guard-in-maritime-pushback/>; Border Violence Monitoring Network. 2020. *They Are Ready to Push Us Back and*



- 3.22. Since February/March 2020, maritime pushbacks from Greece have increased in frequency and have been well documented by international media⁶⁰ and human rights organisations.⁶¹ This is corroborated by BVMN testimonies and investigations⁶² documenting migrants being placed on unmaneuverable inflatable life rafts after interception by the Greek Coastguard and left adrift⁶³ until rescued by Turkish authorities (described in five BVMN testimonies).⁶⁴ These rafts often spin

Back Again and Again. [Online]. [Accessed 18/02/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/june-3-2020-0200-lesvos-greece/>

⁶⁰ Christides, Giorgos and Ludke, Steffen. *Der Spiegel*. 2020. *Greece Suspected of Abandoning Refugees at Sea.*

[Online]. [Accessed 29/01/2021]. Available from:

<https://www.spiegel.de/international/europe/videos-and-eyewitness-accounts-greece-apparently-abandoning-refugee-s-at-sea-a-84c06c61-7f11-4e83-ae70-3905017b49d5>; Bellingcat. 2020. *Frontex at Fault: European Border Force Complicit in 'Illegal' Pushbacks.* [Online]. [Accessed 29/01/2021]. Available from:

<https://www.bellingcat.com/news/2020/10/23/frontex-at-fault-european-border-force-complicit-in-illegal-pushbacks/>

⁶¹ Human Rights Watch. 2020. *Greece: Investigate Pushbacks, Collective Expulsions.* [Online]. [Accessed 20/02/2021]. Available from:

<https://www.hrw.org/news/2020/07/16/greece-investigate-pushbacks-collective-expulsions#>; UNHCR. 2020.

UNHCR, Concerned by Pushback Reports, Calls for Protection of Refugees and Asylum Seekers. [Online].

[Accessed 16/03/2021]. Available from:

<https://www.unhcr.org/gr/en/16207-unhcr-concerned-by-pushback-reports-calls-for-protection-of-refugees-and-asylum-seekers.html>

⁶² Border Violence Monitoring Network. 2020. *BVMN Visual Investigation: Analysis of Video Footage Showing Involvement of Hellenic Coast Guard in Maritime Pushback.* [Online]. [Accessed 15/03/2021]. Available from:

<https://www.borderviolence.eu/bvmn-investigations-analysis-of-video-footage-showing-involvement-of-hellenic-coast-guard-in-maritime-pushback>

⁶³ Border Violence Monitoring Network. 2020. *"Once they put us on the coast guard ship, they shot our boat approximately 20 times".* [Online]. [Accessed 20/02/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/october-30-2020-2130-aegean-sea-between-rhodes-and-marmaris-mugla/>;

Border Violence Monitoring Network. 2020. *"When they put us inside the vessel they put us at gunpoint again".* [Online]. [Accessed 20/02/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/november-10-2020-0100-south-of-mytilene-left-at-sea-between-turkey-and-lesvos-39-043526-26-750051/>;

Keady-Tabbal, N. and Mann, I. 2020. *Tents at Sea: How Greek Officials Use Rescue Equipment for Illegal Deportations.* [Online]. [Accessed 18/02/2021]. Available from:

<https://www.justsecurity.org/70309/tents-at-sea-how-greek-officials-use-rescue-equipment-for-illegal-deportations/>

⁶⁴ Border Violence Monitoring Network. 2020. *"We are refugees, we want to apply for asylum".* [Online]. [Accessed 20/02/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/december-3-2020-1200-lesvos/>;

Border Violence Monitoring Network. 2020. *"We are screaming is the Europe? Where is Europe? Where is the humanity".* [Online]. [Accessed 20/02/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/august-19-2020-0400-greek-waters-off-of-skala-sikamineas-lesvos/>;

Border Violence Monitoring Network. 2020. *"We did not want to put our children through all that so to protect them, we preferred to return directly. The ship chased us until we had returned to Turkish waters".* [Online]. [Accessed 20/02/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/august-24-2020-0230-greek-waters-off-of-kos/>;

Border Violence Monitoring Network. 2020. *"Once they put us on the coast guard ship, they shot our boat approximately 20 times".* [Online]. [Accessed 20/02/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/october-30-2020-2130-aegean-sea-between-rhodes-and-marmaris-mugla/>;

Border Violence Monitoring Network. 2020. *"When they put us inside the vessel they put us at gunpoint again".* [Online]. [Accessed 20/02/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/november-10-2020-0100-south-of-mytilene-left-at-sea-between-turkey-and-lesvos-39-043526-26-750051/>



uncontrollably and quickly deflate.⁶⁵ This unprecedented tactic endangering migrants lives increased over the course of 2020.

- 3.23. In 2020, BVMN member Mare Liberum recorded 321 pushbacks on the Aegean Sea, concerning 9,798 migrants.⁶⁶ BVMN interviewed victims of nine maritime pushbacks from Greece, affecting 250 people.⁶⁷ All described Greek authorities apprehending migrants, conducting body searches and taking their belongings before leaving them adrift at sea. Two-thirds recalled instances of physical violence⁶⁸ amounting to cruel and degrading treatment.⁶⁹

⁶⁵ Border Violence Monitoring Network. 2020. *"We did not want to put our children through all that so to protect them, we preferred to return directly. The ship chased us until we had returned to Turkish waters"*. [Online]. [Accessed 20/02/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/august-24-2020-0230-greek-waters-off-of-kos/>

⁶⁶ Mare Liberum. 2021. *Pushback Report 2020* [Online]. [Accessed 18/02/2021]. Available from:

<https://mare-liberum.org/en/pushback-report/>

⁶⁷ Border Violence Monitoring Network. 2020. *They Are Ready to Push Us Back and Back Again and Again*. [Online]. [Accessed 18/02/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/june-3-2020-0200-lesvos-greece/>; Border Violence Monitoring Network. 2020. *[They Told Us] We Don't Care...Die... We Want You To Die*. [Online]. [Accessed 29/01/2021].

Available from:

<https://www.borderviolence.eu/violence-reports/june-5-2020-1000-aegean-sea-lesvos-turkey/>; <https://www.borderviolence.eu/violence-reports/june-5-2020-1000-aegean-sea-lesvos-turkey/>; Border Violence Monitoring Network. 2020. *My 11 Year Old Son Yelled at the Greek Soldiers, Begging them for Mercy and Humanity, Convinced We Would Die In That Moment*. [Online]. [Accessed 29/01/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/july-27-2020-0000-rhodos/>; Border Violence Monitoring Network. 2020. *"We are refugees, we want to apply for asylum"*. [Online]. [Accessed 20/02/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/december-3-2020-1200-lesvos/>; Border Violence Monitoring Network. 2020. *"We are screaming is the Europe? Where is Europe? Where is the humanity"*. [Online]. [Accessed 20/02/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/august-19-2020-0400-greek-waters-off-of-skala-sikamineas-lesvos/>;

Border Violence Monitoring Network. 2020. *"We did not want to put our children through all that so to protect them, we preferred to return directly. The ship chased us until we had returned to Turkish waters"*. [Online].

[Accessed 20/02/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/august-24-2020-0230-greek-waters-off-of-kos/>; Border Violence Monitoring Network. 2020. *"Once they put us on the coast guard ship, they shot our boat approximately 20 times"*. [Online]. [Accessed 20/02/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/october-30-2020-2130-aegean-sea-between-rhodes-and-marmaris-mugla/>; Border Violence Monitoring Network. 2020. *"When they put us inside the vessel they put us at gunpoint again"*. [Online]. [Accessed 20/02/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/november-10-2020-0100-south-of-mytilene-left-at-sea-between-turkey-and-lesvos-39-043526-26-750051/>; Border Violence Monitoring Network. 2020. *"They had no mercy at all. Isn't it against all mercy and humanity what they do?"* [Online]. [Accessed 20/02/2021]. Available from:

<https://www.borderviolence.eu/violence-reports/july-11-2020-0000-coast-off-lesvos/>

⁶⁸ Border Violence Monitoring Network. 2002. *The Black Book of Pushbacks: Volume 1*. [Online]. [Accessed 20/02/2021]. Available from:

<https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:3f809f15-bada-4d3f-adab-f14d9489275a#pageNum=3>

⁶⁹ Border Violence Monitoring Network. 2020. *BVMN Visual Investigation: Analysis of video footage showing involvement of Hellenic Coast Guard in maritime pushback*. [Online]. [Accessed 18/02/2021]. Available from: <https://www.borderviolence.eu/bvmn-investigations-analysis-of-video-footage-showing-involvement-of-hellenic-coast-guard-in-maritime-pushback/>



- 3.24. The Greek government continues to deny the reality of pushbacks while boasting about a 95% decrease in arrival numbers on Greek islands.⁷⁰ Several testimonies collected by BVMN mentioned the involvement of the European Border and Coast Guard (Frontex) in maritime pushbacks.⁷¹
- 3.25. Another development in 2020 saw life rafts being used in maritime pushbacks of migrants who have already arrived on Greek islands where they are captured, taken back to sea and left adrift.⁷² BVMN recorded three such testimonies in 2020,⁷³ corroborating trends in other reports.⁷⁴ In one documented and three other reported cases, groups were pushed back to uninhabited islands in the Aegean Sea.⁷⁵

⁷⁰ The Washington Post. 2020. *Minister: Over 10,000 migrants stopped from entering Greece*. [Online]. [Accessed 20/02/2021]. Available from: https://www.washingtonpost.com/world/europe/minister-over-10000-migrants-stopped-from-entering-greece/2020/09/02/bc47e2ea-ed22-11ea-bd08-1b10132b458f_story.html

⁷¹ Border Violence Monitoring Network. 2020. *Balkan Region Report - October 2020*. [Online]. [Accessed 18/02/2021]. Available from: <https://www.borderviolence.eu/balkan-region-report-october-2020/>

⁷² Border Violence Monitoring Network. 2020. *"We are refugees, we want to apply for asylum"*. [Online]. [Accessed 20/02/2021]. Available from: <https://www.borderviolence.eu/violence-reports/december-3-2020-1200-lesvos/>

⁷³ Border Violence Monitoring Network. 2020. *When They Put Us Inside the Vessel they put us at Gunpoint Again*. [Online]. [Accessed 20/02/2021]. Available from: <https://www.borderviolence.eu/violence-reports/november-10-2020-0100-south-of-mytilene-left-at-sea-between-turkey-and-lesvos-39-043526-26-750051/>; Border Violence Monitoring Network. 2020. *We Are Refugees, We Want To Apply For Asylum*. [Online]. [Accessed 20/02/2021]. Available from: <https://www.borderviolence.eu/violence-reports/december-3-2020-1200-lesvos/>;

Border Violence Monitoring Network. 2020. *My 11 Year Old Son Yelled at the Greek Soldiers, Begging them for Mercy and Humanity, Convinced We Would Die In That Moment*. [Online]. [Accessed 29/01/2021]. Available from: <https://www.borderviolence.eu/violence-reports/july-27-2020-0000-rhodos/>

⁷⁴ ECRE. 2021. *Greece: Deaths and push-backs continue, racist attack on hosting centre for unaccompanied children, camp conditions deteriorating*. [Online]. [Accessed 23/03/2021]. Available from: <https://www.ecre.org/greece-deaths-and-push-backs-continue-racist-attack-on-hosting-centre-for-unaccompanied-children-camp-conditions-deteriorating/>

⁷⁵ Border Violence Monitoring Network. 2021. *"We were crying and swimming and crying and swimming"*. [Online]. [Accessed 12/02/2021]. Available from: <https://www.borderviolence.eu/violence-reports/january-27-2021-2100-fener-adasi-turkey/>



4. Torture and inhuman treatment inside detention facilities

- 4.1. In its last UPR in 2016, Greece supported 9 recommendations pertaining to detention which can be grouped into four thematics. Firstly, extend the use of alternative detention measures and limit the use of detention of asylum seekers, refugees and stateless persons.⁷⁶ Secondly, improve the conditions of detention and ensure the full respect for human rights through providing adequate services including healthcare, food and sanctuary conditions.⁷⁷ Thirdly, respect universal principles of human rights to refugees in detention centres, with measures such as ending pushbacks at the sea and land borders.⁷⁸ Finally, investigate all cases of violence and torture by police or detention centre staff.⁷⁹
- 4.2. Greece has failed to uphold its supported commitments arising from the recommendations of the last UPR. As highlighted in the pushback section of this report, PRDCs are used as key sites in the network of state orchestrated pushbacks. This section, focusing mostly on PRDCs, will first address the legal expansion of the use of detention for migrants, asylum seekers and refugees, before then presenting the unsanitary, violent and cruel, inhumane and degrading treatment (CIDT) in detention.

⁷⁶ Recommendations enjoying the support of Greece: 134.77. ‘Extend the use of alternative detention measures as a step towards compliance with international standards of custody (Germany)’; 136.24 ‘Limit the use of detention of asylum seekers, refugees and stateless persons (Norway)’. Human Rights Council. 2016. *Report of the Working Group on the Universal Periodic Review, Greece*. [Online]. [Accessed 22/02/2021]. Available from:

<https://www.ohchr.org/EN/HRBodies/UPR/Pages/GRIndex.aspx>

⁷⁷ Recommendations enjoying the support of Greece: 134.78 ‘Continue to improve conditions of detention, including through appropriate assistance from regional and international partners (Jamaica)’; 134.133 ‘Work for the amelioration of the situation of migrants, particularly with regard to access to, and quality of, the asylum procedure, as well as the conditions in detention centres, and to ensure that full respect for human rights of all migrants and protection is granted to refugees in line with Greece’s international obligations (Sweden)’; 134.148 ‘Continue efforts to ensure decent living conditions in all reception and detention centres for migrants and asylum seekers by providing adequate healthcare services, food, sanitary conditions and access to transportation (Timor-Leste)’; 134.149 ‘Ensure decent living conditions in all reception and detention centres for migrants and asylum seekers by providing adequate services (Uganda)’. Human Rights Council. 2016. *Report of the Working Group on the Universal Periodic Review, Greece*. [Online] [Accessed 22/03/2012]. Available from:

<https://www.ohchr.org/EN/HRBodies/UPR/Pages/GRIndex.aspx>

⁷⁸ Recommendations enjoying the support of Greece: 137.21 “Apply dignified and humanitarian treatment, which respects the universal principles of human rights, to refugees in the detention centres, with measures such as ending immediate deportations at sea and land borders, the deportations and arrests of migrant children and refugees and the greatest possible protection for unaccompanied children (Ecuador)”. Human Rights Council. 2016. *Report of the Working Group on the Universal Periodic Review, Greece*. [Online]. [Accessed 22/03/2021]. Available from:

<https://www.ohchr.org/EN/HRBodies/UPR/Pages/GRIndex.aspx>

⁷⁹ Recommendations enjoying the support of Greece: 134.41 “Investigate all cases of violence and xenophobic attacks, including... the staff of detention centres (Guatemala)”; 136.12 “Establish an independent mechanism for the investigation of allegations of torture by police officers in order to ensure that police detention remains subject to rigid time limits and judicial review by a court (Albania)”. Human Rights Council. 2016. *Report of the Working Group on the Universal Periodic Review, Greece*. [Online]. [Accessed 22/03/2021]. Available from:

<https://www.ohchr.org/EN/HRBodies/UPR/Pages/GRIndex.aspx>



- 4.3. As of March 2021, there are 7 active PRDCs in Greece: Petrou Ralli, Fylakio, Amygdaleza, Drama Paranesti, Xanthi, Corinth and Kos.⁸⁰ As of December 2020, 2,447 people were detained in the pre-removal detention centres.⁸¹
- 4.4. While initially PRDCs were for those “awaiting the execution of a pending deportation order”,⁸² laws passed in 2012,⁸³ 2013,⁸⁴ 2019⁸⁵ and 2020⁸⁶ have expanded the use of PRDCs to more categories of asylum seekers, who can also be detained “together with third-country nationals under removal procedures”.⁸⁷ Crucially, in 2020, the International Protection Act (IPA) entered into force,⁸⁸ which both extended the use of, and increased the time-frame of detention to up to 18 months,⁸⁹ “which may reach 36 months if added to immigration detention”.⁹⁰ The IPA’s overall effect is that it legitimises the *systematic* use of detention in return procedures. In addition, in November 2019, the Government announced that it will shut the Aegean island camps

⁸⁰Border Criminologies. n.d. *Corinth pre-removal detention centre*. [Online]. [Accessed 22/03/2021]. Available from: <https://borderlandscapes.law.ox.ac.uk/location/corinth-pre-removal-detention-centre>; Border Criminologies. n.d. *Fylakio pre-removal centre* [online]. [Accessed 22/03/2021]. Available from: <https://borderlandscapes.law.ox.ac.uk/location/fylakio-pre-removal-centre>; Border Criminologies. n.d. *Petrou Ralli pre-removal detention centre*. [Online]. [Accessed 22/03/2021]. Available from: <https://borderlandscapes.law.ox.ac.uk/location/petrou-ralli-pre-removal-detention-centre>; Greek Council for Refugees. 2020. *Country Report General*. [Online]. [Accessed 22/03/2021]. Available from: <https://asylumineurope.org/reports/country/greece/detention-asylum-seekers/general/>

⁸¹ Global Detention Project. 2020. *Greece Immigration Detention Profile*. [Online]. [Accessed 22/03/2021]. Available from: <https://www.globaldetentionproject.org/countries/europe/greece>

⁸² UNHCR. 2014. *Greece as a Country of Asylum, UNHCR Observations on the Current Situation of Asylum in Greece* [online]. P.41. [Accessed 22/03/2021]. Available from: <https://www.refworld.org/pdfid/54cb3af34.pdf>

⁸³ Greek Parliament. 2012. Law 4075/2012.

⁸⁴ Greek Parliament. 2013. Law 113/2013, [Online]. [Accessed 22/03/2021]. Available from: <https://www.refworld.org/docid/525e84ae4.html>

⁸⁵ Law 4636/2019.

⁸⁶ Greek Parliament. 2020. *International Protection Act*. [Online]. [Accessed 22/03/2021]. Available from. (in Greek): https://www.hellenicparliament.gr/Nomothetiko-Ergo/Anazitisi-Nomothetikou-Ergou?law_id=f288b988-4c33-45b4-8c18-aaed017712c5

⁸⁷ Greek Council for Refugees. 2020. *Place of Detention - Greece* [online]. [Accessed 22/03/2021]. Available from: <https://asylumineurope.org/reports/country/greece/detention-asylum-seekers/detention-conditions/place-detention/>

⁸⁸ Greek Parliament. 2020. *International Protection Act*. [Online]. [Accessed 22/03/2021]. Available from (in Greek): https://www.hellenicparliament.gr/Nomothetiko-Ergo/Anazitisi-Nomothetikou-Ergou?law_id=f288b988-4c33-45b4-8c18-aaed017712c5

⁸⁹ ECRE. 2019. *Greece: New Restrictions on Rights and Procedural Guarantees in International Protection Bill*. [Online]. [Accessed 22/03/2021]. Available from: <https://www.ecre.org/greece-new-restrictions-on-rights-and-procedural-guarantees-in-international-protection-bill/>

⁹⁰ Working Group on Arbitrary Detention, OHCHR. 2019. *Preliminary Findings from its visit to Greece (2 - 13 December 2019)*. [Online]. [Accessed 22/03/2021]. Available from: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25421&LangID=E>



and replace them with closed, PRDCs⁹¹ with a budget of €80,799,488,⁹² thus establishing detention as the *modus operandi* of the government's approach to migration and placing it in variance with Greece's voluntary 2016 UPR commitments to "[e]xtend the use of alternative detention measures"⁹³ and "[l]imit the use of detention of asylum seekers, refugees and stateless persons".⁹⁴

- 4.5. Reporting on the IPA in 2019, the OHCHR Working Group on Arbitrary Detention, expressed concern that the IPA treats the detention of migrants "as the rule and not the exception. The Working Group is concerned that these provisions are not in line with the principle of proportionality, necessity and reasonableness, which should govern measures of deprivation of liberty".⁹⁵
- 4.6. Detention conditions in PRDCs have been reported as 'seriously substandard'⁹⁶ and 'deplorable'⁹⁷ with 'gaps in the provision of interpretation and legal aid, resulting in the lack of access to judicial remedies against the detention decisions'.⁹⁸ In 2019, the Greek Ombudsman reported that, "[...] the already problematic conditions in police detention centres [...] are burdened to the maximum by the fact that they are also used for long-term administrative detention, a purpose incompatible with their destination and specifications".⁹⁹

⁹¹ Nektaria Stamouli. 2019. *Greece to move asylum seekers to closed camps*. [Online]. Politico. [Accessed 22/03/2021]. Available at:

<https://www.politico.eu/article/greece-move-asylum-seekers-closed-pre-removal-detention-camps-aegean-islands-immigration-noria-lesbos/>

⁹² Greek Council for Refugees. 2020. *Place of Detention - Greece*. [Online]. [Accessed 22/03/2021]. Available from:

<https://asylumineurope.org/reports/country/greece/detention-asylum-seekers/detention-conditions/place-detention/>

⁹³ Recommendation enjoying the support of Greece: 134.77, Germany. Human Rights Council. 2016. *Report of the Working Group on the Universal Periodic Review, Greece*. [Online]. [Accessed 22/03/2021]. Available from:

<https://www.ohchr.org/EN/HRBodies/UPR/Pages/GRIndex.aspx>

⁹⁴ Recommendation enjoying the support of Greece: 136.24, Norway. Human Rights Council. 2016. *Report of the Working Group on the Universal Periodic Review, Greece*. [Online]. [Accessed 22/03/2021]. Available from:

<https://www.ohchr.org/EN/HRBodies/UPR/Pages/GRIndex.aspx>

⁹⁵ Working Group on Arbitrary Detention, OHCHR. 2019. *Preliminary Findings from its visit to Greece (2 - 13 December 2019)*. [Online]. [Accessed 22/03/2021]. Available from:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25421&LangID=E>

⁹⁶ UNHCR. 2019. *Recommendations by the Office of the United Nations High Commissioner for Refugees (UNHCR) concerning the execution of judgments by the European Court of Human Rights (ECtHR) in the cases of M.S.S. v. Belgium and Greece (Application No. 30696/09, Grand Chamber judgment of 21 January 2011) and of Rahimi v. Greece (Application No. 8687/08, Chamber judgment of 05 April 2011)* P.6.

⁹⁷ The Council of Europe's Parliamentary Assembly. (2013).

⁹⁸ Working Group on Arbitrary Detention, OHCHR. 2019. *Preliminary Findings from its visit to Greece (2 - 13 December 2019)*. [Online]. [Accessed 22/03/2021]. Available from:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25421&LangID=E>

⁹⁹ Greek Ombudsman. 2019. *Greek Ombudsman 2019 Annual Report*. §6.3. [Online]. [Accessed 22/03/2021] Available from: <https://www.synigoros.gr/?i=stp.en.annualreporten.683296>



- 4.7. In 2020 the CPT found that at least four PRDCs ‘could be described as amounting to inhuman and degrading treatment’¹⁰⁰ with the CPT lamenting that since 1997 the Greek authorities have responded with ‘inaction or a minimalist approach [...] in addressing the very serious concerns raised’.¹⁰¹
- 4.8. Such findings are supported by BVMN testimonies where detained people say that they are not given the reason for their detention nor had access to a lawyer.¹⁰² BVMN has received updates from inside Paranesti and Petrou Ralli which confirm the worsening conditions for detainees. Respondents describe a lack of basic amenities such as running water, showers, or soap. Requests for better services are often met with violence at the hands of officers and riot police. There have been complaints that no special precautions for COVID-19 are being taken, residents inside shared with BVMN reporters that sick individuals are not isolated, and are dismissed as having ‘the flu’.¹⁰³
- 4.9. Testimonies collected by BVMN from Paranesti PRDC record mass beatings of detainees by police. For example, in one testimony the respondent detailed how the:
- detainees were always hungry, as they were being given very little food [...] [which] was bad, unhealthy, and made them feel sick [...] [they] were not given any clothes, and were constantly subjected to insults and physical violence. When a person asked questions [or] [...] complained, or asked for basic necessities [...] often an argument broke out. In these cases, the guards called the officers covered with balaclavas, who beat everyone from that cell. The beatings were brutal. The respondent was beaten many times in all kinds of ways – punched, hit with batons, kicked, stamped, etc. [...] in addition [...] the detainees were also constantly subjected to insults.*¹⁰⁴
- 4.10. Another BVMN respondent reported that he was hospitalised 5 times over 45 days in Paranesti due to beatings at the hands of police.¹⁰⁵ A hunger strike in 2020 by detainees in Paranesti, in response to a lack of basic provisions, was met with the brutal

¹⁰⁰ §62

¹⁰¹ §62

¹⁰² BVMN. 2020. *Illegal Pushbacks and Border Violence Reports February 2020*. [Online]. [Accessed 22/03/2021] Available from: https://www.borderviolence.eu/wp-content/uploads/February_Report_20.pdf

¹⁰³ BVMN. 2020. *Submission of Evidence - Humanitarian Crisis Monitoring: Impact of Coronavirus*. [Online]. [Accessed 22/03/2021]. Available from: <https://committees.parliament.uk/writtenevidence/4655/html/>

¹⁰⁴ BVMN. 2020. *PEOPLE BEATEN NEARLY TO DEATH BY THE GREEK POLICE DURING A MASS PUSHBACK ACROSS EVROS/MERIC RIVER*. [Online]. [Accessed 22/03/2021] Available from: <https://www.borderviolence.eu/violence-reports/july-5-2020-2200-meric-river-near-meric-ipsala-turkey/>

¹⁰⁵ BVMN. 2020. *THEY [ARE] USING PEOPLE FROM PAKISTAN TO CROSS US TO THE OTHER SIDE OF THE BORDER*. [Online]. [Accessed 22/03/2021]. Available from: <https://www.borderviolence.eu/violence-reports/april-23-2020-2000-greek-turkish-border-near-meric/>



intervention of Greek riot police.¹⁰⁶ Hunger strikes are nothing new to Paranesti but represent an ongoing response to the inhuman conditions, with the Society of Threatened People mentioning cases of hunger strikes and protests by detainees in Greece's 2011 UPR.¹⁰⁷

- 4.11. BVMN has identified similar patterns of violence in Petrou Ralli PRDC where a respondent was beaten resulting in a broken shoulder and rib.¹⁰⁸ Demands for humane conditions are often met with violence. For example, in May 2017, a group of detainees in Petrou Ralli demanded to see the director of the detention facility. In response, 'the group of armed police officers entered cells and started to beat us badly'.¹⁰⁹

¹⁰⁶ Enough is Enough 14. 2020. *#Greece: Riot police and brutal repression against migrant hunger strikers are Paranesti detention centre in #Drama*. [Online]. [Accessed 22/03/2021] Available from: <https://enoughisenough14.org/2020/04/10/greece-riot-police-and-brutal-repression-against-migrant-hunger-strikers-a-re-paranesti-detention-centre-in-drama/>

¹⁰⁷ Human Rights Council. 2011. *Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 §76*.

¹⁰⁸ BVMN. 2020. *Violence Within Greece's Borders*. [Online]. [Accessed 22/03/2021]. Available from: <https://www.borderviolence.eu/wp-content/uploads/FinalInternalViolenceGreece.pdf>

¹⁰⁹ Are You Syrious. 2017. *The tragic story of 8 Algerian men from Petrou Ralli*. [Online]. [Accessed 22/03/2021] Available from: <https://medium.com/are-you-syrious/ays-special-tragic-story-of-8-algerian-men-from-petrou-ralli-719eea82340>



5. Internal violence

- 5.1. By “internal violence”, BVMN refers to the direct physical aggression, either against migrants or against their immediate necessities such as food, shelter or essential belongings; or specific threats of imminent, direct physical violence against migrants, inside the territory of the country, carried out by both state and non-state actors.¹¹⁰
- 5.2. In the outcome report for Greece’s 2016 UPR, the State committed to make the accountability of law enforcement a top priority, affirming that impunity could not be tolerated.¹¹¹ In the same report, Greece stated its concern for an increase of racist violence and declared its plans to strengthen legislation and prosecution concerning racist crimes.¹¹²
- 5.3. The situation in Greece has deteriorated since then, as proven by one letter of concern by the Council of Europe’s Human Rights Commissioner addressed the Greek government in 2017, regarding a continued pattern of ill-treatment and torture of migrants, including minors, by Greek police officers.¹¹³ BVMN has collected testimonies from migrants concerning their experience with violence. The results show the emergence of a pattern of systemic violence, involving various state and non-state actors throughout the country.¹¹⁴

¹¹⁰ Border Violence Monitoring Network. 2020. *Violence Within Greece’s Borders*. [Accessed 17/03/2021]. Available from: <https://www.borderviolence.eu/internal-violence-greece/>

¹¹¹ Office of the High Commissioner for Human Rights (OHCHR). 2016. *Report of the Working Group on the Universal Periodic Review - Greece* [Online]. [Accessed 17/03/2021]. Available from: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/GRIndex.aspx>

¹¹² Office of the High Commissioner for Human Rights (OHCHR), 2016. *Report of the Working Group on the Universal Periodic Review - Greece*. [Online]. [Accessed 17/03/2021]. Available from: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/GRIndex.aspx>

¹¹³ Council of Europe, 2017. *Commissioner’s letter to the Greek government on ill-treatment by law enforcement*. [Online]. [Accessed 21.03.2021]. Available from: <https://rm.coe.int/168070d55e>

¹¹⁴ Border Violence Monitoring Network (BVMN). 2020. *Violence Within Greece’s Borders*. [Online]. [Accessed 17/03/2021]. Available from: <https://www.borderviolence.eu/internal-violence-greece/>



- 5.4. In February 2020, BVMN detected a significant increase in the number of arrests in Athens and Thessaloniki. People were seized in large groups irrespective of their legal status, under the guise of public order and safety maintenance.¹¹⁵ Administrative detention in pre-removal detention centres has become a strengthened tool complementing pushbacks.¹¹⁶
- 5.5. In September 2020, the fires that destroyed the Lesvos Moria camp were followed by punitive police repression. Those attempting to flee were stopped by police blockades, with thousands trapped in the neighboring hills for over a week without access to food, shelter or water. When migrants organised demonstrations, demanding respect for their inherent rights, they were met with teargas, beaten with batons and arrested.¹¹⁷ A police operation moved all migrants to a new camp, later reported to be lead contaminated.¹¹⁸ Those who refused were threatened with imprisonment or the termination of their asylum application.¹¹⁹
- 5.6. In the spring of 2020 on Lesvos, a heightened climate of tension and hostility had caused a surge in violence by far-right groups, who set up roadblocks to do internal ID checks,¹²⁰ attacked migrant boats,¹²¹ and shot at migrants around the camp.¹²² During and

¹¹⁵ Border Violence Monitoring Network (BVMN). 2020. *Balkan Region Report – February 2020*. [Online]. [Accessed 17/03/2021]. Available from:

<https://www.borderviolence.eu/balkan-region-report-february-2020/#more-14354>

¹¹⁶ Border Violence Monitoring Network (BVMN), 2020. *Balkan Region Report – July 2020*. [Online]. [Accessed 17/03/2021]. Available from: <https://www.borderviolence.eu/balkan-region-report-july-2020/#more-15347>

¹¹⁷ The Times, 2020. *Lesbos camp fire: No help for the homeless and hungry refugees of Moria, only tear gas*. [Online] [Accessed 17/03/2021]. Available from:

<https://www.thetimes.co.uk/article/lesbos-camp-fire-no-help-for-the-homeless-and-hungry-refugees-of-moria-only-tear-gas-pdzcn9fj9>

¹¹⁸ Human Rights Watch. 2020. *Greece: Migrant Camp Lead Contamination*. [Online]. [Accessed 23/02/2021]. Available from:

<https://www.hrw.org/news/2021/01/27/greece-migrant-camp-lead-contamination#:~:text=In%20early%20September%2C%20large%20fires.migrants%2C%20mostly%20women%20and%20children.&text=Lead%20is%20highly%20toxic%20when.who%20is%20pregnant%20or%20lactating>

¹¹⁹ Al Jazeera, 2020. *Greece: Police move refugees to new Lesbos camp after Moria fire*. [Online] [Accessed 17/03/2021]. Available from:

<https://www.aljazeera.com/news/2020/9/17/greece-police-move-refugees-to-new-lesbos-camp-after-moria-fire>

¹²⁰ Mare Liberum. 2020. *FASCISTS COMING BACK TO THE STREETS OF LESVOS - FIGHT FASCISM!* [Online] [Accessed 17/03/2021]. Available from:

<https://mare-liberum.org/en/news/fascists-coming-back-to-the-streets-of-lesvos-fight-fascism/>

¹²¹ Keep Talking Greece. 2020. *Lesvos: Locals mob against migrants boat, attack reporters (videos)*. [Online] [Accessed 17/03/2021]. Available from:

<https://www.keeptalkinggreece.com/2020/03/01/lesvos-locals-mob-migrants-journalists/>

¹²² Info Migrants. 2020. *2 migrants shot and injured outside Moria camp on Lesbos*. [Online] [Accessed 17/03/2021]. Available from:

<https://www.infomigrants.net/en/post/24299/2-migrants-shot-and-injured-outside-moria-camp-on-lesbos>



right after the Moria fires, locals, together with known fascists, set up roadblocks, intimidating, harassing and attacking migrants that were attempting to escape.¹²³

- 5.7. Elsewhere in Greece, there have been several reports of attacks by vigilante groups against both migrants and humanitarian workers.¹²⁴ In December 2020, a racist attack took place against a church-run shelter for unaccompanied minors in Thessaloniki. Twelve Greek men, armed with knives and iron bars, broke into the shelter, injuring four children and shouting racial slurs.¹²⁵ Only two attackers were arrested and one of them, being 14, was released shortly after.¹²⁶ This follows more instances of violence, including attacks against two hotels meant to host asylum-seekers in the towns of Vilia and Panagits.¹²⁷ The Greek state has failed to condemn such violence and to initiate investigations.
- 5.8. BVMN has recorded a pattern of brutality against migrants in and around the Patras ports, where around 200 individuals live in deplorable conditions in informal shelters, hoping to cross the Adriatic Sea on a ferry to Italy.¹²⁸ In the area surrounding the port, patrolling activities are carried out by ICTS Hellas, a private security firm, and by the Greek police. Testimonies taken by BVMN partner, No Name Kitchen, implicate both in hate crimes, including the use of xenophobic and racist languages, and a high level of violence employed to dissuade migrants' transit attempts.¹²⁹ As they enter the port areas, migrants are subjected to mental and physical abuse, including insults, spitting, beating, and dog attacks.¹³⁰ Both adults and minors are frequently apprehended and taken to the

¹²³ Border Violence Monitoring Network (BVMN). 2020. *Interactive Timeline on the Moria Fire - October 2020*. [Online] [Accessed 24/03/2021]. Available from:

<https://www.borderviolence.eu/interactive-timeline-on-the-moria-fire/>

¹²⁴ Medium, 2020. *AYS Special from Lesbos: Right Wing Attacks on Refugees, Volunteers, and Locals*. [Online] [Accessed 17/03/2021]. Available from:

<https://medium.com/are-you-syrious/ays-special-from-lesvos-right-wing-attacks-on-refugees-volunteers-and-locals-9f98779aef8e>

¹²⁵ Border Violence Monitoring Network (BVMN). 2020. *Balkan Region Report – December 2020*. [Online] [Accessed 17/03/2021]. Available from:

<https://www.borderviolence.eu/balkan-region-report-december-2020/#more-16685>

¹²⁶ Ελληνική Αστυνομία, 2020. 28-12-2020: Συλλήψεις για περιστατικό σε δομή φιλοξενίας ανηλίκων στο Ωραιόκαστρο Θεσσαλονίκης. [Online] [Accessed 24.03.2021]. Available from

http://www.astynomia.gr/index.php?option=ozo_content&lang=%27..%27&perform=view&id=99450&Itemid=2566&lang=

¹²⁷ Info Migrants. 2020. *Greece: Asylum seekers afraid to leave hotel after being attacked by locals*. [Online] [Accessed 17/03/2021]. Available from:

<https://www.infomigrants.net/en/post/15851/greece-asylum-seekers-afraid-to-leave-hotel-after-being-attacked-by-locals>

¹²⁸ Border Violence Monitoring Network (BVMN). 2020. *Violence Within Greece's Borders*. [Online]. [Accessed 17/03/2021]. Available from: <https://www.borderviolence.eu/internal-violence-greece/>

¹²⁹ Border Violence Monitoring Network (BVMN). 2020. *Violence Within Greece's Borders*. [Online]. [Accessed 17/03/2021]. Available from: <https://www.borderviolence.eu/internal-violence-greece/>

¹³⁰ Border Violence Monitoring Network (BVMN). 2020. *Violence Within Greece's Borders*. [Online]. [Accessed 17/03/2021]. Available from: <https://www.borderviolence.eu/internal-violence-greece/>



so-called “commando house”, unofficial cells where they are detained for several nights and often denied access to food and personal belongings.¹³¹ Officers are also known to systematically harass migrants in their informal settlements, with police appearing several times a day, to threaten, beat, destroy belongings and arrest migrants.

- 5.9. In April 2020, the government announced the eviction of over 11,000 beneficiaries of international protection from accommodation sites and reception facilities. Several IOM hotels have been evicted since the Filoxenia program of temporary shelter came to an end.¹³² The closing of the program left several families to sleep in the streets on the weekend of February 26th 2021. Many of them slept in Athens’ Victoria Square, where they were harassed by the police.¹³³ The families were later taken from Athens to the Amygdaleza detention center.¹³⁴ There is no legal basis to their detention nor any information has been provided on how long they will be held in the center.¹³⁵

¹³¹ Border Violence Monitoring Network (BVMN). 2020. *Balkan Region Report – September 2020*. [Online]. [Accessed 17/03/2021]. Available from:

<https://www.borderviolence.eu/balkan-region-report-september-2020/#more-15889>

¹³² Medium. 2021. *AYS Weekend Digest 27–28/2/2021 People left on the streets as Filoxenia shuts down*. [Online]. [Accessed 17/03/2021]. Available from:

<https://medium.com/are-you-syrious/ays-weekend-digest-27-28-2-2021-people-left-on-the-streets-as-filoxenia-shuts-down-48ee8747308a>

¹³³ Medium. 2021. *AYS Weekend Digest 27–28/2/2021 People left on the streets as Filoxenia shuts down*. [Online]. [Accessed 17/03/2021]. Available from:

<https://medium.com/are-you-syrious/ays-weekend-digest-27-28-2-2021-people-left-on-the-streets-as-filoxenia-shuts-down-48ee8747308a>

¹³⁴ Medium. 2021. *AYS Weekend Digest 27–28/2/2021 People left on the streets as Filoxenia shuts down*. [Online]. [Accessed 17/03/2021]. Available from:

<https://medium.com/are-you-syrious/ays-weekend-digest-27-28-2-2021-people-left-on-the-streets-as-filoxenia-shuts-down-48ee8747308a>

¹³⁵ Border Violence Monitoring Network (BVMN). 2020. *Balkan Region Report – February 2021r*. [Accessed 17/03/2021]. Available from: <https://www.borderviolence.eu/balkan-region-report-february-2021/>



6. Criminalisation of human rights defenders

- 6.1. Article 1 of the 1999 UN Declaration on Human Rights Defenders specifies that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels”.¹³⁶ States must adopt measures to ensure this right. The criminalisation of migrants, directly contributes to the criminalisation of the work of NGOs.¹³⁷ Though seeking asylum is within the law, the term ‘illegal’ is attached to the entry of migrants and refugees. The UN Special Rapporteur on the Human Rights of Migrants condemned this use of language, which vilifies migrants in the public perception, and legitimises anti-migrant policies.¹³⁸
- 6.2. Numerous NGOs have reported on the increased criminalisation. Amnesty International called for action, accusing Greece of “criminalising humanitarian workers”.¹³⁹ The International Service for Human Rights expressed concern at the HRC 45th session over the criminalisation of humanitarian aid, search-and-rescue, legal aid and policy advocacy within Europe.¹⁴⁰ Likewise, a report by the ReSOMA project, found at least 60 cases of criminalisation in Europe between 2014 and 2019 concerning 170 individuals,¹⁴¹ 53 individuals in Greece.¹⁴²

¹³⁶ United Nations. 1999. *Resolution 53/144: Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms* (8 March 1999). [Online]. A/RES/53/144. [Accessed 20/03/2021]. Available from: <https://www.refworld.org/docid/3b00f54c14.html>

¹³⁷ European Council on Refugees and Exiles (ECRE). 2014. *Recommendations to the European Union to Urgently Address Criminalisation and Violences Against Migrants in Greece*. [Online]. [Accessed 20/02/2021]. Available from: <https://www.refworld.org/country/LEGAL.ECRE.RESOLUTION.GRC.4562d8b62.533d1eae4.0.html>

¹³⁸ François Crépeau, ‘Banking on mobility over a generation: follow-up to the regional study on the management of the external borders of the European Union and its impact on the human rights of migrants’, Report of the Special Rapporteur on the human rights of migrants, François Crépeau, UN Doc A/HRC/29/36, 8 May 2015, para. 72.

¹³⁹ Amnesty International. 2019. *Demand the charges against Sarah and Sean are dropped*. [Online]. [Accessed 20/02/2021]. Available from:

<https://www.amnesty.org/en/get-involved/take-action/w4r-2019-greece-sean-binder-and-sarah-maridini/>

¹⁴⁰ International Service for Human Rights (ISHR). 2020. *Human Rights Council 45th Session: Statement by International Service for Human Rights*. [Online]. [Accessed 20/03/2021]. Available from:

https://www.ishr.ch/sites/default/files/article/files/gd_3_migrant_hrds_final.pdf

¹⁴¹ Research Social Platform on Migration ReSOMA. 2020. *The criminalisation of solidarity in Europe*. [Online]. [Accessed 20/02/2021]. Available from:

http://www.resoma.eu/sites/resoma/resoma/files/policy_brief/pdf/FSR%20Strategic%20Litigation_0.pdf

¹⁴² Research Social Platform on Migration and Asylum (RESOMA). 2019. *Crackdown on NGOs and Volunteers Helping Refugees and Other Migrants*. Page 27, with other information throughout the report on overall trends of criminalisation since 2015. [Online]. [Accessed 20/03/2021]. Available from:

http://www.resoma.eu/sites/resoma/resoma/files/policy_brief/pdf/Final%20Synthetic%20Report%20-%20Crackdown%20on%20NGOs%20and%20volunteers%20helping%20refugees%20and%20other%20migrants_1.pdf



- 6.3. In Greece, human rights defenders are continuously persecuted and accused of human trafficking and smuggling.¹⁴³ In 2016, the CSO Team Humanity was accused of smuggling.¹⁴⁴ In August 2018, Séan Binder and Sarah Mardini, while working for the Emergency Response Centre International on Lesbos, were detained for 100 days and charged with “smuggling, espionage and membership of a criminal organisation” after helping identify a boat in distress.¹⁴⁵
- 6.4. In September 2020, Greek police issued a press release about criminal investigations into 33 HRD from four international NGOs, which report on pushbacks from Greece, including two BVMN members, Josoor and Mare Liberum, “for an organized circuit to facilitate the illegal entry of aliens into Greek territory”.¹⁴⁶ Accusations included espionage, violating state secrets, creating and participating in criminal organisations and violating migration law.¹⁴⁷ The Greek police leaked information to the media and government spokespersons convicted the organisations before an official charge.¹⁴⁸

¹⁴³ Front Line Defenders. 2016. *Annual Report on Human Rights Defenders at Risk 2017*. [Online]. [Accessed 20/02/2021]. Available from: https://www.frontlinedefenders.org/sites/default/files/annual_report_digital.pdf

¹⁴⁴ Human Rights at Sea. 2019. *Case filed against Greece in Strasbourg Court over Criminalising Search and Rescue*. [Online]. [Accessed 20/02/2021]. Available from: <https://www.humanrightsatsea.org/2019/04/23/case-filed-against-greece-in-strasbourg-court-over-criminalising-search-and-rescue/>; Global Legal Action Network. 2019. *Case filed against Greece in Strasbourg court over crackdown on humanitarian organisations*. [Online]. [Accessed 20/02/2021]. Available from: <https://www.glanlaw.org/single-post/2019/04/18/case-filed-against-greece-in-strasbourg-court-over-crackdown-on-humanitarian-organisation>

¹⁴⁵ Smith H. 2018 *Greece reinforces land border with Turkey to stem flow of migrants*. The Guardian. [Online]. [Accessed 20/02/2021]. Available from: <https://www.theguardian.com/world/2018/apr/29/greece-reinforces-land-border-with-turkey-to-stem-flow-of-migrants>; Amnesty International. 2019. *Demand the charges against Sarah and Sean are dropped*. [Online]. [Accessed 20/02/2021]. Available from:

<https://www.amnesty.org/en/get-involved/take-action/w4r-2019-greece-sean-binder-and-sarah-mardini/>

¹⁴⁶ Mare Liberum. 2020. *Pushing Back Refugees, Pushing Away Witnesses*. [Online]. [Accessed 28/02/2021]. Available from: <https://mare-liberum.org/en/pushing-back-refugees-pushing-away-the-witnesses/>

¹⁴⁷ The World Organisation Against Torture (OMCT). 2021. *Greece: Ongoing Crackdown on Migrants' Rights Defenders as Pushbacks of People on the Move Continue*. [Online] [Accessed 12/02/2021]. Available from: <https://www.omct.org/en/resources/statements/greece-ongoing-crackdown-on-migrants-rights-defenders-as-pushbacks-of-people-on-the-move-continue>

¹⁴⁸ Der Spiegel. 2020. *“They want to calm us down”* [Online]. [Accessed 20/03/2021]. Available from: <https://www.spiegel.de/politik/ausland/verfahren-gegen-ngos-in-griechenland-man-will-uns-ruhig-stellen-a-6dcab115-2f50-45ef-ac8c-4d036d8bfe5c>; Kathimerini. 2020. Η επιχείρηση «Αλκμήνη» της ΕΥΠ για τις ΜΚΟ. [Online]. [Accessed 20/02/2021]. Available from: <https://www.kathimerini.gr/investigations/561103600/i-epicheirisi-alkmini-tis-eyp-gia-tis-mko-2/>; Kathimerini. 2020. The company “Alkmini” of EYP for NGOs. [Online]. [Accessed 20/02/2021]. Available from: <https://www.kathimerini.gr/society/561103954/i-epicheirisi-alkmini-tis-eyp-gia-tis-mko/>



- 6.5. In November 2020, a Canadian journalist on Lesbos, who distributed water to newly arrived migrants that were hiding in fear of a pushback, was arrested and charged with facilitation of illegal residence by a third country national,¹⁴⁹ insubordination and obstruction of a police investigation.¹⁵⁰
- 6.6. There has also been increased hostility and violence, due to the rise of the far right,¹⁵¹ directed against humanitarian workers, human rights defenders and journalists.¹⁵² Mare Liberum was subjected to vigilante attacks and instances of police intimidation. In September 2020, their ship was illegally searched and their devices were confiscated by the HCG, without being informed of the search's legal grounds, nor their rights.¹⁵³
- 6.7. The clampdown on NGOs includes repression of aid sites. In June 2020, several instances have been recorded of aid distribution being specifically targeted in orchestrated raids by police in and around Thessaloniki,¹⁵⁴ resulting in mass arrests and pushbacks to Turkey.¹⁵⁵ This is part of the trend of creating a hostile environment for NGOs and migrants, hindering migrants from accessing essential services by the threat of arrest and removal to Turkey.

¹⁴⁹ Government Gazette of the Hellenic Republic. 2014. *Part one: Border-Crossing and Residing of Third-Country Nationals Within Greek Territory*. [Online]. [Accessed 20/02/2021]. Available from: https://www.mfa.gr/images/docs/ethnikes_theoriseis/2015/metanast.pdf

¹⁵⁰ Lesbos News. 2020. *Arrivals of 25 immigrants in Lesbos and ... the 45-year-old Who Hid Them in the Forest!* [Online]. [Accessed 20/03/2021]. Available from: https://www.lesvosnews.net/articles/news-categories/astynomiko-reportaz/afixeis-25-metanaston-sti-lesbo-kai-o-45hronos-pov?fbclid=IwAR2-BQrmuHsltc5m-YOKrm98gNPslxxp89NLtOKBEluQ3qprlf0c_JG-ra4

¹⁵¹ Human Rights Watch. 2019. *Greece: Asylum Overhaul Threatens Rights*. [Online]. [Accessed 20/03/2021]. Available from: <https://www.hrw.org/news/2019/10/29/greece-asylum-overhaul-threatens-rights>

¹⁵² CoE Commissioner for Human Rights. 2018. *Report of the Commissioner for Human Rights of the Council of Europe Dunja Mijatović following her Visit to Greece from 25 to 29 June 2018*. CommDH(2018)24, 6 November 2018, para. 82: 'The Commissioner is concerned about such persisting racist violence and about the emergence of new far right violent groups involved in attacks against migrants and threats against NGOs and defenders of migrants' rights' [para. 82]; See also, *COE Commissioner for Human Rights. 2020. Restrictions on defenders of migrants' rights should stop, 19 December 2012*; Council of Europe. 2020. *Expert Council on NGO Law: Opinion on the compatibility with European standards of recent and planned amendments to the Greek legislation on NGO registration*. [Online]. [Accessed 20/03/2021]. Available from:

<https://rm.coe.int/expert-council-conf-exp-2020-4-opinion-ngo-registration-greece/16809ee91d>

¹⁵³ Mare Liberum. 2020. *Pushing Back Refugees, Pushing Away Witnesses*. [Online]. [Accessed 23/02/2021]. Available from: <https://mare-liberum.org/en/pushing-back-refugees-pushing-away-the-witnesses/>

¹⁵⁴ Border Violence Monitoring Network (BVMN). 2020. *POLICE RAID HUMANITARIAN DISTRIBUTION SITE AND PUSHBACK PEOPLE IN NEED*. [Online] [Accessed 17/03/2021]. Available from: <https://www.borderviolence.eu/police-raid-humanitarian-distribution-site-and-pushback-people-in-need/>

¹⁵⁵ Border Violence Monitoring Network (BVMN). 2020. *A THESSALONIKI POLICE INTERVENTION LEADS DIRECTLY TO A MASS PUSHBACK TO TURKEY*. [Online] [Accessed 17/03/2021]. Available from: <https://www.borderviolence.eu/violence-reports/june-6-2020-0100-meric-river-ipsala/>



- 6.8. Issues like these have forced many NGOs and civil society networks to stop operating on Greek islands due to significant threats and danger of criminalisation.¹⁵⁶
- 6.9. Despite overwhelming evidence of pushbacks committed by Greek authorities,¹⁵⁷ the Government continues to deny involvement.¹⁵⁸ Instead, attention is shifted onto the defamation of NGOs and CSOs work. Migrants wishing to apply for asylum are not contacting authorities, being afraid of being pushed back, and they reach out organisations for protection, endangering CSOs and putting them under investigation for facilitating illegal entry.

¹⁵⁶ Mare Liberum. 2020. *Pushing back refugees, pushing away witnesses*. [Online]. [Accessed 20/02/2021]. Available from: <https://mare-liberum.org/en/pushing-back-refugees-pushing-away-the-witnesses/>; Refugee Rescue. 2020. *Statement: Suspension of Operations*. [Online]. [Accessed 20/02/2021]. Available from: <https://www.refugeerescue.org/latest-news/statement-suspension-of-operations>

¹⁵⁷ Border Violence Monitoring Network (BVMN) Website. [Online]. [Accessed 23/03/2021]. Available from: <https://www.borderviolence.eu>; Refugee Support Aegean. 2020. *Pushbacks and Violations of Human Rights at Sea: A Timeline*. [Online]. [Accessed 20/02/2021]. Available from: <https://rsaegean.org/en/push-backs-and-violations-of-human-rights-at-sea-a-timeline/>

¹⁵⁸ Human Rights Watch. 2020. *Greece Is Still Denying Migrant Pushbacks*. [Online]. [Accessed 20/02/2021]. Available from: <https://www.hrw.org/news/2020/08/21/greece-still-denying-migrant-pushbacks>



7. Recommendations for the State under Review

7.1. **Systemic pushbacks from Greece**

7.1.1. Greece must fulfill its obligations under international law and prevent pushbacks at its border. Greece must provide effective remedies for pushback victims, including but not limited to compensation, access to territory and recognition of their entitlement to international protection.

7.1.2. Perpetrators of pushbacks must be identified and held accountable. Greece must investigate all cases of pushbacks by its border and coast guard officers, police officers, army officers, or Frontex personnel on its territory.

7.1.3. In order to ensure a fair investigation, Greece must set up an impartial and independent institution to investigate abuses committed by its border and coast guard officers, police officers, army officers, or Frontex personnel on its territory.

7.1.4. In order to monitor violations at its borders, Greece must establish an independent border monitoring mechanism involving national human rights institution, international organizations and civil society organizations

7.1.5. In order to ensure accountability, Greece must immediately accept the individual complaints procedure under the International Convention for the Protection of All Persons from Enforced Disappearance, regulated in Article 31.

7.1.6. Greece should immediately sign and ratify Protocol 4 to the European Convention on Human Rights prohibiting in Article 4 collective expulsions of aliens.

7.2. **Torture and inhuman treatment inside detention facilities**

7.2.1. Greece should amend its legislation to limit the use of detention of asylum seekers, refugees and stateless persons and extend the use of alternatives to administrative detention.

7.2.2. Greece must improve detention conditions and ensure the full respect for human rights through providing adequate services including healthcare, food and sanitary conditions.



7.2.3 Greece must investigate all cases of violence and torture by police and detention centre staff. In view of ensuring accountability, Greece should set up an impartial and independent mechanism to investigate and monitor abuses committed by police and detention centre staff.

7.2.4. Victims of torture and inhuman treatment inside detention facilities must be provided effective remedies in all cases.

7.3. Internal Violence

7.3.1. Greece must investigate violence committed by law enforcement officials and by private security companies employed by the State. It must firmly condemn and prosecute racist crimes, violence and discrimination.

7.3.2. We reiterate the necessity of the Greek government to set up an impartial and independent institution to investigate abuses committed by its border and coast guard officers, police officers, army officers, or Frontex personnel on its territory.

7.3.3. Victims of racist crimes, violence and discrimination must have access to effective remedies immediately.

7.4. Criminalization of human rights defenders

7.4.1. Greece must stop criminalising civil society organisations, NGOs and human rights defenders, including through smear campaigns, violations of private life, threats and attacks, judicial harassment and other attempts to hinder their work. Greece must adhere to the UN Human Rights Defenders Declaration and the 2018 Council of Europe recommendation on strengthening the protection and promotion of Civil Societies' space.

7.4.2. Greece must ensure freedom of expression and assembly, including a conducive environment to humanitarian assistance and solidarity towards migrants. The "humanitarian exemption" of the UN Protocol against the Smuggling of Migrants must be adhered to which states that the smuggling of migrants contains a for-profit element, which is in the contrary to the practice of humanitarian aid groups.