



Analyzing Greek Pushbacks: Over 20 Years of Concealed State Policy Without Accountability

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Reviewing years of documentation of human rights violations at Greece's land and sea borders with Turkey—by international and national human rights institutions, journalists and civil society, and courts—the following analysis concludes that arbitrary and irregular violent expulsions of migrants and asylum-seekers, conducted outside any legal framework, are the intended result of long-standing Greek practice. Section I provides an overview of how consistent reporting confirms that **pushbacks are a systematic State policy in Greece**. Section II delves into the many years of reporting and evaluations of the key characteristics of these pushbacks, namely **summary and irregular expulsions, arbitrary and secret detention in unfit conditions**, and **ill-treatment**, examining each of these elements in turn.

For the purposes of this analysis, “**pushbacks**” are defined as operations carried out secretly—often without any records, traceability,¹ paperwork, or procedure²—by which migrants and asylum-seekers are apprehended and detained before being expelled from Greek territory. The process is summary, arbitrary, and indiscriminate, often based on racial profiling rather than an assessment of a right to enter or stay in the country.³ During these pushbacks, individuals are handled outside the safeguards of the law and of law enforcement oversight, leading to routine violence and detention in unsanitary and unsafe conditions.⁴ The aim of these pushbacks is to deter further migration⁵ and to obstruct individuals from accessing any rights—both procedural and material⁶—including to claim asylum and to decent reception conditions.⁷ As pointed out by the Council of Europe’s Committee for the Prevention of Torture (CPT) as early as 2001, several elements of Greece’s pushbacks could amount to inhuman or degrading treatment,⁸ in addition to several other human rights violations.

¹ On the secret character of the operations, see for example AI, *Fear and Fences: Europe’s approach to keeping refugees at bay*, 17.11.2015, <https://www.amnesty.org/en/documents/eur03/2544/2015/en/>, p.65.

² ARSIS and others, “Joint statement on push backs practices in Greece,” 01.02.2021, https://www.gcr.gr/media/k2/attachments/JOINT_STATEMENT_GR_NGOS.pdf, p.1.

³ Greek Refugee Council (GCR), *Reports and testimony of systematic pushbacks in Evros*, 2018, <https://www.gcr.gr/media/k2/attachments/ReportZ08032018.pdf>, pp.1, 5, 6; M. Stevis-Gridneff, “E.U. interpreter says Greece expelled him in Turkey in migrant roundup,” *The New York Times*, 01.12.2021, <https://www.nytimes.com/2021/12/01/world/europe/greece-migrants-interpreter-expelled.html>; ARSIS and others, “Joint statement on push backs practices in Greece,” p.2.

⁴ See for example AI, *Fear and Fences*, p.62.

⁵ AI, *Frontier of hope and fear: Migrants and refugees pushed back at Europe’s border*, 29.04.2014, <https://www.amnesty.org/en/documents/EUR25/004/2014/en/>, p.6.

⁶ For an overview of how persons apprehended on Greek territory should be handled, see AI, *Frontier of hope and fear*, p.10; Greek National Commission for Human Rights (GNCHR), Contribution to the UN SR on the HRs of Migrants in reply to the questionnaire on pushback practices and their impact on the human rights of migrants, 01.02.2020, <https://www.ohchr.org/Documents/Issues/Migration/pushback/NHRINIGreeceGNCHRSSubmission.pdf>, pp.6-7.

⁷ See for example AI, Fear and Fences, p.59; Greek Ombudsperson, Interim Report on own initiative investigation: Alleged pushbacks to Turkey of foreign nationals who had arrived in Greece seeking international protection, 28.04.2021, <https://www.synigoros.gr/resources/docs/280421-pushbacks-interim-report-eng.pdf>, p.20.

⁸ CPT, *Report on its visit to Greece from 23 September to 5 October 2001*, 20.11.2002, <https://rm.coe.int/1680696563>, §53. By this point the CPT was hoping that the signing of a readmission agreement between Greece and Turkey in November 2001.

I. A systematic and widespread State practice of pushbacks

(a) The existence of a pattern requiring organization at State level

Years of consistent reporting and documentation confirm that Greek pushback operations share a pattern and require a level of organization that betrays the existence of a State policy. In 2021, the Greek Ombudsperson found that the practice involves several “*state agencies and state agents at the levels of operational planning, logistics and perpetrators*”⁹—a conclusion also reached by human rights organizations such as Amnesty International (AI).¹⁰ While officers involved in land pushbacks operate under the Greek Ministry of Public Order and Citizen Protection, those involved in sea pushbacks operate under the Ministry of Shipping and the Aegean.¹¹

Numerous organizations have identified a **pattern of pushbacks at Greece’s Evros land border** with Turkey since at least 2008,¹² including Human Rights Watch (HRW),¹³ the UN Committee against Torture (UN CAT),¹⁴ the Council of Europe’s Commissioner for Human Rights (CoE Commissioner),¹⁵ the CoE’s Committee for the Prevention of Torture (CPT),¹⁶ the Greek National

⁹ Greek Ombudsperson, *Alleged pushbacks to Turkey*, p.20.

¹⁰ AI, *Fear and Fences*, p.65 (finding that “push-backs at Greece’s land border are carefully planned [...] and are systematic”) and p.21 (stressing that the involvement of Greek officers in pushbacks was “a consistent element in all the statements gathered” and that “[m]ost push-backs by coastguards describe the involvement of crews between four and seven men strong,” while testimonies of “[p]ush-backs at land borders generally refer to up to 10 police officers,” including the involvement of police vehicles and detention in buildings resembling police stations prior to expulsion).

¹¹ AI, *Frontier of hope and fear*, p.7.

¹² HRW, *Stuck in a Revolving Door: Iraqis and Other Asylum Seekers and Migrants at the Greece/Turkey Entrance to the European Union*, 26.11.2008, <https://www.hrw.org/report/2008/11/26/stuck-revolving-door/iraqis-and-other-asylum-seekers-and-migrants-greece/turkey>, p.3: “Police in the Evros region [...] systematically arrest migrants on Greek territory and detain them for a period of days without registering them. After rounding up a sufficient number of migrants, the police take them to the Evros River at nightfall and forcibly and secretly expel them to the Turkish side.”

¹³ *Idem*; HRW, “Greece: Violent Pushbacks at Turkey Border,” 18.12.2018, <https://www.hrw.org/news/2018/12/18/greece-violent-pushbacks-turkey-border> (describing “capture by local police patrols, detention in police stations of informal locations close to the border with Turkey, and handover from identifiable law enforcement to unidentifiable paramilitaries who would carry out the pushback to Turkey across the Evros River, at times violently”).

¹⁴ UN CAT, Concluding observations to the seventh period report of Greece, 03.09.2019 (CAT/C/GRC/CO/7), §16.

¹⁵ CoE Commissioner, Letter to Greek Minister of Citizens’ Protection, Minister of Migration & Asylum and Minister of Shipping and Island Policy, 03.05.2021, https://www.coe.int/en/web/commissioner/view-/asset_publisher/ugj3i6qSEkhZ/content/greek-authorities-should-investigate-allegations-of-pushbacks-and-ill-treatment-of-migrants-ensure-an-enabling-environment-for-ngos-and-improve-recept (describing “persons dressed in uniform without any identification sign arresting migrants, including persons who may be in need of international protection, and shortly detaining them in unidentified buildings where migrants are deprived of their belongings before they are transferred to the border, force[d ...] on boats” and expelled).

¹⁶ CPT, *Report on the visit to Greece from 10 to 19 April 2018*, 19.02.2019, <https://rm.coe.int/1680930c9a>, §140; AI, *Frontier Europe: Human rights abuses on Greece’s Border with Turkey*, 09.07.2013, <https://www.amnesty.org/en/documents/EUR25/008/2013/en/>, p.12.

Council for Human Rights (GNCHR),¹⁷ AI,¹⁸ ProAsyl,¹⁹ and the Greek Refugee Council (GCR).²⁰ In 2021, the Greek Ombudsperson summarized this pattern as such:

“foreign nationals, in small groups, cross irregularly from Turkey into Greece and reach a village or town, in most cases in the border area looking for access to the asylum procedure. They are intercepted by the police and have their mobile phones and identification documents removed. Then the foreign nationals are handed over to unidentified men usually in blue uniforms. They are then forced to embark unidentified vehicles, almost always white vans. They are driven to an unidentified building, bearing no signs, where they are locked in large rooms together with other detained foreign nationals. No communication with state services or civil society organisations is permitted, no information is provided, no food or water. Some hours later, other unidentified men, this time wearing black uniforms, take them to the Greek bank of Evros river. They are forced to get on board dinghies and they are taken to the Turkish bank. The whole procedure is fast and, usually, the foreign nationals have been pushed back to Turkey within 24 hours after they are intercepted. The uniformed men remain silent and do not address the foreign nationals. [In ...] a few instances [...] the uniformed men were overheard to talk to each other or to give orders to the foreign nationals. [... C]ertain complaints allege that the uniformed men were not all Greek.”²¹

Since at least 2013²² and until today,²³ pushed back individuals have been apprehended not only in the Evros border region, but also in inland cities such as Thessaloniki or Athens, based on racial profiling roundups.

Pushbacks of migrants and asylum-seekers attempting to enter Greece by sea also follow a clear and well-documented pattern:

- (1) a Greek Coast Guard vessel appears after sailing toward a migrants’ dinghy with its lights off;

¹⁷ GNCHR, “Statement on the reported practices of push backs,” 09.07.2020, https://nchr.gr/images/English_Site/PROSFYGES/GNCHR-Statement-on-the-reported-practices-of-push-backs.pdf, p.5.

¹⁸ AI, Frontier Europe, p.9-10; AI, Fear and Fences, p.58, 60; AI, Frontier of hope and fear, pp.12-3; AI, Caught in a political game: Asylum-seekers and migrants on the Greece/Turkey border pay the price for Europe’s failures, 03.04.2020, <https://www.amnesty.org/en/documents/eur01/2077/2020/en/>, p.7; AI, Submission to the UN CAT 73rd Session, 19 April-13 May 2022, List of Issues Prior to Reporting, https://www.amnesty.gr/sites/default/files/eur2551782022english_1.pdf.

¹⁹ ProAsyl, *Pushed back: systematic human rights violations against refugees in the Aegean sea and at the Greek-Turkish land border*, 07.11.2013, <https://www.proasyl.de/en/material/pushed-back-systematic-human-rights-violations-against-refugees-in-the-aegean-sea-and-the-greek-turkish-land-border/>, X.

²⁰ GCR, Reports and testimony of systematic pushbacks in Evros, pp.2-3.

²¹ Greek Ombudsperson, *Alleged pushbacks to Turkey*, p.20. For summary expulsions carried out in the evening and the involvement of two apparently distinct law-enforcement units, see AI, *Fear and Fences*, p.62 and HRW, *Stuck in a Revolving Door*, p.3. On the lack of access to food or water during detention, see AI, *Frontier Europe*, p.13; AI, *Fear and Fences*, p.62; GCR, *Systematic pushbacks in Evros*, p.3. On the involvement of officers from European countries or speaking English, French or German, see ProAsyl, *Pushed back*, p.32.

²² AI, *Frontier Europe*, pp.15-6.

²³ ARSIS and others, “Joint statement on push backs practices,” pp.1-2; *New York Times*, “E.U. interpreter says Greece expelled him to Turkey in migrant roundup.” See also HR360, “Representing a pushback victim before the ECHR,” on the arrest and expulsion to Turkey of a beneficiary of subsidiary protection in Germany, <https://www.humanrights360.org/legal-cases/>.

- (2) the vessel circles around the dinghy, creating waves or colliding with it and putting the dinghy at risk of capsizing;
- (3) officers on board the vessel order migrants to tie their boats to the Coast Guard vessel;
- (4) the Coast Guard vessel then drags the boat or dinghy toward Turkish waters, unties it, and leaves those on board at sea.²⁴

This practice has even been confirmed by individuals directly involved: As early as 2007, an anonymous whistleblower from the Lesvos coastguard explained their modus operandi: “*We drive very close to the boats and put the headlights on, to see who is there [...] Simply drive around them, create waves and give the people a fright—as though telling them ‘we decide what goes on here—go away!’*”²⁵ Such pushbacks entail abandoning unseaworthy vessels at sea,²⁶ demonstrating complete recklessness as to the preservation of life of those on board. Given the secretive nature of these pushbacks, the number of deaths that have resulted remains difficult to uncover.²⁷

(b) The systematic character of the pattern

The unofficial and concealed nature of Greece’s pushback practice makes the total number of pushbacks executed difficult to estimate,²⁸ yet reporting indicates that Greek pushbacks have affected thousands to tens of thousands of persons each year. The following select records give some estimate of their scale over the years:

- Between April 2008 and September 2009, UNHCR documented 27 pushbacks involving over 550 persons.²⁹
- Between December 2011 and August 2013, ProAsyl recorded 2,000 individuals pushed back from Greece.³⁰
- Between 2013 and 2017, UNHCR recorded 350 pushbacks at sea and on land involving 11,500 persons, 7,500 of which were expelled from the Evros land border.³¹
- In 2020 alone,
 - UNHCR received reports of more than 100 sea pushbacks;³²

²⁴ ProAsyl, *Pushed back*, pp.17-19; AI, *Fear and Fences*, p.59.

²⁵ ProAsyl et al., ‘The truth may be bitter, but it must be told’: The Situation of Refugees in the Aegean and the Practices of the Greek Coast Guard, 10.2007, <https://www.proasyl.de/wp-content/uploads/2015/12/PRO ASYL Report Refugees in Greece The truth may be bitter but it must be told Oct 2007.pdf>, p.14.

²⁶ AI, *Frontier Europe*, p.6; ProAsyl, *Pushed back*, p.22; AI, *Fear and Fences*, 59.

²⁷ AI, *Frontier Europe*, in particular pp.12-13; AI, “Written statement submitted to the Human Rights Council,” 10.09.2013, https://www.ecoi.net/en/file/local/1252819/1930_1379593083_g1316873.pdf, p.3; AI, *Frontier of hope and fear*, p.12; AI, *Caught in a political game*, p.9.

²⁸ See also AI, *Fear and Fences*, p.65.

²⁹ UNHCR, *Observations on Greece as a Country of Asylum*, 12.2009, https://www.unhcr.org/hu/wp-content/uploads/sites/21/2016/12/UNHCR-observations-Greece_asylum_country-2009.pdf.

³⁰ CoE Commissioner, Letter to Greek Ministers, 05.12.2013, <https://rm.coe.int/16806db8aa>, p.1.

³¹ Greek Ombudsperson, *Alleged pushbacks to Turkey*, p.16.

³² CoE Commissioner, Letter to Greek Minister of Citizens’ Protection, Minister of Migration & Asylum and Minister of Shipping and Island Policy, 03.05.2021, https://www.coe.int/en/web/commissioner/view-/asset_publisher/ugj3i6qSEkhZ/content/greek-authorities-should-investigate-allegations-of-pushbacks-and-ill-treatment-of-migrants-ensure-an-enabling-environment-for-ngos-and-improve-recept, p.2.

- *The New York Times* estimated that Greece had “secretly expelled” at least 1,072 people at sea between March and August;³³
- the NGO Mare Liberum documented 321 pushbacks involving 9,798 individuals between March and December;³⁴ and
- the Border Violence Monitoring Network (BVMN) collected testimonies of 67 distinct pushbacks affecting 3,557 people.³⁵

Officials have also provided indicative numbers of the scale of these operations:

- In 2012, the Greek Minister of Public Order estimated 50,000 persons attempting to enter Greece were “interdicted” in 2012;³⁶
- Between 1999 and 2014, Turkish authorities report that they rescued over 3,400 persons between as a result of Greece’s sea pushbacks;³⁷
- Turkey’s Foreign Minister said Greece pushed back 11,867 people in 2018 and 25,404 in 2019, both at sea and on land³⁸ (while *Der Spiegel*’s reporting on Turkish documents reflects an estimate that 60,000 individuals were pushed back from Greece between October 2018 and October 2019);³⁹
- In 2021, Greece’s Minister of Shipping reported that the Coast Guard rescued 29,000 refugees and migrants, while the Minister of Immigration and Asylum reported that fewer than 9,000 refugees and migrants had entered the country that year,⁴⁰ indicating a large and unexplained discrepancy.

The systematic character of Greek pushbacks has been noted by HRW,⁴¹ ProAsyl,⁴² the Greek National Commission for Human Rights (GNCHR)⁴³ and AI,⁴⁴ which has concluded that they “constitut[e] a deliberate policy”⁴⁵ and are “widespread and routine.”⁴⁶ HRW qualified Greek

³³ P. Kingsley & K. Shoumali, “Taking Hard Line, Greece Turns Back Migrants by Abandoning Them at Sea,” *New York Times*, 14.08.2020, <https://www.nytimes.com/2020/08/14/world/europe/greece-migrants-abandoning-sea.html>.

³⁴ Mare Liberum, *De facto Aussetzung der Menschenrechte für Schutzsuchende in der Ägäis*, 11.02.2021, <https://mare-liberum.org/de/greece-de-facto-suspension-of-human-rights-for-refugees-in-the-aegean/>.

³⁵ Border Violence Monitoring Network, *The Black Book of Pushbacks Volume I*, 18.12.2020, <https://left.eu/issues/publications/black-book-of-pushbacks-volumes-i-ii/>, p.532.

³⁶ ProAsyl, *Pushed back*, p.7. On “interdictions,” see also p.15.

³⁷ AI, *Fear and Fences*, p.65.

³⁸ Ahval News, “Turkey urges Greece to end ‘pushback’ of irregular migrants,” 27.10.2019, <https://ahvalnews.com/aegean/turkey-urges-greece-end-pushback-irregular-migrants>.

³⁹ G. Christides & others, “Videos Show Apparent Illegal Pushback of Migrants,” *Der Spiegel*, 13.12.2019, <https://www.spiegel.de/international/globalsocieties/greece-videos-show-apparent-illegal-pushback-of-migrants-a-1301228.html>.

⁴⁰ Efsyn, “N. Mitarakis confirms the disappearance of 25,000 rescued in the Aegean,” 01.01.2022, https://www.efsyn.gr/ellada/dikaiomata/325878_o-n-mitarakis-epibebaionei-tin-exafanisi-25000-diasothenton-sto-aigaio.

⁴¹ HRW, *Stuck in a Revolving Door*, p.3

⁴² ProAsyl et al., *Refugees in the Aegean*; ProAsyl, *Pushed back*, VI.

⁴³ GNCHR, “Statement on the reported practices of push backs,” p.5.

⁴⁴ AI, *Fear and Fences*, p.65; AI, *Frontier of hope and fear*, p.5.

⁴⁵ AI, *Frontier of hope and fear*, p.5.

⁴⁶ Idem, p.21; see also AI, *Caught in a political game*, p.7.

pushbacks as “*routine and systematic*”⁴⁷ as early as 2008. In 2021, a joint statement by several Greek NGOs described pushbacks as “*a central element of the Greek government’s migration policy.*”⁴⁸ Although Greek officials generally deny the existence of a pushback policy,⁴⁹ the fact they are necessarily part of standard Greek practice is confirmed by statements like that in 2021 of the Greek Migration Minister, who declared that the government’s migration policy of securing its borders had resulted in a 90 percent reduction in the migratory flows into Greece since 2019.⁵⁰

II. Elements of a pushback: Arbitrary apprehension and secret detention in unfit conditions, ill-treatment, and irregular expulsions

(a) A history of summary and irregular expulsions

The practice of irregular, summary expulsions of migrants and asylum-seekers without procedure by Greek officers at the Evros land border is longstanding—and often the most regularly discussed element of Greek pushback operations. During an *ad hoc* visit in 1999, the CPT came across a family detained in Feres without any form of registration, who reported having “*been transferred repeatedly between Turkey and Greece in the preceding months.*”⁵¹ In 2001, the CPT noted receiving reports of “*informal deportations*” to Turkey, during which deportees had been “*deprived of procedural safeguards and were removed from Greece without using recognised border crossings; further, on occasion, their lives might have been put at risk (e.g. by being made to cross a river under precarious conditions).*”⁵² In 2007, ProAsyl documented land and sea pushbacks,⁵³ after which the Greek Ombudsperson confirmed that he too had received such complaints.⁵⁴ In 2009, the CoE Commissioner⁵⁵ and UNHCR received complaints of informal *refoulement* at land and sea—even when NGOs, UNHCR, and lawyers were involved in attempting to prevent them.⁵⁶

⁴⁷ HRW, Stuck in a Revolving Door.

⁴⁸ ARSIS and others, “Joint statement on push backs practices in Greece,” p.1.

⁴⁹ See Section III(a) for an examination of the Greek state’s response to pushback allegations.

⁵⁰ Newsroom Iefimerida, “Mitarakis: ‘There is no proposal by the European Commission for a border control mechanism,’” 29.09.2021, <https://www.iefimerida.gr/politiki/boyli-mitarakis-epitropis-mihanismo-synoron>.

⁵¹ CPT, *Report on the ad hoc visit to Greece from 26 October to 2 November 1999*, 13.09.2001, <https://rm.coe.int/16806964f0>, §31.

⁵² CPT, *2001 visit report*, §53. At this time the CPT hoped for a readmission agreement between Greece and Turkey.

⁵³ ProAsyl et al., *Refugees in the Aegean*. The report was based on more than 100 interviews of migrants and refugees, including testimonies of summary expulsions at the Evros land border.

⁵⁴ Greek Ombudsperson, Letter to Minister of Mercantile Marine Mr. George Voulgarakis and to the Deputy Minister of Interior Mr. Panayotis Hinofotis, 22.11.2007, https://www.synigoros.gr/resources/7506_1_translation_of_greek_letter_to_the_ministry_of_mercantile_marine_22112007-2.pdf.

⁵⁵ CoE Commissioner, *Report following his visit to Greece on 8 to 10 December 2008*, 04.02.2009, <https://www.refworld.org/docid/49898d5c2.html>, §13.

⁵⁶ UNHCR, Observations on Greece as a country of asylum, pp.2-3.

In 2012 The Guardian also gathered evidence of such pushbacks,⁵⁷ while CAT underlined that “*direct deportations*” to Turkey did not guarantee effective procedural safeguards of access to legal remedies or asylum.⁵⁸ In 2013 the CoE Commissioner called on the Government to end its large-scale pushbacks to Turkey, noting “*consistent and substantiated information about a large number of collective expulsions from Greece to Turkey of irregular migrants,*” including refugees.⁵⁹ In 2013 Frontex also confirmed receiving reports of alleged violations through pushbacks.⁶⁰ In 2014 UNHCR recorded several credible testimonies of pushbacks, including of individuals who were in need of protection but denied access to asylum.⁶¹ In 2015 the HRC flagged its concern with “*the continuing practice of informal returns, known as ‘push-backs’*” and the lack of individual procedural guarantees,⁶² which were echoed by UN Committee on the Elimination of Racial Discrimination (CERD) in 2016.⁶³ The CoE Commissioner and UNHCR publicly urged Greece to take measures against pushbacks, including independent monitoring and internal control mechanisms, in 2017.⁶⁴ The next day, three Greek political parties urged the judiciary to take action, and the Ombudsperson and one political party submitted a complaint to the Public Prosecutor of the Supreme Court. Greek parliamentarians submitted a question on pushbacks to the relevant ministries,⁶⁵ and the Greek Ombudsperson launched an investigation of its own initiative into pushbacks into Turkey, but limited it to Turkish citizens.⁶⁶

By 2018, these expulsions from Greece were conducted on such systematic scale that the CPT addressed the practice directly and at length using the term “*pushback*.” It confirmed receiving “*consistent and credible*” testimonies of violent expulsions executed by police, border guards, and specifically “*commandos*,” noting that they may be military or paramilitary forces,⁶⁷ which were described as armed and wearing balaclavas, dressed either in police uniforms or military fatigues.⁶⁸ The CPT highlighted that those pushed back had no protection against *refoulement*⁶⁹ and that these expulsions did not operate under any legal or regulatory framework, with affected individuals not

⁵⁷ R. Omonira-Oyekanmi, “Syrian refugees ‘turned back from Greek border by police,’” *The Guardian*, 07.12.2012, <https://www.theguardian.com/world/2012/dec/07/syrian-refugees-turned-back-greek>.

⁵⁸ UN CAT, Concluding observations to the combined fifth and sixth period report of Greece, 27.06.2012, <https://undocs.org/CAT/C/GRC/CO/5-6>, §19.

⁵⁹ CoE Commissioner, 2013 Letter to Greek Ministers, <https://rm.coe.int/16806db8aa>, p.1.

⁶⁰ AI, Frontier Europe, p.9.

⁶¹ UNHCR, *Greece as a country of asylum*, 12.2014, <https://www.refworld.org/docid/54cb3af34.html>, pp.7-8.

⁶² HRC, Concluding Observations on Greece (CCPR/C/GRC/CO/2), 03.12.2015, <https://undocs.org/CCPR/C/GRC/CO/2>, §33.

⁶³ CERD, Concluding Observations on Greece (CERD/C/GRC/CO/20-22), 03.10.2016, <https://undocs.org/en/CERD/C/GRC/CO/20-22>, §22(e).

⁶⁴ CoE Commissioner, Facebook post, 07.06.2017,

<https://www.facebook.com/CommissionerHR/posts/806097949566117>; UNHCR, “UNHCR expresses its deep concern at reports of informal forced returns from Greece to Turkey,” 08.06.2017, <https://www.unhcr.org/gr/en/6244-unhcr-deeply-concerned-reports-informal-forced-returns-greece-turkey.html>.

⁶⁵ Greek Ombudsperson, *Alleged pushbacks to Turkey*, p.5.

⁶⁶ *Idem*, p.4. See also GNCHR, “Statement [in Greek] on the allegations of irregular push backs in Evros,” 07.2017, https://www.nchr.gr/images/English_Site/PROSFYGES/Anakoinosi_EEDA_Epanaprowthiseis.pdf.

⁶⁷ CPT, *2018 visit report*, p.5, §§138-9, 144.

⁶⁸ *Idem*, §139.

⁶⁹ *Idem*, p.5.

officially identified or registered prior to being expelled.⁷⁰ In 2018, the Greek Ombudsperson also broadened his own investigation of pushbacks into Turkey to all foreigners.⁷¹ In 2019, despite a Turkish asylum-seeker's public documentation of her expulsion from Turkey in real-time, Greek authorities denied having her in their custody, and neither NGOs nor lawyers could prevent her expulsion.⁷² The same year, UN CAT expressed serious concerns with “*consistent reports*” of “*summary forced returns of asylum seekers and migrants*” in breach of *non-refoulement* and “*with no prior risk assessment of their personal circumstances.*”⁷³ Der Spiegel also published videos of an Evros pushback analyzed by Forensic Architecture, which confirmed the date, time, and location of the operations pictured.⁷⁴

Greece's irregular expulsions reached a new peak after the Turkish president's 28 February 2020 announcement that Turkey's border with Greece was open to those trying to enter Europe,⁷⁵ leading thousands of refugees and migrants to the Pazarkule border crossing with Greece.⁷⁶ In response, Greece issued a presidential decree that suspended asylum applications for one month⁷⁷ and allowed the immediate expulsions of arriving asylum-seekers,⁷⁸ sending 1,000 soldiers and 1,000 police officers to the border.⁷⁹ FRONTEX deployed two additional RABIT units.⁸⁰ The CoE Commissioner and the UN Special Rapporteur (SR) on the Human Rights (HRs) of Migrants,⁸¹ for their part, immediately called on Greece to allow access to asylum.⁸²

The CPT also conducted an *ad hoc* visit on the situation of migrants who had crossed the border in this period,⁸³ confirming “*consistent and credible allegations*” of pushbacks to Turkey by Greek officers wearing balaclavas at the Evros land border, accompanied by short periods of detention

⁷⁰ *Idem*, §136.

⁷¹ Greek Ombudsperson, *Alleged pushbacks to Turkey*, p.4.

⁷² Z. Koculu, Twitter thread, 04.05.2019, <https://twitter.com/zubeyirkoculu/status/1124766145339437057?s=20>.

⁷³ UN CAT, Concluding observations to the seventh period report of Greece, 03.06.2019, <https://undocs.org/CAT/C/GRC/CO/7>, §16.

⁷⁴ G. Christides & others, “Videos Show Apparent Illegal Pushback of Migrants.”

⁷⁵ CPT, *Report to the Greek Government on the visit to Greece 2020 from 13 to 17 March 2020*, 19.11.2020, <https://rm.coe.int/1680a06a86>, §5.

⁷⁶ M. Stevis-Gridneff & P. Kingsley, “Turkey, Pressing E.U. for Help in Syria, Threatens to Open Borders to Refugees,” *The New York Times*, 28.02.2020, <https://www.nytimes.com/2020/02/28/world/europe/turkey-refugees-Greece-erdogan.html>.

⁷⁷ AI, Caught in a political game, p.4.

⁷⁸ ECRE, “Greece: Parliament Ratifies Emergency Decree Amid Intensifying Critique,” 27.03.2020, <https://www.ecre.org/greece-parliament-ratifies-emergency-decree-amid-intensifying-critique/>. This was enforced until 31 March 2020, see CPT, *2020 visit report*, §15.

⁷⁹ G. Christides & others, “The Killing of a Migrant at the Greek-Turkish Border,” *Der Spiegel*, 08.05.2020, <https://www.spiegel.de/international/europe/greek-turkish-border-the-killing-of-muhammad-gulzar-a-7652ff68-8959-4e0d-9101-a1841a944161>.

⁸⁰ GNCHR, Contribution to the UN SR on the HRs of Migrants, p.10.

⁸¹ UN Special Rapporteur on the HRs of Migrants, “Greece: Rights violations against asylum seekers at Turkey-Greece border must stop,” 23.03.2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25736&LangID=E>.

⁸² CoE Commissioner, “Time to immediately act and to address humanitarian and protection needs of people trapped between Turkey and Greece,” 03.03.2020, <https://www.coe.int/en/web/commissioner/-/urgent-action-is-needed-to-address-humanitarian-and-protection-needs-of-people-trapped-between-turkey-and-greece>.

⁸³ CPT, *2020 visit report*, §5.

and the seizure of their mobile phones and footwear. These expulsions did not exclude families,⁸⁴ with the CPT identifying at least one that had been separated due to the inherently arbitrary expulsion.⁸⁵ The CPT also confirmed the firing of live ammunition at migrants and asylum-seekers, as well as the resulting the death and injuries of migrants and asylum-seekers at the border.⁸⁶ Violent pushbacks from Greece to Turkey reflective of these patterns were also reported on by HRW, AI, and IOM,⁸⁷ noting the use of vehicles such as “*police cars, pick-up trucks, white vans without windows or signs, or larger green or camouflage trucks that appeared to be military trucks*” to effect these expulsions.⁸⁸ The CoE Commissioner drew attention to similar returns of individuals to Turkey at sea,⁸⁹ with reports that Greek authorities simply abandoned unseaworthy boats along the Turkish coast.⁹⁰

Testimonies collected during the February-March 2020 events also noted the involvement of officers wearing German or Swedish flags on their uniforms, or wearing balaclavas and speaking English, French, or German.⁹¹ The CPT pointed to FRONTEX involvement in border operations and a lack of human rights monitoring throughout.⁹² The indirect involvement of Frontex in unlawful pushbacks has been confirmed by Der Spiegel⁹³ and an EU Parliament inquiry⁹⁴—and was even witnessed directly by an ASGI delegation that was forcefully expelled to North Macedonia by Greek police, border guards, and Frontex agents during its own visit to Idomeni in 2021.⁹⁵ Overall, UNHCR linked the increase in reports of pushbacks since March 2020 with “*a precipitous drop*” in the numbers of asylum-seekers arriving in Greece in relation to those of previous months,⁹⁶ implying that pushbacks were utilized to hinder access to asylum. In 2021, the

⁸⁴ *Idem*, §53.

⁸⁵ *Idem*, §56.

⁸⁶ *Idem*, §5.

⁸⁷ AI, *Caught in a political game*, p.8; HRW, “Greece: Violence against asylum seekers at border,” 14.03.2020, <https://www.hrw.org/news/2020/03/17/greece-violence-against-asylum-seekers-border>; IOM, “IOM alarmed over reports of pushbacks from Greece at EU border with Turkey,” 10.06.2020, <https://www.iom.int/news/iom-alarmed-over-reports-pushbacks-greece-eu-border-turkey>.

⁸⁸ HRW, “Greece: Violence against asylum seekers at border.”

⁸⁹ CoE Commissioner, “Time to immediately act and to address humanitarian and protection needs of people trapped between Turkey and Greece.”

⁹⁰ G. Christides & S. Lüdke, “Greece Suspected of Abandoning Refugees at Sea,” *Der Spiegel*, 16.06.2020, <https://www.spiegel.de/international/europe/videos-and-eyewitness-accounts-greece-apparently-abandoning-refugees-at-sea-a-84c06c61-7f11-4e83-ae70-3905017b49d5>.

⁹¹ *Idem*.

⁹² CPT, 2020 visit report, §60.

⁹³ G. Christides & others, “EU Border Agency Frontex Complicit in Greek Refugee Pushback Campaign,” *Der Spiegel*, 23.10.2020, <https://www.spiegel.de/international/europe/eu-border-agency-frontex-complicit-in-greek-refugee-pushback-campaign-a-4b6cba29-35a3-4d8c-a49f-a12daad450d7>.

⁹⁴ LIBE Committee on Civil Liberties, Justice and Home Affairs, Report on the fact-finding investigation on Frontex concerning alleged fundamental rights violations, 14.07.2021,

https://www.europarl.europa.eu/cmsdata/238156/14072021%20Final%20Report%20FSWG_en.pdf.

⁹⁵ ASGI, Letter to Committee on Civil Liberties, Justice and Home Affairs of the European Parliament, 23.11.2021, http://asgi.it/wp-content/uploads/2021/11/ASGI-Letter_EU_border_violations.pdf?fbclid=IwAR0zZYrDgCAzp19oeByeNbWy7chJ6uBZfFKKrGcd9aOYcNNovx0Hqoxld7Y.

⁹⁶ UNHCR, “UNHCR calls on Greece to investigate pushbacks at sea and land borders with Turkey,” 12.06.2020, <https://www.unhcr.org/news/briefing/2020/6/5ee33a6f4/unhcr-calls-greece-investigate-pushbacks-sea-land-borders->

CoE Commissioner lamented that land and sea expulsions persisted in the present, despite their documentation for years by several authoritative and credible actors, confirming the existence of a “*standard practice*” that disregarded the principle of *non-refoulement*.⁹⁷

(b) Arbitrary and secret detention in unfit conditions

Over the years, consistent reporting by the CPT, CAT, CoE Commissioner, HRW, AI, GNCHR, ProAsyl, and GCR has highlighted that arbitrary and secret detention in unfit conditions in Evros police and border guard stations is an integral part of Greece’s systematic pushback practice.

1. Detention in unfit conditions: from a general issue to a migration policy

Since the mid-1990s, unfit detention conditions in Greece have come under harsh criticism from monitoring bodies such as the CPT, which has sounded the alarm on a lack of drinking water,⁹⁸ filthy mattresses,⁹⁹ and sanitary facilities¹⁰⁰ overflowing with sewage¹⁰¹ in detention facilities. In 1997, the CPT was so alarmed at the detention conditions it observed for undocumented migrants in particular¹⁰² that it conducted an *ad hoc* visit solely on migration detention in 1999.¹⁰³ In 2004 the Greek Ombudsperson qualified detention conditions for migrants as “*an offence to human dignity*.” The next year, the CoE Commissioner for Human Rights reported that they had not

[turkey.html](#); see also “UNHCR concerned by pushback reports, calls for protection of refugees and asylum-seekers,” 21.08.2020, <https://www.unhcr.org/gr/en/16207-unhcr-concerned-by-pushback-reports-calls-for-protection-of-refugees-and-asylum-seekers.html>.

⁹⁷ CoE Commissioner, Letter to Greek Minister of Citizens’ Protection, Minister of Migration & Asylum and Minister of Shipping and Island Policy, 03.05.2021, https://www.coe.int/en/web/commissioner/view-/asset_publisher/ugj3i6qSEkhZ/content/greek-authorities-should-investigate-allegations-of-pushbacks-and-ill-treatment-of-migrants-ensure-an-enabling-environment-for-ngos-and-improve-recept.

⁹⁸ CPT, *Report on the ad hoc visit to Greece from 27 August to 9 September 2005*, 20.12.2006, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806965e7>, §62.

⁹⁹ CPT, *Report on the visit to Greece from 14 to 26 March 1993*, 29.11.1994, <https://rm.coe.int/16806964c9>, §62; *Report on the visit to Greece from 25 May to 6 June 1997*, 13.09.2001, <https://rm.coe.int/16806964ee>, §41; *Report on the ad hoc visit to Greece from 26 October to 2 November 1999*, 13.09.2001, <https://rm.coe.int/16806964f0>, §§8, 21-25; *2001 visit report*, §36; *2005 visit report*, §60; *Report on the visit to Greece from 20 to 27 February 2007*, 08.02.2008, <https://rm.coe.int/16806965ea>, §23; *Report on the visit to Greece from 17 to 29 September 2009*, 17.11.2010, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806965ee>, §53; *Report on the visit to Greece from 4 to 16 April 2013*, 16.10.2014, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680696620>, §36; *Report on the visit to Greece from 13 to 18 April and 19 to 25 July 2016*, 26.09.2017, <https://rm.coe.int/pdf/168074f85d>, §§56-7; *2018 visit report*, p.5; *2020 visit report*, §30.

¹⁰⁰ CPT, *1993 visit report*, §62; *1997 visit report*, §28; *1999 visit report*, §§8, 21-25; *2001 visit report*, §36; *2007 visit report*, §23; *2009 visit report*, §54; *Report on the visit to Greece from 19 to 27 January 2011*, 10.01.2012, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680696605>, §§23-25; *2013 visit report*, §36; *2016 visit report*, §§56-7; *2020 visit report*, §30.

¹⁰¹ CPT, *1999 visit report*, §19; *2005 visit report*, §60; *2007 visit report*, §23.

¹⁰² CPT, *1997 visit report*, §70. On the only detention centre for migrants in an irregular situation, the CPT reports, “The foreign nationals were kept in an unfurnished room measuring about 16 m², in which they paddled around in several centimetres of murky water containing various forms of rubbish. The water came from the adjacent primitive toilet (consisting of an opening giving directly onto the canalisation system), which had been blocked up with the aid of plastic bottles to prevent rodents from passing through. The smell in the room was quite simply appalling and it swarmed with insects. In addition, there was no access to running or drinking water; the former had apparently been cut off because the bills were too high.”

¹⁰³ CPT, *1999 visit report*, §3.

improved despite visits and recommendations of several human rights institutions,¹⁰⁴ with the CPT also stressing that while condition in other detention facilities it observed had improved, those of police and border guard stations used to detain migrants and asylum-seekers had not.¹⁰⁵ After carrying out several follow-up visits in 2008, 2009, and 2011,¹⁰⁶ the CPT in 2011 issued an exceptional statement flagging the falsehood of both information that Greek authorities had provided and their continuous assertions that steps were taken to improve the situation.¹⁰⁷ That year, it described Greece's detention of undocumented migrants,¹⁰⁸ particularly in the Evros border region, as a “*warehousing approach*,” warning that their “*inhuman and degrading conditions*” seemed to constitute an intentional policy aimed to deter migration.¹⁰⁹

The CPT was again compelled to flag its concerns about migration detention conditions in 2016, 2018, and 2020,¹¹⁰ and a group of European Court of Human Rights (ECtHR) judgments on migrant detention conditions in Greece has remained pending since 2014.¹¹¹ The CPT has described these detention conditions as “*execrable*,”¹¹² “*absolutely untenable*,”¹¹³ generally “*unacceptable*,”¹¹⁴ and “*appalling*,”¹¹⁵ often concluding that they constitute inhuman and degrading treatment.¹¹⁶ In 2020, it found that this policy seemed driven by the belief that “*harsh conditions will deter migrants from arriving in Greece*,”¹¹⁷ lamenting that the structural deficiencies noted since 1997 had been met by “*either inaction or a minimalist approach*.”¹¹⁸

¹⁰⁴ CoE Commissioner, *Follow-up report on the Hellenic Republic on (2002-2005): Assessment of the progress made in implementing the recommendations of the Council of Europe Commissioner for Human Rights*, 29.03.2006, <https://www.refworld.org/pdfid/44c4e7004.pdf>, §79.

¹⁰⁵ CPT, 2005 visit report, §27.

¹⁰⁶ CPT, 2008 visit report, §3; 2009 visit report, §7; 2011 visit report, §4.

¹⁰⁷ CPT, “Public statement concerning Greece,” 15.03.2011,

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680696608>, §§6-7.

¹⁰⁸ CPT, 2018 visit report, §70: “[S]ince 2005, the CPT has paid particular attention to the issue of foreign nationals deprived of their liberty under aliens’ legislation in Greece and visited the country no less than nine times regarding this matter.”

¹⁰⁹ CPT, 2011 visit report, §§13, 21, 37.

¹¹⁰ CPT, 2016 visit report, p.5; 2018 visit report, p.3; 2020 visit report.

¹¹¹ CoE Committee of Ministers, “Factsheet on main issues before the Committee of Ministers, *MSS v. Greece* group,” <https://rm.coe.int/mi-greece-eng/1680a23c91>.

¹¹² CPT, 1999 visit report, §22.

¹¹³ *Idem*, §33.

¹¹⁴ CPT, 2009 visit report, §7.

¹¹⁵ CPT, 2018 visit report, p.5.

¹¹⁶ CPT, 1999 visit report, §§16, 33; 2001 visit report, §23; 2005 visit report, §49; 2016 visit report, p.6 and §55. In relation to Evros, see CPT, 2011 visit report, §13.

¹¹⁷ CPT, 2020 visit report, §12.

¹¹⁸ *Idem*, §62; see also CPT, 2009 visit report, §7 (“reports on [4] visits have all pointed to the lack of vigorous action taken by the authorities to tackle the systemic deficiencies identified by the Committee, notably as concerns preventing ill-treatment of detainees by law enforcement officials, conditions of detention for irregular migrants and the situation in the country’s prisons.”)

2. Detention conditions in the Evros region

In the CPT's opinion, conditions in the network of Evros-region police and border guard stations in which migrants and asylum-seekers are frequently detained prior to being expelled from Greece have worsened over the years.¹¹⁹ During its 2007 visit, the CPT observed that in the Neo Cheimonio police and border guard station, “*two of the three cells were permanently flooded due to a plumbing defect, yet detained persons were still held in these cells during times of overcrowding and forced to sleep on damp mattresses.*”¹²⁰ In 2008 the CoE Commissioner found that detention conditions at Evros police and border guard stations were “*squalid.*”¹²¹ In 2011, it described that migrants—including babies—in Evros were detained “*like caged animals.*”¹²² It observed that in Soufli station, the “[t]he smell of stale body odour was overwhelming,” while in the Feres center, “*37 women contorted themselves in order to be able to lie down in [a cell] measuring some 30 m2.*”¹²³ (In 1999, it had described Feres as “*a human dump*” which “*beggared belief,*” noting floors “*covered with water overflowing from the toilets*” and “*various forms of rubbish.*”)¹²⁴ In 2012, CAT expressed “*serious concern at the deplorable material and sanitary conditions*” in police stations, “*particularly in the Evros region.*”¹²⁵ In March 2020, the CPT observed that cells in the Isaakio Police and Border Guard Station were “*once again found to be filthy, damp, smelly and dilapidated,*” with one sanitary annex “*contain[ing] piles of faeces on the floor*” and “*a pile of dirty sponge mattresses and blankets,*” noting similar conditions in Neo Cheimonio and Soufli police and border guard stations.¹²⁶ The CPT has consistently highlighted that in Evros police and border guard stations, migrants and refugees are detained together irrespective of their gender,¹²⁷ which it notes is “*particularly hazardous*” for women.¹²⁸

3. Secret detention in the context of pushback operations

In addition to and enabling these horrid conditions, a key feature of detention prior to pushbacks—which lacks legal basis to begin with¹²⁹—is its secretive nature. Just as no records are made or information shared on the individuals Greek authorities expelled from their borders, so too are no records or registration kept of their detention prior to these expulsions.

¹¹⁹ CPT, “Public statement concerning Greece,” §7; CPT, *2013 visit report*, §6.

¹²⁰ CPT, *2007 visit report*, §23.

¹²¹ CoE Commissioner, *Report following his visit to Greece on 8-10 December 2008*, §14.

¹²² CPT, *2011 visit report*, §25.

¹²³ *Idem*, §§17, 19.

¹²⁴ CPT, *1999 visit report*, §31; see also GCR, *Systematic pushbacks in Evros*, p.3.

¹²⁵ UN CAT, Concluding observations to the combined fifth and sixth period report of Greece, §§14, 20.

¹²⁶ CPT, *2020 visit report*, §§29, 35-36 (describing “*human faeces smeared on the floor in several [sanitary annexes]. Further, the cells were filthy and the foam mattresses old and stained*” in Neo Cheimonio).

¹²⁷ CPT, *2009 visit report*, §52; *2011 visit report*, §17; “Public statement concerning Greece,” §7; *2018 visit report*, §89; *2020 visit report*, §28.

¹²⁸ CPT, *2008 visit report*, §30; see also HRW, *Greece: Unsafe and Unwelcoming Shores*, 12.10.2009, <https://www.hrw.org/news/2009/10/12/greece-unsafe-and-unwelcoming-shores>.

¹²⁹ GNCHR, Submission to the UN CAT, 06.2019,

https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/GRC/INT_CAT_NHS_GRC_35432_E.pdf, p.20.

Due to the secret character of State pushbacks, until 2018 the CPT had usually not identified persons detained arbitrarily pending pushbacks. An early exception occurred during its 1999 visit to the “Transitional Detachment for illegal aliens” in Feres, a holding facility admittedly used prior to out-of-procedure deportations to Turkey. The CPT observed that no records were kept of detainees and that they had no access to protective processes, including asylum and deportation procedures.¹³⁰ During its next visit in 2001, the CPT noted that Greece had failed to disclose any information on police detention facilities used *ad hoc* to detain migrants, as well as those used by the Greek Coast Guards.¹³¹ In 2007, it reported that in many Evros police and border guard stations, no information on persons detained was available at all, so that responsible officers “*were not even aware of how many persons were in their care.*”¹³² During the 2008 CoE Commissioner’s visit to detention places in Evros, he too confirmed the secret, unacknowledged, and registration-less detention of persons prior to their informal deportations back to Turkey, such as that of a mother and six-year-old child with heart problems.¹³³ In 2011, the CPT noticed that “*huge numbers*” of migrants apprehended during FRONTEX border operations were held in completely inadequate conditions in police stations rather than migration detention facilities,¹³⁴ while officials asserted that the Neo Cheimonio police and border guard station was used to detain those apprehended for irregular entry for a first night before their appropriate transfer.¹³⁵ In 2013, ProAsyl still underlined that the detention of pushed back individuals occurred without official registration and access to the outside world, food, or water.¹³⁶

In 2018 and again in 2020, despite Greek authorities’ denial of the practice, the CPT flagged a lack of detention records in police and border guard stations near Greece’s borders, highlighting that these confirmed allegations of arbitrary detention.¹³⁷ Despite authorities’ assurances that the Tychero police and border guard station was no longer in use, the CPT observed that people had in fact been detained there without registration until at least early March 2020.¹³⁸ Their unregistered detention was then confirmed by the Greek government.¹³⁹ In Soufli, the CPT noticed a “*disused or confiscated truck parked just inside the back entrance to the station*”—described also as a “*container*” without windows and lighting—that “*smelled of urine.*” The CPT reported it “*contained signs of having been occupied*” and viewed “*plastic bottles filled with urine*” under the truck. Testimonies of individuals who had been detained there overnight confirmed that the container was sealed but extremely cold and dark, and that the few blankets laying around were

¹³⁰ CPT, *1999 visit report*, §§45-46.

¹³¹ CPT, *2001 visit report*, §7.

¹³² CPT, *2007 visit report*, §43.

¹³³ CoE Commissioner, *Report following his visit to Greece on 8-10 December 2008*, §16.

¹³⁴ CPT, *2011 visit report*, §§12-13.

¹³⁵ *Idem*, §29.

¹³⁶ ProAsyl, *Pushed back*, X.

¹³⁷ CPT, *2018 visit report*, §§86-89, 6; CPT, *2020 visit report*, §38.

¹³⁸ CPT, *2020 visit report*, §38.

¹³⁹ Response of the Greek Government to the CPT on its visit to Greece from 13 to 17.03.2020, 19.11.2020, <https://rm.coe.int/1680a06a87>, p.14.

wet with urine and full of scabies.¹⁴⁰ The CPT concluded that “*there can be no justification for placing these men in a sealed, dirty container for several hours*” in such conditions, finding that they “*may well amount to inhuman and degrading treatment.*”¹⁴¹

(c) Ill-treatment by law enforcers

Because individuals apprehended and secretly detained prior to their pushbacks are treated outside of any protective framework—their custody not even recorded or acknowledged—their pushbacks often encompass ill-treatment.

1. *The use of ill-treatment by Greek law-enforcers: a long-standing systemic issue*

Both the CPT¹⁴² and the CoE Commissioner¹⁴³ have concluded that routine and unpunished ill-treatment of persons in the custody of Greek law enforcement is a long-standing and systemic problem. The CPT has repeatedly tackled this subject during its visits to Greece in 1993, 1997, 2001, 2005, 2006, 2007, 2008, 2009, 2011, 2013, 2015, 2016, 2018, and most recently in 2020.¹⁴⁴ It has flagged the widespread use of ill-treatment, especially against detainees,¹⁴⁵ and in some cases has found that it amounts to torture.¹⁴⁶ Similarly, the CAT has also raised serious concerns on the ill-treatment of detainees.¹⁴⁷

2. *The ill-treatment of foreigners by Greek law enforcement: a specific issue*

Since 1999 and as noted by the CPT,¹⁴⁸ the CAT¹⁴⁹ and the CoE Commissioner,¹⁵⁰ migrants in particular have been a target of Greek law enforcers, especially in police and border guard stations.¹⁵¹ During its 2001 visit, CPT members witnessed an openly disrespectful attitude toward

¹⁴⁰ CPT, *2020 visit report*, §36; see also HRW, “Greece: Violence against asylum seekers at border” (discussing the detention in a metal container of 50 people for 18 hours with no access to water or the toilet).

¹⁴¹ *Idem*. For reports noting the detention of undocumented migrants in containers, see CPT, *2005 visit report*, §46; *2013 visit report*, §56.

¹⁴² See for example CPT, *Report on the visit to Greece from 28 March to 9 April 2019*, 09.04.2020, <https://rm.coe.int/16809e2058>, p.10.

¹⁴³ CoE Commissioner, Letter to Greek Ministry of Justice and Ministry of Interior, 18.04.2017, <https://rm.coe.int/168070d55e>.

¹⁴⁴ CPT, *1993 visit report*, §25; *1997 visit report*, §§14-15; *2001 visit report*; *2005 visit report*; *2007 visit report*; *2008 visit report*; *2009 visit report*; *2011 visit report*; *2013 visit report*; *Report on the ad hoc visit to Greece from 14 to 23 April 2015*, 01.03.2016,

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168069667e>; *2016 visit report*; *2018 visit report*; *2020 visit report*.

¹⁴⁵ CPT, *2001 visit report*, §11; *2005 visit report*, §§11-12.

¹⁴⁶ CPT, *2009 visit report*, §17.

¹⁴⁷ UN CAT, Conclusions and recommendations to the fourth period report of Greece, 10.12.2004, <https://undocs.org/CAT/C/CR/33/2>, §5; UN CAT, Concluding observations to the combined fifth and sixth period report of Greece, §10.

¹⁴⁸ CPT, *1999 visit report*, §13; *2005 visit report*, §§51-57; *2020 visit report*, p.6.

¹⁴⁹ UN CAT, Concluding observations to the combined fifth and sixth period report of Greece, §12.

¹⁵⁰ CoE Commissioner, *Report by Mr. Alvaro Gil-Robles on his visit to the Hellenic Republic on 2-5 June 2002*, 17.07.2002, <https://rm.coe.int/16806db86f>, §31; CoE Commissioner, *Follow-up report on the Hellenic Republic on (2002-2005)*, §§66 ff.

¹⁵¹ CPT, *2013 visit report*, §15.

foreign detainees.¹⁵² Testimonies of victims also recount verbal abuse of a racist nature,¹⁵³ transmitting “*a strong message that [foreigners] were not welcome in Greece.*”¹⁵⁴ Civil society groups reported that racially-motivated violence from law enforcers increased starting from May 2011.¹⁵⁵ In 2013 the UN Special Rapporteur on the Human Rights of Migrants expressed deep concern over the racism and violence directed towards migrants by law-enforcers, noting a climate of impunity.¹⁵⁶ In 2016, the CoE Commissioner highlighted “*the widespread and deep-rooted problem of police-ill-treatment in Greece,*” specific ill-treatment of migrant detainees, and evidence of racist motives within the police, with 37 hate crimes by law enforcers themselves recorded in 2014 and 2015.¹⁵⁷ The CoE Commissioner reiterated this concern in 2017, referring to four well-documented cases of severe beatings of migrants, some of whom suffered broken bones and hearing loss as a result.¹⁵⁸ In 2020 the Greek Ombudsperson reported that beatings were the most common incidents of police arbitrariness reported by foreigners.¹⁵⁹

Over the years, the CPT has received several allegations of ill-treatment at police and border guard stations detaining migrants, some of these corroborated by physical examinations. The ill-treatment included kicks and slaps with batons, wooden sticks, and steel-capped boots; dousing with cold water; and forcing detainees to sit for 13 hours in front of an open window.¹⁶⁰ Sometimes, the abusive officers were reported to be wearing face masks (balaclavas).¹⁶¹ Detainees reported receiving additional punishment for asking to access the toilet,¹⁶² water, medication, or a mattress;¹⁶³ complaining about their situation or not understanding officers’ instructions due to language barriers;¹⁶⁴ requesting information about their legal situation;¹⁶⁵ or intervening about the ill-treatment of detainees.¹⁶⁶ The CPT has also reported allegations of ill-treatment or threats used to force detainees to sign paperwork or during the deportation process.¹⁶⁷ In one instance, officers admitted to using a wooden baton to threaten migrant detainees.¹⁶⁸ Yet Greek authorities have

¹⁵² CPT, 2011 visit report, §14.

¹⁵³ CPT, 2018 visit report, p.4, §74; 2020 visit report, p.6

¹⁵⁴ CPT, 2013 visit report, §18.

¹⁵⁵ AI, *Police Violence in Greece: Not just ‘isolated incidents,’* 03.07.2012, <https://www.amnesty.org/en/documents/EUR25/005/2012/en/>, p.20.

¹⁵⁶ UN SR on the HRs of Migrants, *Addendum to Mission to Greece* (A/HRC/23/46/Add.4), 18.04.2013, https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.46.Add.4_en.pdf, §71.

¹⁵⁷ CoE Commissioner, Letter to Greek Ministry of Interior and Ministry of Justice, 25.07.2016, [https://rm.coe.int/ref/CommDH\(2016\)29](https://rm.coe.int/ref/CommDH(2016)29).

¹⁵⁸ CoE Commissioner, Letter to Greek Ministry of Justice and Ministry of Interior, 18.04.2017, <https://rm.coe.int/168070d55e>.

¹⁵⁹ This changed through legal reform. See Greek Ombudsperson, National Mechanism for the Investigation of Arbitrary Incidents, *Special Report 2020*, https://www.synigoros.gr/resources/docs/report-2020_en_web.pdf, p.30.

¹⁶⁰ CPT, 2005 visit report, §§13-14; 2016 visit report, §53; 2018 visit report, p.4.

¹⁶¹ CPT, 2013 visit report, §15.

¹⁶² CPT, 1999 visit report, §13.

¹⁶³ CPT, 2016 visit report, §53.

¹⁶⁴ CPT, 2008 visit report, §11.

¹⁶⁵ CPT, 2016 visit report, §53.

¹⁶⁶ GCR, *Systematic pushbacks in Evros*, p.4.

¹⁶⁷ CPT, 2005 visit report, §42; CPT, 2009 visit report, §21.

¹⁶⁸ CPT, 2005 visit report, §57

ignored several recommendations made to address the ill-treatment of foreigners in their custody,¹⁶⁹ allowing this pattern to continue for more than two decades.¹⁷⁰

3. Ill-treatment during pushbacks

Ill-treatment has also been an ingrained feature of pushbacks by border guards, coastguards, or in the Evros border region. As early as 2006 the CPT received testimonies of ill-treatment by border guards,¹⁷¹ and in 2007, testimonies specifically discussed ill-treatment during unofficial border expulsions.¹⁷² In 2011 the CPT recorded several allegations of ill-treatment—punches and kicks to the head and body—in the Evros region in particular. (Nevertheless, authorities denied these accounts: the director of the Filakio Special Holding Facility first refuted the existence of blood-stained walls in his facility, and when shown them, alleged they were the result of “*detainees committing acts of self-injury.*”¹⁷³) Allegations recorded by AI in 2012 also noted the use of ill-treatment of migrants and asylum-seekers by Greek coastguards,¹⁷⁴ and “*almost all*” refugees and migrants it interviewed the next year about their pushbacks had either been subjected to or directly witnessed ill-treatment in the process,¹⁷⁵ a pattern confirmed by ProAsyl also in 2013.¹⁷⁶ Documented ill-treatment was recounted as punishment for attempting to contact the UN, other organisations, or third parties before these expulsions.¹⁷⁷ In 2014, UNHCR gathered testimonies of violent pushbacks,¹⁷⁸ and in 2015, the HRC flagged similar concerns.¹⁷⁹ By 2018, the CPT reported “*a number of credible allegations of physical ill-treatment by the police*” specifically in Evros detention sites,¹⁸⁰ such as receiving “*baton blows to the head*” from the police, border guard, or “*commandos,*”¹⁸¹ reports that the UN CAT echoed in 2019¹⁸² and that continued well into 2020.¹⁸³ Documented ill-treatment has also been meted out to young children.¹⁸⁴ In 2021, the CoE Commissioner noting that physical and verbal abuse reported during pushbacks “*may amount to inhuman or degrading treatment*” and flagged that the abandonment of persons in the middle of the Meriç River and Aegean Sea “*seriously endangers their right to life.*”¹⁸⁵

¹⁶⁹ See for example CoE Commissioner, *Follow-up report on the Hellenic Republic on (2002-2005)*, §§66ff.

¹⁷⁰ In addition to the above, see AI, *Police Violence in Greece: Not just ‘isolated incidents,’* p.18.

¹⁷¹ CPT, 2005 visit report, §13.

¹⁷² CPT, 2007 visit report, p.32.

¹⁷³ CPT, 2011 visit report, §15.

¹⁷⁴ AI, *Police Violence in Greece: Not just ‘isolated incidents.’*

¹⁷⁵ AI, *Frontier Europe*, p.13; see also AI, *Fear and Fences*, p.59; AI, *Frontier of hope*, p.12.

¹⁷⁶ ProAsyl, *Pushed back*, X: “The majority of the interviewees claimed that they had been ill-treated.”

¹⁷⁷ AI, *Frontier Europe*, p.14; AI, *Frontier of hope and fear*, p.19.

¹⁷⁸ UNHCR, *Greece as a country of asylum*, 12.2014, p.8.

¹⁷⁹ HRC, Concluding Observations on the second periodic report of Greece (CCPR/C/GRC/CO/2), 03.12.2015, <https://undocs.org/CCPR/C/GRC/CO/2>, §33.

¹⁸⁰ CPT, 2018 visit report, p.4; GCR, *Systematic pushbacks in Evros*, p.3.

¹⁸¹ CPT, 2018 visit report, p.5, §75.

¹⁸² UN CAT, Concluding observations to the seventh period report of Greece, §16.

¹⁸³ *Idem*; CoE Commissioner, 2021 Letter to Greek Ministers; AI, *Caught in a political game*, p.7.

¹⁸⁴ CPT, 2020 visit report, §20.

¹⁸⁵ CoE Commissioner, 2021 Letter to Greek Ministers.