

# EUROPEAN CENTER FOR CONSTITUTIONAL AND HUMAN RIGHTS



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

|                                                                                                                                                          |           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| <b>I. A SYSTEMATIC AND WIDESPREAD STATE PRACTICE OF PUSHBACKS.....</b>                                                                                   | <b>2</b>  |
| <b>(a) The existence of a pattern requiring organization at State level.....</b>                                                                         | <b>2</b>  |
| <b>(b) The systematic character of the pattern .....</b>                                                                                                 | <b>4</b>  |
| <b>(c) The Greek State’s tacit acknowledgement and justification of pushbacks .....</b>                                                                  | <b>6</b>  |
| <b>II. ELEMENTS OF A PUSHBACK: ARBITRARY APPREHENSION AND SECRET<br/>DETENTION IN UNFIT CONDITIONS, ILL-TREATMENT, AND IRREGULAR<br/>EXPULSIONS.....</b> | <b>8</b>  |
| <b>(a) A history of summary and irregular expulsions .....</b>                                                                                           | <b>8</b>  |
| <b>(b) Arbitrary and secret detention in unfit conditions.....</b>                                                                                       | <b>12</b> |
| 1. <i>Detention in unfit conditions: from a general issue to a migration policy .....</i>                                                                | <i>12</i> |
| 2. <i>Detention conditions in the Evros region .....</i>                                                                                                 | <i>13</i> |
| 3. <i>Secret detention in the context of pushback operations .....</i>                                                                                   | <i>14</i> |
| <b>(c) Ill-treatment by law enforcers .....</b>                                                                                                          | <b>15</b> |
| 1. <i>The use of ill-treatment by Greek law-enforcers: a long-standing systemic issue.....</i>                                                           | <i>16</i> |
| 2. <i>The ill-treatment of foreigners by Greek law enforcement: a specific issue .....</i>                                                               | <i>16</i> |
| 3. <i>Ill-treatment during pushbacks.....</i>                                                                                                            | <i>17</i> |
| <b>III. NO ACCOUNTABILITY FOR PUSHBACKS AND ACCOMPANYING<br/>VIOLATIONS.....</b>                                                                         | <b>18</b> |

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. Section III draws brief conclusions on continued **impunity** as an intrinsic feature of the State’s pushback policy.

For the purposes of this analysis, “**pushbacks**” are defined as operations carried out secretly—often without any records, traceability,<sup>1</sup> paperwork, or procedure<sup>2</sup>—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.<sup>3</sup> 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.<sup>4</sup> The aim of these pushbacks is to deter further migration<sup>5</sup> and to obstruct individuals from accessing any rights—both procedural and material<sup>6</sup>—including to claim asylum and to decent reception conditions.<sup>7</sup> 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,<sup>8</sup> in addition to several other human rights violations.

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<sup>1</sup> 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.

<sup>2</sup> 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](https://www.gcr.gr/media/k2/attachments/JOINT_STATEMENT_GR_NGOS.pdf), p.1.

<sup>3</sup> 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.

<sup>4</sup> See for example AI, *Fear and Fences*, p.62.

<sup>5</sup> 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.

<sup>6</sup> 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/NHRINIGreeceGNCHRSubmission.pdf>, pp.6-7.

<sup>7</sup> 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.

<sup>8</sup> 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*”<sup>9</sup>—a conclusion also reached by human rights organizations such as Amnesty International (AI).<sup>10</sup> 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.<sup>11</sup>

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

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<sup>9</sup> Greek Ombudsperson, *Alleged pushbacks to Turkey*, p.20.

<sup>10</sup> 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).

<sup>11</sup> AI, *Frontier of hope and fear*, p.7.

<sup>12</sup> 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.”

<sup>13</sup> *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”).

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

<sup>15</sup> 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](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).

<sup>16</sup> 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),<sup>17</sup> AI,<sup>18</sup> ProAsyl,<sup>19</sup> and the Greek Refugee Council (GCR).<sup>20</sup> 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. [...] Certain complaints allege that the uniformed men were not all Greek.”<sup>21</sup>*

Since at least 2013<sup>22</sup> and until today,<sup>23</sup> 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:

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<sup>17</sup> 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](https://nchr.gr/images/English_Site/PROSFYGES/GNCHR-Statement-on-the-reported-practices-of-push-backs.pdf), p.5.

<sup>18</sup> 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 73<sup>rd</sup> Session, 19 April-13 May 2022, List of Issues Prior to Reporting, [https://www.amnesty.org/sites/default/files/eur2551782022english\\_1.pdf](https://www.amnesty.org/sites/default/files/eur2551782022english_1.pdf).

<sup>19</sup> 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.

<sup>20</sup> GCR, *Reports and testimony of systematic pushbacks in Evros*, pp.2-3.

<sup>21</sup> 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.

<sup>22</sup> AI, *Frontier Europe*, pp.15-6.

<sup>23</sup> 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/>.

- (1) a Greek Coast Guard vessel appears after sailing toward a migrants' dinghy with its lights off;
- (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.<sup>24</sup>

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!’*”<sup>25</sup> Such pushbacks entail abandoning unseaworthy vessels at sea,<sup>26</sup> 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.<sup>27</sup>

#### **(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,<sup>28</sup> 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.<sup>29</sup>
- Between December 2011 and August 2013, ProAsyl recorded 2,000 individuals pushed back from Greece.<sup>30</sup>
- 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.<sup>31</sup>
- In 2020 alone,

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

<sup>25</sup> 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.

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

<sup>27</sup> 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](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.

<sup>28</sup> See also AI, *Fear and Fences*, p.65.

<sup>29</sup> 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](https://www.unhcr.org/hu/wp-content/uploads/sites/21/2016/12/UNHCR-observations-Greece_asylum_country-2009.pdf).

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

<sup>31</sup> Greek Ombudsperson, *Alleged pushbacks to Turkey*, p.16.

- UNHCR received reports of more than 100 sea pushbacks;<sup>32</sup>
- *The New York Times* estimated that Greece had “secretly expelled” at least 1,072 people at sea between March and August;<sup>33</sup>
- the NGO Mare Liberum documented 321 pushbacks involving 9,798 individuals between March and December;<sup>34</sup> and
- the Border Violence Monitoring Network (BVMN) collected testimonies of 67 distinct pushbacks affecting 3,557 people.<sup>35</sup>

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;<sup>36</sup>
- Between 1999 and 2014, Turkish authorities report that they rescued over 3,400 persons between as a result of Greece’s sea pushbacks;<sup>37</sup>
- Turkey’s Foreign Minister said Greece pushed back 11,867 people in 2018 and 25,404 in 2019, both at sea and on land<sup>38</sup> (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);<sup>39</sup>
- 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,<sup>40</sup> indicating a large and unexplained discrepancy.

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<sup>32</sup> 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](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.

<sup>33</sup> 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>.

<sup>34</sup> 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/>.

<sup>35</sup> 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.

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

<sup>37</sup> AI, *Fear and Fences*, p.65.

<sup>38</sup> 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>.

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

<sup>40</sup> Efsyn, “N. Mitarakis confirms the disappearance of 25,000 rescued in the Aegean,” 01.01.2022, [https://www.efsyn.gr/ellada/dikaioмата/325878\\_o-n-mitarakis-epibeaionei-tin-exafanisi-25000-diasothenton-sto-aigaio](https://www.efsyn.gr/ellada/dikaioмата/325878_o-n-mitarakis-epibeaionei-tin-exafanisi-25000-diasothenton-sto-aigaio).



The systematic character of Greek pushbacks has been noted by HRW,<sup>41</sup> ProAsyl,<sup>42</sup> the Greek National Commission for Human Rights (GNCHR)<sup>43</sup> and AI,<sup>44</sup> which has concluded that they “constitut[e] a deliberate policy”<sup>45</sup> and are “widespread and routine.”<sup>46</sup> HRW qualified Greek pushbacks as “routine and systematic”<sup>47</sup> 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.”<sup>48</sup> Although Greek officials generally deny the existence of a pushback policy,<sup>49</sup> 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.<sup>50</sup>

### (c) The Greek State’s tacit acknowledgement and justification of pushbacks

Greece’s position on the overwhelming evidence of this widespread practice is ambivalent. While State representatives routinely refute the existence of the state policy,<sup>51</sup> Greek authorities have acknowledged the practice over the years and have also publicly condoned pushback operations. As early as 1999, the Director of Alexandroupolis Police Directorate and senior officials of the Ministry of Public Order explained to the CPT that “informal” land expulsions of persons detained in the Feres Transitional Detachment for illegal aliens, in which the CPT observed that applicable deportation procedures were not followed, were instead carried out “based on a verbal communication between Alexandroupolis Police and the Ministry [of Public Order].”<sup>52</sup> In 2005 Greek officers admitted to the CPT that they denied those detained after irregular entry access to the asylum procedure as “applications for asylum could only be lodged immediately after apprehension by the border guard or coast guard.”<sup>53</sup> In 2020, Greek authorities acknowledged the arbitrary character of migrants’ detention in Evros police and border guard stations in relation to those detained in the Poros detention facility, alleging that transfers to Feres or Soufli were pending.<sup>54</sup> As early as 2007, the local commander of coast guards in Lesbos and a whistleblower from the Lesbos coast guard also confirmed the practice of expulsions at sea—even outlining in

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<sup>41</sup> HRW, *Stuck in a Revolving Door*, p.3

<sup>42</sup> ProAsyl et al., *Refugees in the Aegean*; ProAsyl, *Pushed back*, VI.

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

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

<sup>45</sup> AI, *Frontier of hope and fear*, p.5.

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

<sup>47</sup> HRW, *Stuck in a Revolving Door*.

<sup>48</sup> ARSIS & others, “Joint statement on push backs practices in Greece,” p.1.

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

<sup>50</sup> 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>.

<sup>51</sup> See section III below.

<sup>52</sup> CPT, *1999 visit report*, §46.

<sup>53</sup> CPT, *2005 visit report*, §69.

<sup>54</sup> CPT, *2020 visit report*, §55.

detail their tactics to return boats of asylum-seekers and migrants to Turkey.<sup>55</sup> In February 2020, the Greek Ministry of Shipping admitted that unlawful pushbacks at sea had occurred in the past.<sup>56</sup>

During the late February 2020 escalation at the Greece-Turkey border,<sup>57</sup> authorities' statements also confirmed that pushbacks are integral to Greek policy. At the time, Greek Prime Minister Kyriakos Mitsotakis declared that “*no illegal entries into Greece will be tolerated*”<sup>58</sup> and tweeted as warning, “*do not attempt to enter Greece illegally—you will be turned back.*”<sup>59</sup> Deputy Minister and Government Spokesperson Stelios Petsas declared to the EU Parliament that “*Greek Police and Military forces were charged with using non-lethal means to deter those attempting to enter Greece illegally from doing so. Greek forces executed their mission with absolute success and in full accordance with their orders.*”<sup>60</sup>

In justifying their failure to respect laws prohibiting such pushbacks, Greek officials commonly invoke migratory pressures and their right to control the state's borders.<sup>61</sup> However, these arguments do not address the fact that pushed back migrants and asylum-seekers back have already entered Greek jurisdiction and can therefore only be expelled within the remits of the law. The former also presumes an exceptional situation on which the Greek state has relied since the early 1990s, which only serves to veil the systemic character of the issue<sup>62</sup> as well as Greece's intentional failure to establish a system in which migrants and refugees are protected from abuse.<sup>63</sup> Earlier denials of the “*interdiction*” of refugees and migrants by Greek officials,<sup>64</sup> who understood the arbitrary and illegal character of such practices, make clear that euphemisms such as “*dissuade*,” “*deter*,” or “*interdict*” do not mask that the practices ordered are in fact pushbacks—and unlawful. In 2014, for instance, the Greek Police Headquarters had acknowledged that pushback practices would be in violation of national law.<sup>65</sup>

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<sup>55</sup> ProAsyl et al., *Refugees in the Aegean*, p.14.

<sup>56</sup> Efsyn, “Interview of Minister of Maritime Affairs & Insular Policy Plakiotakis,” 4.02.2020, [https://www.efsyn.gr/politiki/kybernisi/229832\\_o-plakiotakis-martyra-paranomes-epanaproothiseis-prin-2015](https://www.efsyn.gr/politiki/kybernisi/229832_o-plakiotakis-martyra-paranomes-epanaproothiseis-prin-2015).

<sup>57</sup> Efsyn, “Interview of Minister of Maritime Affairs & Insular Policy Plakiotakis,” 4.02.202, [https://www.efsyn.gr/politiki/kybernisi/229832\\_o-plakiotakis-martyra-paranomes-epanaproothiseis-prin-2015](https://www.efsyn.gr/politiki/kybernisi/229832_o-plakiotakis-martyra-paranomes-epanaproothiseis-prin-2015).

<sup>58</sup> AI, *Caught in a political game*, p.4.

<sup>59</sup> Greek PM, Twitter post, 01.03.2020, <https://twitter.com/PrimeministerGR/status/1234192926328139776>.

<sup>60</sup> Tineke Strik, Twitter post, 26.05.2020, [https://twitter.com/Tineke\\_Strik/status/1265228122607288325](https://twitter.com/Tineke_Strik/status/1265228122607288325).

<sup>61</sup> ProAsyl, *Pushed back*, pp.6-7; see also the Greek Prime Minister's declaration in *Kathimerini*, “Greek PM chides Ankara over refugee claims,” 30.10.2019, <https://www.ekathimerini.com/news/245936/greek-pm-chides-ankara-over-refugee-claims/>; Joint Press Conference of Prime Minister K. Mitsotakis with the Prime Minister of the Netherlands M. Rutte, 09.11.2021, [youtube.com/watch?v=FvL6GvnygyU&t=1474s](https://www.youtube.com/watch?v=FvL6GvnygyU&t=1474s) at 22:44, in which Mistotakis stresses that “this country has been dealing with a migration crisis of unprecedented intensity.”

<sup>62</sup> CPT, *1993 visit report*, §11: “massive inflow of illegal immigrants;” *1997 visit report*, §73: “difficulties currently confronting the Greek authorities as a result of the high level of illegal immigration into the country;” *1999 visit report*, §33; *2005 visit report*, §50; *2020 visit report*, §64.

<sup>63</sup> See CPT, *2011 visit report*, §21.

<sup>64</sup> ProAsyl, *Pushed back*, 5.

<sup>65</sup> AI, *Frontier of hope and fear*, p.22.



## 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.*”<sup>66</sup> 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).*”<sup>67</sup> In 2007, ProAsyl documented land and sea pushbacks,<sup>68</sup> after which the Greek Ombudsperson confirmed that he too had received such complaints.<sup>69</sup> In 2009, the CoE Commissioner<sup>70</sup> and UNHCR received complaints of informal *refoulement* at land and sea—even when NGOs, UNHCR, and lawyers were involved in attempting to prevent them.<sup>71</sup>

In 2012 The Guardian also gathered evidence of such pushbacks,<sup>72</sup> while CAT underlined that “*direct deportations*” to Turkey did not guarantee effective procedural safeguards of access to legal remedies or asylum.<sup>73</sup> 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.<sup>74</sup> In 2013 Frontex also confirmed receiving reports of alleged violations through pushbacks.<sup>75</sup> In 2014 UNHCR recorded several credible testimonies of pushbacks, including of individuals who were in need of protection but denied access to asylum.<sup>76</sup> In 2015 the HRC flagged

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<sup>66</sup> 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.

<sup>67</sup> CPT, *2001 visit report*, §53. At this time the CPT hoped for a readmission agreement between Greece and Turkey.

<sup>68</sup> 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.

<sup>69</sup> 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](https://www.synigoros.gr/resources/7506_1_translation_of_greek_letter_to_the_ministry_of_mercantile_marine_22112007--2.pdf).

<sup>70</sup> 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.

<sup>71</sup> UNHCR, *Observations on Greece as a country of asylum*, pp.2-3.

<sup>72</sup> 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>.

<sup>73</sup> 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.

<sup>74</sup> CoE Commissioner, 2013 Letter to Greek Ministers, <https://rm.coe.int/16806db8aa>, p.1.

<sup>75</sup> AI, *Frontier Europe*, p.9.

<sup>76</sup> UNHCR, *Greece as a country of asylum*, 12.2014, <https://www.refworld.org/docid/54cb3af34.html>, pp.7-8.

its concern with “*the continuing practice of informal returns, known as ‘push-backs’*” and the lack of individual procedural guarantees,<sup>77</sup> which were echoed by UN Committee on the Elimination of Racial Discrimination (CERD) in 2016.<sup>78</sup> The CoE Commissioner and UNHCR publicly urged Greece to take measures against pushbacks, including independent monitoring and internal control mechanisms, in 2017.<sup>79</sup> 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,<sup>80</sup> and the Greek Ombudsperson launched an investigation of its own initiative into pushbacks into Turkey, but limited it to Turkish citizens.<sup>81</sup>

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,<sup>82</sup> which were described as armed and wearing balaclavas, dressed either in police uniforms or military fatigues.<sup>83</sup> The CPT highlighted that those pushed back had no protection against *refoulement*<sup>84</sup> and that these expulsions did not operate under any legal or regulatory framework, with affected individuals not officially identified or registered prior to being expelled.<sup>85</sup> In 2018, the Greek Ombudsperson also broadened his own investigation of pushbacks into Turkey to all foreigners.<sup>86</sup> 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.<sup>87</sup> 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*.”<sup>88</sup> Der Spiegel also published videos of an Evros pushback analyzed by Forensic Architecture, which confirmed the date, time, and location of the operations pictured.<sup>89</sup>

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<sup>77</sup> HRC, Concluding Observations on Greece (CCPR/C/GRC/CO/2), 03.12.2015, <https://undocs.org/CCPR/C/GRC/CO/2>, §33.

<sup>78</sup> 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).

<sup>79</sup> 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>.

<sup>80</sup> Greek Ombudsperson, *Alleged pushbacks to Turkey*, p.5.

<sup>81</sup> *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](https://www.nchr.gr/images/English_Site/PROSFYGES/Anakoinosi_EEDA_Epanaprowthiseis.pdf).

<sup>82</sup> CPT, *2018 visit report*, p.5, §§138-9, 144.

<sup>83</sup> *Idem*, §139.

<sup>84</sup> *Idem*, p.5.

<sup>85</sup> *Idem*, §136.

<sup>86</sup> Greek Ombudsperson, *Alleged pushbacks to Turkey*, p.4.

<sup>87</sup> Z. Koculu, Twitter thread, 04.05.2019, <https://twitter.com/zubeyirkoculu/status/1124766145339437057?s=20>.

<sup>88</sup> UN CAT, Concluding observations to the seventh period report of Greece, 03.06.2019, <https://undocs.org/CAT/C/GRC/CO/7>, §16.

<sup>89</sup> G. Christides & others, “Videos Show Apparent Illegal Pushback of Migrants.”

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,<sup>90</sup> leading thousands of refugees and migrants to the Pazarkule border crossing with Greece.<sup>91</sup> In response, Greece issued a presidential decree that suspended asylum applications for one month<sup>92</sup> and allowed the immediate expulsions of arriving asylum-seekers,<sup>93</sup> sending 1,000 soldiers and 1,000 police officers to the border.<sup>94</sup> FRONTEX deployed two additional RABIT units.<sup>95</sup> The CoE Commissioner and the UN Special Rapporteur (SR) on the Human Rights (HRs) of Migrants,<sup>96</sup> for their part, immediately called on Greece to allow access to asylum.<sup>97</sup>

The CPT also conducted an *ad hoc* visit on the situation of migrants who had crossed the border in this period,<sup>98</sup> 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 and the seizure of their mobile phones and footwear. These expulsions did not exclude families,<sup>99</sup> with the CPT identifying at least one that had been separated due to the inherently arbitrary expulsion.<sup>100</sup> 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.<sup>101</sup> Violent pushbacks from Greece to Turkey reflective of these patterns were also reported on by HRW, AI, and IOM,<sup>102</sup> 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*

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<sup>90</sup> 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.

<sup>91</sup> 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>.

<sup>92</sup> AI, *Caught in a political game*, p.4.

<sup>93</sup> 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.

<sup>94</sup> 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>.

<sup>95</sup> GNCHR, Contribution to the UN SR on the HRs of Migrants, p.10.

<sup>96</sup> 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>.

<sup>97</sup> 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>.

<sup>98</sup> CPT, *2020 visit report*, §5.

<sup>99</sup> *Idem*, §53.

<sup>100</sup> *Idem*, §56.

<sup>101</sup> *Idem*, §5.

<sup>102</sup> 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>.

trucks” to effect these expulsions.<sup>103</sup> The CoE Commissioner drew attention to similar returns of individuals to Turkey at sea,<sup>104</sup> with reports that Greek authorities simply abandoned unseaworthy boats along the Turkish coast.<sup>105</sup>

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.<sup>106</sup> The CPT pointed to FRONTEX involvement in border operations and a lack of human rights monitoring throughout.<sup>107</sup> The indirect involvement of Frontex in unlawful pushbacks has been confirmed by *Der Spiegel*<sup>108</sup> and an EU Parliament inquiry<sup>109</sup>—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.<sup>110</sup> 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,<sup>111</sup> implying that pushbacks were utilized to hinder access to asylum. In 2021, the 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*.<sup>112</sup>

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<sup>103</sup> HRW, “Greece: Violence against asylum seekers at border.”

<sup>104</sup> CoE Commissioner, “Time to immediately act and to address humanitarian and protection needs of people trapped between Turkey and Greece.”

<sup>105</sup> 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>.

<sup>106</sup> *Idem*.

<sup>107</sup> CPT, *2020 visit report*, §60.

<sup>108</sup> 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>.

<sup>109</sup> 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](https://www.europarl.europa.eu/cmsdata/238156/14072021%20Final%20Report%20FSWG_en.pdf).

<sup>110</sup> 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](http://asgi.it/wp-content/uploads/2021/11/ASGI-Letter_EU_border_violations.pdf?fbclid=IwAR0zZYrDgCAzp19oeByeNbWy7chJ6uBZffKkrGcd9aOYcNNovx0Hqoxld7Y).

<sup>111</sup> 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-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>.

<sup>112</sup> 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](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).

## (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,<sup>113</sup> filthy mattresses,<sup>114</sup> and sanitary facilities<sup>115</sup> overflowing with sewage<sup>116</sup> in detention facilities. In 1997, the CPT was so alarmed at the detention conditions it observed for undocumented migrants in particular<sup>117</sup> that it conducted an *ad hoc* visit solely on migration detention in 1999.<sup>118</sup> 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 improved despite visits and recommendations of several human rights institutions,<sup>119</sup> 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.<sup>120</sup> After carrying out several follow-up visits in 2008, 2009, and 2011,<sup>121</sup> the CPT in 2011 issued an exceptional statement flagging the falsehood of both information that Greek authorities had

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<sup>113</sup> 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.

<sup>114</sup> 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.

<sup>115</sup> 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.

<sup>116</sup> CPT, *1999 visit report*, §19; *2005 visit report*, §60; *2007 visit report*, §23.

<sup>117</sup> 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 m<sup>2</sup>, 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.”

<sup>118</sup> CPT, *1999 visit report*, §3.

<sup>119</sup> 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.

<sup>120</sup> CPT, *2005 visit report*, §27.

<sup>121</sup> CPT, *2008 visit report*, §3; *2009 visit report*, §7; *2011 visit report*, §4.



provided and their continuous assertions that steps were taken to improve the situation.<sup>122</sup> That year, it described Greece's detention of undocumented migrants,<sup>123</sup> 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.<sup>124</sup>

The CPT was again compelled to flag its concerns about migration detention conditions in 2016, 2018, and 2020,<sup>125</sup> and a group of European Court of Human Rights (ECtHR) judgments on migrant detention conditions in Greece has remained pending since 2014.<sup>126</sup> The CPT has described these detention conditions as “execrable,”<sup>127</sup> “absolutely untenable,”<sup>128</sup> generally “unacceptable,”<sup>129</sup> and “appalling,”<sup>130</sup> often concluding that they constitute inhuman and degrading treatment.<sup>131</sup> In 2020, it found that this policy seemed driven by the belief that “harsh conditions will deter migrants from arriving in Greece,”<sup>132</sup> lamenting that the structural deficiencies noted since 1997 had been met by “either inaction or a minimalist approach.”<sup>133</sup>

## 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.<sup>134</sup> 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.”<sup>135</sup> In 2008 the CoE Commissioner found that detention conditions at Evros police and border guard stations were “squalid.”<sup>136</sup> In 2011, it described that migrants—including babies—in Evros were detained “like caged animals.”<sup>137</sup> It

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<sup>122</sup> CPT, “Public statement concerning Greece,” 15.03.2011,

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

<sup>123</sup> 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.”

<sup>124</sup> CPT, 2011 visit report, §§13, 21, 37.

<sup>125</sup> CPT, 2016 visit report, p.5; 2018 visit report, p.3; 2020 visit report.

<sup>126</sup> 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>.

<sup>127</sup> CPT, 1999 visit report, §22.

<sup>128</sup> *Idem*, §33.

<sup>129</sup> CPT, 2009 visit report, §7.

<sup>130</sup> CPT, 2018 visit report, p.5.

<sup>131</sup> 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.

<sup>132</sup> CPT, 2020 visit report, §12.

<sup>133</sup> *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.”)

<sup>134</sup> CPT, “Public statement concerning Greece,” §7; CPT, 2013 visit report, §6.

<sup>135</sup> CPT, 2007 visit report, §23.

<sup>136</sup> CoE Commissioner, *Report following his visit to Greece on 8-10 December 2008*, §14.

<sup>137</sup> CPT, 2011 visit report, §25.



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 m<sup>2</sup>.”<sup>138</sup> (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.”)<sup>139</sup> In 2012, CAT expressed “serious concern at the deplorable material and sanitary conditions” in police stations, “particularly in the Evros region.”<sup>140</sup> 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.<sup>141</sup> The CPT has consistently highlighted that in Evros police and border guard stations, migrants and refugees are detained together irrespective of their gender,<sup>142</sup> which it notes is “particularly hazardous” for women.<sup>143</sup>

### 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 with<sup>144</sup>—is its secretive nature. Just as no records are made or information shared on the individuals Greek authorities expels from their borders, so too are no records or registration kept of their detention prior to these expulsions.

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.<sup>145</sup> 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.<sup>146</sup> 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.”<sup>147</sup> During the 2008 CoE Commissioner’s visit to detention places in Evros, he too confirmed the secret, unacknowledged, and registration-less

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<sup>138</sup> *Idem*, §§17, 19.

<sup>139</sup> CPT, 1999 visit report, §31; see also GCR, *Systematic pushbacks in Evros*, p.3.

<sup>140</sup> UN CAT, Concluding observations to the combined fifth and sixth period report of Greece, §§14, 20.

<sup>141</sup> 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).

<sup>142</sup> CPT, 2009 visit report, §52; 2011 visit report, §17; “Public statement concerning Greece,” §7; 2018 visit report, §89; 2020 visit report, §28.

<sup>143</sup> 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>.

<sup>144</sup> GNCHR, Submission to the UN CAT, 06.2019,

[https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/GRC/INT\\_CAT\\_NHS\\_GRC\\_35432\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/GRC/INT_CAT_NHS_GRC_35432_E.pdf), p.20.

<sup>145</sup> CPT, 1999 visit report, §§45-46.

<sup>146</sup> CPT, 2001 visit report, §7.

<sup>147</sup> CPT, 2007 visit report, §43.

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.<sup>148</sup> 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,<sup>149</sup> 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.<sup>150</sup> 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.<sup>151</sup>

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.<sup>152</sup> Despite authorities’ assurances that the Tycherio 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.<sup>153</sup> Their unregistered detention was then confirmed by the Greek government.<sup>154</sup> 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 wet with urine and full of scabies.<sup>155</sup> 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.*”<sup>156</sup>

### **(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.

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<sup>148</sup> CoE Commissioner, *Report following his visit to Greece on 8-10 December 2008*, §16.

<sup>149</sup> CPT, *2011 visit report*, §§12-13.

<sup>150</sup> *Idem*, §29.

<sup>151</sup> ProAsyl, *Pushed back*, X.

<sup>152</sup> CPT, *2018 visit report*, §§86-89, 6; CPT, *2020 visit report*, §38.

<sup>153</sup> CPT, *2020 visit report*, §38.

<sup>154</sup> 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.

<sup>155</sup> 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).

<sup>156</sup> *Idem*. For reports noting the detention of undocumented migrants in containers, see CPT, *2005 visit report*, §46; *2013 visit report*, §56.

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

Both the CPT<sup>157</sup> and the CoE Commissioner<sup>158</sup> 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.<sup>159</sup> It has flagged the widespread use of ill-treatment, especially against detainees,<sup>160</sup> and in some cases has found that it amounts to torture.<sup>161</sup> Similarly, the CAT has also raised serious concerns on the ill-treatment of detainees.<sup>162</sup>

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

Since 1999 and as noted by the CPT,<sup>163</sup> the CAT<sup>164</sup> and the CoE Commissioner,<sup>165</sup> migrants in particular have been a target of Greek law enforcers, especially in police and border guard stations.<sup>166</sup> During its 2001 visit, CPT members witnessed an openly disrespectful attitude toward foreign detainees.<sup>167</sup> Testimonies of victims also recount verbal abuse of a racist nature,<sup>168</sup> transmitting “*a strong message that [foreigners] were not welcome in Greece.*”<sup>169</sup> Civil society groups reported that racially-motivated violence from law enforcers increased starting from May 2011.<sup>170</sup> 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.<sup>171</sup> 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

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<sup>157</sup> 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.

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

<sup>159</sup> 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*.

<sup>160</sup> CPT, *2001 visit report*, §11; *2005 visit report*, §§11-12.

<sup>161</sup> CPT, *2009 visit report*, §17.

<sup>162</sup> 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.

<sup>163</sup> CPT, *1999 visit report*, §13; *2005 visit report*, §§51-57; *2020 visit report*, p.6.

<sup>164</sup> UN CAT, Concluding observations to the combined fifth and sixth period report of Greece, §12.

<sup>165</sup> 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.

<sup>166</sup> CPT, *2013 visit report*, §15.

<sup>167</sup> CPT, *2011 visit report*, §14.

<sup>168</sup> CPT, *2018 visit report*, p.4, §74; *2020 visit report*, p.6

<sup>169</sup> CPT, *2013 visit report*, §18.

<sup>170</sup> AI, *Police Violence in Greece: Not just ‘isolated incidents,’* 03.07.2012, <https://www.amnesty.org/en/documents/EUR25/005/2012/en/>, p.20.

<sup>171</sup> 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](https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.46.Add.4_en.pdf), §71.

recorded in 2014 and 2015.<sup>172</sup> 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.<sup>173</sup> In 2020 the Greek Ombudsperson reported that beatings were the most common incidents of police arbitrariness reported by foreigners.<sup>174</sup>

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.<sup>175</sup> Sometimes, the abusive officers were reported to be wearing face masks (balaclavas).<sup>176</sup> Detainees reported receiving additional punishment for asking to access the toilet,<sup>177</sup> water, medication, or a mattress;<sup>178</sup> complaining about their situation or not understanding officers' instructions due to language barriers;<sup>179</sup> requesting information about their legal situation,<sup>180</sup> or intervening about the ill-treatment of detainees.<sup>181</sup> The CPT has also reported allegations of ill-treatment or threats used to force detainees to sign paperwork or during the deportation process.<sup>182</sup> In one instance, officers admitted to using a wooden baton to threaten migrant detainees.<sup>183</sup> Yet Greek authorities have ignored several recommendations made to address the ill-treatment of foreigners in their custody,<sup>184</sup> allowing this pattern to continue for more than two decades.<sup>185</sup>

### 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,<sup>186</sup> and in 2007, testimonies specifically discussed ill-treatment during unofficial border expulsions.<sup>187</sup> 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-

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<sup>172</sup> 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).

<sup>173</sup> CoE Commissioner, Letter to Greek Ministry of Justice and Ministry of Interior, 18.04.2017, <https://rm.coe.int/168070d55e>.

<sup>174</sup> 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](https://www.synigoros.gr/resources/docs/report-2020_en_web.pdf), p.30.

<sup>175</sup> CPT, *2005 visit report*, §§13-14; *2016 visit report*, §53; *2018 visit report*, p.4.

<sup>176</sup> CPT, *2013 visit report*, §15.

<sup>177</sup> CPT, *1999 visit report*, §13.

<sup>178</sup> CPT, *2016 visit report*, §53.

<sup>179</sup> CPT, *2008 visit report*, §11.

<sup>180</sup> CPT, *2016 visit report*, §53.

<sup>181</sup> GCR, *Systematic pushbacks in Evros*, p.4.

<sup>182</sup> CPT, *2005 visit report*, §42; CPT, *2009 visit report*, §21.

<sup>183</sup> CPT, *2005 visit report*, §57

<sup>184</sup> See for example CoE Commissioner, *Follow-up report on the Hellenic Republic on (2002-2005)*, §§66ff.

<sup>185</sup> In addition to the above, see AI, *Police Violence in Greece: Not just 'isolated incidents'*, p.18.

<sup>186</sup> CPT, *2005 visit report*, §13.

<sup>187</sup> CPT, *2007 visit report*, p.32.

stained walls in his facility, and when shown them, alleged they were the result of “*detainees committing acts of self-injury.*”<sup>188</sup>) Allegations recorded by AI in 2012 also noted the use of ill-treatment of migrants and asylum-seekers by Greek coastguards,<sup>189</sup> 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,<sup>190</sup> a pattern confirmed by ProAsyl also in 2013.<sup>191</sup> Documented ill-treatment was recounted as punishment for attempting to contact the UN, other organisations, or third parties before these expulsions.<sup>192</sup> In 2014, UNHCR gathered testimonies of violent pushbacks,<sup>193</sup> and in 2015, the HRC flagged similar concerns.<sup>194</sup> By 2018, the CPT reported “*a number of credible allegations of physical ill-treatment by the police*” specifically in Evros detention sites,<sup>195</sup> such as receiving “*baton blows to the head*” from the police, border guard, or “*commandos,*”<sup>196</sup> reports that the UN CAT echoed in 2019<sup>197</sup> and that continued well into 2020.<sup>198</sup> Documented ill-treatment has also been meted out to young children.<sup>199</sup> 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.*”<sup>200</sup>

### **III. No Accountability for Pushbacks and Accompanying Violations**

For years, and despite extensive, credible, and consistent reports showing otherwise, Greek authorities continue to deny the existence of a systematic pushback policy<sup>201</sup>—in answers to reporting of international and national organizations and civil society,<sup>202</sup> when faced by journalists

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<sup>188</sup> CPT, 2011 visit report, §15.

<sup>189</sup> AI, *Police Violence in Greece: Not just ‘isolated incidents.’*

<sup>190</sup> AI, *Frontier Europe*, p.13; see also AI, *Fear and Fences*, p.59; AI, *Frontier of hope*, p.12.

<sup>191</sup> ProAsyl, *Pushed back*, X: “The majority of the interviewees claimed that they had been ill-treated.”

<sup>192</sup> AI, *Frontier Europe*, p.14; AI, *Frontier of hope and fear*, p.19.

<sup>193</sup> UNHCR, *Greece as a country of asylum*, 12.2014, p.8.

<sup>194</sup> 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.

<sup>195</sup> CPT, 2018 visit report, p.4; GCR, *Systematic pushbacks in Evros*, p.3.

<sup>196</sup> CPT, 2018 visit report, p.5, §75.

<sup>197</sup> UN CAT, Concluding observations to the seventh period report of Greece, §16.

<sup>198</sup> *Idem*; CoE Commissioner, 2021 Letter to Greek Ministers; AI, *Caught in a political game*, p.7.

<sup>199</sup> CPT, 2020 visit report, §20.

<sup>200</sup> CoE Commissioner, 2021 Letter to Greek Ministers.

<sup>201</sup> In 2020, ProAsyl and the Refugee Support Aegean (“RSA”) compiled a timeline including 12 such denials. ProAsyl and RSA, “Official reactions and positions on push backs: a timeline,” 2020, <https://rsaegean.org/en/official-reactions-and-positions-on-push-backs-a-timeline/>. See also CNN, “Greek PM to Turkey: ‘Stop the provocations, let’s start talking,’” 20.08.2020, <https://edition.cnn.com/videos/tv/2020/08/20/kyriakos-mitsotakis-prime-minister-of-greece-migrants-turkey-tensions-aman.cnn>; Greek Minister of Migration & Asylum Mitarakis, Statement on Twitter, 28.10.2020, <https://migration.gov.gr/en/tweet-dilos-y-poyrgoy/>; *Response of the Greek Government to the report of the CPT on its 2020 visit*; Reuters, “EU official urges Greece to investigate reports of asylum-seeker pushbacks,” 29.03.2021, <https://www.reuters.com/world/eu-official-urges-greece-investigate-asylum-seeker-pushbacks-2021-03-29/>; Greek Minister of Citizen Protection Chrysochoidis, Minister of Migration & Asylum Mitarakis, Minister of Maritime Affairs & Insular Policy Plakiotakis, Letter to the Council of Europe’s Human Rights Commissioner, 11.05.2021, <https://rm.coe.int/commdh-govrep-2021-7-reply-of-the-greek-authorities-en/1680a27094>; Greek Minister of Migration & Asylum, Letter to the Vice-President of the EC and the European Commissioner for Home Affairs, 04.06.2021, <https://www.politico.eu/wp-content/uploads/2021/06/06/20210604-YMA-Ministers.pdf>.

<sup>202</sup> UNHCR, *Greece as a country of asylum*, pp.7-8; AI, *Frontier of hope and fear*, p.5; CPT, 2018 visit report, §143 (in which authorities “*reiterated that no such informal push-backs take place*”); GNCHR, “Statement on the reported



with video evidence;<sup>203</sup> or most recently, after news that a Frontex interpreter had been racially profiled, rounded up, and pushed into Turkey.<sup>204</sup> Members of the Greek government take the same position in parliamentary inquiries, including a May 2020 Greek parliament debate<sup>205</sup> and a July 2020 debate of the Committee on Civil Liberties, Justice, and Home Affairs of the European Parliament (“LIBE”), during which the Greek Ministers for Citizen Protection and for Migration and Asylum called allegations “*fake news*.”<sup>206</sup> In defense of its human rights record, Greek authorities reported to the UN Human Rights Council that “*so-called ‘pushbacks’ refer to conduct which has never been a part of the operational practices implemented [...] nor reflect the applied procedures and practices, which consist in the referral of those concerned, including asylum seekers, to the competent national authorities.*”<sup>207</sup> Describing its trend of denial, the CoE Commissioner in 2021 found that “*the official reaction of the Greek authorities has often been to simply dismiss allegations of pushbacks despite the overwhelming body of evidence that has been presented in recent years.*”<sup>208</sup> The Greek government replied by simply claiming that all reports—from the UN, CoE, national human rights institutions, and several reputable international NGOs and media outlets—provide “*misleading information emanating in most cases by the smugglers networks and by those supporting them, aiming at harming [Greek officers’] reputation and demoralizing them.*”<sup>209</sup>

Greek authorities have also ignored calls for effective investigations into pushbacks by HRW,<sup>210</sup> AI,<sup>211</sup> UNHCR,<sup>212</sup> IOM,<sup>213</sup> UN WGAD,<sup>214</sup> and the CoE Commissioner.<sup>215</sup> When pushback reports

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practices of pushbacks,” pp.2-3 (explaining that representatives of the Greek Ministry for Migration and Asylum, the Hellenic Police, and Greek Coast Guards maintained that informal pushbacks were not carried out by their forces).

<sup>203</sup> G. Christides & others, “The Turkish Woman Who Fled Her Country Only To Get Sent Back,” *Der Spiegel*, 08.02.2020, <https://www.spiegel.de/international/europe/the-turkish-woman-who-fled-her-country-only-to-get-sent-back-a-fd2989c7-0439-4ecb-9263-597c46ba306e>.

<sup>204</sup> M. Stevis-Gridneff, “E.U. interpreter says Greece expelled him to Turkey in migrant roundup”

<sup>205</sup> *Efsyn*, “Mitarakis’ voice on the revelations of the ‘Ef.Syn’ about the illegal pushbacks” [in Greek] 08.05.2020, [https://www.efsyn.gr/politiki/boyli/242512\\_afonia-mitaraki-gia-tis-apokalypseis-tis-efsyn-gia-tis-paranomes](https://www.efsyn.gr/politiki/boyli/242512_afonia-mitaraki-gia-tis-apokalypseis-tis-efsyn-gia-tis-paranomes).

<sup>206</sup> See *European Parliament News*, “Investigate alleged pushbacks of asylum-seekers at the Greek-Turkish border, MEPs demand,” 06.06.2020, <https://www.europarl.europa.eu/news/en/press-room/20200703IPR82627/investigate-pushbacks-of-asylum-seekers-at-the-greek-turkish-border-meps-demand>.

<sup>207</sup> UN Human Rights Council, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 (A/HRC/WG.6/39/GRC/1), §130 (maintaining that “*so-called ‘pushbacks’ refer to conduct which has never been a part of the operational practices implemented [...] nor reflect the applied procedures and practices*”).

<sup>208</sup> CoE Commissioner, 2021 Letter to Greek Ministers.

<sup>209</sup> Greek Ministers of Citizen Protection, of Migration & Asylum, and of Maritime Affairs and Insular Policy, Response to the CoE Commissioner, 11.05.2021, <https://rm.coe.int/commndh-govrep-2021-7-reply-of-the-greek-authorities-en/1680a27094>.

<sup>210</sup> HRW, *Stuck in a Revolving Door*, p.8.

<sup>211</sup> AI, “Written statement submitted to the Human Rights Council,” p.4.

<sup>212</sup> UNHCR, “UNHCR calls on Greece to investigate pushbacks at sea and land borders with Turkey.”

<sup>213</sup> IOM, “IOM alarmed over reports of pushbacks from Greece at EU border with Turkey.”

<sup>214</sup> UN WGAD, *Report further to visit to Greece* (A/HRC/45/16(Add.1), 29.07.2020, <https://undocs.org/A/HRC/45/16/ADD.1>, §87.

<sup>215</sup> CoE Commissioner, 2021 Letter to Greek Ministers, [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](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).



gain too much public attention to be denied, Greek authorities respond by assuring that they are being “*thoroughly investigated.*”<sup>216</sup> Yet in 2020 the GNCHR confirmed that no pushback case had yet reached a Greek court,<sup>217</sup> with the CPT finding the same at the end of the year.<sup>218</sup> By 2021, several Greek NGOs concluded that no effective investigation into any pushback from Greece has ever been conducted, whether through disciplinary or criminal proceedings.<sup>219</sup> As the above analysis shows, the Greek State’s failure to take seriously and address decades of reporting on pushbacks and recommendations by international bodies is not circumstantial but instead inherent to its pushback policy: Its decades-long lack of accountability for grave human rights abuses during pushbacks can only be understood as an intentional state of affairs aiming to maintain this secret practice.

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<sup>216</sup> Greek Ministry of Public Order & Citizen Protection, Response to CoE Commissioner, 10.01.2014, <https://rm.coe.int/16806db750>, p.1.

<sup>217</sup> GNCHR, “Contribution to the UN SR on the HRs of Migrants,” p.3.

<sup>218</sup> CPT, *2020 visit report*.

<sup>219</sup> ARSIS & others, “Joint statement on push backs practices in Greece,” p.7.