

GREECE: FRONTIER OF HOPE AND FEAR

MIGRANTS AND REFUGEES PUSHED BACK
AT EUROPE'S BORDER

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Cover photo: Migrants and refugees walking near the Greek-Turkish border, 2013. © Mauro Prandelli/Invision

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GREECE: FRONTIER OF HOPE AND FEAR

- Migrants and refugees pushed back at Europe's border

1. INTRODUCTION

“They [the coastguards] said they would take us to Athens. Instead they put us in a plastic boat and left us in the sea.”

D. and R., a young Afghan couple, describing how they were pushed back from Greece to Turkey in September 2013. R. was six months pregnant at the time.

Every year, thousands of refugees and migrants arrive at the Greek-Turkish border hoping to cross the frontier and enter the European Union (EU). For some, this is the last leg of a long and dangerous journey to escape grinding poverty and make a better life for themselves and their families. For others, the EU offers the hope of refuge from violence and persecution in countries ravaged by conflict, such as Afghanistan and Syria.

The reasons for seeking entry to the EU are complex and vary from person to person. However, for many, the hopes they carry with them have turned to tragedy because of the unlawful and abusive actions of Greek police and coastguards.

Amnesty International has repeatedly sounded the alarm at reports of grave human rights violations against migrants and refugees at the Greece-Turkey border. In July 2013, it published a report *Frontier Europe: Human rights abuses on Greece's border with Turkey*, examining a range of abusive border-control practices, foremost amongst them being the unlawful and often dangerous practice of summarily pushing intercepted migrants and refugees back across the border to Turkey.

The response of the Greek authorities to such allegations by Amnesty International and others¹ has ranged from outright denial to the qualified admission that they may occur on an isolated and infrequent basis. Even this latter claim rings hollow. The fresh research published in this briefing is not, perhaps, sufficient to assert with confidence that push-backs are systematic – in the sense of constituting a deliberate policy. However, the sheer volume of credible allegations of push-backs that Amnesty International has been able to document in the last nine months, very much suggests that they are routine: of the 67 people interviewed by Amnesty International over half provided convincing allegations of being push-backed at least once. The failure of the Greek authorities to acknowledge and eradicate this practice renders them no less culpable.

The responsibility for monitoring and curbing the abuses of Greek policemen and coast guards is not limited to Greek authorities, however. Greek migration and asylum policies are intimately tied to processes and policies decided in Brussels. In the last few years the EU has

set about constructing an increasingly impenetrable wall around its external borders – both physically, through fences and heightened border surveillance, and legislatively, through migration policies that render legal entry into the EU increasingly difficult for economic migrants and refugees alike. The sealing of the Greece-Turkey border is central to the construction of this new Fortress Europe and its strict policing is very much expected and encouraged by the northern EU member states that are typically the destination of choice for those crossing this border irregularly.

To this end, the EU has spent hundreds of millions of Euros assisting Greece in its border control operations and reception system. Frontex, the EU agency responsible for external border management, spent about 37 million Euros in 2011 and 2012 for Joint Operations Poseidon Land and Sea hosted by Greece and Bulgaria and has operatives working with Greek border control agencies.² EU investment and engagement on this scale brings with it additional responsibilities, that cannot easily be shrugged off. Amnesty International believes that the time has come for Frontex to suspend its border control cooperation with Greece's border control agencies until such time as they demonstrate they are seriously tackling the widespread practice of push-backs along the Greece-Turkey border.

The powers of the EU are not limited to granting and withholding funding. It is also the guardian of the legislation and standards that it has developed in relation to member states' migration and asylum policies. While this legislation has been conceived to restrict and discourage the unlawful entry into the EU, it does contain multiple safeguards intended to ensure the access of refugees to asylum determination processes and prohibiting push-backs. The EU Commission has a responsibility to ensure that this prohibition is enforced and that infringement proceedings are brought against Greece for violations it is responsible for, but which shame Europe as a whole.

2. BACKGROUND

For many years Greece has been one of the main gateways into the EU for migrants and refugees. In 2010, the land border with Turkey in the Evros region saw a nearly five-fold increase in the number of refugees and migrants crossing irregularly to Europe, according to the Greek authorities.³ They responded by deploying almost 2,000 additional border guards in the area in August 2012 and building a 10.5km fence at the Evros border (see also chapter 5). These measures have resulted in increasing numbers of refugees and migrants attempting the more dangerous sea route in an effort to reach Greek islands.

The EU has given financial support for many of the measures taken by the Greek authorities. The EU's generosity towards Greece's efforts to secure EU external borders dwarfs the funds given to assist Greece's refugee reception efforts. For example, between 2011 and 2013, the European Commission gave Greece €12,220,969 under the European Refugee Fund. Its allocation to Greece for the same period under the Return Fund and the External Borders Fund to enhance border control measures and increase detention facilities was €227,576,503.⁴

The total number of people entering Greece from Turkey through irregular routes has fallen dramatically as a result of increased policing at the borders, despite a small increase in those arriving by sea. In 2012, 34,084 people were apprehended for irregular entry at the Greek-Turkish border. In 2013, this fell by more than 60% to 12,556.⁵

The increasingly negative attitudes towards immigration and refugee issues cannot be divorced from Greece's economic difficulties over the past six years. For much of the population, the crisis has resulted in severe financial hardship, dramatically falling standards of living and the loss of access to vital services such as health care. This has sparked social tensions and a heightened political polarization that is reflected in the recent electoral gains by Golden Dawn. The party, well-known for its aggressive anti-migrant rhetoric, gained 18 of a total of 300 seats in the Greek parliament in the June 2012 elections, while mainstream parties continue to talk tough of migration.

Institutional hostility towards migrants and refugees has resulted in the introduction of a range of policies resulting in the violation of the human rights of refugees and migrants. Abusive migration policies, such as routine and prolonged detention – often in appalling conditions, sweep operations targeting irregular migrants, arbitrary detention, racial profiling and ill-treatment, continue to be reported in cities across the country. The aim of all these practices is clear: to encourage irregular migrants already in the country to leave and to deter newcomers. Racist attacks, and the failure of the authorities to investigate them effectively, have also contributed to making Greece a highly dangerous place for refugees, asylum-seekers and migrants.⁶

The responsibility for the policing of Greece's borders is divided between the Greek Police, which falls under the Ministry of Public Order and Citizen Protection, and the Greek Coastguard, which falls under the Ministry for Shipping and the Aegean. The Greek Police is the country's main law enforcement agency. It is responsible for controlling the country's land borders, including those with Turkey. Border guards units are part of the Greek Police with particular responsibility to address the problem of 'illegal' immigration and cross-border

crimes and operate in land border areas with a large number of 'illegal' immigrants.⁷ The Greek Coast Guard is responsible for controlling the country's sea borders, the policing of ports and assisting in search and rescue operations. It is commanded by the Chief of the Greek Coastguard who oversees the operations of the eight regional Directorates.⁸

METHODOLOGY

This is a follow-up report to *Frontier Europe: Human rights abuses on Greece's border with Turkey* (Index: EUR 25/008/2013), published in July 2013. It is based on research carried out between July 2013 and March 2014. Amnesty International interviewed 67 people in detention facilities in Greece and Bulgaria and in various locations in Athens, Greece, and Istanbul, Turkey. Statements were also received from people who had travelled through Greece in the previous 18 months and who have since been granted international protection in European countries. Amnesty International representatives also spoke to several national and international NGOs.

In February 2014 the organization sent a letter to the Greek Police and the Greek Coast Guard expressing concerns over the continued allegations of push-backs it has requested their views on and additional information on most of the cases included in this report. By mid-April 2014 Amnesty International had received a reply from the Greek Police headquarters, but none from the Greek Coast Guard. Amnesty International also wrote to Frontex and received a reply in March 2014.

3. THE PROHIBITION OF PUSH-BACKS IN INTERNATIONAL LAW

Push-backs consisting of the deportation of a group of people without considering the individual circumstances of each person separately constitute collective expulsions. Collective expulsions are explicitly prohibited under Greek, EU and international law. Push-backs can result in the refugees being denied the opportunity to request asylum, but the protection from collective expulsion applies to everyone, including irregular migrants. Greece is therefore obliged to examine the situation of each person arriving on its territory and to grant them the right to challenge any deportation decision.

Push-backs can also result in the return of individuals to countries where they would be at risk of serious human rights violations, whether directly, or via a third country.⁹ This practice is known as *refoulement* and is also prohibited under EU and international law.

Under Greek Law 3907/2011, all third country nationals arriving irregularly in Greece who are apprehended must be transferred to a First Reception Centre to ensure their proper registration, identification and assessment of their protection needs. Following the transposition of EU legislation into Greek national law, the Greek authorities must examine the individual situation of each person arriving on its territory and provide them with an opportunity to challenge any decision to deport them before any deportation or expulsion can be lawfully carried out.

Collective expulsions are expressly prohibited under Article 19(1) of the Charter of Fundamental Rights of the European Union (the Charter).¹⁰ The principle of non-*refoulement* is enshrined in Article 33 of the 1951 Refugee Convention, which states that “No Contracting State shall expel or return (“*refouler*”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.” Article 19(2) of the Charter explicitly prohibits the expulsion of individuals to countries where “there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment.”

Various provisions contained in the Schengen Borders Code and EU asylum and returns Directives provide further guarantees in respect of access to asylum procedures and individualised deportation decisions.¹¹

Greece has an obligation to respect, protect and fulfil the human rights of everyone on its territory or under its jurisdiction, irrespective of their migration status.¹² Whether or not the boats carrying refugees and migrants are intercepted by Greek coastguard vessels in Greek territorial waters, once Greek officials have authority over them – by towing or boarding the boats or by taking the passengers on board their own vessels – the migrants and refugees are under Greek jurisdiction.

Ill-treatment and degrading treatment in the course of border control operations or while in migration related detention also constitute a breach of human rights standards, including in particular the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the European Convention on Human Rights.¹³ Authorities have an obligation to prevent ill-treatment and to promptly and impartially investigate all allegations of ill-treatment.

The Greek authorities have a clear responsibility to prevent the human rights abuses outlined above and to ensure that any violations that are committed are investigated and those responsible brought to justice.

4. PUSH-BACKS: PATTERNS OF ABUSE

“We must make their [migrants’] lives unbearable”

Statement attributed to Nikos Papagiannopoulos, the former Chief of Police, addressing a group of police officers. Published in Greek media in December 2013¹⁴

In December 2012 and again in July 2013, Amnesty International published briefings documenting cases of refugees and migrants who reported being pushed back from Greece to Turkey by Greek police in the Evros region and by Greek coastguards in the Aegean. Of the 148 people interviewed between September 2012 and March 2014, 68 said they had been pushed back at least once.

For the purposes of this briefing, Amnesty International interviewed 67 people in Greece, Bulgaria and Turkey between July 2013 and April 2014. Thirty eight of them said that they had been victims of a push-back at least once. Fourteen people reported being pushed back across the land border in the Evros region and 24 in the Aegean Sea, one of whom also alleged being pushed back at the land border. Thirteen people had been the victims of push-backs on more than one occasion and up to four times in total. Most of those who reported having been pushed back were fleeing the conflict in Syria. The next largest group were from Afghanistan. Others were from Iran and Mauritania.

Some of the push-backs revealed a complete disregard for the safety of migrants and refugees. People trying to reach Greece by sea reported that they were towed or encircled in a hazardous way. Some said that their boats were intentionally damaged. Others reported being towed towards Turkish waters and then abandoned at sea in unseaworthy vessels. Four people said they were pushed back after they had reached a Greek island in two different incidents.

Those approaching the land border said that they were physically attacked by police or border guards. Refugees and migrants apprehended in the Evros region by the Greek police said that they were sent back to the Turkish side of the River Evros on what they usually described as “small plastic vessels”.

4.1 PUSH-BACKS ALONG THE LAND BORDER

“At around 1 or 1.30 in the morning we arrived at the river side and they [the Greek police] handed us over to people wearing black hoods and black or dark blue uniforms. They took our

money and passports. Then, in groups, they took us in small boats over to the Turkish side with nothing but our clothes left on us.”

J. and S., two Syrian refugees pushed back to Turkey by the Greek authorities in November 2013¹⁵

Fourteen of the 67 migrants and refugees interviewed by Amnesty International between July 2013 and March 2014 described being pushed back at the Greece-Turkey border in the Evros region. Five said they had been pushed back after being detained for periods varying from a few hours to two days. They described being held during that time in small rooms in buildings bearing the insignia of the Greek police and being guarded by Greek police officers.

Others said that after Greek border guards apprehended them, they were loaded directly into vans, usually white or army green in colour and bearing no police or other insignia, and taken to the banks of the River Evros. Several said that they were locked in the van for several hours. In three cases, interviewees were able to confirm that the vans were manned by people wearing dark blue or army green uniforms with Greek flag badges.

All of those interviewed – irrespective of whether or not they were detained – said that they were taken in groups to various locations along the banks of the River Evros. From there, they were forced to board small plastic or wooden boats and ferried across the river to Turkish territory. The descriptions they gave of those who forced them into the boats, often the same people who operated the boats, were of men wearing blue or dark blue police clothes bearing the Greek flag, or simply of men wearing black or dark blue uniforms, often wearing hoods.

Those interviewed said that there was no registration procedure at any stage during these push-back operations, even when they were detained before being pushed back in places that they described as police holding facilities.

Nineteen-year-old G. described how he was pushed back to Turkey in November 2013:

“The police arrested us at the bus station and took us to a police station cell. There were about 35 people in total there. At nightfall, hooded men with no insignia on their uniforms loaded us all in a big van and took us to the river bank. Using a small wooden boat they took us all across the river to Turkey. They slapped anyone who was slow.”

He and his 17-year-old brother had fled Syria in mid-2013 with nine other people from Syria, including a small child. They managed to cross the River Evros and make it to the nearby city of Didimotycho. They had hoped to take the bus to Athens, but were arrested instead. G. eventually made it to Greece on his fourth attempt, arriving by sea.

MASS PUSH-BACK ACROSS THE RIVER EVROS

Two sisters J. and S., Syrian refugees in their twenties, described how they had been pushed back to Turkey twice in October 2013 by the Greek police. The sisters had fled Aleppo in Syria to escape the devastation and violence of the continuing conflict there. They described how bombings and killings had become a daily reality in Aleppo and how young women and girls were at serious risk of being raped or kidnapped. The women's parents were too old to leave their home, but J. and S. felt they had no other choice. In October 2013 they left everything behind and crossed the border into Turkey. By the time Amnesty International spoke to them in Istanbul in 22 November 2013 they had already made five unsuccessful attempts to reach Greece.

"Greece became a dream for us."

J. Syrian refugee interviewed by Amnesty International in November 2013

On the night of 27 October 2013, J. and S. crossed the River Evros to Greece with some 40 other people from Syria and Afghanistan. However, they were soon picked up by Greek police officers who put them in plastic boats and ferried them back across the river.

The second push-back took place late on 12 November 2013. J. and S. were among some 150 mainly Syrian refugees and migrants who crossed the River Evros in small plastic boats, following which they split up. Along with a group of about 40 people they walked towards a main road where at around 6am on 12 November, a truck picked them up.

The truck was stopped by Greek police officers who took away the families and loaded the remaining 30 or so people into a white van. The van drove straight to the river bank, escorted by two police cars. Other refugees and migrants were brought to the same spot, swelling numbers to around 200 people. J. said that when the police announced that everyone would be sent back to Turkey, people started shouting and protesting, saying that they were refugees. At around 2pm, around 150 people broke away and headed for the nearby village of Praggi. Around 100 people arrived in Praggi at around 5.30pm and sought shelter in the village church.

"Soon the church was surrounded by police officers. Babies were crying and the police didn't allow the priest to open the door to the church for us. A local woman brought some milk for the babies."

Later that evening, after police had rounded up the rest of those who had tried to escape, trucks were brought to the village and the police ordered everyone to get into them.

"We were scared and crying... we begged we are refugees... we saw four policemen beating a man who was resisting. They kicked him and punched him by the van... They used a weapon with electricity"

J. and S. said they were driven back to the River Evros and ferried across the river to Turkey

"The police ordered us out of the vans, they were swearing at us and pushing... They handed us over to people wearing black hoods and black or dark blue uniforms. They [the men in hoods] took our money and passports. Then, in groups, took us in small boats over to the Turkish side with nothing but our clothes left on us."

When Amnesty International contacted the local Director of Police on 12 November 2013 about the reported push-backs, he denied all knowledge of the events in Praggi, stating that just 18 people had been apprehended in the area that morning. He later stated that at around 6pm on 12 November 2013 lawyers from the Greek office of the United Nations High Commissioner for Refugees (UNHCR), the UN's refugee agency, had contacted the police and said that there were around 75 refugees, asylum-seekers and migrants in the village of Praggi. However, he told Amnesty International that when he sent officers to the village, they were unable to find any migrants or refugees.

On 13 November 2013, UNHCR called on the Greek authorities to investigate the fate of 150 Syrian refugees, including children, in the northern Evros region. UNHCR noted that: "The [UNHCR] team was informed by eye witnesses that a group of about 80 foreigners, previously at the village's church, were seen taken on police vans to unknown destination. Despite UNHCR's repeated contacts with the Greek Police at local, regional and

central level, it was not possible to trace the whereabouts of the two groups of Syrians.¹⁶

On 23 November 2013, there were protests by local residents over the reported push-backs. Protesters who met the Police Director of Orestiada that same day told Amnesty International that the Police Director expressed doubts about the allegations and told them that an internal investigation had been ordered. Amnesty International wrote to the Greek Police regarding the allegations over this incident and has been informed by them that the Prosecutor of Orestiada ordered a preliminary investigation into the incident.¹⁷ However, there are concerns about the independence of this investigation as it will be led by the Security Branch of the Orestiada police station; that is, the same police station where the officers reportedly involved in the push-backs are most likely to be based, and not to an investigative judge or the police internal affairs directorate.

4.2 PUSH-BACKS AT SEA

"I had heard people talking about it [push-backs] but didn't believe it. Until it happened to me"

S., a 28-year-old man from Syria, describing how he and his brother were pushed back to Turkey on the night of 17 November 2013. Amnesty International interview December 2013

Statements gathered by Amnesty International from migrants and refugees between July 2013 and March 2014 point to the frequent use of push-backs along Greece's sea borders with Turkey. Twenty four people claim they had been pushed back at the Aegean Sea.

Victims said that their boats were intercepted by Greek coastguard vessels in the middle of the sea, or sometimes a few hundred meters from the Greek coastline. In two incidents the push-backs allegedly took place after people had disembarked on the Greek islands of Samos and Lesbos. These two push-backs, which began on land, involved collaboration between the local police force and coastguards.

Victims said that they were usually transferred onto Greek coastguard vessels by the crew, searched and then put back on board the boat they had been travelling in. Coastguards removed the motor and fuel from their boats and towed them towards Turkish waters where they abandoned them. They said they were later spotted by Turkish coastguard vessels or phoned the Turkish authorities who came and rescued them.

TRAGEDY IN FARMAKONISI

Eleven people, 8 of them children, lost their lives when a fishing boat carrying 27 people sank near the Greek island of Farmakonisi on 20 January 2014. Survivors told UNHCR personnel that the boat sank as Greek coastguards were towing their vessel towards Turkey during a push-back operation.¹⁸ The authorities have denied that there was a push-back. They said that the boat capsized during a search and rescue operation in bad weather.

Two Afghan refugees, Ehsanulla Safi, aged 39, and Sabur Azizi, aged 30, who survived the sinking told Amnesty International what happened that day.

There were 27 people on board the wooden boat: 24 were from Afghanistan and three from Syria. Eight of those on board were babies or children. They had set sail from Turkey at around 10.30 on the evening of 19 January 2013, headed for Greece. Shortly after midnight, the motor of their boat ran into trouble and they had to stop. They were about 100m from the shores of an island when they were found by a Greek coastguard vessel. The

two men said that the coastguard crew started shooting in the air and yelling at them as they tried to explain that they were refugees, that their boat was damaged and that there were babies on board.

Two coastguards boarded their boat and ordered everyone to stay at the back of the boat. Using a rope they attached the wooden vessel to the coastguard boat and towed it at great speed towards Turkey. The interviewees said they could tell that they were heading towards Turkey because they were heading back the way they had come and they could see the bright lights of the Turkish coastline approaching. About 15 minutes later, the rope was detached and they had to stop. The two coastguards returned to their vessel and ordered the refugees to reattach the rope, which they did. The towing of the boat towards Turkey continued for approximately another five minutes, but even faster and this time zigzagging through the water. The migrants' boat was taking on water from the front and side because of the speed and erratic movement. The coastguard vessel stopped and the two boats came alongside each other. By now, the migrants' boat was filling up with water, but was still able to stay afloat because it was leaning against the coastguard vessel.

"Somebody showed them the baby asking for help but the coastguards swore at us instead of helping us... When the coastguards cut the rope and tried to move away we started sinking".

Sabur Azizi, Amnesty International interview, February 2014

Azizi said that she saw smoke coming out of the coastguard's propeller and thought that the boat had ground to a halt.

Some of the migrants who were already in the water tried to climb on board, but were beaten back by coastguards.

Sabur Azizi managed to board on his third attempt, but his 10-year-old son and his wife were trapped in the cabin and went down with the boat. Ehsanulla Safi also managed to climb on board, but his wife, his 18-month-old son and his 8 and 9-year-old daughters perished.

Sabur Azizi and Ehsanulla Safi told Amnesty International that the refugees who did manage to climb on board the coastguard vessel were beaten and held at gunpoint. They also said that the Captain threatened he would: "cause them more trouble if they dared report any of what happened that night". The survivors were taken to the island of Farmakonisi where they say they were stripped and beaten.

Ehsanulla Safi and Sabur Azizi told Amnesty International that on 21 January 2014 the Greek coastguard provided them with interpreters who did not speak their language and that they were given papers to sign. Ehsanulla Safi said: "They gave us documents in Greek and we didn't know what was written. I thought I was signing for the clothes and shoes they gave us."

Eight survivors' statements were published in the Greek media, some of which appeared to thank the coastguards for saving them and made no reference to a push-back or ill-treatment. The authenticity of the statements is highly questionable, however. The Greek Helsinki Monitor, among other things, has pointed out, the length of the statements allegedly provided to the members of the coastguard directly or indirectly involved in the incident was inconsistent with the 15 minute - including translation - that each interview lasted.¹⁹

The statements were taken by the local coastguard in Leros and those thanking the Greek coastguard are dated 22 January 2014; that is, the day after the statements provided to UNHCR came to light. The head of the

UNHCR office in Greece stated: "I can only speak for the testimonies that these people gave to us. Those testimonies given to us were the first... I can guarantee that we transmitted exactly what these people told to us in the presence of an accredited interpreter."²⁰

The Greek authorities deny that this was a push-back or that ill-treatment took place. They claim that the boat was found 1.5 nautical miles northeast of Farmakonisi Island, inside Greek coastal waters, and that its engine was not working. They have denied that the boat was towed towards Turkey and claim that coastguards did not let people come on board because boarding was not safe at night in such bad weather, and instead tried to tow the boat to the nearest Greek coast. They also said that two coastguards boarded the boat to keep people calm. They also claimed that the boat capsized when two of the migrants fell into the sea and a large number of the migrants moved to one side of the boat, however the two survivors who spoke to Amnesty International denied that this ever happened.

The authorities also denied that the coastguard officers did not try to save the migrants and that they did not throw buoys to those who fell into the sea. According to the authorities, it was during the search and rescue operation that the engine of the coastguard boat caught fire. To counter the allegation that the boat was being towed towards Turkey, the coastguard published a map with the position of the two vessels showing that the boat was sunk west of the point where it was stopped by coastguards.²¹

Speaking to Amnesty International the lawyers of the survivors expressed concerns that the operation to retrieve the sunk boat and the missing bodies was unduly delayed. The operation started in 6 February and eight bodies were retrieved including those of six children. Two bodies were washed ashore the Turkish shores and a girl's body was found several kms away from the sunk boat.

UNHCR has called for an investigation to the incident.²² Nils Muiznieks, the Council of Europe's Commissioner for Human Rights has requested an investigation into the incident which "appears to be a case of a failed collective expulsion" and the EU Commissioner for Home Affairs has also asked for an independent investigation.²³

The initial reaction of the Greek Minister for Shipping and the Aegean was to state that "Muiznieks and several others want to create a political issue in Greece."²⁴ In a subsequent letter to the Council of Europe's Commissioner for Human Rights, however, the Greek Minister for Shipping and the Aegean deplored the loss of life and said that a full investigation by the competent judicial authorities had been ordered.²⁵ The Head of the Hellenic Coast Guard Vice Admiral Dimitris Bandias apologized to the victims'.²⁶

"I was full of hope when I saw the island getting closer."

S., a 25-year-old refugee from Syria. Amnesty International interview, 8 January 2014

S. and R., two men in their twenties from Syria, told Amnesty International how they tried to reach Greece on the night of 17 November 2013. They were part of a group of 35 people from Syria, including families with children aged from eight months to nine years. The group set off from near Kusadasi in Turkey aboard a plastic boat at around 1am, heading for the Greek island of Samos. The two men told Amnesty International what happened next.

At around 2.30am, a grey metallic Greek coastguard vessel stopped them. A second coastguard boat arrived soon afterwards. The refugees and migrants were ordered to board

the second vessel. As soon they got on board, the crew switched off all the lights and using just a flashlight, ordered the men to strip and searched them in what they described as “a humiliating way”. They and other migrants were slapped and kicked by the coastguards. The coastguard crew took their money, mobile phones and documents. They kept the money and expensive mobile phones and threw everything else, including valuable documents such as passports, into the sea.

At round 4.30am the coastguards forced them back into the plastic boat and removed the small motor and fuel. They towed the boat for about 30 minutes towards Turkey and then abandoned them near Kusadasi. The men said they were picked up by a Turkish vessel about half an hour later. In February 2014, Amnesty International wrote to the Greek Coast Guard raising its concerns over the allegation of S. and R., but at the time of completion of this report had not received an answer.

4.3 ILL-TREATMENT AND OTHER ABUSE

“I was more afraid of the Greek police than the military in Syria.”

Young Syrian refugee reportedly ill-treated by Greek coastguards during a push-back. Amnesty International interview, December 2013

The majority of the refugees and migrants interviewed by Amnesty International said that they had experienced or witnessed physical violence and intimidation at the hands of Greek police officers and coastguards. Many said that they were beaten, slapped and kicked on board coastguard ships and held at gunpoint. Often these violations took place in front of their children, already traumatized by the conflict and the dangers of the journey.

“I was shouting to them that he is my son. They put me aside and I saw them beating my son for 2.5 to 3 hours. When I asked for water they gave me sea water to drink.”

A 55-year-old woman travelling with her son, E., describing abuses aboard a Greek coastguard vessel on 19 September 2013. Amnesty International interview, 18 November 2013

E. and his mother had fled the conflict in Syria. They told Amnesty International that they had been pushed back twice by the Greek authorities. E. also described the violence he suffered at the hands of Greek policemen and coastguards. On the night of 25 October 2013, the two were among a group of 33 people, including two young children, who reached the shores of the Greek island of Lesbos. Shortly after their arrival, they were found by police, put in a minibus and driven to a small port. He told Amnesty International:

“The police told us to get out of the car and get into a red rubber boat. My mother and I did not want to get down from the bus. Six of the people who arrested us got into the bus... They took their guns and put them to my head and to the head of the man behind me... [They told me] if you do not get down, we will kill you... They beat me quite badly... They shouted at my mother... I begged them and told them I was coming from [a country] where there is war... I could not see because of the beating. I fainted from the beating...”

At around 1.30am a police officer placed him and his mother on a red boat which he drove to a larger boat waiting further in the open sea. The rest of the group was already on board. The

boat drove towards Turkey and at around 6am, they were forced by the members of the crew into a smaller boat and were abandoned close to the Turkish shore.

Nineteen-year-old N. from Syria was among a group of 14 people who attempted to reach the island of Lesbos on the night of 20 December 2013. They were intercepted by the Greek coastguard. He told Amnesty International what happened next.

"I tried to alert my friends that we were being pushed back and took out my mobile phone. As soon as he saw me, a man from the crew rushed to take my phone away and punched me in the face, I started bleeding. A second man started kicking me."

In February 2014, Amnesty International wrote to the Greek Coast Guard to raise its concerns over the allegations of E. and N. but, as with other cases referred to in this briefing, had received no reply by mid-April, as this briefing was finalized.

REFUGEES MET WITH BULLETS

Early on the morning on 6 March 2014, a group of 16 Syrians set off in a small boat from the Turkish coast, heading for Greece. When they neared the coast of the Greek island of Oinousses, they were spotted by a Greek coastguard vessel. The Greek coastguard later issued a press statement claiming that the boat had refused to stop, despite repeated warnings, and that the driver, a Turkish national, had attempted to ram the coastguard vessel. They said that they then opened fire on the front of the boat of refugees in order to protect themselves. Three refugees sustained gunshot wounds. The Mayor of Chios said that the coastguards had returned fire after they had been shot at by the captain of the boat. The Greek coastguard press release, however don't mention shooting coming from the refugees boat.²⁷

Amnesty International spoke to five men who were on board the refugees' boat, all of whom were fleeing the conflict in Syria. Two had been hit by bullets fired by the coastguards. All five said that there were no firearms on their boat and they denied that the boat had attempted to ram the coastguard vessel, which they said was much bigger and faster than their boat.

The men said that in the morning of 6 March at around 9.30 they started their journey. About half an hour later they were spotted by the Greek coastguard. Initially the captain of the refugee boat did not stop at the coast guard's order and continued his course but was immediately caught up and blocked by the coast guard vessel, at this point warning shots were fired by coastguards but not directly against their boat.

The captain tried to move away from the coastguard boat but when the coastguard vessel caught up with them again one of the coastguards fired his gun directly at their boat. The captain of the boat tried again to move away and was again caught up by the Greek Coast Guard amidst new firing. The men said they fired several rounds directly against their boat.

One of the Syrian refugees travelling in the boat told Amnesty International: *"I thought they were fake bullets but then I heard somebody shouting that a girl was covered in blood and I understood they were not. We were all very scared, it was as if I never left the war"*.²⁸ He had been injured in a car accident as he was trying to flee an air raid in Damascus in 2012 and uses crutches or a wheelchair to get around.

One of the men interviewed was shot in his lower back. His 19-year-old daughter-in-law was hit in the leg. Another interviewee who was hit near the left shoulder told Amnesty International: "we are very lucky to be

alive. I thought they were shooting to kill”.

Another Syrian refugee told Amnesty International that all those in the boat, including the captain, had all raised their hands, so there was no question of the refugees being armed or posing any threat when the coastguard opened fire.

“We had all, including the driver, raised our hands up. People had raised their crutches and shouted they were Syrian refugees.”

He also said that after they had stopped the refugee boat, two coastguards boarded their boat and the coastguard who had been firing held a gun to the captain's head, another coastguard punched him.

The injured were taken on board the coastguard vessel, which set sail for Chios island.

All the men interviewed said they were concerned about the testimonies they had to give the authorities. The men were worried because no one had read the statements to them before they were required to sign.

Two men and a woman were hospitalized for about eight days following the shooting. During that time they said they were kept under police guard. Another refugee told Amnesty International that the others were initially taken to a nice hotel where they met members of the media and Coast Guard officers from Athens.

However, as soon as the media left, the refugees were transferred to a detention facility on Chios, where they were held for some two weeks. More than 20 days after the shooting, the two men and the woman who had been injured had still not had the bullets removed.

All of those interviewed said that they were ready to identify the man who shot them. The prosecutor of Chios island ordered an inquiry to the incident.

Many of the refugees and migrants interviewed by Amnesty International described a consistent pattern of abuses during push-backs. Victims were stripped, beaten and held at gunpoint. Valuables were stolen and important document destroyed. The Ministry of Shipping and the Aegean, responsible for the Greek Coast Guard, has said that they have opened inquiries into a number of allegations but at the time of writing, no Greek official was known to have been brought to justice for these human rights violations (see chapter 5).

5. THE RESPONSE OF THE GREEK AUTHORITIES' TO ALLEGATIONS OF PUSH-BACKS

WIDESPREAD AND ROUTINE VIOLATIONS

Amnesty International and other NGOs have gathered numerous statements from migrants and refugees who describe being pushed back to Turkey. These contain a degree of detail and level of consistency that are compelling. Of the 148 people interviewed by Amnesty International over the past 18 months, 68 reported that they had been pushed back at least once in the 20-month period between August 2012 and March 2014. The geographic spread of the alleged push-backs includes nearly the whole frontier between Greece and Turkey where migrants and refugees can attempt to cross. Witnesses spoke of push-backs along the 203km land border in the Evros region in the north-east of the country which is now guarded by a 10.5km long fence and thousands of border guards. In the Aegean Sea most allegations refer to the area policed by Greek coastguards around the islands of Lesbos, Chios and Samos, although some came from further south, near Farmakonisi and Leros. This suggests a widespread and routine pattern of abuses that cannot be explained by the actions of a few rogue officers or one single law enforcement unit.

The involvement of Greek police officers and Greek Coastguards in push-backs is a consistent element in all the statements gathered. The people who are carrying out these push-backs are state agents and the Greek authorities bear the complete responsibility for their conduct. Most push-backs by coastguards describe the involvement of crews between four and seven men strong. Push-backs at land borders generally refer to up to 10 police officers. Police vehicles were reportedly involved in the transfer of migrants and refugees during push-backs and in a number of cases people were detained in buildings that they described as police stations before being pushed back. The identity of the boatmen the men and women described in several accounts as dressed in black and wearing hoods referred to by several witnesses remains unknown and it is possible that these are private individuals acting in concert with state officials.

The reaction of the Greek authorities to allegations of push-backs by Amnesty International, as well as other NGOs and international human rights protection mechanisms, has ranged from outright denial to claims that officers are only “detering” boats carrying refugees and migrants or that such violations, if they happen at all, were merely “isolated incidents”.²⁹

In January 2014, the Council of Europe's Commissioner for Human Rights published his correspondence with the Greek Minister of Public Order and Citizens' Protection and the Minister of Shipping and the Aegean. In his letter, he referred to research by Amnesty International and the German refugee rights NGO ProAsyl. He called for an end to collective expulsions:

"The large number of reported collective expulsions by Greece of migrants, including a large number of Syrians fleeing war violence, and allegations of ill-treatment of migrants by members of the coastguard and of the border police raise serious human rights concerns. I call on the Greek authorities to carry out effective investigations into all recorded incidents and take all necessary measures in order to end and prevent recurrence of such practices."

The Minister for Public Order and Citizen Protection responded stating that every single allegation was investigated by the Greek police and, if necessary, by the judicial authorities and that, where evidence supported the allegations, appropriate sanctions would be imposed. The Minister of Shipping and the Aegean stated that the practice of collective expulsion was unacceptable and that between August and December 2013 three separate investigations into allegations of ill-treatment had been initiated, though none of these concerned alleged push-backs. Both Ministers affirmed their commitment to human rights and said that collective expulsions and ill-treatment are incompatible with Greek domestic legislation and the ethics of the Greek coastguard and police.³⁰ Speaking before the Greek Parliament in 28 January 2014, the Minister of Shipping and the Aegean repeated that there is no 'political' order for push-backs or violent behavior against migrants and refugees.³¹

Responding to a letter from Amnesty International, sent in February 2014 which raised concerns over the continuing allegations of push-backs along the Greek-Turkish border, including the case in Praggi village (see chapter 4) the Greek Police stated that they consider the respect for the rights and welfare of every individual to be a key element of their operations and that this is reflected to the orders issued by the Greek Police Headquarters. They also acknowledged that push-backs are illegal under domestic legislation and insisted their operations are consistent with international and domestic legislation.

According to the same communication, in July 2013, following Amnesty International's report "Frontier Europe" alleging extensive push-backs in the Evros Region, an unspecified number of disciplinary inquiries into the allegations contained in the report was ordered but has not yet been concluded. They added in that in November 2013, following a similar report from ProAsyl, three more disciplinary inquiries were ordered, two of which are pending, while the third was archived without prosecutions. They maintained that disciplinary inquiries have been ordered in another 18 unspecified cases concerning allegations of push-backs in the Evros Region, all of which are still pending. Finally, disciplinary action which might lead to discharge was taken against an officer for stealing personal belongings of a detainee in an immigration detention facility.

At the time of completion of this report Amnesty International had not received an answer to its letter of February 2014 to the Greek Coast Guard and the Ministry of Shipping and the Aegean. In an official response to Amnesty International July 2013 report, the Greek Coast Guard denied any knowledge of the alleged push-backs contained in that report and maintained that in the very few cases of substantiated reports of ill-treatment disciplinary and criminal sanctions had been imposed³².

The default denial of the scale of the problem of push-backs along the Greece-Turkey border casts serious doubt on the determination of the Greek authorities to combat this phenomenon. The Greek authorities appear to be exploiting the deniability that arises from the difficulties those pushed back face in making complaints, and the strong reluctance of

those who do ultimately make it through to bring their allegations to the attention of the authorities on account of their fear of being expelled again. Victims that Amnesty International spoke to also highlighted a lack of confidence in the Greek justice system, difficulties in accessing legal aid, the desire to pass through Greece as quickly as possible and the fear that they would only be deported again if they brought their complaints to the attention of the Greek authorities.

The low number of criminal complaints may go some way to exonerating the Greek authorities for the very low number of criminal cases opened against Greek border and coast guards, in connection with offences committed in the course of alleged push-back operations (Amnesty International is aware of only two – in connection with incidents in Praggi and Farmakonisi referred to above). They do nothing, however, to excuse the Greek authorities for allowing a widespread practice that they can no longer claim to be ignorant of from continuing.

It is telling that the Greek authorities were unable to point to the concrete results of a single internal investigation into allegations of push-backs to date, other than those that have been closed without further action.

The Greek authorities must send out a clear signal, publicly, and through unambiguous instructions internally, that the practice of push-backs will not be tolerated. To this end Amnesty International encourages the Greek authorities to conduct a thorough review of its border control policies, preferably through the vehicle of a public inquiry mandated to make recommendations on how the Greek Police and Coast Guard can eradicate the widespread practice of pushbacks.

6. GREECE, THE EXPOSED FLANK OF “FORTRESS EUROPE”

“The [Greek] border is open like a barn door. The pressure on Greece must be increased”

Austrian Interior Minister Johanna Mikl-Leitner, March 2012³³

“Our cities have been occupied by illegal migrants, we will reconquer them”

Greek Prime Minister Antonis Samaras talking about migration in Greece in March 2012 when he was head of the opposition³⁴

It has become increasingly difficult for refugees and migrants from outside the EU to enter Europe lawfully. Whether fleeing war or grinding poverty their hopes for refuge and a better life for themselves and their families are coming up against increased policing and other barriers designed to keep them out. This in turn is forcing them to take ever more hazardous routes to reach their intended destination. Prey to smugglers and criminal networks and crammed into unseaworthy and overcrowded boats, the known death toll is shocking. In the Aegean Sea alone, at least 188 people, including children and babies, drowned or went missing between August 2012 and March 2014.³⁵ According to available information at least 2,900 people have died in the Mediterranean Sea while trying to reach the EU since 2011.³⁶

EU's migration policy is heavily tilted towards the deterrence and prevention of irregular migration rather than mobility and protection in Europe for third country nationals. This policy has led to the almost complete closure of EU's external borders, and the construction of what is commonly referred to as "Fortress Europe." The walls of this fortress, officially constructed to keep out irregular migrants are no less difficult to penetrate for refugees.³⁷

Policies that fail to strike the right balance between border controls and the rights of refugees and migrants not only lead to human rights violations, they are also ineffective. The most obvious impact of such practices is to force people to move from one border to the next and from one country to the next. When Greece tightened security at its borders, the number of migrants and refugees entering the EU through the Bulgaria-Turkey border increased sharply.³⁸ A number of migrants and refugees told Amnesty International that their fear of ill-treatment and push-backs at the Greek borders as well as the increased policing of that border were the main reasons why they chose to cross to Bulgaria instead.

Greece is not acting in isolation. Its decision to prioritize the security of EU borders over the lives of migrants and refugees flows from the EU's wider policies³⁹. It is at the behest of the EU that Greece has been building sustained capacity for guarding its borders. The EU and its member states have provided significant financial and material support to Greece to police its borders as part of efforts to control irregular migration to the EU through Greece. Frontex, the EU agency responsible for EU border management, has been active in Greece since 2006 and continues to operate along Greece's borders.

The EU and its member states have a dual responsibility. They should be sharing the responsibility for refugees, asylum-seekers and migrants more equitably, especially in view of Greece's economic difficulties.⁴⁰ At the same time, they must also remain vigilant: and the EU Commission must move swiftly to impose sanctions when large-scale human rights violations that breach EU law occur in a member state. At present the EU is failing on both counts.

The European Charter of Fundamental Rights of the European Union explicitly prohibits collective expulsions. Push-backs are also inconsistent with the Schengen Borders Code and EU asylum and returns Directives. The EU Commission, the guardian of this legislation, cannot stand idly by while these are routinely flouted. It must launch infringement proceedings against Greece for the frequent use of push-backs along the Greece-Turkey border. Amnesty International understands from sources within the Commission that pre-infringement proceedings, consisting of the communication of possible grounds of concern to the Greek authorities, have been initiated. These must be brought to a prompt conclusion and be followed by a letter of notice initiating formal infringement proceedings.

7. FRONTEX ON THE GREECE-TURKEY BORDER: POSEIDON LAND AND SEA OPERATIONS

Frontex, or to give it its full name, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, was established by Council Regulation (EC) 2007/2004 and started operating in October 2005. Its main task is to coordinate joint operations between member states at the external sea, land and air borders of the EU. Frontex activities are governed by its founding regulation (as amended)⁴¹ and by the EU Charter of Fundamental Rights.⁴²

While Frontex's core mission is to assist in the policing of the EU's external borders, it is ostensibly concerned to ensure it does so within a human rights framework. To this end, Frontex adopted a Fundamental Rights Strategy in 2011 and, in 2012, it appointed a Fundamental Rights Officer and established a Consultative Forum on Fundamental Rights. The Fundamental Rights Officer's task is to support Frontex in the implementation of the Fundamental Rights Strategy and ensure respect and promotion of fundamental rights in all Frontex activities by assessing operational plans and operational evaluations; monitoring, responding to and recording any incidents in which fundamental rights are breached; and improving and supporting the fundamental rights training given to border agents. The Consultative Forum advises the Executive Director and the Management Board on how Frontex can improve fundamental rights in Frontex activities. It is made up of representatives from two EU agencies, four international organisations and nine civil society organisations.

In instances where breaches of fundamental rights are alleged, Frontex can resort to a number of measures including a "letter of concern to relevant Member States, letter of warning; discussion at the Management Board level; a report to the European Commission; the withdrawal or reduction of the financial support to Member States; appropriate disciplinary measures both in the Member States and in Frontex; temporary suspension of the joint operation or the pilot project; or termination of the joint operation or the pilot project."⁴³

Frontex Operations in Greece

The EU and its Member States have provided support to Greece to police its borders as part of its efforts to control irregular migration to the EU through Greek land and sea borders. Since 2006, border patrol operations, named "Poseidon Joint Operations", have been carried out under Frontex cooperation with the participation of more than 20 EU Member States and Schengen Associated Countries. Participating states have provided technical equipment and guest officers to patrol the borders, identify countries of origin ("screening") and interview migrants to gather information on trafficking networks and routes used by smugglers ("debriefing").⁴⁴

According to the latest information available on Frontex' website on these two operations, the budget for the Poseidon Land operation (covering both Greece and Bulgaria's borders with Turkey) only for the period between 2-28 March 2011 was almost nine million euro. The budget for the Poseidon Sea operation from 1 April 2011 to 31 March 2012 was almost 12 million euro.⁴⁵

Frontex publishes very little information about its ongoing operations.⁴⁶ The latest publically available information on its operations in Greece dates back to 2011 and provides only cursory details. According to the response Frontex gave to an information request by Amnesty International, there were nine guest officers from Germany, Austria and Sweden carrying out patrolling duties under the Joint Operation Poseidon Land on 20 December 2013 in Greece.⁴⁷ Although the response did not include information regarding the number or the nationalities of the guest officers patrolling the Aegean Sea, it said that six Greek maritime vessels were being operated under Joint Operation Poseidon Sea as of 20 December 2013.⁴⁸

To queries by Amnesty International on what action Frontex has taken on allegations of push-backs, Frontex responded that it had raised such allegations with the Greek authorities in writing on a number of occasions and either received responses denying that push-backs had taken place or that investigations are being carried out.⁴⁹ The response by Frontex did not clarify at which stage the investigations were or their outcome.

Amnesty International understands from the Frontex reply that it is trying to follow up such allegations more closely through a "Joint Follow up Team" made up of an officer from the Greek Police, an officer from the Greek Coast Guard and the head of the Frontex Liaison Office in Piraeus. According to Frontex, when it communicates an alleged violation to the Greek authorities, the joint follow up team works to "ensure the transparency of the internal investigation and the timely communication of the outcome to Frontex."⁵⁰

It is clear however, that whatever transparency there may exist between the Greek authorities and Frontex, that transparency does not extend to the broader European public. It is notable that Frontex was unable or unwilling to provide details on any of the investigations it referred to in its reply to Amnesty International⁵¹.

Frontex has developed internal procedures for staff and guest officers to report possible violations. Current standard operating procedures (SOP) for the reporting of serious incidents also require full consideration of reports of possible fundamental rights violations in Frontex coordinated activities from any source and submitted by any means. This compels Frontex to give due consideration to the reports of human rights violations by Amnesty International and other human rights organisations.

Amnesty International has not documented push-back allegations which would indicate involvement of Frontex guest officers or vessels. However, Frontex informed Amnesty International that Greek maritime vessels co-financed by Frontex as part of Poseidon Sea do not bear any Frontex insignia or have guest officers aboard.⁵² This would make it impossible for refugees and migrants Amnesty International interviewed to differentiate them from regular Greek coastguard vessels. Additionally, even if Frontex sponsored vessels have not been used for push-backs, the vast majority of the human rights violations described in this and previous reports took place in the operational area of the Frontex joint operations Poseidon Land and Sea, which include the land border between Greece and Turkey in the Evros region and a large section of the Aegean Sea (including the sea areas around the

islands of Lesbos, Chios, Samos and Farmakonisi). The actors, who commit these violations, i.e. the Greek Police and the Coast Guard, are Frontex' operational partners and guest officers from member states patrol the Greek borders with them.

The 2011 Regulation gave the Executive Director of Frontex the power to terminate or suspend a joint operation, in whole or in part, when the conditions for such an operation are no longer fulfilled, including in cases of serious and persistent breaches of fundamental rights.⁵³ Amnesty International believes that this condition has been met and calls upon the Frontex Executive Director to suspend the parts of Joint Operations Poseidon Land and Poseidon Sea relating to the patrolling of Greece's borders with Turkey in the Evros region and the Aegean Sea and maintain its cooperation only in respect of activities not related to patrolling of borders such as screening and debriefing.

8. CONCLUSIONS AND RECOMMENDATIONS

The sheer volume of credible allegations of push-backs that Amnesty International was able to record in a few short weeks of research in Greece and Turkey over the last months strongly suggests that they are routine across both the land and sea borders. The persistent denial of the scale of this dangerous and rights-violating practice by the Greek authorities is allowing it to continue.

The European Union cannot turn a blind eye to these abuses. It must initiate infringement proceedings against Greece for the serial breach of EU legislation and suspend its cooperation with and funding for Greece's border control operations until such time as Greece can demonstrate that it has eradicated the practice of pushbacks at its frontiers.

European Union member states are perfectly entitled to combat the irregular entry of migrants. They cannot do so, however, in manner that is putting lives at risk and denying protection to those desperately seeking refuge in Europe.

RECOMMENDATIONS

To the Greek authorities:

Immediately halt the practice of push-backs (collective expulsions) in the Aegean and on the land border with Turkey;

Ensure that all those intercepted in the Aegean or apprehended along the land border with Turkey have access to individual procedures to seek international protection or raise other protection needs;

Ensure that all those intercepted in the Aegean or apprehended on the land border with Turkey have access to an effective remedy against any deportation decision;

Conduct prompt, effective, independent and impartial investigations into all allegations of push-backs and ill-treatment on Greece's land border with Turkey and in the Aegean;

Ensure that migrants and refugees who survive push-back operations or ill-treatment at Greece's border are given a temporary legal status, unless a more favorable one is available, to allow them follow up their complaints and seek remedy to the harm they have suffered;

To the EU Commission, the European Union and its member states:

Initiate infringement proceedings against Greece under articles 3b, 5(4)c, 13(1) and 6, of the Schengen Borders Code and, where applicable, the asylum acquis principally Article 6 of Asylum Procedures Directive;

Abide by the rulings of the European Court of Human Rights and the Court of Justice of the European Union by maintaining the halt of transfers of asylum-seekers back to Greece and take responsibility for those asylum-seekers.

To Frontex:

Frontex Executive Director should activate Article 3(1)a of the Regulation (EU) No 1168/2011 and suspend the parts of Joint Operations Poseidon Land and Poseidon Sea relating to the patrolling of Greece's borders with Turkey in the Evros region and the Aegean Sea;

Assiduously follow up on the allegations of ill-treatment and push-backs received from guest officers in Greece or third parties such as non-governmental organizations or the media, so as to ensure that they are effectively and transparently investigated by the Greek authorities;

To the Council of Europe:

To the Committee on Migration, Refugees and Displaced Persons of the Parliamentary Assembly of the Council of Europe (PACE):

Investigate the Farmakonisi incident and other allegations of collective expulsions, in the context of its forthcoming report on "Greece under pressure: Europe's front door for irregular migration".

To the Council of Europe Commissioner for Human Rights:

Continue to raise allegations of push-backs and ill-treatment at Greece's border with Turkey with the Greek authorities;

ENDNOTES

¹ Notably, in November 2013, the German refugee rights NGO ProAsyl published a report containing several testimonies of refugees and migrants who said they had been pushed back by the Greek authorities at the Greece-Turkey borders. See *Pushed-back: Systematic human rights violations against refugees in the Aegean Sea and at the Greek-Turkish land border*, available at http://www.proasyl.de/fileadmin/fm-dam/I_EU_Fluechtlingspolitik/proasyl_pushed_back_24.01.14_a4.pdf, visited 3 March 2014.

² The amounts spent separately in Greece and Bulgaria under these operations are not available. There is no information available for 2013. See http://frontex.europa.eu/assets/About_Frontex/Governance_documents/Grants_awarded/Grants_awarded_in_2012.pdf and <http://frontex.europa.eu/operations/archive-of-operations/> visited 17 April 2014

³ Greek police statistics, available at http://www.astynomia.gr/index.php?option=ozo_content&perform=view&id=3665&Itemid=429&lang=EN, visited 3 March 2014.

⁴ European Commission, online at http://ec.europa.eu/dgs/home-affairs/financing/fundings/mapping-funds/countries/greece/index_en.htm, visited 3 March 2014.

⁵ According to the statistics of the Greek Police available at http://www.astynomia.gr/index.php?option=ozo_content&perform=view&id=24727&Itemid=73&lang=EN, visited 3 March 2014.

⁶ For more information see *A law unto themselves: a culture of abuse and impunity in the Greek Police* (AI Index EUR 25/005/2014) available at <http://www.amnesty.org/en/library/info/EUR25/005/2014/en>

⁷ Source the website of the Greek Police http://www.astynomia.gr/index.php?option=ozo_content&perform=view&id=1831&Itemid=528&lang=EN and http://www.astynomia.gr/index.php?option=ozo_content&perform=view&id=56&Itemid=47&lang=EN, visited 6 April 2014

⁸ Source the website of the Greek Coast Guard: <http://www.hcg.gr/node/95>, visited 6 April 2014

⁹ Indirect *refoulement* occurs when one country forcibly sends refugees and asylum-seekers to another country that subsequently sends them to a third country where they risk serious harm; this is also prohibited under international law

¹⁰ Article 4 of the Protocol 4 for of the European Convention on Human Rights prohibits collective expulsions. Although Greece has not signed Protocol 4, it is still bound by the prohibition on collective expulsions through the Charter and other international instruments. Explanations on the Charter published in the Official Journal of the European Union on December 2007 state that the purpose of the Article "is to guarantee that every [expulsion] decision is based on a specific examination." The explanations further add that Article 19(1) has "the same meaning and scope as Article 4 of Protocol No 4 to the ECHR.

¹¹ See Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status; Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals; and Schengen Borders Code, especially Articles 3b, 5(4)c, 13(1) and 6.

¹² Article 1 of the European Convention on Human Rights (ECHR), for example, establishes that the parties to the convention "shall secure to everyone within their jurisdiction the rights and freedoms" enshrined in the Convention. See the European Court of Human Rights factsheet on the extra-territorial jurisdiction of State parties to the ECHR (February 2014), in particular the case of *Hirsi Jamaa and others v. Italy*, where the Court stated that "whenever the State through its agents operating outside its territory exercises control and authority over an individual, and thus jurisdiction, the State is under an obligation under Article 1 to secure to that individual the rights and freedoms under Section I of the Convention that are relevant to the situation of that individual," available at: http://www.echr.coe.int/Documents/FS_Extra-territorial_jurisdiction_ENG.pdf

¹³ Article 2 of the UN Convention against Torture prohibits torture and requires parties to take effective measures to prevent it in any territory under their jurisdiction. Article 3 of the European Convention on Human Rights prohibits torture and other inhuman or degrading treatment or punishment.

¹⁴ A recording of the interview, which Amnesty International is not in a position to verify, was broadcast on the radio. See also HOT DOC, issue 42, 17 December 2013, at www.hotdoc.gr/node/100, visited 3 March 2014.

¹⁵ Amnesty International interview, Istanbul, 22 November 2013.

¹⁶ "UNHCR seeks clarifications on the fate of Syrian refugees in Evros", 13 November 2013 available at <http://www.unhcr.gr/nea/deltia-typoy/artikel/6feb0412b79373f85eb4dd4f0011f56c/unhcr-seeks-clarifications-on-the-fa.html?L=wdmunrzszi>, visited 3 March 2014.

¹⁷ Correspondence with Greek Police Headquarters received 28 March 2014

¹⁸ "UNHCR: Statement on the boat incident off Greece coast", 21 January 2014 available at <http://www.unhcr.org/52df83d49.html>, visited 3 March 2014.

¹⁹ The coastguard investigators recorded that the testimonies of two of the survivors dated 22 January 2014 were taken between 16:45 and 17:00 that day. See <http://www.lifo.gr/team/apopseis/45553> and <http://www.lifo.gr/team/apopseis/46043>, visited 4 March 2014.

²⁰ See http://www.lifo.gr/team/apopseis/45592?comments_page=1&comments_order=r, visited 4 March 2014.

²¹ For the response of the minister responsible, the Minister for Shipping and the Aegean, see <http://hcg.gr/node/6770>. For the response of the Greek coastguard, see <http://www.hcg.gr/node/6764> and <http://www.hcg.gr/node/6751>. Visited 4 March 2014. During a TV interview, Commodore Papageorgopoulos, a representative of the Greek coastguard, said that choosing to tow the boat during a search and rescue operation is an exceptional manoeuvre but it is allowed.

²² "UNHCR: Statement on the boat incident off Greece coast", 21 January 2014, available at <http://www.unhcr.org/52df83d49.html>, visited 4 March 2014

²³ See <http://www.theguardian.com/world/2014/jan/24/migrant-survivors-boat-sinking-changed-stories-marine-minister>, visited 24 March 2014

²⁴ See http://www.ekathimerini.com/4dcgi/_w_articles_wsitel_1_23/01/2014_536746 visited 12 April 2014

²⁵ Letter available at <http://www.hcg.gr/node/6814>. At the time of writing, there were three ongoing criminal investigations into the incident. One criminal investigation was under way by the Prosecutor of the Naval Court of Pireus and another was being carried out by the Prosecutor of the Athens Military Court into survivors' allegations that they were ill-treated and stripped naked when they were transferred by coastguard to Farmakonisi. A third criminal investigation was being conducted by an investigative judge on the island of Kos (the nearest island to Leros) of a Syrian national accused of being in charge of the migrant boat and facing charges under Article 83 para. 1 and Article 88 para 1, b, c and d of Law 3386/2005 (smuggling of irregular migrants). The indictment concludes that, as captain, he is responsible for the loss of the migrants' lives for transporting the migrants in an unseaworthy boat with no buoys and in a bad weather.

²⁶ See <http://news.in.gr/greece/article/?aid=1231291247>, visited 24 March 2014

²⁷ Statement of the Greek Coastguard <http://www.hcg.gr/node/7074>. See also statement of the Mayor of Chios where the injured refugees were taken <http://www.skai.gr/news/greece/article/253381/liimeniko-vasei-ton-kanonon-eblokis-oi-purovolismoi-stis-oinousses/>, visited 26 March 2014.

²⁸ Amnesty International interview, 26 March 2014

²⁹ Meeting between Amnesty International delegates and representatives of the Greek police, including the Deputy Chief of the Greek Police, 8 July 2013. Meeting of Amnesty International delegates with Miltiades Varvitsiotis, the Minister of Shipping and the Aegean, 3 September 2013. Interview with the Minister of Shipping and the Aegean, at Aftopsia, 18 October 2013, at www.alphatv.gr/news/society/aytopsia-ston-agnosto-polemo-sto-aigaio, visited 4 March 2014.

³⁰ The full communication between the Council of Europe's Commissioner for Human Right and the Greek authorities is available at http://www.coe.int/en/web/commissioner/-/greece-must-end-collective-expulsions?redirect=http%3A%2F%2Fwww.coe.int%2Fen%2Fweb%2Fcommissioner%2Fhome%3Bjsessionid%3DA50E1BFEAB91E337102A70A073D70F3E%3Fp_p_id%3D101_INSTANCE_8EfTacFqd2H9%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-1%26p_p_col_count%3D5#8EfTacFqd2H9, visited 4 March 2014.

³¹ The Minister of Shipping and the Aegean was speaking before the Greek parliament responding to allegations over the incident in Farmakonisi Island. During that discussion the Minister also replied to allegations by NGOs over push-backs in the Aegean sea. See <http://www.tovima.gr/politics/article/?aid=562190>, visited 20 March 2014

³² Letter from the Headquarters of the Greek Coast Guard received 23 August 2013

³³ See <http://euobserver.com/justice/115702>, visited 9 April 2014

³⁴ See <http://www.naftemporiki.gr/story/387960/a-samaras-prepei-na-anakatalaboume-tis-poleis-mas> visited 14 April 2014

³⁵ News reports aggregated by Amnesty International

³⁶ According to UNHCR 1500 people dies or went missing in 2011 see <http://www.unhcr.org/4f27e01f9.html>, visited 10 April 2013. According to the International Organization of Migration 707 people in 2013 and 711 in 2012 died in the Mediterranean sea, see <http://www.iom.int/files/live/sites/iom/files/pbn/docs/behind-numbers.html>, visited 10 April 2014

³⁷ For Amnesty International's concerns over of EU's approach in the case of Syrian refugees see: *An International Failure: the Syrian Refugee Crisis* (Index: ACT 34/001/2013), available at

<http://www.amnesty.org/en/library/info/ACT34/001/2013/en>.

³⁸ According to the Bulgarian Ministry of Interior, the number of people apprehended at the Bulgarian-Turkish border rose from 1,646 in 2012 to 11,512 in 2013. Bulgaria is also constructing a fence along that border.

³⁹ For Amnesty International's concerns over EU's failure to take concrete action to protect the lives of migrants and refugees along Europe's borders see 'Council conclusions on migration: Unworthy of Europe' available at <http://www.whenyoudontexist.eu/council-conclusions-on-migration-unworthy-of-europe-news/>, visited 10 April 2014

⁴⁰ Amnesty International believes that the EU and its member states should support Greece in ensuring the rights of all migrants and refugees regardless of their status and find new ways of sharing the responsibility with Greece for managing migration flows. For more details see *Fortress Europe*, op.cit.

⁴¹ Regulation (EU) No 1168/2011 of the European Parliament and of the Council of 25 October 2011 amending Council Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, available at: http://frontex.europa.eu/assets/About_Frontex/frontex_amended_regulation_2011.pdf

⁴² Charter of Fundamental Rights of The European Union (2000/C 364/01), available at: http://www.europarl.europa.eu/charter/pdf/text_en.pdf

⁴³ Frontex, *Frontex Response to Ombudsman own-initiative inquiry 01/5/2012/BEH-MHZ*, 29 May 2012, available at: <http://www.ombudsman.europa.eu/en/cases/correspondence.faces/en/11758/html.bookmark>

⁴⁴ Available at: <http://www.frontex.europa.eu/operations/archive-of-operations/?year=®ion=&type=&host=Greece>

⁴⁵ Information on past Frontex coordinated operation available at : <http://frontex.europa.eu/operations/archive-of-operations/> visited 16 April 2014

⁴⁶ Letter dated 6 June 2013 from the Executive Director of Frontex to Amnesty International European Institutions Office in response to a query dated 13 May 2013 stated that "[t]he detailed figures about deployment of experts and technical means of an ongoing joint operation cannot be publicly disclosed, as they might jeopardize the fulfilment of the operation objectives."

⁴⁷ E-mail dated 14 March 2013 from the Frontex Press Officer to Amnesty International European Institutions Office in response to a query dated 11 February 2014.

⁴⁸ E-mail dated 14 March 2013 from the Frontex Press Officer to Amnesty International European Institutions Office.

⁴⁹ Letter dated 6 June 2013 from the Executive Director of Frontex to Amnesty International European Institutions Office in response to a query dated 13 May 2013 and attachment to the e-mail dated 14 March 2013 from the Frontex Press Officer to Amnesty International European Institutions Office in response to a query dated 11 February 2014.

⁵⁰ E-mail dated 14 March 2013 from the Frontex Press Officer to Amnesty International European Institutions Office.

⁵¹ The response of Frontex listed six push-back allegations (described as "alleged unprocessed return" in the response); four in the Aegean and two in the Evros region. With regards to two incidents, the response noted that the "Hellenic Police answered Fx [Frontex] by letter denying allegations based on

inaccuracies of the migrant's testimony." In one, it was noted that "the HCG [Hellenic Coast Guard] expected to explain the actual circumstances of the incident in the subject." With regards to one of the incidents, there was no information on the follow up by Greece. For one of the allegations, Frontex' response said "Hellenic authorities investigating" and for the last one it said "judicial investigation ongoing." Two of the sea incidents also alleged "degrading treatment" and one alleged "mistreatment." (Attachment to the e-mail dated 14 March 2013 from the Frontex Press Officer to Amnesty International European Institutions Office.)

⁵² Phone interview with Frontex Press Officer on 14 April 2014.

⁵³ Article 3(1)a of the Regulation (EU) No 1168/2011 of the European Parliament and of the Council of 25 October 2011 amending Council Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, available at: http://frontex.europa.eu/assets/About_Frontex/frontex_amended_regulation_2011.pdf. The Article states that: "[t]he Executive Director shall suspend or terminate, in whole or in part, joint operations and pilot projects if he/she considers that such violations are of a serious nature or are likely to persist"

WHETHER IN A HIGH-PROFILE CONFLICT OR A FORGOTTEN CORNER OF THE GLOBE, **AMNESTY INTERNATIONAL** CAMPAIGNS FOR JUSTICE, FREEDOM AND DIGNITY FOR ALL AND SEEKS TO GALVANIZE PUBLIC SUPPORT TO BUILD A BETTER WORLD

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I WANT TO HELP

GREECE: FRONTIER OF HOPE AND FEAR

MIGRANTS AND REFUGEES PUSHED BACK AT EUROPE'S BORDER

Every year, thousands of refugees and migrants arrive at the Greek-Turkish border hoping to cross the frontier and enter the European Union. Some, like those arriving from Syria, are fleeing violence and conflict. Others arrive in search of a better future.

This follow-up report to *Frontier Europe: Human rights abuses on Greece's border with Turkey*, documents further reports that Greek officials are routinely and illegally “pushing back” refugees and migrants into Turkey, in breach of Greek and international law. Victims describe how some Greek law enforcement officials ill-treated them, stole their belongings and put their very lives at risk. Given mounting evidence that Greece is violating human rights standards enshrined in EU law, the European Commission has an obligation to act.

This report ends with a series of recommendations to the Greek authorities calling for an immediate halt to the practice of push-backs and for effective investigations into all allegations of human rights violations at the Greek-Turkish border. Amnesty International also urges the European Commission to initiate legal proceedings against Greece.

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