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Reference: **B2003**

**Mr Juan Fernando López Aguilar**

Member of the European Parliament

Chair of the Committee on Civil Liberties, Justice and Home Affairs (LIBE)

03 July 2020

Dear Chairman López Aguilar,

We are writing to you in view of the upcoming LIBE Committee meeting of 6 July 2020 which will discuss, *inter alia*, 'the situation at the Greek/Turkish border and respect for fundamental rights' (LIBE/9/03408), and on the occasion of which the Greek Ministers for Citizen protection and Immigration and Asylum are expected to give presentations.

We are pleased to learn of the Committee's efforts to discuss this issue, especially in the light of emerging and persisting reports of pushbacks at sea in the Aegean and with a view to further worrying developments in Greek legislation and practice on asylum and migration (See Amnesty International's May 2020 [statement](#) on how the new amendments of Greek asylum and migration law risk leading to a systemic use of immigration detention and to a lowering of procedural safeguards in the asylum procedure).

As you may be aware, on 3 April 2020 Amnesty International published a [briefing](#) on the events that occurred in Greece following the announcement by Turkey, on 27 February 2020, that the country's borders with the EU would be opened ('*Caught in a political game: asylum-seekers and migrants on the Greece/Turkey border pay the price for Europe's failures*'). The briefing focuses, among other issues, on the situation faced by potential asylum-seekers and migrants attempting to cross at the land border between Turkey and Greece, in the Evros region, and on the experience of those reaching Greece via sea following the temporary suspension of submission of asylum applications by new arrivals with the Act of Legislative Content of 2 March 2020.

As part of our research for this briefing, Amnesty International received testimonies regarding the following practices against asylum-seekers and migrants: pushbacks, beatings and arbitrary detention (p. 7-8 of the briefing) and deaths and injuries resulting from the use of live ammunitions (p. 8-9). The excessive use of tear gas against asylum-seekers and migrants was also witnessed by the organization's research team (See: "Abusive use of 'less lethal' weapons" on p.8 of the briefing).

In the briefing, Amnesty International made a series of recommendations to the Greek authorities, with a view to remedying the violations reported and preventing their recurrence. Following the briefing's publication, Amnesty International shared copies and findings with Mr Notis Mitarachi, Minister for Immigration and Asylum, Mr Konstantinos Tsiaras, Minister of Justice, and Mr Michalis Chrisochoidis, Minister of Citizen Protection.

Recommendations were also made to the EU institutions and member states, calling among other things for the withdrawal of the deployment of the European Border and Coast Guard's (EBCG) border control and intervention assets, in view of Greece's temporary suspension of asylum and of the evidence of pushbacks and violence at the border, as well as for the unequivocal condemnation of pushbacks, collective expulsions and unlawful returns.

On 8 May 2020, the Greek Alternate Minister of Immigration and Asylum Mr George Koumoutsakos, sent a letter of reply to our communication. While illustrating the general measures taken by Greece to address the situation at its land borders, the letter concludes that '*allegations about human rights violations by Greek law enforcement personnel are fabricated, false and uncorroborated*'. Notably, the letter fails to refer or address any of the specific incidents outlined in our briefing, but only makes a generic reference to the fact that Amnesty International's '*more detailed remarks and*

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concerns' [...] are thoroughly examined by the competent authorities and the necessary actions are taken in order to address outstanding issues'. At the time of writing, no further communication has been received by Amnesty International regarding actions taken by the Greek authorities to address our concerns or recommendations.

Reports raising concerns over similar practices have been published by a number of reputable actors, including [Human Rights Watch](#) and [The New York Times](#). Other specialised organisations conducted investigations into the deaths of, Muhammad Gülzari, a 43-year-old Pakistani man (See: 'The Killing of Mohammad Gulzar', [investigation](#) by Bellingcat, Lighthouse Reports, Forensic Architecture, Der Spiegel and others), and of Muhammad al-Arab, a 22-year-old Syrian man (See: Forensic Architecture's [video reconstruction](#) 'The Killing of Mohammad al-Arab'), which occurred in the context of the February-March 2020 events at the border and also feature in Amnesty International's briefing.

It is worth noting that allegations of pushbacks in the Evros region, demonstrating that these practices were routine and conducted with methods similar to the ones currently observed, have been documented by Amnesty International in the past ('[Fear and Fences: Europe's approach to keeping refugees at bay](#)', 2015). Such practices have consistently been denounced by other NGOs (See: Human Rights 360, ARSIS-Association for the Social Support of Youth, Greek Council of Refugees, '[The new normality: Continuous push-backs of third country nationals on the Evros river](#)', December 2019).

To date, to our understanding, Greece has failed to acknowledge the existence of these practices or take meaningful steps to effectively investigate the events. To the contrary, as per the response received by our organisation, they have consistently denied the allegations.

It is a serious concern that the EU Commission initially commended Greece for being Europe's "shield" and only later sought to address human rights concerns. To date the Commission has refrained from taking a public stance on the ongoing pushbacks allegations.

#### **Developments in the case of 'Fatma' (Nadera Almonla)**

In our 3 April 2020 briefing, Amnesty International reported the case of a Syrian woman who went missing and is presumed dead after she and her husband were separated from their six children while attempting to cross the Evros river, south of Edirne, to enter Greece (page 9 of the briefing). The woman was referred to as 'Fatma' with a view to protecting her identity. Her husband 'Ahmed' (not his real name) told Amnesty International that his wife has been missing, presumed dead after Greek soldiers fired shots towards her as she attempted to join their children on the Greek side of the river. Ahmed told Amnesty International that Greek authorities subsequently detained him and their children for four or five hours, during which they were stripped and had their possessions taken. They were then driven back to the river and put in a wooden boat that took them and others back to the Turkish side.

After the publication of the briefing, Amnesty International researchers have maintained contacts with Nadera's husband, 'Ahmed', and with the family's lawyers in Turkey and Greece, who have taken different actions with the authorities of both countries in order to locate Nadera and investigate her case.

To mark more than 100 days since her disappearance, with investigations in Greece failing to achieve results, on 8 June, the lawyer of Fatma's family in Turkey launched a digital campaign on twitter to call for justice for her, using her real name: Nadera Almonla. [Amnesty International joined the campaign](#) through its global and regional channels, targeting the Greek Prime Minister.

To our knowledge, to date attempts to locate Nadera through inquiries to the Greek police authorities in Orestiada and Alexandroupoli, by the lawyers following the case in Greece and Turkey, have reportedly produced no results. Search and rescue operations conducted by the Greek authorities have reportedly not achieved results so far.

On 30 March 2020, the lawyer of the family in Turkey filed an application for interim measures before the European Court of Human Rights (ECtHR) asking the Court, among other things, to ensure that Greece conducted an effective investigation into the incident. Following this application, the Greek Government provided the ECtHR with the list of actions taken in the case by the police authorities, including new investigations launched in April 2020 -after the application for interim measures- upon order of the prosecutor of Alexandroupoli, which again produced no results.

While interim measures were [eventually not granted by the Court](#), a full application to the ECtHR, focussing on various aspects of the case, has been submitted on 22 June 2020 and is currently pending before the Court.

To date, however, we are not aware of any new action being taken by the Greek authorities to enhance their search efforts or investigate the incident, nor of other significant developments in the case.

### **Allegations of pushbacks and other dangerous practices at sea**

Since the February-March 2020 crisis situations at Greece land borders with Turkey, and related reports on pushbacks and other human rights violations, new, concerning and persisting allegations have emerged regarding incidents of pushbacks at sea as well as forced returns of potential asylum-seekers and migrants who landed on some of the Eastern Aegean islands (Among others see: June 2020 [report](#) by Der Spiegel, Report Mainz and Lighthouse Reports and separate reports by [Alarm Phone](#) and [The Guardian](#)). Also in this instance, Greek authorities appear to be denying allegations (See [DW News](#) and [Ekathimerini](#)). [IOM](#) and [UNHCR](#) recently raised concerns regarding the reported incidents.

In view of the above, we hope that the 6 July meeting will be an opportunity to seek clarifications from the Greek authorities as to actions taken to investigate the serious allegations of human rights violations in relation to the events of February-March 2020, as well as the more recent alleged incidents of pushbacks at sea. We call on you to use this discussion to raise awareness with Greece and other EU institutions as to the issues outlined above, with a view to ensuring that:

- Greece protects people at its land and sea borders and refrains in all cases from pushbacks, refoulement and collective expulsions;
- Greece conducts prompt, impartial and effective investigations into allegations of such practices at land and sea, including into the case of Nadera Almonla;
- The EU Commissions takes urgent measures to ensure that Greece complies with European asylum and fundamental rights law;
- The EU Commission unequivocally condemns pushbacks, collective expulsions and unlawful returns and holds member states to account for unlawful practices;
- EU institutions and members states uphold the principle of solidarity under EU and international law by effectively and meaningfully relocating asylum seekers from Greece and resettling refugees from Turkey.
- The European Commission ensures that the EBCG's operations and practices are in line with European and international law and standards.

We are grateful for LIBE's attention to these matters and welcome any information on the actions taken to address the concerns discussed above. We remain at your disposal for any further information or clarification that might be required.

Yours faithfully,

Eve Geddie,



Head of Office and Advocacy Director  
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