



**Recording Mechanism**  
of Informal Forced Returns

## **RECORDING MECHANISM OF INCIDENTS OF INFORMAL FORCED RETURNS**


ANNUAL REPORT 2023








## Recording Mechanism of Informal Forced Returns Incidents

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The **Greek National Commission for Human Rights (GNCHR)** was established by Law 2667/1998 as the independent advisory body to the Greek State in accordance with *Paris Principles* adopted by the United Nations (General Assembly Resolution A/RES/48/134, 20.12.1993, “*National Institutions for the promotion and protection of human rights*” *NHRIs*) and is the National Institution for the protection and promotion of Human Rights (NHRI) in Greece. The founding legislation of the GNCHR was amended by Law 4780/2021 on “National Accessibility Authority, National Commission for Human Rights and National Bioethics and Technoethics Committee” (Government Gazette 30 A/28.2.2021) the provisions of which now govern the operation of the National Commission. Under the provisions of Law 4780/2021, the GNCHR has acquired legal personality, operational and financial independence and administrative autonomy. Since 2001 the GNCHR is accredited as an “A status” NHRI (full compliance, in accordance with the UN Paris Principles) by the competent GANHRI Sub – Committee on Accreditation, in recognition of its independence and effective fulfilment of its role.



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## GLOSSARY

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**Informal Forced Return incident (IFR incident):** The informal deportation, removal, 'pushback' or return, conducted summarily and outside the legal framework, of third-country nationals, including asylum seekers and holders of legal residence titles in Greece, from the Greek territory, without individual examination of international protection or other needs, and without the possibility of having recourse to legal remedies, which may lead to a direct or indirect breach of the principle of non-refoulement as stipulated in Article 3 of the Geneva Convention, Article 3 of the International Convention against Torture, Article 3 of the European Convention on Human Rights, or the principles of international customary law. (See: **Indicators of informality**)

**Recording cycle:** The period time in which the Recording Mechanism shall carry out the recording proceedings regarding the IFR incidents. Every recording cycle shall be calculated on an annual basis and run from 1 January to 31 December of the same year. The findings resulting from the recording cycle, shall be presented and analysed in the relevant annual report of the Recording Mechanism, which shall be published after the end of the recording cycle.

**Recording range:** The period of time in which the recorded, during the recording cycle, IFR incidents took place. The recording range of a recording cycle shall be fixed at the beginning of the recording cycle. A two-year period was fixed as the recording range of the recording cycle for the year 2023. Namely, the 2023 recording cycle, pertained to recordings of incidents alleged to have occurred in the period from 1 January 2022 to 31 December 2023.

**Victim:** Third-country national or stateless person alleged to have been victim of IFR incident from the Greek territory, either directly to the country of origin or former habitual residence for stateless persons or to a third country.

**Recording of an IFR incident:** The recording of the testimony of a victim of an IFR incident is conducted according to the standards and methodological tools of the Recording Mechanism by accredited recording officers with the assistance of an interpreter, where necessary for achieving mutual understanding, following the informed and explicit consent of the victim for the recording and processing of their personal data.

**Recording form:** The form used uniformly by the accredited recording officers to record the testimonies of victims of IFR incidents.

**Recording officer:** A person accredited to the Recording Mechanism by a Member of the Recording Mechanism, responsible for recording IFR incidents in accordance with the methodology set out by the Recording Mechanism.

**Interpreter:** A person with knowledge of the communication languages understood by the recording officer and the victim, providing language mediation services, during the recording of the IFR incident, so as to achieve two-way communication and mutual understanding between the recording officer and the victim.

**Indirect testimony:** Testimony for an IFR incident recorded by the Recording Mechanism from a third person, because the victim, due to force majeure or vulnerability, is unable to provide their own testimony. This third person shall be in a position to be aware of or could reasonably be expected to know what happened to the victim and their testimony can be corroborated by the testimony of another victim involved in the same IFR incident.

**Indicators of informality:** The indicators that reflect the actions of the alleged perpetrators regarding the identification of the alleged victims, the verification and recording of their personal information,



the collection of biometric data (photos and fingerprints), the administrative handling of asylum applications, and access to legal remedies for those wishing to challenge the legality of their removal, which attribute the irregular (informal) character to IFR incidents when they demonstrate deficiencies in the aforementioned procedures.

**Perpetrators in uniform:** Persons involved in an IFR operation, wearing a uniform or clothing with identical symbols or insignia. Usually, though not necessarily, this clothing looks like the official uniform of the law enforcement agencies, like the Hellenic Police, the Hellenic Coast Guard, the Hellenic Army or the FRONTEX.

**Perpetrators out of uniform:** Persons involved in an IFR operation, wearing ordinary, civilian clothing, without any identical symbols or insignia. These individuals may not be holders of public authority and act independently or may be in coordination with security forces, or they may be members of security forces, such as police officers in civilian clothing.

**Country of entry:** The last reported country, in which the alleged victim was located before entering the Greek territory.

**Country of return:** The first reported country, in which the alleged victim was located after his removal from the Greek territory.

**Third-country national:** A person of foreign origin, holding the nationality of a third country, either by birth or naturalisation.

**Stateless person:** A person who is not considered as a national by any state under the operation of its law, either because they never acquired one, or because their nationality has been revoked.

**Refugee:** Under the 1951 UN Convention Relating to the Status of Refugees, any person who owing to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

**Beneficiary of subsidiary protection status:** According to Directive 2011/95/EU, a third-country national or stateless person who does not meet the criteria to be recognized as a refugee under the 1951 Geneva Convention on the Status of Refugees, but in relation to whom there are substantial reasons to believe that, if returned to their country of origin or, in the case of a stateless person, to their previous habitual residence, they would face a real risk of suffering serious harm, which consists of the death penalty or execution, torture or inhuman or degrading treatment or punishment in their country of origin or previous habitual residence for stateless persons, or a serious and personal threat to the life or physical integrity of civilians due to indiscriminate violence in situations of international or internal armed conflict, and who is not able to or, due to this risk, does not wish to place themselves under the protection of that country.

**International protection status:** The status accorded to recognised refugees, under the 1951 Geneva Convention relating to the Status of Refugees or the subsidiary protection status granted to beneficiaries of subsidiary protection under the Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011.

**Beneficiary of international protection status:** Any person who has been granted one of the forms of international protection status.



**Asylum seeker:** Any person outside their country of origin or former habitual residence for stateless persons, seeking for international protection in another country.

**Registered asylum seeker:** An asylum seeker, whose application for international protection has been registered.

**Rejected asylum seekers:** A person who has lodged an application for asylum in respect of which a final rejecting decision has been issued by the competent Authorities.

**Member of the Recording Mechanism:** A Civil Society Organisation (CSO) active in the field of human rights or migration and refugee protection, which has a legal form and establishment/operation in Greece, with the purpose of providing free services to third-country nationals or stateless persons based on the principles of equal treatment, freedom of religion, and neutrality, and participates as a Member in the Recording Mechanism, which it has acquired according to the conditions and procedures set out in the Founding Act of the Recording Mechanism, undertaking the obligation to pursue the objectives of the establishment of the Recording Mechanism as described in its Founding Act, to apply the Methodology of the Recording Mechanism, and to record testimonies of informal forced return incidents

**Co-operating Agency:** A national or international entity that possesses specialized knowledge in a field relevant to the interests or operational needs of the Recording Mechanism and participates in the Recording Mechanism as a cooperating entity, which it has acquired according to the provisions set out in the Founding Act of the Recording Mechanism, in order to provide the Recording Mechanism and its Members with technical assistance, technical support, technical advice, or expertise in its area of specialization.

**Observer of the Recording Mechanism:** An organization of civil society or entity active in the field of human rights or migration and refugee protection, or that includes human rights protection in its objectives or activities, which participates as an Observer in the Recording Mechanism, a status it has acquired according to the provisions set out in the Founding Act of the Recording Mechanism.



## INTRODUCTION

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This is the second Annual Report of the Recording Mechanism of Incidents of Informal Forced Returns (hereinafter the *Recording Mechanism*) including data and findings resulting from testimonies about incidents of informal forced returns (herein after *IFR incidents*) recorded by the Recording Mechanism in 2023 and reportedly occurred in the years 2022 - 2023. This report is a continuation of the 2022 Annual Report of the Recording Mechanism and is based on first hand testimonies recorded from individuals who claim to have experienced IFR incidents.<sup>1</sup>

Through personal interviews with the alleged victims, conducted with the implementation of uniform methodological standards established by the Recording Mechanism, and the use of stringent quality control procedures, the Recording Mechanism aims at highlighting the operational details and the multidimensional consequences of these incidents. The analysis is based on quantitative data and qualitative findings, therefore making possible a comprehensive understanding of the trends observed, and methods used for the implementation of the IFR operations. Analysing the quantitative and qualitative data as widely and in-depth as possible, and capturing trends and conclusions more accurately, require the use of a technical language throughout the Report. However, in the Annex of this Report, excerpts from the testimonies of the alleged victims are presented, allowing the authentic voices of the individuals involved to take precedence. We suggest from the outset, that readers should read these testimonies with due caution, since in many of them there is a strong express of personal anxiety, stress, and pain of the alleged victims, arising from the reported losses and acts of violence.

The year 2023 was marked by the tragic shipwreck in June, in international waters off Pylos within the search and rescue zone of Greek responsibility, resulting in hundreds of dead and missing persons, including women and children, as reported by the survivors. This shipwreck is the culmination of the tragic consequences for human life resulting from the resort to increasingly dangerous routes for accessing safe territory and international or other forms of protection, which are hindered among other factors by the alleged IFR operations at the external borders of the European Union (EU), while legal pathways for entry into the EU either do not exist or are underperforming. The shipwreck off Pylos, and any other shipwreck before or after that, could have been avoided, if safe and legal pathways for refugees and migrants in the EU territory had been established since 2015, when the increase in the risk of similar incidents was imminent.<sup>2</sup>

The Recording Mechanism acknowledges the complexities associated with managing mixed migration flows. The geographical location of Greece, as Europe's gateway on the

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<sup>1</sup> Recording Mechanism of Informal Forced Returns Incidents, Annual Report 2022, December 2023, available here: <https://tinyurl.com/4zux9vcr>.

<sup>2</sup> See: GNCHR Statement on the shipwreck in the south-west area of Pylos, available here: <https://tinyurl.com/ms9muf7d>.





trajectories of migrating populations coming from the East and South, combined with the proximity of its island territories to neighbouring Türkiye and the geopolitical dynamics of the broader Eastern Mediterranean region, continue to present complex challenges in managing mixed migration flows, policing border crossings, and protecting human rights. Inside this *vortex of multiple pressures*, the experiences of affected individuals provide crucial guidance, directing the collective efforts of involved actors toward a more humane and equitable approach to migration management and a fair and effective examination of the international protection claims of the refugee population entering the country.

As we present the findings of the 2023 Annual Report, we extend a renewed invitation to all agencies involved in migration management. National authorities, security forces, European and international institutions, civil society organizations, and local authorities are urged to engage in open dialogue and effective collaboration. By fostering good-faith synergies and collective initiatives, the multifaceted challenges of migration can be addressed, and the rights and dignity of all individuals, including refugees and migrants, can be protected.

While publishing the 2023 Annual Report, the Recording Mechanism stands by its commitment to monitor, record and bring to light the phenomenon of IFR incidents of third-country nationals from Greece to other countries, to promote and establish respect for the principle of non-refoulement, to ensure that the necessary guarantees and due process are maintained and to promote accountability for human rights violations, allegedly occurred during the operation of IFR incidents of third-country nationals from Greece to other countries.

The need to support and promote all initiatives aimed at enhancing transparency of migration management issues, such as the Recording Mechanism, has been also highlighted by the Committee on Civil Liberties, Justice and Home Affairs (LIBE) of the European Parliament, in its Report submitted to the European Parliament, following its visit to Greece from 6 to 8 March 2023.<sup>3</sup>

Moving steadily in the above direction, the Recording Mechanism, following a decision taken by the Organising Committee of the Walk Against Discrimination #WAD2024,<sup>4</sup> was

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<sup>3</sup> See: European Parliament - Committee on Civil Liberties, Justice and Home Affairs, Draft Mission Report following the LIBE mission to Athens, Greece, 6 to 8 March 2023, 11 April 2023, p.15, available here: <https://tinyurl.com/yw7zp2uk>.

<sup>4</sup> The 2024 Walk Against Discrimination (WAD) was held under the auspices of the City of Athens and was supported by the Immigrant and Refugee Integration Council of the City of Athens. Participants were the Vice Mayor for Social Integration of Migrants and Refugees, the Migrant Integration Centre of the City of Athens and the Athens Coordination Centre for Migrants and Refugees (ACCMR). See: <https://tinyurl.com/84wj777n>.



awarded with the baton of the *Janetos Antypas Award* for 2024 on the International Day for the Elimination of Racial Discrimination, succeeding the Greek Helsinki Monitor.<sup>5</sup>

We aspire for the Reports of the Recording Mechanism to serve as a means to promote dialogue, cooperation, and positive change, and as a tool to contribute to a fairer and more humane management of migration that reflects common values of civilisation and humanity.

Athens, June 2024

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<sup>5</sup> See: Press Release of the Organising Committee of the Walk Against Discrimination #WAD2024, 19 March 2024, available here: <https://tinyurl.com/5n833ekh>.



## SUMMARY

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This is the 2023 Annual Report of the Recording Mechanism. Its content was presented on 6 June 2024, during the GNCHR Plenary Meeting, where the emerging quantitative and qualitative findings were discussed and the final conclusions<sup>6</sup> and recommendations<sup>7</sup> were confirmed.

From January to December 2023, the Recording Mechanism has recorded testimonies about 45 IFR incidents, reportedly occurred in the period between January 2022 and December 2023, through personal interviews with 37 alleged victims.

According to testimonies about 45 IFR incidents, the total number of the alleged victims, is estimated *to a minimum* of 1.438 persons, including at least 158 women, 190 children and 41 persons having special needs, such as persons with medical conditions, elderly people, people with disabilities etc.<sup>8</sup> The countries of origin of the alleged victims are countries whose nationals are granted international protection status in Greece and the rest of the EU at significant rates (Syria, Palestine, Türkiye, Iraq, Iran, Somalia, Cameroon, Mali and Democratic Republic of Congo).<sup>9</sup>

The data resulting from the recordings during the recording cycle of 2023 and presented herein, confirm the findings presented in the 2022 Annual Report of the Recording Mechanism.

The majority of the alleged victims are unregistered asylum seekers who reported that their personal data have never been recorded by the Greek Authorities and that they were informally and forcibly returned to Türkiye. Of particular interest here are the cases of 6 Turkish nationals, asylum seekers, not registered at the Asylum Service, who reported that they had left their countries of origin, because they were at risk of being subjected to persecution due to their political convictions and came to Greece, in order to apply for asylum.<sup>10</sup> These persons alleged to have been victims of IFR incidents directly to their country of origin (Türkiye) where they had been subjected or were at risk of being subjected to persecution, without being given the chance to have access to the asylum procedure and without any assessment of their international protection needs, arising from the risk of being persecuted in Türkiye. In view of the above, these incidents

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<sup>6</sup> See in detail Chapter 4, p. 56 f.f.

<sup>7</sup> See in detail Chapter 5, p. 60 f.f.

<sup>8</sup> See in detail Chapter 1, p. 14 f.f.

<sup>9</sup> See: Ministry of Migration and Asylum - Information Notes 2022 and 2023, available here: <https://migration.gov.gr/en/statistika/>, and EUAA - Latest Asylum Trends, available here: <https://euaa.europa.eu/latest-asylum-trends-asylum>.

<sup>10</sup> According to the 2023 Annual Activity Report published by the EU Agency for Asylum (EUAA), the number of asylum applications lodged in the EU countries by Turkish nationals ranked Türkiye in the 3rd place, after Syria and Afghanistan, as the country with the highest number of asylum seekers in the EU. See: EUAA – Annual Overview 2023, available in <https://tinyurl.com/48ywku75>

constitute a direct violation of the principle of non-refoulement, which is the cornerstone of the protection of refugees.

There is also 1 alleged victim who reported that he had been registered as an asylum seeker by the Greek Authorities and his application was still pending. The case concerned an asylum seeker originating from the Democratic Republic of Congo. This person alleged to have been victim of IFR incident to Türkiye, even though he had been registered as an asylum seeker by the competent Greek Authorities and was therefore legally residing in the country, expecting the decision on his application. The procedure of granting asylum to this particular person was unlawfully terminated by the IFR incident and deprived him of the right to reside in the Greek territory while the examination of his application was pending.

What is of most concern is that 2 recognised refugees in Greece, originating from Syria and Palestine, are listed among the alleged victims. These persons alleged to have been victims of IFR incidents to Türkiye, even though they had been granted international protection status by the competent Authorities in Greece. Therefore, these particular IFR incidents, deprived the recognised refugees of the rights deriving from the international protection status granted to them by the Greek State.

In the recording cycle of 2023 is included the testimony of a rejected asylum seeker originating from Afghanistan. According to his own testimony, this person was detected by the Greek Authorities in Thessaloniki's city urban area, was subjected to informal detention inside a Police Station in the area of Thessaloniki and subsequently transferred to the Evros border region, from where he, along with a group of 4 people in total, were informally removed to Türkiye.

Moreover, most of the testimonies recorded by the Recording Mechanism indicate that the alleged victims have been detected very close to a border area, of either the continental or the island territory. There are however alleged victims who reported that they have been detected in the mainland, away from the border areas of the country.

The data recorded by the Recording Mechanism in 2023 lead to the conclusion that the IFR incidents have developed the pattern of a *systematic* and *organised* operation, as indicated by the involvement of people sharing similar characteristics with the personnel of law enforcement agencies or armed forces, such as the Police, the Coast Guard, the Army and FRONTEX and the use of facilities which often have insignias and distinctive characteristics, such as Police Stations and Border Guard Stations and the use of heavy vehicles or watercrafts and other material and technical means.

The *modus operandi*<sup>11</sup> of the IFR incidents, as revealed by the testimonies, seems to have been built up as a *progression of stages*. More specifically, most of the testimonies report that victims are initially detected by a group of people in or out of uniform (detection stage), subsequently, in most cases, they are taken to a facility where they are kept under

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<sup>11</sup> See in detail Chapter 2 – I, p. 17 f.f.



guard (informal detention/restriction on freedom of movement stage) and finally they are transferred from the detection or detention location to the location of the physical removal, where the IFR operation is completed (physical removal stage).

The IFR incidents are conducted in specific geographical regions (in the river Evros border region and at sea), the specific geographical characteristics of which determine the way of their implementation (*modus operandi*). Some testimonies, especially in cases where the detection location was at sea or very close to the river Evros border region, reported that the detention stage was omitted and thus the IFR operation was implemented immediately after the detection, due to the proximity to the border line.

Persons in uniform and persons in civilian clothes, whose action implies coordination with the Authorities, seem to have been involved as perpetrators in the IFR incidents recorded by the Recording Mechanism.<sup>12</sup> It is also possible that some of these persons were ordinary citizens without any legal public authority, whose actions during the incidents, were controlled, commanded (or sometimes supervised and motivated) by other persons exercising official authority. In addition to the above, some testimonies reported that third-country nationals speaking some of the victims' spoken languages seem to have been involved as perpetrators, in the operations of physical removal stage occurred in the Evros border region.

In the incidents occurred in the Evros border region, a significantly greater number of alleged perpetrators wearing civilian clothes was reported, in relation to the incidents occurred at sea, where mainly alleged perpetrators in uniform have been involved, according to testimonies. Moreover, it was reported that during the physical removal stage in incidents occurred in the Evros border region, persons originating from the countries of origin of the alleged victims were involved as perpetrators, an information which was not at all mentioned in the incidents occurred at sea.

According to the majority of the testimonies, the alleged victims managed to express their intention to apply for international protection, during the IFR operations. However, no procedure was carried out to record their requests, nor any other procedure to identify them, such as recording of their personal data or capturing of biometric data (fingerprints, photographs, etc.), nor did they receive any information about their rights in a language they understand, nor were they provided with any document.<sup>13</sup>

The IFR incidents lead to numerous violations of fundamental human rights, many of which affecting children, women, elderly people and other groups of vulnerable persons.<sup>14</sup> More specifically, the alleged victims involved in the IFR incidents recorded by the Recording Mechanism, have reported acts related to extremely serious violations of Article 3 of the ECHR, (prohibition of torture or inhuman or degrading treatment or

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<sup>12</sup> Ibid

<sup>13</sup> See in detail Chapter 2 – II, p 37 f.f.

<sup>14</sup> See in detail Chapter 2 – III, p 39 f.f.



punishment,) as well as of Article 5 of the ECHR (right to liberty and security) that may constitute criminal offences according to Greek Law and in particular to the following Articles of the Greek Penal Code (hereinafter *GPC*): Article 333 GPC (*threat*), Article 330 GPC (*unlawful violence*), Article 137A (4) GPC (*torture and other violations of human dignity*), Article 322 (1) GPC (*abduction*), Article 322 (2) GPC (*enforced disappearance*), Article 306 GPC (*risk exposure*), Article 307 GPC (*failure to assist a person in danger*), Articles 308-312 and 314 GPC (*personal injuries*) and Article 302 or 299 GPC (*homicide*). The alleged victims of 10 IFR incidents have brought their cases before the European Court of Human Rights (ECHR). Before lodging their applications before the ECHR, the alleged victims have informed the competent Greek Authorities (Public Prosecutors and Police) about their presence in Greece, the need for their rescue and their intention to have access to international protection. As regards to 1 more incident, an *ex officio* investigation was initiated by the Public Prosecutor, the case had been closed due to the unknown identity of the perpetrators and was re-opened after the alleged victims filed a complaint. As regards to 2 more incidents, the alleged victims filed reports to the Greek Ombudsman as the National Mechanism for Investigating Incidents of Arbitrariness and as regards to one of them, a complaint has been lodged to the FRONTEX Fundamental Rights Officer.<sup>15</sup>

The Recording Mechanism is urging the Greek Authorities, *inter alia*, to independently and effectively conduct investigations with regard to complaints about IFR incidents and other serious violations of human rights at borders, to ensure accountability for any illegal actions by bringing those responsible to justice, to guarantee that all governmental agencies respect strictly the principle of non-refoulement and to ensure that all asylum seekers in the Greek territory, have access to asylum procedures and are protected against pushbacks and every other form of IFR incidents.<sup>16</sup>

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<sup>15</sup> See in detail Chapter 2 – V, p. 46 f.f.

<sup>16</sup> See in detail Chapter 5, p. 60 f.f.

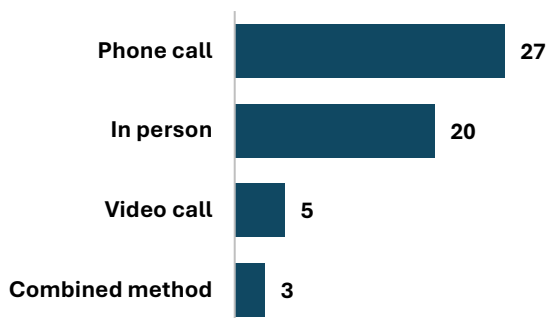
## CHAPTER 1. GENERAL CHARACTERISTICS OF THE RECORDINGS

The present Report follows up on the Annual Report 2022<sup>17</sup> of the Recording Mechanism.<sup>18</sup> 45 IFR incidents are included herein, which, according to the alleged victims, occurred in the period between January 2022 and December 2023. In relation to these incidents, the Recording Mechanism, from January 2023 to December 2023, has recorded 55 testimonies by conducting personal interviews with 36 persons alleging to be victims of informal forced returns from the Greek territory and 1 person alleging to have been an eyewitness<sup>19</sup> to such an incident.

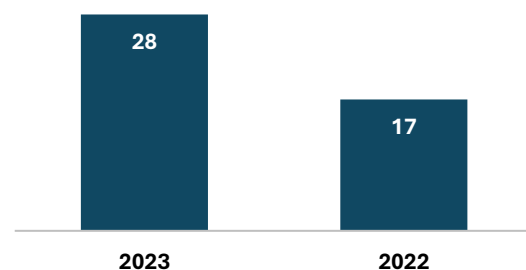
The accredited recording officers, as appointed by the Members of the Recording Mechanism, conducted 20 interviews exclusively in person with the alleged victims, 27 interviews exclusively through phone call and 5 interviews exclusively through video call. 3 interviews were conducted through a combined method (See *Graph 1*).

More specifically, according to the testimonies of the alleged victims, out of the 45 incidents recorded by the Recording Mechanism, 17 occurred in 2022, and 28 in 2023 (see *Graph 2*).

**Graph 1** Recording Method



**Graph 2** Time of incidents



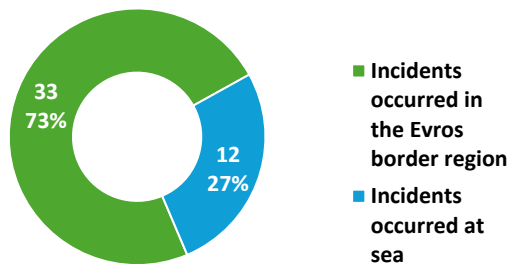
<sup>17</sup> See: Recording Mechanism - 2022 Annual Report available here: <https://tinyurl.com/332t953v>.

<sup>18</sup> See: GNCHR Press Release, 13.12.2023 available here: <https://tinyurl.com/bdh3caf>.

<sup>19</sup> The testimony was recorded exceptionally, as it meets the conditions required by the Recording Mechanism for accepting third party testimonies. Specifically the Recording Mechanism shall record testimonies from third parties only under the following conditions: a) due to reasons of force majeure, the alleged victim is unable to personally participate in the interview (in this case, the inability to communicate with the alleged victim in Turkey, due to her vulnerable situation at the time of recording: a single woman in postpartum recovery with three other minor children), b) the person providing the testimony must reasonably be in a position to justify the knowledge of the events they are reporting (in this case, the interviewee is the husband of the alleged victim and was an eyewitness to the incident up until the moment of their detection, and in subsequent communication with the victim, he directly learned from her about the events that occurred to her and their minor children), and c) the testimony must be corroborated by a direct testimony from another alleged victim of the same incident (in this case, the Recording Mechanism documented a testimony through a personal interview with another alleged victim of the same incident).

Out of the 45 incidents recorded by the Recording Mechanism, 33 have allegedly occurred at the territorial boundary between Greece and Türkiye, namely the river Evros, and 12 incidents have allegedly occurred at sea borders. (See *Graph 3*).

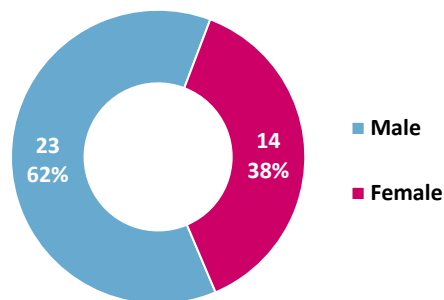
**Graph 3:** Location of incidents



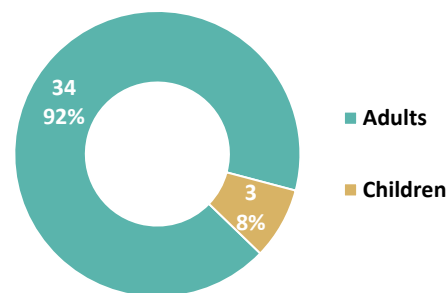
Twenty-three out of the 37 alleged victims in total are male and 14 are female. Non-binary individuals have not been identified. (See *Graph 4*)

Out of the 37 alleged victims, whose testimonies were recorded by applying the methodology of the Recording Mechanism,<sup>20</sup> 34 were adults and 3 were children at the time of the recording (See *Graph 5*).

**Graph 4:** Gender of the alleged victims



**Graph 5:** Age of the alleged victims



During the interviews, 23 out of the 37 alleged victims were identified as persons with vulnerabilities.<sup>21</sup> No vulnerability was recorded with regard to the rest 14 alleged victims. More specifically, among the alleged victims, there are: 3 children, 2 persons close relatives of shipwreck deceased victims, 2 persons with a physical disability, 3 pregnant women, 3 single-parents with minor children (single-parent families), 1 person suffering

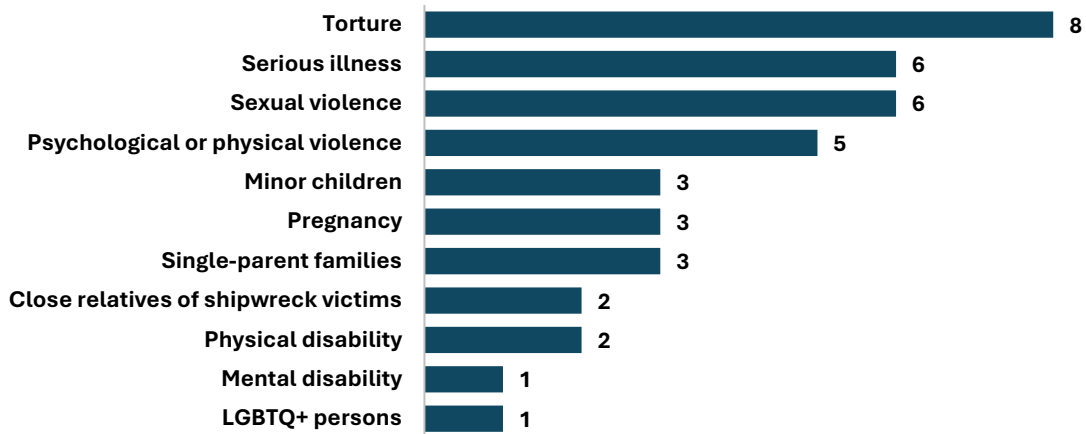
<sup>20</sup> See, Annex I - III, p. 69 f.f.

<sup>21</sup> The Recording Mechanism shall record as vulnerable persons, those falling into the following categories: minors (accompanied or unaccompanied), close relatives of shipwreck deceased victims (parents, siblings, children and spouses), persons who have a physical, mental or intellectual disability, elderly people, women in pregnancy, single-parent families with minor children, victims of human trafficking, persons with serious illnesses, persons who have been subjected to torture, persons who have been subjected to rape or other serious forms of sexual violence, persons who have been subjected, to other serious forms of psychological or physical violence such as victims of female genital mutilation (FGM), and LGBTQ+ persons. It should be noted that vulnerability is identified at the time of the recording of the testimony and in many cases more than one vulnerability were identified to the same person.



from serious illness, 1 person with mental disorder, 8 victims of torture, 6 victims of sexual violence, 5 victims of other forms of serious physical/ psychological violence, and 1 LGBTQ+ person. (See *Graph 6*).

**Graph 6:** Vulnerabilities

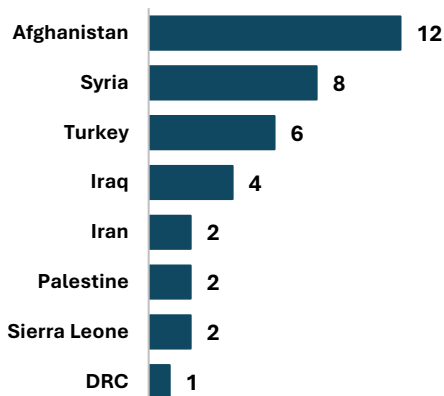


All 45 incident recordings indicated Türkiye as the country of entry and the country of return.

The majority of the alleged victims originated from Afghanistan. More specifically, 12 alleged victims originated from Afghanistan, 8 from Syria, 6 from Türkiye, 4 from Iraq, 2 from Iran, 2 from Palestine, 2 from Sierra Leone and 1 from the Democratic Republic of Congo (See *Graph 7*).

Out of the 37 alleged victims in total, 33 testified that, even if Greek Authorities detected them, they were never subjected to registration and identification procedures (*unregistered* persons). Out of the 37 alleged victims in total, 2 are recognised refugees in Greece, 1 is a registered asylum seeker and 1 is an asylum seeker whose request for international protection was rejected by the competent Authorities.

**Graph 7:** Country of origin of the alleged victims



**Graph 8:** Legal status of the alleged victims



Finally, according to testimonies, the number of the alleged victims involved in 45 incidents recorded for the period 2022 - 2023, is estimated to amount to a *minimum of*

1438 person,<sup>22</sup> including at least 158 women and 190 children (See *Graph 9*). Additionally, according to testimonies, the total number of the detected persons included 41 persons with special needs, such as persons with medical conditions, elderly people, people with disabilities and other.

**Graph 9:** Minimum number of alleged victims per year of incident



## CHAPTER 2. SPECIFIC CHARACTERISTICS OF THE RECORDINGS

### I. Morphology of the incidents

In this Chapter we will analyse the morphology of the IFR incidents that have been recorded during the recording cycle of 2023; their geographical distribution; the physical infrastructure and the means used during their implementation, such as buildings, means of transport, logistics, technical and technological means; their operational characteristics; the characteristics of the persons involved (perpetrators and victims).

To better capture the above characteristics, the incidents have been classified into two main categories according to the topography of the *physical removal*; incidents occurred in the Evros border region; incidents occurred at sea.

Incidents occurred in the Evros border region are the incidents where the *physical removal* occurred either through the river Evros or at the territorial borders between Greece and Türkiye in the Regional Unit of Evros. These are 33 incidents where the *detection* of the alleged victims took place close to the Greek-Turkish borders of the Regional Unit of Evros (27 incidents) or in the mainland (6 incidents), far from the Greek-Turkish border area.

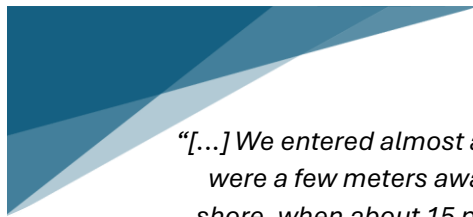
Incidents occurred at sea are the incidents where the *physical removal* took place across the sea borders between Greece and Türkiye in the Eastern Aegean Sea. These are 12 incidents where the *detection* of the alleged victims took place at the sea area near a Greek island (5 incidents) or on the territory of Greek islands (7 incidents).

<sup>22</sup> While being interviewed about an IFR incident, the alleged victim is required to estimate, as an order of magnitude, the number of persons who were returned with them and their response is recorded in a special field on the Recording Form. The minimum number of 1,438 persons is the sum of the minimum number of persons being returned with the alleged victims involved in the 45 recorded incidents, according to the relevant testimonies.

## A. Data on detection

### i) The topography of detection

Out of the 27 incidents where the detection of the alleged victims took place in the Evros border region, in 7 the Evros river riparian area is reported as the location of detection; in 14 an open or forested area in the wider border area near settlements/villages/towns, such as Amorio, Soufli, kastanies, Orestiada, Lagina and Tihero; in 1 an islet in the riverbed of Evros river; in 5 the urban fabric or the residential area of towns and villages around the wider border region, such as Vissa, Lavara and Soufli or other towns and



*“[...] We entered almost at 12 a.m. and we were a few meters away from the Greek shore, when about 15 persons in military uniforms showed up. After we disembarked, we were subjected to physical search and deprived of all of our personal belongings, money, mobile phones and clothes. Some of the men of our group were beaten with a truncheon, my two older sons among them. After seizing our belongings, they forced us get back into the same boat we had used earlier, about 45 minutes later. We disembarked on the Turkish shore and hid in the trees waiting for the next night to come so that we could attempt to cross again to Greece [...]”.*

Recording with Ref. No.: HIA07A54A58.

villages that the alleged victims were not able to identify.

Out of the 6 incidents where the detection of the alleged victims occurred in the mainland, in 4 the Thessaloniki’s city urban fabric is reported as the location of detection; in 1 the Komotinis’ city urban fabric; in 1 an open area in the mainland that the alleged victim was not able to identify.

In 2 incidents where the detection was conducted in the mainland, (in the cities of Thessaloniki and Komotini) and in 2 incidents where the detection was conducted in the residential, border areas of the Regional Unit of Evros (Lavara and an unidentified settlement), the alleged victims reported that there were some eyewitnesses

during their detection. In none of the incidents where the detection was conducted in the Evros riparian area or on an islet within the riverbed or at an open or forested area of the Regional Unit of Evros, did the alleged victims report that there were some eyewitnesses during their detection.

In the incidents where the detection of the alleged victims was made at sea, the sea area near Lesvos Island was reported as the location of detection. Out of the 7 incidents where the detection was made on the territory of a Greek island, in 2 Kos Island is reported as the location of detection; in 4 Lesvos Island; in 1 Samos Island.

In 4 incidents where the detection of the alleged victims was made on the territory of a Greek island (Lesvos, Samos and Kos), it was reported that that there were some eyewitnesses during their detection. In none of the incidents where the detection was

made at sea, did the alleged victims report that there were some eyewitnesses during their detection.

*“[...] Suddenly In the dark, I heard gunshots towards the vessel, a bullet hit the boat and it started to sink. The men jumped into the water and tried to save the kids that were in the sinking boat. I held in my arms a kid and a baby, and I reached the beach. The group was split up and I and one more person was walking away from the beach to find a path, but after 5-10 minutes we were detected by 3 soldiers in camouflage uniforms, with faces uncovered and big arms. They took our mobiles immediately, they forced us into a small, white vehicle and drove us to the coast [...]”.*

Recording with Ref. No.: GCR17A58A63.

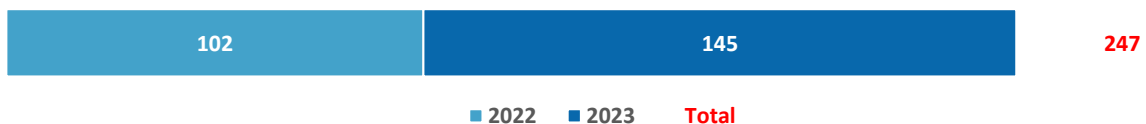
*ii) The demography of persons detected*

According to the testimonies about the 33 recorded incidents occurred in the Evros border region, over the years 2022 to 2023, the number of the detected persons, is estimated to amount to a *minimum of 247* persons (See *Graph 10a*), including at least 35 women, 81 children and 14 persons with special needs, such as persons with medical conditions, elderly people, persons with disabilities

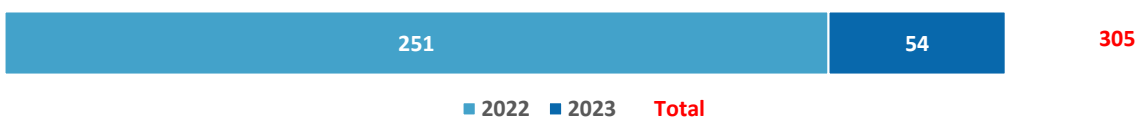
and others.<sup>23</sup>

According to the testimonies about the 12 incidents occurred at sea, recorded for the years 2022 - 2023, the number of the detected persons, is estimated to amount to a *minimum of 305* persons (See *Graph 10b*), including at least 94 women, 88 children and 20 persons with special needs, such as persons with medical problems, elderly people, people with disabilities, women in pregnancy and unaccompanied minors.

**Graph 10a:** Minimum number of persons detected during the IFR incidents occurred in the Evros region



**Graph 10b:** Minimum number of persons detected during the IFR incidents occurred at sea



<sup>23</sup> The minimum number of 247 individuals is the sum of the minimum number of people reported by the alleged victims to have been detected with them.

*iii) Detectors (Alleged perpetrators involved in the detection stage of an IFR incident)*

- According to the testimonies, the detectors involved in the incidents of Evros, were mainly uniformed individuals, but there was also a significant number of detectors out of uniform frequently operating in mixed groups and in coordination with Greek Authorities. The uniformed detectors allegedly had the characteristics of Police Officers and Military Personnel.
- For the incidents occurred at sea, it was reported that the majority of the detectors had the characteristics of the Coast Guard personnel and in 1 incident it was reported that the detectors in uniform had the characteristics of the FRONTEX personnel.
- For the incidents of Evros it was reported that the detectors, apart from Greek and English, spoke languages spoken by the alleged victims, like Turkish and Farsi. For the incidents occurred at sea, only Greek and English were reported as spoken languages by the detectors.

In 16 incidents, where the location of the detection was the Evros border region, the alleged victims reported that they were detected by groups of persons in uniform, in 11 by groups wearing civilian clothes (detectors out of uniform) and in 6 by mixed groups of detectors, namely, by persons in and out of uniform (See *Graph 11a*).

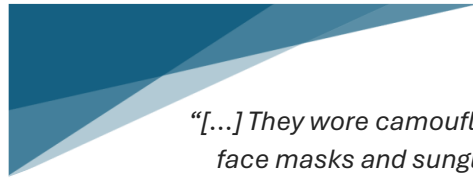
In 10 incidents, where the location of the detection was the Evros border region, the alleged victims reported that the detectors in uniform had the characteristics of Police officers, in 9 incidents the characteristics of Military personnel and in 5 the alleged victims reported that they were not able to specify the professional capacity of the detectors in uniform (See *Graph 12a*).

According to 6 testimonies about incidents occurred in the Evros border region, the alleged victims reported that the detectors' uniforms were of blue colour, according to 21 testimonies of green/khaki colour, and according to 3 of black colour. Moreover, in 15 testimonies the alleged victims reported that there were distinctive insignias on the detectors' clothing, like the word "*Police*", rank insignias, such as stars, national emblems, etc. According to 2 testimonies, the detectors in uniform were wearing balaclavas (full face masks), according to 1 testimony the detectors in uniform were wearing bulletproof vests, according to 2 testimonies that they were using radios, while according to 23 testimonies they were bearing arms such as rifles, pistols, cudgels, bludgeons, knives and knuckle-dusters.<sup>24</sup>

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<sup>24</sup> This type of information has relative accuracy, as impressions and memory are greatly influenced by factors such as the time of day and lighting, psychological state, age, vision ability, attentiveness, educational level, cultural background, gender, sexual orientation, and gender identity. See: EUAA, EASO Practical Guide: Evidence Assessment, March 2015, p. 14 f.f. available here: <https://euaa.europa.eu/publications/practical-guide-evidence-assessment>

Out of the 17 incidents in Evros, where non-uniformed perpetrators participated in the detection, the alleged victims reported that in 16 incidents these individuals were possibly acting in coordination with the Authorities. The coordination with the Authorities is presumed based on the reports of the alleged victims in 6 incidents that the detection



*“[...] They wore camouflage uniforms, full face masks and sunglasses. They were bearing big arms. They were shouting at us to get out of our place and show up. A little further on, there was a person with a big belly. The detectors, about 7-8 people, were bearing arms and wore full face masks. At least 2 of them wore military uniforms with insignias, I think I saw 3 stars in one’s shoulder. There was also one person in civilian clothes. They were speaking English and some Turkish [...]”*

Recording with Ref. No.: GCR17A58A61

was carried out by a mixed group of detectors (uniformed and non-uniformed); in 6 incidents because the detectors transported the alleged victims to an informal detention area where uniformed officers were present; in 2 incidents because they used radios; and in 2 incidents because of the judgment of the alleged victims that since they were on Greek territory (on the bank of the Evros River), the Authorities would have been aware of these individuals'

activities in the area. In 1 incident, the alleged victim responded that they were not in a position to know (See *Graph 14a*).

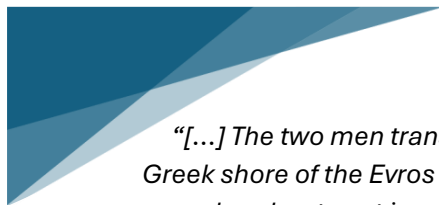
According to 12 testimonies by the alleged victims about incidents occurred in the Evros region, the detectors out of uniform were wearing black *civilian clothes*<sup>25</sup> and according to 11 testimonies, they were wearing civilian clothes of various other colours. According to 14 testimonies, the detectors out of uniform were wearing balaclavas (full face masks), according to 2 testimonies they were using radios, and according to 6 testimonies they were bearing weapons such as rifles, pistols, cudgels, bludgeons, knives etc. (See *Graph 15a*).

According to 34 testimonies by the alleged victims about incidents occurred in the Evros region, the detectors were speaking Greek, according to 40 testimonies the detectors were speaking English, according to 3 testimonies the detectors were speaking Turkish and according to 2 Farsi. In one 1 testimony the alleged victim was not able to identify any of the languages spoken by the detectors. (See *Graph 16a*)

In 9 incidents, where the detection was made at sea, the alleged victims reported that the detection was carried out exclusively by groups of persons in uniform; in 1 incident the detection was carried out exclusively by a group of persons out of uniform; in 2 incidents the detection was carried out by mixed groups of persons, namely by groups of detectors in and out of uniform (See *Graph 11b*).

<sup>25</sup> Clothes of everyday use that are not part of a personnel uniform.

In 5 incidents, where the detection was made at sea, the alleged victims reported that the detectors in uniform had the characteristics of Police officers; in 2 incidents the detectors in uniform had the characteristics of Military personnel; in 1 incident the detectors in uniform had the characteristics of Frontex staff; in 3 incidents the alleged victims were not able to specify the professional capacity of the detectors in uniform (See *Graph 12b*).



*“[...] The two men transferred us to the Greek shore of the Evros river. Next, they ordered us to get in an inflatable boat, driven by 2 other men with civilian clothes, without masks, probably Afghans considering some of the words they said in archaising form of the Arabic dialect “Get in, shut up and don’t talk”. They were not Arabs though, considering their accent [...]”*

Recording with Ref. No.: GCR17A61A64.

According to 7 testimonies by the alleged victims about incidents occurred at sea, the detectors’ uniforms were of blue colour; according to 4 testimonies of green/khaki colour; according to 4 of black colour. Moreover, in 10 testimonies the alleged victims reported that there were distinctive insignias on the detectors’ clothing, like the word “Police”, national emblems, the Greek flag and the flag of the EU. In 10 testimonies the alleged victims

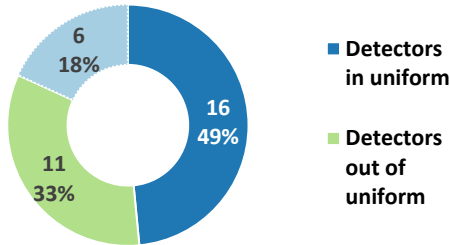
reported that the detectors in uniform were wearing balaclavas (full face masks) and in 12 testimonies that the detectors were bearing arms such as pistols, machine guns, knives, knuckle-dusters and bludgeons. In 4 testimonies the alleged victims reported that the detectors in uniform were using radios and in 1 that they were wearing bulletproof vests.

In 2 incidents where the detection was conducted at sea, and detectors out of uniform were involved, the alleged victims reported that the operations were probably carried out in coordination with the Authorities. The coordination between the detectors out of uniform and the Authorities is presumed based on the reports of the alleged victims that the detection was conducted by a mixed group of detectors. There is also 1 incident where the alleged victim stated that they were not in a position to conclude whether the detectors out of uniform were operating in coordination with the Authorities, or not. (See *Graph 14b*).

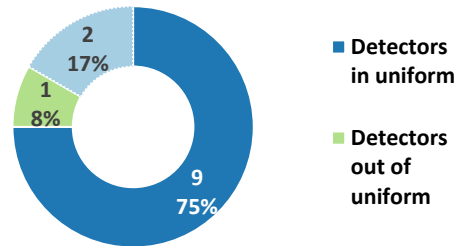
In 3 testimonies by the alleged victims about incidents occurred at sea, it was reported that the detectors out of uniform were wearing *civilian clothes* of black colour. In 3 testimonies, the alleged victims reported that the detectors out of uniform were wearing balaclavas (full face masks) and in 2 testimonies that they were bearing arms such as bludgeons and knuckle-dusters (See *Graph 15b*).

In 11 testimonies the alleged victims reported that the spoken language of the alleged perpetrators was Greek and in 13 testimonies that it was English (See *Graph 16b*).

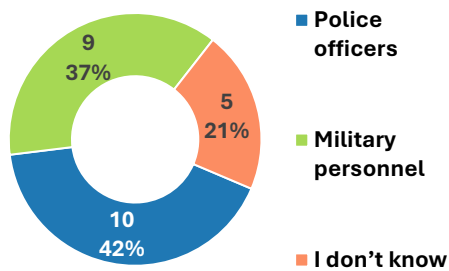
**Graph 11a.** Clothing of the detectors involved in incidents occurred in Evros



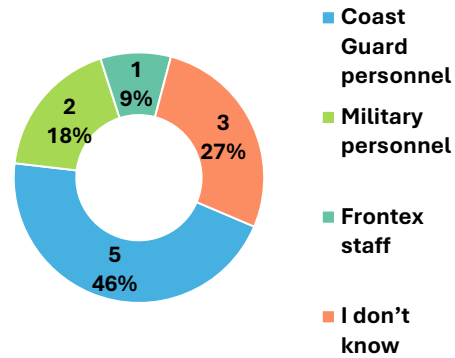
**Graph 11b.** Clothing of the detectors involved in incidents occurred at sea



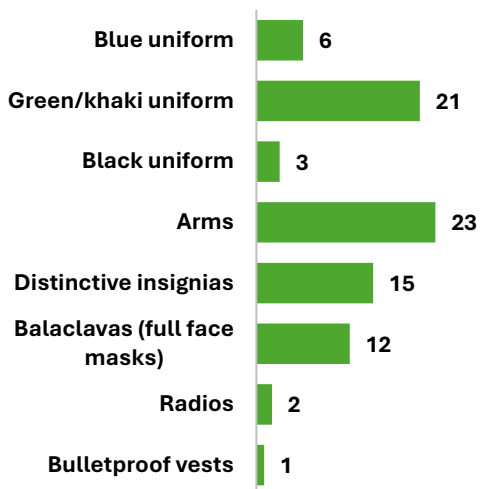
**Graph 12a.** Capacity of the detectors involved in incidents occurred in Evros



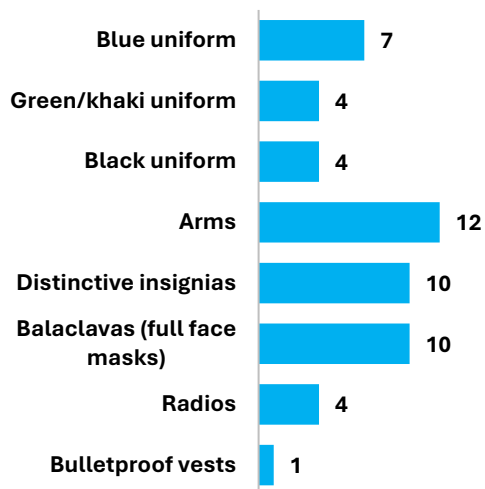
**Graph 12b.** Capacity of the detectors involved in incidents occurred at sea



**Graph 13a.** Equipment of the detectors in uniform involved in incidents occurred in Evros

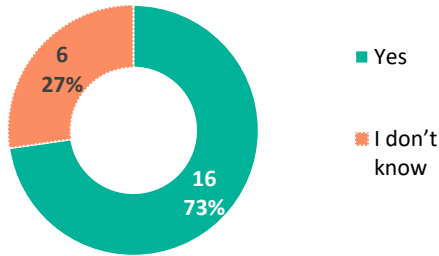


**Graph 13b.** Equipment of the detectors in uniform involved in incidents occurred at sea

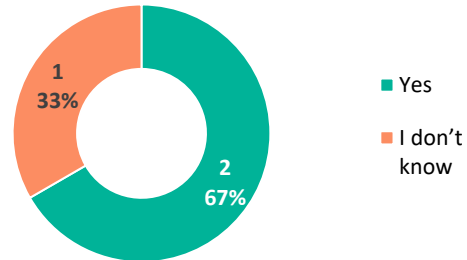




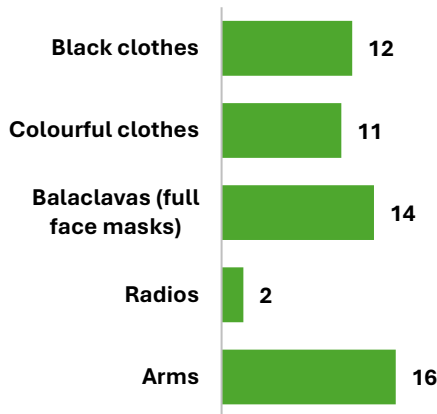
**Graph 14a.** Coordination between the detectors out of uniform and the Authorities, in incidents occurred in Evros



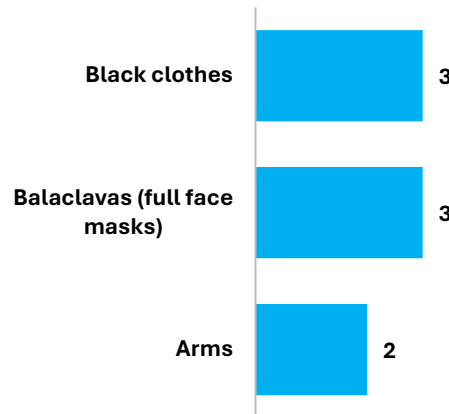
**Graph 14b.** Coordination between the detectors out of uniform and the Authorities, in incidents occurred at sea



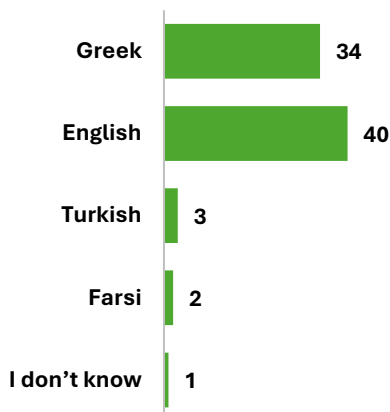
**Graph 15a.** Equipment of the detectors out of uniform involved in incidents occurred in Evros



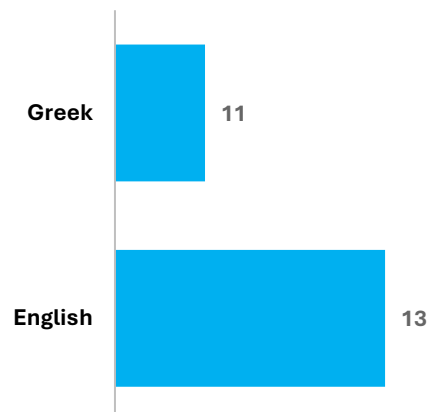
**Graph 15b.** Equipment of the detectors out of uniform involved in incidents occurred at sea



**Graph 16a.** Languages spoken by the detectors involved in incidents occurred in Evros



**Graph 16b.** Languages spoken by the detectors involved in incidents occurred at sea



## B. Data on the informal detention

In 12 incidents where the location of the detection was the Evros border region and in 9 incidents where the location of the detection was at sea, the alleged victims reported



*“The place of detention was a police station with an open-air cage outside, with a fence in the yard, like a barbed wire fence. On the left of the place of our detention, there was a small room with one guard. There were bars all around, like barbed wire fencing, you could see outside. On the right hand, there was a container with 5-6 Police officers. They had a stove burning, it was very cold, they did not even give us a blanket throughout the night. There was a Greek flag on the outside of the building and a sign with Greek letters”.*

that the physical removal operation was carried out immediately after the detection stage, without any informal detention taking place as an intermediate stage. This relates in particular to incidents where the detection of the alleged victims was conducted in the Evros border region (near the shore or in an islet within the riverbed), on the territory of Greek islands or at the sea area near a Greek island.

Recording with Ref. No.: GCR17A85A76.

In 21 incidents where the detection was made in the Evros border region, and in 3 incidents

where the detection was made at sea, the alleged victims reported that after their detection, they were transferred to places of informal detention. The time duration of their informal detention, ranged between a few hours and a few days. The alleged victims were eventually transferred to the locations where their physical removal operation was conducted. In these cases, the informal detention is reported as the intermediate stage of an IFR incident between detection and physical removal.

The following data relate to these 21 incidents occurred in the Evros border region, and the 3 incidents occurred at sea, where the informal detention is reported as the intermediate stage, between the detection and physical removal stages.

### *i) Topography of the informal detention*

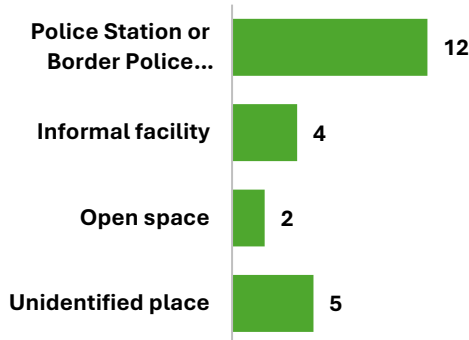
In 12 incidents occurred in the Evros border region the alleged victims reported that the place of the informal detention presented characteristics of a Police or a Border Police Station; in 2 incidents they were under restriction on freedom of movement in an open space; in 4 incidents they were detained in an informal facility, namely a building or some guarded premises originally intended for another use without any apparent distinctive characteristics; in 5 incidents that the place of detention was unidentified, that is to say, a place that the alleged victims were not able to identify (See *Graph 17a*).<sup>26</sup>

In 1 incident occurred at sea the alleged victims reported that the informal detention was carried out in an open space; in 1 incident in an informal facility; in 1 more incident, the

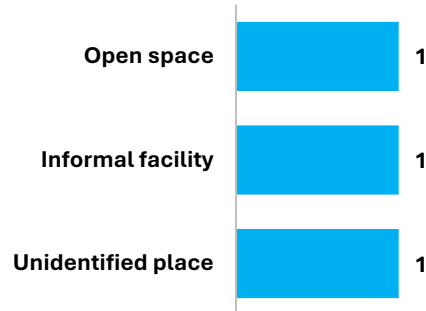
<sup>26</sup> There are incidents, where the alleged victims reported that they were subjected to informal detention successively, in more than one place of detention.

alleged victim reported that they were not able to identify the place of the informal detention (See *Graph 17b*).

**Graph 17a.** Informal detention facilities during the operation of IFR incidents in the Evros border region



**Graph 17b.** Places used for the Informal detention during the IFR incidents occurred at sea



*ii) Demography of detainees*

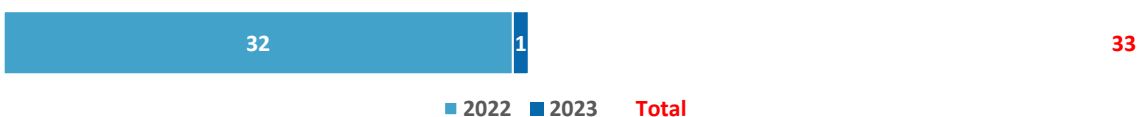
According to the testimonies regarding the 21 incidents in Evros, in which the alleged victims claimed they were subjected to informal detention in the aforementioned places, the number of detainees is estimated to be at least 661 individuals (see *Graph 18a*). Among them were at least 88 women, 69 children and 8 individuals with special needs, including people with medical issues, the elderly, people with disabilities, pregnant women etc.

According to the testimonies regarding the 3 sea incidents, in which the alleged victims claimed they were subjected to informal detention in the aforementioned locations, the number of detainees is estimated to be at least 33 individuals (see *Graph 18b*). Among them were at least 12 women, 12 children and 3 individuals with special needs among the detainees, including people with medical issues, the elderly, people with disabilities, pregnant women etc.

**Graph 18a.** Minimum number of persons under detention during the IFR incidents occurred in the Evros region



**Graph 18b.** Minimum number of persons under detention during the IFR incidents occurred at sea



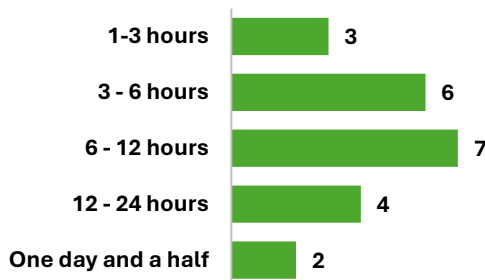
*iii) Time duration of the informal detention*

According to 3 testimonies by the alleged victims about incidents occurred in the Evros border region, the time duration of the informal detention ranged between 1 and 3 hours;

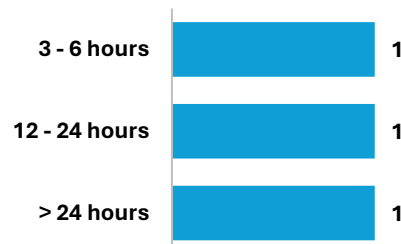
according to 6 testimonies, between 3 and 6 hours; according to 7 testimonies, between 6 and 12 hours; according to 4 testimonies, between 12 and 24 hours; according to 2 testimonies, one day and a half (See *Graph 25a*).

According to 1 testimony by the alleged victim about incidents that occurred at sea, the time duration of the informal detention ranged between 3 and 6 hours; according to 1 testimony, between 12 and 24 hours; according to 1 more testimony, more than 2 days. (See *Graph 25b*)

**Graph 25a.** Time duration of the informal detention reported on incidents occurred in the Evros border region



**Graph 25b.** Time duration of the informal detention reported on incidents that occurred at sea



*iv) Guards (Alleged perpetrators involved in the detention stage of an IFR incident)*

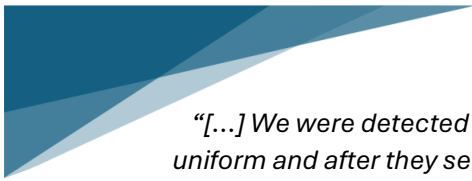
- In both the Evros incidents and the sea incidents, it was reported that the guards were mainly uniformed, and in a few cases, the presence of non-uniformed guards was mentioned. These non-uniformed guards mostly acted in mixed groups with uniformed personnel and in close cooperation with the Greek authorities.
- According to the testimonies, the uniformed guards in the Evros incidents exhibited characteristics mainly associated with the Hellenic Police, while in one incident, they were reported to display characteristics of the Hellenic Army personnel. In the sea incidents, the alleged victims were unable to identify the affiliation of the guards.
- In both the Evros and sea incidents, it was reported that the guards spoke only Greek and English.

In 17 incidents occurred in the Evros border region, the alleged victims reported that the informal detention was carried out exclusively by groups of guards in uniform; in 1 incident, exclusively by guards out of uniform; in 3 incidents by mixed groups of guards, namely by groups of persons in and out of uniform (See *Graph 19a*).

In 15 incidents occurred in the Evros border region, the alleged victims reported that the guards in uniform had the characteristics of Police officers; in 1 incident that they had the characteristics of the Hellenic Army personnel; in 4 incidents, the alleged victims were not able to specify the professional capacity of the guards in uniform (See *Graph 20*).

According to 13 testimonies about incidents occurred in the Evros border region, the guards' uniforms were of blue colour; according to 13 testimonies, the guards' uniforms were of green/khaki colour; according to 2 testimonies, the guards' uniforms were of black colour. Yet, in 17 testimonies the alleged victims reported that there were distinctive insignias on the *guards' uniform*, like the word "Police", rank insignias (stars for example), national emblems, etc. According to 3 testimonies, the guards in uniform were wearing balaclavas (full face masks) and according to 19 testimonies, they were bearing arms like rifles, pistols and bludgeons (See *Graph 29a*).

In 4 incidents occurred in the Evros border region, where guards out of uniform were involved, the alleged victims reported that there was probably a coordination between those guards and the Authorities. The alleged coordination between the detectors out of uniform and the Authorities, is based on reports of the alleged victims, according to which in 3 incidents the informal detention was conducted by a mixed group of guards



*"[...] We were detected by the persons in uniform and after they seized our personal belongings, they contacted other persons, as they intended to move us from that place. They did move us into a dark place, to an unknown location. It was a parking area with some cars. They turned us over to two persons (the driver and the co-driver) and they gave them our personal belongings. They made us get into a car, we have had our eyes covered with brown adhesive tape, similar to the one we use to wrap the boxes. We have been in plastic handcuffs from the moment of our detection. In approximately half an hour we arrived at a storehouse. They made us get into it, one by one, after hitting with their hands, one by one of us, in the gut. Since I spoke to them in English, when I got in, they nodded to each other, and they transferred me into a small room for questioning. They uncovered my eyes, and I saw an officer with military clothing sitting behind me. He wasn't speaking English. Only Greek and everything I said was interpreted. [...]"*

Recording with Ref. No.: HIA09A55A59.

and in 1 incident, the informal removal was conducted by a mixed group of removers.

According to 1 testimony, the guards out of uniform, were wearing civilian clothing of green/khaki colour; according to 1 testimony they were wearing civilian clothing of black colour; according to 2 testimonies they were wearing civilian clothing of several colours. According to 2 testimonies, the guards out of uniform were bearing arms (See *Graph 23a*).

According to 22 testimonies about incidents occurred in the Evros region border, the spoken languages by the guards were Greek and according to 12 testimonies, the spoken languages by the guards were English (See *Graph 24a*).

About 1 incident occurred at sea, it was reported that the informal

detention was conducted exclusively by a group of guards in uniform; in 1 incident that the informal detention was conducted exclusively by guards out of uniform; in 1 more

incident by a mixed group of guards, namely by a group of persons in and out of uniform (See *Graph 19b*).

In 2 incidents occurred at sea, where guards in uniform were involved, the alleged victims were not able to specify their professional capacity.

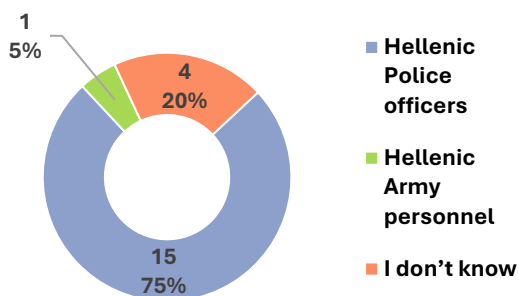
According to 1 testimony about an incident occurred at sea, the guards' uniforms were of blue colour, and according to 1 more testimony the guards' uniforms were of black colour. In no testimony did the alleged victims report that there were distinctive insignias on the guards' clothing. According to 1 testimony, the guards in uniform were wearing balaclavas (full face masks), according to 2 testimonies they were bearing arms such as pistols, knuckle-dusters and bludgeons and according to 1 testimony they had radio and binoculars (See *Graph 21b*).

About 1 incident occurred at sea, where guards out of uniform were involved, the operation was probably conducted in coordination with the Authorities. The alleged coordination between the guards out of uniform and the Authorities, is based on the report of the alleged victim, according to which the informal detention was conducted by a mixed group of guards. In 1 more incident, where the detention was conducted exclusively by guards out of uniform, the alleged victim stated that they were not in a position to conclude whether the guards out of uniform were operating in cooperation with the Authorities or not (See *Graph 22*).

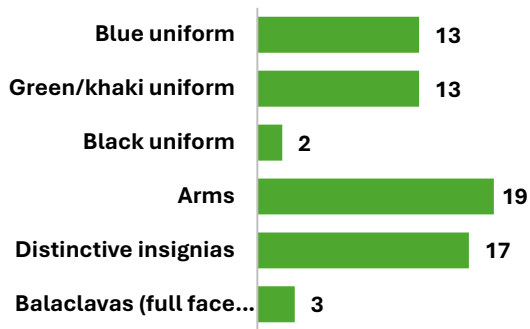
According to 2 testimonies by the alleged victims, the guards out of uniform were wearing civilian clothes of black colour. According to 2 testimonies by the alleged victims, the guards out of uniform were wearing balaclavas (full face masks) and according to 2 testimonies, they were bearing arms such as bludgeons and knuckle-dusters. See *Graph 23b*).

According to 3 testimonies by the alleged victims about incidents occurred at sea, Greek was the spoken language by the perpetrators and according to 2 testimonies, English was the spoken language by the perpetrators. *Graph 24b*).

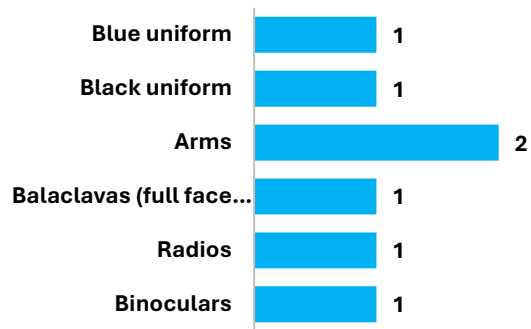
**Graph 20:** Possible professional capacity of the guards in uniform involved in the IFR incidents occurred in the Evros region



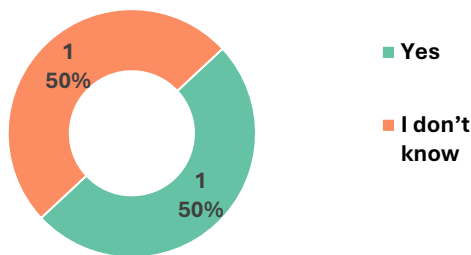
**Graph 21a.** Equipment of guards in uniform involved in the Evros incidents



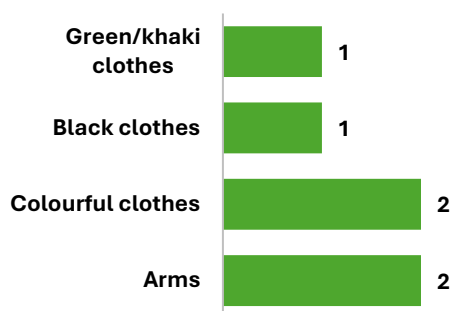
**Graph 21b.** Equipment of guards in uniform involved in the sea incidents



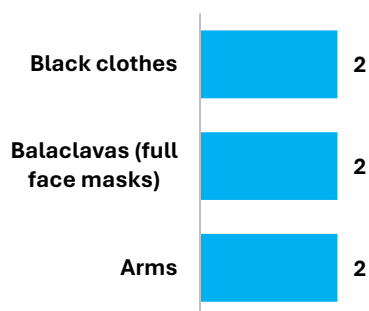
**Graph 22:** Coordination between the guards out of uniform and the Authorities in the IFR incidents occurred at sea



**Graph 23a.** Equipment of guards out of uniform involved in the Evros incidents

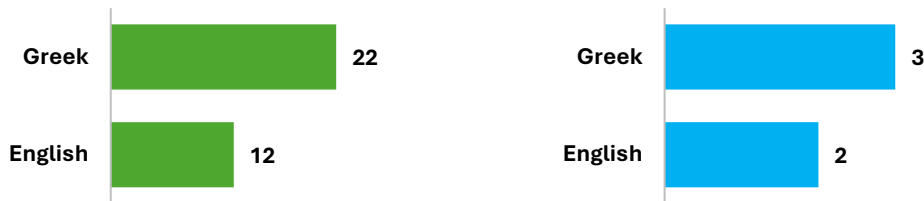


**Graph 23b.** Equipment of guards out of uniform involved in the sea incidents



**Graph 24a:** Languages spoken by the guards involved in the Evros incidents

**Graph 24b.** Languages spoken by the guards involved in the sea incidents



**C. Data on the physical removal**

*i) The topography of the physical removal*

In 33 incidents where the detection was conducted in the mainland or near the river Evros border region, the alleged victims reported that the physical removal operation was carried out through the river Evros.

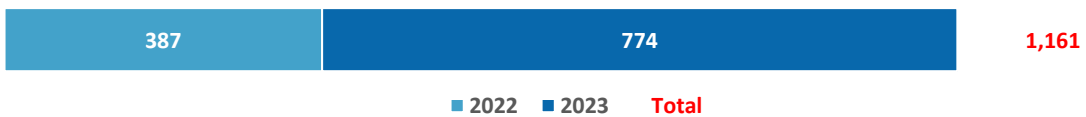
In 12 incidents where the location of the detection was the sea area near a Greek island or on the territory of Greek islands, the alleged victims reported that the physical removal operation was carried out at sea.

*ii) The demography of persons physically removed*

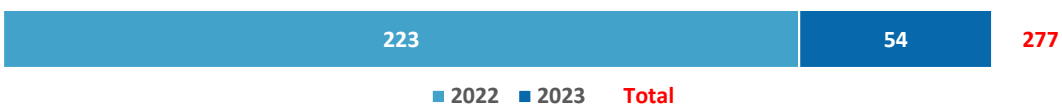
According to the alleged victims’ testimonies about 33 incidents occurred in the Evros region, the number of persons physically removed, is estimated to amount to a *minimum of 1161 persons*, (See *Graph 26a*) including at least 93 women, 116 children, and 16 persons having special needs, such as persons with medical conditions, elderly people, persons with disabilities, women in pregnancy etc.

According to the alleged victims’ testimonies about 12 incidents occurred at sea, the number of the persons physically removed, is estimated to amount to a *minimum of 277 persons*, (See *Graph 26b*) including at least 65 women, 74 children, and 25 persons having special needs, such as persons with medical conditions, elderly people, persons with disabilities, women in pregnancy etc.

**Graph 26a.** Minimum number of persons physically removed from the Evros border region



**Graph 26b.** Minimum number of persons physically removed from the sea borders





*iii) Removers (Alleged perpetrators conducting the physical removal stage of an IFR incident)*

- According to the alleged victims' testimonies about incidents occurred in the Evros border region, the physical removal stage was conducted by mixed groups of removers in and out of uniform. According to the testimonies, most of the removers in uniform had the characteristics of Police officers and fewer of Army personnel. According to the testimonies, the removers out of uniform were acting in coordination with the Authorities.
- About incidents occurred at sea, the alleged victims also reported that to the greatest extent the persons conducting the operation of the physical removal were uniformed and very rarely ununiformed. According to the testimonies about the majority of incidents, the removers in uniform had the characteristics of the Coast Guard personnel and there was 1 incident reporting the involvement of removers in uniform with the characteristics of the FRONTEX staff.
- According to the testimonies about incidents occurred in the Evros region, the detectors, apart from Greek and English, spoke languages spoken by the alleged victims, like Arabic, Kurdish, Pashto, Turkish and Farsi. In incidents occurred at sea, only Greek and English were reported as spoken languages by the detectors.

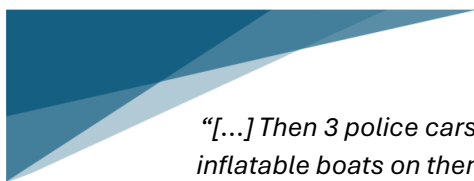
According to the alleged victims' testimonies about 3 incidents, the physical removal operation was conducted exclusively by groups of removers in uniform; about 8 incidents, the physical removal operation was conducted exclusively by groups of removers out of uniform; about 22 incidents, the physical removal operation was conducted by mixed groups of removers, namely by groups of persons uniformed and ununiformed (See *Graph 27a*).

About 14 incidents occurred in the Evros border region, the alleged victims reported that the removers in uniform had the characteristics of Police officers and in 7 incidents the characteristics of Army personnel. About 5 incidents the alleged victims reported that they were not able to specify the professional capacity of the removers in uniform (See *Graph 28a*).

According to 7 testimonies by the alleged victims about incidents occurred in the Evros region, the removers' uniforms were of blue colour; according to 22 testimonies the removers' uniforms were of green/khaki colour; according to 4 testimonies of black colour. Moreover, in 12 testimonies the alleged victims reported that there were distinctive insignias on the guards' clothing, like the word "Police", rank insignias, national emblems, etc. According to 17 testimonies, the removers in uniform were

wearing balaclavas (full face masks) and according to 25 testimonies, they were bearing arms such as bars, pistols, machine-guns and knives (See *Graph 29*).

According to the testimonies about 29 incidents occurred in the Evros region, the removers out of uniform conducting the physical removal operation, were probably acting in coordination with the Authorities. The alleged coordination between the removers out of uniform and the Authorities is based on reports of the alleged victims according to which, in 22 incidents the physical removal operation was conducted by a mixed group of removers; in 1 incident, they were transferred from the place of their informal detention, where persons in uniform were present; in 6 incidents, the Authorities would have been aware of the removers' activities in the area, since the physical removal operations had taken place in the Greek border area of Evros river. In 1



*"[...] Then 3 police cars came with small inflatable boats on them. It was evening. There were 5-6 police uniformed officers (1 female) with pistols. We could see their faces. They split us up into three cars and drove us to the border. It took us 30-40 minutes to get to the river.*

*When we arrived there were 9-10 soldiers (men) with covered faces, black clothes and big guns. They put about 15 people in each boat. There were 2 drivers in each boat. They were Pakistanis. We couldn't see their faces.*

*They were wearing normal clothes and life jackets. We didn't. We were scared because they were driving very fast. In 5 minutes, we reached the other side of the river. We waited in the rain for 4-5 hours. Then the Turkish soldiers came and took us away [...]"*

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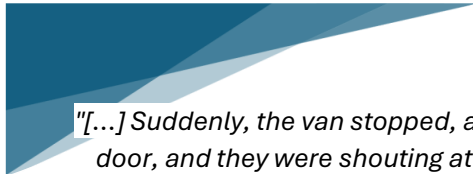
testimonies, the removers out of uniform were wearing balaclavas (full face masks) and according to 25 testimonies, the removers were bearing arms such as knives, sticks, bludgeons and pistols. (See *Graph 31a*).

According to 3 testimonies about incidents occurred in the Evros border region, the alleged victims were not able to identify any of the languages spoken by the removers. According to 31 testimonies, Greek was reported as the spoken language; according to 23 testimonies, English; according to 8 testimonies, Arabic; according to 2 testimonies, Turkish; according to 8 testimonies, Farsi; according to 2 testimonies, Pashto; according to 3 testimonies, Urdu (See *Graph 32a*).

incident the alleged victims stated that they were not able to conclude whether the removers out of uniform were acting in coordination with the Authorities, or not. (See *Graph 30a*).

According to 2 testimonies about incidents occurred at sea, the removers out of uniform were wearing civilian clothes of blue colour; according to 8 testimonies the removers out of uniform were wearing civilian clothes of green/khaki colour; according to 18 testimonies, civilian clothes of black colour; according to 12 testimonies, civilian clothes of various colours. According to 31

According to testimonies, about 9 incidents occurred at sea, the physical removal operation was conducted exclusively by groups of removers in uniform; about 1 incident occurred at sea the physical removal operation was conducted exclusively by groups of removers out of uniform; about 1 incident, the physical removal operation was



*"[...] Suddenly, the van stopped, a man opened the door, and they were shouting at us and pulling us out. Our clothes were all covered in vomit. They took us to the beach that was down there. There was a big white vessel and a boat. 7 or 8 men got out of the vehicles that were following us, and we were again physically searched on the beach. They started to put us in the boat to take us to the big vessel [...] They were all wearing blue uniforms. They lined us up and physically searched us again. They found a phone on a woman, pushed her and threw her phone away. They were very violent. They lifted up a woman's dress and everyone saw her breasts. They took women and children to the back of the vessel and covered us with fishing nets. They took the men to the front of the boat and told them to take off their trousers. It was supposed to be a physical search, but it was very humiliating [...]"*

Recording with Ref. No.: LCL06A70A76.

conducted by mixed groups of removers. About 1 incident, the alleged victim reported that they were not able to know whether the removers were uniformed or not, since they were in a semi-conscious state at the time of physical removal (See *Graph 27b*).

About 9 incidents occurred at sea, the alleged victims reported that the removers in uniform had the characteristics of the Hellenic Coast Guard staff; about 1 incident, the characteristics of the Army personnel; about 1 incident, the characteristics of Frontex staff; about 1 incident, the alleged victims were not able to specify the professional capacity of the removers in uniform (See *Graph 28b*).

According to 8 testimonies about incidents occurred at sea, the removers' uniforms were of blue colour; according to 3 testimonies, of green/khaki colour; according to 6 testimonies, of black colour. Moreover, in 7 testimonies the alleged victims reported that there were distinctive insignias on the removers' clothing, such as national emblems, the Greek flag, the flag of the EU and others. According to 10 testimonies, the removers in uniform were wearing balaclavas (full face masks), while according to 12 testimonies, they were bearing arms like machine-guns, pistols, bludgeons and knives (See *Graph 29b*).

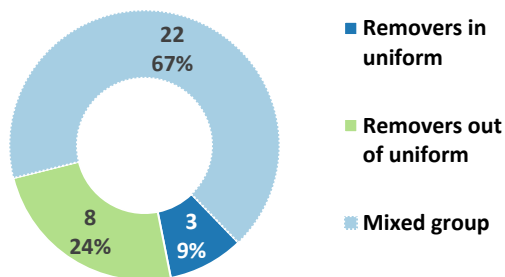
According to the testimony about 1 incident, where removers out of uniform were involved in the physical removal operation, there was probably a coordination between the removers and the Authorities. The alleged coordination between the removers out of uniform and the Authorities, is based on the report of the alleged victim, according to which the physical removal operation was conducted by a mixed group of removers. About 1 incident, the alleged victim replied that they were not in a position to know

whether the removers out of uniform were acting in coordination with the Authorities or not. (See Graph 30b).

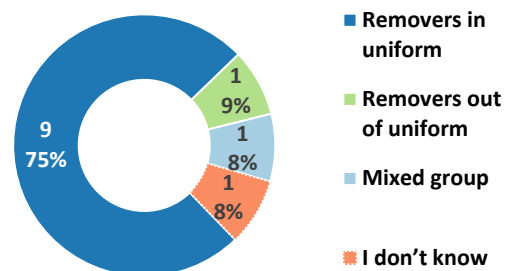
According to 2 testimonies by the alleged victims about incidents occurred at sea, the removers out of uniform were wearing civilian clothes of green/khaki colour. According to 1 testimony the removers out of uniform were wearing balaclavas (full face masks) and according to 1 more testimony, they were bearing arms (See Graph 31b).

According to 1 testimony by the alleged victim about an incident occurred at sea, the languages spoken by the removers were unidentifiable. According to 11 testimonies, Greek was the language spoken by the removers and according to 12 testimonies, English was the language spoken by the removers (See Graph 32b).

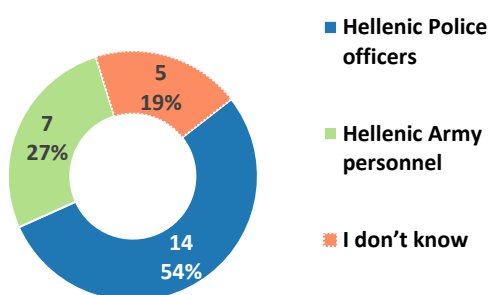
**Graph 27a.** Clothing of removers involved in the Evros incidents



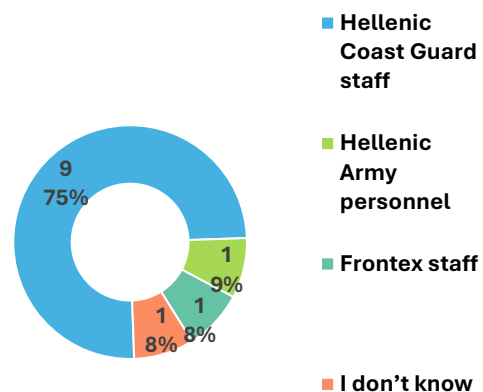
**Graph 27b.** Clothing of removers involved in the sea incidents



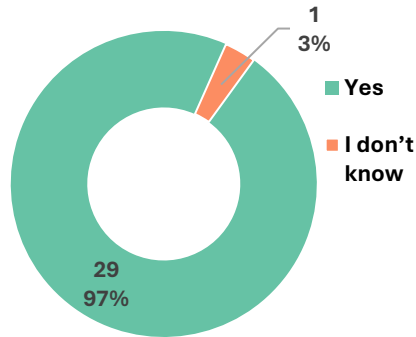
**Graph 28a.** Possible professional capacity of removers in uniform involved in the Evros incidents



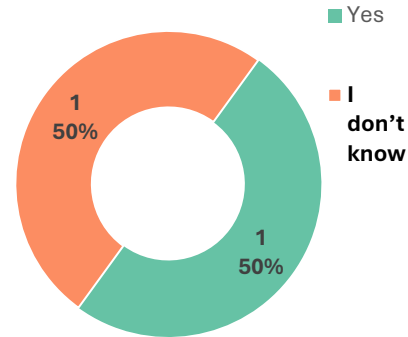
**Graph 28b.** Possible professional capacity of removers in uniform involved in the sea incidents



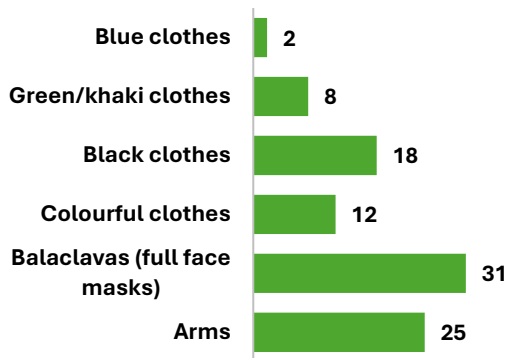
**Graph 30a.** Coordination with the Authorities of the removers out of uniform involved in the Evros incidents



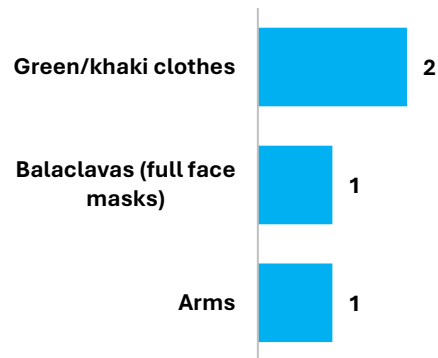
**Graph 30b.** Coordination with the Authorities of the removers out of uniform involved in the sea incidents



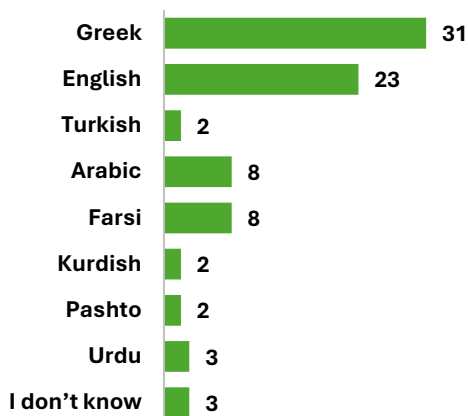
**Graph 31a.** Equipment of removers out of uniform involved in the Evros incidents



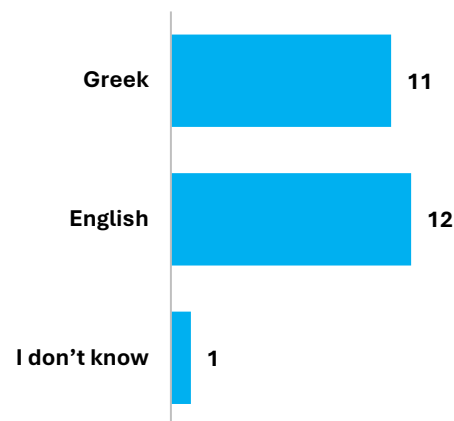
**Graph 31b.** Equipment of the removers out of uniform involved in the sea incidents



**Graph 32a.** Languages spoken by the removers involved in the Evros incidents



**Graph 32b.** Languages spoken by the removers involved in the sea incidents



*iv) Means used and methods applied during the physical removal*

About 32 incidents occurred in the Evros border region, the alleged victims reported that the physical removal operation was conducted using boats. About 1 incident, the

alleged victim reported that their physical removal operation was conducted on foot through the fence along the Evros riverbank (See *Graph 33a*).

About 12 incidents occurred at sea, the alleged victims reported that their physical



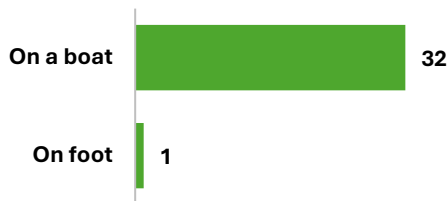
*"[...] After we boarded the floating boats, the Hellenic Coast Guard vessel started to tow us, heading towards Türkiye. About twenty minutes later, the vessel stopped in the open sea. The men removed the ropes with which the two floating boats were tied. The Coast Guard vessel left us and returned to the Greek coast [...]"*

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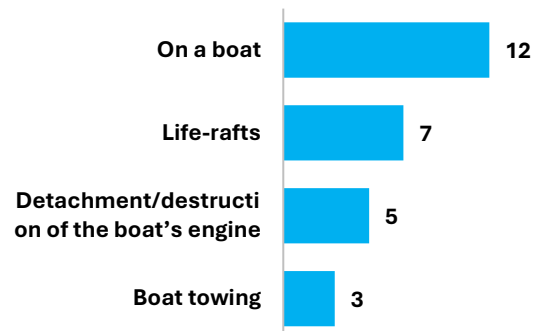
removal operation was conducted using boats. About 7 incidents, the alleged victims reported that that their physical removal operation was conducted using life-rafts. About 5 incidents, where the location of detection was in the sea area near the Greek islands, the alleged victims reported that the removers destroyed or detached the engines of the boats they were in. About 3 incidents, it was

reported that the removers towed the boat the alleged victims were in (See *Graph 33b*).

**Graph 33a.** Means used during the physical removal stage of the Evros incidents



**Graph 33b.** Means used during the physical removal stage of the sea incidents



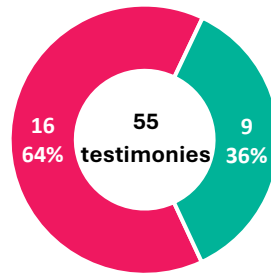
## ii. Indicators of Informality

The Indicators of Informality reflect the actions or omissions of the alleged perpetrators regarding the identification of the alleged victims, the verification and recording of their personal information, the collection of biometric data (photos and fingerprints), the administrative handling of asylum requests, and access to legal remedies for those concerned to challenge the legality of their removal. When the indicators reveal shortcomings in the above procedures, the incidents of forced returns are characterized as irregular (non-standard) (See *Chart 34*).

**Graph 34: Indicators of Informality**

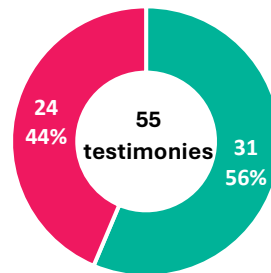


**Seizure of personal belongings**



- Seizure and/or destruction of personal belongings
- Non-seizure and/or destruction of personal belongings

**Expressed intention to apply for International Protection**



- Expression of intention to apply for international protection
- Failure to express intention to apply for international protection

**Assessment of international protection needs by the Authorities**

In **54 testimonies** the alleged victims reported that at no stage of the incident were they asked in a language they understood whether they intended to submit an application for international protection, while in cases where the alleged victims were beneficiaries of international protection or registered asylum seekers in Greece, their status was not taken into account. Only in **1 testimony** did the alleged victim (whose country of origin is Türkiye) report that they were asked by the Authorities to express their intention to apply for international protection, without any follow-up on the part of the Authorities to their request, like capturing of biometric data, recording of personal data and claims.

**Information on rights**

In **no testimony** did the alleged victims report to have been provided with any information on their rights by the competent authorities, in a language they understood.

**Registration/Fingerprinting**

In **no testimony** did the alleged victims report any recording of their personal data or fingerprinting by the competent Authorities.

**Photographs**

In **no testimony** did the alleged victims report to have been officially photographed by the competent Authorities. In **2 testimonies** the alleged victims reported that they were unofficially photographed by the alleged perpetrators involved in the incident i.e., by using mobile phones.

**Signing/Provision of a document**

In **no testimony** did the alleged victims report that they were provided with an official administrative document or that they have signed any such document.

### III. Human Rights Violations

Any IFR operation constitutes a violation of the fundamental right to asylum, the granting of which, to persons who meet the criteria of the Geneva Convention, is an international



obligation for the contracting states, including Greece. The right to asylum is further guaranteed by Article 18 of the Charter of Fundamental Rights of the European Union.<sup>27</sup>

The majority of the alleged victims are unregistered asylum seekers who reported that they had irregularly entered the Greek territory, in order to apply for international protection, but their personal data have never been recorded by the Greek Authorities and they were informally and forcibly removed to Türkiye. The countries of origin of the alleged victims (Afghanistan, Syria, Türkiye, Iraq, Iran, Palestine, Sierra Leone and the Democratic Republic of Congo) or for stateless persons, the countries of former habitual residence, are listed among the countries whose citizens or stateless habitual residents, are granted refugee status in Greece and the EU at significant rates.<sup>28</sup> In this regard, the alleged victims would have the same chances of being recognised as beneficiaries of refugee status in Greece if, according to their testimonies, they had not been denied access to the international protection procedure.

Of particular interest here are the cases of 6 Turkish nationals, asylum seekers, not registered at the Asylum Service, who reported that they had left their countries of origin, because they were at risk of being persecuted due to their political convictions and came to Greece, in order to apply for asylum.<sup>29</sup> These persons alleged to have been victims of IFR incidents directly to their country of origin (Türkiye) where they had been subjected or were at risk of being subjected to persecution, without being given the chance to have access to the asylum procedure and without any assessment of their international protection needs, arising from the risk of being persecuted in Türkiye. In view of the above, these incidents constitute a direct violation of the principle of non-refoulement, which is the cornerstone of the protection of refugees.

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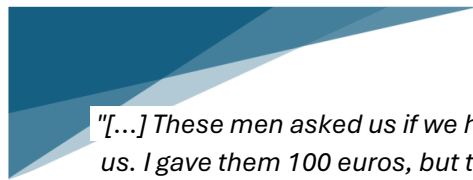
<sup>27</sup> See Article 18 of the Charter of Fundamental Rights of the European Union “The right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and in accordance with the Treaty establishing the European Community”.

<sup>28</sup> See Ministry of Migration and Asylum - Information Notes 2022 and 2023, available here: <https://migration.gov.gr/en/statistika/>, and EUAA - Latest Asylum Trends, available here: <https://euaa.europa.eu/latest-asylum-trends-asylum>.

<sup>29</sup> According to the 2023 Annual Activity Report published by the EU Agency for Asylum (EUAA), the number of asylum applications lodged in the EU countries by Turkish nationals ranked Türkiye in 3rd place, after Syria and Afghanistan, as the country with the highest number of asylum seekers in the EU. See: EUAA – Annual Overview 2023, available here <https://tinyurl.com/48ywku75>.

There is also 1 alleged victim who reported that he had been registered as an asylum seeker by the Greek Authorities, before the operation of his removal, and his application was still pending. The case concerned an asylum seeker originating from the Democratic Republic of Congo. This person alleged to have been victim of IFR incident to Türkiye, even though he had been registered as an asylum seeker by the competent Greek Authorities and was therefore legally residing in the country, expecting a decision on his application. The procedure of granting asylum to this particular person was unlawfully terminated by the IFR incident and deprived him of the right to reside in the Greek territory, while the examination of his application was pending.

2 recognised refugees in Greece are listed among the alleged victims. The case concerned refugees originating from Syria. These persons alleged to have been victims of IFR incidents to Türkiye, even though they had been granted international protection status by the competent Authorities in Greece. Therefore, these particular IFR incidents,



*"[...] These men asked us if we had any money on us. I gave them 100 euros, but they got angry and said they would beat me. They pulled down my trousers and socks and searched for more money or belongings, then started beating me. While I was bleeding from my mouth another man with his face fully covered told him to stop because "you will kill him" and gave me a small piece of paper to clean the blood from my mouth. A few minutes later we were thrown into the river [...]"*

deprived the recognised refugees of the rights deriving from the international protection status granted to them by the Greek State.

The same pattern of violence highlighted by the 2022 recordings<sup>30</sup> is being repeated in the 2023 recordings.

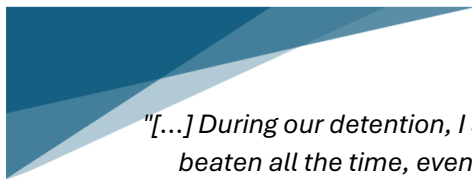
More specifically, according to testimonies about 16 out of the 26 recorded incidents, where the alleged victims reported to have been subjected to the

Recording with Ref. No.: GCR14A72A78.

intermediate stage of informal detention, the perpetrators allegedly used violence during the informal detention stage; about 4 incidents, the testimonies reported that the perpetrators did not use violence; about 6 incidents, it was reported that the alleged victims were not aware whether the perpetrators used violence against anyone during the informal detention stage (See *Graph 35*). According to the testimonies, the perpetrators of informal detention used various forms of physical violence, from nudges and kicks that cause minor physical injuries, to beatings that cause grievous and dangerous bodily injuries, as well as other forms of violence, such as verbal violence,

<sup>30</sup> See: Recording Mechanism, Annual Report 2022, available here <https://tinyurl.com/4zux9vcr>.

intimidation and threats to the physical integrity and life of the alleged victims themselves or their relatives. The alleged victims also reported that they have been



*"[...] During our detention, I saw people being beaten all the time, even when they speak and don't understand the language they are beaten. While I was there, I saw at least 10 people being beaten. I also saw the physical searches of other people, the women were also being searched further over there. I saw two women being searched [...]"*

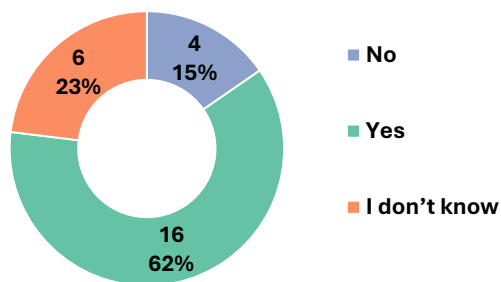
Recording with Ref. No.: GCR17A79A87

exposed to degrading treatment, such as stripping and violating physical searches, even on the genitals of women by male guards, which take the form of sexual abuse. The alleged victims also reported to have been subjected to forcible seizure or destruction of money, communication devices, food, water, medicine and other personal belongings, such as ID

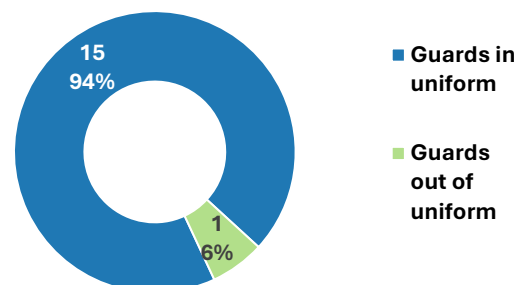
cards and passports issued by the authorities of their home country or identification documents of registered asylum seekers and recognised refugees.

About 15 incidents, the alleged victims reported that uniformed guards used violence against them, during the detention stage and about 1 incident, it was reported that non-uniformed guards used violence during the detention stage (See Graph 36).

**Graph 35:** Use of violence during the informal detention stage



**Graph 36:** Perpetrators of violence during the informal detention stage



Furthermore, according to testimonies by the alleged victims involved in 8 incidents, some of the persons under guard, were in need of medical care, but in none of the incidents was proper medical care provided to those who needed it, nor was there a transfer to a hospital, medical centre or other health care provider for those in need of medical assistance.

In testimonies about 43 incidents, it was reported by the alleged victims that violence was used during the physical removal stage, such as beatings and violent kicks and nudges, either against them or against other people of the group involved in the IFR incident; about 1 incident, no use of violence was reported. (See Graph 37).

In testimonies about 29 incidents, it was reported by the alleged victims that violence

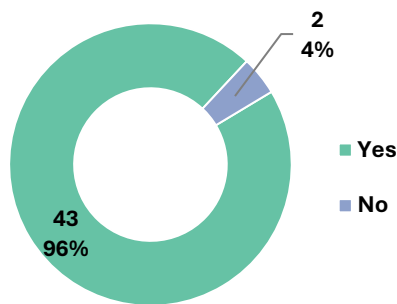


*"[...] After the men were beaten, I handed the paper with the court decision to the officer in charge, with the stars, and then he tore it up and threw the pieces of paper in my face. The police officer was shouting and telling me that 'only passports are accepted here'. At that moment the police officer also said that 'if your lawyer is competent enough, she will send a plane to bring you back from Türkiye'. The police officer said that even 'if the President of the Court was here, we would still send him to Türkiye'. He said that 'the document is not legal, and the organisation is not legal.' He was shouting and using insulting words about the Court, the lawyers and he was repeating the word 'malaka' [...]"*

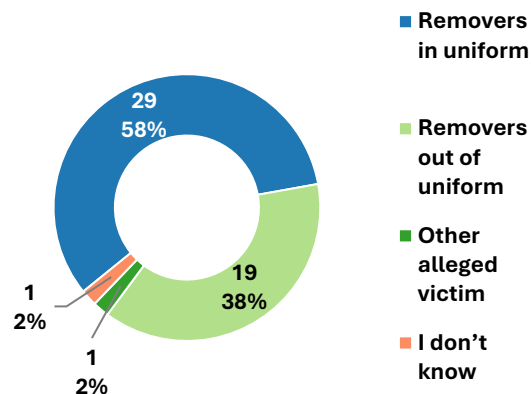
was used against them by the removers in uniform; about 19 incidents, that violence was used by the removers out of uniform; about 1 incident, it was reported that the alleged perpetrators could not be identified; about 1 more incident, that violence was used by a person of the group of those who were physically removed (See Graph 38).

Recording with Ref. No.: GCR17A62A67

**Graph 37:** Reported use of violence during the removal stage.

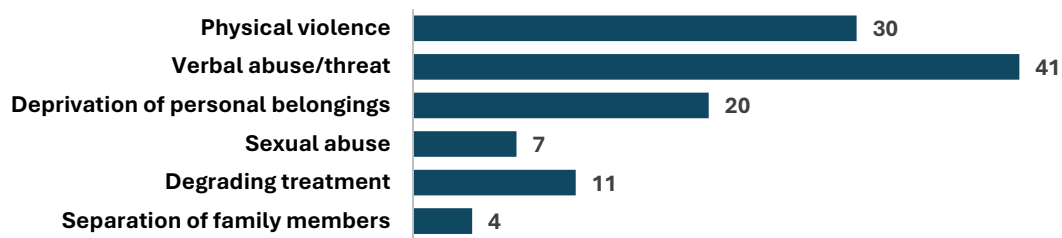


**Graph 38:** Alleged perpetrators of violence during the physical removal stage



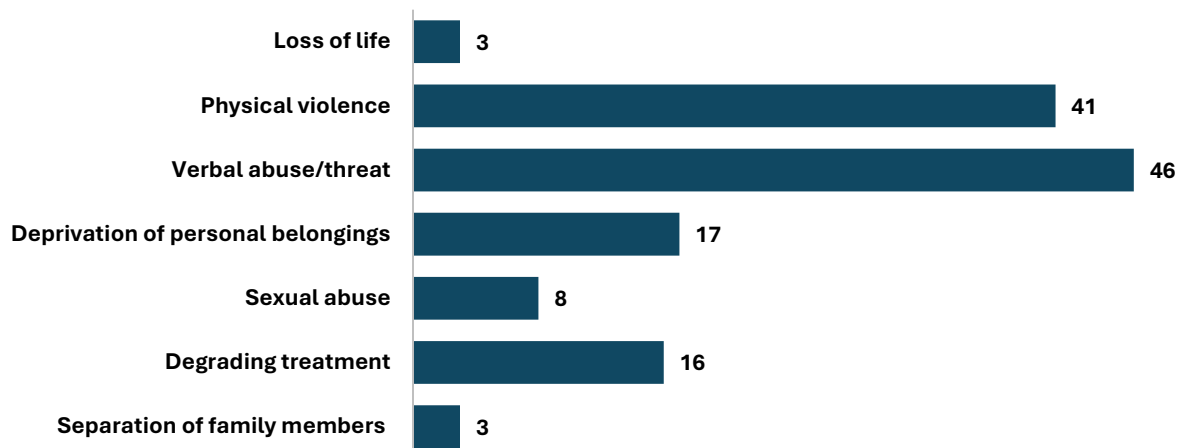
According to 30 testimonies, physical violence was used against the alleged victims during the physical removal operation; according to 41 testimonies verbal abuse was used; according to 20 testimonies, they were subjected to deprivation of their personal belongings; according to 7 testimonies, they suffered sexual abuse, such as physical searches of the genitals and indecent touching; according to 11 testimonies they were exposed to mistreatment and degrading treatment, such as stripping; according to 4 testimonies they were subjected to separation from family members (See Graph 39).

**Graph 39:** Testimonies about use of violence against the interviewed alleged victims



According to 3 testimonies, other people of the removed group lost their lives during the physical removal operation; according to 41 testimonies, other people of the group suffered physical violence; according to 17 testimonies, other people of the group were deprived of their personal belongings; according to 8 testimonies other people of the group were sexually abused; according to 16 testimonies other people of the group were exposed to mistreatment and degrading treatment; according to 3 testimonies other people of the group were subjected to separation from family members (See *Graph 40*).

**Graph 40:** Testimonies about use of violence against other members of the group subjected to physical removal.

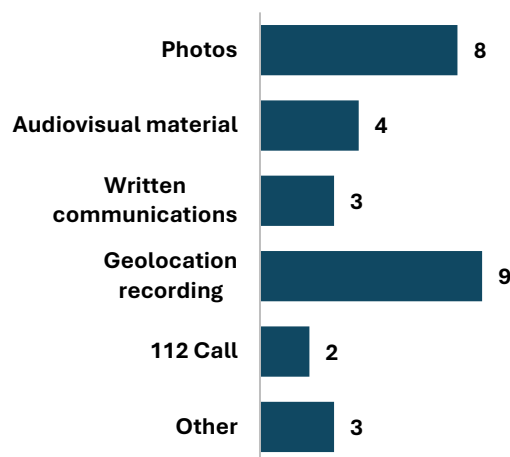
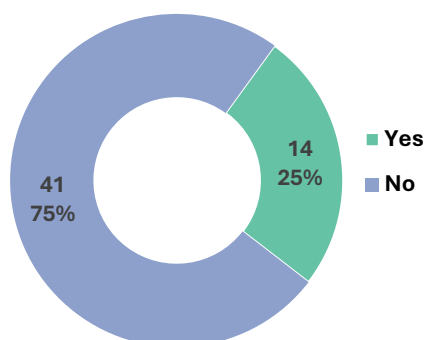


#### IV. Supporting Evidence<sup>31</sup>

In 14 testimonies, the alleged victims reported that they possess evidence in support of their allegations.<sup>32</sup> In the remaining 41 other testimonies the alleged victims reported that they are no longer in possession of any evidence, which is usually justified by the fact that they had been deprived of their personal belongings during the IFR operation, including photos, audio or video material, geolocation recording etc (See *Graph 41*).

In 8 testimonies the alleged victims reported that up to the time of the recording of their testimony, they were in possession of photos; in 4 testimonies that they were in possession of audiovisual material; in 3 testimonies that they were in possession of written communications; in 9 testimonies reported that they had recorded their geographical location on electronic devices; in 2 that they had made a call to the single European Emergency Call Number 112; in 3 that they had in their possession other kind of supporting evidence, such as documents issued by the Turkish Authorities, whose content was related to illegal entries to Türkiye or articles published in the Turkish press (See *Graph 42*).

**Graph 41:** Possession of supporting evidence    **Graph 42** Supporting evidence



<sup>31</sup> The Recording Mechanism’s operational scope is the documentation of reliable testimonies, using a specific methodology, from individuals who claim to have been victims of IFRs from the Greek territory, either to a third country or their country of origin. It does not have the capacity or the mandate to investigate or gather evidence from the alleged victims or on their behalf. If the alleged victims have evidence supporting their claims, it remains in their possession and may be available to their legal representatives. However, under no circumstances is such evidence held by the Recording Mechanism, nor does the Recording Mechanism require victims to have evidence in their possession as a condition for recording their testimony, as, according to the testimonies, in the majority of cases the alleged victims have been deprived of all their personal belongings.

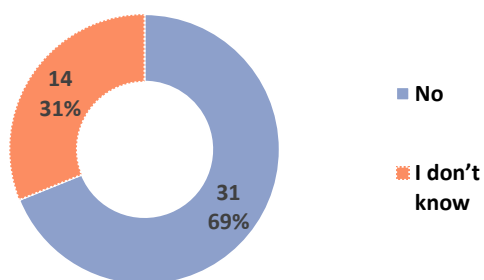
<sup>32</sup> The data pertain to the recording of what the alleged victims claimed during the recording process. The Recording Mechanism is not aware of whether the alleged victims still possess the evidence they claimed to have at the time of the recording, if they have lost it, or if they have supplemented it since then.

## V. Legal actions taken by the alleged victims<sup>33</sup>

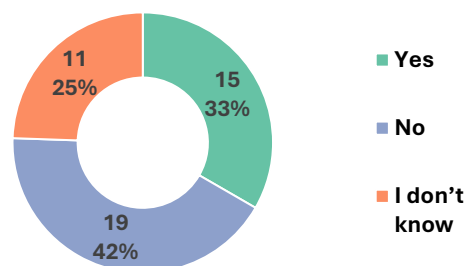
In 14 cases the alleged victims reported that they have submitted official complaints to the competent Authorities; in 41 cases that up to the date of their testimony recording they had not submitted official complaints to the competent Authorities; in 3 cases they reported that they were not aware if their legal counsellors had submitted an official complaint on their behalf (See *Graph 43*).

In 15 out of the 45 incidents, where the alleged victims up to the time of the recording of their testimony had not submitted an official complaint or they were not aware whether their legal counsellors had done so, reported their intention to do so. In 19 incidents the alleged victims reported the absence of intention to do so, usually for fear of retaliation by the alleged perpetrators or negative impact on their request for International Protection, or revival of traumatic events; testimonies about 11 incidents reported that the alleged victims had not yet come to a relevant decision (See *Graph 44*).

**Graph 43:** Submission of complaint



**Graph 44:** Intention to submit a complaint



The alleged victims of 10 IFR incidents have brought their cases before the European Court of Human Rights (ECHR). Before lodging their applications before the ECHR, the alleged victims have informed the competent Greek Authorities (Public Prosecutors and Police) about their presence in Greece, the need for their rescue and their intention to have access to international protection. As regards to 1 more incident, an *ex officio*

<sup>33</sup> It is noted that the Recording Mechanism does not operate as a legal counsellor, representative, or advisor of the alleged victims. This is a deliberate choice of the Recording Mechanism, as maintaining distance from the legal representation of the alleged victims is a precondition for the independence and impartiality of the Recording Mechanism. Additionally, the Recording Mechanism cannot hand-over the individual Recording Forms of the alleged victims, which in fact reach the Recording Mechanism anonymously, to any other state Authority, without having previously obtained informed and explicit consent from the alleged victims. In any case, the alleged victims may, if they wish, submit official complaints, reports, or appeals to either national or European competent institutions, in parallel and independently of the recording of their testimony by the Recording Mechanism. The Recording Mechanism, by identifying the alleged victims and ensuring the safety of the recording, encourages and facilitates the access of the alleged victims to Justice.



investigation was initiated by the Public Prosecutor; however, the investigation had been filed due to the unknown identity of the perpetrators but was re-opened after the alleged victims lodged an official complaint. As regards to 2 more incidents, the alleged victims filed reports to the Greek Ombudsman, under its authority as the National Mechanism for Investigating Incidents of Arbitrariness, and as regards one of them, a complaint has been lodged to the FRONTEX Fundamental Rights Officer.

## CHAPTER 3. Additional information

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The Recording Mechanism obtains its data from recorded testimonies by conducting personal interviews with the alleged victims of IFR incidents, applying a strict and standardized methodology. This methodology includes multidimensional safeguards before a testimony is finalized in the Recording Mechanism's database, to ensure the reliability of the data collected. The reliability of the data collected is ensured by the consistent application of methodological standards and, at the final stage, by the quality control carried out for each recording before it is finalized in the Recording Mechanism's database.

Moreover, the data obtained from information collected by institutional bodies, such as the GNCHR, and relevant findings from other organizations, such as civil society organizations, serve as additional sources of information utilized by the Recording Mechanism as reference points and for comparative evaluation to assess the reliability of its own data and findings.

This chapter presents a summary of the findings derived from these sources.

### I. Decisions on Interim Measures (R39) indicated by the European Court of Human Rights

The GNCHR, as the National Human Rights Institution (NHRI) and the independent advisory body to the Greek State on human rights issues, shall have among its areas of competence, the constant monitoring of developments related to the human rights situation in Greece and the provision of assistance and advice to state stakeholders, on the harmonisation of national legislation and practice with the country's international and European commitments.

As the National Human Rights Institution in Greece, the GNCHR shall be monitoring the execution of judgements and decisions of the European Court of Human Rights (ECHR), and therefore attaching particular importance to compliance with orders for interim measures issued by the Court.

In the framework of this monitoring process, the GNCHR has been informed by Civil Society Organisations, such as the Greek Council for Refugees (GCR), which participates in the composition of the GNCHR and the Recording Mechanism Plenary Assemblies, about 17 incidents, involving third-country nationals, asylum seekers, who have irregularly entered into the Greek territory, in various areas of the Evros border region. In



relation to these incidents, 31 orders for interim measures have been issued by the ECHR, pursuant to Article 39 of its Rules of Procedure, in respect of a total of 171 applicants.<sup>34</sup>

In the above-mentioned cases, the Court indicated to the Greek Authorities to not remove the applicants from the Greek territory and to provide them with food, water, clothing, and appropriate medical care.

It should be noted that interim measures indicated pursuant to Rule 39 of the Rules of the Court, even if they do not predetermine the judgements of the Court they are applied only in exceptional cases and only where the Court considers that the applicant would otherwise face an imminent risk of irreparable harm.<sup>35</sup> The Court's decisions indicating interim measures are binding upon the State concerned, while non-compliance with them constitutes a violation of Article 34 of the European Convention on Human Rights (ECHR).<sup>36</sup>

The GNCHR has, for every one of these cases, submitted written interventions to the Ministry of Citizen Protection, highlighting the Court's decisions on interim measures and also the increased needs for international protection of applicants originating from specific countries, which is often combined with additional facts, like these persons' political or other activities in their countries of origin.<sup>37</sup>

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<sup>34</sup>The orders concern the following cases: M.D. & Others v. Greece (9906/23), D.F.S.Y. v. Greece (13280/23), M.D. M.D. & Others v. Greece (13532/23), H.R. M.D. & Others v. Greece (13533/23), M.D. & S.D. v. Greece (13534/23), C.T. v. Greece (17429/23), U.D. v. Greece (17435/23), P.A. v. Greece (17436/23), S.J.A. M.D. & Others v. Greece (24691/23), B.H. v. Greece (24692/23), M.A. & A.A. v. Greece (24693/23), Z. S. & Others v. Greece (24701/23), H.A. v. Greece (27303/23), C.C. v. Greece (31302/23), A.H. v. Greece (32629/23), M.Q. v. Greece (32630/23), M.N.M. v. Greece (32631/23), M.N.M. v. Greece (32633/23), K.S. v. Greece (32634/23), M.Q. v. Greece (32636/23), M.A. v. Greece (32637/23), A.Q. v. Greece (32638/23), K.H. v. Greece (32639/23), M.A.D. M.D. & Others v. Greece (33059/23), I.R.A.H. M.D. & Others v. Greece (34363/23), S.B. & F.K. v. Greece (40022/23), S.S. v. Greece (40906/23), S.C. & H.G. v. Greece (40756/23), M.E. & M.U. v. Greece (41119/23), B.C. v. Greece (41474/23), and G.G. & E.G. v. Greece (41725/23).

<sup>35</sup> See also among others, Rackete and Others v. Italy (32969/19), and K.N. v. the United Kingdom (28774/22).

<sup>36</sup> See Mamatkulov & Askarov v. Türkiye (46827/99).

<sup>37</sup> More specifically, the GNCHR addressed to the Greek Minister of Citizen Protection and/or the Greek Minister of Migration and Asylum, with copies to the United Nations High Commissioner for Refugees (UNHCR), the Greek Ombudsman, Frontex, and the National Transparency Authority, letters with reference numbers as follows: 139/6.3.23, 225/30.3.23, 238/5.4.23, 273/3.5.23, 402/22.6.23, 401/22.6.23, 457/13.7.23, 501/21.8.23, 506/29.9.23, 511/4.9.23, 532/15.9.23, 707/21.11.23, 717/24.11.23, 716/24.11.23, 724/30.11.23, 726/30.11.23, and 771/4.12.23.



Out of these 17 written submissions by the GNCHR in 2023, 11 have received a written reply.<sup>38</sup> According to the above replies, the competent Authorities, despite repeated efforts to find and rescue the applicants at the locations indicated, failed to detect them.

According to data notified to the GNCHR about 13 out of the 17 incidents mentioned above, the applicants, in a subsequent communication with their legal representatives, reported that they had been victims of IFR incidents to Türkiye; about 3 incidents, the legal representatives of the applicants reported that they lost all communication with them; only about 1 incident, the outcome was successful, as the competent Authorities located the 48 applicants, proceeded to their rescue, and registered their applications for international protection. They are the applicants in the case of I.R.A.H. and others v. Greece (34363/23), who in the past had been subjected to multiple IFR incidents to Türkiye.

As for the legal developments, in 10 of the above cases a full application on the merits has been filed before the ECHR.<sup>39</sup>

## II. Testimonies received by children

During the 2023 recording cycle, the Recording Mechanism has recorded, by applying its methodology, testimonies by the alleged victims who at the time of the recording declared themselves adults or, exceptionally, children very close to adulthood. Special recording tools tailored to children's needs are still under construction by the Recording Mechanism.

Moreover, the organisations-Members of the Recording Mechanism are in contact with children, in the context of the psychosocial and legal services they provide. During sessions with them, the alleged victims repeatedly reported that more than one attempt was needed to cross the border, especially in Evros region, as, after being detected by the Greek Authorities, they were informally and forcibly returned back to Türkiye. Systematic violations of fundamental human rights and specific violations of the rights of the child have been reported during the above-mentioned procedure and recorded according to the organisations-Members of the Recording Mechanism's methodologies, through the assessment processes of the best interests of the children.

The following data are deriving from reports submitted by the beneficiary children on events alleged to have happened to them, which do not constitute detailed narrations

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<sup>38</sup> The written replies issued by the Hellenic Police Headquarters (Alien and Border Protection Branch / Border Protection Division / Centre for Integrated Border and Migration Management) have reference numbers, as follows: 1588/23/703214, 1588/23/723337, 1588/23/1649166, 1604/23/1506568, 1588/23/964131, 1604/23/1751702, 1604/23/2395561, 1604/23/2517046, 1604/23/2517050, 1604/23/2503543 and 1604/23/2495949.

<sup>39</sup> This concerns the following cases: M.D. & Others v. Greece (9906/23), S.J.A. M.D. & Others v. Greece (24691/23), B.H. v. Greece (24692/23), C.C. v. Greece (31302/23), M.A.D. M.D. & Others v. Greece (33059/23), I.R.A.H. M.D. & Others v. Greece (34363/23), S.S. v. Greece (40906/23), M.E. & M.U. v. Greece (41119/23), B.C. v. Greece (41474/23), G.G. & E.G. v. Greece (41725/23).



and verified incidents or official recordings of testimonies made by the Recording Mechanism through the application of its own methodology.

In the period between January and December 2023, 118 unaccompanied children have reported that they have been victims of IFR incidents. The reports of 1 unaccompanied girl and 1 unaccompanied boy aged 10 years, are included therein. The ages of the children were from 10 to 17 years old, with an average age of 16 years old. Overall, the reports relate to incidents that occurred between 2 years and up to 1 month from the day of the meeting with the child and in two cases 5 and 3 years respectively before the interview with the child, while the average time period that the incidents occurred is between 2 and 6 months from the date of the interview. According to their testimonies, the vast majority of the reports were related to incidents occurred near the Evros border region and the wider area near the river Evros; although some reports were made on incidents occurred in the cities of Thessaloniki, Komotini, Xanthi, Rodopi and Kavala; in the islands of Lesbos and Chios; on the Greek-Albanian border; in the sea area between Greece and Türkiye that could not be specified.

The *modus operandi* of the IFR incidents, as revealed by the testimonies, presents common characteristics. On the basis of the children's allegations, their detection was carried out by people in or out of uniform, while in some cases it was reported that the alleged perpetrators were wearing hoods or that their faces were covered. In particular, according to the children's testimonies, especially about incidents occurred in the Evros border region, the operation was conducted immediately after the detection by persons with characteristics of Police officers, who at first made them get into cars and closed vans and then escorted them to the border and pushed them back to Türkiye. In cases where children reported that they had been detected in the mainland, away from the Evros border region, they were initially transferred to a place of detention, similar to a Police Station, or to an informal place of detention, where many people were under detention, and then they were transferred to the location where the removal operation started and they were forced either to swim or walk across the river or to get into inflatable boats. According to some testimonies, there were also IFR operations, where third countries nationals were also involved as perpetrators, speaking some of the languages spoken by the alleged victims.

In the vast majority of the reported incidents, children alleged to have been subjected to beatings with wooden sticks, threats, seizure of their personal belongings, especially their mobile phones and identity documents, deprivation of their money, clothes and shoes, while some of the children reported, that during the stage of their physical removal, were left in their underwear. It is also highlighted that acts of inhuman and degrading treatment, in the course of all stages of the IFR incidents, from the detection of the alleged victims to their physical removal, constitute the common denominator of all the testimonies.



### III. Civil Society Organisations Reports

#### A. The Médecins Sans Frontières Report

The international Non-Governmental Organisation “Médecins Sans Frontières” (hereinafter referred to as MSF) has been active in Greece since 1991 and in recent years has integrated within its area of activities the provision of medical and mental health care to asylum seekers, migrants and refugees in Athens and on the Aegean islands of Lesbos and Samos. The services provided by MSF include primary health care, sexual and reproductive health care, treatment of chronic diseases, care for victims of sexual violence, clinical psychological care and health promotion activities, as well as social and legal support. In the islands of Samos and Lesbos, it provides additional emergency medical assistance to people in need. MSF is not a Member of the Recording Mechanism.

In November 2023, MSF published the report entitled, “In Common View - The Human Cost of Migration Policies and Violent Practices at the Greek Sea Borders”.<sup>40</sup>

The report builds on operational and aggregated medical data, narrations by patients and narrations by MSF members collected between August 2021 and July 2023. Throughout this period, MSF has offered during 533 separate interventions emergency medical assistance to 7,904 people, shortly after their arrival on the islands.<sup>41</sup>

The Report includes testimonies by people who made recourse to MSF services, indicating a recurrent practice of pushbacks at sea and on land, allegedly carried out by persons in uniform and/or with their faces covered. As to the incidents occurred at sea, the narratives describe the asylum seekers' boats being towed at high speed, the deliberate damage to the engines of the boats and their own abandonment on lifeboats. As to the incidents occurred on the territory of the islands, references are made to practices involving physical violence, handcuffing, informal detention, forcible transfer of groups to the coast before being returned to sea, as well as degrading physical searches.<sup>42</sup>

The alleged victims, who were MSF patients, reported that they have been subjected to various forms of physical violence such as hits with rods, slaps, kicks, punches and hand and ankle cuffing, often accompanied by bullying practices such as gunshots, verbal abuse and humiliation, forced physical searches and intrusive physical searches into men, women and children, as well as the destruction or deprivation of necessary personal belongings.<sup>43</sup>

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<sup>40</sup> See: MSF, Press Release 1.11.2023, available only in Greek here <https://tinyurl.com/uvvwrhfy>. MSF's report “In Common View - The Human Cost of Migration Policies and Violent Practices at the Greek Sea Borders” November 2023, is available here: <https://tinyurl.com/5c8snem7>.

<sup>41</sup> MSF (2023), p. 6

<sup>42</sup> Ibid

<sup>43</sup> Ibid



According to the Report, for fear of being pushed back people are forced to hide, often for days on dangerous locations and to be exposed to the elements of nature, without access to food or water. During the reporting period, MSF members report that they have treated 557 patients with injuries allegedly caused by water swallowing while swimming, burns from machines, physical violence, or falling while climbing or trying to escape from persons in uniform and/or with their faces covered. MSF teams also report that they have treated patients with symptoms of dehydration, hypoglycemia and heat exhaustion, as well as winter-related medical conditions, such as frostbite and hypothermia, with very serious health risks for the most vulnerable people, including pregnant women and children.<sup>44</sup>

MSF estimate that violence and lack of assistance, experienced by people at the Greek-Turkish border, exacerbate pre-existing vulnerabilities and physical and mental health problems and aggravate past traumatic experiences of violence, having a serious long-term impact on their mental health. During the reporting period, MSF teams for mental health conducted 8,621 psychological and/or psychiatric sessions, during which they observed that past experiences from the country of origin of people and their journey, combined with actions involving humiliation and degradation, exacerbated the existing trauma, leaving long-term emotional scars.<sup>45</sup>

The MSF Report confirms the findings of the Recording Mechanism on the operational characteristics of the IFR incidents allegedly occurred at sea borders. Furthermore, the MSF Report contributes considerably to the recording of IFR incidents, as it focuses on the medical effects, the physical marks and the psycho-emotional impacts of violence, threats, inhuman and degrading treatment, exposure to life-threatening risks, loss of human lives and separation of family members, allegedly occurred during the IFR operations.

#### B. The Greek Council for Refugees Report

The Greek Council for refugees (hereinafter GCR) is a Non-Governmental Organisation active in Greece since 1989 in the field of asylum and human rights.

The GCR acts in an advisory capacity to the exercise of the United Nations Economic and Social Council (ECOSOC) functions since 2001 and is an operational partner of the United Nations High Commissioner for Refugees (UNHCR). It is also member of the Executive Committee of the European Council for Refugees and Exiles (ECRE) since 1991 and member of the Separated Children in Europe Programme (SCEP). GCR has been a member of the GNCHR Plenary Session since 1999 and one of the founding members of the Recording Mechanism.

The organisation provides free legal and social advice and services to refugees and people originating from third countries, beneficiaries of international protection,

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<sup>44</sup> Ibid

<sup>45</sup> Ibid



including people with special needs, such as unaccompanied minors, victims of trafficking, etc., with a view to ensuring their protection and smooth integration. GCR services are provided in the mainland of the cities of Athens and Thessaloniki, in the regional unit of Evros as well as on the territory of Lesbos, Kos and Crete islands.

In March 2023, the GCR published its report entitled, “At Europe’s Borders: Between Impunity and Criminalisation”.<sup>46</sup>

The GCR Report focuses on specific IFR incidents occurred in the Evros border region, which has brought before the ECHR between March and October 2022, as a provider of legal services to the alleged victims. In addition, the Report presents two IFR incidents allegedly occurred on islands of the Eastern Aegean, where the alleged victims submitted official complaints to the Public Prosecutor, through their legal counsellors, lawyers employed by GCR. The GCR Report provides important information on the legal acts undertaken and the developments thereof, to the international and national Authorities.

The cases referred to in the Report have also been recorded by the Recording Mechanism in 2022 and have been included in the quantitative and qualitative findings analysed in the 2022 Annual Report.

In the GCR Report, the facts of each case are presented in detail and there is also a description of the precarious situation the alleged victims are subjected to, the operational practices, as well as the means used and the stages throughout which the IFR operations are conducted.

The report states that the IFR incidents apply to both asylum seekers entering the country seeking for international protection and recognised refugees. References are made to alleged perpetrators with the characteristics of the law enforcement agencies personnel, such as the Police, the Coast Guard, the Army, as well as the presence of alleged partners of the law enforcement agencies personnel, who speak the languages spoken by the alleged victims and assist in the operations of the IFR incidents. The Report describes the means used during the IFR operations, such as small vessels/boats, vans and military and police vehicles and trucks. Reference is also made to the data available on the use of the Neon Chimonion Border Guard Station as a place of informal detention of the alleged victims. The Report describes operational practices including violent transfers, periods of informal detention, non-recording of personal data, lack of information on rights, denial of access to rights, deprivation of necessities (clothing, food and water) and treatment of the alleged victims involving use of violence, submission to inhuman and degrading treatment, intimidation and sexual abuse.

Moreover, the Report includes evidence with regard to actions taken by the Turkish Authorities, deriving from the alleged victims’ testimonies about incidents of pullbacks

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<sup>46</sup> See: GCR, Press Release 5.12.2022, <https://tinyurl.com/2s3jptfc>. The GCR report “At Europe’s Borders: Between Impunity and Criminalisation”, March 2023, is available here: <https://tinyurl.com/34asjrct>.



in the Evros border region. Thus, the Report is successfully giving a complete picture of the practices allegedly applied on both sides of the border.

Finally, the Report includes detailed data on the persecution of human rights defenders and the criminalisation of CSOs.

### C. The Border Violence Monitoring Network Report

Border Violence Monitoring Network (hereinafter BVMN) is a horizontal, self-organised and independent network of CSOs, monitoring human rights violations at Europe's borders and being active to end violence against populations on the move. BVMN is not a Member of the Recording Mechanism.

BVMN was set up in 2017 when several CSOs, noted an increase in reports about violent pushbacks of people moving along the so-called "Balkan Route" and started to investigate them. Since then, BVMN has developed a common methodology for recording testimonies and collecting data, which are published in an accessible database functioning as a live archive.<sup>47</sup> These reports provide detailed, personal descriptions of the incidents, combined with further supporting evidence, including evidence of ill-treatment, photographs and medical documents.

In December 2022, the BVMN released an extensive and updated version of the "Black Book of pushbacks", first published in December 2020.<sup>48</sup> The new updated version now extends to 4 volumes, instead of the 2 comprised in the original version.<sup>49</sup>

The "Black Book of pushbacks" comprises testimonies by the alleged victims of IFR incidents moving along the entire so-called "Balkan Route" including countries such as Austria, Slovenia, Croatia, Poland, Romania, Serbia, Bosnia, Montenegro, Kosovo, Bulgaria, North Macedonia, Albania and Greece.

The chapter referring to Greece comprises 168 testimonies about IFR incidents from Greece to Türkiye, allegedly occurred in 2021 and 2022, with an estimated total number of 11,183 alleged victims.

Systematic use of violence, prolonged informal detention, ill-treatment constituting torture, use of arms, refusal to provide medical care and refusal of access to the asylum procedure, have been reported in the testimonies included thereof. Involvement of persons with the characteristics of the national law enforcement agencies personnel, and involvement of persons with the characteristics of FRONTEX staff, have also been reported in the testimonies included thereof. According to testimonies, the islets

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<sup>47</sup> See: BMVN, <https://borderviolence.eu/testimonies/>

<sup>48</sup> See: BMVN, Press Release 5.12.2022, <https://tinyurl.com/jx7advk2>. The extended and updated version of the BMVN "Black Book of pushbacks", December 2022, is available here: <https://tinyurl.com/bdzb6zr2>. A summary of the release is available here: <https://tinyurl.com/yc8u6aup>.

<sup>49</sup> For the original version see: BMVN "Black Book of pushbacks", Volume I, December 2020, available here: <https://tinyurl.com/mryevhjs>.



appearing seasonally in the Evros riverbed are widely used and groups of migrants are left helpless for days on them, facing the Authorities' refusal to rescue them.

The testimonies comprised in the report coincide on numerous points with the findings of the Recording Mechanism regarding the alleged victims' demography, their characteristics, the means and infrastructure used, and the *modus operandi*. Moreover, they constitute an important source of information on IFR reported incidents, not only from Greece, but also from other countries along the Balkan route, thus reflecting in a broader way the practices applied by the states.

#### D. The Protecting Rights at Borders Reports

The Protecting Rights at Borders (PRAB) initiative is formed by CSOs active in the field of protection and legal assistance, focusing on safeguarding human rights at the EU's external and internal borders. Members of the PRAB initiative are active in several countries and record and investigate IFR incidents occurring at various cross-border passages at the EU's internal and external borders, such as between France – Italy, Greece – Türkiye, Croatia – Bosnia and Herzegovina, Hungary – Serbia, Belarus – Poland, Ukraine - Poland, Greece - North Macedonia, Slovenia - Italy, North Macedonia - Serbia, and Lithuania - Belarus.<sup>50</sup>

The PRAB initiative has published from April 2021 to September 2023 seven (7) reports, including quantitative and qualitative findings deriving from the recordings of testimonies carried out by the initiative and mainly related to the so-called Balkan route.<sup>51</sup>

Some of the findings of these reports include demographic data of the alleged victims, such as countries of origin, ages, gender and vulnerabilities that coincide with the data recorded by the Recording Mechanism on the IFR incidents allegedly occurring in Greece. These reports also comprise detailed statistics about the pattern applied to the treatment of the alleged victims, as they move from country to country, including serious human rights violations, such as inhuman and degrading treatment, physical violence and ill-treatment, deprivation or destruction of personal belongings, refusal of access to the international protection procedure.

The PRAB reports constitute also an important source of information on reported IFR incidents along the Balkan route and between France and Italy, contributing to a broader capture of the practices applied and comprise information on IFR incidents to which Greece was referred as a country of return, such as IFR incidents from North Macedonia or Bulgaria to Greece.

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<sup>50</sup> For more on the PRAB initiative see here: <https://tinyurl.com/ycjderyr>.

<sup>51</sup> The PRAB reports are available here: <https://tinyurl.com/zj53hyaz>.



## CHAPTER 4. CONCLUSION

The testimonies recorded by the Recording Mechanism in 2023 confirm the findings of the recordings of 2022, with regard to the implementation method (*modus operandi*) and the organised nature of IFR incidents. As indicated by the testimonies, the same pattern is repeated, with the same operational characteristics, as observed and analysed in the 2022 Annual Report.

The incidents continue to present the characteristic of *gradualness* (*gradual, step-by-step implementation procedure*). As it follows from the testimonies, the alleged victims are initially detected by a group of people in uniform or in civilian clothes (*detection stage*), subsequently, in most cases they are taken to a place where they are informally kept under guard (*informal detention stage*) and eventually, they are transferred from the place of detection or detention to the location where the physical removal operation is conducted and the IFR operation is completed (*physical removal stage*).

The *detection stage*, although a necessary condition for the implementation of an IFR operation, is not a sufficient one.<sup>52</sup> This is the most loosely linked stage in the sequence of actions that make up an IFR incident and it cannot be ruled out for all incidents, that the persons implementing it (detectors) may not be fully aware of the subsequent stages of implementation (informal detention and physical removal). This is more likely to be the case in some of the incidents, in the course of which the alleged victims were transferred to a place of detention and less likely, in those incidents where the alleged victims were transferred directly to the location of their physical removal, after they had been detected. However, whether or not the detectors were aware of all stages of an IFR or how deeply they were involved into it, an IFR cannot be implemented if the stage of the alleged victims' detection has not taken place.

The restriction on freedom of movement is a self-evident situation in every IFR incident. After being detected, the groups of the alleged victims are not allowed to move at their own will and they are forcibly transferred either directly to the location where the act of physical removal is carried out or to places of detention where they are informally kept under guard, until the act of physical removal is carried out, meaning that there is no legitimate reason for their detention, no prior identification procedure or registration of their personal data has been carried out, no information in a language they understand of the reason for their detention has been provided to them and no effective legal remedy to challenge the lawfulness of their detention, has been made available to them.

In those cases, where the *informal detention* is an intermediate stage between the stages of detection and physical removal, the operational range and depth of the IFR incidents become discernible, since the implementation of this stage implies a heavy infrastructure including means of transport, facilities used as detention places, properly trained personnel, material and technical means like arms, communications devices,

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<sup>52</sup> A necessary but not sufficient condition is a condition that must be met for a certain outcome to occur, but on its own, it is not enough to guarantee that outcome.

immobilising equipment etc. Additionally, in cases where the detention period lasts for hours or even days, nutritional care is required, meaning distribution of water and food supplies, which as indicated by some testimonies, are the water and food supplies in the possession of the alleged victims prior to the detection stage. At this stage, the composition of the initially formed group of detected alleged victims, usually changes as they mix with the broader population of the detention place.

The act of physical removal from the Greek territory marks the operational escalation of an IFR incident. In most incidents where the alleged victims were detected at various locations within the Greek territory, and most often they were subjected to informal detention, they were then transferred usually in larger groups differing in composition from the initial one at the time of the detection to other locations within the territory, from which the operation of physical removal was implemented. Other incidents are denser, as the act of physical removal followed immediately upon the detection of the alleged victims.

As these operations are in most cases spatially diversified, the locations of implementation often vary during the alternation of stages, making it rare for the location of detection and the place of informal detention of the alleged victims, to be the same as the location of the physical removal.

Moreover, during the alternation of stages, the group compositions of the alleged victims is changing, as the alleged victims often join larger population groups transferred from the locations of detection to places of detention and from there to locations where the physical removal operation is implemented. The increasing difference among the numbers of persons initially detected, those who were in detention and those eventually removed, indicates on the one hand that the detention places often are used as areas of concentration of groups of alleged victims detected by the alleged perpetrators at different locations and/or times, and on the other that the locations of physical removal are used as final points of channelling the alleged victims initially detected or detained in multiple locations.

These two elements, namely the spatially diversified gradualness and the management of a large number of people, define the operational organisation of the IFR operations, both in terms of the characteristics and capacity of the alleged perpetrators, as well as in terms of use of infrastructure and other material and technical means and operational practices implemented.

As to the *geographical diversification*, the same changeover has been observed, from the operational characteristics of the incidents that have occurred through the river Evros to the operational characteristics of the incidents that have occurred at sea, that had been observed in the incidents analysed in the 2022 Annual Report.<sup>53</sup> In incidents where the physical removal was carried out through the river Evros, testimonies continue to report much higher involvement of persons out of uniform, in relation to testimonies about

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<sup>53</sup> See: Recording Mechanism - Annual Report 2022 available here <https://tinyurl.com/4zux9vcr>.

incidents where the physical removal was carried out at sea. Similarly, almost all testimonies relating to incidents occurred in the Evros border region, reported that a number of the perpetrators involved, were speaking some of the languages spoken by the alleged victims, which was not at all mentioned in the testimonies related to incidents that occurred at sea.

In the 2023 recordings, a divergence in terms of the geographical diversification was observed, compared to the 2022 recordings of incidents where the informal detention stage was omitted, possibly due to proximity to the border line. According to the 2023 recordings, these incidents, embody both some incidents where the detection of the alleged victims occurred very near the border line of the river Evros or at points in the sea area near the Greek islands, as well as some incidents, where the detection of the alleged victims occurred on the territory of Greek islands.

What gives these incidents a distinctive character is, *inter alia*, that the number of persons involved in the implementation of the IFR operations is smaller and so is the operational footprint, being conducted in a shorter period of time, with the use of fewer material means. For the implementation of these operations, no use of places of detention, means of transport, water or food supply etc. was required.

The countries of origin of the alleged victims or, for stateless persons, the countries of former habitual residence are listed among the countries whose nationals or stateless habitual residents, receive the highest rates of recognition of international protection status Greece and the EU, according to data issued during the reporting period.<sup>54</sup> In this regard, the alleged victims would have the same chances of being recognised as beneficiaries of refugee status in Greece if, as shown by their testimonies, they had not been denied access to the international protection procedure.

Of the testimonies recorded in 2023, of particular interest are still the cases of 6 Turkish nationals, asylum seekers, not registered at the Asylum Service, who reported that they had left their countries of origin, because they were at risk of being subjected to persecution due to their political convictions and came to Greece, in order to apply for asylum.<sup>55</sup> It should be noted once again, that these persons alleged to be victims of IFR incidents directly to their country of origin (Türkiye) where they had suffered or were at risk of suffering persecution, without being given the chance to have access to the asylum procedure and without any assessment of their international protection needs, due to the risk of their persecution. Therefore, these incidents constitute a direct

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<sup>54</sup> See: Ministry of Migration and Asylum - Information Notes 2022 and 2023, available here: <https://migration.gov.gr/en/statistika/>, and EUAA - Latest Asylum Trends, available here: <https://euaa.europa.eu/latest-asylum-trends-asylum>.

<sup>55</sup> According to the 2023 Annual Activity Report published by the EU Agency for Asylum (EUAA), the number of asylum applications lodged in the EU countries by Turkish nationals ranked Türkiye in 3rd place, after Syria and Afghanistan, as the country with the highest number of asylum seekers in the EU. See: EUAA – Annual Overview 2023, available here <https://tinyurl.com/48ywku75>.



violation of the principle of non-refoulement which is the cornerstone of refugee protection.

As mentioned above, the number of the alleged victims includes 1 registered asylum seeker in Greece, originating from the Democratic Republic of Congo, a country of origin with a significant number of applicants for international protection. This person alleged to have been victim of IFR incident to Türkiye, even though he had been registered as an asylum seeker by the competent Greek Authorities and was therefore legally residing in the country, expecting a decision on his application. The procedure of granting asylum to this person was unlawfully terminated by the IFR incident and the applicant was deprived of his right to reside in the Greek territory, while the examination of his request was pending.

What is of most concern, is that the number of the alleged victims includes also 2 recognised refugees in Greece. The case concerned refugees originating from Syria. These persons claimed to have experienced IFR incidents to Türkiye, despite the fact they had been granted international protection status by the competent Authorities in Greece. Indeed, one of them experienced multiple IFR incidents, in breach of the interim measures ordered by the ECHR (R39). Therefore, these IFR incidents infringed the ECHR interim measures and the decision on granting international protection status, issued by the Greek State, and deprived recognised refugees of the right to international protection, stemming from the UN Geneva Convention on Status of Refugees.

The number of victims whose testimonies were recorded in 2023, includes for the first time 1 rejected asylum seeker, originating from in Afghanistan. This person, according to his testimony, was detected by the Greek Authorities in the urban fabric of Thessaloniki city, was forced to informal detention in a Police Station in the area of Thessaloniki and was subsequently transferred to the Evros border region, from where he was removed to Türkiye along with a group of 4 people.

Use of violence is not a necessary condition for the occurrence of an IFR incident. Nevertheless, it is an overarching element to all IFR incidents, as a means of making the alleged victims act under compulsion or coercion, through threats, physical pain and submission to inhuman or degrading treatment, intended to ensure the successful implementation of the stages making up an IFR incident.

More specifically, the alleged victims involved in the IFR incidents recorded by the Recording Mechanism in 2023, continue to report acts related to extremely serious violations of Article 3 of the ECHR, (prohibition of torture or inhuman or degrading treatment or punishment,) as well as of Article 5 of the ECHR (right to liberty and security) that may constitute criminal offences according to Greek Law and in particular to the following Articles of the Greek Penal Code (hereinafter *GPC*): Article 333 GPC (*threat*), Article 330 GPC (*unlawful violence*), Article 137A (4) GPC (*torture and other violations of human dignity*), Article 322 (1) GPC (*abduction*), Article 322 (2) GPC (*enforced disappearance*), Article 306 GPC (*risk exposure*), Article 307 GPC (*failure to assist a*



person in danger), Articles 308-312 and 314 GPC (*personal injuries*) and Article 302 or 299 GPC (*homicide*).

It should be noted that the above referenced acts are often committed against persons likely to be apparently vulnerable, such as persons with serious diseases, persons with disabilities, pregnant women, children and elderly people. Sex-based violence with specific characteristics relating to women is highlighted through women's testimonies, reporting sexual violence and abuse that includes vaginal searches, body searches by men, stripping in front of men and indecent touching of the genitals. The separation of family members during the implementation of IFR operation, is also highlighted as a less obvious impact of the IFR incidents. Finally, loss of life was reported in the incidents recorded by the Recording Mechanism in 2023, which occurred in the Evros region.

## CHAPTER 5. RECOMMENDATIONS

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The Recording Mechanism recommends to the Greek Authorities to:

1. Investigate in an independent and efficient manner, all complaints lodged by persons alleging to have been subjected to IFR incidents and other incidents of serious human rights violations at the borders, by applying, *mutatis mutandis*, the provisions laid down in the Circulars of the Prosecutor of the Supreme Court No 1/2023 and No 18/2023,<sup>56</sup> underlining that any failure to act in this regard is not only contrary to the obligations of the Greek Authorities pursuant to international human rights law and the ECHR, but risks to put the country on an embarrassing spot and ends up to new convictions by the European Court of Human Rights [see for example ECtHR (5418/15) *Safi & Others v. Greece*].
2. Ensure compliance with the procedures provided by law and guarantee that those responsible for any illegal actions are brought to justice.
3. Guarantee, through the use of technological equipment and other means of operational action, that objective evidence, such as the metadata derived from mobile phones, GPS devices/applications, photos and videos, are collected and subsequently delivered at the disposal of the law enforcement agencies and judicial Authorities, for the effective investigation of the reported IFR incidents.
4. Make use of the powers and tools provided for in the Greek Code of Criminal Procedure and in the Council of Europe Convention of 1959, on mutual legal assistance in criminal matters, where necessary.
5. Take measures to ensure effective access to justice and protection for the victims, by applying *mutatis mutandis*, the same provisions applied in cases of

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<sup>56</sup> See: The Circular of the Prosecutor of the Supreme Court No 1/2023 is available only in Greek here <https://tinyurl.com/3dhvw8v4> and the Circular of the Prosecutor of the Supreme Court No18/2023 is available only in Greek here: <https://tinyurl.com/bdffn6xp>.



other victims of criminal acts, like victims of human trafficking and victims of forced labour, paying particular attention to victims living abroad.

6. Guarantee that all state bodies fully respect the principle of non-refoulement and act in compliance with it.
7. Guarantee that the competent state bodies carry out rescue operations in the maritime zone of their responsibility, promptly, as required by international law.
8. Guarantee that all asylum seekers in the Greek territory, have access to asylum procedures and are protected against pushbacks and every form of IFR incidents.
9. Provide third-country nationals or stateless persons finding themselves at border crossing points or in detention facilities, with information on the opportunity to file an asylum application, to offer them the possibility for interpretation appropriate for the access to the asylum procedure and to ensure access of organisations and individuals who provide information and advice to the applicants in line with the provisions of Article 8 of Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast).
10. Follow the recommendation of the concluding observations of the UN Committee on the Rights of the Child (CRC), encouraging the Greek State to terminate IFR incidents and ensure personal identification, registration and protection of third-country nationals, especially of children, through the effective access to asylum procedures and free of charge legal and other humanitarian aid, pursuant to Articles 6, 22 and 37 of the Convention on the Rights of the Child.
11. Ensure training of officials working at the borders, in services/agencies like the Reception and Identification Service (RIS), the Asylum Service, the Police, the Border and Coast Guard Agencies as well as the adoption of binding codes of conduct for their staff.
12. Launch, in association with the competent EU bodies, the establishment of an independent and effective national mechanism, responsible for the monitoring of compliance with fundamental rights at EU external borders,<sup>57</sup> in accordance with the Guidelines of the EU Agency for Fundamental Rights and the 10 relevant points jointly notified to the Greek Authorities by the UNCHR, the OHCHR and the ENNHRI.<sup>58</sup>
13. Reform the legislative framework on the Composition of the Ministry of Migration and Asylum Task Force for Fundamental Rights Compliance, so that the

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<sup>57</sup> See: FRA , “Establishing national independent mechanisms to monitor fundamental rights compliance at EU external borders”, October 2022, available here: <https://fra.europa.eu/el/publication/2022/border-rights-monitoring>.

<sup>58</sup> See: UNHCR, OHCHR, ENNHRI “Ten points to guide the establishment of an independent and effective national border monitoring mechanism in Greece”, available here: <https://tinyurl.com/2th3mre>.

participation of the GNCHR in it, is harmonised with the independent advisory role, on human rights issues, entrusted to it by the State.

14. Guarantee an enabling environment for the development of CSOs and human rights defenders action plans.
15. Show zero tolerance for harassment, attacks, hate speech and any other form of targeting of human rights defenders by official state bodies, by adopting a coherent policy to prevent such phenomena, in line with the recommendation made by the Racist Violence Recording Network to promote actions to address hate speech and institutional racism against refugees and migrants and their defenders.<sup>59</sup>
16. Immediately revise the requirements for the registration of NGOs and their members by the Ministry of Migration and Asylum, so as not to disproportionately affect the activities of the organisations, in line, *inter alia*, with the recommendation of the European Commission Report on the rule of law in Greece in 2022.<sup>60</sup>
17. Refrain from conducting criminal prosecutions against organisations or other groups of human rights defenders for providing humanitarian aid to third-country nationals or performing their duties (e.g. lawyers, journalists, doctors and rescuers).
18. For those human rights defenders who already have criminal proceedings pending, to guarantee their rights and delivery of judgements, pursuant to an expedited procedure, in accordance with the guarantees of, *inter alia*, Article 6 of the ECHR. For attorneys at law specifically, harmonize the way they are treated by the competent state bodies with the requirements and recommendations of the Athens Bar Association.<sup>61</sup>

## Annex I – Frameworks of the Recording Mechanism

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### I. Founding Framework

The Greek National Commission for Human Rights (GNCHR) was established by Law 2667/1998 as the independent advisory body to the Greek State in accordance with *Paris Principles*<sup>62</sup> adopted by the United Nations (General Assembly Resolution A/RES/48/134, 20.12.1993, “*National Institutions for the promotion and protection of human rights*”

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<sup>59</sup> See: The 2022 Annual Report of the Racist Violence Recording Network (RVRN) available here [https://www.nchr.gr/images/pdf/apofaseis/\\_pdf](https://www.nchr.gr/images/pdf/apofaseis/_pdf)

<sup>60</sup> See: Report of the 2023 European Commission on the Rule of Law (Chapter on Greece), available here: <https://tinyurl.com/53nrycwf>.

<sup>61</sup> See Opinion of the Athens Bar Association (DSA) with Ref.No. 143/2023, available through the website of the European Council on Refugees and Exiles (ECRE), <https://shorturl.at/FAOZ2>.

<sup>62</sup> UN Office of the High Commissioner for Human Rights (OCHR), *Principles relating to the Status of National Institutions (The Paris Principles)*, available at: <http://tinyurl.com/u2bt443f>.



*NHRIs*) and is the National Institution for the protection and promotion of Human Rights (NHRI) in Greece. The founding legislation of GNCHR was amended by Law 4780/2021, the provisions of which now govern the operation of the Greek National Commission for Human Rights. Under these provisions, the GNCHR has acquired legal personality, functional, administrative, and financial independence. Since 2001, the GNCHR was accredited as an A' status NHRI (full compliance with the UN Paris Principles) by the competent GANHRI Sub-Committee on Accreditation, in recognition of its substantial independence and effective fulfilment of its role.

According to Law 4780/21, the mission of the GNCHR consists of:

- constantly monitoring the developments regarding human rights protection, the continuous updating and promotion of the relevant research,
- maintaining permanent contacts and co-operation with international organizations, such as the United Nations, the Council of Europe, the OSCE, National Human Rights Institutions of other States, as well as with national or international Non-Governmental Organisations,
- formulating proposals in the field of human rights policy.

Moreover, in the context of its mission, the GNCHR has the responsibility to raise awareness among all State bodies of the need for effective protection of human rights, to inform public opinion about the risks of human rights violations and, above all, to provide guidelines to the Greek State aimed at the establishment of a modern, principled policy of human rights protection.

An additional guarantee of the GNCHR's independence is its pluralistic and polyphonic composition, which allows and develops a unique dialogue between the various bodies of civil society and the State. Its plenary consists of a total of 20 members designated by Independent Authorities, Universities, Research Institutions, tertiary Trade Union organisations, Civil Society organisations, and Bar Associations. In the Plenary of the Commission are represented, through liaisons, the Greek Parliament by the Chairman of the Special Permanent Committee on Institutions and Transparency, the Ministries, and the parliamentary parties.

Since its establishment, the GNCHR has attached particular importance to the respect of human rights of refugees and migrants residing in Greece. The GNCHR, taking into account complaints that have been discussed in its Plenary brought up by civil society organisations that participate in its composition by designated members, including the



Hellenic League for Human Rights (HLHR)<sup>63</sup> and the Greek Council for Refugees (GCR),<sup>64</sup> on IFRs from Greek territory to third countries, issued a relevant *Announcement*<sup>65</sup> and subsequently a *Statement*<sup>66</sup> calling on the Greek authorities to respect the principle of non-refoulement and to thoroughly investigate the relevant complaints.

The GNCHR in its *Reference Report on the Refugee and Migration Issue (Part A)*,<sup>67</sup> called on the Greek authorities to take all appropriate measures to ensure compliance with the principle of non-refoulement, the unimpeded, early and effective access to International Protection Procedures of the informally arriving third-country nationals, without any discrimination based on race, religion, nationality, membership of a social group or political opinion, as well as the immediate and thorough investigation of all complaints of informal forced returns in the region of Evros River.

On 18 June 2020, the 3rd Sub-Commission of the GNCHR on the Application of Human Rights to Aliens held a hearing of public authorities and persons. The hearing was attended by representatives of the Government, the competent Security Agencies, international and regional organisations, independent authorities, and civil society organisations.<sup>68</sup>

Following the aforementioned hearing of stakeholders, the GNCHR issued a *Statement*,<sup>69</sup> calling on the Greek Authorities, *inter alia*, to guarantee that all bodies of the Greek State fully comply with the principle of non-refoulement, establish an official independent mechanism for recording and monitoring complaints of informal forced returns, effectively investigate allegations about informal forced returns, disproportionate use of force and lethal injuries and bring those responsible for any such illegal actions before the Judicial Authorities.

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<sup>63</sup> See: HLHR, *Complaint on refoulements from the region of Evros River*, 6 February 2018, available only in Greek at: <http://tinyurl.com/mrxptdjz>, and HLHR Press Release, *More refoulements of Turkish asylum seekers in Evros*, 06.06.2017, available at: <http://tinyurl.com/5n7hczcx>.

<sup>64</sup> GCR, *Reports of systematic pushbacks in the Evros region*, 20.02.2018, available at: <http://tinyurl.com/389ajczc>, and GCR Press Release, *GCR submits complaints after refugees' allegations of pushbacks at the region of Evros*, 19.06.2019, available only in Greek at: <http://tinyurl.com/44varks2>.

<sup>65</sup> GNCHR, *Statement on the allegations of irregular push backs in Evros*, July 2017, available only in Greek at: <http://tinyurl.com/9jydemtu>.

<sup>66</sup> GNCHR, *Statement on complaints regarding informal pushbacks at the region of Evros*, 29.11.2018, available at: <http://tinyurl.com/5e2u7ymu>.

<sup>67</sup> GNCHR, *Reference Report on the Refugee and Migrant Issue, Part A Refugees*, September 2019, available only in Greek at: <http://tinyurl.com/5dczj2b>. A summary and the Key Recommendations of this Report are available in English at: <http://tinyurl.com/mrxnr97y>. a

<sup>68</sup> See: GNCHR Press Release, *Hearing of public authorities and persons on refugee and migrant issues during the meeting of the Third Sub - Commission of the GNCHR*, 19.06.2020, available at: <http://tinyurl.com/bxp3fa8v>.

<sup>69</sup> GNCHR, *Statement on the reported practices of push backs*, 9.07.2020, available at: <http://tinyurl.com/2tbkdkxm>.



A more comprehensive assessment of the situation of refugees' and migrants' rights, was presented by the GNCHR in the updated *Report on the Refugee and Migration Issues (Part B)* in September 2020.<sup>70</sup>

In its *Report on the State of Migrants' Rights at Borders*, in July 2021,<sup>71</sup> the GNCHR highlighted specific issues related to the situation of migrants' rights at borders, including allegations concerning IFRs and reported use of violence, as well as enforcement of required accountability measures for the alleged violations.

In addition, the GNCHR monitors closely and takes into consideration the reports of international organisations, like the United Nations High Commissioner for Refugees<sup>72</sup> (UNHCR) and the International Organisation for Migration<sup>73</sup> (IOM), as well as of

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<sup>70</sup> GNCHR, *Reference Report on the Refugee and Migrant Issue, Part B'*, September 2020, available at: <http://tinyurl.com/283r8h4b>.

<sup>71</sup> GNCHR, *National Report on the Situation of Human Rights of Migrants at the Borders*, July 2021, available at: <http://tinyurl.com/2nb94ucr>.

<sup>72</sup> UNCHR Press Release: *UNHCR deeply concerned at reports of informal forced returns from Greece to Turkey*, June 2017, available at: <http://tinyurl.com/33nn69yn>. UNCHR Press Release: *UNHCR calls on Greece to investigate pushbacks at sea and land borders with Turkey*, June 2020, available at: <http://tinyurl.com/ye29f93k>. UNCHR Press Release: *UNHCR concerned by pushback reports, calls for protection of refugees and asylum-seekers*, August 2020, available at: <http://tinyurl.com/tk7d3j9f>. UNCHR Press Release: *UNHCR warns asylum under attack at Europe's borders, urges end to pushbacks and violence against refugees*, January 2021, available at: <http://tinyurl.com/vzw5a2xe>.

<sup>73</sup> IOM Press Release: *IOM Alarmed over Reports of Pushbacks from Greece at EU Border with Turkey*, June 2020, available at: <http://tinyurl.com/ycxmzktn>. IOM Press Release: *IOM Concerned about Increasing Deaths on Greece-Turkey Border*, February 2022, available at: <http://tinyurl.com/3c6y3rnd>. IOM Press Release: *More than 5,000 Deaths Recorded on European Migration Routes since 2021*, October 2022, available at: <http://tinyurl.com/56wve4k5>.

international,<sup>74</sup> European,<sup>75</sup> and national human rights institutions,<sup>76</sup> which, as indicated in these reports, result in a gradual but steady consolidation of the characteristics of the IFRs through a repeatable methodology.

In this regard, the GNCHR, building on the best practices stemming from the establishment and operation of the Racist Violence Recording Network (RVRN) for over a decade,<sup>77</sup> and in the context of its institutional role as a bridge between the State and the Civil Society, decided to establish the Recording Mechanism of Incidents of Informal Forced Returns.<sup>78</sup> Following a GNCHR Plenary delegated act, a Working Group was set up to prepare the draft of the Founding Act of the Recording Mechanism and create a Recording Form of Incident of Informal Forced Return (hereinafter *Recording Form*).<sup>79</sup> The GNCHR adopted the procedural acts for the activation of the Recording Mechanism at its Plenary meeting on 27 September 2021.

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<sup>74</sup> UN Committee Against Torture, *CAT/C/GRC/CO/7: Concluding observations on the seventh periodic report of Greece*, September 2019, available at: <http://tinyurl.com/ms9x8atu>. UN Working Group on Arbitrary Detention: *Preliminary Findings from its visit to Greece (2 - 13 December 2019)*, December 2019, available at: <http://tinyurl.com/3ap6jh66>. UN Special Rapporteur on the Human Rights of Migrants, *Report on means to address the human rights impact of pushbacks of migrants on land and at sea*, May 2021, available at: <http://tinyurl.com/4ahad4cd>.

<sup>75</sup> Commissioner for Human Rights of the Council of Europe, *Report of the Commissioner after her visit to Greece on 25-29 June 2018*, November 2018, available at: <http://tinyurl.com/y8wufvnn>. Statement by the Commissioner for Human Rights of the Council of Europe, *Time to immediately act and to address humanitarian and protection needs of people trapped between Turkey and Greece*, 03.03.2020, available at: <http://tinyurl.com/58u8jh8n>. Commissioner for Human Rights of the Council of Europe, *Letter by the Commissioner to the Ministers of Citizen's Protection, of Migration and Asylum, and of Shipping and Island Policy of Greece*, May 2021, available at: <https://rm.coe.int/0900001680a256ad>. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Greek Government on the visit to Greece carried out by the CPT from 10 to 19 April 2018*, February 2019, available at: <https://rm.coe.int/0900001680930c9a>. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 17 March 2020*, November 2020, available at: <https://rm.coe.int/0900001680a06a86>.

<sup>76</sup> Greek Ombudsman, *Interim Report on the alleged pushbacks to Turkey of foreign nationals who had arrived in Greece seeking international protection*, January 2021, available at: <http://tinyurl.com/4h645y6e>. National Mechanism for the Investigation of Arbitrary Incidents (EMIDIPA), *Annual Report 2021, June 2022*, available at: <http://tinyurl.com/4ab2r26d>, and *Annual Report 2022, October 2023*, available at: <http://tinyurl.com/mrxwbhvj>.

<sup>77</sup> The Racist Violence Recording Network (RVRN) is a joint initiative of the Greek National Commission for Human Rights (GNCHR) and the Representation of the United Nations High Commissioner for Refugees in Greece (UNHCR) operating along with non-Governmental Organisations and Stakeholders. Currently it is comprised of 52 NGOs, providing medical, social, legal services or other supporting services and/or coming in direct contact with victims of racist violence and 2 Stakeholders as observers. Click here for more information: <https://rvrn.org/en/>

<sup>78</sup> The relevant decision was unanimously adopted at the Plenary meeting of the GNCHR on 09.07.2020.

<sup>79</sup> The relevant delegated act was unanimously adopted at the Plenary meeting of the GNCHR on 12.11.2020.



Since the establishment of the Recording Mechanism, its supervisor attends the GNCHR Plenary Meetings and reports to the Plenary any updates on matters related to the operation and development of the Recording Mechanism.

## II. Operational Framework

The objective of the Recording Mechanism is to monitor, record and highlight the phenomenon of IFRs of third-country nationals from Greece to other countries. It aims to foster and consolidate respect for the principle of non-refoulement, as well as to ensure adequate guarantees and compliance with legal procedures. Moreover, the objectives of the Recording Mechanism include increasing accountability for reported human rights violations alleged to have occurred during IFRs of third-country nationals, from Greece to other countries. Through the adoption of a standardised, transparent, and scientific recording methodology, the Recording Mechanism seeks to contribute to enhancing the credibility of reported incidents.

The Recording Mechanism was founded by a decision of the Plenary of the GNCHR in September 2021 as the response of the National Human Rights Institution (NHRI) following two key findings: a) the absence of an official and effective data collection mechanism on alleged incidents of IFRs on national level, and b) the need for coordination among the various stakeholders who record, on their own initiative, allegations of IFRs by the alleged victims making recourse to their services.

Respect for human rights, diversity, multiculturalism, and tolerance, as well as action to promote third country nationals' rights, are prerequisites for Civil Society Organizations to acquire membership status to the Recording Mechanism. The Non-Governmental Organisations (hereinafter NGOs), are Civil Society Organisations, whose establishment is the result of private initiative. Their operation is protected at national level by Article 12 of the Constitution of Greece, which provides for “...the right to form non-profit associations and unions...”,<sup>80</sup> at European level by Article 11 of the European Convention on Human Rights which provides that “Everyone has the right to freedom of peaceful assembly and to freedom of association with others...”,<sup>81</sup> and at EU level by Article 12 EU

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<sup>80</sup> The Constitution of Greece, Art. 12 “Greeks shall have the right to form nonprofit associations and unions, in compliance with the law, which, however, may never subject the exercise of this right to prior permission. An association may not be dissolved for violation of the law or of a substantial provision of its statutes, except by court judgment. The provisions of the preceding paragraph shall apply, as the case may be, to unions of persons not constituting an association. Agricultural and urban cooperatives of all types shall be self-governed according to the provisions of the law and of their statutes; they shall be under the protection and supervision of the State which is obliged to provide for their development. Establishment by law of compulsory cooperatives serving purposes of common benefit or public interest or common exploitation of farming areas or other wealth producing sources shall be permitted, on condition however that the equal treatment of all participants shall be assured”, available at: <http://tinyurl.com/f7upe9dv>.

<sup>81</sup> European Convention on Human Rights (ECHR), Article 11: “Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in



Charter of Fundamental Rights providing that “...Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels...”.<sup>82</sup> NGOs active in the humanitarian field (related to migrants, refugees or other matters) offer pro bono and on the basis of the principle of equal treatment a wide range of services to the concerned population, such as legal advice and assistance, medical consultation, prevention and care, psychological support and treatment, social support and empowerment, housing, educational activities, protection and fostering of minors, while in numerous cases, offer their assistance to Authorities, while the latter for several reasons cannot provide public services from their own resources to third-country nationals - such as interpretation services or certification of victims of torture. Their operation is characterized by prompt action and flexibility, while they have a deep reach inside the concerned communities. The added value of their unhindered operation is that they constitute an important link in keeping the concerned population within the social fabric and that they contribute to the cultural and social integration of population, coming from diverse cultural and social environments. At the same time, they function as cultural mediators, contributing to a better engagement with the communities, peaceful and harmonious coexistence, as well as cultural diffusion and enrichment. Their actions and operations should be encouraged and safeguarded in the context of an open and democratic society. Hampering their operation deprives concerned population of access to services necessary for their wellbeing and the exercise of fundamental rights, therefore leading to the disruption of social cohesion, rise on crime rates, vigilantism, rise of racism and intolerant speech, and acts of violence. The obstruction or the criminalization of the activities of human rights defenders, lawyers,<sup>83</sup> doctors, social workers, rescuers, etc., creates a suffocating environment around democratic rights and freedoms at an overall level.<sup>84</sup>

Organisations that are Members of the Recording Mechanism have legal personality and representation in Greece and submitted their statutes to the Recording Mechanism, in order to confirm their legal status and the alignment of their operational objectives with those of the Recording Mechanism. All Member Organisations have adopted the

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*a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State”, available at: [https://www.echr.coe.int/documents/d/echr/Convention\\_ENG](https://www.echr.coe.int/documents/d/echr/Convention_ENG).*

<sup>82</sup> EU Charter of Fundamental Rights, Article 12: “Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters, which implies the right of everyone to form and to join trade unions for the protection of his or her interests. Political parties at Union level contribute to expressing the political will of the citizens of the Union”, available at: [https://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](https://www.europarl.europa.eu/charter/pdf/text_en.pdf).

<sup>83</sup> See: Opinion of the Athens Bar Association (ABA) with Ref.No. 143/2023, available only in Greek through the website of the European Council on Refugees and Exiles (ECRE): <https://shorturl.at/fAOZ2>.

<sup>84</sup> OHCHR, Visit to Greece 13-22.06.2022: Report of the Special Rapporteur on the Situation of Human Rights Defenders, Mary Lawlor, available at: <http://tinyurl.com/y7z6wp7b>.



Founding Act of the Recording Mechanism and are bound by the commitment to pursue its shared objectives, use its tools, and apply its Methodology.

The organizations that have acquired Membership Status to the Recording Mechanism, according to the terms of its Founding Act of are the following:<sup>85</sup>

- Greek Council for Refugees (GCR)
- Hellenic League for Human Rights (ELEDA)
- Network for Children's Rights
- Medical Intervention (MedIn)
- Metadrasi - (Action for Migration and Development)
- Greek Transgender Support Association (SYD)
- Refugee Support Aegean (RSA)
- HIAS, Greece
- Legal Centre Lesvos
- Danish Refugee Council, Greece
- Equal Rights Beyond Borders
- International Rescue Committee, Greece

The Representation of the United Nations High Commissioner for Refugees (UNHCR) in Greece, provides the Recording Mechanism, as a co-operating Agency within the framework of its mandate, with technical support, as well as advise and expertise on international protection of refugees.

### III. Methodological framework

The Recording Mechanism shall record testimonies by third-country nationals or stateless persons, irrespective of their legal status in Greece, namely, irrespective of whether they are irregular migrants, registered or unregistered asylum seekers or recognised refugees and international protection beneficiaries, who allege to have been victims of IFR incidents from the Greek territory either directly to their country of origin (or former habitual residence for stateless persons) or to a third country. The objective of the Recording Mechanism is neither to investigate the incidents reported, nor to carry out a fact-finding investigation on them and it certainly cannot act as an institution competent to apply criminal, civil, administrative, or disciplinary penalties to the perpetrators. The Recording Mechanism shall exclusively record testimonies by conducting personal interviews with the alleged victims, in order to enhance the credibility of the reported incidents and to highlight in public speech, the alleged victims' perspective.

Its aim, however, is not to record every testimony or incident of IFR, which may have occurred within the Greek territory. The Recording Mechanism aims rather at recording testimonies, complying with the demanding standards of the Recording Form, so that patterns and recurrent practices can be brought to light. This is actually a voluntary

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<sup>85</sup> As updated by 31 May 2024.



restriction set out by the Recording Mechanism, in order to ensure that recordings provide, to the greatest extent, testimonies that meet a fairly high level of credibility, based on the ability of the alleged victims to describe the incidents they claim to have experienced or at least to answer detailed questions about them.

The above-mentioned procedural guarantees significantly affect the number of recordings that can be admitted by the Recording Mechanism. Additional factors with impact on the quantitative level of recordings include the alleged victims' hesitation, the fear of reprisals, a trauma or a post-traumatic stress disorder, the time period following the incidents, and the geographical distance between the recording officer and the victim and others. Therefore, the Recording Mechanism considers that the recordings of testimonies by the alleged victims of IFR incidents are limited only to what is commonly known as *the tip of the iceberg*.

The recording methodology of the Recording Mechanism is designed along the five following pillars.

#### A. Definition of an IFR incident

The cornerstone of the methodology of the Recording Mechanism is the definition of the incident of IFR, as developed in joint consultations with its Members and adopted by them in its Founding Act. No recording shall be finalised by the Recording Mechanism, unless the facts reported comply with this definition. For the scope of the Recording Mechanism an incident of IFR is defined as the *informal deportation, removal, 'pushback' or return, by summary proceedings outside the legal framework, of third-country nationals, including asylum seekers and holders of legal residence titles in Greece, from the Greek territory, without individual examination of international protection or other needs, and without the possibility of having recourse to legal remedies, which may lead to a direct or indirect breach of the principle of non-refoulement as stipulated in Article 3 of the Geneva Convention, Article 3 of the International Convention against Torture, Article 3 of the European Convention on Human Rights, or the principles of international customary law.*

#### B. Personal Interview

Testimonies are being recorded through personal interviews with the alleged victims of IFR incidents, conducted by the recording officers, designated by the Members of the Recording Mechanism, usually in the support of interpreters, to ensure mutual understanding. Following an identity check of the alleged victims, the interviews are conducted by any appropriate means in a safe environment. The recording officers, whether social, legal, or scientists of other disciplines, professionals or volunteers, are designated by the Members and subsequently trained by the Supervisor of the Recording Mechanism. The Recording Mechanism shall not record in the Recording Forms indirect testimonies or narrations, or claims by third parties, that is, persons who are not themselves victims of IFR incidents. Optional exemptions are permitted, in cases where testimonies are provided by third persons when: a) the alleged victim, on grounds of force



majeure or vulnerability (such as invisibility, disappearance, serious illness, imprisonment or death), is unable to participate itself in the interview, b) the person giving the testimony is in a position to reasonably justify that he/she has personal knowledge of the facts upon which he/she is giving the testimony and c) the testimony must be confirmed by a direct testimony of another alleged victim involved in the same IFR incident.<sup>86</sup>

#### C. Consent

Before the interview the alleged victim's prior written consent is required, after having been fully informed in a language they understand about the content of the Consent Form, as well as on the purpose of the interview and the way their personal data and testimony will be used.

#### D. Common Recording Form of an IFR incident

Testimonies are recorded on a common Recording Form as developed by the Recording Mechanism in joint consultations with its Members and the UNHCR. In order for the Recording Form to meet the needs of recording a rather complex phenomenon including multiple stages of management (detection or informal arrest, informal detention or restriction on freedom of movement, physical removal), is divided into corresponding modules and sections, with the purpose of gathering detailed information on the identity of the alleged perpetrators, the place and time referring to each stage of the incident, from the detection of the alleged victims in the Greek territory to their fate after their removal from the country, and recording the alleged perpetrators' *modus operandi*. Finally, any intention of the alleged victim to take further steps regarding their case, for instance, whether he/she has made or wishes to lodge a complaint before the competent Authorities, shall be recorded in the Recording Form.<sup>87</sup>

#### E. Quality Control

The Recording Forms shall be subjected to quality control performed by the Recording Mechanism. The quality control applies to the correct filling in of the Recording Form in accordance with the relevant Instructions, and the correspondence of the facts to the *indicators of informality*<sup>88</sup> included in the IFR definition, as set out in the Founding Act of the Recording Mechanism.

## ANNEX II - Uncut testimonies

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### **Testimony excerpt by an unregistered asylum seeker, citizen of Cameroon. Location of detection: Lesbos Island. Separation of family members. Number of people being**

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<sup>86</sup> For the reporting period concerned, the Recording Mechanism has recorded a testimony falling under this category.

<sup>87</sup> Without additional commitment on the part of the alleged victim that they will proceed with it, nor on the part of the Recording Mechanism that it would act as an intermediary to make the necessary legal arrangements.

<sup>88</sup> See Chapter 2- II, p. 37 f.f.





**returned: 11-20.** "[...] We were travelling in a very large group, well over 30 people, including women and children. On our arrival on the Greek coast, the boat struck some rocks very close to the coast, and we fell into the sea. It was very bad weather. We lost all our documents and belongings at sea. We got ashore and started walking to ask for help. My husband was carrying in his arms our one-month-old baby who was in critical condition because he had drunk too much water. We were hiding and moving on. Suddenly, a dog was heard barking loudly. Then, we heard people shouting and a gunshot. We started running. We were caught because we thought they were coming to rescue us. When they shot, my husband and I ran in opposite directions and I lost him. They were after us. There were 10 or 15 men. They were wearing puffer jackets; their clothes were blue black. They were armed. I was terrified. They got me down by force. They pushed us with the guns. Some were wearing masks and some others, gloves. I couldn't see their features clearly. I was shouting at them about my child being in critical condition, asking for help for my son, other people were crying too. They didn't care. We couldn't understand what was going on. Then they searched us. They took my clothes off and one of the men (with his face always covered), subjected me to a physical search, he searched every part of my body, even inside my vagina, putting his hand, using gloves, but with great brutality. This whole experience traumatised me both mentally and physically, as I bled for a week after the event, having recently undergone a caesarean section. They took my phone; I had no money on me. They took other people's money too. They put us in a white van with no windows. They pushed us with our hands on the back to get us into the van. Then a police car was parked nearby. The police car escorted us all the way. I saw two men in it who were also wearing dark uniforms [...]". **[Supervisor's Note: the spouse's testimony is provided as additional information]** "Before we struck the rocks we saw a flashing light in the sea from a ship. The light came towards us, it was dark, and we didn't see anything else. We tried to swim and climb the rocks. I managed to get my wife and our one-month-old child out of the water, but the baby had drunk too much water and was breathing with difficulty. We tried to get the water out of him. We were there very scared, very stressed, crying. We just started moving away from the coast, to seek help. I was carrying our son in my arms. We were hiding and moving on because we didn't know what was going to happen. We thought they would help us if they saw us. Suddenly, we heard a dog barking very loudly. We heard footsteps approaching. At some point, we were first approached by at least 4 unknown men, with their faces covered and in bulky jackets, and immediately afterwards we heard gunshots. We were terrified. They shot into the air shouting 'stop'. We started to run in different directions, I with my baby in my arms. We changed our hiding place for fear of being approached. There were more than ten people, some wearing masks. When I managed to get away, I realized I had lost my wife, we had gone in opposite directions. My child was no longer conscious. I sat down, I didn't move. I heard them shouting 'sit down, don't move'. After a while the shouting stopped. But we were afraid to come out. At some point I heard someone speaking in another language, telling us 'Come out, you are safe. We are here to help you'. It was the Médecins Sans Frontières (MSF). They tried to help my son, but it



was too late. I showed them a picture of my wife and said she was missing. I tried to understand what had happened to her. I tried to find her, over and over again. I cried for my child [...]”.<sup>89</sup>

**Testimony excerpt by an unregistered asylum seeker, citizen of Syria. Location of detection: the town of Soufli in the Evros Regional Unit. Number of people being returned: 31-50.** “[...] After our arrest we were taken to a police station [...] around the area of Soufli. After we were taken off the van carrying us, the 4 men in the van, whom I described before, left. The place of detention was a police station with an open-air cage outside with a fence in the yard, like a barbed wire fence. On the left of the place of our detention, there was a small room with one guard. There were bars all around, like barbed wire fence, you could see outside. On the right, there was a container with 5-6 Police officers. They had a stove burning, it was very cold, and they did not even give us a blanket throughout the night. There was a Greek flag on the outside of the building and a sign written in Greek. I guess it was outside the city, as there was nothing to see around. There were parked vehicles, jeeps and vans. There were also two police/patrol cars (white patrol cars with the word ‘police’ written on them), with plates. Three police officers were at the big entrance door and two beyond it. There was an outer cell, enclosed by barbed wire, with no roof and no toilet. About 26 detainees, Arabs and Afghans, were already inside. Men were separated from women, but we were all in the same outer yard. At that moment 2 blond male police officers showed, one chubby and one skinny with a lot of gel in his hair. They were wearing blue police uniforms, with ‘police’ written on them. There was also a third officer who looked like the chief, in a blue police uniform as well and two or three stars on his shoulder. He mainly supervised the other officers while they were beating the men. The two blond officers were shouting at us and calling us ‘assholes’ and started beating the men. [...] After the men were beaten, I handed over the paper with the court’s decision [**Supervisor’s Note: meaning the Interim Measures (Rule 39) issued by the ECtHR**] to the chief officer with the stars on his uniform and then he tore it up and threw the pieces of paper in my face. The police officer was shouting and telling me that ‘only passports are accepted here’. At that moment the police officer also said that ‘if your lawyer is competent enough, she will send a plane to bring you back from Türkiye’. The police officer said that even ‘if the President of the Court was here, we would still send him to Türkiye’. He said that ‘the document is not legal, and the organisation is not legal.’ He was shouting and using insulting words about the Court, the lawyers and repeating the word ‘asshole’ [...]”.<sup>90</sup>

**Testimony excerpt by an unregistered asylum seeker, citizen of Sierra Leone. Location of detection: Samos Island. Number of people being returned: 31-50.** “My wife was pregnant. [...]. We didn’t know which island they would take us to, in every attempt we made. The trafficker took care of that. That day we were sent to the island of

<sup>89</sup> Recording’s Reference Number (herein after RRN): RSA02A86A97.

<sup>90</sup> RRN.: GCR17A62A67.



Samos (southern part). As soon as we got there, the whole group from the boat, we started to run in separate directions. My wife and I soon found a safe place to hide. We stayed there. Suddenly we heard a voice saying in English 'Africa come out, we are here to rescue'. When I heard it, I wondered if it was Médecins Sans Frontières, but I was scared, and we didn't come out. I saw them shooting towards a car near us. I thought 'what's going on?'. They surrounded us. The man told me in English to sit down. I sat down. He had a small phone. It wasn't a walkie talkie; he had a walkie talkie as well. But he also had a small phone. They used it to talk to somebody. They were Frontex staff. We saw the European flag on their uniforms. Some people came close by. Civilians. They were carrying bags, going towards the rocky beach. They saw us. We were sitting outside. The Frontex men were standing next to us. They didn't beat us because we surrendered. When the civilians walked away, they said 'come, come'. They took our bags. They put us in a pick-up van. They picked us all up, our stuff too. If you talked, they would shout at you or beat you. We stayed there. We were all crying. There were women with children, all crying. They kept us in the van for hours. Then they took us to a beach, and we saw others like us. When they opened the door, I saw that everyone was sitting down. They were pushing us. At that moment I thought 'I am dead'. They moved the women elsewhere. We, the men, were taken out of the van. As soon as we got out, they said, 'Everybody, take all off your clothes off'. Some were wearing short trousers, uniforms, black clothes, masks and they had arms, automatic weapons. We were beaten, they were shouting 'Move, ela, ela'. They did this to all the men who were in the van. Too many persons in uniform were there on the beach. Someone came up to us and shouted, 'If anyone says a word, we will kill you.' One of the Frontex men was standing nearby. He was holding a pistol and smoking. He was watching what was happening. They were speaking English with the others. They were present when they put us on the boat. They saw that we were put on the boat. Then they took us to the women. I saw behind them a tall man in a blue-black uniform. As soon as they took us there, they said, 'sit down'. They made us have our hands behind our heads while we walked. They took our smart phones away. There was something like a small bridge (note: dock). They put us all in a small boat that took us on a big vessel. If you raised your head, they slapped you, shouting, 'put your head down'. We were on the boat for more than three hours. They had communications over the phone, they were starting and stopping. At one point they stopped and dropped two life rafts. We were too many, 40-50 people. They kicked us to get into the rafts. They didn't care that babies were among us. Pregnant women, small children were also there. They abandoned us".<sup>91</sup>

**Testimony excerpt by a registered asylum seeker, citizen of Democratic Republic of Congo. Location of detection: the city of Thessaloniki. Number of people being returned: 31-50. " On [Supervisor's Note: the date is omitted so as not to reveal the identity of the alleged victim] I was at a bus station in Thessaloniki waiting for the bus. The police approached me, and I showed them all my documents, they handcuffed me**

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<sup>91</sup> RRN: RSA02A85A96.



and told me that my documents were not mine. I asked them to check my digital fingerprint to make sure the documents were really mine, but they didn't believe me. They put me in a car and took me to a police Station office, where they took all my personal belongings (phone, documents, money) and also took what I had on me as jewellery and then put me in a cell with 4 other men. At night they gave me some money without any explanation, but they didn't give me back my mobile phone or my bank card. Then they took me to another place near the border and put me in another office, along with (about) 40 more people, with no documents as well. They searched us again and then threw us into a truck. This truck drove us to the forest and since then, I only saw around us men with fully covered faces. These men asked us if we had any money on us. I gave them 100 euros, but they got angry and said they would beat me. They pulled down my trousers and socks, searching for more money or belongings, then they started beating me. While I was bleeding from my mouth, another man with his face fully covered told him to stop because 'you will kill him' and gave me a small piece of paper to clean the blood from my mouth. A few minutes later we were thrown into the river. We crossed the river with difficulties and then we reached the Turkish side [...].<sup>92</sup>

**Testimony excerpt by a recognised refugee, citizen of Syria. Location of detection: the city of Thessaloniki. Number of people being returned: 51-70.** “[...] I was approached by two police officers in civilian clothes. They showed me their identity and a distinctive symbol of the Police. Their faces were uncovered. They wore a shirt, jeans and a vest. Inside the vest they had handcuffs. I didn't see if they were armed. Aged around 35-40 years old. At first, they spoke some English. And then they spoke Greek to me. They asked me if I had a passport. I tried to explain to them that I left my residence permit at home. They told me, “No, no” and took me with them. They did not handcuff me because I had a crutch, as I have a disability on my right leg. We walked about 5' to a van. It was white and fully closed like a box. A little smaller than a bus. It could carry about 15 people if it had seats. Nothing was written on it. I did not see the plates, it might have had, but out of my fear I did not see. They did not speak to me at all. I would like them to talk to me, to explain to them that I have papers. I went in and saw about 7-8 other people who had recently entered Greece. All men. Syrians and Afghans. They had no handcuffs. There were no seats. We all sat down like animals. They closed the door. We saw nothing. The driver and one more, were sitting in front. We could not see them. They drove for about 2-3 hours. We arrived somewhere (the other guys told me that we arrived in Soufli). We reached a place (big prison like a detention centre) that everyone calls 'Aburiha' (i.e.: the place that smells bad). You can find the location here: <https://maps.app.goo.gl/dsdtMZwnyvPacSqj9>. Police was there. About 5 Police officers aged around 30-40 years. As soon as we arrived, 2 Police officers searched us. They had no arms. The other 3 who were watching had (pistols). We could see all the Police officers' faces. During the search, their behaviour was bad. The worst thing was that they made us take off all our clothes. The underwear also. Naked, like when we were born. If

<sup>92</sup> RRN: GCR14A72A78.



someone made a move, they would beat us. I didn't dare to talk and move, because I realized that things were hard. They took away everything we had. Mobile, money, belts, shoes, watches. From me in particular they took money, mobile, belt and shoes. This was done in a special room. There were already about 50-60 people there in one room. There were more rooms, but the doors were closed. We have been searched and then we were put in this room. All of them were men. Among them I saw about 4 minors, around 13-14 years old. They were Syrians. I saw them sitting, but I didn't talk to them, and I don't know if they were accompanied. The other detainees were Afghans, Africans, Iraqis, but most of them were Syrians. A Yazidi from Iraq could not walk at all. We stayed there for about 4 hours. Only water was given to us. No food. There was a toilet outside the room. Then a group called "commandos", with three vans came. The vans were dark blue. Nothing was written on them. But they looked like Police vans. Similar to small buses. The commandos were many (10-20). They were wearing dark green clothes with hoods. They had no arms. But each of them, had a thick, big piece of wood. The Police officers took us all outside without handcuffs (about 70 people – we were wearing only shirt and underwear). The commandos came. They lined us up and whoever was moving, was beaten. I was in the last line with the other disabled person. Then they put us in the three vans and took us to the river. We stopped after about 30-40'. The commandos were not in the vans. Only the driver and a police officer/soldier/commando were in. I don't know. We didn't see them. As soon as we got to the river, we were picked up by the commandos (15 people, but I heard that there were more) and the soldiers (also in green uniform but combined with black. Like small circles - camouflage). There were 6 soldiers, without hoods, but with arms (Kalaznikov). I realized that the soldiers were guarding the commandos. They lined us up. They told us to start walking. We got to the river and there were 4 medium-sized black and grey inflatable boats waiting for us. They put us in the boats (14-15 people in each boat) along with 2 commandos in each boat. They drove the boats. They took us across and went back to take the rest. The commandos were constantly beating people. Anyone who spoke, anyone who moved. From other people in the group, I heard that the commandos are mercenaries (not Greeks) who cooperate with the Greek authorities. They spoke English, they called us 'Go, go' and one spoke in Afghan."<sup>93</sup>

**“Testimony excerpt by a recognised refugee, citizen of Syria. Location of detection: a village non-identified in the Evros border region. Number of people being returned: 51-70. “[...]I had asked a friend of mine in Germany to send me all my papers by e-mail. So, I made a 2nd attempt, having everything in photocopies with me (Social Security Number, VAT number, Refugee Residence Permit and many papers from hospital). We were 30 people who crossed the river and arrived in Greece. The team went ahead, but I didn't follow them, because I was disabled and couldn't walk quickly, so I sat down somewhere on my own. Then I moved on and arrived in a village. I went to a small shop to buy some water and asked if there were buses to Thessaloniki. They said yes and that**

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<sup>93</sup> RRN: GCR06A73A79.



*the bus stop was 10 meters away. I sat at the stop and waited for the bus. I didn't worry, since I had all my papers on my phone. Suddenly a small military jeep with two people came. They wore green clothes with black marks (camouflage). They had no arms, and their faces were uncovered. The officer was around 45-50 years old, and the driver was a young man, around 30 years old. One of the officers came down. He had a star on his shoulder. He spoke Greek and asked me if I was an Arab. I said yes. He asked for a passport. I tried to explain to him that I am a recognized refugee. He called someone and gave the number of my residence permit or some other number (VAT number, Social Security Number). I can't tell exactly. I was very happy because I thought everything would be fine. But after a while the Police came with a grey van of medium size. The back of the van was like a closed box. There were 2 people inside (the driver and one more). They wore civilian clothes, and I could see their faces. The driver was 35 years old and the other 25. I didn't see if they were bearing arms. They both went down. They didn't talk to me. They talked to the officer. I knew they were talking about my papers. They put me in the car. After about half an hour they took me to the detention place I have already told you, with the bad smell. They kept me there until the afternoon and then they returned us back. The shop worker, near the bus stop, is an eyewitness of the whole incident. When I arrived in the detention place, about 60-70 people were already there. From Syria, Iraq, Afghanistan, Africa. Men only. And about 7 Police officers. They searched us in the same way as they did the previous times. They told us to take off all our clothes and left us in the underwear. In the detention place I showed them my papers (I had printed them) and begged them, by making signs, to give fingerprints, but they told me (by making signs) that they did not believe me. A woman Police officer came, took my papers and disappeared. In the afternoon they took us to the river with three large vans of dark-blue colour. We reached the river after about 25 minutes. 4-5 soldiers and 25 commandos were already there. All the commandos were wearing civilian clothes, and the soldiers were wearing dark green uniforms (camouflage). The soldiers had arms (Kalaznikov) and the commandos had pieces of wood and metal rods. Only the commandos' faces were covered. It was either Saturday or Sunday, because then, the officers of the Turkish Authorities are on leave (i.e. a few of them are patrolling the streets). They lined us up, divided us in 4-5 boats and returned us. We were only men.”<sup>94</sup>*

**“Testimony excerpt by a recognised refugee, citizen from Syria. Location of detection: the town of Soufli in the Evros Regional Unit. Number of people being returned: >100. [...] I entered Greece again on [Supervisor's Note: the date is omitted so as not to reveal the identity of the alleged victim] and I informed my lawyer about it. I waited in a forest near Soufli for several hours. My lawyer filed an application with the ECtHR and in the afternoon, she sent me the order. I waited until the Police came. At midnight [Supervisor's Note: the date is omitted] two Police officers in uniform came to the location where I and two other Syrians were hiding. The uniforms were black and on their back was written 'police'. They were driving a white pick-up van. When I saw**

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<sup>94</sup> RRN: GCR06A73A80.



them, I was glad because I believed that this time, they would save me and not push me back. I had no time to get a picture of them. In fact, the two Police officers were at the location of my arrest, with the lights off. When we went out, they switched them on and started chasing us. We didn't run at all, we just stood, I knew it would be worse to run. I told him I had a 'paper' and showed it to them. I showed them the copy of a passport and the Rule 39 order issued by the ECHR the same day. One said to me: "Do you have paper, asshole? And then he started beating me. He was blond with side-bangs, without a beard, thin, a little shorter than me. I had seen him many times at the detention centre of Soufli, more than five times. I can certainly recognize him. They used a plastic folding club to beat us. He beat me on my left shoulder and when I opened my legs and my hands for physical search, he started kicking me on my legs and giving me punches in my hands. There's another Police officer I can recognize, the one who searches the people and beats them, I've seen him many times. The times I entered Greece, very often we have been in Kornofolia. The blond Police officer, who had beaten me, shined his torch towards me. Both police officers had guns in their holster and plastic clubs. The blond also spoke to the radio after beating me. I couldn't see well the second Police officer; he was close to the car but a short distance away. At the moment we were detected, the blond asked us where we were from. Then he spoke to the radio with someone else who was speaking Greek. He picked up my phone then and put it somewhere aside. While I was being searched, I told him I had papers and then he laughed. They told me to take off my clothes, I took off one pair of trousers and one blouse (I was wearing 2 for the cold) and I took off my shoes as well. He then kicked me at the feet [...]. There we were all three of us lying down, without any air. The route lasted, as far as I can tell, about half an hour or less. When we got out, we had reached a place that looked like a stadium with railings around. Upon our arrival, the vehicle went in through a gate. When we entered, they started to search and beat us. It had around railings, like a large stadium. There were over 60 detainees. I lay down for a while, when I woke up, they were about 200. Most of them were from Syria, but also from Afghanistan and Pakistan. Women and children among them. If am right, I must have seen about 6 young children, with their families, about 10 families in total. We were in detention all night and at dawn they took us to the border. The families were usually transferred near the river border, to cross it, a place with no soldiers most of the times. We, the men, were transferred to another place, where there were soldiers. "During our detention, I saw people being beaten all the time, even when they speak and don't understand the language they are beaten. While I was there, I saw at least 10 people being beaten. I also saw the physical searches of other people; the women were also being searched further over there. I saw two women being searched. There were three police officers there, wearing olive green clothing and 'police' was written on their blouses. They were even changing shifts, I don't know how many there were in total but there were more than 10 people that day, all wearing olive green uniforms and 'HELLENIC POLICE' was written on them. There were two women Police officers among them and 2-3 other people. Of the Police officers, the blond one was the most brutal and the one who gave the most beatings. This blond with white skin is one of



the two Police officers I can identify. Both he, and the other one I can identify, are combing their hair on the side. They are of average height; one is thin, and the other is chubbier. At dawn, a large truck, blue in front and white in the back, with no plates, came and we were followed by a patrol car, with 3 or 4 Police officers on board. Behind the patrol car, which was behind the truck, a dark green car with about 6 to 8 murtazaka was following **[Supervisor's Note: they mean third-country nationals participating in IFR operations]**. The murtazaka had with them three boats that inflated later, on the bank of the river. We arrived by the truck to a point and from there we walked for 4-5 minutes. The police car parked next to us. The Police officers told people to kneel on the ground and per groups of 10, we were called to get in the boats. I got into the second boat, three boats were carrying people back and forth. The murtazaka were beating people. They spoke Turkish but they were not Turks, I suppose they were Afghans or Pakistanis, they did not look like Syrians. All 200 of us were taken to the islet. The water reached the shoulder and the distance to Türkiye was about 50 metres away [...].<sup>95</sup>

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<sup>95</sup> RRN: GCR17A79A87.





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