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## PREAMBLE

The Recording Mechanism of Informal Forced Returns (hereinafter the *Recording Mechanism*) shall include in this report information on and findings for Incidents of Informal Forced Returns, on the basis of recorded testimonies in 2022, given by the alleged victims of informal forced returns, after conducting personal interviews with them, reporting incidents occurred between from 2020 to 2022.<sup>1</sup> This report is a follow-up to the Interim Report of the Recording Mechanism, published in January 2023.

Analytical data on the reported informal forced returns of third-country nationals, as derived from the recordings of the alleged victims' testimonies, will be presented in the following pages. When we use the technical term Informal Forced Returns (hereinafter *IFRs*), we make reference to the pushbacks of asylum seekers and refugees, but also to every other form of forced removal of third-country nationals from the Greek territory, carried out informally, namely by way of derogation from the provisions in force, regarding the legal removals of third-country nationals. The technical language used throughout this Report, aims at analysing the quantitative and qualitative findings as wide and deep as possible and at capturing in the most accurate way current trends and relevant conclusions. Nonetheless, in the Annexes of this Report, including extracts from the alleged victims' testimonies, the authentic words of the alleged victims themselves are presented. We suggest from the outset, that readers should read with due caution these testimonies, since in many of them there is a strong sense of

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<sup>1</sup>Bringing the phenomenon of IFRs to light, has persistently concerned international institutions, European bodies, humanitarian organisations, civil society organisations and press representatives. Their work is reflected in their periodical or annual reviews, in their statements and press releases and in extensive high-level documentation reports. See for example:

- i. The UNCHR statement on the reported IFRs in Greece (21.02.2022) available in: <https://www.unhcr.org/news/news-releases/news-comment-unhcr-warns-increasing-violence-and-human-rights-violations>
- ii. The IOM Press Release concerning the reported IFRs in Greece (11.06.2020) is available here: <https://www.iom.int/news/iom-alarmed-over-reports-pushbacks-greece-eu-border-turkey>
- iii. The Greek Council for Refugees Report, entitled: "At the Borders of Europe: Between Impunity and Criminalisation" (02.03.2023) is available here: <https://www.gcr.gr/el/ekdoseis-media/reports/item/2110-at-europe-s-borders-between-impunity-and-criminalization>
- iv. The Medecins Sans Frontieres (MSF) Report entitled, "In plain sight: The Human Cost of Migration Policies and Violent Practices at the Greek Maritime Borders", November 2023 is available here: <https://msf.gr/magazine/ellada-aitoyntes-asylo-anaferoyn-xylodarmoyis-exeytelistikis-somatikes-ereynes-kai>
- v. The Border Monitoring Violence Network (BMVN), periodical and special reviews are available here: <https://borderviolence.eu/>
- vi. The reviews of the initiative "Protecting Rights at Borders" (PRAB), are available here: <https://pro.drc.ngo/resources/documents/prab-reports/>
- vii. The investigations into the IFRs in Greece and other Balkan Countries, ran by the journalistic team "Lighthouse Reports" are available here: <https://www.lighthousereports.com/>
- viii. The investigations into the IFRs in Greece ran by the journalistic team "Solomon" are available here: <https://wearesolomon.com/el/>.
- ix. The report on the IFRs in Greece ran by the journalistic team "Inside story", is available here: <https://insidestory.gr/>

personal anxiety, stress and pain of the alleged victims, arising from the reported losses and acts of violence.

In Greece, as in other countries whose borders are at the same time the EU's external borders, the Authorities have been given the dual role of policing and controlling both national and external EU borders. Depending on their geographical origin, populations in mobility arrive in Greece, moving towards the Eastern and Southern points of entry to the EU Countries territory. Beyond this geographical specificity of the country, it should also be taken into consideration the long maritime boundary line of the island territory which at its outer extremities is in close proximity to the coast of Turkey, in the territory of which, the largest number of refugees<sup>2</sup> is recorded, during the last decade. At the same time, wider geopolitical complications in the Eastern Mediterranean are associated with matters of foreign policy and safety in Greece, deriving among others, from the tense relationships with neighbouring Turkey.<sup>3</sup> Under such multiple forms of pressure, Authorities must respond in a way that guarantees in one hand the effective surveillance and control of the national borders, which are at the same time the external EU borders and on the other hand, the effective access for asylum seekers who have entered the EU Member-States territory to the national protection, as well as compliance with the legal procedures regarding reception and identification of third-country nationals and respect of the European Convention of Human Rights and the EU Charter of Fundamental Rights. While publishing this 2022 Annual Report, we would like to address an invitation to all parties concerned, i.e. National Authorities, Law-enforcement Officers, European and International Institutions, Civil Society Organisations and Local Agencies, for an open dialogue and constant cooperation, with a view to engage in common efforts to meet the challenges related to migration issues and procedures related to asylum seekers and refugees reception and integration in the Greek society and the EU.

Through an in-depth analysis of the testimonies collected by the Recording Mechanism, the capture of current trends and the comparative data that will derive from the Recording Mechanism future reports, we wish to contribute to a profound review of the patterns of practices formation, aiming at addressing the complexity of the migration issues and we would also like to actively support the implementation of an updated, compassionate, and fair approach to migration, reflecting common values of civilisation and humanity.

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<sup>2</sup> According to updated UNCHR figures, 3,4 millions of refugees, are residing in Turkish territory. See UNHCR's Refugee Population Statistics Database, available in: <<https://www.unhcr.org/refugee-statistics/>>.

<sup>3</sup> See: Triantafyllos Karatrantos «Migration and Security: The Case of Greece», in T. Joensen - I. Taylor, (eds.), *Small States and the European Migration Crisis: Challenges and Responses*, Palgrave Macmillan, 2021. Triantafyllos Karatrantos «Migration and Security: The Case of Greece», in T. Joensen - I. Taylor, (eds.), *Small States and the European Migration Crisis: Challenges and Responses*, Palgrave Macmillan, 2021.

Triantafyllos Karatrantos "Greek foreign policy and regional security challenges" in P. Tsakonas, *Modern Greek Foreign Policy* Sideris Publications, Athens, 2021. Triantafyllos Karatrantos "The security implications of migratory pressures" in S. Dalis, *MARE NOSTRUM: Power shifts in the geopolitical map of the Mediterranean*, Papazisis Publications, September 2020.

## I. INTRODUCTION

The Greek National Commission for Human Rights (hereinafter the *GNCHR*) presented the 1st Interim Report of the Recording Mechanism, at a Press Conference held at its premises, on Tuesday 24 January 2023.<sup>4</sup> The Conference presented the Mechanism's mode of operation and methodology applied during the recording procedure, as well as a summary of findings, related to recordings for the year 2022.

The President of the GNCHR presented the Recording Mechanism, while an overview of the applied Methodology and the main conclusions of the 1st Interim Report, were presented by the Supervisor of the Recording Mechanism. The panel of the presentation included and was addressed by: the European Union Agency for Fundamental Rights – FRA Director (through a video recording), the representative of the UN High Commissioner for Refugees in Greece, the Head and Regional Response Coordinator of the IOM (International Organisation for Migration) in Greece and the Fundamental Rights Officer of the European Border and Coast Guard Agency – Frontex. .

The Press Conference was attended by Non-Governmental Organisations (hereinafter *NGOs*) Members of the Recording Mechanism which have adopted its Act of Establishment and are bound by the commitment to pursue its shared objectives, through detecting the alleged victims and recording their testimonies.

The establishment of the Recording Mechanism and the presentation of its Interim Report, were warmly welcomed by the Ministry of Migration and Asylum (hereinafter *MMA*), which issued a statement underlining the need for the existence of a reliable recording mechanism of IFRs.<sup>5</sup> In the following months, the European Commission's 2023<sup>6</sup> Rule of Law Report on Greece, made a reference to the Recording Mechanism, describing it as “a positive development aiming to boost accountability for reported human rights violations alleged to have occurred during informal forced returns of third-country nationals from Greece to other countries”, while the establishment and the activation of the Recording Mechanism, have been pointed out as a good transparency practice for the reported complaints, in the 2015-2023<sup>7</sup> EU Agency for Fundamental Rights – FRA Overview on the Achievements and Continuing Challenges in Asylum and Migration.

Articles 49 and 50 of Law 4960/2022 provide for the appointment of the Fundamental Rights Officer at the Ministry of Migration and Asylum (hereinafter *FRO*) along with the establishment of the Task Force for Fundamental Rights Compliance, (hereinafter *Task Force*), correspondingly. In accordance with the above mentioned provisions, the President of the GNCHR or a person appointed by him/her, shall be included among the members of the Five-member Evaluation Committee responsible for the selection of the FRO, as well as of the Task Force. In its written interventions submitted to the MMA, the GNCHR has indicated that the above mentioned provisions, fail to fulfil the requirements of the development of an independent and effective monitoring mechanism to guarantee the respect of

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<sup>4</sup> GNCHR Press Release, 24.01.2023: See also: Presentation of the Recording Mechanism of Incidents of Informal Forced Returns and its 1st Interim Report: <https://nchr.gr/ta-nea-mas/1543-deltio-typou-parousiasi-tou-mixanismo-y-katagrafis-peristatikon-atypon-anagkastikon-epistrofon-kai-tis-protis-endiamesis-ekthesis-tou.html>. The 1st Interim Report can be accessed on the website of the GNCHR <https://nchr.gr/ektheseis.html>.

<sup>5</sup> See: Comment by the Press Office of the MMA, 24.01.2023, <https://migration.gov.gr/scholio-grafeio-typoy-ypoyrgeioy-metanasteysis-kai-asyloy/>.

<sup>6</sup> 2023 Rule of Law Report - Country Chapter on the rule of law situation in Greece, available on: [https://commission.europa.eu/system/files/2023-07/21\\_1\\_52575\\_coun\\_chap\\_greece\\_en.pdf](https://commission.europa.eu/system/files/2023-07/21_1_52575_coun_chap_greece_en.pdf)

<sup>7</sup> FRA – EU Agency for Fundamental Rights: Asylum and migration: Progress achieved and remaining challenges, available on: <https://fra.europa.eu/en/publication/2023/migration-progress-challenges>.

human rights, while the membership of the GNCHR in the Task Force, is not in line with the independent human rights advisory role assigned to it, by its founding legislation. The Greek Ombudsman also expressed his reservations about his membership in the above mentioned Committee and Task Force<sup>8</sup>.

## SUMMARY

This is the first Annual Report of the Recording Mechanism. After its content was presented in the GNCHR Plenary Meeting on 16.11.2023, a discussion on the quantitative and qualitative findings followed and confirmed the conclusions and recommendations, included therein. All data deriving from the recordings throughout the year 2022 which had been briefly presented in the Interim Report, published in January 2023, will be presented in full, in the following pages.

In the period between February 2022 and December 2022, the Recording Mechanism has recorded 43 testimonies through personal interviews with the alleged victims, about 50 IFRs, which according to the alleged victims occurred in the period between April 2020 and October 2022.

According to these testimonies, at least 2157 persons are included in the total number of the alleged victims.<sup>9</sup> The countries of origin of the alleged victims are listed at the top of the list with the countries whose nationals have been granted the international protection status in Greece and the EU (Syria, Palestine, Turkey, Afghanistan, Iraq, Iran, Somalia, Cameroon, Mali and Democratic Republic of Congo).<sup>10</sup>

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 Turkey. 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>11</sup> These persons alleged to have been victims of IFRs directly to their country of origin (Turkey) where they had been subjected or were at risk of being subjected to persecution, without any assessment of their international protection needs, arising from the risk of being persecuted in Turkey. In view of the above, these incidents consist a direct violation of the principle of non-refoulement, which is the cornerstone for the protection of refugees.

There are also 5 alleged victims who reported that before their removal from the country, they had lodged an application for asylum to the competent Greek Authorities, which was still pending. They

<sup>8</sup> See: Letter addressed by the Greek Ombudsman to the Minister of Migration and Asylum 29.07.2022 <https://www.synigoros.gr/el/category/deltia-typoy/post/epifyla3eis-toy-synhgoroy-toy-polith-gia-th-symmetoxh-toy-se-epitropes-toy-y-poyrgeioy-metanasteyshs-kai-asyloy>.

<sup>9</sup>See in detail Chapter 3, p. 15 f.f.

<sup>10</sup> See: Ministry of Migration and Asylum [Σφάλμα! Η αναφορά της υπερ-σύνδεσης δεν είναι έγκυρη.](https://migration.gov.gr/wp-content/uploads/2022/12/%CE%9D%CE%BF%CE%AD%CE%BC%CE%B2%CF%81%CE%B9%CE%BF%CF%82-2022_%CE%A5%CE%9C%CE%91-GR-%CE%95%CE%BD%CE%B7%CE%BC%CE%B5%CF%81%CF%89%CF%84%CE%B9%CE%BA%CF%8C-%CE%94%CE%99%CE%95%CE%98%CE%9D%CE%97-%CE%A0%CE%A1%CE%9F%CE%A3%CE%A4%CE%91%CE%A3%CE%99%CE%91_%CE%9D%CE%95%CE%9F.pdf) and EUAA, [Latest Asylum Trends](https://migration.gov.gr/wp-content/uploads/2022/12/%CE%9D%CE%BF%CE%AD%CE%BC%CE%B2%CF%81%CE%B9%CE%BF%CF%82-2022_%CE%A5%CE%9C%CE%91-GR-%CE%95%CE%BD%CE%B7%CE%BC%CE%B5%CF%81%CF%89%CF%84%CE%B9%CE%BA%CF%8C-%CE%94%CE%99%CE%95%CE%98%CE%9D%CE%97-%CE%A0%CE%A1%CE%9F%CE%A3%CE%A4%CE%91%CE%A3%CE%99%CE%91_%CE%9D%CE%95%CE%9F.pdf), [https://migration.gov.gr/wp-content/uploads/2022/12/%CE%9D%CE%BF%CE%AD%CE%BC%CE%B2%CF%81%CE%B9%CE%BF%CF%82-2022\\_%CE%A5%CE%9C%CE%91-GR-%CE%95%CE%BD%CE%B7%CE%BC%CE%B5%CF%81%CF%89%CF%84%CE%B9%CE%BA%CF%8C-%CE%94%CE%99%CE%95%CE%98%CE%9D%CE%97-%CE%A0%CE%A1%CE%9F%CE%A3%CE%A4%CE%91%CE%A3%CE%99%CE%91\\_%CE%9D%CE%95%CE%9F.pdf](https://migration.gov.gr/wp-content/uploads/2022/12/%CE%9D%CE%BF%CE%AD%CE%BC%CE%B2%CF%81%CE%B9%CE%BF%CF%82-2022_%CE%A5%CE%9C%CE%91-GR-%CE%95%CE%BD%CE%B7%CE%BC%CE%B5%CF%81%CF%89%CF%84%CE%B9%CE%BA%CF%8C-%CE%94%CE%99%CE%95%CE%98%CE%9D%CE%97-%CE%A0%CE%A1%CE%9F%CE%A3%CE%A4%CE%91%CE%A3%CE%99%CE%91_%CE%9D%CE%95%CE%9F.pdf)

<sup>11</sup> According to the EUAA, [Latest Asylum Trends](https://migration.gov.gr/wp-content/uploads/2022/12/%CE%9D%CE%BF%CE%AD%CE%BC%CE%B2%CF%81%CE%B9%CE%BF%CF%82-2022_%CE%A5%CE%9C%CE%91-GR-%CE%95%CE%BD%CE%B7%CE%BC%CE%B5%CF%81%CF%89%CF%84%CE%B9%CE%BA%CF%8C-%CE%94%CE%99%CE%95%CE%98%CE%9D%CE%97-%CE%A0%CE%A1%CE%9F%CE%A3%CE%A4%CE%91%CE%A3%CE%99%CE%91_%CE%9D%CE%95%CE%9F.pdf) published in October 2022, the number of asylum applications lodged in the EU countries by Turkish nationals, ranked Turkey in the 3rd place, after Syria and Afghanistan, in the list of countries with the highest number of asylum seekers in the EU countries.

are asylum seekers, coming from Syria, Iraq and Turkey who alleged to have been informally forced returned to Turkey, despite the fact that their application for asylum was pending, meaning that they were legal residents in Greece. In some cases of IFRs, the procedure of granting asylum to the applicants was unlawfully terminated and these applicants were deprived of their right to reside in the Greek territory and the likely positive outcome of their application.

What is of most concern is that 6 recognised refugees in Greece are listed among the alleged victims. These were refugees coming from Syria and Palestine. These persons alleged to have been victims of IFRs to Turkey, even though they had been granted international protection by the competent Authorities in Greece. Therefore, these specific IFRs, deprived the recognised refugees of the international protection status, granted to them by the Greek State.

Moreover, most of the testimonies recorded by the Recording Mechanism indicate that the alleged victims have been detected near a border area either in the inland or in the sea territory. However, there are victims, who during their testimonies, have claimed to have been detected in the mainland, away from the border areas of the country or in the territory of Greek islands after having reached them.

On the basis of the information recorded up to this moment by the Recording Mechanism, it is indicated that IFRs, do no longer constitute an occasional and *irregular* phenomenon. On the contrary, they have developed the pattern of a systematic and *organised* operation. As it is indicated, incidents of informal forced returns are carried out by mobilizing human resources, facilities, heavy vehicles or watercrafts and other material and technical means.

The *modus operandi*<sup>12</sup> of the IFRs, as revealed by the testimonies, seems to have been built up in stages. Most testimonies report that victims are initially detected by a group of people in or out of uniform (detection stage), subsequently they are taken to a facility where they are kept under guard (detention or restriction on freedom of movement stage) and finally they are transferred from the detention/movement restriction place to the starting point of physical removal, where the IFR operation is completed (physical removal stage).

The IFRs 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, however, especially in cases where the detection location was at sea or very near the Evros river border region, revealed that the detention/restriction on freedom of movement stage was skipped and thus the IFR was carried out immediately after the detection.

According to testimonies, people in uniform and plain clothes seem to have been involved as perpetrators in the incidents recorded by the Recording Mechanism, the action of which resembled an action coordinated with the Authorities.<sup>13</sup> It is possible, however, that these individuals were ordinary citizens not having legally assumed public authority. Furthermore, in some testimonies it is mentioned that third-country nationals, speaking some of the victims' spoken languages, appear to have been involved as perpetrators in the physical removal stage, in the Evros river border region.

In the Evros' region incidents, a significantly greater presence of alleged perpetrators wearing civilian clothes was reported, in comparison with the incidents carried out at sea, where mainly alleged perpetrators in uniform have been involved, according to testimonies. Additionally, in the Evros' region incidents, it was reported that in the physical removal stage, individuals from the countries of

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<sup>12</sup>See in detail Chapter 4–I p.18 f.f.

<sup>13</sup>See in detail Chapter 4 – II and III p.20 f.f.

origin of the alleged victims were involved as perpetrators, a fact not at all mentioned in the incidents at sea.

In the majority of the testimonies, it was reported by the alleged victims, that they managed to express their will to apply for international protection. However, no registration of their applications was carried out, nor any other procedure was followed to identify them, like recording of their personal data capturing of biometric data (fingerprinting, photography etc.) nor did they report to have being provided with any information about their rights by the competent authorities, in a language they could understand.<sup>14</sup>

The IFRs lead to numerous violations of fundamental human rights, many of which involve children, women, elderly people and other groups of vulnerable persons.<sup>15</sup> More specifically, the alleged victims involved in the IFR incidents recorded by the Recording Mechanism, have reported acts related to 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) and may constitute criminal offences according to Greek Law and in particular to the following Articles of the Greek Penal Code: 333 (*threat*), 330 (*unlawful violence*), 137A, par.4 (*torture and other violations of human dignity*), 322 par.1 (*abduction*), 322, par.2 (*enforced disappearance*), 306 (*risk exposure*), 307 (*failure to assist a person in danger*), 277 (*causing a shipwreck*), 308-312 and 314 (*personal injuries*) and 302 or 299 (*homicide*).

The alleged victims involved in 9 incidents, have lodged an appeal before the European Court of Human Rights (ECtHR), in accordance with the standard procedure and 2 of these cases have been notified by the Court to the Greek Government. Before lodging their appeal to the ECtHR, the alleged victims have informed the Greek Authorities (Prosecution Service and Police) about their presence in Greece, their need to be rescued and their will to have access in the international protection procedures. The alleged victims involved in 4 other incidents, have filed lawsuits before the Greek criminal courts. As regards to 1 more incident, the case has been closed due to the unknown identity of the perpetrators, after an ex officio investigation on the part of the Prosecution Service. In connection with 4 incidents, the alleged victims filed complaints before the Greek Ombudsman. (The alleged victims involved in 3 out of 4 incidents, have filed lawsuits before the Greek criminal courts.)<sup>16</sup>

The Recording Mechanism, inter alia,<sup>17</sup> urges the Greek Authorities, to provide safeguards that all State bodies respect strictly the principle of non-refoulement, that all asylum seekers in the Greek territory, have access to asylum procedures and protection against pushbacks or every form of IFRs, that all complaints lodged by the alleged victims involved in IFRs and other incidents of serious violations of human rights at the borders are independently and thoroughly investigated, and that those responsible for such illegal actions, are being brought before the Judicial Authorities.

## CHAPTER 1 ESTABLISHMENT OF THE RECORDING MECHANISM

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*

<sup>14</sup>See in detail Chapter 4– IV, p. 40 f.f.

<sup>15</sup>See in detail Chapter 4–, p. 43 f.f.

<sup>16</sup>See in detail Chapter 4- VII, p. 47 f.f

<sup>17</sup>See in detail Chapter 6, p. 51 f.f.

*Principles*<sup>18</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*” NHRI) 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. 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, in accordance 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 GNCHR consists of:

- the constant monitoring of developments regarding human rights protection, the continuous updating and promotion of the relevant research,
- the maintenance of 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,
- the formulation of 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 violation 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>19</sup> and the Greek Council for Refugees (GCR),<sup>20</sup> on informal forced returns from Greek territory to third countries, issued a relevant *Announcement*<sup>21</sup> and subsequently a *Statement*<sup>22</sup>

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<sup>18</sup> UN Office of the High Commissioner for Human Rights (OCHR), [Principles relating to the Status of National Institutions \(The Paris Principles\)](#)

<sup>19</sup> HLHR, [Complaint on refoulements from the region of Evros River](#), 6 February 2018 HLHR, [More refoulements of Turkish asylum seekers in Evros](#), 6 June 2017.

<sup>20</sup>GCR, [Reports of systematic pushbacks in the Evros region](#), 20 February 2018. GCR, [GCR submits complaints after refugees' allegations of pushbacks at the region of Evros](#), 19 June 2019 (available only in Greek).

<sup>21</sup> GNCHR, [Statement on the allegations of irregular push backs in Evros](#), July 2017

<sup>22</sup> GNCHR, [Statement on complaints regarding informal push-backs at the region of Evros](#), 29 November 2018.

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>23</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 institutions, international and regional organisations, independent authorities, and civil society organisations.<sup>24</sup>

Following the aforementioned hearing of stakeholders, the GNCHR issued a *Statement*,<sup>25</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.

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>26</sup>

In its *Report on the State of Migrants' Rights at Borders*, in July 2021,<sup>27</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>28</sup> (UNHCR) and the

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<sup>23</sup> GNCHR, [Reference Report on the Refugee and Migrant Issue, Part A](#) Refugees, September 2019

<sup>24</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 June 2020.

<sup>25</sup> GNCHR, [Statement on the reported practices of push backs](#), 9 July 2020

<sup>26</sup> GNCHR, [Reference Report on the Refugee and Migrant Issue, Part B'](#), September 2020

<sup>27</sup> GNCHR, [National Report on the Situation of Human Rights of Migrants at the Borders](#) July 2021.

<sup>28</sup> UNCHR [Press Release](#) «UNHCR deeply concerned at reports of informal forced returns from Greece to Turkey», June 2017. UNCHR [Press Release](#) «UNHCR calls on Greece to investigate pushbacks at sea and land borders with Turkey», June 2020. UNCHR [Press Release](#) «UNHCR concerned by pushback reports, calls for protection of refugees and asylum-seekers», August 2020. UNCHR [Press Release](#) «UNHCR warns asylum under attack at Europe's borders, urges end to pushbacks and violence against refugees», January 2021.

International Organisation for Migration<sup>29</sup> (IOM), as well as of international,<sup>30</sup> European<sup>31</sup> and national<sup>32</sup> human rights institutions, 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 for the past 11 years,<sup>33</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>34</sup> Following a GNCHR Plenary delegated act, a Working Group was set up to prepare the draft of the Act of Establishment of the Recording Mechanism and create a Recording Form of Incident of Informal Forced Return (hereinafter “Recording Form”).<sup>35</sup> The GNCHR adopted the procedural acts for the activation of the Recording Mechanism at its Plenary meeting on 27 September 2021.

Since the establishment of the Recording Mechanism, its Supervisor shall attend the GNCHR Plenary Meetings and provide information on matters related to the operation and development of the Recording Mechanism.

<sup>29</sup> IOM [Press Release](#) «IOM Alarmed over Reports of Pushbacks from Greece at EU Border with Turkey», June 2020. IOM [Press Release](#) «IOM Concerned about Increasing Deaths on Greece-Turkey Border», February 2022. IOM [Press Release](#) «More than 5,000 Deaths Recorded on European Migration Routes since 2021», October 2022.

<sup>30</sup> UN Committee Against Torture, [CAT/C/GRC/CO/7: Concluding observations on the seventh periodic report of Greece](#), September 2019. UN Working Group on Arbitrary Detention: [Preliminary Findings from its visit to Greece \(2 - 13 December 2019\)](#), December 2019. 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.

<sup>31</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. Commissioner for Human Rights of the Council of Europe [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”](#) 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. 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. 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.

<sup>32</sup> Greek Ombudsman, [Interim Report on the alleged pushbacks to Turkey of foreign nationals who had arrived in Greece seeking international protection](#), January 2021. National Mechanism Investigating Incidents of Arbitrariness (NMIIA), [Annual Report 2021](#), June 2022 National Mechanism Investigating Incidents of Arbitrariness (NMIIA), [Annual Report 2022](#), October 2023

<sup>33</sup> The Racist Violence Recording Network (RVRN) is a joint initiative of the Greek National Commission for Human Rights (GNCHR) and the Office 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>34</sup> The relevant decision was unanimously adopted at the Plenary meeting of the GNCHR on 09.07.2020 .

<sup>35</sup> The relevant delegated act was unanimously adopted at the Plenary meeting of the GNCHR on 12.11.2020.

## CHAPTER 2 PROFILE AND METHODOLOGY APPLIED BY THE RECORDING MECHANISM

### D. Profile

The objective of the Recording Mechanism is to monitor, record and bring the phenomenon of third-country nationals IFRs from Greece to other countries, to light. It aims to foster and establish respect for the principle of non-refoulement, as well as at ensuring adequate guarantees and compliance with legal procedures. Moreover, the objective of the Recording Mechanism includes increasing accountability for reported human rights violations alleged to have occurred during third-country nationals IFRs, 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 established by a decision of the GNCHR Plenary in September 2021 in order for the National Human Rights Institution (NHRI) to respond in practice to two key findings: a) the absence of an official and effective data collection mechanism on reported incidents of IFRs and b) the need to interconnect the various stakeholders who, on their own initiative, record testimonies by people addressing to their services, in order to report any incidents in which they were involved as victims.

Respect for human rights, diversity, multiculturalism, freedom of religion, as well as action for the third-country nationals' rights, are prerequisites in order for Civil Society Organisations to participate as members, in the Recording Mechanism.

The Non-Governmental Organisations (hereinafter NGOs), are Civil Society Organisations, whose establishment is the result of private initiatives. Their operation shall be governed at national level, by Article 12 of the Constitution of Greece, which provides for “...the right to form non-profit associations and unions...”,<sup>36</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>37</sup> and at EU level, by Article 12 EU Charter of Fundamental Rights, providing that

<sup>36</sup> [The Constitution of Greece](#), Article 12: 1. “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.

2. An association may not be dissolved for violation of the law or of a substantial provision of its statutes, except by court judgment.

3. The provisions of the preceding paragraph shall apply, as the case may be, to unions of persons not constituting an association.

4. 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.

5. 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.”

<sup>37</sup> [European Convention on Human Rights](#) (ECHR), Article 11: “1. 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.

2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary

“...Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels...”<sup>38</sup> NGOs active in the humanitarian field (related to migrants, refugees or other matters) offer free of charge and on the basis of the principle of equal treatment, a wide range of services to the population served, 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, during the period that the latter, for several reasons cannot provide third-country nationals with their legal public services - such as interpretation services or certification of victims of torture. The way they operate is immediate and flexible, while their action goes in-depth into the issues of the population served. The added value of their freedom of action is that they constitute an important link in keeping the populations served within the social fabric and that they contribute to the cultural and social integration of populations, coming from diverse cultural and social environments. At the same time, they act as cultural intermediaries, through a closer approach to the communities and the promotion of a peaceful and harmonious coexistence with each other, the diffusion and enrichment of cultural elements. Their action and operation should be encouraged and safeguarded in the context of an open and democratic society. Preventing them from taking action, deprives the population served of access to services necessary for their lives and the exercise of fundamental rights, therefore leading to the disruption of social cohesion, rising crime, phenomena of people taking the law into their own hands, rise of racism and intolerant speech and acts of violence. Preventing human rights defenders from taking action, or even worse, criminalising the action of legal counsels,<sup>39</sup> doctors, social workers, rescuers etc., creates in general a stranglehold around the rights and freedoms deriving from democracy.<sup>40</sup>

Organisations that are Members of the Recording Mechanism have legal personality, are legally represented in Greece and obliged to submit to the Recording Mechanism their statute, in order for their legal status and the alignment of their operational objectives with those of the Recording Mechanism, to be ascertained. All Member Organisations have adopted the Act of Establishment of the Recording Mechanism and are bound by the commitment to pursue its shared objectives, use the means provided, and apply its Methodology.

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*in*

*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.”*

<sup>38</sup> [EU Charter of Fundamental Rights](#), Article 12 “1. 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. 2. Political parties at Union level contribute to expressing the political will of the citizens of the

*Union.*

<sup>39</sup> See: Opinion of the Athens Bar Association (ABA) with Ref.No. 143/2023, available through the website of the European Council on Refugees and Exiles (ECRE), <https://shorturl.at/FAOZ2>.

<sup>40</sup> OHCHR, Visit to Greece: Report of the Special Rapporteur on the Situation of Human Rights Defenders, Mary Lawlor, is available here [https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session52/A\\_HRC\\_52\\_29\\_Add.1\\_AdvanceEditedVersion.docx](https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session52/A_HRC_52_29_Add.1_AdvanceEditedVersion.docx).

Membership of the Recording Mechanism, according to its Act of Establishment is restricted to the following Organisations: <sup>41</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

The United Nations High Commissioner for Refugees (UNHCR) Office in Greece within the framework of its mandate, provides the Recording Mechanism with its technical support and expertise on International Protection of Refugees, as a co-operating Agency.

## II. B. Methodology applied

The Recording Mechanism shall record testimonies by third-country nationals or stateless persons, regardless of their legal status in Greece, i.e., regardless of whether they are irregular migrants, registered or unregistered asylum seekers or recognised refugees, who allege to have been victims of IFR from the Greek territory either directly to their country of origin (or former habitual residence for stateless persons) or to a third country. The scope of the Recording Mechanism is neither to investigate the incidents reported, nor to carry out a fact-finding investigation on these incidents and it certainly cannot act as an institution competent to apply criminal, civil, administrative, or disciplinary penalties to the perpetrators. The Recording Mechanism shall record exclusively testimonies by conducting personal interviews with the alleged victims, in order to enhance the credibility of the reported incidents and to highlight in public, 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, that can comply with the very demanding requirements for completing the Recording Form, so that patterns and repeatable practices can be brought to light. This is actually a restriction imposed on the Recording Mechanism on its own will, 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 received 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. Therefore, the Recording Mechanism is aware of the fact that the

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<sup>41</sup>Update by 15 November 2023.

recordings of testimonies by the alleged victims of IFRs, 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.

#### *i. IFR Incident Definition*

The cornerstone of the methodology of the Recording Mechanism is the definition of the IFR, as developed in a joint consultation meeting of its Members and adopted by them in its Act of Establishment. No recording shall be finalised by the Recording Mechanism, if the facts reported do not comply with that definition. As already indicated, for the scope of the Recording Mechanism an 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.*

#### *ii. Personal Interview*

Testimonies are being recorded through personal interviews, conducted by the recording officers, designated by the Members of the Recording Mechanism, with the alleged victims of IFR, usually in the presence 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 other scientists, 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 Form indirect testimonies or narrations, or allegations by third parties, that is, persons who are not themselves victims of an IFR. Optional exemptions are permitted, in cases where testimonies are provided by persons related to the alleged victim, if the latter, for reasons of *force majeure* (unknown whereabouts, disappearance, serious illness, incarceration or death) is unable to give his/her testimony.<sup>42</sup>

#### *III. Consent*

Before the interview for the testimony recording about an IFR is conducted, the alleged victim's prior written consent is required, after having been fully informed in a language understood by him/her, on the content of the Consent Form, as well as on the interview purposes and the way in which his/her personal data and testimony will be used.

#### *IV. Common Recording Form*

Testimonies are recorded on a common Recording Form as developed by the Recording Mechanism in a joint consultation meeting of 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

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<sup>42</sup>As far as the reporting period is concerned, no such testimony has been recorded, by the Recording Mechanism.

intention of the alleged victim to take further steps regarding him/her 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>43</sup>

#### *v. Recordings 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 Recording Form in accordance with the relevant Instructions, and the correspondence of the facts recorded in every new Form to the *indicators of informality*<sup>44</sup> included in the IFR definition, as set out in the Act of Establishment of the Recording Mechanism.

## CHAPTER 3 GENERAL CHARACTERISTICS OF THE RECORDINGS

This report comprises 50 incidents of IFRs, which according to the alleged victims testimonies, occurred in the period between April 2020 and October 2022. In relation to these 50 incidents, the Recording Mechanism has recorded 58 testimonies in the period between February 2022 and December 2022, by conducting personal interviews with 43 persons alleging to have been victims in these incidents.<sup>45</sup>

The accredited recording officers, as designated by the Members of the Recording Mechanism, conducted 28 interviews exclusively in person with the alleged victims, 20 interviews exclusively through telephone contact and 5 interviews exclusively through video call. 5 interviews were conducted through a combined method. (See Graph 1)

More specifically, out of the 50 incidents recorded by the Recording Mechanism, 28 occurred in 2022, according to the testimonies of the alleged victims, 11 in 2021 and 11 in 2020. (see *Graph 2*)

**Graph 1:** Recording Method

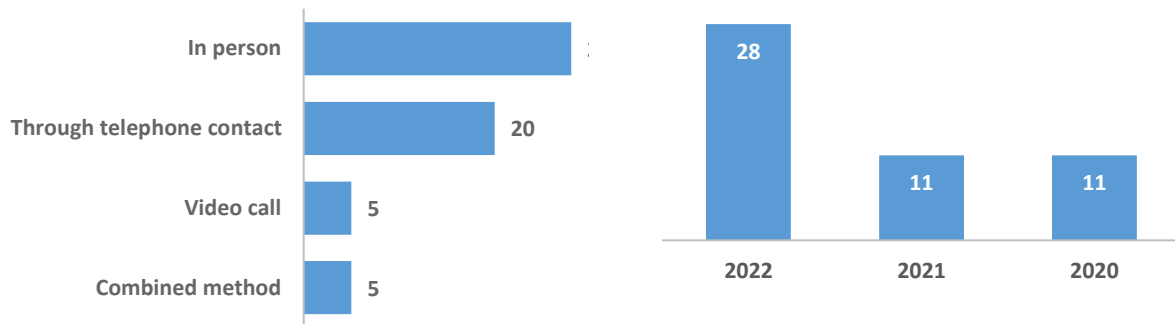
**Graph 2:** Incidents Time Period

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<sup>43</sup> Without additional commitment on the part of the alleged victim that he /she 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>44</sup>See Chapter 4- IV, p. 40 f.f.

<sup>45</sup> The number of incidents of informal forced returns recorded by the Recording Mechanism does not match the number of testimonies, as in relation to 3 of these incidents, the Recording Mechanism has recorded testimonies by more than one alleged victim. Similarly, the number of testimonies recorded by the Recording Mechanism does not match the number of the interviewed alleged victims, as 12 of them had their testimonies recorded for more than one incident of IFR, which they themselves experienced.



32 out of the 43 alleged victims in total are male and 11 are female. No person has identified themselves as a non-binary person. (See *Graph 3*)

All 43 alleged victims, whose testimonies were recorded by applying the methodology of the Recording Mechanism,<sup>46</sup> were adults at the time of the recording.

During the interviews it was found that 23 out of the 43 alleged victims were identified as members of vulnerable groups.<sup>47</sup> No vulnerability was found regarding the state of 19 of the remaining alleged victims, while in relation to 1 of them, ascertaining any vulnerability factors was not possible, due to the context of the interview.<sup>48</sup> (See *Graph 4*).<sup>49</sup>

**Graph 3:** Gender of the alleged victims

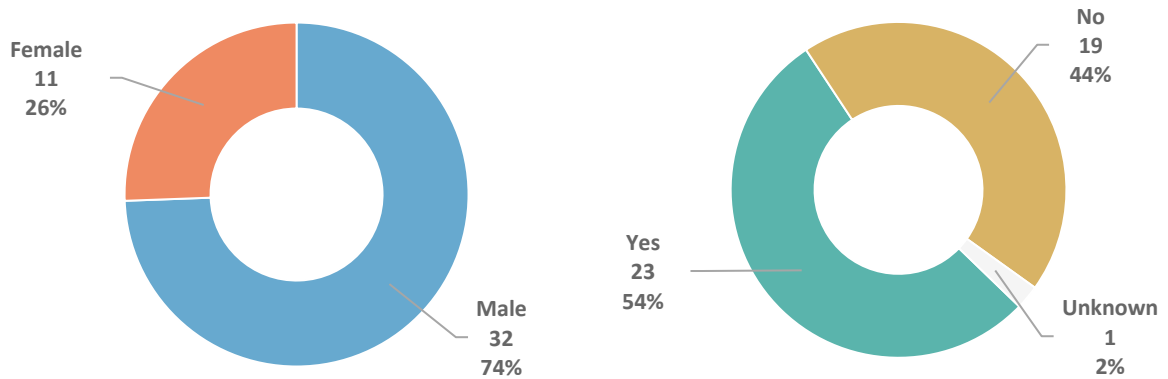
**Graph 4:** Vulnerable alleged victims

<sup>46</sup>See Chapter 2- II, p. 13 f.f

<sup>47</sup>The Recording Mechanism shall report as identified vulnerable persons, those falling into the following categories: minors (accompanied or unaccompanied), close relatives of shipwreck victims (parents, siblings, children and spouse), 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 reported as ascertained at the time of the recording of the testimony and there are many cases in which more than one vulnerability factors were ascertained to contribute to someone's vulnerable state.

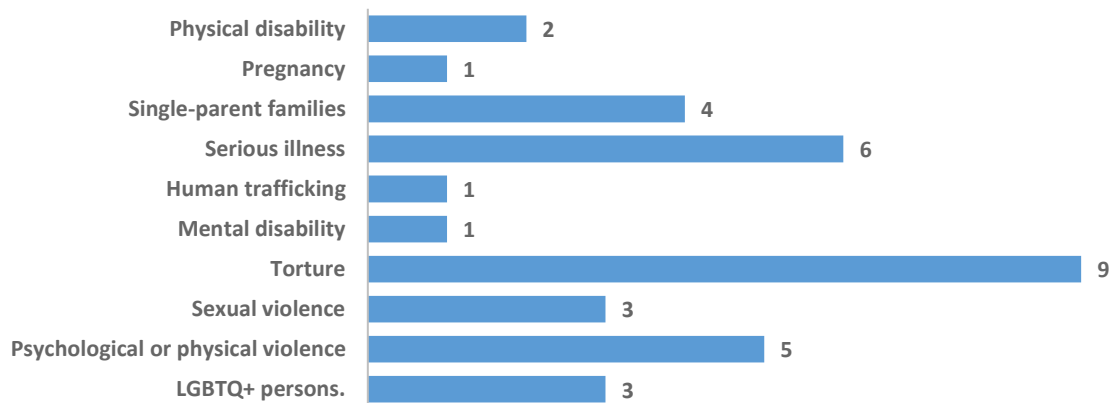
<sup>48</sup>Ascertaining vulnerability may not be successful due to the means by which the interview is conducted, for example in cases it is conducted remotely, or in cases where personal and sensitive information is provided, or in cases of an unusual situation the alleged victim is in, etc.

<sup>49</sup>However, testimonies by the alleged victims, recorded by the Recording Mechanism, include references to the involvement of minor alleged victims in IFRs Chapter \_\_). See also Chapter 4 - II & III p. 20 f.f. and Chapter 5– II, p. 50 f.f.).



More specifically, the alleged victims include: 2 persons who have a physical disability, 1 woman in pregnancy, 4 single-parent families, 6 persons suffering from serious illnesses, 1 person victim of human trafficking, 1 person having mental disability, 9 persons victims of torture, 3 persons victims of sexual violence and 5 victims of other forms of serious physical/ psychological violence. Among the alleged victims, 1 transgender person is reported, included in the gender binary according to their self-identification, and 2 persons falling into other categories of the LGBTQ+ community. (See Graph 5).

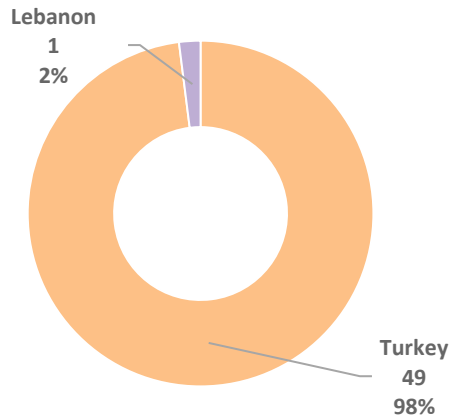
**Graph 5: Vulnerabilities**



Testimonies in relation to 49 incidents indicate Turkey as the country of entry,<sup>50</sup> while in relation to 1 incident, Lebanon is the reported country of entry. (See *Graph 6*) All incident recordings indicate Turkey as the country of return. (See *Graph 7*)

**Graph 6: Country of entry**

<sup>50</sup> *Country of entry* is understood as the country in which the alleged victims were located prior to entering the Greek territory.



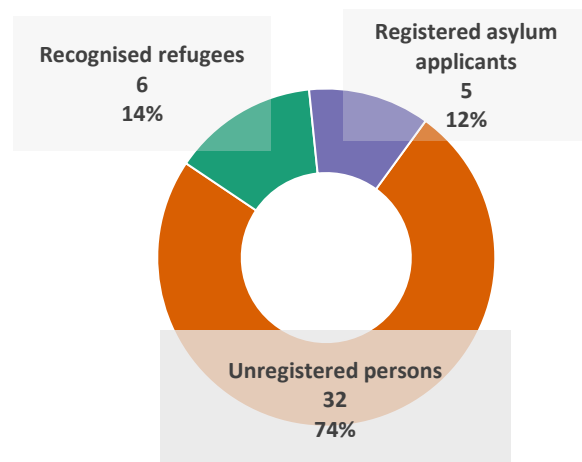
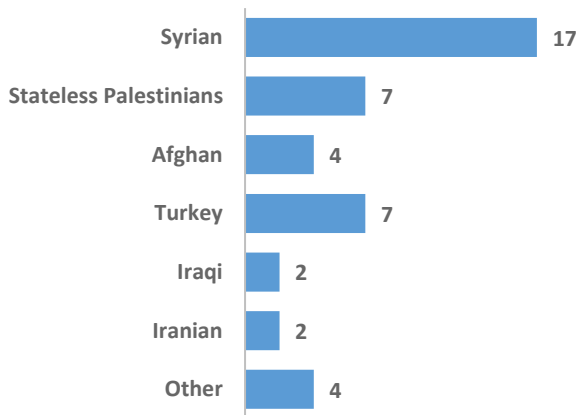
The majority of the alleged victims' country of origin, is Syria. More specifically, 17 of the alleged victims are of Syrian nationality, 7 are stateless Palestinians, 7 are of Turkish nationality, 4 of Afghan nationality, 2 of Iraqi, 2 of Iranian, 1 is a national of the Democratic Republic of Congo (DRC), 1 is a national of Somalia, 1 of Cameroon, and 1 of Mali (See Graph 7).

The Recording Mechanism shall record the legal status of the alleged victims within Greek territory, in the Recording Form, at the moment the IFR occurs. Out of the total

of 43 alleged victims, 32 are individuals who, before being detected and allegedly subjected to informal forced return, had never before been detected by the Greek authorities (*undetected* persons) or even if they had been previously detected, according to their testimony, they had not been subjected to identification and registration procedures (*unregistered* persons). 6 recognised refugees in Greece and 5 registered asylum applicants in Greece, are included in the total of the 43 alleged victims (See Graph 8).

**Graph 7:** Nationality of the alleged victims

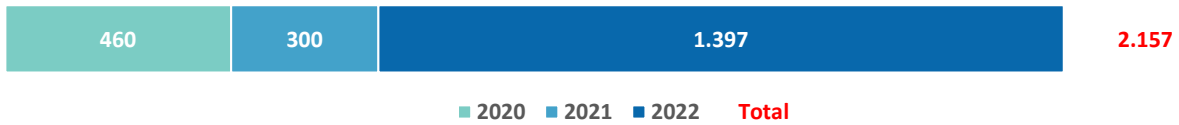
**Graph 8:** The alleged victims' s legal status in Greece



Finally, according to testimonies, the number of the alleged victims involved in 50 incidents recorded for the period 2020 - 2022, amounts to a minimum of 2157 persons. (See Graph 9)<sup>51</sup>

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

<sup>51</sup>While being interviewed for the testimony recording about an IFR, the alleged victim is required to estimate, to the nearest order of magnitude, the number of persons who were physically removed with him/her and his/her response is recorded in a special field on the Incident Recording Form. The minimum number of 2157 persons is the sum of the minimum number of persons involved in the 50 incidents, who have been physically removed along with the alleged victims, according to the latter's testimonies.



## CHAPTER 4 SPECIFIC CHARACTERISTICS OF THE RECORDINGS

### I. MODUS OPERANDI

All testimonies recorded by the Recording Mechanism present a repeatable pattern, where the organised nature and the operational characteristics of the IFRs, are clear. These characteristics fall along two axes that often interact with each other.

First comes the axe of the *gradualness (gradual, step-by-step implementation procedure)*. As it follows from the testimonies, the implementation (modus operandi) of the IFRs presents an image of stages alternation, during which the locations where the operation is conducted vary, the alleged victims often meet larger groups while transferred from the detection locations to the places of detention and subsequently to the starting points of their physical removal. Moreover, when transitioning from one stage to another, the alleged perpetrators either alternate one another or meet and become parts of larger groups of alleged perpetrators. In particular, the largest number of testimonies report that the alleged 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 guard (*detention or restriction on freedom of movement stage*) and finally they are transferred either from the detection location or the place of detention/restriction on freedom of movement, to the starting point of physical removal, where the IFR operation is completed (*physical removal stage*).

The *detection* stage is a necessary condition for the implementation of an IFR, but it is not necessarily a sufficient one.<sup>52</sup> This is the less linked stage to the chain of acts involved in an incident of IRF and it cannot be assumed in all cases, that the persons implementing it (the detectors) are fully aware of the following stages. This is more likely to be the case, in incidents during which the alleged victims were transferred to a detention facility and less likely, in those incidents during which the alleged victims were transferred to the points of their physical removal. However, whether or not the detectors were aware of all stages of an IFR or how deeply they were involved into it, an IFR can not be implemented if the stage of the alleged victims' detection has not taken place.

The *stage of informal detention or restriction on freedom of movement*, is certainly and always a part of every incident of IFR. Once the groups of the alleged victims are detected, they are not allowed to move freely and they are taken forcibly either directly to the point where their physical removal is carried out or to places of detention/restriction on freedom of movement, until the moment when their physical removal will be carried out informally, that is to say, in the absence of any identification procedure or registration of their personal data. In those cases, where the *informal detention/restriction on freedom of movement* is reported as an intermediate stage, between the stages of the alleged victims detection and the their physical removal, the operational scope and thorough procedures of the IFR incidents become apparent, given that for their implementation, the following are required: means of transport, detention places and facilities, human resources properly trained, material and technical means like weapons, communications devices, immobilising equipment etc. Additionally, in cases where the detention period lasts for hours or even days, water

<sup>52</sup> A condition is considered to be necessary but not necessarily a sufficient one, when it is necessary in order to achieve a desired result, but its presence alone does not guarantee its achievement.

and food supply is required for those informally detained, which is carried out, as indicated by some testimonies, by sharing water and food possessed by the alleged victims during the detection stage. At this stage, the perpetrators involved at the detection stage mix with the broader population of the detention place, a fact that many times, results in the formation of a group different from the one initially formed, at the detection stage.

The act of *physical removal* from the Greek territory, signalise the operational escalation of an IFR incident. For the Recording Mechanism, this stage is the milestone in the IFR incidents identification. The majority of the alleged victims, initially detected in various locations of the Greek territory and subjected to informal detention/restriction on freedom of movement, were transferred to different areas of the Greek territory, where the physical removal was carried out. Often this transfer was performed in large groups of a different composition from the initial one, at the detection stage. The incidents in which, the physical removal operation was carried out immediately after the detection of the alleged victims, were of shorter duration.

The second axe is that of the *geographical diversification*. The geographical specificities of the regions where the IFRs are being carried out, have an impact on the modus operandi of the incidents. This is clearly demonstrated in the switch of the operational characteristics of the incidents carried out through the Evros river, to the operational characteristics of the incidents carried out at sea. Testimonies in relation to incidents where the physical removal was carried out through the Evros river, indicate to a much larger extent, involvement of persons out of uniform, in comparison with testimonies in relation to incidents where the physical removal was carried out at sea. Similarly, all testimonies in relation to incidents carried out through the Evros river, reported that some of the perpetrators involved, were speaking some of the alleged victims' native languages, which is not the case at all, as far as incidents carried out at sea, are concerned.

*Geographical diversification* is demonstrated as well, in incidents where the stage of detection was implemented at sea or very near the Evros river region, when compared with incidents where the stage of detection was implemented in the mainland or in islands. In the incidents falling under the first category, the geographical diversification usually has an effect on the axe of gradualness, since according to some incidents recordings, the stage of detention/removal on freedom of movement was skipped and the IFR was carried out immediately after the detection, probably due to proximity to the border line. This had a number of consequences, like for example that the circle of persons who carried out the IFRs, was smaller and that the operations themselves were given a smaller dimension, in the sense that they were carried out in a shorter period of time and with the use of fewer material means. For these incidents to be implemented, no use of detection facilities, means of transport, water of food supply etc. were required.

Violent treatment or procedures do not consist a necessary condition for the implementation of an IFR incident. It is observed nevertheless, that they cut across every IFR incident, since they are used as tools to make the alleged victims act under compulsion or coercion, by means of threats, infliction of physical pain and subjection to inhuman or degrading treatment for the purpose of implementing successfully, all stages involved in an IFR incident.

The above shall be completed by the legal treatment of the alleged victims, which includes acts or omissions concerning the ascertainment of the alleged victims identity and their identification, the registration of their personal and other biometric data, administrative handling of their asylum applications, which attribute to the incidents of forced returns, their informal (non-formal) nature.

## II. Incidents occurred in the Evros region

Incidents reported to have taken place in the Evros region, are those during which the physical removal was carried out through the unique territorial border between Greece and Turkey, namely the Evros river. In 24 out of the 31 above mentioned incidents, the detection of the alleged victims occurred at points in the administrative district of Evros border area and in 7 incidents, the incidents occurred at points inland.

### A. Data on the detection of the alleged victims

#### *Detection locations*

The detection of the alleged victims, as resulted from the 24 recorded incidents, took place in the Evros river border, 2 recorded incidents reported the Evros river tributary area as detection location, 3 incidents indicated some islets in the riverbed, 9 incidents indicated an open or forested area in the wider border area near settlements/villages/towns, such as Asproneri, Soufli, Didimotiho, Feres and Orestiada, 10 incidents appear to have occurred in villages or towns of the wider border area, such as Orestiada, Feres, Didimotiho, Protokklisi, Himonio, Soufli and in some cases the alleged victims make reference to villages, that they are not able to identify.

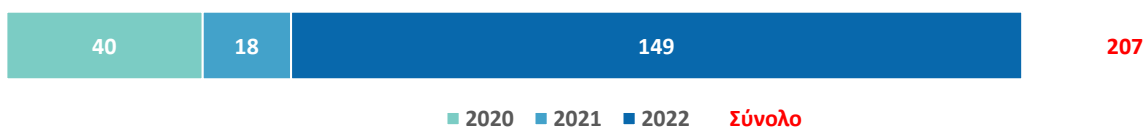
Out of the 7 recorded incidents where the detection location was inland, 2 of them indicated Alexandroupolis city as detection location, 1 is referred to Alexandroupolis' airport, 3 of them indicated Thessaloniki's city urban fabric and according to 1 incident countryside of Kavala's town, was the detection location.

In 3 recorded incidents where the detection location was inland, (in the cities of Alexandroupolis and Thessaloniki) and in 2 incidents where the detection location was in the urban areas of the border area of the administrative district of Evros (Feres and Protokklisi) testimonies by the alleged victims, reported that the detection was implemented in the presence of eyewitnesses. In none of the testimonies did the alleged victims report that the detection was implemented in the presence of eyewitnesses, in the incidents where the Evros' river tributary area or some islets in the riverbed or an open or forested area in the wider border area of the administrative district of Evros, were indicated as detection locations.

#### *ii) Number of persons detected*

According to testimonies about the 31 recorded incidents occurred in the Evros' river region, over the years 2020 to 2022, the number of the involved persons who were detected, amounts to a minimum of 207 persons (See Graph 10)<sup>53</sup> including at least 50 women and 36 children. Additionally, on the basis of the testimonies, the total number of the detected persons included, 25 persons with special needs, such as persons with medical problems, elderly people, people with disabilities, women in pregnancy or unaccompanied minors.

**Graph 10:** Minimum number of detected persons per calendar year of incident recording



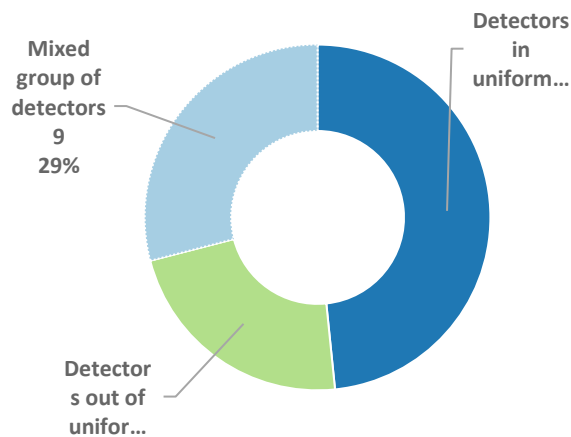
<sup>53</sup>The minimum number of 207 persons is the sum of the minimum number of persons detected along with the alleged victims, according to the latter's testimonies.

iii) *Detectors (Persons implementing the detection stage in an IFR incident)*

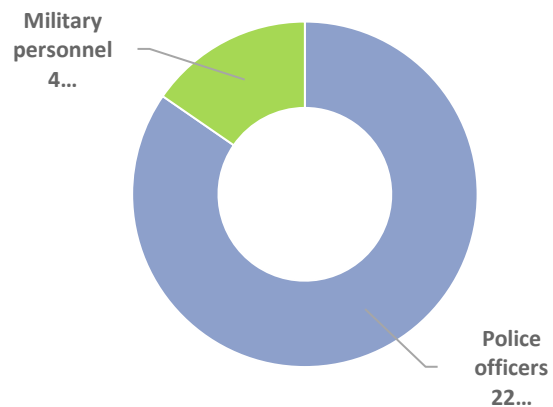
As it derives from 15 of the recorded incidents, the detection of the alleged victims was carried out by groups of people in uniform, in 7 incidents it was reported that the detectors were dressed in plain clothes (out of uniform) and 9 incidents it was reported that the detection was carried out by people of mixed groups, which means by detectors in and out of uniform. (See *Graph 11*)

According to testimonies by the alleged victims, in 22 incidents the detectors in uniform had the profile of Police officers and in 4 incidents the detectors in uniform had the profile of Military personnel. (See *Graph 12*).

**Graph 11:** Clothing of the detectors in uniform



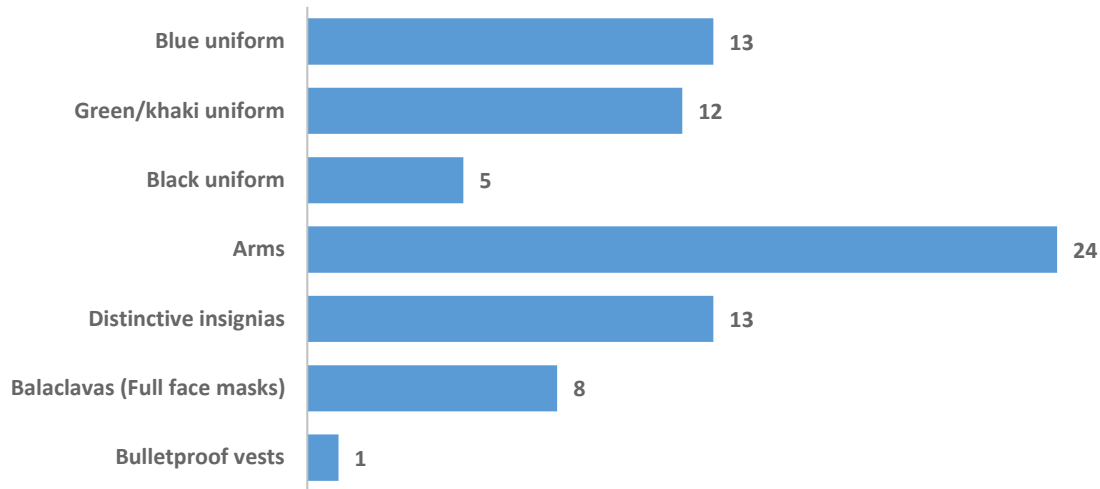
**Graph 12:** Possible professional capacity of detectors in uniform



Testimonies by the alleged victims outline the uniforms and the equipment used by the detectors in uniform.<sup>54</sup> As reported in 13 testimonies the detectors’ uniforms were blue, while 12 testimonies reported that the detectors’ uniforms were of green/khaki colour and 5 testimonies reported uniforms of black colour. In addition, 13 testimonies include references to several distinctive insignias on the detectors’ uniforms, like the word “Police”, rank insignias (stars for example) national emblems, etc. As reported in 8 testimonies, the detectors in uniform were wearing balaclavas (full face masks), 1 testimony indicated that the detectors were wearing bulletproof vests, while according to 24 testimonies, the detectors were bearing arms like bars, pistols and guns. (See *Graph 13*).

**Graph 13:** Equipment used by the detectors in uniform

<sup>54</sup>The accuracy of this information is rather limited, since impressions and memory are very much dependent on circumstances, like the time the incident occurred and the lighting level during the detection, the psychological condition of the alleged victim, his/her age, his/her level of visual ability, his/her capacity for observation, his/her educational level, the cultural environment, sex, sexual orientation and gender identity. See EUAA, EASO Practical Guide: Evidence Assessment, March 2015, p. 14 , available in: <https://euaa.europa.eu/publications/practical-guide-evidence-assessment>



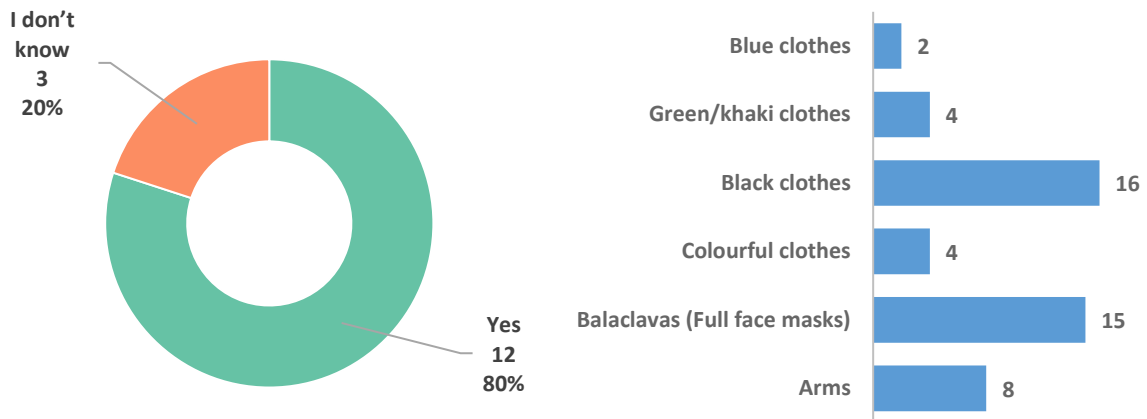
In 13 out of the 16 recorded incidents, where persons out of uniform were involved in the detection of the alleged victims, it was reported that these persons, were acting in coordination with the Authorities. The coordination between the detectors out of uniform and the Authorities, is probably based on testimonies by the alleged victims, according to which in 9 incidents their detection was carried out by a mixed group of detectors, in 2 incidents the detectors out of uniform transferred them into a place where persons in uniform were present and in 2 incidents the Authorities must have been aware of the operations of the detectors, since they took place in the Greek territory (in the Evros river border) There are also 3 incidents where the alleged victims replied that they couldn't have been aware of this information. (See *Graph 14*).

2 testimonies indicated that the detectors out of uniform, were dressed in *plain clothes*<sup>55</sup> of blue colour, 4 testimonies indicated that they were dressed in plain clothes of green/khaki colour, according to 16 testimonies the detectors out of uniform, were dressed in plain clothes of black colour and according to 4 testimonies the detectors out of uniform were dressed in colourful plain clothes. As reported in 15 testimonies, the detectors out of uniform were wearing balaclavas (full face masks), while according to 8 testimonies, the detectors were armed with rifles, bars, taser and pistols. (See: *Graph 15*).

**Graph 14:** Coordination between the detectors out of uniform and the Authorities

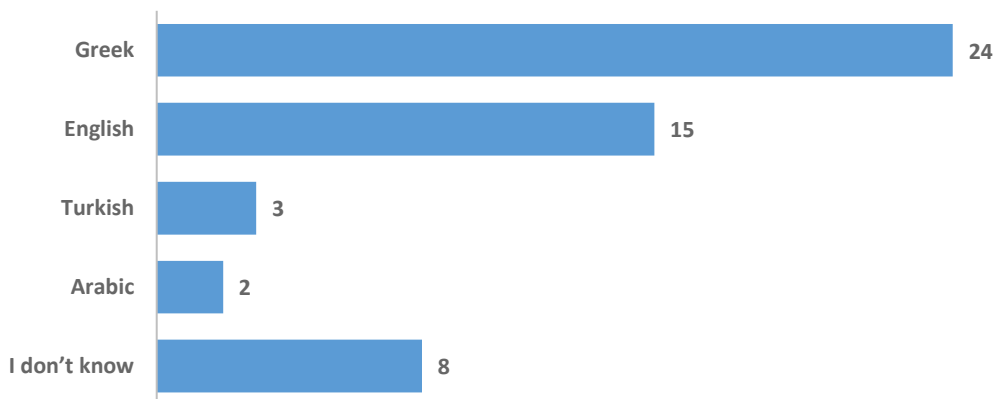
**Graph 15:** Equipment used by the detectors out of uniform

<sup>55</sup> Clothes of everyday use that are not part of a personnel uniform.



According to 8 testimonies, the alleged victims did not manage to recognise any of the languages spoken by the detectors. There were 24 testimonies reporting Greek as language spoken, 15 testimonies reporting English as such, 3 testimonies indicated Turkish and in accordance with 2 testimonies, the language spoken by the detectors were Arabic. (See *Graph 16*)

**Graph 16:** Languages spoken by the detectors



**B. Data on the detention/restriction on freedom of movement of the alleged victims.**

According to testimonies about 6 recorded incidents, the physical removal operation was carried out immediately after the detection stage, skipping the intermediate stage of the informal detention/restriction on freedom of movement. These are mainly incidents, in which the detection of the alleged victims occurred in the Evros river border (near the bank or in some islets of the Evros river).

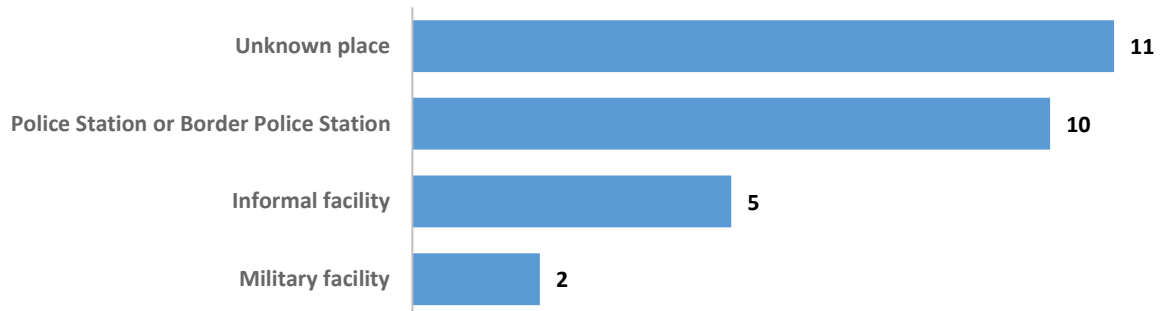
The alleged victims involved in 25 recorded incidents, testified that from the moment of their detection until the physical removal operation was carried out, several hours or even days have elapsed during which they have been subjected to informal detention/restriction on freedom of movement in specific places. Subsequently, the alleged victims were transferred to the points where the physical removal stage was implemented. In these cases, the informal detention/restriction on freedom of movement is reported as the intermediate stage of an IFR incident.

The following data relate to 25 incidents where the informal detention/restriction on freedom of movement is reported as the intermediate stage, between the detection and physical removal stages.

*i) Places of detention/restriction on freedom of movement*

Testimonies about 10 of the recorded incidents, indicated a Police Station or a Border Police Station, as the place of informal detention, 2 incidents indicated a military facility, similar to a military control area, 5 incidents indicated an informal facility, namely a building or some guarded premises originally intended for another use, without any obvious distinctive features, according to the recordings about 11 incidents the place of detention was unknown, that is to say, a place that the alleged victims did not manage to identify. (See *Graph 17*).<sup>56</sup>

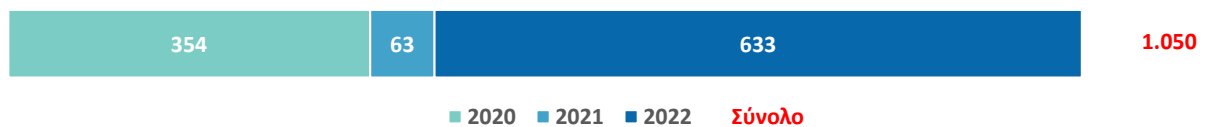
**Graph 17:** Places of informal detention/restriction on freedom of movement



*ii) Population of detainees*

According to testimonies about the 25 incidents in which the alleged victims reported that they had been placed under informal detention/restriction on freedom of movement, the number of the detainees, amounts to a minimum of 1050 persons (See *Graph 18*)<sup>57</sup> including at least 78 women and 49 children. Additionally, on the basis of testimonies, the total number of the detainees included, 13 persons with special needs, like persons with medical problems, elderly people, people with disabilities, women in pregnancy or unaccompanied minors.

**Graph 18:** Minimum number of detainees per calendar year of incident recording



*iii) Guards*

On the basis of testimonies in relation to 13 recorded incidents, the informal detention/restriction on freedom of movement of the alleged victims was imposed exclusively by groups of guards in uniform, in relation to 3 recorded incidents it was imposed exclusively by guards out of uniform and in relation

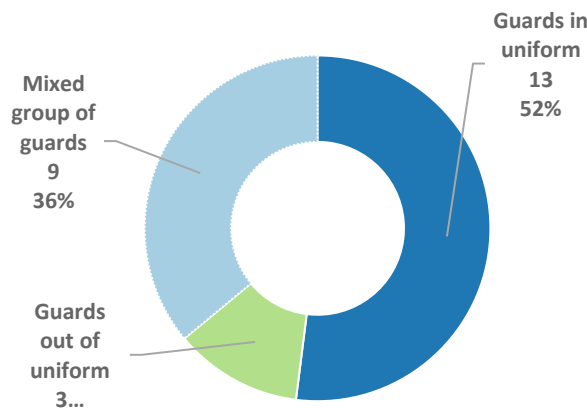
<sup>56</sup> Based on testimonies related to some incidents, the alleged victims were subjected to informal detention, successively, in more than one place.

<sup>57</sup>The minimum number of 1050 persons is the sum of the minimum number of persons reported to have been in detention along with the alleged victims involved in the 25 incidents.

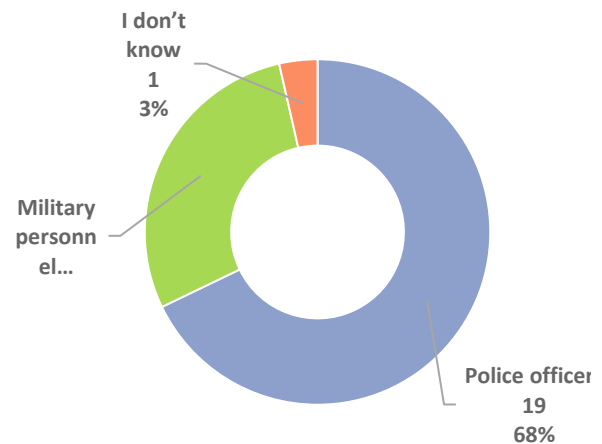
to 9 incidents by mixed groups of guards, namely by groups of guards in and out of uniform. (See Graph 19)

According to testimonies by the alleged victims, in 19 incidents the guards in uniform had the profile of Police officers, in 8 incidents the guards in uniform had the profile of Military personnel and in 1 incident the alleged victim did not manage to speculate about the professional capacity of the guards in uniform. (See Graph 20)

**Graph 19:** Clothing of guards in uniform.



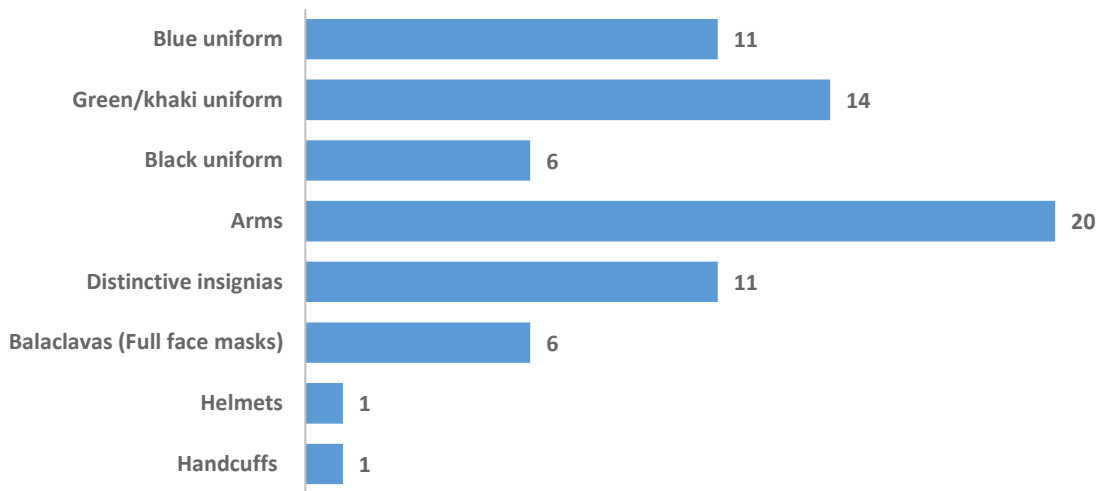
**Graph 20:** Possible professional capacity of guards in uniform



Testimonies by the alleged victims outline the uniforms and the equipment used by guards.<sup>58</sup> As reported by 11 testimonies the guards' uniforms were blue, while 14 testimonies reported that the guards were wearing green/khaki uniforms and 6 reported black guards' uniforms. In addition, 11 testimonies include references to several distinctive insignias on the guards' clothing, like the word "Police", rank insignias (stars for example) national emblems, etc. As reported in 6 testimonies, the guards in uniform were wearing balaclavas (full face masks), 1 testimony reported that the guards were wearing helmets, in 1 testimony it was reported that the guards were carrying handcuffs, while according to 20 testimonies, guards were armed with rifles, truncheons, taser, pistols and guns. (See Graph 21).

**Graph 21:** Equipment used by guards in uniform.

<sup>58</sup> See EUAA, EASO Practical Guide: Evidence Assessment, March 2015, p. 14, available in: <https://euaa.europa.eu/publications/practical-guide-evidence-assessment>

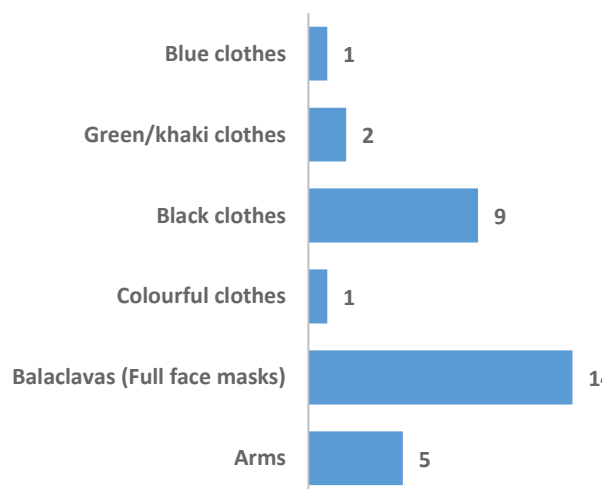
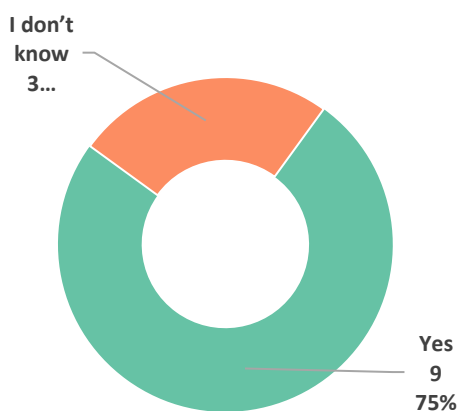


In 9 recorded incidents, testimonies by alleged victims who were guarded by guards out of uniforms, reported that there was probably a coordination between those guards and the Authorities. The coordination between the guards out of uniform and the Authorities, is probably based on testimonies by the alleged victims, according to which in 9 incidents the informal detention/restriction of movement, was carried out by mixed group of guards. There are also 3 incidents where the alleged victims replied that they couldn't decide whether the guards out of uniform were operating in cooperation with the Authorities, or not. (See *Graph 22*).

3 testimonies reported that the guards out of uniform, were wearing plain clothes of blue colour, 3 reported plain clothes of green/khaki colour, according to 9 testimonies the guards out of uniform, were wearing plain clothes of black colour and according to 3 testimonies the guards out of uniform, were wearing multicolour clothes. As reported in 14 testimonies, the guards out of uniform were wearing balaclavas (full face masks), while according to 5 testimonies, they were armed. (See *Graph 23*)

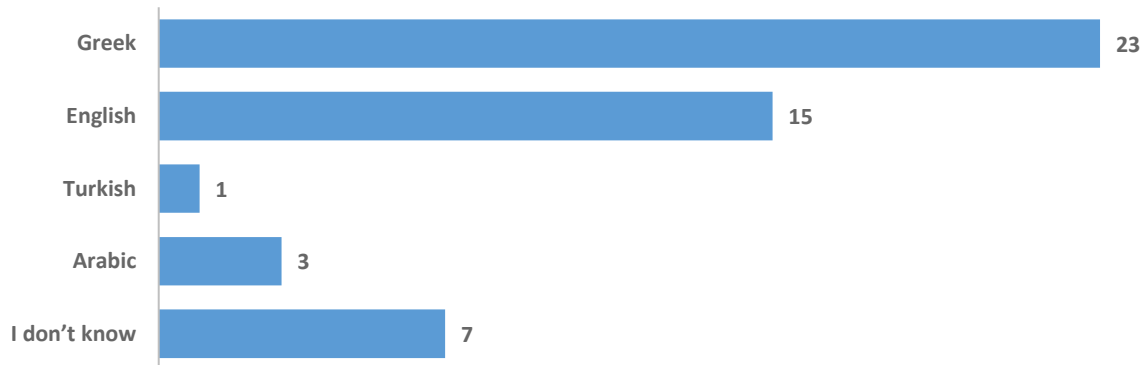
**Graph 22:** Coordination between the guards out of uniform and the Authorities

**Graph 23:** Equipment used by the guards in uniform.



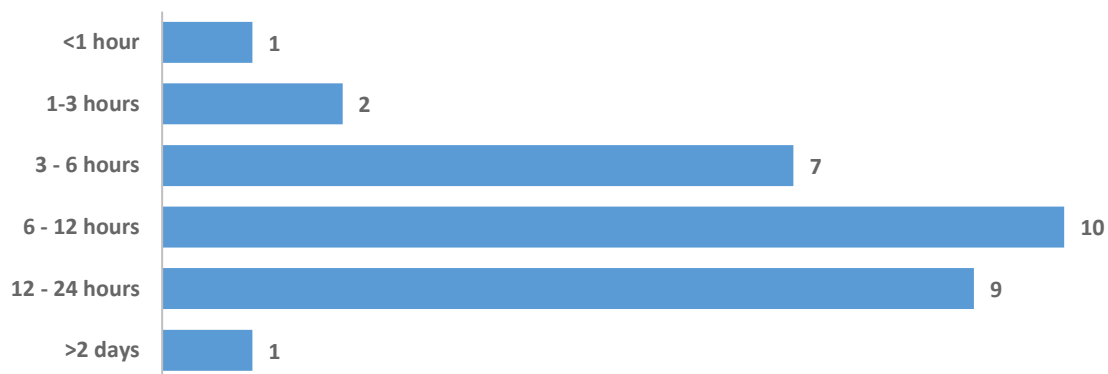
According to 7 testimonies, the alleged victims did not manage to recognise any of the languages spoken by the guards. There were 23 testimonies reporting Greek as language spoken, 15 testimonies reporting English as such, 1 testimony indicated Turkish and in accordance with 3 testimonies, the language spoken by the guards were Arabic. (See *Graph 24*)

**Graph 24:** Languages spoken by guards



The duration of the time period of the informal detention/restriction on freedom of movement, according to 1 testimony was less than an hour, according to 2 other testimonies, was 1 to 3 hours, according to 7 testimonies was 3 to 6 hours, according to 10 testimonies was 6 to 12 hours, according to 9, 12-14 hours and according to 1, the duration of the informal detention/restriction on freedom of movement, was more than 2 days. (See *Graph 25*).

**Graph 25:** Duration of the detention/restriction on freedom of movement period



### C. Data on the physical removal operation

#### *i) Starting-points of the physical removal stage*

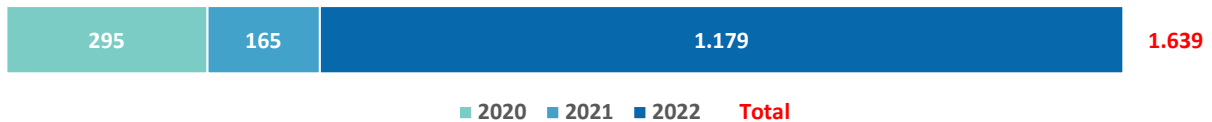
Testimonies in relation to 31 incidents, in which the detection was carried out at points inland or near the Evros river border region, reported that the physical removal was held through the Evros river.

#### *ii) Population of persons physically removed*

According to testimonies about the 31 recorded incidents occurred over the years 2020 to 2022 in the geographical area of Evros river, the number of involved persons physically removed, amounts to a

minimum of 1643 persons (See Graph 26)<sup>59</sup> including at least 137 women and 87 children. Additionally, on the basis of testimonies, the total number of the involved persons physically removed included, 63 persons having special needs, such as persons with medical problems, elderly people, people with disabilities, women in pregnancy or unaccompanied minors.

**Graph 26:** Minimum number of persons physically removed per calendar year of incident recording.

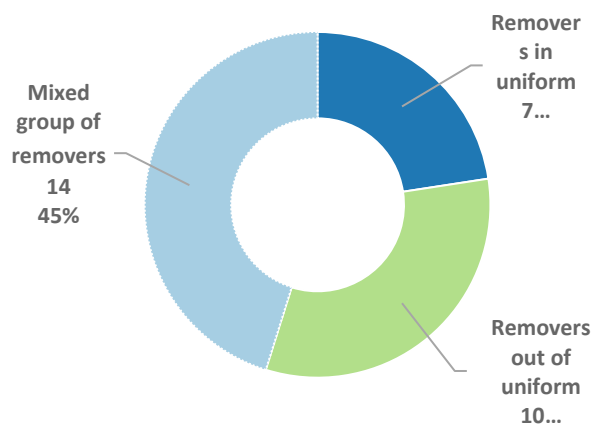


*Removers (People implementing the physical removal stage in an IFR incident)*

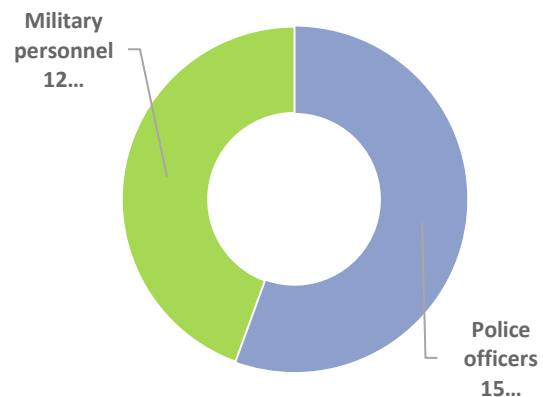
On the basis of testimonies in relation to 7 recorded incidents, the physical removal operation of the alleged victims was conducted exclusively by groups of removers in uniform, in relation to 10 recorded incidents the physical removal operation of the alleged victims was conducted exclusively by groups of removers out of uniform and in relation to 14 incidents by mixed groups of removers, namely by groups of removers in and out of uniform. (See Graph 27)

According to testimonies by the alleged victims, in 15 incidents the removers in uniform had the profile of Police officers and in 12 incidents the removers in uniform had the profile of Military personnel. (See Graph 28).

**Graph 27:** Clothing of removers in uniform



**Graph 28:** Possible professional capacity of removers in uniform



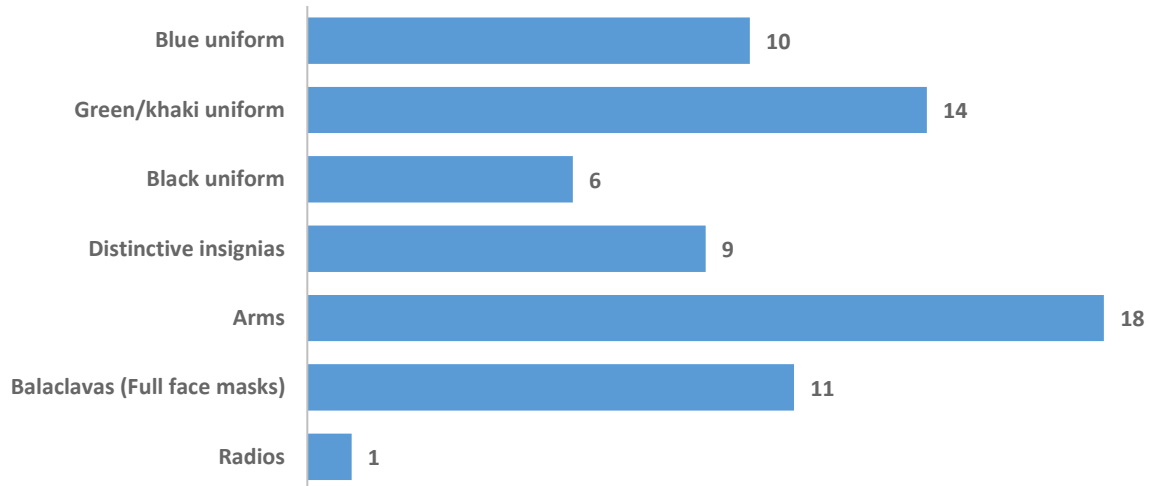
Testimonies by the alleged victims outline the uniforms and the equipment used by the removers.<sup>60</sup> As reported by 10 testimonies the removers' uniforms were of blue colour, while 14 testimonies reported that the officers were wearing green/khaki uniforms and 6 reported black removers' uniforms. In addition, 9 testimonies include references to several distinctive insignias on the detectors' uniforms, like the word "Police", rank insignias, national emblems, etc. As reported in 11 testimonies, the removers in uniform were wearing balaclavas (full face masks), according to 1 testimony the

<sup>59</sup>The minimum number of 1643 persons is the sum of the minimum number of persons physically removed along with the alleged victims, according to the latter's testimonies.

<sup>60</sup> See EUAA, EASO Practical Guide: Evidence Assessment, March 2015, p. 14, available in: <https://euaa.europa.eu/publications/practical-guide-evidence-assessment>

removers used radios, while according to 18 testimonies, the removers were armed with bars, pistols , guns and knives. (See *Graph 29*).

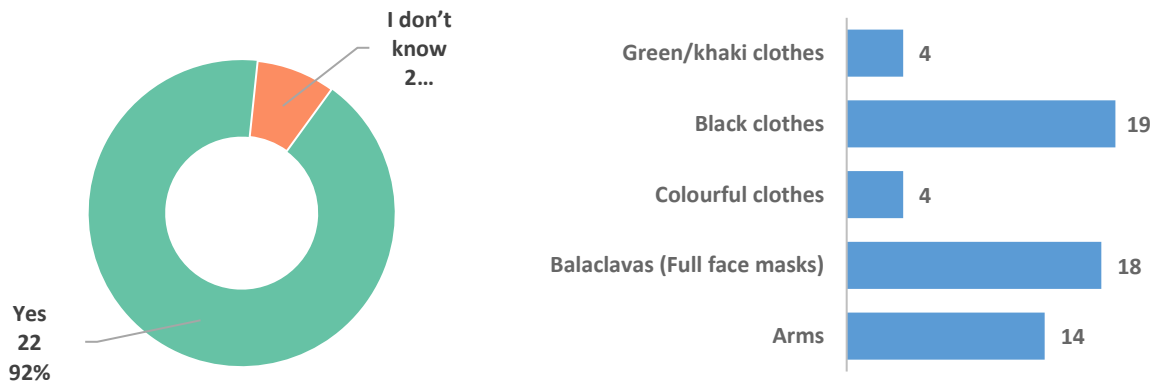
**Graph 29:** Equipment used by the removers in uniform



According to the alleged victims testimonies, in relation to 22 recorded incidents, in the physical removal operation of which, removers out of uniform were involved, there was a coordination between the removers and the Authorities. The coordination between the removers and the Authorities, is based on testimonies by the alleged victims, according to which in 14 incidents their physical removal operation was conducted by a mixed group of removers, in 2 incidents the alleged victims were transferred from the place of their informal detention, where persons in uniform were present and in 6 incidents, the Authorities must have been aware of the physical removal operations, since they took place in the Greek territory (Evros river border) There are also 2 incidents in relation to which the alleged victims replied that they couldn't decide whether the removers out of uniform were operating in cooperation with the Authorities, or not. (See *Graph 30*).

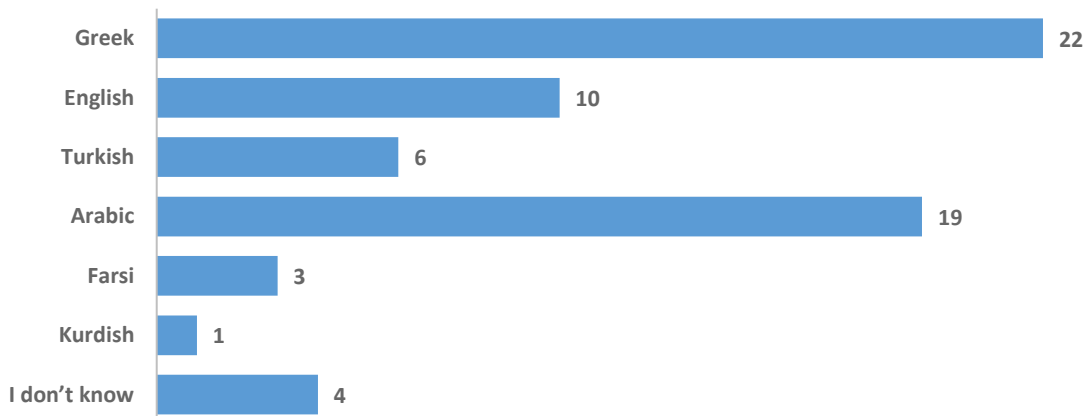
4 testimonies indicated that removers out of uniform, were wearing plain clothes of green/khaki colour, according to 19 testimonies they were wearing plain clothes of black colour and according to 4 testimonies they were wearing multicolour clothes. As reported in 18 testimonies, removers out of uniform were wearing balaclavas (full face masks),while according to 14 testimonies, the removers were armed with knives, sticks, truncheons and pistols.(26 Read more: *Graph 31*).

**Graph 30:** Coordination between the removers out of uniform and the Authorities **Graph 31:** Equipment used by the removers in uniform



According to 4 testimonies, the alleged victims did not manage to recognise any of the languages spoken by the guards. There were 22 testimonies reporting Greek as language spoken, 10 testimonies reporting English as such, according to 19 testimonies Arabic was the spoken language, 6 testimonies reported Turkish as spoken language, 3 testimonies reported Farsi, and in accordance with 1 testimony, the removers were speaking one of the Kurdish languages. (See *Graph 32*)

**Graph 32:** Languages spoken by the removers



*iv) Means of the physical removal implementation*

In testimonies regarding 30 incidents, the alleged victims reported that for their physical removal operation to be conducted, a boat was used. The alleged victim of 1 incident, reported that his/her physical removal was carried out on foot. (He/she was chased and pushed out into the river) (See: *Graph 33*).

**Graph 33:** Means of the physical removal implementation



### III. B. Incidents occurred in the Greek sea area

Incidents occurred in the sea area, are those in which the physical removal operation was conducted across sea borders. In 13 of the 19 above mentioned incidents, the detection of the alleged victims occurred at points in the sea area near a Greek island and in 6 incidents, the detection occurred at points of the Greek islands' territory.

#### A. Data on the detection of the alleged victims

##### *Detection locations*

Out of the 13 recorded incidents where the detection location was in the sea area near a Greek island, 6 reported the sea area near Lesbos island as the detection location, 3 reported the sea area near Kos island, 1 reported the sea area near Chios island, 1 reported the sea area near Samos island, 1 reported the sea area near Crete island, and 1 reported the Strait of Kassos, which is the sea area between the islands of Kassos and Karpathos.

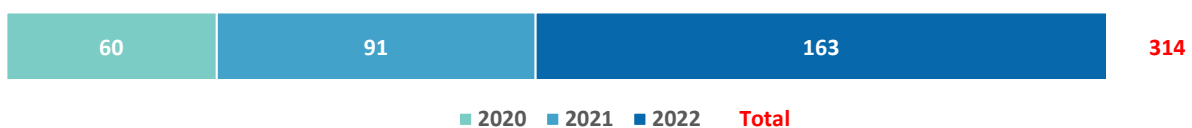
Out of the 6 recorded incidents where the detection location was in the territory of a Greek island, 3 reported Kos island as the detection location, 2 reported Lesbos island, 1 reported Rodos island.

The alleged victims of 2 recorded incidents, where the detection location occurred in the territory of a Greek island (Lesbos and Kos), reported that their detection occurred in the presence of eyewitnesses. In none of the testimonies in relation to incidents where the detection location occurred in the Greek sea area, did the alleged victims report that their detection occurred in the presence of eyewitnesses.

##### *ii) Population of persons detected*

According to testimonies about the 19 recorded incidents occurred in the Greek sea area, over the years 2020 to 2022, the number of the involved persons who were detected, amounts to a minimum of 314 persons (See Graph 34)<sup>61</sup> including at least 82 women and 118 children. Additionally, on the basis of the testimonies, the total number of the detected persons included, 29 persons with special needs, such as persons with medical problems, elderly people, people with disabilities, women in pregnancy or unaccompanied minors.

**Graph 34:** Minimum number of detected persons per calendar year of incident recording



##### *iii) Detectors (Persons implementing the detection stage in an IFR incident)*

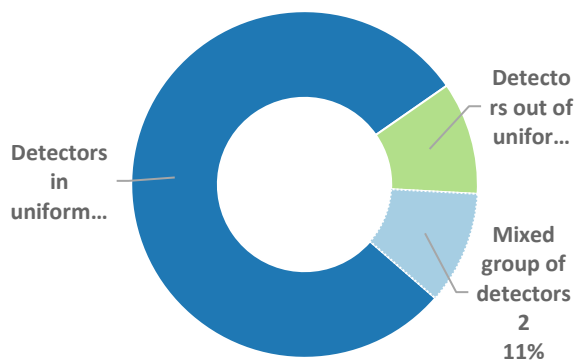
15 of the recorded incidents, reported that the detection of the alleged victims was carried out exclusively by groups of people in uniform, 2 incidents reported that the detection of the alleged victims was carried out exclusively by groups of people out of uniform and 2 incidents reported that the detection was carried out by mixed groups of detectors, namely by groups of detectors in uniform and out of uniform. (See Graph 35)

According to testimonies by the alleged victims, in 10 incidents the detectors in uniform had the profile of Police officers, in 3 incidents the detectors in uniform had the profile of Military personnel and in 1 incident the detectors in uniform had the profile of Frontex agents. According to testimonies by the

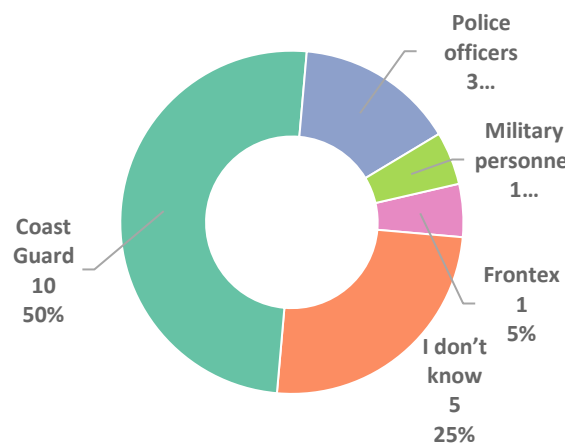
<sup>61</sup>The minimum number of 314 persons is the sum of the minimum number of persons detected along with the alleged victims, according to the latter's testimonies.

alleged victims, in 5 incidents the alleged victim did not manage to speculate about the professional capacity of the detectors in uniform. (See *Graph 36*)

**Graph 35:** Clothing of the detectors in uniform



**Graph 36:** Possible professional capacity of the detectors in uniform

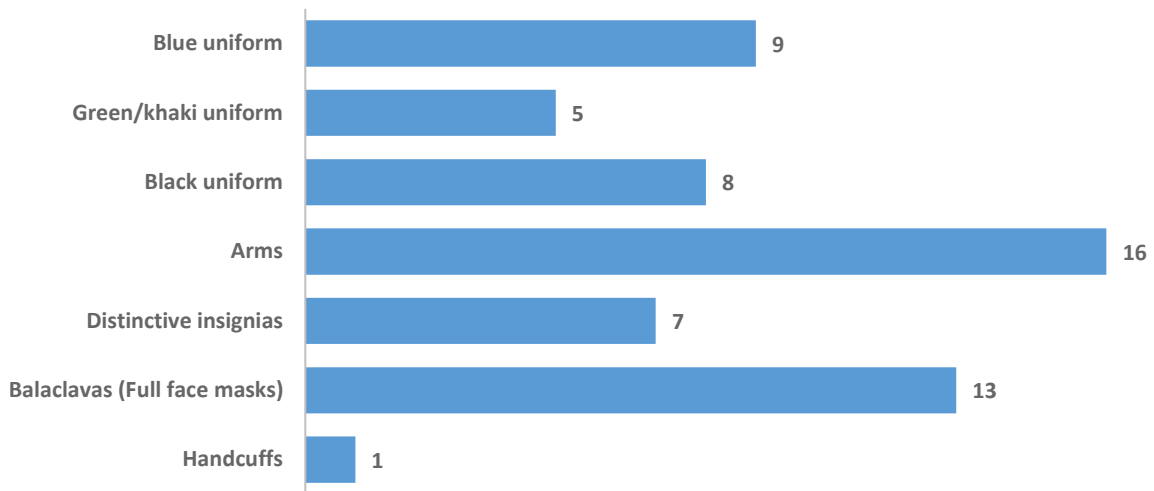


Testimonies by the alleged victims outline the uniforms and the equipment used by the detectors in uniform. <sup>62</sup> As reported in 9 testimonies the detectors' uniforms were blue, while 5 testimonies reported that the detectors' uniforms were of green/khaki colour and 8 testimonies reported uniforms of black colour. In addition, 7 testimonies include references to several distinctive insignias on the guards' uniforms, such as the word "Police", rank insignias, national emblems, etc. As testimonies about 13 incidents reported, the detectors in uniform were wearing balaclavas (full face masks) while testimonies about 16 incidents reported that the detectors were armed with pistols, rifles, knives and truncheons and in one incident it was reported that the detectors were carrying handcuffs.

(See *Graph 37*).

**Graph 37:** Equipment used by the detectors in uniform

<sup>62</sup> See EUAA, EASO Practical Guide: Evidence Assessment, March 2015, p. 14, available in: <https://euaa.europa.eu/publications/practical-guide-evidence-assessment>

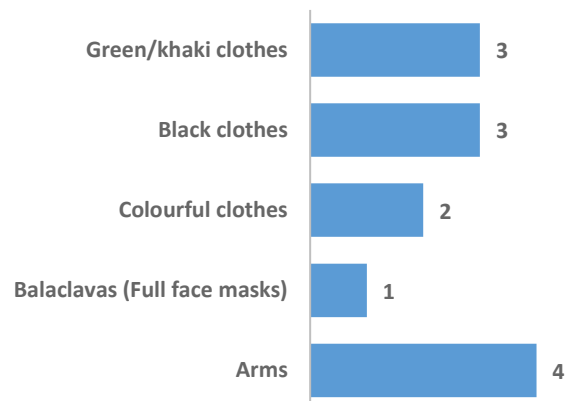
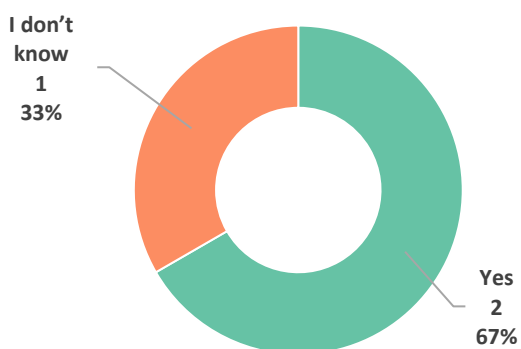


In 2 recorded incidents, where detectors out of uniform were involved in the detection of the alleged victims, it was reported that these persons, were likely operating in coordination with the Authorities (See *Graph 38*). The coordination between the detectors out of uniform the Authorities, is probably based on testimonies by the alleged victims, according to which the detection occurred by mixed group of the detectors. There is also 1 incident in which the alleged victim replied that he/she couldn't decide whether the guards out of uniform were operating in cooperation with the Authorities, or not.

3 testimonies reported that the detectors out of uniform, were dressed in *plain clothes*<sup>63</sup> of green/khaki colour, according to 3 testimonies they were dressed in plain clothes of black colour and according to 2 testimonies they were dressed in multicolour clothes. As reported in 1 testimony, the detectors out of uniform were wearing balaclavas (full face masks), while according to 4 testimonies, they were armed with pistols. (See *Graph 39*)

**Graph 38:** Coordination between the detectors out of uniform and the Authorities

**Graph 39:** Equipment used by the detectors out of uniform



According to 2 testimonies, the alleged victims did not manage to recognise any of the languages spoken by the detectors. There were 15 testimonies reporting Greek as language spoken, 10

<sup>63</sup> Clothes of everyday use that are not part of a personnel uniform.

testimonies reporting English as such, 1 testimony indicated Turkish and in accordance with 1 testimony, the language spoken by the detectors were French. (See *Graph 40*)

**Graph 40:** Languages spoken by the detectors



**B. Data on the detention/restriction on freedom of movement of the alleged victims.**

In relation to 10 recorded incidents, the alleged victims' testimonies reported that the physical removal operation was carried out immediately after the detection stage, skipping the intermediate stage of the informal detention/restriction on freedom of movement. These were the cases in which the alleged victims' testimonies, indicated the sea area near the Greek islands' territory, (Lesvos, Kos, Chios, Kasos/Karpathos) as the detection location.

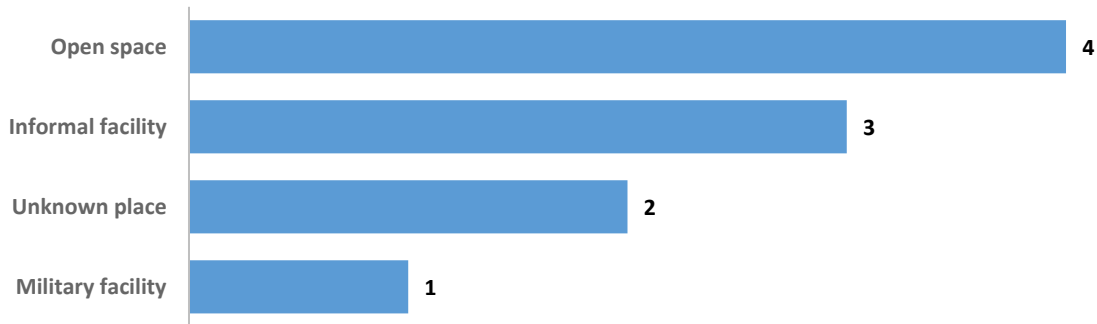
The alleged victims involved in 9 recorded incidents, testified that they were initially transferred from the location of their detection to specific places, where they were subjected to informal detention/restriction on freedom of movement. The duration of their informal detention/restriction on freedom of movement, was several hours or even days. Subsequently, the alleged victims were transferred to the points where the physical removal stage was implemented. In these cases, the informal detention/restriction on freedom of movement is reported as the intermediate stage of an IFR incident.

The following data relate to 9 incidents where the informal detention/restriction on freedom of movement is reported as the intermediate stage, between the detection and physical removal stages.

*i) Places of detention/restriction on freedom of movement*

In relation to 4 incidents, the alleged victims testified that they were subjected to informal detention/restriction on freedom of movement in an open space, in relation to 3 incidents, the alleged victims reported that were subjected to informal detention/restriction on freedom of movement in an informal facility, namely a building or some guarded premises originally intended for another use, without any obvious distinctive characteristics, according to testimonies in relation to 2 incidents the place was unknown, that is to say a place that the alleged victims did not manage to identify and according to the recording of 1 incident the alleged victim(s) was/were subjected to successive detention/restriction on freedom of movement in a facility, resembling military facility, namely a military control area. (See *Graph 41*)

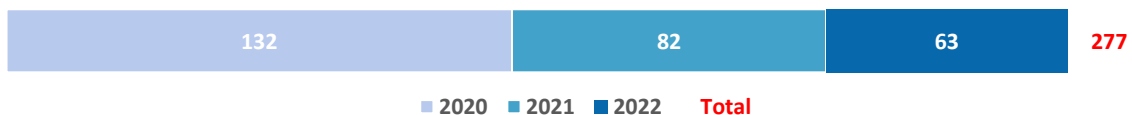
**Graph 41:** Places of informal detention/restriction on freedom of movement



ii) *Population of detainees*

According to testimonies about the 9 incidents in which the alleged victims reported that they were placed under informal detention/restriction on freedom of movement, the number of the detainees, amounts to a minimum of 277 persons (See Graph 42)<sup>64</sup> including at least 45 women and 49 children. Additionally, on the basis of testimonies, the total number of the detainees included, 27 persons with special needs, like persons with medical problems, elderly people, people with disabilities, women in pregnancy or unaccompanied minors.

**Graph 42:** Minimum number of detainees per calendar year of incident recording



iii) *Guards*

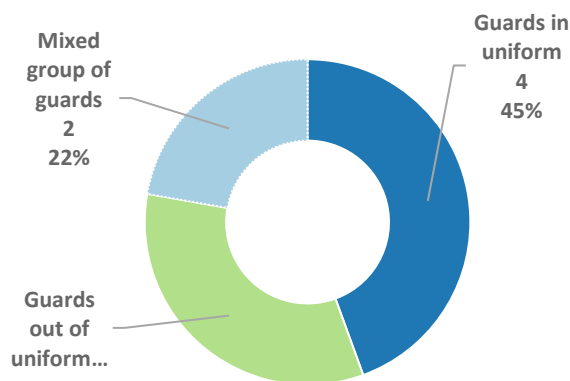
On the basis of testimonies in relation to 4 recorded incidents, the informal detention/restriction on freedom of movement of the alleged victims was imposed exclusively by groups of guards in uniform, in relation to 3 recorded incidents testimonies reported that it was imposed exclusively by guards out of uniform and in relation to 2 incidents testimonies reported that it was imposed by mixed groups of guards, namely by groups of guards in and out of uniform. (See Graph 43)

According to testimonies by the alleged victims, in 3 incidents the guards in uniform had the profile of Coast Guard personnel, while in 3 incident the alleged victim did not manage to speculate about the professional capacity of the guards in uniform. (See Graph 44)

**Graph 43:** Clothing of guards in uniform.

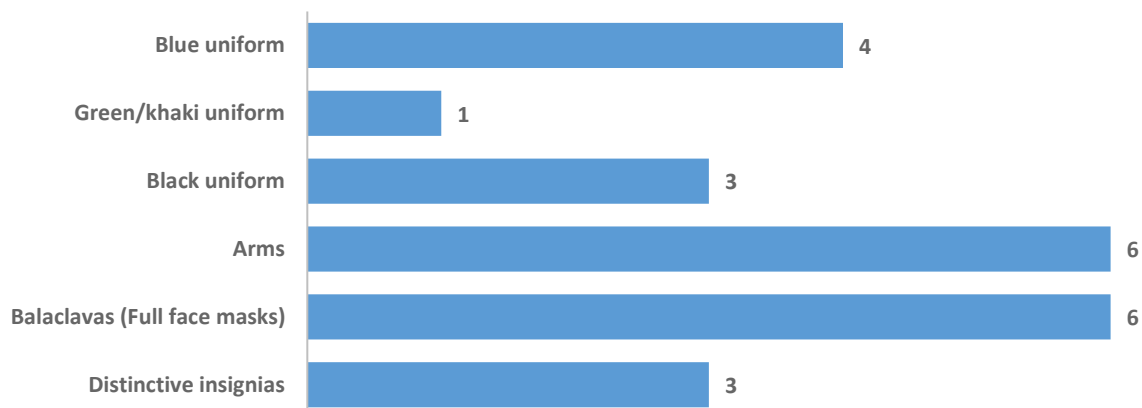
**Graph 44:** Possible professional capacity of guards in uniform

<sup>64</sup>The minimum number of 277 persons is the sum of the minimum number of persons reported to have been in detention along with the alleged victims involved in the 9 incidents.



Testimonies by the alleged victims outline the uniforms and the equipment used by guards.<sup>65</sup> As reported by 4 testimonies the guards' uniforms were blue, in 1 testimony it was reported that the officers were wearing green/khaki uniforms and 3 reported black officers' uniforms. In addition, 3 testimonies include references to several distinctive insignias on the guards' uniforms, like the Greek flag, emblem featuring an anchor, etc. As reported in 6 testimonies, the guards in uniform were wearing balaclavas (full face masks), while according to 6 testimonies, they were carrying weapons, like pistols, machine-guns and truncheons. (See *Graph 45*)

**Graph 45:** Equipment used by guards in uniform.



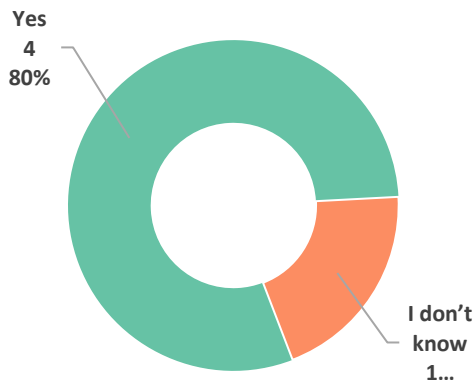
In 4 recorded incidents, testimonies by alleged victims who were guarded by guards out of uniforms, reported that there was probably a coordination between those guards and the Authorities. The coordination between the guards out of uniform the Authorities, is probably based on testimonies by the alleged victims, according to which in 2 incidents the informal detention/restriction of movement, was carried out by mixed group of guards and in 2 incidents the detainees surrendered themselves to the removers. There is also 1 incident in which the alleged victim replied that he/she couldn't decide whether the guards out of uniform were operating in cooperation with the Authorities, or not. (See *Graph 46*).

2 testimonies reported that the guards out of uniform, were dressed in plain clothes of blue colour, 1 testimony reported that the guards out of uniform, were dressed in plain clothes of green/khaki

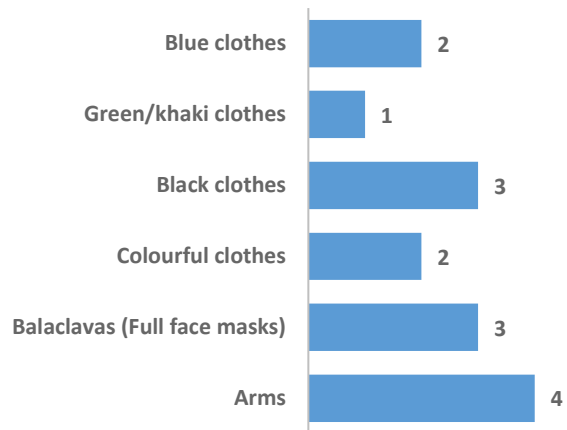
<sup>65</sup> See EUAA, EASO Practical Guide: Evidence Assessment, March 2015, p. 14, available in: <https://euaa.europa.eu/publications/practical-guide-evidence-assessment>

colour, according to 3 testimonies the guards out of uniform, were dressed in plain clothes of black colour and according to 2 testimonies, the guards out of uniform were dressed in multicolour clothes. As reported in 3 testimonies, the guards out of uniform were wearing balaclavas (full face masks), while according to 4 testimonies, they were armed. (See *Graph 47*).

**Graph 46:** Coordination between the guards out of uniform and the Authorities

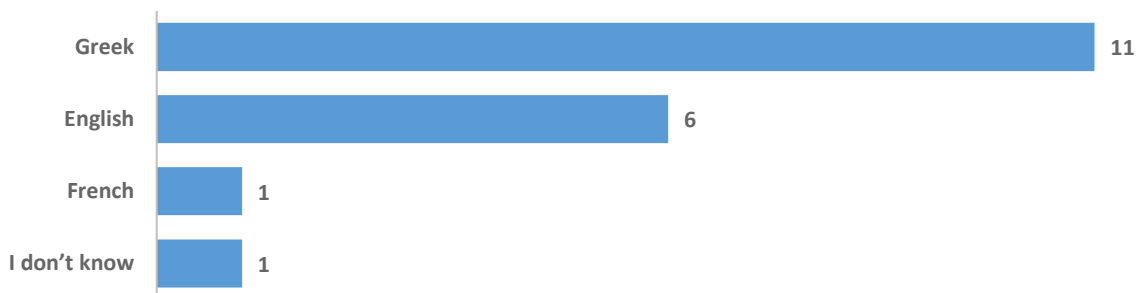


**Graph 47:** Equipment used by the guards in uniform.



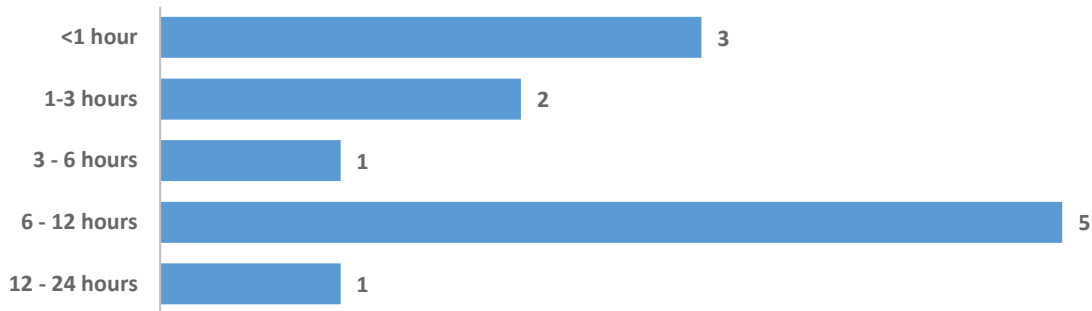
According to 1 testimony, the alleged victim(s) did not manage to recognise any of the languages spoken by the guards. There were 11 testimonies reporting Greek as language spoken, 6 testimonies reporting English as such and in accordance with 1 testimony, the language spoken by the guards were French. (See *Graph 48*)

**Graph 48:** Languages spoken by guards



The duration of the time period of the informal detention/restriction on freedom of movement, according to 3 testimonies by the alleged victims, was less than an hour, according to 2 testimonies, this duration was 1 to 3 hours, according to 1 testimony this duration was 3 to 6 hours, according to 5 testimonies this duration was 6 to 12 hours, according and according to 1 testimony, this duration was 12-14 hours. (See *Graph 49*).

**Graph 49:** Duration of the detention/restriction on freedom of movement period



### C. Data on the physical removal operation

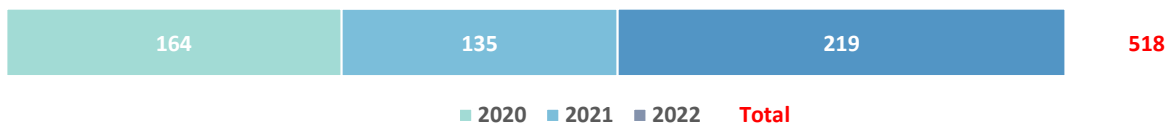
#### i) Starting-points of the physical removal stage

According to testimonies about 19 incidents where the detection location was in the sea area near a Greek island or in the territory of Greek islands, the physical removal operation occurred at sea

#### ii) Population of persons physically removed

According to testimonies about the 19 recorded incidents occurred in the Greek sea area, over the years 2020 to 2022, the number of the involved persons who were detected, amounts to a minimum of 518 persons (See Graph 50)<sup>66</sup> including at least 77 women and 118 children. Additionally, on the basis of testimonies, the total number of the involved persons physically removed included, 40 persons having special needs, such as persons with medical problems, elderly people, people with disabilities, women in pregnancy or unaccompanied minors.

**Graph 50:** Minimum number of persons physically removed per calendar year of incident recording.



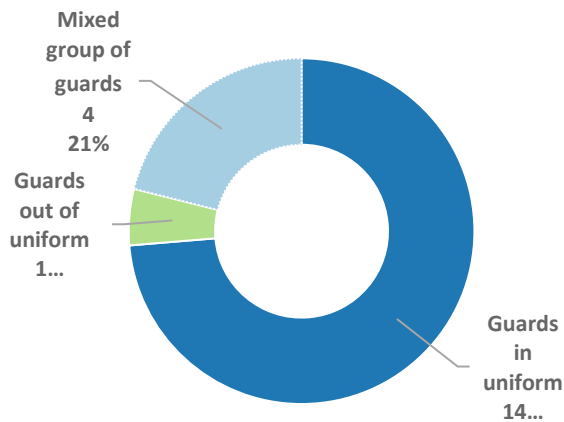
#### Removers (People implementing the physical removal stage in an IFR incident)

On the basis of testimonies in relation to 14 recorded incidents, the physical removal operation of the alleged victims was conducted exclusively by groups of removers in uniform, in relation to 1 recorded incident the physical removal operation of the alleged victims was conducted exclusively by groups of removers out of uniform and in relation to 4 incidents, by mixed groups of removers, namely by groups of removers in and out of uniform. (See Graph 51)

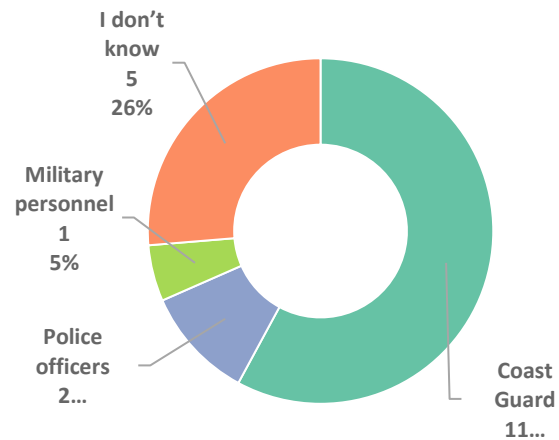
According to testimonies by the alleged victims about 11 incidents, the removers in uniform had the profile of Coastguard staff, in 2 incidents the removers had the profile of Police officers, in 1 incident they had the profile of Military personnel, while in 5 incidents the alleged victims did not manage to speculate about the professional capacity of the guards in removers. (See Graph 52)

<sup>66</sup>The minimum number of 518 persons is the sum of the minimum number of persons physically removed along with the alleged victims, according to the latter's testimonies.

**Graph 51:** Equipment used by the removers in uniform

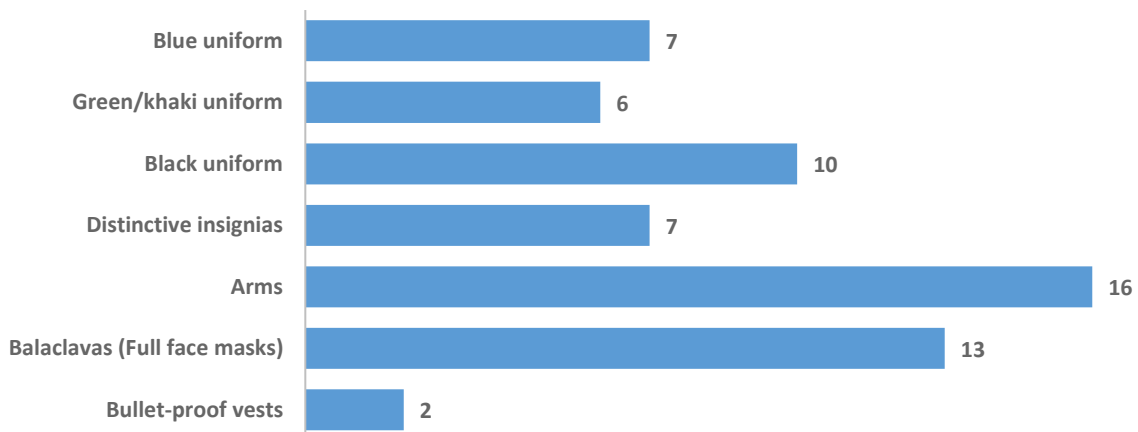


**Graph 52:** Possible professional capacity of removers in uniform



Testimonies by the alleged victims outline the uniforms and the equipment used by the removers.<sup>67</sup> As reported by 7 testimonies the removers' uniforms were of blue colour, while 6 testimonies reported that the officers were wearing green/khaki uniforms and 10 reported black removers' uniforms. In addition, 7 testimonies include references to several distinctive insignias on the detectors' uniforms, like the word "Police", rank insignias national emblems, etc. As reported in 13 testimonies, the removers in uniform were wearing balaclavas (full face masks), 2 testimonies reported that the removers were wearing bulletproof vests, while according to 16 testimonies, the removers were carrying weapons like machine-guns, pistols, truncheons and knives. (See Graph 53)<sup>1</sup>

**Graph 53:** Equipment used by the removers in uniform



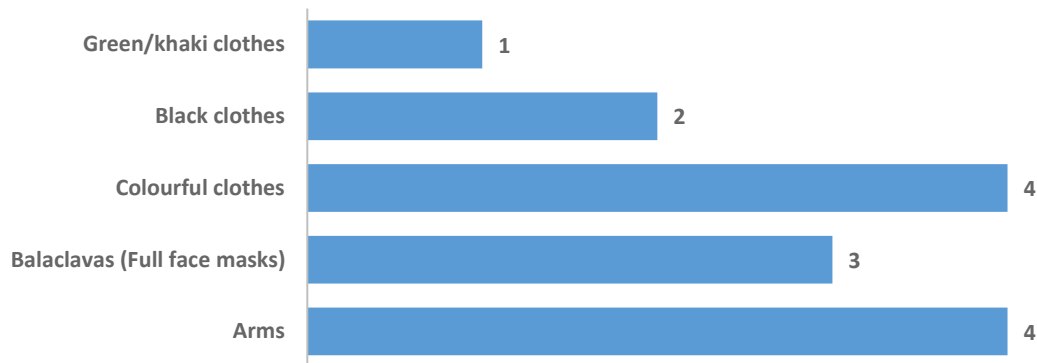
According to the alleged victims' testimonies, in relation to 5 recorded incidents, in the physical removal operation of which, removers out of uniform were involved, there was a coordination between the removers and the Authorities. The coordination between the removers out of uniform and the Authorities, is probably based on testimonies by the alleged victims, according to which in 4

See EUAA, EASO Practical Guide: Evidence Assessment, March 2015, p. 14, available in: <https://euaa.europa.eu/publications/practical-guide-evidence-assessment>

incidents their physical removal was conducted by a mixed group of removers and in 1 incident the alleged victims were detected by detectors in uniform who had the profile of Police officers.

In 1 testimony it was reported that the removers out of uniform, were dressed in plain clothes of green/khaki colour, according to 2 testimonies they were dressed in plain clothes of black colour and according to 4 testimonies they were dressed in multicolour clothes. As reported in 3 testimonies, the removers out of uniform were wearing balaclavas (full face masks), while according to 4 testimonies, they were armed. (See *Graph 54*)

**Graph 54:** Equipment used by the removers out of uniform



According to 3 testimonies, the alleged victims did not manage to recognise any of the languages spoken by the guards. There were 15 testimonies reporting Greek as language spoken and 12 testimonies reporting English as such. (See *Graph 55*)

**Graph 55:** Languages spoken by the removers

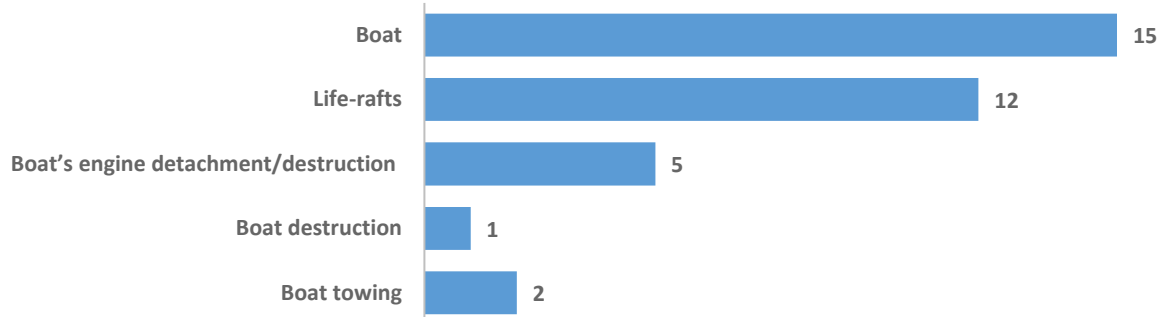


*iv) Means contributing to the physical removal implementation*

In testimonies regarding 15 incidents, the alleged victims reported that for their physical removal operation to be conducted, a boat was used. In testimonies regarding 12 incidents, the alleged victims reported that life-rafts, were used during their physical removal. According to testimonies referred to 5 incidents, where the alleged victims were detected on boats in the sea area near the Greek islands, it was reported that the removers detached or destroyed the engines and testimony/ies about 1 incident, reported that the boat was destroyed.

In relation to 2 incidents, testimonies reported that the removers towed the boat the alleged victims were in. (See *Graph 56:*)

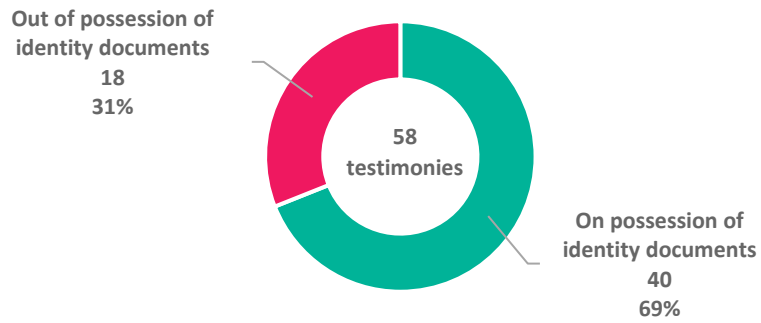
**Graph 56:** Means contributing to the physical removal implementation



#### IV. C. Informality Indexes

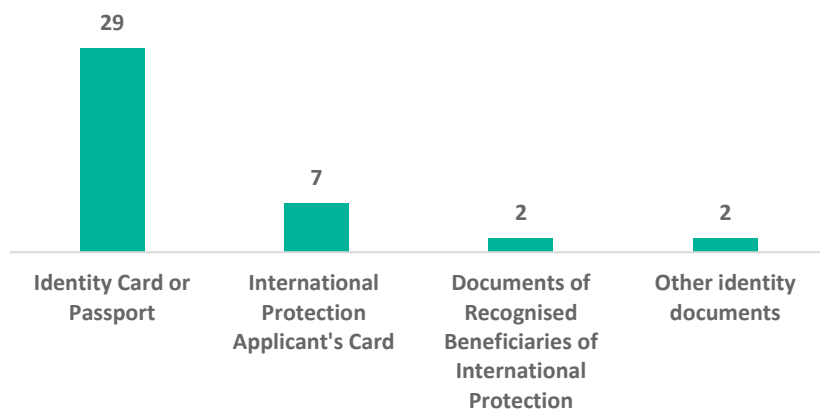
The Recording Form used by the Recording Mechanism shall record testimonies by the alleged victims, concerning their legal treatment as early as the detection stage and up to the final stage of their physical removal. Legal treatment includes a series of practices, related to the alleged victim's actions as well as to any acts or omissions on the part of the Authorities, formulating and attributing, a total of indicators related to the informality of the recorded incidents of forced returns.

More specifically, the Recording Form shall collect information on whether the alleged victims whose testimony is being recorded, were in possession of any identity documents, whether they disclosed that they were in such possession and whether these documents were seized or destroyed. Moreover, the Recording Form shall collect information on whether the alleged victims expressed their intention to apply for international protection, whether they were asked a relevant question by the competent Authorities and whether they were informed about their rights in a language they could understand, whether their personal data were registered, whether they were fingerprinted and photographed, and whether they signed any document, the content of which was explained to them in an intelligible language, or if such a document was provided to them.

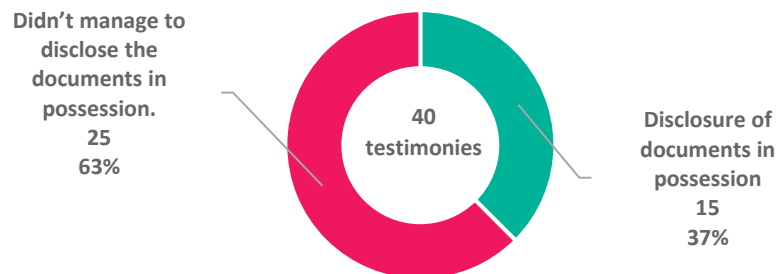


Possession of identity documents

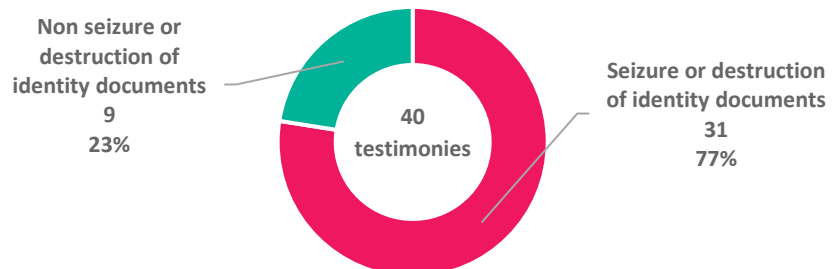
Identity documents



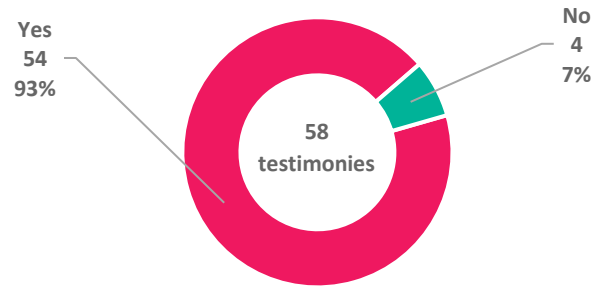
Disclosure of documents in possession



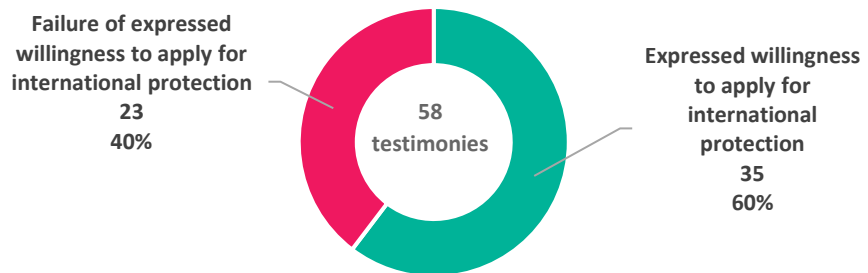
Seizure/destruction of identity documents



**Deprivation of personal belongings**



**Expressed willingness to apply for International Protection**



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

There are 57 **testimonies** reporting that the alleged victims were not asked at any stage of the incident to express their possible will to apply for international protection, while in cases where the alleged victims were beneficiaries of international protection in Greece or registered asylum seekers, their status was not taken into account. Only in 1 **testimony** the alleged victim (whose country of origin is Turkey) reported that he/she was asked by the Authorities to express his/her will to apply for international protection, without any follow-up on the part of the Authorities to his request though, like capturing of biometric data, registration of personal data and conducting interviews.

**Provision of information**

In **none of the testimonies** did the alleged victims report to have being provided with any information about their rights by the competent authorities, in an intelligible language.

**Registration/Fingerprinting**

In none of the testimonies did the alleged victims report any registration of their personal data or fingerprinting by the competent Authorities.

**Photographs**

In none of the testimonies did the alleged victims report to have been officially photographed by the competed Authorities. In **9 testimonies** the alleged victims reported that they were unofficially photographed by the alleged perpetrators involved in the incident i.e., by using mobile phones.

**Adding signature on a document/Provision of a document**

In **none of the testimonies** did the alleged victims mention that they were provided with an official administrative document or that they have signed any such document.

## V. Human Rights Violations

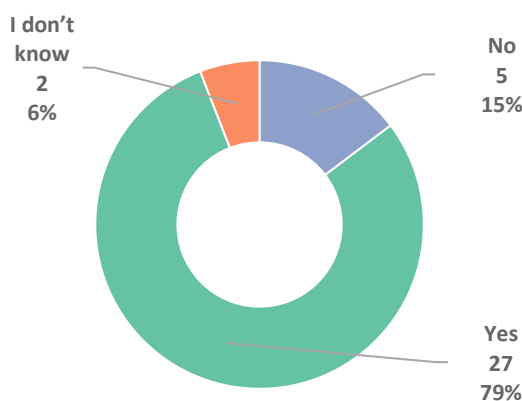
The IFR operations are leading to fundamental human rights violations, which in most cases are connected to severe criminal offences. It should also be pointed out, that a great number of these violations are committed against minor children, women, elderly people and other categories of vulnerable persons.

More specifically, the alleged victims involved in the IFR incidents recorded by the Recording Mechanism, have reported acts related to 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*) and may constitute criminal offences according to Greek Law and in particular to the following Articles of the Greek Penal Code: 333 (*threat*), 330 (*unlawful violence*), 137A, par.4 (*torture and other violations of human dignity*), 322 par.1 (*abduction*), 322, par.2 (*enforced disappearance*), 306 (*risk exposure*), 307 (*failure to assist a person in danger*), 277 (*causing a shipwreck*), 308-312 and 314 (*personal injuries*) and 302 or 299 (*homicide*).

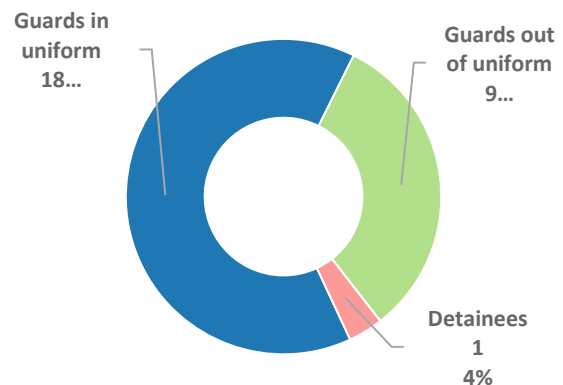
In particular, testimonies about 27 out of the 34 recorded incidents, where the alleged victims reported to have been subjected to the intermediate stage, between the detection and the physical removal stages, of informal detention/restriction on freedom of liberty, reported use of violence against them, 5 testimonies did not report any use of violence and 2 testimonies reported that the alleged victims were not aware whether any acts of violence occurred during the stage of informal detention/restriction on freedom of movement, or not. (See Graph 57). Testimonies reveal all forms of physical violence, verbal abuse, bullying and threats, as well as deprivation or destruction of money and other personal belongings, connected to offences against foreign ownership, appropriate to the circumstances, as violation of Article 372 of the GPC (*theft*), Article 381 of the GPC (*damage foreign ownership*) and Article 380 of the GPC (*robbery*).

The alleged victims involved in 18 incidents, testified that guards in uniforms used violence during the detention/restriction on freedom of movement stage, the alleged victims involved in 9 incidents reported that they had been subjected to acts of violence by guards out of uniform and testimony/ies in relation to 1 incident reported acts of violence by other detainees. (See Graph 58)

**Graph 57:** Use of violence during the informal detention



**Graph 58:** Perpetrators of violence during the detention/restriction on freedom of movement stage



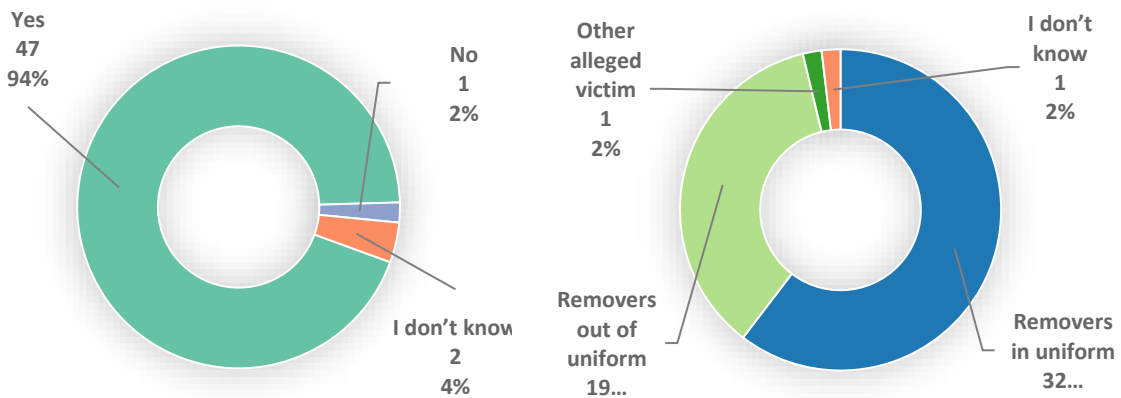
Additionally, according to testimonies by the alleged victims involved in 18 incidents, some of the persons under guard, were in need of medical care, but none of them was provided with a proper one, neither was transferred to a hospital, a medical centre or another health care facility.

There are testimonies about 47 incidents, reporting use of violence during the physical removal stage, either against the persons who gave the testimonies or against other members of the group subjected to IFRs, while according to testimony/ies about 1 incident, no use of violence was reported. There are also testimonies in relation to 2 incidents, where the alleged victims claimed that they were not aware if any violence was used during the physical removal stage. (See *Graph 59*)

Testimonies by the alleged victims involved in 32 incidents, reported that removers in uniform used violence, the alleged victim of violence involved in 1 incident, did not manage to recognise the alleged perpetrators and the alleged victim involved in 1 incident, reported that the person who used of violence, was among those who were physically removed. (See *Graph 60*)

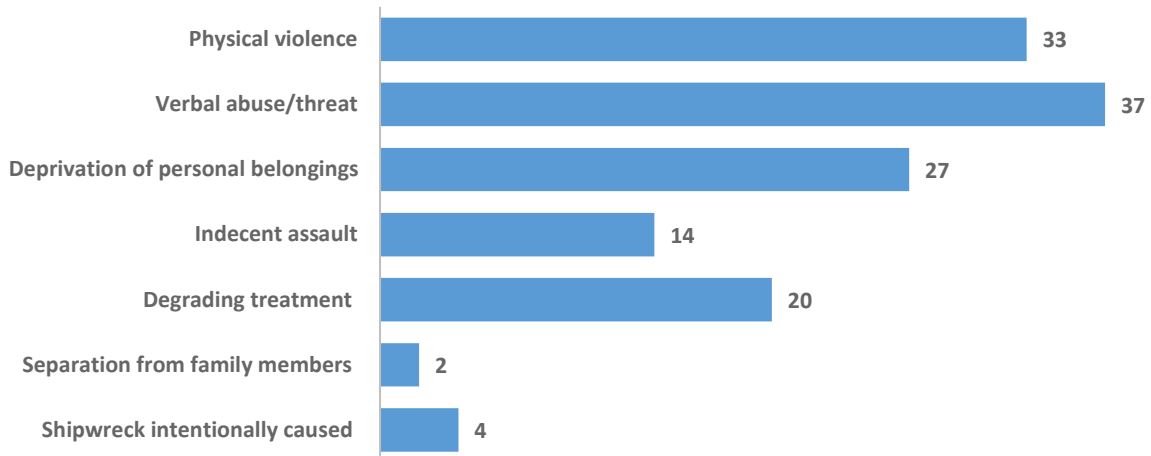
**Graph 59:** Reported use of violence during the removal stage

**Graph 60:** Alleged perpetrators of violence during the physical removal stage



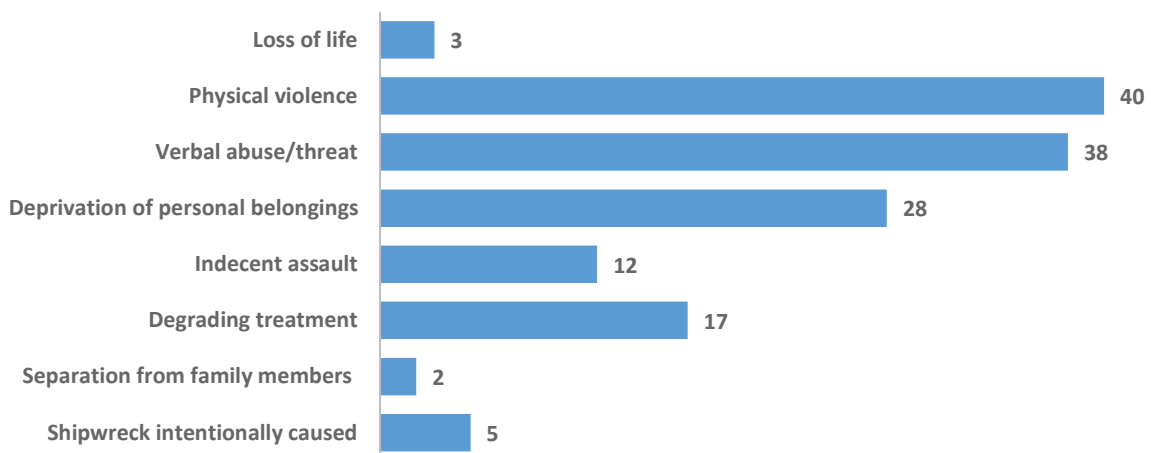
In 33 testimonies the alleged victims, reported that they suffered physical violence during the physical removal stage, 37 testimonies reported use of verbal abuse, 27 testimonies reported deprivation of personal belongings, 14 testimonies reported indecent assault, 20 testimonies indicated abuse and degrading treatment, 2 testimonies reported separation from family and 4 testimonies reported shipwreck, intentionally caused. *Graph 61*).

**Graph 61:** Testimonies about use of violence against the recorded alleged victims



3 testimonies by the alleged victims reported that some people of the group that was removed, lost their life at the the physical removal stage, 40 testimonies reported that some people of the group, suffered physical violence, according to 28 testimonies, some people of the group were deprived of their personal belongings,12 testimonies reported that some people of the group were indecently assaulted, 17 testimonies reported abuse and degrading treatment, 2 testimonies reported that some people of the group were separated from their family and 5 testimonies reported that a shipwreck was caused intentionally. (See *Graph 62*).

**Graph 62:** Testimonies about use of violence against other members of the group subjected to physical removal.



In parallel, the IFRs violate the right to asylum. 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 refugee status in Greece and the EU, according to data issued during the reporting period.<sup>68</sup> In this regard, the alleged victims would have been given the respective probabilities of being recognised as beneficiaries of

<sup>68</sup> See:Ministry of Migration and Asylum First Information Note, November 2022 and EUAA, Latest Asylum Trends, Ministry of Migration and Asylum [First Information Note, November 2022](#) and EUAA, [Latest Asylum Trends](#), October 2022

refugee status in Greece if, according to their allegations, they had not been deprived of access to the procedure for granting international protection.

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>69</sup> These persons alleged to have been victims of IFRs directly to their country of origin (Turkey) where they had been subjected or were at risk of being subjected to persecution, without any assessment of their international protection needs, arising from the risk of being persecuted in Turkey. In view of the above, these incidents consist a direct violation of the principle of non-refoulement, which is the cornerstone for the protection of refugees.

As already mentioned, the alleged victims include 5 asylum seekers registered in Greece. The applicants' countries of origin are Syria (3), Irak (1) and Turkey (1), which are listed among countries with a large refugee population worldwide. These persons alleged to be victims of IFR to Turkey, even though they were officially registered asylum seekers in Greece and were therefore legally residing in the country awaiting the decision on their application. In some cases of IFRs, the procedure of granting asylum to the applicants was unlawfully terminated and these applicants were deprived of their right to reside in the Greek territory and the likely positive outcome of their application.

What is of most concern, is that the alleged victims include 6 recognised refugees in Greece. These were refugees coming from Syria and Palestine. These persons alleged to have been victims of IFRs to Turkey, even though they had been granted international protection by the competent Authorities in Greece. These particular IFRs, have therefore infringed the Greek State's decisions in force and have deprived the recognised refugees of the international protection status, under which they had been placed by the Greek State and of all rights deriving from the Convention.

## VI. Evidence <sup>70</sup>

Based on a specific methodology, the Recording Mechanism is active exclusively in the field of recording reliable testimonies, by persons alleged to have been victims of IFRs from the Greek territory to a third country or their country of origin and has no scope of investigating the recordings into their substance or obtaining evidence from or for the alleged victims. In case the alleged victims have gathered evidence in support of their claims, this should remain at their possession and probably at the disposal of their legal counsels. Under no circumstances though, the Recording Mechanism shall be in possession of evidence or set as a precondition for the recording of a testimony that the alleged victims have in their possession evidence, given that as indicated by the testimonies, in most of the incidents the alleged victims were deprived of their personal belongings.

More specifically, according to 22 testimonies, the alleged victims reported that they possess evidence in support of their claims. 36 other testimonies, reported that the alleged victims are no longer in possession of any evidence, which is usually justified by the fact that the alleged perpetrators had deprived them of their personal belongings, including photos, audio or video material, geolocation recording etc. (See *Graph 63*).

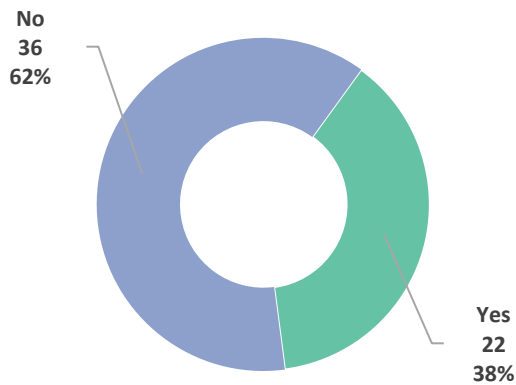
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<sup>69</sup> According to the EUAA, [Latest Asylum Trends](#) published in October 2022, the number of asylum applications lodged in the EU countries by Turkish nationals, ranked Turkey in the 3rd place, after Syria and Afghanistan, in the list of countries with the highest number of asylum seekers in the EU countries.

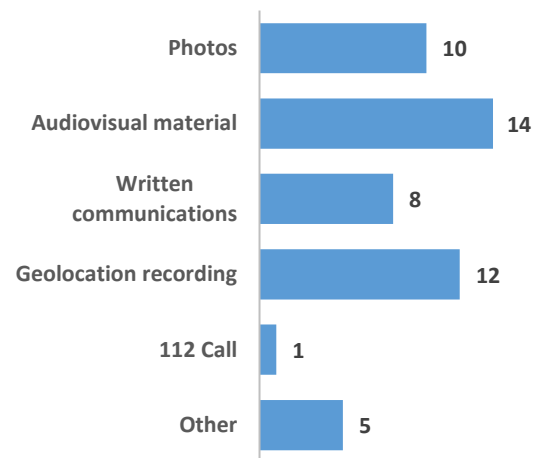
<sup>70</sup> Evidence relate to the alleged victims' testimonies, during the recording procedure. The Recording Mechanism is not aware whether the alleged victims retain until today the evidential material, claimed to be in their possession during the recording progress, whether it is lost or further enhanced.

There are 10 testimonies during which the alleged victims reported themselves to be in possession of photos until the moment of the recording procedure, 14 testimonies according to which the alleged victims had in their possession audiovisual material, 8 testimonies according to which the alleged victims had in their possession written communications, 12 testimonies reported geolocation recording on the electronic devices of the alleged victims, 1 alleged victim reported that he/she had called the single European Emergency Call Number 112 and 5 alleged victims claimed that they were in possession of different kind of evidence, such as documents issued by the Turkish Authorities, whose content was related to illegal entries in Turkey or documents issued by the Greek Authorities, whose content was relevant to obtaining a residence permit or supporting documents to prove employment by Greek employers. (See Graph 64).

**Graph 63:** Possession of evidence in support of the alleged victims' claims



**Graph 64:** Evidence



#### VII. F. Legal actions taken by the alleged victims

We must underline that the Recording Mechanism cannot be regarded as the legal counsel, representative or advisor, of the alleged victims. This is a choice made deliberately by the Recording Mechanism, since keeping distance from legal support of the alleged victims, constitutes a requirement relating in the independence and the impartiality of the Recording Mechanism. In addition, the Recording Mechanism cannot transmit the personal Recording Forms of the alleged victims, containing their anonymous testimonies, to any other governmental Authority, without prior informed and explicit consent of the alleged victims. In any case, the alleged victims, should they wish to do so, can lodge official complaints, reports or appeal to the competent national or European institutions, in parallel and independently from the recording procedure of their testimony by the Recording Mechanism. The Recording Mechanism encourages and facilitates the alleged victims to seek legal resource and have access to justice, by detecting the alleged victims and recording through safe procedures their testimonies.

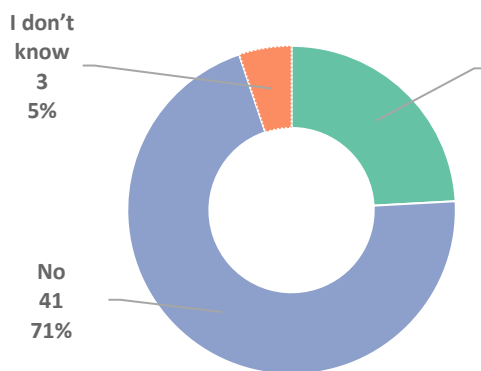
As resulting from the recordings of the Recording Mechanism, in 14 cases the alleged victims reported that they have submitted official complaints to the competent Authorities, in 41 cases that up to date of their testimony recording, they had not submitted official complaints to the competent Authorities and in 3 cases they reported that they were not aware if their legal counsels, had made an official complaint on their behalf. (See Graph 65).

The alleged victims involved in 9 incidents, have lodged an appeal before the European Court of Human Rights (ECTHR), in accordance with the standard procedure and 2 of these cases have been

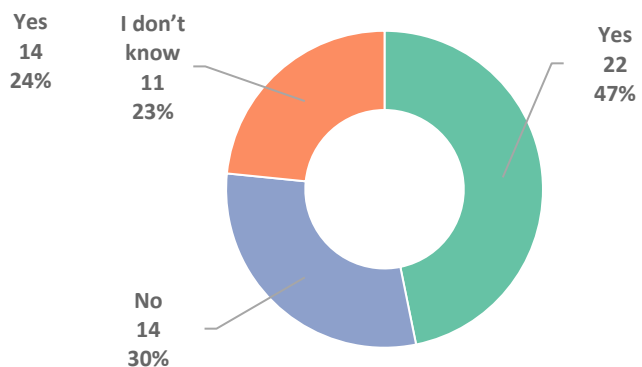
notified by the Court to the Greek Government. Before lodging their appeal to the ECtHR, the alleged victims have informed the Greek Authorities (Prosecution Service and Police) through their counsels, about their presence in Greece, their need to be rescued and their willingness to have access in the international protection procedures. The alleged victims involved in 4 other incidents, have filed lawsuits before the Greek criminal courts. As regards to 1 more incident, the case has been closed due to the unknown identity of the perpetrators, after an ex officio investigation on the part of the Prosecution Service. The alleged victims involved in 4 incidents filed reports before the Greek Ombudsman.<sup>71</sup>

In 22 out of the 44 cases in which the alleged victims had not lodged an official complaint until the time of the recording, or they ignored if their legal counsels had done so, the alleged victims reported that they wished to do so, 14 alleged victims claimed that they did not wish to do so, usually on the grounds of fear for retaliation by the alleged perpetrators or negative impact on their request for International Protection, or revival of traumatic events and 8 alleged victims reported that they had not yet decided what to do. (See *Graph 66*).

**Graph 65:** Lodging a complaint



**Graph 66:** Willingness to lodge a complaint



## CHAPTER 5 ADDITIONAL INFORMATION REGARDING THE RECORDING MECHANISM

### A. Decisions to apply Rule 39 (Interim Measures) of the Rules of the European Court of Human Rights (ECtHR)

The GNCHR, as the National Human Rights Institution in Greece and the advisory body to the Greek State in human rights issues, plays an important and constructive role in the effective implementation of human rights protection, by constantly monitoring developments related to the human rights situation in Greece and providing ongoing advisory to the competent bodies of the State on the alignment of national legislation and practice with the country's international and European commitments.

The GNCHR, as the National Human Rights Institution in Greece, surveys the execution of the ECtHR rulings and therefore puts particular emphasis on compliance with Rule 39 (Interim Measures) of the Rules of the Court.

<sup>71</sup> The alleged victims involved in 3 out of these 4 incidents have lodged complaints as well.

In this framework, the GNCHR has been informed by Civil Society Organisations, like the Greek Council for Refugees (GCR), one of the GNCHR Plenary and the Recording Mechanism members, about 17 cases of third countries nationals who had applied for asylum, after having informally entered the Greek territory in various areas of the border region of Evros administrative district and about an equal number of Court decisions indicating interim measures pursuant to Rule 39 of the Rules of Court, in 2022.

The above mentioned refer to the judgements in the cases of: *Al Ali & Others v. Greece* (13624/22), *A.O. & Others v. Greece* (16171/22), *A.D. & Others v. Greece* (18940/22), *H.A. & Others v. Greece* (18941/22), *K.M.I. & Others v. Greece* (19419/22), *A.A. & Others v. Greece* (21131/22), *S.S. & Others v. Greece* (21039/22), *F.R. & Others v. Greece* (23128/22), *H.M. & Others v. Greece* (25806/22), *V.E. & Others v. Greece* (25940/22), *M.A. & Others v. Greece* (29655/22), *D.O. & Others v. Greece* (32229/22), *M.J. & Others v. Greece* (35490/22), *V.D. & Others v. Greece* (37714/22), *B.S. & Others v. Greece* (38444/22), *K.A. & Others v. Greece* (35090/22), *H.R.T. v. Greece* (49897/22).

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

It should be noted that decisions taken pursuant to Rule 39 of the Rules of the Court, do not predetermine the judgement of the Court in its decisions relating to the substance of the cases. Interim measures are only indicated in exceptional cases. The Court will direct a member State to apply such a measure only where, it considers that the applicant would otherwise face an imminent risk of irreparable damage.<sup>72</sup> The Court's decisions indicating interim measures, will be binding on the State concerned, while non-compliance with them constitutes a violation of Article 34 of the European Convention on Human Rights (ECHR).<sup>73</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.

More specifically, the GNCHR addressed to the Greek Minister of Citizen Protection or/and 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: 109/17.3.22, 149/1.4.22, 194/21.4.22, 195/27.4.22, 208/5.5.22, 220/12.5.22, 246/26.5.22, 290/8.6.22, 301/20.6.22, 334/6.7.22, 349/27.7.22, 369/5.8.22, 371/11.8.22, 606/26.10.22.

5 letters have been issued in reply to 5 of the 14 written interventions on behalf of the GNCHR in 2022. These are letters written by the Hellenic Police Headquarters (Aliens and Border Protection Division of the Hellenic Police/ Directorate for the Protection of Borders) with reference numbers 588/22/1712721/20.08.22, 1588/22/1712750/20.08.22, 1588/22/1681787/14.08.22, 1588/22/2555036/7.12.22 as well as a letter with reference number 989/16.8.22, sent by the Minister of Citizen Protection.

According to the information gathered by the GNCHR, out of the 17 cases, 8 were led to a successful outcome, considering that the competent Authorities managed to detect the applicants and rescue those who were facing precarious living conditions, before registering their applications for

<sup>72</sup> See among others: *Rackete and Others v. Italy* (no. 32969/19), και *K.N. v. the United Kingdom* (no. 28774/22).

<sup>73</sup> Βλ. *Mamatkulov and Askarov v. Turkey* (no. 46827/99).

international protection. The above mentioned refer to the applicants in the cases of: *Al Ali & Others v. Greece* (13624/22), *A.O. & Others v. Greece* (16171/22), *H.A. & Others v. Greece* (18941/22), *K.M.I. & Others v. Greece* (19419/22), *A.A. & Others v. Greece* (21131/22), *V.D. & Others v. Greece* (37714/22), *B.S. & Others v. Greece* (38444/22), *K.A. & Others v. Greece* (35090/22).

It should be mentioned that as regards to 8 of these cases, applicants have lodged an appeal before the Court, in accordance with the standard procedure. The above mentioned refers to the cases of: *Al Ali & Others v. Greece* (13624/22), *A.D. & Others v. Greece* (18940/22), *K.M.I. & Others v. Greece* (19419/22), *A.A. & Others v. Greece* (21131/22), *V.E. & Others v. Greece* (25940/22), *B.S. & Others v. Greece* (38444/22), *K.A. & Others v. Greece* (35090/22), *H.R.T. v. Greece* (49897/22).

## II. Children testimonies <sup>74</sup>

The Recording Mechanism through its Methodology, has hitherto recorded exclusively testimonies by alleged victims, declared themselves adults, at the time of the recording process. This is a restriction deliberately imposed on the Recording Mechanism by itself, since the tools to be used for recording testimonies by minor alleged victims, are still under construction.

However, some organisations-Members of the Recording Mechanism are in contact with minors seeking the provision of their services. They had many times, within the framework of providing minor children with psychosocial and legal services, to deal with reported incidents where minors alleged to have repeatedly attempted to cross the borders, especially in the Evros region border, since after their detection by the Greek Authorities, were informally and forcibly returned back to Turkey. Systematic violations of fundamental human rights and specific violations of the rights of the child have been reported in the course of the above mentioned process, recorded by organisations-Members of the Recording Mechanism, using their methodologies through best interest assessment procedures for children.

The following information have derived from children provided with services, who reported incidents, alleging to have been involved in, and does not constitute a total of thorough narratives and verified facts nor official recordings of testimonies by the Recording Mechanism.

In the period between October 2022 and December 2022, 98 reports on IFRs have been made, by 98 unaccompanied children. 3 out of the 98 recorded incidents, are associated with IFRs of unaccompanied young girls.

The ages of the children were from 13 to 17 years old, with an average age of 16 years old. In general,

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<sup>74</sup> Ending Informal Forced Returns is among the recommendations made by the Committee on the Rights of the Child (CRC). The Concluding observations on the combined fourth to sixth periodic reports of Greece\* of the Committee on the Rights of the Child issued on 28.06.2022, regarding the implementation of the Convention on the Rights of the Child, indicate in paragraph 40 (a) that: “[...], the Committee urges the State party to: (a) End the practice of forced returns (“pushbacks”) of families and migrant children and ensure that they are individually identified, registered and protected against refoulement, including through effective access to asylum procedures, and free legal and humanitarian assistance, in accordance with articles 6, 22 and 37 of the Convention [...]’

the incidents occurred from 1 year to 20 days before the day of the interview with the child and one incident occurred 3 years before. According to testimonies, the majority of the children’s reports, concerned incidents that occurred near the border region of Evros river, although some reports were made on incidents occurred in the city of Thessaloniki and its outskirts, some others concerned incidents occurred in the city of Alexandroupolis, some in the town of Komotini, some in the town of Xanthi and 1 in the island of Rhodes.

The *modus operandi* of the IFRs, as revealed by the testimonies, have an element of commonality. On the basis of the children allegations, their detection was carried out by people in or out of uniform, while in some cases, it was reported that their perpetrators were wearing hoods or that they had their faces covered. In particular, as children testimonies reported, especially in the border region of Evros river, the IFRs were carried out immediately after the detection stage, by persons having the profile of Police officers, often in the presence of “alien, non-Greek-speaking Military personnel”. In cases where children reported to have been detected in the mainland, that is away from the Evros river border region, they were initially transferred to a closed facility or place of detention, similar to a Police Station, where their freedom of movement was under restriction, before their transfer to the starting point of their physical removal stage. In addition, there are testimonies reporting that in some IFR operations, nationals of third countries were also involved as perpetrators, speaking some of the languages spoken by the alleged victims.

In the overwhelming majority of the reported incidents, children alleged to have been submitted to acts of violence, seizure of their personal belongings, especially their mobile phones and identity documents, removal of their money and clothes, while a great number of them stated in particular, that at the stage of their physical removal, were wearing only their underwear. It is also noted that inhuman and degrading treatment throughout the stages of the IFRs, from the detection of the alleged victims to their physical removal, is indicated as the common basis of every testimony.

## CHAPTER 6 CONCLUSION

On the basis of the information recorded up to this moment by the Recording Mechanism, it is apparent that IFRs, do no longer constitute an occasional and *irregular* phenomenon. On the contrary, they have developed the pattern of a systematic and *organised* operation. As it is indicated, incidents of informal forced returns are carried out by mobilizing human resources, facilities, heavy vehicles or watercrafts and other material and technical means.

The *modus operandi* of the IFRs, as revealed by the testimonies, build a pattern of a step-by-step procedure. Most testimonies report that victims are initially detected by a group of people in or out of uniform (detection stage), subsequently they are taken to a facility where they are kept under guard (detention or restriction on freedom of movement stage) and finally they are transferred from the detention/movement restriction place to the starting point of physical removal, where the IFR operation is completed (physical removal stage).

The IFRs 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, however, especially in cases where the detection location was in the sea area or very near the Evros river border region, revealed that the detention/restriction on freedom of movement stage was skipped and thus the IFR was carried out immediately after the detection.

The majority of the alleged victims, are unregistered asylum seekers who have never before attempted to access the asylum procedure or have repeatedly attempted to do so, but according to their allegations their data were never recorded by the competent Greek Authorities and they were

informally and forcibly returned to Turkey. Additionally, some of the alleged victims claimed that at the time of their detection, they were already recognised beneficiaries of international protection in Greece or that they were registered as asylum applicants, by the Greek Authorities.

According to testimonies, people in uniform and plain clothes seem to have been involved as perpetrators in the incidents recorded by the Recording Mechanism, the action of which was very much alike an action coordinated with the Authorities. It is possible that these individuals were ordinary citizens not having legally assumed public authority. Furthermore, in some testimonies it is mentioned that third-country nationals, speaking some of the victims' spoken languages, appear to have been involved as perpetrators in the physical removal stage, in the Evros river border region.

The IFRs lead to numerous violations of fundamental human rights, many of which involve children, women, elderly people and other groups of vulnerable per More specifically, the alleged victims involved in the IFR incidents recorded by the Recording Mechanism, have reported acts related to 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) and may constitute criminal offences according to Greek Law and in particular to the following Articles of the Greek Penal Code: 333 (*threat*), 330 (*unlawful violence*), 137A, par.4 (*torture and other violations of human dignity*), 322 par.1 (*abduction*), 322, par.2 (*enforced disappearance*), 306 (*risk exposure*), 307 (*failure to assist a person in danger*), 277 (*causing a shipwreck*), 308-312 and 314 (*personal injuries*) and 302 or 299 (*homicide*).

The IFRs, since their implementation concerns unregistered asylum seekers and registered asylum applicants, or even worse, recognised refugees in Greece, consist a violation to the right of asylum and also a threat to the national asylum system, for which the Greek State has over the last decade invested massively in financial and human resources<sup>75</sup> so as to comply with standards set out by the Common European Asylum System (CEAS)<sup>76</sup> and respond to the high number of asylum applications that the increased flows of migrants and refugees towards the EU countries, have caused.

Migrants and refugees fatalities, as well as serious human rights violations against them, as direct or indirect results of IFRs operations,<sup>77</sup> constitute direct threats to the rule of law. The IFRs, provide State Authorities with a non-transparent and out-of-control field of action, laid beyond accountability requirements to the Administration and Justice Bodies, which therefore ends up being out-of-limits and open to arbitrariness. Even though this field of action is non-transparent, the spill-over effect on other fields of national action, cannot be excluded. Additionally, to the extent that civilian involvement is reported in the course of these operations, the threat keeps escalating, since solely and exclusively State institutions, Hellenic Police and Justice should have the legal power and competence to take such an action.<sup>78</sup> It is this framework, combined with the lack of safe passageways that leads the populations in mobility to take even greater risks, with the aim to reach a safe European territory and

<sup>75</sup> The asylum system in Greece, is available here: <https://migration.gov.gr/gas/plirofories/>

<sup>76</sup> The Common European System is available here: [https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system\\_el?ettrans=el](https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system_el?ettrans=el)

<sup>77</sup> See below Chapter IV.C. p.34 f.f.

<sup>78</sup> See for example: i) [https://thepressproject.gr/anafores-gia-61-afantous-prosfyges-meta-apo-epithesi-koukouloforon-me-machairia-sta-synora-chasame-tin-epikoinonia/?fbclid=IwAR18RNmlI3TVs4hg1TgS-z6te2F2DrOCTS8sFglUy-1dCuC2\\_Ysok-ZQPPc](https://thepressproject.gr/anafores-gia-61-afantous-prosfyges-meta-apo-epithesi-koukouloforon-me-machairia-sta-synora-chasame-tin-epikoinonia/?fbclid=IwAR18RNmlI3TVs4hg1TgS-z6te2F2DrOCTS8sFglUy-1dCuC2_Ysok-ZQPPc), ii) <https://www.kathimerini.gr/society/562580005/evros-sokarei-o-proin-metanastis-poy-egine-kynigos-metanaston/>, και iii) <https://www.kathimerini.gr/society/562586872/alexandroypoli-stin-astynomia-o-andras-poy-empleketai-se-peristatiko-akinitopoiisis-metanaston/>

get access to asylum procedures.<sup>79</sup> Tragedies like the loss of migrants and refugees lives in international waters, in a shipwreck offshore Pylos, within the Greek zone of competence for search and rescue, in June 2023<sup>80</sup> and in the Evros region in August 2023<sup>81</sup>, could have been avoided.

## CHAPTER 7 RECOMMENDATIONS

The Recording Mechanism is urging the Greek Authorities to:

1. Investigate in an independent and efficient manner, all complaints lodged by the alleged victims involved in IFRs and other incidents of serious human rights violations at the borders, by analogy with the provisions set out in the Circulars of the Prosecutor of the Supreme Court No 1/2023 and No 18/2023,<sup>82</sup> highlighting that any failure to act to that end, not only conflicts with the Greek authorities obligations pursuant to the provisions of international human rights law and the ECHR, but also risks to put the country on the spot and ends up to its convictions by the European Court of Human Rights (ECtHR) [see for example: (5418/15) *Safi & Others v Greece*].
2. Ensure compliance with the procedures provided by law and bring to justice those responsible for any illegal actions.
3. Provide safeguards, through the use of technological equipment and other means of operational action, that objective evidence, like for example the metadata derived from mobile phones, GPS devices/applications, photos and videos, is collected and subsequently delivered at the disposal of the law enforcement and judicial Authorities, in order for the complaints about IFRs, to be thoroughly investigated.
4. Ensure effective cooperation as required, with the judicial Authorities, in order for the complaints about IFRs, to be thoroughly investigated.
5. Make use of the possibilities laid down in the Greek Code of Criminal Procedure and the 1959 Convention of the Council of Europe on mutual legal assistance in criminal matters, where necessary.
6. Take measures to ensure that victims have effective access to justice and are protected on the same basis as other victims of criminal acts, like victims of human trafficking and victims of forced labour, with particular attention being paid to victims residing abroad.
7. Provide safeguards that all State bodies respect strictly the principle of non-refoulement, operate in alignment with it and carry out carry out rescue operations in the maritime zone under their responsibility in a timely manner, as imposed by their obligations according to the International Law.

<sup>79</sup> See: See: Matina Stevis-Gridneff, *They Ran for a Better Life, Straight Into a Wildfire*, The New York Times, 01/10/2023, <https://www.nytimes.com/2023/10/01/world/europe/greece-migrants-wildfire.html>

<sup>80</sup> See: George Wright & Laura Gozzi, BBC News, 15/06/2023, <https://www.bbc.com/news/world-europe-65901005>.

<sup>81</sup> See: Newsroom, "Kathimerini" 22.08.0223, <https://www.kathimerini.gr/society/562577227/pyrkagies-entopistikan-18-nekroi-metanastes-sto-dasos-tis-dadias/>

<sup>82</sup> The Circular of the Prosecutor of the Supreme Court No 1/2023 is available here: <https://eisap.gr/%CE%B5%CE%B3%CE%BA%CF%8D%CE%BA%CE%BB%CE%B9%CE%BF%CF%82-1-2023/>, and the Circular of the Prosecutor of the Supreme Court No18/2023 is available here: <https://eisap.gr/%ce%b5%ce%b3%ce%ba%cf%8d%ce%ba%ce%bb%ce%b9%ce%bf%cf%82-18-2023/>.

8. Safeguard that all asylum seekers in the Greek territory, have access to asylum procedures and are protected against pushbacks and every form of IFRs.
9. Provide third-country nationals or stateless persons finding themselves at border crossing points or in detention facilities, with information regarding the opportunity to lodge an asylum application, with the possibility for interpretation appropriate for the access to the asylum procedure and provide safeguards for the access of organisations and individuals who inform and with advises to the applicants on common procedures for granting and withdrawing international protection, following the provisions of Article 8 of Directive 2013/32/EU
10. Follow the recommendation and respond to the call by the UN Committee in relation to the Rights of the Child and particularly in regard to the termination of the IFRs and ensure personal identification, registration and protection of third-country nationals, especially of minor children, through the effective access to asylum procedures and free of charge legal and other humanitarian assistance, 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 these officials.
12. Launch in association with the competent EU bodies, the establishment of an independent and effective national mechanism, responsible for the monitoring of fundamental rights compliance at EU external borders,<sup>83</sup> in accordance with the Guidelines of the Agency for Fundamental Rights and the 10 relevant points jointly notified to the Greek Authorities by the UNCHR, the OHCHR and the ENNHRI<sup>84</sup>
13. Adapt the legislative framework of the Composition of the the Ministry of Migration and Asylum Task Force for Fundamental Rights Compliance, in such a way that the GNCHR participation in it, is harmonised with the independent, advisory role assigned to it by the Greek State, on Human Rights issues.
14. Safeguard an enabling environment for the development of civil society organisations and human rights defenders action plans.
15. Ensure the simplification of NGOs certification procedures regarding their operation and people employed by them.
16. Abstain from actions that penalise and stigmatise the humanitarian action and the action of human rights defenders, especially of lawyers, doctors and rescuers.

## ANNEX I - ORIGINAL TESTIMONIES ABOUT INCIDENTS IN THE EVROS REGION

**Testimony extract by a registered asylum applicant. Detection location: the town of Orestiada. Number of people who were returned: 11-20. “On [Supervisor’s Note: (hereinafter SsN) date omitted so as not to reveal the identity of the alleged victim] I was registered at the Asylum Service [Supervisor’s note: location omitted so as not to reveal the identity of the alleged victim] and I got**

<sup>83</sup> See: FRA , “Establishing national independent mechanisms to monitor fundamental rights compliance at EU external borders” , October 2022, available in: <https://fra.europa.eu/el/publication/2022/border-rights-monitoring>.

<sup>84</sup> See: UNHCR, OHCHR, ENNHRI “Ten points to guide the establishment of an independent and effective national border monitoring mechanism in Greece”, available in: [https://www.unhcr.org/gr/en/23391-ten-points-to-guide-the-establishment-of-an-independent-and-effective-national-border-monitoring-mechanism-in-greece.html?fbclid=IwAROPka19YnKaENQNOfEsyEkZd3IMKDJ\\_gbtN74d8yc0XcSt1Fy3Mnln\\_4](https://www.unhcr.org/gr/en/23391-ten-points-to-guide-the-establishment-of-an-independent-and-effective-national-border-monitoring-mechanism-in-greece.html?fbclid=IwAROPka19YnKaENQNOfEsyEkZd3IMKDJ_gbtN74d8yc0XcSt1Fy3Mnln_4).

*my official asylum seeker card. The same day I went to the town of Orestiada, in order to receive some money, sent by my family. I can recall being in a small square in Orestiada, where I got detected and arrested by two police officers in uniform, next to a coffee shop in the afternoon of the same day. I was carrying with me the registration documents in a white bag, which was taken away from me, by the officers. In vain, I tried to give explanations and show the documents by saying in English, “I’m legal”. To be more precise, they immediately pushed me to get me into the police car. I have never been given back my bag and I don’t know what happened with it and the documents therein. [...] One of them was about 38-40 years old and of average build. The second one must have been more than 40 years old, slim body, grey hair. I remember one of them was carrying a gun, like a pistol. [...] The operation for the transfer from the place of detention, began at about 7a.m. When I got outside the fence, I saw 2 more policemen in uniform and 3 other persons dressed in sports clothes. The latter, put us by groups in a yellow truck. The truck was as big as a transporter, with an enclosed container built into the rear, like the kind they used to transport goods. We were placed on the one side, opposite of an inflatable boat with oars, without engine. We got on board through a silver-coloured metal door on the back side. The side parts and the floor were made of metal. Once they put us in the container, the door closed immediately with a top-down mechanism. During the drive, we remained in total darkness and with no ventilation. We sat on the dirty floor, there were no seats. The 2 young men got as well in the back of the truck. The third one was probably driving. Ten minutes later, the truck stopped 50 meters away from the river bank, where we were disembarked. All around there were thinned, tall trees and water pumps in the river. The ground was earthy and uneven. The river bank had a steep slope. The two men in uniform, apparently remained back at the detention place, as I never saw them again. But, at the point of our disembarkation, the starting point of our removal, there was 1 policeman in uniform, around 40 years old, watching across the river using binoculars. I don’t know how he got there. He must have been some kind of group leader, as he beckoned to the other 3 persons who were standing, to remove and set off the boat, as he was watching the other side of the river. The two young men out of uniform, pushed the boat into the water and crossed us over to the other side of the river, by groups of 8-10 people. These two in particular, were speaking Arabic. Those of us who were on the second group, we could clearly see the boat with the first group on board, moving away from the bank. The width of the river was almost 30-40 meters, however, we were not transferred to the opposite bank, but we were disembarked in the middle of the river, where the water was reaching knees height. Which means that for some metres, we had to be in the water in order to cross the river, and finally make it ashore on the other side.”<sup>85</sup>*

**“[Testimony extract by a recognised refugee. Detection location: the city of Alexandroupolis. Number of people who were returned: 71-100. “Two men approached us. One of them was wearing uniform, similar to these of the Greek Police, without any national emblems though, or any other distinctive insignias, black, looking alike military boots and he was carrying handcuffs and gun, while the second one was wearing a military-style camouflage uniform and had handcuffs and a police rod on him. I informed the Authorities about my lawful residence permit in Greece, since I am an officially recognised refugee and I showed them a picture of my relevant card [...]”<sup>86</sup>**

**“[Testimony extract by a recognised refugee. Detection location near the Evros’ river bank, in an area unidentified by the alleged victim Number of people who were returned: 71-100. At about 8.30 in the morning, we were detected and being questioned about our country of origin and our next destination, by a man in plain clothes who was carrying a hunting weapon. He made a phone call and**

<sup>85</sup>Recording’s Reference Number (herein after RRN): HIA05A03A03. HIA05A03A03.

<sup>86</sup> RRN: HIA09A45A45 HIA04A04A04.

*a few moments later, a second man in plain clothes with a hunting weapon arrived. Fifteen minutes later, two vehicles arrived, a Police car and a white van, without any distinctive signs. Up to 7 men came out of the vehicles. 6 of them were Greek Police officers - they were dressed in uniforms with Greek Police insignias. Two of them were dressed in plain clothes, one of them in total black and his face full covered with a balaclava, while he was probably speaking German, not English.” I was detained for almost 12 hours, during which we were only given a small bottle of water. During my informal forced return on [SsN: date omitted so as not to reveal the identity of the alleged victim] I was detained in the same place. As I have already reported, in my testimony about that incident, the cell was approximately 20x7 metres, with 3 metallic beds in it, so most of us were sitting on the floor. A door was separating our cell from another room, with three toilets out of order, while the place was very dirty and smelly. Upon our arrival at the detention centre we were asked to get undressed. I denied and then the uniformed, beat me with a truncheon on the neck. On [SsN: date omitted so as not to reveal the identity of the alleged victim], I and another hundred people, more or less, who were detained at that place, were forced at gunpoint, shouts and beatings with police batons, by up to eight men in uniform, to get into a military type vehicle, that transferred us near the Evros river banks. The inflatable boat was driven by two men in camouflage clothing of beige colour, with their faces covered, speaking English with the uniformed men and as I assume by their accent, they were third-country nationals. I think that the same people were also driving the boats, during the previous operations of informal forced returns I was involved in. The crossing from the Greek to the Turkish side was accomplished by using a rope tied between the two banks of the river.”<sup>87</sup>*

**Testimony extract by a person unregistered and undetected. Detection location: forest area near the village Asproneri in the Evros border region.**

**Number of people who were returned: 51-70.** *We were 6 Syrian people who entered Greece through the forest on [SsN: date omitted so as not to reveal the identity of the alleged victim],*

*We were walking until [SsN: date omitted so as not to reveal the identity of the alleged victim], I got poisoned by the river’s water and I was separated from the rest of the group. I spent two days all by myself, with poisoning symptoms. I had vomiting, dizziness etc. I couldn’t move on. I contacted an organisation at 1 a.m., asking for help. Around 6.39 a.m. on [SsN: date omitted so as not to reveal the identity of the alleged victim], I was detected by the police, they took away my belongings, my money, my mobile, I have been searched, I told them I was feeling sick and asked them to take me to a doctor, they answered that I should visit one, once I arrived in Turkey, I told them I was seeking asylum and they told me to forget about it and they beat me with the stick. They asked my name, in order to confirm the information they already had from an organisation. They had a discussion about their next steps in my case. At the beginning, they were wearing full face masks, which afterwards, they took off. They were two persons, dressed in green/oil green uniform that said “Police” on the back and had the Greek flag on the arm, and from distance, I could see their Police car, by which my first transfer was made. After that, they took me to prison. I was transferred from the detection location in the forest, to a nearby informal facility, with a police vehicle. The two policemen, left, after they had me transferred. Only persons out of uniform were involved in the rest of the IFR operation. Outside the building, there was as small square covered with soils and some small vans parked around. It was a small prison, with some other 50-60 detainees, including 4 women and 2 children, Syrian nationals, Moroccan nationals, 1 Egyptian national and several Afghan nationals. It was cold, there*

<sup>87</sup> RRN: HIA09A45A45 HIA04A04A05.

*was no window, when I asked for some water, they told me to drink from the toilet. When we arrived, they took my clothes off and burnt them. They left me there in my underwear. It was cold, there was no window, when I asked for some water, they told me to drink from the toilet. I and other people got beaten with a bat, on the back, on the arms. At around 5 p.m. the operation of illegal returns was initiated, since the number of people required has been completed. Some of the “imprisoned” people, were on hold for 3 days, before they were returned. At that time, a big, closed, colour olive green, truck arrived, they made us all get into it, at its entrance door there were more perpetrators, speaking Arabian and Kurdish, wearing plain black clothes and full face masks and carrying small guns, they used violence to get us into the truck, they must have been 10-15 people. We were on the road for almost 2,5 - 3 hours. We arrived next to the river, they brought inflatable boats, we were subjected to physical search, also in our genitals, through our underwear. They were Syrian commandos, they were going to be paid for that operation, they searched us again, looking for hidden money. I've heard as a rumour that they work with the participation and in coordination with the Authorities, for a period of 3-6 months, before they get a document from the Authorities, allowing them to leave for Europe. I confirmed this information supplied by my fellow countrymen, during the operation of my return. I deduced that they were Syrian and Kurdish nationals, based on their accent. Besides, I heard them talking about Afrin. They got us in the boats by groups, Syrian commandos are fast because they are afraid of being detected by the Turkish. It must have been around 7.30 p.m. because I heard the sound of prayer from the nearby mosque. We were being transported on the boats by groups of 10 plus 2 of the perpetrators involved in the operation. It was in prison the last time I requested for asylum.. They were violent during the return operation. We couldn't say a word. This is how they crossed us over to the other side of the river.”<sup>88</sup>*

**Testimony extract by a registered asylum applicant. Detection location: the city of Thessaloniki. Number of people who were returned: 21-30.** *“I was placed under detention for one night in one of the city's Police Stations. [SsN: considered to be the city of Thessaloniki] The next day, I was transferred to another place of detention, with a big vehicle with no windows, so I couldn't have possibly seen which direction they had chosen. In the first place of detention, we were not given food. One of my fellow inmates had given me food, and for that reason, I was moved in another room. We were guarded by 6 or 7 police officers. I was able to interact with the inmates who shared the same space with me. About 20 persons and i were in a room of the Police Station, not a cell. The same circumstances I had to cope with, during the night I had been moved to the second place of my detention. I was alone, in a small room (2x1), which looked like cell, but it wasn't. After a while, they brought a Greek detainee who was released or moved to another place, two hours later. So I was alone and fell asleep on the floor. The next day I was transferred, to a detention place, near the border area with Turkey, where I was kept until the same night, in order to be returned to Turkey. In that place, the number of prisoners was large. At first, they were up to 30 nationals of various countries (SYRIA, PAKISTAN, AFGHANISTAN, IRAQ) and every ten minutes the number of detainees was increasing. I couldn't say for sure the exact number.”<sup>89</sup>*

**[Testimony extract by an LGBTQI person registered as asylum applicant. Detection location: a village non-identified in the Evros border region. Number of people who were returned: 21-30.** *“All the ten members of my group, were transferred in a prison. They took us out of the car and beat us one by one, asking to learn the name of the trafficker who helped us entering the Greek territory. It was a man over 30, with no hair, dressed in plain clothes who was using a truncheon to beat us. He beat me more*

<sup>88</sup> RRN: HIA09A45A45 GCR17A11A09.

<sup>89</sup> RRN: HIA09A45A45 HIA09A45A45.

than anyone else, because I was trying to explain him that on **[SN: the date is not written, so as not to reveal the identity of the alleged victim]** I was scheduled for an asylum interview. They beat me really hard on my back and my legs. After that, they stood us up against a wall, they beat us again, they undressed us and they photographed us. After that, they started to transfer us to the next room, one by one. I was the last one who was transferred, since I was trying to explain to another police officer, out of uniform, that in the following days, a scheduled interview by the Asylum Service was going to take place in Athens, concerning my application, and I was begging them to release me, so that I can present myself, and I was beaten really hard on my head and my back with a truncheon. Later on, I was also transferred to the room with the rest of the group members. Next to the room's iron barred door, there was another small room, where a female police officer was seating. The room was big, very dirty, with very old blankets on the floor, on which we were sitting, since there were no beds around the place. I was sharing the room with some other people, including two families, who had tried to cross the borders. Some of them were nationals of Afghanistan and Pakistan. We were guarded by a female police officer, who was talking with the families and other guards coming and going and a police officer in plain clothes. We were not given any food or water, while we were in detention. We were informed, that they would return us back to Turkey the following night, I tried once more to explain about my scheduled interview, but none of them paid any attention to my words. We weren't permitted to use the toilet, so we used empty bottles of water instead. The room was overcrowded, and we had no masks to protect ourselves from the COVID-19. We were totally ignored by the guards. The first secret policeman who had beaten me, came up to the door and asked me if I was a homosexual, because I was wearing a woman's earring. I was really frightened of being raped at a later time and I pretended that I didn't understand what he was saying."<sup>90</sup>

**Testimony extract by a person previously unregistered/undetected, Turkish national, of Kurdish ethnic origin. Detection location: near the town of Orestiada. Number of people who were returned: >100.]** "I and one more Kurdish national were arrested on **[SsN: the date is omitted, so as not to reveal the identity of the alleged victim]** near the town of Orestiada. [...] One hour after we were transferred with the van near the river. The place was full of people. Almost 500 men, women, children, elderly people, women in pregnancy, people with injuries, in need of transfer to a hospital. National of many countries, I can't remember all of them. Each one of the 12 boats that I could see near the bank of the river, was transferring groups of 15 people to a small islet in the middle of the river and then the boat driver was coming back to the Greek side, to repeat the same procedure. We were left there, only in our underwear, no shoes on. More than 10 Greek persons in black and military uniforms, bearing arms, were around the place. They were giving commands to a group of more than 10 gangsters [sic], of Arab, Afghan and Turkish origin, who were wearing hoods. They were receiving commands from the Greek persons in uniform, and they were calling them commanders/captains [sic]. They were carrying big knives, used to stab some other refugees and etch the initial "x" in the bodies of some of them. They were also seizing people's money. The removal operation was initiated as darkness was falling, between 8-9 p.m. I saw a boat sinking. Only those who could swim, manage to survive. 4 of them didn't make it and I saw the gangsters pulling their bodies out of the water. I am not aware of their nationalities, nor what the gangsters did with their bodies. I also saw a woman in pregnancy, giving birth to her child, at that time. She was crying and returned to Turkey, along with her baby. Some Turkish soldiers were yelling at her, to make her stop crying. Some policemen were beating up people. We experienced conditions, more than inhuman. We found ourselves in an out-of-law zone, our dignity

<sup>90</sup> RRN: HIA09A45A45 HIA09A45A46.

*was crushed down in a totally inhuman way. I was transferred to the islet along with other people and after the sunset, when darkness has fallen, I walked up to the Turkish side of the river.”<sup>91</sup>*

**Testimony extract by a person previously unregistered/undetected, Syrian national, having a physical disability. Detection location: near the town of Orestiada, around the village of Protokklissi. Number of people who were returned: >100.** *“I have a disability on my left arm. Due to a bombing injury in Syria, I can’t use my left side, from elbow to palm. My brother got sick and he could not follow the rest of the group. That’s why we had to separate ourselves from the rest of the group and ask for help (we called 112). [...] Almost 20 of us were forced and beaten to get crammed into a van, with no light nor fresh air. My brother started to have even greater difficulty in breathing. I was holding him in my arms, when I heard him issuing a death rattle. I shouted: “Ekram! Ekram!” and I felt his body weighing down and then slipped dead out of my arms. Desperately, I tried to give him CPR in the van, while I was screaming for help. A few moments later, the van stopped and the uniformed got us out of the van including me and my dead brother, by using force. I laid my brother’s dead body on the ground and I was crying out for help. One of the detainees came willingly and after examining him, he told me he had probably died of internal bleeding. The Greek Authorities saw my brother lying dead on the ground, but even then, didn’t do anything to take him to a hospital. I had to walk up to the bank of the river, dragging along with me my brother’s dead body, wrapped in a blanket. I realised that the operation of our return to Turkey, has begun. Throughout the operation, from the moment of the disembarkation from the van until the return operation across the river, I saw police officers, security forces and army people, some of them dressed in black clothes and others in green with the Greek flag on the sleeve, some others were in military uniform and some were armed. Moreover, there was a group of mercenaries (sic), as I and some other Syrians used to call them, since they were speaking Arabic, keeping their faces covered, receiving commands from the Greek Authorities and carrying out the operation of return. The leader of the group must have been a big, strong, fit guy, who was also speaking Arabic, dressed in blue/black, dark military uniform, he was armed, he was holding a taser and receiving commands via a radio. Individuals of many different nationalities kept constantly being transferred at the place. Two members of the mercenaries group, approached me, said they were Syrian nationals and asked me what happened to my brother. Once I informed them that my brother was dead, they advised me, on the one hand not to leave his body unattended, otherwise, it would be thrown in the river, and on the other, to well behave myself, or my life would be exposed to danger. (I would risk to be thrown into the river). Afterwards, the person who seemed to be the leader, came closer and ordered the rest of the mercenaries, to throw the body in the river. I insisted to take my brother along with me back to Turkey, he told me to stay away from him and after that he beat me over the head, back and leg with a wooden stick, he called two more mercenaries and ordered them to drag me off, while he threatened me, pointing a gun to my head, and told me to get down on my knees, while he kept beating me with the wooden stick. I was in shock but I kept insisting to take along with me the dead body of my brother. [...] When I refused for one last time to get in the boat that would return us to Turkey without my brother’s body, they kicked me and then threw me in the river, putting this way my life at risk. I was in shock. I swam and then, when I was able to step again, I started to shout and ask for my brother’s dead body. I reached the Turkish side almost at midnight, and I remained at that point for a few hours, along with some other persons returned to the country. I informed a Turkish soldier and one more person about the facts and my brother’s missing dead body.*

<sup>91</sup> RRN: HIA09A45A45 RSA01A38A38.



*I walked up to the city of Andrianoupolis, without wearing any clothes, nor having money or mobile and when I got there I took a taxi to drive me to Istanbul.”<sup>92</sup>*

## ANNEX II - ORIGINAL TESTIMONIES ABOUT INCIDENTS IN THE THE SEA AREA

**Testimony extract by a stateless Palestinian, recognised as refugee. Detection location: the island of Kos** **Number of people who were returned: 1-5.** *A friend of mine, recognised refugee as well, who was living with his family in Kos, offered lodgings to me in the accommodation that had been allotted to him after starting to work for a hotel, the night before the abduction. The morning before we were abducted, we were heading together to this hotel, as I wanted to ask for work as well. In the morning of [SsN: the date is omitted, so as not to reveal the identity of the alleged victim], my friend, employee in a hotel near the place where the abduction occurred (at about 20 minutes walking distance from the accommodation) was accompanying me, in my way to the hotel in order for me to ask for work as well. Outside the... [SsN: the name of the hotel is omitted, so as not to reveal the identity of the alleged victim] hotel, around 10.30-11.00 a.m., we were stopped by and asked to show our documents to two people in plain clothes who declared themselves police officers and were bearing arms. I showed them the following documents I had on me: a) the white threefold given to recognised refugees, since I was waiting for my Uniform Residence Permit (URP) to be issued b) my TDV (Titre de Voyage) which I have received a few days earlier in Athens and c) 100€. My friend showed and deliver them: a) his and his son's white threefold and several medical documents regarding his son health condition b) his employment card and c) 55€. He was also waiting for his URP to be issued, while he was informed that he could receive his TDV from the Regional Asylum Office in the region of Attiki, on ... [SsN: the date is not written, so as not to reveal the identity of the alleged victim] They declared themselves police officers but without presenting an identifier of their professional capacity. My friend asked them to show us their identity, without getting any response though. One of them was of age 35-38, tall, strongly built, bald, wearing pants of olive-green colour that looked like military pants and a black shirt, the other one was of age 25-28, was speaking Greek and very little English, of medium height and normal weight. They were both armed. The younger man made a call and a few moments later a conventional dark car approached, stopped and being left by its driver who walked away. The two men told us to get into the back of the vehicle. While we were in the car, one of them was checking on our mobiles, which had earlier been seized. The car had two stops until the arrival at its final destination, a storehouse, where we were illegally detained and tortured. We arrived at the storehouse almost 20 minutes after getting into the vehicle, and after ascending and descending a mountain.” While my friend and I were transferred to the detention place, we have had our eyes covered with adhesive tape and our hands tied with tire-ups. At first, they made us undressed and subsequently submitted us to physical search, into a small room of the storehouse. In the room where the physical search took place, we could hear voices of 4-5 different persons, whose behaviour suggested that they were performing some kind of “service”. Our nose, mouth and genitals were searched, for almost 10’. One hour later, we were transferred to a nearby, big, grey storehouse, where the rest of the group members were on hold for the return operation. We remained in the storehouse (along with 2 more Turkish and 1 Mauritanian nationals) for 12 hours, where I had the perception that we were guarded by 9-10 “guards”. Throughout our 12 hours of detention, we were beaten three different times. They*

<sup>92</sup> RRN: HIA09A45A45 RSA01A46A49.

*didn't give us anything to eat and they threw water in our faces. Having our legs tied two by two, we were kept under detention for another 6-7 hours".<sup>93</sup>*

**Testimony extract by a person previously unregistered/undetected, stateless Palestinian, single mother. Detection location: the island of Kos Separation from family members.** Me and my 5 children (4 minors and 1 adult daughter), were detected by some people wearing balaclavas (full face masks) and dressed in clothes of dark blue colour. *I didn't see the word "Police" on their clothes. They were just 2 persons. One of them was stout and tall. Later on, a bus came, but I didn't see the driver. Our physical search took place in that bus. Everything we had on us, was seized. Then the bus took us to another beach/port. The drive didn't last more than half an hour, maybe a quarter. There were Coast Guard vessels in the area. They made us get into one of them. [...] Photocopies of our passports, original birthday certificates, money and clothes [...], were all in our rucksacks and even if we asked them to give them back to us, they didn't. Apart from everything in our rucksacks, anything else I had on my bag, was also seized. I was beaten, submitted to physical search, forced to get undressed in my upper body. The only question they asked, was about our nationality and we answered them that we were stateless Palestinians." [...] The Coast Guard vessel led us to a point on the open sea. It stopped in the middle of the sea and we they put us all in an inflatable boat, without engine. We were abandoned. The Coast Guard vessel left, but kept watching us from distance. They were waiting. Then, the Turkish Coast Guard came to take us with them. One of my minor sons, didn't come along with us, we were separated. He remained in Kos island. "*<sup>94</sup>

**Testimony extract by a person previously unregistered/undetected, Somalian citizen, victim of torture and other forms of physical or psychological violence. Detection location: the island of Kos (?) Number of people who were returned: 31-50.** *I was in a boat that set off from Turkey, along with around 37 more people. We were detected near the port of a Greek island. We were easily seen from the shore as dawn broke. I think it was Kos, even though I couldn't say for sure that it wasn't Chios island. I just heard that name. We were detected by Coast Guard men who were on a vessel. They started pursuing us. We managed to get ashore and the Coast Guard men took the empty vessel and left. We were divided in 2 groups. Most of the single men took one direction while I was in the group with other 2 women who were in pregnancy. We were walking and running for about 2 hours in the forest. [...] At a moment, two policemen in plain clothes appeared with pistols in their pockets. We walked together for half an hour and the pregnant women got into the police car. I told them I wanted to apply for asylum. The policemen gave us water to drink and they told us, that they would transfer us to a camp, where we could apply for asylum. They forced us to get into a white bus, in which more policemen boarded. We were told to remain silent. They threatened our lives, in case we didn't. [...]"<sup>95</sup>*

**["Testimony extract by a person previously unregistered/undetected, Cameroonian citizen, victim of trafficking. Detection location: the sea area near a coast of Samos island. Number of people who were returned: 11-20.** *We were detected off the island of Samos, near the coast. After we got detected, we were transferred by the Authorities to a forest, mountain area, where we were submitted to physical search. Women in pregnancy were beaten in front of my eyes and I wasn't feeling well. We were guarded and searched by 4 men. Three men and one woman were waiting for us in the sea. I was trying to move ahead, in order to avoid being beaten. I wanted to drink some of the water I had in my bag, but they seized the bag, while pushing me. I was begging them not to beat me on the head,*

<sup>93</sup> RRN: HIA09A45A45 GCR24A22A18.

<sup>94</sup> RRN: HIA09A45A45 MET01A28A23.

<sup>95</sup> RRN: HIA09A45A45 LCL01A31A29.

*due to health issues that I've been facing. Suddenly, I collapsed on the ground. A woman standing next to me, help me to get up. We were asked to give them all our money, otherwise they would proceed to physical search. They took off all of our clothes. My money was in my pants and my mobile hidden in my underwear. They also took off my underwear and seized my mobile. After taking our clothes off, they got us down on the ground. The physical search reached my genitals. I asked the man who was conducting it, to stop and I was crying a lot, while he kept on searching my genitals in a violent way, he was laughing and beat me on the back side of my body. Traumatic memories from my sexual violation in Cameroon, relived. It felt terrible and I was crying all the time. Even minor children were submitted to physical search. Throughout our detention around 5-6 hours, from 8.30 a.m. to 2 p.m., we were not given any food or water. They didn't allow me to drink the water I had in my bag. All our personal belongings, were seized. Our toilet needs were served right there, in front of them. After the end of the search, they transferred us in a small boat and they returned us to Turkey, as we had the feeling of death approaching. I was terrified. I will never forget this incident. I have the images coming before me all the time. After our detention, the physical search and the seizure of our belongings were over, we headed through the forest towards the coast. During the route, they were pushing us and treating us with violence. When we got to the coast, we boarded the big vessel of the Greek Coast Guard, which was already there. We were almost thrown with violence, from the vessel to a small, inflatable, black boat, amidst the waves, with the intention to be returned to Turkey. All of us were naked, since they had seized our clothes. The Coast Guard vessel, left us in the sea border area between Greece and Turkey. We were not given life vests or any other means of protection. We arrived in Turkey almost one hour later and we called for help.”<sup>96</sup>*

**Testimony extract by a person previously unregistered/undetected, citizen of Democratic Republic of Congo, victim of torture. Detection location: the sea area near the coasts of Lesbos island. Number of people who were returned: 31-50.** *“[...] At around 8 p.m. another big ship approached. It was similar to the one we were in, but I couldn't see any details, as we were not allowed to raise our heads. I just took a very quick look and I noticed that this second ship, was launching speedboats on the water. In the meanwhile, some of the men on board, were taking out of some huge bags, some big orange things, made of the same material used to make life vests. I guess that they had inflated them, as afterwards, I saw them floating on the water. Firstly, they called an Afghan family and they got them down in these inflatable orange rafts. After that, I and 25 African people were ordered to get down in the other raft. It was a big, round raft, with something like awning above our heads. It zipped up like a floating tent. On the inner part of the tent there was the indication: “12 persons”. Some Greek people from the speedboats, gave to every one of us a rope and told us to tie them on the rafts. The two speedboats sped up, towing the two rafts in two different directions. We didn't know, where they wanted to get us. After 5-6 minutes, the men in the speedboats, cut the ropes and left us floating in the rafts. We realised that they abandoned us and I begged them to come back, as pregnant women and children, were among us. They laughed and said: “Don't worry, another big ship is coming for you”. The two speedboats moved off and got back to the big Coast Guard vessel. I could see from distance the Greek Coast Guard vessels, remaining stationary.”<sup>97</sup>*

**Testimony extract by a person previously unregistered/undetected, Syrian national. Detection location: the sea area near the Strait of Kassos island. Number of people who were returned: 71-100.** *“Almost 85 people including me, began our journey from Lebanon to Italy, by boat. 5 days later, near the island of Crete, a big storm broke out and we couldn't continue the journey. Due to bad*

<sup>96</sup> RRN: HIA09A45A45 GCR25A19A14.

<sup>97</sup> RRN: HIA09A45A45 HIA01A25A20.



*weather conditions, and in order to protect our and our children's' lives, we entered Greece. We were between two islands. The time was around noon to 1 p.m. A woman spoke in English with the Authorities and told them that we were asking for their permission to spend one day in the area, before we set off again. They told her that we should remain where we were and they would come to us. Almost a quarter or half an hour later, a small Coast Guard vessel approached, along with a big one of grey colour. The Coast Guard vessel made circles around the boat we were in. The big boat, came very close to ours and its people on board tied the two boats with ropes and then started to get us into their boat one by one, using a small staircase with 5-6 steps. Those four men who tied our boat with their vessel and dropped us the ropes, were wearing dark blue pants and dark blue, almost black shirts, as well as hoods. Two more people in white uniforms, seized our mobile phones and once they were done with our physical search, they were taking us to the bow of the boat, until we were all gathered there. Another man came [not included in the four mentioned above] in order to count us and after that, he took a picture of us and started to speak on the phone. In English, he wanted to reassure us that everything was going to be fine and that they intended to help us. He brought some food for the children and women and told us not to be scared, that everything was under control and to stay down on the floor. They used a pump water to poor water into the boat we were initially on board, until they sank it. Our new journey lasted almost two hours. We could see them talking on their phones, while stopping the boat in the middle of the sea, in a close distance from another boat. One of them, their chief, was telling us to keep our eyes down and don't look up. After finishing with their phone calls, they got inside the boat and set it off at a so high speed, that we were all really frightened, women and children were crying. One of us went at the front and started to ring the bell that was there, to make them stop. They stopped and got outside. There was an argument among them, since some of them were asking to reduce speed, as women and children were on board. There was a small room on the right side of the ship, where women and children were moved. We set off again for almost two or three hours, when we reached a Greek island which looked like a mountain with small military residents (made of stones) and tents. I believe that the ship docked at the port of this island, full of military personnel, in order to fuel up. Our journey started again and lasted from 10.p.m. to 1 a.m. We could see lights ashore and we thought it was Italy. We were not disembarked at that time. We sailed for almost two more hours, and then we returned at the same point, at around 3 a.m. There was no light on the boat, engines stopped working and radar stopped spinning. We couldn't hear the slightest sound of any device. Three people including their chief, approached us. The later said that Italy was in front of us. It was the time to get us off the boat and transferred in rafts. We asked to take one mobile phone back, so as to be able to use the GPS and contact someone ashore to come and transfer to Italy. They refused to give us one. We were told to get up, one by one, I remember hearing the word "PAME" ( "Let's go). We were standing in line, women and children at the front. Four inflatable rafts were waiting for us at the back of the boat. One of them had an awning on the top of it. They began to get us down on them, one by one. We were ordered to take our staff quickly and get down with no delay. At the back of the boat there was a pile of our suitcases and we were told that we had one minute to take them and get out of the boat. Children were put in the first raft and I wanted to be with them, as I was anxious about my 6 years old brother who was in it. They didn't allow me to and I got down in the second raft. They wanted to put exclusively men in the third raft and as some of them resisted, they fired into the air, while we were in the water. Once we got in the rafts, we tried to get distanced because we were afraid that they would poor water in them and we would sink. They didn't give us any life vests to wear. From the moment the left us in the 4 rafts, they set off at high speed. We*



*remained at sea almost 3 hours, until the day dawned and we saw a yacht and we were waiving, asking for help. Afterwards, 7-8 people of the Turkish Coast Guard approached us.”<sup>98</sup>*



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<sup>98</sup> RRN: HIA09A45A45 GCR10A26A21.