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## SHARED CONCERNS BY ATTORNEYS IN TÜRKİYE AND GREECE ON A DEADLY PUSHBACK: WHERE IS THE FILE OF BARIŞ BÜYÜKSU?

Bariş Büyüksu, who was a citizen of the Republic of Türkiye, was found unconscious in a life raft by the Turkish Coast Guard together with 15 Palestinian migrants off the coast of Bodrum on 22 October 2022, and subsequently lost his life while he was waiting for an ambulance for emergency medical assistance.

Within the scope of the criminal proceedings, the Bodrum Public Prosecution opened an investigation and took the testimonies of all the Palestinian migrants as witnesses, after Barış lost his life. The testimonies suggest that Barış and the others were subjected by unknown Greek state forces to a common practice often used against migrants called a “pushback”. Testimonies also suggest that Barış was subjected to a heavy beating and electrocution while he was on Kos Island.

The Forensic Medicine Report prepared within the scope of the investigation also confirms the witnesses' statements. The forensic report that was prepared by the 1st Forensic Specialized Board of the Forensic Medicine Institute stated that Barış' death was due to **“general somatic trauma due to rib fractures and widespread bleeding due to internal soft tissue bleeding”**. Therefore the report found a causality between the subjected trauma and the death within the criminal proceedings in Türkiye.

After the death of Barış Büyüksu, in pursuit of justice the family applied to Progressive Lawyers Association (Çağdaş Hukukçular Derneği) for legal aid in February 2023. In order to continue the judicial processes in Türkiye and in Greece in parallel, the legal representation of the family has been jointly undertaken by the Progressive Lawyers Association and the Legal Centre Lesvos.

**On behalf of our organizations, who are both members of the European Association of Lawyers for Democracy and World Human Rights (ELDHR), we invite the public and the international community to demand justice for Barış Büyüksu and for all the migrants who have been subject to an illegal pushback operation. As a part of this demand we ask: Where is the file of Barış Büyüksu?**

**Barış lost his life due to the border policies! And his family cannot access justice due to interstate bureaucracies!**



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It is clear from the files that we already have made public, that the investigation that was carried out by the Bodrum Public Prosecution was incredibly comprehensive and detailed. It has been identified by our institutions that the file was sent to the General Directorship of Foreign Affairs and the European Union department within the Ministry of Justice after being translated to Greek. However, despite persistent attempts of the Legal Centre Lesvos, the location of the file in Greece couldn't be identified.

Officials from the Ministry of Foreign Affairs of Greece informed us that procedurally, the file must arrive to the Ministry of Justice of Greece from the Ministry of Foreign Affairs of Greece, and that Greece should receive the file from the Ministry of Foreign Affairs of Türkiye, which in turn should receive the file from the Ministry of Justice of Türkiye. But against all our attempts, it is still unclear whether the file of Barış Büyüksu has reached the Ministry of Foreign Affairs of Greece in the first place.

Kocaeli MP Ömer Faruk Gergerlioğlu communicated with the Ministry of Foreign Affairs of Türkiye, after replying positively to the family's call for assistance. As a result, the Ministry of Foreign Affairs of Türkiye ordered the Turkish Embassy of Athens to send an informative note to the Foreign Ministry of Greece, asking for "the updates on the investigation file that was sent from Türkiye". The Legal Centre Lesvos was not able to obtain any information regarding this note. The address that the informative note was sent to, the date and the protocol number of the document is known, yet this data was not sufficient to understand if the note was sent or received during our attempts to communicate with different departments of the Foreign Ministry of Greece. Finally, on 14 October 2023, Legal Centre Lesvos received an answer by the competent department of the Greek Ministry of Foreign Affairs, stating that they had received a note from the Turkish Embassy of Athens – which they mentioned is not the competent authority for this matter – asking if there is an ongoing investigation about Barış' death in Greece and that they had already officially replied that there is not. The Greek Ministry of Foreign Affairs also confirmed that their office had never received any investigation file in this case from the Turkish authorities.

Persistent in their pursuit of justice, the family contacted the Presidential Communications Center (Cumhurbaşkanlığı İletişim Merkezi - CİMER). Subsequently, the Rhodes Consulate of Turkey contacted the family and confirmed that not only an informative note was sent, but that two additional notes were subsequently sent as well. Yet, despite the attempts of our institutions, the officials in Greece couldn't locate these documents or confirm their whereabouts. Officials and departments who were contacted also often responded that they are



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not the competent department to reply and referred the Legal Centre Lesvos to other departments.

**Evidently, despite the attempts over the last months, Barış' file is still "missing". Nevertheless, the family of Barış and our institutions are determined to continue to follow the legal process until justice is served.**

**We will continue to fight for justice, so that others are not massacred through pushbacks!**

The UN Special Rapporteur on the rights of migrants defines "pushbacks" as "various measures taken by States which result in migrants, including asylum seekers, being summarily forced back to the country from where they attempted to cross or have crossed an international border without access to international protection or asylum procedures or denied of any individual assessment on their protection needs which may lead to a violation of the principle of non-refoulement." In other words, pushbacks are essentially the forced and collective expulsion of migrants through illegal means to the countries that they came from. These practices therefore prevent the internationally recognized right of migrants to apply for asylum or seek protection. This practice is in violation of the European Convention of Human Rights and all major international human rights treaties. Inherent to the practice of pushbacks in Greece is also the violation of the right to life and the prohibition of torture.

It is evident that what Barış has experienced is not an exception. Dozens of court cases have been filed to the European Court of Human Rights against Greece due to rights violations that result from pushbacks. This includes two cases brought by the Legal Centre Lesvos, which have now been communicated to Greece and are pending a decision. As the Aegean Sea is becoming a graveyard for hundreds if not thousands of migrants every year, news and reports of migrants who managed to land on Greece's soil being tortured are becoming more frequent in the last years. It is not only our legal responsibility to stand against these lawless policies against migrants, but also our moral duty.



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**At this point, as Progressive Lawyers Association and Legal Centre Lesvos, we demand the following from rights defenders and the authorities:**

- We urge all rights defenders in Greece and in Türkiye to join our demand for Justice for Barış. Barış is not the first migrant who lost his life due to illegal pushbacks, nor will he be the last! We call on rights defenders to stand together with us in our struggle for Justice for Barış and against pushbacks.
- We invite the press to visibilise the demand for justice for Barış' family.
- We invite EU, Greek and Turkish Members of Parliament, institutions and ministries to locate the file of Barış, which was lost between the bureaucracies of the two countries.
- We invite the officials in Greece to immediately start an effective judicial process on Barış Büyüksu's death!

**Progressive Lawyers Association (Çağdaş Hukukçular Derneği) - Legal Centre Lesvos  
7 November 2023**

**For more information and questions, please contact:**

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Note: Documents regarding the investigation that was carried out by the Bodrum Public Prosecution are available upon request.