



Recording Mechanism
of Informal Forced Returns

RECORDING MECHANISM OF INCIDENTS OF INFORMAL FORCED RETURNS

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PREAMBLE

The present report includes the data and findings of the Recording Mechanism of Incidents of Informal Forced Returns (hereinafter *Recording Mechanism*), resulting from the testimonies recorded during 2022 through personal interviews with alleged victims of incidents of informal forced returns, reportedly occurred between 2020 and 2022.¹ This report is a follow-up to the Interim Report of the Recording Mechanism published in January 2023.

On the following pages we will proceed with the analysis of the data regarding the reported incidents of informal forced returns of third-country nationals, as derived from the testimonies recorded by the alleged victims themselves. We use the term Informal Forced Returns (hereinafter *IFRs*) as a technical term to refer to refolement of asylum seekers and refugees, as well as any other form of forced removal of third-country nationals from Greek territory that occurs summarily and irregularly, deviating from the legal procedures for such removals. The technical language employed throughout the extent of the Report aims to analyze quantitative and qualitative findings as broad and in-depth as possible, providing the most precise depiction of trends and conclusions. However, in the Annexes of this Report excerpts from the testimonies of the alleged victims are presented, allowing the authentic voices of the individuals involved to take precedence.

We suggest from the outset, that readers should read these testimonies with due caution, since in many of them there is a strong express of personal anxiety, stress, and pain of the alleged victims, arising from the reported losses and acts of violence.

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 the geographical origin of migrating populations, their *trajectories* intersect with Greece both at the Eastern and the Southern entry points towards the territory of EU countries. Beyond this geographical specificity of the country, it should also be taken into consideration that the long maritime boundary line of the island territory is at its outer extremities in close proximity to the coast of Turkey, in the territory of which, resides the largest number of refugees during the last

¹ Bringing the phenomenon of IFRs to light, has persistently concerned international institutions, European bodies, humanitarian organisations, civil society organisations and journalists. 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 at: <http://tinyurl.com/2f7v3kvx>.
- ii. The IOM Press Release concerning the reported IFRs in Greece, 11.06.2020, available at: <http://tinyurl.com/57knxtty>.
- iii. The Greek Council for Refugees Report: *At the Borders of Europe: Between Impunity and Criminalisation*, 02.03.2023, available at: <http://tinyurl.com/ybrx5dpx>.
- 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, available at: <http://tinyurl.com/3ur4j6jm>.
- 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>.
- ix. The report on the IFRs in Greece ran by the journalistic team "Inside story", is available here: <https://insidestory.gr/>



decade.² At the same time, broader geopolitical complexities in the Eastern Mediterranean converge with matters of foreign policy and security for Greece, deriving among other factors from the tense relations with neighbouring Turkey.³ Inside this vortex of multiple pressures Greek Authorities must respond in a way that guarantees both the effective surveillance and control of the national borders, which are at the same time the external EU borders, and the effective access to international protection of asylum seekers who have entered the EU Member-States, as well as act in compliance with the legal procedures regarding reception and identification of third-country nationals, the European Convention of Human Rights and the EU Charter of Fundamental Rights.

As we release the Annual Report 2022, we would like to extend an invitation to all parties concerned, i.e. National Authorities, Law-enforcement Agencies, European and International Institutions, Civil Society Organisations and Local Authorities, to engage in an open dialogue and stable cooperation, with a view to commit to collective efforts to address the challenges related to migration as well as to the reception and integration of asylum seekers and refugees into 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's future reports, we wish to contribute to a profound review of the evolving practices implemented in order to deal with the complexities of migration and we would also like to actively contribute to the implementation of an updated, compassionate, and fair approach to migration, reflecting common values of civilisation and humanity.

INTRODUCTION

The Greek National Commission for Human Rights (hereinafter *GNCHR*) presented the first Interim Report of the Recording Mechanism at a Press Conference held at its premises on Tuesday 24 January 2023.⁴ The Conference presented the Recording Mechanism's mode of operation and methodology, 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 Interim Report were presented by the Supervisor of the Recording Mechanism. The panel of presentation was attended by the Director of the European Union Agency for Fundamental Rights (FRA) through a video recording, the Representative of the UN High Commissioner for Refugees in Greece (UNHCR), the Head and Regional Response Coordinator of the International Organisation for Migration in Greece (IOM), and the Deputy Fundamental Rights Officer of the European Border and Coast Guard Agency (Frontex).

The Press Conference was attended by the Non-Governmental Organisations (hereinafter *NGOs*) which have acquired membership status to the Recording Mechanism and have adopted its Founding

² According to updated UNCHR figures, 3.4 million refugees are residing in Turkey. See UNCHR's Refugee Population Statistics Database, available at: <https://www.unhcr.org/refugee-statistics/>.

³ 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 Response*, 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.

⁴ GNCHR Press Release: *Presentation of the Recording Mechanism of Incidents of Informal Forced Returns and its 1st Interim Report*, 24.01.2023, available at: <http://tinyurl.com/y3z2zhrw>. The 1st Interim Report can be accessed on the website of the GNCHR: <https://nchr.gr/en/reports.html>.



Act and 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 positively 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.⁵ In the following months, the European Commission's 2023 Rule of Law Report on its country chapter for 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.⁶ Also, the establishment and the initiation of the Recording Mechanism have been pointed out as a good transparency practice for the reported complaints by the EU Agency for Fundamental Rights (FRA) in its overview on Asylum and Migration: Progress achieved and remaining challenges.⁷

Articles 49 and 50 of Law 4960/2022 provide for the appointment of the Fundamental Rights Officer (hereinafter *FRO*) at the MMA 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 Task Force as well as of the Five-member Evaluation Committee responsible for the selection of the FRO. In its written interventions submitted to the MMA the GNCHR has indicated that the above-mentioned provisions fall short from fulfilling the requirements for the establishment of an independent and effective mechanism to monitor the respect for human rights, while the membership of the GNCHR in the Task Force is not in line with the independent advisory role assigned to it by its founding legislation.⁸ The Greek Ombudsman also expressed his reservations about his membership in the above-mentioned Committee and the Task Force.⁹

EXECUTIVE SUMMARY

The present report is the Annual Report 2022 of the Recording Mechanism. Its content was presented in the GNCHR Plenary Meeting on 16.11.2023 and, following a discussion on the quantitative and qualitative findings, the Plenary confirmed the conclusions¹⁰ and recommendations¹¹ included therein. In the pages that follow, all the data deriving from the recordings made in 2022, a summary of which was included in the Interim Report of the Recording Mechanism published in January 2023, will be presented and analysed in full.

⁵ See: Ministry of Migration and Asylum Press Release, 24.01.2023, available only in Greek at: <http://tinyurl.com/4a42t29k>.

⁶ EU Commission, *2023 Rule of Law Report - Country Chapter on the rule of law situation in Greece*, available at: <http://tinyurl.com/muyxw2a>.

⁷ FRA – EU Agency for Fundamental Rights: *Asylum and migration: Progress achieved and remaining challenges*, available at: <http://tinyurl.com/5f85uay9>.

⁸ See: Letter addressed by the President of GNCHR to the Secretary General of Migration Policy of the Ministry of Migration and Asylum, 21.10.2022, available only in Greek at: <http://tinyurl.com/yc2njm3n>. Also see: Letter addressed by the President of GNCHR to the Secretary General of Migration Policy of the Ministry of Migration and Asylum, 11.04.2022, available only in Greek at: <http://tinyurl.com/p6bvt83j>.

⁹ See: Letter addressed by the Greek Ombudsman to the Minister of Migration and Asylum, 29.07.2022, available only in Greek at: <http://tinyurl.com/2j2mcatd>.

¹⁰ See in detail Chapter 6, pp 53-55.

¹¹ See in detail Chapter 7, pp 55-56.



In the period between February 2022 and December 2022 the Recording Mechanism has recorded testimonies through personal interviews with 43 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 it is estimated that at least 2157 persons are included in the total number of the alleged victims.¹² The countries of origin of the alleged victims are listed among the countries whose nationals are granted international protection status in Greece and the EU at a significant rate (Syria, Palestine, Turkey, Afghanistan, Iraq, Iran, Somalia, Cameroon, Mali and Democratic Republic of Congo).¹³

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. The cases of 6 Turkish nationals unregistered asylum seekers who reported that they had left their country of origin because they were at risk of being persecuted due to their political convictions and came to Greece in order to apply for asylum is of particular importance.¹⁴ These persons allegedly 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. These incidents constitute a direct violation of the principle of non-refoulement, which is the cornerstone of international protection of asylum seekers and 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 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 in Greece was pending, meaning that they were lawfully residing in the country. In these cases, the procedure of adjudicating on their asylum applications was unlawfully terminated and these applicants were deprived of their right to reside in the Greek territory and of a possible positive outcome of their applications.

Among the alleged victims are included 5 recognised refugees in Greece. These are 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 status by the competent Authorities in Greece. Therefore, these specific IFRs, deprived 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 land or at sea. However, there are alleged victims who 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 by the Recording Mechanism, it is indicated that IFRs do not constitute an occasional and *irregular* phenomenon. On the contrary, it is indicated that they have developed the pattern of a systematic and *organised* operation. As it is indicated, IFRs are carried out

¹² See in detail Chapter 3, pp. 15-19.

¹³ See: Ministry of Migration and Asylum, *Consolidated Reports*, <https://migration.gov.gr/en/statistika/>, and EUAA, *Latest Asylum Trends*, <https://euaa.europa.eu/latest-asylum-trends-asylum>.

¹⁴ 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.



by mobilizing human resources, facilities, heavy vehicles or watercrafts and other material and technical means.

The *modus operandi*¹⁵ of IFRs, as revealed by the testimonies, seems to have been built up as a progression of 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 of movement stage) and finally they are transferred from the detention/movement restriction location to the starting point of physical removal, where the IFR operation is completed (physical removal stage).

The IFRs are conducted in specific geographical regions (through the river Evros border region and at sea), the specific geographical characteristics of which determine the way of their implementation (*modus operandi*). Some testimonies, especially in cases where the detection location was at sea or very near to the Evros river border region, alleged that the detention/restriction of movement stage was skipped and thus the IFR was carried out immediately after the detection.

In the incidents recorded by the Recording Mechanism the participation of both uniformed personnel and individuals in civilian clothing was reported, whose actions indicated coordination with the Authorities.¹⁶ It is possible, however, that these individuals were ordinary citizens not having legally assumed public authority. Furthermore, in some testimonies regarding incidents in the Evros border region, it was mentioned that third-country nationals speaking some of the victims' spoken languages have been involved as perpetrators in the physical removal stage.

In the Evros' region incidents, a significantly greater involvement of alleged perpetrators wearing civilian clothing was reported, in comparison with the incidents carried out at sea, where mainly alleged perpetrators in uniform have been involved. Additionally, in the Evros' region incidents, it was reported that individuals from the countries of origin of the alleged victims were involved as perpetrators during the physical removal stage, a statement not at all raised in testimonies regarding the incidents that happened at sea.

In the majority of the testimonies, it was reported by the alleged victims that they expressed successfully 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 or capturing of biometric data (fingerprinting, photography etc.) nor did they report to have been provided with any information about their rights by the competent authorities, in a language they could understand.¹⁷

The IFRs lead to numerous violations of fundamental rights, many of which involve children, women, elderly people and other groups of vulnerable individuals.¹⁸ 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) that may constitute criminal offences according to Greek Law and in particular to the following Articles of the Greek Penal Code (hereinafter GPC): Art. 333 GPC (*threat*), Art. 330 GPC (*unlawful violence*), Art. 137A par. 4 GPC (*torture and other violations of human dignity*), Art. 322 par. 1 GPC (*abduction*), Art. 322 par.2 GPC (*enforced disappearance*), Art. 306 GPC (*risk exposure*), Art. 307 GPC (*failure to assist a person in*

¹⁵ See in detail Chapter 4 (I), pp. 19-20.

¹⁶ See in detail Chapter 4 (II and III), pp. 20-42.

¹⁷ See in detail Chapter 4 (IV), pp. 42-45.

¹⁸ See in detail Chapter 4 (V), pp. 45-48.



danger), Art. 277 GPC (*causing a shipwreck*), Art. 308-312 and 314 GPC (*personal injuries*) and Art. 302 or 299 GPC (*homicide*).

The alleged victims involved in 9 incidents have lodged an appeal before the European Court of Human Rights (ECtHR) 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 (Public Prosecutors and the Police) about their presence in Greece, their need to be rescued and their will to apply for asylum. The alleged victims involved in 4 other incidents have filed criminal complaints before the Greek criminal courts. As regards to 1 more incident, the case has been filed due to the unknown identity of the perpetrators after an ex officio investigation on the part of the Public Prosecutor. In connection with 4 incidents, the alleged victims filed complaints before the Greek Ombudsman (the alleged victims involved in 3 out of these 4 incidents, are included in those that have filed the criminal complaints before the Greek criminal courts mentioned above).¹⁹

The Recording Mechanism urges the Greek Authorities, inter alia,²⁰ to conduct impartial and thorough investigations on all complaints lodged by the alleged victims of IFRs and other serious violations of human rights at the borders, to ensure that those responsible for such illegal actions are brought before the Judicial Authorities, to provide safeguards that all State bodies strictly respect the principle of non-refoulement, and that all asylum seekers in the Greek territory have access to asylum procedures and protection against pushbacks or other forms of IFR.

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 Principles*²¹ adopted by the United Nations (General Assembly Resolution A/RES/48/134, 20.12.1993, “*National Institutions for the promotion and protection of human rights*” NHRIs) and is the National Institution for the protection and promotion of Human Rights (NHRI) in Greece. The founding legislation of GNCHR was amended by Law 4780/2021, the provisions of which now govern the operation of the Greek National Commission for Human Rights. Under these provisions, the GNCHR has acquired legal personality, functional, administrative, and financial independence. Since 2001, the GNCHR was accredited as an A’ status NHRI (full compliance with the UN Paris Principles) by the competent GANHRI Sub-Committee on Accreditation, in recognition of its substantial independence and effective fulfilment of its role.

According to Law 4780/21, the mission of 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.

¹⁹ See in detail Chapter 4 (VII), pp. 49-50.

²⁰ See in detail Chapter 7, pp. 55-56.

²¹ UN Office of the High Commissioner for Human Rights (OCHR), *Principles relating to the Status of National Institutions (The Paris Principles)*, available at: <http://tinyurl.com/u2bt443f>.



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

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

Since its establishment, the GNCHR has attached particular importance to the respect of human rights of refugees and migrants residing in Greece. The GNCHR, taking into account complaints that have been discussed in its Plenary brought up by civil society organisations that participate in its composition by designated members, including the Hellenic League for Human Rights (HLHR)²² and the Greek Council for Refugees (GCR),²³ on IFRs from Greek territory to third countries, issued a relevant *Announcement*²⁴ and subsequently a *Statement*²⁵ 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)*,²⁶ called on the Greek authorities to take all appropriate measures to ensure compliance with the principle of non-refoulement, the unimpeded, early and effective access to International Protection Procedures of the informally arriving third-country nationals, without any discrimination based on race, religion, nationality, membership of a social group or political opinion, as well as the immediate and thorough investigation of all complaints of informal forced returns in the region of Evros River.

On 18 June 2020, the 3rd Sub-Commission of the GNCHR on the Application of Human Rights to Aliens held a hearing of public authorities and persons. The hearing was attended by representatives of the Government, the competent Security Agencies, international and regional organisations, independent authorities, and civil society organisations.²⁷

Following the aforementioned hearing of stakeholders, the GNCHR issued a *Statement*,²⁸ calling on the Greek Authorities, *inter alia*, to guarantee that all bodies of the Greek State fully comply with the

²² See: HLHR, *Complaint on refoulements from the region of Evros River*, 6 February 2018, available only in Greek at: <http://tinyurl.com/mrxptdjz>, and HLHR Press Release, *More refoulements of Turkish asylum seekers in Evros*, 06.06.2017, available at: <http://tinyurl.com/5n7hczcx>.

²³ GCR, *Reports of systematic pushbacks in the Evros region*, 20.02.2018, available at: <http://tinyurl.com/389ajczc>, and GCR Press Release, *GCR submits complaints after refugees' allegations of pushbacks at the region of Evros*, 19.06.2019, available only in Greek at: <http://tinyurl.com/44varks2>.

²⁴ GNCHR, *Statement on the allegations of irregular push backs in Evros*, July 2017, available only in Greek at: <http://tinyurl.com/9jydemtu>.

²⁵ GNCHR, *Statement on complaints regarding informal pushbacks at the region of Evros*, 29.11.2018, available at: <http://tinyurl.com/5e2u7ymu>.

²⁶ GNCHR, *Reference Report on the Refugee and Migrant Issue, Part A Refugees*, September 2019, available only in Greek at: <http://tinyurl.com/5dczj2b>. A summary and the Key Recommendations of this Report are available in English at: <http://tinyurl.com/mrxnr97y>.

²⁷ See: GNCHR Press Release, *Hearing of public authorities and persons on refugee and migrant issues during the meeting of the Third Sub - Commission of the GNCHR*, 19.06.2020, available at: <http://tinyurl.com/bxp3fa8v>.

²⁸ GNCHR, *Statement on the reported practices of push backs*, 9.07.2020, available at: <http://tinyurl.com/2tbkdkxm>.



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 2020.²⁹

In its *Report on the State of Migrants' Rights at Borders*, in July 2021,³⁰ 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 Refugees³¹ (UNHCR) and the International Organisation for Migration³² (IOM), as well as of international,³³ European,³⁴ and national human rights institutions,³⁵ which, as indicated in these reports, result in a gradual but steady consolidation of the characteristics of the IFRs through a repeatable methodology.

²⁹ GNCHR, *Reference Report on the Refugee and Migrant Issue*, Part B', September 2020, available at: <http://tinyurl.com/283r8h4b>.

³⁰ GNCHR, *National Report on the Situation of Human Rights of Migrants at the Borders*, July 2021, available at: <http://tinyurl.com/2nb94ucr>.

³¹ UNHCR Press Release: *UNHCR deeply concerned at reports of informal forced returns from Greece to Turkey*, June 2017, available at: <http://tinyurl.com/33nn69yn>. UNHCR Press Release: *UNHCR calls on Greece to investigate pushbacks at sea and land borders with Turkey*, June 2020, available at: <http://tinyurl.com/ye29f93k>. UNHCR Press Release: *UNHCR concerned by pushback reports, calls for protection of refugees and asylum-seekers*, August 2020, available at: <http://tinyurl.com/tk7d3j9f>. UNHCR Press Release: *UNHCR warns asylum under attack at Europe's borders, urges end to pushbacks and violence against refugees*, January 2021, available at: <http://tinyurl.com/vzw5a2xe>.

³² IOM Press Release: *IOM Alarmed over Reports of Pushbacks from Greece at EU Border with Turkey*, June 2020, available at: <http://tinyurl.com/yxcmzktk>. IOM Press Release: *IOM Concerned about Increasing Deaths on Greece-Turkey Border*, February 2022, available at: <http://tinyurl.com/3c6y3rmd>. IOM Press Release: *More than 5,000 Deaths Recorded on European Migration Routes since 2021*, October 2022, available at: <http://tinyurl.com/56wve4k5>.

³³ UN Committee Against Torture, *CAT/C/GRC/CO/7: Concluding observations on the seventh periodic report of Greece*, September 2019, available at: <http://tinyurl.com/ms9x8atu>. UN Working Group on Arbitrary Detention: *Preliminary Findings from its visit to Greece (2 - 13 December 2019)*, December 2019, available at: <http://tinyurl.com/3ap6jh66>. UN Special Rapporteur on the Human Rights of Migrants, *Report on means to address the human rights impact of pushbacks of migrants on land and at sea*, May 2021, available at: <http://tinyurl.com/4ahad4cd>.

³⁴ Commissioner for Human Rights of the Council of Europe, *Report of the Commissioner after her visit to Greece on 25-29 June 2018*, November 2018, available at: <http://tinyurl.com/y8wufvnn>. Statement by the Commissioner for Human Rights of the Council of Europe, *Time to immediately act and to address humanitarian and protection needs of people trapped between Turkey and Greece*, 03.03.2020, available at: <http://tinyurl.com/58u8jh8n>. Commissioner for Human Rights of the Council of Europe, *Letter by the Commissioner to the Ministers of Citizen's Protection, of Migration and Asylum, and of Shipping and Island Policy of Greece*, May 2021, available at: <https://rm.coe.int/0900001680a256ad>. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Greek Government on the visit to Greece carried out by the CPT from 10 to 19 April 2018*, February 2019, available at: <https://rm.coe.int/0900001680930c9a>. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 17 March 2020*, November 2020, available at: <https://rm.coe.int/0900001680a06a86>.

³⁵ Greek Ombudsman, *Interim Report on the alleged pushbacks to Turkey of foreign nationals who had arrived in Greece seeking international protection*, January 2021, available at: <http://tinyurl.com/4h645y6e>. National Mechanism for the Investigation of Arbitrary Incidents (EMIDIPA), *Annual Report 2021*, June 2022, available at: <http://tinyurl.com/4ab2r26d>, and *Annual Report 2022*, October 2023, available at: <http://tinyurl.com/mrxwbhvj>.



In this regard, the GNCHR, building on the best practices stemming from the establishment and operation of the Racist Violence Recording Network (RVRN) for over a decade,³⁶ 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.³⁷ Following a GNCHR Plenary delegated act, a Working Group was set up to prepare the draft of the Founding Act of the Recording Mechanism and create a Recording Form of Incident of Informal Forced Return (hereinafter *Recording Form*).³⁸ 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 attends the GNCHR Plenary Meetings and reports to the Plenary any updates on matters related to the operation and development of the Recording Mechanism.

CHAPTER 2. PROFILE AND METHODOLOGY APPLIED BY THE RECORDING MECHANISM

I. Profile of the Recording Mechanism

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

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

Respect for human rights, diversity, multiculturalism, and tolerance, as well as action to promote third country nationals' rights, are prerequisites for Civil Society Organizations to acquire membership status to the Recording Mechanism. The Non-Governmental Organisations (hereinafter *NGOs*), are Civil Society Organisations, whose establishment is the result of private initiative. Their operation is protected at national level by Article 12 of the Constitution of Greece, which provides for “...*the right to form non-profit associations and unions...*”,³⁹ at European level by Article 11 of the European

³⁶ The Racist Violence Recording Network (RVRN) is a joint initiative of the Greek National Commission for Human Rights (GNCHR) and the Representation of the United Nations High Commissioner for Refugees in Greece (UNHCR) operating along with non-Governmental Organisations and Stakeholders. Currently it is comprised of 52 NGOs, providing medical, social, legal services or other supporting services and/or coming in direct contact with victims of racist violence and 2 Stakeholders as observers. Click here for more information: <https://rvrn.org/en/>

³⁷ The relevant decision was unanimously adopted at the Plenary meeting of the GNCHR on 09.07.2020.

³⁸ The relevant delegated act was unanimously adopted at the Plenary meeting of the GNCHR on 12.11.2020.

³⁹ The Constitution of Greece, Art. 12 “*Greeks shall have the right to form nonprofit associations and unions, in compliance with the law, which, however, may never subject the exercise of this right to prior permission. An association may not be dissolved for violation of the law or of a substantial provision of its statutes, except by court judgment. The provisions of the*



Convention on Human Rights which provides that “Everyone has the right to freedom of peaceful assembly and to freedom of association with others...”,⁴⁰ and at EU level by Article 12 EU Charter of Fundamental Rights providing that “...Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels...”.⁴¹ NGOs active in the humanitarian field (related to migrants, refugees or other matters) offer pro bono and on the basis of the principle of equal treatment a wide range of services to the concerned population, such as legal advice and assistance, medical consultation, prevention and care, psychological support and treatment, social support and empowerment, housing, educational activities, protection and fostering of minors, while in numerous cases, offer their assistance to Authorities, while the latter for several reasons cannot provide public services from their own resources to third-country nationals - such as interpretation services or certification of victims of torture. Their operation is characterized by prompt action and flexibility, while they have a deep reach inside the concerned communities. The added value of their unhindered operation is that they constitute an important link in keeping the concerned population within the social fabric and that they contribute to the cultural and social integration of population, coming from diverse cultural and social environments. At the same time, they function as cultural mediators, contributing to a better engagement with the communities, peaceful and harmonious coexistence, as well as cultural diffusion and enrichment. Their actions and operations should be encouraged and safeguarded in the context of an open and democratic society. Hampering their operation deprives concerned population of access to services necessary for their wellbeing and the exercise of fundamental rights, therefore leading to the disruption of social cohesion, rise on crime rates, vigilantism, rise of racism and intolerant speech, and acts of violence. The obstruction or the criminalization of the activities of human rights defenders, lawyers,⁴² doctors, social workers, rescuers, etc., creates a suffocating environment around democratic rights and freedoms at an overall level.⁴³

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

preceding paragraph shall apply, as the case may be, to unions of persons not constituting an association. Agricultural and urban cooperatives of all types shall be self-governed according to the provisions of the law and of their statutes; they shall be under the protection and supervision of the State which is obliged to provide for their development. Establishment by law of compulsory cooperatives serving purposes of common benefit or public interest or common exploitation of farming areas or other wealth producing sources shall be permitted, on condition however that the equal treatment of all participants shall be assured”, available at: <http://tinyurl.com/f7upe9dv>.

⁴⁰ European Convention on Human Rights (ECHR), Article 11: “Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State”, available at: https://www.echr.coe.int/documents/d/echr/Convention_ENG.

⁴¹ EU Charter of Fundamental Rights, Article 12: “Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters, which implies the right of everyone to form and to join trade unions for the protection of his or her interests. Political parties at Union level contribute to expressing the political will of the citizens of the Union”, available at: https://www.europarl.europa.eu/charter/pdf/text_en.pdf.

⁴² See: Opinion of the Athens Bar Association (ABA) with Ref.No. 143/2023, available only in Greek through the website of the European Council on Refugees and Exiles (ECRE): <https://shorturl.at/fAOZ2>.

⁴³ OHCHR, Visit to Greece 13-22.06.2022: Report of the Special Rapporteur on the Situation of Human Rights Defenders, Mary Lawlor, available at: <http://tinyurl.com/y7z6wp7b>.



and are bound by the commitment to pursue its shared objectives, use its tools, and apply its Methodology.

The organizations that have acquired Membership Status to the Recording Mechanism, according to the terms of its Founding Act of are the following:⁴⁴

- 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 Lesbos
- Danish Refugee Council, Greece
- Equal Rights Beyond Borders
- International Rescue Committee, Greece

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

II. Methodology applied by the Recording Mechanism

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 IFRs 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 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 demanding requirements for completing the Recording Form, in order to highlight patterns and recurring practices. This is actually a voluntary restriction, in order to ensure that recordings provide, to the greatest extent possible, 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 distance from the incidents, the geographical distance between the recording officer and the victim etc. Therefore, the Recording Mechanism is aware of the fact that its capacity

⁴⁴ As updated by 15 November 2023.



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

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 IFRs, usually with the support from an interpreter, to ensure mutual understanding. Following an identity check of the alleged victims, the interviews are conducted by any appropriate means in a safe environment. The recording officers, whether social, legal, or scientists of other disciplines, professionals or volunteers, are designated by the Members and are 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.⁴⁵

iii. Consent

Before the interview the alleged victim's prior written consent is required, after having been fully informed in a language they understand about the content of the Consent Form, as well as on the interview purposes and the way in which their 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 joint consultations with its Members and the UNHCR. In order for the Recording Form to meet the needs of recording a rather complex phenomenon including multiple stages of management (detection or informal arrest, informal detention or restriction on freedom of movement, physical removal), is divided into corresponding modules and sections, with the purpose of gathering detailed information on the identity of the alleged perpetrators, the place and time referring to each stage of the incident, from the detection of the alleged victims in the Greek territory to their fate after their removal from the country, and recording the alleged perpetrators' *modus operandi*. Finally, any intention of the alleged victim to take further steps regarding their case, for instance, whether he/she

⁴⁵ As far as the reporting period is concerned, no such testimony has been recorded by the Recording Mechanism.



has made or wishes to lodge a complaint before the competent Authorities, shall be recorded in the Recording Form.⁴⁶

v. Quality Control

The Recording Forms shall be subjected to quality control performed by the Recording Mechanism. The quality control applies to the correct filling in of the Recording Form in accordance with the relevant Instructions, and the correspondence of the facts to the *indicators of informality*⁴⁷ included in the IFR definition, as set out in the Founding Act of the Recording Mechanism.

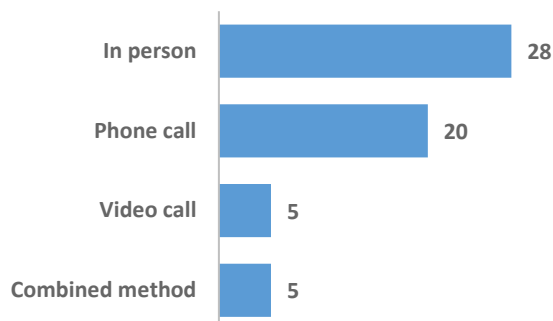
CHAPTER 3. GENERAL CHARACTERISTICS OF THE RECORDINGS

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.⁴⁸

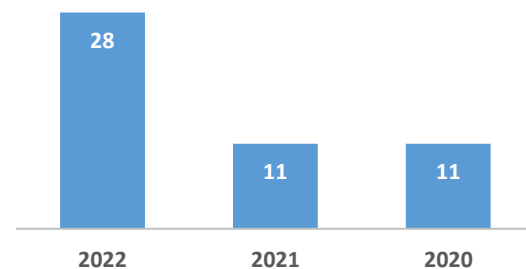
The accredited recording officers, as designated by the Members of the Recording Mechanism, conducted 28 interviews exclusively in person with the alleged victims, 20 interviews exclusively through phone call and 5 interviews exclusively through video call. 5 interviews were conducted through a combined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

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

Graph 1: Recording Method



Graph 2: Incidents Time Period



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*).

⁴⁶ 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.

⁴⁷ See Chapter 4 (IV), pp. 42-45.

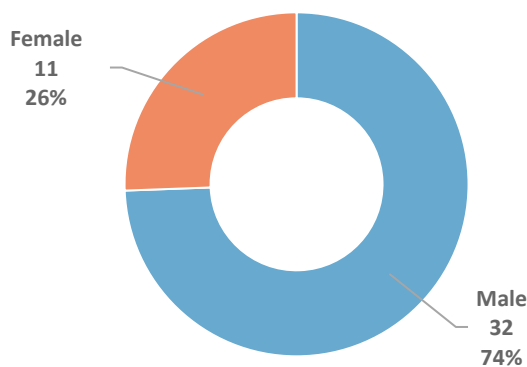
⁴⁸ The number of incidents of informal forced returns recorded by the Recording Mechanism does not match the number of testimonies, as in relation to 3 of these incidents, the Recording Mechanism has recorded testimonies by more than one alleged victim. Similarly, the number of testimonies recorded by 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.



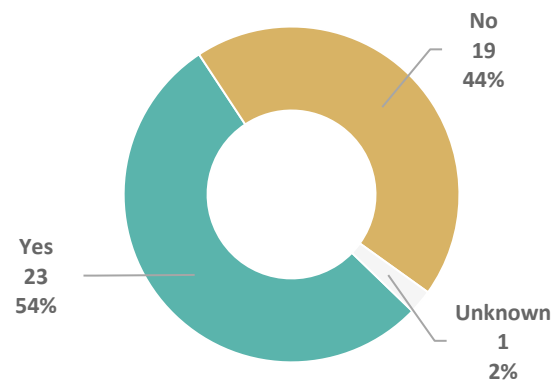
All 43 alleged victims, whose testimonies were recorded by applying the methodology of the Recording Mechanism,⁴⁹ were adults at the time of the recording.⁵⁰

During the interviews it was found that 23 victims were identified as members of vulnerable groups.⁵¹ 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 interview⁵² (See *Graph 4*).

Graph 3: Gender of the alleged victims



Graph 4: Vulnerable alleged victims



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 LGBTQI+ community (See *Graph 5*).

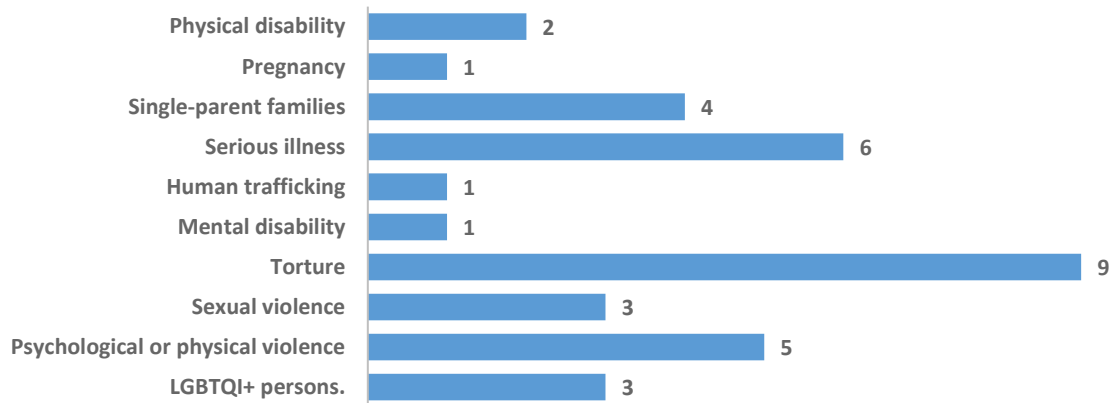
⁴⁹ See Chapter 2 (II), pp. 13-15.

⁵⁰ However, testimonies by the alleged victims recorded by the Recording Mechanism, include references to the involvement of children as victims of IFRs (See Chapter 4-II & III, pp. 23-42 and Chapter 5-II, pp. 52-53).

⁵¹ The Recording Mechanism shall report as identified vulnerable persons those falling into the following categories: children (companied or unaccompanied), close relatives of shipwreck victims (parents, siblings, children and spouse), persons who have a physical or mental disability, elderly people, women in pregnancy, single-parent families with 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 overall vulnerable state.

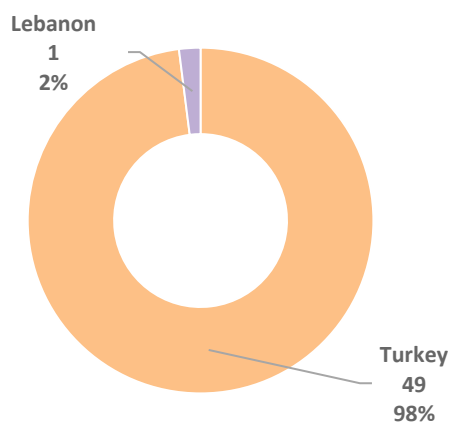
⁵² Ascertaining vulnerability may not be successful due to how the interview is conducted, for example in cases it is conducted remotely, or in cases where personal and sensitive information is provided, or in cases where the alleged victim finds him/herself on a stressful situation, etc.

Graph 5: Vulnerabilities



Testimonies in relation to 49 incidents indicate Turkey as the country of entry,⁵³ 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.

Graph 6: Country of entry



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*).

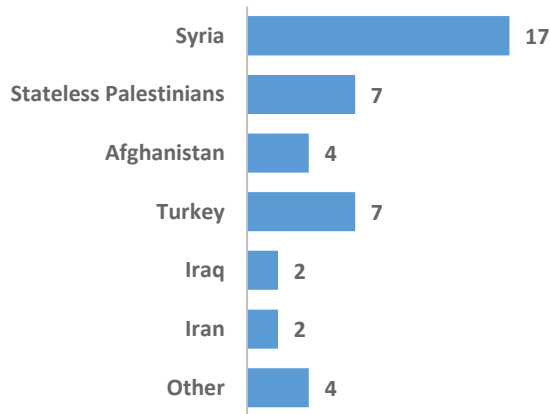
The Recording Mechanism shall record the legal status of the alleged victims within Greek territory, at the moment the IFR occurs. Out of the total of 43 alleged victims, 33 are individuals who, before being detected and allegedly subjected to

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). 5 recognised refugees in Greece and 5 registered asylum applicants in Greece are included in the total of the 43 alleged victims (See *Graph 8*).⁵⁴

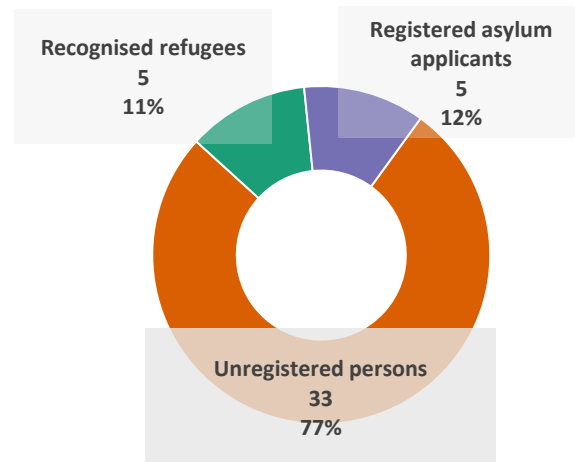
⁵³ *Country of entry* is understood as the country in which the alleged victims were located prior to entering the Greek territory.

⁵⁴ It was reported in the Interim Report by mistake that the recognized refugees are 6. The correct number is 5.

Graph 7: Country of Nationality of the alleged victims



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



Finally, it is estimated according to the testimonies that 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).⁵⁵

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



CHAPTER 4. SPECIFIC CHARACTERISTICS OF THE RECORDINGS

I. Modus Operandi

All testimonies recorded by the Recording Mechanism present a repeatable pattern, through which the organised nature and the operational characteristics of the IFRs become conspicuous. These characteristics fall along two pivots that often interact with each other.

One pivot is *gradualness (gradual, step-by-step implementation procedure)*. As it follows from the testimonies, the implementation (modus operandi) of IFRs presents an image of stages alternation, during which the locations change, the alleged victims are often mixed with 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

⁵⁵ While being interviewed 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 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.



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 a sufficient one.⁵⁶ This is the less linked stage to the chain of acts comprising an incident of IFR and it cannot be assumed in all cases, that the persons implementing it (the detectors) are fully aware of the following stages. This is less likely to be the case, in incidents during which the alleged victims were transferred to a detention facility and more likely, in those incidents during which the alleged victims after their detection were transferred directly 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 cannot be implemented unless detection of the alleged victims has taken place.

The *informal detention or restriction on freedom of movement* is implied in 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, where they are kept informally until their physical removal, 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 implemented as an intermediate stage between the stages of detection and physical removal, the operational scope and depth of the IFR incidents become discernible, as for the implementation of this stage a heavy infrastructure is required that includes means of transport, detention places and facilities, properly trained personnel, 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 and food provision is required for those informally detained, which is carried out, as indicated by some testimonies, by sharing the water and food supplies in the possession of the alleged victims prior to the detection stage. At this stage, the composition of the detected group of alleged victims usually changes as they mix with the broader population of the detention place.

The act of *physical removal* from the Greek territory marks the operational escalation of an IFR incident. For the Recording Mechanism, this stage is the marker with which the IFR incidents are identified. In most cases where the alleged victims were detected at various locations within the territory, and in most instances informally detained/restricted in movement, were subsequently transferred often in large groups with a different composition from the time of detection to other locations within the territory from which the act of physical removal took place. Other incidents are denser, as the act of physical removal followed immediately after the detection of the alleged victims.

The second pivot is *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 changeover from 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.

⁵⁶ A condition is considered to be necessary but not sufficient when it is necessary in order to achieve a desired result, but its presence alone does not guarantee its achievement.



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 pivot of gradualness, since according to some testimonies 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 several consequences, like for example that the circle of persons who carried out the IFRs and the operational footprint were smaller as 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 detention facilities, means of transport, water or food supply etc were required.

Use of violence is not a necessary condition for the implementation of an IFR incident. However, it is observed, that it is an overarching element in every IFR incident, since it is used as a means of compulsion or coercion, by making recourse to threats, infliction of physical pain and subjection to inhuman or degrading treatment for the purpose of implementing successfully, all the stages of an IFR incident.

The above pattern is completed by the legal treatment of the alleged victims, which includes the acts or mainly the omissions concerning the identification of the alleged victims and the verification of their personal information, the registration of their personal and other biometric data (photos and fingerprints), the administrative handling of their asylum applications etc, which attribute to the incidents of forced returns their irregular (informal) character.

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. These are 31 incidents where the detection of the alleged victims occurred either in locations along the border region of Evros (24 incidents) or within inland areas (7 incidents).

A. Data on the detection of the alleged victims

Detection locations

In 2 recorded incidents the alleged victims reported the Evros river riparian area as the detection location, in 3 incidents indicated some islets in the riverbed, in 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, in 10 incidents the detection 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 the detection location was the countryside of Kavala's town.

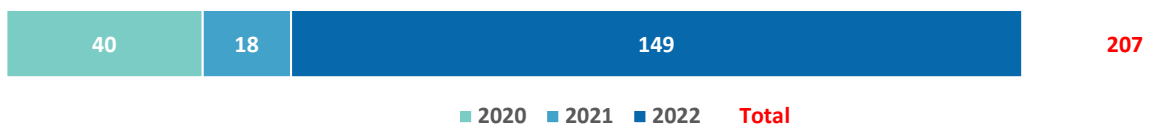
In 3 recorded incidents where the detection location was inland (in the cities of Alexandroupolis and Thessaloniki), and in 2 incidents where the detection location was in the urban areas of the border area of the administrative district of Evros (Feres and Protokklisi) testimonies by the alleged victims reported that the detection was implemented in the presence of eyewitnesses. In none of the incidents that occurred in the riparian area of the river Evros or on any islet within the riverbed or in

open or forested areas of the Evros region was the presence of eyewitnesses reported during the detection.

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 persons who were detected amounts to a minimum of 207 persons (See Graph 10)⁵⁷ 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

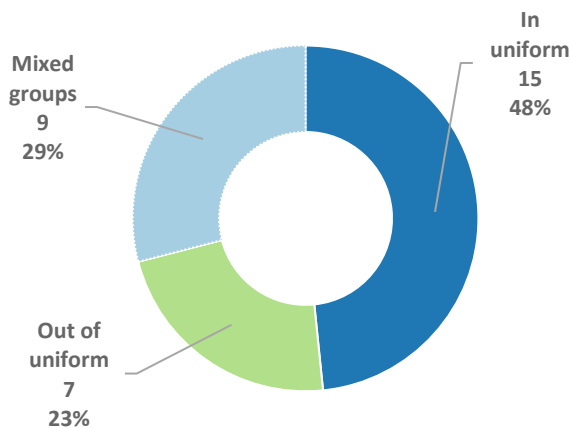


iii) Detectors (Persons implementing the detection stage in an IFR incident)

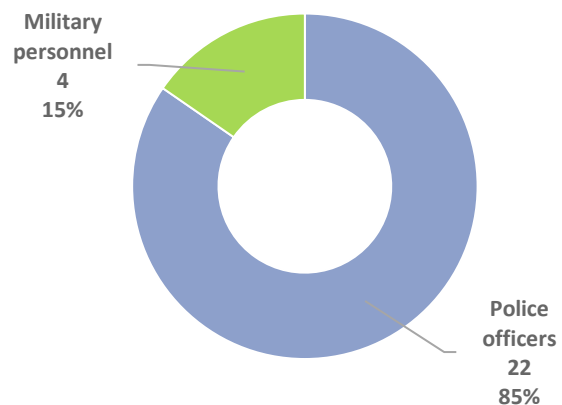
As it derives from 15 of the recorded incidents, the detection of the alleged victims was carried out by groups of people in uniform, in 7 incidents it was reported that the detectors were dressed in plain clothes (out of uniform) and 9 incidents it was reported that the detection was carried out by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



Graph 12: Possible professional capacity of detectors in uniform



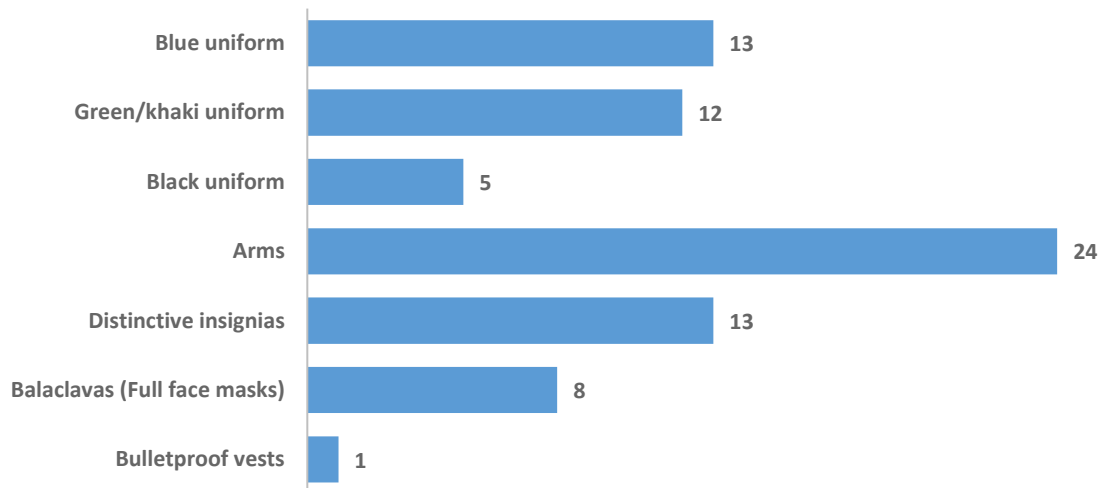
Testimonies by the alleged victims outline the uniforms and the equipment used by the detectors in uniform.⁵⁸ As reported in 13 testimonies the detectors’ uniforms were blue, while 12 testimonies

⁵⁷ 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.

⁵⁸ 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, 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

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.



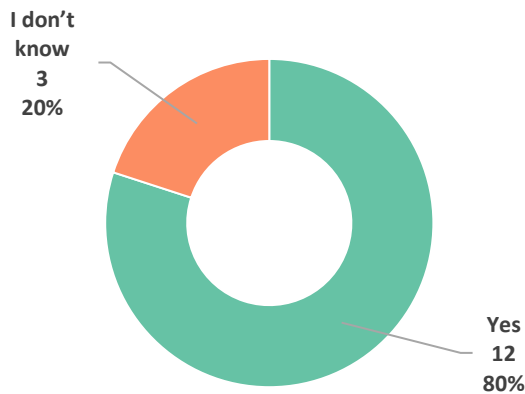
In 13 out of the 16 recorded incidents, where persons out of uniform were involved in the detection of the alleged victims, it was reported that these persons were acting in coordination with the Authorities. The coordination between the detectors out of uniform and the Authorities is presumed based 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 (riparian area of Evros river). 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*⁵⁹ 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 plain clothes of various colours. 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*).

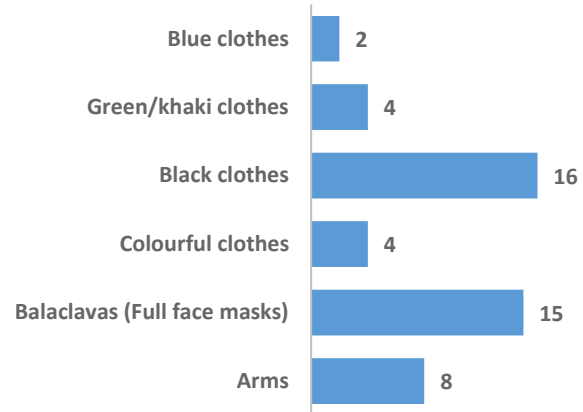
environment, sex, sexual orientation, and gender identity. See EUAA, EASO Practical Guide: Evidence Assessment, March 2015, p. 14, available at: <https://euaa.europa.eu/publications/practical-guide-evidence-assessment>

⁵⁹ Clothes of everyday use that are not part of a personnel uniform.

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

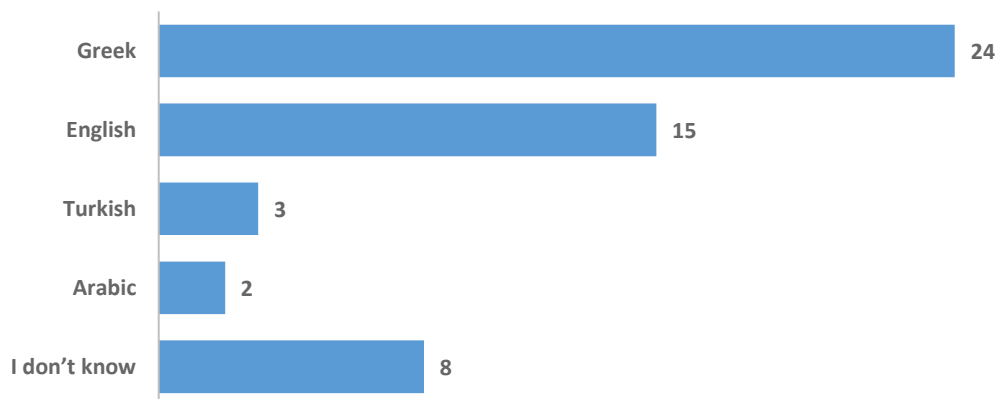


Graph 15: Equipment used by the detectors out of uniform.



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, without any informal detention/restriction on freedom of movement taking place as an intermediate stage. 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, alleged that from the moment of their detection until the physical removal operation was carried out, they have been subjected to informal detention/restriction on freedom of movement in specific places lasting for 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.

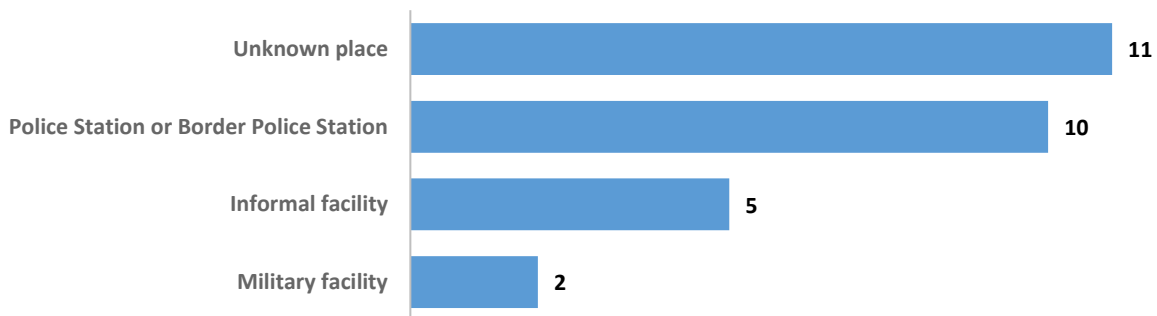


The following data relate to 25 incidents where the informal detention/restriction on freedom of movement is reported as the intermediate stage, between the detection and physical removal stages.

i) Places of detention/restriction on freedom of movement

Testimonies about 10 of the recorded incidents indicated that the informal detention took place in a detention space exhibiting characteristics of a Police Station or a Border Police Station, in 2 incidents in a detention space exhibiting characteristics of a military facility, similar to a military control area, in 5 incidents in an informal facility, namely a building or some guarded premises originally intended for another use without any obvious distinctive characteristics, and in 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).⁶⁰

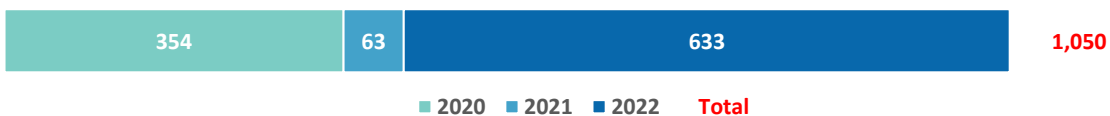
Graph 17: Places of informal detention/restriction on freedom of movement



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),⁶¹ 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, 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 to 9 incidents by mixed groups of guards, namely by groups of guards in and out of uniform (See Graph 19).

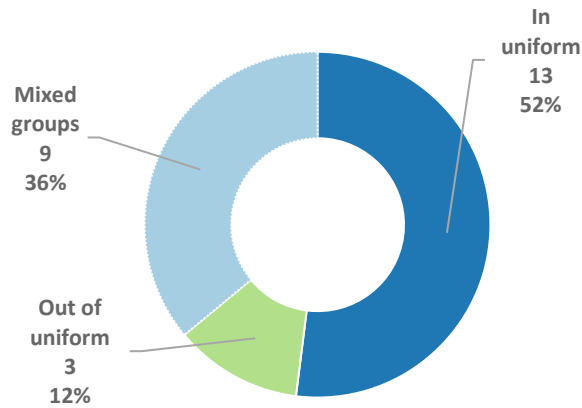
According to testimonies by the alleged victims, in 19 incidents the guards in uniform had the profile of Police officers, in 8 incidents the guards in uniform had the profile of Military personnel and in 1

⁶⁰ Based on testimonies related to some incidents, the alleged victims were subjected to informal detention, successively, in more than one place.

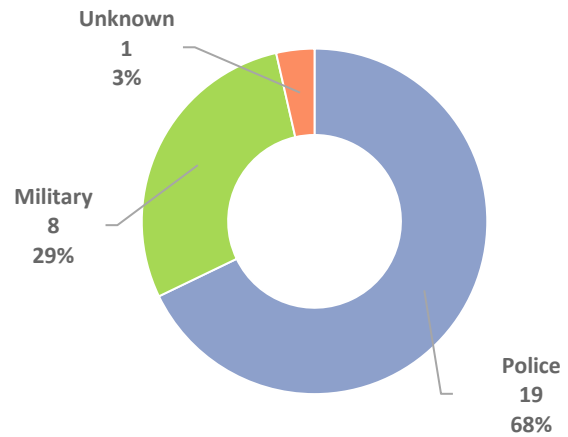
⁶¹ The minimum number of 1050 persons is the sum of the minimum number of persons reported to have been in detention along with the alleged victims involved in the 25 incidents.

incident the alleged victim did not manage to specify the professional capacity of the guards in uniform (See Graph 20).

Graph 19: Clothing of guards.

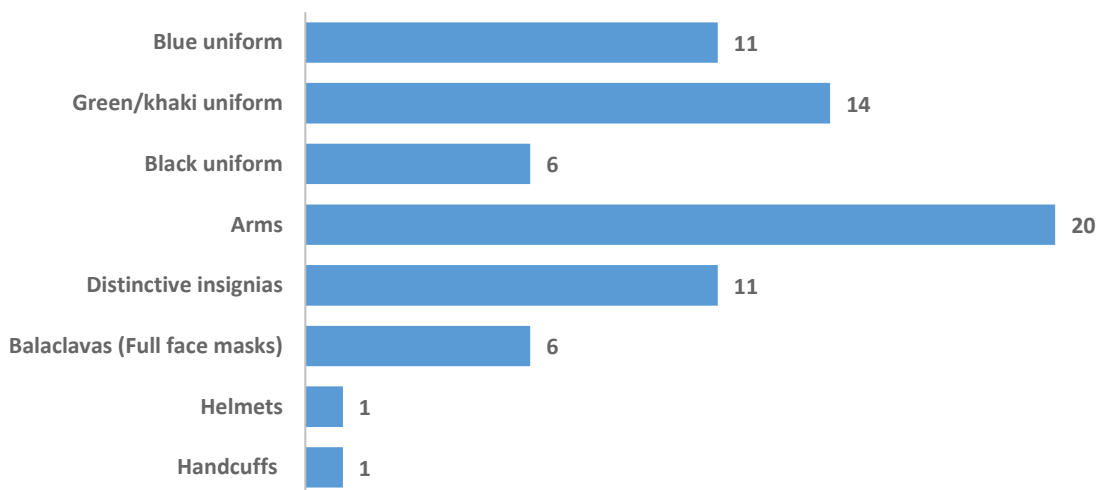


Graph 20: Possible professional capacity of guards in uniform



Testimonies by the alleged victims outline the uniforms and the equipment used by guards.⁶² 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 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.



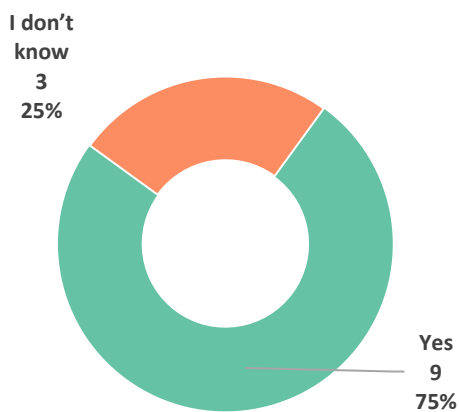
In 9 recorded incidents, testimonies by alleged victims who were guarded by guards out of uniform, reported that there was probably a coordination between those guards and the Authorities. The

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

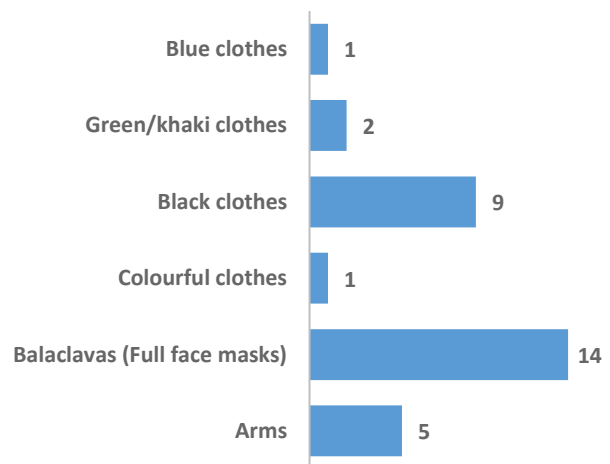
coordination between the guards out of uniform and the Authorities is presumed based on testimonies by the alleged victims, according to which in 9 incidents the informal detention/restriction of movement was carried out by mixed group of guards. There are also 3 incidents where the alleged victims replied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

In 1 testimony it was reported that the guards out of uniform were wearing plain clothes of blue colour, in 2 testimonies it was reported that they were wearing plain clothes of green/khaki colour, in 9 testimonies it was reported that they were wearing plain clothes of black colour, and according to 3 testimonies the guards out of uniform were wearing clothes of various colours. 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

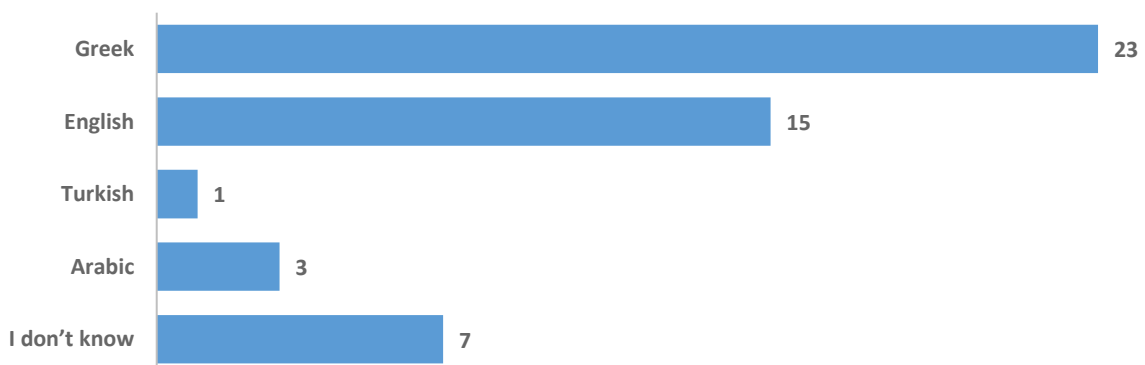


Graph 23: Equipment used by the guards out of uniform.



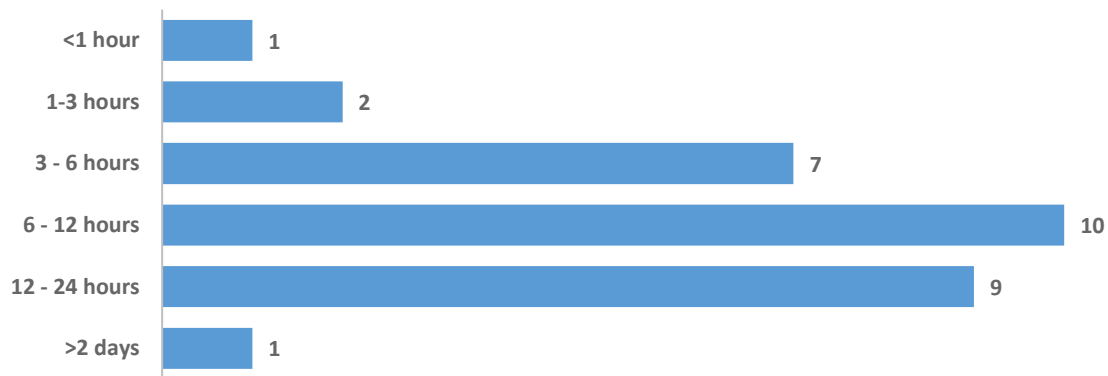
According to 7 testimonies the alleged victims did not manage to recognise any of the languages spoken by the guards. There were 23 testimonies reporting Greek as language spoken, 15 testimonies reporting English as such, 1 testimony indicated Turkish, and in accordance with 3 testimonies the language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

Graph 24: Languages spoken by guards.



The duration of the 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 testimonies 12-14 hours, and according to 1 testimony was more than 2 days (See *Graph 25*).

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



C. Data on the physical removal stage

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*),⁶³ 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, unaccompanied minors.

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



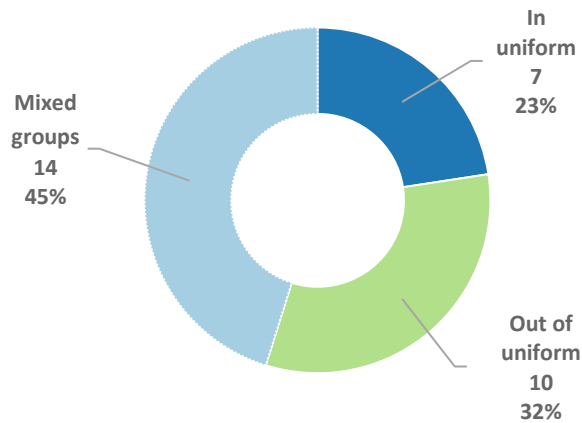
iii) Removers (People implementing the physical removal stage in an IFR incident)

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 the physical removal operation of the alleged victims was conducted by mixed groups of removers, namely by groups of removers in and out of uniform (See *Graph 27*).

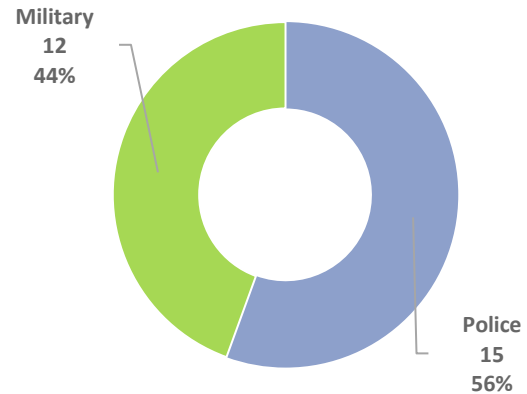
⁶³ The minimum number of 1643 persons is the sum of the minimum number of persons physically removed along with the alleged victims, according to the latter's testimonies.

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

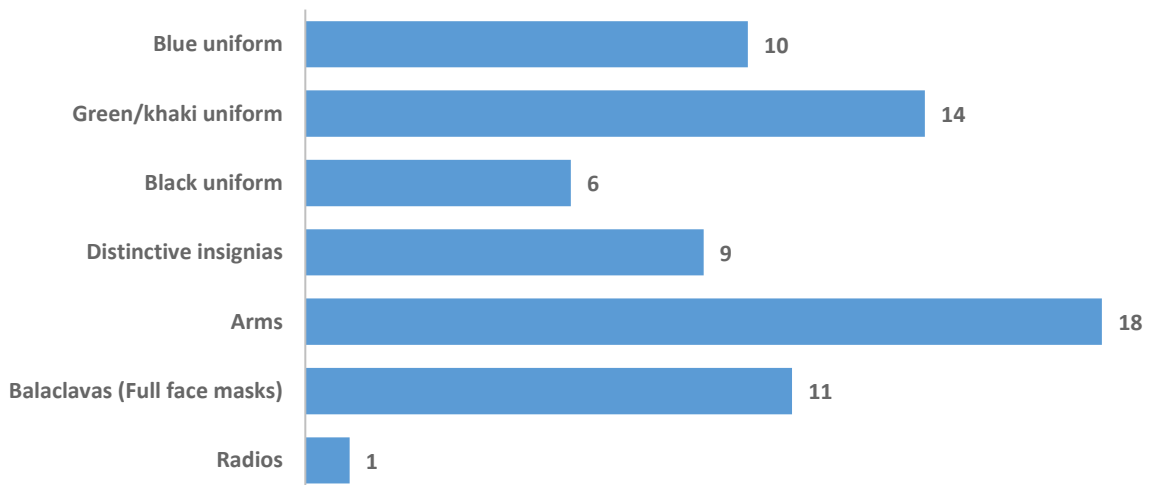


Graph 28: Possible professional capacity of removers in uniform



Testimonies by the alleged victims outline the uniforms and the equipment used by the removers.⁶⁴ 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 removers' 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 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.

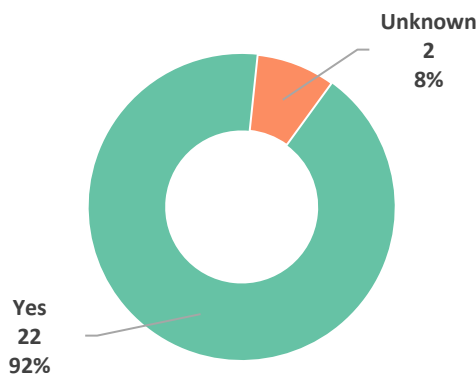


⁶⁴ See EUAA, EASO Practical Guide: Evidence Assessment, March 2015, p. 14, available at: <https://euaa.europa.eu/publications/practical-guide-evidence-assessment>

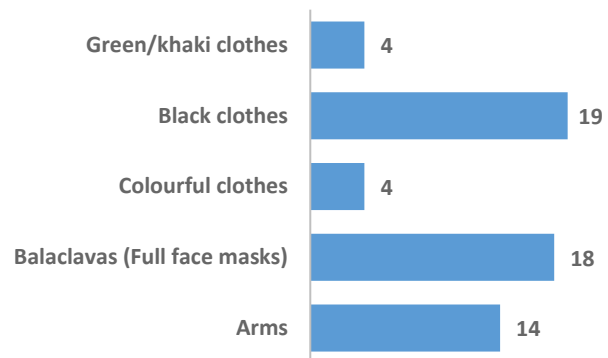
According to the alleged victims’ testimonies, in relation to 22 recorded incidents where removers out of uniform were involved, there was a coordination between the removers and the Authorities. The coordination between the removers and the Authorities, is presumed based on testimonies by the alleged 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 specify whether the removers out of uniform were operating in cooperation with the Authorities, or not (See *Graph 30*).

According to 4 testimonies 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 clothes of various colours. 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 (See *Graph 31*).

Graph 30: Coordination between the removers out of uniform and the Authorities

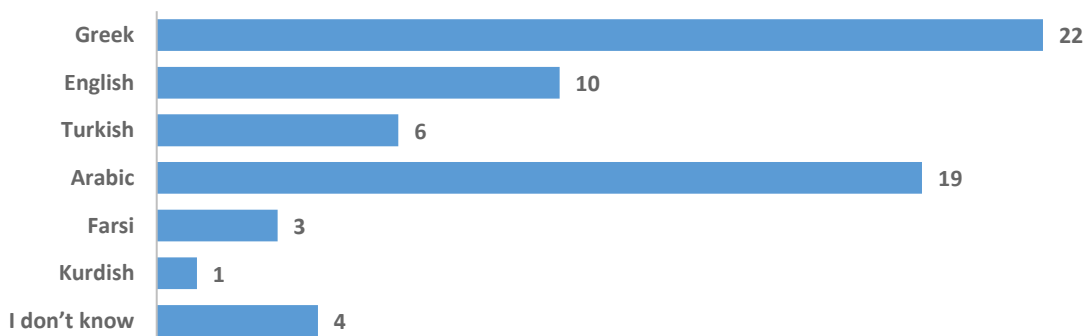


Graph 31: Equipment used by the removers out of uniform.



According to 4 testimonies, the alleged victims did not manage to recognise any of the languages spoken by the removers. 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 physical removal

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

Graph 33: Means of physical removal



III. Incidents occurred at Sea.

Incidents occurred at sea 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 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 at sea area near a Greek island, 6 reported the sea area near Lesbos as the detection location, 3 reported the sea area near Kos, 1 reported the sea area near Chios, 1 reported the sea area near Samos, 1 reported the sea area near Crete, 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 as the detection location, 2 reported Lesbos, 1 reported Rhodes.

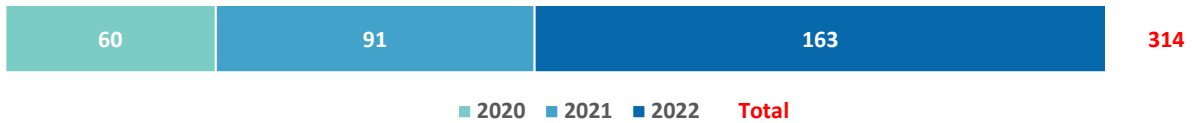
The alleged victims of 2 recorded incidents where the detection location occurred in the territory of a Greek island (Lesbos and Kos), reported that their detection occurred in the presence of eyewitnesses. In none of the incidents that occurred at sea was the presence of eyewitnesses reported during the detection.

ii) Population of persons detected

According to testimonies about the 19 recorded incidents occurred at sea, 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*),⁶⁵ 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, unaccompanied minors.

⁶⁵ 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.

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

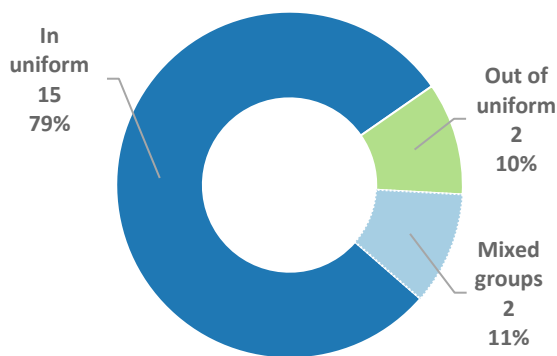


iii) Detectors (Persons implementing the detection stage in an IFR incident)

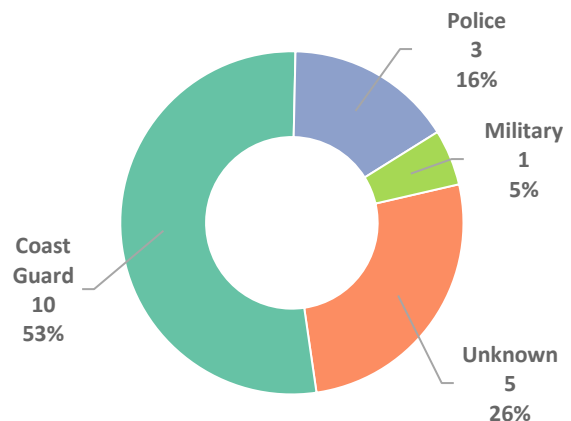
In 15 of the recorded incidents it is reported that the detection of the alleged victims was carried out exclusively by groups of people in uniform, in 2 incidents it is reported that the detection of the alleged victims was carried out exclusively by groups of people out of uniform and in 2 incidents it is 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 Coast Guard officers, in 3 incidents had the profile of Police officers, and in 1 incident had the profile of Military personnel. According to testimonies by the alleged victims in 5 incidents the alleged victims were not able to specify the professional capacity of the detectors in uniform (See *Graph 36*).

Graph 35: Clothing of the detectors.



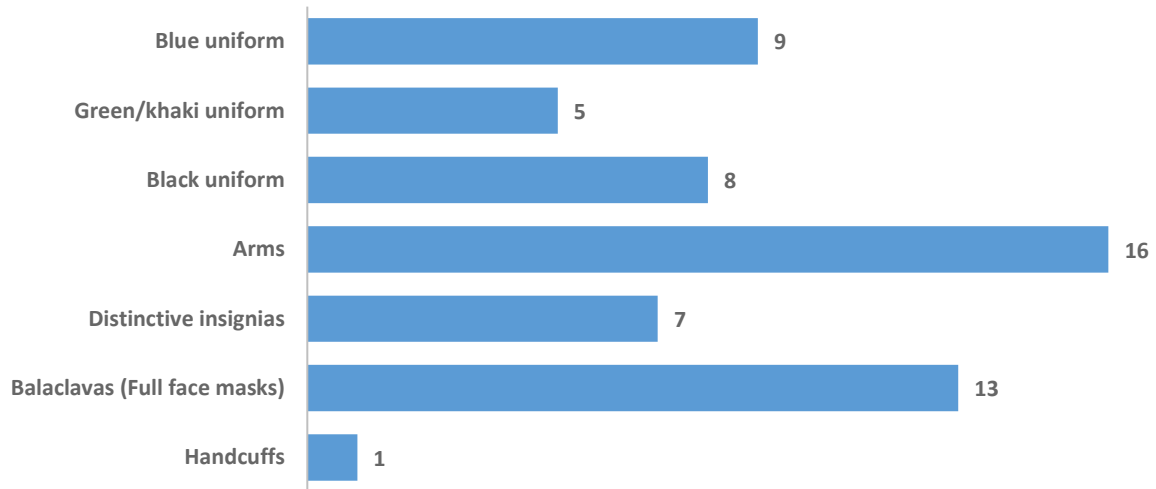
Graph 36: Possible professional capacity of the detectors in uniform.



Testimonies by the alleged victims outline the uniforms and the equipment used by the detectors in uniform.⁶⁶ 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*).

⁶⁶ See EUAA, EASO Practical Guide: Evidence Assessment, March 2015, p. 14, available at: <https://euaa.europa.eu/publications/practical-guide-evidence-assessment>

Graph 37: Equipment used by the detectors in uniform.

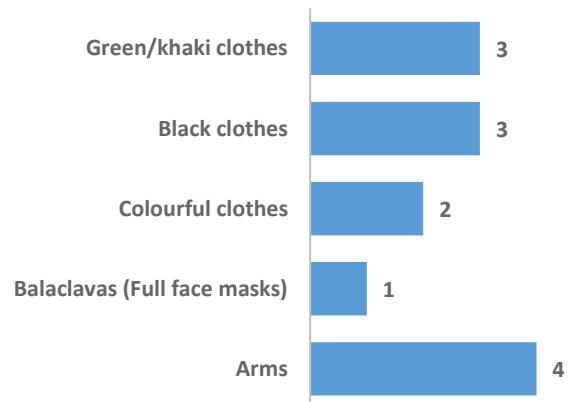
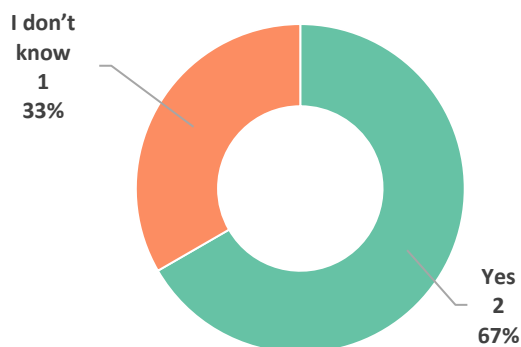


In 2 recorded incidents where detectors out of uniform were involved in the detection of the alleged victims, it was reported that these persons were likely operating in coordination with the Authorities (See *Graph 38*). The coordination between the detectors out of uniform with the Authorities is presumed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

In 3 testimonies it was reported that the detectors out of uniform were dressed in *plain clothes*⁶⁷ 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 clothes of various colours. 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

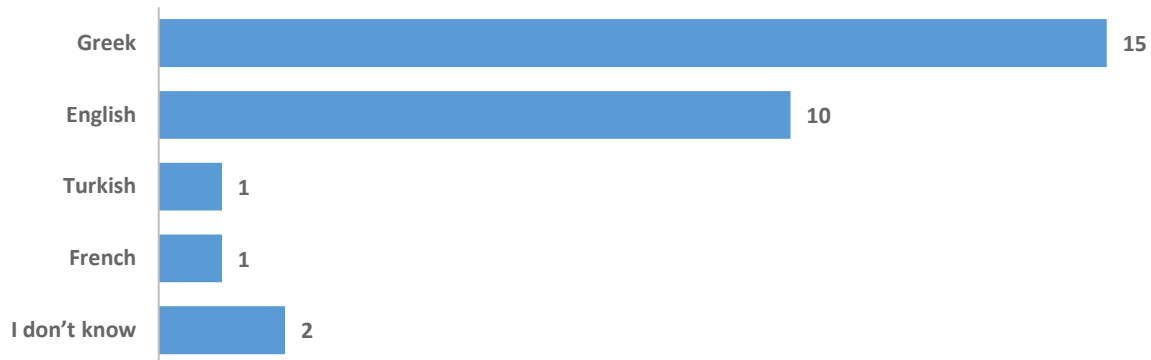
Graph 39: Equipment used by the detectors out of uniform.



⁶⁷ Clothes of everyday use that are not part of a personnel 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 testimonies reporting English as such, 1 testimony indicated Turkish and according to 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, without any informal detention/restriction on freedom of movement taking place as an intermediate stage. 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.

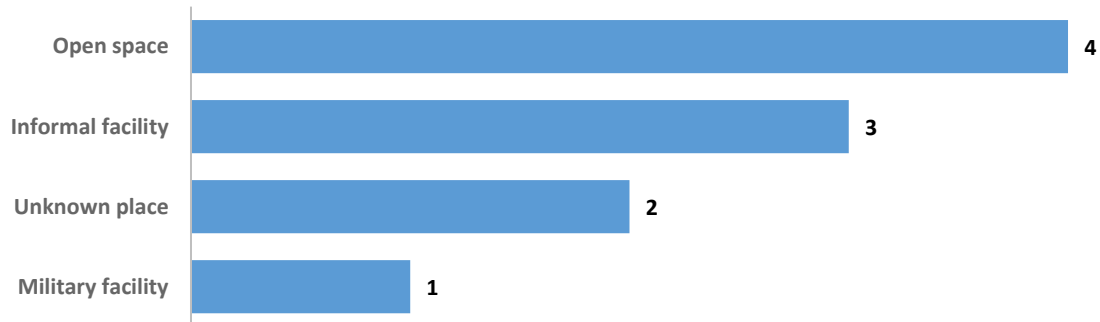
The alleged victims involved in 9 recorded incidents, alleged that from the moment of their detection until the physical removal operation was carried out, they were transferred from the location of their detection to specific places, where they were subjected to informal detention/restriction on freedom 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 alleged that they were subjected to informal detention/restriction on freedom of movement in an open space, in relation to 3 incidents in an informal facility, namely a building or some guarded premises originally intended for another use without any obvious distinctive characteristics, 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 exhibiting characteristics of a military facility, namely an area under military control (See *Graph 41*).

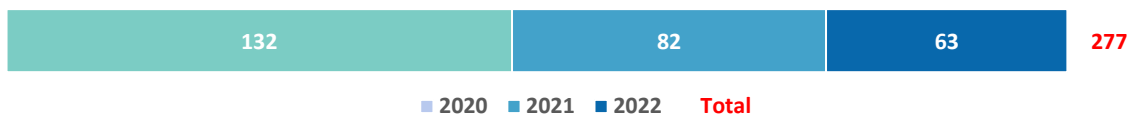
Graph 41: Places of informal detention/restriction on freedom of movement



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*),⁶⁸ 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, unaccompanied minors.

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



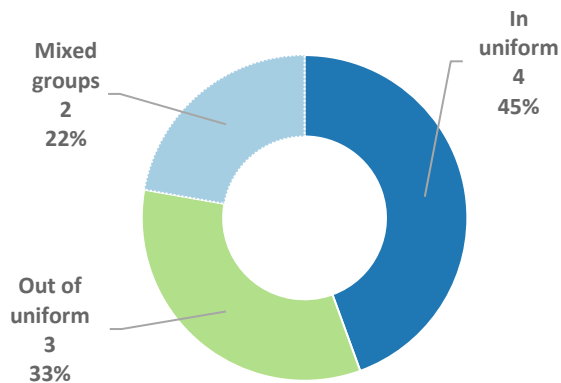
iii) Guards

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*).

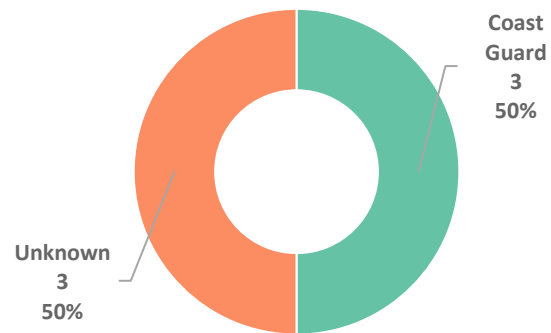
According to testimonies by the alleged victims, in 3 incidents the guards in uniform had the profile of Coast Guard personnel, while in 3 incidents the alleged victims were not able to determine the professional capacity of the guards in uniform (See *Graph 44*).

⁶⁸ 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.

Graph 43: Clothing of guards.

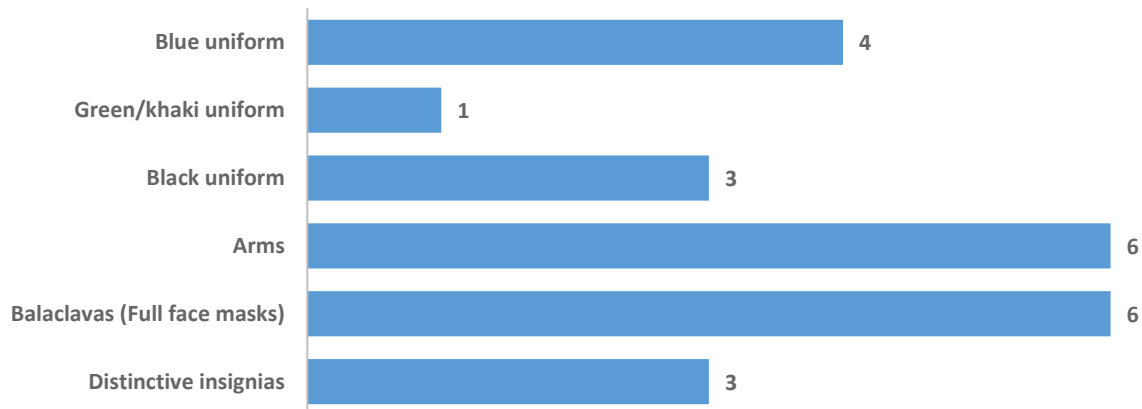


Graph 44: Possible professional capacity of guards in uniform



Testimonies by the alleged victims outline the uniforms and the equipment used by guards.⁶⁹ 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.



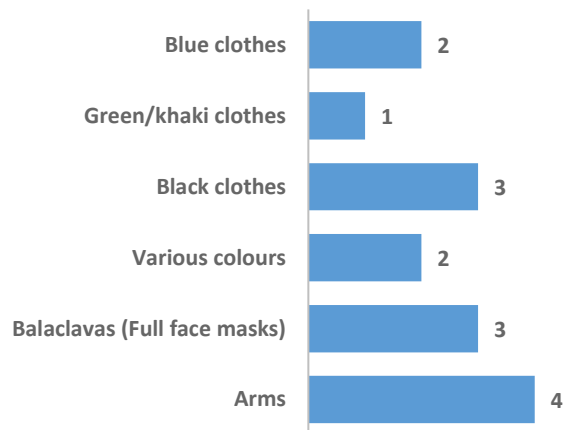
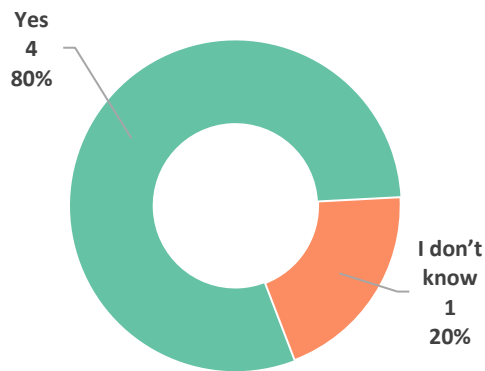
In 4 recorded incidents, testimonies by alleged victims who were guarded by guards out of uniforms, reported that there was probably a coordination between those guards and the Authorities. The coordination between the guards out of uniform and the Authorities is presumed based on testimonies by the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

⁶⁹ See EUAA, EASO Practical Guide: Evidence Assessment, March 2015, p. 14, available at: <https://euaa.europa.eu/publications/practical-guide-evidence-assessment>

In 2 testimonies it was 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 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 clothes of various colours. 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*).

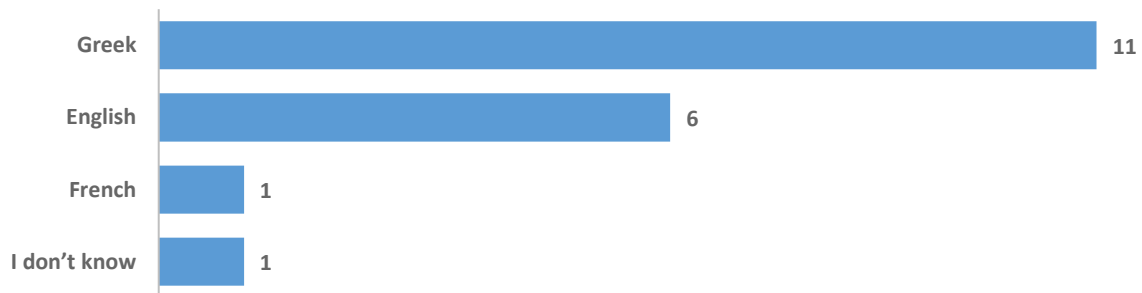
Graph 46: Coordination between the guards out of uniform and the Authorities

Graph 47: Equipment used by the guards out of uniform.



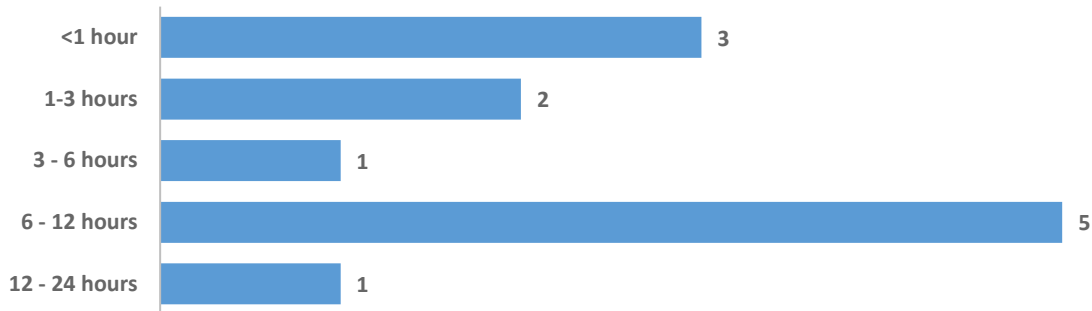
According to 1 testimony, the alleged victim did not manage to recognise any of the languages spoken by the guards. There were 11 testimonies reporting Greek as language spoken, 6 testimonies reporting English as such and in accordance with 1 testimony the language spoken by the guards were French. (See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

Graph 48: Languages spoken by guards.



The duration of the informal detention/restriction on freedom of movement according to 3 testimonies was less than an hour, according to 2 testimonies was 1 to 3 hours, according to 1 testimony was 3 to 6 hours, according to 5 testimonies was 6 to 12 hours, and according to 1 testimony 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 stage

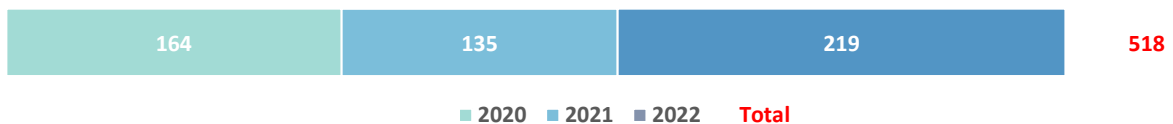
i) Starting points of the physical removal stage

According to the testimonies about the 19 incidents where the detection happened at sea 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 the testimonies about the 19 recorded incidents occurred at sea, 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*),⁷⁰ 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, unaccompanied minors.

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



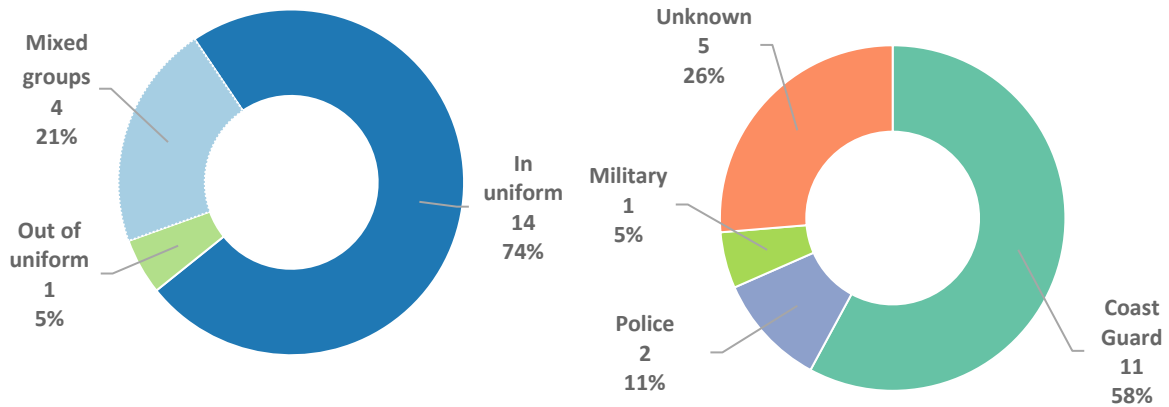
Removers (People implementing the physical removal stage in an IFR incident)

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 officers, in 2 incidents the removers in uniform had the profile of Police officers, in 1 incident they had the profile of Military personnel, while in 5 incidents the alleged victims were not able to determine the professional capacity of the removers in uniform (See *Graph 52*).

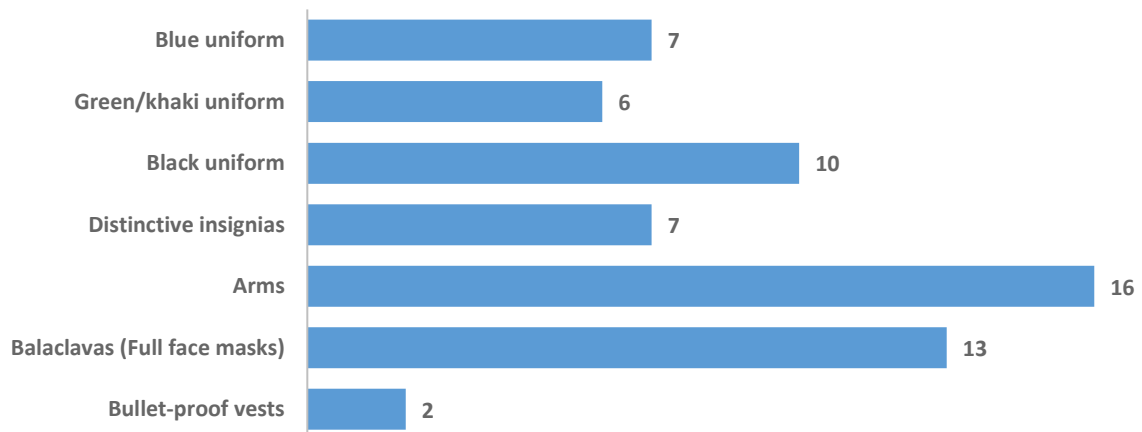
⁷⁰ The minimum number of 518 persons is the sum of the minimum number of persons physically removed along with the alleged victims, according to the latter's testimonies.

Graph 51: Clothing of removers **Graph 52:** Possible professional capacity of removers in uniform



Testimonies by the alleged victims outline the uniforms and the equipment used by the removers.⁷¹ 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", insignias depicting anchors, national emblems, etc. As reported in 13 testimonies the removers in uniform were wearing balaclavas (full face masks), in 2 testimonies reported that the removers in uniform were wearing bulletproof vests, while according to 16 testimonies the removers in uniform were carrying weapons like machine-guns, pistols, truncheons and knives (See *Graph 53*).

Graph 53: Equipment used by the removers in uniform.



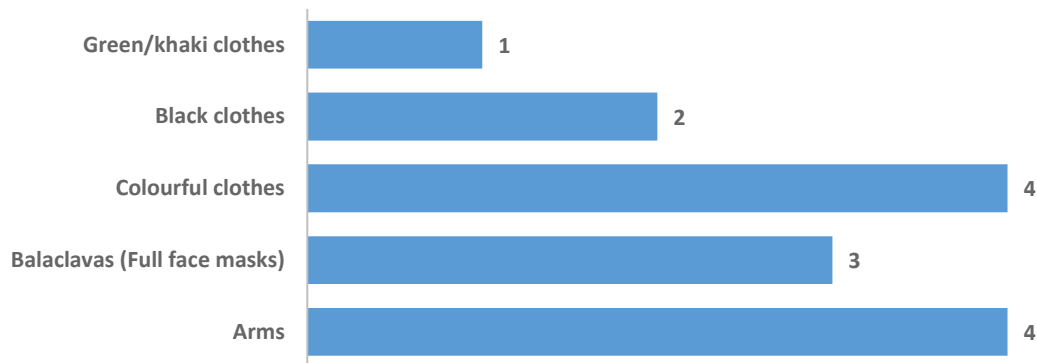
In 5 recorded incidents, testimonies by alleged victims who were removed by removers out of uniforms, reported that there was probably a coordination between them and the Authorities. The coordination between the removers out of uniform and the Authorities is presumed based on testimonies by the alleged victims, according to which in 4 incidents their physical removal was

⁷¹ See EUAA, EASO Practical Guide: Evidence Assessment, March 2015, p. 14, available at: <https://euaa.europa.eu/publications/practical-guide-evidence-assessment>

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 clothes of various colours. 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.

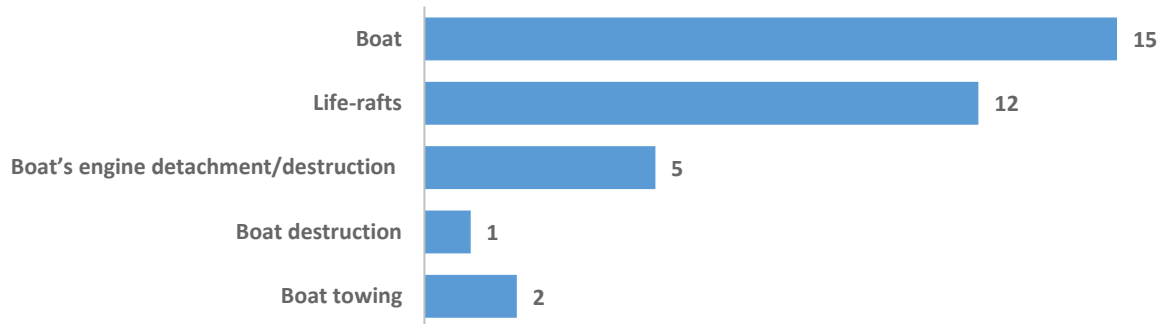


iv) Means contributing to the physical removal implementation

In the testimonies regarding 15 incidents, the alleged victims reported that for their physical removal operation was conducted by a boat. In the testimonies regarding 12 incidents, the alleged victims reported that their physical removal was conducted with the use of life-rafts. According to testimonies referred to 5 incidents, where the alleged victims were detected on boats at sea, it was reported that the removers detached or destroyed the engines, and testimony/ies about 1 incident reported that the boat was destroyed by the removers. In relation to 2 incidents, testimonies reported that the removers towed the boat the alleged victims were in (See *Graph 56*).



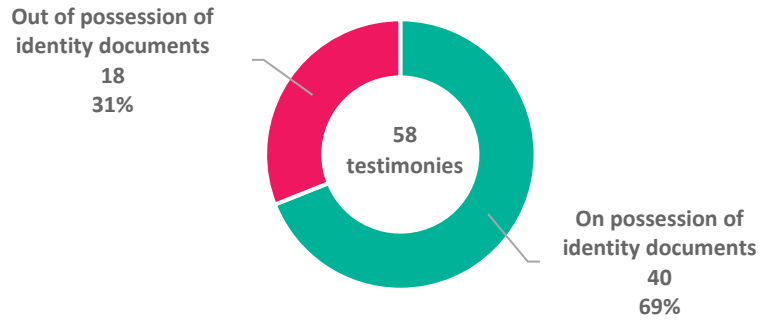
Graph 56: Means of physical removal



IV. Indicators of informality

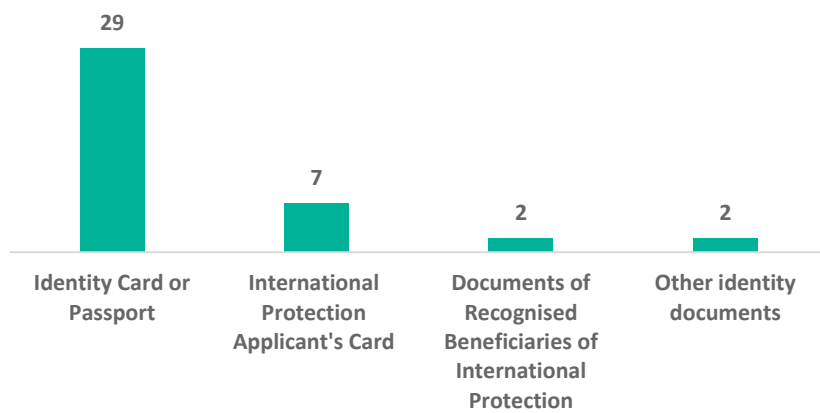
The Recording Form used by the Recording Mechanism shall record allegations by the alleged victims concerning their legal treatment as early as the detection stage and up to the final stage of their physical removal. Legal treatment includes a series of practices related to the alleged victim's actions, as well as to any acts or omissions on the part of the Authorities that constitute indicators on whether the recorded incidents fall under the IFR definition.

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.

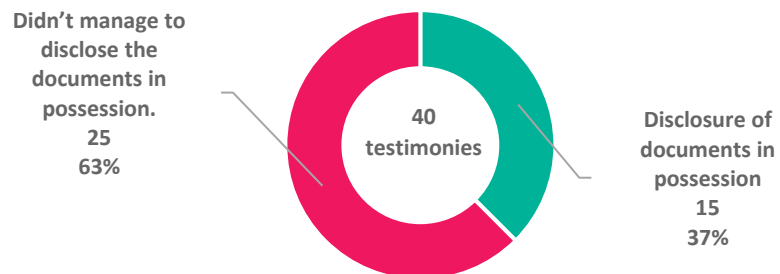


Possession of identity documents

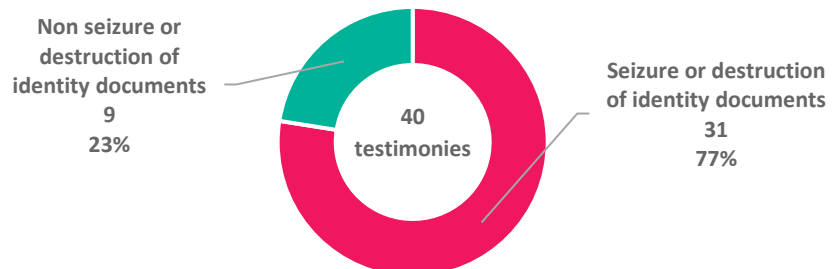
Identity documents



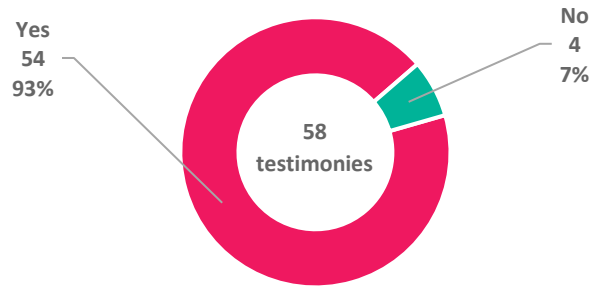
Disclosure of documents in possession



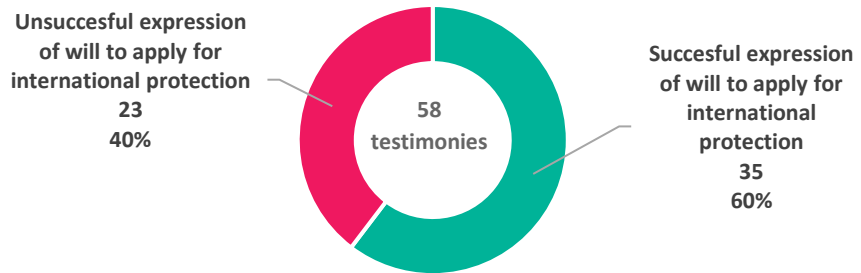
Seizure/destruction of identity documents



Deprivation of personal belongings



Expression of will to apply for International Protection



Assessment of international protection needs by the Authorities

In **57 testimonies** the alleged victims reported that they 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, 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 been 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 competent 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

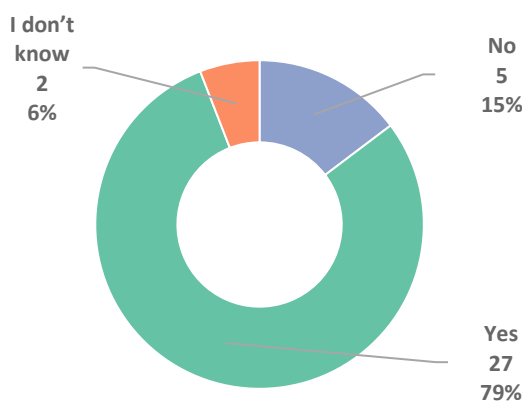
The IFR operations are leading to fundamental human rights violations, which in most cases are connected to severe criminal offences. It should also be pointed out, that a great number of these violations are committed against minor children, women, elderly people, and other categories of vulnerable 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 GPC: Art. 333 GPC (*threat*), Art. 330 GPC (*unlawful violence*), Art. 137A par.4 GPC (*torture and other violations of human dignity*), Art. 322 par.1 GPC (*abduction*), Art. 322 par.2 GPC (*enforced disappearance*), Art. 306 GPC (*risk exposure*), Art. 307 GPC (*failure to assist a person in danger*), Art. 277 GPC (*causing a shipwreck*), Art. 308-312 and 314 GPC (*personal injuries*), and Art. 302 or 299 GPC (*homicide*).

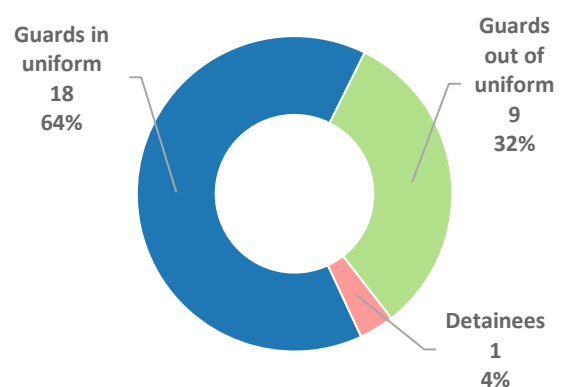
In particular, testimonies about 27 out of the 34 recorded incidents, where the alleged victims reported to have been subjected to detention/restriction on freedom of movement period, reported use of violence against them, 5 testimonies did not report any use of violence and 2 testimonies reported that 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, as, according to circumstances, violation of Art. 372 GPC (*theft*), Art. 381 GPC (*damage of foreign property*) and Art. 380 GPC (*robbery*).

The alleged victims involved in 18 incidents, alleged 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 informal detention.

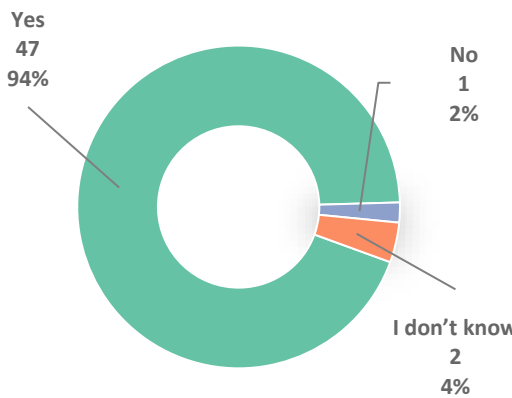


Additionally, according to testimonies by the alleged victims involved in 18 incidents, some of the persons under guard were in need of medical care, but none of them was provided with a proper one, neither was transferred to a hospital, a medical centre or another health care facility.

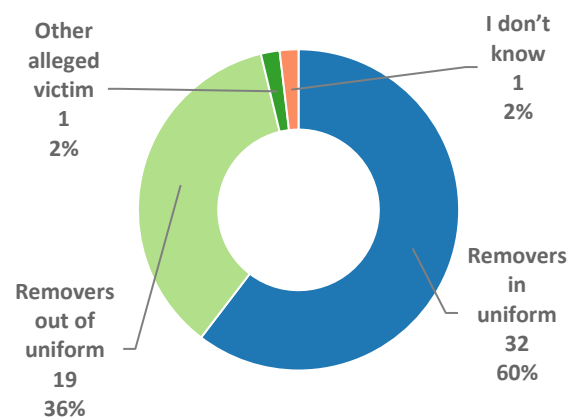
There are testimonies about 47 incidents reporting use of violence during the physical removal stage, either against the persons who gave the testimonies or against other members of the group subjected to IFRs, while according to testimony/ies about 1 incident no use of violence was reported. There are 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 violence was among those who were physically removed (See *Graph 60*).

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

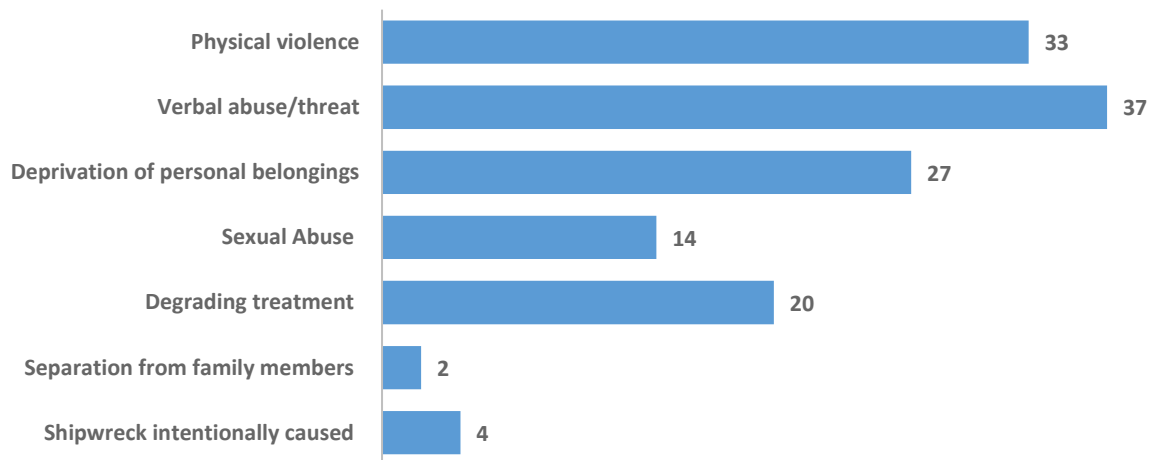


Graph 60: Alleged perpetrators of violence during the physical removal stage



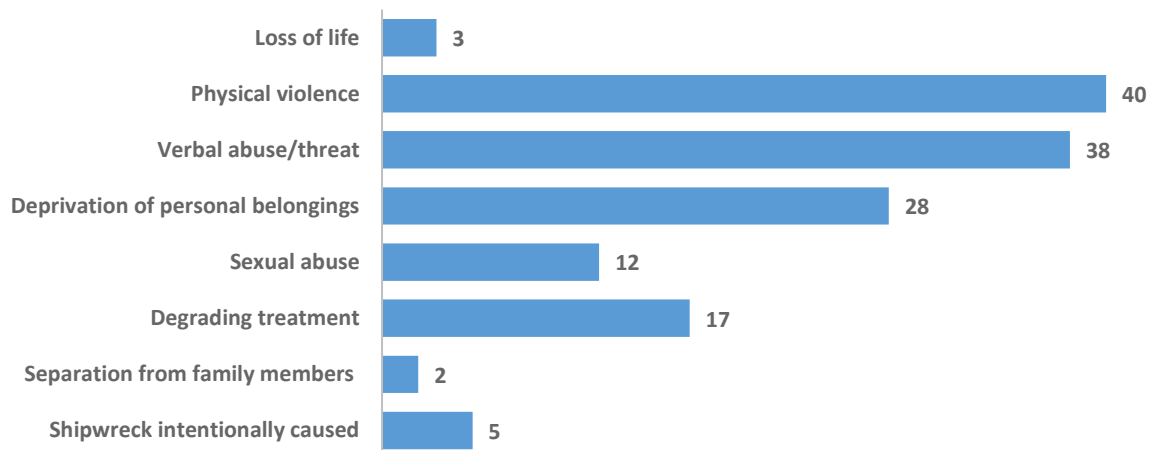
In 33 testimonies the alleged victims reported that they suffered physical violence during the physical removal stage, 37 testimonies reported use of verbal abuse, 27 testimonies reported deprivation of personal belongings, 14 testimonies reported sexual abuse, 20 testimonies indicated abuse and degrading treatment, 2 testimonies reported separation from family and 4 testimonies reported intentionally caused shipwreck (*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 physical removal stage, 40 testimonies reported that other people of the group suffered physical violence, according to 28 testimonies other people of the group were deprived of their personal belongings, 12 testimonies reported that other people of the group were sexually abused, 17 testimonies reported abuse and degrading treatment, 2 testimonies reported that other 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.⁷² In this regard, the alleged

⁷² See: Ministry of Migration and Asylum, Report A, November 2022, available at <http://tinyurl.com/eyzc5z5f>, and EUAA, Latest Asylum Trends, issued in October 2022.



victims would have been given the respective probabilities of being recognised as beneficiaries of refugee status in Greece if, according to their allegations, they had not been deprived of access to the international protection procedure.

Of particular interest here are the cases of 6 Turkish nationals, asylum seekers not registered at the Asylum Service, who reported that they had left their countries of origin because they were at risk of being subjected to persecution due to their political convictions and came to Greece in order to apply for asylum.⁷³ 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 constitute 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), Iraq (1) and Turkey (1) which are listed among countries of origin of 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 these cases, 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 5 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 recognised refugees of the international protection status, under which they had been placed by the Greek State.

VI. Supporting evidence⁷⁴

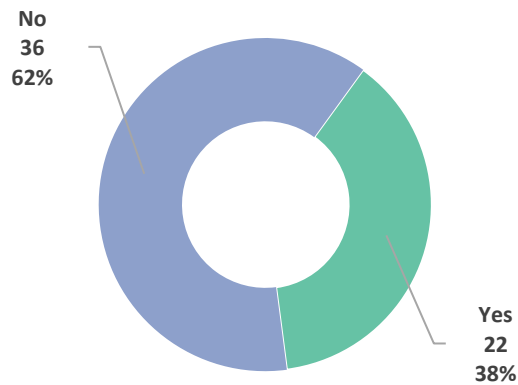
The Recording Mechanism has as its exclusive scope the recording of reliable testimonies with a specific methodology from individuals claiming to be victims of IFRs from the Greek territory to a third country or to their country of origin. The Recording Mechanism does not have the mandate to investigate or collect evidence from the alleged victims or on their behalf. If the alleged victims have evidence to support their claims, it is in their possession and may be available to their legal representatives. In any case, the Recording Mechanism does not possess or request victims to have evidence as a prerequisite for recording a testimony, given that, as indicated by the testimonies, in the majority of incidents the alleged victims experienced deprivation of all 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, and thus photos, audio or video material, geolocation recording etc are no longer in their possession (See *Graph 63*).

⁷³ According to the EUAA's 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.

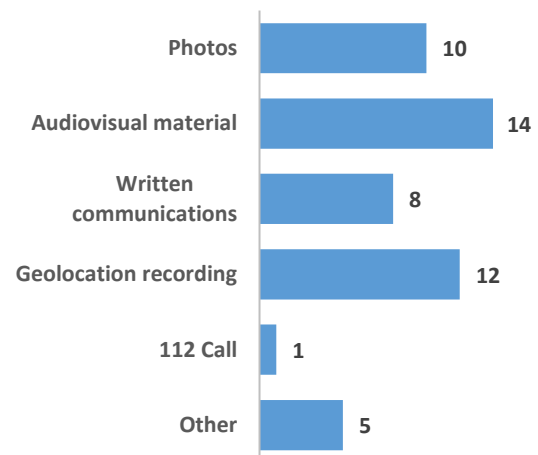
⁷⁴ These are evidence that the alleged victims reported that they were in their possession during the recording procedure. The Recording Mechanism is not aware whether the alleged victims retain until today the evidential material, whether it is lost or further enhanced.

There are 10 testimonies according to 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 other kind of supporting 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 supporting evidence.



Graph 64: Supporting evidence.



VII. Legal actions taken by the alleged victims.

It is noted that the Recording Mechanism does not operate as a legal counsellor, representative, or advisor of the alleged victims. This is a deliberate choice of the Recording Mechanism, as maintaining distance from the legal representation of the alleged victims is a precondition for the independence and impartiality of the Recording Mechanism. Additionally, the Recording Mechanism cannot hand-over the individual Recording Forms of the alleged victims, which moreover enter the Recording Mechanism anonymously, to any other state authority without prior informed and explicit consent from the alleged victims. In any case, alleged victims, if they wish, can submit official complaints, reports, or appeals to competent institutions, either national or European, independently of the recording of their testimony by the Recording Mechanism. The Recording Mechanism, by identifying the alleged victims and ensuring the security of the recording, encourages and facilitates the access of the alleged victims to justice.

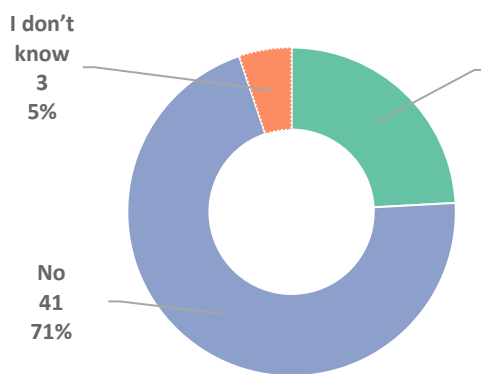
As resulting from the recordings of the Recording Mechanism, in 14 cases the alleged victims reported that they have submitted official complaints to the competent Authorities, in 41 cases that up to the date of their testimony recording they had not submitted official complaints to the competent Authorities 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 application before the European Court of Human Rights (ECtHR), and 2 of these cases have been communicated by the Court to the Greek Government. Before lodging their application to the ECtHR, the alleged victims have informed the

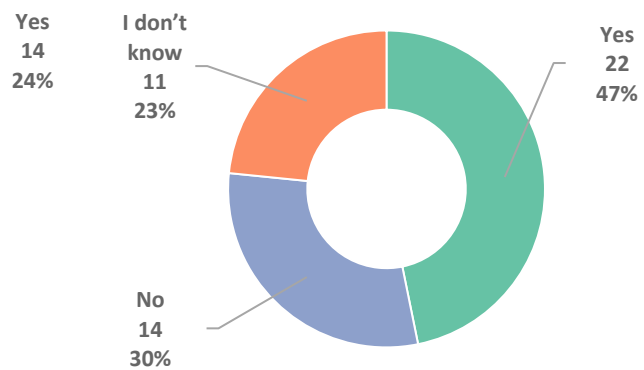
Greek Authorities (Public Prosecutors and the Police) through their legal counsels about their presence in Greece, their need to be rescued and their will to apply for international protection. The alleged victims involved in 4 other incidents have filed lawsuits before the Greek criminal courts. As regards to 1 more incident, the case has been filed due to the unknown identity of the perpetrators, after an ex officio investigation on the part of the Public Prosecutor. The alleged victims involved in 4 incidents filed reports before the Greek Ombudsman.⁷⁵

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 were unaware if their legal counsels had done so, the alleged victims reported that they wish to do so, 14 alleged victims claimed that they do not wish to do so most likely on the grounds of fear for retaliation by the alleged perpetrators or negative impact on asylum application or revival of traumatic events, and 8 alleged victims reported that they had not yet decided what to do (See *Graph 66*).

Graph 65: Lodged complaints



Graph 66: Willingness to lodge a complaint.



CHAPTER 5. ADDITIONAL INFORMATION REGARDING THE RECORDING MECHANISM

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

The GNCHR, as the National Human Rights Institution (NHRI) and the independent advisory body to the Greek State on human rights issues, has among its competencies the continuous monitoring of developments related to the human rights situation in Greece, and the provision of assistance and advice to state stakeholders for aligning national legislation and practices with the country's international and European commitments.

As the National Human Rights Institution in Greece, the GNCHR monitors the execution of judgments and decisions of the European Court of Human Rights (ECHR), giving special importance also to compliance with interim measures indicated by the Court.

In the course of this monitoring the GNCHR has been informed by Civil Society Organizations, such as the Greek Council for Refugees (GCR), which participates in the composition of the GNCHR's Plenary and the Recording Mechanism, about 17 incidents involving third-country nationals seeking asylum

⁷⁵ The alleged victims involved in 3 out of these 4 incidents have lodged complaints as well.



who irregularly entered Greek territory. These incidents occurred in various areas of the border region of Evros. For these incidents the GNCHR has been informed about an equal number of interim measures indicated by the Court in 2022, pursuant to Rule 39 of its Rules of Court.

The above mentioned refer to decisions 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, the Court indicated to Greek Authorities 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 interim measures indicated pursuant to Rule 39 of the Rules of the Court, even if they do not predetermine the judgements of the Court they are applied only in exceptional cases and only where the Court considers that the applicant would otherwise face an imminent risk of irreparable harm.⁷⁶ The Court's decisions indicating interim measures are binding upon the State concerned, while non-compliance with them constitutes a violation of Article 34 of the European Convention on Human Rights (ECHR).⁷⁷

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 Representation of the United Nations High Commissioner for Refugees in Greece (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.

Out of these 14 written interventions by the GNCHR in 2022, 5 have received reply letters. These are reply letters sent 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 reply letter with reference number 989/16.8.22 sent by the Minister of Citizen Protection.

According to the information contained in the reply letters, 8 cases had a successful outcome, in the sense that the competent Authorities managed to detect the applicants, rescue those who were facing precarious living conditions, and registered their applications for international protection. The above mentioned refer to the applicants in the cases: *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).

⁷⁶ See among others: *Rackete and Others v. Italy* (App. no. 32969/19), και *K.N. v. the United Kingdom* (App. no. 28774/22).

⁷⁷ See *Mamatkulov and Askarov v. Turkey* (App. no. 46827/99).



As for the legal proceedings, in 8 cases applicants have lodged applications before the ECHR. This refers to the cases: *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 testimonies⁷⁸

The Recording Mechanism applying its Methodology has hitherto recorded exclusively testimonies by alleged victims, declared themselves adults at the time of the recording process. This is a deliberate restriction of the Recording Mechanism, since special tools to be used for recording testimonies by alleged victims who are children are still under construction.

However, CSOs who are Members of the Recording Mechanism are in contact with children who are seeking the provision of their services. Within the framework of the provided psychosocial and legal services to children, multiple reports have emerged by them according to which they needed more than one attempt to cross the borders, especially at the Evros region, as, after being identified by the Greek authorities, they were informally and forcibly returned to Turkey. During this process systematic violations of fundamental human rights and specifically violations of children's rights were reported and recorded by Member Organizations of the Recording Mechanism using their own methodology through the assessment processes of the best interests of the children.

The following data are derived from reports of these children regarding events they claim happened to them. These are not detailed narratives or verified incidents or official testimonies recorded by the Recording Mechanism.

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

The ages of the children were from 13 to 17 years old, with an average age of 16 years old. In general, 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 their testimonies, the majority of the 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, presents common characteristics. On the basis of the children's allegations, their detection was carried out by people in or out of uniform, while in some cases it was reported that the alleged perpetrators were wearing hoods or that 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

⁷⁸ Ending Informal Forced Returns is among the recommendations made by the Committee on the Rights of the Child (CRC). In the concluding observations regarding the implementation of the International Convention on the Rights of the Child in Greece, published on 28/6/2022, in paragraph 40 (a), it is mentioned 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 [...]".



cases where children reported to have been detected in the mainland, away from the Evros river border region, they were 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. In addition, there are testimonies reporting that in some IFR operations third country nationals 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 is indicated as the common basis of every testimony.

CHAPTER 6. CONCLUSION

On the basis of the information recorded by the Recording Mechanism, it is indicated that IFRs do no longer constitute an occasional and *irregular* phenomenon. On the contrary, it is indicated that 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, seems to have been built up as a progression of 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, especially in cases where the detection location was at sea or very near the Evros river border region, alleged 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, persons in uniform and also persons wearing civilian clothing seem to have been involved as perpetrators in the incidents recorded by the Recording Mechanism, whose actions indicated coordination with the Authorities. 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.

The IFRs lead to numerous violations of fundamental human rights, many of which involve children, women, elderly people and other groups of vulnerable individuals. 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 GPC: Art. 333 GPC (*threat*), Art. 330 GPC (*unlawful violence*), Art. 137A par.4 GPC (*torture and other violations of human dignity*), Art. 322 par.1 GPC (*abduction*), Art. 322 par.2 GPC (*enforced disappearance*), Art. 306 GPC (*risk exposure*), Art. 307 GPC (*failure to assist a person in danger*), Art. 277 GPC (*causing a shipwreck*), Arts. 308-312 and 314 GPC (*personal injuries*), and Art. 302 or 299 GPC (*homicide*).

The IFR operations, as their implementation concerns registered and unregistered asylum seekers and, 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 resources⁷⁹ in order to comply with standards set out by the Common European Asylum System (CEAS),⁸⁰ and respond fairly and effectively to the high number of asylum applications that the increased flows of migrants and refugees towards the EU countries have caused.

In addition to the cost in human lives and the serious violations of fundamental rights of migrants and refugees directly or indirectly caused by IFR operations,⁸¹ the latter constitute an explicit threat to the rule of law. The IFR operations create space for obscure and unaccountable state action far from accountability to administrative and judicial bodies, making it impervious, and susceptible to arbitrariness. Although this space of state action is obscure, is not hermetically sealed and a spill-over into other areas of state action is possible and imminent. Moreover, to the extent that participation of citizens in these operations is possible, this threat escalates, as it would involve assuming powers and roles that, in their legal context, exclusively belong to state entities, such as the Greek Police, and the Judiciary.⁸²

Within this framework of unaccountable state action coupled with the lack of safe passages, displaced populations are forced to resort to increasingly dangerous routes to safely reach European territory and gain access to asylum procedures.⁸³ The deaths of migrants and refugees in the shipwreck in international waters within the Greek SAR zone off Pylos in June 2023⁸⁴ and in the fire at Evros in August 2023⁸⁵ are tragedies that could have been avoided.

CHAPTER 7. RECOMMENDATIONS

The Recording Mechanism recommends to 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

⁷⁹ For the asylum system in Greece, see here: <https://migration.gov.gr/gas/pliiofories/>

⁸⁰ For the Common European System (CEAS), see here: <http://tinyurl.com/ymhh2jpk>.

⁸¹ See Chapter 4-V, pp.45-48.

⁸² See for example the following stories published in Greek media: i) <http://tinyurl.com/yekrzwpm>, ii) <http://tinyurl.com/bdfen47b>, and iii) <http://tinyurl.com/y5cvp9py>.

⁸³ See: Matina Stevis-Gridneff, *They Ran for a Better Life, Straight Into a Wildfire*, The New York Times, 01/10/2023, <http://tinyurl.com/58mpdwv4>.

⁸⁴ See: George Wright & Laura Gozzi, BBC News, 15/06/2023, <https://www.bbc.com/news/world-europe-65901005>.

⁸⁵ See: Newsroom, "Kathimerini" 22.08.0223, <http://tinyurl.com/yvwcehjt>.



No 1/2023 and No 18/2023,⁸⁶ 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: *Safi & Others v Greece* (App. No. 5418/15)].

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. When necessary, make use of the possibilities laid down in the Greek Code of Criminal Procedure and the 1959 European Convention on Mutual Assistance in Criminal Matters
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.
8. Safeguard that all asylum seekers in the Greek territory have access to asylum procedures and are protected against refoulement 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 with safeguards for the access of organisations and individuals who provide information and advice to the applicants in line with the provisions of Article 8 of Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast)
10. Follow the recommendation made by the Committee on the Rights of the Child (CRC) to terminate IFRs and ensure personal identification, registration and protection of third-country nationals, especially of children, through the effective access to asylum procedures and free of charge legal and other humanitarian 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

⁸⁶ The Circular of the Prosecutor of the Supreme Court No 1/2023 is available here: <http://tinyurl.com/3dhvw8v4>, and the Circular of the Prosecutor of the Supreme Court No 18/2023 is available here: <http://tinyurl.com/289mrtxu>.



compliance at EU external borders,⁸⁷ 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 ENNHRI⁸⁸

13. Adapt the legislative framework of the composition of the Ministry of Migration and Asylum's 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 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 excerpt by a registered asylum applicant. Detection location: the town of Orestiada. Number of people who were returned: 11-20. "On [Supervisor's Comment: (hereinafter SsC) date omitted so as not to reveal the identity of the alleged victim] I was registered at the Asylum Service [SsC: location omitted so as not to reveal the identity of the alleged victim] and I got 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 7 a.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 riverbank, where we were disembarked. All around there were thinned, tall trees and water pumps in the river. The ground was earthy and uneven. The riverbank 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

⁸⁷ See: FRA, *Establishing national independent mechanisms to monitor fundamental rights compliance at EU external borders*, October 2022, available at: <http://tinyurl.com/2m6fhfc6>.

⁸⁸ See: UNHCR, OHCHR, ENNHRI: *Ten points to guide the establishment of an independent and effective national border monitoring mechanism in Greece*, 14.09.2021, available at: <http://tinyurl.com/4fs3khty>.



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".⁸⁹

Testimony excerpt 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 [...]"⁹⁰

Testimony excerpt by a recognised refugee. Detection location near the Evros' riverbank, 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 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 [SsC: 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 [SsC: 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 vehicle, that transferred us near the Evros riverbank. 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

⁸⁹ Recording's Reference Number (herein after RRN): HIA05A03A03.

⁹⁰ RRN: HIA04A04A04.



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.”⁹¹

Testimony excerpt 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 [SsC: date omitted so as not to reveal the identity of the alleged victim]. We were walking until [SsC: 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 [SsC: 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 discussed 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 a 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 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*

⁹¹ RRN: HIA04A04A05.



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".⁹²

Testimony excerpt 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. [SsC: 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".⁹³*

Testimony excerpt 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 than anyone else because I was trying to explain him that on [SsC: the date is not omitted, 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*

⁹² RRN: GCR17A11A09.

⁹³ RRN: HIA09A45A45.



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".⁹⁴

Testimony excerpt 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 [SSC: 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 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".⁹⁵*

Testimony excerpt 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*

⁹⁴ RRN: HIA09A45A46.

⁹⁵ RRN: RSA01A38A38.



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 being 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. 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".⁹⁶

ANNEX II - ORIGINAL TESTIMONIES ABOUT INCIDENTS AT SEA.

Testimony excerpt 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 [SsC: 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 [SsC: 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 delivered 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 [SsC: the date is not written, so as not to reveal the identity of the alleged victim]. They declared

⁹⁶ RRN: RSA01A46A49.



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 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".⁹⁷

Testimony excerpt 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".⁹⁸*

Testimony excerpt 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*

⁹⁷ RRN: GCR24A22A18.

⁹⁸ RRN: MET01A28A23.



*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. [...]*⁹⁹

[Testimony excerpt 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, 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".*¹⁰⁰

Testimony excerpt 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*

⁹⁹ RRN: LCL01A31A29.

¹⁰⁰ RRN: GCR25A19A14.



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".¹⁰¹

Testimony excerpt 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 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 pour 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*

¹⁰¹ RRN: HIA01A25A20.



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 pour water in them, and we would sink. They didn't give us any life vests to wear. From the moment they 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 waving, asking for help. Afterwards, 7-8 people of the Turkish Coast Guard approached us".¹⁰²

¹⁰² RRN: GCR10A26A21.



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