

Members of the Hellenic Parliament

Hellenic Parliament
Parliament Mansion
GR-10021, Athens
Greece

October 6, 2020

Subject: Open letter to Members of the Hellenic Parliament calling for an investigation into border abuses

Dear Members of the Hellenic Parliament,

We, the undersigned 29 human rights and humanitarian non-governmental organizations, jointly call on you to urgently establish an inquiry into all allegations of unlawful returns of migrants to Turkey, including pushbacks and collective expulsions, at Greece's land and sea borders with Turkey, particularly with regard to allegations of such practices concerning the Evros region and the Aegean islands, as well as alleged violations of Greek, EU and International law on the rights of asylum seekers.

These incidents have entailed other very serious human rights violations such as arbitrary deprivation of liberty, grave breaches of the prohibition on inhuman and degrading treatment, and failure to respect and protect the right to life. Parliament should exercise its oversight authority to investigate these allegations and to determine if the scope of any illegal acts identified amount to a *de facto* government policy at odds with international, European, and Greek law.

We urge you to conduct a prompt, independent, transparent, and effective investigation into allegations that Greek Coast Guard, Greek police and Greek army personnel, sometimes in close coordination with uniformed masked men dressed in black or commando-like uniforms, have been involved in such unlawful returns or other acts that put the lives and safety of displaced people at risk. The investigation should look at those allegations with a particular focus to the events surfaced in 2019 and 2020, as evidenced by the reports relied upon.

Any officer found to have engaged in such illegal acts, as well as their commanding officers, including government officials who have command responsibility for such forces, should be subject to disciplinary and criminal sanctions, as applicable. The inquiry should seek to establish the identity and relation of the masked men and unidentified officers to law

enforcement and steps taken to ensure that they are held to account for illegal acts they may have carried out.

Over the years, non-governmental groups and media outlets have consistently reported the unlawful return, including through pushbacks, of groups and individuals from Greece to Turkey by Greek law enforcement officers or unidentified masked men, who appear to be working in tandem with border enforcement officials. An indicative list of reports of incidents is attached to this letter.

Non-governmental groups and media outlets reported in 2020 (reflected in the annex) that Greek Coast Guard personnel, sometimes accompanied by armed masked men in dark or commando-like clothing, have unlawfully abandoned migrants at sea on motor-less, inflatable vessels; violently transferred individuals from Greek islands, or from the dinghy upon which they were traveling, to such rafts, and then left them adrift near Turkish territorial waters; or reportedly intercepted and disabled boats carrying migrants by damaging or removing the engines or their fuel or puncturing the hulls of inflatable boats.

Non-governmental organizations and the media have also reported in 2020 on persistent allegations that Greek border forces have used violence against and in the unlawful return of displaced people, including in the form of collective expulsions and pushbacks, through the Evros land border with Turkey.

On June 10, the International Organization for Migration (IOM) said it was “deeply concerned about persistent reports of pushbacks and collective expulsions of migrants, in some cases violent, at the European Union (EU) border between Greece and Turkey” and called upon Greece to investigate. On August 21, the United Nations High Commissioner for Refugees (UNHCR) said it was “deeply concerned by an increasing number of credible reports indicating that men, women, and children may have been informally returned to Turkey immediately after reaching Greek soil or territorial waters in recent months,” and urged Greece to refrain from such practices and to seriously investigate these reports. The Agency earlier released a statement making similar calls, on June 12.

Similarly, in its July report on Greece, the UN Working Group on Arbitrary Detention (WGAD) said it had received reports “that a number of persons newly arrived in the Evros region had been arrested, detained and summarily returned across the land border between Greece and Turkey without being given the opportunity to apply for international protection in Greece.” The WGAD urged authorities “to promptly and fully investigate allegations of such pushbacks, including any acts of violence or ill-treatment that may have occurred during such incidents, and to ensure that such practices do not occur in future.”

On July 6, during a meeting at the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) on fundamental rights at the Greek border, the European Commissioner for Home Affairs, Ylva Johansson, said that incidents should be investigated. In its new Pact on Migration and Asylum, presented on September 23, the Commission recommended to member states to set up an independent monitoring mechanism, amid increased allegations of violence and abuse at the EU's external borders.

Despite the numerous allegations brought forward by international and non-governmental organizations and numerous calls for investigation of the alleged incidents, we regret that the Greek government has so far denied these practices and failed to take actions to end those abuses or to genuinely investigate this pattern, assume responsibility, and hold those responsible to account.

During the 6 July meeting at the European Parliament's LIBE Committee, members of the Greek government refused to comment on those allegations, which they qualified as "fake news," despite the amount of reports reflected by European lawmakers. Confronted during a CNN interview with a *New York Times* article documenting the issue of pushbacks, published on August 14, Prime Minister Mitsotakis said, "It has not happened. We've been the victims of a significant misinformation campaign," suggesting instead that Turkey was responsible.

The reported practices, including violence, deprivation of liberty, and unlawful returns, violate several human rights norms, including the absolute prohibitions against *refoulement* – the forcible return of anyone to a real risk of persecution or other serious harm. They violate the prohibitions against inhuman or degrading treatment, arbitrary detention and collective expulsion, as set out in the European Convention on Human Rights, to which Greece is a party.

Greece is also bound by the EU Charter of Fundamental Rights, which recognizes the right to seek asylum, guarantees protection from *refoulement* and prohibits collective expulsions. Summary returns do not allow for an adequate assessment of protection needs. Turkey does not meet the EU criteria for a safe third country to which an asylum seeker may be returned, which include respect for the principle of non-*refoulement* and the right to seek asylum.

We recognize that due to the lack of equitable responsibility-sharing mechanisms among EU member states and other failures of solidarity, Greece bears a significant responsibility among EU member states. We have repeatedly called on EU institutions and member states to implement a meaningful responsibility-sharing mechanism. Nevertheless, this situation does not relieve Greece of its human rights obligations stemming from its domestic, European and

international commitments, which include the duty to protect the human rights and dignity of everyone, irrespective of their status as migrant or asylum seeker.

We thank you for your attention to these important matters. We look forward to a continued dialogue.

Yours sincerely,

Human Rights Watch

ActionAid Hellas

Amnesty International

ARSIS – Association for the Social Support of Youth

Danish Refugee Council

Equal Rights Beyond Borders

Fenix – Humanitarian Legal Aid

Greek Council for Refugees

Greek Forum of Refugees

Greek Helsinki Monitor

Hellenic League for Human Rights

Help Refugees

HIAS Greece

HumanRights360

International Rescue Committee

INTERSOS Hellas

Josoor

Legal Centre Lesbos

Lesvos Solidarity

Medecins Du Monde – Greece

Mobile Info Team

Network for Children's Rights

PRAKSIS

Refugee Legal Support

Refugee Rights Europe

Refugees International

Refugee Support Aegean

SolidarityNow

Terre des hommes Hellas

Cc:

Minister for Migration and Asylum, Notis Mitarakis

Minister of Shipping and Island Policy, Ioannis Plakiotakis

Chief of the Hellenic Police, Police Lieutenant General Michalis Karamalakis

Commandant of Hellenic Coast Guard, Vice-Admiral Theodore Kliaris

European Commissioner for Home Affairs, Ylva Johansson

President of the European Parliament, David Maria Sassoli

Chair of the European Parliament's Committee on Civil Liberties, Justice and Home Affairs

(LIBE), Juan Fernando López Aguilar

Executive Director of Frontex, Fabrice Leggeri

Director of the EU Agency for Fundamental Rights, Michael O'Flaherty

The Greek Ombudsman, Andreas Pottakis

For letter and attachments, please see https://www.hrw.org/sites/default/files/media_2020/10/ENG%20Joint%20NGO%20Letter%20to%20Parliament.pdf