



REPUBLIC OF TÜRKİYE  
THE OMBUDSMAN INSTITUTION



# “PUSHBACK”

## OF HUMAN RIGHTS

CAN SALI | خيمة | FLOATING TENTS

SPECIAL REPORT

JUNE 2022





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THE GRAND NATIONAL ASSEMBLY OF TÜRKİYE  
OMBUDSMAN INSTITUTION

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# INTRODUCTION



We are passing through a historical period in which unique political, social, economic, and cultural ruptures are experienced. We are also faced with the greatest human mobility since World War II. The number of refugees and migrants who have had to leave their geography has exceeded 82 million in the last 9 years.

While this number alone shows us the global dimension of the humanitarian crisis, it also reveals that this crisis cannot be ignored in any way and that a solution must be produced at a global level. The international community should implement people-oriented policies and practices which will prevent the forced migration of people against their will and provide the minimum economic, social, and political conditions necessary for them to live in their own countries.

It should not be forgotten that unless every inhabitant of the earth, every member of humanity, is safe, lives in peace, and has minimal welfare facilities; no one will feel safe, find peace, and maintain their well-being. If we do not try to understand with sincerity and empathy what is really going on in the world, these crises of humanity and conscience will be doomed to turn into a recurring human tragedy.

When we consider the geographies which are the source of migration, we cannot ignore the impacts of wrong political, ideological, social, economic, military, and similar policies on the domestic policies of those geographies. However, the fact that these countries have become unliveable cannot be explained only by the developments in their domestic policies. This situation is also greatly affected by the actions of some countries with imperialist aims and the international policies applied towards the sending countries of migrants. Although people who have had to leave their homelands continue to live with great grievances and agonies, international actors, who are responsible for these crises as colonialists in political, social, economic, and military terms, avoid taking humanitarian responsibility for a solution. After making certain geographies unliveable with their interferences, they may walk away by leaving those geographies plundered. On the other hand, the same countries and institutions may recklessly maintain their claims that they are the sole determinants and followers of principles such as democracy, human rights, and the rule of law. As a matter of fact, the crisis of humanity, morality, and conscience, which is caused by the fact that the

countries which have an impact on forced migration do not have any sense of responsibility and concern, is at least as great as the humanitarian crisis experienced due to migration.

Herein, the report in your hands deals with the violations of rights of refugees on the migration route, especially their struggle for the right to live due to the inhumane treatment of Greece, their being pushed back by being subjected to unlawful acts, and their being left into great obscurity. It submits the events and experiences for the information of the international community and institutions by explicitly presenting them with numerous examples. When we consider what the witnesses have stated, the size of the disaster seems much greater than expected.

I hope that this special report, prepared by the Ombudsman Institution with these thoughts in mind, will be instrumental in ensuring that the voices of all refugees and migrants, who are victims of pushback practices and violations of rights and who have lost hope of seeking their legal remedies, could be heard by the common conscience of humanity; in preventing the persecution from being forgotten; and in inviting the international community to take action beyond just witnessing what has happened.

**Prof. Dr. Mustafa ŞENTOP**  
**The Grand National Assembly of Türkiye**



# PRESENTATION



Türkiye, which has been on the side of right and justice throughout history, continues to save the victims of violations of rights and heal their wounds by standing beside the oppressed and against the oppressors today as it was yesterday. In a world where children are beaten, where babies are starved, where women are harassed and raped, where people are beaten and mistreated, where civilians are left to die in the cold after their clothes are forcibly removed, and where people are thrown into the sea with their hands tied behind their backs; it is inconceivable for anyone with a conscience to remain silent about this persecution. In today's world, where it is not possible to predict which country's citizens will become migrants in which period, no country should remain indifferent to practices violating international law.

The Ombudsman Institution of the Republic of Türkiye, known as Kamu Denetçiliği Kurumu in Türkiye, conducts rights-based studies for each individual, and it reports the violations of rights detected and announces them to the public. Ombudsmen are responsible for contributing to the development of a culture of seeking legal remedies and the strengthening of human rights around the world. The Ombudsman Institution, which is a constitutional and independent institution affiliated to the Grand National Assembly of Türkiye, takes action upon complaint and conducts examinations in terms of compliance with the law, equity, good administration principles, and human rights, and it also prepares special reports on the issues it deems necessary within the scope of its authority given by law.

Since foreigners with the status of migrants and refugees are in a very vulnerable position in terms of being subjected to violations of rights, grievances within the scope of migration and refugee law are among the issues which are deemed important and followed by our Institution. A special report on "Syrians in Türkiye" and a study visit report to Edirne on the determination of alleged violations of human rights by Greek security forces to refugees who wish to cross into Greece were prepared, among others, by our institution within the framework of the duty and authority given to the Institution by law; and these reports were shared with relevant institutions and officials such as the Ombudsmen around the world, the United Nations, the European Parliament.

With pushback practices, states explicitly reject their international obligations to protect the human rights of migrants. With pushback practices which have begun to violate the most basic human rights, especially the right to life, foreigners and their families are pushed back to the border of the country from which they came, with all their belongings confiscated, their clothes taken, ill-treated and their right to life denied; on the other hand, the basic principles of human rights and international protection are also systematically pushed back from their position in political and social life.

As many international reports stated, this report, which was prepared by our Institution upon the applications filed by several victims of pushbacks for the determination of violations of human rights, indicates that recently, Greek security forces have pushed back refugees and migrants at the Aegean Sea and the Meriç River and resorted to violence for this purpose; that fundamental human rights are violated; that people died and were injured as a result of these practices; and that the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) supported pushback practices of Greece instead of intervening in these practices.

With this special report prepared, our Institution aims to enable that the common conscience of humanity hears the voice of all refugees and migrants, who are victims of pushback practices and violations of rights, who do not have the opportunity to seek legal remedies, and who think they cannot be heard. It also calls on the relevant authorities to follow a human-oriented migration policy which does not discriminate against differences in religion, language, race, and colour, and it invites people and organisations working in the field of human rights, along with the ombudsmen, to defend the rights of all refugees and migrants with a louder voice.

I would like to thank the Ombudsman Ms. Fatma BENLİ YALÇIN, who worked with great devotion in the preparation of the report, and Mr. Muhammed Akif Süslü and Mr. Burak Coşkun, who work as experts in the Ombudsman Institution, for their contributions to the study. We hope that this report will contribute to the activities aimed at preventing the violations of human rights to which refugees and migrants are subjected due to pushback practices. Respectfully.

**Chief Ombudsman**  
**Şeref Malkoç**

## FOREWORD



Although the phrase “Geography is destiny” attributed to the historian and philosopher Ibn Khaldun is valid for the whole world, it is of particular importance for Türkiye. As it has been for centuries, Türkiye still continues to welcome everyone fleeing war and destruction. Today, due to its geopolitical location, it has become a transition zone for those who want to immigrate to other countries.

19 people from 60 refugee and migrant groups were subjected to violence in Greece on February 02, 2022, kept under the rain for a long time with their clothes removed and sent back to Türkiye at -2 degrees, froze to death on the Greek border, and on 18-19 November 2021 in Izmir and Aydın. During the on-site inspection visit, 4 of the 7 refugees and migrants who were thrown into the sea with plastic handcuffs on March 19, 2021, were reported to us and our Chief Ombudsman. They drowned in the sea, and the refugees were thrown into the sea with plastic handcuffs in the name of “pushback” by the Greek elements, These are just a few examples of how hurtful Türkiye’s geopolitical position has become.

Since the Aegean Islands are very close to Türkiye and Greece, they are highly preferred by irregular migrants and organizers. The ships, which are constantly patrolling to ensure border security, cannot interfere with the illegal entrance. The fact that a significant part of around 1,800 islands, islets and reefs in the Aegean Sea is very close to Türkiye causes serious difficulties in border security and in the fight against irregular migration. On top of that, the fact that the neighboring country Greece prefers direct push-back practices instead of complying with the procedures and obligations stipulated in international law leads to grave violations of rights, including the violation of the right to life next to Türkiye.

Many people have been exposed to rights violations according to the push-back cases applied to our Ombudsman Institution, which is a constitutional rights-seeking institution. Our Institution has prepared a special report within the framework of the authority granted to it by law, since the mentioned push-back cases are very serious and there are reports that push-backs are applied in a widespread and systematic way.

The Ombudsman Institution did not turn a blind eye to the violations of rights caused by the pushback practices of the neighboring country, as generally preferred by the institutions of other countries -with exceptions- in order to protect themselves from immigration. Because Türkiye has to bury the bodies of people who died by freezing or drowning at the border. The treatment of people whose arms, legs and even spines were broken during push-back practices and who were beaten with iron sticks are included in our study and included in many international and media reports, thus continues to be practiced even in 2022, are also being worked on in Türkiye. Those who have witnessed the disappearance of their daughter or wife in the water next to them try to tell their experiences in Türkiye, at least in order to find a body to bury.

This situation caused our Ombudsman Institution to carry out a comprehensive study, under the leadership of our department which is responsible for human rights, to identify the violations of rights caused by pushback. In this way, it was necessary to investigate the matter and document the events in order to evaluate the international law rules that need to be dealt with and applied, and to inform national and international organizations in order to fulfill their responsibilities at this point. As our detailed report reveals, push-backs, documented in hundreds of cases, take place in line with the policies of states. No case is individual, it is carried out in a widespread and systematic way within the chain of command.

Our conversation with the family who got on a ship to go from Lebanon to Italy, drifted due to the weather conditions and were thrown into an unfavorable life raft and pushed to Türkiye even though they were in international waters, when their phone was taken by force when they crossed the Greek border, Witnessing the bruises on the arms of the Cameroonian refugee, who was beaten and pushed back to Türkiye, allowed us to witness with our own eyes how ruthless the push-backs were.

The report in your hand has been brought to life as a result of months of meticulous work with the contribution of many experts, who have devoted their lives to this field. On behalf of my Ombudsman Department, I would like to thank our expert, Muhammed Akif Süslü, who worked with great dedication and effort, and our expert Burak Coşkun, who made significant contributions to the study, and our expert Hamza Günaydın, Gülsevil Varol, Fatma Sedef Şeviker and Fatma Gül Dobada and all our experts whom contribute these report. However, despite the examination of hundreds of video footage and thousands of minutes, it has not been possible to record tens of thousands of events with push-backs, no matter how meticulously done, in our report, which documents 50 different push-backs and 18 separate violations of rights contrary to international law. Fear of life, suffering, confiscation of property and identity cards of the people who were pushed back have caused very little of what happened to be recorded. That's why our report reflects only a tiny bit of the tip of the iceberg of the human drama unfolding before the world's eyes. Nevertheless, our report which is a short summary, proves the existence of rights violations beyond reality, which can be referred to as exaggeration.

Osman, a 9-year-old lebanese, whom I met with our Chief Ombudsman during the on-site inspection, said to us, "I thought I was going to die. I was very cold and very scared. They were very bad. I did not understand why they treated us like that, why they hit us. What did we do to them?" When he asked those questions, the fact that we didn't have an answer for him led us to work on the report in your hands. The main purpose of our report is to be instrumental in making the human rights violations caused by pushbacks to be heard, and to prevent other children from having to go through the same experiences thanks to the work of conscientious members of the human family.

**Ombudsman**  
**Fatma Benli Yalçın**





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"I thought I'd die. I was very cold and very scared. They were terrible. I don't understand why they treated us like this and hit us. What have we done to them."

(9-year-old Lebanese Osman) (Interview with the Chief Ombudsman)

"We were tossed around on the ship from side to side. I held on to my family. I was very afraid of falling into the sea. It was very cold. They wouldn't let us go to the bathroom. When I realized that I couldn't take it anymore, I got up and said I wanted to go to the bathroom. They pushed me down harshly and wouldn't let me go to the bathroom. They pushed and threw me onto the boat."

(10-year-old Joumana) (Interview with the Chief Ombudsman)

"They constantly told us to look down and not to look at their faces. They harshly warned the ones who looked up, pointed a gun at them and beat them with an electroshock device. We were tossed from side to side on the warship without any protection and support for stability. We thought we were going to die falling into the sea. I was concerned about the life of my children. Later, we were put in the cabin. The airconditioner was turned on to make us feel cold. They gave us nothing to cover ourselves. We shivered from the cold. The greeks pulled the scarfs off the head of all the women wearing theirs as we kicked. Even the Qurans we held in our hands were taken from us, stepped on and thrown into the sea.

(Lebanese Sara) (Interview with the Chief Ombudsman)

"I and my missing friend named Muhammed were handcuffed together and made to wait. For two days we were not given any food or water. They threw us into the sea without removing our handcuffs. Then they left us there and came back. We swam to the Turkish island with our own efforts. Together with an individual called Abdusselam, we went to the island. The others were lost at sea. We are three now. I don't know where the other four people are. I saw a person die.

Somalian Ahmet Adem MUHAMMED,

"They broke my daughter's arm with a stick. Many people were tortured while we were there. Greek soldiers do not discriminate between women and children."

Palestinian Cevat Haydar



"They forced us to march by bowing so that the Turkish soldiers would not see us. After reaching a certain point, they stopped us and started to inflate the boats. The boat capsized after a while. I held onto the tree. Then we started to shout "Allahu Akbar" to the Turkish soldiers so that they could hear us. 7 out of 12 people got lost in the river. Unfortunately, only 5 of us are left."

Somalian Ahmed SADIK

"They took us to a place like a village in an abandoned place, and before anything they took our phones, money and all other belongings of ours. Then, we were stripped and frisked, leaving only our underwears. Then our hands were cuffed behind our backs followed by the removal of our underwears leaving us stuck naked. Masked people in military uniforms came and beat us with iron and wood sticks. Then they forced us to get into a vehicle naked, locked the doors and left the vehicle in the sun on purpose. We were left without ventilation in the vehicle. From here, we were brought to the border and laid on the ground, and they used violence with sticks again. Meanwhile, our hands were still handcuffed upside down."

Moroccan Mukaddim Necip

"There was a woman, she ordered "you go". We didn't go. She brought gasoline and poured it on us. And she set it on fire.

A female immigrant was burned with gasoline being poured on her on 17/04/2021

"Even though I told the police that I was pregnant, the police stepped on my stomach and beat me. I had a miscarriage."

Iraqi Hece VAHID

"I have requested international protection on 5 occasions. But they never contacted to me. They put me in a vehicle, saying that I will be released after 13 months. They told us to take off our clothes. We forced to stay only with our underwear They tied our hands with plastic cuffs and took off our underwears. They forced us to turn our backs and started to hit us. They had iron sticks, wooden sticks and batons in their hands. They hit me on my back, feet and arms. I have a scar on my back. Barely handcuffed from behind and nudely, they pushed us into the boat. Then they dropped us off at one of the islets in the middle of the river.

Moroccan Salah Belfesi



"They said they would kill anyone who raises his head. They carried us like animals and threw us on their ships. They threw my brothers Ali and Yusuf into the sea. They got me too. But I resisted. They beat down me. When I no longer had the strength, they were able to throw me into the sea. I resisted with all my body and all my soul, I tried to stay above the water... I saw Yusuf's body. I checked his pulse again to see if he was alive, but he was dead."

Cameroonian I.O.

"They grabbed us by our hair and dragged on the ground. They hit us with the sticks in their hands. My feet and legs are bruised. They boarded us on to the ship with slaps and punches. They took our luggage, phones and money. We had nothing left. Then they put 10 people on a raft. We had nothing to move the raft. We tried to move it with our hands. We thought we were going to die. It's my first time doing something like this. It ended this way."

Somalian Muna Hasım Dra

"After catching us, they beat us. They stripped our clothes. It was raining at the time. It was very cold. We froze. They took off all our clothes and shoes. They took our phones, our money, our bags. They threw away all our food. We were taken to prison. It was just a place with a roof. The sides were open. It was a wet place. Blankets were wet. It was wet all over. We froze. Ladies, old people, children, they treated all of us the same... After freezing, they put us in the boat and sent us to Türkiye."

Syrian Ahmet Mustafa

"First I was violently abused and then one hit my forehead with a hammer. He hit the back of my left shoulder with the hammer again. He hit me on my left knee the same way. Blood oozed from my head for an hour. ... They saw two Somalis. One was a woman and one was a man. After catching them as they did to me, they took off their clothes, stripped and frisked them, took their phone and money. They were ordered to be thrown into the sea. I pleaded with them. I said this man and woman can't swim. The woman had told me she didn't know how to swim. They hit my chest and grabbed me and threw me into the sea. Also, neither I nor my other friends had life jackets. The woman was lying face down and seemed dead."

Yemeni immigrant



"There were no boats on the river. They said in English, if you come here again, we will kill you. They pushed us straight into the water. We swam to the Turkish border. There were also those who could not pass, they were holding on to the trees. I don't know what happened to them"

Pakistani Bila Muhammed

"They threw the inflatable boat (life raft) into the sea and threw us on it. There was gasoline in the boat at the time. When we stepped on it, my feet burned and I realized it there. We, the first four people who were thrown into boat, were very impressed. There was me, there was the girl next to me with burning feet. They also threw two people whose names I don't know and we all got burned."

Migrant women and children with chemical burns on their bodies on October 20, 2021

"They put us on an inflatable rubber boat in the sea and blew up our boat with a knife. We tried to swim to shore by our own efforts. Meanwhile, one of our friends drowned and died. "When we arrived at the shore he had died.

Congolese, Joly Matando

"5 people got on a small boat and came upon us and crashed into our boat. Then they tied our boat to theirs and started pulling it away. They waited with us until our boat sank, and when our boat sank, they left. Everyone held on to each other. The Turkish Coast Guard came and started to rescue us. I saw a person lying still on the sea and a half unconscious frightened 18-19 year old woman in the boat."

Afghani Pervani Sehkanlu

"They got on our boat and threw our motor into the water. They beat us with sticks, tied us to their boats and towed us, and we started to inhale water while they were pulling. When it started to sink, they cut the rope and deflated our boat. When we fell into the water, they waited for a while and left it there. We were in different places with my child. Everyone started to catch up with each other. I couldn't see my child either. Then someone from there said that she saw my child but that he was not breathing and gave it to me. Turkish Coast Guard came and pulled us out of the water. I am very sorry for my child."

Afghani Feridun SERVERI



"A white ship with an orange top, and a ship with the Greek and NATO flags on it, we were put on a motorboat with only the Greek flag on it. There the ship's crew mistreated us and took all our phones, money and paperwork. They took us around the sea from 12 in the daytime until 3:30 at night and dropped us off in Turkish waters at 3:30."

Afghani Sayed Beshir Sadat

"We saw a ship coming and they told us to stop and cooperate with them. We stopped and when they came to us we noticed that it was a German coast guard ship with the Frontex flag on it. They called the Greek coast guard and when the Greek coast guard arrived they took us on their ships. They traveled with us to the Turkish coast for about 4 hours and left us there on a rubber boat without an engine. Our boat started to submerge. After a while, the Turkish coast guard came and helped, rescued us and brought us to Türkiye."

Sudanese Sharawi UMAR

"2 policemen in blue uniforms got out of the vehicle and handcuffed me from behind. They covered my mouth with a cloth. I might recognize these 2 policemen if I see them again. These policemen took me to the forest area behind the hotel called Stella in the city center. They threatened me with a gun. Here, 2 policemen raped me while my hands were cuffed."

Cameroonian Immigrant women

"They tied our hands with handcuffs. Our phones, money, purse, were taken while being beaten to death. My nose started bleeding and they hit me on the head. They hit my left eye and I lost a lot of blood. They put us on the boats again in handcuffs. They left us on the Turkish side of the sea. I don't remember much after that, because I passed out. I realized that my life had come to an end."

Central African, Koki Kristian

The man was drowning and coming out of the water, screaming for help. The soldiers and the others on the boat just watched him. Eventually, the waters carried this man away and we never saw him again."

Moroccan Mustafa





"They fired into the air. My wife was afraid for our children and headed towards the river to join them. When they fired, we got into the water out of fear. The last time I saw her, she was about two meters behind me and her head was above the water. I tried to go back and take my wife, but the soldiers grabbed me by the collar and laid me face down so that I could not see the river. My children said at the Greek consulate, 'We lost our mother. 'We don't know where she is, we want to know,' they said. When we were asked to go, My kids said, 'We are not going, we want our mother. They said, 'Shoot us like you shot our mother'. I don't know what to do with the kids. Everything reminds me of their mother. Their are not in a good psychological state. Even if I go to Syria, there is a war. . . We have not given up hope on my wife to receive any news, whether she is dead or alive... It would be great if we could get any news."

Syrian Nedera Almonla's husband - Muhammed

They touched my wife's (body) under the pretext of frisking. Then they tried to open my wife's headscarf and take off her pants. When I tried to stop them, they punched me. they beat me badly with a thick plastic stick and a metal stick. They hit my 2 year old daughter's head with a thick plastic stick. My daughter still has the bruise on her head. Then they gave my wife an electric shock on her wrist and shoulder, and one of the men pointed a gun at my head. They beat the others as well, forcing them to remove almost all of their clothes.

32-year-old Syrian Omer

"I left Syria for fear of being bombed. But when this happened to us, I wished I had died in the bombardment."

50-year-old Syrian teacher Najma al-Khatib pushed back on a life raft with 2 babies



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## PREFACE

The world is currently facing the largest mass migration movements since the World War II. **Türkiye, on the other hand, is the country hosting the largest number of refugees in the world who are Syrians, especially with the mass migration wave resulting from displacement after the Syrian Civil War. Türkiye is a bridge between the countries in the east and west. Especially in recent years, due to conflicts and instability in its east and south, it has become a center of attraction for regular and irregular migration movements from other countries in the region, in addition to Syrian refugees.**

Although the issue of migration deeply affects Türkiye's economic, socio-cultural and demographic structure, it is at the top of the agenda of states and international organizations, it seems that it is being considered more within the axis of security.

Ignoring the reasons that cause people to face all kinds of dangers on long and difficult migration routes by leaving their countries, and addressing the issue only in the context of security reveal great human tragedies. This is why great humanitarian tragedies occur in the Aegean Sea today, just like the losses in the Mediterranean in 2015.

Policies that enkindle conflicts in the name of economic interests and escalation of ethnic, religious and sectarian tensions are the main causes of the crisis. Nowadays, instead of managing migration and combating the factors that cause it, it seems like the focus is on policies to prevent migration at all cost in order to protect national borders, and such security policies are becoming more inhumane every day.

It does not seem possible to prevent forced migration movements without developing policies to eliminate the reasons that force people to migrate, who risk their lives with faulty boats, humiliating treatment on migration routes and living in inhumane conditions in camps resembling prisons in other countries. **In order to protect borders, new inhumane methods are being developed every day. Moreover, all kinds of inhuman consequences, including tragic deaths, are taken into consideration by pushing back. The worrying thing is that these inhumane practices which are applied by public officials themselves have been ignored for years by states that have defended basic human rights values and signed fundamental human rights conventions. The advocacy of this treatment by the administrators on the grounds of border security increases the extent of the concern.**



Ironically, in the past, people who were taken from their homes, and families without considering if they are women or children, and were forcibly taken to Europe and subjected to the slave trade, are now being subjected to an inhuman practice called "pushback" so that they do not enter Europe with the opposite practice.

In the current situation, it has been forgotten that human rights are superior to the general political interests of states and the principles which guide policy development for purposes such as ensuring social welfare.

According to the data of the International Organization for Migration (IOM), the total number of immigrants in the world has exceeded 281 million. One out of every thirty people in the world is an immigrant <sup>1</sup>. According to the data of the UN High Commissioner for Refugees (UNHCR), it has been determined that at least 82.4 million people in the world have had to leave their homes due to violence and persecution. In other words, 1 out of every 95 people in the world has left their home as a result of conflict or persecution. Only 4.1 million of them were able to apply for asylum.<sup>2</sup> 42% of these applicants are forcibly displaced girls and boys under the age of 18. Türkiye, on the other hand, is the country hosting the highest number of refugees in the world, with over 4 million refugees. Of this number, 3.7 million are Syrians under the Temporary Protection Status (GKS), and 330 thousand are people from other nationalities under international protection.<sup>3</sup>

**Yet the migrant population is not equally shown the same hospitality all over the world. The countries that host about nine out of every 10 refugees appear to be countries in the developing regions.<sup>4</sup>**

**While some countries receive millions of asylum seekers who flee violence and persecution with open arms, some avoid fulfilling their international obligations towards migrants under the pretext of their geographical location and remoteness from the countries where migrants live, and also mentioned on this report some countries prevent even the arrival of migrants to their countries by pushback practices contrary to international law, which leads to very grave violations of rights, including violation of the right to live.**

The international refugee protection regime, which was established as a precaution against the migration crisis after the Second World War, envisaged the need for international cooperation. And the 1951 Convention Relating to the Status of Refugees explicitly included the principle of international burden

<sup>1</sup> <https://www.iom.int/>, Access Date: 07/09/2021

<sup>2</sup> For UNHCR official data, see <https://www.unhcr.org/data.html>; <https://www.unhcr.org/figures-at-a-glance.html> and <https://www.unhcr.org/tr/29009-unhcr-world-leaders-must-act-to-reverse-the-trend-of-soaring-displacement>. Access Date: 07/09/2021.

<sup>3</sup> It includes Syrians under temporary protection and applicants for international protection and status holders of Afghan, Iranian, Iraqi and other nationalities For UNHCR official data, see <https://data2.unhcr.org/en/documents/details/90063>; Access Date:26/11/2021.

<sup>4</sup> For UNHCR official report <https://www.unhcr.org/global-compact-refugees-indicator-report/>; Access Date:07/09/2021; Statement Of Filippo Grandi, UN High Commissioner for Refugees <https://www.unhcr.org/tr/30529-un-high-commissioner-for-refugees-praises-the-republic-of-turkey-for-its-continued-commitment-to-provide-protection-to-all-those-in-need.html>; Access Date:07/09/2021.



and responsibility sharing. In the preamble of the convention, international cooperation was emphasized by referring to the principle that "people shall enjoy rights and freedoms without discrimination" of the Universal Declaration of Human Rights. According to the preamble of the Convention, recognizing the right to asylum will impose a significant burden on some countries, and a permanent solution to the refugee issue will only be possible through international cooperation. In addition, it was emphasized in the introductory text that the United Nations High Commissioner for Refugees is responsible for overseeing the implementation of international conventions on the protection of refugees and this permanent solutions can only be achieved through cooperation and responsibility sharing between states and the High Commissioner.

It is not possible for the system which is applied for the protection of refugees to function without international solidarity between countries and organizations. This solidarity can actually be achieved by combating the factors that cause migration, reducing the pressure on countries hosting large numbers of immigrants, and sharing the physical burden of the immigrant population in a more equitable way. The unequal distribution of all refugees in the world among countries is one of the biggest obstacles to the realization of international protection. Because the burden brought by the global migration management crisis and mass human movements is too great a responsibility to be given to a few countries.

*Ten years of the Syrian crisis has inflicted unimaginable human suffering and pain. The world has failed Syrians. For global leaders, it's a stark and damning reminder that this decade of death, destruction and displacement happened on their watch. A combination of waning aid with COVID-19 induced economic downturn has driven Syrian refugees to unseen levels of desperation. In Lebanon, nine out of ten Syrians live now in extreme poverty. The loss of livelihoods, rising unemployment and COVID-19 have also pushed millions of their Jordanian, Lebanese, Turkish and Iraqi hosts below the poverty line.*

*At the same time, we have been witnesses to extraordinary generosity that has saved millions of Syrian lives. Syria's neighbours have been sheltering millions of refugees, shouldering huge responsibility. Their economies, scarce resources, infrastructure and societies are under tremendous pressure.*

Filippo Grandi, UN High Commissioner for Refugees<sup>5</sup>

As in Grandi's statement, the immigration policies of the European Union are not suitable for international cooperation, and refugees clustered in certain countries face the problem of not being able to access international protection. For all these reasons, it is necessary to focus more on international cooperation and develop policies to increase cooperation, which was included at the beginning of the 1951 Geneva Convention.

<sup>5</sup> <https://www.unhcr.org/tr/27709-a-decade-of-death-destruction-and-displacement-must-not-sap-our-solidarity-with-syrians.html>, Access Date : 07/09/2021.

It is natural for every country to take measures to control and protect its borders. **However, this does not prevent states from taking numerous measures to ensure that people in need of protection reach their borders in a safe, humane and legal way.** International legislation has introduced detailed regulations on how to take these measures. The border control measures taken by the states should be carried out in accordance with international human rights obligations and should not prevent refugees from reaching a safe place and seeking asylum. However, in the current situation, besides providing safe and legal ways, countries prefer the shortest solution, and the dangerous journeys of refugees and migrants to reach Europe have become even more dangerous with shameful interventions by some European countries. **The fact that the borders of the countries cannot be crossed by legal means and the disproportionate and illegitimate interventions applied cause the refugees who flee from the threat of persecution in their country to try to cross the borders by forcing dangerous ways.**

*Let's stop assuming that what the EU and its member states are doing is working. Immigration is a situation that will continue for a long time. Pulling fences, using tear gas and other forms of violence against migrants and asylum seekers, inflicting detention, restricting access to basic needs such as housing, food and water, or using threatening language or hate speech will not deter immigrants from coming here or trying to come to Europe. Territorial integrity is about controlling borders, knowing who goes in and who leaves. It has never been about sealing borders against immigration. Democratic borders are permeable by nature. Border control can only yield solutions that provide immigrants and asylum seekers with legal and safe mobility capability. We are talking about men, women, children and even babies who have faced terrible experiences. They are people like you and me. Can we say that we would never do the same thing if we were in their shoes? Immigrants are people with rights. When we dehumanize others, we dehumanize ourselves.*

*François Crépeau- UN Special Rapporteur on the Human Rights of Migrants.<sup>6</sup>*

Crépeau's statement draws attention to the statement "Everyone has the right to seek and to enjoy in other countries asylum from persecution" in Article 14 of the Universal Declaration of Human Rights on freedom of asylum. Human rights are similarly emphasized in Article 2 of the EU Treaty, which states the founding values of the Union, forms its political and legal basis, and which EU countries have to comply with.

*"The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail."*

EU member states have clear obligations towards asylum seekers during border crossings. International asylum law and human rights law provide international protection for refugees to be admitted to the country of asylum and to be treated in that country in a manner compatible with human dignity. These persons should be able to communicate their protection requests effectively and it

<sup>6</sup> For statement of *François Crépeau- UN Special Rapporteur on the Human Rights of Migrants* <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?LangID=E&NewsID=16344>; Access Date :07/09/2021.





should not be possible for any asylum seeker to be turned back from the border without the asylum procedure being implemented in accordance with the obligations.

**At this point, it is understood that actions that clearly violate the Universal Declaration of Human Rights have become justifiable. It is seen that the basic values of the EU have been suspended and national regulations contrary to the basic values have been made. Although the EU member states are party to the 1951 Geneva Convention, it is seen that they do not want to take any commitment regarding refugees and avoid taking any responsibility towards the refugees in the world. It is seen that they focus on preventing refugees from entering their jurisdiction and territory.**

Developed countries express the need for educated asylum seekers in line with their needs. However, these countries try all kinds of ways not to provide protection to people who migrate to save their lives for compelling reasons, and to "push back" them to other countries without taking care of women and children at the expense of their lives. **They do this through practices that are indicated in the UNHCR statement as not "legal and morally acceptable". Budgets not spent on saving lives or healing traumas are used for drastic military measures to leave people in inhumane conditions and prevent border crossings.**

These measures and interventions show that visible and invisible walls are being built around the EU. Since the policy of **Fortress Europe** focuses only on security, humanitarian elements are ignored. And there is no goal other than keeping refugees out. As a result of these policies, the most basic human rights, especially the right to life, of people pushed from one route to another, which is more dangerous, are violated. **While all these high-cost measures do not provide a solution to the violence, oppression and poverty are the main reasons people want to go to Europe, they only cause the routes to change.**

*"We fear these deplorable practices now risk becoming normalized, and policy based. They reinforce a harmful and unnecessary 'fortress Europe' narrative. The reality is that the majority of the world's refugees are hosted by low- and middle-income countries with far fewer resources, often bordering countries of origin in crisis."*

UNHCR statement of 21 February 2022<sup>7</sup>

Closing the routes that are easier to reach for migrants and refugees and pushing them back condemns them to more difficult roads such as more dangerous rivers, and long sea journeys, causing fatal accidents. Regarding this situation, UNHCR has warned about the risk of normalization and turning it into a policy.

With pushback practices, states clearly reject their international obligations to protect the human rights of migrants. **While the basic values of the EU are suspended by condoning and defending the actions that clearly violate human rights, the statements which were targeted to**

<sup>7</sup> UNHCR statement of 21 February 2022 <https://www.unhcr.org/tr/33457-news-comment-unhcr-warns-of-increasing-violence-and-human-rights-violations-at-european-borders.html>; Access Date: 27/01/2022.

**other countries about the human rights have no sense towards other countries, consistency and credibility. Considering the current shameful practices of those who repeat the discourses on basic human rights, it is clear that these discourses have been turned into political tools.**

As the eastern border gate, it is seen that Greece strictly fulfills its role as a watchdog in the strict border policy of Fortress Europe. The EU, on the other hand, describes Greece as the **"shield of Europe"**. And it is understood that the EU supports Greece, sometimes openly and sometimes by condoning the violations, as it has successfully fulfilled its duty.

In the study carried out by our institution, hundreds of video footage were analyzed, thousands of minutes were examined, hundreds of documented push-back cases were seen, many national and international institutions/organizations, NGO reports and images recorded by media organs, news and consistent testimonies were interviewed. And it has been recorded that refugees and immigrants caught on land or at sea are exposed to the following events regardless of them being a child, woman, elderly or disabled.

It has been put on records that:

- They were thrown into the sea or the Meriç River with their hands tied behind their back, individuals who didn't know how to swim were forced to jump into the river or the sea without a life jacket, despite the fact that they had stated they did not know how to swim.
- They were wounded and killed by firearms,
- They were shot with rubber bullets and injured with electroshock devices
- They were subjected to assaults with gas bombs and sound bombs
- They were burned by the gasoline poured on them, and caused to suffer chemical burns
- People embarking on a rubber boat journey desperately tried to go towards the land before the boat runs out of air, but were subjected to actions leading to the inability to move forward such as taking the engine, fuel and shovels away and leaving them at a point close to Turkish territories, and causing them to lurch in the waves formed by dangerous manoeuvres,
- They were forced to jump overboard very quickly, pushed to do so, and even thrown into the sea in a distance close to Turkish coast after being taken into rubber boats from the ships
- Asylum applications have not been put into process, they have been subjected to investigations due to irregular entry, expelled without questioning and collectively, some of them have been expelled without questioning even after their asylum applications were received
- They have been subjected to such actions as arbitrary arrest, forestallment, arbitrary detention and been kept under administrative supervision, or in a confined space under poor conditions without considering gender differences and observing the principles of privacy



- All their belongings including money, jewelry, mobile phones, sim cards, bags with spare clothes, documents and family photos, identity cards and passports were confiscated by Greek security officials and they were thrown overboard or never returned to them,
- They were kept for a day or two without being given any food and drinks or taken directly to the Meriç River,
- Their clothes and shoes were taken away and thrown into the river,
- They were terrorised with guns, beaten naked with sticks and battered, slapped, kicked, beaten and assaulted,
- They were subjected to humiliatingly strip-searches, men making body searches in a way that made women uncomfortable; men being searched semi-naked in a way including violence in front of women and children,
- Women were subjected to sexual harassment and rape
- They were escorted through the Meriç River by Greek security guards themselves and pushed to the Turkish side,
- Recently, refugees and migrants have been using the word "خيمة", which means tent and is used to describe the camps, and the word "floating tents", and they were abandoned in the middle of the sea as another means of deterrence, by being boarded on vehicles called floating tents that cannot be used for transportation purposes, which are not equipped with an engine or other propulsion force, which cannot be steered and provide minimal protection against natural disasters;<sup>8</sup>

**The actions and concrete cases regarding their allegations have been proven irrefutably and a large number of pushbacks which resulted in fractures of the body parts, spine or hands, severe injuries and extensive bruises requiring immediate medical attention and causing deaths, as well as the profound psychological effects of these actions and cases, have been recorded**

**In the face of the applications made before The Ombudsman Institution of the Republic of Türkiye by lots of people, as a result of the said pushback cases for the detection of violations of human rights they have experienced, solid cases involving serious allegations, findings**

<sup>8</sup> <https://www.justsecurity.org/70309/tents-at-sea-how-greek-officials-use-rescue-equipment-for-illegal-deportations/> Access Date:07/09/2021; [27](https://www.efsyn.gr/ellada/koinonia/238226_epanaproothoyn-prosfyges-sta-nisia-me-eidikes-thalassies-skin-es?__f_chl_captcha__=881eb64d16c2756f302524f4939aad8a71cab01b-1589354636-0-AUfmachKsEN6U6mM-yIJ9934AMV4H2IX1WVSARnhRKcJDQbPb3sWCUPW-4X6kJHEFxgsFAFJ6Y-_zpVkc45uNntzvwpJef2jhyTjHaWd5ORy5late19EettSm-nQn-2Z1BialmMqgKvOrHO7SIR4F0-WJ4qpKvig8SY02mMarl86WUyoN3BdEla4-5rDY9UemUElKhzdk1i8EjKzPmN2UU4_U4F41Wd-b-pbpj-CtTyXrgvIHw0em6RNZd8ndxgpY83FctHGYFqloy0LK4mW8De40d6YZcmLmZbf-_K1rKLfTe0SO_9tvW1su9_sa2e7AF-MAMXiBDfYKjX5f3xxxkH9aMiVQDX8oDMHyO_F1Jo06qemyP_ZqUK8dITQ7q6gZed0AnS-MLSLsryUblCeMeUXCuaK0m6gi4VB_f97XV5FhgZyYTyzfV0dpzvatYhL35J7tiRMTTbXgSf7k49mjHlPkyY7owY8OfdgSKCDQ2CMs6dPAqMTclWK7NRIQZA6FWHyCWQQGr-6zyhW-3N4VYaLlwDw-Yig4OGcQeWufVTOKW9RjlekO4Hqaab_QbZE-YnHTlqtrj7WklzS8cqPho0rsRV75NA5LpnK9lu9WZTyfHP0bBiB-BgUOUcLCXemNtX1_0LK7tgkv4wYhk05duVSYzo6DPTNn8ymhaJzblDdDXR8, Access Date:07/09/2021;</a></p>
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**and reports on violations of human rights and victimization of people who are victims of pushbacks and who have been effectively prevented from accessing complaint mechanisms and reporting violations; the said Institution has examined the allegations of fundamental human right violations, especially the right to life, caused by pushback events and turned them into a special report.**

The Ombudsman Institution of the Republic of Türkiye is an institution that monitors all developments in society within the framework of its job description, evaluates complaints and reports them. It carries out rights-based works for every individual living in Türkiye, regardless of their religious, cultural and/or ethnic affiliation. In this context, in the face of concrete cases where there are serious allegations, determinations and reports regarding human rights violations, and the grievances of people who are victims of push-backs, who are effectively prevented from accessing the complaint mechanisms and reporting violations, In addition to the current refugee population responsibility undertaken by Türkiye alone without the support of the international community, it was deemed necessary for the Ombudsman Institution to examine the allegations of violations of basic human rights, particularly the right to life, resulting from push-back cases.

**The purpose of the studies conducted by the Ombudsman Institution aims to give a voice to the following people whose most basic rights have been violated and who have been pushed back, who have been effectively restrained from seeking their rights, accessing to complaint mechanisms and reporting violations or who have been unable to make their voices heard for various reasons, to be heard around the World;**

- *19 refugees and migrants who were pushed back in the harsh winter cold by being stripped of their clothes after being subjected to violence and were frozen to death on the way back to Türkiye on 2 February 2022*
- *4 refugees and migrants who were thrown into the sea with their hands tied behind and drowned on 19 March 2021*
- *Irregular migrants and unaccompanied children who have been sued for entering Greece through irregular ways and sentenced to prison, or who are awaiting trial,*
- *Refugees and migrants whose boats are damaged by the Greek Coast Guard personnel, and whose boats are forced to sink by the Greek coast guards performing swift manoeuvres around them, and those who came under fire,*
- *Iraqi migrant parents Amced SADI and Hejah WAHID, who suffered a miscarriage because her stomach was stepped and pushed back on 12 September 2018,*
- *Syrian Nedera Almonla, who went into the river to reach for her children, fearing the fire opened and the gun pointed by the Greek border security forces, about whom no information has been available regarding whether she was shot and killed, injured or drowned in the river and who was last seen motionless in the water on 29 February 2020,*



- 21-year-old Syrian Mohammed Al-ARAB who was killed with 4 bullets that were later removed from his body and Syrian Ahmed Abu Emad, who was shot in the back, injured and died on the way on 2 March 2020
- Pakistani Mohammed Gulzari, who was killed in an incident in which 6 people were shot with a firearm on 4 March 2020,
- Women and children who suffered chemical burns on their bodies on 20 October 2021;
- Cameroonian migrant woman who was raped and whose cousin drowned during pushback;
- Palestinian woman who was searched by men underneath her clothes, was sexually assaulted and who witnessed men left naked and thrown into the river
- A resident of Lesbos, who says, "We witnessed a lot. There were girls who came from the Dominican Republic and disappeared on Lesbos. We also saw asylum seekers screaming in pain for having been terribly beaten. We used to rescue so many asylum seekers here. Today we cannot even give them blankets for fear of being accused of espionage"

**Congolese, Afghans, Sudanese, Moroccans and many others. The study also aim to help these poeple fight for their rights, mobilize responsible authorities, contribute to national and international organizations in the performance of their duties more rapidly and effectively, by performing due diligence and to prevent other violations of human rights by public officials who are encouraged by the culture of impunity.**

The report generally consists of six chapters and four appendices. Within the scope of the report, after a conceptual introduction about migration mobility, migration movements in the world and towards Türkiye, the major migration routes followed, the change process in the EU's migration policy, the ever-increasing far-right policies and anti-immigrant issues are included. Afterwards, the conceptual framework of the concept of push-back is given, and push-back practices, the principle of non-re-foulement, the collective deportation ban and the obligations of search and rescue at sea are examined in the context of international law. By giving place to how individual protection is regulated in EU law, ECtHR decisions about pushback are examined.

Then, push-back applied by Greece and the role of Frontex in push-back applications were included and statics aare examined.

Finally, the push-back practices made by Greece are examined in the context of international law, and the violated rights and international legislation are given in a table. Push-back cases, violated legislative regulations, reactions in international news and also reports to Greece about push-backs applied are included in the appendix of the report in sections.





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# I. PUSHBACK PRACTICES BY GREECE TOWARDS REFUGEES AND MIGRANTS

Thousands of cases, statements, official documents and records, medical reports and video recordings related to pushbacks reflected in the records by the Ombudsman Institution were examined and **50 different pushback practices by Greece against refugees and migrants were found, including systematic intimidation to ensure that migrants will not return.**

1. Pushback on floating tents
2. Throwing migrants into the Meriç river/Aegean sea with their hands tied behind
3. Forcing non-swimmers to go into the river or sea without life jackets
4. Forcing to cross over the sea and river
5. Throwing into the river or sea by force
6. Performing violent/abusive body search without showing any sensitivity towards gender
7. Subjecting women to prolonged sexual abuse under the pretext of body search
8. Abuse
9. Rape
10. Sinking the boats, attempting to sink the boats
11. Harassing boats and causing them to lurch by making waves around them
12. Destroying the engines of boats
13. Taking the gasoline from the boats and leaving them without fuel
14. Shooting with rubber bullets
15. Shooting with real bullets
16. Burning by pouring gasoline
17. Not putting the applications by refugees who arrived for asylum into process
18. Depriving the refugees of the opportunity to express themselves by not providing interpreters for them
19. Initiating prosecutions for irregular entry
20. Mass deportation



21. Deportations without any inquiry after receiving an asylum applications
22. Deprivation of access to justice
23. Deprivation of health and treatment facilities
24. Forestallment, arbitrary capture and detention
25. Keeping under administrative custody for a long time without any justification
26. Extortion through confiscation of cash, phones, ID cards, passports and belongings
27. Not meeting basic nutritional needs such as food and water
28. Not allowing refugees to use the toilet
29. Disposing or burning their clothes and shoes
30. Intimidation with guns
31. Beating with sticks, batons, hammers, resorting to violence and ill-treatment
32. Injuring with stun guns, inflicting electrical shock
33. Pushing back naked, removing their clothes by force in bad weather conditions
34. Torturing by keeping them forcibly in crouching position
35. Stepping on the stomach of pregnant women
36. Putting out cigarettes on refugees' bodies
37. Swearing and using derogatory words
38. Engaging in demeaning behaviour and words against religious values
39. Using skin-irritating chemical substances
40. Using water cannons
41. Using tear gas
42. Using stun grenades
43. Intervening with gas bombs and sound bombs
44. Leaving refugees on islets in the Meriç River without any equipment and basic necessities
45. Confiscating and refusing to return the belongings of refugees who have reached Greek territories
46. Confiscating food and bottles for babies
47. Keeping refugees in a cold environment by turning the air conditioner on, etc. when they are wet
48. Giving cash prizes to those who report refugees in villages in the border areas
49. Trying to deter migrants and refugees by keeping them congested, hungry and thirsty, paying no attention to the principles of privacy and without segregation based on gender in bad physical conditions during pushback processes
50. Separating family members through pushbacks / pushing back family members by separating them



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Photo by: Turkish  
Coast Guard  
Command



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## II. VIOLATED RIGHTS AND INTERNATIONAL LEGISLATION AS A RESULT OF PUSHBACKS

Undoubtedly, states have the right to control their borders within the framework of international law. This right also includes expulsion from the territory of the state under certain conditions. However, procedures of deportation and border controls must comply with national and international legal obligations.

Measures by states to ensure border governance, inter alia, must comply with the prohibition of collective expulsion, principle of equality and non-discrimination, principle of non-refoulement, right to seek asylum, right to life, prohibition of torture and children's rights. In addition, states are obliged to provide access to justice for victims of human rights violations and to comply with search and rescue obligations under international maritime law. States undertake international cooperation in order to fulfill these obligations.

In this context, EU Member States are under obligations arising from the Convention Relating to the Status of Refugees (1951 Geneva Convention), the European Convention on Human Rights, the UN International Covenant on Civil and Political Rights and the UN International Covenant on Economic, Social and Cultural Rights.

Pushbacks violate Article 1 (Obligation to respect human rights), Article 2 (Right to life), Article 3 (Prohibition of torture), Article 5 (Right to liberty and security), Article 8 (Right to respect for private and family life), Article 13 (Right to an effective remedy) and Article 14 (Prohibition of discrimination) of the European Convention on Human Rights and Article 2, 3, 5, 6, 9, 14, 24 and 30 of the UN Universal Declaration of Human Rights. In addition, it is observed that all documents of international law, which guarantee basic human rights and freedoms, are violated including general provisions of the Convention Relating to the Status of Refugees (Geneva Convention), provisions of the United Nations International Covenant on Civil and Political Rights, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the United Nations Convention on the Rights of the Child. Besides, pushbacks by Greece are contrary to the 1982 UN Convention on the Law of the Sea and the 1974 Convention on the Safety of Life at Sea, to which Greece is a party, and many other international conventions are violated.

Greece has the obligation to protect irregular migrants in accordance with relevant international norms and in compliance with the principle of non-refoulement. Article 33 of the 1951 Convention Relating to the Status of Refugees regulates the Prohibition of Refoulement. Refoulement is also prohibited in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights and the Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War. It is stipulated in Article 3 of the Declaration on National Asylum that non-refoulement shall also include rejection at the border or, if he/she has already entered the territory in which he/she seeks asylum, and no person shall be subjected to expulsion or compulsory return to any state where he/she may be subjected to persecution or to the country he comes from. It is asserted that in case of violation of the principle of non-refoulement, Article 3 of the Declaration is violated. One does not need to have international protection status in order to request the application of the Article 3 of the European Convention on Human Rights. In addition, pushback of half-naked migrants and refugees is degrading treatment prohibited by international conventions and violates the right to respect private life and the right to property. Since they are exposed to extreme cold due to seasonal conditions, pushback of half-naked migrants and refugees also violates the prohibition of torture and ill-treatment.

**According to the asylum procedure in the EU legislation, if an individual reaches the territory or border of a Member State, it is mandatory that the asylum application of that individual is received by providing them all necessary conveniences.**

In this respect, it is necessary:

To registrate people who have reached the borders irregularly,

To provide necessary information and consultancy by assigning an interpreter,

To carry out an individual interview and preparing a written report based on the interview,

To provide opportunity to an effective remedy and to examine all applications for international protection,

To provide information about the procedure to be followed,

To refrain from depriving people of their freedoms or punish them for falling under the jurisdiction of countries,

To protect basic rights and freedoms such as right to property and related protections as well as right to protect family and private life, freedom of thought and expression, freedom of religion, right to basic education and right to health,

To provide necessary security and economic support till their status is clarified,

To consider the special conditions of such vulnerable people as children of young age, unaccompanied children, persons with disabilities, elderly people, pregnant women, single parents with young



children, victims of human trafficking, people with serious illnesses, people with poor mental health, people subjected to torture, rape or other serious types of psychological, physical or sexual violence,

To observe the "*high benefit of the child*" in every single decision to be made concerning children,

To respect the rights and dignity of the persons,

To comply with the principle of non-refoulement,

Not to discriminate,

To avoid arbitrary administrative custody or detention, not restrict their actions unless necessary and take necessary measures only until their status or admission to another country is certain,

To consider the administrative custody of unaccompanied children and families with children only for a short-term as a final remedy,

To take a justified decision not to accept entry into the country by an authority authorized by national legislation,

To ensure an effective remedy, effective access to justice and legal assistance in case of a negative decision, providing free legal assistance and representation,

To ensure that refugees can enjoy the rights and freedoms granted to refugees until a final decision is made,

To ensure procedural assurances such as access to legal remedies and right to apply for a legal remedy in court in case of restriction on fundamental rights and freedoms.

In contrast, **pushbacks** in the report **are applied as a method to prevent individuals in the quickest way possible from enjoying these rights.**

Thousands of cases, statements, official documents and records, medical reports and video recordings related to pushbacks were examined and it was found that **18 different rights were violated as a result of 50 different pushback practices** by Greece against refugees and migrants





Violated Rights/Principles	Violated International Legislation
Right to life	<i>Universal Declaration Of Human Rights, Article 3</i> <i>European Convention on Human Rights, Article 2</i> <i>European Convention on Human Rights Protocol No. 6, Article 1</i> <i>Protocol No. 13 to European Convention on Human Rights, Article 1</i> <i>The Charter of Fundamental Rights of the European Union, Article 2</i> <i>International Covenant on Civil and Political Rights, Article 6</i> <i>Convention on the Rights of the Child, Article 6</i> <i>Convention on the Rights of Persons with Disabilities, Article 10</i> <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 9</i> <i>1982 UN Convention on the Law of the Sea, Article 98</i> <i>The International Convention for the Safety of Life at Sea (SOLAS Convention), Regulation 33.1</i> <i>International Convention on Maritime Search and Rescue (SAR Convention), Article 3.1.9, Chapter 2.1.10, 1.3.2</i>
Right to security of the person (freedom from arbitrary detention)	<i>Universal Declaration Of Human Rights, Article 9</i> <i>European Convention on Human Rights, Article 5</i> <i>The Charter of Fundamental Rights of the European Union, Article 6</i> <i>International Covenant on Civil and Political Rights, Article 9,</i> <i>The 1951 Convention Relating to the Status of Refugees, Article 31 (2)</i> <i>Convention on the Rights of the Child, Article 37</i> <i>Convention on the Rights of Persons with Disabilities, Article 14</i> <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 16</i>





<p><i>Prohibition of abuse, ill-treatment, torture and other cruel, inhuman or degrading treatment or punishment</i></p>	<p><i>Universal Declaration Of Human Rights, Article 5</i></p> <p><i>European Convention on Human Rights, Article 3</i></p> <p><i>The Charter of Fundamental Rights of the European Union, Articles 3, 4</i></p> <p><i>International Covenant on Civil and Political Rights, Articles 7, 17</i></p> <p><i>The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Articles 2, 4, 5, 6 and 16</i></p> <p><i>Convention on the Rights of the Child, Articles 19, 34, 37 and 39</i></p> <p><i>Convention on the Rights of Persons with Disabilities, Article 15 and 16</i></p> <p><i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 10 and 16</i></p>
<p><i>The obligation to respect human rights and dignity, right to respect for private and family life</i></p>	<p><i>European Human Rights Convention, Article 1 and 8</i></p> <p><i>The 1951 Convention relating to the Status of Refugees, Article 12</i></p> <p><i>International Covenant on Civil and Political Rights, Article 10, 17 and 23</i></p> <p><i>Convention on the Rights of the Child, Article 16</i></p> <p><i>The Charter of Fundamental Rights of the European Union, Article 1 and 7</i></p> <p><i>Convention on the Rights of Persons with Disabilities, Article 22</i></p> <p><i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 14 and 17</i></p>
<p><i>Right to property</i></p>	<p><i>Universal Declaration of Human Rights, Articles 12, 17</i></p> <p><i>The 1951 Convention relating to the Status of Refugees, Article 13</i></p> <p><i>Protocol No. 1 to European Human Rights Convention, Article 1</i></p> <p><i>The Charter of Fundamental Rights of the European Union, Article 17</i></p> <p><i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Articles 15, 21</i></p>



<b>Prohibition of discrimination</b>	<i>Universal Declaration of Human Rights, Articles 1, 2, 7</i> <i>European Convention on Human Rights, Article 14</i> <i>Protocol No 12 to the European Convention on Human Rights, Article 1</i> <i>The 1951 Convention Relating to the Status of Refugees, Article 3</i> <i>International Covenant on Civil and Political Rights, Articles 2 (1), 26</i> <i>Convention on the Rights of the Child, Article 2</i> <i>European Union Charter of Fundamental Rights, Article 21</i> <i>Convention on the Rights of Persons with Disabilities, Articles 5, 6, 7</i> <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 7</i>
<b>Right to leave any country, including one's own</b>	<i>Universal Declaration of Human Rights, Articles 2, 13</i> <i>International Covenant on Civil and Political Rights, Article 12</i> <i>Convention on the Rights of Persons with Disabilities, Article 18</i> <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 8</i>
<b>Right of asylum</b>	<i>Universal Declaration of Human Rights, Article 14</i> <i>European Union Charter of Fundamental Rights, Article 18</i> <i>Convention on the Rights of the Child, Article 22</i>



<p><i>Right to an effective application and access to justice through investigation</i></p>	<p><i>The 1951 Convention Relating to the Status of Refugees, Article 16</i></p> <p><i>European Convention on Human Rights, 13</i></p> <p><i>European Union Charter of Fundamental Rights, Articles 47, 48</i></p> <p><i>United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Articles 6, 12, 13, 14 (1)</i></p> <p><i>International Covenant on Civil and Political Rights, Articles 9, 13</i></p> <p><i>Convention on the Rights of the Child, Articles 12, 37, 40</i></p> <p><i>Convention on the Rights of Persons with Disabilities, Article 13</i></p> <p><i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 16</i></p>
<p><i>Right to fair trial</i></p>	<p><i>International Covenant on Civil and Political Rights, Article 14</i></p> <p><i>Convention on the Rights of the Child, Article 40</i></p> <p><i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Articles 16, 18</i></p> <p><i>European Convention on Human Rights, Article 6</i></p> <p><i>European Union Charter of Fundamental Rights, Article 47</i></p>
<p><i>Prohibition of collective expulsion</i></p>	<p><i>Protocol No 4 to the European Convention on Human Rights, article 4</i></p> <p><i>European Union Charter of Fundamental Rights, Article 19 (1)</i></p> <p><i>International Covenant on Civil and Political Rights, Article 13</i></p> <p><i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 22</i></p>



<b>Principle of non-refoulement</b>	<i>European Union Charter of Fundamental Rights, Article 19 (2)</i> <i>The 1951 Convention Relating to the Status of Refugees, Article 33</i> <i>United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 3</i> <i>Covenant on Civil and Political Rights, Articles 2 and 7 (interpreted)</i> <i>European Convention on Human Rights, Article 3</i> <i>1967 Protocol Relating to the Status of Refugees</i> <i>Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, Article 45</i> <i>1969 Organization of African Unity Convention, Article 2 (3)</i> <i>American Convention on Human Rights 1969, Article 22 (8)</i>
<b>Non-penalization for illegal entry or presence</b>	<i>The 1951 Convention Relating to the Status of Refugees, Article 31 (1)</i>
<b>Obligation to ensure that in all actions concerning children, the best interests of the child shall be taken as the basis, and protection measures shall be taken without discrimination</b>	<i>Universal Declaration of Human Rights, Article 25</i> <i>Convention on the Rights of the Child, Article 3</i> <i>International Covenant on Civil and Political Rights, Article 24</i> <i>European Union Charter of Fundamental Rights, Article 24</i>
<b>Freedom of religion and conscience</b>	<i>Universal Declaration of Human Rights, Article 2</i> <i>The 1951 Convention Relating to the Status of Refugees, Article 4</i> <i>International Covenant on Civil and Political Rights, Article 18</i> <i>Convention on the Rights of the Child, Article 14</i> <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 12</i> <i>European Convention on Human Rights, Article 9</i> <i>European Union Charter of Fundamental Rights, Articles 10, 22</i>



<b>Right to Access to Health</b>	<i>Universal Declaration of Human Rights, Article 25</i> <i>Convention on the Rights of the Child, Article 24</i> <i>Convention on the Rights of Persons with Disabilities, Article 25</i> <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 28</i>
<b>Right to Education</b>	<i>Universal Declaration of Human Rights, Article 25</i> <i>The 1951 Convention Relating to the Status of Refugees, Article 22</i> <i>Convention on the Rights of the Child, Articles 28, 29</i> <i>Convention on the Rights of Persons with Disabilities, Article 24</i> <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 30</i> <i>Protocol No 1 to the European Convention on Human Rights, Article 2</i> <i>European Union Charter of Fundamental Rights, Article 14</i>
<b>Freedom of Expression</b>	<i>International Covenant on Civil and Political Rights, Article 19</i> <i>Convention on the Rights of the Child, Article 12</i> <i>Convention on the Rights of Persons with Disabilities, Article 21</i> <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 13</i> <i>European Convention on Human Rights, Article 10</i> <i>European Union Charter of Fundamental Rights, Article 11</i>



### III. PUSHBACK STATISTICS

**Behind each number is a person forced from their home and a story of displacement, dispossession and suffering.** They merit our attention and support not just with humanitarian aid, but in finding solutions to their plight. While the 1951 Refugee Convention and the Global Compact on Refugees provide the legal framework and tools to respond to displacement, we need much greater political will to address conflicts and persecution that force people to flee in the first place,”

**UN High Commissioner for Refugees, Filippo Grandi.**

Deterrent practices to ensure that the pushback victimisation does not occur, confiscation of victims’ identities, passports, etc., the refusal of pushback victims from seeking their rights for various reasons prevent many victimisation incidents from being recorded. The detected number of pushbacks are given below. It should be noted that the push-back statistics below are not just numbers, also contain important human stories, great humanitarian tragedies and systematic human rights violations committed by a country.

**Table 1:** Number of refugees and migrants pushed back on land along the Edirne-Greece border line

YEARS	2020	2021	2022*	TOTAL
NUMBER OF REFUGEES AND MIGRANTS PUSHED BACK ON LAND BY GREECE	8.237	435	202	8.874

*\* As of 31 May 2022 (Presidency of Migration Management)*

When the number of pushbacks made by Greece on land is examined, it has been determined that a total of 8,874 refugees and migrants have been pushed back since 2020.

**Table 2:** Numbers of refugees and migrants pushed back at sea by Greek authorities and of refugees and migrants rescued at sea by the Coast Guard Command

YEARS	2020	2021	2022*	TOTAL
<b>NUMBER OF REFUGEES AND MIGRANTS PUSHED BACK AT SEA BY GREECE</b>	9.008	16.062	7.579	<b>32.649</b>
<b>NUMBER OF REFUGEES AND MIGRANTS CAUGHT/RESCUED BY THE COAST GUARD COMMAND AT SEA</b>	20.380	23.676	15.254	<b>59.310</b>

\* As of 31 May 2022 (Coast Guard Command)

When the number of pushbacks made by Greece at sea is examined, it is seen that 9,008 pushbacks took place in 2020 and 20,380 refugees and migrants were caught/rescued by the Coast Guard Command, 16,062 pushbacks took place and 23,676 refugees and migrants were caught/rescued in 2021, and as of 31 May 2022, 7,579 pushbacks took place and 15,254 refugees and migrants were caught/rescued. It is seen that the number of pushbacks at sea, which have been continuing at the same rate in 2022 as in other years was 32,649 in the last two and a half years, and the number of caught/rescued refugees and migrants in this process is 59,310.

**44% of refugees and migrants who were caught/rescued by the Coast Guard Command in 2020, 68% in 2021 and 50% in 2022 consist of those pushed back. It is seen that 55% of the total caught/rescued refugees and migrants in the said period consisted of those pushed back.**

**Table 3:** Number of refugees and migrants pushed back on land and at sea by Greek authorities

YEARS	2020	2021	2022*	TOTAL
<b>LAND</b>	8.237	435	202	<b>8.874</b>
<b>SEA</b>	9.008	16.062	7.579	<b>32.649</b>
<b>TOTAL</b>	<b>17.245</b>	<b>16.497</b>	<b>7.781</b>	<b>41.523</b>

\* As of 31 May 2022 (Presidency of Migration Management, Coast Guard Command)





**When the total number of refugees and migrants pushed back on land and at sea by the Greek authorities is examined, it is seen that 17,245 refugees and migrants in 2020, 16,497 in 2021 and 7.781 in 2022 as of 31 May 2022 were pushed back.** It has been determined that approximately a total of 41.523 refugees and migrants were pushed back In the period from the beginning of 2020 to 31 May 2022.

**Table 4:** Number of irregular migrants arrived to Greece and Number of dead and lost migrants.

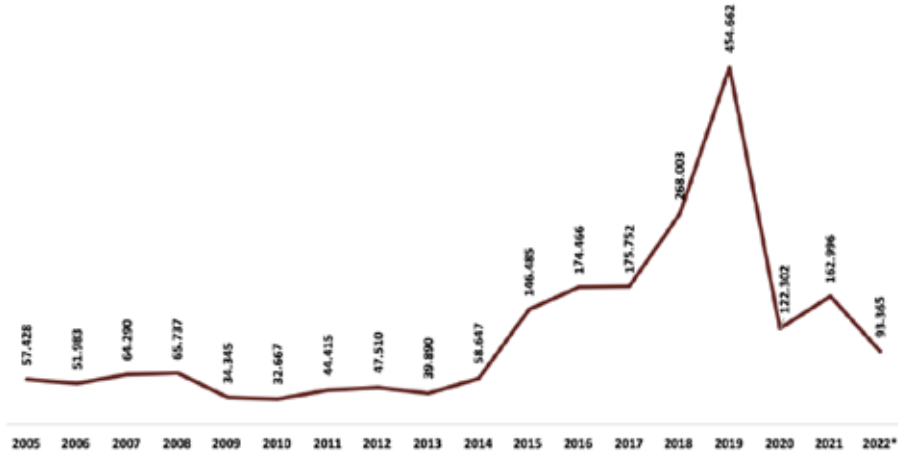
YEARS	Sea	Land	TOTAL	Dead and Lost
<b>2022*</b>	1.938	2.127	<b>4.065</b>	<b>..**</b>
<b>2021</b>	4.331	4.826	<b>9.157</b>	<b>115</b>
<b>2020</b>	9.714	5.982	<b>15.696</b>	<b>102</b>
<b>2019</b>	59.726	14.887	<b>74.613</b>	<b>71</b>
<b>2018</b>	32.494	18.014	<b>50.508</b>	<b>174</b>
<b>2017</b>	29.718	6.592	<b>36.310</b>	<b>59</b>
<b>2016</b>	173.450	3.784	<b>177.234</b>	<b>441</b>
<b>2015</b>	856.723	4.907	<b>861.630</b>	<b>799</b>
<b>2014</b>	41.038	2.280	<b>43.318</b>	<b>405</b>

\*As of 29 May 2022, UNHCR, "Sea Arrivals by year"

\*\* There is no data at source.

The figures in the table announced by the UN High Commissioner are for irregular migrants registered in Greece. In many cases examined, it is seen that irregular migrants who were pushed back are pushed back without being registered. For this reason, it is possible to state that very little of the real number of irregular migrants arriving in Greece is reflected in these data.

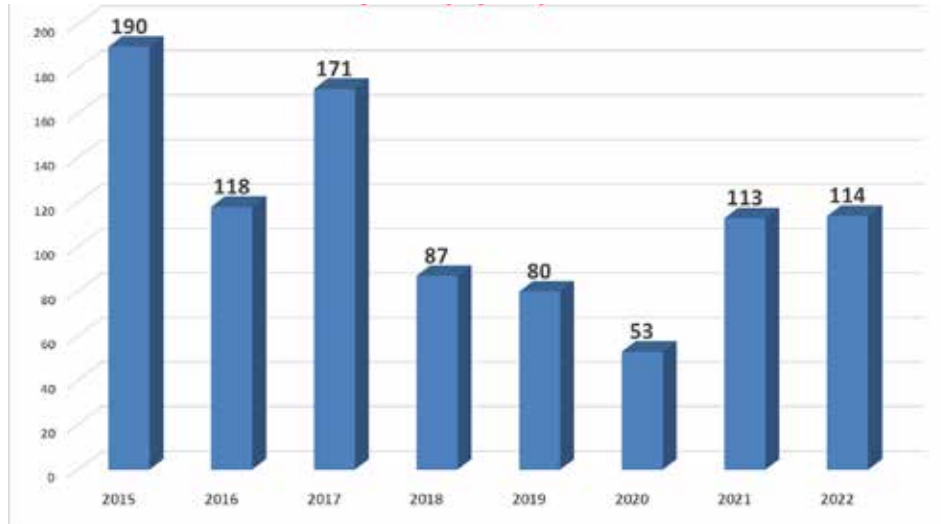
**Graphic- 1: Number of irregular migrants caught between 2005-2022**



\*As of 26 May 2022 (Presidency of Migration Management)

When the number of irregular migrants caught by years is examined, it is seen that 2,094.943 irregular migrants have been caught and taken under protection since 2005, and 1,598.031 irregular migrants have been caught and taken under protection since 2015, when irregular migration started to accelerate.

**Graphic -2: Number of migrant smugglers caught by the Coast Guard Command as of 2015-2022**

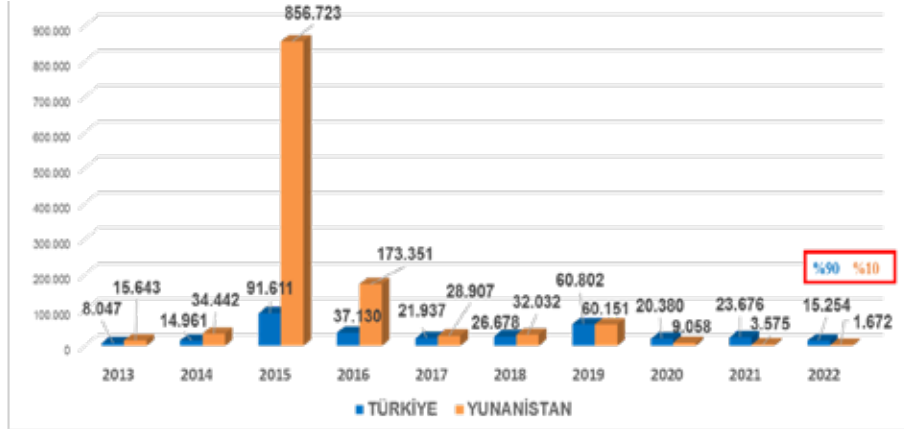


As of 31 May 2022 Coast Guard Command

It has been seen that 926 migrant smugglers have been caught by the Coast Guard Command since 2015. More than 70% of the Coast Guard Command authorities are involved in the two operations

still ongoing, namely Operation Aegean Hope in Aegean Sea and Operation Safe-Med in the Mediterranean.

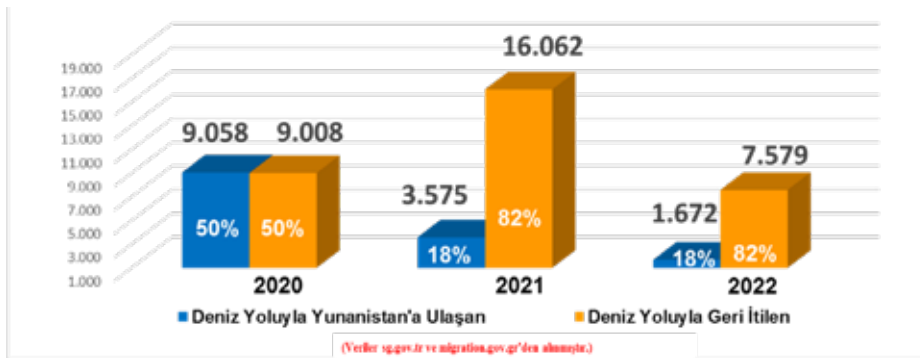
**Graphic -3:** Number of refugees and migrants crossing to Greece by sea (yellow) and caught/rescued by the Turkish Coast Guard Command (blue) between 2013-2022



As of 31 May 2022 (Coast Guard Command and Greek Ministry of Immigration and Asylum, [sg.gov.tr](http://sg.gov.tr) and [migration.gov.gr](http://migration.gov.gr))

When examining the data of the Coast Guard Command, and according to the statistics, it is understood that 23,676 refugees and migrants were caught/rescued by the Turkish Coast Guard Command in 2021, this figure corresponds to 87% of the total known crossings and in 2022, as of 31 May, 15,254 refugees and migrants were caught/rescued, this figure corresponds to 90% of the total known crossings.

**Graphic -4:** Number of refugees and migrants reaching Greece by sea (blue) and pushed back by Greece at sea (yellow) between 2020-2022



As of 31 May 2022 (Coast Guard Command and Greek Ministry of Immigration and Asylum, [sg.gov.tr](http://sg.gov.tr) and [migration.gov.gr](http://migration.gov.gr))

The blue columns in the graph show the number of refugees and migrants declared to have reached Greece by sea, while the orange columns show the number of refugees and migrants pushed back by sea by the Greek authorities.

In 2020, 9,008 refugees and migrants in 312 incidents, in other words 50% of the refugees and migrants they identified, in 2021, 16,062 refugees and migrants in 628 incidents, in other words, 82% of refugees and migrants who reached the Greek border by sea in 2021, and in 2022 as of 31 May 2022, 7,579 refugees and migrants in 296 incidents, that is, 82% of the refugees and migrants who reached the Greek border by sea were pushed back by sea by the Greek authorities.

**Graphic- 5:** Number of refugees and migrants who lost their lives at sea between 2011-2022



As of 31 May 2022 (Coast Guard Command)

When the number of refugees and migrants who lost their lives at sea is examined, it is seen that 37 refugees and migrants lost their lives in 2020, 15 in 2021, and 5 as of 31 May in 2022. 8 out of 15 deaths appearing in the statistics for 2021, and 3 of the 5 deaths appearing in the statistics for 2022 occurred during pushbacks.

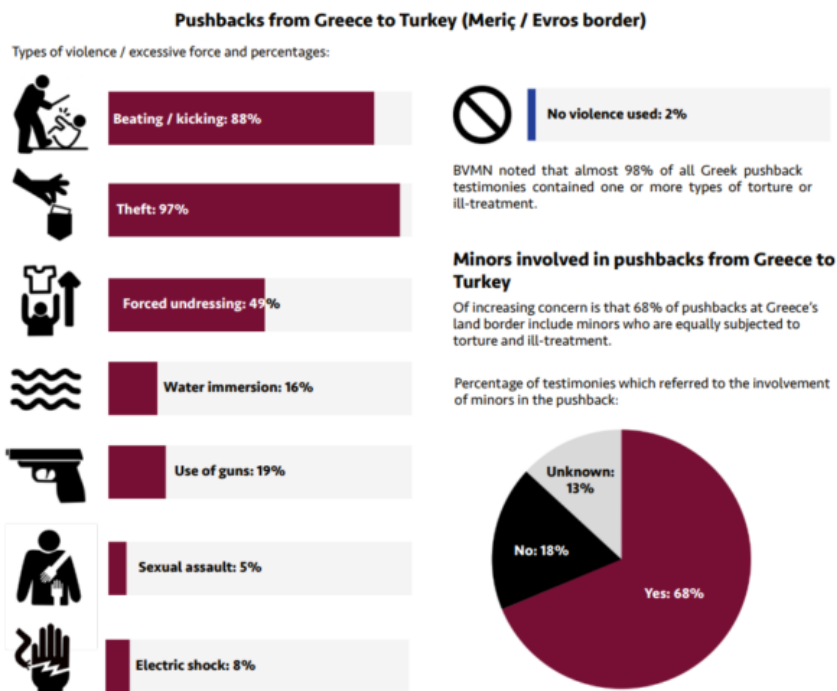
**Table 5:** Number of refugees and migrants who lost their lives as a result of pushback practices by land by the Greek authorities

YEARS	2021	2022*	TOTAL
FREEZING	6	19	25
DROWNING	47	14	61
TOTAL	53	33	86

\*As of 31 May 2022 (Presidency of Migration Management)

When the number of refugees and migrants who lost their lives as a result of pushback practices by the Greek authorities is examined, it is seen that a total of 53 irregular immigrants lost their lives by freezing and drowning in the Meriç River in 2021, and in 2022, as of 31 May, a total of 33 refugees and migrants lost their lives by freezing and drowning in the Meriç River. **Refugees and migrants who were subjected to violence on February 02, 2022, whose clothes were stripped and pushed back in the harsh winter cold, and who froze to death on the way, were recorded as 19 people who froze to death in 2022. In 2022, the number of deaths in just five months stands out as the most concrete data showing the important results of the culture of impunity created by the indifference of the international public against unlawful pushback practices.**

When the data of the Border Violence Monitoring Network on the pushback practices conducted by the Greek agents in the Meriç River from 2019 to August 2020 is examined, it is possible to evaluate the severity of pushback practices. Accordingly, it was documented that **98% of pushback statements contained torture or ill-treatment.** It was established that, of the 8,000 refugees who arrived at the Greek border, 88% were subjected to beating and kicking, 97% to theft, 49% to being forced to undress, 16% to drowning, 19% to using gun, 5% to sexual assault, and 8% to electric shock. It was determined that the rate of those who have been to the Greek border but have not been subjected to violence is only 2% to date, while the rate of children who have been subjected to or witnessed violence, harassment, and abuse is 68%.



Source: Border Violence Monitoring Network

**Table 6:** In 2021 and 2022, Number of refugees and migrants who lost their lives as a result of pushback practices by Greek authorities

YEARS	2021	2022*	TOTAL
LAND	53	33	86
SEA	8	3	11
TOTAL	61	36	97

\*As of 31 May 2022 (Presidency of Migration Management and Coast Guard Command)

When the total number of refugees and migrants who lost their lives as a result of pushback practices by the Greek authorities is examined, it has been determined that 61 refugees and migrants died in 2021, 36 as of 31 May in 2022, and a total of 97 refugees and migrants lost their lives by freezing and drowning.

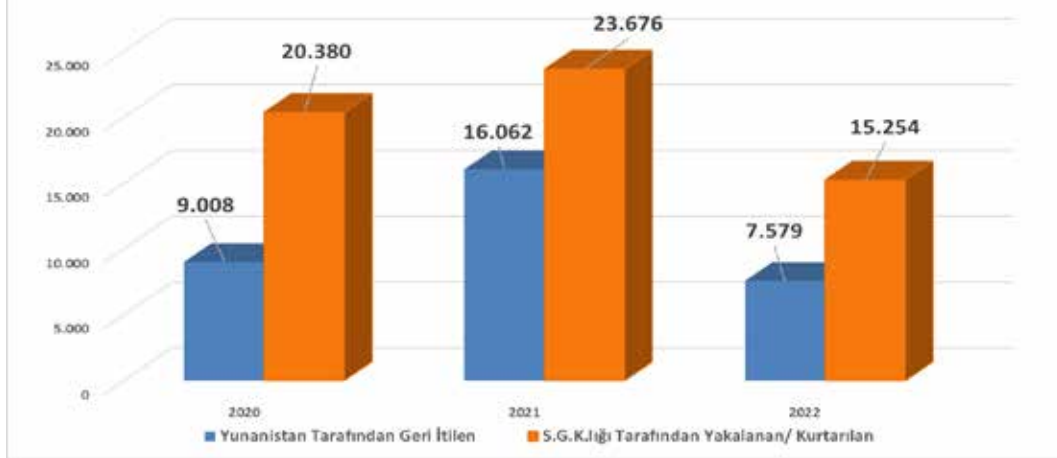
**Table 7:** As of 2021 and 2022, the number of incidents in which refugees and migrants were directly thrown into the sea, the number of refugees and migrants rescued and found dead

YEARS	2021	2022*	TOTAL
Number of Incidents	14	7	21
Number of Those Rescued	45	24	69
Number of Those Found Dead	7	2	9

\* As of 31 May 2022 (Coast Guard Command)

In some pushback incidents, it has been determined that refugees and migrants were thrown directly into the sea, sometimes with their hands cuffed and sometimes without wearing life jackets. It has been determined that a total of 78 refugees and migrants were thrown directly into the sea by the Greek authorities in 14 incidents in 2021 and in 7 incidents in 2022, a total of 69 refugees and migrants could be rescued at the end of these incidents, and 9 refugees and migrants died by drowning.

**Graphic- 6:** Number of refugees and migrants caught/rescued by the Coast Guard Command (yellow) and pushed back by Greek authorities (blue) in 2020-2022



*As of 31 May 2022 (Coast Guard Command)*

When the number of refugees and migrants caught/rescued by the Coast Guard Command in 2020-2022 and pushed back by the Greek authorities is examined, one can have an idea about the additional burden and human cost of pushing back on Institutions. 44% of refugees and migrants caught/rescued by the Coast Guard Command in 2020, 68% in 2021 and 50% in the period until 31 May 2022 consist of those pushed back.





## IV. PUSHBACKS ON LAND AND AT SEA

*When the pushback methods by the Coast Guard of Greece for boats carrying refugees and migrants are examined, it is seen that different methods are applied according to the location where they detected boats.*

*It is understood that firstly, the Greek authorities ensured that the vessels belonging to refugees and migrants coming to their borders were dragged into Turkish territorial waters with dangerous manoeuvres after stopping them at the median line,<sup>1</sup>*



<sup>1</sup> For the video on refugees and migrants caught in the middle of waves created by dangerous manoeuvres by Greek Coast Guard boats, see [https://www.sg.gov.tr/kurumlar/sg.gov.tr/haberler/2021/12/aralik/6\\_-manevra.mp4](https://www.sg.gov.tr/kurumlar/sg.gov.tr/haberler/2021/12/aralik/6_-manevra.mp4), Access Date: 26/01/2022.

and refugees and migrants, whom they could not stop with this method and who reached international waters or Greek territorial waters, were stopped in these regions, towed and brought to the border of the Turkish territorial waters. During all these pushback incidents, it was determined that the Greek Coast Guard personnel covered their faces with ski masks in all of the cases watched.<sup>2</sup>



**The irregular migrant boat is towed to a point close to Turkish territorial waters by the Greek Coast Guard Boat.**



**The irregular migrant boat is left at a point close to Turkish territorial waters.**



**Greek Coast Guard personnel board the migrant boat, bringing them close to Turkish territorial waters and leaving the boat.**



**Greek Coast Guard personnel board the migrant boat, bringing them close to Turkish territorial waters and leaving the boat.**

<sup>2</sup> For the video in which refugees and migrants arriving in international waters or Greek territorial waters are stopped by Greek Coast Guard boats, towed and left after they are brought to Turkish territorial waters, see [https://www.sg.gov.tr/kurumlar/sg.gov.tr/haberler/2021/12aralik/7\\_-cekme.mp4](https://www.sg.gov.tr/kurumlar/sg.gov.tr/haberler/2021/12aralik/7_-cekme.mp4), Access Date: 26/01/2022.

*It was determined that the refugees and migrants who could not be stopped at sea and who were able to reach the islands were beaten, their valuables were taken by force and gathered in a certain place; after the refugees and migrants in the collection areas reached a sufficient number, they were brought to the border of Turkish territorial waters with the boats belonging to the Greek Coast Guard and put on their floating tents looking like scrap and left to the border, and sometimes left to the islands and islets that do not harbour life.<sup>3</sup>*



**Immigrants put on an unusable life raft have been abandoned to their fate and thrown back into Turkish territorial waters.**



**Irregular migrants put on life rafts are dragged by rope and left to drift at a point close to Turkish territorial waters.**



**Irregular migrants put on life rafts are dragged by rope and left to drift at a point close to Turkish territorial waters.**



**Irregular migrants are left to their fate at sea by cutting the life raft rope**

After transporting the refugees and migrants who reached the islands miles away and congregating them in certain areas, it is seen that they brought them to the Turkish territorial waters with their

<sup>3</sup> For the video of irregular migrants, who reach international waters or Greek territorial waters, being taken by Greek Coast Guard boats and left at the borders of Turkish territorial waters, see: [https://www.sg.gov.tr/kurumlar/sg.gov.tr/haberler/2021/12aralik/8\\_-can-sali.mp4](https://www.sg.gov.tr/kurumlar/sg.gov.tr/haberler/2021/12aralik/8_-can-sali.mp4), Access Date: 26/01/2022



own coastguard authorities and threw them into the sea, even handcuffed.

In the interventions carried out at sea, the images of inhuman treatment regarding the destruction of rubber boats belonging to refugees and migrants, dismantling of their engines, beating refugees and migrants, and even shooting at them; have been all conveyed to the public opinion.

In their statements, the refugees and migrants who were subjected to pushback stated that they were sheltered in an unfavourable environment after arriving in Greece and they were only given water; they were given old bread to eat; they were kept in handcuffs in the island and were treated badly; their phones, valuables and money were taken by the Greek authorities and not returned; their lives were endangered while being left in Turkish territorial waters and they were boarded onto precarious boats

Photo: Coast Guard  
Command

in large groups; Greek authorities caused their boats to take water inside by making dangerous manoeuvres with their boats and they faced the danger of drowning.

It was determined that similar practices were also carried out during pushbacks on land, all the belongings of irregular migrants caught at the land border, including money, phone, ID cards and passports, were seized by Greek security guards, migrants were kept for a day or two without food and beverage, or taken directly to the Meriç River, their clothes and shoes were taken and thrown into the river, they were intimidated by guns, beaten naked with sticks, were shot with plastic bullets, were injured with electroshock devices, and then were taken from the Meriç River with the accompaniment of Greek security officers and pushed back to the Turkish side.





Photo by:  
Anatolian  
Agency



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## V. FUNCTION OF FRONTEX IN PUSHBACKS

European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex<sup>1</sup>) is responsible for the security of the EU's air, sea and land borders. With the aim of establishing a uniform supervision and control management, it serves to help the border security forces of the member states to work together and to coordinate the management of EU external borders.

**Frontex's work must be carried out in accordance with the founding legislation and the EU Charter of Fundamental Rights. On the other hand, many human rights organizations criticize Frontex's practices within the scope of its authority to intervene in migrant boats.**

The pushbacks involving Frontex have also been identified by international human rights organizations with proven cases. On the other hand, the low number of complaints and the inability to finalize the existing complaints are explained by the ineffectiveness of the complaint mechanism and the disruptions in the Frontex management mechanism.

**It has been determined by many international reports that very few cases are called Serious Incident Reports, such reports are deemed inappropriate and ignored as they pose a problem for the host country; refugees and migrants have repeatedly reported to Frontex officials through the Greek Security Forces within the scope of pushbacks, but interviews with migrants have been censored, and since Greek security units can access these reports, Frontex officials prefer to use the phrase "*sending back*" instead of "*pushing back*" in their reports.**

**The EU argues that it has established Frontex to help member state border security forces to work together with the aim of establishing a uniform control and control management and to serve the coordination of the management of the EU external borders; the reason being to try to protect the sea borders effectively, thus to prevent the losses at sea. However, push-back practices and current cases show that the focus is on keeping the EU's borders closed to third-country nationals and preventing the flow of migrants, that is, only working towards the effective protection of borders.**

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<sup>1</sup> European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union.

**Clear images and many proven cases show irrefutably that Frontex itself has carried out pushbacks, supported it de facto or ignored it.**

In the general report published by Frontex in 2006, it was stated that the **number of illegal migrants trying to pass from Senegal and Mauritania to Spain** within the scope of the **Hera III operation** was **2020** and **1559** of them were pushed back and diverted.<sup>2</sup>

**On 28 October 2015**, with the analysis of recorded by the artist Amel Alzakout, who was one of the survivors **in the incident where the migrant boat carrying more than 300 passengers departed from the west coast of Türkiye to the island of Lesbos sank 280 meters beyond the sea border of Greece in EU territorial waters and resulted in the death of at least 43 people**, the journey of the boat and the destroyed boat was recorded on a waterproof camera attached to her wrist, the journey of the boat, the wreckage of boat and the subsequent **rescue operation, revealed that border policies carried out by the EU were insufficient for Frontex rescue operations, and caused marine accidents.**<sup>3</sup>

The **crew of a Danish patrol boat participating in Operation Poseidon, a EU maritime border patrol mission coordinated by Frontex, revealed that the Greek Coast Guard had clear instructions to stop migrant boats from crossing the sea border between Türkiye and Greece. It was reflected in the media that the Danish ship refused to comply with a pushback order from the headquarters of Operation Poseidon because its instruction to push back 33 migrants would endanger the lives of the migrants.**<sup>4</sup>

It was documented and proven clearly that an aircraft with sensors which can detect small objects **on the water even at night, used by Frontex after the pushback incident on 28 April 2020 and with the camera by which the images obtained were transferred live to the Frontex headquarters, did not send any help despite detecting the migrants,**

In the case of the **destruction and pushback of the engine of the boat on 15 August 2020, there was a Romanian Frontex boat in the region too and it was only a few hundred meters away from the refugee boat and this was proved by a photo taken at that moment, a German naval ship on NATO duty also observed the incident and reported the situation to the German government, Frontex employees were also at the scene of the incident,**

<sup>2</sup> Trevisanut, Seline, "Maritime Border Control and the Protection of Asylum Seekers in the European Union", *Touro International Law Review*, p. 12, 2009, p. 156.

<sup>3</sup> For detailed information see Forensic Architecture. Shipwreck At The Threshold Of Europe, Levros, Aegean Sea. <https://forensic-architecture.org/investigation/shipwreck-at-the-threshold-of-europe>; Access Date: 26/01/2022.

<sup>4</sup> For detailed information, see <https://www.politico.eu/article/danish-frontex-boat-refused-order-to-push-back-rescued-migrants-report/>, Access Date: 27/01/2022; <https://www.spiegel.de/international/europe/videos-and-eyewitness-accounts-greece-apparently-abandoning-refugees-at-sea-a-84c06c61-7f11-4e83-ae70-3905017b49d5>, Access Date: 26/01/2022; <https://www.spiegel.de/international/europe/videos-and-eyewitness-accounts-greece-apparently-abandoning-refugees-at-sea-a-84c06c61-7f11-4e83-ae70-3905017b49d5>; <https://www.justsecurity.org/70309/tents-at-sea-how-greek-officials-use-rescue-equipment-for-illegal-deportations/>; Access Date: 26/01/2022.



On 8 June 2020, Frontex officials went further with a ship carrying the Romanian flag (Romanian Frontex ship "MAI1102") and directly intervened on a refugee boat, the video of the incident was recorded,<sup>5</sup>

Another Romanian Frontex ship "MAI1103" was involved in the push-back application with the German naval ship "A1411 Berlin" under NATO command in the Aegean Sea on 15 August 2020.<sup>6</sup>

It has also been clearly documented and proven by analysis and research reports that in various incidents Frontex officials were aware of the illegal practices of Greek border guards and were even involved in pushback operations from time to time.

Frontex has 600 employees, ships, drones and aircraft deployed in Greece. However, Frontex officials do not take responsibility for pushbacks by Greek border guards. Still, this does not eliminate their responsibility and the reality established by videos.

On 08 June 2020, the pushback incident carried out in cooperation with Frontex and the Greek Coast Guard Ship in Ayvacık region, the NATO element in the region and the warning of the Turkish Coast Guard ship watching this situation were recorded by that ship on video.<sup>7</sup>



Frontex element stops the migrant boat in Greek waters.



Greek element moves towards the migrant boat.

<sup>5</sup> For details, See [https://www.spiegel.de/international/europe/eu-border-agency-frontex-complicit-in-greek-refugee-pushback-campaign-a-4b6cba29-35a3-4d8c-a49f-a12daad450d7?fbclid=IwAR38Deh47490ygUpjzngFYuknJ0eU6zHL\\_Hzm0Nfq6M5DT-c5yptERuCrpwc](https://www.spiegel.de/international/europe/eu-border-agency-frontex-complicit-in-greek-refugee-pushback-campaign-a-4b6cba29-35a3-4d8c-a49f-a12daad450d7?fbclid=IwAR38Deh47490ygUpjzngFYuknJ0eU6zHL_Hzm0Nfq6M5DT-c5yptERuCrpwc); Access Date: 05/09/2021.

<sup>6</sup> For the report titled "Pushback Report 2020" published by Mare Liberum, see <https://daten.mare-liberum.org/s/4HdxAPACaPsqzEx>; Access Date: 05/09/2021.

<sup>7</sup> For video of the pushback event involving Frontex elements, see [https://www.sg.gov.tr/kurumlar/sg.gov.tr/haberler/2021/12aralik/12\\_frontex.mp4](https://www.sg.gov.tr/kurumlar/sg.gov.tr/haberler/2021/12aralik/12_frontex.mp4)



Frontex element leaves without rescuing the immigrants.



Greek element is pushing the migrant boat back to a point close to Turkish territorial waters.

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## VI. PUSHBACK INCIDENTS

When the pushback cases are analysed, it is seen that more than one violation of rights occurs in each case. Although the violation of the principle of non-refoulement and the prohibition of collective expulsion and the failure to process the applications of refugees for asylum are common violations in many cases, it is seen that violation of property right, mistreatment of children and women are frequently encountered and torture and beatings become ordinary practices. However, some examples of pushback practices included in the report are given below.

**Refugees and migrants have been subjected to violence, have been kept in the rain for a long time, their clothes have been taken off and they have been pushed back in the winter cold, as a consequence 19 people have frozen to death on the Greek border<sup>1</sup>**

On 02 February 2022, dead bodies of 19 refugees and migrants were found, and by the autopsy made, it was determined that the immigrant and refugee group was subjected to violence after being captured by the Greek security forces, that they were kept in an open and muddy area without distinction between women, children, elderly people, and without their clothes and shoes, kept crouching for a long time, hungry and thirsty, and then the meteorological data showed 2 degrees around Edirne on 02 February, and that they were pushed back being wet half-naked and shoeless on a cold day during which there was a warning of snow, ice and frost. It was understood that the group of 60 people was pushed back. The survivors of the pushed back group were treated, and in the official autopsy of 19 people who lost their lives, traces of violence were found, they lost their lives as a result of freezing, and it was determined that they had no clothes and shoes on them. Official statements, the process of searching for dead bodies and the statements of the survivors were all put on record.

In the press statements made by the Governorship of Edirne on 02 and 03 February 2022; it was reported that the dead bodies of 9 immigrants who were pushed back by Greek authorities and froze to death were found in the Mandakoru region of Paşaköy Village of İpsala District, a migrant at risk of freezing was rescued and transferred to Keşan State Hospital, search and screening activities continued in the region for immigrants who may need medical assistance, and a judicial investigation was started on the subject. Later, it was reported that the immigrant who was referred to the hospital died without being rescued, and the number of immigrants who died as a result of search and screening activities first reached 12 and then 19.<sup>2</sup>

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<sup>1</sup> Records of the Ministry of Interior.

<sup>2</sup> <http://www.edirne.gov.tr/-basin-aciklamasi>, <http://www.edirne.gov.tr/basin-aciklamasi--->, <http://www.edirne.gov.tr/-basin--aciklamasi->, <http://www.edirne.gov.tr/-basin--aciklamasi,,> Access Date: 03/02/2022.

In the statement made by the Minister of Interior of the Republic of Türkiye on Twitter, the images of the migrants who died together with the information that the migrants were the victims of push-back and their clothes and shoes were taken off were shared.<sup>3</sup>



<sup>3</sup> [https://twitter.com/suleymansoylu/status/1488828785722105862?cxt=HHwWjIC9hY\\_5sKkpAAAA](https://twitter.com/suleymansoylu/status/1488828785722105862?cxt=HHwWjIC9hY_5sKkpAAAA), Access Date: 03/02/2022.

The Office of the United Nations High Commissioner for Refugees and the International Organization for Migration have expressed their regret over the freezing death of migrants and called for an urgent investigation.

After being subjected to violence, the statements of refugees and migrants who were pushed back with their clothes taken off and whose friends froze to death on the road were recorded by video.<sup>4</sup>



In his statement, Enver Yılmaz, a friend of the refugees and migrants who froze to death and he himself a Syrian national who was pushed back with them; said:

*"I came from Syria, lived in Türkiye for a while and wanted to go to Europe. I raised some money and moved to Greece two days ago. We were captured in Greece. An hour and a half later, the Greek soldiers caught us and they beat us up. They took all our clothes, they robbed us, they took our shoes, they took our phones, they took our bags. They put us in jail. They left us hungry and thirsty. Beating... Torture... They acted in every way. Against women... Against men... It doesn't matter. Women and children, they treat everyone the same. They threw us into Türkiye. When they threw on the border of Türkiye, they chased with sticks. We barely threw ourselves in with the Turkish soldier. May Allah bless them. They gave us food, they gave us coats, they gave us boots. What we wear belongs to them. They sent us naked (Greek soldiers). They just left our sweatpants, our T-shirts. They took our gloves, everything."*



<sup>4</sup> <https://www.aa.com.tr/tr/gundem/yunanistan-sinirinda-donarak-olen-duzensiz-gocmenlerin-arkadaslari-yasadiklarini-anlat-ti/2493199>, Access Date: 03/02/2022.

In his statement, Ahmet Mustafa, a Syrian national in the pushed back group; said:

*"I crossed over to Greece. An hour and a half or two later, the Greek soldier caught us. After they caught us, they beat us up. They robbed us of our clothes. It was raining then. It was too cold. We were frozen. They took of all our clothes. They took of our shoes. Our phones, money, bags... Bread, food, they threw it all away. They took us to the prison. It was just a covered area with open sides and walls. It was a very open place, a wet place. The blankets were wet. It was all wet. We're frozen. Ladies, old people, children, all treated the same. Let everybody hear. Let everyone see. Greece stops the Syrians on the ground for 2-3 hours in a cold place before throwing them away. When they stop it, they stop it like this? (Indicating what they stopped by crouching) It's all wet, mud... It was raining on us. After freezing like that, they put us in the boat and send to the Turkish side."*

In the statement of Riyaz A. in the pushed group; said:

*"We were walking in Greece. They captured us on Tuesday. After capturing, they took us to the camp. They didn't give us anything for three days, no food, no water. We haven't seen no such thing before. We had something thin on and sweatpants underneath. Rain was falling. We were so cold. They sent us to Türkiye. We moved quickly, the other friends rested. We didn't sit down, we kept going, we found a ride. The Turkish soldier helped us, gave us their clothes. They gave us shoes, coats, food, we were treated. That's why we survived. We're human beings. There are people in our country, in Türkiye and in Greece. There should be no distinction between people. The European Union sees and hears these things. Our friends lost their lives by being pushed back with their thin clothes. Immigrants are not treated like this in any country in the world. We come from a poor place. We're not here to steal, we're here to work. Our group included Pakistani, African, Nepalese, Afghan and Bangladeshi people. They died."*

Mohammed T. of Bangladeshi nationality *"Immigrants should not be treated this way. Immigrants need to be treated like in Türkiye. We pray for the dead. Let the European Union hear this."*



**Refugees and migrants whose boats were drilled by Greek Coast Guard personnel, tried to be swiftly sunk by passing quickly next to it, and shot at:<sup>5</sup>**

Offshore of the Bodrum district of Muğla, the images of Greek Coast Guard personnel trying to sink the boat of the migrants by the waves they caused by passing fast next to the boat, then approaching them and hitting the migrants on the boat with long sticks, first opening fire in the air next to them and then opening fire near the boat, were recorded by the cameras.



<sup>5</sup> For a video on the shooting of refugees and migrants whose boats were drilled by Greek Coast Guard personnel and tried to be sunk by being passed by quickly near them, see [https://www.sg.gov.tr/kurumlar/sg.gov.tr/haberler/2021/12/10-\\_-ates-acma.mp4](https://www.sg.gov.tr/kurumlar/sg.gov.tr/haberler/2021/12/10-_-ates-acma.mp4)

**Pakistani Mohammed Gulzari, who was killed by Greek border security forces on 4 March 2020 at the time of the shooting of six people: <sup>6</sup>**

The 43-year-old Pakistani Muhammad Gulzari case, who tried to cross the border to Greece through Pazarkule/Kastanies on 4 March, is also one of the cases documented in detail. Images of Gulzari taken right after he was shot were recorded.<sup>7</sup>



According to the official statement made by the Governorship of Edirne, Gulzari, who was shot in the chest, died in the hospital where he was brought to on the same day and five more people were injured as a result of the use of firearms in the same incident.<sup>8</sup>



<sup>6</sup> For an analysis of the investigative journalism site Bellingcat, see <https://www.bellingcat.com/news/uk-and-europe/2020/05/08/the-killing-of-muhammad-gulzar/>, Access Date: 26/01/2022; Also see Forensic Architecture. The Killing of Muhammad Gulzar, <https://forensic-architecture.org/investigation/the-killing-of-muhammad-gulzar>, Access Date: 26/01/2022, and Amnesty International, 2020, Caught in a political game: Asylum-seekers and migrants on the Greece/Türkiye border pay the price for Europe's failures.

<sup>7</sup> For the images of Muhammed Gulzari after being shot, see <https://www.youtube.com/watch?v=eW8rcORPXhs&t=12s>, Access Date: 26/01/2022

<sup>8</sup> Press statement made by Edirne Governorship dated 4 March 2020, <http://www.edirne.gov.tr/basin-aciklamasi-> Access Date: 26/01/2022.



In the autopsy report, it was documented that 5 mm 5.56 core was removed from Gulzari's body.



Images of a gas bomb fired by Greek security forces, showing the use of live bullets, and the transport of the wounded immediately afterwards were reflected in the recordings.<sup>9</sup>



Thousands of images taken on the day of the incident, before and after were watched and it was revealed by the analysis that Gulzari was killed by the fire opened by Greece.<sup>10</sup>

<sup>9</sup> For the images, see [https://www.youtube.com/watch?v=o-e9fJZ\\_NDM](https://www.youtube.com/watch?v=o-e9fJZ_NDM), Access Date: 26/01/2022.

<sup>10</sup> For an analysis of the investigative journalism site Bellingcat, see <https://www.bellingcat.com/news/uk-and-europe/2020/05/08/the-killing-of-muhammad-gulzar/>, Accessed on 26/01/2022; see also Forensic Architecture: The Killing of Muhammad Gulzar, <https://www.forensicarchitecture.org/en/2020/05/08/the-killing-of-muhammad-gulzar/>

### **Syrian national Ahmed Abu Emad, who was shot in the back and died on the way:<sup>11</sup>**

Another loss of life occurred on 2 March 2020 with the death of Syrian national Ahmed Abu Emad. Emad and his companions set off to cross the Greek border from the İpsala district of Edirne, however, Emad was shot and wounded in the throat in a fire opened by Greek soldiers near İpsala. His friends tried to carry Emad to the Turkish border, but following an investigation it was found that he died on the way.

In the photographs taken by his friends immediately after the incident, it is clearly seen that Emad was wounded.<sup>12</sup>



<https://forensic-architecture.org/investigation/the-killing-of-muhammad-gulzar>, Access date 26/01/2022 and Amnesty International, 2020, A Political Game Standing in the Middle Refugees at the Turkish/Greek Border Pay the Price for Europe's Failures. <https://www.bellingcat.com/news/uk-and-europe/2020/05/08/the-killing-of-muhammad-gulzar/> Access Date: 26/01/2022

<sup>11</sup> Records of the Ministry of Interior. For the video of Ahmet Ebu Emad, see [https://www.youtube.com/watch?v=\\_KIWGFotk7A](https://www.youtube.com/watch?v=_KIWGFotk7A) ve <https://www.internethaber.com/yunan-askeri-suriyeli-multeci-cocugu-bogazindan-vurularak-olduruldu-video-galerisi-2085876.htm> Access Date: 26/01/2022.

<sup>12</sup> For the video of Ahmet Ebu Emad, See [https://www.youtube.com/watch?v=\\_KIWGFotk7A](https://www.youtube.com/watch?v=_KIWGFotk7A) and <https://www.internethaber.com/yunan-askeri-suriyeli-multeci-cocugu-bogazindan-vurularak-olduruldu-video-galerisi-2085876.htm>, Access Date: 26/01/2022.



It was later determined that Emad's body was brought to Türkiye by boat and taken to the hospital morgue in Enez.

### **Muhammed Al-ARAB, 21, who was killed by Greek border security forces on 2 March 2020 and had 4 bullets removed from his body:<sup>13</sup>**

The other loss of life taking place occurring on March 2, 2020 was the murder of Muhammed al-ARAB. Al-ARAB and his accompanying group, including women and children, which came under fire from uniformed Greek soldiers after crossing the Greek border and 4 bullets hit Al-ARAB's back. As a result of the investigation initiated by the Chief Public Prosecutor's Office and following the examination of the camera recordings, the statements of the eyewitnesses, the autopsy report and the statements of the receiving personnel, it was revealed that Al Arab was shot and killed by Greek soldiers after crossing the Greek border,<sup>1430</sup>

In the interviews with Ibrahim Al-HUSSEIN and Abdurrahman MEDHUSH, friends of the murdered Muhammad, the following were stated:

*Following the sun rise, they went inside with a group of about 500 people, they came across a wire mesh and the Greek soldiers behind that. **Greek soldiers with official uniforms first fired with rubber bullets before warning the group including women and children.** However, they continued to slowly go towards the mesh, believing that real bullets would not be used because there were children and babies in the group, but then **the Greek soldiers started shooting at the crowded group using with real bullets.** The group started running away when they heard the sound of the real bullets. After the bullets hit Muhammed Al Arab's back, a lot of blood gushed forth from his body. After it was understood that he had died at the scene, ARAB's body was carried to the riverbank by his friends. After the group returned to the riverbank, they called out to the Turkish soldiers and asked for help in order to cross the river. The group including one dead and many wounded returned with the help of Turkish soldiers and Muhammed Al ARAB's body was also brought back to Türkiye with the help of his friends. When he was taken to the hospital, four bullets were found in ARAB's body at his back.*

After the investigation, it was determined that the body of Muhammed al-ARAB was sent to Syria, where his parents lived.

<sup>13</sup> For the interview with the friends of Muhammed El ARAB (21) who was killed by the Greek border security forces, on 2 March 2020 at the İpsala District Governorate as part of the visit made to İpsala by the delegation of the Grand National Assembly of Türkiye, see Human Rights Investigation Commission Sub-Commission on Migration and Integration, Report on On-Site Investigation of Refugee Crossings in the Türkiye-Greece Border Region, 2020, p. 32.; For the evidence documented by Forensic Architecture of the use of deadly weapons after Al-Arab crossed into Greek territory on 2 March, see also Forensic Architecture. The Killing of Muhammad Al-Arab. <https://forensic-architecture.org/investigation/the-killing-of-muhammad-al-arab>, Access Date: 26/01/2022.

<sup>14</sup> See for the record prepared by the Office of the Chief Public Prosecutor, Interview Record, Eyewitness Detection and Camera Research Record, CD Investigation Record, Statement Records of case witnesses and interlocutors. Human Rights Investigation Commission Migration and Integration Subcommittee, Report on On-Site Investigation of Refugee Crossings in the Türkiye-Greece Border Region, 2020.

**Syrian Nadera Almonla, went into the river to reach out to her children on 29 February 2020, in fear of the fire opened and the gun pointed by the Greek border security forces, no information about her could be found later. It is still unknown whether she was shot and killed, injured or drowned in the river or not, and she was last seen motionless in the water:<sup>15</sup>**

In the statement given by Muhammed, the husband of the Syrian Nadera Almonla, it was mentioned that they had decided to go to Germany because her brother was there and they came to Türkiye for this reason. They set off on 29 February with Nadera and her six children, the oldest of whom was 18 years old, and arrived at the Meriç River the next morning. Two police cars approached the children crossing the river. They ran to the river hand in hand in the hope of catching up with their children, who were a few minutes away, in fear for their lives. Greek police cars surrounded the children, gunshots were heard when the law enforcement officers got out of their cars and walked towards the children. Two Greek policemen, one with a long barrel and the other with a gun, started opening fire. Nadera, who was having difficulty in crossing the river, hugged him and suddenly Nadera's hands slipped, they were only two meters far away from the riverbank. The time of the incident is described as follows.

Temporary  
Protection  
Identification  
Document issued  
to Nadera Almonla  
by the Ministry of  
Interior



<sup>15</sup> Records of Ministry of Interior. See also <https://www.dw.com/tr/meri%C3%A7i-ge%C3%A7me-%C3%A7al%C4%B1%C5%9Fan-nadera-%C3%BC%C3%A7-ayd%C4%B1r-kay%C4%B1p/a-53698917>, Access Date: 26/01/2022; Amnesty International, 2020, Caught in a political game: Asylum-seekers and migrants on the Greece/Türkiye border pay the price for Europe's failures. <https://www.amnesty.org.tr/uploads/files/S%C4%B0YAS%C4%B0%20B%C4%B0R%20OYUNUN%20ORTASINDA%20KALANLAR-FINAL.pdf>, Access Date: 26/01/2022.



Nadera Almonla's  
Family

***"They opened fire into the air. My wife feared for our children and headed towards the river to reach them. I went with her. The water was up to our waist at first. I'm about 1.70 centimetres tall and my wife is shorter than me. The soldiers of Greece shouted at us in a language I did not know. I think it was not in English, I'm guessing it was Greek. We continued to move along the river towards the Greek side, when we passed more than half of the remaining distance, the water reached my shoulder and my wife's neck. We kept walking in the river, raising our hands. We approached the riverbank until we were 2 or 3 metres away, and the Greek soldiers stood right in front of us, about 7 or 8 metres away from us, with their weapons pointed at us. When they opened fire, we went into the water out of fear. I saw two people, one with a gun in one hand and another with a rifle. I reached the riverbank, and my wife was behind me. The last time I saw her, she was about two meters behind me, and her head was above the water. The soldiers came towards me. I tried to go back and take my wife, but the soldiers grabbed me by the collar and laid me face down on the ground with my head away from the water so that I could not see the river. I tried to get up, but I couldn't move because a soldier was holding his rifle to my head. They fired at least three times in total."***

Saying that he could reach the children and that while he was trying to look for his wife, who was a few meters away, the policemen, who told them to leave, held a gun to their heads, Muhammed stated ***"I threw myself at the feet of the police, asking for help. But they didn't let me look, nor did they look for her by themselves."*** He stated that they were forcibly sent from the place they were and that they last saw Nadera lying face down in the water.

Muhammed stated that later they were forcibly taken to the police station in a windowless minibus, their mobile phones and even their clothes were confiscated at the police station, they were insulted in a language they did not understand, kept in custody with 80 other people, and they were not given food and water. He tried to ask the Greek soldiers what had happened to his wife, but the soldiers did not give him any answers. After being detained for four or five hours, their possessions were confiscated, he and his children were taken back to the river after their clothes were taken away from them, and he and the others were put on a boat that would take them back to the Turkish side.

On 13 March, the Orestiada Border Police of Greece was informed that Nadera was missing. In the response sent by the Greek police on 16 March, it was stated that there was no such person in custody records and that they should contact the Alexandroupoli Police Department. The questions asked to the Alexandroupoli police on the same day were answered with the same content on March 18 and it was understood that there was no report of a female body around.

In response given by the Greek government on 7 April to the family's application to the European Court of Human Rights (ECHR) on March 30 requesting an injunction to search Nadera in the Meriç River and to conduct an effective investigation on the matter, it was understood that they claimed they could neither find a woman's body in the searches nor had a record of Nadera. The ECHR, which found the Greek government's response sufficient, did not issue an injunction.

In spite of the inadequate and negative feedbacks they received for all the applications they made about Nadera, her family, who last saw her motionless body on the water, hopes to at least hear about the whereabouts of her dead body

### **Recovery of the bodies of 4 people, one of whom was a woman, who were thrown into the sea with their hands tied behind their backs and 3 migrants rescued alive on 19/03/2021:<sup>16</sup>**

Upon receiving the notification there was a group of irregular migrants in the offshore district of Çeşme, İzmir on 19 March 2021 at 02:55, two irregular migrants who were spotted at sea by a Coast Guard Boat dispatched to the scene of the incident were rescued, one of the migrants, who was unconscious, was treated, but died in hospital.

As a result of search and rescue operations, 2 people were found and rescued on the Bogaz Island, while the lifeless bodies of 2 irregular migrants were taken from the sea surface,

<sup>16</sup> Records of the Coast Guard Command and the Presidency of Migration Management. See for the video of the rescue of an irregular migrant and the interview with the rescued irregular migrant in the incident where the dead bodies of 4 people, one of whom was a woman, who were thrown into the sea with their hands tied behind their backs on 19/03/2021, were reached. [https://www.sg.gov.tr/kurumlar/sg.gov.tr/haberler/2021/12aralik/9\\_-denize-atma.mp4](https://www.sg.gov.tr/kurumlar/sg.gov.tr/haberler/2021/12aralik/9_-denize-atma.mp4) Access Date: 26/01/2022; See also <https://www.dw.com/tr/t%C3%BCrkiye-s%C4%B1%C4%9F%C4%B1nmac%C4%B1lar%C4%B1-plastik-kelep%C3%A7eyle-denize-att%C4%B1lar/a-56929305>, Access Date: 26/01/2022.



In the statement of a rescued migrant, after finding out *"they were beaten by the Greek authorities after being handcuffed with plastic handcuffs, their belongings were seized, they were released directly into the sea without any floating tents or rubber boats, and they were 7 people in total"*, the search and rescue operations began for a person who was missing, and another migrant, who was detected on 21 March 2021 at 16.25, was rescued alive and treated.



**Somali national Ahmet Adem MUHAMMED says the following in his statement:** *"About twelve o'clock at night, we got on the boat with 28 people and set off to Chios. After landing on Chios, we all dispersed in groups of 2 and 3. Then, the law enforcement members of Greece, people in green military clothes, caught me together with another person named Muhamned, who later disappeared in the sea. Then they took us to a small port where the coast guards were located. I saw that there was a gas station at this port. There, **they handcuffed us to each other and made us wait for two days with my friend named Muhammed who went missing later. They didn't give us any food or water for two days.** After two days, they brought 5 more Syrians to join us. Together with them, they took us right away on 19 March at around 01:00-02:00. The Greeks dressed in green then drove the boat towards Turkish territorial waters. When they came to Turkish waters, **they threw us into the sea without removing our handcuffs.** Then they left us there and went back. We swam to the Turkish island with our own efforts. A person named Abdusselam reached the island with me. **Others were lost at sea. There are three of us now. I don't know where the other four people are. I saw a person die.**"*

## Cameroonian irregular migrant who was thrown into the sea with 2 other people without a life jacket and carried the dead body of a friend from the water to the beach on 18/09/2021:<sup>17</sup>

A Cameroonian migrant who was thrown into the sea with two other people without a life jacket on 18/09/2021 and managed to reach the shore was treated, however, the dead bodies of other Cameroonian migrants, who were thrown into the sea without life jackets, were found.

I.O., a Cameroonian national who managed survive says in his statement that after their money, phones and belongings were taken away, they were violently thrown into the sea without a life jacket:<sup>18</sup>



*"On 14 September 2021, as a group of 36 people, we decided to go to the Samos Island of Greece. We went to the forest first. At 03:00 in the morning of that day, we got on the boat with this group and set out for Samos Island. Just as we arrived on the island at 06:00 in the morning, the Greek police came after us. They started shooting around. At that moment, everyone ran away in different directions, divided into groups. They captured a group of 26 and pushed them back to Türkiye. We stayed in the forest as 2 groups. One group consisted of 5 people and the other 3. I was in the group of 5 people.*

*As a group of 5, we left the forest and headed towards the city. Just before reaching the centre of the island, 2 people from the group left first. We remained behind. After 1 hour, we set off as well. We came across the police. They asked us for ID. **They started punching us. They searched us. They took our money. They took our phones.** They threw us into their car. They asked us to bend over inside the car and not to look outside. **They said they would kill anyone who looked up.** So, we did as they said. They took us to a place we didn't know. Then we went into a camp in the marina. **They carried us like animals and threw us into their ships.** They asked us to lie face down and our heads on the floor. At that moment, they hit us again. Again, they told us that they would shoot anyone who raised his/her head. Once again, we were taken to an unfamiliar route in the sea. We got to a place and they stopped the engine.*

***They carried my brother Ali and threw him into the sea. At the same time, they carried Yusuf and threw him into the sea. They grabbed me, too. But I resisted. They punched me in the head. When I no longer had any strength left, they were able to throw me into***

<sup>17</sup> Records of the Coast Guard Command and the Presidency of Migration Management. <https://www.aa.com.tr/tr/dunya/kamerunlu-gocmen-beraberindeki-2-kisiyle-yunan-guvenlik-guclerince-denize-atildiklarini-iddia-etti/2374425>, Access Date: 26/01/2022.

<sup>18</sup> For the video of the interview with the rescued migrant, see <https://www.sg.gov.tr/kurumlar/sg.gov.tr/haberler/2021/11Kasim/23eyl21.mp4>; Access Date: 28/02/2022



***the sea. I resisted with all my body and all my soul and tried to float. I told myself that I would live. The waves were pushing me ashore. Thanks to the waves, I reached the land. Immediately after arriving on land, I started vomiting and peed. I laid down for 10 minutes. At that moment, I saw Yusuf's body rising upwards. I pulled Yusuf's body ashore and put it on the ground. I performed CPR to see if I could bring him back to life. I checked his pulse again to see if he was alive, but he wasn't. I saw that he was dead, and I left a stick next to him and put a scarf on him.***

*I didn't know where I was. Should I walk by the seaside to escape, or should I walk towards the forest? I slept in the forest. The next day I decided to walk along the beach. While walking, I saw a house on the hill. When I got to that house, I realized that the house was an old police station. I wondered if I could find food or water. But there was none, and I saw that there was a road ahead and I walked towards the road. And there the gendarmerie came and saved me.*

The dead body of an irregular migrant from Cameroon was found in the Güzelçamlı Sazlık area of Kuşadası district, Aydın, on September 18, when the surviving Cameroonian national İ.O. was identified, the dead body of another irregular migrant from Cameroon was found by the personnel of the Turkish Coast Guard Command on the rocks between Güzelçamlı and Bayrak Island on September 20 and both dead bodies were identified by survivor İ.O.



## Irregular Yemeni migrant who was thrown into the sea without a life jacket along with a man and a Somali woman who could not swim, was hit on the head with a hammer, on 23/09/2021:<sup>19</sup>

It was seen that the Yemeni migrant who was pushed back on 23/09/2021 was subjected to violence, and he was hit with a hammer just above his forehead, behind his left shoulder and above his left knee.

The migrant, who was treated, explained that he and two Somali migrants, a woman and a man, had their clothes taken off, their phone and money confiscated, they were subjected to violence and thrown into the sea without life jackets despite the fact that the Somali woman and man said they could not swim:



*"We got on a boat from Izmir and set off with a group of Syrians, Somalis and Palestinians. We set off for the Samos Island. After arriving at Samos Island, we went ashore and no one caught us, we kept going. While walking around the island we separated into many groups. I was alone. Some groups consisted of two people. Then, I saw some people while walking they told me the way to the location of campsite. When I arrived at the campsite, I went to see a person who I thought was an officer there. I conveyed my asylum request to the officer. He said "OK, sit down, I'll handle it" and started talking on the phone. He translated it to me over the phone and said "wait a minute and we'll see what we can do". Later in the night, two people arrived, wearing masks and fully covered. **First, they beat me and then one of them hit just above my forehead with a hammer. He hit on the back of my left shoulder with the hammer again. He also hit on my left knee similarly. Blood came out from the wound in my head for an hour.** I was alone at that moment. They brought a vehicle to get me out of there. I was unconscious at that moment. A civilian car arrived. There was another person with face covered in the car.*

*Just then, after they picked me up, we were about to leave, they opened the door, I saw two Somalis. One was a woman and the other one was a man. **After catching them, they took off their clothes, robbed and searched them, took their phones and money, as they did to me.** After that, they picked them up again. They made the three of us get in this civilian vehicle and took us off to the beach. Then they put us on a coast guard boat. It had three engines. It was a fast engine. When I looked at the boat, there were no floating tents.*

*I thought they were going to take me to another ship. They took us to Turkish territorial waters. There was something like a mountain. They took us to the front of that mountain. **The waves were very high. That's why, they stopped 2.5 km before the land. There they said 'Let's***

<sup>19</sup> Records of the Coast Guard Command and the Presidency of Migration Management. See for the interview video. <https://www.sg.gov.tr/kurumlar/sg.gov.tr/haberler/2021/11Kasim/24eylul21.mp4>; Access Date: 28/02/2022. See also <https://www.ahaber.com.tr/gundem/2021/09/29/yunanistandan-esine-rastlanmamis-zulum-yakaladiklari-multecilerin-kafalarina-cekile-vurup-denize-attilar>, Access Date: 26/01/2022.

***throw these people into the sea.' I begged them. 'This man and woman can't swim,' I said. The woman had also told me that 'she didn't know how to swim.'***

***They hit on the chest and threw me into the sea. Besides, neither I nor my other friends were wearing life jackets.*** They threw us all out into the same area, but we went swept here and there because the waves were too high. I saw a rocky area nearby. I set my course and swam towards there. As soon as I got to that rocky area, I went up there and even drank the salty water. My hands were injured because I had to climb through that rocky area. I stayed there for 5 hours.

I had slept. After waking up, I saw that I had injuries all over my body. I tried to get up to see where those other people thrown into the water with me were, but I could not. I tried to walk on my arms. I saw a grassy area. I lay on there and could not get up.

The first thing I did after waking up in the morning was to search for other friends. I wondered if they were here. After walking 150 meters along the coastline, I saw the woman. ***She was lying down on her face. She seemed to be dead.*** Then, I looked around to see a house or a place, but I couldn't see anything. Then I climbed over a mountain and walked 2 km with the hope that I could go to İzmir. After I got there, I saw a road. I think I walked for 20-25 minutes on this road. Thank God I saw the Turkish Gendarmerie patrol car. I was still afraid that I would come across the Greeks; but when I saw the Turkish flag, I was relieved. They took me to their station there. They gave me food and water. They also brought blankets. I thought I was reborn."

**It was seen that the bodies of two irregular migrants were lying on the shore of Sazlık Bay and both dead bodies were identified by the surviving Yemeni migrant.**



They said "Let's throw these people into the sea."



The woman also said to me "I don't know how to swim."



### Women and children having been wounded with chemical burnt on 20 October 2021:<sup>20</sup>

On 20 October 2021 at 18.10, 11 irregular migrants, who were pushed back into Turkish territorial waters by the Greek elements in a floating tent and went ashore by their own means, were rescued by the Coast Guard Boat in the National Parks Region of Kuşadası district of Aydın province.



The migrants stated that they were threatened by Greek Coast Guard personnel by pouring gasoline into the rubber boat and being burnt. **It was seen that 4 of the 11 immigrants on whom gasoline was poured had chemical burns and they had to receive treatment.**

A rescued migrant woman stated as follows: "After we stopped for a while in the forested land, a vehicle came and they had us get in the car and drove us to the sea. First, they got us on a ship. I was the last. When two people got on, **'They poured gasoline on us.'** they screamed. I just heard these words. They didn't pour it on me. Then, they took us to the middle of the sea and got us on a small boat (floating tent)."

<sup>20</sup> Records of the Coast Guard Command and the Directorate of Migration Management. For the video of the interview with refugees and immigrants having been wounded with chemical burns by the Greek Coast Guard in the incident that took place on 20/10/2021, see: [https://www.sg.gov.tr/kurumlar/sg.gov.tr/haberler/2021/12aralik/5-\\_kimyasal-yanik.mp4](https://www.sg.gov.tr/kurumlar/sg.gov.tr/haberler/2021/12aralik/5-_kimyasal-yanik.mp4), Access Date: 26/01/2022.





Translation of the statement on the picture: I was the last. When two people got on, "They poured gasoline on us." they screamed.

A migrant woman and two girls who had chemical burns on their feet stated as follows: *"Then, **they threw that inflatable boat (floating tent) into the sea and threw us on it. There was gasoline in the boat at that time. When we stepped on it, my feet burned and I noticed it there. We, the four who were thrown into the boat first, were gravely injured.** There was me and also a female friend next to me with burned feet. They pushed two people whose names I don't know, and **all of our feet were burned.** After leaving the boat in the middle of the sea, they left and we asked for help."*



Translation of the statement on the picture: When we stepped on it, my feet burned and I noticed it there. They pushed two people whose names I don't know, and all of our feet were burned.

## Irregular migrants who were pushed hard from a Greek Coast Guard vessel into a boat and towed and left in the middle of the sea: <sup>21</sup>

Migrants and refugees were pushed from a coast guard ship in the east of Lesbos and thrown into a boat, pushed with long sticks, then dragged by a coast guard boat and pushed back into Turkish territorial waters, putting their lives at risk by Greek Coast Guard on 06/06/2020. Video footage of 100 people being detected by the Turkish Navy UAV and rescued by the Turkish Coast Guard boats was published by the Ministry of National Defence.



<sup>21</sup> For the video published by the Ministry of National Defence, see: <https://www.facebook.com/tcsavunma/videos/yunan-sahil-g%C3%BCvenlik-taraf%C4%B1ndan-midilli-do%C4%B9Fusunda-t%C3%BCrk-karasular%C4%B1na-geri-itiler/2603121006622309/>, Access Date: 26/01/2022.; see also: [https://twitter.com/defence\\_turk/status/1269279423251001344?lang=fi](https://twitter.com/defence_turk/status/1269279423251001344?lang=fi), Access Date: 26/01/2022.

**3 refugees and migrants whose clothes were taken off, pushed back from the Meriç River, one of whom had been witnessed to be in Greek Camps, and whose frozen bodies were found: <sup>22</sup>**

On 04/12/2018, in 2 villages of Meriç district of Edirne, **3 of the irregular migrants**, whose clothes were taken off and who were pushed back by the Greek police, **were found dead every other day in an area close to the border. It was determined that 3 migrants who froze to death did not have trousers and shoes and even their clothes were frozen.**



It had been seen that one of the bodies found by the artificial pond in the plain area of Akçadam Village belonged to a 35-year-old Afghan migrant. In the first examination carried out within the scope of the investigation initiated by the Uzunköprü Public Prosecutor's Office, it was determined that the irregular migrant, who lost his/her life, froze to death in the cold weather below zero.

<sup>22</sup> Records of Governorate of Edirne. See also: <https://www.sozcu.com.tr/2018/gundem/yunanistandan-nazi-yontemi-cirilcip-lak-soy-turk-sinirina-birak-2775103/>, Access Date: 27/01/2022; <https://www.gazetevatan.com/dunya/yunanistan-soyarak-olulme-gonderdi-1224036>, Access Date: 27/01/2022; <https://www.haberturk.com/yunanistan-sinirinda-donarak-olen-bir-kacagin-da-ha-cesedi-bulundu-2249185>, Access Date: 27/01/2022

It has been seen that both men who were **found every other day** in Adasarhanlı village of Meriç district on the Greek border **were migrants who went to Greece and were pushed back**. In the examination, it was determined that **one of the migrants** who lost his/her life

**was 25 years old and the other was 35 years old, and they froze to death due to the cold weather.**

**Jamaluddin Malangi (35), an Afghan national, identified the Afghan migrant among the three men** who froze to death, **and said that he saw him in the camp where they were kept when they went to Greece.** Explaining that he, like the others, was sent to Türkiye by the Greek police using violence, Malangi stated that *"After we crossed the border, we stayed in the forest for 3 days. In a village on the Greek side, the police came. They caught us and took us away. After staying for one night, they brought us by truck to the riverside. There were 2 boats, one was outbound and the other was inbound. This is how they pushed us back to Türkiye. I saw the Afghan man among those who froze to death in the police station in Greece where we were held. I don't know the others."*

Around Adasarhanlı Village of Meriç district of Edirne, where the Afghan migrant was found dead, it was determined that at the time of the incident, air temperature was 2 degrees below zero at night, but the apparent temperature decreased to 6 degrees below zero, according to Meteorology data. In addition, it was determined that 3 migrants who froze to death did not have trousers and shoes and even their clothes were frozen.

*14 refugees and migrants taking shelter in Kiremitçisalih Village's coffee house in Uzunköprü, who were beaten, whose money and clothes were extorted and who were pushed back by Greece.*





## Refugees and migrants who were severely beaten and subjected to violence by being handcuffed and pushed back with a floating tent on 08/12/2020:<sup>23</sup>

In the push-back incident that occurred on December 8, 2020 at 19.46, it is seen that floating tents containing irregular migrants were towed by the Greek Coast Guard Boats and left into Turkish territorial waters. It is seen that the irregular migrants and refugees rescued by the Turkish Coast Guard Command were handcuffed, severely beaten and subjected to violence, and one of them was found to have a broken leg. It is seen in the video that the rescued irregular migrants and refugees have many marks of beating.



<sup>23</sup> Records of the Coast Guard Command and the Directorate of Migration Management. For video on rescue views dated 08/12/2020, see: [https://www.sg.gov.tr/kurumlar/sg.gov.tr/haberler/2021/12/08/3\\_darp.mp4](https://www.sg.gov.tr/kurumlar/sg.gov.tr/haberler/2021/12/08/3_darp.mp4), Access Date: 27/01/2022.

**Koki Kristian, a Central African national born in 1995,** stated that *"They took us to the Kalymnos Island. It was a very beautiful place. 'We will host you,' they said. But suddenly they told us to lie down. We didn't even have a vest on us. We apologized to them and asked them to give us vests at least. 'We know that you don't want us, but please don't hurt us,' we said. Then they brought us to a place like a military unit in Farmakonisi. We stayed there for 3 days. It was like a barn. They told us to lie down on the floor again and said we would spend the night here. They put the men on one side and the children and women on the other. We thought they were going to help us again at around 19.00 on the night of December 9th. Then **they handcuffed us. They took our phones, money, purses, by beating us to death. My nose started bleeding and they hit me on the head. They hit my left eye and I lost a lot of blood.** They got us on the boats again with handcuffs in our hands. They left us on the Turkish side of the sea. **I don't remember much after that, because I passed out. I knew then that I was at the end of my life.** They left us and ran away again. Thank God Turks found us. They saved us. God bless Turkish people. They took very good care of us. They took us to the hospital. They gave food. They gave us a place to sleep."*



Examining the records of the Coast Guard Command and the Directorate of Migration Management, it has been determined that irregular migrants were remanded to Aydın Removal Centre at 12.20 on 09/12/2020 and they applied to the European Court of Human Rights, and they were released on 17/12/2020 after their international protection applications were received.

**Refugees and migrants who were zigzagged around with children on the Greek Coast Guard ship for 1.5 days, beaten, cursed, pushed into floating tents, beaten with an electric gun and burned with a firework gun when they asked for a life jacket and confiscated with a total of 120 thousand Euros in their purses: <sup>24</sup>**

In the interview with two people from the refugee and migrant group of 82 (71 Lebanese, 10 Syrian, 1 Palestinian) people rescued by the Coast Guard Command after being pushed back by the Greek elements in 4 floating tents off the coast of Kuşadası on 30 October 2021, it is stated that;



<sup>24</sup> Records of the Coast Guard Command and the Directorate of Migration Management. For the interview video, see: <https://www.sg.gov.tr/kurumlar/sg.gov.tr/haberler/2022/02subat/mlkt13.mp4>; Access Date: 28/02/2022.



"We departed from Tripoli (Lebanon) on Tuesday (October 26, 2021) at 13.00 (to go to Italy). We sailed in the sea for 4 days. We were sailed by the Greek Coast Guard for 1.5 days. Due to the storm, we wanted to approach Crete Island (on October 29, 2021). The Greek Coast Guard boat came to us. They tied their boots to ours. 6-7 people got on our boat. Their faces were covered and they wore black uniforms. They beat one of the immigrants so that they could set an example for everyone. Then they had us get on their ship. They zigzagged in the sea. The waters were coming in. They were laughing above. We were treated very badly. They beat us, they cursed us. They sailed around the sea until four in the morning (for a day and a half). They threw us down on the floating tent they had prepared. I asked for a child life jacket. First, they beat me with an electric gun. When they saw that nothing was happening, they fired the fireworks gun towards me four times. I held the gun so that nothing would happen to me. My hand was burned because the head of the gun was hot. They claimed that we were Turkish. We said 'We are Lebanese.' They threw us out of the boat without giving life jackets to anyone."

"Then we checked our bags because our children were sick before. **They had stolen all our valuable articles, medicines, phones, money from our bags. In total, they seized about 120 thousand Euros from our bags.**"



Translation of the statement on the last picture: *They confiscated with a total of 120 thousand Euros from our purses.*

## Refugees and migrants whose valuable belongings and money were confiscated:<sup>25</sup>

In interviews with refugees and migrants who are victims of push-back, it is seen that their valuable belongings, money, clothes, bags and medicines were confiscated. In an incident which took place in 2021, a total of 120 thousand Euros were confiscated by the Greek security forces from the refugees and migrants involved in this incident.



*"Around 6 o'clock the Greek police came and took us. They used force. **They took our bags and there was money in some of them.**"*

*"**They took our valuable belongings, phones and other stuff.**"*

*"**They beat us and took all our valuable belongings, phones, money. They even took our clothes.**"*



<sup>25</sup> Records of the Coast Guard Command and the Directorate of Migration Management. For the interview video, see: [https://www.sg.gov.tr/kurumlar/sg.gov.tr/haberler/2021/12aralik/2-\\_gasp.mp4](https://www.sg.gov.tr/kurumlar/sg.gov.tr/haberler/2021/12aralik/2-_gasp.mp4), Access Date: 27/01/2022

10-year-old Joumana, who was tossed backward and forward vulnerably on the ship, who stated that she shivered from the cold because the air conditioner was turned on to make them feel cold, that she was not allowed to go to the toilet, that she was pushed to the ground when she stood up and was pushed into the boat; 9-year-old Osman, who thinks he was going to die, was very afraid, cold and could not make sense of what he was going through; Sare, who said that they pulled on the headscarves of women wearing hijab, kicked them, took the Quran from their hands and stepped on it and threw it into the sea and whose gold was taken from her neck; Abdurrahman, who got beaten, whose hands were handcuffed and whose money was confiscated:<sup>26</sup>

In interviews with push-back victims by the Ombudsman Institution, Abdurrahman Killu, a 38-year-old Lebanese citizen, told that he and his wife Sara and their 3 children (10-year-old Joumana, 9-year-old Osman and 5-year-old Joanna) got on a boat with a group to go to Italy from Lebanon and were caught in a very severe storm off the coast of Greece.

Lebanese citizens,  
Killu family.



<sup>26</sup> Interview having by the Ombudsman Institution on 22 November 2021.



Abdurrahman, who said that they wanted help from a Greek island by radio and that they wanted to go to the island just for 2 hours, stated that *"They said, 'We'll be right there.' They came by a warship. I was a soldier in Lebanon. There was the Greek flag. They were soldiers wearing uniform. They pulled our boat towards them with the rope. They pierced the boat with a hard object. We asked, 'What happened, tell me what happened, what did we do to you?'. They did not answer. When we got on the boat, they took the gold from my wife's neck. They handcuffed all the men on the boat with plastic handcuffs. They started using violence. They also took all phones and money on us. I hid my phone."*

Sara, on the other hand, expressing that they sold their house in Lebanon and set out to live in Italy, stated that *"They kept telling us not to look up or look in their faces. They severely warned anyone who looked up, pointed a gun and beat them with an electro-shock device. We were tossed backward and forward in the warship, vulnerably and unbound. We thought we were going to die by falling into the sea. I worried about my children's life. Then they took us away to the cabin. They turned on the air conditioner at the coldest. They didn't give us anything to wear. We shivered from the cold. We prayed, 'God help us'. Greeks pulled the headscarves off the women wearing hijab. They kicked them. They even took the Quran that we were holding in our hands, stepped on it and threw it into the sea. They embarked 82 people on 3 rescue boats of 15 people and without an engine. They threw us all into the boats. They pushed away the women and children."*

10-year-old Joumana explained his fearful moments he experienced as follows: *"We swayed from side to side on the ship. I held on to my family. I was very afraid of falling into the sea. It was too cold. They didn't let us go to the toilet. When I realized that I couldn't take it anymore, I got up and said I wanted to go to the toilet. They pushed me hard to the ground and didn't let me go to the toilet. They pushed and threw me to the boat."*

9-year-old Osman stated that *"I thought I was going to die. I was so cold and so scared. They were horrible. I did not understand why they treated us like this, why they hit us. What have we done to them?"*

Abdurrahman said *"But for Türkiye, we would be dead right now."* and he explained the situation by using these statements: *"They said, 'This is Italy, off you go now'. I managed to hide my phone. I called 112. I was relieved when they said, 'This is Türkiye'. May Allah bless the Turkish officials. They gave us clothes, they gave us food. They arranged psychologists for the children. We would have died if the Turks had not come."*

### **The Cameroonian woman whose cousin drowned during pushback, claiming to have been raped by two Greek Police (name reserved):<sup>27</sup>**

Cameroonian woman indicated as follows in her statement:

*"I was born in Cameroon. I have three sisters and a brother. I have two children, a boy and a girl, aged 16 and 7. My father passed away 10 years ago. My mother is alive. My mother is taking care of*

<sup>27</sup> Records of the Coast Guard Command and the Directorate of Migration Management

my kids right now. I got married first when I was 19 years old. My family is in financial trouble. After I divorced from my husband, my sister encouraged me go to France. I decided to come to Türkiye. In July, I came to Basmane to my friends who live in İzmir. I worked in a shoe store there. I have tried to go to Greece three times. I lost my passport in my first attempt while passing through Çanakkale. The Greek soldiers took my passport and belongings and sent me back. A few months later, on my second pass from Kuşadası, the Greek soldiers pushed us back again. **My cousin, whom I saw as my brother, drowned in the water during this pushback and I found his body and sent it back to my country.** In the group which I acted with, I became friends with a Cameroonian man named Bamos. I am one month pregnant by this person.

On 11 November 2021, we made a deal with a smuggler from Basmane and went to a beach in Türkiye, which I don't know as a region, with a group of about 30 people. We sailed with boat to the Samos, Greek Island, at about 10:00 in the evening. We arrived at the Samos Island at around 03.30. We hid in the woods for a while. We walked during nights. We walked around the island hiding in various places for a day and a night. The next day, at about 06:00, we were seen by the soldiers as a group in a monastic district on the island. **The people in the group ran away. The soldiers caught me alone.** Then a police car arrived. **Two policemen in blue uniforms got out of the car and handcuffed me from on my back. They muzzled my mouth with a cloth. I can recognize these two policemen if I see them again.** One of these police officers was around 35-40 years old, 170-180 cm tall, portly, with short black hair and brown eyes, the second one was driving the car, he was a little younger than the first policeman. He was around 165 cm tall, thin and slim person with short black hair. As soon as these two policemen, who took me from the soldiers, took me in front of a hotel called STELLA, they looked for a place to park their cars, but then they gave up because there was a crowd around, then they took me to a hotel whose name I do not know but starts with the letter F. They also couldn't find a place in front of this hotel, so they parked the vehicle on the edge of woods, about 300 meters from the road, located behind the hotel called STELLA, where we went first. **Together with these policemen, they took me to woods in the city centre behind the hotel called Stella. They threatened me with a gun. Here, two policemen pulled me out of the vehicle and raped me in turn although my hands were handcuffed.** (This section has not been included in the Report.)

Then they took me to the police station. During the time in the police vehicle, these two policemen spoke a foreign language that I did not know. That's why even if they called each other with their names, I did not understand their names. These two policemen took me to the nearest police station at around 09:00. I didn't pay attention to the name of the station they took me, I don't know it. The police station where they took me was pretty far away from the monastery where they caught me. **When I entered the police station, there were about 25 foreign nationals and 8 police officers inside. The Greek flag was also hung in front of the police station. I realized that the two policemen who raped me were also working in the same place.** We waited at the police station for about two hours. There were also Somali and African nationals at the police station. **There were also pregnant women and disabled people among them.**

They made all of us, all the foreigners in the police station, get on a minibus and took us to the beach. The minibus had no windows, we could not see the surrounding. The two policemen who raped me were not among them. One of the policemen was driving the car, while the second po-





*liceman was sitting next to us in the back of the minibus. **The number 247432 was written on the arm of the policeman standing next to us.** We travelled by minibus for about one hour. At around 14.00, **they made us get on all on small boats as 5 or 6 people. They made us get on a big ship in the sea with these small boats, and this ship sailed for a while. SY4144 was written on the last big ship we boarded. They launched a vehicle in the form of an open sailboat from the big boat and launched two floating tents into the sea so that about fifteen people could get on. They left us in the middle of the sea like this as 2 groups.***

*Turkish Coast Guard officers saw us and took us ashore. I found out that I was in Kuşadası when we landed. The officials here talked to us, and then another vehicle arrived and took us to the Aydın Removal Center. I stayed here for a night. **I couldn't tell anyone that I was raped because there was no one who knew my language.***

*When I was in Türkiye, I tried to go to Greece three times. Turkish officials caught me twice, and once the Greek police caught me and left me in the sea. It was my fourth attempt.*

***A woman from Congo, who was with me at Aydın Directorate of Migration Management, wrote a text message to a lawyer in Greece and told them about the incident I experienced.** Thereupon, someone in İzmir called me on the phone and asked me to come to a place I don't remember. I went to them, they informed me. These people talked to the police, the policemen came and after they interviewed me, they took me to the police station. **The two policemen, who made me get into the car in Greece, had a POLICE sign on their shoulders, so I am sure that these people are the police. I was afraid and could not ask for help since I was raped in the forest. I would like to file a complaint against two Greek police officers who sexually assaulted me while my hands were handcuffed behind my back."***

**It was determined that after the Psychologist Report and the Forensic Examination Report had been prepared about the Cameroonian woman who stated that she had been raped, a lawyer was assigned within the scope of legal assistance and a criminal complaint was filed to the Public Prosecution Office.**

**Apart from the pushback cases mentioned above, there are thousands of recorded cases and pushback victims, and some examples of proven cases included in the report prepared by the Ombudsman Institution are given below.**

*Two migrants, aged 12 and 63, died on the bus which was shot and had an accident while it was carrying migrants and refugees and the people injured were pushed back,*

*A Pakistani migrant was shot and injured in the leg by the Greek border guards, 200 meters from the Greek border gate on 1 March 2020,*

*Moroccan Mustafa was forced to jump into the water at a distance of 10-15 meters from an islet in the river on 30 November 2020, and he witnessed that a Moroccan man in the group was forced to jump and got lost in the water in spite of the fact that he told he did not know how to swim.*

*89 refugees and immigrants were repeatedly tortured with electroshock devices, beaten, kept without food and water, and witnessed one of them having being thrown into the river with their hands and feet tied, and they were pushed back to Edirne on 3-5 September 2015,*

*Two refugees and migrants were tortured and thrown from the boat into the middle of the Meriç River on September 10, 2018,*

*15 refugees and migrants were subjected to violence, thrown into the Meriç River from a boat, kicked and dropped into the river and pushed back to Edirne on 20-22 September 2018,*

*Sudanese 28-year-old D. barely got out of the water because his hands were tied behind and helped those who could not get out of the water afterwards,*

*N., from Darfur, was left on a small island in the middle of the Meriç River with his hands tied behind,*

*Boat of a group of 29 people was punctured, they were in danger of drowning when their boat was filled water, and one of them died by drowning,*

*A group of 42 people was intercepted by the Frontex ship and they were pushed back by being forced to get on a non-motorized boat by the Greek Coast Guard,*

*Hece, was caused to have a miscarriage by Greek soldiers by pressing on her belly, and her husband Amced, from the group of 18 people, were pushed back on 12 September 2018,*

*A boat with a group of 37 people was thrown into the water, the boat was dragged with a rope, the rope was cut when the boat started to leak air and the boat was ripped with a knife, then the boat was left to drown in the middle of the sea until it was deflated and a dead body of one of them was found,*

*Oussema stated that while they were being pushed back on a boat, they crashed into a tree and capsized and 7 of the 12 people in the group which he was in, were lost in the river,*

*Omar proved that he was pushed back with a boat belonging to the Greek Coast Guard in the video he shot.*

*Hassan, a 29-year-old Palestinian, was abandoned on a floating tent without food or water in the middle of the sea for two nights, after being wandered around for three hours with a group of 25 people including children.*

*52-year-old Mukaddim from Morocco, who has informal marriages and eight children from his informal spouses in Athens and Thessaloniki, was caught while walking on the street when his legal right to stay expired, after he was stuck in a camp for two months, his phone, money and belongings were taken, his hands were handcuffed behind his back, he was stripped down and beaten, he was kept in an airless car under the sun for two hours and he was left on an islet in the middle of the Meriç.*



*28-year-old Salah, from Morocco, requested international protection five times, was kept in a camp for thirteen months, was told he would be released, was handcuffed behind his back, stripped down and beaten and he was left on an islet in the middle of the Meriç River,*

*In pushback case happened on 14/07/2021, Syrian national Ali and Hasan, born in 1998, was in the group whose money was taken, in which people were beaten with batons, electroshocked, women were stripped down and searched by male soldiers and thrown into the river with their hands tied.*

*Clothes of 26-year-old Moroccan Malik were taken off, his religious values were humiliated, he was beaten and his 1,500 Euros were taken,*

*Syrian Ali was forced to strip naked in an open area in front of his wife, children and everyone else so that the others could see,*

*32-year-old Syrian Omar witnessed that women were harassed and searched by men, those who opposed were beaten, a man was forced to take off his clothes completely in a place with women and children, children were thrown to the ground and beaten,*

*Lila, a 37-year-old Palestinian migrant woman was searched by men underneath her clothes, sexually harassed and witnessed men were thrown into the river naked,*

*A 25-year-old Syrian migrant stated that he crossed into Greece with a group of 200 people on March 2 and his right arm was crushed by being pressed ten times and he underwent surgery in Türkiye,*

*A 22-year-old Syrian woman was sexually harassed by Greek law enforcement officers, given electric shock to her wrist and shoulder and a 31-year-old Syrian migrant man was brutally beaten with a thick plastic rod and a metal stick, when he tried to stop them, he was pointed a gun to his head and his 2-year-old daughter was hit on the head with a thick plastic stick,*

*Arms of 29 refugees and migrants were broken with sticks, their cigarettes were put out on their flesh and they were pushed back by being tortured on 17-19 September 2018,*

*A group of 252 migrants were tortured and pushed back all together on 4 November 2019,*

*Azadeh, a 22-year-old migrant from Afghanistan, was detained for 5 days in a room between the fields with his wife and two children aged 2 and 4, was given dirty bottles when they asked for water, their belongings and Qur'an were seized and they shared a 40 square meter room with 80 people,*

*And there are thousands of migrants and refugees being victimized.*



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## CONCLUSION AND RECOMMENDATIONS

Pushback practices, which are continued today by violating the most basic human rights, including the right to life, **prove that it is not only refugees and migrants who are pushed back to the borders, but human rights, basic principles of international protection, and the main values of the European Union are also systematically pushed back and severely injured due to the dire consequences of the cases. For this reason, the concept of “pushback” used in the international literature is not sufficient on its own to describe the gross violations of rights.**

At this point, it is necessary to reveal the grievances caused by pushback practices, which are clearly established by public officials and people working under the supervision of and in cooperation with public officials as an output of a systematic and planned policy; to announce violations of rights; to mobilise all institutions and organisations responsible for protecting human rights, conscientious decision makers, public actors, and human rights defenders in this way to prevent new violations of rights; and, **beyond this, to ensure that the voice reflecting the common conscience of humanity is heard in order to protect international human rights, asylum law, and the values defining humanity.**

Otherwise, all the achievements regarding human rights and asylum law, which have been brought to these days and built step by step with the efforts of conscientious human rights defenders who have paid heavy prices, will be put at the risk of destruction by the pushback practices conducted with quite serious violations of rights. Also, **continuing to turn a blind eye to pushback practices with different motives will be remembered as the date when all the achievements regarding human rights and asylum law have begun to be lost in historical evaluations, unless measures are taken.**

**The humanitarian tragedy experienced in Ukraine today is an indication that the issue of migration will always be at the top of the agenda of countries, and as Mijatović pointed out, it is not possible to predict which country’s citizens will become migrants in which period.** Sudden migration cases remind of the need for an international cooperation and change of understanding with a focus on the urgent actions taken on the issue of migration and the rapid fulfilment of the needs that arise at the very first moment.

**The reality of migration has shown itself once again in the recent painful example of Ukrainian migrants who took refuge in neighbouring countries to avoid war and conflict. People who migrate with the hope of living have generally the same reasons for the migration, but this time the attitudes of the countries receiving migrants have been different. The closed-door policy adopted against the citizens of Syria, Afghanistan, and other countries in the region has not been applied to the Ukrainian migrants. There have been positive calls and initiatives regarding the acceptance of migrants by other countries, neighbouring and non-neighbouring to Ukraine. In fact, it was stated by the Greek Prime Minister that "Greece is ready to accept refugees from Ukraine"<sup>1</sup>. Also, there has been a humanitarian approach and descriptions for migrants who are "Europeans with blue eyes and blonde hair" as expressed by some journalists. All these facts actually give an idea about the humanitarian policies on migration that countries should follow for everyone.**

**Migration is a term that does not have colour, religion, race, language, age, and gender. The migrant's religion, language, place of birth, affiliation, skin colour, hair colour, and eye colour should not constitute a difference in the decision for accepting them into country's territory, or in the accorded treatment. It should be noted that the issue of migration mostly affects children and mothers.**

Undoubtedly, states have the right to control their borders within the framework of international law. This right also includes expulsion from the territory of the state under certain conditions. However, procedures of deportation and border controls must comply with national and international legal obligations.

It is clearly against international law that Greece does not accept migrants and refugees into the country, follows practices contrary to the asylum procedures, and treats them against the principle of non-refoulement and the prohibition of collective expulsion. **Moreover, according to the findings in the report, the actual situation is far beyond these practices, which are clearly against international law. Practices of Greece have reached such an extent that they violate even the right to live far above violating the right to asylum for a long time.**

When the total number of irregular migrants who lost their lives as a result of pushback practices by the Greek agents was examined, it was determined that 61 irregular migrants lost their lives in 2021, 36 as of 31 May in 2022, and 97 in total, and all of these losses occurred as due to freezing and drowning.

In pushback cases at sea, it was found out that irregular migrants were thrown directly into the sea with their hands cuffed behind their back or without being provided with a life jacket. In 14 cases in 2021 and in 7 cases as of 31 May in 2022, it was established that a total of 78 irregular migrants were thrown directly into the sea; that as a result of these cases, a total of 69 irregular migrants were rescued by the Coast Guard Command; and that 9 irregular migrants died by drowning. In all of the

<sup>1</sup> For details, see <https://www.aa.com.tr/tr/dunya/yunanistan-ukraynadan-gelecek-multecileri-kabul-etmeye-haziriz/2519692>; Access Date: 03/03/2022.



deaths that occurred due to pushback practices in 2021 and 2022, it was observed that irregular migrants were thrown directly into the sea with their hands cuffed or without being provided with a life jacket.

According to the data obtained from the Presidency of Migration Management during the research process, it was demonstrated that 17,245 irregular migrants were pushed back by the Greek agents in 2020, 16,497 in 2021, and 7,781 as of 31 May in 2022. **It was stated that a total of 41,523 irregular migrants were pushed back from 2020 to 31 May 2022.**

The official data on the number of irregular migrants, announced by the Greek Ministry of Migration and Asylum to reach Greece by sea, and the official data on the number of irregular migrants pushed back at sea by the Greek agents announced by the Coast Guard Command, were examined. According to these data, it was understood that in 2020, 9,008 irregular migrants, namely 50% of the irregular migrants who reached the Greek border by sea, were pushed back at sea in 312 cases by the Greek agents; that in 2021, 16,062 irregular migrants, namely 82% of the irregular migrants who reached the Greek border by sea, were pushed back at sea in 628 cases by the Greek agents; and that as of 31 May in 2022, 7,579 irregular migrants, namely 82% of the irregular migrants who reached the Greek border by sea, were pushed back at sea in 296 cases by the Greek agents.

**Pushback is against international law in itself, and most of the pushback practices are accompanied by gross violations of rights. When the data of the Border Violence Monitoring Network on the pushback practices conducted by the Greek agents in the Meriç River from 2019 to August 2020 is examined, it is possible to evaluate the severity of pushback practices. Accordingly, it was documented that 98% of pushback statements contained torture or ill-treatment.** It was established that, of the 8,000 refugees who arrived at the Greek border, 88% were subjected to beating and kicking, 97% to theft, 49% to being forced to undress, 16% to drowning, 19% to using gun, 5% to sexual assault, and 8% to electric shock. It was determined that the rate of those who have been to the Greek border but have not been subjected to violence is only 2% to date, while the rate of children who have been subjected to or witnessed violence, harassment, and abuse is 68%.<sup>2</sup>

When pushback cases were examined, it was observed that reaching or not reaching the Greek borders does not make any difference in terms of being pushed back, and even those who have duly documents are subjected to pushback practices after they set foot on the border. It is because the current evidence reveals that not only those who try to cross the borders irregularly, but also foreigners with registered protection status who have somehow accessed the asylum procedure in the past and are currently living in various parts of the country are rapidly gathered without any explanation and sometimes without being given the chance to reach their families, making them the target of coordinated operations, and they are deported along with other victims of pushback.

<sup>2</sup> For the report by the Border Violence Monitoring Network, see <https://www.borderviolence.eu/universal-periodic-review-submission-on-greece/>; Access Date: 01/02/2022.

Moreover, **the numbers that can be detected are only the tip of the iceberg** since people pushed back are effectively prevented from seeking their legal remedies, accessing complaint mechanisms, and reporting violations.

As a matter of fact, the findings of the report indicate that hundreds of evidence proved the pushback practice was conducted by the officials, and in many cases, pushback was conducted with the participation of individuals who wore casual clothes or clothes which were not uniforms and had no emblems or remarkable signs, who usually wore masks, and their explicit attitudes and narratives about their coordination with the officials wearing uniforms indicate that **the individuals with casual clothes work in coordination with or under the orders and instructions of the officials with uniforms.**

The comprehensive evidence and current findings indicate that the pushbacks carried out systematically by Greece cannot be considered as individual cases or as the acts of vagabonds, smugglers, or gangs. It is obvious that the current practice is **an actual border management policy based on the coordinated efforts of various authorities in Greece. It is clear that this policy, put forward through clear evidence, cannot be concealed by making security forces wear masks, cooperating with masked gangs whose identities are thought to be possible to hide, and systematically denying the cases supported by clear evidence.**

In the report, **as a result of the examination of tens of international reports, hundreds of video recordings, thousands of official documents and reports, health reports, victim statements, and thousands of cases of pushback practices and victim testimonies,** elaborated through on-site investigations, visits, and interviews with victims of pushback cases, by the Chief Ombudsman of the Republic of Türkiye, the Ombudsman receiving complaints on human rights issues, and the Experts of the Ombudsman Institution; it was determined that **18 violations of human rights have been committed as a result of 50 different pushback practices carried out by Greece against refugees and migrants.** On the other hand, it was established with solid evidence that Frontex (the Operational Cooperation Agency for the Management of the External Borders of the Member States of the European Union) also participated in or turned a blind eye to these actions performed by Greece.

The point the world has reached today demonstrates that the current system and understanding, which can be portrayed by the migration policies and pushback practices, has become inoperable, and **it is necessary to follow a fair and humanitarian system putting human rights first and a migration policy that prioritising people.**

At this point, **our recommendations for the European Union, Greece, the United Nations High Commissioner for Refugees, and Türkiye** are presented for the information of the authorities and the public.





## EUROPEAN UNION

1. Human rights and international protection law should be taken as a basis in all decisions and border controls regarding migration and migrants.
2. The policy of preventing migration at all costs should be abandoned.
3. It should be focused on combating the factors that cause migration, and humanitarian policies should be developed to eliminate the reasons that force people to migrate.
4. The policy of managing migration in accordance with international law should be adopted back.
5. Policies and actions should be developed to increase the possibilities of international cooperation and solidarity.
6. The practice of condoning interventions that violate the fundamental rights and principles of international human rights and asylum law should be abandoned, and violations should be explicitly condemned.
7. The burden of the global migration management crisis and mass human movements on a few countries should be alleviated; a fairer distribution should be ensured; and responsibility should be shared.
8. Actions that cause language, religion, race, and colour discrimination should not be allowed in the admission of migrants and in the practices against migrants.
9. Measures should be taken to ensure that the support provided to the member states is not used in human rights violations, actions violating international law during border controls, and pushback practices.
10. Pressure must be put to end the pushback practices conducted by Greece.
11. Measures should be taken to ensure that the pushback practices conducted by Greece are investigated independently and impartially, and investigations should be followed up effectively.
12. It should be ensured to establish an independent and impartial commission and complaint monitoring mechanism, including national human rights institutions, international organisations, and civil society organisations, to directly examine evidence submitted by Türkiye and complaints lodged by individuals and work in coordination with authorities in Türkiye to effectively investigate pushback allegations; and the activities should be followed regularly.
13. Attempts should be made to eliminate interventions and regulations that prevent civil society organisations and media organs from working in the region, investigating allegations of pushbacks, and assisting migrants in distress.



14. People crossing borders irregularly should not be penalised.
15. Pushback practices conducted by Frontex should be ceased.
16. It should be ensured that Frontex fulfils its border protection duty in a way that prioritises international law and migrant rights.
17. Frontex's understanding of cooperation with the countries neighbouring the EU should be developed, and cooperation should be increased.
18. Pushbacks allegedly conducted by Frontex should be investigated effectively.
19. In pushbacks allegedly conducted by Frontex, it should be ensured that the complainant can file an application by hiding their contact information and name.
20. Informative activities should be carried out to facilitate the remedies regarding the Frontex complaint mechanism and to eliminate the conditions in which the applicants refrain from filing applications.
21. Measures should be taken to facilitate family reunification of residents and migrants in EU member states.
22. Measures should be taken to reduce the dangers in migration paths and especially to prevent sea voyages, and an access facility, which can be monitored and controlled, should be developed to enable asylum applications to be received and finalised in a short time.

## GREECE

1. Systematic pushback practices on land and at sea should be abandoned.
2. Migrants should be treated with respect for human dignity, and actions should be taken to strengthen the implementation of international human rights regulations.
3. Harsh and strict practices that violate and endanger the right to life, such as blowing boots, pushing back in cold weather by removing clothes, throwing them into the sea or river by tying their hands, and using firearms should be abandoned.
4. The policy of rejecting pushback allegations should be abandoned, and allegations should be investigated independently and impartially.
5. A National Monitoring Mechanism should be established to investigate pushback allegations promptly, independently, and impartially.



6. An independent and impartial commission and complaint monitoring mechanism should be established, including national human rights institutions, national monitoring mechanism, international organisations, and civil society organisations, to directly examine evidence submitted by Türkiye and complaints lodged by individuals and work in coordination with authorities in Türkiye to effectively investigate pushback allegations.
7. Public officials who commit unlawful acts causing violations of rights should be punished.
8. It should be investigated whether masked people without uniforms who carry out and participate in pushback practices are public officials, and the result of the investigation should be shared with the international public in a transparent manner; in case these people are public officials, necessary punishments should be given; on the other hand, in case they are not public officials, the cooperation and contact with the public officials should be investigated, and masked people who conduct pushback practices in the sovereignty of the state should be caught and punished.
9. Actions should be taken in accordance with international protection law, and practices contrary to the principle of non-refoulement and the prohibition of collective expulsion should be avoided.
10. Legal regulations which are against international law and violate migrant rights should be abandoned.
11. Civil society organisations and media organs should be allowed to work in the region, investigate allegations of pushbacks, and assist migrants in distress; and deterrent and prohibitive approaches and regulations should be abandoned.
12. The use of rescue equipment such as life rafts as a tool in pushback practices which endanger the right to life should be abandoned.
13. The practices of intimidation and confiscation of identity, passport, and similar documents in order to ensure that irregular migrants do not come to the borders again should be abandoned.
14. The asylum procedure should be operated in accordance with international law.
  - People arriving at the borders in an irregular manner should be recorded.
  - Interpreter/translator support should be provided; necessary information should be given; consultancy services should be provided; and information should be given regarding the procedure to be followed and legal rights.
  - An effective application facility should be provided, and all applications for international protection should be examined.

- Migrants who fall within the scope of the jurisdiction due to migration should not be arbitrarily detained and not be punished for this reason.
- Interventions on fundamental rights and freedoms such as the right to property, the right to protection of family and private life, freedom of thought and expression, freedom of religion, and right to basic education and health must be ended, and these fundamental rights and freedoms should be effectively protected.
- The specific circumstances of vulnerable people, such as minors, unaccompanied children, people with disabilities, elderly people, pregnant women, single parents with young children, victims of human trafficking, people with serious illnesses, people with mental illness, and people who have been subjected to torture, rape, or other serious forms of psychological, physical, or sexual violence, should be taken into consideration in a humanitarian manner.
- Administrative detention of unaccompanied children and families with children should only be considered for a short time as a last resort.
- The "*best interests of the child*" should be considered in every decision to be taken for children and in all actions taken; and for children who fall under the jurisdiction due to migration and are awaiting trial, measures should be taken to ensure their release.
- Refusal of entry must be issued through a reasoned decision by an administrative body authorised by legislation.
- In the event of a negative decision, an effective remedy for appeal and access to justice, legal remedies, lawyer, and legal assistance should be provided.

## UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

1. In the historical juncture we are in, where all the achievements regarding human rights and asylum law are at risk of destruction, where pushback and security policies come to the fore, where legislative changes have begun to be considered reasonable, and where all the achievements regarding human rights and asylum law have begun to be lost; a clear stance should be taken as part of the mandate to supervise the implementation of international treaties on the protection of refugees.
2. Detected pushback practices and pushback cases should be regularly shared with the public in a concrete manner, and regular information should be provided about individual actions taken for victims.
3. Statistical data and reports on detected pushback practices and pushback cases should be shared regularly.

4. Statements made in the face of systematic and continuous pushback practices, which have begun to violate even the right to life, should be strengthened, and activities should be increased to enable the relevant institutions to take action within the scope of their authority and mandate.
5. Attention should be drawn to discriminatory migration policies causing language, religion, race, and colour discrimination in the admission of migrants and practices against migrants; and more efforts should be made for countries to fulfil their responsibilities arising from international law.

## TÜRKİYE

1. Since the loss of rights caused by pushback actions requires a responsibility which cannot be left alone to neighbouring countries, efforts should be made to establish an international commission to investigate pushback cases.
2. Pushback cases should be reported to the international public, institutions, and organisations, media organisations, and Greek authorities on a regular basis, together with their evidence.
3. A more effective way of operating a policy focused on negotiation, dialogue, and cooperation, which will prioritise migrant rights, should be preferred in order to redress the grievances of pushbacks and to prevent the grievances to be experienced.
4. In order to independently monitor pushback practices and violations of human rights at the land and sea border with Greece, a border activities monitoring network should be established, including CSOs, universities, and bar associations; the cooperation of this network with international organisations should be supported; and the access of these organisations to information and documents should be facilitated.
5. A Case Tracking System should be established under the coordination of the Presidency of Migration Management, where all processes related to the rehabilitation of pushback victims and seeking legal remedies can be followed and monitored, where all actions taken regarding the victim can be viewed, and which is accessible to relevant institutions and organisations.
6. There should be a professional and specialised team to establish the first contact with the pushback victim; the continuity of the staff in this team should be ensured; training should be provided; and the entire process should be managed and directed by this team. This specialised team should include staff from the Coast Guard Command, the Provincial Directorate of Migration Management, the Governorate, the Provincial Health Directorate, the Provincial Gendarmerie Command, and the Provincial Police Department in order to ensure direct communication and coordination with the relevant Institutions, as well as staff with the title of psychologists and sociologists and staff who can provide legal information.

7. This specialised team should quickly identify the psychological, physical, and material effects of pushback on irregular migrants in cases of serious grievances and collective expulsion actions, without leaving any room for loss of rights.
8. Pushback practices to which women, children, and vulnerable groups are subjected should be determined in particular; the psychological and physiological effects caused by pushback should be determined rapidly; and their rehabilitation should be ensured with utmost care.
9. The tendency of victims not to operate the complaint mechanism or not to talk about the grievance should be taken into account, and legal guidance should be provided to eliminate their reservations in order to prevent loss of rights.
10. In order to ensure the follow-up of pushback grievances, pushbacks should be determined in particular; victims of pushbacks should be followed separately from rescued/captured irregular migrants; and these grievances should be monitored under the category of “pushback” by paying attention to the use of the term “pushback”.
11. The grievance due to pushback should be recorded visually and in writing in the presence of an interpreter/translator. Records should be made accessible to relevant national and international organisations by taking necessary measures to protect personal data.

















*"What is happening on the borders of Europe is not legally and morally acceptable and must be brought to an end.. ....We fear these deplorable practices now risk becoming normalized, and policy based. They reinforce a harmful and unnecessary 'fortress Europe' narrative."*

**UNHCR statement - 21 February 2022**

*"We are talking about men, women, children and even babies who have faced terrible experiences. They are people like you and me. Can we say that we would never do the same thing if we were in their shoes? Immigrants are people with rights. When we dehumanize others, we dehumanize ourselves."*

**François Cr peau- UN Special Rapporteur on the  
Human Rights of Migrants**

*"European governments are not only violating the human rights and dignity of the people who are being pushed back, they are also encroaching on the values and principles on which Europe is built. Push-backs and border violence threaten not only the rights of refugees and migrants, but also the rights of citizens of European states."*

**The stament of Council of Europe Human Rights Commission-19 June 2021**

*"We cannot protect Europe's borders by violating European values, violating people's rights. Border control can and should be done with respect for fundamental rights."*

**Ylva Johansson - EU Commissioner for Home Affairs**

*"We Europeans should know better what it means to be a migrant. Seventy years ago, hundreds of thousands of us were still waiting to be repatriated or resettled after the Second World War, while thousands of new refugees were escaping through the Iron Curtain. Millions crossed the ocean in search of means to cater for their families' needs. Yet, in 21st century Europe, we seem to have forgotten our past."*

**Dunja Mijatovic- Follow-up report to the 2019 Recommendation  
by the Council of Europe Commissioner for Human Rights**



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