



Addressed to:

the Deputy Executive Director for Standing Corps Management deputizing for the Executive Director, Aija Kalnaja
The Fundamental Rights Officer, Jonas Grimheden

To the attention of:

the Consultative Forum of the European Border and Coast Guard Agency

Over the last two years, the Border Violence Monitoring Network (BVMN) has submitted to Frontex an abundance of evidence of pushbacks, loss of life and practices amounting to torture and inhuman and degrading treatment perpetrated at the Evros land border which is also Frontex operational area. New trends of abandoning people stranded on islets in the river as well as refusing to comply with interim measures issued by the European Court of Human Rights shows consistent disregard for the rule of law by the Greek state. Recent visual investigations from Lighthouse Reports, der Spiegel, le Monde and other media outlets confirm our documentation of people on the move being coerced by the Greek police to push people back.

Frontex is operating in an EU Member State where the rule of law, the respect for fundamental rights and EU law compliance has been severely eroded. Frontex has been either unable or unwilling to proactively safeguard fundamental rights in its operational area at the Greek-Turkish border. Fundamental rights monitors conducting field visits at Evros were overall restricted in their monitoring activities.. Fundamental rights abuses and violence has taken place with Frontex present at Evros for years therefore, Frontex presence evidently does not prevent violations nor does it facilitate compliance.

Therefore, Frontex should trigger Article 46 of the European Border and Coast Guard Regulation (EU) 2019/1896 and, effective immediately, terminate operations in Greece.

The Border Violence Monitoring Network (BVMN) began taking first-hand testimonies of illegal cross-border pushbacks in the Greek mainland, in 2019. Since then, we have recorded 163 testimonies pertaining to the Evros land border, a Frontex operational area, which have affected a total of approximately 10,800 persons. We note that almost 90% of all Greece-Turkey pushback testimonies contained one or more types of torture or inhuman and degrading treatment.

Of the 163 testimonies collected since 2019, a total of 35 (21.5%) refer to people-on-the-move being intentionally stranded on islets in the Evros river. Multiple incidents recorded that people were left for days, in freezing temperatures and without access to food or water. These cases elucidate a new trend by which Greek border authorities only force people halfway across the Evros river and abandon them on small uninhabitable islets, or force them to jump into the water.

In the absence of effective national remedies, civil society organizations have turned to the European Court of Human Rights to safeguard the rights of people-on-the-move. Since March 2022, interim measures have been indicated in 13 Evros islet cases, which have affected a total of 470 individuals. Of



these cases, only four groups (30% of all those granted interim measures) were actually rescued by Greek authorities, while in 70% of cases people were pushed back to Turkey or their whereabouts are unknown. In one of the cases for which interim measures were indicated, four-year-old boy Ayman Saleh fell into the water, and was carried away by the current. In another case, a woman with serious kidney problems died on the island as she could not access lifesaving dialysis medication.

The Border Violence Monitoring Network has submitted 4 letters of concern to your offices since 2020 to this day, and multiple urgent calls for intervention in cases of people-on-the-move in a Frontex operational area, struggling to access shelter, food, water, medical care, and asylum and at risk of their fundamental rights being violated. BVMN and other civil society organizations have shared the coordinates with Frontex. We have requested that Frontex actively safeguards fundamental rights in its operational area.

On April 1st, BVMN sent an application to the European Court of Human Rights to grant interim measures to 34 people stranded on an Evros islet, after the Greek authorities refused to rescue them. BVMN notified the Greek authorities and Frontex firstly. Frontex informed us that the information had been relayed to the Greek authorities. The Greek authorities did not reply. In a follow-up email, Frontex clarified that *“in addition to relaying the information to the relevant National Authorities, Frontex proactively took action by offering its availability to support national actors in the search and rescue operation in question.*

Soon after, the Hellenic Police declined the operational support offered and informed Frontex that the group of people was found and that all persons will be transferred to Orestiada Border Crossing Unit for further legal procedures which will be undertaken by local Authorities”. In fact, it took the Greek authorities more than 48 hours and an order from the European Court of Human Rights to engage in search and rescue.

Additionally, making recourse to the European Court of Human Rights has led to new reprisals against civil society organizations. An article from May 2022 leaked information that organizations are being targeted in an investigation by the Greek authorities for knowing the coordinate locations of transit groups, and sending the information to the Greek authorities to ensure that they get full access to their fundamental rights. Civil society organizations have been subjected to acts of repression, threats, surveillance, intimidation and the disturbance or destruction of services that provide humanitarian assistance to people on the move.

This week, Lighthouse Reports, Le Monde, der Spiegel, the Guardian, and other media outlets, released an exposé on Greek authorities coercing asylum seekers into pushing other transit groups back to Turkey. The findings of their investigation confirmed BVMN reports from June 2020 and September 2021 that Greek border guards use third country nationals to facilitate pushbacks.