



Border Violence Monitoring Network

19 April 2022

S.S. v. Greece

Application no. 30221/21

**Third Party Intervention to the
European Court of Human Rights**





**Border Violence
Monitoring Network**

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EUROPEAN COURT OF HUMAN RIGHTS

Council of Europe

67075 Strasbourg

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BY POST AND FAX

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Pursuant to the Registrar's notification dated 29 March 2022 that the President of the Section has granted leave, under Rule 44(3) of the Rules of the European Court of Human Rights

Summary

The intervenor, Border Violence Monitoring Network or BVMN, is a consortium of independent organizations based in Turkey, Greece and throughout the so-called Balkan migration route. BVMN bases its intervention on testimonies from survivors of pushbacks and other types of human rights violations in Greece and in Turkey collected by field reporters and field coordinators present on the ground, and member organizations with a presence in these relevant contexts.

BVMN seeks to bring to the Court's attention to corroborating independent reports on violations of *non-refoulement* of pushbacks or summary expulsions from Greece into Turkey, occurring in the Aegean Sea, sanctioned by the Greek state and implicating the responsibility of law enforcement officials and other public authorities. BVMN strives to provide the Court with information regarding the fact that pushbacks or summary expulsions are committed with specific methods employed by the Hellenic Coast Guards and other law enforcement officials. The methods described by survivors are: circling around boats and raising waves to stir the course of dinghies, threats with guns, theft of petrol, destruction of engines, the towing of boats back into Turkish waters where they were left adrift, placing refugees on life rafts and abandoning them in Turkish waters, Greek Coast Guard vessels ramming boats, and Greek officers shooting with live ammunition in the water or air, among others.

Furthermore, the intervenor strives to present sufficient information that these methods endanger the lives of people at sea in violation of Article 2 of the European Convention on Human Rights protecting the right to life. Sanctioned and denied by the Greek state, these violations are rarely investigated. In the rare cases investigations are initiated, they are neither independent, impartial nor prompt, thorough nor effective, in violation of the procedural obligation in Article 2. This is corroborated by the fact that there are currently at least 33 cases of pushbacks or summary expulsions against Greece communicated by the European Court of Human Rights.

1. Practices of pushbacks in the Aegean Sea in the reported period of time implicating potential violations of the right to life

The lives of people trying to seek international protection in Greece have continuously been put at risk by Greek state authorities who engage in illegal practices that actively endanger people's lives. Several NGOs have documented incidents of human rights violations and/or the different *modus operandi* of pushbacks in the Aegean Sea contrary to Article 2 ECHR.

In 2019, incidents documented by the NGO Alarm Phone illustrate one of the common tactics by the Hellenic Coast Guard in the Aegean is misleading dinghies back into Turkish territorial waters by ordering the people to follow the boat instead of engaging in search and rescue¹. Dinghies often carry more people than their capacities and are unseaworthy. Smugglers use boats that are disposable to them and oftentimes passengers can barely make it across to Greece despite the narrow sea strip separating

¹ Alarmphone, 'Boat with 35 Migrant travelers in Distress Refouled to Turkey'. 15 April 2019. Available at: https://alarmphone.org/en/2019/04/15/refoulment-alarm-phone-migrants-distress-greece-turkey/?post_type_release_type=post, last accessed on 18 April 2022.

Greece and Turkey.. Life-jackets sold by smugglers are unsafe and filled with non-buoyant materials. When soaked, the material does not float but becomes heavy and causes the wearer to sink.².

Another common practice is the interception of dinghies in the sea by unflagged speed-boats manned by masked people in black clothes. The masked men destroy the engines and leave the boats adrift or tow them to Turkish waters.³ Alarm Phone has noticed an increasing trend of such practices in 2019.⁴ Mare Liberum, a German based NGO sailing a monitoring boat in the Aegean Sea, confirmed that the Greek Coast Guards engage in the practice of removing engines of migrants' boats in 2020.⁵ From March 2019 to the beginning of January 2020, Alarm Phone documented 20 incidents in which people in distress were subject to one of these two practices.

Significant to mention is the refusal to deploy search and rescue operations as a tactic. Alarm Phone reports on an incident on September 28, 2019 that they had "alerted the Greek coastguard giving the location of the boat. The Greek coastguard insisted the boat in distress was behind the borderline on the Turkish side". On October 29, 2019, another incident reported states that Alarm Phone alerted the Coast Guard: "When we passed them the GPS location, they stated it was in Turkish waters and urged us to call the Turkish coastguards. According to our map it was clear that they were in Greek waters"⁶.

NGOs registered an increase in reports of attacks on migrant boats in early March 2020⁷. Practices recorded are "circling around [their] boats and causing waves, threats with guns, theft of [their] petrol, destruction of engines and, also, the towing back of boats to Turkish waters where they were left adrift. In some cases, they also reported Greek coastguard vessels ramming [their] boats, and Greek officers shooting with live ammunition⁸ in the water or air around [them]"⁹.

² Yiannis Papadopoulos. 'Special Report. Fake life vests soak up chances of survival for shipwrecked refugees'. Kathimerini. 4 February 2016. Available at: <https://www.ekathimerini.com/in-depth/special-report/205666/fake-life-vests-soak-up-chances-of-survival-for-shipwrecked-refugees/> . Accessed 19 April 2022

³ Alarmphone, '51 People Pushed Back North-West of Samos'. 4 May 2019. Available at: https://alarmphone.org/en/2019/05/04/people-refugees-push-back-samos-turkey-greece-coast-guard-refoul-alarm-phone-border-control/?post_type_release_type=post, last accessed on 18 April 2022.

⁴ Alarmphone, 'Aegean Regional Analysis'. 28 June 2019. Available at: https://alarmphone.org/en/2019/06/28/alarm-phone-aegean-report/#_ftn8, last accessed on 18 April 2022.

⁵ Niamh Keady-Tabbal and Itamar Man, 'Tents at Sea: How Greek Officials Use rescue Equipment for Illegal Deportations'. Just Security. 22 May 2020. Available at: <https://www.justsecurity.org/70309/tents-at-sea-how-greek-officials-use-rescue-equipment-for-illegal-deportations/>, last accessed on 18 April 2022.

⁶ Alarmphone, 'Aegean Regional Analysis'. 3 February 2020. Available at: https://alarmphone.org/en/2020/02/03/aegean-regional-analysis/?post_type_release_type=post, last accessed on 19 April 2022.

⁷ Border Violence Monitoring Network, 'Violations at Greek Borders: Sea and Land Report'. February, March 2020. Available at: https://www.borderviolence.eu/wp-content/uploads/Report-on-Greece_March-2020.pdf.

⁸ <https://www.youtube.com/watch?v=w8BdEHtBWp4>

⁹ Alarmphone, 'Pushbacks: The New Old Routine in the Aegean Sea'. 14 May 2020. Available at: https://alarmphone.org/en/2020/05/14/push-backs-the-new-old-routine-in-the-aegean-sea/?post_type_release_type=post.

In 2020, Border Violence Monitoring Network and other NGOs continued to document the emergence of a new life-threatening expulsion tactic, the use of inflatable motor-less life rafts¹⁰. Thereby, the Greek authorities, such as the Hellenic Coast Guard, force migrants onto the rafts after an interception at sea, and place the rafts to drift into the Turkish territorial waters, where the Turkish Coast Guards rescues the migrants.¹¹

The fact that border crossing through the Aegean Sea and the illegal practices by the Greek Hellenic Coast Guard endanger migrants lives, is also evident in the high number of missing and dead migrants in the Aegean Sea, 2,352 since 2014¹².

Multiple reports and investigations carried out by independent reporters such as Bellingcat¹³, BVMN¹⁴ and media outlet der Spiegel¹⁵ published evidence that identified the direct involvement of Greek officers. To our knowledge, none of the well-documented reports lead to an investigation. To the contrary, to date the Greek government denies the occurrence of these rights violations¹⁶. Moreso, the Greek government has continuously criminalized search and rescue activities at sea and is prosecuting human rights

¹⁰ Border Violence Monitoring Network, Report, 30 October 2020. Available at: <https://www.borderviolence.eu/violence-reports/october-30-2020-2130-aegean-sea-between-rhodes-and-marmaris-mugla/>; Border Violence Monitoring Network, Report, 24 August 2021. Available at: <https://www.borderviolence.eu/violence-reports/august-24-2021-0530-in-the-aegean-sea-3-kilometres-from-samos-island/>.

¹¹ Legal Centre Lesbos, ‘Collective Expulsions Documented in the Aegean Sea: March - June 2020’. 13 July 2020. Available at: <http://legalcentresvos.org/wp-content/uploads/2020/07/Collective-Expulsions-in-the-Aegean-July-2020-LCL.pdf>; Giorgos Christides and Steffen Lüdtkke, ‘Greece Suspected of Abandoning Refugees at Sea’. Der Spiegel. 16 June 2020. Available at: <https://www.spiegel.de/international/europe/videos-and-eyewitness-accounts-greece-apparently-abandoning-refugee-s-at-sea-a-84c06c61-7f11-4e83-ae70-3905017b49d5>, last accessed on 18 April 2022; Deutsche Welle, ‘Greece: Refugees attacked and pushed back in the Aegean’. Available at: <https://www.dw.com/en/greece-refugees-attacked-and-pushed-back-in-the-aegean/a-53977151>, last accessed on 18 April 2022.

¹² International Organisation for Migration. Missing Migrants Project. Available at: <https://missingmigrants.iom.int/region/mediterranean>, last accessed on 18 April 2022.

¹³ Yuri van der Weide and Bashar Deeb, ‘Samos and the Anatomy of a Maritime Push-Back’. Bellingcat. 20 May 2020. Available at: <https://www.bellingcat.com/news/uk-and-europe/2020/05/20/samos-and-the-anatomy-of-a-maritime-push-back/>, last accessed on 19 April 2022.

¹⁴ Border Violence Monitoring Network, ‘BVMN Visual Investigation: Analysis of Video Footage Showing Involvement of Hellenic Coast Guard in Maritime Pushback’. 21 August 2020. Available at: <https://www.borderviolence.eu/bvmn-investigations-analysis-of-video-footage-showing-involvement-of-hellenic-coast-guard-in-maritime-pushback/>.

¹⁵ Giorgos Christides, Emmanuel Freudenthal, Steffen Lüdtkke and Maximilian Popp, ‘EU Border Agency Frontex Complicit in Greek Refugee Pushback Campaign’. Der Spiegel. 23 October 2020. Available at: <https://www.spiegel.de/international/europe/eu-border-agency-frontex-complicit-in-greek-refugee-pushback-campaign-a-4b6c6a29-35a3-4d8c-a49f-a12daad450d7>, last accessed on 19 April 2022.

¹⁶ Refugee Support Aegean, ‘Official Reactions and Positions on Pushbacks: A Timeline’. 29 December 2020. Available at: <https://rsaegean.org/en/official-reactions-and-positions-on-pushbacks-a-timeline/>, last accessed on 19 April 2022.

defenders and civil society organizations involved in search and rescue operations and landing support¹⁷, as well as those monitoring, documenting and assisting victims and survivors¹⁸.

2. Relevant available information concerning systematic pushbacks in the Aegean Sea and lack of investigations in violation of the procedural limb of Article 2 ECHR

Refugee Support Aegean issued a report in 2007 reporting on systematic human rights violations by the Greek Coast Guard. The findings of the report read that the Greek Coast Guard engages in dangerous methods and maneuvers that include attempting to block small boats carrying refugees through circling the boats causing waves, driving dinghies back into Turkish waters, abandoning people on uninhabited islands. The report demands that the allegations are being fully and effectively investigated by the Greek government, and calls upon the Human Rights Commissioner of the Council of Europe to address them¹⁹.

In 2013, Refugee Support Aegean reported that due to barriers elevated at Greece's land border with Turkey, the migration route moved to the Aegean Sea, pushing people to take a more dangerous route. The report mentions that as early as 2012, illegal pushbacks in the Aegean sea and at Greece's land borders were systematic. In the Aegean Sea, special units of the Greek coast guard were abandoning refugees in Turkish territorial waters. Refugee Support Aegean reports that these acts were occurring with impunity and that the "perpetrators of violence remained unpunished, and victims of state violence remain unprotected".

The key findings of the report are that pushbacks are systematically carried out by the Greek authorities and that, in the Aegean, refugees are pushed back to Turkey: from Greek territorial waters; from the Greek islands; and after a distress alert is launched from their boards. Refugee Support Aegean estimated at the time that over 2,000 persons were pushed back based on the testimonies provided by survivors. Significantly, the report mentions that in the majority of cases, "the pushed back refugees claim to have been left in life-threatening situations upon being pushed back in the Aegean, when left adrift in unseaworthy boats". In the Aegean, officers are described as wearing "black uniforms, carried guns and wore full face-covering masks" and in other cases "officers were wearing blue uniforms". Survivors of pushbacks claimed to have dialed the emergency number and to have sent out distress signals from their boats but when they were located and intercepted by the coast guard they were pushed back.

¹⁷ 24 volunteer members of an NGO, the Emergency Response Centre International, a search and rescue group that operated on Lesbos from 2016 to 2018 are faced with 8 years in prison for state-secret espionage, and 25 years for charges including smuggling and money-laundering. Relevant source: Katy Fallon. 'Syrian 'hero' swimmer among dozens facing trial in Greece'. Al Jazeera. 17 November 2021. Available at:

<https://www.aljazeera.com/news/2021/11/17/activists-in-greece-face-charges-for-assisting-incoming-refugees>

¹⁸ Mare Liberum - monitoring human rights in the Aegean Sea has been prevented from sailing for the past 2 years. The Greek state initiative investigation against 4 NGOs, 33 individuals associated with them and 2 refugees for facilitating illegal entry into Greek territory, human trafficking, forming and joining a criminal investigation, espionage, violation of State Secrets and violations of the Immigration Code. Relevant sources: 'Crack Down on Solidarity: Forced to Develop New Operations'. 10 February 2022. Available at:

<https://mare-liberum.org/en/crack-down-on-solidarity/> and 'Pushing Back Refugees, Pushing Away Witnesses'.

Available at: <https://mare-liberum.org/en/pushing-back-refugees-pushing-away-the-witnesses/>

¹⁹ Pro Asyl et. al., 'The Truth May Be Bitter, But It Must Be Told'. October 2007. Available at:

https://www.proasyl.de/wp-content/uploads/2015/12/PRO_ASYL_Report_Refugees_in_Greece_The_truth_may_be_bitter_but_it_must_be_told_Oct_2007.pdf.

In its report, the NGO called on the Greek government “to carry out full and exhaustive investigations into all allegations of pushbacks, ill-treatment and torture - with due respect to the victims” and to prosecute state officials involved²⁰.

Refugee Support Aegean included in its report an incident from August 2013, a case where Limnos Coast Guard pushed back to Turkey Syrian refugees. Despite the call to an investigation, neither the Hellenic Coast Guard nor the Office of the Prosecutor opened an inquiry. Moreso, the headquarters of the Hellenic Coast Guard announced that the public call made for an investigation concerned an “inaccurate announcement concerning illegal pushbacks of migrants”²¹.

On 20 January 2014, twelve refugees perished when their boat sank near the Greek island of Farmakonisi. The survivors, sixteen refugees, claimed that the Greek Coast Guard was responsible as a direct result of the towing of their boat back into Turkish waters at high speed that led the boat to capsize and people to drown.

After the incident, NGOs, the EU Commissioner for Home Affairs, and a number of Members of the European Parliament²², urged Greek authorities “to conduct a thorough and independent investigation”²³. The government announced the launch of an inquiry into the case which, after a preliminary investigation, the Public Prosecutor of the Piraeus Maritime Court archived the file and considered it to be manifestly ill-founded in substance with regards to Article 306 CC (exposure to risk), Article 277 CC (causing a shipwreck), Article 278 (causing a shipwreck by negligence) and Article 308 CC (bodily harm). According to Greek legislation, an appeal against a Prosecutor’s Act is not provided. The Prosecutor had accepted as fact that pushbacks do not take place and that the Greek Coast Guard were acting based on orders from their superiors to transfer the victims to safety to Greek territory. In the case, the prosecutor relied mainly on testimonies from law enforcement officials to the expense of the survivors, in spite of the existence of reports that corroborated the accounts of the victims with regards to tactics in the Aegean Sea employed by the Hellenic Coast Guard²⁴. Additionally, concerns were raised that part of the evidentiary material was the initial statement of the victims which were taken by Coast Guard officers, leading to doubts regarding the impartiality and the independence of those conducting the investigation. Other

²⁰ Pro Asyl, ‘Pushed Back: Systematic Human Rights Violations against Refugees in the Aegean Sea and the Greek-Turkish Land Border’. 7 November 2013. Available at: https://www.proasyl.de/wp-content/uploads/2015/12/PRO_ASYL_Report_Pushed_Back_english_November_2013.pdf.

²¹ *ibid.*

²² European Parliament. Parliamentary Questions. 29 January 2014. Questions O-000027/2014. Available at: https://www.europarl.europa.eu/doceo/document/O-7-2014-000027_EN.html?redirect.

²³ European Council on Refugees and Exiles, ‘Annual Report 2013/2014’. 9 September 2014. Available at: https://asylumineurope.org/wp-content/uploads/2020/11/aida_annual_report_2013-2014_0.pdf.

²⁴ Greek Refugee Council, ‘Briefing On The Investigation Into The Farmakonisi Boat Wreck of 20.01.2014’. Available at: <https://www.gcr.gr/en/ekdoseis-media/echr-cases/echr-cases-decisions/item/413-farmakonisi-breafig-latest>, last accessed on 19 April 2022.

procedural guarantees that were raised with regards to the investigation was the fact that the persons appointed as interpreter did not speak any of the languages spoken by the victims²⁵.

It is important to mention that in parallel, criminal proceedings were initiated against one of the survivors of the shipwreck accused to have been in command of the boat. The first instance court found the survivor guilty of the deaths in question and sentenced him to 145 years and 3 months in prison, and to a fine of 570,500 euro. The case was appealed and the Appellate Court reduced the sentence to 10 years of imprisonment despite that the court's decision states that the deaths were caused "after the intervention of the Greek coast guard authorities and while the boat carrying the refugees was towed by the coast guard vessel"²⁶. In absence of domestic remedies, the survivors made an application to the European Court of Human Rights, claiming that the Greek authorities had violated Article 2, Article 3 and Article 13 of the European Convention on Human Rights (*Safi and others v. Greece*, 5418/15²⁷).

Evidence of human rights violations perpetrated by the Hellenic Coast Guard in the Aegean Sea have been confirmed by internal documents of the European Border and Coast Guard Agency (Frontex) on the operations conducted in the Aegean Sea. The Intercept published in August 2016 proof that Frontex had supporting evidence that shots were fired against a boat attempting to cross from Turkey to Greece. The article refers to an incident from March 2014 in the vicinity of Chios island, where the Coast Guard shot "16 bullet holes in the boat, centering on the front compartment". Three people in the boat were hit by the shots, one woman was hit in the lower back, one was shot in the lower back, and another person was shot in the shoulder. The incident is described as the "coast guard rammed their boat from the back right side" in attempting to stop the boat. It also states that the coast guard boarded the boat and the officer "beat the driver with the butt of his pistol before handcuffing him". The officers were taken to court and "according to court reports, he [the officer] admitted finishing a clip of 30 bullets and reloading before continuing to shoot". Greek courts found that the coast guard officers did not act wrongfully. The three persons injured were hospitalized²⁸.

Frontex internal documents that were released to the reporter revealed that in the Aegean Sea tactics of using weapons to stop boats and injuring or killing refugees in the process is not uncommon. "The reports span a 20-month period from May 2014, two months after the Chios shooting, to December 2015. Each case of firearms use — even if it resulted in someone being wounded — was described as part of the standard rules of engagement for stopping boats at sea". A Greek journalist based in Chios interviewed in the article confirms that the practice is not uncommon and that shooting at the boat is a tactic employed

²⁵ Aikaterini Drakopoulou, Alexandros Konstantinos, and Dimitris Koros. 'Border management at the external Schengen Borders. Border controls, return operations, and obstacles to effective remedies in Greece'. Routledge 2020. 1st Edition. p.178

²⁶ Refugee Support Aegean, 'Syrian Acquitted for Deaths of Refugees in Farmakonisi Case'. 20 June 2017. Available at: <https://rsaegean.org/en/syrian-acquitted-for-deaths-of-refugees-in-farmakonisi-case/>, last accessed on 19 April 2022.

²⁷ *Ehsanullah and Others v. Greece*. 21 January 2015. Application number 5418/15.

²⁸ Zach Campell, 'Coast Guard Fired at Migrant Boats, European Border Agency Documents Show'. The Intercept. 22 August 2016. Available at: <https://theintercept.com/2016/08/22/coast-guard-fired-at-migrant-boats-european-border-agency-documents-show/>, last accessed on 19 April 2022.

by the Greek Coast Guard. He adds that “normally they shoot out the engine, but there were many refugees next to the engine”²⁹. The article did not incite an investigation into the allegations above to date.

Pro-Asyl and Refugee Support Aegean represented the case of survivors of a shipwreck that occurred in March 2018 near the Greek island of Agathonisi. Sixteen persons drowned, three went missing and only three refugees survived. The survivors claimed that they had notified the Greek authorities about being in distress at sea and that a relative that was a refugee on the Greek island of Samos, had called the Greek authorities and shared the coordinates of the boat with them. The survivors and a relative had filed a criminal complaint against the coastguard for failure to conduct a prompt search and rescue operation³⁰. The two organizations urged the Greek authorities to ensure that the criminal and disciplinary investigations are thorough and impartial and that they ensure that persons responsible for the loss of lives are brought to justice³¹.

The Hellenic Coast Guard claimed that the shipwreck took place a day later than the actual reported event. The authorities added that there had been “an extensive search of the wider sea area, despite the fact that the disembarked stated that no one was missing”. Der Spiegel, a German based magazine, published articles on the incident that revealed that the Coast Guard confirmed receiving the call on the day in question, and that they had allegedly attempted to call back without success³². The articles clarified that officers of the Hellenic Coast Guard had no knowledge of a rescue operation on that day³³. A Greek journal extensively followed the subject and highlighted that, apart from the Coast Guard’s stance on that day, there are also questions regarding the subsequent actions of the authorities, “which point to silence if not cover up”³⁴.

3. Lack of willingness to investigate pushbacks in Greece

Below we refer to cases to illustrate a wider issue of pushbacks used as a tool part of the national policy of government and the pervasive lack of domestic remedies for victims and survivors. The Greek Council of Refugees (GCR) supported a number of cases of pushbacks in Greece. The cases supported are of Turkish nationals, and the pushbacks occurred at Greece’s land border with Turkey.

²⁹ *ibid.*

³⁰ Refugee Support Aegean, ‘Agathonisi Tragedy: Investigation Must Shed Light On Circumstances Surrounding The Deaths Of Refugees Last March’. 3 July 2018. Available at: <https://rsaegean.org/en/agathonisipressrelease/>, last accessed on 19 April 2022.

³¹ Refugee Support Aegean, ‘Agathonisi Shipwreck: The Case File’. 26 June 2018. Available at: <https://rsaegean.org/en/agathonisishipwreck-the-case-file/>, last accessed on 19 April 2022.

³² Giorgos Christides and Nicolai Kwasniewski, ‘Schiffbruch vor Griechenland: Überlebende Flüchtlinge erheben schwere Vorwürfe gegen Küstenwache’. Der Spiegel. 26 March 2018. Available at: <https://www.spiegel.de/panorama/griechenland-ueberlebende-fluechtlinge-erheben-schwere-vorwuerfe-a-1199713.html>, last accessed on 19 April 2022.

³³ Giorgos Christides and Nicolai Kwasniewski, ‘Tod im Mittelmeer: Mama, Ich Kann Nicht Mehr, Bitte Töte Mich’. Der Spiegel. 29 March 2018. Available at: <https://www.spiegel.de/panorama/fluechtlingsdrama-vor-der-griechischen-insel-samos-ringgen-um-die-wahrheit-a-1200267.html>, last accessed on 19 April 2022.

³⁴ «Μαμά, δεν μπορώ άλλο, σκότωσέ με» 30 March 2018. Available a [GR]t: https://www.efsyn.gr/ellada/koinonia/145463_mama-den-mporo-allo-skotose-me, last accessed on 19 April 2022.

In 2019, GCR filed several complaints on behalf of pushback survivors at the land border with Turkey. The following breaches of the Greek Criminal Code (CC) were invoked: abuse of power (a.239 CC), breach of duty (a.259 CC), unlawful retention (a.325 CC), failure to intervene in a life-threatening situation (a.307 CC), exposure to danger (a. 306 CC), simple injury (a. 308 CC), unprovoked bodily injury (a. 308A), hazardous injury (a. 309 CC), causing damage by continuous harsh behavior (a.312 CC), damage of foreign ownership (a. 381 CC), torture and other infringements of human dignity (a. 137A CC)..

In the first case, the Prosecutor of the First Instance Court dismissed the complaint in December 2019 deciding that the witness statement of the policeman and the documents that were included in the file did not provide any evidence that a criminal offense had been committed. An appeal against the dismissal was lodged before the Prosecutor of the Court of Appeal of Thrace in February 2020. The Prosecutor of the Court of Appeal of Thrace ordered the continuation of the preliminary examination. In September 2020 the Prosecutor dismissed the case on the grounds that there was no evidence against the police and that the Greek police never conducted pushbacks to Turkey. It should be noted that the Prosecutor afforded more weight to the testimonies of the police officers (who were also possible offenders of the alleged crimes against the victim) than to the other submitted evidence, which included testimonies of an eye-witness lawyer and a journalist, as well as photos of the applicant in front of a Greek public service before being apprehended by the police and pushed back to Turkey.

In the second case, the Prosecutor only investigated the incidents which took place on the day after the second entry of the applicants in Greece and not the incidents of the day when the pushback actually took place. The applicants mentioned 8 (unknown) perpetrators, however the investigation only included two police officers who were not on duty that day. More precisely, the Prosecutor of Alexandroupolis, who was conducting the preliminary/pretrial investigation, adopted a partial “negative” decision and decided to transfer the case to the archive of unknown perpetrators in February 2021. The legal formality practically means that the investigation stopped and no more investigations would take place until the end of the limitation period for the criminal offences (“*παραγραφή εγκλημάτων*”).

In April 2021, GCR submitted an application before the Prosecutor of Alexandroupolis. In May 2021 the Prosecutor of Alexandroupolis rejected the application justifying on the basis of: no new and crucial evidence has been provided by the applicants, (particularly about the identity of the offenders); the applicants’ allegation that the time of the criminal acts differs to the time of the investigated incidents was unfounded, based solely on police documentation; and the witnesses suggested by the applicants had not testified about the identity of the offenders.

In the third case, the Alexandroupolis prosecutor’s office started a pretrial investigation. Following a request by the prosecutor in August 2019, the internal affairs section of the Hellenic Police started a parallel investigation into possible criminal and disciplinary responsibility of policemen allegedly involved in the crimes against the applicant. During this procedure the applicant gave his detailed testimony and recognized three policemen, who later were invited to provide an unsworn statement to the prosecutor. All three recognized and admitted that they met the applicant. Two of them said that they met him during a patrol at the border of river Evros and the third one on the Greek territory in front of a border guard station. In January 2021 the Vice-Prosecutor of first Instance dismissed the applicant’s

complaint against the three policemen that he had recognized. The reason provided for dismissal was that the three policemen acted in compliance with their official duty and not in the manner described by the applicant.

In February 2021 a lawyer from the GCR submitted a written statement in support of the accusation, explaining the moral damage that had been caused to the applicant and asking compensation for the events under the criminal complaint.

In March 2021, an appeal provided by Article 52 Code of Criminal Procedure (CCP) against the Prosecutor's order before the Prosecutor of the Court of Appeal with the following arguments: The order did not include any document or testimony except for the unsworn testimony of the three policemen; the prosecutor did not evaluate the relevant evidence included in the case files and did not collect any additional evidence that should be collected by his order during the pre-trial examination; the order did not include testimonies from the other police officers and their on-duty commanders from the same dates and times of the alleged incidents; the prosecutor did not transmit the case files for approval to the Prosecutor of the Court of Appeal before adopting a decision (which is mandatory under art. 43 par. 3 CCP).

In June 2021 the office of the Prosecutor of Appeal rejected the appeal, because the applicant did not submit additional evidence to the Court and, the criminal investigation reached a dead end because the two witnesses suggested by the applicant could not be located, and the car allegedly used for the pushback belonged to a civilian residing in Evros.