



ILLEGAL PUSHBACKS FROM ISLETS IN THE EVROS RIVER CONTINUE:

Context:

At the start of July, BVMN published [a report](#) on the phenomenon of groups being stranded on islets in the Evros river border between Greece and Turkey, and the increasing frequency with which human rights groups are filing for interim measures at the ECtHR. In the report, we highlighted the shifting modus operandi of human rights violations at the Evros border and the concurrent criminalisation of those responding to them. Read alongside the recent investigation by Lighthouse Reports, LeMonde, Spiegel, the Guardian, and ARD76 which uncovered systematic exploitation of people-on-the-move, it is evident that the mass proliferation of human rights violations in Greece are contributing to an overall erosion of the rule of law.

Just three days after our report was published, Commissioner Johansson called [a meeting](#) with Greek ministers and flagged that EU funds are “linked to EU fundamental rights being correctly applied”. Following the meeting, Johansson [tweeted](#) that a new proposal would be in place by September 1st which would mainstream fundamental rights within the Greek asylum system. This proposal is linked to the [effective non-access to the asylum system](#) in mainland Greece since November 2021 when the Skype pre-registration system was terminated. The week following Johansson’s meeting with ministers, the MoMA in Greece announced the launch of a [new platform](#) for the registration of asylum claims from September 1st onwards. In parallel, two new Multi-Purpose Reception and Identification Centres, or Closed Controlled Access Centres in Greek legislation, were announced in Diavata and Malakasa camps, both of which had walls built around them last year. Although plans for these two sites remain unclear, they will act in the same function as those already open in Samos and Kos which [have been criticised](#) for their usage of barbed wire fences, surveillance cameras, x-ray scanners, and magnetic doors and gates that remain closed at night. Whilst the limit for registering claims in these closed sites is 25 days, during which an arbitrary limitation on the freedom of movement is imposed, asylum seekers are held in the same closed structures post-registration meaning that limitation is extended throughout the entire procedure. These changes contribute to furthering the MoMA’s policy of containment and control, ensuring those who do manage to access the asylum system are consistently surveilled and hidden inside walled camps. These practices are *de facto* detention and the CJEU found that these structures are unlawful for the Hungarian transit zones Rösztke and Tompa. On top of the fact that these new centres would not comply with EU law, they will not be opened until September and there is a huge backlog of appointments, meaning people will be left in a state of effective limbo with no access to asylum for months to come.



Border Violence Monitoring Network

Evros Islets:

Since 2019, a new phenomenon has been developing in the Evros region whereby groups are pushed forward to islets by the Turkish military or stranded on islets by Greek border authorities during pushback events. This is of particular note when you consider the number of deaths in the Evros river, which forensic sources reported to [Documento News](#) today as having reached 30 since the start of 2022. BVMN alone has reported five deaths relating to islet pushbacks since April 2021 - three by drowning and two who died of pre-existing conditions due to lack of access to medical attention. For groups who end up on islets, the conditions are dire and the risk to life is high. As a result, CSOs in Greece have been filing for interim measures at the ECtHR which, upon indication, require the Greek authorities to launch SAR operations for the groups and provide them access to asylum procedures and material reception conditions. Since March 2022, interim measures have been granted by the Court in 14 Evros islet cases. As our last report detailed, only four groups have subsequently been rescued by Greek authorities, the others have been illegally pushed back to Turkey. In spite of a hearing in the LIBE Committee where the Greek Minister of Migration Mitarakis answered the questions of MEPs on this topic amongst others, reports by numerous CSOs, and the meeting with Johansson, this practice is ongoing.

New Case:

On the 19th July 2022, CSO Human Rights 360 were alerted to the existence of a large transit group composed largely of Syrian nationals, including a 70 year old diabetic woman in need of medical attention, three pregnant women, and twelve children, stranded on [an islet](#) since the 14th July in the middle of Evros, close to Didymoteicho and the village of Kissari. According to publicly available data, this islet is situated on Greek territory. The individuals testified that, after entering the Greek mainland they were apprehended by authorities, forced to undress and then pushed back onto the islet. According to [BVMN data](#), in 2020 forced undressings impacted up to 44% of all pushbacks carried out by Greek authorities. The transit group have reported that [two individuals died](#) whilst being pushed back to the islet, as they were unable to swim. This was accompanied by a video of a naked body floating in the river, seemingly deceased.

On 20th July, Human Rights 360 and the Greek Council for Refugees filed for interim measures at the ECtHR. The court indicated a Rule 39 measure that same day, mandating the Greek authorities to provide the group with food, water, and adequate medical care and ensure that they are not removed from Greek territory. This decision was immediately relayed to the competent authorities by both the CSOs and the Court and yet the group were left on the islet for almost a week longer, without food and water and exposed to extreme weather conditions. Greek authorities have refused to answer the phone and emails, and have claimed that the group cannot be found. However, [Greek citizens local to the area](#) have heard screams for help coming from the transit group on the islet at 14.00EEST on 25th July, and there is [a video](#) where somebody can be heard identifying themselves as a police officer to the group. The condition of vulnerable



Border Violence Monitoring Network

members of the group has [deteriorated significantly](#): the elderly diabetic woman has been vomiting, one child has a fever and nosebleed, another has severe insect bites, and a third has fainted from the sun and hunger.

On 26th July at 13.16, after 12 days on the islet, [the transit group](#) reported that they had been pushed back to Turkey. This, in spite of evidence that they were on Greek territory, had expressed their intent to apply for international protection, and had been in contact with Greek border authorities. This is particularly distressing for the Syrian nationals who make up the majority of the transit group, and risk [chain-refoulement to Syria](#) from Turkey.

Recommendations:

It is evident that, despite recent concern expressed by the [UN Special Rapporteur on Human Rights Defenders](#), and [the LIBE Committee](#) and countless CSOs, Greece has continued down a path of mass proliferation of human rights abuses. The actions of the Greek state continue to lie in direct contradiction to the guarantees of the CEAS, the Charter and other EU treaties. We seek to reiterate our recommendations from our previous report on the same topic:

To the Greek government:

- A. Stop all illegal pushbacks, launch search and rescue operations for groups trapped on islets and comply with the interim measures indicated by the ECtHR.
- B. Ensure that both migrant rights defenders and civil society members are able to engage in their activities freely, without any fear of intimidation, threats, reprisals or punishments. Immediately cease any formal criminalisation campaign of migrant rights defenders, and condemn unequivocally historic acts of intimidation or harassment.
- C. Immediately refrain from using the media and other public communication channels to publicly discredit, criminalise or intimidate migrant rights defenders and civil society organisations. Furthermore recognize, on a regular basis, including through media and social campaigns, the fundamental role of migrant rights defenders in society and condemn violations and attempts to undermine and criminalise them.
- D. Establish a truly independent and impartial border monitoring mechanism at Greece's borders. This mechanism should have broad scope to investigate violations at the border, be given strong powers to carry out its mandate, be accessible and transparent with its work submitted to public scrutiny, and strengthen human rights accountability with a mandatory follow-up process that has access to victims and CSOs.

To the European Border and Coastguard Agency:

- E. Trigger Article 46, as per subparagraph 5 regarding the violations of fundamental rights or international protection obligations, and terminate all operational support to Greece until the rule of law is restored.



Border Violence Monitoring Network

To the European Commission:

- F. Initiate disbursement of funds to the Greek state until they are in accordance with the European Charter of Fundamental Rights and a truly independent and impartial border monitoring mechanism is in place and compliance with the European Charter of Fundamental Rights.
- G. Start infringement proceedings to condemn Greece for any use of violence, to enforce the asylum *acquis*, and take all the necessary measures in order to ensure that the rule of law is being upheld by Greece.