

ILLEGAL PUSHBACKS AND BORDER VIOLENCE REPORTS

JUNE 2023
BALKAN REGION



**Border Violence
Monitoring Network**

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**BLIND
SPOTS**



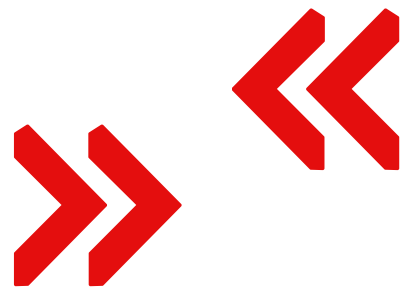
**ARE YOU
SYRIOUS**



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EXECUTIVE SUMMARY



In June, the Border Violence Monitoring Network (BVMN)[1] shared 5 testimonies of pushbacks impacting 93 people on the move (POM) across the Balkans and Greece.

This report brings together first-hand testimonies from a range of countries in the region to look at the way European Union states and other actors are affecting systemic violence towards people crossing borders. It also includes general updates and insights from advocacy actions taken by members of the network.

This month the deadliest shipwreck in the Greek SAR zone happened, leaving 82 dead and hundreds missing. The circumstances under which the shipwreck happened are still contentious, with survivors and hard data strongly contradicting the official version. Nine people on the move from Egyptian origin have been arrested for smuggling, following the trend of the Greek government to criminalize people on the move as a deterrence mechanism. Following this disaster, FRONTEX has triggered an internal investigation and considers triggering Article 46 of the Regulation to cease their operations in Greece. Also in Greece, the shutdown of the Greek Asylum System Database for two days due to some technical update, left several people on the move at greater danger of pushbacks. During this period, asylum seekers that had recently arrived in Samos were detained in the quarantine area of the CCAC for two weeks. In Samos, partner organization “I Have Rights” published a report with testimonies of people detained in the Samos CCAC. The same day, a protest was held by the residents of the CCAC, denouncing the prison-like conditions of the Centre.

In Spain, one year has passed since the Melilla massacre where at least 37 people died and 76 went missing while attempting the crossing from Morocco to Spanish enclave Melilla. Spanish initiative of civil society organizations, collectives and individuals called Caravana Abriendo Fronteras traveled to Melilla to denounce the lack of judicial investigation into the event and to show solidarity with the family members of the deceased and missing.

Lastly, the BVMN Criminalization toolkit was translated to Greek and launched in an event in Athens. The toolkit provides information on pathways available to Human Rights Defenders when being targeted by the authorities. Meanwhile, European Asylum Law becomes more restrictive to people on the move with its reform: the Pact on Migration, which holds a collection of restrictive legislation to be enacted at a EU level.

[1] BVMN is a network of watchdog organisations active in the Balkans, Greece and Turkey including Rigardu, Are You Syrious, Mobile Info Team, PIC, InfoKolpa, Collective Aid, Blindspots, Pushback Alarm Phone Austria and I Have Rights

▶ REPORTING NETWORK

BVMN [1] is a collaborative project between multiple grassroots organisations and NGOs working along the Western Balkan Route and Greece, documenting violations at borders directed towards people-on-the-move. The partners have a common website database, used as a platform to collate testimonies of illegal pushbacks which are gathered through interviews.

▶ METHODOLOGY

The methodological process for these interviews leverages the close social contact that we have as independent volunteers with refugees and migrants to monitor pushbacks at multiple borders. When individuals return with significant injuries or stories of abuse, one of our violence reporting volunteers will sit down with them to collect their testimony. Although the testimony collection itself is typically with a group no larger than five persons, the pushback groups which they represent can exceed 50 persons. We have a standardised framework for our interview structure which blends the collection of hard data (dates, geo-locations, officer descriptions, photos of injuries/medical reports, etc.) with open narratives of the abuse.

▶ TERMINOLOGY

The term pushback is a key component of the situation that unfolded along the EU borders (Hungary and Croatia) with Serbia in 2016, after the closure of the Balkan Route. Pushback describes the informal expulsion (without due process) of an individual or group to another country. This lies in contrast to the term “deportation”, which is conducted in a legal framework. Pushbacks have become an important, if unofficial, part of the migration regime of EU countries and elsewhere.

▶ ABBREVIATIONS

BiH - Bosnia and Herzegovina
HRV - Croatia
SRB - Serbia
SLO - Slovenia
ROM - Romania
HUN - Hungary

AUT - Austria
MNK - North Macedonia
GRC - Greece
BGR - Bulgaria
TUR - Turkey
EU - European Union

1 BVMN is a network of watchdog organisations active in the Balkans, Greece and Turkey including No Name Kitchen, Rigardu, Are You Syrious, Mobile Info Team, PIC, InfoKolpa, Collective Aid, Blindspots, Pushback Alarmphone Austria and I Have Rights

UPDATE ON THE SITUATION



Northern Greece

Shipwreck off Pylos leaving hundreds dead and missing

In the early hours of 14th June 2023, an old fishing vessel traveling from Libya to Italy sank 47 nautical miles from the Greek coastal town of Pylos. According to statements of survivors, the boat was carrying up to 750 people. 104 people are known to have survived, 82 bodies were recovered, while hundreds more are still missing. This makes it the deadliest shipwreck to have occurred in Greece's Search and Rescue zone, adding to the 27,629 missing people on the move in the Mediterranean Sea since 2014, showcasing the deadliness of the European border regime.

The survivors were taken to Kalamata and most of them were transferred to Malakasa Reception and Identification Centre (RIC) on 16th June. Relatives of people who were on the boat have been visiting the RIC for days to find out whether their own are among the survivors.



A photo provided by the Hellenic Coast Guard shows the overpacked decks of the fishing trawler before it capsized off the coast of Greece on June 14. (Hellenic Coast Guard/Reuters)

However, sources show that the Greek, Italian and Maltese authorities were informed by activists as early as 9:30am on 13th June while Frontex published drone footage that shows the boat around the same time, while it was still moving toward the Greek coastline. This has led to extensive criticism by civil society, drawing attention to the lack of intervention by the Greek Coast Guard or Frontex despite being informed more than 15 hours before the sinking of the boat at around 2:04 am on 14th June. The criticism includes the points why the private lifeguard boat "Aigaion Pelagos" was not included in the rescue operation even though it was stationed at the harbor of Gytheion, close to the location of the incident. Why the Greek authorities explained that the people onboard refused help even though there are leaked photos shot from a Coast Guard helicopter

showing the people on the ship waving their hands in a call for help. Why an SOS, whose existence is proven by the communication between Alarm Phone and authorities, was ignored. Why the Greek authorities did not intervene even though they were obliged to rescue the ship under maritime law even if the people on the boat did not ask for help, as experts explained in an article by the New York Times. Why did the Greek Coast Guard state that the boat sank just a few minutes after the engine stopped even though an analysis of marine traffic in the area, published by the BBC on 19th June, suggests that the boat was not moving for at least seven hours before it capsized.

Accusations against the Greek Coast Guard concerning the direct involvement in the sinking of the ship occurred following statements of survivors stating that the Greek Coast Guard caused the shipwreck by trying to tow the fishing vessel. Further, survivor statements accuse the Coast Guard of staying away from the sinking ship for the first minutes without intervening. So far, the Greek Coast Guard denies all allegations. However, an investigation conducted by Lighthouse Reports and other media groups shows how the Greek Coast Guard has attempted to cover up its own role in the disaster.

As a result of the shipwreck, the Greek authorities arrested nine of the survivors, all of whom are from Egypt. They are facing charges including participation in a criminal organization, manslaughter and causing a shipwreck, although concerns have been raised that these charges are based on insubstantial evidence. This follows a pattern of increasing criminalisation of people on the move in Greece, with those charged typically kept in pre-trial detention without access to appropriate legal support for extensive periods of time. Considering the extensive trauma that the survivors have faced, the systematic distribution of smuggling-related charges in recent years in Greece, and the appalling conditions of prisons and detention centres, this treatment is not only unjustified, but will have a significant impact on their physical and psychological health.

Further, according to an article published by Le Monde on 26th June, Frontex started an internal investigation of the incident and considers suspending their activities in Greece based on Article 46 of Regulation (EU) 2019/189631.

BVMN, along with over 180 other organizations, signed a statement demanding an independent investigation into the events that led to the shipwreck, an end to pushback practices and non-assistance at external European borders, and safe and legal routes to enter the European Union.



Pictures of protest that took place in Vathy, Samos following the Pylos shipwreck.
© Lina Pauline Hinsch

Shutdown of Greek Asylum Service database puts people at greater risk of detention and pushbacks

recognition by the authorities that access to asylum in Greece continues to be severely restricted in this way.

As a result of the shutdown, people have been left undocumented and fearful of the consequences, placing them at further risk of arbitrary apprehension by the police, detention, and pushbacks. Considering the persistence and intensification of police operations, targeting people on the move in cities such as Thessaloniki and Athens, this fear is well-founded. A joint statement on the impacts of the shutdown was released by Mobile Info Team, Equal Legal Aid, Refugee Legal Support, Avocats Sans Frontières, I Have Rights, and Legal Centre Lesvos.

» Samos

Detention of new arrivals

During the shutdown of the Greek Asylum Service Database, asylum seekers who had recently arrived were detained in the quarantine zones of the CCAC. For a period of up to two weeks, they were confined to these areas, reportedly receiving inadequate food. According to one resident, they were only provided with bread and juice.

World Refugee Day

On World Refugee Day, I Have Rights shared testimonies of people held in the Samos Closed Controlled Access Centre. The report titled "They are killing minds" paints a distressing picture of the inhumane and degrading conditions experienced by people in the EU-funded facility, raising doubts about the Greek and EU authorities' claim that CCACs provide a "humane" approach to migration. One respondent's description of the facility is particularly powerful: "You can't move, you can't breathe. It's like a grave, it's really like a grave. Around the camp, it's a prison, but my container, it's a grave."

On the same day, residents of the CCAC organized a protest to denounce their undignified living conditions. They held signs expressing their grievances and chanted "Samos Prison".



Picture of protest that took place in the Samos CCAC © CCAC resident [anonymised for protection against criminalisation]

One year anniversary of the Massacre of Melilla.

June 24th marked the first anniversary of the Melilla massacre, when at least 37 people died and 76 went missing after trying to cross the border between Morocco and Spain by jumping over the fence that divides both countries outside of the Spanish city of Melilla. Though the Moroccan authorities set the number of deaths at 23, several Human Rights organizations have claimed since then that numbers could be much higher. According to some witnesses' testimonies, hundreds of people, some of them severely injured, were transported for hours in buses after the incident and dropped in remote areas of Morocco without having received any medical care.

In the morning of June 24th 2022, hundreds of people tried to cross the border to Spain by climbing the fence and opening the gate of the Barrio Chino border post in Melilla. They were effectively trapped by Moroccan forces in a closed space in the fence area, where tens of tear gas canisters were thrown by the authorities in a few minutes. Many people were crushed in the stampede that followed the attempted crossing. Video footage shows images of people being severely kicked, pushed and beaten with batons. Some testimonies also point at the use of rubber bullets, as well as stones, by Spanish and Moroccan forces. Though the Spanish Minister of Interior, Fernando Grande-Marlaska insisted that no deaths happened in Spanish territory, an investigation published by Lighthouse Reports in November, recreating the incident from 145 videos and tens of interviews, evidences otherwise. According to some survivors, people's bodies were dragged from the Spanish side of the border to the Moroccan side, sometimes unconscious, and left under the sun, with no medical care, for at least 3 hours. Moreover, despite being aware of the level of violence that was being perpetrated on the other side of the border, the Spanish authorities pushed 470 people back with no assessment of the danger they would face after their return, and completely ignoring the right of hundreds of people to claim asylum.

This month, hundreds of organisations and collectives have gathered in Melilla as part of the Caravana Abriendo Fronteras - a yearly event that involves grassroots associations traveling to different parts of Spain to protest human rights violations against people on the move and build solidarity networks. Hundreds of people attended to commemorate the incident and denounce the lack of accountability that followed it, for no autopsies nor thorough independent investigations have been carried out after the deadliest recent massacre at a European land border. In Spain, the case was closed in December, and no judicial investigation was called, thus violating the right of access to justice for the victims and their families, many of which have not been able to confirm the death of their loved ones, let alone repatriate their bodies.

Spain's insistence in pointing fingers at Moroccan authorities for their lack of transparency deeply contrasts with the country's and EU's readiness to increase funding, support and cooperation with Morocco regarding border controls in the past years and months. The EU has sent 346€ million to Morocco since 2019 and has pledged to send 500€ million more by 2027, with plans to continue the externalization of EU borders through close cooperation with the North African state. Moreover, a year after the incident, accessing asylum procedures in Melilla, specially for people from Sub-Saharan Africa effectively remains an impossible mission, with zero asylum applications registered in the office of Beni Anzar (Melilla) in the past 12 months.



Caravana Abriendo Fronteras

Source: Publico.es



This month's report from Turkey focuses mainly on the intersecting issues between the struggles faced by the LGBTIQ+ community and the conditions of detention and deportation in the country. This has come to the fore after Pride Month and a surge in police sweeps, detentions and deportation orders. More detailed updates from the cases being followed by Istanbul Pride and resources to spread the word in various languages can be found at the [#pridecantbedetained](#) page and their [Twitter](#), [Facebook](#) and [Instagram](#).

Pride March

Istanbul's Pride March took place on Sunday June 25, the culmination of a month of events in which there were severe crackdowns involving a litany of [rights violations](#) against the organisers and participants at events across Turkey, such as picnics, talks, or film screenings.

Following the Istanbul Pride parade, police violently intervened, arbitrarily kettled and arrested a total [113 people](#), five of whom were non-nationals. Further attacks and arrests occurred [around other cities' Pride events](#).

The five non-nationals detained in Istanbul were of Iranian, Libyan, Russian, Australian and Portuguese & South African citizenship respectively and the circumstances of their status in Turkey also varies. Following their arrest, many were swiftly served with deportation orders and sent to different Removal Centres (GGM) in Turkey. Some were simply detained without without any due process, including no access to information on the reasons for and duration of detention.

The cases have been followed by the [Istanbul Pride Committee](#) and its wider network, who have continued to work in support of these people and to publicise their situation. Ilyas Torabibaeskendari, the Iranian national arrested on June 25, was issued a deportation order despite having international protection status and risks possible execution if deported to Iran. Ilyas, along with the Portuguese-South African and Russian friends, was transported with their hands [reverse handcuffed](#) for 12 hours from Istanbul to the Urfa Removal Centre. Since then, Ilyas has already experienced an [assault](#) by a man his lawyers believe to be from ISIS in the Urfa GGM. Others could also face grave risks if returned to their countries of origin. The Libyan detainee is still in Selimpaşa Removal Centre, while the Australian detainee was sent to Erzurum Removal Centre. Both have been denied medical care and it has been difficult to attain information about their respective situations.



Istanbul Pride March

Source: Bianet

Although none of our friends who have been detained, confirmed that they participated in Pride March on June 25, we also want to remind the authorities that the Constitution of the Republic of Turkey, article 34 states that 'everyone has the right to hold unarmed and peaceful meetings and demonstration marches without prior permission.'

We call the international community to support us to put pressure on authorities to end the unlawful and prolonged detention of our friends. Not to mention that these detentions have dangerous consequences, as Elyas can face the death penalty. We ask you to join us in solidarity to spread our concerns and use your communities to raise awareness.

Statement from Istanbul Pride

Source: Istanbul Pride

This is not the first time that deportation orders have been used as punishment for foreign nationals accused of association with what are not unlawful demonstrations in Turkey. In fact, even those who have managed to formally regularize their stay in the country can find themselves similarly punished. Recently Sona Y., an Azerbaijani woman with legal residency in Istanbul, has ended up in a Removal Centre following an argument with a neighbor who physically attacked her and verbally abused her with racist, sexist threats.

All of this has taken place in a period where hatred and violence against migrants and refugees and against LGBTIQ+ communities have spiked, all playing out in the broader context of a deepening economic crisis, the impact of the earthquake that hit Syria and Turkey in February and the abysmal state response to it, and most recently the presidential and general elections.

In a year of regular mass detention and deportations especially of “irregular migrants” (predominantly Afghans), the election campaign process as a whole paved the way for a more vicious anti-migrant atmosphere in the country. A recent series of highly publicised operations boast of “illegal immigrants” being detained in the hundreds, and have been carried out in broader sweeps across various cities and city districts on a different scale, while police have also resorted to other disproportionate tactics such as waiting outside the Afghan Consulate in Istanbul to check for people without papers.

Turkey's 27 Removal Centres are largely EU-funded and have been developed in tandem with various EU migration management initiatives. Their conditions and functions vary, but those detained are systematically denied basic rights and the centers are largely inaccessible to lawyers or NGOs. Reports of various types of abuse, denial of medical care, and grossly inadequate nutrition surface frequently, and coerced “voluntary returns” are a staple method of gaining formal consent for deportation. It was recently reported that, amidst such conditions, a group of detained refugees at Çankırı GGM set fire to beds and duvets, resulting in a full evacuation of the center. Sona Y., mentioned above, stated on June 5 that she intended to go on hunger strike if conditions — poor hygiene, denial of medicine, beatings — did not improve and she was not released.

To get a more direct account of these issues, some independent BVMN members spoke with Saida, who has long-time involvement in LGBTIQ+ and feminist struggles and first-hand experience of many of the dire conditions discussed above. The interview with her will soon be available on our website.

Deportation and “Interception” Statistics

According to the Directorate General of Migration Management, as of June 25, 46,633 “irregular migrants” had been deported from Turkey so far this year, over 15,000 of which were to Afghanistan. Additionally, there are ongoing deportation proceedings for 17,964 people found to be residing irregularly in the country. Reportedly 116,421 people were blocked from “irregular entry” into Turkey in the same period.

A recent BBC report by Soran Qurbani shows in detail the broader setting in which such “interceptions” happen in the context of the Iran-Turkey border — a border recently allocated €220 million of EU funding towards fortification and also further support from the UK, it was recently revealed. The report looks at how Afghans fleeing the Taliban are being kidnapped and tortured by gangs as they try to cross from Iran to Turkey, with the groups then held hostage while ransoms are demanded from their families. Many of those interviewed for the BBC report describe how “they fell into the hands of violent gangs on the Iranian side after Turkish authorities had [illegally] pushed them back over the border at night, allegations which have also been documented by international rights groups. Mahmut Kacan, a Turkish human rights lawyer who represents asylum seekers, insists this practice, which is illegal under international law, is helping the gangs to exploit people.”

The report closes stating that “Turkish authorities did not respond to the BBC's request for comment about these allegations.”



Map of the route taken by Afghan migrants from Iran to Turkey

Source: BBC

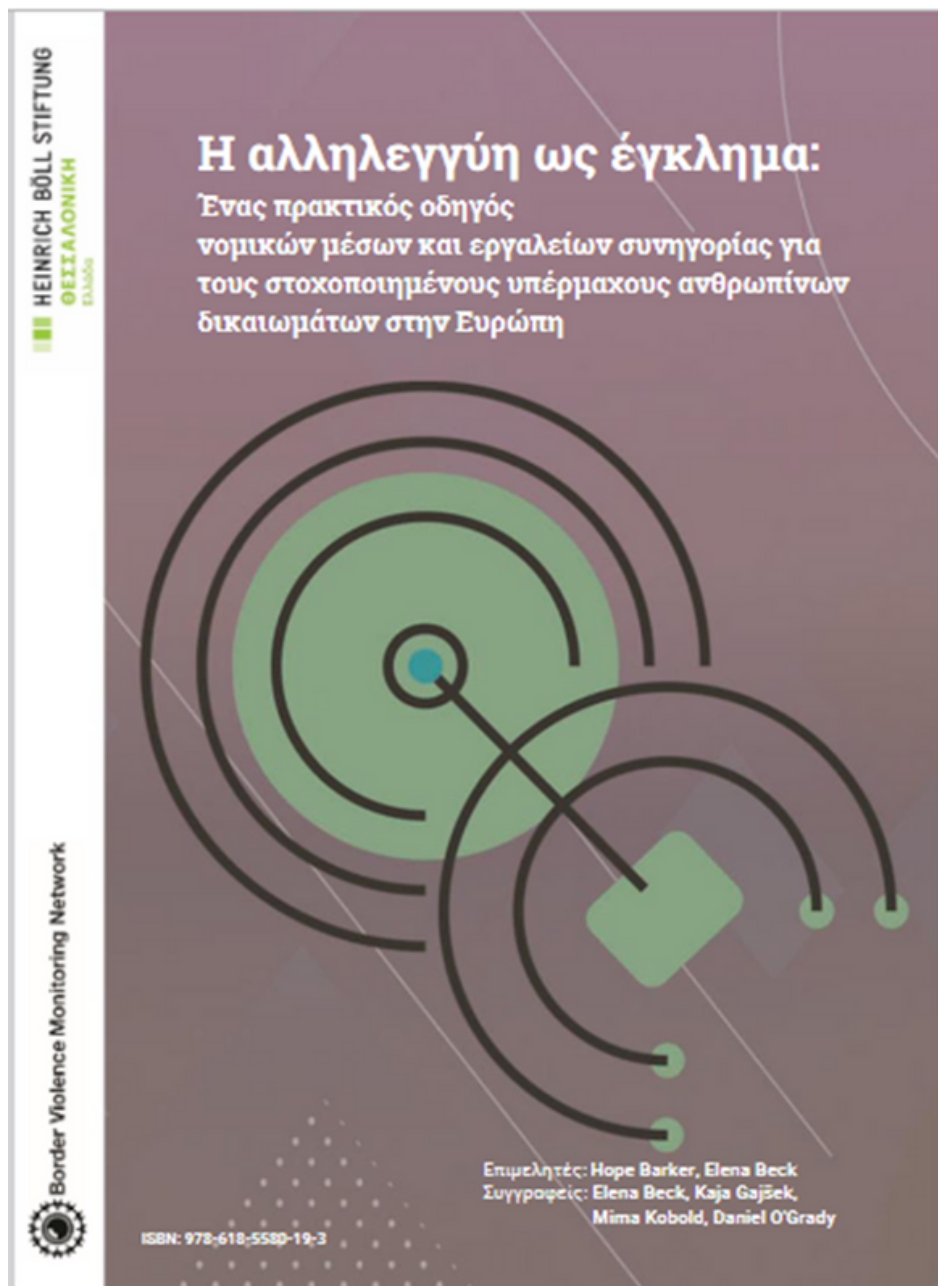
Maritime Pushbacks

In June 2023, the Turkish Coast Guard continued to publish statistics on reported maritime pushbacks from Greece. These pushbacks refer to incidents where people attempting to cross the Aegean Sea from Turkey to Greece are forcibly returned from Greek waters and then picked up by the Turkish Coast Guard. In June, the Turkish Coast Guard reported 57 pushback cases, affecting a total of 1,233 people.

ADVOCACY

Launch of Greek Toolkit

Beginning of June, the Greek translation of the criminalisation toolkit was published and launched in a small workshop in Greece. Reacting to an increasingly hostile environment for Migrant Rights Defenders in Greece, as well as a shrinking space for civil society, the initial toolkit was translated to Greece in order to be accessible for a bigger audience speaking Greek. The toolkit aims to constitute a practical guideline to legal means and advocacy tools for criminalized Human Rights Defenders in Europe, that next to the UN, EU and other international levels, also has a country focus on Greece and Croatia.



In September 2020, the European Commission published a New Pact on Migration and Asylum in order “to provide certainty, clarity and decent conditions for people arriving in the EU”. The New Pact is comprised of a series of legislative proposals, one more restrictive than the other, that provide for the new framework of migration and asylum from screening procedures at borders, to detention, asylum, crisis management, so-called “instrumentalisation” of migrants, Dublin returns, relocation and so-called “solidarity” among EU member states, returns and other topics. This past month, two of the proposals have reached the triilogue stage, between the Commission, the Council and the European Parliament, the Asylum Procedures Regulation (the APR) and the Regulation on Asylum and Migration Management (the RAMM).

While the negotiations are not finalized, we present a couple of the key topics under discussion and their implications for people on the move.

Border procedures will be implemented in every EU member state and replicate the “hotspot approach” we have witnessed in Greece since 2016: detention, lack of access to rights and pushbacks. The border procedure is mandatory under certain criteria among which when the person is “withholding information or documents with respect to his or her identity or nationality”. This provision can be loosely interpreted by the authorities for practically every person on the move that presents themselves to a border crossing without documentation, for people traveling with false documents to be able to flee their place of persecution, and people apprehended outside border crossings due to fear of being pushed back. In sum, border procedures will apply to everyone traveling irregularly.

Border procedures will additionally apply to nationals of countries whose recognition rate is 20% or below according to Eurostat (the EU service on statistics). We emphasize that according to international human rights law an asylum application should be assessed on an individual, case-by-case basis.

Every person will be subjected to an admissibility interview to assess if they come from a safe country of origin or if they have a connection with a third safe country. The concept of a “connection with a third safe country” has been lowered significantly to a connection “on the basis of which it would be reasonable for [the applicant] to go to that country, or if there is no such connection, the applicant consents to go there” (Article 45 (2) (b) APR). In practice, this translates to rejections based on loose grounds like the person on the move transited through or stayed in a non-EU country. It also translates into deportations to any country outside the European Union, the EU or the member state that has an agreement with as long as that country accepts to readmit the person. It also means EU states do not have to assess the actual asylum applications of asylum seekers.

With regards to which countries are considered safe, the EU brings an unwelcome novelty of proposing an EU list of safe countries of origin and safe third countries. In addition to this list that will be at EU level, every state has the right to have their own and consider more countries as “safe”.

Border procedures across the entire EU should not be more than an “adequate capacity” of 30,000 people, with every state having their own share depending on a formula of sorts policy makers decided upon. UNHCR statistics estimated 131,000 people on the move arriving in the EU between January and October 2022. In conjunction with the Schengen Borders Code, also under revision, this will mean pushbacks will be legalized with lowering safeguards for transfers from one EU member state to another, as well as to non-EU states under the safe third country criteria.

Relevant is that people under the border procedure will be considered as not having entered the territory of the state they are seeking asylum. The “fiction of non-entry” inserted in the New Pact is as unlawful as it is inhuman. A state cannot decide that part of their territory is not theirs and people on that territory are not under their responsibility.

The terms "vulnerable" or "vulnerability" are noticeably absent from the Asylum Procedures Regulation and only mentioned a few times in the RAMM, specifically in relation to relocation. While it is important to acknowledge that the creation of vulnerability groups has faced significant criticism for being discriminatory, particularly since the European Court of Human Rights recognized all irregular migrants as inherently vulnerable due to their circumstances (ECtHR. Hirsi Jamaa and Others v. Italy. Application no. 27765/09. Judgment 23.2.2012). The absence of adequate safeguards for applicants with specific needs and requirements is a matter of concern. It is crucial to uphold the standards set by the Court's interpretation and not to lower or deny them.

For more on the topic, check out these resources:

1. Refugee Support Aegean. The EU Council quagmire of procedures is a dire threat to the right to asylum. June 2023
2. ECRE. Editorial: Migration Pact Agreement Point by Point. June 2023



JUNE PUSHBACK TESTIMONIES

Link	Incident	Recorded	Demographic	Group size	Organization
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Hungary to Serbia					
1.1	02/01/2023	19/04/2023	Syria	1	Collective Aid
1.2	19/06/2023	19/06/2023	Afghanistan	2 +	Anonymous
Greece to Turkey					
2.1	15/ 08/ 2022	24/ 05 /2023	Pakistan, Bangladesh, Syria, Iraq, Morocco, India	80	Anonymous Partner
Bulgaria to Turkey					
3.1	15/ 11/ 2022	14 / 06 / 2023	Morocco	7	Anonymous Partner
Albania to Greece					
4.1	09/ 05 /2023	12/ 05 / 2023	Algeria	3	Anonymous Partner



NETWORK STRUCTURE AND CONTACT

BVMN is a volunteer led endeavor, acting as an alliance of organisations in the Western Balkans and Greece. BVMN is based on the efforts of partner organizations working in the field of documentation, media, advocacy and litigation.

We finance the work through charitable grants and foundations, and are not in receipt of funds from any political organisation. The expenditures cover transport subsidies, several part-time paid coordination positions and some costs incurred by partner organisations for their contributions to our shared work.

To follow more from the Border Violence Monitoring Network, check out [our website](#) for the entire testimony archive, previous monthly reports and regular news pieces. To follow us on social media, find us on [Twitter handle @Border_Violence](#) and on [Facebook](#).

For further information regarding this report or more on how to become involved please email us at mail@borderviolence.eu.

For press and media requests please contact: press@borderviolence.eu