

ILLEGAL PUSHBACKS AND BORDER VIOLENCE REPORTS

FEBRUARY 2023
BALKAN REGION





Border Violence
Monitoring Network

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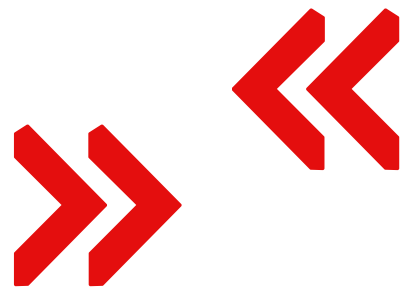
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EXECUTIVE SUMMARY



Due to the launch of a new BVMN website, testimonies collected in February are yet to be published online, and will appear in a glossary in the March monthly report instead. 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 perpetuating systemic violence towards people crossing borders.

This month, members of BVMN's Legal Working Group published a [criminalisation toolkit](#) providing information and guidelines on the advocacy and legal mechanisms available to criminalised Human Rights Defenders (HRDs) in Europe. This is intended to be a living document providing support to HRDs in the region, many of whom face an increasingly hostile environment where the rule of law is being eroded and criminalisation of their work is increasingly common. The Legal Working Group also recently published a [guide for violence reporters to identify cases of torture](#), aimed at providing human rights monitors with the tools to collect and identify cases relating to torture, cruel, inhuman or degrading treatment.

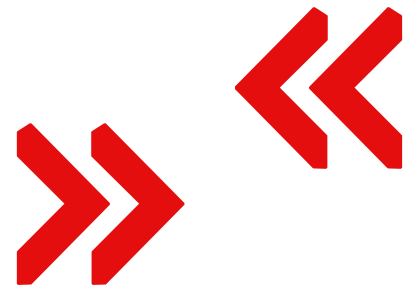
Several updates from the field follow this section, starting with news of an increase in arrivals of people on the move to Rijeka, Croatia, which has been met with local solidarity efforts outside of the city's train station. In neighbouring Serbia, the EU's attempts to restrain the movement of people on the move in the region have led to an increase in the presence of Frontex in Serbia. German officers wearing the Frontex-identifying badge and armband, together with Italian authorities, have been seen patrolling the country's northern border with Hungary and have reportedly been present in several evictions of informal settlements conducted by the Serbian authorities. In Bosnia and Herzegovina, the construction of a detention centre inside the Lipa camp has been confirmed, a so-called "Temporary retention facility" funded by the European Union, as well as by the International Centre for Migration Policy Development - founded by Switzerland and Austria in 1993.

Detention also constitutes the focus of the section on Greece, where BVMN partner organisations [Mobile Info Team](#) and [I Have Rights](#) have published three reports analysing the arbitrary and systematic use of detention of people on the move throughout all stages of the asylum procedure on mainland Greece and Samos. Despite EU and international human rights law stipulating that detention should be an exceptional measure of last resort, Greece has continuously expanded the grounds for detention in recent years and now routinely detains people on the move in centres where lack of access to medical care, poor hygienic conditions and the use of violence by the authorities have been widely reported, together with a lack of access to legal support, information and translation. The practice of detaining minors without any safeguards is also denounced in this report. Further updates from Greece include ongoing police "broom operations" in Thessaloniki, which result in targeted

raids and mass arrests of people on the move in the city, many of whom have been left undocumented by the failures of the new asylum system. Moreover, this month saw the release of a recommendation by Frontex's Fundamental Rights Officer to end the Agency's operations in Greece, on the grounds of several abuses perpetrated by Greek border guards, including their well-evidenced involvement in illegal pushbacks to Turkey. Despite the government's claim to have initiated an internal investigation, Greece's refusal to acknowledge any involvement in illegal pushbacks, together with the continuous efforts to further securitise the country's border with Turkey raises doubts as to the efficiency and transparency of such investigations.

The final sections of this report focus on the ongoing effects of the February 6th earthquake in Turkey and Syria, the lack of a comprehensive and competent response from the Turkish government and the politicisation of migrants and refugees that have ensued since, which have resulted in many of them being left out of aid efforts. In the meantime, the Turkish authorities have documented 19 pushback cases from Greece between February 1st and February 19th affecting a total of 470 people, as well as the deportation of 16,729 refugees from Turkey from the beginning of the year until February 23rd.

Lastly, this report addresses the tragic news of the recent Calabria shipwreck, which left at least 72 dead and 30 people missing on February 26th, after the Italian authorities decided not to classify communications about the conditions of the vessel as an emergency, ignoring the warning signs and delaying SAR operations.



▶ 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, Centre for Peace Studies, Mare Liberum, Collective Aid, Blindspots, Pushback Alarmphone Austria and I Have Rights

GENERAL



CRIMINALISATION TOOLKIT

In September 2022, some members of BVMN's Legal Working Group started developing, alongside the Network's Criminalisation Focal Point, a toolkit on advocacy avenues and legal means for criminalised Human Rights Defenders (HRDs) in Europe. The toolkit, which was published together with a launch event in the form of a panel discussion on the broader political and societal context of the criminalisation of Migrant Rights Defenders in Europe, was published in cooperation with our partners, the Heinrich Böll Foundation in March 2023.

Recent years have seen an increase in the erosion of the rule of law in Europe and a backlash against democracy, human rights and those working in defence of human rights. Human Rights Defenders are at high risk of facing repression and various forms of criminalisation while protecting, promoting and safeguarding fundamental freedoms and basic human rights. The main aim of the toolkit is to fill the gap in publications and guidelines for HRDs in Europe by equipping them with practical tools they can use in case they face incidents of criminalisation. It is intended to provide information on advocacy avenues, protective mechanisms and legislation relevant to criminalisation.

During the research for the toolkit, four main levels of advocacy avenues were identified: the UN, the EU, other international organisations, and the national levels. On the national level, we decided to focus on Greece and Croatia, however this is a non-exhaustive list, and we hope to develop the toolkit in the future to include a variety of other countries. In addition, we are aware of the fast changes happening in the field and wish the toolkit to be a live project that can be revised in the future and is open for feedback.

For each of the levels, we identified the relevant pieces of legislation that can protect Human Rights Defenders and also analysed, where fitting, legislation leading to the criminalisation of Migrant Rights Defenders, such as anti-smuggling legislations or current legislative trends, like in the proposed EU directive to protect Human Rights Defenders from Strategic Litigation Against Public Participation (SLAPP). Those legal elaborations were followed by explanations of the different mechanisms and advocacy avenues identified as useful, including detailed instructions and contact information as well as references to their engagement with Human Rights Defenders and information we gathered on the experiences of the people we spoke with when engaging with the mechanisms. While working on the toolkit the working group realised the need to include a chapter on safety measures that should be taken by Human Rights Defenders before engaging in advocacy on their case. Therefore, a chapter of general recommendations was included that tried to establish a non-exhaustive list of all the input and knowledge gained when speaking with Human Rights Defenders that experienced or still experience criminalisation.

PUBLICATION OF THE FIELD GUIDE FOR VIOLENCE REPORTERS



The BVMN legal working group began to develop “The Violence Reporters Guide to Identifying Cases of Torture” in September 2022. The guide book, published on the 7th of March, is aimed at helping volunteers on the ground collecting testimonies to determine where the treatment fits within the international and EU legal framework of torture, cruel, inhuman or degrading treatment.

When working with people on the move, we are often confronted with stories from their journeys which are hard to digest. The range of information is broad and it can be hard to distinguish where to focus as violence reporters. Through the composition of this guide, BVMN aims to fill the existing gap with easy to understand legal guides for volunteers working with people on the move who have experienced violence or other forms of ill treatment.

The guide includes a step-by-step breakdown on the definition of torture and other cruel, inhuman or degrading treatment, and outlines a number of features frequently related to pushbacks that can be classified under that definition. It also references the key legislation that should be focused on when evaluating such cases and contains a comprehensive “Dos and Donts” section on how to conduct an interview with a potential victim of torture as well as a note on the significance of volunteer mental health on the field. The Guide is designed to equip people from all backgrounds with an understanding of how to recognise and report potential cases of torture and ill-treatment through a lens of responsibility and humanity.

UPDATE ON THE SITUATION



CROATIA

UPDATE FROM RIJEKA

In Rijeka, Croatia, around 100 people on the move are currently arriving daily. They stay for one or two nights until they continue on to Italy via Slovenia. This change in arrivals might be related to the so-called “7-days-paper”, a colloquial term used for the expulsion papers that Croatian authorities began issuing about a year ago, as reported by BVNM in October. The document requires people on the move to leave the European Economic Area within seven days. According to local activists, it allows people on the move to pass through Croatia, use public transport and cabs, but they still face obstacles when trying to book rooms in hostels or private accommodation. Because of this, most people are forced to sleep outside.

In Croatia, it is criminalised to provide direct support to people on the move. Nevertheless, locals have managed to set up a permanent emergency hub next to the train station in Rijeka in Autumn 2022. The initiative



Image description: Broken windows of a house set on fire. Image source: Blindspots

Emergency hub, train station in Rijeka.
Source: Blindspots



Emergency hub, train station in Rijeka.

Source: Blindspots

began with local people cooking daily meals for those passing through, and at the end of October, the Red Cross joined the team. Shortly after, two mobile containers were set up; one for showers, and one for the distribution of clothing and hygiene items. A small wooden shed where a doctor examines and treats people on the move every day was also created, and since the beginning of December, a large white tent has been erected to provide some form of shelter for people passing through. Locals show their solidarity every day by running the emergency hub on a voluntary basis. Despite prohibitive laws, solidarity structures have been established.



BOSNIA & HERZOGOVINA

UPDATE ON LIPA CAMP

On February, 15th, 2023 the newspaper Altreconomia gave notice that, as confirmed by the spokesperson of the EU delegation in Bosnia and Herzegovina Ferdinand Koenig, a detention centre will be operative in Lipa refugee camp. The camp is located in the village of Lipa, some 26 kilometres south of the city of Bihac, in the Una Sana Canton.

The facility is provided for by the European Union, as can be deduced from the speech given by the European Commissioner for Neighbourhood and Enlargement, Olivér Várhelyi, on November 2022, 28th: “I am announcing today another 500.000 euros pilot project for the Lipa camp. We need to keep our detention facilities in Lipa and the region under control, meaning that the fake asylum-seekers must be detained until they return to their countries”.

The construction of what is referred to as “Temporary Retention Facility” is supported by the International Centre for Migration Policy Development (ICMPD). On an interpellation by Altreconomia, ICMPD refused to provide documentation on the costs of the project and on the company which undertook the construction contract. Despite IOM denying any involvement in the construction of the detention centre, is it important to remember that it actively assists the Service for Foreigners' Affairs (SFA) in the procedures of forced repatriations of people in transit. Once operative, the SFA will be in charge of the detention centre in Lipa, according to ICMPD.

As announced by ICMPD, after “a maximum of 72-hour detention” in Lipa, people will be transferred to the Lukavica Immigration Center, a closed detention centre situated in the outskirts of Sarajevo. The report “People on the Move in BiH 2019-2021. IN BETWEEN: (UN)WELCOME TO NO MAN’S LAND” (Ahmetašević N., Mlinarević G. 2022), raises concerns on the detention conditions at the Lukavica detention centre. Detainees interviewed reported the total arbitrary nature of the detention, the absolute lack of any basic human living conditions and brutality suffered at the hands of the police.

Throughout 2022 and 2023, there has been an increase in bi-lateral and multilateral agreements between different EU countries and Serbia and Hungary, predominantly focussed on increasing Police presence along the Serbian-Hungarian border. Earlier in 2023, the Serbian Minister of the Interior announced that the operation of Austrian Police in Hungary, known to facilitate pushbacks to Serbia, may be extended past February. Additionally, 38 Slovakian Police officers were sent in recent weeks to strengthen and securitize the EU external border. Most notably, observations from the field this month confirm the active presence of Frontex officers in northern Serbia working in collaboration with Serbian authorities, information that cannot be discovered through public resources or statements.

In an encounter between teams present in the region and the Serbian border police, a Serbian officer disclosed to team members that as of January 2023, there were 20 German, six Austrian and two Lithuanian police officers working in northern Serbia. In February, field organisations in northern Serbia observed German and Italian police at least four times a week. These authorities were regularly seen patrolling transit towns and informal settlements with Serbian police. Many people on the move also reported German and Italian police being present during the evictions of informal settlements by Serbian authorities in which significant damage was caused to the site and people on the move were forcefully taken to camps across the country. In direct encounters with these authorities, field teams were told by German officers that they are collaborating with Serbian officers around northern Serbia in support of Frontex.

Despite the blatant presence of foreign officers in the region, the mission and mandate of these authorities remain unclear. In December 2022, Frontex reported that they had nearly 500 officers in the Western Balkans though none specified presence at the northern Serbian border. While Frontex officers are mandated to wear identifying articles, German officers were not seen wearing any Frontex-identifying clothing items for the earlier half of February; only in mid-February did German officers begin sporting the Frontex badge and armband. Additionally, there is no public mention of Italian officers present in the region in support of Frontex missions nor under which mandate they operate. Without a clear mandate and scope of the Frontex mission, stakeholders in the region find it difficult to hold these authorities accountable when operating in Serbia.



SYSTEMATIC USE OF IMMIGRATION DETENTION IN GREECE

This month, BVMN and member organisations Mobile Info Team and I Have Rights Samos published three reports pertaining to the arbitrary and systematic use of detention of people on the move throughout all stages of the asylum procedure on mainland Greece and Samos. The reports analyse the undignified conditions, violation of fundamental rights and presence of violence in specific detention facilities.

1. Immigration Detention in Europe

In order to compensate for the abolishment of the Schengen Area's internal borders, an array of measures have been established to fortify the external borders of Europe and prevent third country nationals from entering. The past three decades have therefore seen EU Member States develop extensive legislative instruments to navigate the arrivals of people on the move in parallel with ordering their detention and removal. The continued lack of harmonisation of the Common European Asylum System (CEAS), which enables governments to reform their own laws and practices, has seen immigration detention become institutionalised and normalised in EU Member States, particularly those on the external border. Despite the use of detention for people on the move being an exceptional measure of last resort according to Union and international human rights law, Greece has expanded the grounds for detention for both the reception of asylum seekers in closed facilities and throughout their procedure, as well as for third country nationals subject to return orders in pre-removal detention centres (PRDCs).

2. The Expanded Use of Pre-removal Detention Centres (PRDC) in Greece

Return procedures and PRDCs facilitate the practice of detention, depriving third country nationals of their liberty in order to carry out their removal. The recent amendments to Greek law (Law 4939/2022 and 3907/2011) overturned the exceptional application of detention measures for third country nationals subject to return orders, thus diverging considerably from EU legislation. As a result, the deprivation of liberty of individuals has become systematically applied and normalised in Greece, despite the number of formal deportations steadily declining since 2018, raising questions regarding the reasonable prospect of removal and proportionality of detention. In addition, MIT's research highlighted the number of respondents detained on the basis of inadmissibility due to the safe third country concept, contributing to their unlawfully justified detention considering the continued readmissions to Turkey since March 2020. MIT's research further indicates that despite EU and Greek law designating that asylum seekers cannot be detained for the sole reason that they are an applicant of international protection, asylum seekers are arbitrarily detained in PRDCs for extended periods of time, on ambiguous and excessively applied public order grounds. The extensive distribution of detention measures that are justified by alleged national security threats conflates criminal behaviour with migration, thus condoning the carceral environments and appalling treatment of applicants in detention centres.

3. De Facto Detention of Asylum Seekers in Samos CCAC

I Have Rights' research into the EU-funded CCAC has elucidated a prison-like structure, situated in an isolated area on the hotspot island of Samos, where asylum seekers are subject to constant surveillance and extreme restrictions of movement. The report shows that the nature and conditions of the CCAC constitute systemic breaches of Article 5 ECHR and systemic inhumane and degrading treatment under Article 3 ECHR. The report highlights that the operation of the CCAC by the Greek state as de facto detention site, facilitates an evasion of the implementation of safeguards, leaving those within the CCAC in a particularly stark situation in which they are both subject to unlawful deprivation of their liberty and left without access to safeguards. As Ellen Allde, a contributor to the report explained "the practices of bordering we see on Samos appear to prioritise the disruption of mobility over effective access to the asylum system".

It is important to note that the de facto detention of asylum seekers in CCACs in Greece is the basis of infringement proceedings launched by the European Commission against Greece on the 26th of January 2023. Two letters of formal notice were sent to Greece for "failing to transpose in a fully and conform manner" the provisions of the directive on standards for the qualification of third country nationals and stateless persons as beneficiaries of international protection [Directive 2011/95/EU] and the directive laying down standards for the reception of applicants for international protection [Directive 2013/33/EU]. The Commissioner for Home Affairs Ylva Johanson reiterates that detention should be used only as a measure of last resort, and that if such restrictions are solely based on a person's request for international protection (as they are in the Samos CCAC) they are in violation of the Directive, and of Article 31 of the Geneva Convention. The Commission also underlined more specifically that the transposition of the directive is incorrect, concerning the detention of unaccompanied children (UACs) and vulnerable groups.

UACs in the Samos CCAC are de facto detained in the "safe zone", which children call a "prison inside a prison" for twenty-two hours a day. Considering the extensive EU-funding involved in establishing the Samos CCAC (€46 million) the rights of the child appear to be worryingly deprioritised.

KEY FINDINGS

1. The Detention of Minors

According to the Return Directive, the detention of unaccompanied minors (UAMs) and families with minors should be used as a measure of last resort and for the shortest appropriate period of time. However, MIT's and IHR's research showed that:

- Respondents reported that insufficient medical screening and translation in detention centres, as well as general behaviour by the police that disregards and ignores detainees, resulted in minors being held alongside adults for periods upward of five months in poor conditions.
- Despite there being a separate holding facility for minors, three interviewees specifically reported the presence of minors in Amygdaleza PRDC, and over 20% of respondents mentioned that minors were frequently detained in Corinth PRDC.

- From March 2020 to November 2022 minors were de facto detained with adults in the quarantine zones of the Samos CCAC, placing their detention in variance with EU standards.
- UAMs are de facto detained in the Samos CCAC with their freedom of movement restricted for 22 hours a day to the so-called “safe-zone”. UAMs are permitted to spend 2 hours of “free time” a day in the general population of the CCAC.
- At the time of writing, UAMs in the Samos CCAC are without access to a doctor, cannot meet their lawyer in person, are not permitted to register in public school and are without access to essential items such as winter-appropriate clothing.

2. Detention Conditions

- Access to medical care, including both physical and psychological health care, was extremely limited across PRDCs in Greece and only accessible for urgent cases, which was reported by 80% of respondents. The carceral environment of PRDCs coupled with dilapidated structures, dysfunctional facilities, unsanitary conditions and a fundamental lack of access to healthcare has a significant impact on the physical and psychological health of detainees. Nearly a quarter of respondents referenced the prevalence of severely deteriorating mental health in PRDCs including depression, suicidal thoughts and practices of self harm.
- 61% respondents across PRDCs reported poor hygiene conditions, including reports that centres are dirty, harbouring mould and infestations of rodents and insects.

3. Violence in Detention

- 65% of respondents indicated that they had been subjected to violence by authorities or witnessed violence by the authorities in detention in PRDCs, while 80% respondents indicated violent practices in Paranesti PRDC.
- Over 20% of respondents specifically reported being victims of racist abuse in PRDCs.
- 15% of respondents specifically used the term “torture” to describe their treatment.
- Over 25% of respondents mentioned the use of violence as punishment in PRDCs and police stations.
- 20% of testimonies mentioned punishment tactics in “dark rooms” or “other rooms”.
- Over 25% of testimonies mentioned the use of weapons by the authorities.
- Two people described the use of Electric Discharge Weapons (EDWs) by the authorities as unjustified alleged punishment.

4. Critical Lack of Access to Information, Translation, Legal support and Asylum Procedures

- Over 80% of respondents did not have access to free legal assistance, with over a quarter of respondents resorting to paying up to 2,000 euros for private lawyers.
- Only 15% of respondents were able to access free legal services from the state or provided by an NGO.

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- UAMs are de facto detained in the Samos CCAC with their freedom of movement restricted for 22 hours a day to the so-called “safe-zone”. UAMs are permitted to spend 2 hours of “free time” a day in the general population of the CCAC.
- At the time of writing, UAMs in the Samos CCAC are without access to a doctor, cannot meet their lawyer in person, are not permitted to register in public space.
- Our research indicates that over 90% of respondents did not receive any information regarding their status, the reason for detention or how to proceed. In addition, nearly 40% of respondents were not provided with translation and relied on support from fellow detainees, and at least 30% were forced to sign documents in a language they did not understand.

CASE STUDY

Mohammad is a 16 year-old from Afghanistan, and was detained in a police cell for four days before being transferred to Corinth for more than five months. When he was arrested, he was a minor, but he was never registered as one despite having an ID document from his country. Instead, after a brief evaluation he was registered as 18 years old. When he was first taken to Corinth PRDC, he remained in quarantine for 40 days with another 12 people in a small room, which they were not allowed to leave. He applied for asylum while in detention but he received no information regarding his situation in a language that he understood. The toilet in his cell had no door, there was no privacy and no functioning shower. Mohammad could not communicate with the doctor due to the lack of interpreters. He reported that the neglectful treatment and disregard of detainees’ claims affected him mentally, leading to severe psychological health issues. “Yes, they never listen to us. Their behaviour with us, like, criminals. When they took us somewhere, four or five police took us, it seems like we did a murder... Just, it's so horrible.”

The detention of both people seeking asylum and third country nationals in view of removal in Greece is carried out in a disproportionate manner and under distressing conditions which do not align with upholding the dignity of detainees. We recommend that the Greek state ensures that the deprivation of liberty or use of detention for people on the move is only used as a measure of last resort and in line with international human rights standards. In addition, an independent detention monitoring mechanism with the mandate to independently investigate allegations of human rights violations, and publish regular findings in full for public access should be established to ensure transparent reporting and follow up, through with the possibility for complaints mechanisms and unannounced visits.

MASS ARRESTS OF PEOPLE ON THE MOVE IN THESSALONIKI AS FAILURES IN NEW ASYLUM SYSTEM LEAVE PEOPLE UNDOCUMENTED

This month, BVMN published [a press release](#) and sent a letter of complaint to the Greek Ombudsman regarding targeted raids and mass arrests of undocumented people in Thessaloniki, known as police ‘broom operations’. BVMN raised the alarm about similar operations [in a press release last April](#), after our partners documented the arrest of people on the move who were on their way to collect food from a humanitarian distribution site in the city. Worryingly, broom operations continue to be carried out on a regular basis in the city, while dysfunctions in Greece’s new asylum registration system are leaving an increasing number of people seeking protection in limbo and highly vulnerable to arrest, detention and pushbacks. Six months after the launch of an online platform for the registration of asylum seekers, BVMN partner Mobile Info Team (MIT) has witnessed a plethora of failings including extensive delays, lack of access to information and support to navigate the system, limited translation assistance, and lack of support to enable applicants to travel to and from reception centres to register their claims. MIT expressed serious concerns about the effectiveness of the new system [as far back as August 2022](#).

SUCCESSFUL APPEAL FOR AS AND HB

[On January 27th](#), the trial of 33-year-old AS from Afghanistan and 24-year-old HB from Pakistan took place in the court of Komotini. The men were arrested in March 2019 for driving a car carrying undocumented people and were later convicted of aiding and abetting unauthorised entry in January 2020. They have already spent almost four years in prison. The case highlights some of the illegal procedures and failures of the state’s duty to preserve and respect the rights of people on the move. For instance, the trial took place in Greek without a translator and lasted only 19 minutes. Taking into account the mitigating circumstances presented by the defendants, the judge reduced their sentences from 23 and 11 years to eight and six years. Due to the time already served and the customary conversion of the sentence into actual imprisonment in Greek criminal law, both men will be released in the next few weeks. This is just one of many cases in Europe in which migrants and people on the move are [unjustly criminalised](#) upon entering a territory to seek asylum. Abuse of the legislation and judiciary allows states to scapegoat people on the move as smugglers even though they are often unaware, coerced, forced or tricked into driving vessels carrying undocumented persons. The criminalisation of people seeking international protection in Greece is becoming more evident as the country focuses their policy on security rather than humanity.

FRONTEX FUNDAMENTAL RIGHTS OFFICER RECOMMENDS CEASING OPERATIONS IN GREECE

Confidential documents reviewed by The New York Times show that Frontex's Fundamental Rights Officer recommended that the agency cease operations after citing several abuses by Greek border guards, including involvement in illegal pushbacks to Turkey, and the separation of children from their parents. BVMN holds extensive evidence of human rights abuses occurring within Frontex operational areas in Greece, most notably at the Evros land border where people on the move are frequently detained in secret locations and violently pushed back to Turkey. In the December 2022 Monthly Report, we highlighted Frontex's failure to prevent ongoing human rights violations within Greek detention facilities, despite reports of abuses by the agency's own fundamental rights officer.

Moreover, the FRO's recommendation coincides with the two separate letters sent last year by BVMN and member organisation, I Have Rights, along with six other organisations based in Samos, in which they highlighted the human rights violations in the Evros and Samos region being so severe and persistent that they require Frontex to withdraw from operational areas under Frontex's founding regulation.

Since the New York Times publication, Frontex, on at least two occasions, has accompanied authorities on Samos in attending to new arrival groups. Human Rights Defenders on the island suspect that this change in operations is in direct response to the article and is likely an attempt to portray the agency as a "humanitarian actor". It also contradicts Frontex's previous justifications for not attending new arrival groups on land, where they had stated that only Greek authorities had jurisdiction to attend to groups on land.

In response to the report, the Greek government stated that it has initiated an internal investigation into the allegations, appointed their own Fundamental Rights Officer, and approved an action plan with the EU to monitor compliance with fundamental rights. Yet, despite recent promises from the newly appointed Frontex Executive Director to end pushbacks, Greece refuses to acknowledge any involvement in illegal expulsions by claiming that it is acting in accordance with EU and international law to protect the EU's external borders.

Greece has begun ramping up efforts to block entry to the territory in recent years, with increased surveillance infrastructure, the establishment of Closed Controlled Access Centers throughout the islands and the construction of a 100 million euro wall along the

Turkish land border. At a conference on European border management held near Athens this month, Mitarachi, The Greek Minister for Migration, vowed to double the already existing 22 mile-long, 5 metre-high barrier by the end of 2023. Although Greece claims this action is in response to an expected increase of people seeking asylum in Europe following the earthquake in Turkey and Syria last month, plans for the expansion of the wall have been circulating for months. Mitarachi followed this statement with the announcement some weeks later of a further increase in border security through the deployment of hundreds of extra border guards in the Evros/Meric region and plans to station numerous coast guard vessels along the Turkish coast in the Aegean to monitor sea borders. The expansion of security and surveillance will almost certainly create increased difficulties in accessing asylum in Greece, but also in all other states across Europe.

UPDATE FROM PATRAS

The No Name Kitchen team in Patras continued to support around 30 people on the move in February 2023. Compared to the month prior, practices of internal violence have continued in similar means. Most people on the move were reportedly intercepted by private security personnel at the port who repeatedly used physical violence against them. Reports of being handcuffed and detained in the security office for hours without access to food, water or information are frequent. While the number of internal violence incidents remains high, no new informal readmissions were recorded again this month.

Nonetheless, some new trends were noticed such as racial profiling, arbitrary arrests and detention of people without papers following evictions. Prior to this abuse, most people had filled out an online registration form in order to officially lodge their application for international protection in Greece and, thus, were awaiting the date of registration of their application in a personal appointment at Malakasa. In one particular case, four people with a pending asylum registration appointment were arrested, of whom two were released due to having severe scabies infections, while the other two were sent to Corinthos Pre-Removal Detention Center. From there, they were able to lodge their application but they are still being held there awaiting a decision.

This portrays the limited access to the Greek asylum process in which people waiting to fully legalise their stay in Greece are denied being recognised the status of asylum seeker and, thus, constantly risk being at risk of abuse, repression and arbitrary detention. Those who wish to seek asylum in Greece, remain in a prolonged state of insecurity. It is an expression of a structurally violent procedure that has been recognized as problematic and condemned as unlawful by the Administrative Court of First Instance of Kavala in early February but continues to be put in practice by Greek executive authorities.



TURKEY

EARTHQUAKE

Almost every aspect of life in Turkey has been impacted by the earthquake that struck in the south of Turkey and in the northwest of Syria on February 6th. Tens of thousands of people lost their lives, hundreds of thousands have been wounded and more than 110,000 buildings were either destroyed or damaged beyond repair (a huge proportion of which were built in the wildly unregulated construction boom conditions of the past twenty years). Aftershocks have continued throughout the region since. The state was ineptly sluggish in its response, whereas various civil society groups, trade unions, feminist and LGBTI+ groups, and political parties quickly mobilised to form solidarity networks all over the country. Self-organised search and rescue groups, mobile food kitchens and distribution centres were set up in the different affected areas, while huge collections of aid took place in neighbourhoods everywhere and additional support was received from international grassroots organisations

In response to the fury over the state's lack of a competent, ethical response, the government moved to centralise existing support by barring aid, health supplies and heavy machinery from entering the earthquake zone and also seizing and destroying support material. A state of emergency was hastily announced, ostensibly to prevent "spreading or broadcasting fake, exaggerated rumours and news with special intent to cause public panic and turmoil." While people stuck under collapsed buildings were using social media platforms to connect with the outside world, the government slowed down the internet and blocked Twitter.

REFUGEES AND MIGRANTS AFFECTED

According to the Directorate of Migration Management of Turkey, there were 1.7 million registered refugees living in the 10 provinces affected by the earthquake. The total affected area is traditionally home to a majority Kurdish population that has been marginalised and oppressed at either side of the border (in Turkey, the foreigner emergency information services affiliated with the Directorate of Migration Management were available in seven languages including German and English but not Kurdish). Despite the swell of social solidarity aimed at general victims of the earthquake, the response in Turkey also involved a sadly predictable wave of scapegoating, misinformation and physical attacks on migrants from the earliest days of the disaster. Migrants were accused of looting homes and shops, and several organisations documented how hate speech against refugees was increasing, with pockets of viral calls for refugees to be excluded in search-and-rescue and humanitarian aid efforts, or simply "sent

back.” The people targeted by these attacks, already dealing with the material disaster and the trauma that entailed, were lumped with the prospect of further violence from reactionary “security militias” and that of the police, gendarmerie and military. The depth of all of this engrained discrimination’s effects was encapsulated in the words of one refugee that had been trapped under the rubble: when later asked why he had not called out for help, they stated, “We didn’t make a sound because if they heard us speak Arabic, they wouldn’t get us out.”

Generally, people under Turkey’s Temporary Protection status (most Syrians in Turkey) or those with Third Country Resettlement applications are obliged to remain within their assigned provinces. If they wish to travel outside of their province, they must first apply to the Directorate of Migration Management for a travel permit. These travel restrictions were at first lifted for a provisional 90-day period (excluding access to Istanbul), which was then reduced to 60 days, (now including Istanbul). What is expected to happen after these 60 days, however, is entirely unclear. The effects of this are of course not confined to travel and accommodation - with which those affected immediately faced serious barriers - but extend to accessing education, healthcare and other services, as well as the scattering of social support networks.

Of the known number of deaths in the affected areas in Turkey, over 4,000 were Syrian refugees. Meanwhile the Turkish defence ministry officially stated that 42,000 Syrian nationals returned to their country, while by March 5th, the remains of over 1,500 people were transported to Syria through the Bab al-Hawa crossing with Turkey to be buried there.

PUSHBACK AND DEPORTATIONS

In the background of the earthquake, the Turkish Coast Guard documented 19 pushback cases between February 1st and February 19th affecting a total of 470 people, with the remaining days in February not being accounted for. A recent visual analysis by BVMN verified the drone footage of a pushback in the Aegean Sea. While visual evidence of pushbacks are limited, this report shows again how people have been left adrift in the Aegean Sea on life rafts (as investigated by Forensic Architecture in 2022). The Turkish Migration Office stated on their Twitter account that from the beginning of January until February 23rd 2023, 16,729 refugees were deported from Turkey. Of these deportees, 5,488 people were from Afghanistan, 1,155 from Pakistan, and 10,086 were of other nationalities.

EARTHQUAKE

Conditions in northwestern Syria were already dire prior to the earthquake, with 90% of the population dependent on international humanitarian aid, which had been mainly coordinated from the Turkish cities of Gaziantep and Antakya - both severely hit by the disaster. Most of the area itself has gradually come under Turkish military control, along with a number of local Islamist militias, since a series of operations going back to 2016. Far from seeing the arrival of more emergency assistance after the tremors struck on February 6th, the ensuing days involved routine aid deliveries being held up at Turkish borders. As the Syrian doctor, Mohamed Katoub, of the Impact Organisation, notes, this was not solely the case of impediments confined to the Turkish and Syrian sides, but was largely down to “willful negligence” on the part of the UN, falsely citing the need to have Assad’s permission to cross into Syrian territory from Turkey. Meanwhile, aid arriving from other routes ended up almost entirely restricted to regime-controlled territories, effectively denying it to the most affected areas of the country.

Dr. Katoub states, “An underlying lesson will be that the earthquake that crossed borders and conflict lines did not succeed in penetrating the politicisation of the humanitarian response.” Similar to the dynamics on the Turkish side, the initiative of ordinary people was crucial to life-saving operations, and these are the foundations that must be built upon in the long-term, as the situation goes beyond the initial shock phase.



ITALY

CALABRIA SHIPWRECK

Since 2014, IOM has recorded more than 26,000 missing people on the move along the Mediterranean route. Due to a lack of monitoring resulting from criminalisation of SAR operations in the region, there are no formal statistics on deaths specifically along the route through the Ionian Sea. On February 26th this number increased significantly with a devastating shipwreck near the small beach town of Steccato di Cutro. So far, 72 bodies have been recovered, and only 80 survivors have been found of the 180 people on board, leaving approximately 30 people still missing. The event has drawn into public focus the lesser-known migration route from Turkey to Italy and also cast a light on the dangerous consequences of Italy's increasingly restrictive migration policies which have sought to criminalise search and rescue operations in cases like these.

One of the reasons the route from Turkey to Italy is more frequented in recent years is the prevalence of violent and illegal pushbacks from Greece. People on the move are faced with an increasingly securitised, militarised and violent border when crossing via the Aegean Sea and Evros land border. Since 2019, the BVMN has collected 200 testimonies of pushbacks from Greece impacting over 11,000 individuals. In BVMN's torture report for the year 2020, it was noted that almost 90% of Greek pushback cases contained one or more types of torture or inhumane and degrading treatment. Respondents have reported being excessively beaten and kicked, being subject to shocks from Electric Discharge Weapons (EDWs), being forcibly undressed and even having their heads shaved prior to being pushed back. Naturally, these actions on behalf of Greek authorities have not deterred people on the move from seeking international protection, as is their right under international human rights law, but has forced them to take even riskier and more deadly routes. What happened in February is a direct result of these brutal and violent policies that have been normalised and encouraged right up to the top of the European Commission.

According to reports on the Calabrian shipwreck, there was information shared before the events occurred that could have been used to save the people on board. A Frontex plane patrolling the Ionian sea spotted the boat on February 25th and said the vessel “showed no signs of distress” at 10.26PM. At 11.03PM, Frontex sent an email to the Italian authorities reporting one person on the upper deck and possibly more people below, as detected by thermal cameras and noted that no life jackets could be seen. The case was classified by the Italian authorities as an “activity of the maritime police and the Guardia di Finanza was sent to “intercept the vessel”. However, at 3.48AM they returned to base without having reached the boat due to bad weather. The police contacted the coast guard to ask if they had any vessels out at sea “in case there was a critical situation” and the coast guard replied that they did not. It was at 4.30AM that the Italian police arrived on the scene after receiving emergency calls relating to the boat, but it took another hour for the coast guard to reach them. By then, it was already too late. According to information Frontex gave to EUROACTIV, they had shared evidence to indicate a potential distress at sea, including the thermal signs mentioned above. The Italian coast guard chose not to classify Frontex’s communications as ‘emergency’ and no SAR operation was initiated. All this information, reported in international media, indicates that the tragedy may have been prevented had the warning signs been listened to. Not only this, but the response of the Italian state to the survivors has been similarly inept. They are being held in de-facto detention in Cara di Isola Capo Rizzuto, and the families aboard who lost relatives have only been allowed to visit the graves of their loved ones twice. In spite of the preventable psychological trauma they have suffered, further support and safeguarding has not been offered.

Furthermore, this event cannot be read out of the context of recent legislative changes in Italy. The new Italian decree (Law N.1/2023) on SAR operations furthers the state’s systematic efforts to defame and criminalise civil society groups saving lives at sea by imposing severe penalties, prohibiting vessels from carrying out multiple instances of rescue on the same mission, and assigning distant points of disembarkation for boats after SAR operations have been completed. This, coupled with the Italian state's criminal proceedings against the Luventa Crew which accuses them of ‘smuggling’ for engaging in life-saving activities, has created a shrinking space for SAR organisations in Italy. BVMN maintains that whilst such criminalising and restrictive policies are allowed to continue, more lives will be lost needlessly at sea as the waters surrounding the European continent turn into mass graves.

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 participant 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 for volunteers in the field and four paid positions.

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.

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