

## **Submission to the Special Rapporteur on the human rights of migrants: pushback practices and their impact on the human rights of migrants by Mare Liberum**

Mare Liberum is a Berlin based non-profit-association, that monitors the human rights situation in the Aegean Sea with its own ships - mainly of the coast of the Greek island of Lesbos. As independent observers, we conduct research to document and publish our findings about the current situation at the European border.

Since March 2020, Mare Liberum has witnessed a dramatic increase in human rights violations in the Aegean, both at sea and on land. Collective expulsions, commonly known as ‘pushbacks’, which are defined under ECHR Protocol N. 4 (Article 4), have been the most common violation we have witnessed in 2020. From March 2020 until the end of December 2020 alone, we counted 321 pushbacks in the Aegean Sea, in which 9,798 people were pushed back.

Pushbacks by the Hellenic Coast Guard and other European actors, as well as pullbacks by the Turkish Coast Guard are not a new phenomenon in the Aegean Sea. However, the numbers were significantly lower and it was standard procedure for the Hellenic Coast Guard to rescue boats in distress and bring them to land where they would register as asylum seekers.

End of February 2020 the political situation changed dramatically when Erdogan decided to open the borders and to terminate the EU-Turkey deal of 2016 as a political move to create pressure on the EU. Instead of preventing refugees from crossing the Aegean – as it was agreed upon in the widely criticised EU-Turkey deal - reports suggested that people on the move were forced towards the land and sea borders by Turkish authorities to provoke a large number of crossings. The relatively newly elected government in Greece reacted by collectively expelling asylum seekers as a form of ‘border protection’. As a result, the number of arrivals on the Greek islands went down by 84 % in 2020 in comparison to 2019.

### **Concrete instances of pushbacks**

In this report we will focus on the 4th question in the questionnaire and present “Information on concrete instances of pushbacks, including an analysis on the circumstances of the event.”

All 5 of the following exemplary case reports were obtained by gathering testimonies from pushback-survivors and cross-referenced with information from other groups, official-government websites and/or local media reports. The added links contain the full reports including pictures and/or videos.

**Case 1:** A man, who was part of a group of about 30 people among them two small children and a baby, that had left from Bodrum and were heading for Greece in a rubber boat in **March**, testified that they were brutally pushed back. A ship from the Hellenic Coast Guard pulled up to the rubber boat and the Hellenic Coast Guards shouted at the people, hit the rubber dinghy and shot into the air.

*"One of them shot up in the air and everything and then hit our boat [with a stick]. He hit and hit and hit. Then he demanded the boat driver stop the engine. Everyone started begging and pleading and begging for forgiveness. At the same time they were shooting at the sea. We were screaming, we were begging. Then one of them came into our boat, he stopped the engine. He took the engine and threw it into the sea."*

They demanded from the group to put away their cell phones so that they could not use them for filming. The Coast Guard vessel then left the now disabled rubber boat drifting.

*“It was horrible, there was the baby, there was the small children, who were already traumatized.”*

After about an hour, a ship from the Turkish Coast Guard approached, which took the people and brought them back to the Turkish mainland.<sup>1</sup>

**Case 2:** In the morning of **April 30** a boat carrying 14 migrants arrived on the island of Chios. Shortly afterwards the Hellenic Coast Guard was on the scene, apprehended the group and put them into a building under construction. Locals that observed the scene were sent away. A little later the Coast Guard vessel approached the shore again and then left towards Turkey, while towing behind a rubber dinghy. The eye witnesses didn't see how the migrants boarded the vessel but given all the circumstances, this seems very probable. In the early morning of the next day, 14 migrants, who match the description/ footage of the group, were rescued by the Turkish Coast Guard from a small island near Chios and taken to the port of Çeşme. According to a local newspaper, the port authority of Chios, the Hellenic Coast Guard and the police in Chios all announced that there had been no migrant arrivals on April 30.<sup>2</sup>

**Case 3:** On **May 22** a boat with 31 refugees arrived on Samos. The police came to the scene and put everyone in a bus, but instead of bringing them to a camp, they were brought back to the shoreline, put in a tiny dinghy and were taken back to Turkish waters by the Hellenic Coast Guard. During the execution of this pushback one of the refugees on board, a young Congolese man, fell in the water and drowned. His body was later recovered and buried in a forest in Turkey. We talked to two of his friends about the incident and cross-checked with other sources. For May 22 there are no arrivals reported on Samos and the Hellenic Coast Guard doesn't mention the death of a person anywhere. But the Turkish Coast Guard remarks this in the notification about the rescue:

*“As a result of the SAR operations carried out by CG assets; 20 irregular migrants detected on the coast by CG helicopter was rescued and a dead body of 1 irregular migrant was taken by CG boat.”*

The report also quotes statements of the survivors:

*“They were 31 people. They crossed Samos Island. 2 of them escaped on the island. 29 irregular migrants were taken to a life boat and brought back to Turkish territorial waters by Greek assets. The lifeboat was punctured by Greek assets and the Greek assets turned back. Sometime later, the life boat began to take on water. The migrants swam to the Turkish shores but 1 of them was drowned.”<sup>3</sup>*

**Case 4:** Mare Liberum spoke to a person who was pushed back on **October 30** on their way from Marmaris to Rhodes. His group consisted of 19 refugees, among them 5 women and 5 children. About 2 hours after they started the crossing the engine broke down and they couldn't make it work again. After 30 minutes of drifting at sea in Greek territorial waters a Greek military ship spotted them.

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<sup>1</sup> <https://mare-liberum.org/en/news/augenzeugenbericht-illegaler-pushback-durch-die-griechische-kuestenwache/>

<sup>2</sup> <https://mare-liberum.org/en/news/pushbacks-in-the-aegean-reached-a-new-level-of-severity-pushback-of-14-people-documented-who-had-reached-the-shores-of-chios-already/>

<sup>3</sup> <https://mare-liberum.org/en/news/the-deadly-border-in-the-aegean-sea/>

*“They [Greek military] threw ropes to our boat and started pulling us towards [them], and because of the high waves, our boat hit their ship and became broken, the water start to fill it.”*

The group of refugees was then ordered to climb aboard the vessel, but shortly after they were forced to get back into the now damaged boat. About 5 minutes later the Hellenic Coast Guard arrived and took the group on board.

*“Once they put us on the Coast Guard ship, they shot our boat approximately 20 times till destroying it completely. It was [an] automatic machine gun. Like M16 or something. More than 20 times. Or more, we were not focused and shaking, we lost track. The babies and kids were so scared of the shooting. Crying and screaming, even one of the girls almost passed [out]. We used Hand sanitizer to [wake] her.”*

Afterwards the Hellenic Coast Guard crew searched everyone individually and took all phones and some wallets. After driving around one, or one and a half hours towards Turkey, the Hellenic Coast Guard divided the refugees in 2 groups and forced them into 2 life rafts.

*“I didn’t tell you about the scare and the moment we faced during the trip in the sea [in the life rafts] when the waves almost flipped us. All what I thought is to see my kids before I die. It was horrible.”*

After about 3 hours the two groups in the life rafts were discovered by the Turkish Coast Guard, dragged to land and then taken to the police station.<sup>4</sup>

**Case 5:** On **November 10** a group of 24 refugees reached the south of the Greek island Lesbos at about 1 am. After they reached the shore they went into hiding in the surrounding woods, because they were afraid that the Greek police would push them back to Turkey. Uncertain how to apply for asylum the group called UNHCR. A UNHCR employee apparently told them on the phone that they would be picked up and that they would be registered as asylum seekers. Later the UNHCR employee specified that they would be picked up by the police, who would bring them to “the camp”. Apparently, UNHCR informed the police about the whereabouts of the 24 people, knowingly that the Greek police and Coast Guard perform pushbacks.

Once the police found the group, they took them deeper into the ‘bush’ – away from the residential area and the frequented road.

*“After that they started to collect our phones and other things. [...] They started to brutalize us, they were beating us, kicking us. They put us at gun point. Even our bags! They burned the bags there right in front of us.”*

The police didn’t even spare the highly pregnant woman in the group, who was pushed so hard, she fell to the ground.

Physically hurt and in shock by the brutality of the police the group didn’t dare to resist when the police put them in vans and drove them to a harbour, where they were put in “speedboats” (RhiB’s of the Hellenic Coast Guard). The speedboats took them to a bigger vessel of the Hellenic Coast Guard with the number ΛΣ-618, where they were again beaten by the crew. After about a one-hour drive towards Turkey, the HCG crew deployed one live raft and once again beat some of the people

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<sup>4</sup> <https://mare-liberum.org/en/news/once-they-put-us-on-the-coast-guard-ship-they-shot-our-boat-approximately-20-times-a-pushback-testimony/>

in the group while forcing them into the life raft. The Hellenic Coast Guard vessel then left and abandoned the people unable to manoeuvre.

Since they were able to hide a phone, they could contact the Turkish Coast Guard to give them their location. The Turkish Coast Guard published that they rescued a group of 24 migrants near Izmir's Dikili district from a life raft, which is the same model as seen in the video. Dikili is the Turkish district, which lays on the opposite side of the Aegean Sea from Lesbos. The information matches the pin we received from the group.<sup>5</sup>

### **Special Role of Frontex and Nato ships in pushbacks in the Aegean**

The vast majority of pushbacks in the Aegean to our knowledge is carried out by the Hellenic Coast Guard, yet we want to point to the involvement of other European actors, namely Frontex and NATO ships.

In **March**, the crew of a Danish Frontex vessel refused to participate in a pushback ordered by the Greek authorities. The case was reported, but Frontex showed no interest in investigating it. Instead, investigations were closed within a day, the pushback was presented as an isolated case and described as a misunderstanding. Last autumn, Frontex' active and passive involvement in at least six pushbacks was revealed. For instance on **June 8**, the Romanian Frontex vessel 'MAI1102' was involved in a pushback, of which there is even video footage.<sup>6</sup> On **August 15**, a Romanian Frontex vessel 'MAI1103' was involved in another pushback.<sup>7</sup> An internal document published by Der Spiegel also describes a pushback documented by Frontex on the night of **April 18/19**. A Frontex aircraft had observed refugees first being brought on board a Hellenic Coast Guard vessel and then abandoned in an unpowered rubber dinghy in Turkish waters.<sup>8</sup>

Frontex's involvement in illegal pushbacks and human rights violations is not new: In 2019 we interviewed a refugee who claimed to have been pushed back by a German Frontex crew.<sup>9</sup>

But Frontex is not the only European actor involved: On **August 15** a pushback took place off of Lesbos. 32 refugees were pushed from Greek territorial waters to Turkish waters and back multiple times for eight hours until they were brought back to Turkey by the Turkish Coast Guard in the afternoon. Present at the pushback were three helicopters and nine ships of the Hellenic and Turkish Coast Guard, NATO and Frontex. A pushback with the participation of at least three, maybe four nations. Among them was the 'A1411 FGS Berlin' of the German Navy under NATO command. It is unclear whether the crew of the navy ship was actively involved or only watched while the people were in distress at sea for many hours. This is not the first time that the FGS Berlin has been present during brutal-pushbacks. We know of at least three additional cases on **June 4**, **June 8** and **June 17**.<sup>10</sup>

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<sup>5</sup> <https://mare-liberum.org/en/news/pushback-from-lesvos-a-testimony/>

<sup>6</sup> <https://www.aa.com.tr/en/europe/eu-border-force-helps-greece-violate-asylum-seekers-/1924458>

<sup>7</sup> <https://www.spiegel.de/international/europe/eu-border-agency-frontex-complicit-in-greek-refugee-pushback-campaign-a-4b6cba29-35a3-4d8c-a49f-a12daad450d7>

<sup>8</sup> <https://mare-liberum.org/en/news/frontex-the-european-institutionalization-of-pushbacks/>

<sup>9</sup> <https://mare-liberum.org/en/news/i-tried-13-times-before-i-reached-the-greek-islands>

<sup>10</sup> <https://mare-liberum.org/en/news/involment-germany-illegal-pushbacks-aegean/>

## **Criminalization, repression and censorship**

In the following chapter, we would like to focus on question number 6 of the questionnaire.

Greek authorities have increased their efforts to prevent information about pushbacks and human rights violations to be made public and created a climate of fear and repression that has led to the NGOs and solidarity structures that focussed on on-shore responses, search and rescue and supporting arriving refugees on the Greek islands to terminate their work under the fear of being sentenced for facilitating.

The criminalization and repression by the Greek authorities is done on three levels: silencing refugees, hindering journalists in their work<sup>11</sup> and restricting and criminalizing NGO's and activists.

The Hellenic Coast Guard has made it a standard procedure to take away and, in many cases, destroy the phones of refugees that are being pushed back. This prevents them from taking incriminating pictures and videos of the illegal and violent behaviour of the Greek authorities, but also makes it impossible for them to contact help once left drifting in Turkish waters.

A specific case that illustrates this oppression relates to a refugee who was a survivor of a pushback attempt at sea during their crossing towards Greece. This person streamed how the Hellenic Coast Guard attacked their dinghy on social media. This live-publication gained wide attention and support for this specific group of refugees. Despite all efforts of the Hellenic Coast Guard to prevent this group from reaching Greek soil, it eventually did. Because the mentioned individual had made the video, several media outlets got in contact to follow up on the dramatic story. The police later arrested this individual who has been in detention since. We refrain from including more information to protect the identity of the person.

An illustration of the oppression suffered by civil actors is that of a Canadian citizen who was arrested for handing out water to a group of migrants who had just arrived on the island. The Canadian citizen was later sentenced to 12 months imprisonment with a suspended character, according to the conviction, the 'crime' was the 'facilitation of the residence of foreigners who lack documents'.<sup>12</sup>

Mare Liberum belongs to now 7 NGO's that are being investigated by the Greek authorities under the charges of "espionage", "violation of state secrets", "creation of and participation in a criminal organisation" and "violations of the migration law". Following several acts of intimidation of members of our organization by the local police on Lesbos, on September 5 2020 several different governmental agencies and police raided our vessel, confiscating, among other things, all the electronic devices and took the majority of the crew to the police station. Mare Liberum, as well as most of the other NGOs accused by the authorities, have dedicated most of the year to publicly denounce and investigate pushbacks. This may lead to the conclusion that the Greek authorities are using criminalization in order to silence those who denounce these illegal acts.<sup>13</sup>

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<sup>11</sup> <https://mare-liberum.org/en/news/moria-2-censorship-fear-and-the-loss-of-freedom-of-press/>

<sup>12</sup> <https://thepressproject.gr/sti-mytilini-to-na-dineis-nero-se-prosfyges-timoreitai-me-fylakisi-enos-etous/?fbclid=IwAR33Z9sTieSm0UYKTxXwOhXxqubDK14YdShFyUxG-xc6rg-dwvllld7NUEy8>

<sup>13</sup> <https://www.omct.org/en/resources/statements/greece-ongoing-crackdown-on-migrants-rights-defenders-as-pushbacks-of-people-on-the-move-continue>