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AMNESTY
INTERNATIONAL



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1. INTRODUCTION

This submission has been prepared ahead of the adoption of the List of Issues Prior to Reporting (LOIPR) for Greece by the UN Committee Against Torture in April and May 2022.

The information included in this submission is a non-exhaustive selection of Amnesty International's concerns regarding Greece's compliance with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention) on the organization's research and observations since the last review. It highlights concerns regarding: ill-treatment and torture of asylum-seekers and migrants in the context of violent push-backs; immigration detention and conditions of detention; the asylum-system; human rights violations in the context of the policing of demonstrations including on-going reports of unnecessary and excessive use of force and failures of the Greek authorities to adhere to international human rights standards related to the protection of the rights of detainees and core safeguards against torture; excessive use of force in migration control; criminalization of human rights defenders working with migrants and asylum-seekers; and attacks against refugees, journalists and NGOs working with refugees and migrants; and gender-based violence.

2. NON-REFOULEMENT: ILL-TREATMENT AND TORTURE IN THE CONTEXT OF VIOLENT PUSHBACKS (ARTICLE 1, 3 AND 16)

In the concluding observations on the seventh periodic report of Greece,¹ the Committee stated being “*seriously concerned at consistent reports that the State party may have acted in breach of the principle of non-refoulement during the period under review*”, citing reports of alleged pushbacks at sea and land borders. In the period under review, Amnesty International documented several cases of summary forced returns at Greece's borders in violation of the principle of non-*refoulement*, frequently presenting the same features highlighted by the Committee.²

¹ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Committee against Torture, Concluding observations on the seventh periodic report of Greece, CAT/C/GRC/CO/7, 3 September 2019, para. 16 (hereinafter: CAT/C/GRC/CO/7).

² The CAT's concluding observations mentions receiving information according to which “Greek law enforcement officers and other unidentified forces involved in pushback operations have often used violence and have confiscated and destroyed migrants' belongings”.

2.1 PUSHBACKS AND OTHER VIOLATIONS OF HUMAN RIGHTS OCCURRED BETWEEN FEBRUARY AND MARCH 2020³

In April 2020, Amnesty International published a new research documenting the violations of the rights of asylum-seekers and migrants committed by Greece during the events that followed Turkey's statements on 27 February 2020 that the country's borders with the European Union (EU) would be opened. As a result, thousands of families and individuals moved to Turkey's borders with Greece, in an attempt to cross.⁴ Asylum-seekers and migrants who spoke to Amnesty International and other NGOs reported widespread violations committed by Greek forces, including beatings by border guards with truncheons, periods of detention at sites in the border area ranging from hours to several days (see section 3 on 'immigration detention' below) and pushbacks of groups of asylum-seekers to Turkey in boats across the Evros river.

Amnesty International spoke to 23 men and women who had attempted to cross into Greece irregularly across the Evros river during the first week of March 2020. All of the 16 men whom Amnesty International spoke with, bar one man who was already injured at the time that he was apprehended, said that, after crossing into Greece, they had been beaten, most often with truncheons, with blows to the body or head but also with kicks and punches. According to the testimonies, beatings occurred at the time people were apprehended while being made to get into minibuses, and/or when they were held at detention sites in the border area. Some of the people Amnesty International spoke to had obvious trouble walking and bruises on their bodies or head injuries. Asylum-seekers told Amnesty International that they were beaten by Greek border forces wearing either military uniform, police uniform or by individuals in plain clothes working in cooperation with uniformed border forces.

Fifteen people seeking safety, including those with young children, told Amnesty International that they were held in Greek detention facilities in the border area after being apprehended. Interviewees said that they and their families were driven by Greek security forces in minibuses to the Evros river border and taken across to the Turkish side in groups of 10-15 people. Some reported remaining for several hours without clothes, shoes or phone (for communication) in cold temperatures, posing a further risk to their health before they could receive assistance.

2.2 PUSHBACKS AND OTHER VIOLATIONS OCCURRED AFTER JUNE 2020⁵

In June 2021, Amnesty International published new evidence of pushback incidents (summary, unlawful forced returns) and other abuses against refugees and migrants at Greece's land and sea borders, in violation of international and European law. Amnesty International's research documented 21 pushback incidents (19 of which took place via land through the Evros river) occurred between June and December 2020, through the testimonies of 16 individuals who experienced them. In relation to incidents at land, while in most cases victims were apprehended in the vicinity of the land border, in four cases victims and (if present) their accompanying family members were apprehended from areas of mainland Greece. In two of these cases, individuals had a registered protection status in Greece.

The organization received consistent testimonies describing how pushback operations were conducted by individuals appearing to belong to law enforcement, with the frequent participation of individuals dressed in civilian or unmarked clothing (no uniforms or identifiable insignia). Based on descriptions of their observable demeanour, clothing, actions, and coordination with people described as uniformed officials, they appeared to be working in cooperation with and/or at the behest of the latter. In the majority of cases, victims told

³ For more details and sources for this section see: Amnesty International, *Europe: Caught in a political game: Asylum-seekers and migrants on the Greece/Turkey border pay the price for Europe's failures*, 3 April 2020, (Index: EUR 01/2077/2020), pp. 7-8, at: <https://www.amnesty.org/en/documents/eur01/2077/2020/en/>.

⁴ Estimates of the size of population gathered at the border vary. For reference see: EU Commission, Turkey 2020 Report, 6 October 2020, at: https://ec.europa.eu/neighbourhood-enlargement/system/files/2020-10/turkey_report_2020.pdf, UNHCR Turkey Operational Update, March 2020, published 5 May 2020, at: <https://reliefweb.int/report/turkey/unhcr-turkey-operational-update-march-2020>

⁵ For more details and sources on Information In this section see: Amnesty International, *Greece: Violence, lies, and pushbacks – Refugees and migrants still denied safety and asylum at Europe's borders*, 23 June 2021 (Index: EUR 25/4307/2021), at: <https://www.amnesty.org/en/documents/eur25/4307/2021/en/>

Amnesty International that third country nationals in civilian clothing operated the boats used to transfer them across the river.

The research reveals that the methods used to intercept, apprehend, and return migrants and refugees included the use of violence and other prohibited treatments. In the majority of cases, victims described experiencing or witnessing violence at the hands of those conducting the pushback. Abuses reported included blows with sticks or truncheons, kicks, punches, slaps, and pushes. Victims described the most brutal acts of violence as largely occurring during the final phase of pushbacks, often at the riverbank. Officials, often described as “commandos” or “soldiers,” were usually indicated as the perpetrators.

Severe injuries, some requiring immediate medical intervention such as a broken spine, hands, and extensive bruises, were reported by those pushed back. Searches, including naked or strip searches, were also reported. Testimonies gathered by Amnesty International described rough treatment during searches, men conducting body searches of women, and strip searches - sometimes violent - of men in full view of women and children. Eleven out of the 16 individuals interviewed reported enduring or witnessing men being forced to be naked to be searched, often in the presence of others including women and children. In one case men were not only forced to undress but were not given their clothes back and were made to cross in their underwear.

Amnesty International believes that, due to the severity of the treatment reported, the intent to harm or humiliate the victims, and the context in which they occurred, in the majority of cases the acts of violence documented, as well as the use and execution of searches, violated the prohibition of cruel, inhuman or degrading treatment and could have, in some cases, constituted torture, in violation of Article 1 of the UN Convention Against Torture (CAT), Article 7 International Covenant on Civil and Political Rights (ICCPR). Some acts may have also violated Greece’s obligations to protect the right to life, under Article 6 ICCPR.⁶ Amnesty International’s findings are in line with the report by the Special Rapporteur on the human rights of migrants, of May 2021, which, under paragraph 45, states that “*Pushbacks, when carried out violently, or effectively resulting in dire conditions for migrants, may amount to torture or ill-treatment and violations of the right to life*”.⁷

In spite of the evidence supplied by Amnesty International’s and many other civil society organizations,⁸ the Greek authorities have repeatedly failed to take responsibility for or conduct adequate investigations into allegations of pushbacks and have often denied their regular occurrence and their involvement in them.⁹ The Council of Europe Committee for the Prevention of Torture (CoE CPT) and Commissioner for Human Rights, UNHCR, IOM and the Greek Ombudsman all expressed concern or called for investigations into pushbacks.¹⁰ In August 2021, the EU Commission declared that the release of additional funding for border control activities in Greece would be conditional on the establishment by the country of an independent border monitoring mechanism.¹¹ While a new mechanism has not yet been created to this end, the

⁶ In reaching these conclusions, Amnesty International relied on established standards on torture and inhuman or degrading treatment as established, inter alia, by the UN CAT In: Concluding Observations, Hong Kong Special Administrative Region of China, CAT/C/HKG/CO/4, 19 January 2009, para. 10, (recommendations a and b), digitallibrary.un.org/record/647022?ln=en; Concluding Observations on Qatar, UN Doc. CAT/C/QAT/CO/1 (2006) para. 21, the UN HRC case of *Boodoo v Trinidad and Tobago*, UN Doc. CCPR/C/74/D/721/1996 (2002) paras. 6.5, 6.7. Reference was also made to the UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules), the UN General United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). For more details see: Amnesty International, *Greece: Violence, lies, and pushbacks*, note 5 above, pp. 27-32.

⁷ UN, Human Rights Council, Report on means to address the human rights impact of pushbacks of migrants on land and at sea, Report of the Special Rapporteur on the human rights of migrants, Felipe González Morales, 12 May 2021, at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/106/33/PDF/G2110633.pdf?OpenElement>. See also paragraph 62.

⁸ Amnesty International and other NGOs, *Greece: Joint open letter to members of the Hellenic Parliament calling for an investigation into border abuses*, (Index: EUR 25/3196/2020), 6 October 2020, at: [amnesty.org/en/documents/eur25/3196/2020/en/](https://www.amnesty.org/en/documents/eur25/3196/2020/en/)

⁹ For details on ongoing and closed investigations of pushbacks in Greece and other issues affecting the pursuit of accountability for these practices, see: Amnesty International, *Greece: Violence, lies, and pushbacks*, note 5 above, pp. 37-42.

¹⁰ UNHCR, “UNHCR concerned by pushback reports, calls for protection of refugees and asylum-seekers,” 21 August 2020, at [unhcr.org/gr/en/16207-unhcr-concerned-by-pushback-reports-calls-for-protection-of-refugees-and-asylum-seekers.html](https://www.unhcr.org/gr/en/16207-unhcr-concerned-by-pushback-reports-calls-for-protection-of-refugees-and-asylum-seekers.html); IOM, “IOM Alarmed over Reports of Pushbacks from Greece at EU Border with Turkey”, 11 June 2020, at [iom.int/news/iom-alarmed-over-reports-pushbacks-greece-eu-border-turkey](https://www.iom.int/news/iom-alarmed-over-reports-pushbacks-greece-eu-border-turkey); CoE, CPT, Report to the Greek Government on the visit to Greece carried out from 13 to 17 March 2020, November 2020, at [bit.ly/3fCmPlz](https://www.coe.int/turkey/~/media/CoE-international-instruments/2020/11/20201117_CPT_Report_to_Greece.pdf); Greek Ombudsman, *Interim report - Own initiative investigation by the Greek Ombudsman on alleged pushbacks to Turkey of foreign nationals who had arrived in Greece seeking international protection*, (updated up to 31 December 2020), 28 April 2021, at https://www.synigoros.gr/resources/060521-pushbacks-interim-report_eng.pdf

¹¹ For further information see: <https://www.euractiv.com/section/justice-home-affairs/news/commission-asks-greece-for-transparency-on-pushbacks-to-release-migration-funds/> and Greek Council for Refugees, *Joint NGO Briefing on the situation in Greece*, 27 October 2021, at: https://www.gcr.gr/media/k2/attachments/Joint_NGO_Briefing_on_the_situation_in_Greece_27_10_2021.pdf

Government identified the National Transparency Authority as competent to investigate pushbacks incidents. NGOs however contested the independence of this body.¹²

3. IMMIGRATION DETENTION AND CONDITIONS OF DETENTION (ARTICLES 1, 2, 11 AND 16)

In its latest concluding observations on Greece, the Committee stated concerns that “*detained migrants and asylum seekers are often denied fundamental legal safeguards, such as access to a lawyer and the right to challenge the lawfulness of their detention, and other safeguards on related issues*”.¹³ In the reporting period, Amnesty International documented various cases of arbitrary detention of asylum-seekers and migrants, both in the context of pushbacks at the country’s border, in various locations on the Aegean islands in the course of March 2020, and, more recently, in the new reception facility on the island of Samos.

3.1 DETENTION OF ASYLUM-SEEKERS AND MIGRANTS BETWEEN FEBRUARY AND MARCH 2020

3.1.1. CASES OF DETENTION IN THE CONTEXT OF PUSHBACKS AT THE LAND BORDERS¹⁴

As part of Amnesty International’s research of April 2020, detailing cases of pushbacks and other violations of rights of people on the move, introduced above, 15 people interviewed, including people with young children, said that they were held in Greek detention facilities in the border area after being apprehended. None of those Amnesty International spoke with had been informed by the Greek authorities of the reason for their detention, given an opportunity to seek asylum or provided access to lawyers during their detention. Detention periods described to Amnesty International ranged from several hours to several days. All 15 that we spoke with recounted that some or all their possessions, including phones, in some cases passports or other forms of identification, had been taken and not returned by the detaining Greek authorities. Some men, sometimes boys, had had their clothes or shoes taken from them. Asylum-seekers told Amnesty International that border forces also took their money, in some cases thousands of dollars.

https://www.spiegel.de/ausland/pushbacks-von-fluechtlingen-eu-kommission-kuerzt-griechischer-kuerstenwache-das-geld-a-028e8f42-cb75-41b9-97dd-bc28add93967?sara_ecid=soci_upd_KsBF0AFjff0DZCxpPYDCQgO1dEMph

¹² For further information see: https://www.efsyn.gr/ellada/dikaiomata/310350_anexartitos-mihanismos-gia-toys-prosfyges-en-krypto and <https://www.fenixaid.org/post/joint-ngo-briefing-on-the-situation-in-greece>

¹³ CAT/C/GRC/CO/7, para. 20.

¹⁴ For more details and sources for this section see: Amnesty International, *Europe: Caught in a political game*, note 3 above, pp. 7-8.

3.1.2. CASES OF DETENTION ON THE AEGEAN ISLANDS¹⁵

On 2 March 2020 Greece introduced an ‘Act of Legislative Content’ which suspended the registration of asylum claims for a month for people entering irregularly from 1 March, so that they would be returned ‘without registration, to the country of origin or transit’. As a result, new arrivals on the Greek islands were no longer transferred to official reception facilities. In Lesbos, for at least 10 days, around 510 new arrivals (including around 210 children, some of whom unaccompanied) were held on the ‘Rodos’ navy ship, docked in Mytilene, and in the port area. People on the ‘Rodos’ were unable to claim asylum and were treated as irregular entrants and detained pending a return decision to their countries of origin. Living conditions on the ship were deeply inadequate, with insufficient hygienic facilities and inadequate medical care, despite the presence of people with disabilities or health issues, including a girl in need of dialysis. NGOs providing legal assistance faced obstacles accessing those on the ship.

In other areas of Lesbos, new arrivals were held on the beaches of Skala Sikaminias (42 people), Korakas (28 people), in a building in Eftalou (24 people), without registration, in unclear legal circumstances and in deeply inadequate conditions.

In the island of Kos, at least 220 new arrivals, including many children, were held in the port area, some in a building normally used as a waiting area, and some in tents and thus exposed to harsh weather conditions. As of 18 March, all of them had been moved to a building used for customs controls. Pregnant women, children and people with disabilities were among those arrivals.

In Leros, 250 people were held in the yard of the coastguard and then in the port area, in inadequate conditions. In Samos, 93 persons were held in a coastguard facility in Vathy. An NGO lawyer in Chios, where 254 people were held in the port area, reported difficulties in trying to access those detained.

From 13-17 March the CPT conducted a rapid reaction visit to Greece to assess the treatment of those arrived since 1 March, visiting the camp of Malakasa, where many of those on the ‘Rodos’ had been transferred, and the 93 held in Samos.¹⁶

3.2 DETENTION OF ASYLUM-SEEKERS AND MIGRANTS IN 2020-2021

3.2.1 CASES OF ARBITRARY DETENTION IN THE CONTEXT OF PUSHBACKS AT THE LAND BORDERS¹⁷

Amnesty International’s 2021 research on pushbacks, introduced in the previous section, found that in 12 out of the 21 cases documented, returnees were placed in detention ahead of being pushed back. Individuals told Amnesty International that they were held in places of detention for periods ranging from a few hours to more than one day without access to phone calls, lawyers, and without registration procedures.¹⁸ The organization has concluded that every apprehension and detention reported occurred outside of identifiable legal procedures and meets the definition of arbitrary arrest and detention, under Article 9 ICPPR. In some cases, people interviewed by Amnesty International reported cases of ill-treatment,

¹⁵ See also Amnesty International, *Europe: Caught in a political game*, note 3 above, pp. 13-15, and Amnesty International, *Greece: Submission to the Committee of Ministers in the M.S.S. and Rahimi Groups of cases v. Greece (Applications no. 30696/09 and no. 8687/08)*, 15 September 2020 (Index: EUR 25/3063/2020), p.12, at: <https://www.amnesty.org/en/documents/eur25/3063/2020/en/>.

¹⁶ CoE, CPT, *Report to the Greek Government on the visit to Greece carried out from 13 to 17 March 2020*, November 2020, bit.ly/3fCMPlz

¹⁷ For more details and sources for this section see: *Greece: Violence, lies, and pushbacks*, note 5 above, pp. 20-25

¹⁸ Insofar as concerns the importance of registration of the detention of migrants and refugees, reference is made to: UN Commission on Human Rights, Report of the Working Group on Arbitrary Detention (WGAD), 28 December 1999, E/CN.4/2000/4, bit.ly/3gDSxnB, Annex II, Deliberation No. 5, Situation regarding immigrants and asylum-seekers, guarantees concerning persons held in custody, Principle 4: “Any asylum-seeker or immigrant, when placed in custody, must enter his or her signature in a register [...] indicating the person’s identity, the grounds for the custody and the competent authority which decided on the measure, as well as the time and date of admission into and release from custody”.

discussed in the previous section, that occurred in the context of detention, namely before being taken into detention facilities¹⁹ or upon being released with a view to being pushed back across the river.²⁰

Every person interviewed was in the custody of individuals whom they believed to be officials (usually described as police or military due to appearance and behaviour) and/or people in civilian clothing cooperating with the former. Testimonies collected by Amnesty International indicate that Greece uses both “official” and “unofficial” detention sites to hold people arbitrarily before pushbacks. Some interviewees identified their places of detention as the Tycherio border guard station and a detention site in Poros.

In its 2020 report on Greece, the CoE CPT made concerning remarks on the state of custody records in facilities in Evros and particularly the Poros facility, also identified in Amnesty International’s research. The CoE CPT noted the absence of any evidence of registration of people detained in Poros, as recordings were reportedly “thrown away” by officers at the end of the day. The CoE CPT remarked that this practice “lends credence” to allegations that people were held in Poros arbitrarily, and the site “served as a staging post for the pushback of migrants.” With regard to the Tycherio Police and Border Guard Station, also identified in Amnesty International’s research, the CoE CPT noted that the detention of people in this site in early 2020 “was not recorded in any register”.²¹

Conditions of detention in the cases discussed above were also inadequate. Individuals said they were not given access to essential supplies for the health and safety of their children, like diapers or baby food, even from the supplies they brought with them because their personal items were confiscated. Inside the facilities, those interviewed overwhelmingly reported unhygienic and sometimes overcrowded conditions. Descriptions of no toilets or no working toilets were common, and in one case the individual interviewed said that men would urinate and defecate on the floor of a small room. In others, there was no working sink or access to drinking water and people, including children, were told to drink from the toilet. Some of those interviewed said they were held in overcrowded conditions or in mixed-gender groups outside of family units, including in cases involving children. In two cases, sites were described as hosting as many as 100 individuals prior to the pushback. The detention conditions reported by interviewees are of particular concern as they took place during the COVID-19 pandemic.²²

3.2.2 UNLAWFUL DETENTION OF RESIDENTS OF THE RECEPTION FACILITY OF SAMOS IN NOVEMBER-DECEMBER 2021²³

In its latest concluding observations on Greece, the Committee recommended that the country ensured “*that any measures restricting the freedom of movement of asylum seekers are consistent with its obligations under the Convention and other international human rights treaties*”.²⁴

In May 2020 a legislative reform (Law no. 4686/2020) was passed which consolidated Greece’s plans to create new “closed-controlled island facilities” (KEDN) on the Aegean islands, to replace the open camps.²⁵ The law specified that these facilities would be devised as multi-purpose centres, with areas dedicated to reception and identification services, closed structures for temporary protection and pre-return detention facilities. Early on, Amnesty International and others have expressed concerns as to how these facilities will ensure compliance with the rights, under international and European law, to liberty and freedom of movement for people seeking safety.²⁶ After fires destroyed the Moria camp in September 2020, work began to create the KEDNs, with funding by the EU.

During a visit to the Aegean Island of Samos on 22 November 2021, a delegation of Amnesty visited the premises of the Samos KEDN, which started operating last September in the area of Zervou. Based on information received by Amnesty International during the visit, including from affected asylum-seekers living in the camp, we learned that since approximately 17 November 2021, pursuant to a yet unpublished decision of the Minister for Asylum and Migration (the authority responsible for the facility) asylum-seekers without valid asylum cards had been barred from leaving the camp. Individuals affected included those who

¹⁹ Amnesty International, *Greece: Violence, lies, and pushbacks* [...], note 5 above, pp. 17 and 30

²⁰ Amnesty International, *Greece: Violence, lies, and pushbacks* [...], note 5 above, p. 28.

²¹ For further details and sources see: Amnesty International, *Greece: Violence, lies, and pushbacks* [...], note 5 above, pp. 22-23

²² For further details and sources see: Amnesty International, *Greece: Violence, lies, and pushbacks*, note 5 above, pp. 22-26.

²³ Amnesty International, *Greece: Asylum seekers being illegally detained in new EU-funded camp*, Press release, 2 December 2021, at: <https://www.amnesty.eu/news/greece-asylum-seekers-being-illegally-detained-in-new-eu-funded-camp/>

²⁴ CAT/C/GRC/CO/7, para. 19.

²⁵ Law no. 4686/2020, Article 30.

²⁶ More details and sources relating to the information in this paragraph can be found at: Amnesty International, Submission to the Committee of Ministers in the *M.S.S. and Rahimi groups of cases v. Greece*, (Applications No. 30696/09 and No. 8687/08), 6 August 2020, (Index: EUR 25/3063/2020).

have had their asylum cards withdrawn as a result of unsuccessful asylum applications or newcomers yet to be issued a card. As of 2 December 2021, according to unofficial estimates, around 100 of the approximately 450 residents were affected. At the time of writing, the restrictions remain operational.

Amnesty International considers that this measure amounts to an unlawful deprivation of liberty of asylum-seekers, insofar as the legal basis of the decision has not been disclosed and, based on information available to the organization, individuals have not been served individual decisions providing the reasons for such restrictions in their cases, nor have they been provided with a remedy to challenge them. Under international and EU law, asylum-seekers should only be detained as a matter of last resort, after a detailed examination of their individual circumstances, for the shortest time possible and under a procedure prescribed by law which allows them to challenge the decision.

In a December 2021 ruling in the case of an Afghan resident of the facility, a local court found the prohibition of exit to be illegal and ordered for it to be lifted.²⁷

4. ASYLUM SYSTEM (ARTICLE 3)

The Committee has recommended to Greece that “*the accelerated border procedures under the European Union-Turkey statement of March 2016 and other readmission agreements are subject to a thorough assessment, on a case-by-case basis, of the risks of violations of the principle of non-refoulement, ensuring respect for all safeguards with regard to asylum and deportation procedures*”.²⁸

In 2019, 2020 and 2020, however, Greece has taken different steps in law and practice, which have significantly reduced the substantive and procedural guarantees afforded to people undergoing the asylum procedure and other migration proceedings.

Extension of the “safe third country” rule to more nationalities: In June 2021, the Greek Government designated Turkey as a “safe country” for asylum seekers from Afghanistan, Pakistan, Bangladesh, and Somalia, as was already the case for Syrians under the EU-Turkey migration statement of 2016.²⁹ The designation means that asylum applications to Greece from these nationalities could now be considered inadmissible and applicants returned to Turkey. This decision disregarded the fact that Turkey had been refusing to accept returns under the EU-Turkey statement since March 2020. It also failed to consider the difficulties facing asylum-seekers and migrants in Turkey, including unlawful returns and obstacles in accessing protection.

Reforms of the laws on asylum and migration: In November 2019, Greece adopted a new law on asylum (Law no. 4636/2019): the “International Protection Act” (hereinafter ‘IPA’).³⁰ The IPA was subsequently amended in May 2020, by Law no. 4686/2020 which also significantly amended other legal provisions in the area of irregular migration and returns. The IPA introduced significant changes to asylum procedures, the rights and obligations of asylum seekers, reception and detention, as well as economic, social and cultural rights. Amnesty International expressed concerns on the reduced safeguards across asylum procedures and specifically in the context of appeals proceedings; the de-listing of post-traumatic stress disorder sufferers from the category of ‘vulnerable asylum seekers’; and the proposal to develop ‘safe third countries’ list. The IPA also introduced some problematic amendments of the rules on detention of asylum-seekers.

²⁷ See: Greek Council for Refugees (GCR), The Administrative Court of Syros ruled unlawful the measure of prohibiting the exit of an Afghan asylum seeker from the new Closed Controlled Access Facility of Samos (CCF Samos), 22 December 2021, at <https://www.gcr.gr/en/news/press-releases-announcements/item/1867-the-administrative-court-of-syros-ruled-unlawful-the-measure-of-prohibiting-the-exit-of-an-afghan-asylum-seeker-from-the-new-closed-controlled-access-facility-of-samos-ccf-samos>

²⁸ CAT/C/GRC/CO/7, para. 19.

²⁹ Announcement by the Minister for Migration and Asylum of 7 June 2021, In Greek, at: https://migration.gov.gr/asfali-triti-chora-charaktirizei-gia-proti-fora-i-elliniki-nomothesia-tin-toyrkia-afora-aitoyntes-asylo-apo-syria-afganistan-pakistan-mpagklantes-kai-somalia/?fbclid=IwAR3pGCSdnUBqkiFWAo8-2nQvp3MgleSlcKB_DSuqTiG3iaEL5eQpYapzoIQ. Amnesty International: Greece Is not safe for asylum-seekers, 14 June 2021, in Greek, at: <https://www.amnesty.gr/news/articles/article/24450/ellada-i-toyrkia-den-einai-asfalisi-gia-toystis-aitoyntesses-asylo>

³⁰ See Amnesty International, *Amnesty International Submission on the proposed changes to the Greek Law on International Protection*, October 2019 (Index: 25/1280/2019), at: <https://bit.ly/30Bx06X>

Amnesty International also criticised the impact brought by Law no. 4686/2020,³¹ specifically in the realm of migration detention, noting that the law would, among other things, make the use of detention systematic in return procedures. The law provided that 'less coercive alternatives' to detention could only be applied where the competent police authority determines the absence of certain factors (such as the risk that the returnee absconds, hampers the preparation of the return or poses risks for national security), wholly inverting the logic at the basis of EU standards, which clearly stipulate that detention should not be used as a rule in return procedures. The impact of the present change should also be considered in the light of the fact that asylum-seekers whose application is rejected, in Greece, risk finding themselves in detention for prolonged periods of time.³²

Similar considerations apply to the amendments of the rules on detention of asylum-seekers whose appeal is rejected, which is also made systematic, with the exception of cases involving unaccompanied minors, until the return is completed or the decision on their claim becomes final.³³

In September 2021, a new law amended various provisions in the area of deportation and returns procedures.³⁴ The Council of Europe Commissioner for Human Rights stated that the law "has raised serious concerns among the human rights community as regards its impact on, for example, the right to asylum, the prevention of refoulement, remedies, safeguards in return procedures, and the prevention of automatic, large-scale detention".³⁵ The UNHCR also raised concerns about the new law.³⁶

Temporary suspension of asylum in March 2020

On 2 March 2020, a new 'Act of Legislative Content' suspended the registration of asylum claims for a month for people entering irregularly from 1 March 2020, so that they would be returned 'without registration, to the country of origin or transit'. However, Asylum Services were temporarily suspended on 13 March 2020 due to the Covid-19 pandemic. On the islands, following the temporary suspension of asylum, those entering Greece irregularly face prosecution for irregular entry and prison sentences of up to four years, in a departure from previous practice where Greek courts refrained from prosecuting such crime in cases involving asylum seekers.³⁷

³¹ This information only reflects the amendments introduced by Law no. 4686/2020. For a more detailed overview of the changes brought by law 4686/2020 see: Amnesty International, *Greece: worrying legal developments for asylum-seekers and NGOs*, Public Statement, 4 May 2020 (Index: EUR 25/2259/2020), at: <https://bit.ly/3g14hiG>. See also: Law no. 4686/2020 "Improvement of the migration legislation, amendment of L. 4636/2019 (A' 169), 4375/2016 (A' 51), 4251/2014 (A' 80) and other provisions", in Greek, at: <https://asylumineurope.org/reports/country/greece/overview-legal-framework/>. See also: Refugee Support Aegean (RSA), RSA Comments on the Reform of the International Protection Act, 23 April 2020, <https://rsaegean.org/en/comments-on-the-reform-of-the-international-protection-act-2/>

³² See: Amnesty International, *Greece: Worrying legal developments for asylum-seekers and NGOs*, note 31 above.

³³ Article 20 (2) of law 4686/2020, amending article 92 of law 4636/2019. More at: Amnesty International, *Greece: worrying legal developments for asylum-seekers and NGOs*, note 31 above.

³⁴ Law no. 4825/2021, in Greek, at: <https://collab.lawspot.gr/sites/default/files/mashup/feka/2021/fek-157-2021.pdf>

³⁵ Council of Europe, Commissioner for Human Rights, Greece's Parliament should align the deportations and return bill with human rights standards, 3 September 2021, at: <https://bit.ly/3260NcH>

³⁶ United Nations High Commissioner for Refugees, Delegation in Greece, 31 August 2021, in Greek at: <https://bit.ly/3q6h1JO>

³⁷ For details of cases of prosecution for irregular entry at the time of the suspension see: Amnesty International, *Europe: Caught in a political game*, note 5 above, p. 13. For a detailed analysis of the consequences of the temporary suspension of asylum see: Refugee Support Aegean (RSA) and others, *The right to asylum in the context of "instrumentalisation" – Lessons from Greece*, 18 November 2021, https://rsaegean.org/wp-content/uploads/2021/11/2021-11_Asylum_Instrumentalisation-1-2.pdf

5. EXCESSIVE USE OF FORCE (ARTICLE 1, 2, 12 AND 16)

5.1 POLICING OF DEMONSTRATIONS

In its concluding observations, the Committee expressed its concerns at reports of excessive use of force acting to disperse demonstrators during the period under review and reports of ill-treatment of persons in police custody.³⁸ The Committee also noted of reports that detainees have often had difficulty gaining access to counsel, a doctor, an interpreter or family members and expressed concerns about reports that police officers continue to be present during medical examinations and that they have access to detainees' medical records. The Committee also urged the State Party among others to *"ensure that all complaints of torture and ill-treatment are promptly investigated in an impartial manner by an independent body, that there is no institutional or hierarchical relationship between that body's investigators and the suspected perpetrators of such acts, and that the suspected perpetrators are duly tried and, if found guilty, punished in a manner commensurate with the gravity of their acts"*.³⁹

In the period under review, Amnesty International has continued to document many cases of dispersal of peaceful assemblies and unlawful use of force against peaceful protesters and others as well as reports of ill-treatment of protesters and other individuals in police custody.⁴⁰ The organization has also documented cases highlighting failures of the Greek authorities to adhere to international human rights standards related to the protection of the rights of detainees and core safeguards against torture. The organization also brings to the attention of the Committee, some cases that resulted in serious injuries in protesters where the criminal and disciplinary investigations conducted failed to ensure justice.

5.1.1 UNECESSARY AND EXCESSIVE USE OF FORCE

In the demonstrations documented by Amnesty International in November and December 2020, the Greek authorities introduced blanket bans on assemblies and dispersed peaceful assemblies that took place on the days of those bans.⁴¹ During these assemblies, the Greek police proceeded with the dispersal of the assemblies in three different ways: arresting the protesters but not using force; using unnecessary and excessive force; encircling the protesters and not allowing them to leave until fines for breaching public health rules were imposed.

The organization has also documented cases of peaceful demonstrations that took place when there was no prohibition in March 2021 where police resorted to dispersal and use of unnecessary and excessive force even before the demonstration started. In a February 2021 demonstration, police reportedly used unnecessary and excessive force against peaceful protesters after the demonstration had ended and at a moment when no violent incident had taken place.

³⁸CAT/C/GRC/CO/7, para. 26.

³⁹ Committee against Torture, Concluding Observations on the Seventh Periodic Report of Greece, CAT/C/GRC/CO/7, 3 September 2019, para. 29.

⁴⁰ Cases on file. See also: Amnesty International Report 2020/2021, Greece Entry, at: <https://www.amnesty.org/en/location/europe-and-central-asia/greece/report-greece/>; *Policing the Pandemic: Human Rights Violations in the Enforcement of COVID-19 Measures in Europe*, 24 June 2020 (Index: EUR 01/2511/2020), at <https://www.amnesty.org/en/documents/eur01/2511/2020/en/>. *Greece: Freedom of Assembly at Risk and Unlawful Use of Force in the Era of COVID-19*, 14 July 2021, (Index: EUR 25/4399/2021), at: <https://www.amnesty.org/en/documents/eur25/4399/2021/en/>.

⁴¹ Amnesty International, *Greece: Freedom of Assembly at Risk and Unlawful Use of Force in the Era of COVID-19*, note 40 above.

Interviewees described how police resorted unnecessarily and excessively to the use of water cannons and chemical irritants against peaceful protesters. Some also spoke of police hitting them with batons on their heads and using stun grenades in a way that could cause considerable injury including hearing problems.

In some cases, female interviewees said that they were subjected to sexist and abusive language by police and in one case, protesters said that riot police identified themselves as being members of the far-right party Golden Dawn.

The cases documented for the purposes of the research conducted between November 2020 and March 2021 show that the Greek authorities unlawfully interfered with and failed to facilitate the right to freedom of peaceful assembly by introducing disproportionate restrictions such as blanket bans and dispersing peaceful assemblies including by resorting to unnecessary and excessive use of force.

Protesters also said that they adhered to physical distancing and wore masks in order to protect public health and that police proceeded with a dispersal of the assembly and use of force without any/or sufficient warning. They also said that they were transferred in overcrowded police cars or small police vans. The examples provided highlight how the police operations increased health risks since protesters were not able any longer to keep physical distancing.

Further, in March 2021, footage showing the unlawful use of force against a young man by a police officer during a Covid-19 document check in the neighbourhood of Nea Smyrni, Athens, caused public outrage and prompted many demonstrations. A disciplinary inquiry was ordered, and a police officer was suspended from his duties while an Athens Prosecutor ordered a criminal investigation.⁴²

Between November 2020 and March 2021, Amnesty International has also received some serious allegations of torture and other forms of ill-treatment of protesters and other individuals in detention. Illustrative examples include the case of two protesters who participated in one of the demonstrations against police violence in March 2021 who reported being tortured by police in the General Attika Police Directorate during their questioning. Both protesters filed a criminal complaint.⁴³ Amnesty International was also informed that four of the five ANTARSYA⁴⁴ members (two men and two women) arbitrarily arrested in on 14 November 2020, were asked to remove all their clothes during a body search procedure in Thessaloniki Police Directorate, a completely unnecessary and degrading procedure. On 10 February 2021, the four individuals filed a criminal complaint against the police for their alleged treatment under Article 137 A4 of the Greek Criminal Code (serious breaches to human dignity).⁴⁵

5.1.2 FAILURE TO UPHOLD SAFEGUARDS

Between November 2020 and March 2021, the organization documented in a report on the right to freedom of assembly and unlawful use of force in the policing of demonstrations⁴⁶, cases highlight failures of the Greek authorities to adhere to international human rights standards related to the protection of the rights of detainees and core safeguards against torture and other forms of ill-treatment including the rights of persons deprived of their liberty: to be informed of the reasons of their arrest; to access a lawyer; to receive medical care and assistance; and be detained under humane conditions.

In at least five of the cases documented, police reportedly failed to inform those apprehended on the grounds of their arrest for several hours after their transfer to a police station and/or delayed access to legal assistance. Some of the interviewees and/or their lawyers said that they were questioned without the presence of the lawyer.

In several of the cases documented, the individuals apprehended described overcrowding and/or very poor conditions during their custody that they considered put them at an increased risk of being exposed to COVID-19. In some cases, the authorities reportedly refused to provide the interviewees with masks and/or disinfectant when requested. Many of the individuals whose cases have been documented said that they had to seek medical assistance for their injuries. Several interviewees and/or their lawyers said that police denied, delayed or obstructed access to medical assistance.

⁴² Amnesty International, *Greece: Freedom of Assembly at Risk and Unlawful Use of Force in the Era of COVID-19*, note 40 above.

⁴³ Amnesty International, *Greece: Freedom of Assembly at Risk and Unlawful Use of Force in the Era of COVID-19*, note 40 above.

⁴⁴ Political party

⁴⁵ Copy of complaint on file.

⁴⁶ Amnesty International, *Greece: Freedom of Assembly at Risk and Unlawful Use of Force in the Era of COVID-19*, note 40 above.

5.1.3 PROMPT, THOROUGH AND IMPARTIAL INVESTIGATIONS

Amnesty International has repeatedly urged the Greek authorities to stop characterizing acts of unlawful use of force as “isolated” and acknowledge the systemic nature of the phenomenon and to send a strong message that such acts will not be tolerated⁴⁷ Such police misconduct has been frequently documented and is not just “isolated incidents”. Failure to do so will perpetuate a long-standing culture of impunity that Amnesty International and other organizations have been documenting for many years.⁴⁸

In 2019 and 2020, the Greek Ombudsman, in his capacity as a National Mechanism Investigating Incidents of Arbitrariness (National Mechanism), received a total of 471 cases concerning actions or omissions of law enforcement officials and staff of detention facilities.⁴⁹

Amnesty International’s previous reports identified systemic failings leading to impunity for law enforcement officials committing human rights violations including the failure by the police or judicial authorities to conduct prompt, thorough, effective and impartial investigations and to bring perpetrators to justice.⁵⁰ The ECtHR has found Greece in breach of the procedural aspects of Articles 2 (right to life) or 3 of the European Convention on Human Rights (prohibition of torture and other ill-treatment) in thirteen cases concerning use of potentially lethal force or ill-treatment by law enforcement officials on account of the absence of effective administrative and criminal investigations and inadequate criminal proceedings and penalties.⁵¹

The organization would like to bring to the attention of the Committee, some cases that resulted in serious injuries in protesters where the criminal and disciplinary investigations conducted failed to ensure justice.

In May 2020, an Athens court awarded compensation to journalist Manolis Kypreos after it found the Greek state responsible for his serious injury by a police officer who threw a stun grenade at him in 2011. An appeal was filed against the decision in October 2020, and it was heard in November 2021.⁵² The outcome of the hearing is unknown to date. Concerns remain as no one suspected of responsibility has been held accountable in the criminal and disciplinary investigations conducted into the incident.

In April 2021, an Athens court also found police responsible for the life-threatening injuries sustained by psychologist and photographer Yiannis Kafkas in May 2011 and awarded him compensation of 50.000 euros. An appeal was filed against the decision by the Greek authorities in September 2021. Concerns

⁴⁷ See Conclusions of Report Round-Table on Professional Policing: Treatment of Apprehended Persons and Consequences Athens, 10-11 January 2019 organised by the Council of Europe and the Greek Court of Cassation Prosecutor’s Office, available at: <https://bit.ly/3p1wL0z>. In a March statement, the Ministry of Citizen Protection argued that the reports of arbitrariness have increased but whether police violence has increased will be reflected when relevant investigations are completed by the Ombudsman and the Greek Police. The statement fails to acknowledge a series of persistent shortcomings identified in criminal and disciplinary investigations by the Greek Ombudsman in his capacity as a National Mechanism for the Investigation of Incidents of Arbitrariness and the CPT that can lead to the perpetrators not being brought to justice and which support a culture of impunity. Available at: <https://bit.ly/34xKlZQ>.

⁴⁷ See Amnesty International/International Helsinki Federation, *Greece: In the Shadow of Impunity: Ill-treatment and the misuse of firearms*, 23 September 2002 (Index: EUR 25/022/2002), at <https://www.amnesty.org/en/documents/eur25/022/2002/en/>; Amnesty International, *Greece: Alleged Abuses in the Policing of Demonstrations*, 30 March 2009 (Index: EUR 25/001/2009), at <https://www.amnesty.org/en/documents/eur25/001/2009/en/>; *Police Violence in Greece: Not just ‘Isolated Incidents’*, 3 July 2021 (Index: EUR 25/005/2012), at <https://www.amnesty.org/en/documents/eur25/005/2012/en/>; and *A Law unto Themselves: A Culture of Abuse and Impunity in the Greek Police*, 3 April 2014, (Index: EUR 25/005/2014), at <https://www.amnesty.org/en/documents/eur25/005/2014/en/>.

⁴⁸ Note 47 above.

⁴⁹ National Mechanism for the Investigation of Incidents of Arbitrariness, Annual Reports of 2019 and 2020, available at: <https://bit.ly/3fitEyq> and <https://bit.ly/3yOPHEw>.

⁵⁰ See note 47 above.

⁵¹ See Council of Europe, Committee of Ministers, Status of Execution: Makaratzis Group, available at: <https://bit.ly/2RXjBFU>. In a Resolution adopted on 16 September 2021, the Council of Europe Committee of Ministers decided to close the examination of the thirteen cases in the Makaratzis group. However, the Committee also stated that: “[t]aking note of the significant other general measures taken in recent years with a view to preventing similar violations, decided to continue the examination of the question of the outstanding general measures required in response to the shortcomings found by the Court in these judgments in the context of a new group of cases named Sidiropoulos and Papakostas”. It also noted that “the closure of these cases therefore in no way prejudices the Committee’s evaluation of the general measures required to prevent recurrence of ill-treatment by law enforcement officers, and lack of effective investigations into ill-treatment and deaths in the context of law enforcement”. See Resolution CM/ResDH(2021)190, Adopted by the Committee of Ministers on 16 September 2021, at the 1411th meeting of the Ministers’ Deputies.

⁵² Amnesty International Report 2020/2021, Greece Entry, at: <https://www.amnesty.org/en/location/europe-and-central-asia/greece/report-greece/>; *Greece: A Law unto themselves: A Culture of Abuse and Impunity in the Greek Police*, (Index:25/005/2014), note 47 above.

remain as the prolonged criminal and disciplinary investigations into the case failed to ensure justice for Yiannis Kafkas.⁵³

In the recent 2020 Report, the National Mechanism continued to identify a series of shortcomings in the conduct of disciplinary investigations. These shortcomings included: failures to investigate reported incidents of police arbitrariness; failure to seek or promptly examine witnesses; inadequate evaluation of medical findings; targeting of the person that reports an incident with the criminal offences of insubordination and resistance; and delays in the completion of the investigations.⁵⁴ In 41 % of the investigations monitored, the Mechanism requested more thorough investigations of complaints by the competent disciplinary authorities and noted that this should make the authorities think about improvements in the quality of the internal disciplinary procedures.⁵⁵

The organization notes the reforms introduced in 2019 in the Police Disciplinary Code and those introduced in 2020 that seek to enhance the effectiveness of the National Mechanism.⁵⁶ They include provisions that seek to ensure the required service distance between the person that conducts a preliminary disciplinary investigation and the officer/s investigated and to shorten the time that disciplinary investigations are conducted. The reforms also equip the National Mechanism with express powers to summon witnesses, carry out an autopsy, order an expert opinion and obtain depositions by witnesses; and give the National Mechanism the power to refer to the competent Minister cases where it has found an insufficiently reasoned deviation from the Mechanism's findings that have been referred to the disciplinary bodies for completion of an investigation.

5.2 EXCESSIVE USE OF FORCE IN MIGRATION CONTROL.⁵⁷

During the events of February-March 2020, discussed above, Greek border forces used tear gas extensively against groups of asylum-seekers and migrants, including families with young children attempting to cross the border. On 4 March 2020 Amnesty International observed Greek border guards using tear gas constantly over the three hours that our delegation monitored the Pazarkule border gate. During this time several people returned to the Turkish side, visibly injured and complaining of being hit by tear gas canisters fired by Greek border forces. Other reports were received of use of projectiles and stun grenades that Amnesty International could not verify. A health professional working in Turkey's border region confirmed that some individuals had received medical treatment for injuries consistent with use of plastic bullets.

Asylum-seekers and migrants frequently reported to Amnesty International and other NGOs that Greek border forces used live ammunition against them, both firing into the air and in their direction, as they attempted to cross the border. Amnesty International was shown a bullet allegedly fired by a Greek soldier at a group of asylum-seekers as they attempted to cross the Evros river border south of the city of Edirne; allegedly, it narrowly missed them as it lodged in a tree. The Turkish authorities claim that three people were killed as the result of use of force by Greek border forces and that 164 had been injured by 5 March. A larger number of shootings have been alleged by asylum-seekers and migrants but remain undocumented.

Amnesty International and other reputable organizations documented the deaths of two men in this area as a result of being shot: Muhammad Gulzari,⁵⁸ a 43-year-old Pakistani man, and Muhammad al-Arab,⁵⁹ a 22-year-old Syrian man. Amnesty International also reported the case of a Syrian woman, Nadera Almonla, who went missing and is presumed dead after she and her husband were separated from their six children while

⁵³ Amnesty International, Greece: Court decision awards compensation to protester subjected to near fatal unlawful use of force, Public Statement, 28 May 2021, (Index: EUR 25/4207/2021; *Greece: A Law unto themselves: A Culture of Abuse and Impunity in the Greek Police*, note 47 above.

⁵⁴ National Mechanism, Annual Report 2020, note 49 above.

⁵⁵ A Special Committee set up by the Ministry of Citizen Protection in November 2019 to investigate the progress of twenty cases of police violence underlined the impunity that exists and identified several shortcomings including unwillingness of police investigative bodies to cooperate with the National Mechanism; failure to obtain testimonies from crucial witnesses and examine medical professionals; as well as bias by the investigating officers. See Findings of Alivizatos Committee for police violence in Greece, available at: <https://bit.ly/3yNCqw6>.

⁵⁶ See National Mechanism Annual Report for 2019; note 49 above; also: Article 188 of Law 4662/2020 and Article 28 of Law 4760/2020 that envisages the establishment of five new positions of specialized scientific personnel.

⁵⁷ For further details and sources see: Amnesty International, *Europe: Caught in a political game* [...], note 5 above, pp. 7-9

⁵⁸ Forensic Architecture, *Investigation: The Killing of Muhammad Gulzar*, <https://forensic-architecture.org/investigation/the-killing-of-muhammad-gulzar>

⁵⁹ Forensic Architecture, *Investigation: The Killing of Muhammad al-Arab*, <https://forensic-architecture.org/investigation/the-killing-of-muhammad-al-arab>

attempting to cross the Evros river to enter Greece. The woman was initially referred to as ‘Fatma’ with a view to protecting her identity. Her husband ‘Ahmed’ (not his real name) told Amnesty International that his wife has been missing, presumed dead after Greek soldiers fired shots towards her as she attempted to join their children on the Greek side of the river. Ahmed told Amnesty International that Greek authorities subsequently detained him and their children for four or five hours, during which they were stripped and had their possessions taken. They were then driven back to the river and put in a wooden boat that took them and others back to the Turkish side.⁶⁰ On 22 June 2020 the lawyer of the family in Turkey filed an application before the European Court of Human Rights (ECtHR) in this case, which is currently pending before the Court.

6. HUMAN RIGHTS DEFENDERS AND HUMANITARIAN WORKERS AND VOLUNTEERS (ARTICLE 16)

6.1 CRIMINALIZATION OF HUMAN RIGHTS DEFENDERS WORKING WITH MIGRANTS AND ASYLUM-SEEKERS

From 2019, the Greek government began to adopt a rhetoric of increased hostility and suspicion against NGOs working with refugees, in some cases blaming them for episodes of unrest among the refugee population and putting them under stricter controls.⁶¹ In addition to casting a negative light on NGOs and their activities in public debate,⁶² Greek authorities misuse anti-smuggling legislation to target activists and criminalize solidarity with refugees and migrants. Greek authorities have opened investigations and launched criminal proceedings against humanitarian workers, trained rescuers and activists.

The criminal case against humanitarian rescuers Seán Binder and Sarah Mardini, which the Committee refers to in the latest concluding observation against Greece, continued. On 18 November 2021, Binder and Mardini, as well as other 22 defendants associated with the NGO they volunteered with, faced trial before the Court of Misdemeanours of Mytilini, Lesbos, for the charges of espionage and disclosure of state secrets, unlawful use of radio frequencies and forgery. The trial was adjourned on procedural reasons, while Mardini was unable to attend in person owing to the Greek authorities’ refusal to lift the travel ban imposed against her, in a flagrant violation of her right to a fair trial.⁶³

The trial against Binder and Mardini follows a 3-year long investigation by the Greek authorities, following their arrest and subsequent release in February 2018. They were both arrested again on 21 August 2018. As a result of the police investigations, concluded in July 2018, Seán Binder and Sarah Mardini were charged of the misdemeanours listed above as well as with serious felonies, including facilitation of irregular entry of third country nationals, which is aggravated by allegedly being committed as part of a criminal organization, money laundering, and fraud. An indictment for these felonies has not been brought. If convicted for all

⁶⁰ To mark more than 100 days since her disappearance, on 8 June 2020, the lawyer of Fatma’s family in Turkey launched a digital campaign on twitter to call for justice for her, which Amnesty International also joined: <https://twitter.com/amnesty/status/1270024331226230784>

⁶¹ For details and sources see: Amnesty International, *Europe: Caught in a political game*, note 5 above, p. 15.

⁶² <https://www.euractiv.com/section/justice-home-affairs/news/greece-passes-new-law-to-better-monitor-ngos-dealing-with-migration/>

⁶³ Amnesty International, Greece: humanitarian workers’ lives remain on hold as trial is adjourned, 18 November 2021, Press release, <https://www.amnesty.org/en/latest/news/2021/11/sean-binder-and-sarah-mardinis-lives-remain-on-hold-as-trial-is-adjourned/>.

charges, Binder and Mardini would face up to 25 years in prison.⁶⁴ Amnesty International considers that the charges in the Binder-Mardini case appear to be unfounded, based on a wrong and abusive interpretation of anti-smuggling legislative provisions, and that they are not backed by the evidence presented by the Prosecutors. As such Amnesty International has called for all charges in the case to be dropped.

In September 2020, serious criminal charges have been announced against more NGOs and their members.⁶⁵ In October 2021, the UN Special Rapporteur on Human Rights Defenders held a hearing with individuals and organizations working in Greece with migrants and refugees who faced various forms of criminalization, including criminal proceedings, intimidation, physical attacks.⁶⁶

In addition to using criminal law to obstruct NGOs activities, in April and September 2020⁶⁷ Greek authorities introduced new legislation affecting NGOs and other entities operating in the areas of migration, asylum, and social integration, imposing burdensome and intrusive requirements, in violation of their right to freedom of association.⁶⁸ In July and November 2020, the Council of Europe Expert Council on NGO Law criticized the new rules.⁶⁹ In March 2021 the UN Special Rapporteurs on the rights to freedom of peaceful assembly and of association; on the situation of human rights defenders; and on the human rights of migrants also expressed concerns about the rules.⁷⁰

6.2 ATTACKS ON REFUGEES, JOURNALISTS AND NGOS DURING THE FEBRUARY-MARCH 2020 EVENTS⁷¹

Following the measures adopted by Greece to prevent crossings into the country and detain refugees and migrants who arrived after 1 March 2020 (discussed above in detail), attacks by local vigilante groups on refugees, journalists and NGOs were also recorded across the Aegean islands. On 1 March in Lesvos a dinghy with 50 adults and children on board arrived in Thermi and was actively prevented from disembarking by a crowd of locals gathered in protest on the dockside, verbally abusing those onboard. Giorgos Christides, a journalist for Der Spiegel there to report on the incident, was also attacked by locals at the scene and then at the many roadblocks patrolled by locals around Lesvos. German journalist Franziska Grillmeier and photographer Julian Busch also faced attacks on 2 March.

UNHCR's "Stage 2" transit camp for refugees in North Lesvos was set on fire on 1 March. On 7 March, a fire also hit 'One Happy Family' (OHF) Community Centre in Lesvos.⁷² In Samos, the car of a nurse working at the hospital and one of the vehicles of the NGO Arsis were set on fire. In Kos, after clashes broke out in front of the RIC on 4 March, early on 5 March a group of locals attacked the van of the NGO Metadrasis. On 3 March in Chios a warehouse run by volunteers, providing non-food items to refugees and marginalised groups, was destroyed by a fire, later determined to be arson.

⁶⁴ For a detailed analysis on Amnesty International's stance: Amnesty International, *Europe: Punishing compassion: Solidarity on trial in Fortress Europe*, 3 March 2020 (Index: EUR 01/1828/2020), at: <https://www.amnesty.org/en/documents/eur01/1828/2020/en/>.

⁶⁵ <https://www.euronews.com/2020/09/29/greek-police-accuse-33-ngo-members-of-helping-migrant-smugglers>

⁶⁶ <https://srdefenders.org/information/hearing-with-migrants-rights-defenders-in-greece/>

⁶⁷ Joint Ministerial Decisions no. 3063/2020, at: <https://www.kodiko.gr/nomothesia/document/678034/yp.-apofasi-3063-2020> and no. 10616/2020, at: <https://www.kodiko.gr/nomothesia/document/680342/yp.-apofasi-10616-2020>

⁶⁸ Amnesty International, *Greece: Regulation of NGOs working on migration and asylum threatens civic space*, 31 July 2020, (Index: EUR 25/2821/2020), at: <https://www.amnesty.org/en/documents/eur25/2821/2020/en/>

⁶⁹ See: Council of Europe, Expert Council on NGO Law, Opinion on the compatibility with European standards of recent and planned amendments to the Greek legislation on NGO registration, 2 July 2020, at: <https://rm.coe.int/expert-council-conf-exp-2020-4-opinion-ngo-registrationgreece/16809ee91d> and Addendum to the Opinion on the compatibility with European standards of recent and planned amendments to the Greek Legislation, 23 November 2020, at: <https://rm.coe.int/expert-council-conf-exp2020-5-addendum-to-the-opinion-on-the-compatib/1680a076f2>

⁷⁰ Letter at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26314>

⁷¹ This section is extracted from Amnesty International's 2020 report: *Europe: Caught in a political game*, in full above, p. 15-17. While the information reported is accurate as of the date of publication of the report, it does not reflect any developments occurred after the publication nor the current state of the investigations cited.

⁷² On this see also: https://www.swissinfo.ch/eng/one-happy-family_arrests-made-over-lesbos-refugee-centre-blaze/45633316

7. GENDER-BASED VIOLENCE (ARTICLE 1 AND 16)

In its concluding observations, the Committee expressed concerns *“at the reported high incidence of violence, including sexual violence, against refugee, asylum-seeking and migrant women and girls occurring in Greece...(and) at reports that police officers and prosecutors often do not take adequate steps to protect victims of gender-based violence”*.⁷³

In the course of 2021, 17 women were murdered by their partners or former partners. Their murders highlighted the problem of domestic violence and brought renewed calls by women’s rights groups for the term “femicide” to be used in public debate and legislation. From January 2021, the Greek #MeToo movement shed light on tens of reports of rape and sexual harassment in the areas of sport and culture where many women spoke publicly about their abuse.

Women’s and human rights groups called for the withdrawal of a bill on child custody that would place domestic violence victims including refugee women at greater risk and breach the principle of the best interests of the child. The controversial bill, which became law in May 2021, risked giving perpetrators of violence and abuse access to their victims, and for an extended period of time.⁷⁴

⁷³ CAT/C/GRC/CO/7, para. 24.

⁷⁴Joint Statement by 81 Women’s organizations: Call to withdraw the Bill for mandatory shared custody for all children in Greece, 17 May 2021, at: <https://diotima.org.gr/en/call-to-withdraw-the-bill-for-mandatory-shared-custody-for-all-children-in-greece/> 17 May 2021; Amnesty International, “Greece: Safety of women and children at risk as MPs vote on law which would breach Istanbul Convention”, Press release, 18 May 2021, at: <https://bit.ly/3AsGxPI>

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GREECE

SUBMISSION TO THE UN COMMITTEE AGAINST TORTURE

73RD SESSION, 19 APRIL-13 MAY 2022, LIST OF ISSUES PRIOR TO REPORTING

This submission has been prepared ahead of the adoption of the List of Issues Prior to Reporting for Greece by the UN Committee Against Torture in April and May 2022.

The information included in this submission is a non-exhaustive selection of Amnesty International's concerns regarding Greece's compliance with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) based on the organization's research and observations since the last review. It highlights concerns regarding: ill-treatment and torture of asylum-seekers and migrants in the context of violent push-backs; immigration detention and conditions of detention; the asylum-system; human rights violations in the context of the policing of demonstrations including on-going reports of unnecessary and excessive use of force and failures of the Greek authorities to adhere to international human rights standards related to the protection of the rights of detainees and core safeguards against torture; excessive use of force in migration control; criminalization of human rights defenders working with migrants and asylum-seekers; attacks against refugees, journalists and NGOs working with refugees and migrants; and gender-based violence.