

Submission to the United Nations Human Rights Committee regarding Greece's  
adherence to the International Covenant on Civil and Political Rights

Suggested List of Issues Prior to Reporting

Report for the 133rd Session of the Human Rights Committee

Submitted by:

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## **I. Reporting Organisation**

1. Border Violence Monitoring Network (BVMN) is a coalition of organisations working to document illegal pushbacks, collective expulsions and police violence along the EU's external borders in the Western Balkans, Greece and Turkey since the network's formulation in 2016. The collection of data on illegal pushbacks and police violence is done by a consortium of independent field volunteers who are part of or cooperate with humanitarian support groups united through the Border Violence Monitoring Network.

## **II. Executive Summary**

2. Despite the ratification of the International Covenant on Civil and Political Rights (ICCPR) we assert that Greece has failed to meet its obligations under the ICCPR.

3. We affirm that the continuous treatment carried out against refugees and migrants by the Greek authorities, including actions of pushbacks, refoulement, use of violence, torture and inhuman conditions within detention centres, is in contradiction to the obligations set out under the Covenant.

4. We assert that the widespread and systematic use of torture and inhuman treatment during pushbacks by Greek authorities, as documented by BVMN and other NGOs, is in direct violation of Article 7 of the ICCPR.

5. We assert that the widespread use of illegal pushbacks against people-on-the-move by Greek authorities, and the systematic use of torture, inhuman treatment or arbitrary and incommunicado detention during the pushback process is in violation of the following articles of the covenant:

Article 6 of the International Covenant on Civil and Political Right

Article 7 of the International Covenant on Civil and Political Rights

Article 9 of the International Covenant on Civil and Political Rights

Article 10 of the International Covenant on Civil and Political Rights

Article 13 of the International Covenant on Civil and Political Rights

6. We assert that certain pushback methods across the Evros river and the Aegean sea, especially in bad weather conditions, may be expected to cause premature death, and so are a direct violation of Article 6 of the ICCPR.

7. Furthermore, as set out in Article 6 and 7 of the ICCPR, States have an obligation not to return a person where there are substantial grounds for believing that there is a real risk of irreparable harm. Due to the substantial risk of Greek authorities facilitating chain-

pushback whereby people-on-the-move are refouled via Turkey to Syria, we assert that the Greek State is in further breach of the Covenant.

### **III. Pushbacks, Collective Expulsion and Refoulement as a Violation of the International Covenant on Civil and Political Rights**

**Article 6 ICCPR:** Article 6 of the International Covenant on Civil and Political Rights

**Article 7 ICCPR:** Article 7 of the International Covenant on Civil and Political Rights

**Article 13 ICCPR:** Article 13 of the International Covenant on Civil and Political Rights

**CCPR General Comment No.20** (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment)<sup>10</sup>

**CCPR General Comment No. 31** (The Nature of the General Legal Obligation Imposed on States Parties to the Covenant)<sup>2</sup>

#### **Explanatory Note:**

8. ‘Pushback’ is a common term to denote the action of State representatives forcibly and in most cases collectively returning individuals seeking protection to another country in an irregular/informal manner and subsequently preventing or restricting them access to protection mechanisms.

9. Pushbacks encompass the legal concept of collective expulsion and the principles of non-refoulement which are prohibited under Article 6 and Article 7 of the ICCPR. The United Nations Human Rights Committee has previously outlined that States must not expose individuals to danger or cruel, inhuman or degrading treatment or punishment upon return to another country by way of their extradition, expulsion or refoulement<sup>3</sup>. Furthermore, State parties are required to ensure these rights extend to persons who may not be in the States territory but fall under the States effective control<sup>4</sup>.

10. Furthermore, in addition to the existing obligations not to refool individuals to a country where they may be at risk of torture, the ICCPR also introduces the obligation of State

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<sup>1</sup> UN Human Rights Committee (HRC), CCPR General Comment No. 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment), 10 March 1992. Available at: <https://www.refworld.org/docid/453883fb0.html>

<sup>2</sup> UN Human Rights Committee (HRC), General comment no. 31 [80], The nature of the general legal obligation imposed on States Parties to the Covenant, 26 May 2004, CCPR/C/21/Rev.1/Add.13, available at: <https://www.refworld.org/docid/478b26ae2.html>

<sup>3</sup> UN Human Rights Committee (HRC), CCPR General Comment No. 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment), 10 March 1992. Available at: <https://www.refworld.org/docid/453883fb0.html>

<sup>4</sup> UN Human Rights Committee (HRC), CCPR General Comment No.33 [80] The Nature of the General Obligation Imposed on State Parties to the Covenant, 26 May 2004. CCPR/C/21/Rev.1/Add.13. Available at: <https://www.refworld.org/docid/478b26ae2.html>

Parties not to refooul individuals to a country where they may be at risk of inhuman or degrading treatment and punishment.

## Evidence

11. The border violence monitoring network has documented 147 pushbacks detailing the ill-treatment and abuse of more than 8,783 people:

11.1. In 2019, BVMN collected 6 pushback testimonies from Greece, exposing the ill-treatment and abuse of an estimated 75 people<sup>5</sup>.

11.2. Again in 2020, BVMN collected 88 pushback testimonies from Greece, exposing the ill-treatment and abuse of an estimated 4,739 people<sup>6</sup>.

11.3. Between the 1st of January and 1the 3th of July 2021, BVMN has collected 53 pushback testimonies from Greece, exposing the ill-treatment and abuse of an estimated 3,969 people<sup>7</sup>.

12. The Border Violence Monitoring Network, through our field-based partner organisations, have collected testimonies that recall Greek authorities pushing back and refouling people to Turkey. We assert that this destination of refolement comes with considerable risk of further rights violations, and due to the systematic use of torture, intense violence and abuse carried out during pushbacks.

13. Additionally, due to the systematic practice of pushbacks from Turkey to Syria, and coercive returns of Syrian nationals we assert a very real risk of eventual expulsion to Syria from Turkey for Syrian nationals. Due to Greece’s knowledge of such practices, this would also amount to a violation of Articles 6 and 7 of the ICCPR.

14. In addition to 147 testimonies collected by BVMN that exposes the ill-treatment, abuse and pushback of 8,783 people since 2019 by the Greek authorities, a range of other NGOs and human rights watchdogs have also reported on the issue:

14.1. In 2018, the Greek Council for Refugees documented 39 pushbacks in Greece. In particular, they explain that “large families, pregnant women, victims of torture, but even minors, too, are some of the victims of pushbacks.”<sup>8</sup> The continuous

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<sup>5</sup> Border Violence Monitoring Network, 12.08.2021, available at: <https://www.borderviolence.eu/violence-reports/#>

<sup>6</sup> Ibid

<sup>7</sup> Ibid

<sup>8</sup> Greek Council for Refugees, The new normality: Continuous push-backs of third country nationals on the Evros river, available at: <https://www.gcr.gr/en/news/press-releases-announcements/item/1028-the-new-normality-continuous-push-backs-of-third-country-nationals-on-the-evros-river>

pushbacks of third-country nationals on the Evros river are described as “the new normality”, with the Greek Council for Refugees urging further investigation.

14.2. In 2018, the Europe Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) affirmed in their report to the Greek government that they had received consistent and credible allegations of pushback operations from Greece to Turkey via boats across the Evros River Border<sup>9</sup>. The CPT stated that these reports correspond to previous allegations that they had received in 2015<sup>10</sup>.

14.3. In 2018, Human Rights Watch interviewed 26 asylum seekers and documented 24 incidents of pushbacks across the Evros River from Greece to Turkey. In the interviews, the respondents indicated that the pushbacks were carried out by Greek police and unidentified forces wearing uniforms and masks without recognisable insignia. In addition to experiencing pushbacks, the respondents recall how they were stripped to their underwear and had their personal possessions and documents stolen from them<sup>11</sup>.

14.4. In 2019 the United Nations Working Group on Arbitrary Detention sustained the continued allegations of pushback and stated: “The Working Group urges the Government to put an immediate end to pushbacks and to ensure that such practices, including any possible acts of violence or ill-treatment that have occurred during such incidents, are promptly and fully investigated”<sup>12</sup>.

14.5. A report by Amnesty International in June 2021 defines the pushbacks and violence against refugees and migrants on the Greek border as ‘de facto border policy’. “In most cases, the acts of violence reported violated the international prohibition of inhuman or degrading treatment. Some incidents also amounted to torture, due to their severity and humiliating or punitive intent.”<sup>13</sup> In the same way, Human Rights Watch urge “the Greek parliament to establish an inquiry into all

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<sup>9</sup> Council of Europe. Report to the Greek Government on the Visit to Greece Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 19 April 2018. Available at: <https://rm.coe.int/1680930c9a>

<sup>10</sup> Ibid

<sup>11</sup> Ibid

<sup>12</sup> OHCHR. “Working Group on Arbitrary Detention: Preliminary Findings from its visit to Greece (2-13 December 2019)”. Available at:

<https://rm.coe.int/1680930c9ahttps://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25421&LangID=E>

<sup>13</sup> Amnesty International, 2021, Greece: Pushbacks and violence against refugees and migrant are de facto border policy, available at: <https://www.amnesty.org/en/latest/news/2021/06/greece-pushbacks-and-violence-against-refugees-and-migrants-are-de-facto-border-policy/>

allegations of collective expulsions, including pushbacks, and violence at the brooders, and determine whether they amount to a de facto government policy.”<sup>14</sup>

14.6. The Protecting Rights at Borders<sup>15</sup> initiative collected testimonies documenting pushbacks of 34 people between 16 April and 30 June 2021. The documented pushbacks include arbitrary arrest, inhumane detention, and violence. These testimonies also included a man with refugee status in Greece who was apprehended prior to a meeting with a lawyer to re-issue his documentation as he had lost his original. Despite paperwork showing his legal status, he was pushed back to Turkey.

#### **IV. Serious Risk of Death During Pushbacks as a Violation of the International Covenant on Civil and Political Rights**

**Article 6 ICCPR:** Article 6 of the International Covenant on Civil and Political Rights

**Article 7 ICCPR:** Article 7 of the International Covenant on Civil and Political Rights

**Article 13 ICCPR:** Article 13 of the International Covenant on Civil and Political Rights

**CCPR General Comment No.20** (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment)<sup>160</sup>

**CCPR General Comment No. 31** (The Nature of the General Legal Obligation Imposed on States Parties to the Covenant)<sup>17</sup>

**CCPR General Comment No.36:** On Article 6 of the International Covenant on Civil and Political Rights, on the right to life<sup>18</sup>

#### **Explanatory note**

15. The ICCPR makes clear that the right to life should not be interpreted narrowly and places an obligation on states to ensure individuals are free from acts which are either intended or may be expected to cause their premature death.

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<sup>14</sup> Human Rights Watch, 2020, Greece: Investigate Pushbacks, Collective Expulsions, available at: <https://www.hrw.org/news/2020/07/16/greece-investigate-pushbacks-collective-expulsions>

<sup>15</sup> Protecting Rights at Borders, 2021, Doors wide shut: Rights violations at borders re-confirmed, while the door for justice and the path to accountability remain closed, available at: <https://www.drc.ngo/media/y2zphgpz/prab-report-april-to-june-2021.pdf>

<sup>16</sup> UN Human Rights Committee (HRC), CCPR General Comment No. 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment), 10 March 1992. Available at: <https://www.refworld.org/docid/453883fb0.html>

<sup>17</sup> UN Human Rights Committee (HRC), General comment no. 31 [80], The nature of the general legal obligation imposed on States Parties to the Covenant, 26 May 2004, CCPR/C/21/Rev.1/Add.13, available at: <https://www.refworld.org/docid/478b26ae2.html>

<sup>18</sup> UN Human Rights Committee (HRC), CCPR General Comment No. 36 30 October 2018. Available at: <https://www.ohchr.org/en/hrbodies/ccpr/pages/gc36-article6righttolife.aspx>

16. We assert that the combination of certain methods and routes of pushbacks in the Aegean sea and across the Evros river would be expected to cause premature death. This is especially true in cases where river or sea conditions are bad, people are abandoned without food or water, people alert the authorities that they cannot swim or when authorities purposefully damage boats.

### **Evidence of sea pushbacks**

17. In June 2020, BVMN<sup>19</sup> documented through its member, Josoor, a pushback of 21 people at sea including minors as young as two years old. When the group's dinghy was around 500 metres from Greek waters they were approached by two Greek Coastguard vessels. The larger vessel created waves in an attempt to pushback the dinghy. The smaller vessel, which had five men on board, approached the dinghy. With long sticks, two men attempted to beat the people-on-the-move, whilst a third cut a hole in the dinghy and fuel hose with a knife. The two Greek vessels retreated upon the approach of the Turkish Coast Guard. The respondent reported that their dinghy began to slowly fill with water and the group used shoes and water bottles to scoop the water out. Hours later, one member of the group began to film the incident live on Facebook, whilst the Greek Coast Guard continued to observe the situation and drove between the dingy and the Turkish Coast Guard to prevent them reaching the people-on-the-move. After this, the Turkish Coast guard left. A small Greek vessel approached the dinghy with the same five men as before. One of the men boarded the dinghy and severely beat the man who had been filming to such an extent that the man tried to jump into the water. The group were eventually rescued by the Turkish Coast Guard and returned to Turkey.

18. In October 2020, BVMN<sup>20</sup> documented through its member Mare Liberum, a pushback at sea of 19 people including five minors - the youngest of which was just two years old. The group attempted to reach Greece by sea but their motor broke and they became stranded. The group was approached by what was described as a Greek military ship which pulled the group's boat towards them, the group's boat crashed into the vessel further damaging it. The group were then asked to board the ship but later made to get back into their boat and pushed away from the ship. The group were then approached by the Hellenic Coast Guard and brought aboard their vessel. The Coast Guard then shot at the group's dinghy causing much distress to the children. The group then had their wallets and phone confiscated before being made to board motorless inflatable boats and being abandoned at sea.

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<sup>19</sup> Border Violence Monitoring Network, 2020, *They told us we don't care... Die... We want you to die*. Available at: <https://www.borderviolence.eu/violence-reports/june-5-2020-1000-aegean-sea-lesvos-turkey/>

<sup>20</sup> Border Violence Monitoring Network, 2020. Once they put us on the coast guard ship, they shot our boat approximately 20 times. Available at: <https://www.borderviolence.eu/violence-reports/october-30-2020-2130-aegean-sea-between-rhodes-and-marmaris-mugla/>

19. In November 2020, BVMN<sup>21</sup> documented through its member Mare Liberum, a pushback at sea of 24 people including children. There were more women than men within the group. The group safely travelled by boat from Turkey and landed on Lesbos. The group walked towards a road upon instruction from UNHCR who they had called for help. Upon reaching the road the group was apprehended by 10 police officers who denied their requests to be taken to a camp. The group were moved to a spot in the bushes where they had their possessions, including paperwork confiscated and burnt. The group were kicked, beaten with batons and held at gunpoint. The group were forced to board a Coast Guard Vessel and again beaten and held at gunpoint and driven for around an hour towards the Turkish coast. The group were then forced to board an inflatable life raft, which at the time of boarding already had air leaking from it. The group were eventually rescued by Turkish authorities.

### **Evidence of pushbacks at the Evros river**

20. BVMN has documented numerous violations of Article 6 of the ICCPR carried out by Greek authorities during illegal pushbacks of people-on-the-move. The commonplace use of the Evros river as a pushback route to Turkey comes with an imminent risk of irreparable harm.

21. BVMN has frequently documented forced swimming and the abandonment of people, without access to food or water, on deserted islets within the Evros river. Greek authorities are commonly documented by BVMN as driving people in a dinghy out into the Evros river just meters from Turkish territory. People - including children, and those who declare they can not swim - are then forced into the river and made to swim to a nearby islet. They are often then instructed to swim back to Turkey. This practice occurs even when the conditions of the river make it an even more perilous option. As well as the actual deaths previously mentioned, this practice itself constitutes a violation of Article 6 of the ICCPR due to the immense risk of death caused both by drowning and hypothermia for those who make it across the river during winter months.

22. In November 2019, BVMN<sup>22</sup> documented a pushback of 3 people to Turkey. The group crossed the border and, upon reaching Greek land, saw police officers in balaclavas. The group hid under a tree, but one of the members was caught by the police. The officers tied

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<sup>21</sup> Border Violence Monitoring Network, 2020, When they put us inside the vessel they put us at gunpoint again, available at: <https://www.borderviolence.eu/violence-reports/november-10-2020-0100-south-of-mylene-left-at-sea-between-turkey-and-lesvos-39-043526-26-750051/>

<sup>22</sup> Border Violence Monitoring Network, 2019, I don't know if he is dead or he is alive. I have no idea, available at: <https://www.borderviolence.eu/violence-reports/november-29-2019-0600-evros-river-near-uzunkopru-est-loc/>



his wrists and ankles using plastic cable ties and threw him in the Evros River. The respondent said: ‘I don’t know if he is dead or he is alive. I have no idea.’

23. In January 2020, BVMN<sup>23</sup> documented a pushback of 20 people, including children. At the Evros River, eight people at a time were put in a dinghy to cross the river to Turkey. The respondent described that when they were in front of a small island, the group was ordered to jump into the water. From the island they had to swim to the Turkish shore. In the water, the respondent, who could not swim, was swept along by the overwhelming current of the river. He eventually managed to grab onto a fallen tree trunk and used it to pull himself out of the water.

24. In September 2020, BVMN<sup>24</sup> documented the forced boarding of 120 persons, including women, children and seniors, on a dinghy in the Maritsa River. After only a few moments onboard the dinghy capsized and everyone on board fell into the water. As many of the group were unable to swim, panic ensued. According to the respondent, despite the efforts of a member of the group to bring everyone to safety, two men fell unconscious and drowned.

25. In September 2020, BVMN, through its member Josoor,<sup>25</sup> documented a pushback of 80 people, including women and small children, the youngest of whom was 3 years old. The respondent described that everyone was held naked in the detention centre in Didymoteicho, before being driven to the Evros River. They were brought to the middle of the river and told to jump, even though some people said they couldn’t swim. Two people disappeared into the river and the respondent has not heard from them since.

26. In November 2020, BVMN<sup>26</sup> documented through its member Josoor, the forced swimming of 6 people who were forced from a boat in the middle of the river by Greek authorities. The group reached an islet but were found by Turkish authorities, severely beaten and then forced back into the river. The group then reached another island where they hid, from both Greek and Turkish authorities, for two days without access to food or water whilst they waited for the conditions of the river to improve so that they could swim back to Turkey.

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<sup>23</sup> Border Violence Monitoring Network, 2021, I don’t know how to swim, the river came and I thought I was finished. Available at: <https://www.borderviolence.eu/violence-reports/january-8-2021-0000-near-nea-vyssa/>

<sup>24</sup> Border Violence Monitoring Network, 2020, Deaths during pushback at the Evros border. Available at: <https://www.borderviolence.eu/violence-reports/september-9-2020-1100-greek-turkish-border-near-edirne/>

<sup>25</sup> Border Violence Monitoring Network, I got drunk for the first time in my life to have the courage to tell them, but I can’t. How can I tell them their son is dead? Available at: <https://www.borderviolence.eu/violence-reports/september-6-2020-1700-alexandropouli-bus-station/>

<sup>26</sup> Border Violence Monitoring Network, 2020, Sometimes they hit you with the baton, for nothing. Just like that. For having fun maybe. Available at: <https://www.borderviolence.eu/violence-reports/november-14-2020-0000-dilofos-kapikule/>

27. In December 2020, BVMN<sup>27</sup> documented a pushback where four people reportedly died. The respondent described that the group was abandoned by Greek border forces on an island in the Maritsa River, after being taken by a dinghy. ‘They didn’t have anything to go back to Greece, or to go to Turkey’, the respondent said. ‘They died like insects.’

28. In January 2021, BVMN, through its member Josoor,<sup>28</sup> documented a pushback of more than 60 people, including minors. The respondent described that upon arriving at the Evros/Meric river, there was no boat to take them across the river. ‘They forced us and threatened us with guns to cross the river’, the respondent said. ‘One of us sank in the river. He died. We couldn’t find him later’.

29. In February 2021, BVMN<sup>29</sup> documented through its member Josoor, the forced swimming of 140 people including children. Seven people at a time were made to board a plastic boat that was driven to the middle of the Evros river. They were then made to swim to the other side.

30. In April 2021, BVMN<sup>30</sup> documented through its member Josoor, a pushback through our member organisation Josoor, of 120 people including children as young as 6 years old and an elderly man in his sixties. The group were driven in 8 at a time in a dinghy into the middle of the Evros river where they were told to jump in and swim to the nearest island, Nashubey. Those who were scared or hesitant to jump were pushed whilst a Greek officer pointed a weapon at the group. The group was stuck on the island, without access to food or water for two days before being rescued by Turkish authorities.

31. In April 2021, BVMN, through its member Josoor,<sup>31</sup> documented a pushback of 9 persons, including minors. The respondent described that two people died during this pushback. One person escaped after being apprehended by officers. However, the respondent, after a body was found in the river the next day, believed it to be his friend. Another person died trying to swim to the Turkish side. Since the current was strong he was swept away and ‘disappeared’.

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<sup>27</sup> Border Violence Monitoring Network, 2020, They died like insects. Available at: <https://www.borderviolence.eu/violence-reports/december-13-2020-0000-greek-turkish-border-near-edirne/>

<sup>28</sup> Border Violence Monitoring Network, 2021, One of us sank in the river. He died. We couldn’t find him later. Available at: <https://www.borderviolence.eu/violence-reports/january-3-2021-0200-dilofos-kapikule/>

<sup>29</sup> Border Violence Monitoring Network, 2021, They don’t talk too much, they just take everything from you and they beat you. Available at: <https://www.borderviolence.eu/violence-reports/february-17-2021-0000-lavara-alibey/>

<sup>30</sup> Ibid

<sup>31</sup> Border Violence Monitoring Network, 2021, If anyone can speak English, you can come work for them [Greek Police] for six months and then you will be given papers for asylum. Available at: <https://www.borderviolence.eu/violence-reports/april-8-2021-0600-island-near-karayusufly/>

32. In October 2021, BVMN<sup>32</sup> documented a pushback of 200 people, including minors. The respondent described being placed in a boat of ten people and dropped in the middle of the river. ‘Only two Algerians knew how to swim, you saw people walk but the current took them away’, the respondent explained. He eventually arrived on the Turkish side, but had not heard from his friends who disappeared in the river. He believes they must have drowned.

## **V. Torture and Inhuman Treatment During Pushbacks as a Violation of the International Covenant on Civil and Political Rights**

**Article 6 ICCPR:** Article 6 of the International Covenant on Civil and Political Rights

**Article 7 ICCPR:** Article 7 of the International Covenant on Civil and Political Rights

**Article 13 ICCPR:** Article 13 of the International Covenant on Civil and Political Rights

**CCPR General Comment No.20** (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment)<sup>330</sup>

**CCPR General Comment No. 31** (The Nature of the General Legal Obligation Imposed on States Parties to the Covenant)

### **Explanatory note**

33. Article 7 of the ICCPR clearly states that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”.

34. We assert that the systematic use of torture and inhuman treatment during pushbacks, which includes but is not limited to; the use of excessive and disproportionate force, the punitive use of electric discharge weapons and the prolonged forced exposure to extreme weather conditions, should be viewed by the Committee as a violation of Article 7.

35. Furthermore, due to the extreme violence enacted upon people-on-the-move, with a clear and persistent absence of access to medical treatment, often rendering them with potentially life threatening injuries many miles away from the nearest town, BVMN asserts there is substantial evidence to suggest a breach of Article 6.

### **Evidence**

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<sup>32</sup> Border Violence Monitoring Network, 2020, I saw people walk into the river and the current took them away. Available at: <https://www.borderviolence.eu/violence-reports/october-30-2020-0000-nea-vyssa/>

<sup>33</sup> UN Human Rights Committee (HRC), CCPR General Comment No. 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment), 10 March 1992. Available at: <https://www.refworld.org/docid/453883fb0.html>

36. An analysis of BVMN testimonies<sup>34</sup> from Greece has concluded that 98% of testimonies include violence, 21% include threats of violence or actual violence with a firearm, 94% include theft of personal belongings, 50% include forced undressing, 18% include forced entry into water, 7.5% include sexual assault and 7% include the use of electric discharge weapons. 73% of pushbacks include minors. BVMN is deeply concerned with the systematic use of torture which is endemic within pushbacks from Greece.

37. BVMN is concerned with the excessive use of firearms usage during pushbacks in Greece. In 21% of testimonies<sup>35</sup> firearms are mentioned in some capacity - whether they are used in beatings, displayed as a threat, or used to fire “warning shots” to induce compliance.

38. In May 2020, BVMN documented<sup>36</sup> a case through its member, No Name Kitchen, involving several people being brought in a police van from Igoumenitsa to the Turkish Border. When the group, including women, left the van, three Greek border police officers were waiting. The female officer shocked the individuals with an electric discharge weapon as they exited the van. The other officers hit the group.<sup>37</sup>

39. In November 2020, BVMN documented<sup>38</sup> through its member, Josoor, a pushback involving approximately 200 people, including women and minors. A group of 40 people, including women and three minors, one less than a year old, were brought to a detention site where everyone was ordered to undress. When phones were found, people were beaten with sticks and an electric discharge weapon.

40. In December 2020, BVMN<sup>39</sup>, documented a pushback wherein the group was forced upon a small rowing boat on the Evros river. The group were forced to board at gunpoint and threatened, “If you come back here we’re going to shoot you”.

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<sup>34</sup> Border Violence Monitoring Network, Reports Archive. Available at: <https://www.borderviolence.eu/violence-reports/>

<sup>35</sup> Ibid

<sup>36</sup> Border Violence Monitoring Network, 2020, Water? They drink water from the toilet. Available at: <https://www.borderviolence.eu/violence-reports/april-23-2020-1400-drama-detention-center-greece/>

<sup>37</sup> Border Violence Monitoring Network, 2020, A new practice in Northern Greece - From Igoumenitsa to Turkey. Available at: <https://www.borderviolence.eu/violence-reports/may-3-2020-0000-feres/>

<sup>38</sup> Border Violence Monitoring Network, 2020, Stranded on an Evros island for five days. Available at: <https://www.borderviolence.eu/violence-reports/november-11-2021-0000-island-near-nei-psathades/>

<sup>39</sup> Border Violence Monitoring Network, 2020, They died like insects. Available at: <https://www.borderviolence.eu/violence-reports/december-13-2020-0000-greek-turkish-border-near-edirne/>

41. In July 2021, BVMN<sup>40</sup> documented, through its member Josoor, a pushback of seven people who were forced across the Evros river, without a boat, at gunpoint. The group had already been kept in detention for two days without access to food or water and subjected to violence. When the group were brought to the Evros river they were ordered to wade across to Turkey. When the group slowed, the Greek authorities fired shots into the water. This resulted in a gunfire exchange between the Turkish and Greek authorities near the group of people-on-the-move.

42. In January 2021, BVMN documented<sup>41</sup> a pushback involving a group of 20 persons, including minors. The group was brought to a police station. The group was subjected to violence with officers kicking and beating the group. At the police station, an officer used an electric discharge weapon to violate a man.

## **VI. Arbitrary, Inhuman or Incommunicado Detention During Pushbacks as a Violation of the International Covenant on Civil and Political Rights**

**Article 6 ICCPR:** Article 6 of the International Covenant on Civil and Political Right

**Article 7 ICCPR:** Article 7 of the International Covenant on Civil and Political Rights

**Article 9 ICCPR:** Article 9 of the International Covenant on Civil and Political Rights

**Article 10 ICCPR:** Article 10 of the International Covenant on Civil and Political Rights

**Article 13 ICCPR:** Article 13 of the International Covenant on Civil and Political Rights

### **Explanatory note**

33. Articles 9 and 10 of the Covenant set out the obligations of State Parties relating to arrest, detention or deprivation of liberty. The evidence documented by BVMN demonstrates how the use of arbitrary, inhuman and incommunicado detention by Greek authorities is acting in breach of the ICCPR.

34. We assert that the evidence of Greek authorities utilising informal detention sites such as police vehicles, or placing individuals in detention conditions that routinely do not meet international standards, would be in violation of Article 10, specifically the obligation that ‘all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.’

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<sup>40</sup> Border Violence Monitoring Network, 2021, The respondent could not take the beating anymore and tried to get up, but another officer shot a second can of tear gas at him, this time on his face. Available at: <https://www.borderviolence.eu/violence-reports/july-13-2021-1100-tychero-balabancik/>

<sup>41</sup> Border Violence Monitoring Network, 2021, I don't know how to swim, the river came and I thought I was finished. Available at: <https://www.borderviolence.eu/violence-reports/january-8-2021-0000-near-nea-vyssa/>

35. Furthermore, we assert that the use of detention, often without charge or the ability to access a lawyer and medical facilities renders the detention of people on the move both arbitrary and incommunicado, and therefore is in violation of Article 9, especially that ‘no one shall be subjected to arbitrary arrest or detention’ and that ‘anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.’

## Evidence

36. BVMN is also concerned with the rights violations carried out due to arbitrary arrest and inhuman conditions and treatment whilst in detention. People-on-the-move who are detained are routinely subjected to physical abuse, psychological torment and a lack of access to basic facilities such as food, water and toilets. They are denied information, the right to asylum and access to effective remedy regarding their detention. Additionally, BVMN is increasingly concerned with the growing use of informal and incommunicado detention in Greece.

37. 50% of testimonies recorded by BVMN in Greece document forced undressing, including of women and children. BVMN has recorded multiple examples of the forced mass undressing of up to 120 people. Not only is this practice inhumane and degrading, it also exposes people to an increased risk of death when coupled with forced entry into water as is systematically practiced during pushbacks across the Evros river. BVMN expresses serious concern over this practice as it is a direct violation of Article 7 of the ICCPR.

37.1. In September 2020, BVMN documented<sup>42</sup> through its member, Josoor, the forced undressing during a pushback of 120 people. One woman within the group attempted to hide her phone within her vagina. She was subjected to a severe beating and naked body search - so intrusive that the officers found her phone that was hidden in her vagina.

37.2. In December 2020, BVMN<sup>43</sup> documented through its member, Josoor, a report where the respondent recalled how the officers in the detention site harassed the women, male officers frequently conducting body searches with anyone who complained about it got beaten.

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<sup>42</sup> Border Violence Monitoring Network, 2020, They were laughing while they were hitting us. Laughing so much. No normal person can do that, available at: <https://www.borderviolence.eu/violence-reports/september-2-2020-0700-30min-drive-outside-alexandroupoli>

<sup>43</sup> Border Violence Monitoring Network, 2020, I need asylum and I can prove that I do, but they took all my papers and my belongings, available at: <https://www.borderviolence.eu/violence-reports/december-20-2021-2000-orestiada-karakasim/>

37.3. In January 2021, BVMN documented<sup>44</sup> through its member, Josoor, a pushback through our member organisation Josoor, a pushback of around 80 people. 15 people-on-the-move were apprehended at gunpoint and forced to undress. The group were transported to a detention site - a small open area surrounded by a fence. The group were forced to undress again and searched intrusively. The group were held in this detention site without access to food or water for three days. Over the three days more people were brought to the site until there were around 80 people ranging from 10 to 50 years old. Many of the group became ill, spitting blood, but were denied access to medical treatment.

37.4. In May 2021, BVMN documented<sup>45</sup> through its member, Josoor, a pushback involving a group of 15 people, including women and minors. While in detention in Greece, the group was ordered to stand in a line and remove all their clothes and were subject to a naked body search. The group was left completely naked. Eventually they had to choose between getting either their pants or shirt or underwear and shirt returned.

37.5. In May 2021, BVMN documented<sup>46</sup> a pushback, through our member organisation Josoor, of 30 people. The respondent was apprehended in the center of Thessaloniki. The respondent was detained in two different police stations in Thessaloniki - Aristotelous police station and Ampelokipi police station - in small cells with other people-on-the-move. The respondent described conditions as very bad and reported he had no access to food or water. At the second station officers provoked and insulted the detainees and tied their hands to the cells, placed helmets on their heads and repeatedly beat them with batons, "Because they don't want to leave injuries or wounds in your face. So they can beat you wherever they want. They just cover your head. The other parts they left of your body don't matter to them." After a stay of hours in each station the respondent was then moved to Metagon pre-removal detention facility and placed into a small cell with 30 people for nine days. Again the detainees had their hands bound and were assaulted with batons, fists and kicks after having helmets placed on their heads.

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<sup>44</sup> Border Violence Monitoring Network, 2021, Every move you make, they hit you with the baton, available at: <https://www.borderviolence.eu/violence-reports/january-10-2021-2100-praggi-kurdu-koyu/>

<sup>45</sup> Border Violence Monitoring Network, 2021, It was like what happened when George Floyd was killed, the officers put their knees on the children's necks, available at: <https://www.borderviolence.eu/violence-reports/may-27-2021-0000-poros-feres-near-to-perifereiaki-zoni-parkou/>

<sup>46</sup> Border Violence Monitoring Network, 2020, Because they don't want to leave injuries or wounds in your face. So they can beat you wherever they want, available at: <https://www.borderviolence.eu/violence-reports/may-21-2020-1800-near-soufli-greece/>

37.6. In June 2021, BVMN documented<sup>47</sup> through its member, Josoor, a pushback through our member organisation, Josoor, involving 11 peoples, including women and minors. The group were forced to undress and subject to intrusive body searches by two male officers. Once naked, the group members were ordered to crouch down. One by one, they were ordered to stand up and were searched again by the male officers. The respondent screamed when the male officer began to search “very sensitive areas” of her body.

37.7. In July 2021, BVMN documented<sup>48</sup> through its member, Josoor, a pushback where Greek officers ordered women within a group of people-on-the-move to remove their jackets and headscarves. The women were subject to extremely intrusive body searches. Following in the detention site, the officers forced all members of the group to undress completely. Female members of the group got searched by male officers, one of them being punched in the face during the process.

37.8. In July 2021, BVMN documented<sup>49</sup> a pushback, through its member Josoor, of 100 people including 8 minors. 11 members of the group were apprehended just 500 metres from Fylakio Reception and Identification Centre. Upon requesting to be allowed to reach the camp, members of the group including women were beaten with batons, tree branches, kicking, fists and slapping by 10 officers. The group were then driven to a detention site, forced to strip and searched. They were then placed into two filthy cells measuring around 2m by 3m in size. The first cell already had around 100 people in. The group were held in these cells for 12 hours without access to food or water despite repeated pleas for assistance. The group were beaten on the head with batons whilst in detention.

38. BVMN has documented inhuman treatment within police vehicles in 37.4% of pushback testimonies from Greece. This includes violence, reckless driving, exposure to extreme temperatures and severe overcrowding.

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<sup>47</sup> Border Violence Monitoring Network, 2021, What should I do now? I lost everything. They humiliated us and they took all that we had, for the third time. What can we do? Should I sell my kidney to survive? Should I commit suicide? I have no hope. I have no solution. Available at: <https://www.borderviolence.eu/violence-reports/june-7-2021-2100-didymoteicho-kurttepe/>

<sup>48</sup> Border Violence Monitoring Network, 2021, Female members of the group were totally naked and searched by male officers and the officers beat the children. Available at: <https://www.borderviolence.eu/violence-reports/july-2-2021-0000-mikrochori-kerimtecisalih/>

<sup>49</sup> Ibid



38.1. In September 2020, BVMN<sup>50</sup> documented a pushback of more than 30 people, including four women and four minors, two reportedly below the age of seven. The group was loaded into the back of a van by officers using metal batons. The van had no air-conditioning and only a few holes in the roof for ventilation. The van soon became intolerably hot. The respondent described that many vomited from heat stroke, while others had to undress due to the high temperature. The group was left in these conditions for between four to five hours.

38.2. In June 2021, BVMN, through its member Josoor<sup>51</sup>, documented a pushback where 10 people were loaded into the back of a small truck. The reckless driving of the truck caused those in the back to dangerously collide with one another whilst the overcrowding caused members of the group to have breathing difficulties.

### **III. Conclusion and recommendations:**

39. The Border Violence Monitoring Network is deeply concerned with the continued rights violations being carried out by the Greek authorities. Therefore, considering the aforementioned evidence of pushbacks, collective expulsions and the violation of the principle of non-refoulement, including severe use of violence, torture and inhuman conditions, the Border Violence Monitoring Network respectfully request that the Government of Greece respond to the following questions and recommendations:

39.1. What measures has the Greek government implemented to ensure that the conduct of all State actors is in full compliance with the principles of non-refoulement?

39.2. What progress has been made to investigate allegations of violence, torture and inhuman conditions during pushbacks?

39.3. What steps are being taken to ensure all foreign nationals facing deportation or return proceedings have access to legal representation in line with Greek domestic law?

39.4. What progress has been made to investigate allegations of pushbacks and the violation of non-refoulement?

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<sup>50</sup> Border Violence Monitoring Network, 2020, Deaths during pushback at the Evros border. Available at: <https://www.borderviolence.eu/violence-reports/september-9-2020-1100-greek-turkish-border-near-edirne/>

<sup>51</sup> Border Violence Monitoring Network, 2021, We were running from war looking for safety and all we found is humiliation and beating. Available at: <https://www.borderviolence.eu/violence-reports/june-14-2021-1500-uzunkopru/>