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WHO WE ARE

The Legal Centre Lesvos AMKE, is a civil non-profit organization, registered in Mytilene, Greece, operating since May 2019. Between 2016 and 2019, the Legal Centre operated as “Legal Centre Lesbos,” a grassroots organisation registered under Prism the Gift Fund Charity in the UK.

The organisation provides free and individual legal support to migrants and advocates for human rights and for equal access to legal and safe routes of migration in Lesvos, Greece and globally. We also work to document rights violations and advance the rights of migrants and refugees on the Greek island of Lesvos, and throughout Greece.
INTRODUCTION

COLLECTIVE EXPULSIONS AS AN ONGOING AND SYSTEMATIC PRACTICE

Greek authorities are continuously and systematically conducting collective expulsions at Greece’s land and sea borders, putting migrants’ lives at grave risk and violating their rights, including the right to seek asylum.

In addition to the incidents documented in the Legal Centre Lesvos’ (LCL) first report on collective expulsions in the Aegean between March and June 2020, growing press coverage, civil society reports and other investigations have documented dozens of further collective expulsions in recent months. These investigations have also revealed that Frontex, the European Border and Coast Guard Agency, and assets belonging to the North Atlantic Treaty Organisation (NATO) have been in the vicinity of, aware of, or potentially direct participants in collective expulsions.

The present report contributes to this growing body of evidence both to serve as a resource for survivors of collective expulsions and solidarity actors, and to demonstrate the consistent and systematic nature of this practice over the last year. It is based on recent additional evidence shared with LCL by survivors of collective expulsions, and analyses the violations committed by the Greek authorities in their commission of collective expulsions. It identifies the consistent modus operandi of collective expulsions at the Aegean sea border, which evidences both the widespread and systematic nature of ‘push-backs’ as an attack against migrants, and the policy pursuant to and in furtherance of which this attack is carried out: amounting to crimes against humanity committed by Greek authorities in accordance with the criteria of Article 7 of the Rome Statute of the International Criminal Court (Rome Statute). It should also be reminded however, that it does not capture the years of systematic pushback practices carried out by Greece at both its land and sea border with Turkey. For years, EU institutions and EU agencies have remained unacceptably silent in the face of the accumulating evidence of egregious violations against migrants.

In this report we use the terms “collective expulsion” and “pushbacks’ interchangeably. The European Court of Human Rights defines collective expulsion as any measure compelling aliens, as a group, to leave a country, without a reasonable and objective examination of the particular case of each individual alien of the group.

The current Special Rapporteur on Human Rights of Migrants, Felipe González Morales, describes “pushbacks” as various measures taken by States which result in migrants, including asylum seekers, being summarily forced back to the country from where they attempted to cross or have crossed an international border without access to international protection or asylum procedures or denied of any individual assessment on their protection needs which may lead to a violation of the principle of non-refoulement.”

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7 See, for example: Khlaifia and Others v. Italy [GC], no. 16483/12, ECHR 2016, § 237; Georgia v. Russia (I) [GC], no. 13255/07 ECHR 2014, § 167; Čonka v. Belgium, no. 51564/99 ECHR 2002-I, § 59.

Since March 2020, while the number of testimonies and evidence about illegal “push-backs” of migrants to Turkey has continuously grown, the official number of migrants’ arrival to Greece by sea has drastically dropped. The United Nations High Commissioner for Refugees (UNHCR) reported that just over 9,600 migrants reached Greece by sea in all 2020, which is a decrease of 85% as compared to 2019 – and equivalent to the number of arrivals on the Greek islands in the month of November 2019 alone (see Figure 1).

The UNHCR’s data, however, relies on the official registration of migrants’ arrivals and fails to capture the number of migrants who, over the same period of time, have reached Greece and were collectively expelled from Greek jurisdiction (whether on land or at sea) without being able to seek asylum. In response to what it describes as “a continuous stream of reports of some European states restricting access to asylum, returning people after they have reached territory or territorial waters, and using violence against them at borders”, the UNHCR has called for “national independent monitoring mechanisms to be set up to ensure access to asylum, to prevent rights violations at borders, and to ensure accountability”.

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2 Figure based on UNHCR data, Ibid. n. 9.
3 UNHCR, ‘UNHCR warns asylum under attack at Europe’s borders, urges end to push backs and violence against refugees’, 28 January 2021, available at:
While the official number of migrants’ arrivals to Greece has significantly dropped in 2020, the number of deaths and missing is higher than in the previous year.\textsuperscript{12} More migrants died in the Eastern Mediterranean the first three months of 2020 than in any other year apart from 2016, when migrant arrivals in Greece peaked.\textsuperscript{13} This shows that the crossing between Turkey and Greece has become even more dangerous and hazardous for migrants in 2020. On 2 March 2020, a four year old child\textsuperscript{14} and a fifteen day old baby died\textsuperscript{15} off the coast of Lesvos after Greek authorities reportedly menaced their dinghy, creating large and dangerous waves before eventually rescuing the survivors.

These tragic incidents are not isolated or chance occurrences: they form part of a Greek and European necropolitics of border fortification at any cost. The means to this end include death as deterrence and systematic, violent collective expulsions in the Aegean, as described in parts 1 and 2 below.

PART 1: CASE STUDIES

Since March 2020, the Legal Centre Lesvos has been in contact with over fifty survivors of seventeen collective expulsions. Nine of these collective expulsions were reported to LCL by survivors since the publication of its last report in July 2020.\(^6\) All of the collective expulsions carried out at the sea border ultimately resulted in **Greek authorities gravely endangering the lives of migrants by abandoning them in the middle of the Aegean sea.**

Several survivors explained that they had experienced multiple collective expulsions, whether at the land or sea border. The Greek authorities’ regular confiscation of mobile phones in collective expulsions removes people’s time and date record; as does the fact that survivors tend to be held in detention in Turkey, often without access to mobile phones,\(^7\) for varying periods of time following pushbacks. Given this, only the expulsions for which we have confirmed dates and locations are included in our analysis.

The following case studies are based on testimonies and evidence from survivors of collective expulsions, which were shared with the LCL. The survivors have given their informed consent to have their experiences publicised; in some cases, LCL is representing them in legal proceedings. All documentation and videos cited herein were received directly from the respective individuals, or other individuals subject to the same collective expulsion.

1.1 Collective expulsion of 3 September 2020 near Lesvos

On 3 September 2020, in the early hours of the morning, at approximately 2 am, a group of approximately 55 migrants, including people of Somali and Syrian nationalities, and at least twelve children, arrived to Greek territorial waters near Lesvos island, Greece, on a nine-metre rubber dinghy with a small engine. Some survivors who were on board explained to LCL that the island of Lesvos was visible in the distance, and migrants on board saw from their GPS location that their dinghy was in Greek territorial waters.

A survivor testified to LCL that, at approximately 2:30 am, he saw a medium-sized grey Hellenic Coast Guard (HCG) vessel in the distance, at an estimated 100 meters from their boat. He could see a Greek flag on the vessel. A speedboat was deployed from the HCG’s vessel, which was grey, plastic, and had two engines. It drove towards the dinghy, and proceeded to circle the dinghy before stopping alongside it. The survivor reported that there were four masked men on board, wearing dark blue uniforms.

One of the masked men jumped onto the dinghy, next to the engine; the other three men used torches to blind the migrants on board. The masked man kicked the survivor, who was seated next to the engine, in the stomach and legs. The masked man then took a knife from a pocket on his right trouser leg, which he used to cut the electricity cables next to the engine. The masked man then used a small metal tool to disable the engine, and then removed the gasoline tank from the dinghy and threw it towards the men on board the jet boat. The masked man was on board for approximately two minutes.

The HCG’s speedboat maneuvered around the dinghy while the masked man was on board. The speedboat collided with the back of the dinghy, with force, causing damage to the dinghy. While the two boats were close, the masked man jumped back on the HCG’s speedboat.

\(^6\) *Ibid* n.1.

The HCG then left the scene, abandoning the migrants on their now-disabled dinghy. The migrants shouted after the HCG, calling for “help” in English. Water was entering the dinghy, and the migrants were increasingly afraid. Their GPS location, later published by Consolidated Rescue Group, shows they were in the sea between Lesvos and Turkey (Image 1). The Turkish Coast Guard arrived shortly afterwards and rescued the group. One of the survivors identified himself on the picture of the dinghy taken by the TCG during the rescue operation (Image 2).

**Image 1.** (Left) Screenshot of the GPS location where the survivors were rescued by the Turkish Coast Guard, published by Consolidated Rescue Group.  
**Image 2.** (Right) Picture of the survivors’ dinghy published by the Turkish Coast Guard.

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1.2 Collective expulsion of 21 October 2020 near Crete

In this incident, which was also reported by other NGOs,20 a group of 180 to 200 people, including at least 40 children and a number of infants, travelling on an old fishing boat, was pushed back from the Greek territorial waters near Crete island to Turkey on 21 October 2020. The group was composed of individuals of various nationalities, including Syrians, stateless Kurds from Kurdistan Syria (Rojava) and Kurdistan Iraq (Bashur), Somalis, Afghans, Palestinians, Lebanese, Iranian and Russian Chechens. Of all the pushback incidents reported to the LCL by survivors, this incident involved the highest number of people collectively expelled at the same time. In expelling this group of nearly 200 people, the Greek authorities carried out two simultaneous pushback operations, involving at least one rescue boat, four Hellenic Coast Guard boats and two speedboats.

The pushback survivors explained to LCL that they had been navigating from Turkey towards Italy, where they intended to apply for asylum. Due to severe stormy weather conditions, which started at **around 12 pm, on 20 October**, their boat got into difficulty at sea and could not continue its route. Since the group’s boat was close to Crete island at that time, they called the Hellenic Coast Guard and requested help. However, instead of being rescued, the group was instructed by the Hellenic Coast Guard to make their way towards Greek territorial waters nearer to the coast of Crete island. The group managed to reach Greek territorial waters, and were then approached by the Greek authorities at sea - first by a Hellenic rescue boat and then by the Hellenic Coast Guard - which prevented them from continuing their journey to Italy, as well as from reaching Crete island. The Greek authorities misled the group by reassuring them on several occasions that they should wait until 9pm as a bigger boat would then come to bring them to Italy.

The group did not trust the information that was given to them by the Greek authorities but were unable to continue their way due to the ongoing storm. **At around 4:30 pm**, some of the people on board the boat shared their location with relatives, confirming that they were between 5 to 10 kilometers away from Crete island shores, which is to say that the boat was unequivocally in Greek territorial waters, near the region of Ierapetra (Image 3).

![Image 3](https://example.com/image3.png)

**Image 3.** Screenshot of the GPS location, shared by one of the survivors to his/her relatives on 21 October 2020 at 4:23 pm, 34°53′34.9″N 25°24′23.7″E (South Cretan Sea or “Notio Kritiko Pelagos”, Greece).

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At approximately 9 pm, an unidentified black speed boat approached the group’s boat and 4 to 6 masked and armed men wearing black uniforms* jumped onto the group’s boat. Various members of the group explained to the Legal Centre that they were “surprised” by the commando, who arrived very suddenly and jumped onto their boat “in a matter of seconds”. Once they were on the boat, the commando used flashing lights to blind the group and shouted at them, instructing them to kneel down and face the floor.

A short video of this raid was recorded by one of the survivors. The short video which was taken from the upper deck of the fishing boat, where the driver’s cabin was situated. It shows a man on his knees, bowing down with his head facing the floor, and some flashing lights moving behind him. (Image 4).

Image 4. Screenshot of the video taken by a survivor showing a man bowing his head down towards the floor.

A few seconds later, a man can be heard shouting “Eh paidia . . .” (Hey, guys. . .) in Greek and another one can be seen and heard climbing the steps of the metallic ladder leading to the upper deck of the boat, where the video was taken.

* Reference to “commandos” is made due to the way the group of armed and masked men were described by survivors. However, it is likely that they had State support, due to their close cooperation with State authorities, their access to equipment such as weapons and HCG boats, and their actions, which indicated that they are highly trained for the use of force in maritime settings.
Screenshots of the video reveal the outline of what seems to be a masked man wearing a balaclava and dark coloured military clothing arriving on the upper deck of the fishing boat. His right hand is evidently reaching into the right side of his belt, as though he is taking out a baton or another weapon (Images 5.1 and 5.2).

**Image 5.1.** Screenshot of the video showing a masked man in black uniform on top of the metallic ladder leading to the fishing boat’s upper deck.

**Image 5.2.** Zoomed-in shot of Image 5 (above).
The chairs visible in Image 4, as well as the metal railing with ladder and chairs visible in Image 5.1, appear to be the same chairs and railing visible in photographs taken on board the fishing boat in daylight on the day before they were attacked (Images 6 and 7).

While the commandos were on board the group’s boat, they beat and physically injured many individuals, despite the fact that the group was peaceful and unarmed. The commandos broke the windows of the cabins situated on the lower deck of the boat and the windows of the driver's cabin situated on the upper deck. They violently attacked, beat and insulted the person who they identified as the driver of the migrants’ boat. Many survivors of the pushback were particularly traumatised by the violence of the commandos’ raid on their boat and continued to experience nightmares and flashbacks three months after the incident.

They told the Legal Centre that they were treated like “terrorists,” and described the commandos as “worse than the police in Syria”. Some relatives of the survivors who contacted LCL confirmed that they lost contact with the group after approximately 9 pm. One of the individuals in the group sent a final message to their son on 21 October 2020, at 9:07 pm saying: “police are on board and people are being beaten up”.

After that, the commandos violently forced the group to divide into two groups by grabbing their clothes and pushing them. Everyone was forced to leave their bags and belongings behind them on the fishing boat, before being forcibly transferred to HCG boats. The commandos tried to separate men from women, even members of the same family. The survivors estimated that it took about one and a half hours for both groups to be transferred onto two bigger grey military-shaped HCG boats, that is until approximately 10:30 or 11 pm.

At no point was any of the group fingerprinted or asked whether they wanted to apply for asylum.
The first group, which was composed of approximately 120 persons (mostly men and only a few women), spent the night on the HCG boat. In the early morning of 21 October 2020, just before sunrise, the authorities on board violently assaulted the group, in the course of forcing them to run and jump off the back of the larger boat, one by one, into 2 grey inflatable life rafts (Image 8) and into 1 life raft which was orange on top with a black base. None of the life rafts had motors.

The HCG boat left them there and navigated away. The first group was rescued by the TCG which also reported to have rescued 3 life rafts with 121 persons in the region south of MUĞLA/Marmaris at 8:30 am on 21 October 2020.\textsuperscript{21} The first group was brought to the police station of Marmaris, Turkey, where they were detained until the next day.

\textbf{Image 8.} Picture of the rescue of part of the first group, m.r.c./خلية الإقتحام والمنابعة, 21 October 2020.\textsuperscript{22}


\textsuperscript{22}m.r.c./خلية الإقتحام والمنابعة, Facebook post of 22/10/2020, available at: https://www.facebook.com/call122/posts/2575363976019341.
The second group, which was composed of approximately 80 persons (mostly women and families) was forcibly transferred onto a second big, grey, military-style HCG boat. Once on board, everyone was searched and all phones were confiscated. No food and insufficient water was provided. The Applicants could not go to the toilet and had to urinate directly into the sea, from the back of the boat. The HCG boat navigated until it arrived near Turkish waters in the afternoon of 21 October 2020. Survivors explained that the Greek authorities on board then “opened four large orange bags which were on the boat the whole time” at the back of the HCG boat under white inflatable jet boats. The bags contained square tent-like life rafts, orange at the top and black at the base, without a motor and with an estimated capacity for up to 20 persons. The group was then forced to go, one by one, down a ladder at the end of the larger HCG boat, into the life rafts in the sea (Image 9). The HCG boat left them there and navigated away.

Image 9. Picture of the rescue of the second group, m.r.c./ خلية الإنقاذ و المتابعة 21 October 2020.23

The TCG reported to have rescued 4 life rafts with 76 persons off the coast of MUĞLA/Datça on 21 October 2020, which correspond to the description of the second group.24 The survivors explained that once in Turkey, they were detained for one night in a police station of Datça.

23 Ibid. n. 22.
Collective expulsions in the Aegean have followed a consistent *modus operandi* since March 2020. The Greek authorities’ operational pattern in carrying out pushbacks in the Aegean is evidenced by the testimonies shared with LCL in relation to the evidence set out in our previous report covering eight collective expulsions in the Aegean from March to June 2020, twenty-five collective expulsions in the Aegean that took place between July 2020 and December 2020, and is further underscored by the evidence of additional expulsions documented by other civil society collectives, non-governmental organisations and the press, which consistently corroborates the modus operandi set out below.

2.1 Key findings from documented collective expulsions

The data set out below only includes the incidents of collective expulsion reported by survivors directly to LCL. For each of these expulsions there is substantial evidence, often including photos, videos, and saved GPS locations, and corroborating reports published by other civil society organisations and/or media outlets. For each collective expulsion listed, at a minimum we received direct individual testimony of survivors of the expulsion, who provided details of the expulsion.

<table>
<thead>
<tr>
<th>Table of Pushbacks Reported to Legal Centre Lesvos</th>
</tr>
</thead>
<tbody>
<tr>
<td>✔️ = Reported</td>
</tr>
<tr>
<td>Blank = Not mentioned in reports to the Legal Centre by survivors.</td>
</tr>
<tr>
<td>■  = Pushback following a landing</td>
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<tr>
<td>■  = Pushback following interception at sea</td>
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<tr>
<td>N/A = Not applicable</td>
</tr>
</tbody>
</table>

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25 *Ibid* n.1

<table>
<thead>
<tr>
<th>Date and place</th>
<th>Lack of registration</th>
<th>Confiscation of belongings</th>
<th>Use of physical violence</th>
<th>Other inhumane acts</th>
<th>Damage to dinghy</th>
<th>Arbitrary detention on land</th>
<th>Forcible transfer towards Turkish sea border</th>
<th>Abandonment at sea</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 March 2020 Chios</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>N/A</td>
<td>✔</td>
<td>✔</td>
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</tr>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>Verbal abuse. False assurance of transfer to Athens. Detention for ~ 65 days in Turkey following pushback.</td>
<td></td>
<td>In a warehouse near a port for 2 days.</td>
<td>In authorities’ vessel by masked men wearing balaclavas.</td>
<td>In motorless dinghy into which masked men threw them.</td>
</tr>
<tr>
<td>23 March 2020 (I) Samos</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
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<td>N/A</td>
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<td></td>
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<td></td>
<td>Detention in Turkey following pushback.</td>
<td></td>
<td>In the same dinghy they had arrived in.</td>
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<td>23 March 2020 (II) Symi</td>
<td>✔</td>
<td>✔</td>
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<td>N/A</td>
<td>✔</td>
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<tr>
<td></td>
<td>Unaccompanied minor and at least one individual denied ability to apply for family reunification.</td>
<td>Phones, passports, IDs, medical docs, money.</td>
<td>Beating with hands, batons and butts of guns, kicking, choking, throwing into dinghy.</td>
<td>Verbal abuse. Deprivation of food, water, shelter, sanitation, prescribed medication, medical assistance. False assurance of transfer to Athens. Detention ~ 2 months in Turkey in inhumane conditions following pushback and deportation of one unaccompanied minor (15 years old) to Syria following detention. He currently lives in a camp for internally displaced people in Idlib, Syria.</td>
<td></td>
<td>For 2 days and 2 nights in an unofficial port area. Detainees including children with chronic health conditions, unaccompanied minors, and persons with cognitive and physical disabilities.</td>
<td>In HCG vessel by masked men.</td>
<td>In motorless orange life rafts into which masked men threw them, from a height of approx. 3 metres.</td>
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<td>Summary searches. Deprivation of food, water, sanitation, medical assistance. False assurances of transfer to ‘camp’ and Athens. Detention ~ 2 months in Turkey following pushback.</td>
<td></td>
<td>In a warehouse near port for 2 days 1 night.</td>
<td>In HCG vessel by masked men wearing balaclavas.</td>
<td>In motorless orange life rafts into which masked men threw them, from a height of at least 1 metre.</td>
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<td>Date and place</td>
<td>Lack of registration</td>
<td>Confiscation of belongings</td>
<td>Use of physical violence</td>
<td>Other inhumane acts</td>
<td>Damage to dinghy</td>
<td>Arbitrary detention on land</td>
<td>Forcible transfer towards Turkish sea border</td>
<td>Abandonment at sea</td>
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<td>13 May 2020 (near Samos)</td>
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<td></td>
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<td>N/A</td>
<td>✔</td>
<td>Transfer to 2 damaged orange life rafts and towing of those life rafts by “commando” on HCG vessel.</td>
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<tr>
<td>5 June 2020 (near Lesvos)</td>
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<td>✔</td>
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<td>✔</td>
<td>N/A</td>
<td>✔</td>
<td>In HCG vessel by “commando”.</td>
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<td>12 June 2020 (near Lesvos)</td>
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<td>✔</td>
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<td>✔</td>
<td>N/A</td>
<td>✔</td>
<td>In HCG vessel during approx. 8 hours.</td>
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<tr>
<td>19 June 2020 (near Lesvos)</td>
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<td>N/A</td>
<td>✔</td>
<td>Towing of the already damaged dinghy by armed men in “military-style uniforms” on HCG vessel.</td>
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<tr>
<td>7 July 2020 (near Lesvos)</td>
<td>✔ ✔</td>
<td>✔</td>
<td>✔</td>
<td>Masked men with balaclavas and black uniforms on a speedboat transferred the migrants to an uninhabited island between Lesvos and Turkey and abandoned them there without food, water or shelter for at least one night before they were rescued by the Turkish Coast Guard.*</td>
<td>✔</td>
<td>N/A</td>
<td>✔</td>
<td>On an inhabited island between Greece and Turkey.</td>
</tr>
<tr>
<td>28 July 2020 (near Lesvos)</td>
<td>✔ ✔</td>
<td>✔</td>
<td>Threat with a knife.</td>
<td></td>
<td>✔</td>
<td>N/A</td>
<td>✔</td>
<td>In the damaged dinghy.</td>
</tr>
<tr>
<td>9/10 August 2020 Lesvos</td>
<td>✔ ✔</td>
<td>✔</td>
<td>✔</td>
<td>Phones, bags, money.</td>
<td>✔</td>
<td>N/A</td>
<td>✔</td>
<td>In a car.</td>
</tr>
<tr>
<td>11 August 2020 Lesvos</td>
<td>✔ ✔</td>
<td>✔</td>
<td>✔</td>
<td>Phones, documents, money.</td>
<td>✔</td>
<td>N/A</td>
<td>✔</td>
<td>In a van and on the shore guarded by Greek authorities.</td>
</tr>
</tbody>
</table>

* This was also reported in one incident in Chios on 31 April 2020, where a group who had reportedly landed “disappeared” and could not be traced, until a few days later when the Turkish Coast Guard reported picking up a group of 14 people from an uninhabited rock islet off the coast of Izmir/Çesme, which is roughly opposite Chios, see: Katy Fallon and Alexia Kalaitzi, “Boats arrive, people disappear: one Greek’s search for missing refugees”, 19 June 2020, available at: https://www.theguardian.com/global-development/2020/jun/19/boats-arrive-people-disappear-a-lone-search-for-missing-refugees-in-greece; Turkish Coast Guard Command, ‘Search and Rescue Operations, 30 April - 03 May 2020’, available at: https://en.sg.gov.tr/current-operation-30-april---03-may-2020.
<table>
<thead>
<tr>
<th>Date and place</th>
<th>Lack of registration</th>
<th>Confiscation of belongings</th>
<th>Use of physical violence</th>
<th>Other inhumane acts</th>
<th>Damage to dinghy</th>
<th>Arbitrary detention on land</th>
<th>Forcible transfer towards Turkish sea border</th>
<th>Abandonment at sea</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 September 2020 (near Lesvos)</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>N/A</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>20/21 October 2020 (near Crete)</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>N/A</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>24 November 2020 Samos</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>N/A</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>17 December 2020 Chios</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>N/A</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td><strong>Total (out of 17)</strong></td>
<td>17</td>
<td>12</td>
<td>12</td>
<td>13</td>
<td>5</td>
<td>9</td>
<td>17</td>
<td>17</td>
</tr>
</tbody>
</table>
2.2 Modus operandi of collective expulsions in the Aegean

The collective expulsions documented by the Legal Centre over the past 10 months with the testimonies and evidence of over fifty survivors of pushbacks in the Aegean are consistent with those documented by other actors,27 and fit a systematic, well-documented and widespread operative pattern on the part of Greek authorities.

Key elements of the modus operandi in collective expulsions in the Aegean can be identified as follows:

2.2.1. In all collective expulsions, Greek authorities denied migrants’ access to procedures by which they could claim asylum or reunite with their family members.

In each of the 17 incidents of collective expulsion, the Greek authorities failed to register individuals’ arrival or any of their personal details. Greek authorities did not provide any information about accessing asylum procedures, let alone any opportunity to register prospective claims. Although in all incidents, survivors explained to LCL that they expressed their intent to seek asylum (including in English) to Greek authorities, this has been invariably ignored by the authorities.

In addition, in every single incident where survivors were in direct physical contact with the Greek authorities, on the authorities’ sea vessel or an island, their belongings were systematically confiscated, including their identity documents and personal belongings: preventing individuals from documenting the crime being committed against them, but also depriving individuals of the means to prove their identity and family relationships in any future claims for international protection. In one incident of 23 March 2020, further described in LCL’s previous publication, an unaccompanied minor was part of a group collectively expelled off the Greek island of Symi and was not able to access asylum procedures, although he would have been eligible to family reunification reunite with his close relatives in Europe under Regulation EU 604/2013 (the “Dublin Regulation”).28 This case illustrates some of the severe consequences and rights violations a collective expulsion might lead to, beyond the immediate event.

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28 See Ibid. n. 1, page 7, for example, the expulsion of a husband who had planned to apply for family reunification with his wife pursuant to the Dublin Regulation, c.f Itamar Mann and Niamh Keady-Tabbal, ‘Torture by Rescue: Asylum-Seeker Pushbacks in the Aegean’, Just Security, 26 October 2020, available at: https://www.justsecurity.org/72955/torture-by-rescue-asylum-seeker-pushbacks-in-the-aegaean/.
2.2.2. During most collective expulsions, Greek authorities subjected migrants to physical violence and other inhumane acts, in some cases amounting to torture.29

In the majority of collective expulsion incidents (12 out of 17) survivors’ testimonies included reports of physical violence, including beatings, use of weapons, batons, choking, and throwing people from the deck of the HCG boat onto life rafts. In every pushback reported to LCL, children – in some cases infants – were among the survivors, further demonstrating a total disregard for their lives and safety. In the majority of reported pushback incidents (13 out of 17) survivors reported other inhumane acts, including deprivation of adequate food, water, medical assistance and sanitation, false assurances of transfer to Greek territory, family separation, summary searches, verbal abuse, other acts of humiliation and exposure to serious harm.

One survivor of a collective expulsion documented by LCL (on 23 March 2020) was deported from Turkey to Syria, following expulsion from Greece. This individual was travelling as an unaccompanied minor (15 years old) and now lives in a camp for internally displaced people in Idlib, Syria.

2.2.3. In all collective expulsions where survivors had reached a Greek island, Greek authorities arbitrarily detained migrants in inadequate and inhumane conditions.30

Unofficial detention sites and authorities’ vehicles were reportedly used to arbitrarily detain migrants in all of the collective expulsions from Greek islands (9 out of 9 incidents reported). Detention sites – across four different Greek islands – included beaches, warehouses, and port areas. Survivors reported that they were held for up to two days and two nights by Greek authorities, and in 2 cases that they did not have access to adequate food, water, sanitation facilities, or shelter during that time. None of the survivors were informed by Greek authorities of the reasons for, or the length of their detention. In none of the incidents, did the Greek authorities carry out any vulnerability assessments to identify the ages and health situation of migrants detained.

In all of the 9 collective expulsions, minor children, including unaccompanied minors, were detained with groups of unrelated adults. In at least one incident, a child with chronic health conditions, a man with cognitive disabilities, and an older man with physical disabilities were detained in the same conditions and denied access to prescribed medicines.

2.2.4. In collective expulsions where survivors had reached Greek territorial waters, Greek authorities followed consistent operational patterns.

In 5 out of 8 reported pushback incidents at sea, Greek authorities damaged the dinghy on which the survivors were travelling, including by removing the motor of the dinghy. In 3 cases, Greek authorities used the now damaged dinghy as the vehicle of collective expulsion, either by leaving it adrift, or attaching a rope to tow it towards Turkey. A number of videos shared with the LCL show identifiable Hellenic Coast Guard boats towing survivors’ dinghies out to sea. In 5 cases, Greek authorities transferred survivors from their dinghy onto the authorities’ vessels or directly onto orange life rafts.

29 The use of physical violence in pushbacks has been extensively documented, see for example:

30 This was also documented by Human Rights Watch, see:
2.2.5. Multiple entities were consistently identified as involved in pushback operations.

- **Hellenic Coast Guard (HCG):** In 13 out of 17 incidents described above, HCG boats were specifically identified by survivors or visible in videos or pictures as instrumental in carrying out the collective expulsion.\(^{31}\) In one of the incidents (case summary nr. 2 above), survivors were also approached by a Greek search and rescue boat (type "Lambro Haldmatic 60") operating under the HCG command, which instead of proceeding to their rescue, provided misleading information and asked the group to wait until the HCG and "commandos" proceeded to their collective expulsion.

- **Greek police:** In 6 out of 9 collective expulsion incidents involving a landing on a Greek island, survivors specifically reported the involvement of Greek police forces.\(^{32}\)

- **Masked and armed “commandos” in dark uniforms:** In 9 incidents, survivors testified to have been expelled by masked and/or armed “commandos” in dark uniforms.\(^{33}\)

- **NATO:** Members of German armed forces stationed on the German-flagged EGV Berlin ship, which operates within NATO’s Standing Task Force 2 in the Aegean have reported witnessing at least three collective expulsions in the Aegean.\(^{34}\) In the collective expulsion of 19 June 2020, a boat resembling the NATO boat EGV Berlin A1411 can be seen in the surroundings of the collective expulsion and a survivor of the 11 August incident reported to LCL the presence of a big boat with 1411 written on the side, which supplied the Greek authorities with life rafts.

- **Frontex:** Investigations published in March and October 2020 reported that Frontex assets were either in the vicinity or participated directly in six pushback incidents since March and that they were also involved in endangering a migrant boat on 8 June 2020 by creating dangerous waves and obstructing a dinghy from proceeding.\(^{35}\) The migrants on board that boat were later subjected to a collective expulsion by Greek authorities.

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31 The HCG were identified as involved in all reports cited in n. 27.
Laurie Tritschler, ‘Danish boat in Aegean refused order to push back rescued migrants’, Politico, 6 March 2020, available at:
2.2.6. In all instances, Greek authorities summarily expelled migrants from Greek territory through forcible transfer towards Turkish waters and ultimately abandoned them at sea, putting their lives in grave danger.

After attaching the migrants’ damaged dinghy to the authorities’ vessel, or transferring migrants on to the authorities’ vessel, Greek authorities forcibly transferred survivors towards Turkish waters. Greek authorities then abandoned the damaged dinghy, or forced migrants onto motorless life rafts or dinghies in the water below. Greek authorities often kicked and pushed migrants toward the edge of the vessel’s deck, which was metres above sea level, before forcing them to jump or throwing them to the inflatable boats below. Unsurprisingly, migrants were frequently injured by the fall and suffered lasting psychological trauma.

2.2.7. The end result of Greek authorities’ collective expulsion operations were consistent in every incident reported.

- Migrants were violently prevented from accessing Greek and European territory and thereby from accessing asylum procedures.
- Their lives were put at grave and deliberate risk through their abandonment at sea, in unseaworthy, motorless vessels.\(^{36}\)
- Survivors were ultimately picked up by the Turkish Coast Guard and returned to Turkey.
- In over half (9 out of 17) of the pushback incidents survivors reported having been arbitrarily detained in inhumane and degrading conditions in Turkey\(^{37}\) following the pushback, for periods ranging between several hours and 2 months.

The regularity and consistency of the violent modus operandi described above; the extraordinary means used by the Greek authorities to implement those illegal practices – including the coordination of multiple agencies and authorities, the use of highly trained personnel and consistent equipment – and the consistency of its end results indicate that the Greek state is operating an unofficial, yet highly coordinated State policy of collective expulsions of migrants.


Moreover, Frontex launched an internal inquiry in October 2020 following the above reports, see:

The European Ombudsman also opened an inquiry into how Frontex manages allegations of human rights violations, see:

On 11 January 2021 the EU anti-fraud office announced that it had launched an investigation into Frontex covering allegations of pushbacks and has allegedly carried out raids of the offices of Frontex’s Executive Director and head of Cabinet in connection with the investigation:


\(^{36}\) Abandonment in unseaworthy vessels has been documented extensively elsewhere, see all reports cited at n. 27.

\(^{37}\) In addition to inhumane treatment reported by survivors to LCI, forced returns of migrants, physical abuse of detainees by staff, the detention of children and families, overcrowding, bug infestations in the cells, the deprivation of access to cellphones, and the deprivation of access to lawyers have all been documented in migrant detention centres in Turkey. See, for example:
Collective expulsions are always unlawful, regardless of the way in which they are carried out. They explicitly violate international, European Union (EU) and national human rights law and they are prohibited by a number of conventions and treaties to which Greece is bound. The Human Rights Committee has affirmed that no derogation from the prohibition on collective expulsions is permitted, even under a state of emergency. 38

<table>
<thead>
<tr>
<th>Charter of Fundamental Rights of the European Union (CFREU)</th>
<th>Article 19(1) of Charter of Fundamental Rights of the European Union (CFREU), to which Greece is a party, explicitly prohibits collective expulsions.</th>
</tr>
</thead>
<tbody>
<tr>
<td>European Convention of Human Rights (ECHR)</td>
<td>Article 4 of Protocol no. 4 to the European Convention of Human Rights (ECHR) expressly prohibits collective expulsions. While Greece is the only European Union Member State which has neither signed or ratified Protocol nr. 4 to the ECHR to date, 39 collective expulsions are prohibited in an absolute way by all major human rights treaties 40 and this prohibition is considered as a principle of customary international law to which all States are bound. 41</td>
</tr>
<tr>
<td>International Covenant on Civil and Political Rights (ICCPR)</td>
<td>The United Nations Human Rights Committee has stated that “laws or decisions providing for collective or mass expulsions” entail a violation of Article 13 of the ICCPR, 42 which guarantees that “an alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law” (emphasis added).</td>
</tr>
</tbody>
</table>

38 General Comment No. 29, States of Emergency, CCPR, UN Doc. CCPR/C/21/Rev.1/Add.11, 31 August 2001, §13d.
40 Treaty prohibitions on collective expulsions are contained in Article 4 of Protocol 4 to the ECHR but also in Article 12.5 of the African Charter on Human and Peoples’ Rights, Article 22.9 of the American Convention on Human Rights, Article 26.2 of the Arab Charter on Human Rights, and Article 22.1 International Convention on the Protection of the Rights of All Migrant Workers.
42 International Covenant on Civil and Political Rights, General Comment No. 15, §10.
Furthermore, the violent, inhumane way in which Greek Authorities are carrying out collective expulsions in the Aegean Sea, as is now widely documented by LCL and other actors, is illegal as a practice in itself.

It is irrefutable that abandoning people in unseaworthy, motorless boats in the middle of the sea – often after violently attacking them and detaining them in inhumane conditions – is both unlawful and cruel.

Greece is obligated to protect the following rights and principles of International Law. All have been flagrantly violated in the conduct of collective expulsions in the Aegean.

<table>
<thead>
<tr>
<th>Recognized Human Rights and principles of International Law</th>
<th>Legal obligations</th>
<th>Documented rights violations</th>
</tr>
</thead>
<tbody>
<tr>
<td>The right to life</td>
<td>ECHR Article 2; CFREU Article 2; Greek Constitution Article 5(2).</td>
<td>Violated by forcing people, within Greek jurisdiction, into a motorless life raft in open water and/or denying assistance to people on a damaged dinghy, and instead towing them to open sea, where they are abandoned with no guarantee of rescue. The risk is exacerbated by non-provision of life jackets and confiscation of means to call for rescue. Vulnerable people, including children and people with disabilities are at heightened risk. See, in particular, parts 2.2.6 and 2.2.7 above.</td>
</tr>
</tbody>
</table>


44 Ibid. n. 1-4.

45 Hirsi Jamaa and Others v. Italy [GC], no. 27765/09 ECHR 2012, §§ 81-82; Makaratzis v. Greece [GC], no. 50385/99 ECHR 2004-XI, §§ 49-60.)
### The right to be free from torture, inhuman and degrading treatment

| **ECHR Article 3; CFREU Article 4; Greek Constitution Article 7(2).** | **Violated through the arbitrary detention of migrants in inhumane conditions, without access to sufficient food, water, shelter or hygiene facilities; through the violence towards migrants, both mental and physical; false assurances of rescue; and through abandonment of migrants at sea, at grave risk to their lives.**

The subjection of vulnerable groups, such as children (present in every pushback documented by LCL) to those acts constitute a particularly egregious violation of Article 3 of the ECHR, given the inherent “situation of extreme vulnerability” of minor children. More generally, migrants willing to seek asylum are considered a “particularly vulnerable” group because of “the traumatic experiences [they are] likely to have endured previously”, which constitute an aggravating factor to the severity of the acts suffered in violation of Article 3.

See, in particular, parts 2.2.2, 2.2.3, 2.2.6 above. |
| **1951 Convention Article 33; ECHR Article 3; CFREU Article 19(2); Schengen Borders Code Articles 3 and 4; Greek Law 4636/2019 Article 21.** | **Violated by summarily removing migrants from Greek territory without individually identifying and registering them and therefore impeding them to claim asylum in Greece. Greek authorities do not carry out a reasonable and individual assessment of the risks of ill-treatment or refoulement that exist in the country individuals are expelled to, in light of their particular situation, which is required by law even if that country is considered a safe third country.**

See, in particular, parts 2.2.1, 2.2.6, 2.2.7 above. |
| **Ibid. and article 38(1) of the Asylum Procedures Directive.** | **Violated by exposing migrants to a risk of “chain” or “indirect” refoulement, through their expulsion to Turkey, where they might face expulsion to a country where their life or liberty would be at risk – again, without proper assessment of the individual's claim for international protection. This obligation applies despite the existence of the EU-Turkey agreement, as it concerns the responsibility of the EU when it transmits a migrant to a third country.**

See, in particular, parts 2.2.2, 2.2.3, 2.2.6 above. |

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49 For The European Court of Human Rights’ case law about Article 3 of the ECHR encompassing a prohibition on *refoulement*, see in particular: *Soriano v. United Kingdom*, no. 14038/88, ECHR 1989-A; *A.F.* and Others v. United Kingdom (GC), nos. 13163/87, 13164/87, 13165/87, 13447/87, 13448/87, 13449/87, ECHR 1991-A; *Chahal v. United Kingdom* (GC), no. 22414/93, ECHR 1996-V.


51 *Directive 2013/32/EU* of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection. Article 38 (1) provides that: “Member States may apply the safe third country concept only where the competent authorities are satisfied that a person seeking international protection will be treated in accordance with the following principles in the third country concerned: These are (a) that life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion; (b) that there is no risk of serious harm as defined in *Directive 2011/95/EU*; (c) the principle of non-refoulement in accordance with the Geneva Convention is respected; (d) the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law, is respected; and (e) the possibility exists to request refugee status and, if found to be a refugee, to receive protection in accordance with the Geneva Convention.”

52 *Hirsi Jamaca and Others v. Italy* [GC], no. 27765/09, ECHR 2012, §198; *Vembayer and Others v. Georgia and Russia*, no. 36378/02, ECHR 2005-III, §448.
The principle of non-refoulement (continued).

| Deal.53 Given recent assessments of the situation for migrants there,⁵⁴ Turkey cannot be considered as a "safe third country" as:
| ● Turkish authorities regularly refoul asylum seekers,⁵⁵ within a false frame of legality,⁵⁶ in application of Turkish Law No. 7070/2018⁵⁷ and No. 6458/2013.⁵⁸ See, in particular, part 2.2.7 above.
| ● Migrants’ access to international protection in Turkey is also limited, both legally, owing to Turkey’s restrictive framework on international protection, in particular its geographic limitation to the 1951 Convention,⁵⁹ and practically, owing to the closures of registration offices in many of Turkey’s major cities.⁶⁰ Under the 29 October 2016 emergency decree, Turkish authorities are authorized to derogate from the principle of non-refoulement “for reasons such as public order, security and terrorism,” and has in fact carried out thousands of deportations.⁶¹ |

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54 See, for example:
55 See, for example:
56 See, for example:
58 Article 54(1)(h) of Turkish Law 6458 of 2013, states that “a removal decision shall be issued in respect of those foreigners listed below who . . . breach the terms and conditions for legal entry into or exit from Turkey.”
| The right to asylum | Article 14 of the Universal Declaration of Human Rights; 1951 Refugee Convention; CFREU Article 18; Asylum Procedures Directive (2013/32/EU) Article 6 and Recital 26; Greek Law 4636/2019 Article 65. | Violated by denying access to asylum procedures to migrants who had reached Greek territory, be it at sea or on land, irrespectively of the circumstances in which they crossed the border. Survivors of collective expulsions were consistently denied the chance to access or initiate the procedures by which they could claim asylum, although they expressed their intent to do so to Greek authorities. See, in particular, part 2.2.1 above. |
| The right to liberty and security | ECHR Article 5; and CFREU Article 6; Greek Constitution Article 6. | Violated by routinely detaining migrants, whether in unofficial detention facilities on the Greek islands, in vans, or on national sea vessels, without issuing any order of detention or expulsion, and without providing any information about the reasons for, or the length of migrants’ detention. Detention is used for the sole purpose of unlawfully expelling migrants from Greece without registration or process of their asylum claim and practically putting them in a situation where they cannot exercise any of their rights. In all cases, this is without individualised assessment to identify vulnerabilities, such as the age of the children or the health needs of each person detained, which is also required to prevent arbitrary detention. See, in particular, part 2.2.3 above. |
| The right to a private and family life | ECHR Article 8; CFREU Article 7; EU Regulation 604/2013 (the “Dublin Regulation”); Greek Constitution Article 21; Greek Law 4636/2019 Article 23. | Violated by impeding migrants’ access to asylum procedures and more specifically the right to reunify with family members in application of the “Dublin Regulation” (EU 604/2013). See, in particular, parts 2.2.1 and 2.2.2 above. |


| The right to effective remedy | ECHR Article 13; CFREU Articles 19 and 47; Greek Constitution Article 20. | Violated by deliberately putting survivors in a situation where they have – *at no point* – access to legal remedies in Greece to challenge any violations of their rights. This is the very nature of collective expulsions. Survivors of collective expulsions in the Aegean have made several claims before the European Court of Human Rights, in the hope of obtaining reparation and recognition of the Greek authorities’ liability for violating migrants’ rights. See, in particular, part 2.2.1 above. |
| The prohibition of discrimination | ECHR Article 14; CFREU Article 21; Greek Constitution Article 5(2); and all international human rights treaties. | Violated by specifically targeting migrants who entered Greece and imposing on them an unjustified difference in treatment which is likely based on their racial profile, national origin, and migration status, and informed by social, structural and institutional discrimination towards migrants in Greece. Pushbacks involve foreign nationals or stateless persons being expelled or removed from Greece en masse as a result of their nationality or membership of a particular racial or ethnic group, rather than as a result of a judgement on the particular circumstances of their individual cases, in violation of the prohibition of discrimination. |

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| Duty to rescue at sea | United Nations Convention on the Law of the Sea (UNCLOS) Article 98; Greek Law 2321/1995 (ΦΕΚ 136, τ. Α') Article 98; MSC 78/26/Add.2 ANNEX 34 Par. 2.5, 6.12-6.13, 6.17 and 6.20; Presidential Decree 137/2007 (ΦΕΚ 174/Α’ 31.7.2007) Annex 3. | Greek authorities are intentionally putting people’s lives in grave danger by abandoning them in the middle of the Aegean sea, in violation of their obligation “to render assistance to any person found at sea in danger of being lost.”66 Far from their obligation of providing migrants a safe place of disembarkation, within a reasonable time, where the survivors’ life is no longer in danger and where their basic human needs can be met,67 Greek authorities are attacking migrants at sea, arbitrarily detaining them on land, and abandoning them on unseaworthy vessels in the middle of the sea.

See, in particular, parts 2.2.4-2.2.7.

Other actors, such as Frontex and NATO, are likewise in flagrant violation of their obligations to render assistance to people found in danger at sea, where they have witnessed or directly participated in pushbacks.

See part 2.2.5, Ibid. n. 34-35. |
| Liability for Aiding and Abetting Crimes | UN Guiding Principles on Business and Human Rights, Principle 17; Greek Law 4619/2019 (Penal Code), Article 47. | In at least 9 of the 17 cases documented by the LCL, life rafts – repurposed from their original intended use – have been instrumental in carrying out pushbacks. Over several months, reports by LCL and other actors68 have detailed the use of life rafts for this nefarious purpose. Given the publicity surrounding the material use of life rafts to perpetrate these ongoing crimes in the Aegean, the suppliers of these life rafts to the HCG at this point are “knowingly providing practical assistance,”69 to the commission of these crimes, and are themselves criminally liable.70 |

68 See, for example:
70 Greek Law 4619/2019, Article 47 (whoever may “intentionally provide assistance before the commission or during the commission of the unjust act committed, is punished as an accomplice.”).
3.2 Ongoing impunity

The foregoing laundry list of ongoing violations entailed in the *modus operandi* of collective expulsions in the Aegean only underscores the **ineffectiveness of existing accountability mechanisms**. A number of extensively evidenced complaints on collective expulsions in the Aegean have already been submitted to the Greek courts,¹ the Hellenic Parliament,² the Greek National Commission of Human Rights (GNCHR),³ the European Commission,⁴ other EU institutions⁵ and the European Court of Human Rights, by numerous civil society and legal actors including the LCL,⁶ yet collective expulsions in the Aegean continue with absolute impunity. Moreover, Greek Law and the Greek Criminal Code do not include any provisions criminalising specifically collective expulsions, unlike the vast majority of European States which have ratified Protocol No. 4 to the ECHR. Those structural shortcomings and obstacles prevent victims of collective expulsions from obtaining an effective remedy for their harm in the Greek legal system and attest to the ways in which the Greek authorities’ systematic practice of summary expulsions is shielded and enabled by a disregard for the rule of law. There are only so many times legal and civil society actors can list and table these human rights violations and be met with deafening silence and inaction before this itself becomes evidence of Greek and European liability for collective expulsions as an egregious attack on migrants’ lives.

The Greek authorities veer between outright denial of collective expulsions and celebration of their “effective border control” in reducing the number of migrant arrivals.⁷ In response to an investigation that revealed over 1,000 people were expelled to Turkey in approximately 31 separate incidents, the Greek Prime Minister Mitsotakis continued to deny the existence of pushbacks at sea.⁸ Meanwhile, the European Commissioner for Home Affairs Ylva Johansson evades accountability by shifting the onus onto national authorities and claiming she has “no power to investigate” collective expulsions,⁹ despite presiding over an institution that has the power

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⁵ See, for example:


The Legal Centre Lesvos has reported to the GNCHR, and represented individuals in four separate cases filed with the ECtHR; in addition, it was reported that a claim was brought on behalf of A.N., a survivor of a collective expulsion from Samos. NUI Galway, ‘Press Release: New Complaint at the European Court of Human Rights’, Irish Centre for Human rights, 18 November 2020, available at: http://www.nuigalway.ie/irish-centre-human-rights/newsevents/press-release-new-complaint-at-the-european-court-of-human-rights.html


to initiate infringement actions when Member States violate European law. In March 2020, when Greece unilaterally suspended the right to asylum and conducted systematic pushbacks involving the use of lethal force, instead of taking action against such brazen violations of EU law, EU Commission President Ursula von der Leyen thanked Greece for acting as Europe’s “shield”. Shortly following Greece’s unlawful suspension of asylum, the Commission announced an additional 700 million euros for “border and migration management in Greece”, stating “Greece’s border is Europe’s border” and in June the EU’s Internal Security Fund awarded Greece a further 10.75 million euros for “Reinforcement of Eastern Greek Borders”. The vice-president of the European Commission has since cited the example of “Evros at the beginning of March” as proof “Europe can now effectively ensure border management.”

The documented involvement of multiple national and international authorities in systematic collective expulsions only compounds the situation of impunity. The various authorities identified by survivors as being involved in collective expulsions, as set out in part 2.2.5 above, all operate in the Aegean on different legal bases: the Greek police is regulated by the Police Structure and Rules of Regulation; the Hellenic Coast Guard is regulated by the Greek military penal code; Frontex is governed by EU Regulations and its own Codes of Conduct, while in principle NATO is accountable pursuant to international law on the responsibility of international organisations as well as to its member governments. All vessels are additionally bound by international maritime law.

Despite numerous reports and investigations concerning Frontex’s involvement in pushbacks (see part 2.2.5 above), the agency continues to deny participation in collective expulsions and explains the drop in migrants’

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80 Treaty on the Functioning of the European Union, Articles 258-260.
89 Pursuant to Frontex’s governing Regulation (EU) 2019/1886 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard; Regulation (EU) No 656/2014 of the European Parliament and of the Council of 15 May 2014 establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, particularly Articles 3 and 4; and Frontex Code of Conduct, Article 4, all operations must comply with international law and with respect for fundamental rights. Frontex, as a European agency, is additionally bound by the CFREU. It is recalled that collective expulsions frequently violate Articles 2, 4, 6, 7, 18, 19 and 47, as discussed in Part 3.1. Following suspected incidents of fundamental rights abuses, Frontex is obliged to file serious incident reports, see Frontex, Annex 14 Serious Incident Reporting, in particular Section 3.2, available at: https://www.statewatch.org/media/documents/news/2016/aug/frontex-serious-incident-reporting.pdf
In addition, Article 5 of Frontex’s Code of Conduct affirms that “participants in Frontex activities shall: a) promote, in full compliance with the principle of non refoulement, that persons seeking international protection are recognised, receive adequate assistance, are informed, in an appropriate way, about their rights and relevant procedures and are referred to national authorities responsible for receiving their asylum requests; ... e) give special consideration to particularly vulnerable groups of people, including women, unaccompanied minors, disabled people, persons susceptible to exploitation and victims of exploitation or trafficking in human beings.”
arrivals by reference to COVID-19. Executive Director of Frontex Fabrice Leggeri maintains that “there is no evidence of a direct or indirect participation of Frontex staff or officers deployed by Member States under Frontex operations in alleged “pushbacks” in the Aegean Sea” and has further sought to shift responsibility to national authorities: claiming that Frontex does not have “tactical command” of operations in the Aegean, which belongs to the HCG, despite the fact HCG liaison officers are deployed on Frontex vessels. Meanwhile, in response to reports of NATO involvement in pushbacks (see part 2.2.5 above) and to repeated questions on this issue to the German Federal Government, the German secretary of state refused to publicly disclose information on the grounds that “public disclosure of information in the sense of the question could have negative effects on NATO activities in the Aegean Sea as well as on bilateral relations between Germany and Greece and thus be detrimental to the interests of the Federal Republic of Germany.”

Such evasions in response to the allegations of both international agencies’ involvement in collective expulsions in the Aegean only underscores the difficulty in pursuing remedies, let alone anything resembling justice, for survivors. Added to this, survivors consistently describe the authorities as unknown, masked, “commandos”, though it is likely from the equipment that they are using that these commandos are supported by the State. This makes identifying the agencies responsible, and seeking remedy for violations committed by them, extremely difficult.

As if impunity was not enough, four human rights monitoring and migrant solidarity groups – which have all publicly denounced collective expulsions in the Aegean – have been identified by Greek police in an investigation that accuses them of espionage, forming and membership of a criminal organization, violating state secrets, and violating the immigration code. This not only targets the four named organisations, but also contributes to the ongoing hostility towards organisations working in solidarity with migrants in Greece. The investigation clearly constitutes an attempt to deflect from the Greek government’s own commission of criminal acts, by directing public attention towards allegations of misconduct by civil society actors and human rights defenders. A similar effect is achieved by the Greek state’s systematic prosecution of migrants for facilitation of illegal entry/exit or its perverse decision to prosecute the father of a six-year-old child who tragically drowned in a shipwreck near Samos in November for endangering his son’s life. Such attempts by states (and organisations of states such as the EU) to frame migrants, migrants’ rights defenders and solidarity actors as criminals and threats to the nation is a deliberate and effective tactic to circumvent their own liability for severe criminal acts and human rights violations.

The brutality and disregard for human life evidenced in the Aegean collective expulsions and the banalisation of these atrocious acts through both the frequency of their occurrence and discursive ideological work of European

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94 North Aegean Journalists Information Office, ‘33 members of NGOs and 2 third-country nationals, are included in a case file for an organised circuit to facilitate the illegal entry of aliens into the Greek territory, via the island of Lesvos, 28 September 2020’, available at (Greek): http://www.astonomyia.gr/index.php?option=ozl_content&lang=%22%22&perform=view&amp;cid=97610&amp;Itemid=2509&amp;
institutions and the media to devalue migrant lives,” is not adequately captured by the current legal framework of human rights and the remedies in place to guarantee them. The complex network and multiplicity of actors involved in collective expulsions in the Aegean would require independent international institutions with significant investigative powers to trace modes of liability. In this context, international criminal law’s foundational logic that atrocities are “committed by men, not abstract entities” and its promise to de-naturalise the banality of evil appears more appropriate.

The Greek government and the European Commission should **conduct prompt and serious investigations into the existing evidence of illegal actions at the EU’s external borders, and impose accountability measures for the respect of human rights.** The EU agency Frontex and NATO are involved, directly and indirectly, in those illegal acts and should suspend their operations in the Aegean as long as investigations are ongoing and transparently disclose the information and evidence that they have acquired. In the absence of such initiatives, Greece and the EU and its officials – who are already facing accusations of crimes against humanity for the deadly migration policies implemented in the Central Mediterranean – are making themselves complicit in crimes against humanity in the Aegean.

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3.3. Greek authorities are committing Crimes against Humanity in the Aegean

The collective expulsions perpetrated by Greek authorities against migrants in the Aegean constitute a widespread and systematic policy. With the complicity or operational support of international bodies and private entities, Greek authorities are purposefully committing crimes against humanity through their ongoing commission of pushbacks in the Aegean. The Rome Statute, clearly defines\textsuperscript{101} and sets standards for determining the commission of crimes against humanity.

Crimes against humanity are defined by the Rome Statute as the knowing commission of any specified crime, as part of a widespread or systematic attack directly against any civilian population.\textsuperscript{101} These specified crimes include:

1. Unlawful deportation;
2. Unlawful detention;
3. Torture or other inhumane acts

In order for crimes against humanity to be found, four main elements must be shown: (I) the knowing commission of a specific crime, (II) the widespread or systematic nature of the crime (III) against a targeted civilian population and (IV) that the crime was committed in furtherance of a State or organizational policy.\textsuperscript{102} All four elements are present in the Greek authorities commission of pushbacks in the Aegean in 2020.

\textsuperscript{101} Rome Statute, Article 7(1) provides that “For the purpose of this Statute, ‘crime against humanity’ means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: (a) Murder; (b) Extermination; (c) Enslavement; (d) Deportation or forcible transfer of population; (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; (f) Torture; (g) Rape, sexual slavery, enforced prostitution, enforced sterilization, or any other form of sexual violence of comparable gravity; (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court; (i) Enforced disappearance of persons; (j) The crime of apartheid; (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

\textsuperscript{102} Rome Statute, Article 7(1) and 7(2)(a).
3.3.1. Collective expulsions in the Aegean necessarily involve commission of specific crimes prohibited by the Rome Statute

UNLAWFUL DEPORTATION\textsuperscript{103}

"Deportation or forcible transfer of population" means forcible displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law.

In every case of collective expulsion reported to LCL, the elements of the crime of unlawful deportation as set out in the Rome Statute are met:

**Forced displacement:** In all instances, the forcible aspect of the expulsion is undeniable: all survivors were forcibly expelled towards Turkish waters, whether through attacks on and the towing of their dinghies, or being forced into life rafts.

**Lawful presence:** Per the 1951 Convention on the Status of Refugees, the asylum seekers are lawfully present, if they have irregularly crossed borders in order to seek asylum.\textsuperscript{104} Criminal responsibility for unlawful deportations cannot be circumvented by denying intended asylum seekers the ability to register their asylum claims — which is categorically denied to victims of pushbacks, as described above in part 2.2.1.

**Without legal grounds:** The unlawful nature of the forced displacement in carrying out pushbacks in the Aegean is undeniable, given the illegality of collective expulsions, and the violation of the principle of non-refoulement they always entail, as described above in part 3.1.

\textsuperscript{103} Rome Statute, Articles 7(1)(d), and 7(2)(d).

\textsuperscript{104} 1951 Convention on the Status of Refugees, Article 31.

In every collective expulsion reported to LCL following a landing on a Greek island, migrants were unlawfully and arbitrarily detained, in violation of the fundamental rules of international law, as described above in part 2.2.3. Migrants subsequently subjected to pushbacks were held in unofficial detention sites, during which they were routinely denied adequate access to food, water, sanitation facilities or shelter, and where they were denied due process of law, without being given any information about their fate, and with no ability to legally contest their detention. As described above in part 2.2.2, the circumstances of their detention frequently amounts to torture and inhumane treatment, given the poor conditions in which they are held and the physical and mental violence to which they are subjected by Greek authorities. Furthermore, and as discussed above, the individuals subjected to detention are often vulnerable and include infants, children, unaccompanied children, persons with disabilities, and pregnant women.

TORTURE OR OTHER INHUMAN ACTS

"Torture" is defined as the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused. Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health are likewise crimes against humanity when committed as part of widespread or systematic policy against a civilian population.

In every pushback reported to LCL, survivors were subject to inhumane acts, which could in some instances amount to torture and which in all cases caused great suffering. According to the survivors' testimonies, they were exposed to verbal and physical violence (often with the intent to disable the vessel on which they were travelling, or to forcibly transfer people in and out of dinghies, authorities' vessels or motorless life rafts, and/or while being held in arbitrary detention) before being abandoned, in open water, at risk of death. Such violence frequently also includes psychological abuse, such as: providing misleading information about where migrants will be taken; forcing migrants off metres-high vessels, out of sight of the group with which they are travelling, in circumstances resembling a mock execution; and/or the refusal to assist and active abandonment of people on unseaworthy vessels without means to call for rescue.

106 Rome Statute, Article 7(1)(e)
109 Rome Statute, Articles 7(1)(f), 7(1)(k), and 7(2)(e).
In addition, migrants are frequently deprived of adequate access to food or water while under Greek authorities’ control, whether in unofficial detention sites on land, or while on the Greek authorities’ vessel. See parts 2.1, 2.2.2, 2.2.3.

‘Other inhumane acts’ that have been found to constitute crimes against humanity and apply to the consistent modus operandi of collective expulsions in the Aegean include: beatings;\(^{110}\) acts of humiliation;\(^{111}\) forcible transfer;\(^{112}\) detention or confinement in gravely inadequate circumstances or inhumane conditions (for example, without water, food or sanitary facilities);\(^{113}\) physical abuse of detainees;\(^{114}\) denial of safe haven or creation of conditions exposing victims to serious harm;\(^{115}\) severe attacks against human dignity (including deprivation of food, water, adequate shelter, medical assistance, unacceptable sanitary conditions).\(^{116}\)

### 3.3.2. Collective expulsions in the Aegean are both widespread and systematic

The criminal acts described above are conducted as part of both a systematic and widespread attack.

- “Systematic” refers to a pattern or methodical plan, on the basis of a common policy, which reflects the organized nature of the acts of violence and the improbability of their random occurrence - as opposed to isolated or random attacks.\(^{117}\)

- “Widespread” refers either to the commission of the criminal act over a broad geographic area, or to large-scale violence in relation to the number of crimes and victims.\(^{118}\)

Pushbacks carried out by Greek authorities have been documented on the Greek-Turkish border for years\(^ {119}\), yet since March 2020 a common pattern has been followed in each of the reported pushbacks carried out in the Aegean Sea. As shown in our previous publication and in part 2.2 of the present report, a consistent modus operandi can be identified in all documented collective expulsions. The direct consequences of those crimes are also identical in all cases: migrants are removed from Greek territory, without any opportunity to


\(^{113}\) The Prosecutor v. Ignace Bagilishema (Trial Judgement), ICTR-95-1A-T, ICTR, 7 June 2001, § 490 (finding that “the confinement of a large number of people on exposed ground without water, food or sanitary facilities will amount to an inhumane act if the act is deliberate and its consequences are serious mental or physical suffering or a serious attack on human dignity”), and §§ 491–494 (finding that “the necessary requirement of equal gravity” was met in this case in light of all relevant circumstances).


\(^{116}\) Prosecutor v. Nou Dcha & Khao Sampaith, 002/19-09-09-2007/CC/TC, Case 002/01 Judgement, 7 August 2014, §§ 440, 456ff (noting that deprivations of food, water, adequate shelter and medical assistance and sub-para. sanitary conditions in the context of detention constitute an attack upon the human dignity of the detainees), and §§ 563ff (regarding the Chamber’s findings upon that aspect of the charges, and pointing to the evacuees’ journeys were marked by the almost complete absence of food, water, medical care, shelter and hygiene facilities for periods ranging from several days to several weeks and overall hardship of and violent circumstances surrounding this movement of population).


\(^{119}\) Ibid n. 6.
request international protection, and are abandoned at sea without any assistance or guarantee of being rescued. This consistent *modus operandi* shows that the **pushbacks are being systematically carried out**.

The testimonies shared with LCL clearly indicate that a consistent policy is being carried out over a broad geographic area throughout the Aegean – both at sea and on the islands. A consistent pattern of behaviour by a variety of actors throughout this area, including, at a minimum, members of the Greek police and HCG, has led to identical results, indicating a **widespread coordination of the attack** on migrants throughout the Aegean.

Furthermore, the abundance of evidence reported by LCL – which has documented at least 17 collective expulsions in the last 10 months, in addition to evidence published by numerous other actors,\(^\text{120}\) indicates the **large-scale widespread nature of the crime**.

Greek officials admitted to preventing 3000 migrants’ entry into Greece in August alone – and refused to detail the circumstances of these “preventions.”\(^\text{121}\) Furthermore, according to the Shipping Minister, Giannis Plakiotakis, there has been an 84% reduction in new arrivals since 1 March 2020 as compared to the same time period in 2019.\(^\text{122}\) As illustrated in the **introduction** to this report, this reduction is coterminous with reports of the new pattern of Aegean collective expulsions.

In light of the extensive reports of collective expulsions with a shared *modus operandi*, the Greek state’s recognition of its mass “preventions”, and the widespread knowledge of expulsions among the migrant community, it can be concluded that **collective expulsions in the Aegean are both a systematic and widespread policy**.

### 3.3.3. Migrants attempting to seek asylum in Greece after crossing from Turkey constitute a targeted civilian population

A “civilian population” for the purposes of determining a crime against humanity, corresponds to a significant number of people, identified as a collectivity, present in a delimited geographical area that are targeted in the systematic or widespread attack.\(^\text{123}\) The civilian population can be of any nationality, ethnicity or another group with distinguishing features, that show they are not a randomly selected group of individuals.\(^\text{124}\) As a recent communication to the ICC argues, “the category of ‘migrants’ has been created in order to be categorically attacked” in or by the EU, in precisely the form of “discursive reification” that “often precedes the commission of mass crimes”.\(^\text{125}\) The ICC prosecutor herself has identified migrants as a targeted civilian population, expressing concern about “serious and widespread crimes allegedly committed against migrants” in the context of the ICC’s ongoing investigation into the situation in Libya.\(^\text{126}\)

All of the pushback survivors in the Aegean who have provided evidence and testimony to the LCL are – without exception – migrants who crossed the border between Turkey and Greece to seek international protection in Europe. The Greek authorities specifically targeted them for collective expulsion (as already shown in parts 3.1 and 3.3.3) precisely because of their status as migrants. As such, ‘migrants’ qualify as a targeted civilian population within the meaning of Article 7.

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\(^\text{120}\) Ibid. ns.1-4.


\(^\text{122}\) Ibid.


\(^\text{124}\) *The Prosecutor v Jean-Pierre Bemba Gombo*, Pre-Trial Chamber II, “Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Jean-Pierre Bemba Gombo”, 15 June 2009, ICC-01/05-01/08, §§ 76-77.

\(^\text{125}\) Ibid. n. 99, § 409; §§ 404-412 and §§ 538-554.

3.3.4. Collective expulsions in the Aegean are carried out pursuant to and in furtherance of a coordinated State and organisational policy

Per Article 7 (2) (a) of the Rome Statute, the attack must be committed “pursuant to or in furtherance of a State or organizational policy”.

Such policy or plan does not need to be explicitly declared or formally adopted and can be inferred from the totality of the circumstances in which the acts occur. The evidence of collective expulsions documented by LCL demonstrate a recurrent, systematic, coordinated and planned intervention of multiple State actors and authorities, trained and equipped to operate both on land and at sea to repress, detain, and forcibly expel groups of migrants. In the majority of documented incidents described, significant resources and personnel associated with the Greek State were deployed. This includes, *inter alia*, police personnel, supported by vehicles (including cars and vans); at least one, and often multiple, maritime vessels (including speedboats and large vessels); and the procurement of rescue equipment, repurposed to serve the expulsions (life rafts). The Hellenic Coast Guard, Greek police units, “commandos”, and even a rescue ship in one reported case, all take part in a coordinated way in implementing the illegal pushbacks in the Aegean. In addition, documents leaked to the media or obtained via freedom of information requests have demonstrated that clear commands emanate from the Hellenic Coast Guard (HCG) in the commission of collective expulsions. Taken together, those circumstances demonstrate that collective expulsions in the Aegean sea are not a random occurrence, but are committed by Greek authorities in furtherance of a State policy, despite it being unofficial.

Moreover, although “unofficial” (because of their illegality), the collective expulsions carried out in the Aegean are pursuant to and in furtherance of the official deterrence-based migration policies already implemented in Greece and at the EU’s external borders, whose “underlying motivations” are to immediately reduce the number of migrants reaching Greece to seek asylum and to deter future migration movements towards Greece. The very fact that remedies for the flagrant violations of national and European law inherent in systematic collective expulsions are theoretically possible – and have been achieved to some degree in other contexts – is only further evidence that the crimes being committed systematically in the Aegean form part of a deliberate, if “unofficial” Greek state and EU organisational policy.

Greek authorities’ migration and border policies do not exist in isolation. They are, for the most part, designed at the European Union level or are closely intertwined with EU migration policies. The “EU-Turkey Deal” of March 2016, which aims at further externalising migration management outside of the EU and at “stemming migration flows” into Europe, through deterrence policies towards migrants, is the main example of an EU policy consistently implemented in the Greek islands. Increasing political and financial support provided by

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127 Procesor v. Ralević & Tedorić (First Instance Verdict), No. X-KR/06/275, Court of BiH, 28 February 2008, p. 37.
130 See, for example: The recent decision rendered by the Court of Rome, in which illegal acts of pushback from Italy to Slovenia were condemned as violations of constitutional and international law obligations, including the right to seek asylum, the right to effective remedy and the prohibition of collective expulsions, while also acknowledging the inhuman and degrading treatment migrants are subjected to along the Balkan route: Euromed Monitor, ‘Rome Court decision against Italy’s illegal migrant pushbacks is a significant step’, 26 January 2021, available at: https://euromedmonitor.org/en/article/4120/Rome-Court-Decision-Against-Italy’s-Illegal-Migrant-Pushbacks-is-a-Significant-Step; and Commission v Hungary, Case C-808/18, 17 December 2020.
EU institutions and agencies to Greece’s border management activities are further illustrations of the strong involvement of the EU in migration policies in Greece. Since 2015, Greece has benefited from 2.64 billion euros of EU support to better manage migration and protect the EU’s external borders.132 Part of this budget (10.75 million euros) was dedicated to the “Reinforcement of Eastern Greek Borders” in 2020, and another part (22.85 million euros) was invested for the “Deployment of Hellenic Coast Guard maritime assets and Border Surveillance Officers”.133 The fact that Frontex “Joint Operation Poseidon” in the Aegean was reinforced with personnel and equipment following the “Rapid Border Intervention Aegean” in March 2020134 is further proof of the EU’s close involvement in Greece border management policies.

In light of the above, the collective expulsions as a widespread and systematic attack on migrant lives, are undeniably both pursuant to, and in furtherance of, Greek State and EU organisational migration policies.

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132 Ibid. n.85.
133 Ibid. n.85.
CONCLUSIONS

Since March 2020, collective expulsions in the Aegean Sea have been perpetrated with impunity. Despite the insurmountable evidence demonstrating the reality and the extreme violence of these pushbacks, the national and European response has been to turn a blind eye: failing to even attempt to hold the responsible Greek authorities to account, let alone other public and private actors involved directly or indirectly in collective expulsions. On the contrary, the European Commission has praised the violent “border and migration management” practices implemented in Greece and underwritten their support with substantial financial and material assistance.

While the systematic violence of pushbacks in the Aegean is scandalous, it is also the logical endpoint of a European border regime that has increasingly prioritised and funded detention and containment through the ‘hotspot’ system, accelerated procedures, deportations, border militarisation and externalisation through deals of questionable legality with third countries. The absence of serious investigations, let alone practical steps to redress violations are a clear sign that collective expulsions form part of a Greek and European migration policy: instrumentalising human suffering in acts of spectacular state violence for the purpose of deterring migration, at any cost.

After unilaterally (and illegally) suspending the right to seek asylum and violently fortifying its borders in March 2020, the Greek government has repeatedly hardened its legislation on international protection and systematically obstructed access to asylum in flagrant disregard for EU law. In the context of the COVID-19 pandemic which prevented Greece carrying out “official” deportations to Turkey, collective expulsions have conveniently served as an unofficial implementation of the “EU-Turkey Deal” and other bilateral “readmission” agreements with Turkey, which form part of fortress Europe’s border externalisation drive. Beyond being in egregious violation of international, European and national human rights law, the constituent elements of the modus operandi of collective expulsions in the Aegean reach the level of gravity required for the prosecution of crimes against humanity. The fact that hundreds of migrants have been, and continue to be, deliberately and systematically abandoned in the middle of the sea, without means to call for rescue, on unseaworthy, motorless dinghies and liferafts, is a new landmark in the erosion of human rights in Europe. It reveals how migrants’ lives are increasingly treated as disposable, in a manner that has historically accompanied the commission of atrocity crimes.

Europe’s dehumanising and punitive treatment of racialised migrants from the Global south deliberately and effectively obscures European states’ own historical and ongoing imperialist role in many of the reasons for such migration, including invasions, occupations and other acts of war, colonial divide and rule policies, the arms trade, land dispossession, resource extraction and environmental degradation. It also obscures the fact that it is nation states that possess the monopoly on violence – as the encounters between armed, highly equipped state actors and people seeking freedom and safety in flimsy dinghies described in the testimonies of survivors of collective expulsions at parts 1 and 2 above so clearly demonstrates. For survivors of collective expulsions in the Aegean, the locus of violence is certainly such actors, who operate pursuant to state and organisational policies.

In this context, it is important to ask what justice might look like for survivors of crimes against humanity in the Aegean, many of whom experience ongoing psychological trauma and distress as a result of these crimes. Survivors who have been in contact with LCL have spoken about justice in terms of being able to safely reach Europe. Justice for collective expulsions as crimes against humanity must therefore include safe and legal routes to Europe, as well as defunding, demilitarising and dismantling Europe’s violent border regime.