



RECORDING MECHANISM OF INCIDENTS OF INFORMAL FORCED RETURNS

INTERIM REPORT
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A. Introduction

The Greek National Commission for Human Rights (GNCHR) was established by Law 2667/1998 as the independent advisory body to the Greek State in accordance with *Paris Principles*¹ adopted by the United Nations (General Assembly Resolution A/RES/48/134, 20.12.1993, “*National Institutions for the promotion and protection of human rights*” NHRIs) and is the National Institution for the protection and promotion of Human Rights (NHRI) in Greece. The founding legislation of GNCHR was amended by Law 4780/2021, the provisions of which now govern the operation of the Greek National Commission. Under these provisions, the GNCHR has acquired legal personality, functional, administrative and financial independence. Since 2001, the GNCHR, was accredited as an A’ status NHRI, (full compliance, in accordance with the UN Paris Principles) by the competent GANHRI Sub – Committee on Accreditation, in recognition of its substantial independence and effective fulfilment of its role.

According to Law 4780/21, the mission of GNCHR consists of:

- The constant monitoring of developments regarding human rights protection, the continuous briefing and promotion of the relevant research.
- The maintenance of permanent contacts and co-operation with international organizations, such as the United Nations, the Council of Europe, the OSCE, National Human Rights Institutions of other States, as well as with national or international Non-Governmental Organizations.
- The formulation of policy advice on human rights issues.

Moreover, in the context of its mission, the GNCHR has the responsibility to raise awareness among all State bodies of the need for effective protection of human rights, to inform public opinion about the risks of human rights violations and, above all, to provide guidelines to the Greek State aimed at the establishment of a modern, principled policy of human rights protection.

An additional guarantee of GNCHR’s independence is its pluralistic and polyphonic composition, which allows and develops a unique dialogue between the various bodies of civil society and the State. Its plenary consists of a total of 20 members designated by Independent Authorities, Universities, Research Institutions, tertiary Trade Union organisations, Civil Society organisations, and Bar Associations. In the Plenary of the Commission are represented, through liaisons, the Greek Parliament by the Chairman of the Special Permanent Committee on Institutions and Transparency, the Ministries, and the parliamentary parties.

Since its establishment, the GNCHR has attached particular importance to the respect of human rights of refugees and migrants residing in Greece. Considering complaints on informal forced returns from the Greek territory to third countries, that have been discussed in its Plenary brought up by civil society organizations that participate in its composition by designated members, including the Hellenic League for Human Rights (HLHR)² and the Greek Council for Refugees (GCR),³ the GNCHR issued a relevant *Announcement*⁴ and

¹ UN Office of the High Commissioner for Human Rights (OCHR), Principles relating to the Status of National Institutions (The [Paris Principles](#))

² HLHR, [Complaint on refoulements from the region of Evros River](#), 6 February 2018 (available only in Greek).

HLHR, [More refoulements of Turkish asylum seekers in Evros](#), 6 June 2017.

³ GCR, [Reports of systematic pushbacks in the Evros region](#), 20 February 2018.

GCR, [GCR submits complaints after refugees' allegations of pushbacks at the region of Evros](#), 19 June 2019 (available only in Greek).

⁴ GNCHR, [Statement on the allegations of irregular push backs in Evros](#), July 2017 (available only in Greek).



subsequently a *Statement*⁵ calling on the Greek authorities to respect the principle of non-refoulement and to thoroughly investigate the relevant complaints.

The GNCHR in its *Reference Report on the Refugee and Migration Issue (Part A)*,⁶ called on the Greek authorities to take all necessary measures that would ensure the compliance with the principle of non-refoulement, the unimpeded, early and effective access to International Protection Procedures of the informally arriving third-country nationals, without any discrimination based on race, religion, nationality, membership of a social group or political opinion, as well as the immediate and thorough investigation of all complaints of informal forced returns in the region of Evros River.

On 18 June 2020, the 3rd Sub-Commission of the GNCHR on the Application of Human Rights to Aliens, held a hearing of public authorities and persons. The hearing was attended by representatives of the Government, the competent security institutions, international organizations, independent authorities, and civil society organizations.⁷

Following the aforementioned hearing of stakeholders, the GNCHR, issued a *Statement*,⁸ calling on the Greek authorities, inter alia, to ensure that all institutions of the Greek State fully comply with the principle of non-refoulement, to establish an official independent mechanism for recording and monitoring complaints of informal forced returns, to effectively investigate allegations of informal forced returns, disproportionate use of force and lethal injuries, and to bring to justice those responsible for any such illegal actions.

A more comprehensive assessment of refugees' and migrants' rights, was presented by the GNCHR in the update of the *Report on the Refugee and Migration Issues (Part B)* in September 2020.⁹

The GNCHR highlighted specific issues on migrants' rights at borders, including allegations of informal forced returns and reported use of violence, as well as the accountability required for the alleged violations, in its *Report on the State of Migrants' Rights at Borders*, in July 2021.¹⁰

In addition, the GNCHR attaches great importance and monitors closely the reports of international organizations, such as the United Nations High Commissioner for Refugees¹¹ (UNHCR) and the International

⁵ GNCHR, [Statement on complaints regarding informal push-backs at the region of Evros](#), 29 November 2018.

⁶ GNCHR, [Reference Report on the Refugee and Migrant Issue, Part A: Refugees](#), September 2019 (available only in Greek).

⁷ Read More: GNCHR Press Release, [Hearing of public authorities and persons on refugee and migrant issues during the meeting of the Third Sub - Commission of the GNCHR](#), 19 June 2020.

⁸ GNCHR, [Statement on the reported practices of push backs](#), 9 July 2020

⁹ GNCHR, [Reference Report on the Refugee and Migrant Issue](#), Part B', September 2020

¹⁰ GNCHR, [National Report on the Situation of Human Rights of Migrants at the Borders](#), July 2021.

¹¹ [UNHCR Press Release](#) «UNHCR deeply concerned at reports of informal forced returns from Greece to Turkey», June 2017.

[UNHCR Press Release](#) «UNHCR calls on Greece to investigate pushbacks at sea and land borders with Turkey», June 2020.

[UNHCR Press Release](#) «UNHCR concerned by pushback reports, calls for protection of refugees and asylum-seekers», August 2020.

[UNHCR Press Release](#) «UNHCR warns asylum under attack at Europe's borders, urges end to pushbacks and violence against refugees», January 2021.



Organization for Migration¹² (IOM), as well as of international,¹³ European¹⁴ and national¹⁵ human rights institutions, which, as indicated therein, result in a gradual but steady consolidation of the characteristics of the phenomenon of reported informal forced returns through a repeated methodology.

In this regard, the GNCHR, building on the best practices stemming from the founding and the operation for 11 years of the Racist Violence Recording Network,¹⁶ and in the context of its institutional role as a bridge between the State and the Civil Society, decided to establish a *Recording Mechanism of Incidents of Informal Forced Returns* (hereinafter “*Recording Mechanism*”).¹⁷ Following a delegated act of the GNCHR Plenary, a Working Group was set up to prepare the draft of the *Founding Act* of the Recording Mechanism and to create a *Recording Form of Incident of Informal Forced Return* (hereinafter “*Recording Form*”).¹⁸ The GNCHR adopted the procedural acts for the activation of the Recording Mechanism at the Plenary meeting of 27 September 2021.

The following pages describe the profile and methodology of the Recording Mechanism, analyze key statistical data and present qualitative findings for the reporting period (April 2020 – October 2022). The Recording Mechanism will conduct a comprehensive quantitative and qualitative analysis of the reporting period’s records and the resulting data in its full annual report scheduled to be issued later this year.

¹² [IOM Press Release](#) «*IOM Alarmed over Reports of Pushbacks from Greece at EU Border with Turkey*», June 2020.

[IOM Press Release](#) «*IOM Concerned about Increasing Deaths on Greece-Turkey Border*», February 2022.

[IOM Press Release](#) «*More than 5,000 Deaths Recorded on European Migration Routes since 2021*», October 2022.

¹³ UN Committee Against Torture, [CAT/C/GRC/CO/7: Concluding observations on the seventh periodic report of Greece](#), September 2019.

UN Working Group on Arbitrary Detention: [Preliminary Findings from its visit to Greece \(2 - 13 December 2019\)](#), December 2019.

UN Special Rapporteur on the Human Rights of Migrants, [Report on means to address the human rights impact of pushbacks of migrants on land and at sea](#), May 2021.

¹⁴ Commissioner for Human Rights of the Council of Europe, [Report of the Commissioner after her visit to Greece on 25-29 June 2018](#), November 2018.

Commissioner for Human Rights of the Council of Europe, [Statement of the Commissioner «Time to immediately act and to address humanitarian and protection needs of people trapped between Turkey and Greece»](#), March 2020.

Commissioner for Human Rights of the Council of Europe, [Letter by the Commissioner to the Ministers of Citizen's Protection, of Migration and Asylum, and of Shipping and Island Policy of Greece](#), May 2021.

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [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](#), February 2019.

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [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 13 to 17 March 2020](#), November 2020.

¹⁵ Greek Ombudsman, [Interim Report on the alleged pushbacks to Turkey of foreign nationals who had arrived in Greece seeking international protection](#), January 2021.

National Mechanism For The Investigation Of Arbitrary Incidents (EMIDIPA), [Special Report for 2021](#), June 2022

¹⁶ The Racist Violence Recording Network (RVRN) is a joint initiative of the Greek National Commission for Human Rights (GNCHR) and the Office of the United Nations High Commissioner for Refugees in Greece (UNHCR) comprised of stakeholders offering medical, social, legal services and/or coming in direct contact with victims of racist violence or victims of other hate or bias motivated violent attacks. Currently it is comprised of 52 NGOs and 2 observers. Click here for more information: <https://rvrn.org/en/>.

¹⁷ The relevant decision was unanimously adopted at the 09.07.2020 Plenary meeting of the GNCHR.

¹⁸ The relevant authorization was unanimously granted at the 12.11.2020 Plenary meeting of the GNCHR.



B. Profile

The Recording Mechanism was founded by a decision of the Plenary of the GNCHR in September 2021 as the response of the National Human Rights Institution (NHRI) following two major findings: a) the absence of an official and effective data collection mechanism of informal forced returns; and b) the need for coordination among organizations who record on their own initiative any alleged incidents of informal forced returns from persons who recourse to their services. Respect for human rights, diversity, multiculturalism, and tolerance, as well as action to promote third country nationals' rights, are prerequisites for being a member of the Recording Mechanism. Members of the Recording Mechanism have legal personality and are legally represented in Greece. The validation of their legal personality and the alignment of their operational objectives with those of the Recording Mechanism, requires submission of their statutes to it. Each member organization has adopted the Founding Act of the Recording Mechanism and is bound by the commitment to pursue its shared objectives, use its instruments, and apply its methodology.

The following organizations are listed as members of the Recording Mechanism:¹⁹

- Greek Council for Refugees (GCR)
- Hellenic League for Human Rights (HLHR)
- Network for Children's Rights
- Medical Intervention (MedIn)
- METAdrasi – ACTION FOR MIGRATION AND DEVELOPMENT
- Greek Transgender Support Association (SYD)
- Refugee Support Aegean (RSA)
- HIAS Greece
- Legal Centre Lesbos
- Danish Refugee Council Greece

The United Nations High Commissioner for Refugees (UNHCR) Office in Greece within the framework of its mandate, contributes its expertise and technical support to the Recording Mechanism, as a co-operating Agency.

C. Methodology

1. Common, transparent, scientific recording methodology

The Recording Mechanism aims to monitor, record and report informal forced return incidents of third country nationals from Greece to other countries. It seeks to promote and consolidate respect of the principle of non-refoulement as well as to safeguard guarantees and compliance with legal procedures. Moreover, the aim of the Recording Mechanism is to boost accountability for reported human rights violations alleged to have occurred during informal forced returns of third country nationals from Greece to other countries. Through the adoption of a standardized, transparent, and scientific recording methodology, the Recording Mechanism attempts to contribute to increasing the credibility of reported incidents.

The Recording Mechanism operates under common rules applicable by all its members and sets out common goals and objectives reflected in its Founding Act. All members of the Recording Mechanism have adopted its Founding Act, which stipulates their rights and obligations. Each member's recording officers, whether social,

¹⁹ The status of the members is updated as of 31/12/2022. As regards HumanRights360 its membership has been discontinued.



legal, or other scientists, are designated by the member and then trained by the Supervisor of the Recording Mechanism.

II. Definition of the Incident of Informal Forced Return

The cornerstone of the methodology of the Recording Mechanism is the definition of informal forced return incident that has been drafted upon joint consultation with its Members and adopted by them in its Founding Act. For the scope of the Recording Mechanism an incident of informal forced return is defined as *the informal deportation, removal, 'pushback' or return, by summary proceedings outside the legal framework, of third-country nationals, including asylum seekers and holders of legal residence titles in Greece, from the Greek territory, without individual examination of international protection or other needs, and without the possibility of having recourse to legal remedies, which may lead to a direct or indirect breach of the principle of non-refoulement as stipulated in Article 3 of the Geneva Convention, Article 3 of the International Convention against Torture, Article 3 of the European Convention on Human Rights, or the principles of international customary law.*

III. Common Recording Form

The testimonies are being recorded by means of personal interviews conducted by the members' recording officers with the alleged victims of informal forced returns, in most cases with the support of an interpreter of languages mutually understood. The Recording Mechanism shall not record in the Recording Form *indirect testimonies or accounts, or allegations* provided by third persons who are not victims of an informal forced return. Possible exceptions are testimonies provided by persons related to the alleged victim, if the latter, for reasons of force majeure (missing persons, enforced disappearance, incarceration, serious illness, or death) is unable to give his/her testimony. So far, no such testimony has been recorded, by the Recording Mechanism. Before recording the testimony, the victim's prior written consent is required, given in a special consent form elaborated by the Recording Mechanism, after the victim has been thoroughly informed in a language understood by them, of its content, as well as of the purposes of the interview and the way in which their personal data and testimony will be used.

Testimonies are recorded on a standardized Recording Form as developed by the Recording Mechanism following joint consultation meetings with its members and the UNHCR. In order for the Recording Form to meet the needs of recording a rather complex phenomenon involving multiple stages of management, (detection or informal arrest, informal detention or restriction of movement, physical removal) it is structured into various modules and sections, all of which gather detailed information on the identity of the alleged perpetrators, the places and times regarding each stage of the incident, from the detection of the victims in the Greek territory to their fate after their removal from the country, and record the alleged perpetrators' modus operandi. Finally, each testimony includes any intention of the alleged victims to take further action on their case, such as whether they have brought or intend bringing a complaint against the competent Authorities.

IV. Quality Control

The Recording Mechanism is responsible for recording testimonies of third country nationals or stateless persons, regardless of their legal status in Greece, i.e., irrespective of whether they are irregular migrants, registered or unregistered asylum seekers or recognized refugees, who allege that they have been victims of informal forced return from the Greek territory either directly to their country of origin (former habitual residence for stateless persons) or to a third country. The scope of the Recording Mechanism is neither to investigate the incidents reported, nor to carry out fact-finding investigation on these incidents, and it certainly cannot act as an institution competent to apply criminal, civil, administrative, or disciplinary penalties



to the offenders. The Recording Mechanism exclusively records testimonies by conducting personal interviews with the alleged victims, to enhance the credibility of the reported incidents and to highlight in public the alleged victims' perspective.

Its aim, however, is not to record every testimony or incident of informal forced return that may have taken place within Greek territory. The Recording Mechanism aims rather at recording testimonies that can comply with the very demanding requirements for completing the Recording Form. This is actually a voluntary limitation of the Recording Mechanism in order to ensure that records provide, as far as possible, testimonies that meet a fairly high level of credibility, based on the ability of the alleged victims to describe the incidents they claim to have experienced or at least to answer detailed questions about them.

The above-mentioned procedural guarantees, do however, significantly affect the number of recordings that the Recording Mechanism can admit. Additional factors affecting the quantitative level of recordings include the victims' hesitation, fear of reprisals, trauma or post-traumatic stress disorder, the time period following the incidents, and the geographical distance between the recording officer and the victim. Therefore, the Recording Mechanism is aware of the fact that the recordings of testimonies of the alleged victims of informal forced returns are limited only to what is commonly known as *the tip of the iceberg*.

The Recording Forms shall be subject to quality control performed by the Recording Mechanism. The quality control applies to the sufficiency of the information recorded in the Recording Form, the accuracy of its completion, and the correspondence of the recorded testimony to the *indicators of informality* (see below under D.II.) included in the definition of informal forced return, as set out in the Founding Act.

D. Records of the Recording Mechanism

I. Quantitative Analysis

This report is the first *interim report* of the Recording Mechanism. The Recording Mechanism has recorded 50 incidents of informal forced returns which according to the alleged victims occurred in April 2020 as of to October 2022. For the 50 incidents, the Recording Mechanism has recorded 58 testimonies by conducting personal interviews, from February 2022 to December 2022, with 43 persons alleging to be victims of informal forced returns from the Greek territory.²⁰

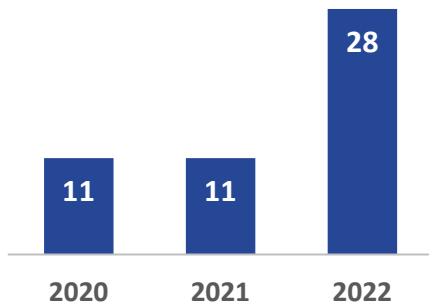
More specifically, out of the 50 incidents recorded by the Recording Mechanism, 28 occurred in 2022, 11 in 2021 and 11 in 2020 (see *Graph 1*).

Considering the geographical location where allegedly the Greek authorities initially detected the alleged victims, the latter have been detected in the region of Evros River in 24 incidents, in the Greek mainland in 7 incidents, on an island of the Greek territory in 6 incidents, and in the sea area near a Greek island in 13 incidents (See *Graph 2*).

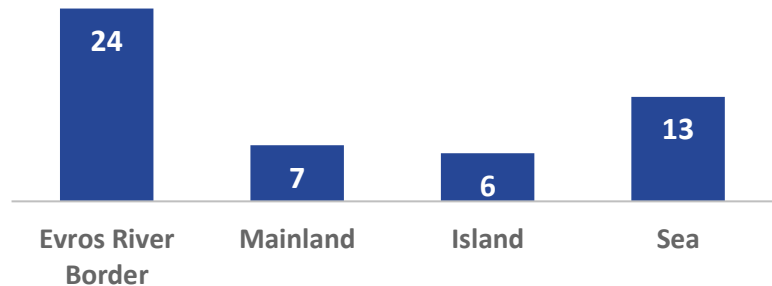
²⁰ The number of incidents of informal forced returns recorded by the Recording Mechanism does not match the number of testimonies, as for 3 incidents the Recording Mechanism has recorded testimonies from a larger number of alleged victims. Also, the number of testimonies recorded by the Recording Mechanism does not match the number of the interviewed alleged victims, as 12 of them had their testimonies recorded for more than one incident of informal forced return, they experienced themselves.



Graph 1: Time of incidents



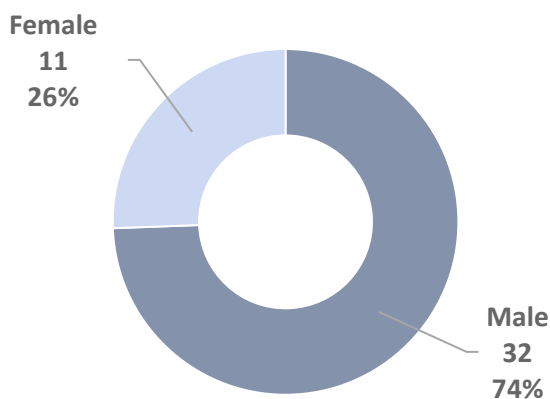
Graph 2: Location of detection



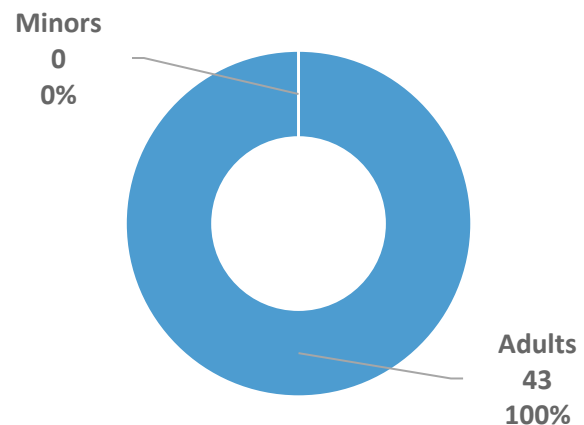
32 of the 43 alleged victims in total are males and 11 are females. No person has identified themselves as a non-binary person. (See Graph 3).

All 43 alleged victims were adults **at the time of recording** (See Graph 4).

Graph 3: Gender of the alleged victims



Graph 4: Age of the alleged victims



During the interviews it was found that 23 out of the 43 alleged victims were identified as members of vulnerable groups.²¹ It should be noted that vulnerability is reported as ascertained at the time of the recording of the testimony. No vulnerability was identified for 19 of the remaining alleged victims, while for 1 of them could not be ascertainably identified due to the context of the interview.²²

²¹ The Recording Mechanism records as identified vulnerable persons, those falling into the following categories: minors (accompanied or unaccompanied), close relatives of shipwreck victims (parents, siblings, children & spouse), persons with a disability, elderly people, pregnant women, single-parent families with minor children, victims of human trafficking, persons with serious illnesses, persons with cognitive or mental disabilities, persons who have been subjected to torture, persons who have been subjected to rape or other serious forms of sexual violence, persons who have been subjected to other serious forms of psychological or physical violence such as victims of female genital mutilation (FGM), LGBTQ+ persons.

²² The identification of the vulnerability may not be successful due to the way the interview is conducted, for example, when it is conducted remotely, or to the personal and sensitive nature of the information provided, etc.

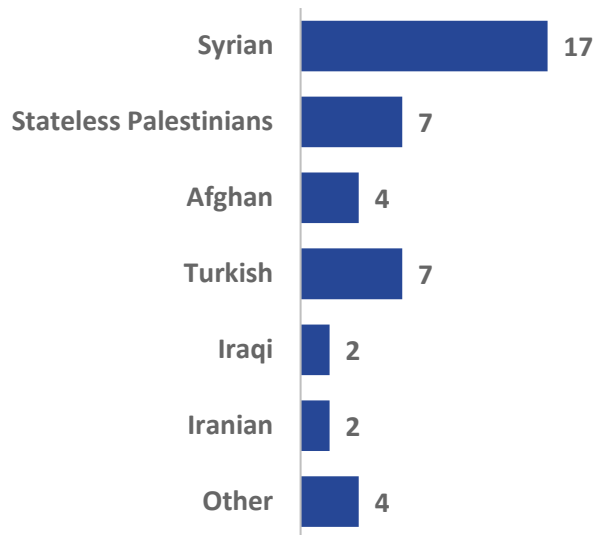


Among the alleged victims there is 1 transgender person, who is included in the gender binary according to their self-identification and 2 persons falling into other categories of the LGBTQ+ community.

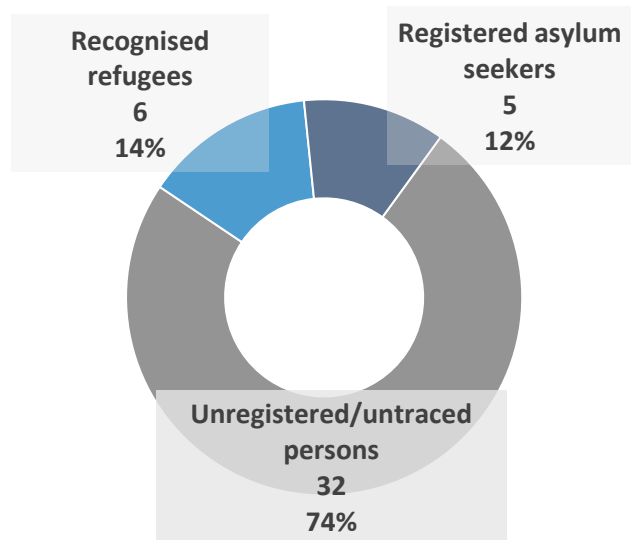
Most of the alleged victims who gave their testimonies to the Recording Mechanism are Syrian nationals. In particular, 17 alleged victims are of Syrian nationality, 7 are stateless Palestinians, 7 are of Turkish nationality, 4 of Afghan nationality, 2 of Iraqi, 2 of Iranian, 1 of the Democratic Republic of Congo (DRC), 1 of Somalian, 1 of Cameroon, and 1 of Malian nationality (See *Graph 5*).

The Recording Mechanism records in the Recording Form the legal status of the alleged victims within Greek territory, at the time of the incident of informal forced return. Out of the total of 43 alleged victims, 32 are persons who, before being detected and allegedly subjected to informal forced return, had never been previously detected by the Greek authorities (“untraced persons”) or even if they had been detected, according to their testimony, they had not been subjected to identification and registration procedures (“unregistered persons”). The 43 alleged victims include 6 recognized refugees in Greece and 5 registered asylum seekers in Greece (See *Graph 6*).

Graph 5: Nationality of the alleged victims



Graph 6: Legal status in Greece

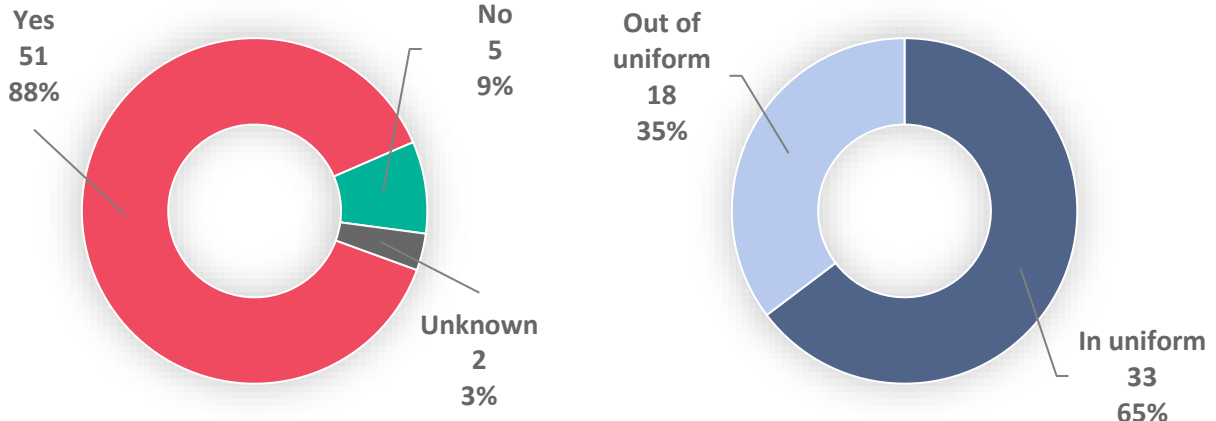


There are 51 testimonies indicating use of violence during physical removal, such as physical and verbal abuse or threats, sexual abuse as well as seizure of personal items, either against the person who gave the testimony or against other persons in the group subjected to informal forced return, while according to 5 testimonies there were no incidents of use of violence. There are also 2 testimonies in which the alleged victims claimed that they did not know whether any violence was used during physical removal. (See *Graph 7*)

Out of the 51 testimonies reporting use of violence during physical removal, it was reported in 33 testimonies that the perpetrators were persons in uniform and in 18 that they were persons out of uniform. (See *Graph 8*).

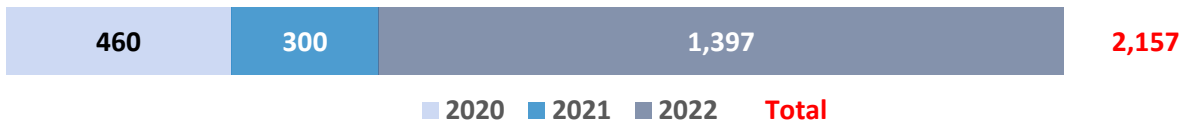


Graph 7: Reported use of violence upon removal stage **Graph 8:** Alleged perpetrators



Finally, based on the 50 incidents recorded for the years 2020 - 2022, the number of victims in these incidents amounts to a minimum of 2,157 persons (See Graph 9).²³

Graph 9: Minimum number of alleged victims per year



II. Data on the informal character of forced returns (informality indicators)

As already indicated, for the scope of the Recording Mechanism an incident of informal forced return is defined as *the informal deportation, removal, 'pushback' or return, by summary proceedings outside the legal framework, of third-country nationals, including asylum seekers and holders of legal residence titles in Greece, from the Greek territory, without individual examination of international protection or other needs, and without the possibility of having recourse to legal remedies, which may lead to a direct or indirect breach of the principle of non-refoulement as stipulated in Article 3 of the Geneva Convention, Article 3 of the International Convention against Torture, Article 3 of the European Convention on Human Rights, or the principles of international customary law.*

Moreover, according to the UN Special Rapporteur on the Human Rights for Migrants (SRHRM), informal forced returns include various measures taken by States, sometimes involving third countries or non-State actors, which result in migrants, including asylum seekers, being summarily forced back, without an individual assessment of their human rights protection needs, to the country or territory, or to sea, whether it be territorial waters or international waters, from where they attempted to cross or crossed an international border.²⁴

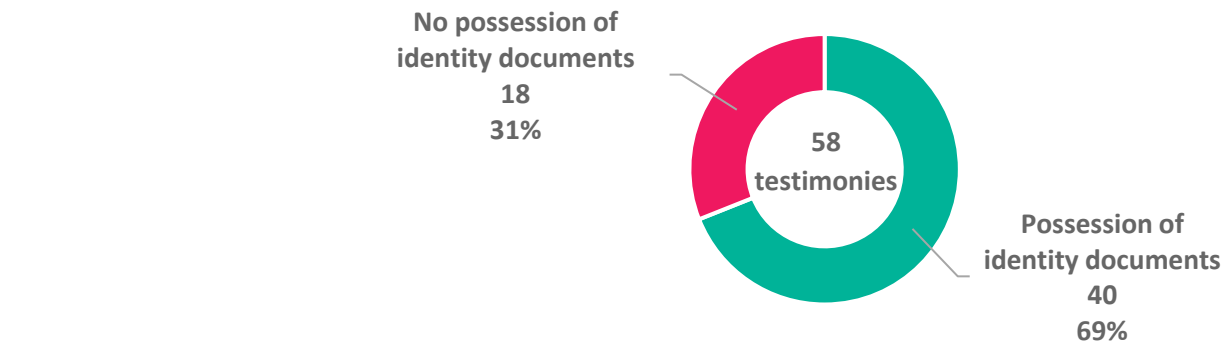
²³ While being interviewed for an informal forced return incident testimony, the alleged victim is required to estimate, to the nearest order of magnitude, the number of persons who were returned with them and their response is recorded in a special field on the Incident Record Form. The minimum number of 2,157 persons is the sum of the minimum number of persons reported by the alleged victims of the 50 incidents to have been returned with them.

²⁴ OHCHR, Report of the Special Rapporteur on the human rights of migrants [A/HRC/47/30: Report on means to address the human rights impact of pushbacks of migrants on land and at sea](#), September 2019.



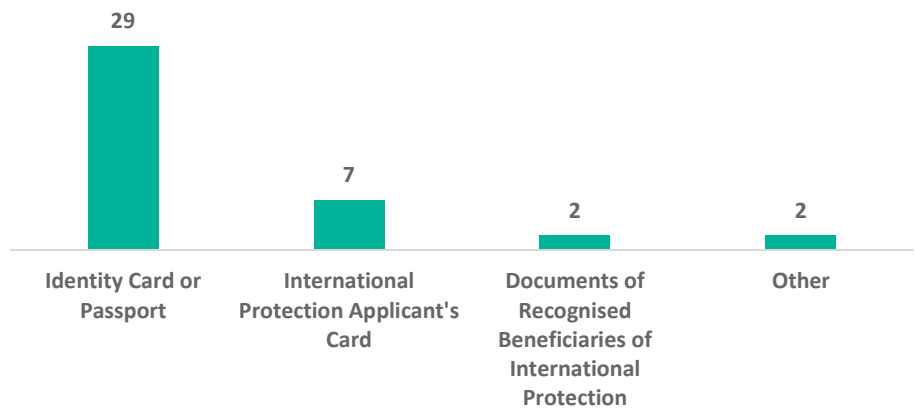
Based on the above definitions the Recording Form, is used to record the testimonies of the alleged victims, concerning their legal treatment as early as the detection stage and up to the final stage of their physical removal. Legal treatment consists of practices, related to the victim's actions as well as to any acts or omissions of the authorities, constituting indicators that render informal the recorded incidents of forced returns.

More specifically, the Recording Form aims to gather information on whether the victims whose testimony is being recorded, were in possession of any identity documents, whether they disclosed that they possessed such documents and whether they were deprived of them or if someone destroyed them. Moreover, it gathers information on whether the victims expressed their will to apply for international protection, whether they were asked by the competent authorities about their will to apply for international protection and whether they received information about their rights in a language they understand, whether their personal data were registered, whether they were fingerprinted and photographed, and whether they signed or were granted any document, the content of which was explained to them in a language they understand.



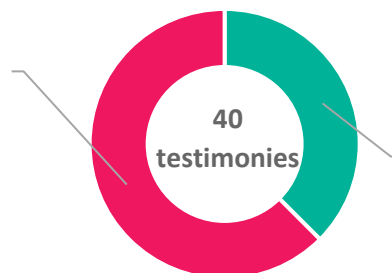
Possession of identity documents

Identity documents



Disclosure of documents in possession

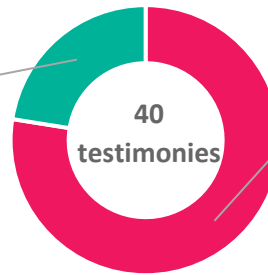
Unsuccessful disclosure
25
63%



Successful disclosure
15
37%

Deprivation/destruction of identity documents

Non deprivation or destruction of identity documents
9
23%



Deprivation or destruction of identity documents
31
77%

Deprivation of personal items

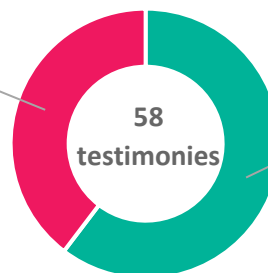
Yes
54
93%



No
4
7%

Expression of will to apply for international protection

Unsuccessful expression of will to apply for international protection
23
40%



Successful expression of will to apply for international protection
35
60%

Assessment of international protection needs

In **54 testimonies**, the alleged victims reported that they were not asked at any stage of the incident about their will to apply for international protection, while in cases where alleged victims were beneficiaries of international protection in Greece or registered asylum seekers, their status was not taken into account. Only in **1 testimony** the alleged victim (whose country of origin is Turkey) reported that they were asked by the authorities about their will to apply for international protection.

Provision of information

In **none** of the testimonies did the alleged victims report receiving information about their rights by the competent authorities, in a language they understand.

Registration/Fingerprinting

In **none** of the testimonies did the alleged victims report any registration or fingerprinting by the competent authorities.

Photographs

In **none** of the testimonies did the alleged victims report any official photo shooting by the competed authorities. In **9 testimonies** the alleged victims



reported that they were unofficially photographed by the alleged perpetrators of the incident i.e., by using cell phones.

Provision/Request to sign a document In **none** of the testimonies did the alleged victims mention any provision or request to sign an official administrative document.

III. Significant qualitative findings during the reporting period.

The countries of origin of the alleged victims or, for stateless persons, the countries of former habitual residence are listed among the countries whose nationals or stateless habitual residents have the highest rates of recognition of refugee status in Greece and the EU.²⁵ In this regard, the alleged victims would have been given the same chances of being recognized as beneficiaries of refugee status in Greece if, according to their allegations, they had not been victims of informal forced returns.

The alleged victims include 7 Turkish nationals who left their country of origin because of a risk of persecution related to their political opinions.²⁶ These persons claimed to be victims of informal forced returns directly to their country of origin (Turkey) where they have been subjected or were at risk of being subjected to persecution, without any access to the asylum procedure and without any assessment of their international protection needs due to the risk of persecution in Turkey. Therefore, these incidents, if true, constitute a direct violation of the principle of non-refoulement, the cornerstone of refugee protection. As reported, the 3 alleged victims were arrested by the Turkish authorities and taken into custody, while the remaining 4 eventually managed to escape arrest by the Turkish authorities.

The alleged victims include 5 asylum seekers registered in Greece. These persons claimed to be victims of informal forced return to Turkey, even though they were officially registered asylum seekers in Greece and were therefore legally residing in the country awaiting the decision on their application.

The alleged victims include 6 recognized refugees in Greece. These persons claimed to be victims of informal forced return to Turkey, even though they had been granted international protection by the competent authorities in Greece, thus being deprived of rights deriving from international protection status.

The Recording Mechanism has recorded an incident in which, according to allegations of the victim who gave the testimony, he along with a group of about 85 refugees from Syria, Lebanon and Palestine boarded a medium-sized boat and set off from the Lebanese coast to Italy. While crossing the eastern Mediterranean, due to bad weather they were forced to seek temporary protection in the Greek territorial waters. It was there, according to the victim's report, where Greek authorities detected them and, after several hours, brought them near to the Turkish coast. Given that the refugees' group came from Lebanon, this incident constitutes an *informal forced transfer* to a country other than the one from which the group had entered the Greek territory.

An alleged victim involved in one incident reported that during the physical removal stage, was subjected to ethnic profiling and was treated in a less favorable way because of his ethnic origin (Turkish). According to the testimony, he and his compatriots were ordered to separate themselves from the rest and then subjected to body search, use of violence, as well as deprivation of money.

²⁵ Read more: Ministry of Migration & Asylum, [Report A' November 2022](#).
EU Agency for Asylum (EUAA) [Latest Asylum Trends](#) October 2022.

²⁶ According to the [Latest Asylum Trends](#) published by the EU Agency for Asylum (EUAA) in October 2022, the number of asylum applications lodged in the EU+ countries by Turkish citizens ranked Turkey in 3rd place, after Syria and Afghanistan, as the countries with the highest number of asylum seekers in the EU+ countries.



Finally, 21 testimonies indicate that during 20 incidents of informal forced returns, foreign nationals were allegedly participating as perpetrators in the physical removal stage. According to the testimonies, these persons were reported to be speaking Arabic, Turkish, Farsi, Dari, Kurdish or Urdu.

E. Decisions to apply Rule 39 (Interim Measures) of the Rules of the European Court of Human Rights (ECtHR)

The GNCHR, as the National Human Rights Institution in Greece, monitors the implementation of ECtHR judgments, and therefore puts particular emphasis on compliance with Rule 39 (Interim Measures) of the Rules of the Court. The GNCHR, as intimately concerned with the issue, monitors in collaboration with the Recording Mechanism and its members, the evolution of relevant cases brought before the Court.

As part of this monitoring process, 17 such cases have been brought to the attention of the Recording Mechanism by its members along with an equal number of the Court's decisions on interim measures.²⁷ There the Court has ordered the Greek authorities not to remove the applicants from the Greek territory, to provide them with food, water, clothing, and appropriate medical care. A total of 439 applicants were listed in these cases. In 8 of these cases full applications were submitted to the Court.

The GNCHR has, for every one of these cases, submitted written interventions to the Ministry of Citizen Protection highlighting the Court's decisions on interim measures and the increased needs for international protection of applicants who are nationals of specific countries, in combination often, with other elements, such as their political or other activities in their countries of origin. The Ministry of Citizen Protection issued letters in reply to 6 of the 17 written interventions of the GNCHR.

The Recording Mechanism has recorded 12 testimonies concerning 4 of the above cases which have been included in the sample analyzed earlier in this report (See Chapter D).

F. Conclusion

In the light of the testimonies recorded by the Recording Mechanism during the reporting period, informal forced returns mainly concern persons who attempted to access the asylum procedure for the first time and have not been previously detected by the Authorities or have repeatedly attempted to do so, but according to their allegations they were never registered by the competent Authorities. There are, also, alleged victims claiming to be beneficiaries of international protection in Greece, or asylum seekers registered by the competent Authorities, whose expulsion to their countries of origin or third countries, without compliance to the provisions of Article 33 of the Geneva Convention,²⁸ constitutes a violation of the principle of non-refoulement.

²⁷ The list of the referred cases is as follows: (13624/22) *Al Ali & Others v. Greece*, (16171/22) *A.O. & Others v. Greece*, (18940/22) *A.D. & Others v. Greece*, (18941/22) *H.A. & Others v. Greece*, (19419/22) *K.M.I. & Others v. Greece*, (21131/22) *A.A. & Others v. Greece*, (21039/22) *S.S. & Others v. Greece*, (23128/22) *F.R. & Others v. Greece*, (25806/22) *H.M. & Others v. Greece*, (25940/22) *V.E. & Others v. Greece*, (29655/22) *M.A. & Others v. Greece*, (32229/22) *D.O. & Others v. Greece*, (35490/22) *M.J. & Others v. Greece*, (37714/22) *V.D. & Others v. Greece*, (38444/22) *B.S. & Others v. Greece*, (35090/22) *K.A. & Others v. Greece*, (49897/22) *H.R.T. v. Greece*.

²⁸ UN, [1951 Convention Relating to the Status of Refugees](#), Geneva 1951 [Art. 33 GC] 1) *No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.* 2) *The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country.*



Moreover, most of the testimonies recorded by the Recording Mechanism indicate that the alleged victims have been detected near a border area either in the mainland or on islands. There are, however, testimonies from victims who claim to have been detected in the mainland, far from the border areas of the country. The largest number of the alleged victims are nationals or stateless former habitual residents of countries from where the asylum seekers with the highest recognition rates of international protection in Greece and the EU come from, according to national and EU sources.²⁹

According to testimonies recorded by the Recording Mechanism over the reporting period, it appears that informal forced returns are distinguished by a recurring organized operational framework. Testimonies indicate cooperation among various alleged perpetrators, transfer from one location to another, detention/restriction of movement in different facilities. As it is indicated, incidents of informal forced returns are carried out by mobilizing human resources, facilities, heavy vehicles or watercrafts and other logistical means. Moreover, as the testimonies indicate they occur in specific geographical regions, the particularities of which influence the means of implementation.

The mode of implementation of informal forced returns (*modus operandi*), as revealed by the testimonies, presents an image of a staged approach. Most testimonies report that victims are first detected by a group (detection stage), then taken to a facility where they are kept under guard (detention or restriction of freedom of movement stage), and finally transferred from the detention/movement restriction area to the point of physical removal where the informal forced return is completed (physical removal stage). Some testimonies, however, especially when the place of detection is in the sea or near the region of Evros River, indicate that the detention/restriction of freedom of movement stage is skipped so that the informal forced return is carried out immediately after the detection. Testimonies recorded by the Recording Mechanism indicate that both persons in uniform and persons in civilian clothes appear to have been involved in these operations, supporting therefore the assumption that in these operations may have participated citizens not legally entitled to exercise public authority. This assumption is further supported by testimonies indicating that third-country nationals speaking some of the victims' languages appear to have been involved as perpetrators in the process of physical removal. Furthermore, the vast majority of the testimonies report the use of violence during the physical removal stage, either by people in uniform or by other persons.

The Recording Mechanism, will present detailed qualitative and quantitative data on all the above in its annual full report scheduled to be published later this year.

²⁹ Ministry of Migration & Asylum, [Report A' November 2022](#)
EUAA, [Latest Asylum Trends](#), October 2022



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