

COMMENTS

PERSISTING PUSHBACKS IN GREECE

JULY 2026

Submission to the Council of Europe
Committee of Ministers in A.R.E. v. Greece

stiftung
PRO ASYL

RSA
REFUGEE SUPPORT AEGEAN

Introduction

1. In view of the first examination of the **A.R.E. v. Greece**¹ case at the 1569th meeting of the Committee of Ministers of the Council of Europe (hereafter “the Committee”) in September 2026, Refugee Support Aegean (RSA) and Stiftung PRO ASYL wish to hereby submit the present contribution pursuant to Rule 9.2. of the Rules of the Committee on the practice of unlawful push backs of refugees and migrants and on the effectiveness of domestic investigations into such incidents. Relevant information and recommendations for general measures pertaining to the execution of the case have been provided in our Rule 9.2 submissions on the **Safi v. Greece**, **Alkhatib v. Greece**, **Almukhlas & Al-Maliki v. Greece** and **F.M. v. Greece** cases.²

Persisting practice of push backs at land and sea

2. Greece's *de facto* policy of violent enforced disappearance of people seeking asylum and of failure to ensure meaningful investigation into those incidents has continued unabated despite the **A.R.E. v. Greece** judgment of the European Court of Human Rights (hereafter “the Court”). The continuation of the illegal practice condemned by the Court is yet again corroborated by the latest reports of Greek independent authorities, namely the Greek Ombudsman and the Greek National Commission for Human Rights (GNCHR), “the independence of which is beyond doubt” according to the Court.³
3. The **Greek Ombudsman** notes a substantial increase in complaints brought before the National Mechanism for Investigation of Arbitrariness Incidents (Εθνικός Μηχανισμός Διερεύνησης Περιστατικών Αυθαιρεσίας) in relation to human rights violations at borders and confirms that complaints point to a broader phenomenon of push backs.⁴
4. The Recording Mechanism of Informal Forced Returns of the **GNCHR** has found in 2025 “a transformation of the operational practices towards more dense, more rapid and less visible modes of implementation, rather than an eliminated or substantially addressed phenomenon.”⁵ The overwhelming majority of incidents recorded in 2025 include *incommunicado* detention, while incidents regarding the Evros region also present features of concentration of different groups from separate detention places to a joint push back operation.⁶
5. Similar findings emerge from the **Fundamental Rights Office (FRO) of Frontex**, the European Border and Coast Guard. The Frontex FRO highlighted in its December 2025 report that “Allegations of collective expulsions (so-called pushbacks) at land and sea borders continue to be reported. In some cases, the reports indicate that migrants were allegedly ill-treated by law enforcement

¹ App No 15783/21, 7 January 2025.

² DH-DD(2026)315; DH-DD(2026)224; DH-DD(2025)1404.

³ A.R.E. v. Greece, para 227.

⁴ Greek Ombudsman, *National Mechanism for the Investigation of Arbitrary Incidents – Annual Report 2025*, June 2026, 95 et seq, available [here](#).

⁵ GNCHR, *Annual Report 2025 of the Recording Mechanism of Informal Forced Returns*, July 2026, 17, available [here](#).

⁶ *Ibid*, 17-18.

officers in the Evros region and the Aegean Sea.”⁷ Further confirmation of the practice has come from the Frontex FRO in 2026, noting that “the practice of pushbacks at sea is not an isolated incident but has been documented in previous Serious Incident Reports (SIRs). The Office is furthermore concerned by the Greek authorities reporting of the incident as mere [redacted] while the presence of the migrants in the Greek territory should have been duly recorded.”⁸ SIR examined by the EU agency have verified human rights violations related to the practice of push backs both at land and at sea, with recent examples of publicly accessible reports listed below:

Frontex SIR	Incident	Description & Outcome
Number	Date & Location	Facts & Conclusions
11036/2025	24 Jun 2025, Evros	Two non-uniformed police officers collected 15 people apprehended closed to the fence and boarded them on a van with no insignia, no windows and no passenger seats. Report on 18 Dec 2025. Verified breach of the right to dignity, of the prohibition on degrading treatment, and of the best interests of the child.
10725/2025	1 May 2025, Samos	43 people intercepted at sea by the Hellenic Coast Guard, transferred to a Coast Guard vessel, forced on board two life rafts and left adrift until they were rescued by the Turkish Coast Guard. Report on 30 Mar 2026. Verified breach of the prohibition on collective expulsions and of the right to life.
10560/2025	3 April 2025, Lesbos	Boat carrying 31 people intercepted by the Hellenic Coast Guard which performed actions with a mooring stick and circled the boat twice at a close distance in a way that likely contributed to the collapse of the boat's bottom and an ensuing deadly shipwreck. Report on 21 Apr 2026. Likely violation of the right to life.
10180/2025	11 Jan 2025, Rhodes	About 40 people landed on Rhodes, subsequently apprehended by three masked men in black uniforms in a speedboat following them. The men shouted and fired shots. They stopped a group of 10 people, assaulted them and ordered them to return to the boat, tied to the speedboat. The speedboat reached a Hellenic Coast Guard vessel where the group was transferred. Report on 13 Feb 2026. Likely breach of the prohibition on collective expulsions. Lack of cooperation on the part of the Coast Guard, which only shared an 8-second video showing almost total darkness even though the vessel was co-financed by Frontex and carried a camera.
13125/2023	22 Jun 2023, Evros	61 people apprehended by three police officers and 10-20 third-country nationals masked and armed, subjected to physical and verbal abuse, had their belongings stolen and subsequently transported to the Evros riverbank and then across the river back to Türkiye in boats. Report on 28 Dec 2025. Verified prohibition on collective expulsions and prohibition on torture, inhuman and degrading treatment. Actions found to be attributable to the Greek authorities.

6. For its part, the **European Commission** recalls in 2026 that “Over the past years, the Commission has raised with Greece the need to investigate high-profile alleged pushback cases.”⁹
7. We draw the attention of the Committee to cases of deadly shipwrecks resulting following Hellenic Coast Guard operations involving dangerous manoeuvres, towing, ramming of boats. Such

⁷ Frontex, *50th Fundamental Rights Officer report to the Management Board, Q4 2025*, 15, PAD 2026/154, available [here](#).

⁸ Frontex, *Final SIR Report 10725/2025*, 30 March 2026, PAD 2026/154, available [here](#).

⁹ European Commission, ‘Investigation into incidents on 11 April 2023 Lesbos’, Ares(2026)1618953, 12 February 2026, available [here](#).

practices form part of the *modus operandi* of push backs at sea, as raised in our previous submissions to the Committee¹⁰ and corroborated by recent reports of the above authorities.

- ❖ The **GNCHR** notes that “repeated reports to practices of active obstruction of navigation such as confiscation or destruction of engines and fuel, creation of waves through manoeuvres, towing and ramming of boats and deflection by use of water.”¹¹
- ❖ The **Greek Ombudsman** states that “in recent years there has been a steady increase in the number of cases examined by the EMIDIPA involving vessels of the Hellenic Coast Guard HCG), in which foreign nationals have been killed or injured. The related complaints refer to incidents involving sinkings following pursuit operations, dangerous manoeuvres, ramming, and, in some cases, the use of firearms.”¹²
- ❖ The **Frontex FRO** states in relation to an April 2025 incident on Lesbos that “the Hellenic Coast Guard has been alleged in a number of SIRs, for example SIR 10463/2024, and even shown on video materials, to deploy circling manoeuvres to deter migrant boats” and concludes that “the dangerous manoeuvres performed by the crew of... likely violated the migrants’ right to life, by putting their lives in danger”.¹³

8. Furthermore, we wish to stress that push back cases have close intersections with deficient search and rescue operations and with other human rights violations arising in border operations, examined by the Committee under the **Safi v. Greece** and the **Alkhatib v. Greece** groups respectively. Delayed or inadequate search and rescue operations in cases represented by RSA have emerged as the outcome of attempted push back operations that did not materialise. The Court has engaged with this issue in **Safi v. Greece**, while noting that it was “not in a position to make findings concerning a number of specific details of the operation on 20 January 2014, or to determine whether there was an attempted push-back of the applicants towards the Turkish coast” due to “the lack of a thorough and effective investigation by the national authorities”.¹⁴
9. The absence of appropriate frameworks and guidelines for performing search and rescue both at sea and on land (e.g. in cases of distress calls to the 112 emergency line) contributes to the risk of search and rescue cases being turned into push back operations. This issue forms the subject matter of cases such as **Abdalkadr v. Greece**,¹⁵ pending before the Court.
10. In light of the above, we note with serious concern the persisting denial of the practice on the part of the Greek government, not least in the latest Action Plan.¹⁶ We maintain reservations as to the relevance and adequacy of general measures proposed by the government to address the violations found by the Court, where those measures are premised on the view that “the process of return or readmission of Third Country Nationals (TCNs) is carried out exclusively on the basis of

¹⁰ DH-DD(2025)1404, paras 12-13.

¹¹ GNCHR, *Annual Report 2025 of the Recording Mechanism of Informal Forced Returns*, July 2026, 62.

¹² Greek Ombudsman, *National Mechanism for the Investigation of Arbitrary Incidents – Annual Report 2025*, June 2026, 51.

¹³ Frontex, *Final Report SIR 10560/2025*, 21 April 2026.

¹⁴ *Safi v. Greece*, para 155.

¹⁵ App No 25099/25.

¹⁶ DH-DD(2026)803, paras 8-9. Note also that the Greek government has refrained from responding to parliamentary questions on the meaning of “active prevention” (ενεργητική αποτροπή), a term used by responsible Ministers: Hellenic Parliament, Written question 5059/2025, 2 May 2025, available [here](#).

the applicable legal framework and after compliance with the guarantees and procedures provided.”¹⁷ **Circular statements denying the existence of push backs because they are illegal** are routinely made by law enforcement authorities in response to Frontex and Greek Ombudsman investigations. Similar statements are made by the Greek prosecution service in criminal investigations into such incidents.¹⁸ In a 2025 exchange with the Council of Europe Commissioner for Human Rights, the Supreme Court Prosecutor issued a “categorical denial of systematic practices of summary returns from Greece, which contradicts the judgments of the European Court of Human Rights”.¹⁹

11. The absence, concealment or destruction of evidence of such practices is inextricably tied to the “inherently secretive and unofficial nature of the conduct in question.”²⁰ We draw the attention to the Committee on the **absence or loss of audiovisual footage of operations** led by law enforcement bodies.

- ❖ As regards the Hellenic Police, the absence of audiovisual footage in detention sites and the border zone in Evros and/or footage obtained by drones has been reiterated in 2026 by the Greek Ombudsman as a persisting concern, with diverging practice among police stations and border guard stations within the same Police Directorate as regards the use of cameras and surveillance systems and the retention of footage. This strips investigations into incidents occurring in the Evros region from a crucial piece of evidence.²¹
- ❖ As for the Hellenic Coast Guard, Frontex continues to stress instances of lack cooperation on the part of Greek authorities in sharing video footage with the EU agency. The Frontex FRO highlighted in early 2026 that “In 2025, in two cases we did not receive anything useful from the Greek authorities”. Specifically, in one SIR relating to a January 2025 incident near Rhodes, the Greek authorities only shared “an 8-second video showing almost total darkness”. In that case, the Frontex FRO expressly “regrets that the Hellenic authorities did not comply with their obligations under the Greek Implementation Plan”.²² In a second SIR concerning a June 2025 incident, the Greek authorities refused to share video footage on the ground that the Implementation Plan had been concluded and that “access to video recordings would need to be renegotiated with the Agency.”²³ These observations cast significant doubts on the Greek government’s view that the authorities have maintained “an open channel of communication and cooperation with the FRO.”²⁴

12. We recall the Committee’s March 2026 decision in the **Alkhatib v. Greece** group and the concrete recommendations to the Greek authorities to “consider the effective use of cameras in all vessels

¹⁷ *Ibid*, para 8.

¹⁸ RSA et al., *The state of the rule of law in Greece today*, January 2026, paras 55-57, available [here](#).

¹⁹ Commissioner for Human Rights, *Memorandum on migration and border control, following the Commissioner’s visit to Greece from 3 to 7 February 2025*, CommHR(2025)16, 17 April 2025, para 21, available [here](#).

²⁰ *A.R.E. v. Greece*, para 231.

²¹ Greek Ombudsman, *ΕΜΗΔΙΠΑ | Ετήσια Έκθεση 2025*, June 2026, 103.

²² Frontex, *Final Report SIR 10180/2025*, 13 February 2026, PAD 2026/82, available [here](#).

²³ Frontex, Email correspondence: ‘Video footage from Greece - 2025’, 20 January 2026, PAD 2026/154, available [here](#).

²⁴ DH-DD(2026)803, para 14.

engaging in interception operations".²⁵ These are directly pertinent to operations coming under the remit of the **A.R.E. v. Greece** case and should lead to recommendations to the Greek governments for concrete measures to ensure that audiovisual records of Hellenic Police and Hellenic Coast Guard are kept and made available to investigating authorities.

Ineffective domestic investigations

Criminal justice

13. There have been no meaningful reforms or measures to address systemic deficiencies in the criminal investigations performed by the Greek criminal justice system into push back incidents since the **A.R.E. v. Greece** judgment. Regrettably, the latest Action Plan proposes no measures in that direction.
14. The deficiencies analysed in our submissions on the **Safi v. Greece**, **Alkhatib v. Greece**, **Almukhlis & Al-Maliki v. Greece** and **F.M. v. Greece** cases are pertinent to the treatment of cases coming under the remit of the **A.R.E. v. Greece** case and continue to be reflected in investigations into push back incidents. We provide indicative examples of cases currently pending before the Court:
 - ❖ The pending case of **Mohamud v. Greece**²⁶ concerns a mother arrived in Greece in March 2023 with her three children, before being separated from one of them – her four-year-old daughter – as she and her other children were apprehended by armed Greek officials who performed invasive bodily searches on her, took their belongings, put them inside a van, transferred them to the coast, boarded them on a Hellenic Coast Guard vessel and subsequently forced them on board a life raft and left them adrift. Throughout that entire time, the applicant searched for her young daughter who was identified on Lesbos by a medical organisation. The applicant submitted a report to the Public Prosecutor of Mytilene (Εισαγγελία Πρωτοδικών Μυτιλήνης) in June 2023 and was informed in May 2026 that the case has been referred to the archive of unknown perpetrators (αρχείο αγνώστων δράστών). The family has still not been reunited to date. The identification of an unaccompanied toddler on Greek soil under the aforementioned circumstances should have triggered a prompt and thorough investigation. Yet, no investigation was immediately launched, and no actions were taken to safeguard evidence. According to the case file, witnesses were summoned for testimony no earlier than February 2024, one year after the incident – and were not located. The Public Prosecutor of Mytilene failed to promptly request testimonies from crucial witnesses including passengers, representatives of the medical organisation that identified the toddler and a UNHCR representative who was approached by the applicant for help in Türkiye. The launch of proceedings against unknown perpetrators amounts to at least partial admission that the facts alleged by the applicant are true. However, the Public Prosecutor of Mytilene did not consider the ECtHR's finding of a "systematic practice of push backs" in the Aegean Sea and did not refer the

²⁵ CM/Del/Dec(2026)1553/H46-19, para 11.

²⁶ App No 19377/26.

case file to the Naval Court Prosecutor (*Εισαγγελία Ναυτοδικείου Πειραιά*) to investigate potential criminal responsibility of Coast Guard officials.

- ❖ In the pending case of **Abdalkadr v. Greece**, the Appeals Prosecutor of Thrace (*Εισαγγελία Εφετών Θράκης*) dismissed in April 2025 an appeal against the closure of a preliminary examination into a July 2022 incident of push back against two brothers in Evros, one of whom died in custody prior to the unlawful removal to Türkiye.²⁷ The case was shelved by the Public Prosecutor of Orestiada despite there being substantial digital evidence of the brother's entrance into Greece, of their communication with the 112 hotline and request for help, as well as witnesses who saw the critical medical situation of the deceased, the denial to provide medical assistance, the arrest, detention, treatment by the Greek authorities and the death of the individual – whose body went missing until it was found by the other applicant's brothers on an islet in Türkiye – as well as a testimony by a Hellenic Police officer providing general information about push backs in the region. At both instances, the Orestiada Public Prosecutor and the Appeals Prosecutor of Thrace disregarded important evidence, failed to take into consideration the systematic and secret nature of push backs, and held that no record of the complainant's arrest or of his brother or other witnesses he had proposed had been found in police records.
- ❖ In the pending case of **Alnassar v. Greece**,²⁸ the Reviewing Court Prosecutor (*Εισαγγελία Αναθεωρητικού Δικαστηρίου*) rejected in March 2025 the appeal against the closure by the Naval Court Prosecutor of a preliminary investigation into a push back incident occurring in March 2020 from Rhodes to Türkiye with use of a life raft.²⁹ The victim, resident in another EU country, was not called to testify prior to the closure of the case although it was feasible for him to give testimony in another EU state. The Prosecutor refrained from examining submitted metadata of video and photographs of the complainant's entrance into Rhodes, digital evidence – satellite imagery and photographs – showing the place where the victim had been detained on Rhodes. The Prosecutor also offered no explanation as to why he was found on a lift raft adrift in Turkish territorial waters, as confirmed by the Turkish Coast Guard and by the victim's consistent testimonies before UNHCR and before the Greek authorities. Prosecutors at both instances failed to take into account the systematic and secret nature of push backs.

Non-judicial mechanisms

15. The Court has expressly stated in the **A.R.E. v. Greece** ruling that the National Transparency Authority (*Εθνική Αρχή Διαφάνειας*, NTA) does not constitute an effective domestic remedy in the meaning of the Convention.³⁰

²⁷ Appeals Prosecutor of Thrace, Order 8/2025, 7 April 2025.

²⁸ App No 43746/20.

²⁹ Reviewing Court Prosecutor, Order 12/2025, 18 March 2025.

³⁰ A.R.E. v. Greece, para 200.

16. The Court has also taken note of concerns as to the independence and methodology of the NTA.³¹ These are corroborated by up-to-date observations on the manner in which the NTA has examined push back allegations referred to it for investigation.³² The methodology of the NTA appears to be based on a “Management – Assessment Procedure for Push Back Complaints” (Διαδικασία Διαχείρισης – Αξιολόγησης Καταγγελιών Επαναπροωθήσεων) manual, made available only after a public access request to the European Commission.³³ The methodology includes assessment criteria of “completeness” (πληρότητα) and “substantiation” (τεκμηρίωση) of complaints and states that complaints shall be archived *inter alia* where participation of specific public authorities in the incident or the place of the incident are not verified (εξακριβώνεται). This appears to set an extremely onerous threshold for triggering an audit. Importantly, the methodology stops short of outlining how audits should be conducted into push back incidents.
17. The NTA has not published any reports of its inspections other than the May 2022 report cited in by the Court **A.R.E. v. Greece**. However, information provided by the NTA to the European Commission in 2024 shows that NTA inspections into push back incidents overwhelmingly result in closure of cases,³⁴ in sharp contrast to consistent available evidence and to the findings of the Court in **A.R.E. v. Greece**.
18. These issues raise crucial gaps that may in fact exacerbate the ineffectiveness of criminal investigations by the Greek justice system, given that the Criminal Procedure Code empowers the prosecution service to shelve an investigation where a prior NTA audit has found no indications of wrongdoing.³⁵
19. As for the independent monitoring mechanism for screening and asylum border procedures pursuant to EU law, the designation of the NTA presents serious concerns in terms of both process and content.
20. On the one hand, Article 39 L 5303/2026³⁶ on the designation of the NTA as monitoring mechanism was a provision introduced into an unrelated bill on succession and not in L 5307/2026,³⁷ the law implementing the Screening Regulation³⁸ and Asylum Procedures Regulation³⁹ and adopted shortly thereafter. No public consultation was held on the provision in question.
21. On the other hand, the designation of the NTA is incompatible with the independence requirements set by Article 10(2) and Recital 27 of the Screening Regulation which refer *inter alia*

³¹ *Ibid*, paras 111, 154.

³² For discussion, RSA et al., *The State of the Rule of Law in Greece, The state of the rule of law in Greece today*, January 2026, paras 210 et seq.

³³ NTA, Διαδικασία Διαχείρισης – Αξιολόγησης Καταγγελιών Επαναπροωθήσεων, Ares(2022)3752277, 18 May 2022.

³⁴ NTA, *Ενημερωτικό Σημείωμα*, Ares(2025)9266319, 12 September 2024.

³⁵ Article 43(4) Criminal Procedure Code, L 4620/2019, Gov. Gazette A' 96/11.06.2019.

³⁶ Gov. Gazette A' 81/22.05.2026.

³⁷ Gov. Gazette A' 90/11.06.2026.

³⁸ Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders [2024] OJ L 22.5.2024.

³⁹ Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union [2024] OJ L 22.5.2024.

to the Paris Principles and Venice Principles. The NTA does not have a statutory mandate of protection or promotion of human rights,⁴⁰ whereas the selection of its members does not comply with independence and pluralism safeguards.⁴¹ Concerns thereon by the Greek Ombudsman and the GNCHR⁴² were disregarded prior to the adoption of the provision. Finally, Article 39 L 5303/2026 makes no provision for participation of the Greek Ombudsman and the GNCHR in the monitoring mechanism, as expressly required by Article 10(2) of the Screening Regulation.

Recommendations to the Committee

22. Drawing on the observations made above, we urge the Committee to put forward the following recommendations to the Greek government in its upcoming meeting:

Substantive matters

- ❖ All police stations and border posts and law enforcement bodies' operations, including Hellenic Coast Guard vessel courses, are fully audio- and video-recorded and said audio-visual material is made available to investigating authorities.
- ❖ Hellenic Police and Hellenic Coast Guard officials cease the systematic practice of push backs and other dangerous practices breaching human dignity and endangering life, including physical violence and abandoning people adrift on boats or inflatable devices.

Procedural matters

- ❖ Investigative acts into incidents involving the Coast Guard are conducted directly by the Naval Court Prosecutor and not by Coast Guard officers, to safeguard the independence of the investigation.
- ❖ Investigative acts into incidents involving the Hellenic Police are conducted directly by the competent Public Prosecutor and not by police officers, to safeguard the independence of the investigation.
- ❖ Testimonies are promptly collected from all parties present during the alleged incident. Officers on duty at the time of the alleged incident are summoned for testimony.
- ❖ Available digital evidence is used in the criminal investigation of incidents, and plausible explanations are provided by the authorities for the absence of digital recordings in Hellenic Police or Coast Guard operations and locations.
- ❖ Prosecutors have clear, consistent guidance on the interpretation of the requisite standard of proof for "sufficient indications" for the purpose of initiating prosecution. This guidance should bear particular focus on the inherently covert nature of push back operations, due to which alleged incidents may be denied and entry into the Greek territory may not be officially be recorded by the responsible authorities.

⁴⁰ Article 82(1) L 4622/2019, Gov. Gazette A' 133/07.08.2019.

⁴¹ Articles 88 and 90 L 4622/2019.

⁴² Greek Ombudsman, 'Παρατηρήσεις | Άρθρο 39 - Σχέδιο νόμου «Αναμόρφωση του κληρονομικού δικαίου και άλλες διατάξεις»', 13 May 2026, available [here](#); GNCHR, 'Η ΕΕΔΑ στην Κοινοβουλευτική Επιτροπή για το σχέδιο νόμου του Υπουργείου Δικαιοσύνης', 14 May 2026, available [here](#).

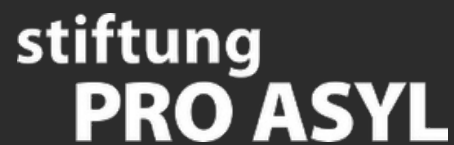


<https://rsaegean.org/en/pushbacks-persist-investigations-remain-ineffective/>



Refugee Support Aegean (RSA)

Iasona Kalampoka 30
82131 Chios, Greece
+30 22711 03721
info@rsaegean.org
<https://rsaegean.org>



Stiftung PRO ASYL

P.O. Box 16 06 24
Frankfurt 60069, Germany
+49 69 2423150
europa@proasyl.de
<https://proasyl.de>