



## **PUSHBACKS OF TURKISH ASYLUM SEEKERS FROM GREECE TO TURKEY:**

**Violation of the principle of  
non-refoulement**



## **About the Stockholm Center for Freedom**

The Stockholm Center for Freedom (SCF) is a non-profit advocacy organization that promotes the rule of law, democracy and human rights with a special focus on Turkey.

SCF was set up by a group of journalists who were forced to live in self-exile in Sweden against the backdrop of a massive crackdown on press freedom in Turkey.

SCF is committed to serving as a reference source by providing a broader picture of rights violations in Turkey, monitoring daily developments, documenting individual cases of the infringement of fundamental rights and publishing comprehensive reports on human rights issues.

SCF is a member of the Alliance Against Genocide, an international coalition dedicated to creating the international institutions and the political will to prevent genocide.

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## 1. INTRODUCTION

The term “pushback” is often used to describe any measures taken by state authorities to prevent asylum seekers from exercising their right to asylum by forcibly removing them out of the territory and pushing them back over the border.<sup>1</sup> However, basic human rights are violated through pushbacks. While governments have a sovereign right to control the entry and continued presence of non-nationals on their territory, their policies need to be applied without prejudice to the obligations deriving from international humanitarian law and international human rights law, including in particular the prohibition of refoulement as enshrined in the 1951 Refugee Convention.

In recent years international human rights organizations have documented how Greece systematically pushed back asylum seekers and committed other human rights abuses to prevent people from entering the EU. According to recent reports, the illegal pushbacks and unlawful return of asylum seekers from Greece to Turkey are not rare incidents and reflect the official policy of the Greek government as well as the covert acquiescence of some EU institutions. The European Border and Coast Guard Agency (Frontex) has become the main institution accused by charity groups and media outlets of denying people their right to apply for asylum, which is illegal under EU law and refugee treaties.

In their reports<sup>2</sup>, rights groups revealed tactics employed by Greek law enforcement to push back asylum seekers and migrants in the Aegean Sea and at the Evros River, the land border between Greece and Turkey. The reported pushback cases involved violent methods and inhuman treatment including rounding up, assault, strip-searching, beating and other forms of ill-treatment and torture as well as the use of masked men.<sup>2</sup>

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<sup>1</sup> Human Rights Pulse, *Violence, Lies, And Pushbacks As Part of Greece's “De Facto” Policy Towards Migrants*, October 7, 2021, at <https://www.humanrightspulse.com/mastercontentblog/violence-lies-and-pushbacks-as-part-of-greeces-de-facto-policy-towards-to-migrants>

<sup>2</sup> TRTWORLD, *Greece's deadly pushback tactics, explained*, February 21, 2022, at <https://www.trtworld.com/magazine/greece-s-deadly-pushback-tactics-explained-54985#:~:text=Pushbacks%20are%20illegal%20under%20international,pushbacks%20are%20also%20often%20violent>





*The United Nations office in Geneva*

The United Nations Refugee Agency (UNHCR), members of the European Parliament and human rights watchdogs have repeatedly demanded that Greek authorities investigate such incidents of pushback.<sup>3</sup>

The illegal pushbacks have devastating consequences for the Turkish asylum seekers fleeing persecution, imprisonment and mistreatment in Turkey. In particular, thousands of victims of a crackdown in the aftermath of a coup attempt in July 2016 are detained and sent to prison upon their return to Turkey. In most cases, pushbacks triggered new investigations and caused additional prison sentences for the victims of this crackdown.

Thousands of people who were facing arrest for alleged membership in the faith-based Gülen movement have fled Turkey due to a massive witch-hunt carried out by the Turkish government since the coup attempt and have taken dangerous journeys across the Evros River or the Aegean Sea. Many have tried to flee illegally as the government had canceled the passports of thousands of people.

Turkish President Recep Tayyip Erdoğan has been targeting people affiliated with the movement since the corruption investigations of December 17-25, 2013, which

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<sup>3</sup> Stockholm Center for Freedom (SCF), *EU official urges Greece to investigate asylum-seeker pushbacks: report*, March 30, 2021, at <https://stockholmcf.org/eu-official-urges-greece-to-investigate-asylum-seeker-pushbacks-report/>

implicated then-prime minister Erdoğan, his family members and inner circle. Dismissing the investigations as a Gülenist coup and conspiracy against his government, Erdoğan designated the movement as a terrorist organization and began to target its members. He locked up thousands, including many prosecutors, judges and police officers involved in the investigations as well as journalists who reported on them. Erdoğan intensified the crackdown on the movement following the coup attempt that he accused Turkish Muslim cleric Fethullah Gülen of masterminding. Gülen and the movement strongly deny involvement in the abortive putsch or any terrorist activity.

On the one hand, pushbacks of asylum seekers and migrants from other countries by Greece to Turkey are in clear violation of basic principles such as the rule of law. On the other hand, pushbacks of Turkish asylum seekers by Greece to Turkey pose more acute problems for the Turkish nationals who are forcibly returned to torture, ill-treatment and other serious human rights violations.

This report first provides a brief account of the alarming extent and consequences of the pushbacks of asylum seekers from Greece to Turkey in the last couple of years. The report then sets out reported cases of pushback of Turkish asylum seekers who are fleeing the persecution of Turkish authorities. These pushback cases have devastating consequences on the Turkish asylum seekers upon their return to Turkey. The report discusses how the pushbacks, particularly of Turkish asylum seekers, violate the principles of international and European Union law, in particular the principle of non-refoulement, which prohibits returning refugees to a country where they would face persecution. The report concludes with some recommendations addressed to the Greek authorities and EU institutions as well as civil society and human rights organizations.

## 2. PUSHBACKS OF ASYLUM SEEKERS FROM GREECE TO TURKEY

The persistent practice of pushbacks by Greek authorities at land borders and in the sea has been widely reported by many international organizations including UNHCR, the International Organization for Migration (IOM) and the Council of Europe (CoE) as well as civil society organizations.<sup>4</sup>

In a joint statement on June 18, 2021, the Greek Helsinki Monitor (GHM) and the World Organisation against Torture (OMCT) called on Greek authorities to put an end to its pushback policy that may amount to torture.<sup>5</sup> The statement confirmed that members of the Hellenic Coast Guard and police have tortured and forcibly returned more than 7,000 migrants, including children, to Turkey without due process in 147 incidents. It reported that various migrant groups were captured by military or police forces who confiscated their belongings, detained them in inhumane conditions and subjected them to torture and other forms of ill treatment. The statement also noted that the asylum seekers were not given access to the asylum process and were not presented to a judge despite the fact that they had documents to prove their persecution in countries such as Afghanistan, Turkey and Syria and repeatedly stated that they were applying for asylum.

Amnesty International's report titled "Greece: Violence, lies, and pushbacks" published in June 2021 documented serious human rights violations committed by the Greek authorities with illegal and violent pushbacks on land and on sea.<sup>6</sup> Amnesty included accounts from 16 people who describe the torture and illegal pushbacks they endured at the hands of Greek officials. The report pointed to a

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<sup>4</sup> European Council on Refugees and Exiles (ECRE), *Access to the territory and push backs, Greece, Country Report*, 30 May, 2022, at

<https://asylumineurope.org/reports/country/greece/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/>

<sup>5</sup> OMCT (SOS-Torture Network) and Greek Helsinki Monitor, *Greece: Pushbacks of over 7000 migrants Including children may amount to torture and must be investigated*, Joint Statement, Athens, June 18, 2021, at

[https://racistcrimeswatch.wordpress.com/2021/06/18/1-1202/?fbclid=IwAR011FtiwsJxEMC7IGKQXgS941B1Dr\\_OtB2PXnzoZ467JIEz50badqLYtRc](https://racistcrimeswatch.wordpress.com/2021/06/18/1-1202/?fbclid=IwAR011FtiwsJxEMC7IGKQXgS941B1Dr_OtB2PXnzoZ467JIEz50badqLYtRc)

<sup>6</sup> Amnesty International, *Greece: Violence, lies, and pushbacks: Refugees and migrants still denied safety and asylum at Europe's borders*, 2021, [Amnesty International Report] at [https://www.amnesty.eu/wp-content/uploads/2021/06/Greece\\_Violence.Lies\\_.Pushbacks\\_AI-Report-22062021.pdf](https://www.amnesty.eu/wp-content/uploads/2021/06/Greece_Violence.Lies_.Pushbacks_AI-Report-22062021.pdf)

pattern whereby the asylum seekers are apprehended and detained before being transported to the Evros region and illegally returned to Turkey.

*“... the use of pushbacks by Greece cannot be considered as a response to exceptional events or the actions of rogue actors. Rather, it is a de facto policy of border management that relies on the coordinated efforts of multiple authorities in Greece. The pushbacks documented by Amnesty International for this report reveal that, prior to being summarily expelled from Greece over the Evros river, individuals were often targets of complex and coordinated operations across the country, aimed at transferring them within close proximity to the Evros land border in order to expel them.”<sup>7</sup>*

The report also provided the accounts of people who personally experienced or witnessed violence from uniformed Greek officials and men in civilian clothing apparently working with the authorities. Due to the severity of the treatment, which included blows with sticks or truncheons, kicks and punches as well as strip searches, Amnesty International believes that the acts of violence documented violated the prohibition of inhuman and degrading treatment and could have in some cases constituted torture.<sup>8</sup>

In December 2021, 32 individual applications regarding pushbacks by the Greek authorities from Greek islands or the Aegean Sea were communicated by the European Court of Human Rights (ECtHR) to the Greek government.<sup>9</sup> The ECtHR requested various types of information from the government, such as whether the applicants' lives were endangered, whether they were subjected to inhuman and degrading treatment and whether there was an effective remedy to deal with allegations of violation of Articles 2 and 3 of the European Convention on Human Rights (ECHR).

Regarding the illegal pushbacks at sea, the Aegean Boat Report stated that 7,920 boats carrying a total of 268,348 migrants and asylum seekers were apprehended by the Turkish Coast Guard and police between January 2017 and December 2022. During this time period it is alleged that 140,959 people had already arrived in the

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<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> European Council on Refugees and Exiles (ECRE), *Access to the territory and push backs, Greece, Country Report*, 30 May, 2022, at <https://asylumineurope.org/reports/country/greece/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/>



Greek islands before being arrested by the Greek police. According to the report, 50,833 people in 1,913 boats were pushed back illegally from Greek islands into Turkish waters.<sup>10</sup>



*Greece - Turkey border*

The increase in pushbacks and the militarization of borders, among other factors, significantly reduced the number of asylum seekers and migrants arriving in Greece in 2021.<sup>11</sup> According to figures provided by the Greek Council of Refugees, while the number of asylum seekers and migrants arriving in Greece was 15,696 in 2020, it dropped down to 9,157 in 2021.<sup>12</sup> Similarly, while the number of persons arriving in Greece by sea was 9,714 in 2020, it went down to 4,331 in 2021. Furthermore, while the persons arriving in Greece by way of the Evros River was 5,982 in 2020, it fell to 4,826 in 2021. According to police statistics reported by the Greek Council of Refugees, 3,787 arrests were made in 2021 for irregular entry on the border with Turkey, compared to 4,666 arrests in 2020. The figures cited above may not reflect the actual number of people attempting to enter Greece by sea or land. In addition to COVID-19 pandemic measures, pushbacks and other security measures had an impact and in

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<sup>10</sup> Aegean Boat Report, [https://datastudio.google.com/reporting/1CiKR1\\_R7-1UbMHKhZzZe\\_Ji\\_cvqF7xlfH/page/A5Q00](https://datastudio.google.com/reporting/1CiKR1_R7-1UbMHKhZzZe_Ji_cvqF7xlfH/page/A5Q00)

<sup>11</sup> European Council on Refugees and Exiles (ECRE), Ibid.

<sup>12</sup> European Council on Refugees and Exiles (ECRE), Ibid.

2021 reduced the number of migrants and asylum seekers seeking to enter Greece, according to the European Council on Refugees and Exiles (ECRE).<sup>13</sup>

Illegal pushbacks have raised concerns and been rightly criticized by international human rights organs. On October 21, 2021 the Council of Europe commissioner for human rights warned that *“Member states must take a stand against pushbacks at borders and clearly oppose attempts to legalise this illegal practice.”*<sup>14</sup> The commissioner further noted that pushbacks are undermining legal guarantees established under the Refugee Convention and ECHR as well as violating the right to apply for asylum, the prohibition of torture or inhuman or degrading treatment and the prohibition of collective expulsion.

On February 18, 2022 the IOM raised its concerns due to increasing migrant deaths and persistent reports of pushbacks on the border between Greece and Turkey. The IOM reported that at least 21 migrants had died along this border, noting the persistent pattern of pushbacks, collective expulsion and use of excessive force against migrants and asylum seekers.<sup>15</sup>

On February 21, 2022 UNHCR voiced its concerns regarding the increasing number of incidents of violence and serious human rights violations against migrants and asylum seekers at various European borders, particularly at Greece’s land and sea borders with Turkey. UNHCR has reported almost 540 incidents of informal returns by Greece since the beginning of 2020, with consistent accounts of people being stripped and brutally pushed back in harsh weather conditions.<sup>16</sup>

A Human Rights Watch (HRW) report published in April 2022 provided further accounts of 26 Afghans, 23 of whom were pushed back by Greece to Turkey over the Evros River in 2021 and 2022. The report’s findings corroborate the mounting evidence of abuse of migrants and asylum seekers intercepted and pushed back

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<sup>13</sup> European Council on Refugees and Exiles (ECRE), Ibid.

<sup>14</sup> Commissioner for Human Rights, Council of Europe, *Statement: European states must stand up against pushbacks and the attempt to legalise them*, Strasbourg, October 21, 2021, at <https://www.coe.int/en/web/commissioner/-/european-states-must-stand-up-against-push-backs-and-the-attempt-to-legalise-them>

<sup>15</sup> IOM, *IOM Concerned about Increasing Deaths on Greece-Turkey Border*, February 18, 2022, at <https://www.iom.int/news/iom-concerned-about-increasing-deaths-greece-turkey-border>

<sup>16</sup> UNHCR, *News Comment: UNHCR warns of increasing violence and human rights violations at European borders*, February 21, 2022, at <https://www.unhcr.org/news/briefing/2022/2/62137a284/news-comment-unhcr-warns-increasing-violence-human-rights-violations-european.html>

from the Evros River by Greek law enforcement since March 2020. The report also documented how Greek authorities are using proxies who appear to be of migrant origin for assaulting, beating, robbing and stripping asylum seekers and migrants including women and children before pushing them back to Turkey.<sup>17</sup>

A classified EU report on Frontex alleges its involvement in coverups and financing illegal pushbacks of migrants and asylum seekers from Greece. The findings led to the resignation of Frontex executive director Fabrice Leggeri in April 2022. The 120-page report set out a series of concerns about how Frontex staff or assets witnessed or concealed knowledge of illegal pushbacks of asylum seekers from Greece. The report also testified to the credibility of many of the pushback allegations concerning Greece, which make up a significant part of the investigation.

<sup>18</sup>

The “Black Book of Pushbacks” was recently published by a group of experts from the Border Violence Monitoring Network (BVMN), with over 3,000 pages of documented accounts impacting more than 25,000 people who have experienced violence at EU borders and were illegally pushed back. *“These are not sporadic incidents caused by a ‘few bad apples’: this is a ‘rotten orchard’ where violence is being normalised,”* the BVMN said in the introduction of the book, which included descriptions of the everyday violence experienced by migrants and asylum seekers, including women and children, at the EU’s borders.<sup>19</sup>

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<sup>17</sup> Human Rights Watch (HRW) Their Faces Were Covered: Greece’s Use of Migrants as Police Auxiliaries in Pushbacks, April 7, 2022, at <https://www.hrw.org/report/2022/04/07/their-faces-were-covered/greeces-use-migrants-police-auxiliaries-pushbacks>

<sup>18</sup> OLAF, European Anti-Fraud Office, *Sensitive: OLAF investigations, final report*, Brussels, Olaf.03(2021)21088, at [https://cdn.prod.www.spiegel.de/media/00847a5e-8604-45dc-a0fe-37d920056673/Director\\_ate\\_A\\_redacted-2.pdf](https://cdn.prod.www.spiegel.de/media/00847a5e-8604-45dc-a0fe-37d920056673/Director_ate_A_redacted-2.pdf); Guardian, *EU border agency accused of serious rights violation in leaked report*, October 14, 2022, at [https://www.theguardian.com/global-development/2022/oct/14/eu-border-agency-frontex-human-rights-violations-report?CMP=share\\_btn\\_tw](https://www.theguardian.com/global-development/2022/oct/14/eu-border-agency-frontex-human-rights-violations-report?CMP=share_btn_tw)

<sup>19</sup> The Left in the European Parliament, *Black Book of Pushbacks 2022*, December 7, 2022, at <https://left.eu/issues/publications/black-book-of-pushbacks-2022/>; The Guardian, *Migrants face ‘unprecedented rise in violence’ in EU borders, report finds*, by Jennifer Rankin, December 8, 2022, at [https://www.theguardian.com/law/2022/dec/08/migrants-face-unprecedented-rise-in-violence-in-eu-borders-report-finds?CMP=share\\_btn\\_tw](https://www.theguardian.com/law/2022/dec/08/migrants-face-unprecedented-rise-in-violence-in-eu-borders-report-finds?CMP=share_btn_tw)

### 3. PUSHBACKS OF TURKISH ASYLUM SEEKERS FROM GREECE TO TURKEY

Turkish President Erdoğan and his government have been carrying out a policy of crackdown and purge of dissent, particularly involving people associated with the Gülen movement, since the coup attempt in 2016. Turks who want to flee the country to avoid persecution take dangerous journeys across the Evros River or the Aegean Sea. There have also been many cases of pushbacks and collective expulsions involving Turkish asylum seekers who were fleeing the persecution of the Turkish government. Only a handful of these cases are covered in the media; most of them remain unreported; and the exact numbers are unknown.

Pushbacks involving Turkish asylum seekers from Greece to Turkey began primarily in 2019. According to media reports, the number of Turkish asylum seekers pushed back has increased each year. Most of the Turkish asylum seekers were arrested and jailed upon their forced return to Turkey. The following paragraphs present the details of these reported pushbacks.

Hüsniye, a female Turkish asylum seeker and former teacher, was sent back to Turkey by the Greek authorities on December 12, 2019 after crossing the Evros River in a boat carrying three men and two women. She said she was held at knifepoint, stripped of her money and personal possessions and was put on a boat and sent back to Turkey in freezing weather with no water for hours.<sup>20</sup>

Mehtap Karpuzcu, among the asylum seekers on a boat that was pushed back to Turkey by the Greek coast guard on August 16, 2020, was put in jail after arriving in Turkey. Prior to her journey, Karpuzcu had been sentenced to six years, three months due to her alleged links to the Gülen movement. Her husband, Osman, had also been in prison for four-and-a-half years on a similar conviction. Karpuzcu and the other asylum seekers on the boat were detained by the Turkish police upon their arrival in the Turkish coastal town of Ayvalık under intolerable conditions. “We were very worried when we had to share a cell with common criminals since some of

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<sup>20</sup> Stockholm Center for Freedom (SCF), *Held at knifepoint and sent back to Turkey, Turkish pushback victim says she still suffers from trauma*, September 14, 2022, at <https://stockholmcf.org/held-at-knifepoint-and-sent-back-to-turkey-turkish-pushback-victim-says-she-still-suffers-from-trauma/>



them had razor marks on their bodies. Drugs, murder... Everything is so different here,” she stated in a letter sent from prison.<sup>21</sup>



*The Evros River*

Speaking to Dilek Gul of Euronews Turkish, a female Turkish asylum seeker identified as E.K. said she was strip-searched, abused and pushed back from Greece in 2021.<sup>22</sup>

According to E.K.'s account, the group of asylum seekers came across the Greek police after crossing the border and told them they wanted to seek asylum. The police handed them over to two armed and masked men who took the group to a forest and strip-searched the women only. E.K. said the armed men abused the women during the search. *"They touched the vaginal areas with their fingers ... all this happened in front of others including children,"* she said. They were then forcibly returned to Turkey, where her husband was arrested and she was conditionally released.

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<sup>21</sup> Stockholm Center for Freedom (SCF), *Asylum seeker pushed back to Turkey by Greek authorities speaks of intolerable prison conditions*, September 1, 2020, at <https://stockholmcf.org/asylum-seeker-pushed-back-to-turkey-by-greek-authorities-speak-s-of-intolerable-prison-conditions/>

<sup>22</sup> Stockholm Center for Freedom (SCF) *Strip-searched, abused and pushed back, Erdogan critic talks about her ordeal in Greece*, July 15, 2021, at <https://stockholmcf.org/strip-searched-abused-and-pushed-back-erdogan-critic-talks-about-her-ordeal-in-greece/>



E.K.'s husband was convicted of membership in a terrorist organization for his alleged links to the Gülen movement. He was in jail for a year and was released pending appeal. After his sentence was upheld by the Supreme Court of Appeals, the family decided to leave the country. They wanted to travel to another country in Europe through Greece, but they had to cross the border illegally because the government had refused to issue them passports.



*Turkish asylum seekers arrested after being pushed back to Turkey by Greek border guards*

In March 2022, 12 Turkish asylum seekers over the weekend were pushed back from the islands of Chios and Samos by Greek border guards. The pushback victims were all arrested and sent to prisons in western Aydın and İzmir provinces. Ümran D., the wife of a former police officer who was also pushed back to Turkey, said her husband had served nine months for alleged links to the Gülen movement. Her husband, identified only by the initials S.D., was sentenced to five years, six months in prison and was released pending a decision from the Supreme Court of Appeals.<sup>23</sup>

In May 2022, 15 Turks, among them five children, who were fleeing Turkey by crossing the Evros River on an inflatable boat, were pushed back by Greek authorities. Ö.H. (43), his wife, S.H. (39), and their children A.H. (8) and A.Y.H. (5) were among the Turks who tried to cross the river to seek asylum, Ö.H.'s brother E.H. told a reporter. The group made it to the Greek side, where armed men wearing military uniforms and speaking Greek were on a boat hidden among the reeds, apparently waiting for

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<sup>23</sup> Stockholm Center for Freedom (SCF), *Greek border guards send Turkish asylum seekers back home to be arrested*, March 30, 2022, at <https://stockholmcf.org/greek-border-guards-send-turkish-asylum-seekers-back-home-to-be-arrested/>

them. The men took the five children onto their boat and held guns to their heads, E.H. quoted his brother as saying. After a stand-off between the asylum seekers pleading for help and the armed men, the latter threw the children into the water. Ö.H. went after the children and took them back to the boat. The group was then pushed back to Turkey, where gendarmes were waiting for them. After a brief detention, eight adults were arrested and jailed, among them Ö.H.'s wife S.H., who is in the early stages of leukemia.<sup>24</sup>

A former judge and pushback victim who was sent back to Turkey on a boat by Greek authorities on July 30, 2022 said that "*Greek authorities have to realize that by pushing us back to Turkey, they are sending us to prison.*" She had spent 43 months in pre-trial detention. After she and her husband were convicted of membership in a terrorist organization due to their alleged links to the movement, they were sentenced to prison but were released pending appeal and subjected to travel bans. In an interview with SCF, she said after crossing the border with her daughter, a car belonging to Frontex stopped them on their way to the police station and transferred them to a police car. The police officers then took them to the banks of the Evros River. Despite begging the officers to let them stay, they were put on a boat guided by a Syrian boy with other asylum seekers, some of whom appeared to have been beaten.<sup>25</sup>

H.T., a 40-year-old woman, was also pushed back to Turkey by Greek authorities as she was trying to flee to a safer country and reunite with her young children, who were already in Germany. H.T. said after crossing the border with her nephew O.K., men wearing green uniforms found them in a swamp. They were taken to a detention center with some other migrants and asylum seekers. Another group of officers in blue uniforms and masks came and told them to take off their clothes and shoes. They were left in their underwear in the freezing cold. They were then taken

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<sup>24</sup> Stockholm Center for Freedom (SCF) *Greek soldiers hold kids at gunpoint, throw them into river in family's attempt to flee Turkey*, May 22, 2022, at <https://stockholmcf.org/greek-soldiers-hold-kids-at-gunpoint-throw-them-into-river-in-family-attempt-to-flee-turkey/>

<sup>25</sup> Stockholm Center for Freedom (SCF) *'Greek authorities need to know they are sending us back to prison' say Turkish pushback victims*, November 1, 2021, at <https://stockholmcf.org/greek-authorities-need-to-know-they-are-sending-us-back-to-prison-say-turkish-pushback-victims/>

back to the Evros River, where a boat was waiting for them. An Afghan man was steering the boat, which took them back to Turkey.<sup>26</sup>

Three Turkish asylum seekers who were facing imprisonment on trumped-up terrorism charges as part of the Erdoğan regime's crackdown were pushed back by Greece after they fled across the border. Ridvan Anur, Sultan Anur and Murat Yasar, who were convicted of membership in the Gülen movement and released pending appeal, were pushed back to Turkey by Greek law enforcement after their phones, wallets and belongings were taken, on July 19, 2019. They were arrested by the Turkish authorities upon their return to Turkey.<sup>27</sup>



Turkish authorities arrested Eda Nur Akkaya, seven months pregnant, on September 10, 2022, after she was pushed back from Greece where she had fled to seek asylum. She was arrested along with her husband for links to the Gülen movement.<sup>28</sup>

On September 16, 2022, four-months-pregnant Sevda Ersoy was arrested in Turkey's Izmir province after being pushed back from Greece, where she had fled to seek asylum. Ersoy tried to cross the Aegean Sea with her 6-year-old daughter but was pushed back by the Greek coast guard and was arrested upon her return. Accused of links to the Gülen movement, Ersoy had previously been sentenced to seven years, six months in prison.<sup>29</sup>

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<sup>26</sup> Stockholm Center for Freedom (SCF), *Stripped of her clothes and pushed back in the freezing cold, Turkish asylum seeker says journey to Greece was perilous*, September 19, 2022, at

<https://stockholmcf.org/stripped-of-her-clothes-and-pushed-back-in-the-freezing-cold-turkish-asylum-seeker-says-journey-to-greece-was-perilous/>

<sup>27</sup> Stockholm Center for Freedom (SCF), *Victims of Erdoğan's post-coup crackdown arrested in Turkey after pushback by Greece*, July 28, 2022, at

<https://stockholmcf.org/victims-of-erdogans-post-coup-crackdown-arrested-in-turkey-after-pushback-by-greece/>

<sup>28</sup> Stockholm Center for Freedom (SCF), *Turkish authorities arrest pregnant asylum seeker pushed back from Greece*, September 12, 2022, at

<https://stockholmcf.org/turkish-authorities-arrest-pregnant-asylum-seeker-pushed-back-from-greece/>

<sup>29</sup> Ibid.

Despite the voices raised by civil society and human rights organizations, the illegal and violent practice of pushbacks is unfortunately set to continue. A recent SCF report states that former learning consultant S.E., 36, was beaten in front of his 5-year-old son and pushed back across the Turkish border from Greece along with his wife. Speaking to SCF, S.E. said that after crossing the Evros River, the land border between Turkey and Greece, they were robbed and beaten in Greece by an armed and masked group and pushed back to Turkey. S.E. and his wife were detained upon their arrival and his wife was sent to prison to serve a sentence that had been suspended after giving birth to her son.<sup>30</sup>

A woman who was among five Turks pushed back to Turkey by Greek authorities in December 2022 told SCF that they experienced humiliation and disappointment in Greece. According to the woman, who wanted to remain anonymous and was the only one released by the Turkish soldiers who apprehended them, they were harassed in Greece by an armed and masked group that confiscated their belongings and pushed them back to Turkey. *"These people were very harsh and angry. They harassed us while they searched us. They grabbed my genitals and squeezed my breasts very hard several times. They laughed and sang while doing this. They treated the other woman in the group the same way. This was really harassment,"* she told SCF.<sup>31</sup>

After a while they were brought to the riverbank and were sent back to Turkey in a boat with other refugees. The asylum seekers were immediately apprehended by Turkish soldiers following the pushback. Two men in the group were severely beaten at the station, and four people except her were later detained.

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<sup>30</sup> Stockholm Center for Freedom (SCF), *Turkish pushback victim says he was beaten in front of his 5-year-old son and sent back to Turkey*, December 5, 2022, at <https://stockholmcf.org/turkish-pushback-victim-says-he-was-beaten-in-front-of-his-5-year-old-son-and-sent-back-to-turkey/>

<sup>31</sup> Stockholm Center for Freedom (SCF) *Woman pushed back by Greece says what masked group did was humiliating and disappointing*, December 10, 2022, at <https://stockholmcf.org/woman-pushed-back-by-greece-says-what-masked-group-did-was-humiliating-and-disappointing/>

## 4. THE PRINCIPLE OF NON-REFOULEMENT UNDER INTERNATIONAL LAW

### 4.1. The principle of non-refoulement

The principle of non-refoulement guarantees that no one should be returned to a country where they would face irreparable harm including persecution, torture or cruel, inhuman or degrading treatment or punishment. The principle is accepted as a jus cogens principle of international law guaranteed under any circumstances to all migrants at all times irrespective of migration status. The principle of non-refoulement, originally developed to provide protection exclusively for refugees and asylum seekers, has expanded over time to cover all categories of migrants.<sup>32</sup>

The principle of non-refoulement constitutes an essential guarantee under international human rights, refugee, humanitarian and customary international law. The principle is protected under several international treaties and human rights instruments and enforced by international human rights bodies, regional courts and national courts including the UN committees on human rights and torture and the ECtHR.

First and foremost, Article 33(1) of the 1951 Geneva Convention Relating to the Status of Refugees provides that no state party shall expel or return (refouler) refugees in any manner whatsoever to the frontiers of territories where their life or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group or political opinion.<sup>33</sup>

The importance of the principle of non-refoulement is also explicitly enshrined in Article 3 of the UN Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT)<sup>34</sup> and Article 16 of the International

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<sup>32</sup> For a detailed analysis of the scope and content of the principle of *non-refoulement* see Elihu Lauterpacht and Daniel Bethlehem, "The Scope and Content of the Principle of Non-Refoulement", in Erika Feller, Volker Türk and Frances Nicholson (Eds.), *Refugee Protection in International Law: UNHCR's Global Consultations on International Protection*, (Cambridge: Cambridge University Press, 2003); James Hathaway, *The Rights of Refugees under International Law*, (Cambridge: Cambridge University Press, 2005), pp. 278-370; Guy S. Goodwin-Gill and Jane McAdam, *The Refugee in International Law*, (3<sup>rd</sup> Edition), (Oxford: Oxford University Press, 2007), p. 201-284.

<sup>33</sup> Article 33(1) of the 1951 Convention Relating to the Status of Refugees.

<sup>34</sup> United Nations, Human Rights Office of the High Commissioner, Human Rights Instruments, *Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment*, adopted on December 10, 1984, by the General Assembly



Convention for the Protection of All Persons from Enforced Disappearance (ICPPED).

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Article 7 of the UN Covenant on Civil and Political Rights (CCPR),<sup>36</sup> Article 3 of the ECHR, Article 3(2) of the European Convention on Extradition and Article 5 of the European Convention on the Suppression of Terrorism provide guarantees against the expulsion, return and extradition of asylum seekers and migrants.

The Charter of Fundamental Rights of the European Union confirms the obligation to respect the right to asylum (Article 18) and prohibition of collective expulsions (Article 19(1)). The charter further enshrines non-refoulement as a basic human rights principle. Article 19(2) of the charter states that *“No one may be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment.”*<sup>37</sup>

The principle of non-refoulement applies to any form of removal or transfer of persons regardless of their status where there are substantial grounds for believing that the persons would be at risk of irreparable harm upon return including persecution, torture, ill-treatment or other serious breaches of human rights obligations. The principle has been interpreted to apply to a range of serious human rights violations including torture and other cruel, inhuman or degrading treatment, flagrant denial of the right to a fair trial, risks of violations to the rights to life, integrity and/or freedom of the person, serious forms of sexual and gender-based violence,

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Resolution 39/46, at  
<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>

<sup>35</sup> United Nations, Human Rights Office of the High Commissioner, Human Rights Instruments, *International Convention for the Protection of All Persons from Enforced Disappearance*, adopted on December 23, 2010 by the General Assembly of the United Nations in its Resolution 47/133, at  
<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced>

<sup>36</sup> United Nations, Human Rights Office of the High Commissioner, Human Rights Instruments, *International Covenant on Civil and Political Rights*, adopted on December 16, 1966, by General Assembly Resolution 2200A (XXI), at  
<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

<sup>37</sup> Official Journal of the European Communities (OJ), Charter of Fundamental Rights of the European Union (2012/C 326/02), C 326/391, October 26, 2012, at  
<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012P/TXT&from=EN>

death penalty or death row, female genital mutilation or prolonged solitary confinement, among others.<sup>38</sup>

## 4.2. The principle of non-refoulement under Article 7 of the CCPR

Article 7 of the CCPR provides that *“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.”* The UN Human Rights Committee (HRC) in its General Comment No. 20 expressly states that Article 7 allows no limitation even in situations of emergencies such as those referred to in Article 4 of the covenant, so no derogation from the provision of Article 7 is allowed.<sup>39</sup>

Although the prohibition of torture and ill-treatment under Article 7 is non-derogable under the CCPR, the article does not expressly state the prohibition of refoulement to torture and ill-treatment. However, according to the HRC, expressed in the same General Comment, *“States parties must not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of their extradition, expulsion or refoulement.”*<sup>40</sup>

In its case law, the HRC began to interpret Article 7 of the covenant as a provision preventing and prohibiting the return of individuals to countries where they would be exposed to a “real risk” of a violation of their rights under the covenant.<sup>41</sup> According to the HRC, *“a real risk is to be deducted from the intent of the country to which the person concerned is to be deported, as well as from the pattern of conduct shown by the country in similar cases.”*<sup>42</sup>

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<sup>38</sup> The principle of non-refoulement under international human rights law, <https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/GlobalCompactMigration/ThePrincipleNon-RefoulementUnderInternationalHumanRightsLaw.pdf>

<sup>39</sup> UN Human Rights Committee (HRC), CCPR General Comment No. 20, Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment), March 10, 1992, Refworld, para 3, at <https://www.refworld.org/docid/453883fb0.html>

<sup>40</sup> Ibid, para 9.

<sup>41</sup> *Chitat Ng v. Canada*, Communication No. 469/1991, Views of Human Rights Committee of 5 November 1993, para 14.1; *Mrs. G.T. v. Australia*, Communication No. 706/1996 (4 November 1997), UN Doc. CCPR/C/61/O/706/1996, para 8.1.

<sup>42</sup> *Mrs. G.T. v. Australia*, para 8.4.

### 4.3. The principle of non-refoulement under Article 3 of the ECHR

Article 3 of the ECHR provides that “No one shall be subjected to torture or to inhuman or degrading treatment or punishment.” This article has been consistently interpreted by the ECtHR as an absolute prohibition of return, expulsion or extradition of migrants and asylum seekers.<sup>43</sup> According to the European court’s settled case law, the return of an asylum seeker to a country where she/he would face a real risk of being subjected to torture or inhuman or degrading treatment or punishment may violate Article 3 of the convention.<sup>44</sup> According to the ECtHR, it is not the expulsion or return decision per se that is challenged under Article 3 but the possible consequences of the individual’s return.

There are two main issues that need to be examined in the application of the Article 3 prohibition in this context: i) whether the treatment feared falls within the scope of Article 3 of the ECHR; and ii) whether there are substantial grounds for believing that the individual would be exposed to the treatment feared in the country to which he would be returned.<sup>45</sup>

Article 3 of the ECHR provides a non-derogable right that cannot be limited even in times of emergency under Article 15 of the convention. The absolute nature of the protection of Article 3 has been confirmed by the Strasbourg court in many cases. Article 3 of the ECHR therefore provides a more comprehensive protection of non-refoulement compared to that afforded by the Geneva Convention relating to the Status of Refugees for asylum seekers and migrants.<sup>46</sup>

The Grand Chamber of the ECtHR concluded in *Saadi v. Italy* that the protection against the treatment prohibited by Article 3 is absolute and imposes an obligation not to extradite or expel any person who in the receiving country would run the real risk of being subjected to such treatment. The ECtHR further confirmed that the conduct of the person concerned, however undesirable or dangerous, cannot be

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<sup>43</sup> ECtHR, *Vilvarajah and Others v. the United Kingdom*, (Application Nos. 13163/87, 13164/87, 13165/87, 13447/87, 13448/87), 30 October 1991, Series A, No. 215, para 102.

<sup>44</sup> See *Soering v. the United Kingdom*, July 7, 1989, Series A, No. 161, para. 90-91; *Cruz Varas and Others v. Sweden*, March 20, 1991, Series A, No. 201, para 69-70; *Chahal v. the United Kingdom*, November 15, 1996, Court Judgments 1996-V, s. 1853, para 73-74; *Jabari v. Turkey*, Application No. 40035/98, July 11, 2000; *Mamatkulov and Askarov v. Turkey*, Application No. 46827/99 and 46951/99, February 4, 2005.

<sup>45</sup> Goodwin-Gill & McAdam, 2007, p. 310-311.

<sup>46</sup> *Ahmed v Austria*, December 17, 1996, (1997) 24 EHRR 278.

taken into account, with the consequence that the protection afforded by Article 3 is broader than that provided for in Articles 32 and 33 of the 1951 United Nations Convention relating to the Status of Refugees.<sup>47</sup>

In order to benefit from the protection of Article 3 of the ECHR, “substantial grounds” must exist for believing that there is a “real risk” that the individual concerned would be exposed to torture, inhuman or degrading treatment or punishment upon return to the receiving country.<sup>48</sup> While the sheer possibility of a “risk” would not be sufficient for the protection of Article 3, it would not be required to demonstrate that the ill-treatment would “certainly” be inflicted upon the individual upon return, either.<sup>49</sup>

## **5. VIOLATION OF THE PRINCIPLE OF NON-REFOULEMENT IN PUSHBACKS OF TURKISH ASYLUM SEEKERS**

On June 7, 2021 the Greek government announced its decision to list Turkey as “safe third country” for asylum seekers from Syria, Afghanistan, Pakistan, Bangladesh and Somalia.<sup>50</sup> What this means is that the asylum applicants from one of these countries who enter Greece via Turkey will be considered inadmissible on the assumption that Turkey could offer them protection and that the applicant should be returned to Turkey.

The designation of Turkey as a “safe third country” is rightly criticized by many. For instance, the president of the Greek Council for Refugees (GCR) has pointed out that *“The concept of a safe third country presupposes the provision of a level of protection in accordance with the Geneva Convention on Refugees by the third country, the existence of an essential link between the asylum seeker and that country and the consent of the third country. In the case of Turkey, none of the above is the case.”*

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<sup>47</sup> *Saadi v. Italy*, Application No. 37201/06, February 28, 2008, para 138.

<sup>48</sup> Lauterpacht & Bethlehem, 2003, para 246.

<sup>49</sup> Goodwin-Gill & McAdam, 2007, p. 313-314.

<sup>50</sup> European Council on Refugees (ECRE) *Greece: While the Designation of Turkey as Safe Country and Pushbacks Undermine Protection in Greece, the Country is Criticised for not Preventing Secondary Movement*, June 11, 2021, at <https://ecre.org/greece-while-the-designation-of-turkey-as-safe-country-and-pushbacks-undermine-protection-in-greece-the-country-is-criticised-for-not-preventing-secondary-movement/>

Member of the European Parliament Tineke Strik said in an interview with SCF that Turkey cannot be considered a “safe country” for migrants and asylum seekers since it is not bound by the Geneva Refugee Convention when it comes to non-European refugees.<sup>51</sup> Syrian refugees and other non-European refugees are only given temporary protection status in Turkey.

In addition to violating the principle of non-refoulement, pushbacks of asylum seekers and migrants violate multiple human rights norms including the prohibition of collective expulsion under the ECHR, the right to due process of law under the CCPR and the right to seek asylum under the EU Charter of Fundamental Rights. Hence pushbacks of asylum seekers and migrants from other countries by Greece to Turkey are in clear violation of these basic principles.

On the other hand, pushbacks of Turkish asylum seekers by Greece to Turkey pose more acute problems for the Turkish nationals who are forcibly returned to torture, ill-treatment and other forms of serious human rights violations. By definition, the Turkish asylum seekers are fleeing the persecution of the Turkish authorities, and Turkey cannot be a safe country for them. Therefore, they must be given access to Greek territory and its asylum system, and their asylum applications must be assessed prior to any action being taken for their return.

After the failed coup on July 15, 2016, the Turkish government designated the Gülen movement as a “terrorist organization” (“FETO”) and its alleged members as “terrorists.” Allegations of “FETO” membership continue to be used as a blanket description against perceived political opponents of the Erdoğan regime. The absence of legality and criminality in the post-coup attempt prosecutions has been raised by many international human rights organs. For instance, the Venice Commission<sup>52</sup> and European Human Rights Commissioner Nils Muižnieks had underlined the absence of criminality and the violation of the principle of legality<sup>53</sup>.

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<sup>51</sup> Stockholm Center for Freedom (SCF) [Interview] *Turkey cannot be considered a safe country for migrants and asylum seekers, says MEP Tineke Strik*, October 19, 2021, at <https://stockholmcf.org/interview-turkey-cannot-be-considered-a-safe-country-for-migrants-and-asylum-seekers-says-mep-tineke-strik/>

<sup>52</sup> European Commission for Democracy Through Law (Venice Commission), ‘Opinion on Articles 216, 299, 301 and 314 of the Penal Code of Turkey’, Opinion No. 831/2015, March 15, 2016, para 106.

<sup>53</sup> Commissioner for Human Rights, *Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey*, CommDH(2016)35, Strasbourg, October 7, 2016, para 20-21, at [https://rm.coe.int/ref/CommDH\(2016\)35](https://rm.coe.int/ref/CommDH(2016)35)



Nevertheless, the Turkish government has been persistent in its crackdown and purge of dissidents, particularly people associated with the Gülen movement, since the coup attempt in 2016. The ordeal of people having alleged links to the movement, including torture, ill-treatment and serious human rights violations, are well-documented and reported by many human rights organizations.<sup>54</sup> Both UN human rights organs and the ECtHR have found rights violations by Turkey including the right to liberty and security, the right to a fair trial and the prohibition of torture and ill-treatment in post-coup-attempt cases and applications.

Since the coup attempt, there has been a sharp increase in the use of “terrorism” charges under Article 314 of the Turkish Penal Code (TCK). According to Turkish Justice Ministry data, Turkish prosecutors have launched around 2 million terrorism investigations since the coup attempt. While the number of investigations on terrorism-related allegations was 55,058 in 2014 and 36,425 in 2015, they continually rose following the failed coup, and 155,014 investigations were launched that year alone. In 2017 the number of investigations initiated on terrorism-related allegations rose to a record 457,423, 444,342 in 2018, 310,954 in 2019, 208,833 in 2020 and 191,964 in 2021, totaling 1,768,530 in the 2016-2021 period. When the investigations undertaken in 2022 are included, the number of investigations on terrorism-related allegations will reach 2 million.<sup>55</sup>

Many democratic countries including the US, the UK and the EU member states have provided refugee status to tens of thousands of Turkish individuals fleeing the persecution of the Turkish government since the coup attempt.<sup>56</sup> Therefore, the asylum applications of Turkish nationals must be at least considered as bona fide applications by the Greek authorities that must be processed in accordance with international, EU and national law. They must thus be given access to the Greek asylum system and their applications for asylum processed individually with due process.

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<sup>54</sup> Stockholm Center for Freedom (SCF), Human Rights in Turkey: 2021 in review, February 11, 2022, at <https://stockholmcf.org/human-rights-in-turkey-2021-in-review/>

<sup>55</sup> Stockholm Center for Freedom (SCF) *More than 2 million terrorism investigations launched in Turkey following failed coup: official data* December 13, 2022, at <https://stockholmcf.org/more-than-2-million-terrorism-investigations-launched-in-turkey-following-failed-coup-official-data/>

<sup>56</sup> UK Home Office policy paper on the Gülenist movement that is used for handling asylum claims in the UK, at <https://www.gov.uk/government/publications/turkey-country-policy-and-information-note/s/country-policy-and-information-note-gulenist-movement-turkey-february-2022-accessible-version>

Greece is party to all the international instruments referred to above that provide safeguards for migrants and asylum seekers, including UN human rights treaties and the ECHR. Greece is also subject to the jurisdiction of international human rights organs and courts including the UN Human Rights Committee and the ECtHR. The legal principles enshrined in those human rights instruments and the legal safeguards developed by these human rights organs are applicable within the territory and the jurisdiction of Greece.

Greece, as an EU member state, is also subject to EU law and regulations, and pushbacks are clearly incompatible with Greece's obligations under the EU asylum *acquis*.<sup>57</sup> The EU Asylum Procedures Directive provides that access to asylum procedure is to be granted when an application for international protection is made (including at the border) (Article 6).<sup>58</sup> Similarly, the EU law on border control requires member states to carry out an individualized assessment, taking into account the individual circumstances for refusal of entry, return and readmission.<sup>59</sup> Failure to respect these principles and safeguards would result in violation of procedural requirements stemming from the principle of non-refoulement.<sup>60</sup>

Many Turkish asylum seekers who are pushed back by Greek authorities end up being arrested and put in prison, having been subjected to trumped-up "terrorism" charges as seen in the aforementioned cases. Some of these Turkish individuals also endure torture and ill-treatment while in police custody upon return or are exposed to torture or other inhuman or degrading treatment or punishment while in prison.<sup>61</sup>

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<sup>57</sup> Roberto Cortinovis, *Pushbacks and lack of accountability at the Greek-Turkish borders*, CEPS Paper in Liberty and Security in Europe, No. 2021-01, February 2021, at <http://www.madde14.org/images/e/ed/CEPSPushbacksGRTTBordeers2021Eng.pdf>

<sup>58</sup> 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 (recast), L 180/60, 29.6.2013.

<sup>59</sup> Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), Art. 4; Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, Recital 6.

<sup>60</sup> European Union Agency for Fundamental Rights (FRA), *Migration: Fundamental Rights Issues at Land Borders*, 2020, p. 21, at [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2020-land-borders-report\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-land-borders-report_en.pdf)

<sup>61</sup> For prison conditions in Turkey, see Ministry of Immigration and Integration, the Danish Immigration Service, *Country of Origin Information (COI) Brief Report: Turkey Prison conditions*, March 2021, at <https://www.ecoi.net/en/file/local/2048256/Turkey+Prison+conditions+FINAL.pdf>

## 6. CONCLUSION

The present report has documented that Greek authorities have employed a host of violent and illegal tactics to push back asylum seekers in the Aegean Sea and at the Evros River, the land border between Turkey and Greece. These methods involve intercepting boats and abandoning them in Turkish waters, apprehending migrants and asylum seekers using excessive force, detaining them under inhumane conditions, employing masked men, strip-searching, rounding up and beating. The evidence clearly demonstrates that violent and illegal pushbacks have become a *de facto* Greek border policy and a policy of deterrence to prevent the irregular entry of asylum seekers and migrants into Greek territory.

The violent and illegal pushbacks by Greek authorities have devastating consequences for Turkish asylum seekers fleeing the persecution of the authorities in Turkey. Many Turkish asylum seekers who are pushed back are arrested upon return on trumped-up “terrorism” charges. Some are exposed to torture or other inhuman or degrading treatment or punishment during custody or while in prison.

The principle of non-refoulement applies, without limitation under any circumstances and irrespective of status, to any form of removal or transfer of persons where there are substantial grounds for believing that the persons would be at risk of persecution, torture, ill-treatment or other serious breaches of human rights.

Within this context, Turkish asylum seekers must be given access to the Greek asylum system since they are fleeing torture, ill-treatment and persecution by Turkish authorities. Under the applicable international, EU and Greek law, they cannot be returned to Turkey unless their applications are considered to be inadmissible after examining their cases individually on the basis of their specific circumstances.

A number of recommendations should be noted appealing to different stakeholders.

<sup>62</sup> First and foremost, the Greek government should ensure that all pushbacks of migrants and asylum seekers including Turkish asylum seekers from Greek territory

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<sup>62</sup> Human Rights Watch (HRW) *Their Faces Were Covered: Greece's Use of Migrants as Police Auxiliaries in Pushbacks*, April 7, 2022, at <https://www.hrw.org/report/2022/04/07/their-faces-were-covered/greeces-use-migrants-police-auxiliaries-pushbacks>

are stopped and that people seeking safety in Greece are provided humane treatment and given access to asylum procedures.

Further, the Greek judicial authorities should conduct effective and impartial investigations into the law enforcement personnel engaged in illegal acts that put the lives and safety of migrants and asylum seekers at risk, including summary returns and violence at the border.

A prime responsibility lies with EU institutions to stop these alleged illegal pushbacks and the inhumane treatment of migrants and asylum seekers.

In particular, the European Commission should call on Greece to end all pushbacks and the collective expulsion of asylum seekers to Turkey. The commission should also put pressure on the Greek authorities to set up an independent and effective border monitoring mechanism to investigate allegations of pushbacks and initiate legal proceedings against Greece for violating EU laws providing safeguards against summary returns and collective expulsions.

Further, the EU institutions that are specifically set up for border management and operational in Greek territory have particular responsibility. In this context, Frontex should effectively monitor and publicly report on Greek law enforcement's compliance with EU and international law as well as the compliance of its own officers and those operating under its supervision.

Last but not least, there is a great deal to be done by civil society and human rights organizations in terms of monitoring and reporting the illegal acts carried out in Greece involving inhumane treatment and summary returns of migrants and asylum seekers in violation of international, EU and Greek law.