



REFUGEES AND **LATEST PUSH-BACKS** **IN GREECE**

ACKNOWLEDGEMENTS

THE CONTRIBUTORS:

YASIN CERAN

Assistant Professor
Santa Clara University

ALFRED DE ZAYAS

Professor of international Law, Geneva School of
Diplomacy / Former UN Independent Expert on the
Promotion of a Democratic and Equitable
International Order

PROFESSOR ANWAR ALAM

Senior Fellow at Middle Institute with Policy
Perspectives Foundation, New Delhi

HAFZA GIRDAP

Spokesperson & Women's Studies Researcher
Advocates of Silenced Turkey

CONTENTS

01	ABOUT ADVOCATES OF SILENCED TURKEY
02	INTRODUCTION
03	HUMAN RIGHTS ABUSES IN TURKEY AFTER JULY 15 2016
05	REFUGEES AND LATEST PUSH-BACKS IN GREECE
10	EVALUATION IN TERMS OF INTERNATIONAL HUMAN RIGHTS LAW
14	CONCLUSION
15	REFERENCES

ABOUT ADVOCATES OF SILENCED TURKEY

AST is a 501(c)(3) Not for Profit charitable and educational organization based in NJ exclusively for defending human and civil rights.

To address all human rights violations in Turkey regarding civil, political, economic, social and cultural as contained in the basic human rights documents.

To prevent genocide, crime against humanity, arbitrary detention, torture and ill treatment, discrimination and to defend right to life, rule of law, right to privacy, freedom of expression, freedom of thought, conscience and religion, freedom of associations.

To utilize all human rights advocacy tools, mechanisms, and systems that can possibly be used to protect and promote the human rights of those whose voices are being silenced in Turkey and beyond.

To hold accountable the perpetrators of Human Rights in Turkey and beyond together with the opportunity for victims to obtain justice and reparation, in order to do so, it uses the power of the law to fight the impunity of perpetrators, accomplices and instigators of crimes, defends the interests of victims before national and international courts and brings cases before the appropriate international human rights bodies, in close collaboration with its local partners and the victims to get authorities to take firm action against violations





INTRODUCTION

“ No one puts their children in a boat unless the boat is safer than the land. ”

(Warshan Shire, Home)

Thousands of refugees fleeing their homeland due to violence, terror, or political prosecution use Greece as an entry gate to Europe. Since the beginning of 2014, over 1.1 million refugees have crossed the borders of Greece(3). Most of the refugees have chosen to go by sea in order to land on one of the Greek islands in the Aegean Sea, but recently a growing number of refugees have begun to use Evros as a passage from Turkey to Greece. In recent years, besides refugees who are using Turkey as a transit way to Greece, Turkish citizens who were forced to flee Turkey due to a massive witch-hunt have also used the same route. This witch-hunt was launched by the Justice and Development Party (AKP) government against the

sympathizers of the Gulen Movement following a failed coup attempt on July 15, 2016. Many of these citizens attempted to escape Turkey using illegal methods as the Turkish government cancelled their passports.

So far, the asylum-seeking Turkish citizens who cross the Evros to escape from a tyrannical regime in Turkey are embraced humanely by the Greek authorities. However, there have been recent reports of several push-back cases, in which groups of Turkish asylum-seekers were beaten by masked men and forced back to Turkey.

HUMAN RIGHTS ABUSES IN TURKEY AFTER JULY 15 2016

Following the coup attempt on July 15 2016, the Turkish government declared a state of emergency and began to target any individual opposing the government, the Gulen Movement in particular. The Gulen Movement is also known as the “Hizmet Movement,” “hizmet” meaning service in Turkish. It is a faith-based group of people engaging in different voluntary activities such as education, business, and health, and has been the primary target of the government. Alleged supporters of the movement in Turkey are faced with arrest, imprisonment, torture, inhumane and degrading treatment, denial of fair treatment, labeling, confiscation, and passport seizure.

According to a report released by the United States Department of State on human rights practices in Turkey in 2018 (2), between July 2016 and July 2018, Turkish Ministry of Justice reported that “investigations” were opened into **612,347** persons, the majority of whom were affiliated with the Gulen movement.

Authorities prosecuted **1,519** lawyers and dismissed **7,257** academics and more than **4,000** judges and prosecutors.

After the coup, the government operated prisons became filled with people who were detained and awaiting trial, and began to operate over capacity.

28 individuals disappeared, some kidnapped in broad daylight in front of their families.

Reports of torture, mistreatment, and abuse skyrocketed from tens in 2017 to more than **2,500** in 2018. **51** people lost their lives under suspicious circumstances in official custody.

In addition to opening investigations into persons associated with the movement, the government has made many attempts to limit its citizen's physical freedom and freedom of speech.

155,000 individuals whose family members were allegedly connected to the Gulen movement were banned from traveling, and the government has investigated over **45,000** social media accounts and blocked more than **50,000** websites.

Furthermore, during the first six months of 2018, Twitter received **8,988** court orders and requests from authorities to remove content.

REFUGEES AND LATEST PUSH-BACKS IN GREECE

Due to its geographical location, Greece has been the forefront of the influx of migrants and asylum seekers fleeing their home country due to wars, political instability, and economic crises. In the last couple of years, a significant number of Turkish citizens have also begun to cross the border between Turkey and Greece and sought asylum due to the Turkish government's targeting of dissidents belonging to different ideologies, particularly the Gulen Movement.

Immigrants fleeing from Turkey to Greece either cross the Aegean Sea, or the land border between Turkey and Greece that is almost entirely formed by the Evros river. The land border between Turkey and Greece is one of the easternmost frontiers of the European Union. Up until a fence went up on all but 12 kilometers of the Evros in 2012, it was the easiest and safest path for asylum seekers from the Middle East and elsewhere to reach Europe.





According to the Greece country report released in March 2019 by the European Council on Refugees and Exiles (3), “**18,014** persons arrived in Greece through the Greek-Turkish land border of Evros in 2018, compared to **6,592** in 2017.” The same report detailed “a substantial increase of applications submitted from Turkish nationals” in 2018; **4,834** applications in 2018, compared to **1,826** in 2017 and **189** in 2016.

In addition to its own economic problems, Greece has long been dealing with an immigration crisis which has had further economic and social impacts on the country. Faced with a flood of refugees from Greece’s land border with Turkey over the past several years, according to DW News (9), Greek guards are overwhelmed with the task of protecting the borders from refugees, and the refugees from violent push-backs. According to a report released by council of Europe’s Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “foreign nationals were returned from Greece to Turkey by boat across the Evros River; some of the persons met alleged that they had been ill-treated (including baton blows to the head) by police and border guard officers or (para-

military commandos during such operations.”(10) According to a news article in The Guardian (11), several unidentified masked men participated in abusing the refugees and forced them back to Turkish border in freezing temperatures at night without any clothing.

Although there were numerous reports of push-backs made by an unidentified group of people towards immigrants in the past (4), the immigrants who were mainly Turkish citizens never reported any mistreatment on the Greek side of the border until recently. In the last couple of months, there have been several reports that Turkish asylum seekers who entered Greece through the Evros river were beaten by masked men and pushed back into Turkey.

According to ipa.news (5) and Bold (13), while trying to seek asylum in Greece, the Gul family were pushed back into Turkey by masked and armed men dressed in camouflage. Halil Gul, Seher Gul, and their three children entered Greece but were denied entry on Monday. Halil and Seher Gul were taken into custody by the gendarme in the Turkish border city of Edirne. Relatives of the family were called to pick the children up.

Zubeyir Koculu, a journalist in Athens, reported the latest update regarding the issue as follows: “A total number of **32** Turkish political asylum seekers were pushed back to Turkey through Evros in the last four days after they arrived in Greece. **17** of them were arrested in Turkey, **11** of them managed to cross the border again and are being kept in custody.”



11 people including a pregnant journalist, a woman with a disability, and three children who were pushed back to Turkey after beaten near Evros on Friday and managed to cross the river again are released under the protection of a UNHCR officer from Soufli Police station.



@zubeyirkoculu (April 30)

As reported by keeptalkinggreece.com, ipa.news (12), and Bold (13), a group of **15** people fleeing persecution in Turkey were pushed back to Turkey after crossing the Greek border by masked men using brute force. A family of 4 were arrested by the Turkish police and the remaining **11** people, after a second attempt to enter Greece soil, were detained by Greek police at around 2 P.M. on Saturday near the border and taken into custody according to the Greek Council for Refugees (GCR), a nongovernmental organization defending human rights and fighting against illegal pushbacks in the region.

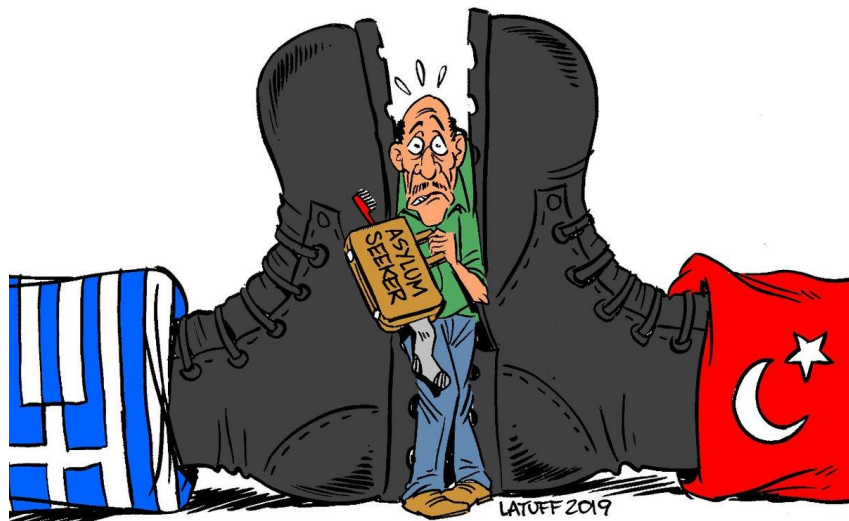
In his e-mail to UN representatives, Muhammed Ihsan Erdogan, a Turkish political asylum seeker who currently resides in Athens, says that on May 4th, 2019, around 5:30, three Turkish political asylum seekers, one of whom was his sister, crossed the Evros river in order to come to Greece and were very close to Orestiada. He was asking for help because his sister and two others were afraid of being pushed back into Turkey. His sister also sent a similar message to UN representatives stating that they were afraid of inhumane treatment and being pushed back into Turkey, which would put their lives in danger. However, after these two messages, these three people were pushed back into Turkey and Mr. Erdogan's sister, Ayse Reyhane Erdogan, was put behind bars in a Turkish prison for two years.

According to a Twitter message from Tihomir Sabchev, in an article that appeared in the Greek magazine Lifo, "people testified in front of lawyers in Thessaloniki" that they were beaten by the police, their possessions were thrown away in the river, they were pushed back. Then they identified one of the policemen in front of UN representatives."(14)

According to a news article at Euronews.com (15), scores of Turkish asylum seekers were pushed back, sometimes violently. It is said in the news that witnesses claimed that various groups, some uniformed, used physical force against those who resisted. Since April 23, 2019 up to the date the news was published, May 13, 2019, 82 people from Turkey, including children, who crossed the Turkish border for seeking political asylum were sent back to Turkey. Around half of those who returned were arrested by Turkish officials on charges that they were involved in the 2016 military coup.

The pushbacks raised concerns among human rights activists and those who are sensitive to such matters. Ten Greek refugee NGOs urged for the immediate investigation of reports of collective expulsions in Evros region (8). In addition, Rebecca Harms, a member of EU Parliament, stated that this situation violates international law. According to Euronews.com (15), The European Commission urged Greece to follow up on the allegations of pushbacks.

Many Turkish asylum-seekers in Greece say they feel safe in Greece (7) and have been treated well. However, the latest reports of push-back incidents raise serious concerns among advocates of human rights.



EVALUATION IN TERMS OF INTERNATIONAL HUMAN RIGHTS LAW

Push-back news creates an alarming situation in terms of international human rights law and refugee law. These Turkish families from the Hizmet Movement feel that they have no other option but to flee from Erdogan's dictatorship in any way they could find. It must be highlighted that people are risking their lives to reach Greece with hopes of a new, safe and free life.

These people satisfy the conditions to be considered as refugees in Article 1 of the 1951 Refugee Convention which defines it as “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country” (16).

If they are to stay in Turkey it is highly likely that they will face one or more of the Turkish government's persecution methods such as arbitrary and long pretrial detentions, inhuman prison conditions, abductions, unfair trials and convictions, passport cancellations.

International human rights law protects these families. Greece is a party to many human rights treaties and conventions as part of the European Union and United Nations, thus has an obligation to protect these people when they reached Greece soils. More specifically, both under the EU and UN legislation, Greece cannot

return, deport or expel these refugee families knowing that they will suffer from the Turkish government's persecutions.

Likewise, Alfred De Zayas, Former UN Independent Expert on the Promotion of a Democratic and Equitable International Order and Professor of International Law at Geneva School of Diplomacy, asserts that



“

In the spirit of article 14 of the Universal Declaration of Human Rights, the United Nations adopted in 1951 the Convention Relative to the Status of Refugees. The Convention and its 1967 Protocol lay down the framework for the protection of persons who have a well founded fear of persecution and hence have an international law right to apply for asylum. Article 33 of the Refugee Convention elaborates upon the rule of non-refoulement, which prohibits states from deporting, expelling or extraditing asylum seekers to any state where they would be exposed to persecution based on their race, religion, nationality, membership of a particular social group or political opinion. The rule of non-refoulement has also been enacted in other core international human rights treaties such as Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and article 7 of the UN International Covenant on Civil and Political Rights, both of which have been ratified by Greece. The Committee against Torture's General

Comment No. 1 further elucidates the rule and establishes pertinent criteria for its practical application.

Looking at the current situation in Greece, it must be emphasized that Greece is obliged to comply with its commitments under international human rights law and refugee law. Members of the Hizmet Movement fleeing from the Turkish government's harsh persecutions fulfil the definition of a refugee under the 1951 Refugee Convention and have every right to demand protection from deportation to Turkey, where they face persecution. Recent push-backs of asylum seekers from the Hizmet Movement who have been denied the opportunity to have their asylum applications considered in Greece and who have been forcefully returned to Turkey by masked men is extraordinarily worrisome and contravenes international human rights law and refugee law. Hitherto Greece had welcomed the refugees from Turkey. Greece must stop all push backs, comply with its obligations under international law and also investigate all reports of push backs and determine responsibilities. The Greek Government should avail itself of advisory services and technical assistance, which both the United Nations High Commissioner for Refugees and the High Commissioner for Human Rights can provide.

”



Moreover, Professor Anwar Alam, Senior Fellow at Middle Institute with Policy Perspectives Foundation in New Delhi, also states that

“

In this context it must be brought to attention that fleeing Hizmet or non-Hizmet people from Turkey to Greece via Evros River or Aegean Sea enjoy legal right of protection after crossing into Greece border. EU Asylum Procedures Directive (Directive 2013/32/EU) states that a first country of asylum is a country where the person has already received international protection – a refugee -like protection, or another kind of “sufficient protection” which must at least include non-refoulement guarantees (Article 35 of the Directive).

Therefore, Greek authorities are urged to comply with this legal injunction and investigate the issue of masked men who are pushing back the refugees to Turkey.

”

CONCLUSION

Migrant pushback is a growing concern, especially in the Greek-Turkish land border. Push-backs, as the word conveys the message, is stopping migrants in the borders and pushing them back by force to the country where they came from. The legal term is collective expulsion (17). According to Article 4 of Protocol 4 (Art 4-4) to the European Convention on Human Rights, push-back is defined in legal terms as “The well-established definition of collective expulsion is any measure of the competent authorities compelling aliens as a group to leave the country, except where such a measure is taken after and on the basis of a reasonable and objective examination of the particular cases of each individual alien of the group.”(18)

Migration is not easy for those who migrate as well as those countries who receive them. People will continue to leave their countries in search of a more secure and dignified future if they face life threatening conditions, political imprisonment and torture. Considering the political landscape in the Middle East and Turkey, we do not see a credible evidence that influx of migrants to Greece will stop in the near future. Therefore, Greek authorities should review their border security procedures and give serious consideration to maintaining safety of asylum seekers to remain in compliance with international laws and regulations. The Greek authorities should investigate the pushback and violence allegations whether those allegations are against border security guards or non-governmental violent groups.

REFERENCES

1. Kotsiou, O. S., Kotsios, P., Srivastava, D. S., Kotsios, V., Gourgoulialis, K. I., & Exadaktylos, A. K. (2018). Impact of the Refugee Crisis on the Greek Healthcare System: A Long Road to Ithaca. *International journal of environmental research and public health*, 15(8), 1790. doi:10.3390/ijerph15081790
2. United States Department of State (2018). Turkey 2018 Human Rights Report. <https://www.state.gov/documents/organization/289435.pdf>
3. Konstantinou, A.& Georgopoulou, A.(2019). Asylum Information Database, Country Report: Greece. European Council on Refugees and Exiles.
4. Reidy, E.(2018). An open secret: Refugee pushbacks across the Turkey-Greece border. <https://www.thenewhumanitarian.org/special-report/2018/10/08/refugee-pushbacks-across-turkey-greece-border-Evros>.
5. IpaNews (2019). Another group of Turkish asylum seekers who arrived in Greece pushed-back to Turkey. <https://ipa.news/2019/04/29/another-group-of-turkish-asylum-seekers-who-arrived-in-greece-pushed-back-to-turkey/>.
6. Keep Talking Greece (2019). https://www.keeptalkinggreece.com/2019/04/30/turkish-asylum-seekers-evros/?utm_source=feedburner&utm_medium=twitter&utm_campaign=Feed_253A+KeepTalkingGreece+%2528Keep+Talking+Greece_2529%
7. NPR (2017). <https://www.npr.org/sections/parallels/2017/12/27/571842458/turks-fleeing-to-greece-find-mostly-warm-welcome-despite-history>
8. EFSYN (2019). <https://www.efsyn.gr/node/193572>
9. DWNews (2018). Inside Europe: Greece accused of migrant pushbacks <https://www.dw.com/en/inside-europe-greece-accused-of-migrant-pushbacks/av-46044142>

10. CEO-CPT (2018). <https://www.coe.int/en/web/cpt/-/greece-council-of-europe-anti-torture-committee-calls-for-the-situation-of-psychiatric-patients-to-be-improved-while-criticising-once-again-the-poor-t>
11. Guardian (2018). <https://www.theguardian.com/world/2018/dec/18/greek-police-accused-beating-migrants-trying-to-enter-from-turkey>
12. Ipa News (2019). <https://ipa.news/2019/04/28/we-were-beaten-and-pushed-back-by-masked-men-at-turkish-greek-border-turkish-journalist-and-asylum-seeker/>
13. Bold (2019). <https://medyabold.com/2019/04/29/iki-ayri-turkiyeli-multeci-grubu-yunanistandan-geri-itildi/>
14. Lifo (2019). https://m.lifo.gr/articles/greece_articles/236781/apokleistiki-sygklonistiki-martyria-apo-to-teleytaio-push-back-ston-evro?fbclid=IwAR2PuufQWcjmHNp2tCyzsvfeNX4rxJYjezsseBQsRZbq9ITHuknTANG28g
15. EuroNews (2019). <https://www.euronews.com/2019/05/11/masked-men-beat-us-with-batons-greece-accused-of-violent-asylum-seeker-pushbacks>
16. UN General Assembly, Convention Relating to the Status of Refugees, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, available at: <https://www.refworld.org/docid/3be01b964.html> [accessed 1 June 2019].
17. Macgregor, M. (2018). InfoMigrants. <https://www.infomigrants.net/en/post/11579/greek-authorities-accused-of-illegal-pushbacks-and-violence-against-migrants>
18. Council of Europe (2019). Guide on Article 4 of Protocol No. 4 to the European Convention on Human Rights. https://www.echr.coe.int/Documents/Library_Collection_P4postP11_ETS046E_ENG.pdf



ADVOCATES OF SILENCED TURKEY
P.O. BOX 2399 WAYNE, NJ
07474-2399



help@silencedturkey.org



1-540-209-1934



@silencedturkey

**AST gives a voice to the voiceless,
give your support to a cause that matters.**



silencedturkey.org/donatenow

