

PUSHBACK REPORT 2020

**VIOLENCE IS INCREASING - IN 2020 MARE LIBERUM COUNTED AT
LEAST 9,000 PEOPLE ILLEGALLY PUSHED BACK**





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MARE LIBERUM

Mare Liberum monitors the current human rights situation in the Aegean Sea using its own ships. As independent observers, we conduct research in order to document and publicise circumstances at the European border. Since March 2020, Mare Liberum has witnessed a dramatic increase in human rights violations in the Aegean, both at sea and on land. Illegal pushbacks, in which those fleeing and migrating people are pushed back across a national border, play an especially crucial role. Over the past year in particular, pushbacks have become an inhumane everyday reality for people on the move. Pushbacks happen almost daily at the Greek-Turkish border and in 2020 alone, we counted 321 pushbacks in the Aegean Sea, with some 9,798 people pushed back.

Although pushbacks have demonstrably been carried out at the EU's external border for years, me-

dia attention has now increased notably, especially in recent months. News magazines such as *DER SPIEGEL* and the research collective *Bellingcat* have been able to publicly demonstrate how the Hellenic Coast Guard forcibly pushes those seeking protection back to Turkey, thereby violating international, European and national law. The European Border and Coast Guard Agency Frontex, as has become all too clear, not only turns a blind eye to illegal repatriation operations, but rather actively and systematically participates.

Within the framework of the annual report, we seek to adopt a perspective on pushbacks that looks at the long-term development of these practices at the EU's external border. The comprehensive documentation of pushbacks forms the basis of the report and is an essential part of our monitoring work in the Aegean. Beyond the mere counting of

pushbacks, our work also includes the collection of relevant information on the persons affected by pushbacks, practices by the responsible actors and related geographical data. We have gained deeper insights into these issues by conducting interviews with people who have themselves been pushed back at the Greek-Turkish border.

WHERE DO OUR NUMBERS COME FROM?

This annual report is based on our own figures alongside documentation of pushbacks which became public or we ourselves became aware of during the past year. Collecting information on pushbacks is a difficult task in an extremely militarised border area such as the Aegean. The responsible actors, whether the Hellenic Coast Guard or Frontex, have so far done their utmost to carry out pushbacks unnoticed and to cover up their own human rights crimes.

Despite this politically-motivated lack of transparency, we learn about pushbacks via different means. First, there are pushbacks of which we have direct knowledge. This information is collected through reconstructing pushbacks from the testimonies of witnesses we have previously interviewed. In addition, cases published by other organisations, such as *Alarm Phone* or *Aegean Boat Report*, are included in our documentation. Finally, the Turkish Coast Guard regularly publishes pushback cases. Figures from the Turkish Coast Guard should always be viewed against the background of a possible political instrumentalisation by the Turkish government. This is another reason why we have sought out several sources for the individual cases, as it is not uncommon for figures and information to differ from one to the next.

The figures on which the report is based should therefore be understood as an approximation of the actual numbers. Given the lack of transparency and active concealment of pushbacks by the responsible authorities, it can be assumed that a greater number of pushbacks took place in 2020 than is noted here.

OUR GOALS

Through our documentation and reporting on pushbacks, we aim to increase the pressure on state actors. One thing is clear: the authorities involved in pushbacks at national and international level must be held accountable for human rights violations. Pushbacks can only be understood as part of an overall European border policy based on isolation and deterrence. Its inhumane and often deadly dimensions have become all too clear over the past year. We actively oppose the policy of deterrence and the increasing externalisation of European borders. *Mare Liberum* seeks to strengthen solidarity and universal human rights: as an independent body, we demand safe escape routes and a right to freedom of movement for all.

CRIMINALIZATION AND BLOCKADE OF OUR MISSION

In addition to simply documenting human rights violations in the Aegean, we also aim to prevent illegal pushback and pullbacks through our active presence at the Greek-Turkish maritime border and, in case of doubt, to highlight out human rights violations. Accordingly, we maintain a presence with our ship off the coast of the Greek island of Lesbos. However, the active deployment of our ship at the EU's external border was barely possible in 2020. This was due to both the blockade of

our ships by the German authorities and the criminalisation that we as an organisation are currently experiencing in Greece.

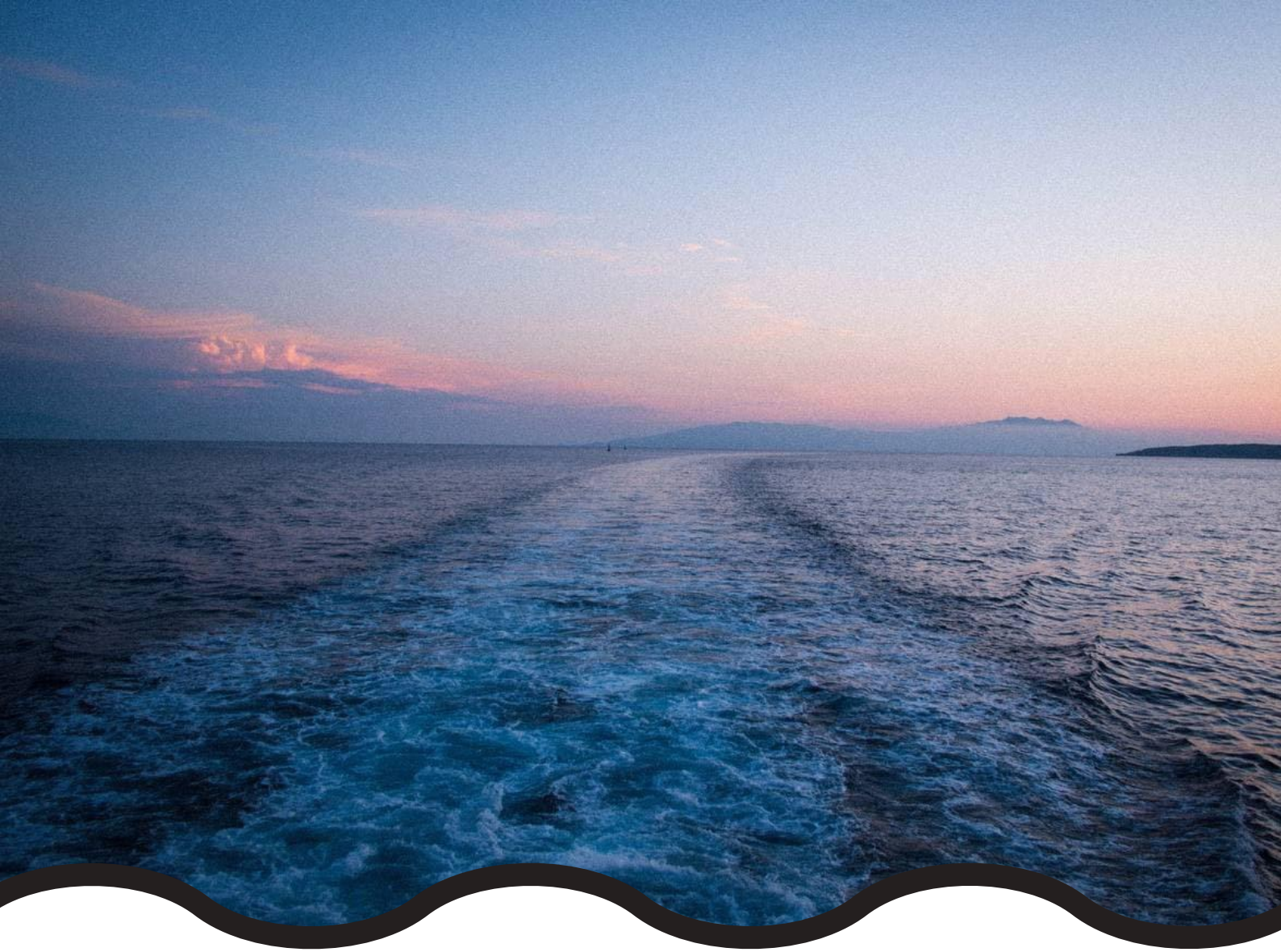
The *Federal Ministry of Transport and Digital Infrastructure (BMVI)*, led by *Andreas Scheuer (CSU)*, had detained both of *Mare Liberum's* ships on 19 August 2020. This detention was only possible because of an amendment to the “*Schiffsicherheitsverordnung*”, which was implemented specifically to prevent ships working on human rights and search and rescue from leaving port [1].

The Administrative Court of Hamburg finally upheld *MARE LIBERUM* in two respects. On 2 October 2020, the court announced that *Mare Liberum's* ships do not need ship safety certificates under the current legal situation. The detention orders against the ships were thus lifted. In addition, the Administrative Court ruled that the amendment of the “*Schiffsicherheitsverordnung*” by Transport Minister *Scheuer* was invalid because it violates European law.

Alongside the active obstruction of our work by the *BMVI*, *Mare Liberum* is facing criminalisation by the Greek authorities. On 28 September 2020, the Greek police announced in a press release that 35 people and four NGOs on *Lesvos* were under investigation. *Mare Liberum* was not officially named but has already been linked to serious charges in the Greek press. On 5 September, about 25 officers of the police, the Greek Coast Guard and special forces stormed on board the *MARE LIBERUM*. The crew members were not informed about the legal basis or course of action. The ship was searched for two hours, all phones and computers were confiscated. After the raid, four crew members were made to stay in the police station

for almost six hours without any reason being provided to them. These recent repressions made it once again impossible for us to operate with our ships at the maritime border.

Nevertheless, we have made a good contribution to the documentation of pushbacks in 2020, we have kept a database in which all pushbacks since March 2020 are statistically recorded, we have made interviews with eyewitnesses and have carried out more detailed investigations in some cases. All this is not only included in this report, but has also contributed to the media coverage of pushbacks in the Aegean Sea during the year.



PUSHBACKS

A pushback forces migrants across a border they have just crossed [2]. In the Aegean, this means that a boat has crossed the maritime border, entered Greek territorial waters, and is then pushed back into Turkish waters by the Hellenic Coast Guard. They are denied the opportunity to apply for asylum, and thereby denied access to international protection and the European migration system. Neither origin, nor personal history, nor the existence of documents play a role. Pushbacks are not deportations. A pushback is the deliberate prevention of protection with the use of violence.

In order to seek this protection, people must to

endure great suffering on the run, exposed themselves to physical, psychological, often also sexual violence, and frequently risk their lives along the way. There are no safe flight routes, so illegal entry is the only way for many to apply for asylum - not to mention the reality that crossing in unseaworthy and hopelessly overcrowded rubber dinghies represents a concrete danger to life. Pushbacks not only turn this already life-threatening crossing into a potentially fatal undertaking, the practice also systematically denies access to the asylum system. In sum, being pushed back again after reaching European soil or waters reflects a highly traumatizing experience.

LEGAL BASIS

Although pushbacks at sea work operate somewhat differently from pushbacks on land, they have the same basis in violating EU and international law.

Waters that are within 12 nautical miles of the coast are considered territorial waters of the particular state, with anything beyond that deemed international waters. Therefore, pushbacks at sea basically occur in two different scenarios. Scenario 1 constitutes a pushback outside the state's territory and Scenario 2 constitutes a pushback within it.

If a boat gets into distress in international waters, as overcrowded and broken dinghies basically do, then according to the 1982 UN Convention on the Law of the Sea and the 1979 Convention on Maritime Rescue, every captain is obligated to render assistance to those in distress. Pushbacks violate these conventions.

In the Aegean Sea, the distance between the Greek islands and Turkish mainland is often so small that there are no international waters and the territorial waters of Greece and Turkey border one another. Scenario 2 is therefore most relevant in this context. While it remains, that people in distress must be rescued, pushbacks from national waters violate also the principle of non-refoulement, as laid out in the EU Charter of Fundamental Rights as well as in international law. According to the Geneva Convention on Refugees, everyone has the right to seek international protection. Under the non-refoulement principle, states may not turn away anyone who enters with the intention of seeking asylum. Moreover, pushbacks at sea al-

most always involve a group of people who cross the border together in a boat. Collective deportations, which in this case also include group pushbacks, are also prohibited under the EU Charter of Fundamental Rights [3][4].

Once a boat has crossed the border, the people on board have the right to ask for asylum or international protection in Greece. If they are pushed back or pulled back across the border, the migrants are denied this legal access to the European migration system without a hearing, a case review or consideration of the circumstances, they once again find themselves in a vacuum of protection and lawlessness.

However, the illegality of pushbacks is only part of the problem. Typically, pushbacks are extremely violent and risk the lives of people on the run. Pushbacks thus not only deprive refugees of the opportunity to find protection, but also expose them to actual danger to life.

Pushbacks are acts of humiliations through which authorities deny refugees the right to be treated as human beings with dignity. Beyond the violation of law that it represents, a pushback is also an act of massive physical and psychological violence. The message is clear: no matter how bad it is in your country of origin, you must stay there! Refugees are treated as a homogeneous mass to be reprimanded and punished for their effort to escape in order to prevent a repeat attempt. Deterrence through violence is thus systematically used as a political instrument at Europe's external border. That this political strategy does not work has become more than apparent in recent years. The only thing that is achieved here is that people are broken and lives destroyed. Meanwhile, refugees

are forced to choose even more dangerous routes and board even worse vessels for lack of money. Most of those who have been pushed back to Turkey try again, and again, for the simple reason that they have no other option.

THE SITUATION IN THE AEGEAN

The Aegean islands are close to Turkey, with only a few kilometers from one coast to the other in some places. This also means that there are no international waters, only a maritime border between Greece and Turkey which divides the rescue zones at sea. In Greek and Turkish territorial waters respectively, each national coast guard is responsible for coordinating rescue operations. In addition to these two actors, various vessels under Frontex or NATO command also operate in the Aegean Sea and are involved in pushbacks (more on this in chapter 4).

Pushbacks have been a part of Greek "border protection" for years, but until the beginning of 2020, it were mostly pullbacks which were observed. In a pullback, the boat might still be in Turkish waters or have crossed the border and is then pulled back into Turkey by Turkish authorities. In addition, boats are often blocked at the maritime border by, for example, Frontex vessels until Turkish authorities arrive and pick up those on board.

In 2020, the number of documented pushbacks increased sharply. 9,798 people were illegally pushed back by the Hellenic Coast Guard and Frontex. Since March, this is an average of more than one pushback per day. In the process, the Hellenic Coast Guard has developed several strategies that surpass each other in cruelty.

PUSHBACKS WITH LIFE RAFTS

The Hellenic Coast Guard forces refugees into life rafts or boats, pulls them into Turkish waters and left them adrift there. These life rafts and boats are actually intended for rescuing people in distress at sea: they have no engine, cannot be steered and should only be used in emergencies for as short a time as possible. Using rescue materials during pushbacks is not only cynical, but extremely dangerous and degrading.

PUSHBACKS TO SMALL, MOSTLY UNINHABITED ISLANDS

The Hellenic Coast Guard takes refugees aboard one of its ships, sails to a small island in Turkish waters and leaves them there. Often the islands are uninhabited or have minimal infrastructure. In 2020, we heard of several cases of refugees being abandoned on the islands of Başak, Boğaz and Bayrak.

„There were 25 of us in the boat. We reached Samos at 4 p.m. We stayed on Samos for four hours. The Greeks were looking for us. The police took us back to the beach and threw us in their boat. Then they took us to a small hill, a small island. They also called the Turks to come and look for us. They threw our bags into the water, our equipment into the water and everything.“

A refugee on his March 2020 pushback experience to Mare Liberum.

PUSHBACKS BY MASKED PERSONS

Masked persons in speedboats attack refugees on the water. Often armed with iron bars and firearms, they sabotage the small boats and beat those refugees on board. In addition, there are

reports and videos that testify to shots fired into the water or at the hoses of the boats. There are many indications that these are not militias, but members of the Hellenic Coast Guard.

PUSHBACKS DUE TO WAVE MANEUVERS, ALSO KNOWN AS "CAPSIZING"

Hellenic Coast Guard vessels pass by close to the inflatable boats. The waves created push the boat into Turkish waters and put the people on board in great danger of sinking.

SABOTAGE OF THE RUBBER DINGHY

In almost all pushbacks, the Greek Coast Guard sabotages the refugees' dinghy to ensure that the boat cannot return to Greek waters after the pushback. Engines, the fuel or the whole tank are destroyed or removed. Hoses are slashed or shot. In short, the inflatable boats are sabotaged to the point where they are about to sink. Then they are usually towed into Turkish waters and left to themselves.

„One of them shot up in the air and everything and then hit our boat [with a stick]. He hit and hit and hit. Then he demanded the boat driver stop the engine. Everyone started begging and pleading and begging for forgiveness. At the same time they were shooting at the sea. We were screaming, we were begging. Then one of them came into our boat, he stopped the engine. He took the engine and threw it into the sea.“

A refugee on his March 2020 pushback experience to Mare Liberum.

STANDOFFS

Standoff situations often occur at sea during

pushbacks. Frequently, both the Hellenic and Turkish Coast Guards are present, as well as Frontex and NATO. The of various authorities' vessels remain close to the inflatable boat in distress and push it back and forth, with all parties refusing to rescue the refugees. These standoffs can last several hours and result in some inflatable boats being on the water for over 24 hours.

PUSHBACKS FROM LAND

The Hellenic Coast Guard not only pushes refugees at sea back into Turkish waters, but also brings people who have already survived the dangerous crossing to land on one of the Aegean islands back to sea and sets them adrift. In these cases, refugees have already reached one of the Aegean islands but have not been registered there, and are instead taken back to sea and abandoned in Turkish waters.

„He didn't want to come with us when we crossed the sea, but when he heard that almost all of us made it, he tried to reach Samos. They arrived at the coast and were put on a bus, but they were not taken to a camp. Instead, they were taken back to the coast, put in a mini inflatable boat, like a child's toy, and then they [the Greek Coast Guard] took them out to sea and left them there. After that, the boat sank and he drowned.“

Two refugees on the death of their friend in a May 2020 pushback to Mare Liberum.

Testimony

On 10 November 2020 at around 1 a.m. a group of 24 refugees landed at Katia in the south of Lesbos. After they reached the shore they went into hiding in the surrounding woods, because they were afraid that the Greek police would illegally push them back to Turkey.

Once the police found the group they took them deeper into the 'bush' – away from the resident area and the frequented road. This is where they took all of the refugee's belongings, keeping the valuables and burning everything else in front of them. In the mean time they severely beat the people with sticks and repeatedly threatened them with guns. The police didn't even spare the highly pregnant woman in the group, who

was pushed so hard, she fell to the ground.

Physically hurt and in shock by the brutality of the police the group didn't dare to resist when the police put them in vans and drove them to a harbor, where they were put in "speedboats" (RhiB's of the Hellenic Coast Guard). The speedboats took them to a bigger vessel of the Hellenic Coast Guard with the number 22-618, where they were again beaten by the crew. After about an one hour drive towards Turkey, the HCG crew deployed one live raft and once again beat some of the people in the group while forcing them into the life raft. The Hellenic Coast Guard vessel then left and abandoned the people unable to maneuver and therefor totally exposed to the forces of the sea.



PUSHBACKS IN THE AEGEAN 2020

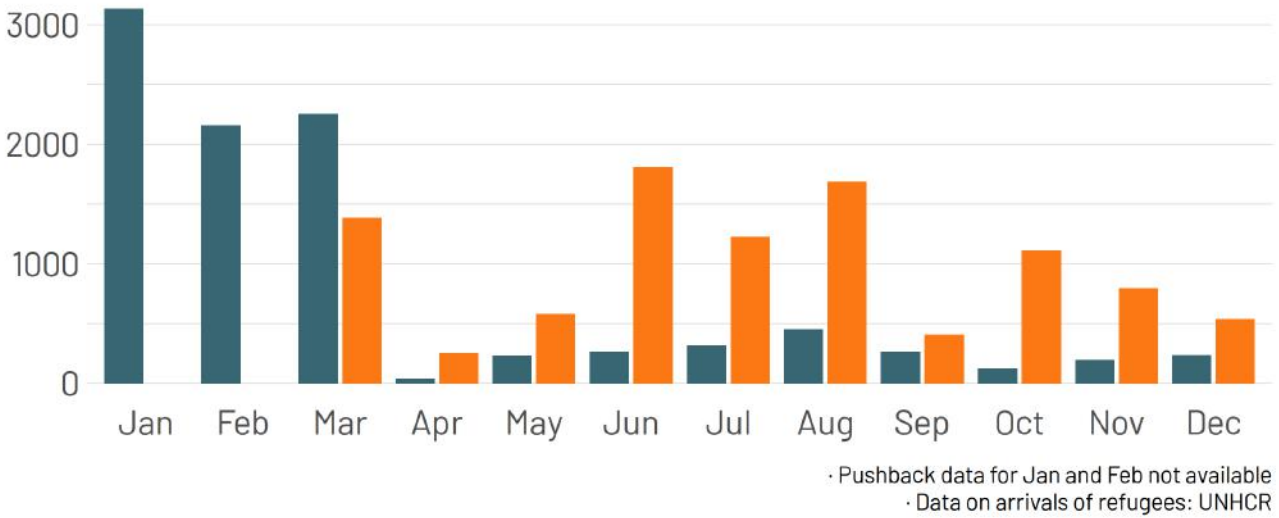
At the end of February, Turkish President Erdogan drove thousands of refugees to the Turkish-Greek border in a sinister political game. As a demonstration of his power, Erdogan opened the border to put further pressure on the EU. It was as if everyone held their breath in anticipation of masses of boats reaching the Greek islands: a few arrived and then, nothing! The number of arrivals dropped to an all-time low, with an unprecedented 35 days without a single boat reaching Lesbos. This lack of arrivals was not because there were fewer people forced to flee their home countries, but because the Aegean Sea has become a closed, militarized zone. In its waters, brutal tactics are employed

systematically with no regard for international law, human rights, or the lives of those fleeing.

ARRIVALS, PUSHBACKS AND NUMBER OF REFUGEES PUSHED BACK IN THE AEGEAN SEA

At the end of February, Turkish President Erdogan drove thousands of refugees to the Turkish-Greek border in a sinister political game. As a demonstration of his power, Erdogan opened the border to put further pressure on the EU. It was as if everyone held their breath in anticipation of masses of boats reaching the Greek islands: a few arrived

Number of people arrived vs pushed back



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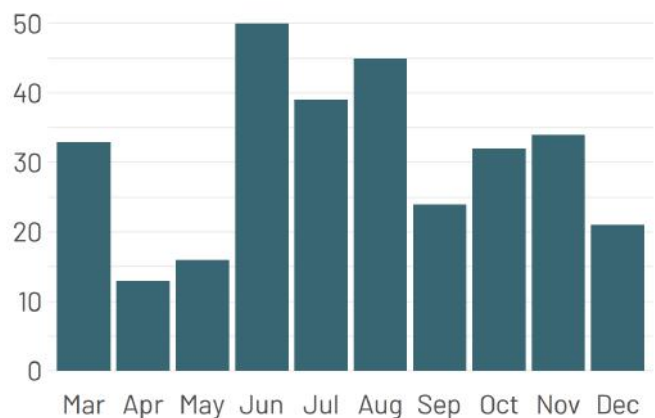
In 2020, around 9,687 refugees arrived on the Aegean islands. This is the lowest observed value based on data on arrivals from UNHCR, which has been available since 2014. By comparison, 59,726 refugees still reached the Aegean islands in 2019, from around 856,723 in 2015 [5]. Over 75% of the arrivals in 2020 were recorded in the first quarter. A complete drop was subsequently recorded from April 2020, due in part to the onset of the COVID-19 pandemic in the Aegean. During the rest of the year, there was only a slight increase in arrivals.

Throughout the year, the pandemic has worsened the situation not only for asylum seekers on the islands, but also for migrants trying to reach

them via the Aegean. Faced with the threat of the pandemic, Greek authorities have banned general maritime traffic and are also blocking organizations whose mission is to monitor human rights, such as Mare Liberum itself.

In turn, the number of people being pushed back to Turkey is increasing dramatically. From April onwards, the pushback figures are consistently higher than those of arrivals and in some cases, even up to nine times higher. The low arrival figures can thus be understood as a direct result of an active practice of repelling and turning back fleeing persons at the Greek-Turkish border. The

Number of Pushbacks per month

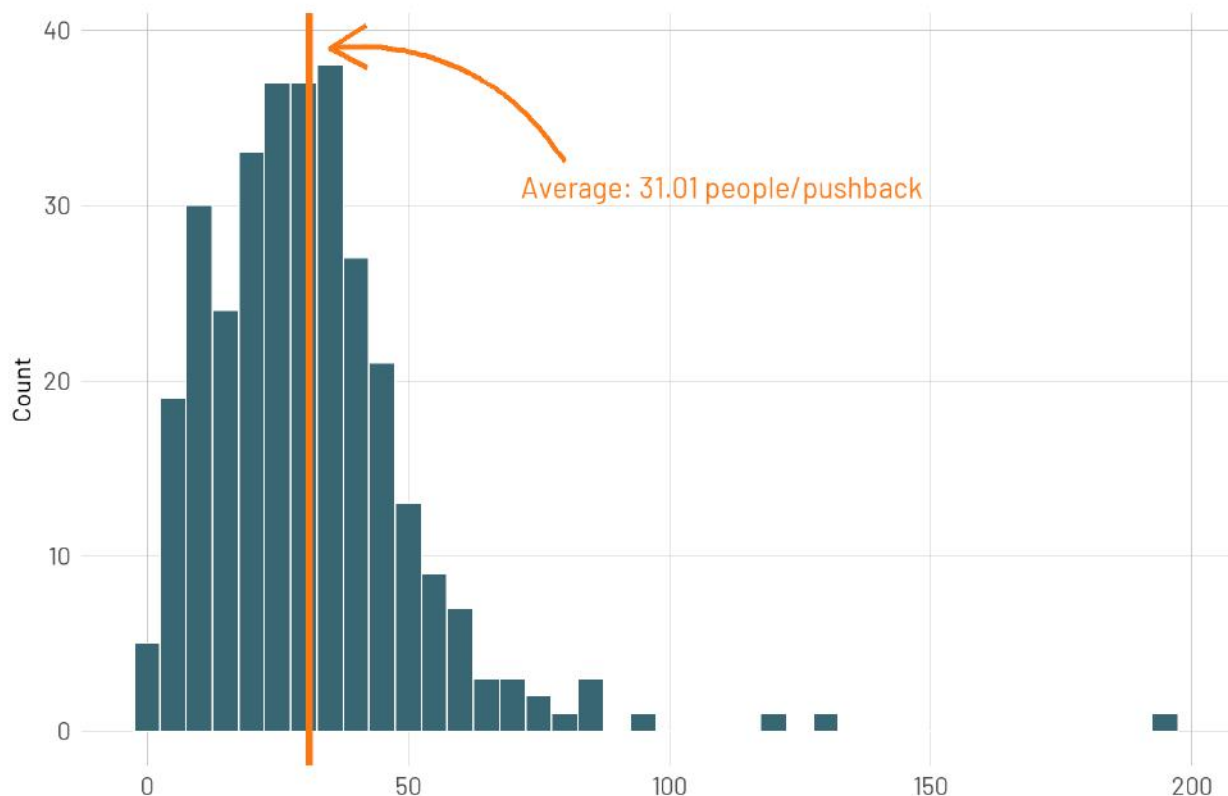


highest number of persons turned back was recorded in the summer months, when the number of crossings was high. Of the total 9,798 refugees turned back in 2020, 4,727 occurred in the summer, most of them in June (1,814 people). The lowest figure is recorded in April, but even then, 252 people were deprived of their rights and illegally returned to Turkey.

Likewise, when looking at the total number of pushbacks, it is evident that this illegal practice is commonplace in the Aegean. We were able to count a total of 321 pushbacks in 2020. Similar to the number of rejected persons, the fewest pushbacks were documented in April (14 cases) and the most in June (50 cases). In more than half of the months considered, the number of pushbacks exceeded 30 cases per month.

The Greek Minister of Migration and Asylum, Notis Mitarakis has proudly announced that arrivals by boat to the Greek islands have decreased by 96% compared to figures from the previous year. Yet he has studiously concealed the fact that this was not due to a decrease in the number of those trying to flee in the first place, but the result of the criminal, brutal and systematized practice of pushbacks by the Greek Coast Guard, including the participation of NATO and Frontex [6]. For his part, Minister of Shipping and Island Policy, Ioannis Plakiotakis – who is also responsible for the Hellenic Coast Guard – in September proudly spoke of 10,000 people whose arrival had been prevented [7]. The illegal practice of pushbacks is thus politically backed by Greece's conservative government. During a visit to the Greek border guards on the mainland after numerous, violent and in one case fatal pushbacks across the border river, the head of the European

Number of people per Pushback



Commission, Ursula von der Leyen, thanked them only for maintaining order and did not utter a word of criticism about the activities of the Greek border guards [8].

The suffering behind these numbers is immeasurable and yet has become part of everyday life in the Aegean..

On average, approximately 31 people are turned back to Turkey per pushback. In 87% of all cases, these are pushbacks with 50 or fewer people per case. This results in:

- 39 pushbacks with 31-35 refugees
- 37 pushbacks with 21-25 refugees
- 32 pushbacks with 26-30 refugees

Pushbacks with 50-100 people were documented in 33 cases. Cases with more than 100 refugees on board were documented three times. On 15 September 2020, a case of a single individual occurred. Less than 1 month later, on 20 October 2020, 197 people were pushed back within one single pushback.

Testimony

A total of 197 people were on their way to Italy and were intercepted by the Greek Coast Guard between Rhodes and Simi. 121 men and boys were dispersed to one Coast Guard vessel and 76 family members were dispersed to another vessel. Despite the confiscation of cell phones, pictures and video footage from hidden mobile phones prove that some of those on board were mistreated by the Coast Guard. The first group of 121 was dumped in three life rafts near Rhodes just before sunrise and picked up by the Turkish Coast Guard at around 8:50 a.m.. The

76 people in the second group were abandoned in four life rafts around noon northwest of Simi and were only picked up after several hours, at around 5:30 p.m. by the Turkish Coast Guard southwest of Datça.

PUSHBACK STRATEGIES DURING THE YEAR

The various pushback strategies (see Chapter 3) are difficult to document as there is little information about what coast guards and European authorities do at sea. We assume that in most cases the dinghies are destroyed and the people inside are exposed to physical and psychological violence. In addition, every time there is a pushback, the refugees are abandoned at sea or on small islands in the sea.

Often this is done with the help of life rafts. The first pushback with the help of life rafts in the Aegean Sea was registered by us on 23 March 2020. Since then, 3,033 people have been abandoned in 92 cases by the Greek Coast Guard in life rafts or boats at sea, where they were left to their destiny. The use of life rafts has become a common tool of the Greek Coast Guard and increased again slightly at the end of the year.

Another pushback strategy that has strongly shaped the migration dynamics across the Aegean is pushbacks from land. We know of 26 different cases in 2020 in which 778 refugees had already reached one of the Aegean islands but were not registered there, instead were returned to the sea and abandoned in Turkish waters. The first such case was a pushback from Samos on 6 March 2020, in which 34 people were taken from Samos to the Turkish island of Bayrak. Until August 2020,



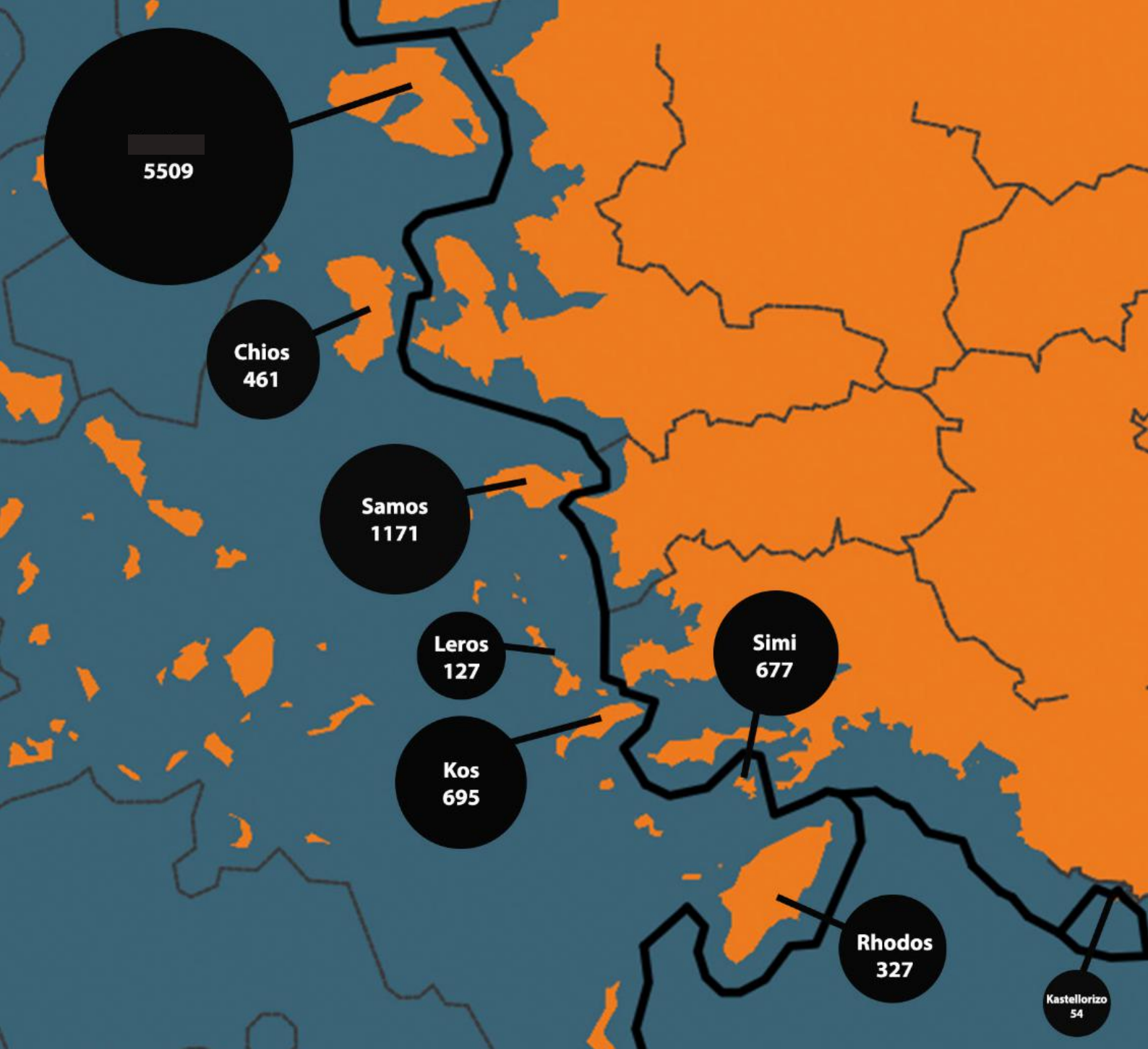
there were repeated isolated cases in which refugees were pushed back from Samos, Simi or Chios. Since August, this practice is also increasingly applied on Lesbos. 17 such cases are known to us.

Before illegal pushbacks, including from land, were established as the sad standard in dealing with arriving people, refugees or people who learned of their arrival contacted the Greek authorities so that the refugees could apply for asylum and be registered. Now, the few migrants who manage to arrive on Greek soil are hiding in panic from the

Greek police - unsure of where to turn for help.

NUMBER OF PUSHBACKS ON THE DIFFERENT ESCAPE ROUTES

The arrival destination of a dinghy can be deduced based on the locations where refugee boats are picked up. With regard to the number of pushbacks as well as the number of people pushed back, it is evident that pushbacks occur most frequently on the route to Lesbos.



In total, more than 50% (161) of all pushbacks in the Aegean Sea, as well as more than 57% (5590) of all pushbacked refugees, were documented on this route. Next highest is the route to Samos with 40 pushbacks and 1171 individuals pushed back. This is followed closely by Simi (28 pushbacks, 677 refugees) and Kos (31 pushbacks, 695 refugees). These figures align with the most frequented arrival sites from the previous year, as most crossings and arrivals occurred on Lesbos and Samos [9]. Unlike previous years, however, people are no longer arriving, but being intercepted beforehand

and turned back to Turkey.

Although these human rights violations take place off the coasts of individual islands, they cannot be considered in isolation. Together, the conservative government of Greece and the European Union actively pursue a policy of the control and exclusion of migrants. This is reflected in increasingly "closed" camps, racist protection measures related to COVID-19, and evermore pushbacks. All this leads to greater control over refugees and to a further restriction of their agency and autonomy.

ARRIVED ON LESBOS: TRAPPED IN THE CAMP

On 1 March 2020, the Greek government announced that from now on there is no right of asylum for new arrivals and that they should be deported directly. This was lifted after a few weeks and was the reaction to the opening of the borders on the part of the Turkish government. People who arrived before 14 March 2020 were first detained on a warship. They were later transferred to Malakasa and Serres camps on the mainland.

All those who arrived after 14 March 2020 were forced to stay on the beach or in the port in the north of the island under terrible conditions. Some of them lived for over a month in uncertainty and in the most difficult conditions. They were arbitrarily placed under arrest without the possibility to claim their right to asylum. They were guarded by the police and were not allowed to leave the temporary camp even after a two-week quarantine. Also, no one was allowed to enter this camp.



As of May, people arriving on Lesbos were accommodated in the quarantine camp "Megala Therma" in the north of the island. The local authorities on Lesbos have used the Corona crisis not only as an excuse to keep permanent camps like Moria under lock and key, but also to establish more closed camps. In this context, the corona virus plays an

ambivalent role as a political tool: when it comes to repressive measures, COVID-19 is always the first argument (e.g. for closing camps and preventing NGOs and solidarity structures from doing their work). However, when it comes to the protection and safety of refugees, COVID-19 never seems to be a main concern of the authorities. Neither the old Moria nor the new camp pursue the intention of fulfilling infection control measures. Rather, the housing and hygiene situations in the quarantine camps are disastrous and increase the risk of COVID-19 outbreaks.

In refugee camps, it is an impossibility to maintain adequate distancing regulations. Moria housed about 16,000 people at the beginning of the summer, although it was originally designed for only 2,800. Dense lines in front of food and water distribution points show the lack of space and the refugees' far more tangible concern about not being able to provide basic services for their families. How is it possible to maintain "adequate hygiene standards" when one toilet is supposed to meet the needs of more than 100 people and one has to share a tap with over 1,000 people to wash one's hands?

After years of looking the other way on the part of the EU and Greece, the Moria refugee camp on Lesbos burned down completely on the night of 8 to 9 September 2020. The full extent of the devastating fire became visible only a few days later: tents, containers and sanitary facilities were largely destroyed, about 13,000 refugees became "homeless" and persevered on the road between Moria and Mytilini under catastrophic circumstances. In the following days there was neither enough food or water, nor any kind of protection against the unbearable summer heat. Within a very short time,

a new camp was built on a former military site. It quickly became clear: the underlying structures continue to exist, merely reproducing the injustice only in a different location. The fact that the people in the new camp are locked in and have to spend the winter in even worse conditions has become clear in the last months of the year.

Not much attention is paid to the situation on the smaller Greek islands in relation to Lesbos, but also Samos and Chios. Since the camps and the islands that host them are much smaller, there are fewer solidarity networks and very little information about the current situation. There are reports from Kos and Leros that migrants living in the periphery of these camps were forced to go to official camp structures at the beginning of the pandemic. On Chios, a 47-year-old woman from Iraq died in quarantine on 18 April 2020. Her death and the rumors associated with it led to an uprising in the camp. Camp residents blamed inadequate medical care for the woman's death, leading to protests against the undignified living conditions in the camp.

Even though Lesbos and Moria are by far the most in the media spotlight, the situation for refugees on Samos, Chios, Kos, Leros and the other Aegean islands has not improved in 2020. In case of doubt, due to less attention, even more human rights crimes, such as illegal pushbacks from land, are being carried out there, which we hear even less about. What is known about the camps on other Greek islands is that they do not have better conditions than Moria, or Moria 2.0.

THE ROLE OF PUSHBACKS IN THE EU-TURKEY DEAL

There is a consensus in the countries of the EU to keep migration "under control" and to restrict freedom of movement and immigration. It seems to be a kind of political consensus that migration must be managed no matter what. Agreements such as the EU-Turkey deal are a result of this policy.

As part of the agreement, the EU has so far transferred over 6 billion euros to Turkey under certain conditions [10]. The European Union has been pushing the Turkish government to forcibly stop the further influx of refugees. The external borders are being expanded to prevent people from the global south from reaching Western Europe. Therefore, the EU has been paying millions to third-country governments at Europe's borders (Libya, Turkey, Jordan, Lebanon, Morocco, etc.) for years to set up internment camps for refugees in sometimes civil-war-like conditions and to expand repressive organs such as coast and border guards.

The unbearable conditions for refugees on the Greek islands are a consequence of the agreement. Under the agreement, refugees are systematically detained and deported from EU territory to Turkey without examination of their grounds for asylum. If Turkey is classified as "safe" for the respective protection seeker, the asylum application is already considered inadmissible. A substantive examination no longer takes place. Meanwhile, the Greek asylum law has been tightened several times under pressure from Brussels in order to make it compatible with the EU-Turkey deal [11]. The EU-Turkey deal thus also encourages illegal rejection practices such as pushbacks and ex-

poses refugees' lives to extreme dangers. A threat that continues to jeopardize the health and safety of refugees in a rapidly spreading global pandemic.

Erdogan had opened the border in February, Turkey conducted fewer pullbacks in 2020, and deportations from Greece to Turkey have been suspended since the Covid-19 pandemic began. All of this led to the Aegean islands being more crowded than ever over the past year and Greece conducting more pushbacks. Yet in July 2020, the EU granted Turkey another nearly 500 million euros under the "EU-Turkey deal" [12]. The deal in no way reduces the human rights crimes at Europe's external border. The EU merely externalizes them and lets Turkey do the work.



Testimony

On 30 October 2020 nineteen people were on their way to Rhodes. They could hide a phone from the authorities and document the incident. They were 5 women, 9 men, 5 children aged 2, 3, 11 and 13 in the boat. 15 were Syrian and 4 Palestinian. All of them gathered in Marmaris, Turkey on 30 October at 7 p.m. and were then taken to a boat at the shore.

They started off towards Greece, after 2 hours the engine broke and they couldn't make it work again. After 30 minutes of floating at sea a Greek military ship spotted them here, clearly in Greek waters:

„They [Greek military] threw ropes to our boat and started pulling us towards [them], and because of the high waves, our boat hit their ship and became broken, the water started to fill it.

They asked us to climb to their ship. I was the first one, then [they] asked me to help the others, of course with shouting and pushing.

Once I helped a Palestinian mom and her 3 years old girl to be on-board, one officer came and started yelling at us in his language, I couldn't understand what he was saying, then [he] asked the other soldiers to return us back to the damaged boat. The woman and her girl went back to the boat, then I followed.

Then they used long sticks and pushed us away from their ship around 30 meters, and stand watching us. After 5 minutes, the Hellenic Coast Guard arrived, and pulled us the same way as

the military ship did.

Once they put us on the Coast Guard ship, they shot our boat approximately 20 times till destroying it completely. It was [an] automatic machine gun. Like M16 or something. More than 20 times. Or more, we were not focused and shaking, we lost track. The babies and kids were so scared of the shooting. Crying and screaming, even one of the girls almost passed [out]. We used Hand sanitizer to [wake] her. It was scary moments really.. I hope this ends.

They shouted, yelled [at] us again, and searched all our bags and searched us one by one, they took all our phones, and some people' wallets. They drove around one hour or one and a half hours, we were in the back of the ship.

They prepared orange small boats with flashing light on the top, It was blown with air, then they divided us into 2 groups and pushed us inside these orange boats into the sea, that was around 12 midnight (I am not sure about the time as no phones with us and they didn't allow us to ask or speak or even look to the ship, they told us to look to the sea as we were in the back of the ship).

The sea was playing us, the wave washed us and start getting close to the coast, which coast we didn't know, because we didn't know where we [were].

After maybe 3 hours we reached to a rocky coast with sharp edges rocks, our boat smashed on it and damaged, the water start go inside it. Here we saw the lights of the Turkish Coast Guard.

Two ships came and pulled us far from the coast by rope, and took us to their center at Marmaris, we arrived around 6 am, we stayed there till 10 am, then took us to the Janderma (borders guard). We stayed the whole day there, 7 pm they took us to the immigration, then to the bus station.

I didn't tell you about the scare and the moment we faced during the trip in the sea [in the life rafts] when the waves almost flipped us. All what I thought is to see my kids before I die. It was horrible.

I want the people to know that, we are not careless people, we don't underestimate our life, we love to live, each one of us has a story behind him. It's just, we are escaping (most of us) from inevitable death, risking whatever left to provide our kids a minimum level of safe living in secure place."



PUSHBACKS: A EUROPEAN PROJECT

In 2020, it has become more than clear that pushbacks are not carried out by the Greek authorities alone, but in cooperation with the European border protection agency FRONTEX. After a joint publication by *DER SPIEGEL* and *Bellingcat* [13] in October finally brought the human rights violations at the EU external border between Greece and Turkey to the attention of the international media, further publications and isolated reactions from politicians followed.

In Germany, for example, several inquiries were made about the involvement of German authorities in illegal practices in the context of Frontex and NATO operations. After months of dismissive

reactions from the Bundestag, the burden of proof provided by investigative journalism, eyewitness accounts, and human rights monitoring was too high to continue to be ignored. In January 2021, the Interior Committee finally dealt with the issue, questioning Frontex chief Fabrice Leggeri about his agency's violations of the law and receiving sharp criticism from individual MPs. But this can only be the beginning. For these brutal pushbacks to stop, independent control instances, the clarification of all previous cases and the abolition of Frontex, an agency that deliberately disregards the rights of refugees are needed.

In the fall of 2020, Frontex's active and passive in-

involvement in at least six pushbacks was revealed. Frontex blames the "host-state", i.e. Greece, for this. Greece itself again denies conducting pushbacks at all. The fact that there is clear evidence does not seem to bother either the Greek or the European authorities. On 8 June 2020, the Romanian Frontex vessel "MA1102" was involved in a pushback, of which there is even video footage [14]. Another Romanian Frontex vessel "MA1103" was involved in a pushback on 15 August 2020, together with the German naval vessel "A1411 Berlin", which was under NATO command in the Aegean Sea.

An internal document published by *DER SPIEGEL* also describes a pushback documented by Frontex on the night of 18 to 19 April 2020. A Frontex aircraft had observed refugees first being brought aboard a Greek Coast Guard vessel and then abandoned in an unpowered inflatable boat in Turkish waters. Frontex officials reported the incident and Frontex chief Fabrice Leggeri contacted the Greek government, but ultimately did not classify the case as a fundamental rights violation [15].

The incident was not the first in which Frontex was shown to be aware of an illegal pushback and knowingly ignored human rights violations in the Aegean. In March 2020, the crew of a Danish Frontex vessel refused to participate in an illegal pushback that had been previously ordered by Greek authorities. The case was reported, but Frontex showed no interest in solving it. The investigation was stopped within a day and the pushback was presented as an isolated incident. Afterwards, Fabrice Leggeri described the entire matter as a misunderstanding [16][17].

In response to recent reporting on Frontex's in-

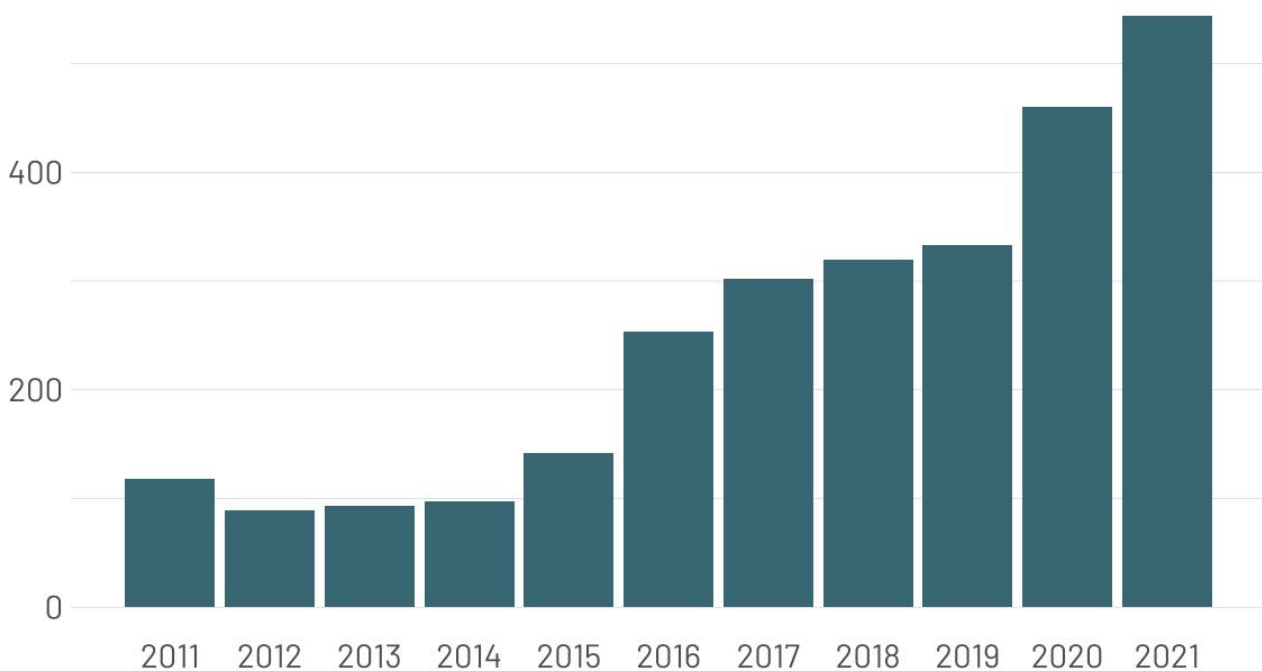
volvement in illegal pushbacks in the Aegean by various journalists and NGOs, Frontex first announced internal investigations and finally presented a report in a special meeting in November 2020. Fabrice Leggeri admits that Frontex vessels were in the vicinity of pushbacks, but were unaware of any violations. Since no Frontex crew reported a human rights violation, Leggeri assumes that none could have occurred. Moreover, he backs the Greek coast guard, emphasizing that Frontex always follows the instructions of local authorities [18]. While this may be true, Frontex is actively supporting human rights violations by doing so.

Frontex's involvement in illegal pushbacks and human rights violations is not new. In the Western Balkans and on the land border between Greece and Turkey, evidence and reports of pushbacks have been systematically ignored for years [19]. And in the Aegean, Frontex has also been involved in pushbacks for years, or at least informed about them, as shown, for example, by a 2014 report by *Pro Asyl* [20] and the *Alarm Phone* case of 11 June 2016, in which a Romanian as well as a Portuguese Frontex vessel were involved in a pushback [21].

Why it is not enough to demand that Frontex should not participate in human rights violations and report those of others becomes clear when one takes a closer look at the structure and functioning of the agency. Frontex was established as a European "border management agency" in 2004 and works both with its own staff and with officials from EU member states. There are several Frontex missions, divided by region, each based on its own code of conduct.

Frontex's mission is to "protect" Europe's external borders, but not at any cost. Human rights viola-

Budget of Frontex in Million Euro



tions are actually to be reported and the respective mission would have to be aborted as a result. Since Frontex is active in a field where human rights violations are not uncommon, there is an urgent need for an independent monitoring body, which has not existed so far. Instead, the cooperation with national border control authorities is absolutely non-transparent. A lack of monitoring and a loss of control over the authority's actions are fertile ground for abuse of power. In addition, an increase in Frontex activities is already undergoing and further planned. By 2027, Frontex is to receive a budget of around 12 billion euros, as well as 10,000 operational forces as a permanent reserve [23][24]. Journalist Arne Semsrott puts it succinctly:

„Frontex, equipped with a budget of billions, a new headquarters in Warsaw, its own vehicles, and soon weapons and uniforms, is largely allowed to do what it wants at the borders. It now hands out contracts worth millions to arms companies,

lobbies on its own behalf in Brussels, and aggressively takes action against journalists who report critically.”[25]

Frontex's problem is inherent in the structure of the agency and cannot be solved by reform. A committee of inquiry or demands for Fabrice Leggeri's resignation are far from sufficient. Looking at the structure and activities of the agency, Frontex is simply not compatible with a Europe that claims human rights.

Respecting human rights is a minimum standard to be expected from individuals as well as institutions and authorities. European authorities that do not respect it should be abolished. The billions spent annually on Frontex's work could be spent differently and actually save lives at the borders. In 2020, over 1,000 people died at Europe's external borders, mainly in the Mediterranean. Without safe escape routes, there will be no fewer deaths in the years to come. The compartmentalization

that makes European borders a lawless and deadly place, and which Frontex so exemplifies, is not a solution. Europe is making itself comfortable in an illusion of human rights and freedoms that is based on the denial of precisely these freedoms to all outsiders.

PARTICIPATION OF GERMAN ACTORS IN PUSHBACKS

Several reports also make it clear that other European actors beyond the European Border Agency are involved and finally shake the narrative of sole Greek responsibility. Most recently, the presence of the German Federal Police ship "Uckermark" caused a stir during a pushback in early August. According to the report, obtained by Der Spiegel and Report Mainz, the Greek observation post "Praso" spotted a rubber dinghy at six in the morning on 10 August 2020. All surrounding ships were alerted and about 15 minutes later the crew of the German Federal Police vessel "BP62", named "Uckermark", arrived.

The federal police officers found an overcrowded inflatable boat with 40 people on board and stopped it. Instead of rescuing the occupants, however, they initially blocked the dinghy's onward journey, left the occupants to wait it out, and eventually handed the operation over to the Greek authorities. The federal police must have already sensed the injustice that was about to happen. Pushbacks are anything but a rarity in the Aegean, but are carried out almost daily and systematically. From the official side, it is said that the federal police subsequently inquired by e-mail what happened to the occupants of the inflatable boat. The answer they received from the Greek authorities is unsurpassable in cynicism and yet did not seem to

embarrass the federal police officers: The rubber dinghy they found had changed course at the sight of the Greek coast guard and had headed back toward Turkey.

What really happened in the meantime is obvious. A photo taken two hours later by the Turkish coast guard finally leaves no room for doubt [26]. The 40 people were forced back into Turkish waters and abandoned there in the open sea. Instead of rescuing the people and ensuring their access to a fair asylum procedure, as would have been their duty, the Federal Police thus actively participated in the injustice against people on the run. Not even a "Serious Incident Report", which is required when human rights violations are suspected, was prepared by the Federal Police [27].

Unsurprisingly, the German Ministry of the Interior confirms the rough course of the operation, but denies any responsibility of the "Uckermark" [28]. Since there was no immediate distress at sea, the situation was merely reported to the command. The "Uckermark" was then relieved by the Greek coast guard and returned to port as ordered. In principle, the German forces would have acted within the framework of the Frontex operation "Poseidon" and would thus have been subordinate to the Greek authorities. According to the Interior Ministry, there could be no question of participation in a pushback.

The repeated commitment to always follow the instructions of local authorities is already known from other statements by Frontex on dubious operations [29]. One is too happy to let primarily the Greek authorities carry out the inhumane sealing-off practice at the European border. However, if one gets into the line of fire oneself, as in

the case of the "Uckermark", one can always point to the responsibilities of Greece as well as flimsy constraints. The undisguised gratitude that becomes apparent when Interior Minister Horst Seehofer declares that Greece is defending "Europe's integrity" at its external border is therefore hardly surprising.

Moreover, this is not the first time that the question of how much Germany is involved in illegal pushbacks in the Aegean has been raised. The "Uckermark" itself was already involved in an incident in May 2020, in which it actively helped intercept a boat carrying refugees off Samos, thus denying people their right to asylum. Not to mention the "A1411 Berlin" of the German Navy, which operates under NATO command and has been present as an eyewitness several times, during brutal and illegal pushbacks.

On 08 June 2020 Frontex blocked a boat with refugees until the Greek coast guard arrived. The latter then destroyed the engine and pushed the boat back into Turkish waters. Easily visible in the background of a video recorded by the Turkish coast guard also present: the "A1411 Berlin" [30].

Also, on 17 June 2020, the German Armed Forces ship, the "A1411 Berlin", was on the scene of a pushback of 67 people, including 20 women and 27 children, off Lesbos [31]. Although the boat had been rendered unmanoeuvrable by the Greek Coast Guard which had destroyed its engine and it had drifted helplessly in Greek waters for hours while water entered the boat, the crew of the "A1411 Berlin" did not intervene in the incident.

A question to the Bundestag by Green Party MP Luise Amtsberg on whether the federal government

had any knowledge of pushbacks in the Aegean, revealed that this could not be disclosed because it could have "detrimental effects on NATO activities [and] the bilateral relations of Germany and Greece" [32]. Andrej Hunko (*Die LINKE* parliamentary group), Member of the German Bundestag, had also recently submitted a question on whether German navy ships under NATO or Frontex operations had observed pushbacks. The Federal Ministry of Defense admitted having observed a case on 19 June 2020. A case of which we knew nothing until then.

The German government excels in dealing with blatant human rights violations through striking passivity [33].

The notorious looking away and feigned ignorance have become a habit. The strategy is well known, both by German units like the "Uckermark" or the "A1411 Berlin" and by Frontex. Now, at the latest, it should become clear: Pushbacks are human rights crimes, not only organized primarily by Greek authorities, but a common European strategy that is as common as it is inhumane.

At the hearing in the Interior Committee, Frontex head Leggeri praised himself for his good clarification work in the context of the various incidents. For each incident, he said, a separate commission had been set up, which then compiled its findings as part of the Frontex Management Board working group, of which Germany is also a member.

Leggeri did not respond to a question about whether the video footage and other evidence collected by NGOs had been evaluated. The focus in the committee meeting was on the 10 August 2020 incident and the "Uckermark" in operation. In this

case, the report of the Federal Police contradicts the accounts of the Greek Coast Guard; the course of events, according to the Federal Police, was as follows: Federal police sight and stop rubber dinghy, inform Greek coast guard, hand over command to Greek coast guard and see Greek coast guard take people on board and return to port. On the return of the Greek ship, they were surprised that there were no people or no dinghy. On inquiry, they were informed by the Greek officials, that the rubber dinghy had gone voluntarily back into Turkish waters.

Apparently, however, the Greek coast guard had towed the dinghy back into Turkish waters, instead of taking them in themselves – a brutal push-back. At least there are photos showing the refugees subsequently being rescued from the inflatable boat by the Turkish coast guard. The contradictions with the account of the Greek officials and that of the Federal Police have not yet been clarified.

According to Dieter Romann, head of the Federal Police Headquarters, the Federal Police did everything possible to clarify the incident on 10 August 2020. The problem, he said, lay in the shared responsibility with the Greek coast guard and the non-controllability of Frontex.

The positions for the 40 fundamental rights observers at Frontex were still not filled – according to Fabrice Leggeri, this should happen in spring 2021.

"Germans must not participate in push-backs under any circumstances, not even indirectly", Frank Schwabe, the human rights policy spokesman for the SPD parliamentary group, told *DER SPIEGEL*

and the ARD magazine *Report Mainz*. "And if Frontex cannot ensure this, the German contingent must be withdrawn".

We welcome this demand, even if it falls short. Frontex as such, as well as EU border policy, are fundamentally designed to protect borders, not human rights, by any means necessary.

In view of the overwhelming evidence, an independent investigation and reappraisal of the German involvement in pushbacks is urgently needed! The inhumane practice of pushbacks as well as Europe's deadly isolationist policy behind it must come to an end!

Testimony

On 30 April 2020 in the morning a boat carrying 14 migrants arrived on the island of Chios. Shortly after the Hellenic Coast Guard was on scene with at least one vessel and officers who arrived by car. Some of the migrants tried to make their way away from the beach but they were apprehended by the Coast Guard officers and put into a building under construction. Locals that observed the scene were sent away. A little later the Coast Guard vessel approached the shore again and then left in the direction of the open sea, thus Turkey, while towing behind at least one rubber dinghy. The eye witnesses didn't see how the migrants boarded the vessel but given all the circumstances, this seems very probable.

In the early morning hours of the next day, 14 migrants were rescued from the Turkish Coast Guard from a small island, rather a rock, off the island of Chios. The migrants were taken to the port of Çeşme.



PROSPECTS AND DEMANDS

In 2020, Mare Liberum witnessed a veritable escalation of violent pushbacks in the Aegean Sea. As has become clear in the context of the annual report, that pushbacks are not isolated or extreme cases of European closure, but rather the current and everyday "modus operandi" at the EU's external border. Pushbacks can only be understood as part of an inhumane and deadly policy of closure that is visible far beyond the borders of the Aegean Sea. Thus, systematic human rights violations have become the norm at the EU's external borders. Every day, refugees trying to cross the border into Europe are subjected to extreme violence by the authorities: there are regular reports of migrants on the Balkan route being beaten up, stripped naked,

marked with an "X" on their heads and forced back across the border. Or more recently, Malta has repeatedly refused to rescue boats in acute distress, instead nearly running over people floating in the water. On Malta, newly arriving refugees were crammed onto a prison boat where conditions were so terrible that one person committed suicide out of desperation and others went on hunger strike. In addition to this, civilian sea rescue is continually criminalized and discouraged from saving lives.

Be it the Balkan route or the open sea, European politicians have so far remained remarkably silent and failed to condemn these crimes. It seems that

they would rather see thousands of refugees die than let them reach Europe. Ignorance and neglect and active and massive use of violence against people on the run clearly shows the escalation of anti-migration policies and their acceptance by political institutions and actors.

EUROPEAN DETERRENCE POLICY: NO END IN SIGHT!

There is currently no end in sight to the European isolation policy. Instead, with the "New Pact on Migration and Asylum" presented by the EU Commission in September 2020, the EU continues to actively defend itself against refugees at its own external borders. The pact does not attack the right to asylum itself, but rather relies on a perfidious strategy, that already obstructs access to asylum for those seeking protection through a multitude of new hurdles [34]. The individual right to asylum is increasingly degenerating into an empty promise that is no longer attainable for many protection seekers.

Instead, the new pact includes above all: isolation, even fewer opportunities for refugees, asylum procedures under detention conditions and above all: rejections and deportations directly at the external borders as well as even faster repatriation procedures. Through so-called "screening centers" at the external borders of the EU, the entry and asylum procedures are thereby lifted away from the member states to the European level. Instead of these centers, which will inevitably become further closed mass camps with the associated supply bottlenecks, belonging to the respective EU state, these are now zones that legally do not belong to the EU territory. Through the so-called "fiction of non-entry", people, hoping to have fi-

nally arrived in the EU after a long and exhausting journey, are shipped into a stateless space where their access to legal protection and fair treatment is severely limited. At the same time, the binding criteria for so-called safe third countries to which deportation is allowed are being massively lowered. Even the passage through a state such as Turkey should be sufficient for this state to be considered safe. Finally, Frontex's operations are to be strengthened from 2021 by a "permanent reserve" whose sole aim is to combat illegal entry and smuggling.

With all these measures, the EU is creating a political framework, complete with bureaucratic vocabulary, in which brutal human rights violations increasingly appear like supposedly legitimate practices of European border policy. The observance of human rights hardly seems to play a role in the operational script of Frontex and Co. anymore [35]. Thus, it is to be expected that the "New Pact" will once again drastically facilitate illegal rejections at the EU's external border and provide fertile ground for pushbacks.

DEMANDS

We are deeply concerned about the disregard for international law and human rights and the militarization of border regions. It is a deadly and illegal practice that must be stopped immediately. In their quest to find safety in Europe, refugees are subjected to extreme violence and humiliation on a daily basis. For their part, the responsible authorities at both national and European levels have so far only reacted with shocking indifference. Human rights apply globally and not exclusively to white European citizens! There must be a public outcry and a comprehensive state condemnation

of these crimes. We demand freedom of movement and safe passage for all!

The Aegean Sea has become a scene of daily human rights violations and a black box for information about them. Yet, pushbacks have been proven through videos, testimonies and forensic evidence. Yet, the European Union fails to condemn and end the conduct of pushbacks on an almost industrial scale – in fact, it even supports this system of compartmentalization and the increasing professionalization of these illegal machinations.

We need safe escape routes! Until then, civilian sea rescue and observation missions must not be criminalized and blocked. Above all, we must remember all the people who did not make it.

For them and for all people who will be in distress at sea in the future, and will not be rescued because of their origin, we must further intensify our efforts in the fight against Europe's deadly border regime and the policy of closure.

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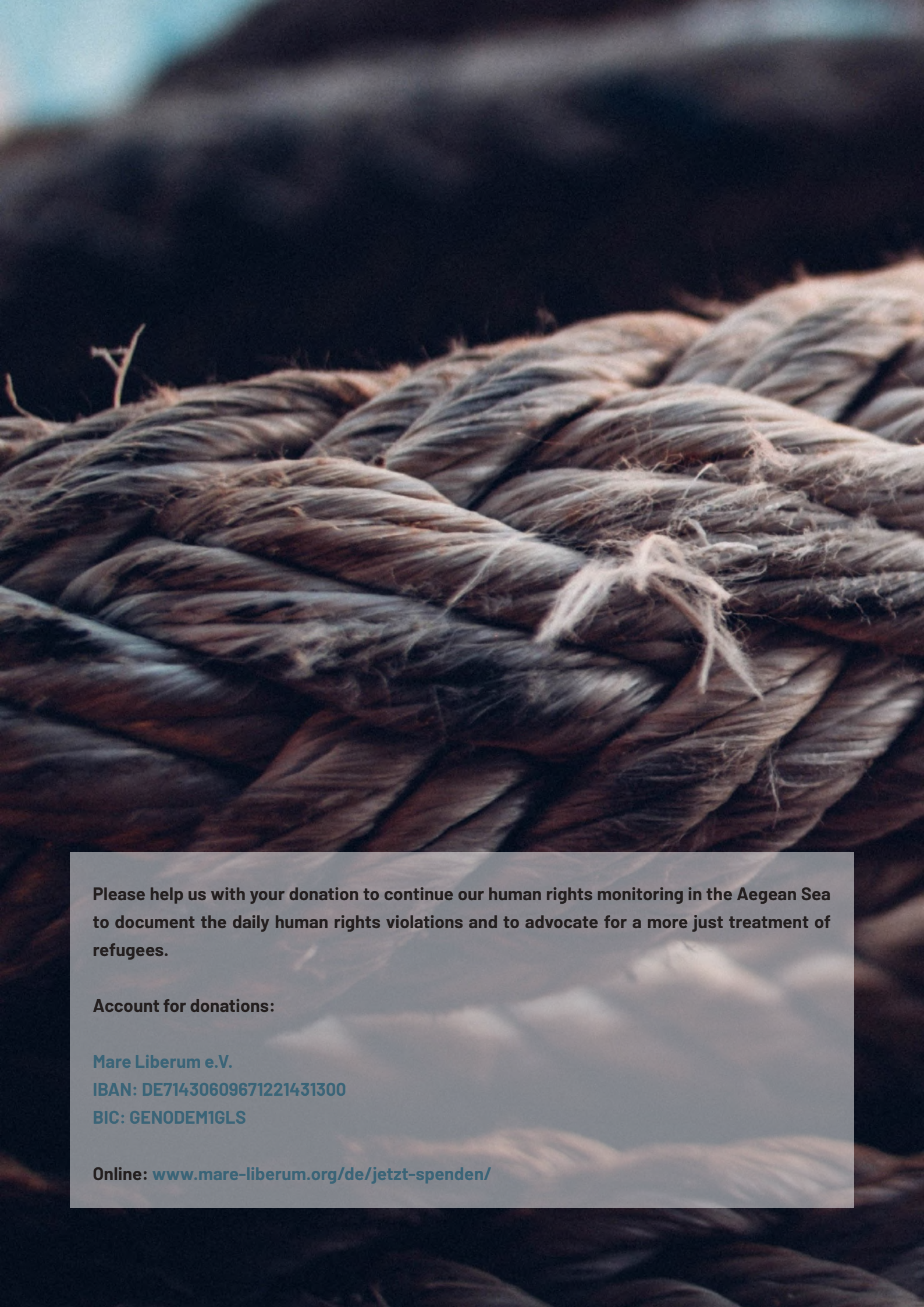
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