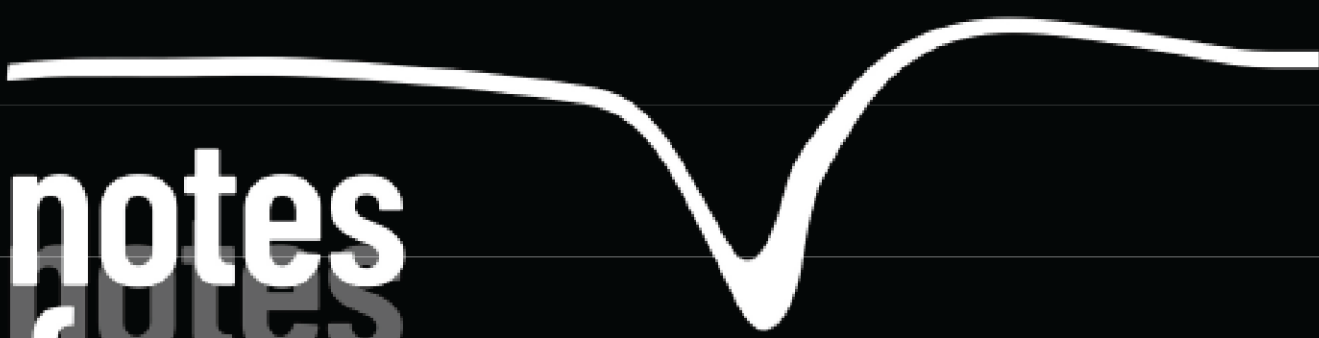


# AGAINST PUSHBACKS.



notes  
from  
lesvos

open assembly against /  
Lesvos  
border violence

# **AGAINST PUSHBACKS**

## **notes from lesvos**

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**open assembly against  
Lesvos  
border violence /**

**mytilene**  
**december of 2022**

**The brochure "AGAINST PUSHBACKS: notes from Lesbos" was published in Mytilene. It was printed in both Greek and English in 200 copies and is available free of charge. Its use is free for non-commercial purposes.**

**The meetings of the Lesbos open assembly against border violence take place every Wednesday at 17:00 at mpineio squat.**

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# Introduction

*Borders don't exist. Just like the things that we discuss at great length and no one has ever seen: society, France, time or the concept of the flower. There are seas, some almost uncrossable. There are passes, craggy mountains, lakes whose tributaries get lost in the horizon; there are also deserts, always inhabited, strangely inhabited; there are languages and histories, traditions and parental lines and lines of friendship. But there are no borders. This is why so much equipment is needed to attest to their non-existent existence. Watchtowers, barbed wire, sentry boxes, passports and men in uniform, as well as scanners, drones, sensors, the miracles of infra-red technologies, and cameras created solely to surveil and control those mandatory fictions, the borders.*

*- Bye Bye Saint Eloi, The 10 prosecuted for the Tarnac affair*

Each publication has its own purpose. So the compilation and publication of this brochure has its own. Its conception, the subsequent discussion around it and, ultimately, its coming together took place in a defined geography, in the Northeastern Aegean, and in a specific place: the island of Lesbos. One of the largest outlying Greek islands, Lesbos is divided from the coast of Turkey by the Aegean Sea.

The island of Lesbos has always been a hub between Turkey and Greece, a primary point of arrival on Greek territory for people arriving from the Turkish coast after crossing the interlying maritime border. But the island's current notoriety and fame dates back to the summer of 2015. At that time, due to the violent consequences of the war in Syria, thousands of migrants of Syrian origin had been forced to flee to the territories of neighbouring countries. They crossed through Turkey into Greek territory.

In the search for a way out to Central Europe, Lesbos and the other islands of the Northeastern Aegean Sea were among the first European stops of

the wave of migration, 'the first line of reception', as humanitarians and their analysts like to say. From that point onwards, the fate of Lesvos was intertwined with the phenomenon of the 'refugee crisis'. At the same time, European public debate focused on the position that 'mass immigration' – 'the increasing refugee flows', in their words – is a *problem* for which a *solution* must urgently be sought.

And of course, in the opinion of the managers of the 'refugee crisis', the situation had to be structured, defined, in short *managed*. On the one hand, the flows of migration should be channelled into centres, in which their movement and circulation could be controlled, monitored and screened during the process of going to mainland Europe. These detention centres – so-called hot spots or 'accommodation centres' – were intended for the newly arrived migrant population. On the other hand, Non-Governmental Organisations (NGOs) were mobilised in the provision of medical, social and legal services. Meanwhile, migrants attempting to cross the Greek-Turkish sea border to reach the islands of the Northeastern Aegean were to be intercepted and prevented.

The early techniques for managing the 'refugee crisis' were through the establishment of detention centres and the mobilisation of NGOs and civil society (including the co-option of some in these sectors along state interests, leading them to perform functions of surveillance, coercion and enforcement). The Greek state encouraged the deplorable conditions of the detention centres in order to discourage the entry of migrants to the Greek islands and, by extension, Greek territory; at the same time, it entrusted the management of the refugee phenomenon to the NGOs. The flows of people arriving in Greece were translated into cash flows, received by the Greek government and distributed to non-state actors. The mobilisation of the NGOs, at this earlier juncture, was also a response to a second urgent need. The social fabric had to be re-woven with the thread of humanism: no more unconditional solidarity, no more struggles to remove race and class distinctions, but instead the creation of new roles: co-ordinators, managers, experts – and their corollary: clients, beneficiaries, gradations of vulnerabilities; the use of management concepts and techniques, a little feedback here, some referrals there. Problem solved.

We now see that these techniques of migration management have been displaced. The rise of the New Democracy government to political power in the summer of 2019, with its central political agenda of 'closed borders', dramatically changed the landscape, hastened by the events of March 2020 in Lesbos and other North Aegean islands, during which the government established its doctrine of an 'asymmetric threat' from Turkey. To be more precise, even earlier in the months leading up to March 2020, a vocal rightwing section of society took geographic control of strategic zones of the island. They restricted movement of migrants, suspected NGO workers, journalists and people in solidarity. A call for strike action by the municipal government – under the slogan 'we want our islands back, we want our lives back' – gave longstanding far-right demands a renewed credibility. The migrant population rocketed, thanks to the choreographed neglect of New Democracy's migration strategy, which halted transfers to the mainland and exacerbated the awful living conditions in the detention centres. Thousands of migrants took to the streets to demand the immediate amelioration of their living circumstances, a halt to deportation, and their transfer from the islands to the mainland. In reaction, the now-mobilised right had wide enough appeal at the local level to give birth to vigilante and protest groups controlling migrant entry and exit from Moria detention centre, lobbying to limit even further migrant access to public space and services, all of which aligned with the promises of local and central government.

Now, in Greece 2.0, the central pillar of immigration policy is the construction of closed detention centres, facilities located far from social life, in order to avoid any possible encounter between locals and migrants in the city centres or in densely populated areas. This is reinforced by their 'closed' character, which will impose confinement on migrants, and means that their possibility of leaving and moving freely at a local level will be restricted and controlled.

However, the government's attempt to make closed detention centres into a model *par excellence* would not have been possible if the number of migrants arriving on Greek territory had not been *dramatically reduced*. It is at this point that one of the arcane 'secrets' of Greek and European society is at work, the price a society is obliged to pay to 'get its life back',



to make-believe that it has returned to normality: pushbacks.

\* \* \*

Pushbacks, together with the structures of detention centres and the policies criminalising migration, make up the constellation of today's migration management. A pushback refers to *a set of state measures which force refugees or migrants to return back across the border (usually immediately after crossing it) without taking into account their individual circumstances and denying the possibility of applying for asylum.*<sup>1</sup>

The phenomenon of pushback is not new, at least in the Aegean region. One of the central objectives of the No Border Camp that took place in Lesvos in 2009 was to raise the issue of illegal pushbacks. Of course, in that period preceding the 2015 migration crisis, the pushbacks were carried out differently. The Coast Guard vessels approached migrant boats, usually (but not always) in Greek territorial waters, creating waves so that the boats had to change direction and ended up in Turkish territory. It should, however, be noted that, while in previous years pushback operations were carried out by the Greek Coast Guard and Frontex, such operations were sporadic and in no way the norm.

This changed radically in the spring of 2020. In March 2020, another 'migration crisis' broke out at the Greek-Turkish border. This time, the Greek state was quick to characterise migrants attempting to cross the land border at Evros and the Aegean sea border as an '*asymmetric threat*'. This gesture by the Greek government coincided with the resistance of local communities in the North Aegean islands against the construction of closed detention centres, which had started some weeks earlier. These mobilisations, which eventually took on reactionary and extreme rightwing characteristics, helped to polarise the political climate at the time and amplified the anti-immigration attitudes in Greek public debate.

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<sup>1</sup> 'Report on means to address the human rights impact of pushbacks of migrants on land and at sea', *United Nations*, (12 May 2022), <https://www.ohchr.org/en/special-procedures/sr-migrants/report-means-address-human-rights-impact-pushbacks-migrants-land-and-sea>

By establishing migration as an asymmetric threat (in the midst of a turbulent political and social context), the Greek state stripped migration, in the public discourse, of material political, economic or humanitarian motivations, and reduced it to an operation orchestrated by Turkey to damage Greek national interests.

The Greek government was not content to simply spew and spread racist and extreme rightwing rhetoric; it proceeded to violate provisions of international law and guaranteed human rights by halting asylum procedures. This was coupled with criminal charges of 'illegal entry' against migrants (see Chapters 2 & 4 of this publication). From this moment onwards the broader political scene in Greece has been built with pushbacks as a main tool by which the Greek government 'manages' migration, which is also proven by the dozens of publications of journalistic research and by the official data of relevant organisations on arrival numbers.

As we delve deeper into the mechanisms of the 'asymmetric threat' doctrine, and its relation to the practice of pushbacks, we see that the prolonged perpetuation of pushbacks as a practice is enabled by the following tactic: any complaint that the Greek state is carrying out deadly and illegal pushbacks is met with the response that these accusations are categorically the product of *fake news* and Turkish propaganda, and the reiteration of the empty claim that Greece protects Europe's borders with full respect for human rights. Thus organisations working to expose the practice are classified as Turkish agents; search and rescue networks are charged with espionage; migrants who want to cross the borders to claim asylum are accused of being smugglers; and journalists who raise the topic are accused of naively swallowing Turkey's lies. In short, according to the Greek state, pushbacks do not take place and have no place in reality. On the contrary, the noise being created around this issue is Turkish provocation – the Turkish 'push forward' – and Turkey's abdication of its responsibility.

We disagree. We would say that the Greek government's strategy obliges it to invoke the malicious intentions of the Turkish state. In short, *even if the Turkish state and its 'hostile and expansionist policy' did not exist, the Greek government would have to invent them to justify the murderous practice of the pushback.*

\* \* \*

In the document you are holding we attempt to offer practical information on pushbacks. This is because, despite the dozens of deaths, the missing migrants, the denunciations of international organisations, news agencies<sup>2</sup> and activists, the reaction of official institutions remains insufficient. The reaction of the inhabitants of the Northeastern Aegean, who know what happens on their islands' coasts and remain indifferent, is also inadequate. We believe that the silencing of this phenomenon and, worse, its denial by the government itself, requires, at least on our part, a counter-response and the triggering of extended public dialogue. So this publication tries to explore the phenomenon of pushbacks, its causes, and the possible practical ways that can contribute to their end.

Chapter 1 of this publication presents the different types of pushback operations conducted by the Greek Coast Guard. The description of the various pushback practices is not exhaustive; instead we attempt to give a representative typology for each broad method. In particular, we discuss the patterns of these practices at sea, on land and in cases where people are abandoned on uninhabited islands.

Chapter 2 addresses the legal aspects of pushbacks. It sets out, on the one hand, the steps which each state is obliged to take in order to prevent the violation of human rights and commitments to international law, while on the other hand, it presents the legal provisions that pushbacks circumvent and violate. At the same time, some suggestions are made towards ending pushbacks under the current legal framework.

Chapter 3 is a small-scale survey which attempts to illustrate the organisations profiting from guarding borders and conducting pushbacks. At the same time, it demonstrates how the European Union's strategy, plans, and ambitions are linked with private actors aimed at upgrading logistical and

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<sup>2</sup> See, for example, the inquiry of *Forensic Architecture*, (15 July 2022), <https://forensic-architecture.org/investigation/drift-backs-in-the-aegean-sea>; or the inquiry of OLAF that argues that Frontex (the European Border and Coast Guard Agency) aided the Greek Coast Guard by concealing ongoing pushback operations of which they had knowledge, *euronews.*, (14 October 2022), <https://www.euronews.com/my-europe/2022/10/14/eu-border-agency-frontex-covered-up-illegal-migrant-pushbacks-says-report>

technical equipment for tightening up the border control regime.

Chapter 4 includes a text from a former member of the independent Search and Rescue team Campfire, which operated on the eastern coastline of Lesvos from 2016 to 2020. This text discusses the necessity of independent search and rescue operations in the years leading up to 2020, and the practices through which independent or institutional search and rescue movements were criminalised by the state. Finally, it argues that the lack of supervision of maritime space by independent bodies, as well as the generalised elimination of search and rescue operations on the island of Lesvos, allowed the Greek state to carry out pushbacks undisturbed.

Interspersed between the Sections are testimonies of people who survived the pushback operations of the Greek Coast Guard (trigger warning).

*Mytilene,  
December 2022*



The cover of the flyer for the No Border camp that took place in 2009 in Lesvos, which brought to the fore, among other things, the issue of pushbacks in this early and irregular phase of their use.

# 1.

## The practice of pushbacks

### Anatomy of pushbacks

There are as many types of pushbacks as there are people trying to cross into Greece. And while the experience of every person is different, there are some similarities in the approaches that the authorities use. The following descriptions are based on reports given by survivors of pushbacks. This is by no means an exhaustive list of practices of pushbacks, but rather a description of the general common practices. Pushbacks in the Aegean region are divided into two different categories: pushbacks at sea and pushbacks from land.

#### 1. Pushbacks at sea

Pushbacks at sea refer to the times when a Hellenic Coast Guard (HCG) or Frontex vessel intercepts a vessel carrying people on the move heading to Greece in Greek waters and pushes the boat back to Turkish territorial waters. We have a general picture of the main thread of events that happen during pushbacks at sea:

- The HCG vessel deploys a RHIB (a small rubber speed boat). In these cases, the personnel on the RHIB usually begin by shouting at the people on the move to stop their vessel. In cases in which the people on the move decide not to stop the vessel, the officers aboard the RHIB use their weapons (by pointing guns at the people on the move) as a way of intimidation to force them to stop the boat. Sometimes, because people have been pushed back previously and have been traumatized, they turn back by themselves.

In most cases though, one of the officers will board the vessel of the people on the move with the goal of throwing the engine in the water. During this process, the officer usually screams at the people on board to keep their heads down, and then proceeds to cut the fuel lines and throw the engine and petrol tank into the water. The same officer who is on board will then tie a line that connects the vessel to that of the HCG. The HCG vessel then tows the people on the move deep into Turkish waters and releases them there, leaving it drifting until the Turkish authorities arrive to rescue them.



- Another common practice involves the HCG making the people on the move board their vessel and then breaking the vessel in which the people were traveling. The officers then proceed to search the people and to take their belongings, including phones, money and documents. After having taken everything from the people on the move, the authorities force them into life rafts and abandon them in Turkish waters.



- There are variations of this scenario, for example, in cases in which the HCG does not deploy a RHIB and only a Lambro vessel is available. In these cases, it is reported by pushback survivors that the officers on board will use a long wooden stick to beat the engine until it breaks. This stick has also often been used to beat people on the move themselves.
- Saying that these are the only ways in which pushbacks are conducted at sea would erase the experience of many people who were met with brutal physical violence by the authorities. Survivors have reported pushbacks in which the HCG has punctured their vessel and watched while they struggled to stay afloat, only to rescue them at the last minute and then use life rafts to push them back. There have also been reports of the authorities using live ammunition to shoot at the water next to the dinghy as a way of intimidation. Another manoeuvre that has been often reported is that of the HCG vessels turning at high speed around the people on the move with the goal of destabilising their vessel.



- There are also pushbacks that are incorrectly branded “non-violent”, ignoring the fact that pushbacks are inherently violent. These pushbacks are usually standoffs between the HCG and the Turkish Coast Guard. After having experienced pushbacks, or having heard the experience of others, it is not uncommon for people on the move to turn back at the sight of a HCG vessel. In some cases, the Turkish Coast Guard will be waiting on the Turkish side of the border and the vessel of the people on the move is then trapped, with vessels of both Coast Guards on either side. This situation often leads to a case of non-assistance, in which both Coast Guard vessels stay on either side of the people on the move’s vessel for hours, as it drives from one side to the other, waiting for one of the Coast Guard forces to take action. These standoffs are known to last many hours.



## 2. Pushbacks from land

In cases in which people on the move arrive on the islands, pushbacks follow a different process:

- When arriving on land, it is common for the people on the move to try to hide in the forest and hills. When the authorities become aware of the arrival, they will begin to search the area. Common practices during these searches include the use of K9 units, as well as shooting live ammunition rounds. Different units have been reported to be seen looking for the people, including undercover police, special operations, Coast Guard and army.
- Once the authorities locate the people on the move, they are apprehended and transported inside a vehicle (usually a black van without markings or logos) to some kind of facility. The process varies a lot depending on the time of day and location where the people are found. There are common reports that people have been brought to a facility. Some have stated that, while there, they have been informed that they will be transferred to a quarantine area in the north of Lesvos, and then will be taken to Kara Tepe camp. However, in this facility, it has been reported that officers search the peoples' bags and pockets and steal their belongings. If they are met with resistance, the officers physically assault the people on the move. People are then transferred in a HCG bus (similar to the buses used by the Greek police) to a third location in which a small pier is located. People report having had their hands cable-tied before being forced on board one of two waiting HCG vessels. The other HCG vessel usually has inflatable life rafts ready. People are then forced on the vessel and are made to sit at the back looking down at the ground whilst the second vessel transports the life rafts. When a person on the move looks up, the officers will beat them. Once the HCG vessel has arrived in Turkish waters, the people are forced onto the life rafts. Depending on the occasion, the cable ties

on their hands might be undone or not. People float in the life rafts for hours before being rescued by the Turkish Coast Guard.

- The use of life rafts is not always necessary. In 2021, there were several reported incidents in which the people were thrown directly into the sea. This led to deaths by drowning. In September 2021, two people from Ivory Coast and Cameroon were kidnapped by Greek police in Samos. According to a survivor of the incident they were driven into the middle of the Aegean, and beaten and thrown directly into the sea without boats or life jackets. The two died and their bodies washed up on the Turkish coast.<sup>1</sup>
- The patterns of physical abuse from the authorities towards people on the move are quite random. While these behaviors are sometimes linked to resistance to the orders given by the authorities, in most recent reports there is no link between resistance and violent physical actions of the authorities. When asking a survivor of pushbacks why the authorities behave physically violent in some cases and not in others, their response was “it depends on their mood”.

### **3. Abandoning people on uninhabited islands**

- Another practice that has been reported by survivors of pushbacks is that of being abandoned on uninhabited islands. This practice is mostly known to happen on the Evros river, where people are regularly abandoned after a pushback on the Greek islets. However, there are also reports of people being abandoned on the uninhabited islands in the Aegean. In such cases, the HCG will throw people in the sea without a life raft close to a small island to which people can swim.

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<sup>1</sup> Katy Fallon, ‘It’s an atrocity against humankind’, *Guardian* (17 February 2022), <https://www.theguardian.com/global-development/2022/feb/17/its-an-atrocity-against-humankind-greek-pushback-blamed-for-double-drowning>

- There have also been a couple of reports of people being held in Farmakonisi. They describe being held inside a military base, in order to be tortured for days. Reports of these tortures include water-boarding, beating, and sleep deprivation.

# Testimony by a woman from Ethiopia

*When I left my country, I was prepared to be treated badly in Turkey and yes, it was not easy, but I thought the Greek brothers and sisters (as we have the same religion) would treat us as people who seek protection, at least as humans. I was so wrong! In school we learned all about the Greek history, the culture, even how to read ancient Greek. It was not a choice, but when I understood that I will have to go to Greece I was excited to see this country I felt so connected with.*

*But what I experienced in Greece broke my heart. We were treated like animals, worse than animals. They beat us, they robbed us, they abandoned us at sea in a small inflatable boat. They even forced me to undress, searched me, threatened to rape me, pushed my face to the corpse of a dead animal on the ground. How can they treat humans like this and claim to be Christians? Don't get me wrong, after being pushed back seven times, when I finally arrived in Greece, I met good people, but what the Coast Guard did to me is beyond words. I can never forget this torture.*

# 2.

## The legal issues and violations of international laws

### Legal aspects of pushbacks

**W**e will now briefly describe the legal aspects of pushbacks. First, we will discuss general legal principles illustrating why every pushback is a violation of international law. Second, we look at challenges to using the law to stop pushbacks, and what is and is not working. As an initial matter, we would like to clarify that we do not consider the law – whether it be national, international or human rights law as a moral or absolute principle that we aspire to uphold. Nevertheless, we think it is an interesting point of discussion, especially when looking at the government’s failure to uphold its own laws – and relatedly its denial of the practice of pushbacks – and in parallel to examine different tactics and tools that can be used to dismantle these policies.

### Pushbacks and the violation of international law

Previously, we have described pushbacks at sea and on land (See Chapter 1). If a person arrives on Lesbos, then it’s clear that this person has entered Greek territory and that Greece, therefore, is bound by the international regulations it has committed to uphold. What about the situation at sea?

In general, waters that are within 12 nautical miles of the coast are considered territorial waters of the particular state. In the Aegean the distance between Turkey and Greece is mostly less than these 12 nautical

miles (in Greece, territorial waters are within 6 miles of the coast). Surrounding Lesvos therefore there are no international waters: the territorial waters of Greece and Turkey border one another. If people on the move enter Greek national waters, they also enter Greek territory. Greece is bound by the same international regulations as on shore.

Pushbacks (or “*collective expulsions*” as they are called in international law) from national waters, along with those of people on the move who have landed on the islands, are illegal. As shown below, they violate numerous laws and treaties. Taken together the policy of pushbacks – which are a systematic and widespread attack against migrants – constitute crimes against humanity.

## **Impunity**

A question follows these legal explanations: how is it possible that a practice clearly violating international and domestic criminal law is being applied systematically?

First of all, in order to challenge an incident before the courts, you need plaintiffs. This means that individuals who were affected need to want to engage in a court case. Sometimes people do want to bring legal action, but at other times they do not want to engage because they want to try to reach Greece again, or because they want to move on.

Recognized Human Rights and principles of International Law	Legal obligations	Documented rights violations
Prohibition of collective expulsion	<p>Charter of Fundamental Rights of the European Union (C.F.R.E.U) Article 19(1);</p> <p>European Convention of Human Rights (E.C.H.R), Protocol no. 4, Article 4.</p>	<p>Collective expulsions – or any measure compelling foreigners, as a group, to leave the country without a reasonable and objective examination of the individual situation of each person – is explicitly prohibited in a number of treaties.</p>
The right to life	<p>European Convention of Human Rights (E.C.H.R) Article 2;</p> <p>Charter of Fundamental Rights of the European Union (C.F.R.E.U) Article 2;</p> <p>Greek Constitution Article 5(2).</p>	<p>Violated by forcing people into a motorless life raft in open water and/or denying assistance to people on a damaged dinghy, and instead towing them to open sea, where they are abandoned with no guarantee of rescue.</p>



<p>The right to be free from torture, inhuman and degrading treatment</p>	<p>European Convention of Human Rights (E.C.H.R) Article 3;</p> <p>Charter of Fundamental Rights of the European Union (C.F.R.E.U) Article 4;</p> <p>Greek Constitution Article 7(2).</p>	<p>Violated through the detention of people in inhumane conditions, without access to food, water, shelter or hygiene facilities; through the violence towards migrants, both mental and physical; false assurances of rescue; and through abandonment of migrants at sea, at grave risk to their lives.</p>
<p>The principle of non-refoulement</p>	<p>1951 Convention Article 33;</p> <p>European Convention of Human Rights (E.C.H.R) Article 3;</p> <p>Charter of Fundamental Rights of the European Union (C.F.R.E.U) Article 19(2);</p> <p>Schengen Borders Code Articles 3 and 4;</p> <p>Greek Law 4636/2019 Articles 21, 38(1) of the Asylum Procedures Directive.</p>	<p>Violated by removing people from Greek territory without individually identifying and registering them and therefore preventing them from asking for asylum in Greece.</p> <p>Violated by exposing migrants to a risk of "chain" or "indirect" refoulement, through their expulsion to Turkey, where they might face expulsion to a country where their life or liberty would be at risk.</p>

<p>The right to asylum</p>	<p>Article 14 of the Universal Declaration of Human Rights;</p> <p>1951 Refugee Convention;</p> <p>Charter of Fundamental Rights of the European Union (C.F.R.E.U) Article 18.</p>	<p>Violated by denying access to asylum procedures to migrants who had reached Greek territory, be it at sea or on land, irrespectively of the circumstances in which they crossed the border.</p>
<p>The right to liberty and security</p>	<p>European Convention of Human Rights (E.C.H.R) Article 5;</p> <p>Charter of Fundamental Rights of the European Union (C.F.R.E.U) Άρθρο 6;</p> <p>Greek Constitution Article 6.</p>	<p>Violated by routinely detaining migrants, whether in unofficial detention facilities on the Greek islands, in vans, or on national sea vessels, without issuing any order of detention or expulsion, and without providing any information about the reasons for, or the length of migrants' detention.</p>

<p>The right to effective remedy</p>	<p>European Convention of Human Rights (E.C.H.R) Article 13;</p> <p>Charter of Fundamental Rights of the European Union (C.F.R.E.U) Articles 19 and 47;</p> <p>Greek Constitution Article 20.</p>	<p>Violated by deliberately putting survivors in a situation where they have – <i>at no point</i> – access to challenge any violations of their rights. This is the very nature of collective expulsions.</p>
<p>The prohibition of discrimination</p>	<p>European Convention of Human Rights (E.C.H.R) Article 14;</p> <p>Charter of Fundamental Rights of the European Union (C.F.R.E.U) Article 21;</p> <p>Greek Constitution Article 5(2);</p> <p>and all international human rights treaties.</p>	<p>Violated by specifically targeting migrants who entered Greece and imposing on them an unjustified difference in treatment which is likely based on their racial profile, national origin, and migration status, and informed by social, structural and institutional discrimination towards migrants in Greece.</p>

<p>Duty to rescue at sea</p>	<p>United Nations Convention on the Law of the Sea (UNCLOS) Article 98;</p> <p>Greek Law 2321/1995 (Φ.Ε.Κ 136, τ. Α')</p> <p>Article 98;</p> <p>MSC 78/26/Add.2 ANNEX 34 Par. 2.5, 6.12-6.13, 6.17 and 6.20;</p> <p>Presidential Decree 137/2007 (Φ.Ε.Κ 174/Α` 31.7.2007) ANNEX 3.</p>	<p>Greek authorities are obligated "to render assistance to any person found at sea in danger of being lost." Far from meeting their obligation, Greek authorities are attacking migrants at sea, detaining them on land, and abandoning them on unseaworthy vessels in the middle of the sea.</p> <p>Other actors, such as Frontex and NATO, are likewise in flagrant violation of their obligations to render assistance to people found in danger at sea, where they have witnessed or directly participated in pushbacks.</p>
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<p>Liability for Aiding and Abetting Crimes</p>	<p>UN Guiding Principles on Business and Human Rights, Principle 17;</p> <p>Greek Law 4619/2019 (Penal Code), Article 47.</p>	<p>Life rafts – repurposed from their original intended use – have been instrumental in carrying out pushbacks. Given the publicity surrounding the use of life rafts to perpetrate these ongoing crimes in the Aegean, the suppliers of these life rafts to the HCG at this point are “knowingly providing practical assistance,” to the commission of these crimes, and are themselves criminally liable.</p>
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Criminal charges only stick if brought against an individual perpetrator – not a whole institution, but one or more specific officers of the Coast Guard. In the case of pushbacks, where the unlawful action is part of a policy, it is to be expected that the competent state authority will conduct criminal investigations.

## **Additional challenges in stopping pushbacks through use of the law**

Short deadlines (3 months in domestic court and 4 months in the European Court of Human Rights) mean that survivors of pushbacks often cannot bring a case, before the deadline for submission expires.

In any case, gathering sufficient evidence to clearly establish the facts of a pushback is difficult if not impossible, because of the way pushbacks are carried out. Phones of the people affected are often stolen, together with any photos or communications that could have been used to prove that the pushback took place.

A requirement in the European Court of Human Rights that an individual exhaust domestic remedies in domestic courts, gives the ECtHR an excuse to dismiss cases without looking at whether or not Greece violated the law.

Most importantly, however, if a person manages to bring their claims before a court, they are confronted with a politicized court system – domestic, and international, which are inclined to dismiss cases of pushbacks or find excuses for the governments' actions. After all the courts themselves are set up to reinforce the current systems of power. For example in two decisions made by the European Court of Human Rights, the court found that there was no violation by the State when the people who were pushed back had crossed the border illegally. The absurd reasoning of the court was that because the people had broken the law when they crossed the border, they had put their own lives at risk.<sup>1</sup>

## What is working?

In Lesvos, one consistently successful way to stop pushbacks before they happen is to have witnesses present. There have been many examples in Lesvos over the last few years in which people found or went to meet new arrivals, and were with them before authorities arrived. In each of these cases, the people were not pushed back to Turkey. Of course, this is not without risk. The government uses threats of prosecution for smuggling to stop people from intervening. Greece has a particularly broad anti-smuggling law, which could easily be used against people for providing help to migrants (see Chapter 4 of this publication). Despite this very real threat, most people who have witnessed landings and, in effect, prevented pushbacks, have not been prosecuted.

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<sup>1</sup> 'Investigation – Pushbacks in Melilla: ND and NT v. Spain', *Forensic Architecture* (15 June 2020), <https://forensic-architecture.org/investigation/pushbacks--in--melilla--nd--and--nt--vs--spain>; and 'Case Report: Pushbacks at the Greek-North Macedonian border violating human rights', *European Centre for Constitutional and Human Rights* (April 2022), [https://www.ecchr.eu/fileadmin/Fallbeschreibungen/Case\\_report\\_Idomeni\\_April2022.pdf](https://www.ecchr.eu/fileadmin/Fallbeschreibungen/Case_report_Idomeni_April2022.pdf)

There are also several legal cases that have been brought in the European Court of Human Rights for pushbacks from Greece to Turkey, that the Court has prioritized for examination.

The European Court of Human Rights has also granted several emergency petitions, filed on behalf of people who had recently arrived to Greece and were at risk of being pushed back. In the cases filed for people who had arrived across the Evros border, although the court found that there was a risk, and ordered Greece to guarantee those peoples' rights, they were still pushed back. In the Aegean, there has been more success, in that the people who brought cases in this way, were not pushed back in the end.

## Testimony

Then, they reportedly threw them into the sea about 100m from the island. “*None of us could swim!*” proclaims the respondent. “*We were crying and swimming and crying and swimming.*” They eventually reached the island which was uninhabited. “*There was nothing, not even trees!*”. The respondent states that for three days, the four men were stranded on this small island. “*We were so hungry and thirsty, we drank water from the sea and ate twigs from bushes.*”



# 3.

## The economics aspects of the pushback industry

### The budgeting of militarisation and security through border protection

The European Union presented its new budgets for 2021-2027, indicating its commitment to militarisation and anti-migration policies. In the budget, the EU's military and security spending is set to increase by 123% to a total of €43.9bn compared to €19.7bn from 2014-2020.

The EU acquires money for these budgets several ways. The most common and visible form is VAT (*Value-Added Tax*), which EU citizens all pay on products that are sold within the EU itself. The member states contribute an amount of their tax-related income as well, based on their Gross National Income for that year. Other sources vary, such as fines imposed when businesses fail to comply with EU rules, taxes from EU staff salaries, banking interest, and contributions from third countries.

Judging by the reports that have been published,<sup>1</sup> it would be accurate to state that until 2027 the EU will follow more surveillance and security oriented policies, in every aspect of governance. The EU's current response to migration is to strengthen "Fortress Europe". The funds that are listed in Figure 1 (see below) and their respective increases are almost exclusively dedicated to different aspects of border protection. Yet, at the same time, funds such as the Internal Security Fund are also aimed at *'preventing and*

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<sup>1</sup> See 'At what cost? Funding the EU's security, defence, and border policies, 2021-2027', *Transnational Institute and Statewatch* (April 2022), <https://eubudgets.tni.org/wp-content/uploads/2022/05/At-what-cost-Statewatch-TNI.pdf>

*combating terrorism and radicalisation, serious and organized crime, by assisting and protecting victims of crime'.<sup>2</sup>*

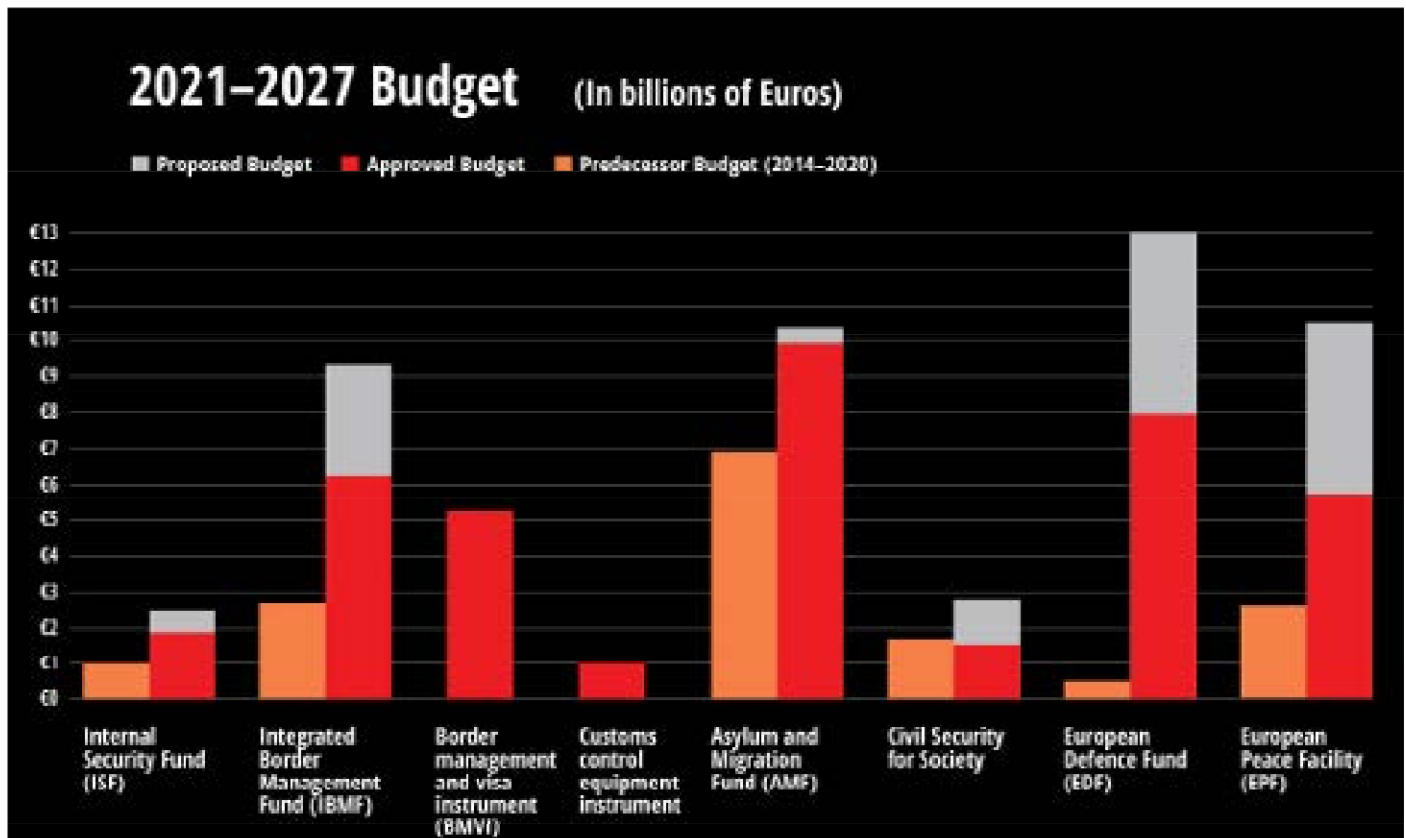


Figure 1: 2021-2027 Budget

The total forecasted budgets for all of these funds (namely the Asylum and Migration Fund, Internal Security Fund, Integrated Border Management Fund, Civil Security for Society Fund, European Defence Fund, and European Peace Facility Fund) amount to a total of €43.9 billion. Parallel to that, the funding that will be dedicated to fundamental rights, values and justice will only be about €1.4 billion.

It is notable that there is not a single fund dedicated to setting up reliable Search and Rescue operations in the Central Mediterranean, or even aiding existing programmes. In relation to these matters only 'controlling

<sup>2</sup> Ibid.

irregular migration flows'<sup>3</sup> is mentioned. The root causes of migration and remedies are not mentioned once.

## **Corporate engagement and interest**

Arms manufacturers, lobbying groups, think-tanks and consultancy firms are all heavily involved in formulating repressive policies related to border violence for profit as well. A notorious example would be McKinsey and Co., who are involved in numerous projects related to border violence and surveillance around the globe. Most famously, McKinsey was the creator of the framework of EU-Turkey deal,<sup>4</sup> which paved way for the externalisation of EU borders through neighbouring countries such as Morocco, Tunisia, Libya, Egypt, Jordan, Armenia, Georgia, Azerbaijan and Moldova. For scope, the EU pays Turkey nearly €1 billion a year and offers around €4 billion to countries in similar positions in order for them to detain migrants. Specifically, for its consultation on the framework of the EU-Turkey Deal, McKinsey has been paid €992,000 by the European Asylum Support Office for its participation in drafting the EU-Turkey deal.

Frontex, the EU's border control agency, holds special events for security industry lobbyists where they work hand in hand to promote 'solutions' based on techno-fixes, from biometric surveillance to weapons technologies. We understand that these corporate interests are not neutral parties but ultimately seek to shape Frontex's approach to border control in line with their interests, and to structurally benefit from procurement contracts. Meanwhile, the agency has no meaningful transparency or lobbying accountability mechanisms in place.

From 2017 to 2019 Frontex met with 138 private bodies – of these, 108 were companies; 10 research centres/think tanks; 15 universities (includ

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3 Ibid.

4 'Asylum outsourced: McKinsey's secret role in Europe's refugee crisis', *Balkan Insight* (22 June 2020), <https://balkaninsight.com/2020/06/22/asylum-outsourced-mckinseys-secret-role-in-europes-refugee-crisis/>

ing the Centre for Research and Technology Hellas) and 1 NGO. European defence companies Airbus and Leonardo were awarded the most access, with five meetings each. Cyber security firm Gemalto scored four meetings in this period. Gemalto has since been acquired by the Thales Group, which itself participated in three meetings with Frontex.<sup>5</sup>

Above all others, due to the nature of 'the funding of Fortress Europe', arms traders and military companies benefit the most from its policies. In addition, corporations such as Thales have been providing research and development, military technology and defence policy consultancy to the EU. Thales is the 8th largest defence contractor in the world and generated €16.2 billion in 2021. It has been providing surveillance systems and military equipment to Frontex since the establishment of Frontex itself, as well as to the border protection mechanisms of individual EU states.<sup>6</sup> Thales has also acquired funding from the European Defence Fund and European Peace Facility, as well as the Integrated Border Management Fund since Thales has also designed the border control systems in and out of the EU.

Another example of a corporation that benefits from European Defence Fund is Airbus. As a civil aviation company, Airbus has been particularly involved in deportations via airways, but has also been providing military equipment (mainly surveillance drones) to bodies such as Frontex along with border police units of member states (specifically, their Coast Guards).

Concerning Frontex, it recently emerged that it is indeed involved in push-back operations on sea and on land.<sup>7</sup>

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<sup>5</sup> 'Frontex Files', *ZDF Magazin Royale*, <https://frontexfiles.eu/en.html>

<sup>6</sup> 'Thales reports its 2021 full-year results' (3 March 2022), *Thales Group*, [https://www.thalesgroup.com/en/group/investors/press\\_release/thales-reports-its-2021-full-year-results](https://www.thalesgroup.com/en/group/investors/press_release/thales-reports-its-2021-full-year-results)

<sup>7</sup> 'Frontex at fault: European border force complicit in "illegal" pushbacks', *Bellingcat* (23 October 2020), <https://www.bellingcat.com/news/2020/10/23/frontex-at-fault-european-border-force-complicit-in-illegal-pushbacks/>

## Root-causes of pushbacks: the Damen Group example

The Damen Group is a Dutch defence, shipbuilding and engineering company that mainly focuses on the naval industry, providing everything from container ships to military frigates.

The Damen Group has been providing military vessels to West African countries such as Senegal, Nigeria, Guinea, and Sierra Leone. Under the 'West African Regional Fisheries Programme',<sup>8</sup> fishing has been banned or illegalised for the local communities on the coastline of West Africa and is instead done by multinational corporations who over-exploit the fish stocks to produce products like fishmeal, a product derived from fish to be supplied to other animals as food. The Damen Group has also supplied the Coast Guard agencies or defensive naval vessels of these states.

As a result of this multinational over-exploitation, significant numbers of people have been internally and externally displaced. Data suggests that more than 7 million people are dependent on these fishing communities both as a source of food and employment, yet since 2010 around 2 million people have been internally displaced due to lack of access to these fisheries. An estimated 20% of this population has attempted/will attempt to make a crossing to EU for asylum purposes.<sup>9</sup>

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8 See 'West Africa Regional Fisheries Programme', *Sub-Regional Fisheries Commission*, <http://spcsrp.org/en/west-africa-regional-fisheries-program-warfp> <http://spcsrp.org/en/west-africa-regional-fisheries-program-warfp>

9 See for example 'How Europe's dark fishing fleets threaten West Africa', *Engineering and Technology* (10 March 2021), <https://eandt.theiet.org/content/articles/2021/03/europe-s-dark-fishing-fleets-in-west-africa-s-waters/>; 'African migration trends to watch in 2022', *Africa Centre for Strategic Studies* (17 December 2021), <https://africacenter.org/spotlight/african-migration-trends-to-watch-in-2022/>; "'The sea is dead": how fishing and migration collide on Tunisia's shores', *The New Humanitarian* (14 September 2020), <https://www.thenewhumanitarian.org/news-feature/2020/09/14/Tunisia-fishing-migration-smuggling>; 'Nations join forces to fight illegal fishing in Gulf of Guinea', *Africa Defence Forum* (25 January 2022), <https://adf-magazine.com/2022/01/nations-join-forces-to-fight-illegal-fishing-in-gulf-of-guinea/>

The Damen Group has also been supplying Greece with military naval vessels for roughly 60 years. Among the recent ships that they have provided is the Hellenic Coast Guard's flagship 'ΛΣ – 090' ,which is stationed on Lesbos.

We can conclude, then, from this example that companies such as the Damen Group not only supply military technologies to be used by states to conduct pushbacks, but that they also contribute to the root causes of migration in certain countries. Local fishing communities of West Africa would potentially not be displaced if it were not for the protection of the profits of these multinational corporations in the first place. There is a vicious cycle of profit contributing both to the creation of migration flows and to pushing migrants back. Both ends are profitable. And they are not the only ones who profit from this business model. Too many companies beside the ones mentioned in this article profit from activities that make it impossible for millions to live. Through weapons technology, research and development financed by EU funds and private companies, they contribute to the structures of forced migration on a global scale.

## Testimony 18.09.2021

Shortly after boarding the boat, the men were forcibly undressed and their money was taken away from them. Naked, one by one, they were searched by the officers while being verbally insulted and violently beaten. The officers were also harassing women and touching their bodies. They did not force the women to undress but ordered them to stand up and then [the officers] touched their bodies. The respondent explained that some of the women were screaming while their bodies were touched and that the officers would beat them and tell them to stop screaming.

# 4.

## The criminalization of solidarity

### The end of Search and Rescue on Lesbos and in the Aegean Sea

In 2015, Search and Rescue (SAR) operations in Lesbos island were mainly carried out by locals. In the beginning of 2016, when the so-called refugee crisis was still in European minds and media, several SAR NGOs and groups were operating in Lesbos. All were organised under the general umbrella of the UNHCR and worked in close contact with the Hellenic Coast Guard. This cooperation was not always pleasant, but it was necessary and possible. Pushbacks for sure were carried out occasionally by the Hellenic Coast Guard, but back then it was not yet the general practice that we see today. If the Hellenic Coast Guard came across a migrant boat they would take the people on board and bring them to the port of Mytilene. In later years after UNHCR ended their presence, if a boat arrived on shore (usually assisted by the NGOs and groups) they would also pick up the people by bus and bring them to the camp.

What is evident is that the presence of NGOs and independent groups saved many lives. Almost all people arriving had assistance in terms of emergency response.

From the beginning, self-organised groups were active in SAR, alongside the NGOs which had a more typical hierarchical structure. Usually these groups would patrol the coastline looking for boats at sea carrying migrants from the coast of Turkey, an activity known as 'spotting'.

In those days from 2016-2020, from our experience, contact with the authorities was generally neutral. Some cops would be nasty as hell, while others would be quite happy about our presence and friendly with us and the people who were arriving on the shores.



## Smuggling charges and the start of criminalisation

The first case of criminalization occurred on 14 January 2016 when, in the middle of the night, volunteers received notice of a possible shipwreck of a group of migrants who were attempting to reach Greece. Three members of PROEM-AID, a Spanish SAR NGO formed of professional emergency responders, decided to search for the sinking boat together with some other volunteers from another NGO. As usual, they were wearing their rescue uniform with safety helmets.

After a reasonable time at sea looking for the lost and potentially shipwrecked boat using a long-reach bulb, they considered the operation unsuccessful and decided to return to the coast. Suddenly, a big vessel from the Greek authorities asked them to join them in the office of the Hellenic Coast Guard to proceed with a regular registration.

Once in the office, the three Spanish firefighters volunteering with PROEM-AID were interrogated and arrested under charges of attempted human trafficking/smuggling and weapon possession (a line-cutting tool mandatory in rescue uniforms).

After three days of being detained, the firemen were released after paying bail (€5,000/each) for a pending criminal pending trial.

Almost two and a half years later, and with charges potentially leading to a sentence of 20 years in prison for human trafficking, the trial finally took place. After a short trial the volunteers were cleared of all charges.

*"It's obvious that from the side of the Greek authorities there's a colossal interest in establishing that it is human trafficking or attempt of trafficking, as it deters others from doing the same,"* said the lawyer of Mr. Aldeen, co-accused alongside the Spanish firefighters. *"We still never believed that the attempts to stop civil SAR would end here and we were right."*<sup>1</sup>

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<sup>1</sup> 'Volunteers who rescued migrants are cleared of charges', *New York Times* (7 May 2018), <https://www.nytimes.com/2018/05/07/world/europe/greece-migrants-volunteers.html>

It has to be noted that, by the time of the trial, only few NGOs were left on both shores.

With the EU-Turkey Deal, the 2016 agreement that made Lesvos and other Aegean islands into holding pens for migrants while their asylum procedures were processed, most of them had disappeared, as the numbers of arrivals reduced and the “crisis” was no longer in the mainstream media.

Still, on the island there could be months with about 3 boat arrivals per week, while on others we had no boats at all. For Campfire, we never questioned whether we should continue even with only a small number of arrivals. It was clear to us that the people were in urgent need of assistance to prevent deaths near or on the shore. Besides, Campfire was a self-organised group and did not follow the capitalist rules of the big NGOs. The group never collaborated with the media, or big funds.

At this time there were still two groups operating on the northern coast and in the south we were two groups, Campfire and Emergency Response Centre International (ERCI), a Greek NGO. In August 2018 suddenly two ERCI volunteers were arrested.<sup>2</sup>

The accusations against Sarah Mardini and Sean Binder were heavy: people smuggling, money laundry, even espionage. Later more members of ERCI were arrested.

After the arrests, including ERCI field director Karakitsos, Greek police issued a statement on 28 August alleging that Mardini and Binder were among 6 Greeks and 24 foreigners from several organizations who are complicit in crimes related to “organized migrant trafficking rings” with knowledge of “specific refugee flows”, without identifying them.

Among these unidentified accused I found myself.

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<sup>2</sup> ‘Greece: Emblematic search and rescue trial to begin’, *Amnesty International* (16 November 2021), <https://www.amnesty.org/en/latest/news/2021/11/greece-emblematic-search-and-rescue-trial-to-begin/>

So where did this accusation come from? The police began investigating Mardini and Binder in February, after arresting them while they had parked an ERCI-owned four-wheel-drive car at a location that they regularly used for looking out to sea for refugee boats. Greek authorities were aware of the location and routinely checked on the volunteers, in order to ensure they were registered according to the rules of the Ministry of Migration policy (in an attempt to curb 'independent volunteering' on the islands, this policy dictated that all volunteers must be registered through a recognized NGO with the Ministry of Migration). Police said that the car had fake military license plates concealed beneath its lawful civilian license plates, and detained Mardini and Binder for 48 hours. Police then obtained warrants to access their mobile phones and computers.

On 26 July, the police finalised an 86-page report detailing allegations against them and others using information obtained from their smartphones, primarily text conversations from a WhatsApp group created by UNHCR to coordinate between humanitarian actors.

The prosecutor accused Mardini and Binder of being people smugglers who facilitated the illegal transportation of people to Greece. However, ERCI had always presented all the people rescued at sea or helped on shore to the Greek authorities, because only this way could people access the identification and asylum processing procedures. The defendants' court submissions state that ERCI regularly notified the Hellenic Coast Guard of the location of the boats. In September, the deputy head of the Hellenic Coast Guard in Mytilene testified in the case that ERCI members regularly called him to notify him about incoming boats.

While nonprofit groups conducting Search and Rescue operations in Greek waters should, as a matter of best practice, seek to coordinate with competent authorities as far as possible, there is no obligation in either Greek law or international maritime law requiring rescuers to notify national or other authorities before proceeding with urgent rescues at sea.

The report specifies 11 instances when Mardini and Binder allegedly facilitated smuggling, with knowledge of the boats' routes and timing, the number of people aboard, and their intended destinations in Greece.

Binder was not physically present in Greece on at least 6 of those occasions, and the same counts for Mardini.

## **Accusations of espionage and membership of a criminal organisation**

In court documents, Mardini and Binder acknowledge that they and other members of ERCI drove along regular routes on the island of Lesbos, scanning the sea for boats in distress, and monitored open radio frequencies used by the Hellenic Coast Guard and the EU external border agency Frontex, to learn of boats at risk. These were essential and routine tasks carried out by volunteer rescuers. ERCI sent its own small boats to conduct rescues in Greek waters and helped migrants and asylum seekers after they arrived on the islands. According to former ERCI volunteers, it consistently notified and coordinated with the Hellenic Coast Guard. Meanwhile, the Campfire team never had a radio.

It is important to understand that the channels used by the Hellenic Coast Guard, NATO and Frontex are open channels that every fisherman and sailing tourist is free to use, even obliged to listen to. Mardini and Binder are accused of using radio devices without a license. In court documents, they state that the radios were purchased before they began volunteering and that they were not aware of the licensing requirement. Mardini and Binder are accused of communicating with refugees' boats to help them evade Greek and Frontex vessels and of sharing information that interests of state require be kept secret from foreign governments, which carries a sentence of up to 10 years in prison.

The police report, which is the basis of the prosecution, contains no evidence concerning this accusation. It has to be mentioned that there would have been no use in transferring such information. The Hellenic Coast Guard and Frontex were actually rescuing people at this point in time. Our interest was never that the people would arrive on shore because the practice of having them picked up by the authorities at sea was considered to be preferable and safer. We used to inform authorities about boats far out

at sea, hoping they would reach them before they landed.

The prosecutor alleges that the volunteers fraudulently used military license plates to enter restricted-access military areas on Lesbos where refugees

and migrants sometimes disembarked. It is unclear how the volunteers could have pretended that they were driving a military vehicle because witnesses stated, and photographs confirmed, that the car prominently displayed ERCI logos. The police report on which the accusations are based does not include any evidence that Mardini and Binder tried to enter restricted military areas in the vehicle.

The accusation claims that because ERCI allegedly carried out human smuggling, Mardini and Binder's volunteer work amounts to membership in a criminal organisation. The prosecution further accused Mardini of money laundering for her efforts to raise funds on ERCI's behalf. The police report claims that "she exploited the fact that she is originally from Syria [and] that she has been characterized as a refugee."

Mardini's response to the accusation states that, as a volunteer, she had no access to ERCI's funds or knowledge of its finances, and that the group simply covered volunteers' living costs on Lesbos. Police also searched Mardini and Binder's bank account records, but the only evidence contained in the police report is Facebook messages.

## **Pushbacks and the end of Search and Rescue in Lesbos**

The campfire team continued operating, and it was the only shoreline response team in the south. The team was aware of the obvious risks, but was not willing to stop. What finally made the group stop was the change in practice of the Hellenic Coast Guard.

In order to be able to work, the team had to inform the Hellenic Coast Guard about every boat spotted. Why? Imagine seeing a tiny, overcrowded boat still a few miles out and heading towards the shore. Things can still go awfully wrong. The boat could capsize, sink, people could fall

overboard, it could hit the rocks. An arrival is an incredibly dangerous situation. The Hellenic Coast Guard is the only rescue resource.

Even if the boat was not spotted far at sea, but the people were found already onshore, they would still need to be picked up and brought to the camp, whether we like it or not. The only way to get the transfer bus there is for the Hellenic Coast Guard to send it.

In general we always understood our work as a necessity due to the fact that state actors were not able or willing to carry out their duty to a sustainable degree.

We always demanded that they were more present to rescue.

Besides, if you see a boat arriving, you theoretically witness a crime. This is the law. The people who arrive have just committed the crime of "illegal entry". This should go unpunished the moment they ask for asylum, which they can do as soon as they meet authorities. So if you don't inform the Hellenic Coast Guard, or the police, you are considered to be complicit.

In the beginning of 2020 Greece attempted to put all asylum requests on hold, meaning that people were criminalised for simply entering the country and charged with "illegal entry". Many of them were locked up for days in Mytilene port or on huge ships not knowing what would come next. Along with this the practice of pushing people back became more systematic. This finally forced Campfire to stop operations after 4 years. The crazy mob with masks and baseball bats that was hunting the members of the team, combined with the fact that some of the members were taken and questioned by the police every night, helped the decision, but these threats were not the main factor.<sup>3</sup>

The team could not agree to hand people over to the state authorities to be pushed back, locked up, or charged for illegal entry. Nobody could make themselves complicit in these practices.

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3 Maik Fielitz, 'Far-right vigilantism at Europe's borders: the Greek experience', *Open Democracy* (23 March 2020), <https://www.opendemocracy.net/en/countering-radical-right/far-right-vigilantism-at-europes-borders-the-greek-experience/>

The trial was meant to take place on 18 November 2021. Mardini was banned from entering the country and she couldn't attend her own trial. The trial was postponed due to procedural mistakes and a new date was to be announced.

The practice of hindering civil SAR operations, and of criminalising them, is not unique to Greece. Italy has tried it before. The investigations against Iuventa,<sup>4</sup> Save the Children and Médecins Sans Frontières followed the exact same narrative: that bad NGOs are working with smugglers. While Italy was only partly successful in their attempt to stop civil actors in the Central Mediterranean, Greece achieved its goal. No NGO or independent group dares to do any Search and Rescue activity anymore in Greece.

They declared our binoculars weapons and we laid them down.

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<sup>4</sup> See Iuventa crew website: <https://iuventa-crew.org/case>

## Testimony 18.09.2021

*They strip-searched us naked in the forest. They first started searching the clothes, everywhere. They searched everything. Even if they found money they thought you must have more money. You undress and they searched your private parts including your inners. The same method applied to everybody, including the pregnant woman. They searched everywhere. There were only male officers present.*





## **Pushbacks are murder**

**People who attempt to cross the Aegean Sea to seek protection and find a better life for themselves and their families, are repeatedly pushed back by the Hellenic Coast Guard and dragged towards Turkish waters. They are left far from shore to drift in the middle of the sea on life rafts, risking exposure and death.**

**Even after people have arrived on Greek shores they not safe from being pushed back. They are forced to hide in the forest for days without food and water. If they are found, they are hunted by masked men with dogs, abducted, beaten, robbed and finally taken back to sea.**

**This happens almost every night on our shores, right on our doorstep.**

**Every time we see a Coast Guard vessel leaving the port, we know that people will likely be exposed to danger, violence terror and and possibly even death at sea.**

**In what kind of society might a migrant come across their potential killer in the street?**

**What kind of society do we want to be, if we don't resist this cruelty?**