



LATEST DEVELOPMENTS ON EUROPEAN BORDER

RESEARCH AND OBSERVATION REPORT

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INTERNATIONAL REFUGEE RIGHTS ASSOCIATION



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Turkey has been hosting one of the greatest mass migration which was the result of the conflict and civil war in Syria since 2011. In the meanwhile until 2016 Turkey has been the target and country of transit for refugees to reach Europe. As of 27th Feb 2020 the number of Syrian refugees under temporary protection is 3million 587 thousand and 266. Because of the war which was started 9 years ago there were refugee¹ flow to Europe until 2016. Turkey and European Union have signed 18th March Refugee Convention after “**Readmission Agreement**”.

With Refugee Convention Turkey strictly controlled its border lines and gates and worked to avoid irregular flee. As of 28th Feb 2020 with a change in the policy Turkey has stopped this strict control over the borders and this let influx to Edirne in order to cross to Greece. We, International Refugee Rights Association have a close presence with our lawyers and volunteers in the field since 28th Feb 2020.

Our work, research, and observations are being conducted in border check points and gates as well as any other relevant areas. First of all we have prepared a brief report on 1st March when the incidents are at peak. Within 14 days we documented human rights violations by Greece in crossing points from Edirne to Greece by surveys, interviews, and one-to-one talks etc. We hereby declare that we will continue our work in the field and share our reports periodically until the problem ends.

We present our

broader and latest

observations and

report with

supporting surveys

we have conducted in

the field.

¹ The terms refugee, migrant, asylum seeker etc. have different legal status, therefore we have only used refugee in order not to cause any confusion.



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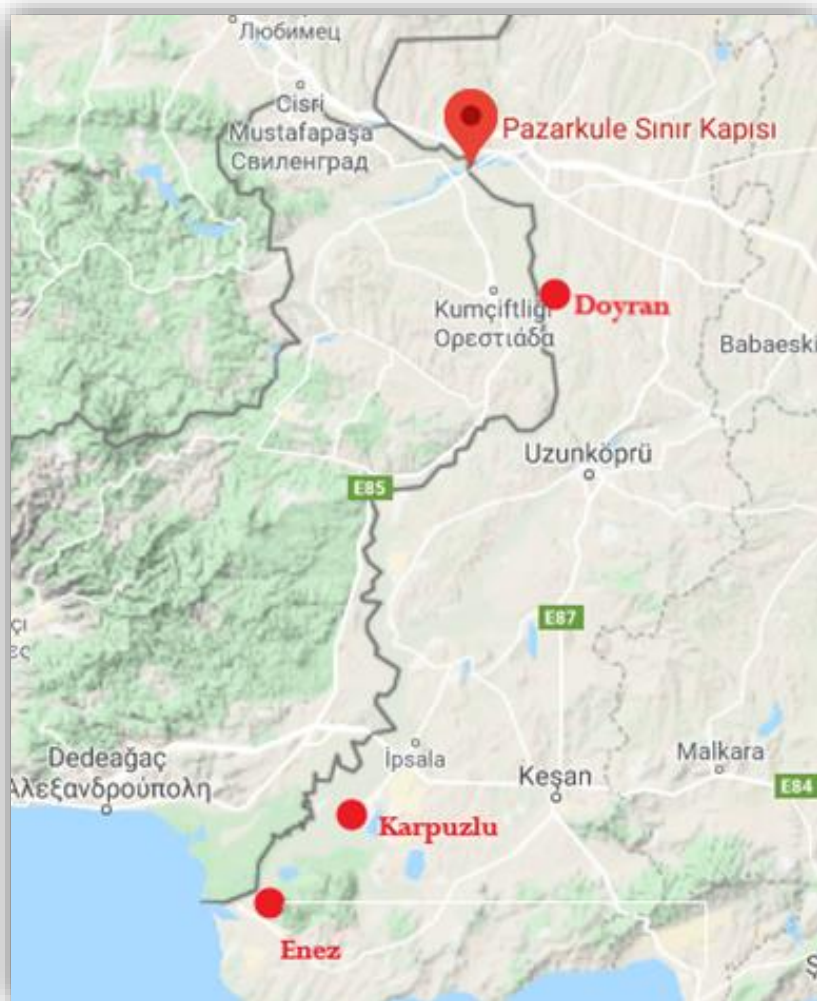
1. General Situation

The refugees who move from different parts of Turkey to Europe border are mostly from Syria, Iraq, Afghanistan, Algeria, Iran, Morocco, Sudan, Somalia, Turkmenistan, and so on. There are crossing attempts through border villages while most of the refugees move to Pazarkule border gate for legal cross to Europe.

Greece has been interfering with tear and fog gas to the refugees that are in buffer zone between Turkey and Greece. According to the interviews we have conducted with the refugees who were forced to return from Greece, Greek police seized bags, phones, passports, wallets, and money of the refugees and commit violence to them. Even though there are families among refugees, bachelors occupy majority. Most of the refugees do not want to cross illegally and think that Greece will open the gates and allow them in.

Most of the refugees we interviewed want to go to Europe to reunite with their family members and friends there. However it is observed that Afghan refugees do not have any particular direction in case they cross the border. The common reason why refugees want to cross are that Turkey do not grant refugee status and citizenship. Another reason is that the number of refugees in Turkey is high which makes access to work difficult resulting in economic hardship.

The influx of refugees and the hardship they faced in Turkey- Greece border are shown below according to our observations.





1.1 Pazarkule Border Gate

- Unlike the number of refugees flow increased in the first days of border opening of Turkey, the influx has been slowed down due to aggressive measures of Greece on the border.
- At first refugees prepared themselves for temporary accommodation and set up fires to warm themselves, however after a week of stay refugees put up tents and looked for better shelter conditions.
- Women and children face serious health problems due to poor accommodation conditions.
- The measures that Greek police take gets harsher every day. They interfere refugees with tear and fog gas and plastic bullets disregarding women and children. They push refugees away from the border.

1.2. Doyran, Karpuzlu, Enez and Other Villages

- Doyran Village, center of Edirne is located in southern part of Pazarkule border gate with Greece. The village that is 6 hour away from border in foot is the place that refugees use who wish to cross using Meric River.
- Unlike Pazarkule, there are no active NGO in Doyran Village. The humanitarian aid and relief are being provided by villagers and small institutions there. The mosque in the village is given to the refugees to stay.
- The general situation in Karpuzlu, Enez and Other villages are observed to be similar with Doyran Village.
- Recently according to the interviews we conducted with refugees who were sent back by Greek officials it is said that there are refugees who were back cuffed and thrown away to the river.

- It is also said that there are missing refugees and drowned people in Meric River and Greek officials forbid any help in any emergency.
- These inhuman actions make refugees to want to go back or wait for gates to open.



1.3. Torture and Harassment

First of all it is observed that refugees who came to Turkish border by their will receive humanitarian aid, shelter, health care, etc. from Turkish authorities as well as from NGOs until they are able to cross the border.

However according to the interviews conducted with the refugees who crossed the border illegally and sent back to Turkey;

- Systematic torture, abuse, sexual assault were committed by Greek police and paramilitary forces.
- After crossing the border the passports, money and valuable belongings of the refugees were seized by Greek forces and there are cases of back cuffed refugees who were thrown into the Meric River.
- There is open fire toward refugee boats which tries to cross on the river. The refugees are open targets of Greece.



- The sexual assault during body search was experienced by refugee women given their statements.
- Shooting and death of an Aleppo/Syria born man was on the news. This situation shows that Greek forces used real bullets.
- Greek forces that seize meals and feeders of babies show inhuman behavior by promising money to the villagers in return to have them report the refugees.
- There are several young refugees with beating marks on their back and injuries which are the results of beating on the process of sending refugees back. The refugees are being held in places regardless of their gender and ignoring privacy.



2. Research Findings

A field study was carried out with one-to-one interviews with many refugees that we reached at the borderline and around.

According to the general profile of those who want to cross the European border in our evaluations, these are noted;

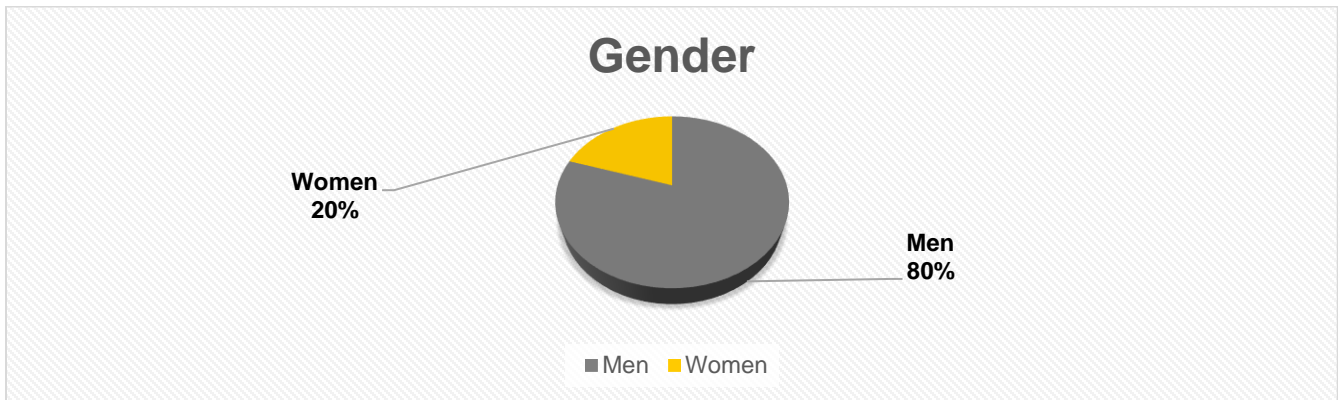
- Single and males are in majority and women are in the minority,
- In general, employment and better economic conditions are expected,
- Young people are predominant and have potential labor force,
- The vast majority are unemployed or have no profession,
- They come mainly from countries with war and instability such as Syria, Afghanistan, Egypt, Iraq, Pakistan,
- In Turkey, they do not have official status or have temporary residence permit status
- Refugees come to the border with their friends and try to reach their relatives and acquaintances in various countries in case of moving to Europe.

Our general opinion, those trying to cross from Turkey to Europe, is based on such grounds as social and economic reasons, inhumane living conditions and status/citizenship.

According to the survey study we conducted with 200 people, the findings at the Greece border are as follows:

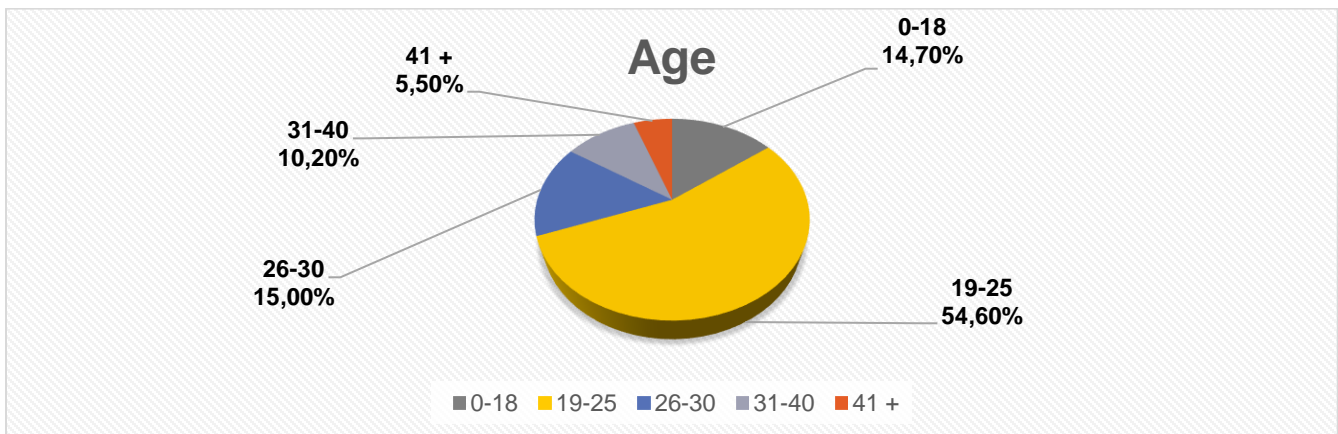


2.1. Gender



Refugees are composed of 80% men and 20% women. Even though there are refugees coming with their families, refugees generally prefer not to take their families with them, with the idea that even with the assumption of opening the doors, the road to Europe will be difficult. In addition to these, single refugee young men who reside in Turkey also take the road with the aim to take advantage of this opportunity.

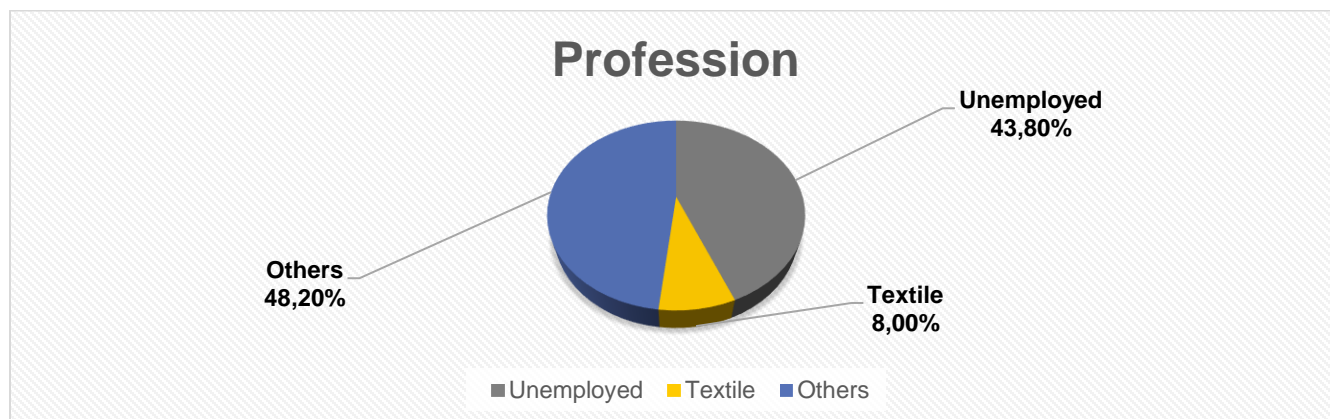
2.2. Age



Those who are waiting to cross to Europe at the border gates are consist of ages 54.6% are between the ages of 19-25, 15% are between the ages of 26-30, 14.7% are between the ages of 0-18, 10.2% are between the ages of 31-40.

The gender and age distribution highlights that most of the refugees, who left their countries due to conflict/instability and who want to cross the Greek border, often act for economic reasons.

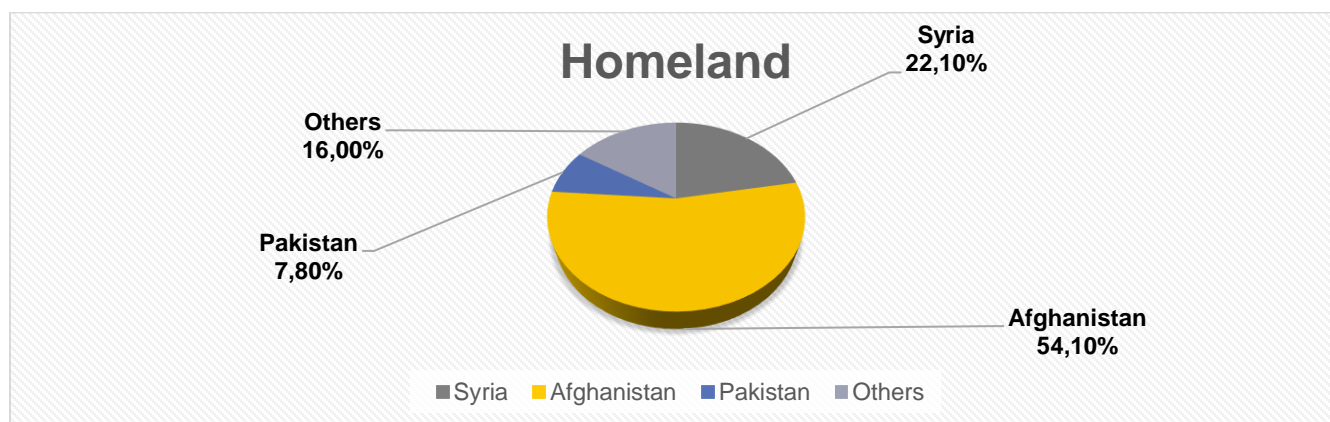
2.3. Profession



43.8% of those who are waiting at the border gates are unemployed. When this situation is compared to their age and gender graph, it can be said that they constitute the potential labor force.

Some of the refugees (8%) stated that they work in the textile sector. Also, refugees who are the members of other occupational groups, said they worked in a vast number of sectors in the period of their stay in Turkey, and they were working in the same field in their homeland as well, also they indicated that they want to work in similar fields in Europe.

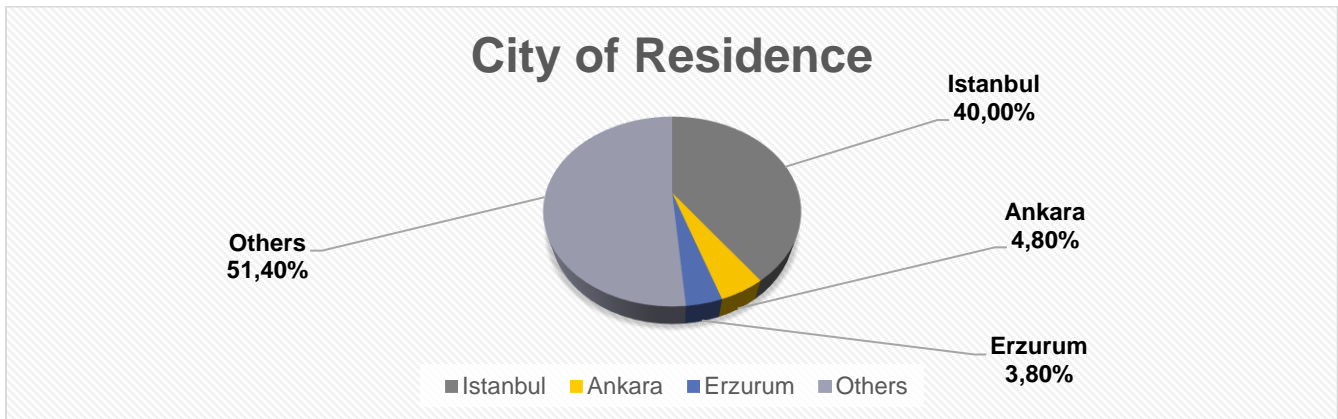
2.4. Homeland



The majority of the refugees waiting at the border gates are composed of Afghanistan citizens with a rate of 54.10%, Syrian citizens with a rate of 22.10% Syrian citizens, and Pakistani citizens with a rate of 7.8%.

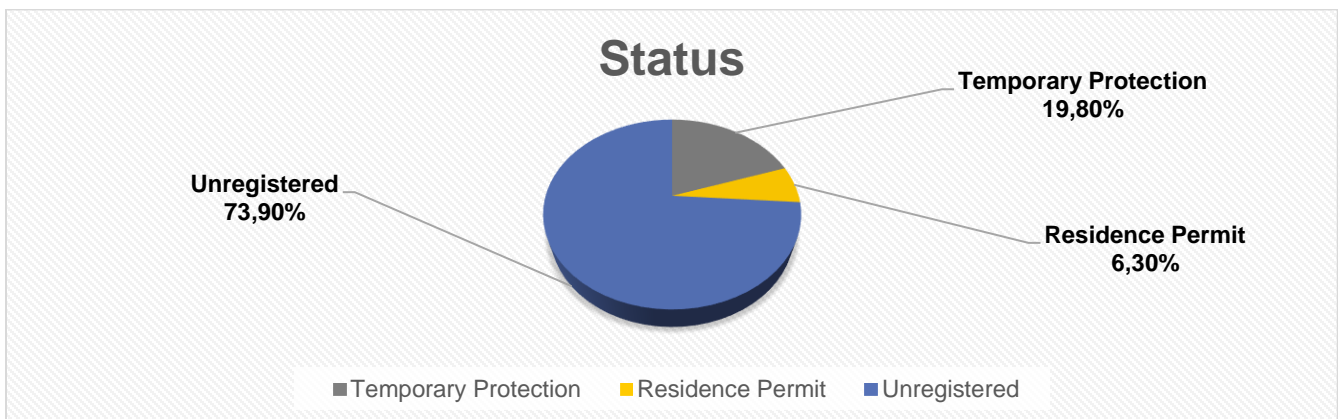
In general, it was observed that those who left their countries for the purpose of better life and survival.

2.5. City of Residence



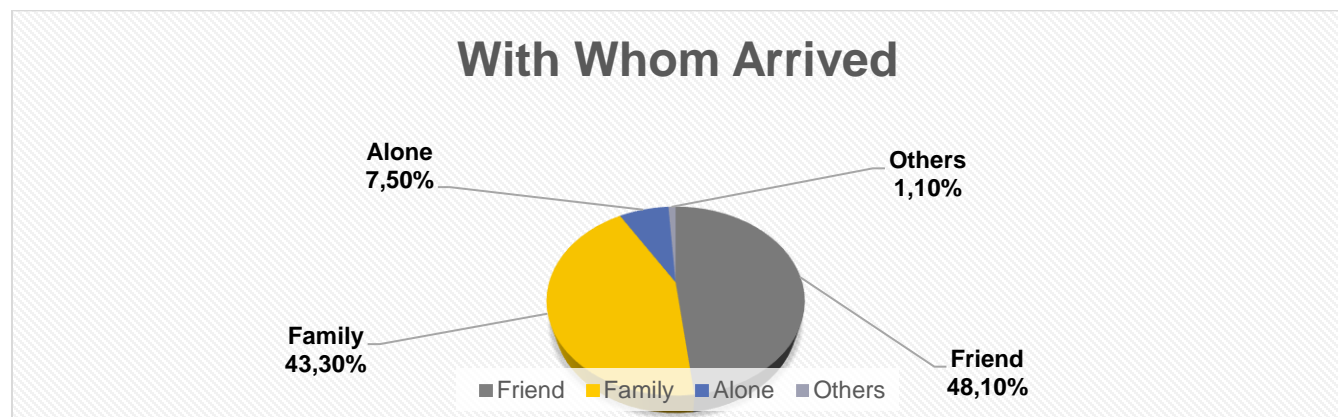
Istanbul that is in the first place with a rate of 40%, is followed by cities such as Ankara and Erzurum. It is observed that those who want to move to Europe are usually from metropolitan cities.

2.6. Status in Turkey



19.80% of those trying to cross the border have "Temporary Protection" status, while 6:30% of them have "Residence Permit" status and 73.90% of them reside in Turkey as unregistered.

2.7. With Whom Arrived

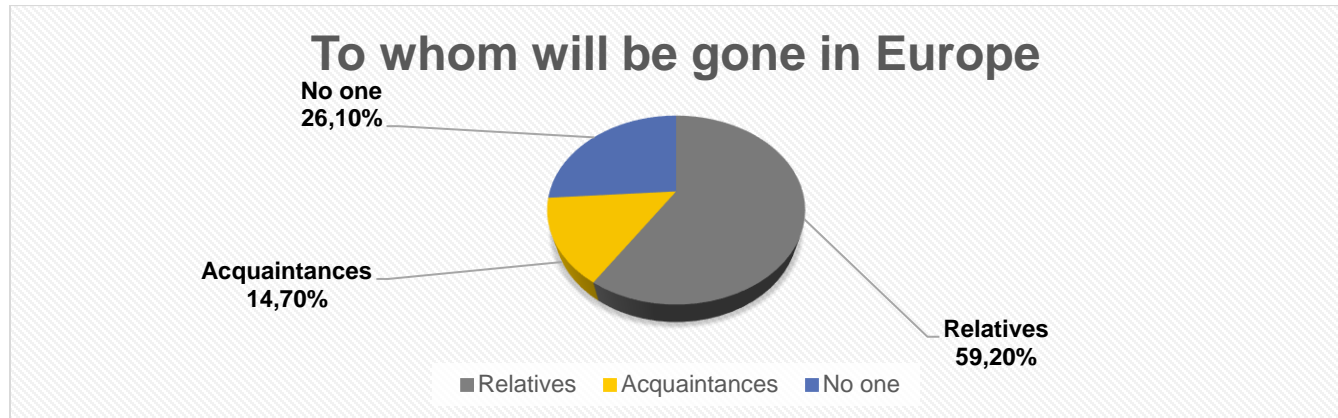




48.1% of the participants stated that they came with their close friends, 43.3% of them with their family and 7.5% of them alone.

Those who came with their friends left their families in Turkey, but in the case of establishing a regular life and finding work in Europe, they indicated that they plan to come together again with their families by means of the family reunion.

2.8. To whom will be gone in Europe



It was stated that 59.2% of those who want to cross the Greek border have relatives in European Union countries and they want to go to them, 14.7% of them have acquaintances and want to go to them, and 26.1% of them have no one to go.

It has been observed that one out of every 4 people who want to move to Europe have no plans on where to go and with whom to go and what to do.

3. Human Rights Violations and International Sanctions at the Greek Borders

Upon the ongoing events, our law committee evaluated the human rights violations in the field and discussed the legal sanctions of these violations. Greece violates its domestic law, the UN's fundamental statutes, and the European Union acquis, despite it is a party to and consequently binding for it, with its actions. Below, the enforcements of Greece, which are observed by our committee, that violates human rights, will be evaluated concerning international law. Meanwhile, as a pursuer of torture, cruel treatment, extortion, and harassment, we would like to pronounce that we will take the matter to several international authorities and courts.

3.1. Non-Recognition of Asylum Requests and Collective Expulsion of Refugees

At the same with Turkey's decision to open borders for refugees who want to cross to Europe, tens of thousands of refugees have moved to the Greek borders to go to European countries. Notwithstanding, refugees' entry to the country has been forbidden by Greek security forces, and refugees at the border have been subjected to various attacks.

As a result of the current events, the Greek National Security Council assembled to discuss the refugee crisis with the invitation of Prime Minister Kyriakos Mitsotakis and asylum applications have been temporarily suspended for one month as of 02.03.2020. In this case, the repulsion, irregular and collective deportation, apart from the acts of the Greek authorities such as preventing the passage of refugees who request asylum, are also contradictory to international law. Moreover, it is not legally possible for Greece

to take a decision and implement such a practice following the conventions to which Greece is also one of the parties.



Firstly, before the United Nations, Article 14 of the Universal Declaration of Human Rights, "Everyone has the right to seek and to enjoy in other countries asylum from persecution." and no exception enfranchised to the state parties, which might lead the restriction of this right for temporary or indefinitely period.

On the other hand, Greece adopted the 1951 Geneva Convention on the Legal Status of Refugees on 5 April 1960, which was expanded scope with the New York protocol of 1967, and in Article 1 the term "refugee" defined as follows: "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."

According to Article 22 of the Convention on the Rights of the Child "States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties." and "For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention." The rejection of asylum requests that will break up families and the push-back cases that refugee children encounter on the borderline indicate that the current practices are contrary to law, mainly Greece violates the Convention on the Rights of the Child.



Greece takes a stance against the Universal Declaration of Human Rights and the provisions of the 1951 Geneva Convention via not accepting the refugees - who cannot benefit from Turkey's protection and came to the border for the asylum purpose- to the country, pushing them back and suspending their asylum requests.

In terms of European Union law, according to Article 18 - Right to asylum "The right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and in accordance with the Treaty on European Union and the Treaty on the Functioning of the European Union" and Article 19 - Protection in the event of removal, expulsion or extradition "1. Collective expulsions are prohibited. 2. No one may be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment." Therefore, it is unacceptable that Greece declares that it does not accept applications unilaterally.

More importantly, Article 4 of Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms states, "Collective expulsion of aliens is prohibited." After the supervision of this contract by the European Court of Human Rights, it is inevitable to make a violation decision against Greece because of the collective expulsion cases that occurred. (ECtHR, Hirsi Jamaa and others vs Italy - the mass deportation of people from the high seas by the Italian government has been considered as a violation of human rights within the scope of Article 4, Protocol 4 and Article 3 of the ECHR.)

Again, the information that came about the 34 refugees including children and women arrived at Greece's Samos Island and then were left to the desolate Bayrak Island and threatened-harassed to prevent from reaching the land via the sea vehicles. It is unacceptable to prevent refugees that do not have even the minimum requirements to survive from applying for asylum.

3.2. Shooting Refugees Coming to the Border Line with Real and Plastic Bullets, Intervention with Gas and Stun Grenade

It was observed that the Greek security forces shot the refugees with plastic and real bullets, gas, and stun grenades to keep them away from the borders. As a result of these interventions, it was recorded that at least 3 refugees died and tens of refugees were injured from various parts of their bodies.



SOURCE: REUTERS

It is the well-known fact that every state has the right and authority to ensure border security. However, given that the people coming to the Greek border are within the scope of the asylum procedure, it is unquestionably that Greece cannot withdraw from fulfilling its obligations arising from the provisions of international legislation, under the pretext of border security.

It is clear, however, that the Greek authorities' interventions exceeded legitimate boundaries and reached a violation of the right to life and the right not to be tortured. In the Article 2 Right to Life of the European Convention on Human Rights (ECHR) to which Greece is a party,

- “ 1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.
2. Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary:
 - (a) In defense of any person from unlawful violence;
 - (b) In order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
 - (c) In action lawfully taken for the purpose of quelling a riot or insurrection”

In addition the above regulation, Article 3 Prohibition of Torture states,

“No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

Finally, Article 8 Right to Respect for Private and Family Life highlights that:

- “1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

Greek authorities' involvement in such physical violence is in contradiction with Articles 2 and 3 of the ECHR.

Again, in terms of United Nations regulations, in accordance with Article 6 of the International Covenant on Civil and Political Rights titled “Right to Life” and Article 7 titled “Prohibition of Torture” and Article 3 of the United Nations Convention against Torture, current implementations were prohibited without any exceptions.



SOURCE: IHA

3.3. Immersion of Refugees' Boots Entering to Greece Territorial Waters and Harassment of Refugees to Obtain Them Turn Back

Greek Coast Guards intervene in vehicles of refugees who want to cross Greece over the sea and the river, harass the vehicles and attempt to immerse by passing quickly, and then beat the refugees with sharp sticks and bullets. It was ascertained from the images taken from common media organs and observed that many refugees have been subjected to similar treatment at different times and channels.

These interventions of the Greek authorities violate Article 2 - Right to life and Article 3 - Prohibition of torture of the European Convention on Human Rights. In addition to violating the right to life and the prohibition of torture plus the negative obligations it did not fulfill, due to its positive obligations, Greece must ensure that refugees in their territorial waters moved safely to the Greek land border. Even though Greek officials must safely move refugees to their territory under its positive obligations, involvements of Greek forces such as harassment and mistreatment towards refugees are clearly against the European Convention on Human Rights, which is one of the most basic human rights regulations.

Besides, lack of secrecy in the areas of detention and acts of sexual harassment during body searches violate the right to respect for private life stated in Article 8 of the ECHR.



SOURCE: AA

3.4. Push Backs and Tortures Regarding Refugees through Taking off Their Clothes

As can be seen from several images, refugees achieved passing the Greek territory were detained by Greek security forces and some of the refugees are subjected to torture with plastic batons and various objects plus some of the refugees are pushed back to the Turkey border in state of half-naked.



SOURCE: TIMETURK

These interventions faced by refugees exceed the limit of legitimate intervention and are contrary to the basic regulations mentioned above. Furthermore, the half-naked repulsion of refugees is prohibited by several contracts as a part of the prohibition of degrading treatment.

However, since they are exposed to extreme cold due to seasonal conditions, the half-naked repulsion of refugees is also a violation of the prohibition of torture and ill-treatment.

The pushback of refugees without clothes and in a semi-naked state constitutes a violation of the right to respect for private life and the right to property.

3.5. Confiscation of Refugees' Belongings at the Greek Border

As a result of various interviews, it was concluded that some refugees who entered the Greek territory were detained by Greek security forces and all their belongings, including their money and phones, were confiscated.

Article 1 of Protocol No. 1 of the European Convention on Human Rights states that:

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.



SOURCE: TIMETURK

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”

When the existing practices are evaluated within this scope, the confiscation of all belongings of refugees including their phones and money is the violation of the right to property, which is protected by Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms.



4. Our Results and Suggestions

It should be noted, on the morning of the night when Turkey reported that the borders were open, thousands of the refugee moved to the border gates as if they were waiting for this day. Age groups in Turkey the time they were in, what they were doing during that time, etc. when the data is taken into account, it is directed towards the limit the desperation of refugees is evident. Each refugee lives destroyed by others, they has turned to borders in hopes of finding their uncertain future.

Refugees heading to the borders in the name of survival find themselves fighting for survival they must have found it in there. Just walking to the border without caring to the rain, the cold with the dream of the future and these people lying on the ground have been interfered with tear gas bombs, plastic bullets, water cannons and ships, boats etc. the vehicles of those who want to cross the Aegean Sea were also tried to sink the vehicles. For this reason, we invite all countries that take similar positions, especially Greece, to show humanitarian and legal attitudes towards refugees.

In spite of this humanitarian crisis, we would like to emphasize once again that refugees are not a choice, as the International Refugee Rights Association and as a non-governmental organization. To official data today according to the numbers 70.5 million every refugee is a person. The right to life of every person see also it is guaranteed in many legislation that has seen it. Without disregarding the rights of these refugees to life political, economic, religious, security, etc. it is unacceptable to be a victim of anxiety and tensions

Unfortunately, whether the war in Syria is over or not, the refugee crisis is a growing one it will continue to be the case. Europe's refugee crisis is now limited only to neighboring countries it is necessary to see that it has become a reality that directly affects Europe. Therefore Refugees seeking to cross Turkey's sea and land borders into Europe is no longer political, to set aside economic and religious perspectives and apply International Refugee Law to themselves admission of refugees to Europe under



this law by fulfilling their responsibilities we strongly recommend it be done With this all states and international organizations, however, reconsider their refugee policies in such a time when universal human rights are guaranteed, at least humanely in the sense that the minimum human rights required for the right to life are guaranteed to all people, and we invite you to find effective solutions. In this respect, the European countries should open the doors as soon as possible. We say it is necessary.

We also recommend that thousands of volunteers, activists, institutions and organizations in many European countries carry out aid and solidarity campaigns, and more importantly, invite the general attitude of the communities to help refugees and put pressure on the European Parliament and the governments of countries.

For this purpose, the “human world” on the road with the password, a non-governmental organization, and that advocate for the rights of Refugees, International Refugee Rights Association, derivation and solutions of the issues of the day be found in this area, your introduction into the world of rights violations, the world's efforts to gain knowledge and understanding about refugees and asylum seekers will continue unabated.

We offer our best regards to the public.



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