Pushbacks and Obstruction of Access to Asylum

Transnational Repression in Counter Terrorism Contexts

Submission to the United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

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Introduction and scope

This report examines alleged pushbacks of people facing political risks at the Greece–Türkiye border. We recommend effective access to asylum and individual risk assessment at the border, alongside independent investigation of allegations of unrecorded detention and handover.

Security Studies and Rule of Law Association (SRL Swiss) is an independent, non-profit civil-society organisation based in Geneva. This report predominantly concerns persons associated with the Hizmet/Gülen movement; it does not represent all Türkiye-origin terrorism cases. Judicial findings, official statements, witness accounts and media allegations are assessed separately. Türkiye rejects the relevant allegations of violations and maintains that its measures are lawful. [9]

Legal safeguards

The Committee against Torture's General Comment No. 4 treats the prohibition on returning a person to a State where there are substantial grounds for believing that the person would face torture as absolute. The relevant risk must be personal, present, foreseeable and real, assessed in light of both the individual circumstances and conditions in the destination State. The protection applies wherever the State exercises jurisdiction, control or authority; calling a measure "extradition", "return", "readmission" or another form of cooperation does not remove the obligation. [1]

When implementing Union law, Greece is bound by the right to asylum in Article 18 and the collective-expulsion and non-refoulement safeguards in Article 19 of the EU Charter. Events in 2023 and 2024 must be assessed under Directive 2013/32/EU, applicable at the time. Under its transitional rules, Regulation (EU) 2024/1348 applies to applications lodged from 12 June 2026; earlier applications remain governed by the Directive. [12, 14]

Greece has not ratified Protocol No. 4 to the ECHR. Article 4 of that Protocol therefore does not bind Greece as a direct Convention obligation. This does not displace EU safeguards or other applicable ECHR provisions. [12]

Judicial and institutional findings

A.R.E. v Greece (application no. 15783/21, 7 January 2025) directly concerns this report's scope. The applicant had been convicted in Türkiye of "FETÖ/PDY" membership. The Court found violations of Articles 3 and 13 for return without examining her risks and protection claim, and Article 5 for detention without a legal basis. [2]

A.R.E. does not establish that every pushback from Greece constitutes transnational repression or that Greece and Türkiye share a political purpose in every incident. Its narrower relevance is that unrecorded removal of a politically profiled person can restore the person to the source State's coercive jurisdiction without the asylum and individual-risk review that formal procedures are designed to provide.

Treatment during execution was assessed separately. The Court found no violation of Articles 2 and 3 regarding alleged danger to life and ill-treatment during the pushback, but found an Article 13 violation because no effective remedy existed for those complaints. This is distinct from the failure to assess risks before return. [2]

G.R.J. v Greece, decided in the same period, illustrates the other side of the evidentiary standard. The ECtHR accepted that there were serious indicators of a systematic pushback context at the Greek borders, but concluded that the applicant had not produced sufficient individual evidence to establish his own presence in Greece and the alleged pushback, and declared the application inadmissible. [10] The comparison is important: systemic context can provide powerful corroborative background, but does not by itself prove a particular removal.

The European Committee for the Prevention of Torture (CPT), in its 2024 report on its 2023 visit to Greece likewise recorded accounts of violent pushbacks in the Evros region and the use of foreign nationals in operations. [3] The European Union Agency for Asylum's 2025 Asylum Report recorded continuing controversy in 2024 over access to territory and asylum procedures and continuing allegations of pushbacks on several routes, including the Eastern Mediterranean. [4]

The Recording Mechanism of the Greek National Commission for Human Rights (GNCHR) documented 52 incidents reportedly occurring between January 2022 and December 2024, based on 61 testimonies, in its 2024 Annual Report. The estimated minimum was 1,517 alleged victims. The reported 11 Turkish asylum seekers are individuals, not incidents. These figures describe reports reaching the Mechanism, not a census of all pushbacks. [11]

Greek authorities have rejected pushback allegations and referred to domestic oversight mechanisms. In a joint statement of 7 April 2022, the Ministries of Citizen Protection and Migration and Asylum described Human Rights Watch's allegations concerning the use of migrant auxiliaries as unfounded, stated that the alleged practices did not correspond to official procedures and pointed to the National Transparency Authority and judicial investigations. The National Transparency Authority published Investigation Report OM3/4_2022 on 10 May 2022. [13] This official response and the existence of domestic review processes form part of the record; the report does not treat them as an independent determination that the events alleged by T01 or T02 did or did not occur.

Witness accounts

T01 states that in spring 2024 a small group crossed the Evros/Meriç and was apprehended on the Greek side by persons the witness identified as Greek military personnel. Telephones were taken. According to T01, an official asked why they had come and said "Gülen mi?" in Turkish; the witness answered affirmatively. [T01]

T01 describes transport to the river and handover to masked, armed persons in camouflage. The witness reports Turkish flags on some clothing, limited fluency in Turkish among the group and the presence of Greek military personnel at the handover point. Telephones and bags were reportedly taken before transport by boat to Türkiye. T01 states that neither the witness nor companions were physically assaulted. Clothing and flags alone do not establish the group's institutional identity. [T01]

T01 states that Turkish soldiers on the Turkish bank asked whether the group had been harmed, provided a heated space and treated them well. The statement does not establish that an explicit asylum request was made to Greek officials. Failure to register a specific application is therefore not asserted as an established fact. The question requiring investigation is whether officials reportedly aware of the political context assessed individual risks and enabled access to protection procedures. [T01]

T02 states that in early summer 2023 the witness crossed the Evros/Meriç with a small group, was apprehended inside Greece by Greek law-enforcement officers, had a telephone taken and was transported to the river area. T02 expressly states that the witness and other members of the group were facing Gülen-related accusations and that this political issue was discussed during the apprehension. The report therefore records an allegation that the border authorities were aware that members of the group had fled Türkiye in connection with politically characterized charges. [T02]

T02 describes a masked and armed group at the river and many people from different countries being held there. The witness states that men were stripped and searched, that a substantial part of the witness's cash was taken, and that neither the witness nor companions were beaten, although the witness reports seeing other people severely beaten. The group was then placed in a boat and returned to Türkiye. [T02]

T02 attributes initial apprehension and transport to Greek law enforcement but does not expressly place Greek officials at the final handover point. An operational link to the masked group cannot be established solely from the sequence of the account. Vehicle, assignment and communications records are needed to investigate that link. [T02]

Cooperation statements and post return monitoring

Statements issued by Greece and Türkiye in September and October 2023 express an intention to strengthen cooperation and communication on irregular migration. [5] Counter-terrorism cooperation also featured in public discussions in December 2023. [6] The joint declaration of 11 February 2026 addresses cooperation on migration, terrorism and organised crime. These statements establish diplomatic context, not instructions for a particular pushback. [7]

T02's early-summer 2023 incident predates the September–December 2023 meetings. T01's spring 2024 incident follows those meetings. Both incidents predate the February 2026 declaration. Chronology permits but does not establish a connection in T01; later meetings cannot establish an instruction for the earlier T02 incident. Any claim of a common instruction or information exchange requires incident-specific records.

The November 2024 report of the Greek Council for Refugees (GCR) records imprisonment in criminal proceedings following a reported pushback to Türkiye in August 2023. This civil-society record supports monitoring the subsequent effects of removal on liberty; it does not by itself establish a general sentencing or sentence-execution pattern. [8]

Independent monitoring after transfer should cover access to counsel and healthcare, judicial review of detention and investigation of allegations of torture or coerced statements. This report makes no finding concerning the anonymous witnesses' current whereabouts or individual sentencing or detention status.

Recommendations and requests

Register every protection request at the border and ensure that no person — including families with children — is returned to Türkiye without individualized risk review and a remedy capable of suspending removal.

Independently investigate allegations of handover from Greek officials to masked armed intermediaries, including command records, vehicle and duty logs, camera footage, telephone confiscation records and communications at river transfer points.

Clarify whether and how target information, criminal allegations, watch-list data or other personal information relating to Turkish protection seekers are shared in bilateral migration or security cooperation.

Ensure that cooperation on irregular migration and counter-terrorism is subject to distinct human-rights safeguards and cannot be used to bypass asylum, extradition or judicial procedures.

We ask the mandate to seek apprehension, transport, handover and information-sharing records from Greece and Türkiye and encourage independent investigation. Earlier protection findings should inform subsequent border decisions. T01 and T02 are written statements provided to SRL Swiss on 1 October 2026, not a representative sample. Permission for anonymous use does not authorise disclosure of identities to third parties, including the UN; separate explicit consent is required.

Publication of this report is authorised. Identifying witness records are excluded from that authorisation.

Sources

[1] Committee against Torture, General Comment No. 4 (2017), CAT/C/GC/4, Link

[2] ECtHR, A.R.E. v Greece, App no 15783/21, 7 January 2025 Link

[3] European Committee for the Prevention of Torture (CPT), Report to the Greek Government on the visit from 20 November to 1 December 2023, CPT/Inf (2024) 21, Link

[4] European Union Agency for Asylum, Asylum Report 2025, section on access to territory and documented pushback concerns. Link

[5] Greek Ministry of Migration and Asylum, Kairidis–Yerlikaya statements on strengthened migration cooperation, 19 September and 23 October 2023. Link 1 Link 2

[6] Republic of Türkiye Directorate of Communications, joint press conference of Erdoğan and Mitsotakis, 7 December 2023. 07.12.2023

[7] Joint Declaration Between the Government of the Republic of Türkiye and the Government of the Hellenic Republic, 11 February 2026. Link

[8] Greek Council for Refugees, At Europe's Borders: Pushbacks Continue as Impunity Persists (November 2024), contextual material on Evros cases and investigation gaps. Link

[9] Permanent Mission of the Republic of Türkiye to the United Nations Office at Geneva, reply and additional information concerning Special Procedures communication AL TUR 5/2024, 30 October 2024. Link

[10] ECtHR, G.R.J. v Greece (dec.), App no 15067/21, decision 3 December 2024, published 7 January 2025. Link

[11] Greek National Commission for Human Rights (GNCHR), announcement of the 2024 Annual Report of the Recording Mechanism, 17 July 2025. Incident period: January 2022–December 2024. Source

[12] EU Charter, Articles 18–19; Directive 2013/32/EU, Articles 6, 8 and 46; Council of Europe, Protocol No. 4 treaty status. Link 1 Link 2 Link 3

[13] Greek National Transparency Authority, Investigation Report OM3/4_2022, 10 May 2022; Greek ministries, joint statement, 7 April 2022. Link 1 Link 2

[14] European Parliament and Council, Regulation (EU) 2024/1348 of 14 May 2024, Articles 78–79 and transitional provisions. Source

Source and edition note - 26 October 2026
Edition: 13 October 2026. T01/T02 remain confidential witness references. Court findings, allegations and unknown later outcomes retain their separate status. This revision does not release identities or statements.