

## ANNEX 5 – Final SI-Handler Report Template



Warsaw, 28/12/2025

## FINAL SIR REPORT

SIR 13125/2023

SI-Handler: Fundamental Rights Office

## Key Points

**Incident:** On 22/06/2023, the Fundamental Rights Office received information from NGOs and the media about a Group of 61 migrants, mostly Turks attempting to flee persecution in Türkiye, who are requesting asylum in Greece after irregularly crossing the river Evros near Orestiada [REDACTED] local time. According to videos and photos made by the migrants, after the authorities were informed by NGOs of the group's whereabouts, the migrants were attacked by masked individuals wielding knives and batons, allegedly operating under the instruction of several police officers. The masked men allegedly beat and otherwise abused the migrants, stole their property, and, after an hour, at approximately [REDACTED] local time, drove them back to the riverbank, loaded them into inflatable boats and drove back to Türkiye. There, all the migrants were apprehended by the Turkish authorities, and many were sentenced to serve prison time.

Sensitive operational information x2

**Party allegedly involved in the incident:** Hellenic Police Officers (participants of JO Terra 2023), unidentified masked men.

**Possible violation of fundamental rights enquired:**

- Prohibition of inhuman or degrading treatment (Article 4 of the Charter of Fundamental Rights of the European Union) - **VIOLATION VERIFIED;**
- Prohibition of collective expulsion and principle of non-refoulement (Article 19 of the Charter of Fundamental Rights of the European Union) - **VIOLATION VERIFIED.**

**Conclusion and impact:** The Fundamental Rights Office assessed available evidence, consisting of first- and second-hand testimonies of the migrants involved and their corroboration, both mutually and with media files and other digital evidence. It gave due consideration to the statement by the Greek authorities that, based on searches conducted, no migrants from the group have been detected in the Greek territory on 22/06/2023.

On this basis, the Fundamental Rights Office considers it established that on 22/06/2023, the Greek authorities, acting through three police officers and 10-20 third country nationals masked with balaclavas and armed with knives, batons and sidearms,

- detected, apprehended, and subdued a group of 61 migrants;
- subjected the group to physical and verbal abuse including death and rape threats, intrusive and sexualized body searches, beating with hands, legs, and batons, stabbing, cutting, shooting, restraining and forcing them to kneel and lie down for extended periods, drowning, theft of personal property including phones, jewelry, IDs, and documents, as well as transportation in unsuitable vehicles; and
- without carrying out a reasonable and objective examination of the particular case of each individual, transported the group to the riverbank and then across the river back to Türkiye in boats.

These actions are attributable to the Greek authorities and amount to prohibited collective expulsion. The pushback operation further violated the prohibition of principle of non-refoulement, exposing the migrants to serious risks from Turkish authorities in Türkiye. Furthermore, the masked individuals acting under the instruction of the Greek officers, have subjected the migrants to inhuman and degrading treatment

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## Description of the event - Timeline

On 26/06/2023 the Fundamental Rights Office [REDACTED] alleging that 61 migrants (mostly Turkish nationals, including 11 minors) crossed the Greece-Türkiye border in the morning of 22/06/2023 near Orestiada, and were subsequently attacked by masked individuals carrying knives. The group was then reported to have been pushed back to Türkiye, where most of its members have been detained.

Sensitive operational information

The reports published in the media and shared by the NGO alleged that:

- On 22/06/2023 in the early morning hours, the group of 61 migrants (59 nationals of Türkiye, possibly one Afghan and one Iraqi) crossed the Evros river to Greece. At [REDACTED] the group contacted local NGO, asking for water, food, and international protection. According to a video posted on Twitter, the group was on the Evros riverbank, approx. coordinates: [REDACTED] [REDACTED]. In the video, migrants ask not to be pushed back to Türkiye and request asylum in Greece. The NGO informed the authorities including Hellenic Police about the location of the migrants.
- According to the NGO, around [REDACTED] (according to some media reports, around [REDACTED]) the group was attacked in the same area but further from the river by approx. 10 men in civilian clothes, masked and armed with knives. This assault has been recorded by the migrants, who sent four videos and photographs to the NGOs and shared them online. [REDACTED] at [REDACTED] and show:
  - the group on a dirt road between a treeline and the field, with a light-coloured vehicle in the distance on the same road;
  - several (8-10) men in civilian clothes, some wearing military style boots and cargo pants, all masked with black balaclavas and holding objects resembling knives. The attackers run at high speed towards and into the group of migrants, physically assaulting some individuals - pushing, grabbing and kicking, threatening with the hand-held objects;
  - the group is moving away from the vehicle and the attackers in panic, some bags are seen dropped on the ground.
- The NGO informed that these videos had also been shared on 22/06/2023 with the authorities including Orestiada Prosecutor's Office.

Sensitive operational information

Operational area

Sensitive operational information x3

According to relatives' testimonies, mentioned in the Turkish media and also as reported to the Fundamental Rights Office by the NGOs, following the attack, on 22/06/2023, the group had their phones and belongings confiscated and was pushed back to Türkiye across the river. Subsequently, at least 53 group members were arrested by the Turkish authorities.

According to information obtained by the Fundamental Rights Office from [REDACTED] [REDACTED] on 27/06/2023, after the receipt of SOS messages, photo- and video documentation on 22/06/2023, the Police dispatched patrols to conduct searches in the areas indicated in the videos, but no migrants could be detected. Orestiada Prosecutor's Office was also informed of these negative findings.

Modus Operandi of law enforcement

Moreover, the Fundamental Rights Office notes that on 22/06/2023, on request of a Strasbourg-based non-profit ASSEDEL, the European Court of Human Rights granted an *interim measure* to prevent the applicants' removal from Greece (Application 25010/23).

The Fundamental Rights Office launched SIR 13125/2023 on 21/07/2023 to clarify the allegations contained in this online article and received from other sources, specifically the alleged collective expulsion, and inhuman and degrading treatment of the migrants by the masked men.

(These alleged perpetrators are also referred to throughout this Report as "masked third country nationals", "mercenaries", "paramilitaries" or "Afghan masked men", depending on the context and whether the text presents the Office's own observations or reproduces statements by others).

## Information collected - Contributors/Entities consulted - Follow-up

[REDACTED], the Fundamental Rights Office [REDACTED]

Sensitive operational information

- To clarify whether the group of 61 migrants had in fact been present in the Greek territory, at the given times and locations on 22/06/2023;
- To clarify whether the group had an encounter with a group of masked armed individuals or other persons, as captured on the initially available videos;
- To clarify the actions of these individuals and details of their interactions with the group of 61 migrants;
- To clarify the affiliation of the masked armed individuals and potential involvement of the Greek authorities;

Reporting tools

- To clarify whether and how the group was coerced into crossing the Evros river to Türkiye.

To these ends, the Fundamental Rights Office took the following steps:

### 1. Review of available Frontex resources

According to information provided [REDACTED] on 22/06/2023 [REDACTED], per request of the Greek authorities, to a SAR operation in progress only a few km north from the place of the alleged pushback, at [REDACTED], [REDACTED]. Greek police, with participation of Red Cross, firefighters and with press live-streaming the operation were rescuing 146 migrants who had been stranded on an islet in Evros for several days.

At around 12:20, [REDACTED] As the respective shift reports show no real support was in the end required or provided. [REDACTED]

As such, [REDACTED] Frontex had no additional information nor was involved in the incident in this SIR.

### 2. Interaction with NGOs and other external actors with access to evidence

On 13/07, the NGO, which initially reported the incident to the Office, informed that they have re-established contact with one member of the group, who is in Türkiye and who informed that the majority (allegedly more than 50 persons) of the group is in prison in Türkiye. The NGO also provided additional videos and photos that captured the assault by masked individuals.

On 13/09, the same NGO informed that they represent a victim family from the incident, whom they have interviewed in depth. The Fundamental Rights Office will be granted access to these victims, and they have agreed with that. The NGO representatives have testified before the prosecutor's office in Orestiada, as well as before a court in Athens. The NGO also informed about actions by the NGO ASSEDEL, who has allegedly interviewed the victims in Türkiye, and is representing them before the Strasbourg court. Also, there is a journalist who managed to interview several of the victims.

On 13/11, the same NGO provided yet additional photos timestamped on 22/06/2023 [REDACTED] and portraying the group of individuals allegedly on the Greek side of Evros (the photos include location: [REDACTED], [REDACTED]). Videos were also provided that show the assault by the masked individuals and are timestamped at [REDACTED]. Some of the same persons can be clearly identified in the two sets of photographs/videos. According to the NGO, shortly after the assault, phones of the group members were confiscated by the masked assailants.

On 14/12/2023, the NGO ASSEDEL provided contact of the lawyer representing 35 of the 61 migrants before the ECtHR. The Office interviewed the lawyer on 21/12/2023, resulting in the following main information:

- Documentary evidence:
  - Summary of facts as filed with the ECtHR, which provide a detail description based on the testimonies of the migrants ASSEDEL represents (reviewed below in the *documentary evidence* section).
  - Applications to and decisions by the ECtHR in the case, namely the Rule 39 Interim measures decision from 22/06 (application no. 25010/2023), ordering Greece not to remove the migrants from its territory (which was issued in the PM on 22/06/2023); and the decision lifting the interim measures from 30/06 (after it was established that the migrants are in Türkiye).
- Media:
  - photos and videos filed with the ECtHR, including media previously unknown to the Office, some with metadata pointing to the location of the crossing to Greece,
  - others documenting the attack by masked individuals, including visual analysis of the instruments they are holding (according to ASSEDEL's submission to the ECtHR, clearly knives);
  - one photo clearly identifies the three vehicles at the scene of the attack as a white pick-up truck, and two transporter vans (white and white-silver);
  - several photos showing a procession of men from the group moving apparently from the location by the river to the location of the gathering of all 61 migrants.
- The lawyer furthermore conveyed that:
  - They have been in direct contact with 33 out of 35 migrants represented by ASSEDEL;
  - The interim measures decision was received [REDACTED] however the migrants had been removed from Greece [REDACTED] local time on 22/06/2023;
  - In this incident, there has been collaboration between the Greek and Turkish governments as the Turkish gendarmerie were informed about the precise location on Western bank of Evros where the migrants would be brought to;

Reporting tools

Modus operandi of law enforcement x2  
Operational area

Modus operandi of law enforcement x3

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Operational area

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Sensitive operational information x2

- Some of the migrants testified that several of the Afghan masked men, who had assaulted the group in Greece, returned to Türkiye and were arrested alongside the group. The Turkish arrest documents do include some names which are not Turkish and may be Afghan, and, in addition, are identical as the names of the Afghan smugglers paid by the group of migrants to get them across Evros to Greece;
- The cases before ECtHR related to this group of 61 continue - the lawyer has requested rulings on violations of Articles 2, 3 and 5 ECHR;
- The lawyer will transmit the testimonies of the migrants before the Turkish authorities (gendarmerie and courts), injury reports and arrest documentation, and transcripts of their statements about the incident (reviewed below in the *documentary evidence* section).

On 19/12/2023, the Fundamental Rights Office met with a **journalist** following the case, who has interviewed five migrants from the incident who have not been jailed in Türkiye or have been released. The journalist:

- Confirmed most of the information about the incident that had already been gathered by the Fundamental Rights Office in the above described exchanges with the two NGOs.
- Stated, namely, that - based on the interviews - it is likely there was effective collaboration between the authorities from Greece and Türkiye.
- Affirmed the smugglers were young Pashto-speaking Afghans, who, after crossing the river, led the group to the main road where the assault happened. Then one of the smugglers allegedly ran to the attacking masked men, pulled on a balaclava, and joined them. Later, one of the Afghans was captured by the Turkish gendarmerie because he did not manage to escape in time. The gendarmerie allegedly confirmed it to the apprehended migrants that they had received information beforehand about that they were a group of 61 and where they were about to land.
- Provided additional details about the team of masked attackers and the authorities' involvement: arrived in three vehicles (Toyota, Dacia Duster and Iveco); about 10-15 attackers in masks, under the direction of three police officers in military style uniforms, one of whom had an M-16 rifle. The three officers wore no masks and walked slowly to join the migrants, one of them is female. One of the journalist's contacts identified the Afghan masked attackers and the three officers as the same group allegedly abused him on one of his earlier attempts to cross to Greece in Evros.
- Provided a contact to one of the migrants who agreed to be interviewed by the Office directly. This interview took place in April 2024 and is described below).

### 3. Review of legal and other documents

The Fundamental Rights Office reviewed ASSEDEL's summary of facts submitted to the ECtHR about the incident, based on the collection of testimonies. This document includes the following:

- Presents the applicants as 37 Turkish citizens, including previous state employees. The adult members of this group have now been sentenced to prison sentences of varying length on account of their alleged opposition to the Turkish government.
- The migrants departed from Edirne and crossed the river to Greece in small groups, on small inflatable boats. On the Greek side, the smugglers gathered them all 61 in one location. At [REDACTED], the smugglers allowed the phones to be switched on, and the migrants contacted lawyers and NGOs with photos and videos their location ([REDACTED] made on the Evros riverbank).
- The NGOs and lawyers conveyed migrants' location, and intention to apply for asylum to the Greek authorities. Migrants were told to wait for the police to arrive. Later, the lawyer/NGO instructed them to start moving, which the group did.
- After arriving on a bigger dirt road, shortly thereafter, at approx. [REDACTED] a white pickup (Hillux or L200) and two transporter vans (Iveco) arrived nearby. Three persons of lighter complexion exited the pick-up, dressed in uniforms (presumed military) and surgical masks. One carried an M-16 rifle, two others - a heavy-set man and a woman - had pistols tucked in their uniforms. Additionally, a group of approx. 20 individuals in civilian clothes and with balaclavas masking their faces jumped out of the vehicles. They were presumably Afghan). They were armed with knives and some with firearms. All arrived personnel started approaching the migrants, at which point two or three of the smugglers so far accompanying the migrants crossed over and joined the masked individuals. The migrants believed that they gave out the current location to the authorities.
- The masked individuals - referred to by the migrants as "mercenaries" or "paramilitaries" initiated the assault, running at the migrants and attacking them with knives, sticks and pistol handle. ([REDACTED] Shots were fired around the migrants and when a migrant attempted to escape. Resistance was quickly subdued, with the masked individuals screaming and pressing blades to the migrants' throats and cutting some on their hands. All the migrants, including children, were beaten and made to lie down.
- The masked men took away migrants' phones, searched for valuables (money), and confiscated migrants' shoes. Then the group was separated into group of men, and women and children. The men were stripped

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into underwear, had their hands bound and were forced to kneel on the dirt road in rows of four. Men were then closely searched again, while being occasionally beaten, cursed and threatened. The masked men spoke some Turkish and claimed this was done on behalf of the Greek authorities.

- The women's group asked to be searched by the female Greek officer but all the women and children were searched by the masked men, which sexually harassed and intimidated the women, and searched in an intrusive manner including inside underwear. One of the women was subjected to extremely harsh treatment and threats as she was identified as having taken a video of the assault earlier. One person requested to be allowed to take medication but they were not allowed.
- The three Greek officers stood by, observing the searches and harassment.
- The group of men was then loaded into the two transport vans and driven to the river, where a grey-haired stronger-built Greek officer in uniform and with binoculars took charge of the masked men's operation. The male migrants were ordered to inflate small rubber boats, with those too slow or exhausted receiving further beating.
- Women in the meantime stayed at the location where they had first been assaulted and searched. They had been moved aside and witnessed the group's belongings being collected into black trash-bags.
- [REDACTED] all the migrants started being transported on inflated boats across the river to the Turkish side. 8-10 migrants were on each boat, together with some masked men. The Greek officer directed the crossing from the Greek bank and instructed the crew on the last boat not to land but to throw migrants in water. Incidents during the crossing included some migrants, along with one masked man, to fall in the water.
- [REDACTED] all migrants were on the Turkish side of Evros, and Turkish gendarmerie arrived and they were arrested. The migrants believe that the operation was coordinated between the Greek and Turkish authorities, considering the swift arrival of the Turkish forces.
- According to the police arrest report, 51 Turks and two Afghans were arrested. The following day, most of the group were detained based on their ongoing proceedings on terrorism charges. On 08/08/2023 the Edirne prosecutor issued a bill of indictment against 31 adult migrants on the charges of entering restricted military zone.

Sensitive operational information x2

Furthermore, the Office reviewed a set of documents from the Turkish authorities, including medical statements, testimonies before gendarmerie and courts. The Office translated the key documents from this batch into English. They included the following information (only details that differ from already previously described allegations are presented here):

- A map is included in the gendarmerie's incident description which points to the location of the crossing as identical with the one identified by the coordinates initially shared by the Greek NGOs with the authorities.
- Most migrants agree that the smugglers who gathered the group on the Turkish side of the river and then transported in groups across to Greeks, were Urdu or Pashto speaking Afghans.
- Migrants describe in detail their crossing from Türkiye to Greece - over one of the islets in Evros river, in several groups - men and families separately.
- The smugglers abandoned them on the Greek side with several smaller groups in different locations, with an instruction to stay hidden and not to switch on their phones before [REDACTED]. Before [REDACTED] the migrants turned on their phones and received instructions over WhatsApp. They also filmed themselves, recording their names [REDACTED], and sent the videos to the Greek NGO.
- At 10 or 10:30 one of the Afghan smugglers returned and the group of families started walking in Greece. After 30-40 min, they have been reunited with other Turkish migrants from Edirne, and with 10-12 other Middle Eastern migrants, bringing the number of the group to 61.
- The Greek lawyer and the NGO instructed the migrants to record what will happen when the soldiers come to their location. After some more walking, based on instruction of the Afghan smugglers, the group arrived to the road where two white vans and the masked "paramilitaries" and Greek military appeared. [REDACTED] The migrants differ significantly in describing the vehicles. As is obvious from the videos, they were at quite large distance initially. Pick-up trucks like Toyota Hillux, minivans Ford Tourneo type, and other vehicles are reported. Some described covered registration plates. All migrants agree on the presence of two large transporter vans.
- The Afghan with a knife who so far instructed the migrants had run to join the paramilitaries, who began assaulting the migrants with knives and sticks. Especially the men and women who filmed them were hit hard and one boy was cut on his hands.
- Migrants' estimates of the number of the masked men differ - from 8-10 to 20. Some counted four Greek soldiers. Migrants also differ regarding whether the female was a Greek officer or one of the paramilitaries.
- Men, women and children were separated but because children screamed too much, in the end the boss of the paramilitaries agreed to keep them with the women.
- Men were made undress, then forced to lie on the ground and were searched. Women were laid down dressed and searched invasively. Then men were ordered to get dressed, and were made kneel with their

Sensitive operational information x2

Data protection

Data Protection

Reporting tools

hands zip tied. Money, jewelry, documents and IDs were taken. All had to unlock their phones and give up passwords. Phones were confiscated.

- Several migrants tried to run and were stopped with shots fired and then beaten heavily.
- [REDACTED] the vehicles took the men away and returned empty after a few minutes to take the women and children as well. Inside the vans it was hot and dusty and pitch dark. The ride took only five minutes and when they arrived, they could already see the inflated boat with men on water prepared to depart.
- Men in the meantime inflated the boats under the supervision of a large grey-haired man in a black polo shirt. There was also a Greek officer supervising, but he did not say anything the whole time.
- Migrants describe dramatic scenes with people falling into water during the trip across the river, the last boat nearly not making it to the shore, as the Turkish gendarmerie were already in sight.
- The Middle Eastern migrants, whom the Turkish group merged with in Greece, according to most migrants did not cross back to Türkiye with them.
- The Turkish soldiers have been probably waiting in the forest on the Turkish side, according to most migrants, and loaded the group in army trucks and took them to the border post.

#### 4. Interviews with two victims

On 27/02/2024, the Fundamental Right Office interviewed a Turkish migrant, whose contacts were provided by the NGO representative. The migrant confirms the timeline and events described above, providing the following additional or different information:

- The migrant identified herself in the pictures and videos made in Greece;
- All the vehicles involved were white, one of them was certainly a pick-up truck;
- Estimates that 15-20 Afghans were involved. The migrant could identify them because she knows Farsi and in her village in Türkiye there are many Uzbeks. The smugglers/attackers spoke Uzbek and Afghan Farsi.
- The Afghans wore a shoulder patch - a red wolf. Noone on scene of the incident wore a formal uniform. The woman and one more officer wore white t-shirts. Most of the masked men wore black civilian clothes.
- First thing the masked Afghans did was take the migrants' phones, ask for passwords and erase the phones.
- Children were treated very badly, beaten as hard as adults. Now they face PTSD, draw dark-clad men. They did not speak for some time.

On 15/04/2024, the Office interviewed another migrant from the group of 61, whose contacts were provided by the journalist. This migrant provided the following new or different information:

- The migrant had already been pushed back from Greece (police station) previously, and in that instance encountered the same police officers and the same group of Afghan paramilitaries.
- The migrant provided a picture from the media, showing a large Hellenic Police officer driving a boat on Evros, and claimed that this is the officer who commanded the Afghan masked men.
- The migrant had recognized himself in one of the videos made on the river bank and during the attack that day.
- He identified Toyota Hillux, transporter van Iveco Deyli and Dacia Duster as the cars first on scene. He is also convinced that two additional vehicles arrived later and the large Greek officer sent them away, speaking with the drivers in Greek.
- The "Afghans" may also be from Pakistan. At least three among them had pistols. They spoke broken Turkish. The Greek officers wore tactical pants and brown or black t-shirt. The large man wore blue t-shirt. They all wore surgical masks.
- Searches took 40 min and were harsh, sometimes extreme violence was employed, especially for those who did not comply, did not understand, tried to hide valuables. One man tried to run and ran almost 200m. he was stopped by warning shots and brought back. The masked men cut or stabbed him on the belly as a punishment and the injury was bleeding.
- The masked individuals were putting money and phones directly in their pockets. They only forced the owners of the more advanced phones to unlock them and erased the data.
- Then men formed line on one side of the road, and women on the other. Men got into two vans and left. The three Greek officers went in the Hillux, with the masked men possibly in the trunk, and migrants (men) in two vans. The drive took 15-20 minutes.
- One of the Afghans called someone on the phone, called him brother and spoke Turkish. The migrant believes this could have been the coordination with Turkish authorities about expected arrival of the group of 61.
- On the riverbank, there were 3-4 zodiac-type inflatable boats.

#### 5. FROMs mission to the Evros region in January 2024

FROMs were in Evros region [REDACTED], they enquired about the case but could not receive official information due to an ongoing investigation. Some civil society interlocutors shared their experience from the region, confirming broadly some of the features from the migrants' testimonies. Namely:

- The “mercenaries” or “paramilitaries” acting on behalf of the Greek authorities in the second half of 2023 seem to have been predominantly Afghans, no longer Pakistanis, Bangladeshis or Syrians;
- They no longer stay in police facilities but rather, possibly, in military or non-military facilities in the closed military zone near the river;
- Migrants have reported that Greek officers are present during the pushbacks conducted by the “mercenaries” or “paramilitaries” and do not interfere
- The two sides - Turkish and Greek - seem to communicate during incidents. Such communication takes place between the respective militaries, possibly also the “mercenaries” can contact the Turkish side.

## 6. Enquiry with Greek authorities, national investigation

The Fundamental Rights Office approached the Greek authorities [REDACTED]

The Greek authorities replied on 21/02/2024, providing the following main information:

- On 22/06/2023, the Hellenic Police first received information about the group of 61 migrants from an NGO [REDACTED] - with their location provided at [REDACTED] (FRO note: location where the group has gathered on the Greek riverbank; [REDACTED]). Further communications at 13:32 local time informed the Hellenic Police that the migrants were now at [REDACTED] and that they were *under a knife attack by unknown person*.
- Immediately after the receipt of both initial emails [REDACTED] dispatched search parties to the designated area. Immediately after the receipt of the third email, searches were again conducted at the designated spot and surrounding areas. Searches were continued during the afternoon and evening of 22/06/2023. No persons were found during any of these searches.
- Regarding the photo and video material shared with the authorities, presence and actions of masked men, and of the equipment and vehicles used, the authorities could not confirm presence of any persons or vehicles at the provided locations and therefore could not make any assumptions regarding the identity of persons in the videos/photos.
- Regarding the alleged abuse and theft of property by a group of Turkish-speaking “Afghan” masked men, and regarding the alleged coordination with the Turkish forces regarding the location of the pushback, the authorities reiterated that no persons were located and therefore the incident does not correspond to reality. Practices described furthermore do not correspond with operational practice of the Hellenic authorities. No information about alleged events was exchanged with the Turkish authorities.
- Regarding the ongoing or planned investigations, the Greek authorities informed that:
  - The application of several persons from the group of 61 to ECtHR for interim measures under no. 25010/23 T.E. and others v Greece was initially granted, but in August, after considering the arguments of Greece, interim measures were lifted.
  - An internal investigation was carried out concerning the case in question, without any evidence linking the police officers who handled the case to any specific disciplinary offences.
  - In addition, the Public Prosecutor's Office of Orestiada on 15/01/2024 ordered a main investigation about the above-mentioned incident for the offences of (i) national bias-motivated serial abduction, (ii) ethnic bias-motivated robbery, and (iii) ethnic bias-motivated physical assault.

## Assessment

The main allegations in the case concern the pushback operation as a result of which a group of migrants may have been collectively expelled to Türkiye, which may have violated the principle of non-refoulement. In the process of the pushback operation the migrants were allegedly subjected to inhuman and degrading treatment by masked individuals alleged to have worked under the instruction of Greek officials.

In order to assess the veracity of these allegations, the Office will first comment on the reliability of available evidence. The recent case law applicable to pushback operations will be introduced and the alleged violations will then be assessed in sequence, discussing in each case the law, the established facts, and matching the two. In closing the involvement of Frontex and state of investigation into the incident is assessed.

### 1. Regarding the credibility of evidence

The Greek authorities denied ever locating any migrants from the group in their territory on 22/06/2025, denied involvement of Hellenic personnel in the incident and disputed that the incident ever happened. No interpretation or analysis was provided by them as to the events captured on the pictures and videos. The authorities have maintained the same line of argument consistently, also before the ECtHR in the interim measures proceedings.

The case thus revolves around establishing the credibility and consistency of other sources. Several media reported about the incident, several NGOs represented the migrants, several NGOs and journalists interviewed migrants involved. The Office itself had a chance to interview two migrants. Migrants' testimonies, and the photo and video material allegedly capturing the events are thus key to establishing what happened on 22/06/2025.

Regarding the authenticity of the photo and video material, it is important to note that it was never disputed by the Greek authorities. Videos and photos used capture landscape that exists in northern Evros region. Several of the migrants declared - including in direct interview with the Fundamental Rights Office - their authorship of some of the videos. The videos and photos available to the Office (39 media files) came from different sources, with some files differing in format and size but identical in content and reported more than once. Their origin can always be traced to one of the persons claiming to be a part of the group on the day of the incident.

The two migrants the Office had a chance to interview could be identified and recognized themselves in the videos from the day - on the riverbank and during the attack. Furthermore, the videos and photos available to the Office are mutually consistent, displaying some of the same individuals in different locations and situations. In some videos, where migrants present themselves, their identities can be cross-checked with personal data in the Turkish police documents available to the Office, or in the application to ECtHR.

Some of the videos and photos have time stamps, automatically generated by the devices used to record them, some include timing metadata. In several of the videos, made on the riverbank, location is integrated and displayed. Lastly, the content displayed on the videos in no point contradicts the overall story of the incident, as relayed by the migrants in their statements.

While there is nothing in the video and photo material collected from the incident on 22/06/2023 that would unambiguously identify the location where the videos were made, due to the other factors described above, the **Fundamental Rights Office considers the digital media it reviewed as authentic, non-manipulated, and truly depicting events associated with the group of 61 migrants on 22/06/2023.**

The migrants' testimonies, irrespective of the source or channel of reporting, are fundamentally coherent - internally, mutually (across different testimonies of different individuals), and when compared with other evidence such as the digital media. Almost all the members of the group provided a written statement regarding what happened in Greece on 22/06/2023. The agreement among so many people is remarkable.

It is important to note the differences in testimonies - in the view of the Office, they are however related to details rather than the important features of the incident, and are easily explainable by different focus, point of view and perception of different individuals, and the stress they have experienced. The testimonies summarized above, show clear differences with respect to, for example: the languages spoken by the smugglers/masked assailants, number of smugglers that joined the assailants, uniform details on the masked men and Greek officers, the numbers and types of vehicles in location of the incident, number of attempted escapes and shots fired to stop them etc.

Each of the testimonies reviewed by the Office displays high degree of detail. Even if some of the details are organized into a sequence disputed by another testimony (for example, were the men first undressed and made lie down and only then made kneel with their hands tied - or was the order reversed), different testimonies agree on such details occurring on the day. This contributes to the credibility of such testimonies.

Overall, **the Office assess the testimonies it received regarding this incident as extremely credible.** Inasmuch as they describe the same events in the same way, they are considered as reliable evidence.

The Turkish authorities and the documents they produce may be considered as biased when it comes to issues of migration into the EU. However, the police and judicial files used in the present case as evidence have not dealt with the migration issue. The migrants are charged with various crimes (including approaching the restricted military area near the border), none of them however connected with the events that happened in the Greek territory. As such, in the view of the Fundamental Rights Office, there is no reason to assume any bias vis-à-vis such events by the Turkish authorities in the present case. Furthermore, no such bias can be expected from the statements of the migrants made to their legal representation, while in Turkish custody or detention, or out of detention, which were the main source of information for the Office's investigation. The overall story and the details provided in these testimonies are fundamentally coherent with those in the testimonies collected from different channels.

## 2. Regarding the alleged collective expulsion and refoulement

The analysis of the provision in article 19 of the CFR and the long string of cases from the ECtHR have developed a set of criteria required to confirm or rebut alleged collective expulsion (which determine the structure of this section):

### A) Presence of the migrants in the EU territory

In their reply to the Fundamental Rights Office the Greek authorities imply that the lifting of the Rule 39 interim measures by the ECtHR in August 2023 was due to the arguments of the Greek government and helps support the position held by the authorities that there has never been any incident described in this SIR. In the Office's view, such argument is not entirely valid. The interim measures ban the government from removing migrants from their territory, and mandate provision of assistance to them. As the proceedings following the granting of the interim measures showed, per applicants' submissions as well as that by the Greek government, none of the applicants was any longer in the Greek territory by the time of the hearing. The Court did not pronounce itself, however regarding the causes of such absence in territory - whether it was because the migrants were never there, or whether it was because they had been removed by the Greek authorities on 22/06/2023, as claimed by the applicants.

The videos, the photos document the group of the migrants in the locations which look like *parevria* or the riverbank areas of the river Evros. From early morning on 22/06/2023 the migrants have been in contact with NGOs, transmitting their locations, which are furthermore included in some of the videos. The two main locations have been shared with the Greek authorities in real time.

The authenticity of the video or the locations they depict were not disputed by the Greek authorities. The Fundamental Rights Office believes that the videos of the attack by masked men, and of the migrants in various locations represent prima facie evidence of the migrants' presence in Evros. Based on the ECtHR judgment (07/01/2025) in a recent case *A.R.E. v. Greece* (ref. no. 15783/21), which dealt with a pushback in Evros, where such prima facie evidence of migrants' presence in the territory exists, the burden of proof is reversed and the authorities will need to prove that the migrants were not there and subjected to a pushback.

The crossing of the border from Türkiye to Greece in the night from 21 to 22/06/2023 and extended presence in the Greek territory between [REDACTED] local time has been unequivocally confirmed by all the reviewed statements from the migrants themselves.

Additionally, the Turkish police files explain that the group of migrants were arrested after arriving from Greece.

**The Office considers the fact that the group of approx. 61 migrants was between [REDACTED] local time on 22/06/2023 in the Orestiada region of Evros, in the locations provided to the authorities, as established.**

### B) Under effective control of the authorities

The interactions with the masked men have been captured on the video, which has been deemed credible. The presence of the Greek authorities is not equally obvious on these videos. The Greek authorities denied ever finding any migrants in the locations pointed out by the NGOs.

Considering that the incident took place in a closed military zone where no civilians have access without a special permit, even in the absence of additional evidence, it would be unthinkable to postulate that masked violent individuals could operate there without the awareness of the Greek authorities.

In the present case, however, abundance of additional evidence directly confirms the presence of the officers both at the site of the assault, during the transport phase and at the site of the pushback on the riverside. Virtually all the migrant testimonies speak about the three Greek officers - referring to them as both police and/or military - who wore uniforms, surgical masks, carried side arms, one of whom carried a long assault rifle, and who were in control of the group of masked assailants. The officers issued orders to the group of masked men. On the riverbank, one officer is mentioned as controlling the inflation of boats, onboarding and transfer across the river.

The testimonies provide sufficient ground to connect the violent actions by the masked individuals to the presence and action by the officers present. The officers did not prevent or stop violence by the masked "Afghan" paramilitaries, and while not directly involved, they exercised control over the situation through issuing orders. Furthermore, the logistical support to the whole operation - with vehicles required to transport large groups of migrants to the shore, inflatable zodiac-type boats prepared - in the conditions of the closed military zone, closely monitored by electronic and visual surveillance, can only realistically be provided by the Greek authorities.

Relying mainly on the statements of all the migrants, as well as the video evidence, the Office believes that the **Greek authorities, under whose instruction the masked individuals acted, located, subdued and exercised effective control over the group of 61 migrants, until their removal from Greece.**

### C) Involuntarily removed from the territory

Most migrants confirmed - in their statements, in the videos recorded on the riverbank and to the NGOs - that they intend to apply for international protection in Greece. Many among them had been previously persecuted by the Turkish government and none had a wish to return back to Türkiye.

As at the time of removal, the phones of the migrants had already been confiscated and switched off, no digital evidence documents the pushback itself.

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The Turkish authorities have initiated prosecutions against a part of the migrants for, among other charges, entry into restricted military area along the river Meriç/Evros. The Turkish police and court files include the testimonies provided by migrants about their stay in Greece. While not taking stance about the exact events that happened in Greece, the Turkish authorities have established and acted upon the fact that the group of 61 did cross the border from Türkiye to Greece and then appeared back on the same day.

Migrants' statements are absolutely aligned in explaining the events which led to their return. The masked Afghans have paddled them from the Greek to the Turkish side of Evros river. Non-compliance was not an option, as confirmed by accounts of beating on the shore during boarding, or of the migrant who was nearly drowned by one of the masked men as a punishment for pulling him to water.

In this context, the Fundamental Rights Office wishes to recall a number of SIRs, which had established the practice of violent pushbacks, including with the involvement of masked third country nationals. The Office also points to the above-cited decision of the ECtHR *A.R.E. v Greece*, which referred to the *systematic practice of pushbacks* in Evros.

Based on all the above, the Fundamental Rights Office considers it **established that the migrants were coerced by the authorities and their assistant force of masked men to board boats and leave Greece for Türkiye.**

#### D) No individual assessment, including of asylum claims and refoulement risk

Upon arrival to Greece, the migrants communicated their wish to apply for international protection - through video messages, text messages including their details and reasons for fearing persecution in Türkiye, and through their NGO representatives, who forwarded some of this information to the authorities. The group of migrants also included pregnant women, children, ill persons and likely people with other vulnerabilities.

Prior to their removal from the Greek territory, each migrant's circumstances should have been individually assessed, including providing them room to apply for international protection. No such assessment took place.

Some of the migrant reports point to extreme abuse of migrants with vulnerabilities - intrusive and sexualized body searches performed on children, attempt to separate small children from their mothers, sexual harassment of female migrants, one report mentioned a pregnant woman that was kicked in the belly, prevention to take medication and use female hygienic products.

NGO ASSEDEL's application for the interim measures under the rule 39 explicitly repeats that the migrants have applied for asylum and this information was conveyed to the Greek authorities. It further explains that while Türkiye may be considered a safe country in general, it is surely not the case for the present group of applicants, who have all been persecuted as alleged members of Gulen movement and PKK, with some charged with and prosecuted for terrorist offences by the Turkish government. In the specific conditions of Turkish politics the eventual pushback to Türkiye (which the application sought to prevent) would subject the group members to risk of imprisonment solely on the grounds of belonging to a social group, would expose them to inhuman treatment and put their physical integrity and life at risk. As such, the eventual pushback would have represented a refoulement prohibited under article 19/2 of CRF.

The Fundamental Rights Office shares this legal assessment of ASSEDEL. **The lack of individualized assessment resulted in a denied access to asylum, and eventual pushback exposed the members of the group to the risk of inhuman and degrading treatment or punishment through imprisonment for political reasons.**

This issue is further exacerbated by what appears to be signs of coordination between agents of the Turkish and Greek governments. Several migrants reported that the Turkish gendarmerie must have been appraised of the arrival of migrants on boats - in terms of the location and timing. A migrant interviewed by the Fundamental Rights Office relayed that he overheard parts of such coordination. The Greek authorities denied such coordination in general. In the context of all available evidence it however seems likely.

**The Fundamental Rights Office considers it established that on 22/06/2023, the Greek authorities acting through its three police officers and 10-20 third country nationals with balaclavas, armed with knives and sidearms, detected, apprehended and subdued a group of 61 migrants in Evros, transported the group without any individualized assessment of their circumstances to the riverbank and across the river to Türkiye in boats. These actions violated the rights of the migrants not to be exposed to prohibited collective expulsion. The pushback operation further violated the prohibition of principle of non-refoulement, exposing the migrants to serious risks from Turkish authorities in Türkiye.**

### 3. Regarding the alleged inhuman and degrading treatment and theft of migrant property

Provision of article 4 of the CFR, as well as article 3 of ECHR prohibit as inhuman treatment actions such as serious physical assault, psychological torment, cruel detention conditions or restraints, threats of death. Degrading treatment would be established if undignified and/or humiliating treatment can be evidenced. Duration of such treatment as well as the effects on the victim are important for legally finding it degrading and so are victim's vulnerabilities.

The allegation in the present case is that the Greek authorities acting through the masked third country nationals armed with knives, batons and sidearms subjected the 61 migrants to approximately one-hour long physical abuse, transported them to the river in vehicles unsuitable for migrant transport, and abused them further on the riverbank.

Reports of the use of “masked individuals”, “commandos”, “paramilitaries” or “mercenaries” in pushback operations in Evros region are long-standing, frequent and mutually consistent. Despite denial by the Greek authorities, the Fundamental Rights Office believes these reports describe a practice implemented in the Evros region as a matter of coordinated policy. In the present case the masked men have been captured on videos during an incident, making it difficult to deny the existence of such practice.

Below are some of the actions by these masked men, which the Fundamental Rights Office considers established (corroborated by two or more migrants’ testimonies) and which meet the standard of inhuman and/or degrading treatment:

- Punches and kicks all over body and to the head, kick to a pregnant woman’s stomach;
- beating with batons, cutting and stabbing with knives, hit by a side arm to the head, threats with firearms, warning shots fired after an escaping migrant;
- Death threats, threatening a woman with rape, sexual assault during intrusive body search, intrusive and sexualized search of children;
- Forcing tightly zip-tied migrants to kneel for extended period of time; forcing migrants to lie down on a dusty road;
- Denial of medication and female hygienic products;
- Theft of property - documents, IDs, money, phones, other belongings;
- Throwing migrants off the zodiac boats into water, keeping a migrant’s head under water in order to drown him.

The Office notes that unsuitable vehicles were used to transport the migrants in two waves from the place of detection/apprehension to the riverbank. It was not possible to firmly establish the duration of the ride (migrants in their estimates range from 3 to 20 minutes). However, there was a consensus as to the type of vehicles used - large cargo vans, in which there is insufficient air to breath, complete darkness, and dust. Furthermore, the transport drives on dirt roads, endangering the passengers inside. The Fundamental Rights Office notes that such vehicle are unsafe, not cleared for humans, and it has previously [REDACTED] considered that their use in itself amounts to degrading treatment of the migrants.

**The Fundamental Rights Office has established that through a list of well documented abusive statements and actions, the masked individuals acting under the instruction of the Greek officers, subjected the migrants to inhuman and degrading treatment.**

#### 4. Regarding the reporting of the incident, interaction with the Greek authorities, national investigation

Frontex [REDACTED] - coinciding with the time when the masked individuals and Hellenic Police officers were conducting the pushback a few km south. Considering also that [REDACTED] the Frontex patrols at the site of this incident, besides being seen and thanked by Police commanders in front of the media, [REDACTED]

The Greek authorities have collaborated with the SIR procedure in an adequate way, responding swiftly to most questions, as well as to the initial queries by the operational team. The Fundamental Rights Office appreciates such collaboration especially against the background of media attention triggered by the videos from the incident posted online, ongoing case before ECtHR, and before the Orestiada judicial bodies.

Consistent with the position of the Greek authorities that no incident in fact occurred as no migrants could be located in the Greek territory, the internal investigation could not but exculpate the officers involved in handling the case. The Fundamental Rights Office considers that there are important discrepancies between this position of the Greek authorities and the conclusions reached in this SIR. **It would welcome additional investigation to clarify the circumstances of the searches that were reportedly ineffective during the day on 22/06/2023.** Especially [REDACTED], which was requested but never received.

Similarly to the *A.R.E. v Greece* case cited above, the ECJ in its recent judgment (18/12/2025) in *Case C-136/24 P Hamoudi v Frontex* states that when a victim of a pushback provides evidence that is sufficiently detailed, specific and consistent to constitute prima facie evidence, the general courts have an obligation to investigate the case in order to be able to assess the truth of that pushback and the presence of the applicant at it.

In this context, the Office welcomed the opening of an investigation by the [REDACTED]. According to the last updates from counterparts in Greece, there seems to be no outcome from this procedure yet. The

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Fundamental Rights Office would appreciate to be appraised about such outcome, also in light of the concept introduced by *A.R.E. v Greece* and *Hamoudi v Frontex*.

### Final conclusion - Proposals - Lessons learned

The Fundamental Rights Office assessed available evidence, consisting of first- and second-hand testimonies of the migrants involved and their corroboration, both mutually and with media files and other digital evidence. It gave due consideration to the statement by the Greek authorities that, based on searches conducted, no migrants from the group have been detected in the Greek territory on 22/06/2023.

On this basis, the Fundamental Rights Office considers it established that on 22/06/2023, the Greek authorities, acting through three police officers and 10-20 third country nationals with balaclavas and armed with knives, batons and sidearms,

- detected, apprehended, and subdued a group of 61 migrants;
- subjected the group to physical and verbal abuse including death and rape threats, intrusive and sexualized body searches, beating with hands, legs, and batons, stabbing, cutting, shooting, restraining and forcing them to kneel and lie down for extended periods, drowning, theft of personal property including phones, jewelry, IDs, and documents, as well as transportation in unsuitable vehicles; and
- without carrying out a reasonable and objective examination of the particular case of each individual, transported the group to the riverbank and then across the river back to Türkiye in boats.

These actions are attributable to the Greek authorities and amount to prohibited collective expulsion. The pushback operation further violated the prohibition of principle of non-refoulement, exposing the migrants to serious risks from Turkish authorities in Türkiye. Furthermore, the masked individuals acting under the instruction of the Greek officers, have subjected the migrants to inhuman and degrading treatment

Against this backdrop, the Fundamental Rights Office recommends:

#### To Greek authorities:

1. To review and assess the systems and rules of operational reporting and record-keeping, as well as the way they are being implemented in operations in the Evros region, in order to avoid reporting gaps.
2. To ensure that no returns take place without a prior administrative decision in each case and that individual assessments are conducted to determine, namely whether migrants could be at risk of refoulement.
3. To diligently and swiftly investigate and address the allegations of violent pushbacks against migrants by Greek officials or by third country nationals acting under Greek authorities' - supervision.

#### To Frontex:

1. To increase presence and be more actively involved in border surveillance, and search and rescue operations across the whole Frontex operational area along Evros river.