

## The 1<sup>st</sup> ECtHR Case of a ‘Pushback’ of an EU Citizen - Update

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**BREAKING #ECtHR – A French *Citizen* Accused Greece of ‘Pushback’, following which she is Unlawfully Imprisoned in a Turkish Prison for +6 Years. In its Response to the Court, the Greek Government Continues to Racialize the Victim, Classifying her as an ‘Illegal Migrant’. Now *front-LEX* Requests the Court to Condemn Greece and Grant +2.5M Euros in Damages to the Victim.**

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*front-LEX* has just filed its response to the Greek Government’s ‘Joint Observations’ in the cases of a young French woman and her husband, who fled to Greece following political persecution in Türkiye but were violently ‘pushed back’ from Greece based on racial profiling.

In this Court filing, *front-LEX* refutes the claims of the Greek government and argues that these joint cases expose the fundamentally racist nature of the EU’s border policies. **Based on their appearance as non-white Muslims, the French woman and her husband, both having demonstrated their legal right to enter the Schengen zone, were subjected to Greece’s unlawful and inhuman border policy.**

In October 2021, the two Applicants, facing political persecution in Türkiye - where the French woman had moved to study abroad - fled back to Greece. Upon crossing the border, they were apprehended by Greek authorities to whom the young woman presented her travel documents, demonstrating her and her spouse’s legal right to enter the Schengen zone. She also informed the border authorities of the imminent danger they faced in Türkiye.

However, **instead of facilitating their entry, Greek authorities abducted, detained, abused, and forcibly transferred the couple to an unsafe dinghy to collectively expel them on a life-threatening journey to a military zone in Türkiye, where they were captured by Turkish soldiers.**

**As a result of their *refoulement*, the Applicants were imprisoned for 6 years and 3 months in a Turkish prison under cruel, degrading, and inhuman conditions.** Represented by *front-LEX*, the young woman and her husband have brought their cases to the ECtHR, which is currently adjudicating for the first time a *refoulement* of an EU Citizen.

After submitting the two cases in 2022, the Court communicated the case to the Greek Government and invited France to join the proceedings. In addition, four NGOs – Border Violence Monitoring Network, I Have Rights, ASSEDEL and Avocats Sans Frontières – have requested and were granted permission to join the proceedings. Their third-party interventions (TPIs) provided substantial evidence that corroborates the Applicants’ claims and expose the EU-Greek policy of ‘pushbacks’ along the Evros river.

**On November 15<sup>th</sup>, 2023, *front-LEX* responded to the Greek Government’s Statement of Defence.** In this submission *front-LEX* points out that Greece continues to mischaracterize the Applicants as ‘irregular migrants’ and ‘third-country nationals’. *front-LEX* illustrates the erroneous and racist nature of qualifying an EU citizen and her spouse as ‘irregular migrants’, who continue to be victimized solely based on their non-White, Muslim appearance, and whose legal rights to enter and stay in the EU are being entirely disregarded by Greek authorities - first at the border and now in the courtroom. As a result of Greece’s racialized mischaracterization, *front-LEX* argues that the government’s position is legally inapplicable and factually irrelevant to these cases.

**The Applicants demand a clear condemnation from the ECtHR of the Greek government’s racially-based border policy to render justice and remedy for the racist ‘pushback’ and ensuing unlawful and prolonged imprisonment they have been and continue to be subjected to.** The facts of this case highlight the grave, systematic and fundamentally racialized nature of the EU’s border policy and signal to a climate of impunity within which Greek border officials are operating in the Evros region.

## Quotes

- a) Adv. Omer Shatz, Legal Director of *front-LEX*, Lecturer at Sciences Po (Paris)

**“This case shows that EU migration policy is not a legal or even political matter. It is sheer racism.** If the Court doesn’t speak out when they come for the ‘migrants’, they will eventually come for the citizens. Combining physical and legal violence, the EU’s hybrid war on migrants is ultimately detrimental to its own rule of law. From now on, EU citizens should know their own government may abandon them, expel them, and let them face abuse and ill-treatment in the very places they fled from.”

“We expect that [the case] is likely to have broad consequences on both Greek and EU external border policies. This is particularly so given the racial context in this case which demonstrated how over time even official travel documents do not matter and **policies intended to target foreigners, including those seeking safety, end up impacting also racialized citizens.** “

- b) Prof. Violeta Moreno-Lax, Queen Mary University of London (London)

“This is the first time an EU citizen has been illegally pushed back to face ill-treatment because of her physical appearance. **Not looking ‘European enough’ triggered a spiral of violence and abuse that has put her life at risk, revealing the cruelty of the racist foundations of the EU border control regime.** This needs to be forcefully condemned and rejected as an affront to the most basic principles of a democratic society.”

- c) Emmanuel Achiri, Policy & Advocacy Advisor, European Network Against Racism (Brussels)

**“The discourse and policies adopted by EU member states surrounding migration while touted to stop ‘irregular’ migration, are in reality designed to keep persons who do not fit imaginary stereotypes of race & whiteness out of Europe.** While in the past, migrants have been the target of Europe’s institutional racist borders, what this case shows is how easily this racist attitude to migration and policing can be used to abuse the fundamental rights of racialized Europeans. **The Court’s decision becomes imperative in safeguarding the rights of millions of racialized Europeans residing in Europe, as well as those on the move.** It is crucial to address the potential misuse of migration policies that perpetuate discriminatory practices against specific racial groups.”

## **Contact Information**

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## Selected Media Coverage

- Libération : En Turquie, une Française toujours détenue dans un prison d'Erdogan.  
[https://www.liberation.fr/international/europe/en-turquie-une-francaise-toujours-detenuedans-une-prison-derdogan-20230513\\_DNV35AKKCNGTLKW2XPXPO6CHNA/](https://www.liberation.fr/international/europe/en-turquie-une-francaise-toujours-detenuedans-une-prison-derdogan-20230513_DNV35AKKCNGTLKW2XPXPO6CHNA/)
- Libération Enquête: A la frontière orientale de la Grèce: Meme une Francaise peut etre violemment renvoyée vers la Turquie. [https://www.liberation.fr/international/europe/a-la-frontiere-orientale-de-la-grece-meme-une-francaise-peut-etre-violemment-renvoyee-vers-la-turquie-20220429\\_VKFLME52B5GMJKIXUVTVKH7O7Y/](https://www.liberation.fr/international/europe/a-la-frontiere-orientale-de-la-grece-meme-une-francaise-peut-etre-violemment-renvoyee-vers-la-turquie-20220429_VKFLME52B5GMJKIXUVTVKH7O7Y/)
- AP NEWS: Only on AP French woman accuses Greece of ‘pushback’.  
<https://www.youtube.com/watch?v=-NU4LwQMdt4>
- France 24 Espagnol: Migrantes en Grecia denuncian devoluciones ilegales por parte de la Guardia Costera. <https://www.youtube.com/watch?v=8cV2WQJqt3w>
- Mediapart : La Grèce refoule une Française vers la Turquie.  
<https://www.mediapart.fr/journal/international/180222/migrants-la-grece-refoule-une-francaise-vers-la-turquie>
- USA Today: French citizen accuses Greece of ‘pushback’.  
<https://eu.usatoday.com/videos/news/nation/2022/02/18/french-citizen-accuses-greece-pushback/6851717001/>
- AP NEWS: From Turkish jail, French woman accuses Greece of ‘pushback’.  
<https://apnews.com/article/middle-east-france-prisons-greece-europe-1c58212ff10310deebae2b769d31e386>