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23 November, 2021

ASGI - the Association for Juridical Studies on Immigration (<https://www.asgi.it/> - <https://en.asgi.it/about/>), Associazione di Promozione Sociale - APS with registered office in Turin (Italy), is an association founded in 1990, and brings together lawyers, university professors, legal practitioners and jurists with a specific professional interest in legal issues related to immigration in Italy and abroad.

The association works in the defence of migrants (EU citizens and non-EU citizens) through: information, research and training on the legal aspects of immigration, international protection, discrimination and citizenship in Italy and with reference to national, European and international legislation; the production of documents to disseminate correct information and tools necessary to ensure increasingly prepared and effective intervention in the protection of migrants' rights; activating advocacy actions with recommendations and proposals for changes in national and international legislation; proposals for changes in legislation and policies at national, European and international level; promoting strategic litigations; cooperating with other organisations at national, European and international level with a view to these objectives.

In recent years, the association has addressed issues related to border management and access to asylum procedures by working on several projects, including the **Medea** (<https://medea.asgi.it/>) project, an action based on field research, strategic litigation and advocacy aimed at defending the rights of foreign citizens arriving in Italy through internal borders and the so-called Balkan route both by land and sea. The actions include monitoring, the elaboration of fact sheets and in-depth legal studies, which are essential to facilitate the promotion of strategic litigation and to promote and support advocacy activities.

On Saturday, 6 November 2021, a delegation composed of four ASGI members (all Italian citizens) engaged in a technical-legal visit to Idomeni in Greece on the border with North Macedonia aimed at gathering information on national asylum systems, on the role of the various internal and international actors involved in the management of the migration phenomenon and, more generally, to contextualise the role of individual countries in the

migration dynamics affecting the Western Balkans, with a specific focus on border areas. The delegation was stopped by a mixed patrol of Greek policemen, border police and Frontex agents, taken to the local police office and then forcibly escorted to the external EU border and forced to return on foot to North Macedonia.

The delegation entered the Greek territory through the Evzoni border crossing, accompanied by a Macedonian taxi driver, underwent border controls and presented all the necessary documents upon request, in particular, in addition to the passport and identity card, also the Digital passenger locator form/DPLF and the green pass. After a short patrol around the train tracks, in the immediate vicinity of the railway station of Idomeni, while returning to the station, the delegation was approached by a Frontex agent who asked for their documents and the reasons for their visit. Immediately, a Greek police officer arrived and, in an altered and intimidating tone, asked for an account of their presence, accusing the group of having entered Greece illegally via the Macedonian border, without taking into account the delegation's explanations on how to enter Greek territory legally. Within a few moments, several other officers, some from the Greek police authorities and others from other police forces, including at least two other Frontex officers, appeared and surrounded the delegation. Finally, an armoured Greek police truck with tinted rear windows arrived and the group was forced in a verbally violent manner to get in, without any information being given or any questions being asked. At the same time, the police authorities retained possession of their identity documents.

When the delegation arrived at the police station, the Greek police officers, still in an aggressive and intimidating way, checked the documents, while the border police and Frontex officers, who had also arrived in the meantime, remained outside the building and watched the operations in progress. At the end of the control operations, the delegation was taken by the same truck to the Evzoni border crossing point to return to Macedonian territory, walking a few kilometres.

The escort to the border was carried out by two Greek policemen escorted by Frontex agents in two vehicles and the identity documents were handed over from the Greek policeman to the border police officer present at the border crossing. The procedure was carried out without any reasons being given for the temporary deprivation of liberty and the forced accompaniment to the border, with completely informal procedures without any kind of formal decision being communicated to the persons concerned.

The undersigned association wishes to denounce the unlawfulness by stating:

- the overall treatment suffered by ASGI's delegation, who, without having committed any offence, have been deprived of their freedom of movement by means of deliberate verbal violence, without receiving any explanation as to the reasons for their detention, despite expressed and repeated requests to that effect;

- the forced return of European citizens from an EU Member State to a third country and the informal procedures used.

In view of the seriousness of the above-mentioned treatment of EU citizens by the police forces of a Member State, in the presence and in cooperation with officers of the European Border and Coast Guard Agency (Frontex), in violation of the rights guaranteed by the regulations in force, ASGI requests to the European Commission and the European Parliament

- on the basis of the supervisory role that the European Parliament and the European Commission exercise over the Agency (art. 6 Regulation 1896/2019) that all appropriate measures and mechanisms be activated in order to ask the competent bodies of the Agency for clarifications regarding what happened, in particular regarding the forced return of EU citizens to a third State;
- to ascertain whether there are any laws in force in Greece on security and/or border control that give the police the power to carry out such detention operations without any intervention by the judicial authorities, without giving access to a lawyer, including a Greek one, or any report to the Italian consular authority so that it can exercise the necessary diplomatic protection for its nationals.


The treatment suffered by the members of the delegation is in complete violation of the principle of free movement and is an example of the illegitimate practices that characterise border areas and the repressive tendency of the authorities not only towards migrants but also towards all those who act in defence of their rights.

A similar request for clarification was also sent to the Ministry of Foreign Affairs and International Cooperation, the Ministry of the Interior, the Italian Embassy in Athens, and the European Border and Coast Guard Agency (Frontex).

The association and the persons directly concerned are obviously available to provide any further information deemed necessary for a better understanding of the case.

We are very much looking forward to receiving a response to our request.

The legal representative
Mr. Lorenzo Trucco

A blue ink stamp of ASGI is placed over a handwritten signature. The stamp contains the text: "ASGI", "Associazione per gli Studi Giuridici sull'Immigrazione", "Via Gerdil, 7 - 10152 TORINO", "Tel./Fax 011.4369158", and "Partita IVA 07430560016".

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