



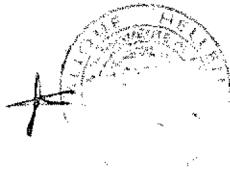
**Permanent Mission of Greece
to the United Nations Office and
other International Organizations
in Geneva**

No.: 6170.7/AS 855

NOTE VERBALE

The Permanent Mission of Greece to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to attach herewith the reply of His Excellency M. Nikos Dendias, Minister for Foreign Affairs of the Hellenic Republic, to the joint communication (Ref: AL GRC 2/2020) addressed to him by the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the human rights of migrants; and the Special Rapporteur on trafficking in persons, especially women and children.

The Permanent Mission of Greece to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, July 1, 2020

Encl. : As stated

To:
The Office of the High
Commissioner for Human Rights
In Town



THE MINISTER FOR FOREIGN AFFAIRS

Athens, 30 June 2020

Ref.: E/135

Dear Special Rapporteurs,

In response to the Joint Communication dated May 1st, 2020, we have the honour to inform you of the following:

In recent years, Greece has been under continuous and intense pressure by the mass influx of mixed flows of migrants and refugees as, due to its geographical location, it has become a major entry-point to Europe, mainly for people arriving from Asian and African countries. Greece is also considered a “suitable” gateway to the European Union, as a transit country with final desired destination other EU member states.

The competent Greek authorities are taking all necessary initiatives, positive action and the essential measures to ensure full respect for the human rights of irregular migrants, refugees and asylum seekers. At the same time, however, the competent authorities bear the responsibility of overseeing and monitoring the lawfulness of actions and deeds of such a great number of newly arrived persons, their lawful circulation/movement in the single European Schengen Area, but also the observance of the fundamental rights of local citizens, especially in the areas of first entry of migratory flows.

Ensuring decent reception conditions for irregular immigrants and asylum seekers arriving in our country is a priority for the Greek Government and at the same time an unprecedented challenge due to the continuous large number of arrivals, to the Aegean islands in particular.

1. Information and/or comments on the allegations mentioned in the Joint Communication

Greece, a democracy and one of the oldest member states of the European Union, is a country governed by the rule of law and the high democratic standards shared by all EU member states. The human rights of all persons in its territory, Greek and foreigners alike, are fully respected.

In our view, the people and non-governmental organizations which you refer to in your Joint Communication as “human rights defenders”, are valuable partners, working together with the competent Greek authorities in carrying out a complex and extremely demanding humanitarian duty. It should also be noted, however, that in Greece everyone is equal before the Law which applies to everyone without exception. This is, after all, the best guarantee that the human rights of every person in the Greek territory are and will continue to be fully respected.

H.E. Ms. Mary Lawlor

Special Rapporteur on the situation of human rights defenders;

H.E. Dr. Agnes Callamard

Special Rapporteur on extrajudicial, summary or arbitrary executions;

H.E. Mr. Clément Nyaletsossi Voule

Special Rapporteur on the rights to freedom of peaceful assembly and of association;

H.E. Dr. Felipe González Morales

Special Rapporteur on the human rights of migrants;

H.E. Dr. Maria Grazia Giammarinaro

Special Rapporteur on trafficking in persons, especially women and children.

As far as the reported incidents in the Joint Communication are concerned, please be informed of the following:

A. With regard to the arson that took place in the early hours of March 2nd, 2020 in a warehouse used by NGOs in the city of Chios: this warehouse had been used since 2015 as a collection and storage area for clothing and other items by a group of local volunteers, in collaboration with various foreign volunteer groups that occasionally operate in Chios, with a view to assisting asylum seekers, refugees and migrants. This warehouse, which is located in the urban area of the city of Chios, had been operating without problems all these years and there had never been any issues or complaints about it. The incident of arson took place by unknown perpetrators after the general incidents that occurred in Chios, during the period from February 25th - 27th, 2020, regarding the creation of a new structure for the management and accommodation of asylum seekers, refugees and irregular migrants. Initially, the investigation of the incident was handled by the competent Fire Department in collaboration with the Police Authorities and then by order of the Chios Prosecutor's Office, the case was assigned to the Security Sub-Directorate, which is still conducting investigations.

B. With regard to the reported incidents that took place on the islands of Lesbos and Chios during the period from January to March, 2020, we would like to note the following:

On January 30th, 2020, a gathering/demonstration of foreign women and children took place in the city of Mytilene, with the support of various volunteers and members of NGOs. From the above gathering, nine people were brought to the Mytilene Security Sub-Directorate for the verification of their data and the legal status of their residence, after which it emerged that they were volunteers and members of NGOs. After completion of the relevant identity verification all of them were released.

In addition, members of NGOs were never arbitrarily summoned by the General Police Authority of North Aegean for identity verification of data, nor have there been any threats for repeated daily verifications in case they did not leave the island of Lesbos, as claimed.

On February 3rd, 2020, on their way back to the Reception and Identification Center (RIC) of Lesbos, under the escort of Police Forces, a group of foreigners who had previously held a protest demonstration in the city of Mytilene, when passing through the village of Moria, was stopped by a small number of residents, trying to avert their return to the Reception and Identification Center. There was a short period of tension, which was defused almost instantly by the immediate action of Police Forces.

In the morning hours of February 4th, 2020, a gathering of foreign nationals of Afghan origin staying at the RIC of Lesbos, took place at the harbour of Mytilene and at the road leading to it. These people were protesting against the conditions of their stay at the RIC and about the process of returns. Following a combined operation, Police Forces together with officials of the Central Port Authority of Mytilene warded the gathered persons off to the adjacent Sappho Square, in order to release the road for the smooth movement of vehicles. Police Forces took into custody four persons who were later released after the completion of the relevant identification control.

As regards the allegations about cases of unidentified individuals throwing stones at a house where members of NGOs were staying, as well as causing damage to a volunteer's vehicle in the night of February 4th, 2020, according to the records of General Police Authority of North Aegean, no relevant complaints were filed.

On February 6th, 2020, it has come to the attention of certain police officers of the Police Department of Lesvos that a gathering of young people, who were in possession of suspicious objects, was in progress. The above persons were brought to the Police Department and were arrested for obstruction of the entry to the village of Moria under violation of article 187 par. 3 of the Penal Code. All persons indicted were brought to Justice and the case is pending before the Courts.

From the date of February 4th, 2020 onwards and on a daily basis, mainly in the afternoon, a gathering of residents of Moria was taking place at the entrance of the village where they remained at the site until the early evening hours. Police Forces were present at the scene, in order to prevent any illegal actions.

On February 27th, 2020, a case was filed in the Police Department of Mytilene following a lawsuit by a 25-year-old German citizen and a 26-year-old Canadian citizen, for acts of violence and harassment that took place against them on the same day in the center of Mytilene. Following the preliminary police investigation, the identity of seven perpetrators of the above illegal actions was verified, and the relevant indictment file was transferred to the Prosecutor of the Court of First Instance of Mytilene.

Regarding the other allegations of attacks on volunteers and members of NGOs, as well as on students who were mistakenly considered employees of NGOs, there are no records of any reports or complaints brought to the General Police Authority of North Aegean.

Regarding allegations about an attack by an unknown number of people against journalists who were reporting the arrival of a boat carrying irregular migrants from Turkey on March 1st, 2020, the Police Department was ordered by the Prosecutor's Office of Mytilene to conduct a preliminary investigation, which was subsequently forwarded to the Central Port Authority of Mytilene in order to bring charges against the perpetrators.

Regarding the fire which broke out at Stage 2 of Sykamnia on March 1st, 2020, the Fire Department has duly investigated, but the investigation has been inconclusive as regards possible misdemeanor.

No report was found on record in all of the Law Enforcement Agencies on the island of Lesvos regarding the existence of people with the characteristics of their faces covered, claimed to have set up a checkpoint at the entrance of the city of Mytilene on March 1st, 2020.

A case was opened by the Police Station of Mytilene for violation of the articles of the Greek Penal Code regarding damage of material property and physical violence following a complaint filed against unknown perpetrators by a 74-year-old Norwegian national for acts committed on March 2nd, 2020 in the area of Kara Tepe, in Lesvos.

As regards alleged attacks on members of NGOs in the port of Thermi that have caused damage to some vehicles, nothing relevant was reported or denounced to the authorities, according to the records of the competent Police Department.

Regarding an incident against an NGO boat which was moored in Skala Loutron port, the Port Authority Office was notified and timely reacted.

In the Police records of Lesvos there is no mention whatsoever of arrests, having taken place between March 9th to 11th, 2020, of five journalists reporting on migration issues.

Finally, for a case of arson in the premises of NGO "██████████", which took place on March 7th, 2020, in the area of Kara Tepe, Mytilene, in the context of the preliminary investigation and after a thorough and extensive probe carried out by the competent Services of the General Police Department of North Aegean, three foreign nationals were identified as perpetrators and charges were brought against them.

2. Allegations about local police actions or omissions

As regards the allegations presented in the Joint Communication, we believe a general remark is necessary to begin with: Greek Police Forces, in the context of their mission and with the aim of preventing and effectively addressing any form of emerging policing-related issues in their area of jurisdiction, are implementing the relevant "Special Operational Action Plans", which are constantly being updated, depending on the circumstances.

Competent Police Authorities operate through specified actions (patrols, control teams, etc.) and continuous, substantial and systematic inspections, with the support of modern technological equipment, in order to prevent and manage any delinquent behavior with a view to maintaining peace and security in the country.

It must also be stressed that there was never a case where a person, that had proceeded to a Law enforcement agency to report a case or an incident against him, was driven out in denial of his right. Equally it must be stressed that no incident has been reported of police officers hanging up the phone to a citizen that wanted to report an attack against him.

3. Ministerial Decision 3063/2020 about NGOs.

It must be noted that the role of non-governmental organizations in assisting the overall management of mass influx of migrants and asylum seekers in Greece has been important throughout the years and in particular ever since the 2015 migratory / refugee crisis. The Greek Government together with the EU Institutions and relevant International Organizations have developed a longstanding, valuable and mutually beneficial cooperation with NGOs on the basis of their expertise and added value.

At the same time, given the ever increasing number of NGOs active on the field and the multitude and complexity of their activities, increasing transparency and accountability on their everyday work has been prioritized by the Greek Government, with a view to facilitate the overall coordination among relevant stakeholders to the benefit of the people in need of assistance.

The new legislation providing for an electronic register of Greek and foreign-run non-governmental organizations dealing with issues relating to international protection of refugees, migration in general and social integration has been enacted in order to establish a well-defined and well-functioning institutional framework of cooperation between the competent Greek authorities and NGOs on the field.

At no point has there been any attempt to infringe on the rights of these organizations and their staff or to exercise any direct or indirect pressure. The objective of the new legislation and the relevant work of the competent Authorities is to enable all actors in the field to provide their work in a regulated, transparent and predictable framework according to international, European, and national standards.

4. Entry ban imposed on Mr. Kamal-Aldeen

As regards the case of Mr. Salam Kamal-Aldeen it is known that, on December 11th, 2019, he was arrested at Mytilene Airport, because in a police check during his boarding process for Athens, it was

established that there was pending against him an administrative measure banning entry into Greece. He was then handed over to the Lesvos Police Department (LPD), where a case was filed against him for violation of article 82 of L.3386 / 95 about entry and stay in Greece, and he was detained for the application of the measure of his administrative deportation / return. The Lesvos Police Department, following the law, issued a detention and deportation / return decision for him.

In addition, according to the case-file of the Police Department of Lesvos for the said foreigner, the no. 01/2016 from 16-01-2016 Order of the Investigator of Misdemeanors of Mytilene was issued for attempt to smuggle, by boat, into the Greek territory third-country nationals who did not have the right to enter it, jointly and severally with others who were illegally carrying weapons. On the basis of this order, restrictive conditions were imposed on him.

Also, a prosecution has been instituted against the above person, for violation of article 380 of the Penal Code (Robbery) in combination with violation of the Law on Weapons, regarding acts that took place on August 11th, 2019 near the Reception and Identification Center of Moria in Lesvos to the detriment of an unaccompanied minor foreign citizen of Afghanistan.

5. Legal proceedings in the case of Mr. Kamal-Aldeen

Challenging the detention decision, Mr. Kamal-Aldeen filed objections, which were rejected by the Administrative Court of First Instance of Mytilene, on December 17th, 2019. Following this, on December 19th, 2019, he filed an appeal against the decision to deportation before the General Police Authority of the North Aegean, which was equally rejected. On December 27th, 2019, he submitted again objections against the detention decision to the Administrative Court of First Instance of Mytilene, which were accepted by the Administrative Court, on the proviso that his release will be conditional upon presentation by him to the competent Police Authority of an air ticket issued in his name with a final destination to Copenhagen, Denmark and an ultimate departure date of December 31st, 2019. He finally departed on that day from Greece, changing his destination to Serbia.

6. Measures to ensure that migrant rights defenders can carry out their legitimate work in a safe and enabling environment

I would like to assure you that Greece is taking all necessary measures and is implementing all relevant policies available, in order to comply with its national, EU and international legal and humanitarian standards, a task for which the assistance of neighboring countries, all EU member states and International Organizations would be highly appreciated.

Please note that since the beginning of the current stage of the refugee/migrant crisis, in 2015, the Greek government has cooperated, in all, with 470 NGOs for the common aim to alleviate the suffering of persons in need and to offer a positive perspective of life to them. This cooperation, in most cases, has been smooth, sincere and efficient, without any kind of noticeable problems and it enabled the successful implementation of a whole series of projects covering a broad, diverse and extensive array of actions, starting from the ones that were dealing with the basic needs of refugees, migrants and asylum seekers (food, clothing and sheltering) up to the more elaborated ones (education, psychological support, social integration). The Greek government assisted financially all these NGOs with significant sums, both from its national resources and from the funds provided by the European Union to help Greece address the refugee and migrant crisis. Actually, since 2015 an amount slightly lower than one billion euros has been allocated to the operating on the territory of Greece NGOs. In this vein we are looking forward to continue this cooperation deemed beneficial to

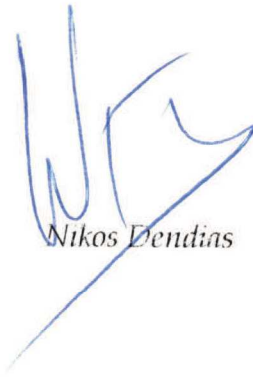
all parties, and in particular to those most in need of it, that is migrants, refugees and asylum seekers.

Dear Special Rapporteurs

To sum up, it must be noted that as regards every alleged incident against members of NGOs, journalists, etc., preliminary investigations were carried out for each reported case, in accordance with applicable law.

Overall, and despite the dire situation and the disproportionate pressure that Greece has been facing throughout these last years, because of the migrant and refugee flows, national authorities are doing their best to observe the United Nations human rights standards. This is an arduous task, but there is no other option, since we remain committed to our firm belief in fully respecting European values, international law and the universal humanitarian principles.

Sincerely,



Nikos Dendias