



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

**URGENT**

**No.: 6170.7/AS 1182**

### **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 3/21) addressed to him by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Rapporteur on the situation of human rights defenders.

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, October 6, 2021

Encl.: As stated

To :  
The Office of the  
High Commissioner  
for Human Rights

In town



THE MINISTER FOR FOREIGN AFFAIRS

Athens, September 29<sup>th</sup> 2021

Ref.: E/ 474

Dear Special Rapporteurs,

In response to the Joint Communication under Ref: AL GRC 3/2021, dated 16 July 2021, we have the honour to inform you of the following:

The brutal assassination of journalist George Karaivaz has shocked the Greek government, as expressed by H.E. the Greek Prime Minister himself, as well as the public opinion. The Prime Minister requested, from the competent Minister for Citizen Protection, that relevant procedures for solving this case proceed quickly.

The competent Greek Authorities have rigorously looked into the matter and have spared no effort in their search to identify the perpetrators and motives of this cowardly attack.

As you are already aware, Greece is very active in the field of Human Rights' protection, including journalists' rights, and acknowledges the need for an integrated approach which covers all State Authorities and their obligation to take into account and respect Human Rights in their daily activities.

1. Additional information / comments on the issue raised in the Joint Communication

The search for the perpetrators of the assassination of George Karaivaz has been and still remains an absolute priority for the Hellenic Police and its various Agencies. The competent investigative Authority is conducting a systematic and in-depth investigation of this crime, in order to clearly identify the perpetrators and bring them before the relevant Greek judicial Authorities. In this framework, police investigators are also making full use of the available state-of-the-art technological and forensic tools and services.

2. Information about the investigation and prosecution undertaken

As stated above, investigations by law enforcement Authorities in charge of this case are well underway and in full swing. New data and information gathered so far by the competent investigators cannot, however, be disclosed as, under Greek relevant legal framework (the Greek Code of Criminal Procedure), preliminary investigation is confidential.

3. Information on measures taken with a view to ensuring the right to freedom of expression, including the ability to investigate complex human rights matters

- a) Freedom of expression / freedom of speech is protected by the Greek Constitution, the Human Rights Treaties ratified by Greece, including the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR) and through a framework of legislative and regulatory rules, which, taken together, form an adequate legally protective structure. More concretely, the Greek Constitution clearly provides for the protection of the freedom of expression and the right to access public

H.E. Ms. Irene Khan

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

H.E. Mr. Morris Tidball-Binz

Special Rapporteur on extrajudicial, summary or arbitrary executions

H.E. Ms. Mary Lawlor

Special Rapporteur on the situation of human rights defenders

information. The protection of fundamental and constitutional rights is ensured by Greek Courts as well as Independent Authorities.

Article 14 of the Constitution states, *inter alia*, that:

- Every person may express and propagate his/her thoughts orally, in writing and through the press/media, in compliance with the Laws of the State.
- The press is free. Censorship and all other preventive measures are prohibited.

The above-mentioned scope under Article 14 refers to the freedom of press in all its aspects. The Constitution also provides safeguards for the freedom of information. The Greek State is responsible for the promotion and protection of Human Rights of all individuals in its territory. In the event of harm, the victim is entitled to seek compensation, namely through the Courts. Moreover, access to information and public documents is a fundamental right, protected in the Greek Constitution under Article 5A. This right is also protected by Law 2690 of 1999 and Law 2880 of 2001, amended by Law 3230 of 2004. These provisions have been codified in Presidential Decree 28 of 2015. Law 3861 of 2010 reinforces transparency in the public sector, as the majority of public documents are posted on a platform accessible to all.

The independence of the National Council for Radio and Television (NCRTV), the Greek Regulatory Authority of Audiovisual Media Services, is established in the Greek Constitution (Article 15 paragraph 2, and Article 101A). In addition, Law 4779 of 2021 transposed the EU Directive 2018/1808 concerning the provision of audiovisual media services in view of changing market realities into national legislation. Some of its provisions safeguard the independence of NCRTV's function from the government and other State entities, as well as NCRTV's competencies regarding the implementation of Law 4779 of 2021, namely the assurance of media pluralism, cultural and linguistic diversity, consumer protection, accessibility, non-discrimination, proper functioning of the internal media market and the promotion of fair competition.

b) The Hellenic Police is responsible for maintaining public order and safety, ensuring that all citizens may continue living their lives freely in an unhindered way. In the framework of the constitutional order, the Hellenic Police is also responsible for preventing and suppressing crime as well as for protecting the State and its democratic regime. In this context, in accordance with the national legal framework, mass media stakeholders including national TV stations legally operating and national newspapers offices are being defined as 'sensitive targets' given the nature of their work; people employed there are also possible targets of criminal acts.

It is also to be noted that, pursuant to Presidential Decree 141 of 1991, protection by the Hellenic Police is available to 'sensitive targets'; entitlement to such police protection derives either *ex officio* or following a request by the interested party when there is a threat against his/her life and physical integrity. In particular, upon the decision of the Chief of the Hellenic Police, police personnel may be allocated for escorting individuals and guarding such sensitive targets. In order to reach such a decision, the Chief of the Hellenic Police consults with the competent Committees which examine each request individually, and evaluate the necessity of protective measures to be taken. After having taken into consideration all objective criteria, they produce a risk-assessment report for each case. The Authority to issue such decisions was delegated by the Chief of Police to the Head of Staff of the Hellenic Police Headquarters. Taking security protection measures aims at ensuring that mass media outlets will continue working without obstacles while their staff, such as journalists, will be safe.

c) Within the United Nations Human Rights fora, such as the General Assembly's Third Committee and the Human Rights Council, Greece is steadfastly promoting and supporting the freedom of press and the safety of journalists, in particular within the context of armed conflicts, as well as the important issue of impunity against such crimes. Specifically Greece, cooperating closely within the relevant core group, is successfully submitting, to the Third Committee every other year, a draft Resolution under the theme of 'the safety of journalists and the issue of impunity', aiming at enhancing the international legal framework for their protection. Each time the Resolution is unanimously adopted. Additionally, during the latest such initiative, in 2019, Greece succeeded in incorporating the gender equality dimension in such a UN text. This year, Greece will submit the next draft Resolution on the subject.

*In the same vein, and under its capacity as a member of the same core group, Greece is actively participating in the initiative regarding the safety of journalists, whose draft Resolution is submitted every other year, in Geneva, during the Human Rights Council. Moreover, Greece is a member of the relevant 'Group of Friends' on the same subject, i.e. the safety of journalists, both within the UN System (in New York, in Geneva, in Paris at UNESCO) and at the OSCE (Organization for Security and Cooperation in Europe).*

*In 2019, Greece participated in the British/Canadian initiative of holding a Global Conference for Media Freedom (London, July 2019) and supported (signed) the outcome document on the 'Global Pledge on Media Freedom'. In accordance with this Pledge, a 'Media Freedom Coalition' was created, of which Greece is a member.*

*d) Greece takes fully into account all the recommendations and guidelines of the Council of Europe on the protection of journalism and safety of journalists and other media actors, in particular (a) Recommendation CM/Rec(2016)4 of the Committee of Ministers to member states on the protection of journalism and safety of journalists and other media actors, and (b) Resolution on the safety of journalists, adopted by the specialised Ministers of the Council of Europe member states on the occasion of the Conference of Ministers responsible for Media and Information Society, which was organised jointly by the Council of Europe and the Republic of Cyprus on 10-11 June 2021. This framework calls for actions to be taken for ensuring the necessary protection of journalism and safety of journalists. In particular, these actions include the carrying out of effective, independent and prompt investigations into any crime committed against journalists (such as murder, attack or ill treatment) and bringing perpetrators to justice. Any accomplices responsible must also be brought to justice, ensuring that there is no impunity.*

*Competent Greek Authorities maintain an excellent level of cooperation with the Platform to promote the protection of journalism and safety of journalists, a dedicated public space of the Council of Europe, which aims at improving the protection of journalists and better addressing threats and violence against media professionals. Greece is regularly providing and updating information within the context of this Platform.*

*As far as recent measures taken in the field of protection of journalists are concerned, the National Action Plan on Women, Peace and Security (WPS) 2020 – 2024, finalised this year, contains actions towards eliminating gender stereotypes against female journalists. In this light and in cooperation with all relevant stakeholders (the Secretariat General for Communication and Media, including private sector media, public service media, civil society, academia etc.), the above-mentioned National Action Plan will be implemented through various initiatives (i.e. by awareness-raising activities for media professionals regarding the protection and safety of female journalists, especially those whose main activity and work is focused on investigative journalism or war correspondence).*

*Greece addresses the issue of media freedom and the safety of journalists with particular care, making every possible effort to defend everyone's right to be fully informed, which forms part of a well-functioning and active democratic society.*

*Sincerely,*

*Nikos S. Dendias*