



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

URGENT

No.: 6170.7/AS 1536

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, with reference to the joint communication under ref.: AL GRC 4/2021, dated 16 November 2021, by the Special Rapporteur on the situation of human rights defenders, the Independent Expert on human rights and international solidarity, the Special Rapporteur on the rights of migrants, and the Special Rapporteur on trafficking in persons, especially women and children, addressed to His Excellency M. Nikos Dendias, Minister for Foreign Affairs of the Hellenic Republic, has the honour to attach herewith the reply of His Excellency the Minister for Foreign Affairs.

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, 29 December 2021

Encl.: As stated

To : The Office of the
High Commissioner
for Human Rights
Geneva
ohchr-registry@un.org



THE MINISTER FOR FOREIGN AFFAIRS

Athens, December 23rd 2021

Ref.: E/626

Dear Special Rapporteurs,

Dear Independent Expert,

In response to the Joint Communication under Ref: AL GRC 4/2021, dated November 16th 2021, we have the honour to inform you of the following:

As you are already aware (see our reply to the Joint Communication under Ref: UA GRC 1/2020, dated March 13th 2020), in recent years and especially following the Syrian refugee crisis, Greece has been one of the front-line member states of the European Union, receiving and hosting an unprecedented number of asylum seekers and refugees. Greece has also been receiving large numbers of mixed flows, lately however predominantly migrants.

Steadfastly supporting the 1951 Geneva Convention on the Status of Refugees, the Hellenic Police and the Hellenic Coast Guard exercise their duties in respect to border control and interception at sea by fully respecting national, European Union and international law. This being said, Greece is fully committed to international law by, inter alia, not accepting the instrumentalization of human suffering through the manipulation of international provisions for political gains, as Turkey did back in March 2020 and as Belarus is currently doing.

Greece has always been and will remain very active in the field of Human Rights protection and acknowledges the need for an integrated approach which involves all State Authorities and their obligation to take into account and respect Human Rights in their daily activities. In this particular case as well, the competent Greek Authorities have rigorously looked into the matter and have informed us of the following:

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

The individuals mentioned in the Joint Communication under Ref: AL GRC 4/2021, dated November 16th 2021, were arrested on February 9th 2018 by officers of the Mytilene Central Port Authority on the island of Lesbos. The charges brought against them were: violation of the Greek Penal Code (article 216 regarding forgery, article 146 on violation of State secrets, article 148 on espionage), as well as the provisions of Law 4070/2012 on the "Regulation of electronic communications, transport, public constructions and other provisions", which regulates the possession of portable

H.E. Ms Mary Lawlor
Special Rapporteur on the situation of human rights defenders

H.E. Mr Felipe González Morales
Special Rapporteur on the human rights of migrants

H.E. Ms. Siobhán Mullally
Special Rapporteur on trafficking in persons, especially women and children

H.E. Obiora C. Okafor
Independent Expert on human rights and international solidarity

marine wireless devices (VHF). In this particular case, the legal requirement of obtaining permission for the use of such devices was also violated.

2. Information on the factual and legal, national and international, basis for the charges

Following the Mytilene Prosecutor's order for a preliminary enquiry, the competent Police Authority, i.e. the Mytilene Security Department, proceeded with conducting an investigation as provided for by law. During this investigation, indications were found regarding the involvement of the said individuals in activities and participation in what is designated under law as a "criminal organization" whose activities were aimed at committing more felonies, in particular the felonies described under article 187 paragraphs 1 and 3 of the Greek Penal Code. Activities of such a criminal organization constitute the criminal acts described in law under articles 5, 29 and 30 of Law 4251/2014 on "Immigration and social integration code and other provisions", combined with the Greek Penal Code provisions, and in particular article 216 on forgery, as well as article 76 of Law 4070/2012 on "Regulation of electronic communications, transport, public constructions and other provisions", and articles 1, 2, 3 and 45 of Law 3691/2008 on "Prevention and suppression of money laundering and terrorism financing and other provisions".

3. Explanation on the travel ban

The re-entry ban in Greece was issued in the name of the individual mentioned in the Joint Statement according to the relevant national legislation. More specifically, the Return Decision was issued on December 5th 2018 by the Aliens Division of Attica, based on the charges brought against the said individual (as detailed above). It is in force until 2025, however an appeal has already been submitted to the Athens Administrative Court against it.

4. Information on measures in place to ensure that human rights defenders supporting the rights of migrants etc can carry out their legitimate work

Please see our replies already provided to the a) Joint Communication under Ref: UA GRC 1/2020, dated March 13th 2020 and b) Joint Communication under Ref: OL GRC 1/2021, dated March 31st 2021.

5. Information on the status of the investigation and the trial

As the investigation on the charges relating to espionage and to participation in a criminal organization is still ongoing, further information cannot be disclosed.

It should be noted that the trial pertaining to the misdemeanour charges of this case, was scheduled to take place on October 18th this year in front of the Mytilene 3-member Misdemeanours Court. However, it was postponed; as this Court's jurisdiction was questioned due to the fact that one, of the 24 defendants in total, was summoned under his professional capacity as a lawyer and this, under Greek Law, constitutes legal reason to refer the case to a higher Court. Hence, the case was referred, on November 18th, to be tried by the 3-member Misdemeanours Court of Appeals of the North Aegean region. Upon conclusion of the trial, further information could be provided.

Sincerely,

Nikos S. Dendias