

Mandates of 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

REFERENCE:
AL GRC 2/2020

1 May 2020

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the human rights of migrants; and Special Rapporteur on trafficking in persons, especially women and children, pursuant to Human Rights Council resolutions 34/5, 35/15, 41/12, 34/21 and 35/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the expatriation of migrant rights defender Mr. **Salam Kamal-Aldeen** as well as the intimidation and criminalisation of non-governmental organisations defending the human rights of migrants on the Greek islands of Lesbos and Chios.

Mr. Salam Kamal-Aldeen is a stateless person of Iraqi-Moldovan origin who holds permanent residency in Denmark. He is the co-founder of the non-governmental organisation "Team Humanity", which principally operates in Lesbos, carrying out humanitarian work since the beginning of the migration crisis in Europe in September 2015. The organisation carries out rescue operations at sea alongside the Greek coastguard and runs a day centre mainly for women and children in a refugee camp near the town of Moria in Lesbos. Mr. Kamal-Aldeen has been vocal about the need for increased protection of the human rights of migrants and has spoken out against intimidation tactics used against non-governmental organisations operating on the island.

On 13 March 2020, the Special Rapporteur on the rights of migrants raised concerns over the deteriorating human rights situation of migrants and asylum seekers at the Turkey-Greece border in its Urgent Appeal GRC 1/2020.

On 23 March 2020, the Special Rapporteur on the human rights of migrants made a statement to raise concerns regarding the situation in Greece, notably about the increase in hostility and violence against humanitarian workers and human rights defenders assisting asylum seekers in trouble at sea or in poor conditions in refugee camps¹.

¹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25736&LangID=E>

The Special Rapporteur on the situation of human rights defenders communicated concerns regarding the listing of human rights defenders on the ‘National Record of Undesired Foreigners’ to your Excellency’s Government on 12 April 2019 (GRC 2/2019). We thank your Excellency for the reply but reiterate our concerns at the use of the law against human rights defenders.

According to information received:

Human rights defenders and humanitarian aid workers on the Greek islands of Lesbos and Chios have been increasingly assaulted, harassed and intimidated while carrying out their legitimate activities, such as providing migrants with clothing, food or shelter.

During January 2020, the number of migrants at Moria Reception and Identification Centre in Lesbos reached 20,000, despite official population capacity being around 3,000. According to information received, a number of migrants began to demonstrate in protest against the poor living conditions of the Centre.

On 30 January 2020, a number of women migrants organised a protest, which was attended by women humanitarian workers. Police allegedly called the humanitarian workers that had joined the demonstration to the police station to verify their IDs. Furthermore, according to information received, humanitarian workers across the island have since been arbitrarily called into police stations for such “ID checks”. Police require the workers to fill out a form with their personal details. Some migrants rights defenders have allegedly been threatened with daily ID checks if they did not leave the island.

On 3 February 2020, around 500 migrants allegedly held a public demonstration, marching toward the nearby town of Mytilene in Lesbos to protest against their living conditions. Allegedly, when police tried to drive the protest back to Moria, inhabitants of the village tried to block their re-entry. The event led to a town hall meeting, attended by Government officials, including the Governor of North Aegean. According to information received, some government representatives accused non-governmental organisations of instigating the protests.

During the following three days, a number of unidentified individuals who formed part of vigilante groups allegedly carried out patrols of the area, asking local families if they were allowing migrants to stay in their homes. Some of these individuals allegedly set up checkpoints, controlling traffic in and out of Moria and prohibiting the entrance of refugees and NGO workers.

On 4 February 2020, a demonstration was held by around 2,000 Afghan refugees at the Mytilene Municipality Theatre, but the protesters were allegedly chased away by local residents and police. That night, a group of unidentified individuals

allegedly threw stones at the house where a number of NGO volunteers were staying. The car of one volunteer was also allegedly damaged.

On 7 February 2020, seven people were allegedly arrested for forming part of local vigilante groups that intimidated refugees and NGOs working on local migrant issues. Despite the arrests, the unofficial checkpoints at the entry and exit to the village of Moria operated unhindered and a number of Moria residents who assisted migrants were threatened to leave the village.

On 27 February 2020, a number of separate attacks took place in different parts of the island of Lesbos. Two NGO volunteers were allegedly attacked and their car was damaged by unidentified individuals, three NGO workers were physically abused in the centre of Mytilene and two students, mistaken for NGO workers, were attacked in a local bar.

On 1 March 2020, unidentified individuals allegedly attacked journalists reporting on the arrival of migrants from Turkey to the island of Lesbos. Local residents prevented a small group of migrants on a damaged dinghy from disembarking. The migrants had fled to Greece after the announcement of President Tayyip Erdogan on 27 February 2020 that refugees would be permitted to cross to Europe unrestricted.

On the same day, the Mayor of Western Lesbos re-opened the “Stage 2” UNHCR reception facility to house additional migrants, however within a few hours it was partly set on fire.

Also on 1 March 2020, a large group of unidentified individuals with their faces covered, set up a checkpoint at the entrance to Mytilene. Cars with foreign registration plates or from rental companies or NGOs were allegedly targeted and damaged in order to intimidate human rights defenders and discourage them from entering the region.

On 2 March 2020, an alleged arson attack destroyed a warehouse used by a non-governmental organisation on the island of Chios. In Kara Tepe refugee camp, a large group of individuals attacked members of an NGO which provides food for asylum-seekers. In the port town of Thermi, members of three NGOs were allegedly attacked by around 30 individuals carrying metal pipes and wooden sticks. Some of their vehicles were damaged and the humanitarian workers were followed and intimidated. When victims of the attack called the police during the harassment, the police officers allegedly hung up.

On the nights of the 2 and 3 of March 2020, unidentified individuals damaged the property of another NGO. Their rental car was damaged and their ship that was docked in the town of Skala Loutron in south-west Lesbos had gasoline poured on its stern as the crew were sleeping.

Between 9 and 11 March 2020, five foreign journalists were arbitrarily detained by Greek authorities for reporting on migrant issues in the country.

Although some of these threats have subsequently been brought before the judiciary, such as those who illegally established checkpoints, there has been a significant amount of impunity enjoyed by the perpetrators of these alleged criminal acts. As a result, a number of NGOs began to withdraw their volunteers out of concerns for their safety. While the Government has taken action against some of those who have praised the violence and threats against human rights defenders, there allegedly continues to be a lack of intervention by local police when they are present or made aware of such violations. According to information received, some victims have been turned away from police stations when filing official complaints at the Mytilene police station.

On 4 February 2020, the Greek Parliament passed a new law, which required all NGOs working on migration issues to submit a record of their members, employees and partners to a new registry. On 14 April 2020, a Joint Ministerial Decision 3063/2020 was published on the proposed operation of this registry as well as the Registry of Greek and Foreign Non-Governmental Organisations. Registration will be a necessary precondition only for migration, international protection and social inclusion NGOs to operate in the country. These stricter measures will increase the reporting requirements of NGOs who already operate with limited resources when undertaking their humanitarian work. The law also allegedly gives a wide margin of discretion to the authorities to reject the registration application of NGOs or of one or more of its members.

Mr. Salam Kamal-Aldeen

On 11 December 2019, the human rights defender Mr Salam Kamal-Aldeen was arrested by officials from the Department of Immigration of Lesbos and brought to a local police station. He was allegedly informed that he would remain in police custody until his deportation to Denmark because his name appeared on an official list of names of people that posed “threat to public policy or national security”. He was not however initially told what actions he took that warranted this response from the authorities.

On 18 December 2019, after he made an application to the Department of Regime Protection, his lawyer was allegedly informed that the reasons for his name appearing on the list could not be revealed due to national and public interests. He was allegedly held at Mytilene police station until 27 December 2019 and told he had 30 days to leave the country, despite being a legal resident there. On 31 December 2019, Mr. Kamal-Aldeen left the country.

On 28 February 2020, Mr. Kamal-Aldeen's lawyer submitted an appeal to the Mytilene district court of Lesbos against the migrant rights defender's deportation. Mr. Kamal-Aldeen was allegedly not notified about his registration on the 'National Record of Undesired Foreigners' in August 2019 and reportedly travelled in and out of Greece on a number of occasions between August and December 2019.

Mr. Kamal-Aldeen has frequently been subject to retaliation while carrying out his human rights work. On 14 January 2016, he was arrested, together with the crew of a ship that rescued over 50 refugees at sea, by Greek port authorities on allegations of attempted smuggling. Authorities confiscated the boat and allegedly confiscated the belongings of the crew. Mr. Kamal-Aldeen was detained for two days, during which time he was allegedly offered to sign a document admitting guilt to the charge of "attempted migrant smuggling". On 7 May 2018, Mr. Kamal-Aldeen was cleared of all charges.

While we do not wish to prejudge the accuracy of these allegations, we express our concern at what appears to be the targeting of migrant rights defenders in Greece by the authorities and vigilante groups, in connection to their human rights work supporting migrants and asylum seekers. While recognising efforts made by your Excellency's Government to bring the perpetrators to justice, we express particular concern that members of local authorities may not be processing all alleged acts of intimidation and harassment, which may facilitate their continued occurrence. In his report to the 37th session of the Human Rights Council, the Special Rapporteur on the situation of human rights defenders specifically highlighted the criminalisation of defenders of people on the move, whose work is at high risk of criminalisation and harassment from national authorities, police and local groups due to the irregular status of many of the people they defend and give a voice (A/HRC/37/51). Furthermore, the Special Rapporteur on trafficking in persons, especially women and children, in her report to the 38th session of the Human Rights Council (A/HRC/38/45), explicitly recommended ensuring that organizations and individuals who rescue or assist people on the move are not criminalized or otherwise punished for doing so.

We also express our concern with regard to the Joint Ministerial Decision 3063/2020 on the "Determination of the operation of the Registry of Greek and Foreign Non-Governmental Organizations (NGOs) and of the Registry of Members of the Non-Governmental Organizations (NGOs)". We are deeply concerned that the new regulations put undue reporting requirements on NGOs working in migrant rights, which will hinder the ability of human rights defenders to carry out their peaceful work. In addition, the wide margin of discretion given to the authorities to reject the registration of NGOs or its members may not be consistent with Greece's international human rights obligations.

Furthermore, we express our concern at the expatriation of Mr. Salam Kamal-Aldeen following significant unsuccessful judicial harassment in recent years. We express particular concern that the exact reasons for the ban were not clearly

communicated to Mr. Kamal-Aldeen and his lawyer. We are deeply concerned for the chilling effect this may have on the defence of migrants' rights in the country, deterring civil society actors from carrying out their legitimate and important work on the Greek border, by providing food, water and shelter for the unprecedented number of migrants arriving to the shores. We are particularly concerned about reports that some NGOs are advising volunteers are leaving out of fear for their security. Also, we are concerned that the new reporting requirements for migrant rights organisations may lead to a reduction in the capacity of State and non-State actors to provide for the needs of migrants and asylum seekers.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information in response to allegations that local police refuse to investigate or show up, when requested, to intervene and investigate the harassment of humanitarian workers.
3. Please provide information on how the Joint Ministerial Decision 3063/2020 is consistent with Greece's international human rights obligations, particularly Article 15 of the International Covenant on Civil and Political Rights, which seeks to prevent the arbitrary application and abuse of legislation.
4. Please provide information concerning the legal basis and the factual justifications for the entry ban imposed on Mr. Kamal-Aldeen.
5. Please provide information regarding the status of the legal proceedings on the appeal presented by Mr. Kamal-Aldeen's lawyer with regard to his entry ban.
6. Please indicate what measures have been taken to ensure that migrant rights defenders in Greece can carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation directed against them or their family members and harassment of any sort.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be

made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

Clement Nyaletsossi Voule
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Felipe González Morales
Special Rapporteur on the human rights of migrants

Maria Grazia Giammarinaro
Special Rapporteur on trafficking in persons, especially women and children

Annex
Reference to international human rights law

The above mentioned allegations appear to be in contravention with articles 19 and 21 of the International Covenant on Civil and Political Rights (ICCPR), acceded by Greece in 1997, which guarantee the right to freedom of opinion and expression, including the right to seek, receive and impart information, as well as the right of peaceful assembly. The imposition of travel and entry bans as a means to limit the exercise of freedom of expression and of assembly is not compatible with these provisions.

We would also like to draw your Excellency's attention to the right to freedom of association under article 22 of the ICCPR, which requires States parties to take positive measures to create an enabling environment for associations. It is crucial that individuals exercising this right are able to operate freely without fear that they may be subjected to, for example, any threats, acts of intimidation or violence. States additionally have a negative obligation not to unduly obstruct the exercise of the right. Associations pursuing objectives and employing means in accordance with international human rights law should benefit from international legal protection. (A/HRC/20/27, paras. 63-64). Authorities must also respect the right to privacy of individuals who form part of associations, as stipulated in article 17 of the Covenant on Civil and Political Rights (A/HRC/20/27, para 65).

We would also like to bring to the attention of your Excellency's Government article 15(1) of the ICCPR, which requires that no individual should be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence at the time when it was committed. Criminal laws should be sufficiently precise so it is clear what types of behaviour and conduct constitute a criminal offence and what would be the consequence of committing such an offence. This principle recognises and seeks to prevent that ill-defined and/or overly broad laws are open to arbitrary application and abuse.

Furthermore, we wish to stress that the arbitrary imposition of travel bans against human rights defenders to prevent them from participating in activities outside their country of residence is contrary to the spirit of Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognize Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders.

We would also like to draw your attention to Article 2(3) ICCPR which requires States to ensure that any person whose rights or freedoms are violated have an effective remedy, even when that the violation has been committed by persons acting in an official capacity; It also requires that any person claiming such a remedy shall have his right thereto determined by the competent authority provided for by the legal system of the

State and that remedies are reinforced once granted. In his annual report to the 74th Session of the UN General Assembly, the Special Rapporteur on the situation of human rights defenders recommended States to criminalise acts of violence against human rights defenders appropriately, and impose consequences commensurate with their gravity. (A/74/159)

We would also like to refer to Human Rights Council resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms.

We would further like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, I would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice".

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- Article 5 point c), which provides for the right to communicate with non-governmental or intergovernmental organizations;
- Article 6 point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- Article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;
- Article 12, Paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

We would like to refer also to the Human Rights Council Resolution 31/32 which in Paragraph 10 underlines the legitimate role of human rights defenders in mediation efforts, where relevant, and in supporting victims in accessing effective remedies for violations and abuses of their economic, cultural rights, including for members of impoverished communities, groups and communities vulnerable to discrimination, and those belonging to minorities and indigenous peoples.

Finally we would like to once again draw your Government's attention to the report of the Special Rapporteur on the situation of human rights defenders' report to the 37th session of the Human Rights Council, which recommends that States "ensure that [human rights defenders] are not threatened with or subject to arrest, detention or deportation when reporting crimes, labour rights violations, and other forms of human rights violations" and that States avoid "any criminalization, stigmatization, impediment, obstruction or restriction... (including in assistance provided by local authorities, such as regional or municipal bodies) that is contrary to international human rights law".