

Mandates of 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

REFERENCE:
AL GRC 3/2021

16 July 2021

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on extrajudicial, summary or arbitrary executions; and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 43/4, 44/5 and 43/16.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the assassination of journalist and human right defender Mr. Giorgos Karaivaz**.

Mr. Karaivaz was a human rights defender and journalist focused mainly on alleged corruption and crime-related issues. He founded the news website Broko. At the time of his murder, he was working for the private broadcaster Star TV.

According to the information received:

On 9 April 2021, around 14:30 hours, Mr. Giorgos Karaivaz returned home after work. After parking his car near his house in the suburbs of Alimo, in Athens, two unidentified individuals on board of a motorbike intercepted him and shot him several times, causing his death. The attackers escaped from the place immediately. Police reportedly found around 15 shell casings and said that 10 bullets hit the reporter; one in the left palm, one in the neck, two in the head, and six in the chest.

It is reported that before his murder, Mr. Karaivaz expressed concern for his safety, although he did not report it to the police, nor asked for protection.

Efforts to identify the perpetrators of the crime are currently ongoing. The competent forensic services and investigation teams are said to have been instructed personally by the Minister for Citizen Protection and the Prime Minister to take all necessary actions to investigate the case. According to the information we received, the police is notably exploring whether the killing may be linked to Mr. Karaivaz's reporting on organized crime, and possibly its alleged ties with the Hellenic Police. Prior to his assassination, Mr. Karaivaz had published an article on the 2018 killing of a former police officer under investigation for corruption.

At the time of drafting this communication, no suspect has been identified, and the case is still at the stage of preliminary investigation. In this context, specific concerns over the slow progress in the investigation have been brought to our attention.

While we do not wish to prejudge the accuracy of these allegations, and while thanking the authorities for the information on the case it has shared with us thus far, we express grave concern that the killing of human rights defender and journalist Giorgos Karaivaz may be connected to his professional activities as a journalist and his expression on alleged corruption and organize crime related issues. We are further concerned at the reported slow progress of the investigation and prosecution of the perpetrators, which creates a vicious cycle of impunity. We remind the authorities about their obligation to open full and thorough investigation into the killings of journalists and human rights defenders with a view to ensuring accountability and bringing perpetrators to justice, in line with Human Rights Council resolution 45/18 on the protection of journalists (para. 10). We express further concerns at the chilling effect that such a killing may have on other journalists in the country, and more generally on the role of the press in a democratic society.

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 comment(s) you may have on the above-mentioned information.
2. Please provide the details, and where available the results, of any investigation carried out into the assassination of Mr. Giorgos Karaivaz.
3. In the event that alleged perpetrator(s) have been identified, please provide full details of any prosecutions undertaken so far and any remedy and financial compensation afforded to the victims' families.
4. Please provide detailed information concerning measures taken to ensure that human rights defenders, journalists and media workers can exercise their right to freedom of expression without fear of retaliation, including the ability to investigate complex human rights matters.

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.

Irene Khan

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

Morris Tidball-Binz

Special Rapporteur on extrajudicial, summary or arbitrary executions

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to remind your Excellency's Government about your obligations under articles 6 and 19 of the International Covenant on Civil and Political Rights (ICCPR), acceded by Greece on 5 May 1997, which guarantee the rights to life and to freedom of opinion and expression.

In its General Comment 6, paragraph 3, the Human Rights Committee noted that it considers article 6 (1) of the ICCPR to include that States parties should take measures to prevent and punish deprivation of life by criminal acts. Moreover, the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, in particular principle 9, recall the duty to conduct thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions. A failure to investigate and bring perpetrators of such violations to justice could in and of itself give rise to a separate breach of the ICCPR.

The Human Rights Committee, in its General Comment 31, also observed that States have a positive obligation to ensure protection of Covenant rights of individuals against violations by its agents and by private persons or entities, which includes the duty to exercise due diligence to prevent, punish, investigate or redress the harm caused by non-state actors. Failure to investigate and to bring perpetrators of such violations to justice could in and of itself give rise to a separate breach of the ICCPR (CCPR/C/21/Rev.1/Add.13).

We would like to take this opportunity to refer your Excellency's Government to paragraphs 88–91 of the report A/HRC/14/23 of the former Special Rapporteur on freedom of opinion and expression, in which the Special Rapporteur stated that the right to receive information from the media “is a cornerstone of democracy and supports the construction of more democratic societies peopled by active citizens who hold informed opinions.”

In this context, we would also like to refer to Human Rights Council resolution 45/18 which calls upon States to ensure accountability through the conduct of investigations into all alleged violence, threats and attacks against journalists and media workers falling within their jurisdiction.

We would further like to refer to Human Rights Council resolution 21/12 on the safety of journalists (A/HRC/RES/21/12) adopted on 27 September 2012, which “condemn[ed] in the strongest term all attacks and violence against journalists, such as torture, extrajudicial killings, enforced disappearances and arbitrary detention, as well as intimidation and harassment;” and “call[ed] upon States to ensure accountability through the conduct of impartial, speedy and effective investigations into such acts falling within their jurisdiction, and to bring to justice those responsible and to ensure that victims have access to appropriate remedies.”

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 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;
- and 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.