

Mandates of the Special Rapporteur on the situation of human rights defenders; the Independent Expert on human rights and international solidarity and the Special Rapporteur on the human rights of migrants

Ref.: AL GRC 2/2022
(Please use this reference in your reply)

19 July 2022

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Independent Expert on human rights and international solidarity and Special Rapporteur on the human rights of migrants, pursuant to Human Rights Council resolutions 43/16, 44/11 and 43/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning smears and threats directed at human rights defender Iasonas Apostolopoulos.

Mr. Iasonas Apostolopoulos is a human rights defender of migrants, refugees and asylum seekers and former engineer. He has worked in search and rescue operations in seas at the borders of the European Union since 2015. He currently works for the Italian association *Mediterranea Saving Humans*, coordinating search and rescue operations in the central Mediterranean.

Concerns as to the alleged intimidation, criminalisation and restriction of the work of defenders of the rights of refugees, asylum seekers and migrants have been communicated to your Excellency's Government by multiple Special Procedures mandate holders on several occasions previously (see GRC 4/2021, GRC 1/2021 and GRC 2/2020). We thank your Excellency's Government for its continued engagement on these matters, however, in light of the information detailed below, we express concern that some human rights defenders working in these areas continue to suffer from a hostile environment.

According to the information received:

On 11 November 2021, an article allegedly referring to Mr. Apostolopoulos was published on the website of the Greek media outlet Capital.gr. The article allegedly referred to Mr. Apostolopoulos as a humanitarian-for-hire collaborating with people smugglers, and implied he was engaged in espionage and that he was responsible, along with other humanitarian actors, for the deaths of people crossing the Aegean Sea. On 5 January 2022, Mr. Apostolopoulos sent a letter to the editorial director of the outlet, as well as the journalist who had authored the article, requesting the withdrawal of the piece from the outlet's website and the publication of an apology. On 14 January 2022, Capital.gr published the letter sent by Mr. Apostolopoulos on its website, alongside comments from Capital.gr and the journalist in question. In doing so, the outlet failed to redact Mr. Apostolopoulos's personal data, leading to his family address being shared widely on social media, alongside a photograph of his home's front door.

On 10 May 2022, Mr. Apostolopoulos participated in an event at the European Parliament, during which he criticised the migration policy of the European Union and several EU Member States, including Greece, speaking, among other things, about the deaths and disappearances of people in the Mediterranean Sea, fear of criminalisation impeding people from acting in solidarity with asylum seekers, and pushbacks alleged to be carried out by the Hellenic Coastguard in the Aegean.

On 7 June 2022, his intervention was referred to in comments made on social media by the current Greek Government Spokesperson and Deputy Minister to the Prime Minister. Posting on Facebook, he claimed that Mr. Apostolopoulos had insulted Greece by making accusations about the Hellenic Coastguard at the European Parliament, describing his words as slander. These comments were subsequently picked up by Greek media outlets, following which, stigmatising comments targeting Mr. Apostolopoulos, including death threats, began to be posted on social media.

On 17 June 2022, in an article published on the Lefimerida site, a Greek MEP also responded to Mr. Apostolopoulos's intervention at the EU Parliament event, referring to him as an “internal enemy”, accusing him of spreading fake news, and calling for the Greek Public Prosecutor to take action against him.

At the time of the finalisation of this communication, Mr. Apostolopoulos has continued to receive death threats on an almost daily basis, and regularly targeted with abusive messages online.

Without wishing to prejudge the accuracy of the above-detailed allegations, we wish to express our fears for the security of Mr. Apostolopoulos given the intensity of the threats he has received. We underline our strong concern as to the stigmatising comments by representatives of the Government which would appear to have encouraged smears and threats against him, in direct connection with his legitimate acts of expression concerning well-evidenced allegations of human rights violations.

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 details as to any investigations that have been carried out into threats made against Mr. Apostolopoulos, including threats made online, and, where available, information as the results of any such investigations. Please also indicate if Government officials have denounced these threats on any occasion.

3. Please provide details as to any measures taken by your Excellency's Government to publicly promote the work of human rights defenders in Greece, in particular those working with migrants, refugees and asylum seekers.
4. Please provide details as to any measures taken by your Excellency's Government to promote an understanding of the work and role of human rights defenders among elected representatives

We would appreciate receiving a response within 60 days. Past 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

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

Felipe González Morales
Special Rapporteur on the human rights of migrants

Annex

Reference to international human rights law

In connection with the allegations detailed above and our connected concerns, we would like to refer your Excellency's Government to articles 6, 9 and 19 of the International Covenant on Civil and Political Rights, acceded to by Greece on 5 May 1997, which guarantee the right to life, the right liberty and security of person, and the right to freedom of expression. Furthermore, article 22 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 (A/HRC/20/27, para 63).

In its General Comment no. 36 (CCPR/C/GC/36), concerning article 6, the Human Rights Committee states that the obligation of State parties to respect and ensure the right to life extends to reasonably foreseeable threats, and that State parties are under a due diligence obligation to take reasonable, positive measures that do not impose disproportionate burdens on them in response to reasonably foreseeable threats to life originating from private persons and entities whose conduct is not attributable to the State. Concerning human rights defenders specifically, the Committee states that the duty to protect the right to life requires State parties to take special protection measures for persons in vulnerable situations whose lives have been placed at particular risk because of specific threats or pre-existing patterns of violence, and that such persons include human rights defenders.

In its General Comment no. 35 (CCPR/C/GC/35), concerning article 9, the Committee outlines that the right to security of person concerns freedom from injury to the body and mind. It states that the right obliges States to take appropriate measures in response to death threats against persons in the public sphere, and to protect individuals from foreseeable threats to life or bodily integrity, including from private actors. In this regard, as highlighted by the Committee, article 9 overlaps with article 6, however, article 9 is considered by the Committee to be broader in its scope, concerning injury even if it is not life-threatening.

We would also like to refer to the 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, adopted by consensus by the UN General Assembly in 1998 and of which article 1 states 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. Article 5(c) of the Declaration underlines that everyone has the right, individually or in association with others, to communicate with intergovernmental organisations for the purpose of promoting and protecting human rights and fundamental freedoms. Article 6(b) holds that all persons have the right to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms, while article 6(c) guarantees the right to study, discuss, form and hold opinions on the observance, both in law and practice, of all human rights and fundamental freedoms and to draw attention to these matters. We would also like to recall that article 9.5 of the Declaration states that States shall conduct prompt and impartial investigations

whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction, and, finally, we would like to stress that article 12 of the Declaration states that everyone has the right to participate in peaceful activities against violations of human rights and fundamental freedoms and that the State shall take all necessary measures to ensure the protection of any persons exercising their rights as referred to in the Declaration from violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action they are subjected to as a consequence.

We would also like to recall Human Rights Council resolution 38/12, which calls on States to take all steps necessary to prevent threats, attacks, discrimination, arbitrary arrests and detention or other forms of harassment, reprisals and acts of intimidation against civil society actors, to investigate any such alleged acts, to ensure access to justice and accountability, and to end impunity where such violations and abuses have occurred. We wish to further highlight that the resolution emphasises the essential contribution of civil society to regional organisations, and unequivocally reaffirms the right of everyone, individually and in association with others, to unhindered access to and communication with regional and international bodies, and their representatives and mechanisms.

We would also like to refer to the Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations. Principle 18 calls on states to ‘provide, in law and in practice, a safe, accessible and enabling environment for individuals and organizations that work to promote and protect the human rights of migrants’. It also calls on States to ‘take all necessary measures to ensure that human rights defenders are protected from violence, retaliation, threats (...) and other kinds of pressure or arbitrary action by State or non-State actors as a consequence of their work’.

Finally, we would like to refer to the report of the UN Special Rapporteur on the situation of human rights defenders to the 46th session of the Human Rights Council in 2021, concerning death threats and the killing of human rights defenders (A/HRC/46/35). In particular, we would like to highlight the recommendations included in the report, notably the Special Rapporteur's call on State officials to regularly and publicly recognise the value of the work of human rights defenders and publicly denounce threats against them.