

**Mandates of the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the human rights of migrants**

Ref.: AL GRC 3/2022  
(Please use this reference in your reply)

28 December 2022

Excellency,

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

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **criminal investigations allegedly opened against human rights defenders Panayote Dimitras, Tommy Olsen, Madi Williamson and Ruhi Akhtar**.

Mr. **Panayote Dimitras** is a Greek human rights defender and Spokesperson of the Greek Helsinki Monitor, a non-governmental organisation founded in 1993 to monitor and litigate on issues pertaining to human rights in Greece, including the rights of minorities and anti-discrimination.

Mr. **Tommy Olsen** is a Norwegian human rights defender and founder of Aegean Boat Report. He monitors and reports on the human rights situation of migrants, refugees and asylum seekers in the Aegean Sea.

Ms. **Ruhi Akhtar** is the Founder of Refugee Biriyani & Bananas, a non-governmental organisation which delivers urgent aid to displaced people worldwide, including in Greece.

Ms. **Madi Williamson** is a human rights defender and nurse specialised in health in migration contexts. She is the Director of In-Sight Collaborative, which provides humanitarian aid along migratory routes.

Concerns as to the misuse of criminal law against human rights defenders, and particularly those defending and promoting the rights of migrants, refugees and asylum seekers, as well as threats, smears and other intimidatory acts targeting them, have been communicated to your Excellency's Government on several previous occasions, notably through communications sent by Special Procedures mandate holders on 19 July 2022 (GRC 2/2022), 16 November 2021 (GRC 4/2021), 31 March 2021 (GRC 1/2021) and 1 May 2020 (GRC 2/2020). Concerns as to the prosecution of Mr. Dimitras in direct relation with his human rights work were addressed to your Excellency's Government by several Special Procedures mandate holders on 21 April 2022 (GRC 1/2022). We thank your Excellency's Government for the responses received to each of these communications, however, in light of the following information received, we remain concerned about the situation for migrants' rights defenders in Greece.

According to the information received:

*In relation to an alleged investigation by the Investigating Judge of Kos*

On 10 October 2022, an article was published in the Kathimerini (Η Καθημερινή) newspaper, Greek's highest circulation daily, detailing investigations allegedly opened against two unnamed persons described as a lawyer and head of a Greek NGO, and a person from northern Europe who had set up an NGO working on the situation in the Aegean Sea. The article claimed that investigations had been initiated against the two persons by the Hellenic Coastguard and the National Intelligence Service in 2021 for actions suspected of infringing the prohibition on facilitating entry of third country nationals into Greek territory, an offence under the Greek Migration Code (Law 4251 of 2014). The author claimed supposed links between the two persons and traffickers in Turkey to be the actions relevant to the investigation, citing as evidence two alleged occasions in which the unnamed persons had contacted the Greek authorities to alert them as to the arrival of people within Greek territory to seek asylum. At the time of the publication of the article, neither Mr. Dimitras nor Mr. Olsen, suspected to be the individuals referred to in the article, had been made aware of any such investigation against them.

On 19 November 2022, Mr. Dimitras received a summons from the investigating judge at the First Instance Court of Kos to submit his defence for the alleged offenses of a) forming and joining a criminal organisation; b) facilitation, by two or more persons, of entry into Greece; and c) facilitation of illegal residence of a citizen of a third country for profit, under article 187.1 of the Criminal Code and articles 29.5 and 29.6 of Law 4251/2014, respectively. As of the finalisation of this communication, Mr. Olsen had reportedly yet to be notified of any investigation involving him. The accusations against the human rights defenders reportedly relate to their alleged sharing of information with the Greek authorities about the presence of persons within Greek territory seeking to apply for asylum, with their roles within Aegean Boat Report and the Greek Helsinki Monitor considered as evidence of their intention to violate Greek migration law for profit and by profession.

On 20 December 2022, Mr. Dimitras was brought in for questioning by the Investigating Judge of Kos and the Kos Prosecutor in relation to the above-detailed accusations against him. He was informed by the investigator and prosecutor that they would seek an injunction against him continuing his work with the Greek Helsinki Monitor, and either house arrest or the imposition of a travel ban with a connected duty to report to the police twice a month and a caution of €10,000.

*In relation to an alleged investigation by the Investigating Judge of Lesbos*

On 19 July 2021, the Lesbos Police Directorate released a statement announcing that a case file had been prepared in relation to alleged criminal activity of 10 persons, including four members of NGOs and 6 third-country nationals. The alleged crimes in question were stated to be the offences of facilitating illegal entry into Greek territory; espionage; obstructing investigations of the Greek authorities; and other violations of the Migration

Code. The Police statement claimed that communications between the persons included in the case file and people arriving in Greece via irregular means amounted to the criminal activity in question, stating that the investigation had been carried out in cooperation with the National Police and the assistance of the Anti-Terrorist Service.

According to information received, the case file prepared by the Lesbos Police Directorate would now be under consideration by the Investigating Judge of Lesbos, with Mr. Olsen, Ms. Williamson and Ms. Akhtar among those accused in the case. The same case file would also have been requested by the Investigating Judge of Kos, in connection with the previously-mentioned investigation allegedly involving Mr. Olsen.

Without wishing to prejudge the accuracy of the information received, we express serious concern that the investigations reportedly opened against Messrs. Dimitras and Olsen, Ms. Williamson and Ms. Akhtar, may amount to the improper use of Greece's legal framework to sanction their actions as human rights defenders, in particular their communicating of information to the Greek authorities as to the presence of persons within Greek territory seeking to claim asylum, a right guaranteed under European and international law. We express further that their status as members of human rights organisations may be being considered an aggravating factor in the case against them.

We express further concern that information relating to the alleged investigation by the Investigating Judge of Kos may have been leaked by State authorities to the Kathimerini newspaper, and that despite the names of Messrs. Dimitras and Olsen being excluded from the above-referenced article published therein, such a leak may have been intended to encourage the conflation of human rights work with human trafficking in the media and public eye, thereby undermining the work of human rights defenders supporting migrants, refugees and asylum seekers in the country.

We stress that the launching of criminal proceedings based on the act of communicating information to the Greek authorities as to the presence of persons within the territory of Greece wishing to exercise their right to seek asylum would be inconsistent with international human rights law and standards, in particular the UN Declaration on Human Rights Defenders.

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 comments you may have on the above-mentioned allegations.
2. Please confirm the status of any investigation currently open concerning Mr. Dimitras, Mr. Olsen, Ms. Williamson or Ms. Akhtar. In

the case that any such investigations are confirmed, please provide detailed information as to the legal and factual basis for the same, and how any such investigations comply with Greece's responsibility to protect all persons exercising their rights under the UN Declaration on Human Rights Defenders from retaliation.

3. Please provide information as to measures taken to provide public support for those promoting and working for the realization of the rights of migrants, refugees and asylum seekers in Greece.

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 persons 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

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 14, 17 and 22 of the International Covenant on Civil and Political Rights, acceded to by Greece on 5 May 1997, which guarantee the right to a fair trial, the right to freedom from unlawful attacks on one's honour and reputation and the right to freedom of association. Article 14 includes the right to be presumed innocent until proved guilty according to law and to be promptly informed of the nature and cause of any criminal charge against oneself.

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 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 strongly underline 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 would furthermore like to recall 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.

We wish 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’.

In addition, we would like to recall the report of the Special Rapporteur on the human rights of migrants, on the right to freedom of association of migrants and their defenders (A/HRC/44/42). In this report, the Special Rapporteur recommended States to strengthen civil space and create an enabling environment for civil society organizations, including those working on migration and migrants’ rights issues; and to ensure that criminal justice laws are not misused to punish migration related humanitarian acts or to harass civil society organizations that work with migrants.

Finally, we would like to refer to the recent report of the UN Special Rapporteur on the situation of human rights defenders, presented at the 77<sup>th</sup> session of the UN General Assembly, on the situation of human rights defenders working on the rights of migrants, asylum-seekers and refugees. We would in particular like to make reference to the recommendations made therein, including the recommendations for States to provide, in law and in practice, a safe, accessible and supportive environment for individuals and organizations that work to promote and protect the human rights of migrants, asylum-seekers and refugees, and to desist from targeting human rights defenders working on issues related to migration, refugees and asylum-seekers and stop treating them as national security threats. We would further like to highlight the recommendation that States ensure that criminal law is not misused to punish migration-related humanitarian acts or to harass civil society organizations that work with migrants.