

## Greece: Ongoing crackdown on civil society providing humanitarian assistance to migrants and asylum seekers



**GRE 001 / 0416 / OBS 036**

Judicial harassment / Threats

Restrictions to freedom of association

**Greece**

April 27, 2016

The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), has received new information and requests your urgent intervention in the following situation in **Greece**.



### Description of the situation:

The Observatory has been informed by reliable sources about the ongoing crackdown on civil society actors providing humanitarian assistance to migrants and asylum seekers arriving in the Greek islands, even including judicial harassment against several groups and NGOs acting to protect migrants' rights, of Team Humanity Denmark.

According to the information received, on January 14, 2016, Mr. **Salam Kamal-Aldeen**, Iraqi-Moldavian citizen living in Denmark who volunteers at Team Humanity Denmark[1], Mr. **Mohammad Abbassi**, a Danish volunteer at Team Humanity Denmark and Messrs. **Manuel Blanco**, **José Enrique** and **Julio Latorre**, three Spanish volunteers at the NGO "Professional

Emergency Aid" (PROEM-AID) were arrested by the Hellenic Coast Guard (HCG) during a rescue operation, on charges of "violations of the migration and weapons' law"[2]. The HCG searched and confiscated their boat, along with its rescue equipment and Mr. Aldeen's cell phone. The five volunteers were arrested and detained in a police cell, without being informed of their rights, without being provided with any interpretation nor any possibility of communicating with their embassies[3]. The same day, the five were brought handcuffed before the Prosecutor and Investigating Magistrate at the Mytilene Courthouse. They were informed that they were given two days to prepare their defence and brought back to custody in a police station. On January 16, Mr. Aldeen was again brought before the Investigating Magistrate to provide his defence statement, and was further questioned. After hearing the defence statement, the Investigating Magistrate and the Prosecutor jointly agreed to release him under the following conditions: a) a prohibition to leave the country, b) the obligation to report weekly to the police station of his residence and c) a bail of 10,000 Euros to be paid within one month. The four other activists were released on the same day on a bail of 5,000 Euros. The five defendants face charges of up to ten years of imprisonment. Though Mr. Aldeen has challenged the preventive measures, at the time of publication of this appeal, he remained under the aforementioned restrictions pending the end of the investigation.

Moreover, during the month of February, in the Idomeni border area between Greece and Macedonia, more than 60 volunteers from several countries (i.e. Germany, Switzerland, the Netherlands, Austria, Spain, U.K., Czech Republic), operating within the framework of Aid Delivery Mission (ADM)[4], were subjected to verbal harassment by the police, including threats of arrest, and an arbitrary house search by armed policemen and trained dogs without a mandate and no further explanations on the reasons. During that search, nothing illegal was found. On April 12, 2016 three activists from the NGOs Shorba Crew and ADM on their way to serve at a tea tent were brought to the Evzoni[5] police station by the special police anti-criminality unit (OPKE) and no information was given to them on the reason for their arrest. Their car was searched, they were bodily searched (a female member of the group was forced to take off her clothes), and were asked to provide their biometric data (fingerprints and photographs)[6].

On January 28, 2016, a joint Ministerial Decision was published on the official Government Gazette - The Greek Republic, prohibiting all independent, unregistered volunteer activities conducted in Lesvos and putting non-governmental organisations (NGOs) and other civil society actors under state control and massive profiling, at both organisational and individual level[7]. This Ministerial Decision set up a committee meeting every week to register, classify and co-ordinate all civil society actors operating in Lesvos. The committee shall also deal with the registration, identification and certification of all NGOs and independent volunteers, proceed to the evaluation of their work and control the organisation of their actions (Paragraph 7.2). The committee's approval is a necessary requirement for the inclusion of any civil society entity into the Registry and the consequent possibility to carry out their work in a legal way.

Any unregistered entity conducting human rights work to support migrants and asylum seekers may face charges of complicity in a "criminal organisation". Suspicion of this offence legitimises the use of practices incompatible with the right to privacy, such as phone tapping, record of conversations, video surveillance outside of the home, even at the stage of preliminary investigation, without the need to notify suspects.

Finally, on February 21, 2016 a last minute amendment was made to a Law voted by the Greek Parliament[8], in violation of several provisions of the Parliament's Rules of Procedures[9]. The new provision assigns the supervision and coordination of services[10] provided to migrants and asylum seekers to the Greek Army and Minister of Defence, in newly established army-run facilities. This provision has led to a coordinated effort to stop civil society activities in camps that are not run by

the army, through extensive threats of arrest and prosecution[11]. Moreover, several journalists and NGOs, including the Hellenic Action for Human Rights "Pleiades", are often not allowed access to army-run facilities[12]. The Greek Council for Refugees (GCR)[13] and Amnesty International have been exceptionally granted access some detention centres and described the living conditions in such camps as inhumane[14].

The Observatory strongly condemns this crackdown on civil society actors in Greece, calls on the Greek authorities to put an end to the ongoing attempts to criminalise NGOs and volunteers working in the country in the field of humanitarian assistance to migrants and asylum-seekers or otherwise prevent them from carrying out their work and urges them to lift the ban on civil society activists and journalists to enter army-run camps.

Moreover, the Observatory calls upon the Greek authorities to repeal, or at least amend, the joint Ministerial Decision on registration, approval and state control of NGOs and volunteers in Lesbos, as well as Article 96 of the Law 4368/16 establishing the supervision of humanitarian assistance by the military, in order to put its legislation in line with international human rights standards ratified by Greece.

Finally, the Observatory calls upon Greek authorities to put an end to the judicial harassment against Mr. Salam Kamal-Aldeen and the four other prosecuted volunteers, as it only seems to be aimed at sanctioning their legitimate human rights and humanitarian activities.

#### **Actions requested:**

Please write to the authorities in Greece, urging them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Mr. Salam Kamal-Aldeen and other activists, as well as of all human rights defenders and humanitarian activists in the country;
- ii. Put an end to all acts of harassment - including at the judicial level - against Mr. Salam Kamal-Aldeen and other volunteers, including members of ADM, as well as against all human rights defenders in Greece so that they are able to carry out their work without hindrances;
- iii. Undertake a thorough, impartial and transparent disciplinary and criminal investigation into reported acts of violations of human rights defenders' procedural rights, in order to identify all those responsible, bring them before a competent, independent and impartial tribunal and prosecute them according to the law;
- iv. Repeal the joint Ministerial Decision on registration and state control of NGOs and volunteers, and Article 96 of the Law 4368/16 in order to put its legislation in line with international human rights standards ratified by Greece;
- v. Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:

Article 1, which states that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels"; and

Article 12.2, which provides that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, 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 present Declaration"; and

vi. More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international and regional human rights instruments ratified by Greece.

**Addresses:**

- Prime Minister of Greece, Mr. Alexis Tsipras, Email: mail@primeminister.gr
- Alternate Minister of Immigration Policy of Greece, Mr. Giannis Mouzalas, Fax: +30 213 136 4418, Email: gram.anaplypourgou@ypes.gr
- Alternate Minister for Citizens Protection of Greece, Mr. Nikolaos Toskas, Fax: +30 210 692 9764, Email: minister@mopocp.gov.gr
- Deputy Permanent Representative of Greece, Mr. Ioannis Tsaousis, First Counsellor, Permanent Mission of Greece to the United Nations in Geneva, Switzerland, Fax: +41 22 732 21 50; Email: grdel.gva@mfa.gr
- Ambassador of Greece, H.E. Eleftheria Galathianaki, Embassy of Greece in Brussels, Belgium, Fax: (+32) 2 545 5585, Email: gremb.bru@mfa.gr
- Permanent Representative of Greece, H.E. Papastavrou Andreas, Permanent Representation to the European Union (EU), Fax: +32 2 5515651, 5127912  
Email: mea.bruxelles@rp-greece.be

Please also write to the diplomatic mission or embassy of Greece in your respective country.

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[1] The Danish NGO "Team Humanity" has been collaborating with the Hellenic Coast Guard (HCG) on several rescue operations since September 2015. Following media coverage, Mr. Aldeen has become a prominent figure of migrant support. Pictures of him while rescuing migrants at sea are on worldwide media, making him, for instance, the cover of the last Human Rights Watch's World Report 2016.

[2] The accusations were as follows: the attempted "felony of illegal transport from abroad to Greece of third country nationals, who do not have a right to enter the Greek territory" and the offence of "carrying illegally a weapon", since their rescue equipment included also a small knife, which is used in case of a victim's entanglement in ropes and in similar cases.

[3] They were nonetheless granted access to a lawyer.

[4] ADM is a group of Dutch volunteers operating in Idomeni on the Greek-Macedonia border, who prepares approximately 6.000 meals per day for refugees, distributes aid, performs for children in camps, visits and supports detained migrants, among which many children, in the area

close to the borders.

[5] Evzoni is a locality at the border between Greece and the Republic of Macedonia.

[6] See <https://www.facebook.com/aiddeliverymission/posts/270656483267197?pnref=story>

[7] The General Secretariat of Aegean and Island Coordinating Committee produced two forms, one called "Organisation profile" (asking for personal details of all volunteers working with the organisation naming their source(s) of income, affiliation with other groups active in Greece, proposed place of action and type of voluntary work, proposed analytical program/action description) and another "Personal profile" (requesting information on professional capacity, previous actions, date of arrival and departure, affiliation/cooperation with organisation(s) already active in Greece, proposed voluntary action in Greece, curriculum/action description, proposed place of action and type of voluntary work), that all civil society organisations and independent volunteer providing support to asylum-seekers on the Greek islands will have to complete in order to register with the police and be able to carry out their work.

[8] See Article 96 of the Law on "Measures on precipitating the Government's work and other provisions", No. 4368/16 (21 A/21.02.2016).

[9] For instance, the obligation of having the text of any proposed provision pass through the scrutiny of the Scientific Committee of the Parliament, for an assessment of e.g. its rationale, related justification and its compatibility with the Constitution. The last minute introduction of Article 96 in the text of the law did not allow for such procedure to take place.

[10] Services include housing, food, transportation and medical support, as well as the coordination of all social institutions and NGOs involved in providing a humanitarian response to the arrival of asylum-seekers and migrants in Greece.

[11] The army and Greek authorities indeed started threatening volunteers and NGOs working in non official camps with prosecution for "violating the migration law", as they have been doing with volunteers at sea.

[12] See Pleiades' Press Release, February 28, 2016. The NGO Pleiades is an NGO registered in Greece since 2009 operating in the field of human rights and carrying out sensitization campaigns, strategic litigation and offering *pro bono* high quality legal, medical, social and psychological support as well as educational and cultural services to vulnerable social groups whose rights are being threatened or violated. It cooperates at regional and international level with inter-governmental institutions such as the Council of Europe and several United Nations mechanisms and bodies.

[13] GCR is an NGO founded in 1989 to support refugees and asylum seekers in Greece, is an implementing partner of UNHCR and works closely with Greek ministries. It also has Special Advisory Status in the UN Economic and Social Council (ECOSOC). GCR's work concentrates on providing legal, material, psycho-social assistance and vocational counseling to asylum seekers and refugees.

[14] See GCR's Press Release on the detention centre VIAL, Chios, of 31 March 2016, Pleiades' Report on living conditions at the Malakasa Camp, April 5, 2016 and Amnesty International's reports on the conditions in Moria Camp on Lesbos and VIAL centre on Chios, of

April 7, 2016. A delegation of the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) carried out an adhoc visit to Greece from 13 to 18 April 2016. The conclusions are not public yet and will be discussed with Greek authorities.

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