



*Hellenic Republic
Ministry of Public Order
and Citizen Protection
The Minister*

Athens, 10 January 2014
Ref: 4236

Mr Niels Muiznieks
Commissioner for Human Rights
Council of Europe
Strasbourg

Dear Commissioner,

Expressing my appreciation for your interest and unreserved assistance to Greece in the field of human rights protection, I would like to inform you that we intensively work for the implementation of the measures concerning the national Asylum System and the management of Migration. These measures have been approved by the EU and consist of the upgrade of the First Reception system, the creation of First Reception Centers, Pre-Removal Centers and Screening Centers, the reform of the national asylum system (Asylum Service and Appeals Authority), the enhancement of the policy of forced and voluntary returns of third-country nationals to their countries of origin.

I believe that the afore-mentioned measures constitute a modern and comprehensive system of initiatives and actions, aiming at a substantive and effective management of asylum and migration, which abide by the country's national and international obligations regarding the protection of human rights.

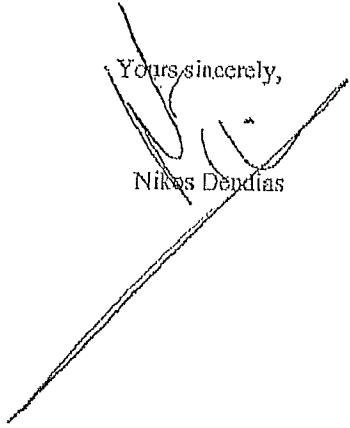
With reference to your letter of 5 December and with regard to the recent reports (PRO-ASYL, Amnesty International as well as Media reports) concerning allegations for un-proceed returns to Turkey through the Evros river ("push-backs") and ill-treatment of intercepted illegal migrants, I would like to inform you that every such case is being thoroughly investigated by the Hellenic Police and if necessary by the Judicial Authorities. Upon completion of the ongoing investigation and in case that substantial evidence occurs, appropriate penal and disciplinary measures will be imposed. Moreover, the outcome of this investigation will be communicated to you at the earliest convenience.

I would like also to underline that practices and procedures as described in the above mentioned reports are totally unacceptable and prohibited by the national legal framework, as well as the internal orders and the ethics of the Hellenic Police.

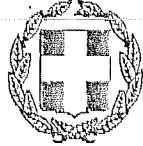
Furthermore, the readmission process to the neighboring Turkey is being implemented according to the provisions of the Readmission Protocol between Greece and Turkey.

In conclusion, I would like to stress that Greece is fully committed to respect and protect human rights. This commitment is indicated by specific actions and initiatives, such as the high level of cooperation with FRONTEX, the enhancement of cooperation with the Hellenic Coast Guard and Frontex Operation Office and the constructive cooperation with all the international organizations and institutions, aiming at further improving Greece's record in this field.

Yours sincerely,



Nikos Dendias



MINISTER OF SHIPPING,
MARITIME AFFAIRS & THE AEGEAN

Mr Niels Muižnieks
Commissioner for Human
Rights
Council of Europe
F-67075
Strasbourg

Piraeus, 10 January 2014

Ref.: 22

Dear ~~Commissioner~~, *Dear Niels*

I would like, first of all, to thank you for your letter dated December 5 2013 (ref.: CommHR/MB/jp 044-2013) and express my appreciation for the assistance and expertise you have so far provided to us in the field of the protection of Human Rights.

As you know, the East Aegean Sea is a main gateway of mixed migratory flows to Europe and one of the most vulnerable sectors of the Union's external borders in the Southeast Mediterranean. The Hellenic Coast Guard (HCG) is the statutory agency assigned by law with surveillance and law-enforcement duties over the Hellenic maritime domain and with the responsibility to manage the external maritime borders of Greece. Together with FRONTEX, the Hellenic Coast Guard plays host to one of the largest EU joint operations ever run by FRONTEX, codenamed "POSEIDON - Sea", on-going since May 5th 2008. An operation covering pre-selected maritime areas of the East Aegean Sea that witnessed severe migratory pressures when started (15.001 cases in 2008), reaching a recess in 2011 (516 cases) that continued so for the most part of 2012.

As of August 2012, the situation in the East Aegean Sea deteriorated once again and for the following 17 months until 31 December 2013 the Hellenic Coast Guard (HCG) authorities in the East Aegean Islands handled in total 615 cases of unauthorized blue-border crossings involving 10.902 third-country nationals (45% from Syria), 29% of which (3.120 individuals) were rescued by the HCG assets. Moreover, during the period in discussion the HCG recorded the largest dispersion of incidents over the East Aegean seafront, spanning, from north to south, a maritime stretch of over 2.000 km and covering all the islands in-between.

In the conduct of its statutory duties, the HCG personnel's main objective is to preserve one of the most fundamental of human rights, the right to life; another core principle that is respected by the HCG staff is that of non-refoulement during their maritime border surveillance as well as rescue operations. To enhance further their emergency response capabilities, the HCG have utilized every possibility for launching joint patrolling activities together with assets from other EU member states, within the context of the above mentioned joint operation "Poseidon - Sea" in the East Aegean Sea, increasing thereby the transparency of its operational practices and the interoperability among European coast guards.

Mindful of the fact that migrants arriving by sea in an Eastern Aegean island are in need of emergency humanitarian assistance, specifically food, water, warm



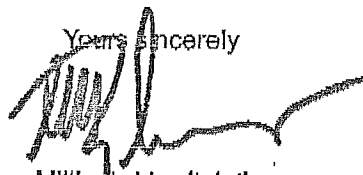
clothing, medical care and a place to rest, and fully aware of its responsibility to cater for these needs in the most efficient manner, the HCG authorities of the said islands have taken a series of measures, in close cooperation with local authorities, services and organizations, in order for such assistance to be readily available upon disembarkation. Such measures include, designation of temporary facilities at or near ports of arrival, procurement of tents and similar equipment for short stays pending onward movement of disembarked persons, expedient medical control services etc., guaranteeing at all times while under HCG custody unrestricted access to those facilities of humanitarian non-governmental organizations and other relief entities.

As an accountable maritime border surveillance institution and pursuant to the provisions of the relevant *acquis communautaire* (art. 5 of Regulation 1168/2011), the HCG has launched a process of incorporating the relevant fundamental rights subjects in the curricula of its Schools of basic training.

The HCG is one of the main pillars of the rule of law of the Hellenic Republic and its personnel are the custodians of the rights and liberties of every citizen. Practices and behaviors described in the reports quoted in your letter are totally unacceptable, run against the professional ethics and the internal orders of the Hellenic Coast Guard and are in stark violation of national, union and international applicable legislation. Any report alleging misbehavior or malpractice by or on behalf of a HCG staff member against any citizen whatsoever, is thoroughly and expeditiously investigated in a transparent and equitable manner and if the evidence substantiates the allegations all foreseen sanctions (penal, disciplinary) are imposed. Enforcing the above principles, the HCG Commandant has ordered the investigation of three distinct cases of alleged ill-treatment of third country nationals by staff of the HCG for the period between August and December 2013, the outcome of which shall be communicated to you once the procedure is over. Other reports that lack any concrete information upon which a thorough investigation can be based, cannot be pursued.

The HCG's standing commitments are to uphold national, union and international legislation; to respect for and promote fundamental and human rights in any of its activities; to enforce professional ethics on every member of its personnel; and to safeguard the right to life and safety at seas. In the pursuit of these objectives we shall dispense every effort to maintain the highest level of services and protection rendered to the citizens and the society. In the above context I am looking forward to continuing our long standing cooperation in enhancing Human Rights protection.

Yours sincerely



Miltiades Varvitsiotis