



Ref: CommHR/MB/sf 003-2013

Mr Miltiadis VARVITSIOTIS

Minister of Shipping, Maritime Affairs and the Aegean
Greece

Strasbourg, 14 February 2014

Dear Minister,

Thank you for your letter of 28 January, relating to the tragic incident near the isle of Farmakonisi on 20 January. I welcome the Greek authorities' readiness, expressed in your letter and reaffirmed by Foreign Minister Venizelos in the European Parliament on 5 February, to reinforce their synergy and collaboration with the Council of Europe.

I am fully aware of the serious challenges that the Hellenic Coast Guard has been faced with and the numerous, praiseworthy sea rescue operations that have been carried out. I noted with satisfaction the apology for the loss of migrant lives on 20 January, which was publicly expressed by the Head of the Coast Guard, Vice Admiral Bandias, as well as the initiation of a criminal investigation into the conditions of the coast guard intervention of 20 January that led to the rescue of 16 migrants and the death of eight migrant children and three migrant women. I expect that this investigation will be prompt, shed full light on the circumstances of this tragic event, and lead to the identification, prosecution and effective sanctioning of every person responsible for these deaths, in compliance with the relevant standards developed by the European Court of Human Rights. I would welcome any more information that you may be able to provide me with on the progress of these proceedings.

As I pointed out in the report of April 2013 following my visit to Greece, effective investigations into alleged serious human rights violations by law enforcement officials are of paramount importance in order to provide justice to victims, prevent recurrence and enhance the key role played by law enforcement authorities in safeguarding the rule of law in a democratic state.

In this regard, I would like to reiterate my call on the Greek authorities to establish an independent complaint mechanism covering the action of all law enforcement authorities, in accordance with my predecessor's *Opinion concerning Independent and Effective Determination of Complaints against the Police of 2009*. The Council of Europe has experience in providing support to countries in establishing effective complaints mechanisms and can provide useful examples from other member states, be it a fully independent public body or a specialised team of prosecutors charged with investigations into actions of law enforcement officials, or a specific parliamentary committee. It is up to Greece to develop a model adapted to its own legal system and traditions, as long as it meets the criteria for effective investigation described in the above-mentioned Opinion by the former Commissioner.

Lastly, I seize the opportunity to tackle the issue of the language which is publicly used with regard to irregular migration. The choice of language is very important and the term 'illegal migrant', widely used in European states, including Greece, associates migrants with illegal acts under the criminal law. I am very much in favour of using the term 'irregular migrant', and 'irregular migration', given that this is more neutral and does not carry the stigmatisation of the term 'illegal'. It is also the term increasingly favoured by international organisations.

Looking forward to continuing a constructive dialogue with you and your government, I remain,

Yours sincerely,

Nils Muižnieks