

Ref: CommHR/DM/sf 024-2023

**Mr Kyriakos Mitsotakis**  
Prime Minister of Greece

Strasbourg, 19 July 2023

Dear Prime Minister,

As Council of Europe Commissioner for Human Rights, my mandate is to foster the effective observance of human rights in all 46 member states of the Council of Europe. An important part of my work is to engage in dialogue with member states' governments and to assist them in addressing possible shortcomings in implementing human rights obligations in their laws and practices.

I am writing today following the shipwreck that unfolded off Pylos on 14 June. This tragic event, which resulted in the death of more than 80 persons, with many hundreds still missing, is yet another shocking reminder that the lives of people at sea remain at risk.

It is of paramount importance to conduct investigations capable of shedding light on the circumstances of the event and leading to the establishment of the facts and, where appropriate, the punishment of those responsible. The survivors deserve it, as do the relatives of the victims, and all of us living in Europe. Crucially, this is also a legal requirement, stemming from Article 2 (right to life) of the European Convention on Human Rights. State parties have a duty to secure the right to life, which includes the obligation to carry out an effective official investigation when there is reason to believe that an individual has sustained life-threatening injuries, has died, or has disappeared in violent or suspicious circumstances, irrespective of whether those allegedly responsible are state agents or private persons or are unknown. As you know, the European Court of Human Rights issued a clear reminder in its judgment delivered on 7 July 2022 in the case of *Safi and others v. Greece* that this procedural obligation is applicable to search and rescue operations and shall be assessed on the basis of several parameters, including the adequacy of the investigative measures, the promptness of the investigation, the involvement of the victims' relatives and the independence of the investigation. This latter parameter is, in my view, critical to securing the trust of the victims' relatives, the survivors, the public and Greece's international partners.

Against this background, I am concerned by reports of pressure having been exercised on survivors and by allegations of irregularities in the collection of evidence and testimonies, which may have led to a minimisation of the focus on certain actors in this tragedy, including the Greek Coast Guard. I stress that, in order to be effective, the investigations cannot be limited to the role of the alleged smugglers, and must clarify the responsibilities of all those on the scene, including members of the Greek Coast Guard whose involvement in the sinking has been alleged by several survivors and suggested by the investigative work of international media. It would, therefore, be useful if clarifications could be provided on the scope of the investigation launched by the Supreme Court Prosecutor, and on whether, in addition, the Naval Court Prosecutor is investigating the potential responsibility of the Greek Coast Guard.

I would also appreciate receiving confirmation that a full internal inquiry is being conducted by the Greek Coast Guard as called for, I understand, by the Greek Ombuds. In this regard, I shall underscore the complementarity of the different investigations that can be carried out in parallel and the importance of the role which the Ombudsman institution, which is entitled to full co-operation from state authorities

under the [Council of Europe Venice Principles](#), should play in its capacity as National Mechanism for the Investigation of Arbitrary Incidents.

As regards the missing persons, I underlined in a recent [Human Rights Comment](#) that the obligation for states to investigate is closely linked to the right of families to know the truth about the fate of their loved ones, to resort to judicial remedies if necessary and, eventually, to find closure. I called on states to step up their efforts to track the missing, but also to identify those whose death is ascertained. In light of this, I would welcome information regarding the efforts made to ensure that the remains of deceased migrants are located, respected, identified, and buried.

As regards the situation of the survivors, I have been worried to learn that those who were not hospitalised have been subjected to restrictions on freedom of movement under Article 40 of the Asylum Code inside the Reception and Identification Centre of Malakasa until they have received an asylum seekers' card, and that their phones have reportedly been confiscated by the Greek Coast Guard and not yet returned. In addition, the conducting of asylum interviews, most of them remotely via videoconference, very shortly after the traumatising episode these people had just experienced, raises questions regarding the conditions in which the survivors were able to prepare these interviews and expose their claims. Therefore, I urge you to ensure that the survivors of this shipwreck are given access to the reception conditions and to the asylum procedure in the conditions foreseen by European and international asylum standards and I kindly request that you inform me about the concrete measures taken to abide by these norms.

In my view, the shipwreck of 14 June is unfortunately not an isolated incident. The overall context in which the shipwreck occurred should be part of the various investigations but should also lead to a reconsideration of the approach to refugees and migrants arriving by sea at the political, policy and practical level, in order to avoid similar tragedies in the future. I urge you to ensure that Greece abides by its international obligations regarding search and rescue, both under maritime law and human rights law, in all circumstances. In this regard, I draw your attention to the European Court of Human Rights' findings in the above-mentioned case of [Safi and others v. Greece](#), according to which state parties to the European Convention on Human Rights must do all that can be reasonably expected of them to provide people in distress with the level of protection required by Article 2 of the Convention. Furthermore, to ensure a coherent approach to protecting the lives and rights of refugees, asylum seekers and migrants at sea, I reiterate my call for the implementation of my [Recommendation](#) on this matter, as well as those contained in my [follow-up report](#), the guidance from UNHCR, and recent recommendations by the Fundamental Rights Agency of the European Union and the European Parliament, among others.

Finally, I wish to underline and welcome the instrumental role played by civil society actors in upholding the human rights of refugees, asylum seekers and migrants by providing them with support and humanitarian and legal assistance, and by documenting the situation at the borders and reporting about incidents. These actors must be able to perform their tasks without being subjected to pressure and threats. I therefore reiterate the [call](#) I made on your government in May 2021 to actively create and maintain an enabling legal framework and a political and public environment conducive to the existence and functioning of civil society organisations and to the work of human rights defenders and investigative journalists and to stop their criminalisation and other forms of harassment.

I look forward to receiving your reply and pursuing a constructive dialogue with you.

Yours sincerely,



Dunja Mijatović