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Greece: Alleged violations at sea must be investigated

Amnesty International last week called on the Greek authorities to investigate human rights violations that appear to have been perpetrated by members of the Greek coast guard in the Aegean Sea. Amnesty International representatives met and interviewed 13 individuals who stated that they had been prevented from accessing Greek land by sea and had instead been ill-treated by uniformed men whom they believed to be members of the Greek coast guard and pushed back into Turkish waters in boats that were not seaworthy.

Following reports of the incident in the Turkish press on 7 and 8 January 2008, Amnesty International representatives located and interviewed the 13 individuals, who are being held in detention in the Ayvalık region of Turkey after being picked up by the Turkish coast guard. All of them are male and of Afghan nationality. Eight of them are minors.

The 13 people, interviewed individually by Amnesty International, reported that they had been trying to reach the Greek island of Mytilene when they were intercepted by uniformed individuals, some of whom were masked, on two boats flying Greek flags. Some of the Afghans described being beaten, slapped or kicked by these masked individuals. They showed Amnesty International's representatives marks on their bodies that they said remained from the incident. The youngest two boys in the group, aged 9 and 13, said that they were physically ill-treated by the masked men: the former complained of being punched and kicked while the latter said he was slapped around the face and head. The Afghans also complained that their belongings, including their bags and clothes, were slashed with a knife. Some were told to remove their clothes, which were thrown into the sea. Some, including the two youngest boys, reported that they had been left in their underwear. All those who had money or mobile telephones had them taken from them.

Greece, as a sovereign state, is responsible under its international and regional human rights obligations to ensure protection against violations that occur within its jurisdiction. Jurisdiction is widely accepted as attaching to actions performed in the territory of a state.¹ The territory of a state is not only comprised of land territory but also extends to marine areas under the law of the sea.

The aforementioned actions, if occurring as described, would constitute violations of Greece's obligations under international and regional human rights law – specifically under the European Convention on the Protection of Human Rights and Fundamental Freedoms (ECHR), the International Covenant on Civil and Political Rights (ICCPR), the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the UN Convention on the Rights of the Child.

¹ See e.g. *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* “The Court would observe that, while the jurisdiction of States is primarily territorial. . .” para 109.

The Afghans alleged that they were put into rubber dinghies which did not have enough paddles and which they said were punctured, and told to make their way back to Turkey. Such a practice could have endangered their lives and be in clear violation of Greece's responsibilities under international and regional obligations to respect the right to life².

The allegations set out above are consistent with reports of violations received by Amnesty International during recent months, and with those publicized independently by the two non-governmental organizations Pro-Asyl and the Group of Lawyers for the Rights of Refugees and Migrants in an October 2007 report entitled, "*The truth may be bitter but it must be told*": *The Situation of Refugees in the Aegean and the Practices of the Greek Coast Guard*. Following the publication of that report, Amnesty International wrote to the Minister of Merchant Marine on 19 December 2007 raising concerns about actions of the coast guard and seeking clarification about their training and hierarchical structure but has not received a reply to date.

Amnesty International has called on the Greek government to launch an impartial, independent and thorough investigation into this most recent incident, to make the results of the investigation public and to ensure that any Greek law enforcement officials suspected of having perpetrated human rights violations be brought to justice.

Public Document

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² Article 6 of the ICCPR and Article 2 of the ECHR.