

COMMENTS

ACCOUNTABILITY ADrift IN GREEK WATERS

OCTOBER 2025

Addressing human rights violations
in Greek Coast Guard border management operations

stiftung
PRO ASYL

RSA
REFUGEE SUPPORT AEGEAN

Summary of recommendations

Supervision process

- ❖ We urge the Committee to classify **Safi**, **Alkhatib** and **Almukhlis** under enhanced supervision for reasons of complex problem involving substantive and procedural violations of Article 2 of the Convention in the context of border management operations carried out by the Hellenic Coast Guard. This would avoid fragmentation of the Committee's supervision efforts and would ensure consistent, thorough consideration of the peculiar challenges underlying Greece's compliance with the Convention in the refugee protection and migration context.
- ❖ Specifically, we urge the Committee to treat **Alkhatib** and **Almukhlis** under enhanced supervision separately from the **Sidiropoulos & Papakostas** group of cases, given that they concern distinct Convention violations and legal and operational contexts.
- ❖ We bear in mind that **A.R.E.** already forms a separate group under enhanced supervision regarding substantive and procedural breaches of the Convention in the context of border management, and welcome such an approach.
- ❖ In light of this, we urge the Committee to structure the supervision of execution of the **Safi**, **Alkhatib**, **Almukhlis** and **A.R.E.** cases under a common rubric, for instance under a 'master group'.

Substantive matters

We urge the Committee to request concrete information from the Greek government on measures relating to Coast Guard operations in the area of border management so as to ensure that:

- ❖ The legal and regulatory framework on said operations is reviewed, updated and brought in line with international, EU and domestic law. Such a revision should ensure sufficiently clear guidance on how to assess distress phases and to safeguard the life and integrity of passengers.
- ❖ EKSED and the 112 hotline are equipped with sufficient and adequate interpretation services to enable effective communication with interested parties.
- ❖ All Coast Guard operations and vessel courses are fully audio- and video-recorded, all EKSED calls are recorded, and said audio-visual material is made available to investigating authorities.
- ❖ The legal and regulatory framework on the use of firearms in said operations is reviewed, updated and brought in line with applicable international standards.
- ❖ Coast Guard officials cease the systematic practice of push backs and other dangerous practices endangering life, including abandoning people adrift on boats or inflatable devices, towing boats by rope, making waves or other manoeuvres liable to cause shipwrecks or collision.

Procedural matters

We urge the Committee to request concrete information from the Greek government on measures to ensure that criminal investigations into incidents involving the Coast Guard are effective and namely guaranteeing that:

- ❖ Investigative acts are conducted directly by the Naval Court Prosecutor and not by Coast Guard officers, to safeguard the independence of the investigation.
- ❖ Testimonies are collected from all passengers, otherwise a substantial number, with an adequate, certified and independent interpreter in a language they understand.
- ❖ Officers on duty at the time of the alleged incident are summoned for testimony.
- ❖ Inspections, expert reports and forensic reports are prompt, independent and comply with international standards.
- ❖ Available digital evidence is used in the criminal investigation of incidents, and plausible explanations are provided by the authorities for the absence of digital recordings in Coast Guard operations.
- ❖ Prosecutors have clear, consistent guidance on the interpretation of the requisite standard of proof for "sufficient indications" for the purpose of initiating prosecution.

Introduction

1. The present Rule 9.2 submission from Refugee Support Aegean (RSA) and Stiftung PRO ASYL is a common contribution to the Committee of Ministers (hereafter “the Committee”) on a series of cases decided by the European Court of Human Rights (hereafter “the Court”) from 2022 to present in relation to violations of human rights perpetrated by Greek law enforcement bodies in the context of border management operations.
2. Since our last contribution to the Committee on the execution of the ***Safi and Others v. Greece***¹ case in 2023,² the Court has delivered three rulings against Greece for breach of Article 2 of the Convention on both substantive and procedural limbs in relation to Hellenic Coast Guard operations conducted in response to arrivals of refugees by sea.
3. ***Alkhatib v. Greece***,³ ***Almukhlas & Al-Maliki v. Greece***⁴ and ***F.M. and Others v. Greece***,⁵ the latter not yet final, all three cases supported and represented by our organisations, concern incidents involving the Hellenic Coast Guard in 2014, 2015 and 2018 respectively. The cases share notable similarities to ***Safi*** insofar as they concern situations where:
 - a. Boats that generally do not fulfil seaworthiness conditions were present in Greek waters and carried newly arriving foreign nationals who do not meet regular entry conditions and who include persons in need of international protection and other vulnerable groups such as children.
 - b. The Coast Guard carried out sea operations incompatible with Article 2 standards and resulting in loss of life by drowning (***F.M.***) or by lethal use of force (***Alkhatib***, ***Almukhlas***).
 - c. The Greek criminal justice system failed to effectively investigate the incidents.
4. These features importantly distinguish the above cases from general situations of police violence or excessive use of force or search and rescue (SAR) operations. Given the particular characteristics involving operations responding to arrivals of unseaworthy boats carrying refugees and other vulnerable groups at sea, Coast Guard border management operations share connections with SAR operations. ***Safi*** remains an illustrative example, as the towing of a boat carrying refugees occurred in the context of a maritime border surveillance operation by a Coast Guard speedboat that lacked appropriate SAR equipment.⁶
5. We maintain our view that the Article 2 violations consistently found by the Court in the last three years are owed to a range of complex factors and systemic deficiencies.⁷ These persist over time and are rooted in:

¹ ECtHR, *Safi and Others v. Greece*, App No 5418/15, 7 July 2022.

² DH-DD(2023)1023.

³ ECtHR, *Alkhatib v. Greece*, App No 3566/16, 16 January 2024.

⁴ ECtHR, *Almukhlas & Al-Maliki v. Greece*, App No 22776/18, 25 March 2025.

⁵ ECtHR, *F.M. and Others v. Greece*, App No 17622/21, 14 October 2025.

⁶ ECtHR, *Safi v. Greece*, paras 160-161.

⁷ ECtHR, *F.M. v. Greece*, para 308.

- a. Flaws in the domestic legal and operational framework, design and implementation of Coast Guard operations in response to irregular arrivals of refugees and migrants by sea, resulting in a lack of clear instructions to coast guards on the paramount need to maintain protection of lives at sea as a primary consideration throughout all operations.⁸
 - b. The lack of independence of investigating authorities and ineffective conduct of criminal investigations by the Naval Court Prosecutor into incidents involving Coast Guard officers.
6. We provide a more detailed, non-exhaustive account of such deficiencies in the present contribution, drawn from the above cases, from pending applications before the Court or domestic jurisdictions and from official information provided by the Greek government and by European Union (EU) bodies. The 2023 Pylos shipwreck, a widely mediatised incident still under investigation before domestic jurisdictions, is among the recent cases illustrating these deficiencies.
 7. We further note in line with Article 53 of the Convention that the subject matter of the above cases and execution thereof is closely tied to respect for and implementation of other standards binding on Greece under international and EU law on SAR and maritime border management operations.⁹
 8. The deficiencies found by the Court in **Safi**, **Alkhatib**, **Almukhlas** and **F.M.** depict a complex problem that warrants a thorough approach to scrutiny by the Committee. This should take into consideration the peculiar border management context in which the Coast Guard operations take place and ensure a comprehensive assessment of gaps in rules, operational plans and their application, as well as in the production, safeguarding and assessment of evidence.¹⁰ In light of these considerations, we urge the Committee to supervise the execution of the **Safi**, **Alkhatib** and **Almukhlas** judgments under enhanced supervision,¹¹ and aim to revert to the Committee following a final judgment on **F.M.**
 9. We further note in this regard that the judgment of the Court in the **A.R.E. v. Greece** case¹² was classified by the Committee under enhanced supervision for reasons of complex problem.

⁸ ECtHR, *Alkhatib v. Greece*, paras 130-132; *Almukhlas v. Greece*, paras 149, 153-154.

⁹ Namely, International Convention on Maritime Search and Rescue (hereafter "SAR Convention"); Regulation (EU) No 656/2014 of the European Parliament and of the Council of 15 May 2014 establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union [2014] OJ L 189/93.

¹⁰ In this regard, we maintain that the subject matter of **Alkhatib** and **Almukhlas** raises issues substantially distinct from **Sidiropoulos & Papakostas v. Greece**, App No 33349/10, 25 January 2018.

¹¹ We note that cases such as **Almukhlas** and **F.M.** were not covered in the exchanges between the Department of Execution of Judgments (DEJ) and the Greek authorities during the visit of 1-2 April 2025 to Greece: DEJ, 'Visit to Greece on the execution of the European Court's judgments', 3 April 2025, available [here](#).

¹² ECtHR, *A.R.E. v. Greece*, App No 15783/21, 7 January 2025.

Preliminary recommendations on the supervision process

- ❖ We urge the Committee to classify **Safi**, **Alkhatib** and **Almukhlas** under enhanced supervision for reasons of complex problem involving substantive and procedural violations of Article 2 of the Convention in the context of border management operations carried out by the Hellenic Coast Guard. This would avoid the risk of fragmentation of the Committee's supervision efforts and would ensure consistent, thorough consideration of the peculiar challenges underlying Greece's compliance with the Convention in the peculiar context of arrivals of refugees and migrants by sea.
- ❖ Specifically, we urge the Committee to treat **Alkhatib** and **Almukhlas** under enhanced supervision separately from the **Sidiropoulos & Papakostas** group of cases, given that they concern distinct Convention violations and legal and operational contexts.
- ❖ We bear in mind that **A.R.E.** already forms a separate group under enhanced supervision regarding substantive and procedural breaches of the Convention in the context of border management, and welcome such an approach.
- ❖ In light of this, we urge the Committee to structure the supervision of execution of the **Safi**, **Alkhatib**, **Almukhlas** and **A.R.E.** cases under a common rubric, for instance under a 'master group' of leading cases treated under enhanced supervision.

Substantive violations of the right to life

Deficient planning and implementation of SAR operations

10. We recall that the **Safi** and **F.M.** cases concern substantive breaches of Article 2 of the Convention on account of the manner in which the Hellenic Coast Guard planned and implemented SAR operations. The deficiencies identified by the Court span across a range of critical components of SAR and continue to be reflected in more recent cases. These constitute strong indications of a complex and widespread phenomenon that requires structural remedial measures and is not "of an individual character", as previously submitted by the Greek government.¹³ We present further detail on different categories of SAR deficiencies below:

Lack of diligence in EKSED communications *F.M.*, §290

F.M. highlighted the absence of interpretation services at the Joint Rescue Coordination Centre (*Ενιαίο Κέντρο Συντονισμού Έρευνας και Διάσωσης*, EKSED) of the Coast Guard to facilitate communication with the individual reporting the impending shipwreck, who did not speak Greek. This is a persisting gap that hinders effective communication with persons in distress or persons reporting incidents to either EKSED or the 112 emergency hotline. The absence of means of effective communication with non-Greek speakers sharply contrasts with the frequency of incidents to which the Coast Guard has been called upon to respond over the past decade, as noted by the Greek government.¹⁴ Further deficiencies in EKSED communications include unrecorded calls via separate devices, as was reported in the 2023 shipwreck off the coast of Pylos resulting in the death of an estimated 600 people. Available audio evidence points to the existence of parallel,

¹³ DH-DD(2023)696, para 14.

¹⁴ *Ibid*, para 17.

unrecorded EKSED phone calls where Coast Guard officials appeared to give instructions to passengers on board the *Adriana* boat and to the captain of a commercial vessel in the vicinity.¹⁵ Here too, there appears to be a lack of diligence in the handling of sensitive communication that is crucial to SAR and to the safeguarding of human lives.

Unclear classification of distress phase & delayed SAR launch

Safi, §162-163
F.M., §302, 305, 306

Unclear or erroneous classification of distress phases and corollary delays in the launch of SAR operations have re-emerged in the 2023 Pylos shipwreck. The Ombudsman has noted that EKSED had been informed of the presence of an overcrowded trawler carrying an estimated 750 passengers in the Greek SAR zone 15 hours prior to its capsizing and sinking.¹⁶ The Frontex Fundamental Rights Office has noted that it “does not know how Piraeus JRCC monitored, assessed and arrived at the conclusion that a SAR case did not need to be launched immediately after the receipt of the Frontex sighting.”¹⁷

Frontex has also stressed that the Coast Guard “delayed the declaration of SAR operation until the moment of the shipwreck when it was no longer possible to rescue all the people on board”.¹⁸

Concerns with regard to the promptness of the SAR operation in the Pylos shipwreck have already been conveyed to the Committee in previous submissions.¹⁹

Deployment of inadequate assets for SAR

Safi, §160-161
F.M., §304

This issue too has emerged again in the 2023 Pylos shipwreck, with Frontex noting that “The resources mobilized by the authorities during the day (including merchant vessels and HCG helicopters) were not sufficient for the objective of rescuing the migrants. Judging from the resources actually deployed, as well as based on some migrant testimonies, it appears that the authorities’ immediate focus prior to the shipwreck was not rescue.”²⁰

No recording of Hellenic Coast Guard vessel courses

Safi, §18, 133
F.M., §303

The absence of video recording of Coast Guard operations is a chronic concern, re-emerged in the 2023 Pylos shipwreck where the video recording device of the Coast Guard vessel was reported to be out of order.²¹ Concerns seem to be corroborated by the Greek government’s recent admission to the Committee that “certain vessels of the Hellenic Coast Guard” are equipped with cameras,²² thereby indicating the possibility of deployment of assets lacking recording devices.

Similar gaps are consistently reported by the Ombudsman in incidents involving the Hellenic Police.²³

- ¹⁵ Omnia & Efsyn, ‘Ναυάγιο της Πύλου: Τα ηχητικά της συγκάλυψης και η συγκάλυψη των ηχητικών’, 22 February 2025, available [here](#); News 24/7, ‘Ναυάγιο στην Πύλο: “Πείτε ότι δεν θέλετε να πάτε στην Ελλάδα”’, 24 February 2025, available [here](#).
- ¹⁶ Ombudsman, *ΕΜΗΔΙΠΑ Ετήσια Έκθεση 2024*, 7 August 2025, 98, available [here](#).
- ¹⁷ Frontex, *Final SIR Report 12595/2023*, 1 December 2023, available [here](#).
- ¹⁸ *Ibid.*
- ¹⁹ DH-DD(2023)1481, Annex 1, 20-21.
- ²⁰ Frontex, *Final SIR Report 12595/2023*, 1 December 2023.
- ²¹ Ombudsman, *ΕΜΗΔΙΠΑ Ετήσια Έκθεση 2024*, 7 August 2025, 98.
- ²² DH-DD(2025)491, 14-15.
- ²³ Ombudsman, *ΕΜΗΔΙΠΑ Ετήσια Έκθεση 2024*, 7 August 2025, 153-158.

Endangerment of life due to “extremely dangerous” practices in operations

11. The Court has used the term “extremely dangerous” (*extrêmement dangereuse*) to qualify practices employed by the Hellenic Coast Guard in the operations implemented in the **Alkhatib** and **Almukhlas** cases, the former referring to firing gunshots directly on the engine of a moving boat and the latter to firing gunshots inside an overcrowded boat.²⁴ Evidence consistently reveals that inappropriate use of firearms against refugees arriving by sea is one of several dangerous practices implemented by the Greek authorities in border management operations at sea.
12. We therefore urge the Committee to adopt a holistic interpretation of the concept of “extremely dangerous” practices that would enable it to scrutinise other related forms of Coast Guard conduct that amount to endangerment of life in the context of supervision of the cases in question. These practices may frequently, albeit not exclusively, occur under the “systematic practice of push backs” to Türkiye perpetrated by Greek authorities both from the Evros land border and from the Aegean Sea, as identified by the **A.R.E. v. Greece** judgment and **G.R.J. v. Greece** decision of the Court.²⁵ The Council of Europe Commissioner for Human Rights has recently stressed that such incidents continue to take place to date.²⁶
13. Given the inherently covert nature of such practices,²⁷ documented evidence thereof only covers “what is commonly known as the tip of the iceberg” according to the Recording Mechanism of Incidents of Informal Forced Returns of the Greek National Commission for Human Rights (GNCHR). The authority of the GNCHR is expressly acknowledged in the **A.R.E.** ruling of the Court.²⁸
14. Non-exhaustive examples of practices amounting to endangerment of life are provided below:

Inappropriate use of firearms in border management operations

Alkhatib, §138
Almukhlas, §151

Beyond the cases already decided by the Court, inappropriate use of firearms resulting in loss of life has emerged again in recent Coast Guard operations at sea e.g. a 2024 incident near Kos and a 2024 incident near Symi.²⁹ Lethal shootings are also raised in pending cases such as **Muhammad v. Greece** involving law enforcement bodies at the Evros land border, a case already brought to the Committee’s attention.³⁰

The Greek government has already informed the Committee that it is prepared to amend domestic legislation on the use of firearms, should this be deemed necessary for compliance with the case law of the Court.³¹

²⁴ ECtHR, *Alkhatib v. Greece*, para 138; *Almukhlas v. Greece*, para 151.

²⁵ ECtHR, *A.R.E. v. Greece*, para 229; *G.R.J. v. Greece*, App No 15067/21, 3 December 2024, para 190.

²⁶ Commissioner for Human Rights, *Memorandum on migration and border control, following the Commissioner’s visit to Greece from 3 to 7 February 2025*, CommHR(2025)16, 17 April 2025, paras 10-13, available [here](#).

²⁷ ECtHR, *A.R.E. v. Greece*, paras 218, 230.

²⁸ *Ibid*, para 227.

²⁹ For instance, TVXS, ‘Πυροβολισμοί λιμενικού πριν το ναυάγιο της Κω με 4 νεκρούς – Η εκδοχή των Αρχών’, 17 October 2024, available [here](#); Kathimerini, ‘Καταδίωξη στη Σύμη: «Εφερε διαμπερές τραύμα κεφαλής»’, 30 August 2024, available [here](#).

³⁰ App No 34331/22, Communicated 1 July 2024, Note DH-DD(2023)1024, paras 39-40.

³¹ DH-DD(2025)491, 14. The Court has refrained from assessing the adequacy of firearms rules *in abstracto*; ECtHR, *Alkhatib v. Greece*, para 127; *Almukhlas v. Greece*, para 143.

Abandonment of people on inflatable rafts adrift at sea
G.R.J., §195

The Court's inadmissibility decision in **G.R.J.** importantly highlighted reports confirming that the systematic practice of push backs in the Aegean Sea involves placing victims in inflatable boats or rafts and abandoning them adrift at sea. Similar practices form the subject matter of pending cases before the Court such as **S.A.A. v. Greece** and **Alnassar v. Greece**.³²

The practice persists according to more recent evidence, including Frontex Serious Incident Reports (SIR)³³ and reports of the aforementioned Recording Mechanism of the GNCHR.³⁴

Destruction or disabling of boat engine or confiscation of fuel

This practice too continues to be consistently reported in Frontex and GNCHR reports, as well as UNHCR,³⁵ as frequently performed in conjunction with other actions aimed at *refoulement* of people to Türkiye.³⁶

Towing of boats by rope tied onto Coast Guard vessels
Safi, §161

Here too, the practice of towing often overcrowded unseaworthy boats by attaching them by rope to Coast Guard vessels has been discussed by the Court in **Safi** and has already been raised before the Committee.³⁷ It has emerged again in the context of the Pylos shipwreck.³⁸ Towing practices continue to be documented in recent reports *inter alia* by Frontex and GNCHR,³⁹ and by UNHCR.⁴⁰

Wave-making & manoeuvres by Coast Guard vessels

Coast Guard vessel manoeuvres creating waves and resulting in swamping and capsizing of boats continue to be documented by current evidence including Frontex and GNCHR reports,⁴¹ as well as by UNHCR.⁴² This has re-emerged in the case of a 2025 shipwreck off the coast of Lesbos resulting in seven people dead and one child missing.⁴³

³² ECtHR, *S.A.A. v. Greece*, App No 22146/21, Communicated 2 December 2021; *Alnassar v. Greece*, App No 43746/20.

³³ Among others, Frontex, *Final SIR Report 11676/2024*, 31 August 2024 concerning an incident of 7 April 2024; *Final SIR Report 12230/2023*, 6 December 2023 concerning an incident of 26 March 2023; *Final SIR Report 10248/2023*, 29 September 2023 concerning an incident of 14 December 2022; *Final SIR Report 10244/2023*, 27 July 2023 concerning an incident of 31 October 2022, available [here](#); *Final SIR Report 12070/2023*, 18 September 2023 concerning an incident of 11 April 2023, available [here](#).

³⁴ GNCHR, *Μηχανισμός Καταγραφής Περιστατικών Άτυπων Αναγκαστικών Επιστροφών: Ετήσια Έκθεση 2024*, June 2025, 43, 66, available [here](#); *Ετήσια Έκθεση 2023*, June 2024, 38, available [here](#).

³⁵ UNHCR, *Submission in G.R.J. v. Greece*, 16 April 2024, para 2.3.5, available [here](#).

³⁶ Frontex, *Final SIR Report 14453/2024*, 20 June 2025 concerning an incident of 27 September 2024; *Final SIR Report 15676/2023*; *Final SIR Report 15338/2023*; *Final SIR Report 12230/2023*; *Final SIR Report 11958/2023*; GNCHR, *Μηχανισμός Καταγραφής Περιστατικών Άτυπων Αναγκαστικών Επιστροφών: Ετήσια Έκθεση 2024*, June 2025, 43.

³⁷ DH-DD(2023)1481, para 21.

³⁸ Efsyn & Omnia, 'Ο μπλε κάβος σφίγγει τον κλοιό γύρω από το Λιμενικό', 27 February 2025, available [here](#). Note also DH-DD(2023)1481, Annex 1, 21-22.

³⁹ Frontex, *Final SIR Report 14453/2024*, 20 June 2025 concerning an incident of 27 September 2024; *Final SIR Report 13471/2024*; *Final SIR Report 14951/2023*; *Final SIR Report 13276/2023*; *Final SIR Report 10887/2023*; GNCHR, *Μηχανισμός Καταγραφής Περιστατικών Άτυπων Αναγκαστικών Επιστροφών: Ετήσια Έκθεση 2024*, June 2025, 44; *Ετήσια Έκθεση 2023*, June 2024, 38, 53.

⁴⁰ UNHCR, *Submission in G.R.J. v. Greece*, 16 April 2024, para 2.3.5.

⁴¹ Note e.g. Frontex, *Final SIR Report 14717/2024*, 25 June 2025 concerning an incident of 15 October 2024; GNCHR *Μηχανισμός Καταγραφής Περιστατικών Άτυπων Αναγκαστικών Επιστροφών: Ετήσια Έκθεση 2024*, June 2025, 43, 60, 66.

⁴² UNHCR, *Submission in G.R.J. v. Greece*, 16 April 2024, para 2.3.5.

⁴³ Reuters, 'On Europe's hardened frontier, Greek island keeps migrants at bay', 30 July 2025, available [here](#).

Survivors' testimonies before the domestic authorities state that intense waves were created by Coast Guard manoeuvres.

Other alleged manoeuvres endangering life include failure to avoid collision with boats, resulting in people suffering lethal injuries by the Coast Guard vessel propeller in a 2024 incident near Rhodes and a 2025 incident near Agathonisi.⁴⁴ Another such case relates to a 2023 incident near Chios involving ramming of a boat by a Coast Guard vessel, resulting in death. The latter case is pending at the stage of preliminary examination by the Naval Court Prosecutor.⁴⁵

Recommendations on general measures to address substantive concerns

We urge the Committee to request concrete information from the Greek government on measures relating to Coast Guard operations in the area of border management so as to ensure that:

- ❖ The legal and regulatory framework on said operations is reviewed, updated and brought in line with international, EU and domestic law. Such a revision should ensure sufficiently clear guidance on how to assess distress phases and to safeguard the life and integrity of passengers.
- ❖ EKSED and the 112 hotline are equipped with sufficient and adequate interpretation services to enable effective communication with interested parties, including persons in distress and persons reporting incidents.
- ❖ All Coast Guard operations and vessel courses are fully audio- and video-recorded, all EKSED calls are recorded, and said audio-visual material is made available to investigating authorities.
- ❖ The legal and regulatory framework on the use of firearms in said operations is reviewed, updated and brought in line with applicable international standards.
- ❖ Coast Guard officials cease the systematic practice of push backs and other dangerous practices endangering life, including abandoning people adrift on boats or inflatable devices, towing boats by rope, making waves or other manoeuvres liable to cause shipwrecks or collision.

Procedural violations of the right to life

15. Procedural breach of Article 2 of the Convention has been found by the Court in all four aforementioned cases (*Safi*, *Alkhatib*, *Almukhlis* and *F.M.*) relating to incidents involving Coast Guard border management operations. The Commissioner for Human Rights instructively notes that "the reluctance of prosecutors to conduct effective investigations is an obstacle to ensuring accountability for human rights violations at borders. Rapid dismissal of complaints, and closure of preliminary investigations without having heard victims or key witnesses nor collected crucial evidence were cited as factors hindering the establishment of facts and the fight against impunity for these human rights violations".⁴⁶

⁴⁴ Efsyn, 'Παραβιάστηκαν όλοι οι κανόνες αποφυγής σύγκρουσης πλοίων στη «σφαγή» των προσφύγων', 22 December 2024, available [here](#); in.gr, 'Αγαθονήσι: Νέα τραγωδία με πρόσφυγες – Ένας νεκρός με ισχυρισμό πως «χτυπήθηκε από προπέλα»', 20 July 2025, available [here](#).

⁴⁵ RSA et al., *Struggle for Accountability: The State of the Rule of Law in Greece*, January 2025, para 53, available [here](#).

⁴⁶ Commissioner for Human Rights, *Memorandum on migration and border control, following the Commissioner's visit to Greece from 3 to 7 February 2025*, CommHR(2025)16, 17 April 2025, para 21.

Ineffectiveness of investigations under the criminal justice system

16. The main deficiencies underlying the closure of almost all domestic criminal investigations into alleged wrongdoing by law enforcement bodies against refugees and migrants have been raised in our previous contribution to the Committee,⁴⁷ as well as recent reports.⁴⁸
17. The Court has importantly affirmed in **A.R.E.** that “in the current state of national practice, domestic remedies indicated by the Government are not effective concerning complaints stemming from *refoulement* as such and other alleged violations of the Convention perpetrated in the course of said *refoulement*”.⁴⁹ It has stressed that not a single case of alleged push back has passed the preliminary examination stage and no prosecution has been initiated against state officials, according to official data of the Greek authorities.⁵⁰ Public Prosecutors continue to shelve such cases without initiating prosecution even after the **A.R.E.** judgment.⁵¹
18. We provide indicative examples of specific gaps in the conduct of criminal investigations below:

Lack of independence of investigative officers *Almukhlas*, §101 *F.M.*, §224

Previous submissions to the Committee detail concerns relating to the conduct of preliminary interrogations (*προανάκριση*) by officials operating in the same authority as the alleged perpetrators,⁵² as highlighted by the Court in **Almukhlas** and **F.M.** This issue was also raised in **Alkhatib**, though the Court did not deem it necessary to assess it in its finding a breach of Article 2.⁵³

This concern persists in current practice. In the 2023 Pylos shipwreck, the initial interrogation under the investigation launched by the Public Prosecutor of Kalamata was conducted by Coast Guard officers.⁵⁴ In the aforementioned 2024 incident near Symi involving the fatal shooting of an individual by Coast Guard fire, the preliminary interrogation was conducted by the Port Authority of Symi.⁵⁵

Deficient examination of witnesses and suspects *Safi*, §123-124 *Alkhatib*, §89 *Almukhlas*, §99

Deficiencies may range from failure to seek testimony from victims to failure to examine the law enforcement officers on duty at the time of the alleged incidents.⁵⁶ In the pending case of **Alnassar**, for instance, the victim was not called to testify before the Naval Court Prosecutor even though he had provided his address in Germany.

Such deficiencies were reflected again in the 2023 Pylos shipwreck, where the Naval Court Prosecutor refrained from summoning any of the 104 survivors of the shipwreck to testify within three months of initiating

⁴⁷ DH-DD(2023)1023, 12-16.

⁴⁸ For a recent analysis, RSA et al., *Struggle for Accountability: The State of the Rule of Law in Greece*, January 2025, paras 47 et seq.

⁴⁹ ECtHR, *A.R.E. v. Greece*, para 201.

⁵⁰ *Ibid*, para 198.

⁵¹ Minutes of the Legal Aid Working Group CEAS Sub-Working Group meeting, 22 September 2025, Item 2.5; 10 June 2025, Item 1.2.

⁵² DH-DD(2023)1023, 11 et seq.; DH-DD(2023)1024, para 40; DH-DD(2023)1481, para 41.

⁵³ ECtHR, *Alkhatib v. Greece*, para 95.

⁵⁴ DH-DD(2023)1481, Annex 1, 22.

⁵⁵ RSA et al., *Struggle for Accountability: The State of the Rule of Law in Greece*, January 2025, para 53.

⁵⁶ *Ibid*, para 54.

a preliminary examination. Survivors were called to testify only after lodging a criminal complaint.⁵⁷

Deficient inspections, forensic reports & expertise

Safi, §126
Alkhatib, §90-91
Almukhlas, §102
F.M., §224-226

The deficiencies identified by the Court in all four cases are indicative examples of inadequate assessment of evidence in the context of criminal investigations into incidents involving the Coast Guard.

Serious gaps in the performance of crucial investigative acts emerged again in the 2023 Pylos shipwreck. On the one hand, no efforts were made to retrieve or at least photograph the sunken *Adriana* boat, and no forensic examination was conducted onto the Coast Guard vessel and its equipment involved in the shipwreck. On the other hand, the mobile phones of the Coast Guard vessel crew members were seized with significant delay and extracted data were not examined through appropriate forensic analysis. Mobile phones of Coast Guard members involved in EKSED were not seized and confidentiality of communications was not lifted.⁵⁸

Deficiencies may also involve undue delays in identification of bodies and failure of forensic services to inform relatives of victims. This concern emerged again in the 2024 Kos incident.

Absence or disappearance of digital evidence

Safi, §18, 133
F.M., §303

The effectiveness of investigations into alleged wrongdoing in the course of border management operations is inevitably marred by the absence of recording of Coast Guard vessel courses or official EKSED communications, as described above. This includes submission of incomplete EKSED records to prosecution services, as was the case in the 2023 Pylos shipwreck.⁵⁹

Importantly, the Court has also emphasised instances where the authorities' actions result in loss of evidence, among others in *Almukhlas*.⁶⁰ Loss of crucial evidence may stem from direct attempts to conceal or dispose of available audio-visual material, namely through arbitrary informal confiscation of mobile phones upon first apprehension. Individuals often report being asked to unlock their phones or to disclose passwords to the authorities. This is regularly reported as a practice of the Coast Guard, from the 2023 Pylos shipwreck⁶¹ to the current treatment of arrivals on the islands.⁶² Similar practices of collecting information recorded in private mobile phones are reported to have been pursued by Frontex officers in the context of debriefing interviews with new arrivals.⁶³

These concerns should be read in conjunction with the frequent tendency of the Greek authorities to contest audio-visual material presented by persons alleging ill-treatment in such operations, where available, without offering contrary evidence. This practice is

⁵⁷ DH-DD(2023)1481, Annex 1, 25.

⁵⁸ RSA et al., 'Two years after the Pylos crime: Developments in the criminal proceedings – Criminal prosecution', 19 June 2025, available [here](#); 'Closure of the preliminary investigation by the prosecution of the Piraeus Maritime Court on the Pylos shipwreck', 23 December 2024, available [here](#).

⁵⁹ *Ibid.*

⁶⁰ ECtHR, *Almukhlas v. Greece*, para 103.

⁶¹ DH-DD(2023)1481, Annex 1, 23-24.

⁶² RSA, *Refugee facilities on the Aegean islands*, December 2024, available [here](#); EU Observer, 'Smart Fortress Europe: How Greece uses tech to crack down on migration', 30 April 2025, available [here](#).

⁶³ Solomon, 'Frontex unlawfully shared thousands of people's personal data with Europol', 7 July 2025, available [here](#).

highlighted by Frontex in the course of investigations launched following SIR.⁶⁴

Circular statements denying the existence of illegal practices
Safi, §127

Prosecutors shelving complaints of wrongdoing on the part of law enforcement bodies continue to adopt a circular reasoning, per which such acts are not perpetrated by state officials since they are prohibited by Greek law. We note that in her 2025 exchange with the Commissioner for Human Rights, the Supreme Court Prosecutor also issued a "categorical denial of systematic practices of summary returns from Greece, which contradicts the judgments of the European Court of Human Rights".⁶⁵

Similar statements appear to be routinely made by the Coast Guard as well. In response to Frontex investigations following SIR, the Coast Guard consistently replies that the alleged practice does not correspond to its operational procedures, without providing further details or evidence.⁶⁶ Similar statements are made by the Hellenic Police in disciplinary proceedings, according to the Ombudsman.⁶⁷

Excessive standard of proof for criminal charges

Whereas domestic law requires the launch of prosecution where there are "sufficient indications" (*επαρκείς ενδείξεις*) of commission of an offence, Prosecutors investigating allegations of wrongdoing on the part of law enforcement bodies in the context of border management continue to shelve cases on the basis that the complainants failed to "prove" at the stage of preliminary examination that the incidents in question in fact occurred.⁶⁸

This has emerged in an array of cases, including the pending case of **Alnassar**. The Naval Court Prosecutor refused to initiate proceedings regarding an alleged push back to Türkiye on the ground that proof of the victim's presence on Rhodes prior to his recorded presence on Turkish soil was no sufficient indication of potential *refoulement*, since the site in which he was present was not an official detention site.

Non-judicial mechanisms

19. The Court has stressed in **Alkhatib**, **Almukhlis** and **F.M.** that the procedural obligations stemming from Article 2 of the Convention require a process conducted by the authorities with a view to identification and punishment of the alleged perpetrator of the offence.⁶⁹
20. Greek law reserves such powers to the criminal procedure, launched exclusively under the responsibility of the prosecution service.⁷⁰ Any material, report or recommendation from non-judicial bodies such as disciplinary bodies, the Ombudsman or the National Transparency

⁶⁴ Frontex, *Final SIR Report 11676/2024*, 31 August 2024.

⁶⁵ Commissioner for Human Rights, *Memorandum on migration and border control, following the Commissioner's visit to Greece from 3 to 7 February 2025*, CommHR(2025)16, 17 April 2025, para 21.

⁶⁶ Frontex, *Final SIR Report 14717/2024*; *Final SIR Report 14453/2024*; *Final SIR Report 13563/2023*.

⁶⁷ Ombudsman, *ΕΜΗΔΙΠΑ Ετήσια Έκθεση* 2024, 7 August 2025, 108.

⁶⁸ RSA et al., *Struggle for Accountability: The State of the Rule of Law in Greece*, January 2025, para 57.

⁶⁹ ECtHR, *F.M. v. Greece*, para 176; *Almukhlis v. Greece*, para 77; *Alkhatib v. Greece*, para 75.

⁷⁰ Article 43 Criminal Procedure Code, L 4620/2019. We recall that acts involving criminal responsibility of the Coast Guard come under the exclusive competence of the Naval Court Prosecutor: Article 194(1)(b) Military Criminal Code, L 2287/1995.

Authority (Εθνική Αρχή Διαφάνειας, NTA) must necessarily be transmitted to Public Prosecutors for the purpose of assessing whether or not criminal proceedings should be initiated. None of those mechanisms may therefore replace the criminal justice process.

21. We reiterate that the Court's case law highlights a constant failure of the Greek justice system to perform effective criminal investigations and to deliver justice to victims of abuse by law enforcement bodies tasked with border management operations. So long as meaningful change is not made to the criminal judicial system responsible for those investigations, namely at prosecution level, the lacunae found by the Court cannot be remedied.
22. We note that the Greek government has indicated to the Committee its plan to set up an independent monitoring mechanism, "currently under consideration at a high political level".⁷¹ In its exchanges with EU institutions, the government in fact holds that it already operates a "three-tier system" for monitoring and investigating allegations of wrongdoing, consisting of (i) internal control bodies of law enforcement authorities, (ii) authorities such as the Ombudsman and NTA, (iii) Public Prosecutors.⁷²
23. In addition to the aforementioned deficiencies pertaining to the effectiveness of criminal investigations conducted by prosecution services, we notably recall that the Ombudsman already holds the mandate of National Mechanism for the Investigation of Arbitrariness Incidents and is responsible for investigating complaints against law enforcement bodies, including the Hellenic Police and Hellenic Coast Guard.⁷³ The Ombudsman consistently reports a lack of cooperation on the part of Greek authorities in its investigations, as well as direct interference by the Ministry of Maritime Affairs and Island Policy following its report on the Pylos shipwreck.⁷⁴

Recommendations on general measures to address procedural concerns

We urge the Committee to request concrete information from the Greek government on measures to ensure that criminal investigations into incidents involving the Coast Guard are effective and namely guaranteeing that:

- ❖ Investigative acts are conducted directly by the Naval Court Prosecutor and not by Coast Guard officers, to safeguard the independence of the investigation.
- ❖ Testimonies are collected from all passengers, otherwise a substantial number thereof, with an adequate, certified and independent interpreter in a language they understand.
- ❖ Officers on duty at the time of the alleged incident are summoned for testimony.
- ❖ Inspections, expert reports and forensic reports are prompt, independent and comply with international standards.
- ❖ Available digital evidence is used in the criminal investigation of incidents, and plausible explanations are provided by the authorities for the absence of digital recordings in Coast Guard operations.
- ❖ Prosecutors have clear, consistent guidance on the interpretation of the requisite standard of proof for "sufficient indications" for the purpose of initiating prosecution.

⁷¹ DH-DD(2025)491, 14.

⁷² European Commission, *Communication on the status of migration management in mainland Greece*, COM(2025) 170, 4 April 2025, 7, available [here](#).

⁷³ Article 1 L 3938/2011, as amended by Article 188(1) L 4662/2020.

⁷⁴ Ombudsman, *ΕΜΗΔΙΠΑ Ετήσια Έκθεση* 2024, 7 August 2025, 44, 99-100.

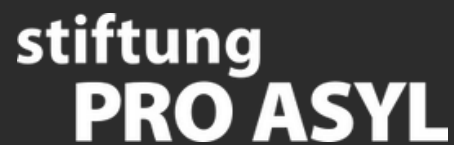


<https://rsaegean.org/accountability-adrift-in-greek-waters/>



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