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PRESS RELEASE

The Ombudsman's Report on the Pylos Shipwreck

The Ombudsman's inquiry into the Pylos shipwreck reveals a series of serious and reprehensible omissions in the search and rescue duties on the part of senior officers of the Hellenic Coast Guard. The report finds that the actions and omissions of the implicated officers during the handling of the incident on 13 and 14 June 2023 constitute the offences of deadly exposure to danger, as well as exposure to endangering the life, health and physical integrity of those on board the Adriana fishing vessel, punishable under article 306 of the Criminal Code.

In November 2023, the Independent Authority decided to proceed with its own investigation, under the special competence of the National Mechanism for the Investigation of Arbitrary Incidents, following the explicit refusal of the Hellenic Coast Guard to launch an internal disciplinary inquiry, which the Authority had requested since June 2023¹, after the tragic shipwreck of Pylos.

Having collected approximately 5,000 pages of evidence (including written responses from the services involved, journalistic research, an additional seventeen sworn testimonies, an expert report and an opinion requested by the Authority, as well as the case file forwarded by the Kalamata Appeals Prosecutor's Office) and the subsequent oral and written explanations from ten (10) senior officers of the Hellenic Coast Guard, to whom all of the collected material had been provided, the Ombudsman concluded a 148-page report on the fatal Pylos shipwreck.

The Independent Authority's report analyses in detail the events, acts and omissions of the Hellenic Coast Guard senior officers involved with reference to the provisions of the legal framework for the Joint Rescue Coordination Center (JRCC), in particular in accordance with the International Convention on Search and Rescue (SAR), from the notification of an overloaded fishing vessel with - by estimate - approximately 750 migrants from the corresponding Coordination Center in Italy, at 11:00 a.m. on 13.06.2023, a fact verified by FRONTEX, until its sinking 15 hours later, the rescue of 104 survivors and the recovery of 82 bodies.

The Independent Authority's findings reveal clear indications of culpability under article 306 of the Criminal Code for eight (8) senior officers of the Hellenic Coast Guard, regarding their knowledge and disregard of the risk to the life, health and physical integrity of the foreign nationals on board the fishing vessel Adriana, who are considered subject to investigation for deadly exposure, as well as for exposure to danger of the life, health and physical integrity of the persons on board the fishing vessel Adriana.

¹ See the Ombudsman's press release and the letters addressed to the Coast Guard at <https://www.synigoros.gr/el/category/e8nikos-mhxanismos-dierynhshs-peristatikwn-ay8airesias/post/deltio-typoy-or-o-synhgoros-toy-polith-ereyna-to-nayagio-ths-pyloy>

The Authority's report also assesses the allegations for the towing of the fishing vessel Adriana by the vessel of the Hellenic Coast Guard assigned to assist. In this case, crucial evidence were not disclosed to the Authority, despite repeated relevant requests; such evidence, sought but not disclosed, were, particularly, the data from the mobile phone of the captain of the Coast Guard vessel assigned to assist, which is in the possession of the Piraeus Maritime Court, and all the conversations of the captain with the Operations Centre of the Hellenic Coast Guard until the capsizing of the fishing vessel, for which the Coast Guard admitted that they were not recorded digitally, despite the provisions to the contrary. Similarly, the Hellenic Coast Guard informed the Authority that the recording material from the cameras of the Coast Guard vessel assigned to assist was not available as the cameras were out of order due to damage. The review of the above evidentiary material is decisive for the establishment of culpability for causing a shipwreck. The Independent Authority's report has been submitted to the Minister of Shipping and Insular Policy for the exercise of disciplinary jurisdiction on his behalf, as well as to the competent Prosecution Authority of the Piraeus Maritime Court, for its consideration of the relevant criminal offenses identified.

The Ombudsman, Mr. Andreas Pottakis stated that, for the Independent Authority, the transparency of administrative action and the attribution of accountability, where they exist, for the fatal Pylos shipwreck is a constitutional precept, inextricably linked to the respect of the rule of law, as is the thorough investigation by the administration of any incident related to a violation of the right to life, health and physical integrity.

The Ombudsman recalled the principles of the case law of the European Court of Human Rights (ECtHR), which, in the Farmakonisi shipwreck case², noted that the authorities "*did not take, within the framework of their powers, the measures that could be considered, reasonably, capable of preventing the danger*". According to the European Court, the primary issue in an inquiry of a search and rescue operation is whether the authorities' efforts "*focused sufficiently and appropriately on the lives*" of the persons at risk.

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² ECtHR ruling on case *SAFI et.al. v. Greece* of 07.07.2022 for the 2014 Farmakonisi shipwreck.