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GREECE: ALLEGED ILL-TREATMENT OF DEMITRE PHOTPOULOS BY POLICE OFFICERS

Demitre Photopoulos, a Greek and Canadian citizen volunteering with the organization "Médecins Sans Frontières" in Athens, alleges that he was severely ill-treated by five police officers during an identity check in Athens at about 7.30pm on 13 January 1998. According to Demitre Photopoulos: *"I was with a friend in Exarcheion Square in Athens. Suddenly I was approached by five police officers who, as they asked for my identification, started to insult me. One of them kicked me in the leg and hit me on the head."*

Then the police officers forcibly took Demitre Photopoulos to the entrance of a nearby block of flats, allegedly to search him. *"They punched me with their fists on the eye, my face, hit me on the head and my back. One kicked me on my legs while another grabbed my throat. They kept insulting me, calling me a 'queer', a 'dirty Albanian' and told me they would fuck me."* During the search, the police officers allegedly took the sum of 20.000 drachmas belonging to Demitre Photopoulos. One of the police officers took a knife out of his pocket, put it against Demitre Photopoulos' throat and threatened to kill him. He told Demitre Photopoulos he would be charged with possessing the knife. Another police officer produced a plastic bag, said it contained drugs and told Demitre Photopoulos he would falsely testify that the drug had been found on him.

Demitre Photopoulos alleges that after he was transferred to Excharchia Police Station, he was further insulted, beaten and threatened with death. *"I was brought before the police station's chief who told me there had been a mistake, there was no problem and I could leave. I asked for the names of the five police officers who had ill-treated me. One of them who was present in the office insulted me, hit me again on the head, spat in my eye and threatened to charge me with illegal possession of a knife. In the end, the police station's chief refused to give me the name of the police officers involved."*

Demitre Photopoulos was examined by a doctor the following day who recorded on the medical certificate the following injuries: bruises on the right temple, behind the left ear, under the left eye, left armpit, right side of the neck and throat and on both legs. As a result of the ill-treatment, Demitre Photopoulos experienced difficulties walking for a few days. Given the nature of the injuries, the doctor who examined Demitre Photopoulos recommended a period of 10-days' sick leave be granted.

Demitre Photopoulos has lodged a formal complaint with the Athens prosecuting authorities about the ill-treatment. An inquiry has reportedly been ordered into the incident.

Amnesty International is calling on the Greek authorities to conduct a prompt, thorough and impartial investigation, to bring to justice those responsible and to ensure that Demitre Photopoulos receives fair and adequate compensation, as required by international standards.

The Greek Constitution and national law specifically prohibit the use of ill-treatment or torture.

Article 7, paragraph 2, of the Greek Constitution states that: “[T]orture, any bodily maltreatment, impairment of health or the use of psychological violence, as well as any other offence against human dignity, are prohibited and punished as provided by law”.

Under Article 137 of the Greek Penal Code, the prescribed penalty, in principle, for someone found guilty of torture is between three years’ to life imprisonment. The penalty is of at least 10 years in the most serious cases and life imprisonment if the victim dies. A prison sentence of three to five years applies in less serious cases. Persons convicted of torture are automatically deprived of their political rights and dismissed from their jobs.

International Standards

Greece ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1988. In doing so, it expressly undertook to prevent torture taking place within its territory by undertaking to educate and train law enforcement officers, to ensure that its competent authorities proceed to a prompt and impartial investigation of cases where there are reasonable grounds to believe that an act of torture has been committed, to ensure that victims of torture have the right to compensation or, where a death had occurred as a result of an act of torture, that the victim’s dependants are entitled to compensation and that those responsible for the torture are punished by appropriate penalties.

Article 2, Paragraph 1, of this Convention states that: “ *Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction*”.

Greece also ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms in November 1974. Article 3 of the Convention states that: “*No one shall be subjected to torture or to inhuman or degrading treatment or punishment*”. Greece ratified in 1991 the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment which not only prohibits the practice of torture and other cruel, inhuman or degrading treatment or punishment, but also sets up a system of regular inspections of places of detention by the European Committee for the Prevention of Torture. Greece is legally bound to observe the provisions of this treaty.

The information on this case comes from a statement made in the criminal complaint which Demitre Photopoulos lodged with the Athens prosecuting authorities on 14 January 1998, from an interview conducted by Amnesty International with the victim and from a medical report.