AMNESTY INTERNATIONAL PUBLIC STATEMENT

30 April 2020 EUR 25/2118/2020

GREECE: ARBITRARY DETENTION OF AMNESTY INTERNATIONAL ACTIVISTS

Amnesty International would like to express its serious concerns over the arbitrary detention of two activists from Amnesty Greece, which occurred on 14 February 2020 in the police station of the neighbourhood of Exarchia, in central Athens. This latest incident adds to a long list of reported cases of ill-treatment or excessive use of force by police since the end of last year against protesters, individuals during their arrest/or detention, journalists and refugees and migrants. Amnesty International is seriously concerned that these incidents are not isolated and are indicative of a culture of impunity as identified by the organization’s long-standing research.

The incident unfolded in the evening of 14 February 2020 after a meeting of the Refugee and Migrants Network of Amnesty Greece, hosted in the organization’s premises in central Athens. The group of activists attending the meeting was preparing an action on the case of human rights defenders Sarah Mardini and Seán Binder, who have been criminalised for helping asylum-seekers, refugees and migrants in Greece. After the conclusion of the meeting, the members of the group left the office and went separate ways. One of them, a black African male (N*) who is a recognized refugee in Greece was stopped by a police patrol shortly after (around 20:20) at the intersection of Panepistimiou and Ippokratous streets (two of the capital’s main streets) and subjected to an identity check and body search. N* said that he showed the police a copy of his identity paper available on his phone.

N* told Amnesty International that there were many people passing by in the area at the time who were not subjected to the same checks. N* also said that he informed the police that he was an activist. He also said that he asked them why they had checked him and not others. Despite nothing suspicious being found on him, N* was handcuffed behind his back and transferred to the Exarchia police station where he was placed in in a cell. He told Amnesty International that at no time did the police explain the grounds of his transfer to the station or his detention.

Around 20:44, N* notified A.T. -a female member of the group of activists- that he had been placed in detention and asked her for help. Subsequently, A.T and a second female member of the network rushed to the police station in order to find out what had happened. They arrived there at around 21:20 and A.T. sought information on the grounds for N*’s detention. A.T. told Amnesty International that a police officer replied that N* was being held for the purposes of identity check and his custody could last up to three hours. Following A.T.’s query about the grounds of N*’s stop and search and detention and whether a discriminatory element was behind it, another police officer responsible for the detention area asked for A.T.’s identity card. Despite A.T. providing her identity card, the officer placed her in custody in a cell in the basement of the police station. A. T. said that at no time it was explained to her why she was being held. The officer then confiscated her mobile phone, which she was using to inform the representatives of Amnesty Greece about her detention. A.T. and N* were released at 23:05 pm after a lawyer came to the police station and questioned the lawfulness of their detention and Amnesty Greece representatives intervened for their release.

Under international law, an individual may only be lawfully deprived of his or her liberty on grounds and according to procedures established by law. Domestic laws authorizing arrest and detention and regulating the relevant procedures must conform to international human rights law. Anyone who is arrested or detained must be informed immediately of the reasons why they are being deprived of their liberty. This right should apply at all times.

According to Article 74 of the Greek Presidential Decree 141/1991, police can transfer a person to a police station for an identity check if they do not have papers proving their identity or if the circumstances, such as the person’s conduct or the place where he/she is found, gives rise to the suspicion that the person concerned has committed an offence. In 2003 and 2005 respectively, the Greek Ombudsperson and Head of the Greek Police have also provided written guidance on the manner that transfers to police stations must be conducted. Specifically, the following principles, among others, apply to police officers conducting stop and search operations: i. it is sufficient for a person to show his/her identity card for the purposes of an identity check; ii. the use of handcuffs is a measure of last resort and for particular cases in the event of transfers to police stations; iii. mobile phones should not be confiscated; iv. a transfer to a police station does not mean that a person should be detained in a cell; v. an identity check can take place in a police station when the identity card provided can be considered as fake or the person is considered as a suspect for a criminal offence; vi. the check should
happen in a reasonable time; vii. a person is not obliged to link his/her presence in a public place with a specific lawful ground.

In the past, police operations in Greece have been criticised for their discriminatory and arbitrary nature. In 2012 and 2013, the findings of non-governmental organizations, the Council of Europe Commissioner for Human Rights and the Greek Ombudsperson on the mass crackdown police operations on irregular migration of 2012 and 2013 (the so-called “Xenios Zeus” operation) pointed to the discriminatory and abusive nature of stop and searches on foreign nationals and the resulting arbitrary deprivation of liberty in many such cases.

As highlighted by the United Nations Human Rights Committee, which examined the compatibility with human rights of ‘ethnic profiling’ in police activities and checks: “Identity checks carried out for public security or crime prevention purposes in general, or to control illegal migration, serve a legitimate purpose. However, when the authorities carry out such checks, the physical or ethnic characteristics of the people subjected thereto should not by themselves be deemed indicative of their possible illegal presence in the country. Nor should they be carried out in such a way as to target only people with specific physical or ethnic characteristics”.¹ The Committee remarks that “[t]o act otherwise would not only negatively affect the dignity of the people concerned, but would also contribute to the spread of xenophobic attitudes in the public at large and would run counter to an effective policy aimed at combating racial discrimination”.²

The disconcerting incidents described by Amnesty International activists raise serious concerns that the detention of both activists was arbitrary. These events also raise concerns over the disproportionate and possibly discriminatory character of the identity check carried out in the case of N*. The organization urges the authorities to conduct an independent and effective investigations into allegations of discrimination by police and ensure systematic monitoring of police stop and search operations.