

GREECE

The alleged ill-treatment of two young Roma, Theodoros Stephanou and Nikos Theodoropoulos, by police on the island of Cephalonia

Amnesty International is concerned about allegations that members of the Roma community in Greece have been subjected to ill-treatment from the police forces on the grounds of their ethnic identity.

Theodoros Stephanou and Nikos Theodoropoulos, two Roma aged 16 and 18 years old respectively, were reportedly insulted and subjected to ill-treatment by police officers in the town of Argostoli on the island of Cephalonia, on 4 and 5 August 2001.

In his statement, Nikos Theodoropoulos, a resident of Argostoli on the island of Cephalonia, alleges that as he was out in Argostoli with four of his relatives¹ late in the evening of 4 August 2001, the group was approached by the owner of a nearby kiosk who claimed that some money had been stolen from him. The police were called in, arrested the five Roma and went looking for others of their relatives.

At the police station, Nikos Theodoropoulos was interrogated about the theft by the station commander and two other police officers. He describes his interrogation as follows: "*They wanted me to admit that I and the other Roma had stolen the money. Since I refused, they [two of them] started beating me, slapping and punching my face, stepping with their boots on my half-naked feet. After [that] [the police officers] let me sleep until 4am [when] they woke me up [in order to] take an official statement [from me]. I refused to do it without my lawyer [being present], but they started beating me again. Since I was in pain, I consented to give [the statement] without the [presence of the] lawyer. I denied any involvement in the theft, but they wrote in the statement that I had admitted to [stealing]. They threatened to beat me again if I did not sign [the statement], so I did sign*". When brought to trial on 6 August 2001 Nikos Theodoropoulos told the court about the circumstances under which he signed the statement at the police station and denied the charges against him. He was subsequently acquitted.

In relation to the same incident, 16-year-old Theodoros Stephanou claims that he was also subjected to ill-treatment by the same police officers on the same day. In his statement Theodoros Stephanou, a resident of Patras, reports that he went from his town to Argostoli

¹ Their names are known to Amnesty International

by truck. He also used the vehicle as a sleeping place during his sojourn on the island. After an evening out with his cousin, Theodoros Stephanou came back to the truck in the early hours on 5 August when he was told by his sister that three police officers had come round earlier, looking for him and had searched the vehicle. Shortly after being informed by his sister, Theodoros Stephanou and his cousin presented themselves to the police station in Argostoli where they were kept for interrogation, accused of having stolen money from a kiosk located about 300 metres away from where the truck was parked.

Theodoros Stephanou described his interrogation by three police officers (one of them the Commander of Argostoli's police station) as follows: "*the policemen kept asking me about my whereabouts and where I had hidden the money. This lasted for approximately half an hour. I had gotten really confused by their incessant questions, when suddenly [one of the police officers] started punching me and slapping me really hard in the face*". The third police officer reportedly left the room at that moment, leaving Theodoros Stephanou being interrogated by the station commander and his colleague². For the next fifteen minutes, Theodoros Stephanou was asked to reply to the questions made by the station Commander while being repeatedly punched and slapped by the other police officer. Asked whether he had made a phone call from the kiosk to his brother-in-law, Theodoros Stephanou replied that he had used his mobile phone which he had left in the truck.

The police officers handcuffed him and accompanied him to the truck, retrieved the mobile phone and brought Theodoros Stephanou back to the police station for further interrogation: "*[they] removed the handcuffs and [the same police officer as previously] started beating me for yet another quarter of an hour, asking me yet again where I had hidden the money. Following the second round of beatings, they took me to the small corridor just outside the office, together with another five friends of mine, all Roma, who had been arrested for the same incident. One of them was given some water and, as I was really thirsty, I asked for a glass of water too. A policeman refused to give me some water but after a short while I was provided with some. I was then told to go to a nearby area (a sort of lounge) but after some time, a police man came over and told me to go again to the place right outside the offices and sit without having eye to eye contact with the others, presumably so that we could not talk to each other. I sat there for approximately 30 minutes, during which the kiosk owner showed up. I was taken again into the office, where the kiosk owner said that he had not seen me around his kiosk at the time of the theft. I was then told to go and wait outside, and after some time I was told to go and wait at the lounge. As it was really late and I was in great pain, I quickly fell asleep. Then, a policeman came over and told me I was free to go*".

On 5 August 2001 Theodoros Stephanou was subsequently examined by a doctor at the outpatient clinic of the General Prefectural Hospital of Cephalonia. The medical certificate reports that he was found to suffer from a "*[r]eported head injury from a blow (beating) received 12 hours earlier*" which resulted in dizziness, severe headache and a slight

² Both names are known to Amnesty International

weakness in ability to focus on an object with his eyes. The medical report also describes a "[s]mall frontal left haematoma, swelling and sensitivity to pressure on the ridge of the nose".

Amnesty International is calling on the Greek authorities to conduct a prompt, thorough and impartial investigation into the above allegations, and, if they are well founded, to bring to justice any persons responsible, as well as to ensure that Nikos Theodoropoulos and Theodoros Stephanou receive 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 national legislation, Article 137A-D of the Penal Code, dealing with "*Torture and other attacks on human dignity*" defines torture as "... any systematic infliction of acute physical pain, or of physical exhaustion endangering the health of a person, or of mental suffering capable of leading to severe psychological damage, as well as any illegal use of chemicals, drugs or other natural or artificial means with the aim of bending the victim's will" (Art. 137A paragraph 2) - when perpetrated by a "an official or military whose duties include the prosecution, interrogation or investigation of criminal offences or breaches of discipline or the execution of punishments or the guarding or the custody of detainees...[on] a person who is in his power with the aim of a) extorting from this person or a third person a confession, testimony, information or statement, repudiation or acceptance of a political or other ideology; b) punishing c) intimidating the person or a third person" (Art.137A paragraph 1).

The prescribed penalty, in principle, for someone found guilty of torture is from three years' to life imprisonment. The penalty is of at least 10 years in the most serious cases (such as for example the use of the *falanga* or electric-shock equipment - Art. 137B paragraph 1a) and life imprisonment if the victim dies (Art. 137B paragraph 3). Less serious cases involving "*Physical injury, injury to the health, the use of illegal physical or psychological force and any other serious attack on human dignity, which is committed by persons under the conditions and for the purposes defined in paragraph 1*", are punished by three to five years' imprisonment (Art.137A paragraph 3). Additionally,

persons convicted of torture are automatically deprived of their political rights and dismissed from their jobs (137C). Under Article 137D paragraph 4 "*the victim of the offences [defined] in articles 137A and 137B has a right to demand from the individual and the state which are entirely responsible compensation for damages done to him/her and pecuniary satisfaction for psychological and moral damage*".

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.

Amnesty International unconditionally opposes torture and other forms of cruel, inhuman or degrading treatment or punishment of all prisoners.

Amnesty International is calling on the Greek authorities

- to conduct a prompt, thorough, impartial and independent investigation into the alleged ill-treatment of Nikos Theodoropoulos and Theodoros Stephanou
 - to bring to justice any police officers identified as responsible
 - to ensure that Nikos Theodoropoulos and Theodoros Stephanou receive fair and adequate compensation if the allegations are found proven
- as required by international standards and recommendations.

The information in this case comes from statements made by Nikos Theodoropoulos and Theodoros Stephanou in interviews which were carried out by the Greek Helsinki Monitor, a non-governmental organization which collaborates with Amnesty International, and the victims' medical certificates.