



## A LAW UNTO THEMSELVES:

A CULTURE OF ABUSE AND  
IMPUNITY IN THE GREEK POLICE

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INTERNATIONAL



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# GLOSSARY

ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECRI	European Commission against Racism and Intolerance
ESIEA	Athens Union of Newspaper Editors
FRA	European Union Agency for Fundamental Rights
GADA	Attika General Police Directorate
GHM	Greek Helsinki Monitor
KEERFA	Movement Evict Racism and Fascist Threat
ICCPR	International Covenant on Civil and Political Rights
MP	Member of Parliament
NGO	Non-governmental organization
GCC	Greek Criminal Code
OPCAT	Optional Protocol to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
PD	Presidential Decree
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees (UN Refugee Agency)
YAT	Units for the Restoration of Public Order

- 6 A law unto themselves  
A culture of abuse and impunity in the Greek police

# INTRODUCTION

Amnesty International has documented human rights violations by law enforcement officials in Greece over many years. In a report issued in July 2012, the organization documented many cases of excessive and arbitrary use of force against largely peaceful protesters and journalists during anti-austerity demonstrations and the ill-treatment of individuals, many of them migrants and refugees, during arrest or detention.<sup>1</sup> Concerns were also expressed over the failure of police to prevent or investigate racially motivated crimes. The report identified a series of systemic problems in the investigation, prosecution and punishment of human rights abuses including the frequent failure of police, prosecutors and courts to thoroughly investigate, prosecute and punish human rights abuses involving law enforcement officials.

Eighteen months on, the picture still looks bleak. Amnesty International has continued to receive many more allegations of human rights violations by riot police prior to and during the policing of demonstrations and other protests including excessive use of force, misuse of “less-lethal weapons” and of arbitrary transfers of protesters including minors to police stations without evidence that they have committed any offence.

The organization has continued to receive frequent allegations of torture and other forms of ill-treatment of individuals during arrest and/or detention. Numerous testimonies have been received by refugees and migrants of how they have been ill-treated in immigration detention, during collective expulsions back to Turkey (‘push-backs’) by Greek coastguards and borderguards and during sweep operations to crack irregular migration. The organization has also received reports of excessive use of force to control uprisings prompted by prolonged periods of detention and poor detention conditions in immigration detention centres across Greece. Refugees and migrants who are victims of hate crime also continue to report law enforcement officials being among the perpetrators.

At a time where the country has seen a steep increase in racially motivated attacks and xenophobia, Amnesty International has serious concerns about the inadequate response of the police towards hate crime and attacks against protesters and journalists by far-right groups. On many occasions it has been reported that the police have failed to intervene when a racially motivated attack has taken place despite being present; failed to protect protesters, journalists and other individuals from attacks by members of far right groups; arrested the victims of hate crime and not the perpetrators; discouraged the victims from filing a complaint; and failed to investigate hate crimes. Perpetrators of hate crime benefit not only from police inaction but from a number of other factors which contribute to the general climate of impunity. These include the ineffectiveness of existing legislation, the failure to investigate possible hate motives, and the fear of victimization by refugees and migrants. In particular, migrants in an irregular situation, one of the groups most targeted by hate motivated violence, do not report these attacks for fear of being detained and/or deported. While the authorities have taken some delayed positive steps (such as the creation of Special Police Departments and Offices at the end of 2012) toward addressing the steep rise in hate crime and the pervasive impunity enjoyed by perpetrators, more is required.

It took the fatal stabbing of Pavlos Fyssas by Giorgos Roupakias, a man reported to be a member of Golden Dawn, for a nationwide investigation into hate crimes and other offences attributed by prosecutors to Golden Dawn leaders and supporters to be opened.<sup>2</sup> The delay of the authorities in initiating these investigations is of serious concern. It appears that they had for some time had substantial knowledge of a number of reported racially motivated offences attributed to the leaders and members of Golden Dawn and frequent reports of police officers being involved or turning a blind eye to them but failed to take appropriate action until now.

The unlawful behaviour of law enforcement personnel has not been happening in a vacuum. It has been supported and even encouraged by a series of state policies implemented by the Greek police against vulnerable groups. These include the mass sweep operation coded “Xenios Zeus” to clamp down on irregular migrants, police raids at Roma settlements and ID checks of transgender women, all of which have given rise to human rights violations such as racial profiling and arbitrary deprivation of liberty.

Amnesty International’s research has shown that systemic failings leading to impunity for law enforcement officials committing human rights violations persist. These include: the failure by the police or judicial authorities to conduct prompt, thorough, effective and impartial investigations and to bring perpetrators to justice; and the failure to guarantee the right to an effective remedy. The lack of accountability is one of the major factors that lead to the on-going human rights violations by law enforcement officials.

Successive Greek governments have failed to acknowledge, let alone tackle, the scale and systematic nature of human rights violations by law enforcement officials and on-going impunity. They have, for example, failed to establish an independent police complaints mechanism; to bring the definition of torture in line with international standards; and ensure that riot police officers wear their personal identification numbers, not only on their helmets but also on other parts of their gear in order to be identifiable. It took the Greek authorities nearly two years to put a bill before Parliament designating the Greek Ombudsperson as a National Preventative Mechanism to visit all places of detention.<sup>3</sup>

Institutional responses by the leadership of the Greek police and the Ministry of Public Order and Citizens’ Protection deny serious allegations outright or describe them as “isolated incidents”. They are not. This report describes a range of failures that are undermining public confidence in the police and generating a host of human rights violations. The Greek authorities must take action now to eradicate these.

In this report, Amnesty International reiterates existing and makes new recommendations that if implemented would help to prevent the systematic occurrence of human rights violations by law enforcement officials; restore the faith of the public in policing and the investigation of abuses; and end the prevailing impunity. The organization also makes a series of recommendations that are necessary to tackle hate crime and the pervasive impunity enjoyed by the perpetrators.

## 1.1. BACKGROUND

The human rights violations committed by law enforcement officials that have been documented by Amnesty International in this report are not occurring in a vacuum. They are taking place in a country that is facing a deep economic crisis, high unemployment, large

migratory pressures and a sharp increase in hate crime and intolerance.

Currently, Greece finds itself well into the sixth year of a severe recession, with unemployment rates – the highest in the EU – rising fast. The majority of the country's young persons are out of work.<sup>4</sup> The inevitable impact of severe austerity measures and a deep resentment of the political establishment have led thousands of people to take to the streets in protest.

Greece has also become one of the main entry points of mixed migration flows into Europe. In 2010, the land border with Turkey in the Evros region saw a significant increase in the number of refugees and migrants crossing irregularly to Europe. In response, the Greek authorities have taken a series of measures to deter irregular migration including the deployment of more than 1,800 additional border guards across the Evros border in August 2012 and the construction of a 10.5 km fence.<sup>5</sup> The heightened security on the land border has prompted more and more refugees and migrants to take the more dangerous sea route to Greek islands on small and overcrowded boats. Many, such as the 11 that tragically died off the island of Farmakonisi in January 2014,<sup>6</sup> have drowned during their attempt to reach Greece.<sup>7</sup> Recent research has also shown that the Greek authorities also use collective expulsions of refugees and migrants back to Turkey (known as 'push-backs') carried out by the Greek coastguards and border guards.<sup>8</sup> The number of such unlawful operations is not known, but, Amnesty International's research points to the systematic use of push-backs along the Greek-Turkish border, affecting hundreds if not thousands of people.<sup>9</sup>

In the past few years, Greece has also seen a sharp rise in racist violence and intolerance. Numerous racially motivated attacks have been reported against third country nationals, some of them fatal.<sup>10</sup> Factors behind this rise include: the impact of the economic crisis; concerns of the general population over migration, the perceived links of migrants with crime and urban degradation in neighbourhoods of Athens where a large number of refugees and migrants live; distrust of the existing political system; pre-existing social intolerance to ethnic minorities, migrants and the LGBTI community; and ineffective migration and asylum policies.<sup>11</sup> These factors have created a fertile ground for far right political parties and groups. Golden Dawn, a neofascist party, won 18 seats at the parliamentary elections of May and June 2012 and is according to recent opinion polls a third party in voters' preferences.

The discourse of the main political parties presenting migration as a threat to the country and linking irregular migration to crime and public health problems has also contributed to the rising anti-migrant sentiments.<sup>12</sup>

Such discourse intensified in the run up to the May and June 2012 parliamentary elections. For example, in April 2012, M. Chrysohoidis, then Minister of Citizens' Protection and Andreas Loverdos, then Minister of Health described asylum-seekers and migrants living in urban areas of Greece as a "ticking health bomb" and pushed for the adoption of legislation allowing for the detention of asylum-seekers and migrants considered vulnerable to infectious diseases, on grounds such as their country of origin or poor living conditions.

Golden Dawn leaders have also frequently used inflammatory and racist remarks against members of vulnerable groups such as the migrants and Roma and continue to organize public food hand-outs to Greeks only. For example, in a debate to the Greek Parliament in

October 2012, Eleni Zaroulia, a Golden Dawn MP and wife of the party's leader Nikos Mihaloliakos described migrants as “sub humans”<sup>13</sup> In March 2013, another Golden Dawn MP A. Mathaiopoulos called for segregated classes for migrant children.<sup>14</sup>

This is the time when the Greek authorities have to be at their most vigilant regarding the protection of human rights. However, Amnesty International's research shows that those tasked with protecting the public continue to infringe human rights with impunity or inadequately respond to racially motivated and other attacks by far right groups.

## 1.2. ABOUT THIS REPORT

This report is based on research conducted by Amnesty International between July 2012 and February 2014. It follows on from an earlier report, *Police Violence in Greece: Not just 'Isolated Incidents'*, published in July 2012. The writing of this report has been prompted by the high number of allegations of human rights violations committed by law enforcement officials and the continuing obstacles in addressing the steep rise of discriminatory violence including the inadequate response of the police towards hate crime and the persistence of systemic problems leading to impunity since the launch of its last report.

It is based on field missions in Greece during August 2012 and April, July, November 2013 and February 2014, and on continuous desk research.

For the purpose of this report, Amnesty International interviewed victims of human rights violations occurring between July 2012 and February 2014 including many refugees and migrants who have been victims of ill-treatment while in detention, during sweep operations, when intercepted crossing the border or victims of hate crime. The progress of cases documented in the July 2012 report has also been reviewed by talking to victims, their families and their lawyers.

Interviews in person and on the phone have also been conducted with representatives of the Greek police including its Deputy Chief, the Internal Affairs Directorate and representatives of the Special Departments tasked to investigate racist crime. Further interviews were conducted with representatives of the Ministry of Justice, Transparency and Human Rights (including the then Minister Antonis Roupakiotis and George Sourlas, the Ministry's Secretary General); and the Ministry of Shipping and the Aegean (including Miltiadis Varvitsiotis, the current Minister); N. Ornerakis (Special Prosecutor on Racist Crime until September 2013), his successor, Spyridon Pappas and Vassilis Karydis (Deputy Ombudsperson responsible for human rights).

The organization has also interviewed or corresponded with the Recording Racist Incidents Network, the United Nations High Commissioner on Refugees (UNHCR), representatives of refugee communities, non-governmental organizations (NGOs) and anti-fascist groups including the Group of Lawyers on the Rights of Refugees and Migrants, AITIMA, the Greek Transgender Support Association, the Greek Council of Refugees, the Greek Helsinki Monitor (GHM), the Ecumenical Refugee Program, the Initiative for the Rights of Prisoners, the Movement “Evict Racism and Fascist Threat”, the Hellenic Action for Human Rights and Anastassia Tsoukala, Associate Professor of Criminology at the University of Paris XI.

# ON-GOING HUMAN RIGHTS VIOLATIONS BY LAW ENFORCEMENT OFFICIALS

## 2.1. POLICING OF DEMONSTRATIONS

Amnesty International has continued to document many allegations of excessive use of force against peaceful or largely peaceful protests, misuse of “less-lethal weapons”, and arbitrary transfers of protesters to police stations during demonstrations by law enforcement officials in the last 18 months.<sup>15</sup> Often, police officers have used unnecessary force including by beating protesters with their hand held batons, and in some cases, force risking life-threatening injuries, against protesters. Mainly peaceful demonstrations have been dispersed by riot police using excessive and dangerous deployments of toxic chemical irritants. Tear gas cartridges have reportedly been fired directly at protesters during the anti-fascist demonstration in Keratsini, Athens and inside a school yard in Ierissos town in Northern Greece.

Despite the large number of allegations of human rights violations by riot police, the Minister responsible and the Headquarter of the Greek Police very rarely condemn misconduct. They either fail to acknowledge violations or they describe them as “isolated”. Only very few investigations into cases resulting in serious injuries to protesters or journalists covering protests have progressed, calling into question the willingness of the Greek authorities to eradicate such abuses (see section 3.2. below).

Amnesty International recognizes that policing demonstrations can be challenging and that law enforcement officials are sometimes required to use force to maintain order and prevent crime. However, in carrying out their duties they must adhere to international law. The United Nations (UN) Basic Principles on the Use of Force and Firearms by Law Enforcement Officials explicitly state that police should as far as possible, apply non-violent means before resorting to the use of force, which they may use to the minimum extent necessary and only if other means remain ineffective or without any promise of achieving the intended result. If the lawful use of force is unavoidable, police must exercise restraint in its use and act in proportion to the legitimate objective to be achieved, minimize damage and injury, and ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment.

Under international law, the Greek authorities and law enforcement officials must ensure the human right to peaceful assembly for everyone within their territory. Where a small minority tries to turn a peaceful assembly into a violent one, law enforcement officials should protect the peaceful protesters and not use the violent acts of the few as a pretext to restrict or impede the exercise of the fundamental rights of the majority.

## THE ANTI-FASCIST PROTEST IN KERATSINI

On 18 September 2013, during the large public demonstration that followed the fatal stabbing of Pavlos Fyssas in Keratsini, riot police were reported to have used excessive force against protesters including beatings with hand held batons and to have misused chemical irritants by firing canisters directly at people.<sup>16</sup>

According to protesters' testimonies that Amnesty International spoke to, riot police attacked suddenly a part of the large and peaceful protest.<sup>17</sup> Some reports speak about some protesters throwing stones at a riot police unit. The police reportedly responded by firing an excessive amount of chemicals at the protesters causing many to suffer breathing difficulties. Then officers belonging to the DELTA police unit encircled part of the protest, chased protesters and beat them up with their batons.<sup>18</sup> Photographs made available to Amnesty International and taken by journalist Manolis Kypreos who participated to the demonstration show a civilian driving a motorbike knocking one of the protesters to the ground whereupon he was arrested by police. The pictures show two police officers belonging to the DELTA force beating the prostrate protester with their batons. Later on, violent clashes erupted between a section of the protesters and riot police outside the local police station.<sup>19</sup>

Where hand-held batons are used, regular training and strict rules of use for law enforcement officers are also crucial in order to minimise unintentional injuries. This is particularly important because certain areas of the body are especially vulnerable to injury from baton strikes. Blows applied to the head, neck and throat, spine, lower back, and solar plexus could result in "significant injury with bruising and rupture of internal organs, including the heart, liver, spleen, or kidneys or a head injury", whilst blows to bones and joints, including knees and ankles, can result in dislocation and fractures, as well as soft tissue injuries.<sup>20</sup>

Following the protest, many protesters were taken to hospital, where doctors expressed serious concern about the injuries they were treating. They said that 31 protesters sought medical treatment, many with head injuries. The protesters reported that they had been beaten with police batons, helmets and shields, and had stones thrown at them by members of far right groups while riot police stood by and failed to protect them (see section 2.3.4 below).<sup>21</sup>

Gavril, a 32-year-old protester, described the moment during the anti-fascist demonstration in Keratsini when police shot a tear gas canister directly at him.

*I saw four riot police officers; the two of them made a triangle shape and a third among them was holding the launcher for chemical irritant canisters and he aimed at me ... The canister hit me on my right eye and exploded ... my right eye disintegrated... I tried to turn back and I felt really dizzy, my face was covered with blood. I heard a woman next to me saying, "They killed this boy."*

Gavril lost his right eye and had undergone three operations by the end of October 2013. A criminal investigation by the Internal Affairs Directorate has opened into the incident.

Toxic chemical irritants are often described as "non-lethal" but in fact can have lethal effects so are better described as "less-lethal" weapons. Serious and unwarranted injuries can also result from the use of toxic chemical irritants. The irritants rapidly produce "disabling physical effects" through sensory irritation of the eyes and upper respiratory tract which are supposed to usually disappear within a relatively short time. Physical effects of chemical irritants can include tearing of the eyes, breathing difficulties, coughing, choking sensations, chemical burns, vomiting, suffocation, severe allergic reaction and blistering of the skin

depending on the chemical mixtures and concentrations.

Thus, toxic chemical irritants should not be used in very high concentrations. Such weapons can have indiscriminate effects when sprayed or fired in canisters over a wide area and can cause panic leading to stampeding so should not be used where people are confined in an area. There are certain contexts in which such weapons should never be used. These include as a means of dispersing a peaceful assembly, where there are older people, children or others who may have difficulty in moving away to avoid the chemicals, or in confined spaces including buildings, vehicles and sports stadiums where exits and ventilation points are restricted.

## PROTESTS AGAINST GOLD MINING OPERATIONS IN IERISSOS

In the past year and a half, Amnesty International has documented a series of reported abuses by police against residents of Ierissos, a city in Northern Greece, who are protesting against the environmental impact of gold mining operations in their area and the ancient forest of Skouries. Among the abuses reported were: use of rubber bullets and other kinetic projectile impact rounds against protesters, resulting in some protesters suffering bodily injuries in August 2012;<sup>22</sup> the excessive use of force including toxic chemical irritants and ill-treatment of protesters during protests in October 2012 and March 2013; the collection of DNA samples in an inappropriate manner from people being questioned on suspicion of involvement in an arson attack at the site of the Hellas Gold mining company in February 2013,<sup>23</sup> and denial of access to a lawyer.

Rania Ververidou is 63 and a grandmother. On the afternoon of 21 October 2012, she joined between 2,000-2,500 people from the local region to a protest in the forest of Skouries against the gold mining operations because of the impact this will have on the environment where she and her family live. She and other protesters described how riot police attacked the peaceful protest without any warning, beating protesters, chasing them for approximately eight km and using large quantities of chemical irritants.<sup>24</sup> Chemical irritants were also reportedly thrown by police into the cars of some protesters.

Videos of the day show amongst others between 200 to 300 women protesters requesting riot police to allow them to continue their march towards the area of the forest where the gold mining operations take place and staging a peaceful sit down protest.<sup>25</sup> The sudden attack by riot police reportedly took place when an unknown individual who was not arrested and has not been identified since threw an object to the police. Protesters told Amnesty International that they did not know the man. Videos of the attack also show panicked protesters being chased by riot police, protesters trying to escape with their cars and a cloud of chemical irritants.

Rania Ververidou told Amnesty International:

*There were more than 2,000 protesters of all ages that day ... the police came out of all directions, surrounded us and used tear gas and their police batons and forced us to run in panic ... a young man was hit on the back by a tear gas canister. ... he fell on the ground and could not breathe...*

Rania Ververidou wasn't spared from the police violence herself. When she, her husband and a friend reached her car, a riot police officer reportedly started banging on their windows and windshield with his baton as if he wanted to break the glass. Fortunately, the glass was shatterproof so it did not break, so the police officer opened her door and dragged her out of the car and ordered her to kneel. She said, "He stepped with his boot on my left leg with force. The pain was excruciating and I let out a terrible scream and cried as a result of the pain." Injured, and in terrible pain, she and her husband were taken to the local police station. Throughout the

process she asked for medical care but one of the police officers told her to shut up; all she was given was some ice. After two hours at the police station, Rania Ververidou and her husband were released without charge. She suffered serious injuries to her left leg that resulted in severe swelling, and her leg was put in plaster. She told Amnesty International that she continues to suffer from the injury she received.

Rania Ververidou filed a complaint against the police officer who injured her but, a year after the incident. Amnesty International has been informed by her lawyer that there has been no progress in the preliminary criminal investigation that has started into the complaint. Furthermore, Amnesty International has been informed by lawyers representing the protesters that the authorities has not opened any other investigation into the numerous allegations of excessive use of force against protesters that day.<sup>26</sup>

The Ministry of Public Order and Citizens' Protection issued a statement claiming, among other things, that the demonstration was not peaceful and that eight police officers had been injured. Fourteen protesters were referred to trial for charges of resistance to authority and disturbance of public peace while one elderly resident was also charged with attempting to cause serious bodily harm to a police officer. However, the protesters' lawyers identified a number of significant inconsistencies in the police officers' testimonies who had arrested the protesters. For example, the elderly resident was reportedly trapped in his car and suffered breathing difficulties, hypertension and fainted after police broke a window and threw a tear gas grenade inside, and thus could not have caused an injury to anyone. In December 2013, the 14 protesters were acquitted of the charges of resistance to authority. Eleven of them were also acquitted of the charges of disturbance of public peace although three of them were found guilty and given a seven month prison sentences suspended on appeal.<sup>27</sup> The elderly resident was acquitted of the charge of attempting to cause serious bodily harm.

#### 2.1.1. THE FAILURE TO DISPLAY VISIBLE IDENTIFICATION NUMBERS

The current regulations requiring riot police officers belonging to the YAT units to exhibit personal identification numbers on their helmets does not have the intended effect of them displaying visibly such numbers.<sup>28</sup> The identification numbers are exhibited on the back of helmets and in circumstances of excessive use of force generally cannot be seen by victims.

Victims of excessive use of force during demonstrations have spoken about the difficulties they face in the identification of members of the riot police who have attacked them. Some victims reported that they were unable to see the personal identification number of the police officer because it was not in a position not visible to them – on the back of the officer's helmet while others alleged that riot police officers were not wearing a personal identification number at all. The testimonies of demonstrators regarding the failure of riot police to wear personal identification number is also supported by various videos and pictures taken during protests including during the anti-austerity demonstrations of 2011.

However, Amnesty International's recommendation that riot police officers should wear their personal identification numbers, not only on their helmets but also on other parts of their gear has yet to be implemented.

## 2.2. TORTURE AND OTHER FORMS OF ILL-TREATMENT

*They put me in a room with 12 police officers from the security department who pushed me between each other like a ping pong ... during my interrogation they hit me many times on my face...*

X, a resident of Ierissos describing his ill-treatment while being interviewed at the Police Headquarters in Thessaloniki over the arson attack at the gold mining company's site in February 2013

Amnesty International has continued to receive allegations of torture or other forms of ill-treatment of people during arrest and/or detention. A qualitative change is that in the past eighteen months the organization has received a significant increase in the number of allegations that concern ill-treatment of groups of individuals. These include: allegations of torture of anti-fascist protesters during their arrest and detention at the Attika Police Directorate (GADA) in October 2013, of many prisoners at Grevena in April 2013 and of refugees and migrants during push back operations by Greek coastguards and border guards.

## **TORTURE AND ILL-TREATMENT OF ANTI-FASCIST PROTESTERS**

In October 2012 there was widespread national and international publicity about serious allegations by 15 anti-fascist protesters of torture and other ill-treatment during their arrest by police and their detention at the GADA on 30 September 2012. The protesters described how they were suddenly attacked by police officers belonging to the DELTA motorbike police force in the area of Aghios Panteleimon in Athens 30 minutes after the start of a peaceful anti-fascist motorbike demonstration.<sup>29</sup>

Several of the protesters described how they were beaten repeatedly with batons by DELTA police officers during the arrest, and were sworn at, threatened and kicked. One reported that a "taser" gun had been used against him. The protesters also said that they were denied medical assistance during their transfer and detention at the GADA, despite their obvious injuries, and that they were denied access to their lawyers until the following day.

N, one of the 15 protesters, described how he was beaten during his arrest:

*... Five police officers ... started beating me with force with their batons and kicked me all over my body while I was trying unsuccessfully to avoid the beatings.*

According to the testimonies of the arrested protesters, the DELTA officers physically abused many of them, including those who had been injured, by hitting them on the face and spitting at them during their detention at the Security Department of GADA. The arrested protesters reported that the DELTA officers took pictures and videos of them and threatened to reveal their names to the far right party, Golden Dawn, made sexist comments to the female protesters who had been arrested, flicked cigarette ash on their heads, attempted to burn them with a cigarette lighter and deprived them of sleep during the whole night by banging office tables and throwing light from torches into their eyes. The protesters also said that the ill-treatment inflicted by the DELTA police officers who arrested them had been tolerated and supported by the officers serving at the Security Department of GADA.

A group of individuals, who gathered outside the courts in Athens on 1 October 2012 in solidarity with the anti-fascist protesters, reported that they were also attacked by riot police during their gathering. Twenty five of them were transferred to GADA and four were formally arrested. Members of the second group transferred to GADA said that they were also tortured by police officers at GADA and that they had been ordered to strip naked and bend over in front of the police officers, and were slapped and hit.

Amnesty International has received a copy of the reports made by the state pathologists, who examined eight of the 15 protesters. They confirmed that the protesters had cuts and bruises on various parts of their bodies,

including their heads, hands, legs, backs and shoulders. The injuries were found to have been caused by a sharp and flexible instrument. The pathologist also found marks on the spine of the protester who reported the use of a “taser” gun. These marks were described as: “a cut of 0.9cm with bruising and circles of redness under the cut that was caused by the sharp instrument”.

One of the protesters was also found to have sustained serious injuries, including a fractured right hand, an injury to his knee, bruises on the right side of his face, extensive bruising in the area of the right kidney, and extensive haematoma on the right thigh.

The Greek police denied that they inflicted any ill-treatment and said that the police had to intervene to restore public order when clashes between the protesters and some local residents broke out, and that the protesters may have sustained some minor injuries during the clashes and during the police intervention. The Minister of Public Order and Citizens’ Protection questioned the allegations and also stated that the Greek authorities would sue The Guardian, one of the newspapers that exposed the allegations.<sup>30</sup>

During their interrogation by an investigative judge, the protesters reported being tortured during their arrest and detention. The investigative judge subsequently made a report referring the serious allegations to a Public Prosecutor to investigate *ex officio*. Several of the protesters also lodged a criminal complaint.

In February 2014, Amnesty International has been informed by the lawyer of the protesters who filed a complaint that the protesters have been called to testify in the framework of the criminal investigation into the incident and a disciplinary investigation conducted by the Internal Affairs Directorate.

## ‘PHOTOSHOPING AWAY’ SIGNS OF BRUTALITY

New **allegations of torture and other ill-treatment in detention** emerged in February 2013. The Greek police released mug shots of four young men suspected of carrying out a bank robbery, who had been arrested in Veroia in northern Greece. The photos had been crudely edited to lighten or erase signs of injuries, such as bruises and cuts. Video and unedited pictures made available to Amnesty International, some of them published in the media the day after the arrest, showed extensive bruising on the faces of the suspects.

Three of the arrested young men, along with their families and lawyers, said that they were tortured while they were in detention. A relative of one of the arrested men told Amnesty International:

*They made them kneel and put a hood over them, beat him for two hours, then they took the hood off and beat him for another two. When a police officer let him go to the toilet he told him, “You will not recognize yourself in the mirror.”*

Amnesty International has also seen a copy of reports by two forensic doctors who examined A, one of the young men. The report found that he had a large swelling next to his left eye, swollen bruises in both eyes, swollen lips and bruises on his neck, among other injuries. A’s injuries were caused by an object that had weight and an angled surface (such as a fist). It was also concluded that two of A’s injuries (the bruises on the left and right sides of his neck) indicated that someone had held A’s neck with such force that this could have caused a more serious injury.

A disciplinary inquiry conducted by the Internal Affairs Directorate of the Greek Police concluded that there

was a clash between the three suspects and the police during a police operation, during which police officers tried to free a dentist who had been taken as a hostage by the suspects following the bank robbery. It stated that the three men were injured during this clash and that the injuries were the result of necessary force during arrest. The fourth suspect was reportedly arrested in another area near Veroia, and was held at the Kozani police station. According to the Inquiry's findings, the fourth man sustained no injuries. In addition, the Minister for Public Order and Citizens' Protection said that it had been necessary to edit the photos so that the suspects could be recognized.

Anni Paparousou the lawyer of one of the detainees, told Amnesty International:

*Torturing a detainee is a felony and someone would expect the judicial authorities to look into it further. An arrest, even if it is violent, cannot reach these levels of ill-treatment, particularly in view of the fact that the arrest operation was conducted by officers who are trained to exercise the minimum level of force in such cases.*

Amnesty International was informed by Anni Paparousou in the beginning of February 2014 that a year on, they have not been told the outcome of a preliminary judicial investigation into the allegations conducted initially by the Kozani Prosecutor and then by a Prosecutor in Athens. The four men chose not to file a criminal complaint citing ideological reasons. They have been charged with robbery and membership of the armed group Conspiracy to the Nuclei of Fire, and their trial started in November 2013 and it is currently on-going. They denied membership of the armed group.

#### 1.2.1. THE ILL-TREATMENT OF MIGRANTS

*"If they told me I could go to a country ..., and would be detained for three months and then would be free to steal and rob, to do whatever you want... that is great. .... We aimed for increased periods of detention .... we increased it to eighteen months... for what purpose? We must make their life unbearable..."*

Statement attributed to the Nikolaos Papagianopoulos, Head of the Greek Police during a meeting with his staff<sup>31</sup>

*... The same policeman began to kick me ... I tried to stand and the policeman hit me again ... then he asked two police officers to take me to a room where I could not be seen by other detainees ... [In the room] the policemen started kicking my chest ... then a policeman slapped me and started beating me with his fists on my face.*

K, a Syrian refugee describing his ill-treatment by police at the Corinth immigration detention centre in February 2013<sup>32</sup>

Since the publication of its last report in 2012, Amnesty International has continued to receive many allegations of torture and/or ill-treatment of members of vulnerable groups such as refugees and migrants in immigration detention.<sup>33</sup>

The organization has also received allegations of police using excessive force against detained refugees and migrants and using chemical irritants inside the buildings where the migrants were held during uprisings prompted by prolonged detention periods and poor conditions.<sup>34</sup> All of the reported incidents have taken place in large pre-removal centres such as Amygdaleza, Komotini and Corinth which have been operating since April 2012. For example, in October 2012, detainees at the Komotini immigration detention centre went on hunger strike in protest against poor detention conditions and alleged ill-treatment. A riot started in November 2012 when a police officer in the centre allegedly tore a Qur'an belonging to one of the detainees. Amnesty International has received allegations that during

the riot, riot police severely beat many of the detainees including unaccompanied minors and threw tear gas inside the building where the detainees were held. As a result, several detainees were reportedly transferred to the hospital to have their injuries treated.<sup>35</sup>

Between March 2013 and January 2014, Amnesty International has also documented many testimonies of refugees and migrants claiming to have been pushed back to Turkey by Greek police or coastguard.<sup>36</sup> Almost all of the refugees and migrants interviewed said that they either experienced or witnessed violence or degrading treatment including slaps and beatings. They described being searched and valuables such as mobile phones, money, jewellery and baggage containing clothes confiscated or thrown into the sea. Similar testimonies have also been documented by the NGO Pro-Asyl.<sup>37</sup>

Amnesty International's research also shows that the way in which such push-back operations are carried out by the Greek borderguard or coastguard is putting lives at risk. Several of those interviewed by Amnesty International reported that their inflatable boats were rammed or nearly capsized while they were being towed or circled by a Greek coastguard boat; being abandoned in the middle of the sea on unseaworthy vessels; or left on small islands in the middle of the Evros river or on the Turkish side of the river with tied hands.

### **31 JULY 2013: MORE THAN 40 REFUGEES PUSHED BACK BY COASTGUARDS**

Amnesty International has interviewed ten refugees who reported that they were in a group of refugees and migrants who were pushed backed to Turkey by coastguard on 31 July 2013 when they tried to reach Samos island by boat.<sup>38</sup> The group reportedly numbered between 42 to 45 people, in their vast majority Syrian refugees including three families with nine children aged between two and eleven. M, a young activist from Syria said:

*...when we were about 500 meters away from the island, the Greek coast guard appeared and forced us to stop; then they shouted and said "raise your hands and look down everybody, raise your hands and look down". They repeated this sentence many times while they approached us. Their faces were covered with black masks except for one of them and only their angry eyes were visible. Meanwhile, the children and women got crazy, cried and screamed. What made it more difficult for them was that the Greek police pointed their weapons at us. When the police tied the two boats together, they asked us to give in [sic] the children and women to the other boat and then they threw them on the ground of their ship as if they were unbreakable commodity.*

*After that, (the) men started to get into the police boat and the police pushed us down and shouted loudly at us as if we were terrorists "Put your hands behind your heads and look down you stupid ". When anyone tried to look around to see what is going on, he was beaten. ...*

*When the police asked if anybody spoke English, I raised my hand. They asked me who the driver of the boat (was). I replied that I did not know although I knew but I didn't want to cause troubles to him. After five minutes, they brought me a man and told me to ask him who was the driver. I translated and he replied that he didn't know. A masked policeman hit him and shouted at me "translate this, translate this to him" and he spoke loudly like a crazy man "we know that you are the driver, we know that you were the driver" but again the man said it [was] not him.*

*We were left in the middle of the sea in a boat with no engine since the driver threw it in the water thinking that the Greek police would take us to Greece and sympathize with us. In addition to that the Greek police took our oars so maybe we wouldn't try to go to the island. We called the Turkish emergency number using a mobile phone and after 40 minutes the Turkish coast guard appeared and they took the children and the women to their boat and tied our boat to theirs and pulled us toward the land.*

## THE ILL-TREATMENT OF MIGRANTS ON MYTILINI

E, a 32 year old, Palestinian refugee from Syria described how he was ill-treated by Greek police before he and his mother were forcibly returned to Turkey by Greek police and coastguards from the island of Mytilini (Lesvos), on 25 October 2013.<sup>39</sup>

*(The second time) my mother and I took a boat from Aivali to go to Mytilini. It was six o'clock in the evening. There were 33 people on the boat including four women and two children. We arrived at Mytilini at 20:00. The GPS in my mobile showed that we were near the airport of Mytilini. My mother and I hid in a farmland for an hour and a half until the police found us. Five people from our group managed to escape. The police found the others and put all of us in a bus. It was a dark blue bus. ....By the time they arrested the rest who did not manage to escape it was 23:00. We arrived at a beach. It was 23:30....There were small boats mooring there ... There were summer houses. Two other police cars were in front of the bus. The police told us to get down from the car and get into a red rubber boat. My mother and I did not want to get down from the bus. Six of the people who arrested us got into the bus... They took their guns and put them on my head and to the head of the man behind me... (They told me) if you do not get down, we will kill you... They beat me quite badly... They shouted at my mother...*

*I begged them and told them I was coming from (a country) where there is war.... I could not see because of the beating. I fainted from the beating and people threw sea water at me to recover. By the time I recovered, the other people from my group had been taken away in the red boat. Around 01:30, they (the police) forced my mother and myself into the red boat. A policeman drove us to a big boat. The other people from my group were there... I could not even get into the big boat because of the pain I was in (as a result of the beating). .....Around six o'clock in the morning, they put our group in a small plastic boat. Our boat had two holes in it. Then, the big boat left...*

*Water started getting into our boat... One of us had a mobile and called the Turkish authorities who came and picked us up. It took them twenty five minutes. If they had arrived ten minutes later, we would have drowned.*

Some refugees and migrants interviewed by Amnesty International also reported ill-treatment during custody or sweep operations conducted by police in central Athens. The victims of all these abuses do not generally want to file complaints or are unable to do so as a result of limited access to legal assistance. Many of the people who spoke to Amnesty International said that they were scared of reprisals while in detention; in addition they do not believe that such complaints would lead to the perpetrators being punished, while fearing that they would make their expulsion more likely.

## ILL-TREATMENT OF A TORTURE VICTIM

In April 2013, Deniz\*,<sup>40</sup> a 47-year-old Turkish national described to Amnesty International how she was ill-treated by police during custody at GADA. Deniz told the organization that back in Turkey, she had worked to

support political prisoners who were on hunger strike and as a result she was arrested several times by the Turkish police, who subjected her to torture in custody. She fled Turkey in 2012..

In February 2013, police in Athens arrested Deniz after the Turkish authorities issued an extradition request for her accusing her of membership of the armed group DHKP-C. She was released on bail. Two months later, on 22 April, she and her lawyer reported to Athens' Exarheia police station in accordance with her bail conditions. Upon arrival there, she was informed there was a warrant out for her arrest, and she was promptly detained. After around three hours, police transferred her by car to GADA because there was no cell for female detainees at the station. Deniz described how she was taken to a room, apparently to be searched. Initially there was only one policewoman in the room with her. Although Deniz cannot speak Greek, no translator was provided. According to Deniz, the policewoman searched her initially with her hands. When the policewoman indicated that she should strip naked, she refused, saying she was a refugee and did not want to take her clothes off. Two policemen in civilian clothes were then called in to the room.

Deniz said: *"One of the male police officers was pulling me and the other, I believe intended to tear my clothes off," she explained. "I understood that they were swearing at me. The female police officer was holding my hair.... One of the male officers punched me in my face.... My beating went on for approximately five minutes. Then the guard from the Exarheia police station heard my screams, entered the room and tried to take me away from [them].... I was then transferred again to the Exarheia police station where I spent the night."*

Deniz filed a criminal complaint and had her injuries treated in a hospital. When she recounted her ill-treatment to Amnesty International two days after the incident, she still had visible signs of bruising on her face and arm.<sup>41</sup> In February 2014, Amnesty International was informed by Deniz's legal representative that following her complaint a preliminary criminal investigation was conducted by the Internal Affairs Directorate which sent its findings to the competent Prosecutor.

### 2.3. DISCRIMINATORY VIOLENCE

In the past three years, there has been a dramatic escalation in racially motivated crimes against refugees, migrants and in some cases against EU nationals. Hate motivated attacks have also been reported against Muslim prayer halls, Jewish cemeteries and monuments, migrant community centres, Roma settlements and members of the LGBTI community.<sup>42</sup>

Between October 2011 and January 2014, the Racist Violence Recording Network recorded more than 350 incidents of racist violence. The Network was set up at the initiative of the National Commission for Human Rights and UNHCRs with the participation of 34 NGOs and agencies for the purpose of registering racially motivated crimes and making a series of proposals for their prevention, in view of the absence of an official and credible mechanism for recording such attacks.<sup>43</sup>

The vast majority of reported victims are refugees and migrants.<sup>44</sup> Often the perpetrators are believed to belong to extremist groups and to act in an organized manner. They are dressed in black clothes and/or military trousers and have their faces covered or wear helmets (so called "hit-squads").<sup>45</sup> For example, in 91 out of the 154 incidents recorded by the Network between January and December 2012, the perpetrators are believed to belong to extremist groups.<sup>46</sup> In certain cases, the victims or witnesses reported that they recognized individuals associated with Golden Dawn among the perpetrators.<sup>47</sup> The perpetrators of 71 of the 281

racially motivated attacks recorded by the Greek Ombudsperson between January 2012 and April 2013 were reported to be linked with Golden Dawn.<sup>48</sup>

In September 2012, a widely broadcasted video showed two Golden Dawn MPs – Giorgos Germentis and P. Iliopoulos checking the papers of migrants running market stalls in the town of Rafina and the subsequent attack and destruction of migrants' stalls by Golden Dawn members.<sup>49</sup> Another video also showed Golden Dawn members led by MP K. Barbarousis, checking migrant sellers' papers in a fruit market and attacking the sellers' stalls.<sup>50</sup> In October 2012, the Greek parliament lifted the immunity for the three MPs. In November 2012, a prosecutor brought charges for, amongst others, unlawful violence, damage to property, violations of the law on racial discrimination, against K. Barbarousis and 11 other individuals in relation to the incident at the market of Messolongi. The trial hearing has been postponed twice and is currently scheduled for May 2014. A criminal investigation also started into the Rafina incident by the Attika General Police Directorate.<sup>51</sup>

## ATTACKS AGAINST EGYPTIAN NATIONALS

A is a young Egyptian irregular migrant who has been working as a fish seller in Greece. A told Amnesty International that on 30 November 2013 he was going from Keratsini in Piraeus to Kallithea in Athens to sell his fish. A said that while he was driving his motorbike he was attacked by around 15 individuals who were wearing clothes that had the sign of Golden Dawn and he fell from his motorbike. The group reportedly kicked him and one of them started punching him until his eyebrow started bleeding. Some women bystanders tried to protect him. An ambulance was called that transferred A to a hospital and when it arrived the group which attacked him disappeared. A said that he received treatment at the hospital for his injuries but that he decided to leave when the police arrived because he was scared of being arrested as a result of his irregular status.

This was not the first time that Egyptians have been subjected to a racially motivated attack. In July 2013, two Egyptian nationals told Amnesty International that, at around 3 am on 12 June 2012, they were attacked by a group of more than twenty individuals dressed in black as they slept in a house in Perama, a neighbourhood of Piraeus with four fellow nationals including two minors. C, one of the two men interviewed, was seriously injured and had to have two operations on his face. C remained in hospital for several days after the incident.

Five men and a woman were arrested after the attack and charged with causing serious bodily harm, "disturbing domestic peace" and unlawful use of weapons. A few hours prior to the attack, G. Lagos, a Golden Dawn MP said to a meeting of fishermen in Keratsini "from now Egyptian fishermen will be accountable to Golden Dawn". The attack has currently been included into the folder of incidents attributed to MPs and members of Golden Dawn.<sup>52</sup> (See section 2.3.6. below)

Since May 2011, numerous refugees and migrants have reported racially motivated attacks in Athens, Crete and other areas of Greece while many of them suffered serious injuries as a result of such attacks. Four migrants has also died under circumstances that point out to a racist motive behind the attacks against them. In particular, migrants, refugees and asylum-seekers were reportedly attacked nearly every day by far-right groups in certain areas of central Athens, after Manolis Kandararis, a father of two, was killed by two migrants as he prepared to take his wife to maternity hospital in May 2011.<sup>53</sup> Among the reported victims, a 21 year-old Bangladeshi national who was fatally stabbed in the early hours of 21 May 2011 by unknown perpetrators.

In August 2012, an Iraqi national was fatally stabbed in central Athens in what the authorities said to be a racially motivated attack. However, the perpetrators have not yet been found. Also in 2012, an Egyptian national who was reportedly the victim of a savage racially motivated beating by his employer died after 17 days in coma. In a third attack in the early hours of 17 January 2013, 27-year old Pakistani S. Luqman was fatally stabbed in Petralona, Athens, as he was heading to work in a fruit market. Twenty minutes after the incident, two Greek nationals were arrested in connection with the stabbing by police in Syndagma square on the basis of descriptions provided by eyewitnesses. C. Stergiopoulos, a 29 year-old fireman and D. Liakopoulos, a 25 year-old a former private employee were charged for manslaughter with intent and referred to trial which started on 18 December 2013.

### 2.3.1. RACIALLY MOTIVATED VIOLENCE BY LAW ENFORCEMENT OFFICIALS

Since the publication of its last report in 2012, Amnesty International has also continued to receive numerous allegations of ill-treatment by law enforcement officials against refugees and migrants including some cases of racially motivated ill-treatment.<sup>54</sup> The organization has also received allegations of racially motivated verbal abuse or derogatory treatment of migrants in immigration detention or during sweep operations.<sup>55</sup> During the organization's visit at the immigration detention facility in Corinth in April 2013, one senior police officer was heard calling the detainees "rats".

In 25 out of the 154 recorded cases by the Racist Violence Recording Network in 2012, police and racist violence are interlinked. In particular, seven of the recorded incidents took place in areas of immigration detention. Other incidents involved police officers on duty who resorted to unlawful acts or violent practices while carrying routine identity checks on migrants.<sup>56</sup> In addition, according to the Greek Ombudsperson out of 281 racially motivated crimes recorded between 1 January 2012 and 30 April 2013, one in six (47 incidents) were reported to have been perpetrated by law enforcement officials.<sup>57</sup>

As further detailed in section 2.3.6 below, the investigation by the Internal Affairs Directorate into the involvement of Golden Dawn members and leaders in the commission of hate crimes, other criminal offences and police covering up such crimes, has resulted in ten police officers being found to have direct or indirect links to the criminal activities attributed to Golden Dawn members or MPs. Moreover, the Internal Affairs Directorate stated that it had made a full record of 142 cases where victims alleged that they had been subjected to "extreme police conduct" (i.e. human rights violations such as ill-treatment with a hate motive) between 2009 and October 2013.

### 2.3.2. THE INADEQUATE RESPONSE OF THE POLICE TOWARDS HATE CRIME AND ATTACKS AGAINST PROTESTERS AND JOURNALISTS BY FAR-RIGHT GROUPS

*The stance and behaviour of the police officers in many incidents of racist attacks is a cause for concern as (according to the allegations) police officers a) did not intervene despite being present b) intervened only to arrest the migrants c) refused to register complaints of the victims d) suggested to victims to stay "quietly" at home or leave Greece instead of launching an inquiry into the allegations.*

Greek Ombudsperson in her Special Report on Racially Motivated Violence, September 2013<sup>58</sup>

Amnesty International has expressed its serious concern on several occasions about the inadequate response of police officers towards hate crime. The inadequacy of this response is

manifested in the following ways:

- reports that police officers not intervening at the scene, despite being present; intervening after the perpetrators had left the scene;
- arresting the migrants and not the perpetrators;
- discouraging the victims from filing complaints against the perpetrators;
- failing to investigate hate crimes when these are reported or to conduct prompt, thorough and impartial investigations into such crimes.<sup>59</sup>

This worrying trend has also been highlighted on a number of occasions by other non-governmental organizations, the Network Recording Racist Incidents and the Greek Ombudsperson, in a special Report on Racist Violence in Greece.<sup>60</sup>

### 2.3.3. THE-FAILURE TO INVESTIGATE HATE CRIMES

In the past eighteen months, Amnesty International has documented several examples of hate crimes where the police authorities have reportedly either failed to investigate the complaints made by the victims or to conduct prompt, thorough and/ or impartial investigations.

For example, in September 2013, the shocking image of a Greek female shop worker kicking with her foot a young Roma girl playing the accordion on a pedestrian street under the Acropolis in order to drive her away, was published on national and international media.<sup>61</sup> However, Amnesty International has been informed that the police did not start an investigation into the incident and the alleged hate motive until the NGO Greek Helsinki Monitor (GHM) filed a criminal complaint. GHM also informed Amnesty International that the Headquarters of the Greek police did not conduct a disciplinary inquiry as to why the competent police department began the investigation only after GHM's complaint and not at its own initiative.<sup>62</sup>

Another reported failure of the police to investigate hate crime concerns an attack against Anna, a 26 year old transgender woman who experienced discrimination and violence in an evening school for secondary education in Athens, Greece.<sup>63</sup> In June 2012, Anna was victim of a serious attack when a pupil and his friend poured gasoline on her and attempted to set her on fire just outside the school premises. Amnesty International was informed by Anna's lawyer that while a police car arrived at the scene of the incident, the attack was not subsequently investigated.<sup>64</sup>

## **ATTACKS AGAINST THE OFFICES OF THE TANZANIAN COMMUNITY AND MIGRANT SHOPS**

In the early hours of 26 September 2012, a group of people who were reported to be supporters of Golden Dawn vandalized the Tanzanian community offices in the neighbourhood of Kypseli in Athens and a bar run by P, a Cameroonian national, which are situated in the neighbourhood of Aghios Panteleimon.<sup>65</sup> The migrants recognized two of the perpetrators, and went to the police station.

Ioanna Kurtovik, a lawyer representing the Tanzanian community and P told Amnesty International that, when P and the other victims went to the police station of Aghios Panteleimon in the afternoon of the same day to file a criminal complaint, the ex-president of the Tanzanian community who went to the police station to assist the members of the Tanzanian community with the translation was placed in detention for several hours to check whether he had irregular status. Furthermore, Ioanna Kurtovik told Amnesty International that after P. testified about the attack on his bar, police reportedly announced that they would detain him because the individual that he identified as one of the perpetrators would also file a criminal complaint. They also reportedly announced that they would detain him so the person that P. identified could file a complaint against him. As a result, P. felt forced to withdraw his complaint. Ioanna Kurtovik also told Amnesty International that she was not allowed by the police to contact P. before he went to retract his complaint.

Ioanna Kurtovik also told Amnesty International that, while she was at the police station, a police officer allowed a woman to enter in his office while a victim of the attacks was testifying and to remove the DVD on which the attack against the Tanzanian community had been recorded from the police premises. Ioanna Kurtovik stopped the woman at the exit of the police station and obliged her to hand the DVD back. The woman who attempted to take the DVD was reportedly among the group of local residents and Golden Dawn supporters who had gathered in support of the individuals arrested for the attack. Ms Kurtovik was also verbally abused and had eggs thrown at her by the crowd outside the police station.<sup>66</sup>

P's bar was attacked again in the early hours of 14 May 2013 by five individuals reported to be one of the patrol groups with links to the far right conducting attacks against refugees and migrants. The previous evening, the group had reportedly threatened that they would burn P's bar and racially abused him. During the attack the main window of the bar was broken and inflammable material was thrown inside, causing considerable damage.

Two Greek nationals who are residents of the area of Aghios Panteleimon were arrested over the arson attack on 16 May 2013 and the police stated that it would continue the investigations to find the other three alleged perpetrators. The two men were charged with arson, intimidation and causing material damage and a breach of the law on hate speech (Law 927/1979). According to reports, the Greek police sought to examine the possible involvement of two men in other racially motivated attacks in the area.

According to Thanassis Kabagiannis, P's lawyer, the two Greek nationals were also among the group that attacked P's bar in September 2012. In November 2013, a court in Athens found the two men guilty of the arson of P's bar. The men received prison sentences of three years and five months each.

Thanassis Kabagiannis told Amnesty International that despite the two men providing details about a third man throwing the inflammable material in the bar and his place of residence during their questioning, the police did not proceed to investigate his involvement into the arson. Following the publicity of the outcome of the trial, the two Greek nationals and the third alleged perpetrator were investigated for their involvement into racially motivated crimes and other offences attributed to the leaders and members of Golden Dawn and charged with participation in a criminal organization.

#### 2.3.4 THE FAILURE TO PROTECT PROTESTERS AND JOURNALISTS FROM ATTACKS BY FAR-RIGHT GROUPS

Concerns also arise over several cases where police reportedly failed to protect anti-fascist protesters and other individuals from attacks by far-right groups. Some of these cases have been supported by audio-visual material.

## THE CASE OF PAVLOS FYSSAS

There are reports that the police failed to prevent the fatal stabbing on 17 September 2013 of Pavlos Fyssas, a musician and anti-fascist activist, by Giorgos Roupakias, a 43-year-old man reported to be a member of Golden Dawn.

Pavlos Fyssas, together with a group of his friends, are reported to have been ambushed by more than 20 individuals belonging Golden Dawn after they left the Café Korali in Keratsini at the end of a football game.<sup>67</sup>

Eyewitnesses told the national media that eight police officers belonging to the DIAS motorized police unit were already present at the scene when the ambush occurred, but they did not intervene when Pavlos was chased by some of the far right group, and subsequently stabbed by Giorgos Roupakias.<sup>68</sup> In particular, C, Pavlos's partner, reported that she had asked the police officers to intervene and help him, but the police officers said that the attackers looked too intimidating. Furthermore, the conversations between the operation centre and the officers present at the scene that were published in January 2014, reveal that the police officers who arrived at the Café although they realized that the group were members of Golden Dawn holding clubs did not intervene. The operator is quoted advising them: «*Stay in a distance, give us the picture. Further units will arrive...*».<sup>69</sup>

Giorgos Roupakias was arrested by police at the scene of the crime, charged with intentional homicide and placed in pre-trial detention. He was also charged with being a member of a criminal organization, along with 46 other members and leaders of the Golden Dawn party, under Article 187 of the GCC.<sup>70</sup> Several other individuals, including the head of the local Golden Dawn unit, have also been questioned as suspects.

In contrast to the reports by people who were present, the official press release issued by the Greek police about the incident does not admit any failures in the police's response. In particular, it states that the police were first informed by an individual calling the police centre that a group of 50 individuals holding sticks were moving towards Café Korali at around 23:47, and that two police motorcycle units with eight police officers were ordered to attend. When they arrived, they saw a group of 30 people gathered outside the café and some of them running towards Tsaldari Avenue (a main street in Keratsini). According to the press release, the police followed them and saw two men clashing. During the police intervention, the officers reportedly found Pavlos Fyssas covered in blood and suffering from knife wounds. Pavlos Fyssas was reportedly still conscious, and indicated that Giorgos Roupakias was the perpetrator.<sup>71</sup> According to a representative of the Greek police, the officers were not present in the scene when the stabbing occurred. Following the publication of the recordings between the operations centre and the officers at the scene, the Greek police also replied that the incident cannot only be evaluated by the recordings but by the complete actions of the police that night and that an initial evaluation showed that the officers acted in line with internationally accepted operational rules. Amnesty International understands that a preliminary disciplinary inquiry is currently conducted into the reported failings of the police that night.

Another illustrative example concerns footage released from the protest in Keratsini in Athens following the fatal stabbing of Pavlos Fyssas on 18 September 2013 that showed groups of civilians, reportedly belonging to far right groups, throwing stones at anti-fascist protesters while the police next to them did nothing. Aris Chatzistefanou, a journalist who recorded the incident with his camera, told Amnesty International: "They were throwing stones at the protesters for about 10 minutes with the police next to them simply ignoring them". Another

protester gave Amnesty International similar testimony.

Following this incident, the head of the riot police unit in Keratsini was replaced and transferred to another post. Amnesty International understands that his suspension was not directly linked to the inaction of the officers under his command but took place in order to ensure the objectivity of the investigation conducted by the Internal Affairs Directorate into police links with Golden Dawn.<sup>72</sup> An investigation was also ordered by the Headquarters of the Greek police about the presence of the men throwing stones at the protesters alongside the police. It is not known whether any officers were suspended from their posts for failing to intervene.

The Athens Union of Newspaper Editors' (ESIEA) has also reported several incidents of verbal and physical abuse of journalists by Golden Dawn members and MPs along with cases where the police have failed to protect them from such attacks.<sup>73</sup>

For example, on 9 December 2013, Panayiotis Bousios, a journalist, reported on national media that while covering a verbal altercation between some Golden Dawns members and a bystander during a Golden Dawn march in memory of two young supporters shot a month earlier, he and his cameraman were attacked and beaten by some of the Golden Dawn members.<sup>74</sup> The journalist also told Amnesty International that a senior police officer was two metres away from the scene of the attack but did not intervene to protect him or arrest his attackers and that no investigation was conducted into the incident by the Greek police despite the publicity it received.

A year earlier, another journalist also reported that he had been assaulted and verbally abused on 11 October 2012 by members of Golden Dawn, one of them an MP, outside the Chytryio theatre in Athens. The journalist reported that, despite his requests for help, the police stood by and did not assist him. Members of extreme Christian groups and Golden Dawn, including some of the party's MPs, protested against and tried to stop the premiere of the play, *Corpus Christi*, by verbally abusing and threatening the actors and members of the audience.<sup>75</sup>

### 2.3.5. OBSTACLES IN ADDRESSING HATE CRIMES

Research undertaken by Amnesty International, as well as by other organizations, indicates that police frequently fail to investigate hate crimes effectively, and even on occasion discourage victims from filing complaints. The ineffectiveness of existing legislation on hate crime and the fear of victimization by refugees and migrants further contribute to a climate of impunity for perpetrators of hate crime.<sup>76</sup> As a result, cases of alleged hate crimes very rarely reach the courts and, even if they do, the hate motive is very rarely taken into account in the sentencing perpetrators.

### THE VULNERABILITY OF IRREGULAR MIGRANTS

Currently, Greek legislation does not include a provision that protects victims and witnesses of hate crimes who have irregular status from detention and deportation during the criminal investigation of such crimes. As a result, migrants in an irregular situation rarely report these attacks for fear of being detained and/or deported.<sup>77</sup>

## SHOOTING OF STRAWBERRY PICKERS IN MANOLADA

On 17 April 2013, farm supervisors fired shots at around 200 Bangladeshi strawberry pickers in Manolada when they protested because they had not been paid for seven months. Thirty five of the workers were transferred to the hospital to treat their injuries. The shooting was the culmination of years of neglect and exploitation of thousands of migrant workers in the area around Manolada.

Amnesty International visited the area on the 20 April 2013 and spoke to several of the victims who described the attack.<sup>78</sup> The organization observed horrendous conditions where workers – some in their early teens – lived in crowded sheds without access to clean water and sanitation. One of the workers' representatives (who has lived in Greece for 15 years) told Amnesty International that the Bangladeshis were promised a meagre €3.15 per hour for a seven-hour workday. They had not been paid for seven months before their protest. The workers also said they were forced to pay €20 a month – nearly a full day's wage – to live in the sheds at the farm.

The Greek authorities promptly condemned the shooting incident and a criminal investigation started at the prosecutor's on initiative. Four suspects were arrested – the farm's owner and three supervisors. They were charged with labour trafficking and attempted murder.

Moreover, 120 of the workers who had not been documented by the authorities as victims also filed a criminal complaint against the farm owner and the farm supervisors for the attack against them and this separate complaint is currently at the early stages of a criminal investigation.

However, serious concerns arise over the protection of many of the victims of the shooting with irregular status. According to the Greek Council of Refugees that currently provides legal aid to the victims, the Greek authorities recognised as victims of labour trafficking and granted residence permits only to the 35 migrants that were transferred to the hospital. No attempts were reportedly made to document the other 120 workers that have been victims of the attack.

According to the Greek Council of Refugees, in November 2013, four of the 120 migrants who filed the second complaint and had irregular status were arrested by the Greek police for the purposes of deportation.<sup>79</sup> One of them was released following objections against his detention by the Greek Council of Refugees but a return order is still pending against him.

Representatives of the Greek police tasked to investigate hate crime appear reluctant to understand the need to protect victims with irregular status. In response to Amnesty International's concerns, representatives of the Greek police expressed the view that a law allowing victims to receive protection from detention and/or deportation could lead to many unfounded complaints from irregular migrants seeking to avoid deportation.<sup>80</sup>

However, in a positive development, a draft law which was tabled for voting at the Parliament in February 2014, proposes changes to strengthen the protection of victims with irregular status. Under Article 19 (1) (b) of the Draft Immigration Code, the Minister of Interior may grant a residence permit on humanitarian grounds to victims and substantive witnesses of criminal or racist acts that are proscribed in Law 927/1979 (law proscribing hate speech) and the Law 3304/2005 (prohibition of discrimination on grounds of race, religion and sexual orientation in employment and other fields). The Minister may also grant such a permit to victims and substantive witnesses of criminal acts envisaged in Articles 187

(offences committed by a criminal organization), 309 (dangerous bodily harm) and 310 (serious bodily harm) GCC or crimes that are punished as felonies and are committed against the life, health and physical integrity of the person (e.g. murder). However, the Draft Law excludes from its protective scope victims with irregular status that bring a claim of racially motivated violence in respect of misdemeanours such as simple bodily harm.

Under the proposed legislation, victims will be granted a residence permit initially for a year if a preliminary investigation has started or charges have been brought against the accused. The permit will last until a final decision is reached and the decision as to whether the requirements for the granting of such permit have been fulfilled will be decided by a prosecutor. Amnesty International urges the prompt adoption of such provision.

#### LEGISLATIVE SHORTCOMINGS

Another obstacle in tackling hate crime is the ineffectiveness of existing legislation which establishes that a hate motive associated with a crime is an aggravating circumstance (Article 79 para 3 of the Greek Criminal Code (GCC)). Bias motivation grounds included in this provision are nationality, race, religion, sexual orientation and since 2013, gender identity.<sup>81</sup>

In practice, this provision appears to be very rarely applied by police and prosecutors in the investigation and prosecution phases. Amnesty International knows of only one case currently where the Greek courts have convicted the perpetrators of a racially motivated attack and applied Article 79 para.3 of the GCC: the conviction of two Greek nationals for the arson attack of a Cameroonian national's bar in May 2013 (see section 2.3.3 above).

One of the reasons behind the ineffectiveness of this provision is that it is relevant for courts only in the determination of the penalty. The then special prosecutor dealing with hate crimes in the region of Athens, N Ornerakis and his successor Spyridon Pappas, explained to Amnesty International that Article 79 para 3 can only be applied by judges in determination of the sentence after the trial, and forms no part of the indictment, nor the pleadings during the trial phase, which, in their view – and the view of most prosecutors - could cover only evidence relevant to the elements of crimes as set out in the substantive offences listed in Greek Penal Code and other relevant legislation.<sup>82</sup>

For their part, police are obliged in theory to investigate possible hate motives. In 2006, the Head of the Police issued a Circular (Police Circular 7100/4/3 “Tackling racism, xenophobia, hatred and intolerance”) determining the instances where the police investigators are obliged to investigate a possible racist motive.<sup>83</sup> However as noted by European Union Agency for Fundamental Rights (FRA) “the Circular has not been followed by efforts to ensure its practical implementation”.<sup>84</sup>

### **THE CASE OF S. LUQMAN**

Serious concerns have been expressed by the lawyers of the family of S. Luqman, a Pakistani national stabbed to death by two Greek nationals on 17 January 2013, that the police and prosecutors in the case did not take into account the possible racist motive behind that attack but accepted the argument of the perpetrators that they attacked the victim following a verbal altercation because he was obstructing their motorbike with his bicycle.

However, lawyers told Amnesty International that the killing of S. Luqman showed many of the elements of an organized racially motivated attack by a “hit squad” linked with Golden Dawn.<sup>85</sup> The attack took place in the early hours of the morning by two men driving a motorbike with its number plate obscured. Butterfly knives were found on both men when arrested, while a search of their homes revealed three more butterfly knives, a knuckle-duster, two wooden sticks and a rifle.<sup>86</sup> Police also found 50 pre-election leaflets supporting Golden Dawn in the house of Dimitris Liakopoulos.<sup>87</sup>

Lawyers for the family also expressed their concern that the pictures of the two perpetrators were never made public in order to uncover any possible links with other racially motivated attacks and calls made from their phones were not investigated in order to uncover any possible link with Golden Dawn. A criminal investigation into possible links between the two men and hate crimes and other criminal offences attributed to MPs of Golden Dawn started only recently, in the context of broader investigations into the activities of Golden Dawn.

Serious concerns also arise over information coming to light during the trial hearing that started in January 2014 that shows further flaws in the investigation of the fatal stabbing by police.<sup>88</sup> In particular, the four police officers who arrested the two accused men in Omonoia square stated in their testimonies that despite finding the butterfly knives including one with traces of blood in the possession of the two men, they did not ask them whether they were the perpetrators. Furthermore, the two police officers who arrived at the scene of the crime and found the body of S. Luqman failed to take the details of several possible witnesses present at the scene of the crime.

## RECENT DEVELOPMENTS

Some steps to tackle the sharp rise of hate crime were taken at the end of 2012 when the Greek authorities established a Special Prosecutor to deal with hate crimes in the region of Athens. Special Police Departments (one in Attika and one in Thessaloniki) and Offices (68 around Greece) tasked to tackle hate crimes were also established on the basis of a Presidential Decree (PD) adopted in December 2012.<sup>89</sup> A special hotline (114114) was also created where complaints of racist violence could be made to the Greek police.<sup>90</sup> The mandate of the Special Departments and Offices is to prevent and investigate offences committed against individuals on the grounds of their race, ethnicity and religion. They can receive anonymous or informal complaints, and may start criminal investigations into allegations of racially motivated crimes ex officio. The investigation of racially motivated offences committed by law enforcement officials remains in the competence of the Internal Affairs Directorate of the Greek police.

In a response received from the Headquarters of the Greek Police in February 2014, Amnesty International was informed that during 2013 the Special Departments and Offices around Greece recorded 109 incidents with a possible racist motive which they also investigated. The Special Departments and Offices submitted casefiles to the competent Prosecutors for 93 of these incidents. 40 out of the 93 casefiles were submitted to the competent Prosecutors citing as a legal basis the current anti-hate speech legislation (Law 927/1979).<sup>91</sup> Further, 37 of the recorded incidents concerned police offices.<sup>92</sup>

There are, however, concerns that these new services do not include in their mandate the investigation of hate crimes on such grounds as other belief, disability, sexual orientation and gender identity, or crimes against defenders and legal representatives of victims. Moreover, the Racist Violence Recording Network has expressed concerns over the adequacy of the

training of the officers selected to staff the Special Departments and Offices.<sup>93</sup>

While these developments are certainly positive, it is still too early to say whether this increased emphasis on the investigation and prosecution of hate crimes will feed into successful convictions of perpetrators and their sentencing in a manner which adequately reflects the hate motive. There continues to be a fundamental blockage in the manner in which prosecutors present cases and are able to frame hate motives in court owing to their narrow interpretation of the proper scope of their pleadings in court prior to sentencing. One way of resolving this would be to establish stand alone hate crimes in addition to hate speech, in respect of which a hate motive would constitute an element of the offence and hence be included in the indictment and evidenced in court for the purposes of the determination of guilt and not just in respect of sentencing. Failing this, the police authorities conducting investigations into hate crime and the Public Prosecutor's Office needs to consider ways to ensure that hate motives are effectively investigated and sufficiently evidenced in court to enable judges to take them into account when sentencing, in a manner that is manifestly not occurring currently.

#### 2.3.6. INVESTIGATION INTO GOLDEN DAWN AND LINKS BETWEEN POLICE AND GOLDEN DAWN

*... It has to be noted that in certain cases, whose number could be higher, members of the Greek police assisted, or in the best case tolerated, members of the organization [Golden Dawn] who were committing criminal offences, an element that has to be investigated.*

Findings of Charalambos Vourliotis, Deputy Prosecutor of the Supreme Court, in relation to the investigation of whether Golden Dawn constitutes a criminal organization<sup>94</sup>

It took the fatal stabbing of Pavlos Fyssas for the Minister of Public Order and Citizens' Protection to hand the Supreme Court Prosecutor a folder containing 32 cases linking the leadership and members of Golden Dawn with a series of racially motivated attacks and other criminal activities. At the same time, an investigation was initiated into links between the police and the crimes that prosecutors attribute to members and leaders of Golden Dawn. Serious questions arise regarding the delay in opening a formal investigation into the alleged criminal activities of Golden Dawn, given that police appear to have had substantial knowledge of a number of reported racially motivated offences attributed to leaders and members of Golden Dawn.

By the end of December 2013, 47 individuals, including the leader of Golden Dawn, Nikos Mihaloliakos, five MPs and two police officers were arrested and charged with forming and participating in a criminal organization with "military structure and rigid hierarchy" and with offences ranging from murder, attempted murder, explosions, serious bodily harm and blackmail. The leadership of Golden Dawn is also accused of directing the criminal activities of the organization by providing orders and instructions to its members. Furthermore, the prosecutors and investigative judges assigned to the nationwide investigation into the criminal activities attributed to the leaders and members of Golden Dawn linked the operation of "organized hit squads" with Golden Dawn. In particular it was noted: "The operational part of Golden Dawn has the same leadership and local administration as the political part and a military structure while absolute discipline characterizes the relationship of its members. The operational activities (of Golden Dawn) are materialized outside its offices under the direction of hierarchical superiors, including MPs, on the basis of well prepared plans and determined rules of operation by chosen groups of its members ("hit

squads”)." <sup>95</sup> The leadership of Golden Dawn has denied the charges.

At the same time, the Internal Affairs Directorate of the Greek Police launched a nationwide investigation, following an order by the Minister of Public Order and Citizens' Protection, in relation to reports of police officers supporting, tolerating or covering up offences committed by Golden Dawn members or participating in such offences. The Directorate was also ordered by the Prosecutors' Office of Appeal Courts in Athens to conduct a preliminary criminal investigation into allegations of police officers tolerating or covering up hate crimes.

In its findings, which were made public on 30 October 2013, the Internal Affairs Directorate stated that ten police officers were found to have a direct or indirect link with the criminal activities attributed by prosecutors to members or MPs of Golden Dawn. <sup>96</sup>

Among the police officers arrested as a result of the nationwide investigation was the former Police Director of the security branch of Aghios Panteleimon police station in Athens, an area where a large number of racist attacks have been reported in recent years. The officer was charged with abuse of power, violations of the legislation on weapons and narcotics, and money laundering, amongst other offences. <sup>97</sup> Three more individuals were also arrested and charged, including a female Golden Dawn parliamentary candidate, who had previously been referred to trial for an attack against three Afghan refugees in September 2011. According to news reports, the former Director who was arrested did not register the complaints of victims reporting racist attacks, and directed Greek nationals filing complaints of crimes committed against them to Golden Dawn. <sup>98</sup>

Concerns about abuses perpetrated by officers at Aghios Panteleimon were raised as early as December 2004. Police officers reportedly ill-treated a group of Afghan nationals at a guesthouse in Aghios Panteleimon, while two Afghan refugees were reportedly subjected to torture when they were taken to the police station. <sup>99</sup> Lawyers representing refugees and migrants have also reported being attacked by members of far right groups when leaving the police station, where they had gone to assist victims. <sup>100</sup>

The Internal Affairs Directorate also stated that it had made a full record of 142 cases where victims alleged that they had been subjected to “extreme police conduct” (i.e. human rights violations such as ill-treatment with a hate motive by the police), between 2009 and October 2013. The sources used were cases recorded by the Greek Ombudsperson, the Security Directorate of the Greek Police and the Internal Affairs Directorate itself. Of those cases, 50% have already been investigated by the Internal Affairs Directorate, and the investigation of the vast majority has been completed. <sup>101</sup> According to the Directorate, the files have been sent to the competent Prosecutors to decide whether they should press charges or send the file back for further investigation. <sup>102</sup>

The Directorate identified cases where the officers called to investigate allegations of racially motivated offences committed by other police officers showed weakness or unwillingness to deal with the allegations effectively, and where the investigations were concluded without appropriate investigation or analysis. It also found that in cases where the police were called to deal with racially motivated violence the inaction of particular police officers, and their involvement in violence, bribery and abuse of power, exacerbated the negative experience of the victims. <sup>103</sup>

Amnesty International believes that the investigation conducted into the links between the police and criminal activities including hate crimes attributed to Golden Dawn members and MPs, and into hate crimes allegedly committed by law enforcement officials, may be a first step towards holding some of the perpetrators accountable.

Questions arise, though, about the difference between the findings of the Directorate and an earlier statement by the Minister of Public Order and Citizens' Protection. While the Minister was quoted in a newspaper saying, "[S]ome police officers in districts with sizeable immigrant populations have gone beyond colluding with local neo-Nazis to set up political cells within their units" the Directorate's investigation did not discover organized cells of police officers linked with Golden Dawn.<sup>104</sup>

The outcome of the nationwide investigation will ultimately be judged by how promptly and thoroughly these cases are investigated by the judicial authorities and brought before the courts. How these cases are now taken forward will be crucial to re-establishing public confidence in the Greek law enforcement structures that has been sorely eroded in recent years.

## 2.4. POLICIES AND PRACTICES LEADING TO VIOLATIONS AGAINST VULNERABLE GROUPS

In the past few years a series of policies and practices implemented by the Greek police against vulnerable groups, such as refugees and migrants, the Roma community and transgender women, have given rise to human rights violations including racial profiling and arbitrary deprivation of liberty. These violations occur during the course of sweep operations to round up irregular migrants, police raids at Roma settlements or during ID checks of transgender women. Such policies, combined with statements made by the Greek authorities<sup>105</sup>, have served to further stigmatize these vulnerable groups, while yielding little discernable law enforcement benefit.

The human rights violations occurring during sweep operations or raids at Roma settlements are not just the consequence of bad policing by individual police officers but the result of deliberate policies and the encouragement of the Ministry of the Public Order and Citizens' Protection and/or the Headquarters of the Greek police.

### 2.4.1. SWEEP OPERATION CODENAMED "XENIOS ZEUS"

In the last few years, Greece has invested millions of Euros in keeping migrants out. In 2012, it completed a 10.5 kilometre fence along its land-border with Turkey and deployed almost two thousand new border guards there. During the same year, the Greek authorities also intensified the practice of routinely detaining irregular migrants and asylum-seekers for prolonged periods. Those arriving at the country's points of entry or caught with no papers during sweep operations are routinely detained for prolonged periods in conditions often amounting to inhuman or degrading treatment.<sup>106</sup>

In August 2012, the Greek authorities started a large-scale sweep operation codenamed "Xenios Zeus" with the purpose of cracking down on irregular migration. The mass roundups are still on-going.

Under Greek law, the Greek police is tasked to control migration and order the detention

and/or deportation of third country nationals under certain conditions.<sup>107</sup> Under Article 74 of the PD 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 that he/she is found gives rise to the suspicion that the person concerned has committed an offence. Furthermore, during the investigation of an offence, the Greek police can invite or transfer for questioning to a police station, individuals for whom there are serious suspicions that they are involved in the commission of the offence investigated.<sup>108</sup>

However, non-governmental organizations, the Council of Europe Commissioner for Human Rights and the Greek Ombudsperson have pointed to the discriminatory and abusive nature of stop and searches on foreign nationals, and their mass transfers and detention to police stations during the operation "Xenios Zeus" which has resulted on many cases in the arbitrary deprivation of liberty.<sup>109</sup> In particular, Human Rights Watch documented extensively the use racial profiling during such operations and the arbitrary deprivation of liberty of many foreign nationals with legal residence documents transferred and detained at police stations pending verification of their status at its July 2013 report "Unwelcome Guests".<sup>110</sup>

The Greek Ombudsperson also noted that: "... *The mass transfers of migrants during the operation "Xenios Zeus" are the most generalized way of stopping not a specific offender or the suspect of a specific crime but any alien who is identified by his accent, colour or characteristics*".<sup>111</sup>

Between August 2012 and June 2013, police had stopped around 123,567 foreign nationals for identity checks and taken them to police stations. Of those, only 6,910 were found to have no papers.<sup>112</sup> The difference between those transferred to police stations and those eventually held for lacking papers supports the concerns about the discriminatory nature of these operations and the abusive character of the transfers to police stations of third-country nationals who have papers proving their legal residence.

Several of the irregular migrants arrested during sweep operations and interviewed by Amnesty International during visits to detention facilities in April 2013 said they felt that they had been stopped and searched because of their skin colour. Individuals who have already received international protection, or whose deportation has been suspended, have described to Amnesty International the manner in which they were stopped during these operations and have spoken about the fear that they experience that they will be stopped and searched every time they go out.

K a recognized refugee, reported that he was stopped and searched on the evening of 11 October 2012 at Mesogheion Street in Athens by four police officers riding two motorbikes. At the time, he was at work as a mentor for volunteers for a non-governmental organization. K said:

*When I tried to call my work, one of the officer[s] took my phone by force, he cut my call and he handcuffed me. Then, another officer came to me and asked me lower my height in order not to be taller than him when he was talking to me...*

K, was subsequently taken to a police station for an ID check despite the fact that he had

shown his identity as a refugee to the police and was subsequently released.

M, an unaccompanied minor who has been granted international protection, told Amnesty International that he is frequently stopped by police during checks and transferred to a police station despite showing his papers.

*I have been granted humanitarian status, they stop me because of my colour. ... Every week, the police stops me two to three times [to check my papers] ... and they usually transfer me to the police station.*

X., a young Syrian activist who was 'pushed back' by Greek coastguard on 31 July 2013 (see section 2.2.1), managed to arrive to Greece in August 2013. He told Amnesty International how police stopped him six times between August and December 2013 to check his papers, transferring him to police stations before being released. He described how during his first day in Athens he was stopped and transferred to a police station twice within an hour. Syrian nationals who do not apply for asylum are usually detained for few days upon arrival and then issued with a paper suspending their deportation for six months.

There is a real concern that such operations fuel further discrimination and prejudice against refugees and migrants in a country where there has been a steep rise in racist attacks in the past few years.<sup>113</sup>

#### 2.4.2. RAIDS AT ROMA SETTLEMENTS

*...Officers have taken thousands of Romani people to police stations only to then arrest 10% of them – often for offences related to their marginalization (traffic code violations, court convictions in absentia, etc). Hellenic Police then publish (press) releases that mention the ethnic identity – a practice of ethnic profiling that has been condemned by the Council of Europe Commissioner for Human Rights, Nils Muižnieks.*

Statement by NGO Greek Helsinki Monitor<sup>114</sup>

Over the past year, the police have conducted frequent raids on Roma settlements around Greece, justifying this as part of the fight against crime or its prevention and tackling unlawful conduct. According to statistics issued by the Greek police, during the first nine months of 2013, there were 1,131 police operations in Roma settlements across the country. During those operations, 52,431 people were checked, 19,067 people were transferred to police stations. Out of those, 1,305 were arrested, and 4,651 violations of Greek criminal and traffic laws were identified.<sup>115</sup> Around 250-350,000 Roma live in Greece.<sup>116</sup> The statistics of those checked will doubtless included many who have been checked on multiple occasions, but even allowing for this, the ratio of checks to Roma living in Greece gives an indication of the scale on which such raids are occurring. There is a very large concern that these raids and checks are discriminatory and resulting in the arbitrary deprivation of liberty. Following its visit to Greece in January 2013, the UN Working Group on Arbitrary Detention expressed its concerns over the transfers of members of the Roma community to police stations and their release soon after without charges. The Working Group stated "...that any detention on discriminatory grounds constitutes arbitrary detention and furthermore, that detention without any legal basis also renders the detention arbitrary".<sup>117</sup>

The statistics provided by the Greek police show not only that relatively few recorded

incidents of criminal offences are generated by such raids but also that many of the Roma people arrested during these operations are for offences linked to their marginalization.<sup>118</sup> During the first nine months of 2013, for instance, 230 Roma people were arrested for electricity theft. Many Roma settlements are left without electricity as a result of the refusal of the Public Electricity Service to connect them on the basis that their settlements and houses are illegal.<sup>119</sup> However, in 2013 in a landmark case the Greek courts acquitted 16 Roma individuals charged with electricity theft following a police operation in the settlements.<sup>120</sup> A large number of the violations identified during these operations are linked to traffic code violations (3,373 out of the total of 4,671 identified violations of the Greek criminal and traffic laws).

In its opinion on combating racism and racial discrimination in policing, the European Commission against Racism and Intolerance (ECRI) has recommended that member states introduce a reasonable suspicion standard, whereby powers relating to control, surveillance or investigation activities can only be exercised on the basis of a suspicion that is founded on objective criteria.

However, official police statements indicate that raids on Roma settlements are undertaken not on the basis of a reasonable suspicion standard but rather that such raids are conducted speculatively on the assumption that Roma are perpetrators of criminal offences. Often police statements refer to extensive operations in Roma settlements to prevent and tackle unlawful behaviour.<sup>121</sup>

Roma residents of the Roma settlement in Halandri in Athens described to Amnesty International the discriminatory and frequent nature of police raids in their settlement. Maria, one of the residents told Amnesty International:

*The police comes every one to two months... they find nothing... I have four sons who have been transferred to the police station many times and then let go... They come at six o'clock in the morning and knock our door... They scare the children, waking up the children from their sleep, the children are scared when they see them (the police officers) with guns... ....If I stole something they should come to me but not to every house.....<sup>122</sup>*

#### 2.4.3. HARASSMENT OF TRANSGENDER WOMEN

Transgender sex workers in Greece are often harassed by the police and in some instance are victims of violence and ill-treatment. According to the Greek Transgender Support Association, spoken to by Amnesty International in March 2013, transgender sex workers are often arrested and charged for insulting public morality. In some cases, they experience police violence while being held in custody. Anna for example, a transgender woman and former sex worker, told Amnesty International that she had been held in custody more than 100 times during her life:

*Once a police officer asked me why I was a faggot, I just replied that I liked that, he pushed me down the stairs and then started punching and kicking me.*

According to a recent survey undertaken by the FRA 26% of the transgender people surveyed who experienced violence or threats of violence in the year prior to the survey said that the

perpetrator was a police officer.

In late May 2013, police escalated arbitrary ID checks of transgender women. The authorities attempted to justify these actions as an attempt to “improve the image” of parts of Thessaloniki, saying they were aimed at tackling prostitution and improving safety and “the [city’s] image”.

Representatives of the Greek Transgender Support Association told Amnesty International that 25 transgender women in Thessaloniki were stopped for ID checks and then transferred to police stations, where they were arbitrarily detained for several hours and then released. They said that the checks were still being carried out in July 2013.<sup>123</sup>

Elektra Koutra, a human rights lawyer representing the Transgender Support Association, reported how she was arbitrarily detained and intimidated by police when she went to provide assistance to one of the transgender women held at a police station in Thessaloniki on 5 June 2013. The transgender woman had reportedly been transferred to a police station three times in the space of four days.<sup>124</sup>

## 3. IMPUNITY

Impunity for abuses by law enforcement officials is an entrenched problem in Greece resulting from a series of systemic failings that Amnesty International has long sought to draw attention to.<sup>125</sup>

These include:

- the failure by the police or judicial authorities to conduct prompt, thorough, effective and impartial investigations and bring perpetrators to justice; and
- the failure to guarantee the right to an effective remedy.

The difficulties victims face when trying to access justice have created a lack of confidence in the criminal justice system for many of those living in Greece.

Successive Greek governments have been constant in their reluctance to grapple with this problem and to take the necessary legislative and practical steps to deal with the scale and systemic nature of human rights violations by law enforcement officials, preferring instead to deny complaints outright or dismiss complaints as isolated incidents.

### 3.1. THE LACK OF POLITICAL WILL TO ESTABLISH MECHANISMS TO ADDRESS IMPUNITY

For many years, Amnesty International has called upon the Greek authorities to make changes in legislation that would protect victims and tackle the impunity of perpetrators. These recommendations include: an amendment to the current definition of torture; ratification of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT); and the establishment of an independent police complaints mechanism. Such calls have also been made by civil society and international human rights bodies.

However, despite these calls, and the mounting evidence of the need for such reforms in order to combat impunity for serious human rights violations, the Greek government continues to demonstrate a lack of political will to take these necessary steps.

#### FAILINGS OF PENAL PROVISIONS ON TORTURE

Thus, despite recommendations by the Council of Europe Commissioner for Human Rights, the UN Committee against Torture identifying the shortcomings in current legislation, the Greek authorities have not yet brought Article 137(A) of the GCC, which provides an explicit definition of torture and establishes it as a criminal offence, into line with international standards.<sup>126</sup>

Article 137(A) contains the term “systematic”, which may imply the exclusion of single or

more sporadic acts of torture and it does not explicitly include rape and other forms of sexual violence as a form of torture.<sup>127</sup> Concerns also continue about the ongoing reluctance of prosecutors to institute criminal proceedings under the torture provision and the fact that only two cases have resulted in the conviction of a law enforcement official for torture (Article 137(A) 1 and 2) since the introduction of the relevant provision in 1984.<sup>128</sup>

The failings of the existing penal provisions relating to torture, and its interpretation by the Greek judicial authorities, have been highlighted in the European Court of Human Rights in its 2012 judgment on the case of *Necati Zontul v Greece*. This case concerned the rape with a truncheon of a Turkish national by an officer of the coastguard in Crete in 2001. The European Court of Human Rights judgment concluded that the treatment of the applicant amounted to torture, while the judgments of the national courts had classified them as the lesser “offences against human dignity” (Article 137(2) of the GCC).<sup>129</sup>

#### THE CREATION OF A NATIONAL PREVENTATIVE MECHANISM

After a lengthy delay, a law ratifying the OPCAT, and designating a National Preventative Mechanism (NPM), mandated to visit places of deprivation of liberty in order to prevent torture was adopted on December 2013.<sup>130</sup> The creation of such a mechanism was a matter of urgency, in view of the many allegations of torture and other ill-treatment in detention and particularly in immigration detention facilities.

The law designates the Greek Ombudsperson as the NPM and vests it with authority to visit all places of deprivation of liberty, with or without previously informing the competent directors of such facilities. Amnesty International regrets that the new legislation does not add the words “regular” to the phrase “visits to all areas of deprivation of liberty” in order to be more in line with Article 19 (a) of OPCAT or the words “actual or possible” next to the phrase “all areas of deprivation of liberty” to reflect better the nuance contained in Article 4 (1) of OPCAT. The Law also fails to mandate the NPM explicitly to make recommendations to the Greek authorities for the purpose of improving the treatment and conditions of detention of individuals deprived of their liberty and for the prevention of torture and other ill-treatment.

#### THE CREATION OF AN INDEPENDENT POLICE COMPLAINT MECHANISM

Despite the repeated recommendations by the UN Committee against Torture and the Council of Europe Commissioner for Human Rights<sup>131</sup>, the Greek authorities have failed to establish a truly independent and effective police complaints mechanism to investigate allegations of unlawful police conduct.<sup>132</sup>

The continuing allegations received by Amnesty International regarding incidents of torture or other inhuman or degrading treatment by law enforcement officials and of excessive use of force, along with the persistent impunity and lack of public confidence in the existing system of investigations, illustrate the urgent need for the creation of a genuinely independent and effective police complaints mechanism.

In 2011, legislation was adopted that foresaw the creation of an Office for Incidents of Arbitrary Conduct.<sup>133</sup> This Office crucially lacks institutional independence, however, as it is

intended to operate within the Ministry of Public Order and Citizens' Protection, which is the Ministry responsible for the Greek police. Concerns have also been expressed over limits of this Office's competences, as it is currently mandated only to conduct investigations into cases that the law categorizes as "serious complaints or incidents" and only in relation to the disciplinary aspects of such cases.<sup>134</sup> In any case, in a further indication of the reluctance of the Ministry of Public Order and Citizens' Protection to meaningfully tackle police abuses, two years after the adoption of the law, the Office for Incidents of Arbitrary Conduct has not yet started operating.

At the end of January 2014 the Ministry of Public Order and Citizens' Protection submitted a draft law on the restructuring of the Greek Police introducing amendments to Law 3938/11 on the non-existent Office for Incidents of Arbitrary Conduct.<sup>135</sup> The draft law is currently debated before the Greek Parliament. Article 10 of the draft law extends the competence of the Office to also receive complaints against law enforcement officials concerning "unlawful conduct which the evidence points to its commission with racist or other discriminatory motive" and "other insulting conduct against the personality of a person". This would be a modest improvement to an unsatisfactory mechanism.

The draft law also provides that of the members of the three-member Committee examining complaints against law enforcement officials could be a person that has served as an Ombudsperson or a Deputy Ombudsperson. Further, it provides that the Ombudsperson can be present to the Committee's work and submit proposals or its opinion but without having the right to vote.

The fact remains that there is an urgent need for a mechanism to investigate police abuses that has no structural or organizational connection with the police. Its investigative powers should not be limited to the disciplinary aspects of a complaint and should not be dependent on the discretion of the Minister of Public Order and Citizens' Protection. Only such a mechanism will effectively combat the long-standing culture of impunity for law enforcement abuses in Greece and restore public confidence in the integrity of Greek law enforcement structures.

### 3.2. FAILURE TO CONDUCT PROMPT, THOROUGH, EFFECTIVE AND IMPARTIAL INVESTIGATIONS AND BRING PERPETRATORS TO JUSTICE

Amnesty International is seriously concerned about the continuing failure of the Greek authorities to conduct prompt, thorough, impartial and effective investigations into allegations of serious human rights violations by its officials. Since 2004, Greece has been found to have violated its international obligations 14 times in cases relating to misuse of firearms or ill-treatment by police officers.<sup>136</sup>

In most of these 14 cases, the criminal or disciplinary investigations were considered inadequate. In the most recent case, in August 2012, the UN Human Rights Committee found that Greece had failed in its duty to promptly, thoroughly and impartially investigate a complaint of racially motivated humiliation and ill-treatment by the police of a Greek Romani man in 1999 (*Katsaris v Greece*).<sup>137</sup>

The UN Human Rights Committee reached its findings in the light of multiple, unexplained and serious shortcomings of the preliminary investigations into the complaint. Those

shortcomings included: a) the competent prosecutor's failure to order a forensic medical examination when Mr Katsaris filed a criminal complaint regarding the racially motivated ill-treatment to which he had been subjected; b) the alleged use of discriminatory language by investigating authorities to refer to Mr Katsaris and his way of life; c) the length of time taken to conduct the preliminary investigations.

The flaws in the current system of investigations have been highlighted by Amnesty International and other bodies, such as the UN Committee against Torture.<sup>138</sup> Protracted criminal investigations appear to be the norm and in some cases entail the risk of expiry of the applicable statute of limitations and affect the presence of crucial witnesses or victims.<sup>139</sup> Concerns have also repeatedly been raised over the lack of thoroughness and/or impartiality of criminal investigations into the allegations.

Moreover, lawyers or NGOs representing victims have also reported lack of promptness in disciplinary inquiries and flaws in the evaluation of evidence during such inquiries, which have acquitted the accused police officers or concluded that they should not be referred to disciplinary trials.

## **TORTURE OF REFUGEES AND MIGRANTS IN CHIOS, 2007**

A, an asylum-seeker described to Amnesty International how he was tortured by coastguard officers on the coastguard boat that transferred him and several other asylum-seekers and irregular migrants to the island of Chios on 18 June 2007.

A told Amnesty International how he was tortured by the coastguard officers while being interrogated about the migrants' arrival. A. said amongst others that the coastguard hit him with a stick on his head, put a plastic bag over his head and tightened it around his neck and dunked his head in a bucket of water (these are recognized forms of torture known as dry and wet *submarino*) and that he was subjected to a mock execution. A also told Amnesty International how he was threatened by the coastguard officers that he would die if he spoke about what happened to him and that he found it very difficult to speak out because of his fear. The incident was reported to a human rights lawyer providing legal assistance to the detainees a few days later and then to representatives of Pro Asyl and the Group of Lawyers for the Rights of Refugees and Migrants who were visiting the centre.<sup>140</sup>

Following a criminal investigation that started a year and half later, three coastguards were referred to trial for torture and other violations of human dignity against A and N, a second asylum-seeker (Article 137 (1) (2) and (3) of the GCC).

The Greek coastguard also conducted a disciplinary inquiry into the allegations of push backs and ill-treatment of refugees and migrants, including the Chios incident. It concluded that there was no basis for the claims. Amnesty International has learnt that no attempt was made to call as witnesses the lawyers who have spoken to the victims or to trace the boat where the torture took place, despite the number being provided by the victims.

In November 2013, a Five Member Naval Court of Piraeus found one coastguard officer guilty of torture for subjecting A to wet and dry *submarino* and to a mock execution and sentenced him to six-years in prison suspended on appeal. However, as a result of the protracted criminal proceedings, he was not additionally punished for "other violations of human dignity" under Article 137(3) of the Penal Code on account of the

expiry of the applicable statute of limitations. . The Court also found a second coastguard officer guilty of failing to prevent the torture and sentenced him to three years in prison suspended on appeal. The two officers will also be removed from their position once the judgment becomes final. A third officer was acquitted of torture.

## THE CASE OF NIKOS SAKELLION

**Nikos Sakellion**, a 24-year-old student, died in the centre of Athens on the afternoon of 11 May 2008. Two police officers (“special guards”) testified that, while they were on patrol, they had found him lying in a comatose state on a pavement in central Athens with drugs next to him. The emergency services were called and the doctors performed an endotracheal intubation on him.<sup>141</sup> Two days later, the coroner who conducted an autopsy on Nikos Sakellion’s body found a bag of drugs in his throat, and concluded that his death had been caused by an obstruction in the larynx.

However, his father, Dimitris Sakellion, conducted his own investigation and discovered an eyewitness who gave this description of his son’s death:

*I saw between three and four officers, including a blond woman, arresting the young man and treating him violently by holding him in a headlock, dragging him while he was crying and making spasmodic movements, until he collapsed in their hands and fell on the floor....*

A video recorded by the same eyewitness shows the dead body of Nikos Sakellion at the edge of the road, surrounded by between six and seven officers and a patrol car.

Stavroula Papadodima, a professor of forensics appointed by Nikos Sakellion’s family, examined all the available evidence and concluded that he had not been under the influence of drugs at the time of his death, and his alcohol levels were very low. She also noted that the endotracheal intubation that had been carried out was incompatible with the presence of a foreign body (the bag of drugs) in Sakellion’s larynx. Stavroula Papadodima also stated that she could not exclude the possibility that the bag of drugs had been placed in Sakellion’s larynx after his death, since his body was not kept in a secure place after it had been taken to the funeral parlour. She concluded that Nikos Sakellion’s death could have resulted from:

*external factors and in particular violence by the police officers that resulted in causing his death indirectly (through obstruction of his larynx by a foreign body) or directly (as a result of a headlock or immobilization of his sternum).*

Sakellion’s family lawyer, Ioanna Kurtovik, told Amnesty International about evidence that was uncovered during the investigation into the case, which suggested a cover-up. Two of the accused police officers did not reveal at the beginning of the investigation the presence of a third and fourth police officer at the scene of the incident. All four police officers refused to acknowledge that Sakellion was standing and was conscious while they were holding him. The person who called the emergency services concealed their identity when they made the call, and when the investigation tried to trace the phone number from which the call was made, it had been deactivated. Sakellion’s body was in a state of decomposition when it was passed to the coroner, even though there had been no sign of sepsis when the hospital handed it to the funeral parlour director on 12 May 2008. Where the body was kept between the time that it was handed to the funeral parlour and when it was examined by the coroner is still unknown.

The lawyer has also told Amnesty International that, when she and Sakellion's father went to the Akropolis police station in November 2008 with further evidence on the case, they discovered that the police station had taken no steps to conduct an investigation into the death.

Furthermore, the preliminary criminal investigation (that started after a criminal complaint was lodged by the family) was assigned to the Akropolis police station, which was the same station where the suspects were working. Ioanna Kurtovik also stated that the police officers who conducted the criminal investigation failed to trace the patrol car that was shown in the video recorded by the eyewitness.

Following a complaint, the investigation was referred to the Internal Affairs Directorate, who traced the patrol car. In their testimony in May 2010, the three police officers who were in the patrol car testified that, when they arrived at the scene, they found four police officers trying to restrain Sakellion with handcuffs, and that after he was handcuffed he collapsed.

The lawyer told Amnesty International that, despite the evidence that was uncovered, which indicated a suspicious death, the Prosecutor of the First Instance Courts rejected the complaint on the basis that the eyewitness was not credible. In doing so he ignored the testimony of the three police officers in the patrol car. Following an appeal by the family and a prolonged effort to discover the truth about Sakellion's death and obtain justice, four special guards were charged with involuntary manslaughter and referred to trial.

After repeated postponements, the trial finally took place in July 2013. The court acquitted the four special guards but the Prosecutor of the Athens Appellate Court lodged an appeal against verdict.

By the beginning of February 2014, two trial hearings of the appeal trial had taken place. During the hearings, the eyewitness repeated how he saw the police officers exercising violence on Nikos Sakellion while he was handcuffed. *The witness reportedly said: "He (Sakellion) was handcuffed with his hands on his back and the police officers were beating him with punches, slaps and with the corner of their arms behind his head... The boy did not try to escape. He was screaming. It took some time for the police to remove the handcuffs... They did not provide him with first aid like they say. They were sitting there and looked at him until the ambulance arrived. I witnessed intense force in the beatings he received...."*<sup>142</sup>

Despite the numerous allegations of human rights abuses in the policing of demonstrations, Amnesty International knows of only very few cases concerning excessive use of force and/or ill-treatment of protesters where police officers have been charged and referred to trial.

One of them concerns excessive use of force including chemical irritants and ill-treatment of protesters during the anti-austerity demonstrations of 28 and 29 June 2011. Video footage, photographs, press reports and witness testimonies pointed to the repeated use of excessive force by police in the demonstrations organized against the austerity measures on 15, 28 and 29 June 2011, including the excessive use of chemical irritants against largely peaceful protesters.

P, a teacher described to Amnesty International how he and another teacher were beaten by police inside a greengrocer's shop where they sought refuge.

*... The only thing I managed to see was one of the police officers raising his baton (using the handle side), and hitting sideways right on my head. When I heard that weird sound I realized it was blood running from my wound all over my head, and I was shocked. While I was*

*kneeling and begging them to stop because I was bleeding, two officers from the unit came towards me. The first one cuffed me rapidly and the second one kicked me in my leg and then sprayed me with the chemicals, inside the greengrocers' shop.....<sup>143</sup>*

Eighteen police officers belonging to riot police and the DELTA force have been referred to trial for causing serious bodily harm to protesters and for exposing them to danger by not allowing the transfer of injured protesters to a hospital. Their trial was scheduled for 16 January 2014 but was postponed to 16 September 2014.

Furthermore, in February 2013, a court in Athens found two police officers guilty of beating of several protesters in Parnitha in 2007.<sup>144</sup> The court found one of the officers guilty of causing serious bodily harm and handed down a sentence of two and half years, and the second officer guilty of causing simple bodily harm and imposed a sentence of a year. Two other police officers that were referred to trial for threatening and swearing at the protesters were not found guilty because the offences for which they were charged were time-barred.

In some cases, individuals and/or their lawyers who have been attacked by riot police during demonstrations have told Amnesty International of their belief that the perpetrators could have been brought to justice if there was sufficient will in the leadership of the Greek police to find the riot police officers who had injured them, or at least provide the prosecutors investigating their cases with the details of the riot police unit present at the scene. There has been little or no progress in their cases, despite the existence of evidence that could lead to the identification of the perpetrators.

Journalist **Manolis Kypreos** lost his hearing in June 2011 while covering a demonstration in Athens after a riot police officer threw a stun grenade directly at him. Today, after a series of operations and with the use of cochlear implants he is able to have a sensation of sounds and understands what an individual says to him in an enclosed space. Manolis Kypreos has to live with the after-effects of that attack, along with other continuing health problems, including significant complications caused by the cochlear implants. More than two years after his injury, and despite the authorities having evidence, including pictures of the riot police unit involved in the attack, the perpetrators are yet to be identified.

**Marios Lolos**, President of the Greek Photographers' Union, suffered a near fatal head injury after a riot police officer hit him with a baton on the back of his head while he and other photographers and journalists were covering a protest in Athens on 5 April 2012. In November 2013, Marios Lolos informed Amnesty International that there has been no progress in the investigation of his case, even though he has been called to testify twice, has provided all the available evidence, and the Greek authorities know which riot police unit his attacker belonged to.

## YIANNIS KAFKAS

Yiannis Kafkas, now 33, sustained near fatal head injuries after he was beaten by riot police during the anti-austerity demonstration in Athens on 11 May 2011. Yiannis said that he was hit with a fire extinguisher by a riot policeman. As a result of his injuries he had to have an emergency operation to save his life. He remained in hospital for 20 days, 10 of them in intensive care. Pictures taken on the day of the demonstration show

police officers using fire extinguishers to attack demonstrators. More than 100 peaceful protesters sought medical assistance for head and other injuries following that demonstration.

Amnesty International met with Yiannis and his family in Athens in late August 2013. Two years after the attack Yiannis still needs to take anti-epilepsy medication and deal with the psychological impact of his ill-treatment. Yiannis said:

*What happened to me is too dark and a heavy burden to carry... There is a particular officer who lifts a fire extinguisher and hits a human being that does not pose him a threat. Why this happened? ...Because this man [this officer] knew from the beginning that nothing would happen to him... If this man finds himself before his responsibilities [is held accountable], he will think again...*

His father, Leonidas Kafkas, said: "What was the reason that they beat my son, why did they try to kill peaceful protesters?" Dionyssia Kafka, his mother described the family's tortuous wait for a week after Yiannis underwent an emergency operation to save his life, not knowing whether Yiannis would live or die, or, if he survived, whether he would suffer neurological or physical damage.

Two and half years after the criminal investigation of his case started, there has been no progress. Yiannis Kafkas's lawyer told Amnesty International that the case file is in the hands of an investigative judge but has not moved forward. She expressed serious concerns about this lack of progress.

### 3.3. THE FAILURE TO ENSURE THE RIGHT TO AN EFFECTIVE REMEDY

Even where perpetrators are charged, tried and convicted, serious concerns remain as to whether victims of human rights violations by law enforcement officials are guaranteed an effective remedy. International human rights law requires that States Parties make reparation to individuals whose rights have been violated. Without reparation to individuals whose rights have been violated, the obligation to provide an effective remedy is not discharged. According to the UN Human Rights Committee, appropriate reparations can involve restitution, rehabilitation and measures of satisfaction, such as public apologies, public memorials, guarantees of non-repetition, and changes in relevant laws and practices, as well as bringing to justice the perpetrators of human rights violations.<sup>145</sup>

In its concluding observations on Greece in 2012, the UN Committee against Torture reiterated "its concern at the insufficient information provided relating to redress, including fair and adequate compensation as well as rehabilitation, available to victims of torture or their dependants, and ... at the significant delays in offering redress to victims of violence which has been determined by international supervisory organs and courts".<sup>146</sup>

For example, in two cases where the UN Human Rights Committee found that Greece has violated the ICCPR on account of the authorities' failure to effectively investigate allegations of police brutality (*Kalamiotis v. Greece* and *Katsaris v. Greece*), the complainants are yet to receive any form of remedy or compensation despite the Human Rights Committee's rulings that Greece should offer adequate reparations and effective remedies to the authors.<sup>147</sup>

While the Greek authorities have argued that the victims should pursue their claims before an administrative court in order to receive damages, this process requires them to prove state liability anew despite the liability of the state having already been established before the

European Court of Human Rights. Moreover, any lawsuit before the administrative courts would be thrown out as inadmissible because there is a five year prescription for such a lawsuit and the violations occurred in 1999 and 2001.<sup>148</sup>

## **AVGOUSTINOS DIMITRIOU**

On 17 November 2006 Avgoustinos Dimitriou, a Cypriot student who had recently arrived in Thessaloniki was apprehended, severely beaten and seriously injured by several police officers. The official version of events was that he sustained his injuries by falling into a flowerbed. According to his lawyer and family, Avgoustinos Dimitriou sustained serious psychological trauma as a result of his beating, which has rendered him unable to continue his studies and work.

A video that was widely broadcast by major TV channels in Greece on 18 and 19 November 2006 captured part of incident and disproved the authorities' official version. Part of the beating was also witnessed by eight university professors, who reported that when they requested the police officers to stop beating the student and call an ambulance, they were verbally abused and told to go away.

In 2008, four of the police officers referred for trial were found guilty at first instance for causing Avgoustinos Dimitriou grievous bodily harm, and were sentenced to three years' imprisonment. Three more police officers were convicted for supporting their colleagues in the beating, along with then director of the Thessaloniki Security Police for not acting to prevent the ill-treatment. Concerns were expressed by the family and lawyer of Avgoustinos Dimitriou about the first instance sentences, since they were considered lenient in relation to the offences committed.<sup>149</sup>

On 18 January 2013, an Appeals Court in Thessaloniki found two police officers guilty for the severe beating of Avgoustinos Dimitriou in November 2006, and handed down a suspended prison sentence. Six other police officers were acquitted. The Dimitriou family and their lawyer expressed their profound disappointment with the outcome. Furthermore, when speaking about the case, Panayiotis Manolis, the family's lawyer expressed his concern to Amnesty International that, despite two judgements by administrative courts (at first instance and on appeal) awarding €300.000 to Avgoustinos Dimitriou for his ill-treatment, the Greek state has yet to pay the compensation awarded.

## 4. CONCLUSION

Successive Greek governments have shied away from introducing the structural reforms needed to root out police abuses. Against a backdrop of economic crisis, rising social tensions and increased migratory pressures, shortcomings in Greek law enforcement structures have been ever more glaringly exposed in the last few years: in the manner that demonstrations are policed, in which borders are controlled and spiralling hate crime confronted. On top of a long-standing culture of impunity, a strong strain of entrenched racism with the Greek police has more recently been evidenced. Both need to be combatted urgently if public confidence in Greek law enforcement structures is to be maintained.

### RECOMMENDATIONS

#### THE INVESTIGATION OF COMPLAINTS AGAINST LAW ENFORCEMENT OFFICIALS

The Greek authorities should establish a truly independent and effective police complaints mechanism. This mechanism should:

- Have no structural or organizational connection with the police, such as in the form of an independent non-departmental public body, for example a specialized Police Ombudsman or Independent Police Complaints Body. Such body should be adequately staffed and headed by professionals of acknowledged competency, impartiality, expertise, independence and integrity, who are not members of the law enforcement agencies. It should have at its disposal its own corps of independent expert investigators to investigate complaints;
- Be mandated to investigate all allegations of serious human rights violations by law enforcement officials, including deaths in custody, fatal and non-fatal shootings, torture and other ill-treatment and racially-motivated or other discriminatory misconduct;
- Have its own powers to investigate, and not simply to collect, record and evaluate complaints that are then forwarded to the competent investigating bodies; such powers should not be limited to the disciplinary aspects of a complaint and should not be dependent on the discretion of the Minister of Public Order and Citizens' Protection;
- Have investigation powers which include the power and resources to immediately secure and examine the scene of the incident, and the power to summon witnesses and to order the production of evidence and documents;
- Have the power to refer a case directly to the prosecuting authorities for criminal prosecution where appropriate and the power to appeal any decision made by the prosecution authorities to a court;
- Have the power to make binding decisions that apologies should be granted or criticism made, and the power to recommend adequate compensation be paid to victims.

Amnesty International calls the Greek Law Enforcement Agencies and judicial authorities to ensure that:

- all allegations of human rights violations by law enforcement officials including excessive use of force, torture and other cruel, inhuman or degrading treatment or punishment, failure to protect refugees, migrants and other individuals from attacks by far right groups, collective expulsions and the unlawful use of firearms are subject to prompt, thorough, independent and impartial investigations;
- The responsibility of law enforcement officials who are in positions of supervision and directorship over those who commit such offences is established and appropriately sanctioned;
- Victims and/or their families should have access to disciplinary hearings of law enforcement officials accused of human rights violations. The outcome of disciplinary proceedings should be made known to them promptly and without them having to apply for the provision of such information;
- When the disciplinary investigation of a case of alleged human rights violations is assigned to the police, it should always be assigned to an officer from a different directorate to that of the alleged offender;
- Ensure that officials under investigation for serious human rights violations, including torture or other ill-treatment or hate crimes, are removed from positions of responsibility pending the outcome of disciplinary and/or other judicial proceedings against them.

#### **THE POLICING OF DEMONSTRATIONS AND OTHER PROTESTS**

Amnesty International calls the Ministry for Public Order and Citizens' Protection and the Greek Police to implement the following measures:

- Review the current approach of policing assemblies, in particular existing policies, procedures and training to ensure that police officers are effectively facilitating assemblies instead of quelling them. A negotiated management approach, constructive communication with organizers and demonstrators, de-escalation and peaceful settlement of conflict should be the driving approaches in maintaining peace and order.
- Ensure that all police regulations, training and accountability systems regarding the use of force are fully consistent with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials that such officials are always required to apply non-violent means before resorting to the use of force (including use of handcuffs or other restraints), so that any force is used only if non-violent means have proven to be, or are likely not to be, effective. If the use of force is unavoidable, they must always exercise maximum restraint in its use;
- The decision to disperse an assembly should be taken in line with the principles of necessity and proportionality, only when there are no other means available to protect public order from a specific imminent and escalating threat of serious injuries;
- Ensure that the type of equipment used to disperse an assembly is carefully considered and used only when necessary, proportionate and lawful. Establish a transparent system open to public scrutiny including an independent body of medical, scientific, and judicial experts

to review and report on the safe development and dangers of non-lethal incapacitating weapons and 'less-lethal' weapons, in order to establish effective regulations and specialist capacity for the lawful deployment and use of such weapons by fully trained and accountable law enforcement officials, with a view to increasingly restraining the application of means capable of causing death or injury, as well as eradicating the arbitrary, abusive and excessive uses of force;

- Establish strict rules and training for the use of hand-held batons by law enforcement officers in order to minimise the use of force and to prevent unwarranted injuries, including the prohibition of baton blows aimed at a person's head, neck and throat, spine, lower back, solar plexus, knees and ankles;
- Prohibit the discharge of "less-lethal" kinetic impact projectiles, such as those composed of rubber or plastic, unless the projectiles are proven to be accurate and do not cause unwarranted injury. Such projectiles should only ever be used as an alternative to lethal force when it is strictly necessary for fully trained firearms officers who are subject to effective regulation, monitoring and control – and only discharged in order to protect life in self-defence or defence of others against a specific imminent and direct threat to death or serious injury, and then only in a manner likely to decrease the risk of unnecessary harm and when less extreme means are insufficient to achieve this objective;
- Prohibit the dispersal of toxic chemical irritants by law enforcement officers that would increase the risk of unnecessary harm or unwarranted injury and death to persons, such as firing a metal cartridge of irritant directly at an individual, using toxic chemicals in very high concentrations, using irritants in a manner likely to have indiscriminate effects such as when sprayed or fired over a wide area or into drinking water or food, launching such chemicals at or near people who are in confined spaces where exits and ventilation points are restricted, or launching the irritants near elderly people, children or others who may have difficulty in moving away to avoid the dangerous effects of toxic chemicals;
- Ensure that all officers required to carry out law enforcement duties are selected by proper screening procedures, have appropriate moral, psychological and physical qualities for the effective exercise of their functions and receive continuous and thorough professional human rights based training. Their continued fitness to perform these functions should be subject to periodic review;
- Arrest and detention should be carried out only in accordance with procedures established by law. They should not be used as means to prevent peaceful participation in a public assembly nor as a means of punishment for participation;
- Any use of force during a public assembly should be subject to review and, where appropriate, investigation and disciplinary or criminal sanction;
- Ensure that police officers of all ranks are individually identifiable at all times when they are carrying out law enforcement functions (either through name or number tags) worn visibly on their uniform, including when they are wearing special equipment, such as helmets or other protective gear. In particular, riot police officers should wear individual number tags, not only on their helmets but also on other parts of their uniform, and which are clearly

visible; Enforceable orders must be given to ensure compliance with the obligation to wear such tags. Protective gear should be used for the protection of law enforcement officials and not as a means to hide their identity;

- Ensure that the failure to carry an identity badge is subject to disciplinary penalties.

### **SAFEGUARDS IN CUSTODY AND IMMIGRATION DETENTION**

Amnesty International calls the Ministry of Public Order and Citizens' Protection and the Greek Law Enforcement Agencies to implement the following measures:

- Custody areas and immigration detention areas should be staffed by officers who have received specialist training for such duties including human rights training in connection with their duty to protect the rights of people in their custody;
- Custody staff must be required to maintain in respect of each detainee a record of all matters relating to their custody and relevant actions taken with regard to the individuals' safety and well-being, including the timing of visits to monitor them in the cells and by which officer;
- Custody staff and immigration detention officers must report any incident of ill-treatment that comes to their attention and be subject to disciplinary measures should they fail in this basic duty of care;
- Introduce audio or videotaping of interviews with detainees, with a view to preventing torture and ill-treatment;
- All persons taken into custody should have prompt access to a lawyer;
- Ensure the existence of mechanisms allowing detainees to make confidential requests or complaints regarding their treatment, in particular in case of physical and psychological abuse, to the authorities responsible for the administration of the place of detention, to higher authorities and, when necessary, to judicial authorities;
- Ensure that the leaflet on the rights of detainees, along with the complaint form about ill-treatment and poor detention conditions, is distributed to all individuals held in detention in a language that they understand and it is exhibited in areas accessible to the detainees including in their cells.

### **PUSH-BACKS AND COLLECTIVE EXPULSIONS**

Amnesty International calls the Greek authorities to ensure that:

- All those intercepted in the Aegean or apprehended at the land border with Turkey have access to individualized procedures to seek international protection or raise other protection needs;
- All those intercepted in the Aegean or apprehended at the land border with Turkey have access to an effective remedy against any deportation decision.

### **MEASURE TO COMBAT HATE CRIMES**

Amnesty International calls the Greek authorities to:

- Collect and publish data on hate crimes at all levels, including reporting, investigation, prosecution and sentencing. Data should be disaggregated by discriminatory motive and used by authorities to develop policies to effectively combat hate crimes and discrimination;
- Extend the mandate of the Special Police Departments and Offices tasked with investigating racially motivated hate crime to other discriminatory grounds on the basis of which a crime can be perpetrated under Article 79 para 3 of the GCC;
- Ensure that the Special Police Departments and Offices are adequately resourced and that their staff receives system systematic and adequate training in human rights and anti-discrimination;
- Ensure that any amendments introduced in Law 927/1979 on hate speech properly balance the protection against discrimination with protection of the right to freedom of expression. The amendments should be changed to reflect the growing international legal consensus that criminal punishment of expression should only be used – if at all –for the most serious cases of intentional advocacy of hatred that constitutes incitement to discrimination, hostility or violence and that there should be a presumption against prohibitions of expressions of opinion on historical events;
- Adopt legislation that ensures that victims of hate crime or other serious human rights violations that have an irregular status are protected from detention and deportation during the criminal investigation and possible prosecution of the alleged perpetrators;
- Ensure that all crimes perpetrated with a discriminatory motive, including racially motivated crimes, are fully and effectively investigated, including by taking all steps to unmask the discriminatory motive. Those against whom sufficient admissible evidence exists should be prosecuted under laws providing for sanctions that reflect the gravity of the human rights abuses;
- Ensure the effective implementation of Circular 7100/4/3 concerning the obligation of the police to investigate possible racist motives and adopt further binding protocols to ensure that investigative authorities exercise due diligence to unmask any alleged hate motive on the basis of which a crime may be perpetrated;
- Ensure that any alleged hate motive is duly taken into account in the prosecution and sentencing of perpetrators of hate crimes, including through instructions to prosecutors, or legislative changes as necessary;

### **ON STATE POLICIES AND PRACTICES GIVING RISE TO RACIAL PROFILING AND ARBITRARY ARRESTS**

Amnesty International calls the Ministry of Public Order and Citizens' Protection and the Greek Law Enforcement Agencies to implement the following measures:

- Condemn racial profiling as discriminatory and illegal and state clearly that it is also illegal to select individuals for identity checks or detention based on their real or perceived ethnic or racial characteristics;
- Provide police officers with training on how to conduct identity checks on irregular migrants in compliance with the principle of equality and the prohibition of discrimination, in conformity with Article 40 of the European Code of Police Ethics, which provides that “the police shall carry out their tasks in a fair manner, guided, in particular, by the principles of impartiality and non-discrimination”;
- Ensure that any deprivation of liberty, even for short period of time, during an identity check is based on a reasonable and individualized suspicion that a person’s identification documents are not authentic or that a person has committed an offence; ensure that all individuals deprived of their liberty are informed of the legal basis of their detention;
- Halt discriminatory police raids at Roma settlements;
- Ensure that detention of irregular migrants is only applied as a last resort after all alternatives have been considered, for the shortest possible time and for no longer than the time necessary for deportation, and that the detention complies with Article 5 of the European Convention on Human Rights;
- The decision to detain should always be based on a detailed and individualized assessment, including the personal history of, and the risk of absconding presented by, the individual concerned. Such assessments should consider the necessity and appropriateness of detention, including whether it is appropriate to the objective to be achieved.

#### **ON THE CRIMINALIZATION OF TORTURE IN NATIONAL LAW**

Amnesty International calls the Ministry of Justice, Transparency and Human Rights to bring the definition of torture as this is provided in Article 137 (A) (2) to be in line with international law, in particular, the law should include:

- Acts of torture inflicted at the instigation or with the consent or acquiescence of a public official or other person acting in an official capacity;
- Acts committed “for any reason based on discrimination of any kind”, including acts based on gender, sexual orientations, national, ethnic or religious origins;
- Isolated or sporadic acts which may be excluded under the current law as failing to meet the requirement that acts be “systematic”;
- Rape and other forms of sexual violence as forms of torture.

## ENDNOTES

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1 Police Violence in Greece: Not just 'Isolated Incidents', July 2012, AI Index EUR 25/005/2012; see also Greece: In the shadow of impunity: Ill-treatment and the misuse of firearms, Amnesty International and International Helsinki Federation for Human Rights, AI Index EUR 25/002/2002; Greece: Alleged Abuses in the Policing of Demonstrations, March 2009, AI Index EUR 25/001/2009.

2 A week before the fatal stabbing of Pavlos Fyssas, thirty Golden Dawn members carrying crowbars reportedly attacked several Communist party members distributing leaflets at the area of Perama in Piraeus resulting in nine of those attacked requiring hospital treatment.

3 The law was voted on 17 December 2013.

4 According to EUROSTAT unemployment rates in Greece reached 27,3 % in August 2013 while unemployment rates for young persons (under 25) to 58% (see [http://epp.eurostat.ec.europa.eu/statistics\\_explained/index.php/Unemployment\\_statistics](http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Unemployment_statistics)).

5 As a result of these measures, the latest figures show a sharp decrease in the number of irregular entries via the Greek-Turkish land borders. During the first 11 months of 2012 a total of 33,311 people were apprehended along the Greece-Turkish borders (land and sea) while during the same period in 2013, 11,423 were apprehended. For the same period the number of apprehensions in the land border dropped from 30,351 to 942 (see [http://www.astynomia.gr/images/stories//2013/statistics13/stat\\_allod/etsynora.JPG](http://www.astynomia.gr/images/stories//2013/statistics13/stat_allod/etsynora.JPG) )

6 Survivors told Amnesty International amongst others that their boat was being towed by the Greek coastguard with great speed towards Turkey, tried to prevent those migrants who knew how to swim from boarding on the coastguard vessel when the migrant boat started sinking and that they ill-treated and threatened them. The authorities on the other hand stated that the migrant boat capsized during a search and rescue operation in bad weather when two of the migrants fell into the sea and the others moved into one side of the boat and denied the allegations of a push-back. See [www.amnesty.org/en/library/asset/EUR25/002/2014/en/de5d3da7-3bba-441f-b3b0-591d3dc614b1/eur250022014en.html](http://www.amnesty.org/en/library/asset/EUR25/002/2014/en/de5d3da7-3bba-441f-b3b0-591d3dc614b1/eur250022014en.html).

Out of the 27 refugees and migrants on the boat that sunk, 16 survived. Three bodies of those missing were found in Turkey and the island of Samos and eight were retrieved from the sunk ship. Eight of the refugees that drowned were children.

The survivors' testimonies came to light in a statement made by UNHCR on 21 January 2014. UNHCR called the Greek authorities to investigate the incident (Statement on boat incident of Greece coast, 21 January 2014, at [www.unhcr.org/52df83d49.html](http://www.unhcr.org/52df83d49.html)).

In response to the incident, the Council of Europe Commissioner for Human Rights urged the Greek authorities to "put an end to the illegal practice of collective expulsions and effectively investigate all such cases". A criminal investigation has started into the incident by the Prosecutor of the Naval Court of Piraeus. A criminal investigation has also been started by the Prosecutor of the Athens Military Court over the survivors' allegations that they were ill-treated and stripped naked when they were transferred by coastguard to Farmakonisi. A third criminal investigation also started in relation to the responsibility of the Syrian national accused of being the driver of the migrant boat and is being conducted by an investigative judge on the island of Kos (the nearest island to Leros).

7 Between August 2012 and January 2014, at least 181 refugees and migrants, the majority of whom were Syrian and Afghan, were reported dead or missing in at least twelve known incidents attempting to reach Greece by boat from Turkey.

See An international failure: The Syrian Refugee Crisis, AI Index: ACT 34/001/2013, 13 December 2013, at [www.amnesty.org/en/library/asset/ACT34/001/2013/en/8a376b76-d031-48a6-9588-ed9aee651d52/act340012013en.pdf](http://www.amnesty.org/en/library/asset/ACT34/001/2013/en/8a376b76-d031-48a6-9588-ed9aee651d52/act340012013en.pdf).

8 Between March and October 2013, Amnesty International interviewed 42 individuals who described at least 44 separate instances of collective expulsions from Greece to Turkey, which they claimed to have experienced themselves between August 2012 and July 2013. See *Fortress Europe: Human rights abuses in Greece's border with Turkey*, AI Index: 25/008/2013, July 2013, at [www.amnesty.org/en/library/info/EUR25/008/2013/en](http://www.amnesty.org/en/library/info/EUR25/008/2013/en); Many more testimonies have also been collected between November 2013 and January 2014. See also *Pro-Asyl, Pushed Back: Systematic human rights violations against refugees in the Aegean sea and at the Greek-Turkish land border*, November 2013.

9 See various press statements of Miltiadis Varvitsiotis, the Minister of Shipping and the Aegean and the Greek coastguard at [www.hcg.gr/node/6770](http://www.hcg.gr/node/6770); [www.hcg.gr/node/6778](http://www.hcg.gr/node/6778).

10 See amongst others, Greek Ombudsperson, *Special report on racist violence – “The phenomenon of racist violence in Greece and how is being dealt with”*, Athens, September 2013, [www.synigoros.gr/resources/docs/eidikiekthesiratsistikivia.pdf](http://www.synigoros.gr/resources/docs/eidikiekthesiratsistikivia.pdf), p. 6; Racist Violence Recording Network, *Annual Report 2012*, at [www.unhcr.gr/1againstracism/%CE%B4%CE%AF%CE%BA%CF%84%CF%85%CE%BF-%CE%BA%CE%B1%CF%84%CE%B1%CE%B3%CF%81%CE%B1%CF%86%CE%AE%CF%82-%CF%80%CE%B5%CF%81%CE%B9%CF%83%CF%84%CE%B1%CF%84%CE%B9%CE%BA%CF%8E%CE%BD-%CF%81%CE%B1%CF%84%CF%83-3/](http://www.unhcr.gr/1againstracism/%CE%B4%CE%AF%CE%BA%CF%84%CF%85%CE%BF-%CE%BA%CE%B1%CF%84%CE%B1%CE%B3%CF%81%CE%B1%CF%86%CE%AE%CF%82-%CF%80%CE%B5%CF%81%CE%B9%CF%83%CF%84%CE%B1%CF%84%CE%B9%CE%BA%CF%8E%CE%BD-%CF%81%CE%B1%CF%84%CF%83-3/).

11 See also European Union Agency for Fundamental Rights, *Racism, Discrimination, Intolerance and Extremism: Learning from experiences in Greece and Hungary*, December 2013 (FRA report 2013).

12 See amongst others: statement of Prime Minister Antonis Samaras in October 2013 in a meeting with his Maltese counterpart where he said: “We have as many unemployed as we have irregular migrants and this cannot continue...”- [www.kathimerini.gr/4dcgil\\_w\\_articles\\_kathremote\\_1\\_21/10/2013\\_524065](http://www.kathimerini.gr/4dcgil_w_articles_kathremote_1_21/10/2013_524065).

13 See [www.youtube.com/watch?v=6Y09xr846cg](http://www.youtube.com/watch?v=6Y09xr846cg); See speech of Ilias Kasidiaris in 2012 at the area of Aspropyrgos where many Roma live calling the residents to get rid of the “human garbage” in the area; Video links in article “Racist delirium against Roma by Golden Dawn”, [www.ethnos.gr/article.asp?catid=22768&subid=2&pubid=63933903](http://www.ethnos.gr/article.asp?catid=22768&subid=2&pubid=63933903).

14 See [www.tovima.gr/politics/article/?aid=503093](http://www.tovima.gr/politics/article/?aid=503093).

15 Amnesty International uses the term “less-lethal” for weapons to refer to various types of projectiles, toxic chemical irritants and their guns or other launchers which have the potential to be lethal and cause serious injury. Such weapons can be distinguished from fully lethal weapons such as various types of firearms and corresponding live ammunition. ‘Less-lethal weapons’ are usually used by law enforcement officers in riot control and include such devices as water cannon, impact rounds (most commonly known as plastic and rubber bullets), toxic chemical irritants and agents such as CS gas and pepper spray (commonly referred to as tear gas), stun grenades (sound blast weapons), hand held batons (including truncheons) and other dangerous items. These can all result in serious injury and even death if not designed or used very carefully. Many of these weapons, including their medical effects, have not been independently assessed and the inherent effects of some of the projectiles, substances and launchers can result in a much higher level of injuries and deaths, and are easily open to misuse.

16 Earlier that evening, Panos Kammenos, the leader of Independent Greeks, a small right wing party, was reportedly briefly assaulted by some protesters when he tried to visit the site where Pavlos Fyssas was fatally stabbed.

17 See video of demonstration at [www.youtube.com/watch?v=uEahd5xT9PY](http://www.youtube.com/watch?v=uEahd5xT9PY).

18 Manolis Kypreos also told the organization that he was threatened by a DELTA police officer during the protest. Manolis Kypreos has lost his hearing while covering a demonstration in June 2011 after a riot police officer threw a stunt grenade directly at him. See also testimony of protester in [www.youtube.com/watch?v=znB6SqMKoIA](http://www.youtube.com/watch?v=znB6SqMKoIA).

19 More than 130 protesters were reportedly transferred to police stations and 34 were formally arrested.

20 M, Stark, (editor) (2005), *Clinical Forensic Medicine: A Physician's Guide*, Human Press, p. 198.

21 See video where a riot police officer is depicted firing directly chemical irritants against protesters after clashes erupted and members of far right groups throwing stones at protesters and heard asking the police for support at [www.youtube.com/watch?v=SXIS3NHdmdO](http://www.youtube.com/watch?v=SXIS3NHdmdO).

22 For pictures of the demonstrators injured and of the impact rounds used see more extensively *Policing Demonstrations in the European Union*, October 2013, AI Index EUR 01/022/2012.

23 Amnesty International has interviewed several of the residents who were transferred to the Polygyros police station and to the Thessaloniki Police Headquarters and questioned as witnesses over the arson attack. The vast majority of those interviewed said that they were intimidated into giving a DNA sample, including by being threatened and subjected to verbal abuse. Those residents whose DNA was obtained were reportedly given a paper to sign stating that they had given their consent. One of the residents interviewed reported that he was physically coerced to give his DNA after he refused to do so. On Amnesty International concerns over the DNA collection, see 'Greece: Need for investigation of police conduct towards residents of town objecting gold mining operations', Public Statement of 22 March 2013, AI index EUR 25/004/2013. Twenty residents were charged over the arson and four of them were placed in pre-trial detention. They were released in October 2013.

24 See videos at 56 minute at movie "Gold during the years of crisis: Part II" by Giorgos Avgeropoulos at [www.youtube.com/watch?v=W64D5MuVFIg](http://www.youtube.com/watch?v=W64D5MuVFIg). Also [www.youtube.com/watch?v=qokYxt94Yxc](http://www.youtube.com/watch?v=qokYxt94Yxc).

25 See [giatinkinonikiaristera.blogspot.co.uk/2012/10/21-10-2012-video.html](http://giatinkinonikiaristera.blogspot.co.uk/2012/10/21-10-2012-video.html). Videos also show the women protesters requesting the police to put down a small fire that broke out in the forest and going to assist the Fire Brigade. See [www.youtube.com/watch?v=knStr-er2EU](http://www.youtube.com/watch?v=knStr-er2EU).

26 Katerina Inglezi, an MP from the SYRIZA party also described to Amnesty International how she was pushed and hit with baton by a police officer outside the Polygyros police station when she asked to have access to the arrested protesters held there.

27 The lawyers representing the protesters informed Amnesty International that during the trial hearing the police officers who were called to testify said that they proceeded with arrests following an order by their superiors and they had not seen any of the arrested protesters committing an offence.

28 See Ministerial Decision No. 7012/6/103 of 2009 as amended by a Ministerial Decision in 2010 at [www.policenet.gr](http://www.policenet.gr); The YAT (Police Units for the Restoration of Order) are supported by officers belonging to the so called YMET units. Officers belonging to the YET units are required to wear their personal identification numbers on the sleeves of their uniform.

29 DIAS and DELTA are motorbike police patrol units which are currently used also during

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demonstrations.

30 Greek anti-fascist protesters 'tortured by police' after Golden Dawn clash, article by Maria Margaronis, 9 October 2012, <http://www.theguardian.com/world/2012/oct/09/greek-antifascist-protesters-torture-police>; Also for extensive testimonies of the protesters see documentary at <http://omniatv.com/blog/3475-%CE%BA%CE%B1%CE%B9-%CE%B3%CE%B9%CE%B1-%CE%BD%CE%B1-%CE%BC%CE%B7%CE%BD-%CE%BE%CE%B5%CF%87%CE%BD%CE%AC%CE%BC%CE%B5-%E2%80%9C15%E2%80%B3-%CE%AD%CE%BD%CE%B1-%CE%BD%CF%84%CE%BF%CE%BA%CE%B9%CE%BC%CE%B1%CE%BD%CF%84%CE%AD%CF%81-%CE%B3%CE%B9%CE%B1-%CF%84%CE%BF%CE%BD-%CE%B2%CE%B1%CF%83%CE%B1%CE%BD%CE%B9%CF%83%CE%BC%CF%8C-%CF%84%CF%89%CE%BD-%CE%B1%CE%BD%CF%84%CE%B9%CF%86%CE%B1%CF%83%CE%B9%CF%83%CF%84%CF%8E%CE%BD-%CE%BC%CE%AD%CF%83%CE%B1-%CF%83%CF%84%CE%B7-%CE%B3%CE%B1%CE%B4%CE%B1-%CF%83%CF%84%CE%B9%CF%82-30-9-12>.

31 A recording of parts of the meeting was released by HOT DOC, the Greek investigative journal, along with many testimonies of refugees describing how they were pushed back and ill-treated by Greek the coastguard and police; for the recording see [www.koutipandoras.gr/article/102089/hot-doc-apokalyptei-ihitiko-ntokoymento-prepei-na-toys-kanoyme-vio-avioto](http://www.koutipandoras.gr/article/102089/hot-doc-apokalyptei-ihitiko-ntokoymento-prepei-na-toys-kanoyme-vio-avioto); also See "Greece: Investigate police chief's alleged call targeting migrants" at [www.amnesty.org/en/news/greece-alleged-racist-remarks-police-chief-must-be-investigated-2013-12-19](http://www.amnesty.org/en/news/greece-alleged-racist-remarks-police-chief-must-be-investigated-2013-12-19).

32 The pictures seen by Amnesty International and published in the national media showed bruising around K's eye and on the left side of his upper body. While visiting the centre in April 2013, Amnesty International met K who was still in detention but was visibly afraid to speak. He recounted again his ill-treatment to the organization once he was released from detention. In response to Amnesty International's questions, the director of the centre said that the allegation was investigated but was not proved.

33 This report uses the term 'refugees' to refer to those that have fled persecution or conflict, regardless of whether they have been recognized as such. The term 'migrants' is used to refer to people who have crossed or attempted to cross the border between Turkey and Greece for economic reasons, regardless of how they entered the country or the legality of their stay.

34 In November 2013, the three-member Appeals Court in Nafplio acquitted the 24 migrants arrested and charged amongst others with rioting during a migrants' uprising at the Corinth immigration detention centre over poor detention conditions in November 2012. Further, in January 2014, the three-member Appeals Court in Nafplio acquitted 48 migrants who were charged with the felony charges of prisoners' revolt and causing serious bodily harm to police officers during a protest against very poor detention conditions at the Corinth immigration detention centre in April 2013. One migrant was sentenced to four months for causing a light physical injury to a police officer and a second one for causing some damages to another's property.

35 In April 2013, the local authorities told Amnesty that an investigation was being conducted into the incident. See *Fortress Europe*, op.cit; also "Greece: Systematic and Prolonged Detention of Irregular Migrants and Asylum-Seekers provokes riot", Public Statement, 16 August 2013, AI Index: EUR 25/014/2013, at [www.amnesty.org/en/library/asset/EUR25/014/2013/en/701f8e63-2d2c-4abb-9498-7e80f39c8c2f/eur250142013en.pdf](http://www.amnesty.org/en/library/asset/EUR25/014/2013/en/701f8e63-2d2c-4abb-9498-7e80f39c8c2f/eur250142013en.pdf).

36 See Fortress Europe, *op.cit.*

37 For further allegations of ill-treatment by refugees and migrants reporting collective expulsions by the Greek police and coastguard, see Pro-Asyl, *Pushed Back: Systematic human rights violations against refugees in the Aegean sea and at the Greek-Turkish land border*, November 2013. Several cases have also been reported in recent months by the national media.

38 On 1 August 2013, Amnesty International spoke with the Head of the Security Branch of the Greek coastguard to request clarifications over the incident and raise the organization's concerns over the serious allegations received. The Head of the Security Branch denied that the boat was pushed back by the Greek authorities and said that the boat was found on Turkish waters and that the Greek authorities had notified the Turkish authorities to pick up the boat. Amnesty International has also sent a letter to the Greek authorities. However, no official reply has been received (TG EUR 25.2013.022, 12 September 2013).

39 E and his mother also described to Amnesty International how they were pushed back by coastguard on 19 September 2013. They were part of a group of 35 refugees and migrants including children. E also recounted how four coastguard officers used violence against him and the other men of the group. His mother witnessed and confirmed to Amnesty International the ill-treatment

40 Not her real name.

41 At the end of April 2013, the Council of Appeal Judges in Athens rejected the Turkish extradition request, meaning Deniz can remain in Greece.

42 For attacks against members of the LGBTI community in Greece see report *Because of Who I am: Homophobia, Transphobia and Hate Crimes in Europe*, AI Index: EUR 01/014/2013, September 2013.

43 Its members include Amnesty International, the Hellenic League for Human Rights, the Greek Council of Refugees and other national refugee and human rights NGOs and refugee communities.

44 "The State must send a clear message against racist violence", press release, 25 September 2013, at [www.unhcr.gr/1againstracism](http://www.unhcr.gr/1againstracism).

45 The term "hit squads" or "assault squads" has been used by the Greek media, NGOs conducting research into hate crime and the Network Recording Racist Incidents to describe the organized manner and military type of attacks by these far-right groups.

46 Racist Violence Recording Network, *Annual Report 2012*, *op.cit.*

47 Racist Violence Recording Network, "The Greek State must send a clear message against racist violence", 25 September 2013.

48 For many years, the data submitted by the Greek authorities to various international fora on hate crime have been limited. For example, according to statistics provided to the Greek Ombudsperson by the Directorate of State Security of the Greek Police, the police recorded three incidents with an alleged hate motive during 2010, 22 in 2011 and 84 during 2012. On the other hand, during 2012, the Racist Violence Recording Network documented 154 incidents of racist violence. For that purpose, the Network and Amnesty International recommended to the Greek authorities to establish and operate a unified special system across the country for recording and monitoring racist incidents and other hate crime that will be administered by the Ministry of Justice, Transparency and Human Rights and will link information by NGOs, hospitals and other appropriate bodies. In their response to the Commissioner for Human Rights and to the FRA in 2013, the Greek authorities stated that they had set up a unified mechanism for recording racist incidents and a unified database was under development with a view to monitoring

relevant cases. A Police Circular (No. 7100/11/21-or dated 21 August 2012) has also been issued and forwarded to competent police departments containing instruction on recording such data. However, the FRA has noted that details for the implementation of this measure have not been made available. (See Greek Ombudsperson, Special report on racist violence – “The phenomenon of racist violence in Greece and how is being dealt with”, *op.cit.*, pp.11-12; also FRA Report 2013, pp. 18-19). In response to query posed by Amnesty International in January 2013, the Headquarters of the Greek Police stated that both a unified mechanism and a unified database have been set up and that the Greek police registers all data twice a year, submits them to the Greek Police Headquarters which subsequently sends them to the Ministry of Justice Transparency and Human Rights (see Reply by the Headquarters of the Greek Police of 11 February 2014 to Amnesty International’s questions of 8 January 2014).

49 See [www.youtube.com/watch?v=kmRTpgMXog4](http://www.youtube.com/watch?v=kmRTpgMXog4).

50 See [news247.gr/eidiseis/koinonia/nea\\_epithesh\\_ths\\_xryshs\\_ayghs\\_se\\_laikh\\_agora\\_sto\\_mesologgi.1921156.html](http://news247.gr/eidiseis/koinonia/nea_epithesh_ths_xryshs_ayghs_se_laikh_agora_sto_mesologgi.1921156.html).

51 The authorities investigated the two MPs for undertaking unlawfully the role of the authorities and their involvement in the destruction of the migrants’ stalls. The two incidents have currently been included into the folder of incidents attributed to MPs and members of Golden Dawn and are investigated by three special prosecutors of the Athens Appeals’ Court.

52 According to news reports, one of the men involved in the attack against the Egyptian fishermen was allegedly involved in the attack against members of the communist party in Perama and the fatal stabbing of Pavlos Fyssas.

53 A third migrant who reportedly also participated to the killing of Manolis Kandararis is still being sought by the police.

54 In July 2013, the Movement “Evict Racism and Fascist Threat” (KEERFA) informed Amnesty International about allegations that police officers had tortured and racially abused three Pakistani migrants while they were being transferred to Athens airport for deportation on 27 June 2013. According to the victims’ lawyers, the officers accompanying the three migrants ill-treated them in the cars in which they were being transported and in a room in the airport when the migrants refused to be deported. The allegations included kicks, punches and the use of electric shocks on their bodies and genitals. The migrants also alleged that they were subjected to racist verbal abuse and sexual harassment.

55 Since 2000, Amnesty International has documented that members of vulnerable groups such as the Roma, asylum-seekers and migrants are particularly at risk of abuses at the hands of law enforcement officials. The pattern of abuses has been sufficiently clear to leave little room for doubt that xenophobia and racial profiling has played a part in the human rights violations suffered by members of these groups. See Greece: In the shadow of impunity – Ill-treatment and the misuse of firearms, Amnesty International and the International Helsinki Federation for Human Rights, AI Index: EUR 25/022/2002, September 2002, (AI/IHF 2002 Report); Greece: Out of the spotlight – The rights of foreigners and minorities are still a grey area, AI Index: EUR 25/016/2005, at [www.amnesty.org/en/library/asset/EUR25/016/2005/en/d5de30c4-d4aa-11dd-8a23-d58a49c0d652/eur250162005en.html](http://www.amnesty.org/en/library/asset/EUR25/016/2005/en/d5de30c4-d4aa-11dd-8a23-d58a49c0d652/eur250162005en.html).

56 Network for Recording Incidents of Racist Violence, Annual Report 2012, *op.cit.*

57 Out of the 47 incidents, 17 were lodged in the form of a complaint to the Greek Ombudsperson during 2012. They included racially motivated ill-treatment or verbal abuse of third country nationals during police checks or in detention and unjustified transfers of third country nationals to police stations

during sweep operations to target irregular migration. See Greek Ombudsperson, Special report on racist violence – “The phenomenon of racist violence in Greece and how is being dealt with”, Athens, September 2013, [www.synigoros.gr/resources/docs/eidikiekthesiratsistikivia.pdf](http://www.synigoros.gr/resources/docs/eidikiekthesiratsistikivia.pdf).

58 “The State must send a clear message against racist violence”, press release, 25 September 2013, at <http://www.unhcr.gr/1againstracism/>. Also Greek Ombudsperson, Special report on racist violence, op.cit.

59 Police Violence in Greece: Not just ‘Isolated Incidents’, op.cit, pp. 20-23.

60 Network for Recording Incidents of Racist Violence, Annual Report 2012, op.cit.

61 See [greece.greekreporter.com/2013/09/17/woman-kicking-girl-pic-goes-viral/](http://greece.greekreporter.com/2013/09/17/woman-kicking-girl-pic-goes-viral/).

62 Amnesty International also understands that the official response of the Minister of Public Order and Citizens’ Protection to a parliamentary question was that, following the investigation, a case file was submitted by the police to the competent prosecutor. On the other hand, the Minister of Justice, Transparency and Human Rights replied that there has been no pending case file of the incident before the competent prosecutor’s office in Athens. As a result, a new parliamentary question was posed by MP Maria Yannakaki as to the fate of the investigation. See [mariayannakaki.gr/index.php/vouli/655-parapese-dikografia-paidiou-roma-akropoli](http://mariayannakaki.gr/index.php/vouli/655-parapese-dikografia-paidiou-roma-akropoli).

63 For further information on Anna’s case see: The State decides who I am: Lack of Legal Gender Recognition for Transgender People in Europe, AI Index: EUR 01/001/2014, p. 13.

64 Interview with lawyer Elektra Koutra, January 2014.

65 For a video of the attack see [//omniatv.com/blog/2374-%CE%BD%CE%B1%CE%B6%CE%B9%CF%83%CF%84%CE%B9%CE%BA%CE%AE-%CE%B5%CF%80%CE%B9%CE%B4%CF%81%CE%BF%CE%BC%CE%AE-%CE%B5%CE%BD%CE%B1%CE%BD%CF%84%CE%AF%CE%BF%CE%BD-%CE%BA%CE%B1%CF%84%CE%BF%CE%AF%CE%BA%CF%89%CE%BD-%CF%84%CE%B7%CF%82-%CF%80%CE%BB-%CE%B1%CE%BC%CE%B5%CF%81%CE%B9%CE%BA%CE%AE%CF%82](http://omniatv.com/blog/2374-%CE%BD%CE%B1%CE%B6%CE%B9%CF%83%CF%84%CE%B9%CE%BA%CE%AE-%CE%B5%CF%80%CE%B9%CE%B4%CF%81%CE%BF%CE%BC%CE%AE-%CE%B5%CE%BD%CE%B1%CE%BD%CF%84%CE%AF%CE%BF%CE%BD-%CE%BA%CE%B1%CF%84%CE%BF%CE%AF%CE%BA%CF%89%CE%BD-%CF%84%CE%B7%CF%82-%CF%80%CE%BB-%CE%B1%CE%BC%CE%B5%CF%81%CE%B9%CE%BA%CE%AE%CF%82)

66 See also interview at [www.athensvoice.gr/article/city-news-voices/%CE%B8%CE%B5%CE%BC%CE%B1-%CF%80%CE%BF%CE%BB%CE%B9%CF%84%CE%B9%CE%BA%CE%B7/h-%CE%B3%CE%B9%CE%AC%CE%BD%CE%BD%CE%B1-%CE%BA%CE%BF%CF%8D%CF%81%CF%84%CE%BF%CE%B2%CE%B9%CE%BA-%CE%B3%CE%B9%CE%B1-%CF%84%CE%BF-%CE%B1%CF%84-%CE%B1%CE%B3-%CF%80%CE%B1%CE%BD%CF%84%CE%B5%CE%BB%CE%B5%CE%AE%CE%BC%CE%BF%CE%BD%CE%B1](http://www.athensvoice.gr/article/city-news-voices/%CE%B8%CE%B5%CE%BC%CE%B1-%CF%80%CE%BF%CE%BB%CE%B9%CF%84%CE%B9%CE%BA%CE%B7/h-%CE%B3%CE%B9%CE%AC%CE%BD%CE%BD%CE%B1-%CE%BA%CE%BF%CF%8D%CF%81%CF%84%CE%BF%CE%B2%CE%B9%CE%BA-%CE%B3%CE%B9%CE%B1-%CF%84%CE%BF-%CE%B1%CF%84-%CE%B1%CE%B3-%CF%80%CE%B1%CE%BD%CF%84%CE%B5%CE%BB%CE%B5%CE%AE%CE%BC%CE%BF%CE%BD%CE%B1)

67 Several other individuals, including the head of the local Golden Dawn unit, have also been questioned as suspects in the case.

68 See [www.alpha989.com/Interview.aspx?a\\_id=63752](http://www.alpha989.com/Interview.aspx?a_id=63752) and also the Protagonistes episode on Pavlos Fyssas at [www.youtube.com/watch?v=LIQBpZot7o0](http://www.youtube.com/watch?v=LIQBpZot7o0).

69 See [www.prismanews.gr/index.php/ellada/item/67960-autoi-einai-dialogoi-fissa](http://www.prismanews.gr/index.php/ellada/item/67960-autoi-einai-dialogoi-fissa).

70 Article 187 of the GCC provides that a person who establishes or is included as a member in a structured and sustained action group, composed of three or more members (organization), which seeks the perpetration of a series of serious offenses of the GCC will be punished with incarceration of up to

ten years. The serious offences include counterfeit, circulation of counterfeit currency, forgery, violations related to explosive materials, causing grave bodily harm and extortion.

71 Greek Police press release, 18 September 2013, at [www.ytp.gr](http://www.ytp.gr).

72 In the aftermath of the stabbing of Pavlos Fyssas, two high ranking police officials resigned, citing personal reasons, while seven other high- and medium-ranking police officials including the head of riot police in Keratsini were replaced and transferred to other posts. In their statements, the Greek authorities underlined that the police officials had been replaced in order to ensure the objectivity of the investigation conducted by the Internal Affairs Directorate, but they emphasized that there was no evidence that the officials concerned had any links with Golden Dawn.

73 The attack against P. Boussios and his cameraman and the failure of the police to protect them was condemned by the International and European Federations of Journalists at [esiea.gr/gr/index.html](http://esiea.gr/gr/index.html).

74 In a video broadcasted by Star channel, one can hear the beginning of the attack against the journalist and his cameraman - see [www.star.gr/Pages/Media.aspx?art=206773&artTitle=agria\\_epithesi\\_melon\\_chrysis\\_avgis\\_se\\_dimosiograf\\_o\\_tou\\_star](http://www.star.gr/Pages/Media.aspx?art=206773&artTitle=agria_epithesi_melon_chrysis_avgis_se_dimosiograf_o_tou_star).

75 During that protest, Christos Pappas, another Golden Dawn MP, released one of the protesters from a police van and, according to a video of the events, the police at the scene did not prevent him from doing so. Amnesty International learned that the Greek police filed a criminal complaint against the MP, and that Antonis Roupakiotis, then Minister of Justice, Transparency and Human Rights, asked the Supreme Court Prosecutor to investigate whether action should be brought against the police officers who had failed to stop the MP from releasing the arrested protester.

76 In its 2012 report on xenophobic violence in Greece, Human Rights Watch noted that its research has shown that a 100 Euro fee discouraged some victims of hate crime from filing a complaint (see Hate on the streets – Xenophobic violence in Greece, July 2012 at [www.hrw.org/sites/default/files/reports/greece0712ForUpload.pdf](http://www.hrw.org/sites/default/files/reports/greece0712ForUpload.pdf) ).

77 According to data collected by the Network in 2012, in 79 out of 154 cases migrants in irregular situation were targeted with allegedly hate motivated violence. See also "Horrific knife attack targets migrants in Greece", 14 August 2013, at [www.amnesty.org/en/for-media/press-releases/greece-horrific-knife-attack-targets-migrants-crete-2013-08-14](http://www.amnesty.org/en/for-media/press-releases/greece-horrific-knife-attack-targets-migrants-crete-2013-08-14).

78 "Despair pervades camps after 33 migrant workers are shot at Manolada", op.cit.

79 See [www.gcr.gr/index.php/en/news/press-releases-announcements/item/330-deltio-typou-dipli-thymatopoiisi-ton-ergaton-gis-tis-manoladas](http://www.gcr.gr/index.php/en/news/press-releases-announcements/item/330-deltio-typou-dipli-thymatopoiisi-ton-ergaton-gis-tis-manoladas).

80 Meeting with representatives of the Greek Police including the Special Departments in April 2013.

81 Amendment introduced by Law 4139/2013. This law also introduced an amendment to Article 79 para. 3 according to which prison sentence imposed for a hate crime would not be subject to suspension.

82 Meeting with N Ornerakis, 2 April 2013; Phone interview with Spyridon Pappas, March 2014.

83 Under Police Circular 7100/4/3, police officers are under an obligation to investigate a possible racist motive in the following instances: a. when the alleged perpetrators confess that the racist motive; b. when the victims and witnesses allege a racist motive; c. when there are indication on the basis of evidence admitted by the Criminal Procedure Code; d. when the alleged perpetrators and victims belong to different racial, religious and social groups. Senior police officers are also under the obligation to investigate any possible racist motive when conducting disciplinary inquiries into cases concerning

unlawful conduct of police officers against individuals belonging to vulnerable groups. In such cases, the officers conducting such inquiries are under the obligation to mention in their findings whether they investigated the existence or not of a possible racist motive. The Circular also requires from police officers to record racially motivated incidents via a specially designed form.

84 See FRA Report 2013, pp. 31. According to the National Commission on Human Rights, a way the authorities can ensure that police officers investigate a possible hate motive in a case is to introduce the criteria stipulated in Police Circular 7100/43 to the Police Officers' Code of Conduct.

85 See also press release of the Network Recording Racist Incidents, "The murder of Shehzad Luqman was a hate crime", 7 January 2014.

86 See amongst others Press release of Attika General Police Directorate, 17 January 2013, at [www.astynomia.gr/index.php?option=ozo\\_content&lang='..'&perform=view&id=23977&Itemid=1028&lang=](http://www.astynomia.gr/index.php?option=ozo_content&lang='..'&perform=view&id=23977&Itemid=1028&lang=).

87 During the trial hearing, the two accused denied any links with Golden Dawn.

88 Amnesty International observers are attending the trial.

89 The PD was signed on 12 December 2012.

90 During 2013, the special hotline also received 450 calls and 28 of them are being investigated by the Special Departments - Reply by the Headquarters of the Greek Police of 11 February 2014 to Amnesty International's questions of 8 January 2014.

91 Reply by the Headquarters of the Greek Police of 11 February 2014 to Amnesty International's questions of 8 January 2014.

92 In 13 of these incidents, the investigation is being conducted by the Internal Affairs Directorate. –see Reply 8 January 2014, op.cit.

93 Interview with representatives of the Network, December 2013; Amnesty International has been informed from 23 January 2013 until 2 February 2013, around 200 police officers selected to staff the Special Departments and Offices underwent a special two day training on courses such as social and anti-racism issues, racism and xenophobia, detection of racist motives and "illegal" migration and racism. Further, officers from the Special Departments

participated in a seminar on combatting discrimination organized by the USA Ministry of Justice between 28 – 30 January 2014 – see Reply by the Headquarters of the Greek Police of 11 February 2014 to Amnesty International's questions of 8 January 2014)

94 Findings of Deputy Prosecutor of the Greek Supreme Court at [www.capital.gr/News.asp?id=1879846](http://www.capital.gr/News.asp?id=1879846).

95 Decision rejecting the application for the release of Nikos Mihaloliakos from pre-trial custody.

96 Publication of the Findings of the Greek Police Internal Affairs Directorate by the Head of the Directorate and the Press Officer for the investigation of the involvement of police officers in unlawful activities of members of the Golden Dawn Party as well as incidents of racist conduct and corruption, 30 October 2013, at [www.astynomia.gr/index.php?option=ozo\\_content&lang='..'&perform=view&id=33752&Itemid=1179&lang=](http://www.astynomia.gr/index.php?option=ozo_content&lang='..'&perform=view&id=33752&Itemid=1179&lang=)

97 See Greek police press release, 2 October 2013, at [www.astynomia.gr/index.php?option=ozo\\_content&lang='..'&perform=view&id=32596&Itemid=1179&lang=](http://www.astynomia.gr/index.php?option=ozo_content&lang='..'&perform=view&id=32596&Itemid=1179&lang=)

98 See 'A Chronicle of Covering up the Unlawful Activities of Aghios Panteleimon Police Station', press article, 3 October 2013, at [www.avgi.gr/article/1064776/to-xroniko-tis-sugkalupsis-tis-eknomis-drastiriotitas-tou-a-t-ag-panteleimona](http://www.avgi.gr/article/1064776/to-xroniko-tis-sugkalupsis-tis-eknomis-drastiriotitas-tou-a-t-ag-panteleimona).

99 On this case, see *Police Violence in Greece – Not just 'isolated incidents'*, op.cit, pp. 28-29.

100 See section 2.3.3. on case of attack against the Tanzanian community centre.

101 Phone Interview with Deputy Police Director, Mr Panayiotopoulos, Internal Affairs Directorate, 7 November 2013.

102 203 police officers and 3 private individuals were found to have participated in extreme police conduct. Out of those, 118 of the police officers were found to be those who had committed the acts and 85 were found to be complicit. The vast majority of extreme police conduct was recorded in the Attika region and the largest percentage in Athens (52%). In 115 of the incidents recorded, the police officers involved worked for police stations in central Athens and of the motorbike police Directorates (see Findings of the Greek Police Internal Affairs Directorate by the Head of the Directorate and the Press Officer for the investigation of the involvement of police officers in unlawful activities of members of the Golden Dawn Party as well as incidents of racist conduct and corruption, 30 October 2013, at [www.astynomia.gr/index.php?option=ozo\\_content&lang='..'&perform=view&id=33752&Itemid=1179&lang=](http://www.astynomia.gr/index.php?option=ozo_content&lang='..'&perform=view&id=33752&Itemid=1179&lang=).

103 Publication of the Findings of the Greek Police Internal Affairs Directorate, op.cit.

104 See 'Greek Police infiltrated by Golden Dawn', 11 October 2013, at [www.ft.com/cms/s/0/e5046b8c-3261-11e3-b3a7-00144feab7de.html#axzz2jgJbycwO](http://www.ft.com/cms/s/0/e5046b8c-3261-11e3-b3a7-00144feab7de.html#axzz2jgJbycwO). In various interviews in late 2012, the same Minister said that there was no systemic connection between the Greek Police and Golden Dawn but could not exclude some few specific incidents where police officers breached their duty and that they were under investigation. See [www.koutipandoras.gr/43809/%CF%8C%CF%84%CE%B1%CE%BD-%CE%BF-%CE%BD%CE%AF%CE%BA%CE%BF%CF%82-%CE%B4%CE%AD%CE%BD%CE%B4%CE%B9%CE%B1%CF%82-%CE%B4%CE%B9%CE%AD%CF%88%CE%B5%CF%85%CE%B4%CE%B5-%CF%84%CE%B9%CF%82-%CF%83%CF%87%CE%AD%CF%83.html](http://www.koutipandoras.gr/43809/%CF%8C%CF%84%CE%B1%CE%BD-%CE%BF-%CE%BD%CE%AF%CE%BA%CE%BF%CF%82-%CE%B4%CE%AD%CE%BD%CE%B4%CE%B9%CE%B1%CF%82-%CE%B4%CE%B9%CE%AD%CF%88%CE%B5%CF%85%CE%B4%CE%B5-%CF%84%CE%B9%CF%82-%CF%83%CF%87%CE%AD%CF%83.html)

105 For example, in August 2012 the Minister of Public Order and Citizens' Protections defended operation "Xenios Zeus" by saying that the failure to crack down on irregular migration would lead to social collapse and that the invasion of migrants was the biggest that Greece has faced since the Dorian invasion. See "Minister defends immigrant crackdown," at [www.ekathimerini.com/4dcgi/\\_w\\_articles\\_wsite1\\_1\\_06/08/2012\\_455644](http://www.ekathimerini.com/4dcgi/_w_articles_wsite1_1_06/08/2012_455644).

106 Between 2009 and the end of 2013, the European Court of Human Rights has found

Greece in breach of Article 3 in 15 cases concerning the detention conditions of refugees and migrants held in immigration detention centres or border guard stations [see for example the European Court of Human Rights judgments *M.S.S. v. Belgium and Greece* (Application No. 30696/09) and *Rahimi v. Greece* (Application No. 8687/08)].

107 See Law 3386/2005 at [www.astynomia.gr/images/stories/2010/fekA212-2005-N3386.pdf](http://www.astynomia.gr/images/stories/2010/fekA212-2005-N3386.pdf) and Law 3907/2011 at [www.synigoros.gr/?i=foreigner.el.metanastis-nomoi](http://www.synigoros.gr/?i=foreigner.el.metanastis-nomoi).

108 Since 2000, the Greek Ombudsman has also repeatedly pointed to the abusive nature of transfers of individuals to police stations for identity checks when there is no individualized suspicion of an offence being committed.

109 On the sweep operations coded “Xenios Zeus” see “Greece must halt mass police crackdown on irregular migrants”, AI press release, 8 August 2012, at “Greece must halt mass police crackdown on ‘irregular migrants’, 8 August 2012, at [www.amnesty.org/en/news/greece-must-halt-mass-police-crackdown-on-irregular-migrants-2012-08-08](http://www.amnesty.org/en/news/greece-must-halt-mass-police-crackdown-on-irregular-migrants-2012-08-08). “Greece: The end of the road for refugees, asylum-seekers and migrants”, AI Index: EUR 25/011/2012, December 2012; Greek Ombudsperson, Special report on racist violence – “The phenomenon of racist violence in Greece and how is being dealt with”, Athens, September 2013, see [www.synigoros.gr/resources/docs/eidikiekthesiratsistikivia.pdf](http://www.synigoros.gr/resources/docs/eidikiekthesiratsistikivia.pdf); Report of the Council of Europe Commissioner for Human Rights following his visit in Greece between 28 January and 1 February 2013, 16 April 2013, Comm DH (2013) 6, at [www.coe.int/t/commissioner/Activities/countryreports\\_en.asp](http://www.coe.int/t/commissioner/Activities/countryreports_en.asp).

110 Human Rights Watch (HRW), “Unwelcome Guests: Greek Police Abuses of Migrants in Athens”, July 2013, at [www.hrw.org/reports/2013/06/12/unwelcome-guests](http://www.hrw.org/reports/2013/06/12/unwelcome-guests);

111 Special report on racist violence, op.cit., p.36.

112 Source FRA Report 2013, op.cit., p. 21; According to the Greek Ombudsperson, the disproportion in the numbers between those stopped and searched and those found to have not papers was not just obvious but could not be challenged. The Ombudsperson also noted that this was the possible reason why the announcements by the Greek police after mid-February 2013 provided statistics that only referred to the number of people actually arrested for lack of papers, rather than the total number of the third country nationals who were checked. See Special report on racist violence, op.cit., pp. 33-38.

113 Concerns were also raised that the arrests happening during the sweep operation may put at risk of deportation individuals who are in need of international protection but are unable to apply for asylum. See “Greece must halt mass police crackdown on ‘irregular migrants’, 8 August 2012, op.cit.

114 See [cm.greekhelsinki.gr/uploads/2013\\_files/ghm1437\\_roma\\_rights\\_english.doc](http://cm.greekhelsinki.gr/uploads/2013_files/ghm1437_roma_rights_english.doc); See Report of the Council of Europe Commissioner for Human Rights following his visit in Greece, op.cit. In their reply to a question posed by MP Marian Yannakaki over the publication of the identity of Roma individuals charged for various offences during police operations, the Greek authorities denied that the publication of ethnicity of the person arrested constituted ethnic profiling if it was not followed by the person’s personal details legislation. They also stated that such data would be used amongst others for risk assessments and mapping the situation the concerns the expression of criminal behaviours (see Reply of the Ministry of Public Order and Citizens’ Protection to MP Maria Yannakaki, 23 August 2013). In recent months, the Greek authorities appear not to refer to the ethnic identity of the Roma people arrested in their press releases on police raids.

115 See Reply of the Ministry of Public Order and Citizens’ Protection to the question of MP Maria Yannakaki, 23 November 2013; See “At least 20.000 transfers from Roma settlements”, article by Elli Zotou, 22 October 2013, at [www.avgi.gr/article/1178463/sxedon-20-000-prosagoges-apo-kataulismous-roma](http://www.avgi.gr/article/1178463/sxedon-20-000-prosagoges-apo-kataulismous-roma)

116 In 2009, the Greek authorities estimated the Roma population in Greece to 250.000-300.000. NGOs such as Minority Rights Group-Greece estimate the Roma population to 300,000-350.000. See Greek Helsinki Monitor, Minority Rights Group-Greece and Coordinated organizations and communities for Roma Human Rights in Greece, Activities to improve the impact of policies, programmes and projects aimed at the social inclusion and non-discrimination of Roma people in Europe, Country Report Greece, May 2010, at [cm.greekhelsinki.gr](http://cm.greekhelsinki.gr).

117 UN Working Group on Arbitrary Detention statement upon the conclusion of its mission to Greece (21-31 January 2013), at

[www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12962&LangID=E](http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12962&LangID=E).

118 Correspondence with Panayote Dimitras, Spokesperson of the GHM.

119 For example, on 19 November 2013, the police conducted a police operation at a Roma settlement in Aspropyrgos. Out of the 120 individuals checked, 65 were transferred to police stations. Out of those, nine were arrested. Out of those arrested, eight were charged for theft of electricity. See [www.skai.gr/news/greece/article/246260/ennea-sullipseis-se-epiheirisi-se-kataulismo-roma-ston-aspropurgo/#ixzz2leisyVQ6](http://www.skai.gr/news/greece/article/246260/ennea-sullipseis-se-epiheirisi-se-kataulismo-roma-ston-aspropurgo/#ixzz2leisyVQ6).

120 In 10 October 2013, the First Misdemeanors Court in Athens acquitted 16 Roma charged with electricity theft. The court reportedly accepted the argument of the Roma that the lack of electricity posed a danger to their health, education of their children, life and property and the theft of the electricity was a result of an situation of emergency (Interview with Electra Koutra, President of the Hellenic Action for Human Rights and lawyer representing the 16 Roma at court)

121

see: [www.astynomia.gr/index.php?option=ozo\\_content&lang=%27..%27&perform=view&id=30215&Itemid=1140&lang=;](http://www.astynomia.gr/index.php?option=ozo_content&lang=%27..%27&perform=view&id=30215&Itemid=1140&lang=)

122 Currently, the 74 Roma families who live in the settlement for the past forty years are facing the risk of forcible eviction to a place far away from any residential area and without any consultation despite interim measures by the UN Human Rights Committee halting the eviction. See Urgent Action: Force Eviction of Halandri Roma Imminent, UA: 35/14 Index: EUR 25/003/2014: In 21 February 2014, the Greek authorities postponed the demolition of the dwellings in the settlement for June 2014.

123 'Greece must withdraw the provision on forced HIV testing and end the harassment of transgender women', Public Statement, 18 July 2013. AI Index EUR 25/012/2013.

124 Seven of the transgender women filed a lawsuit over their harassment. Electra Koutra also filed a lawsuit regarding her arbitrary detention and intimidation by police.

125 See Findings of the Greek Police Internal Affairs Directorate, op.cit.

126 Comm DH (2013) 6, op.cit; In response to the Commissioner's recommendations, the Greek authorities stated that they were planning to assign the amendment of the provision to a special Law-drafting committee that would be set up shortly. Also CAT/C/GRC/CO/5-6, paras 9-10.

127 For further analysis, see Police Violence in Greece: Not just 'Isolated Incidents', op cit, pp.26-29.

128 On 13 December 2011, the Athens Mixed Jury Court unanimously convicted the now veteran police officer Christos Efthymiou of aggravated torture by electric shock against two young men, Ioannis Papakostas and George Sidiropoulos at the Aspropyrgos police station in 2002. The Court imposed a sentence of six years' imprisonment pending appeal followed by 10 years' deprivation of political rights. An appeal was lodged immediately after the verdict. On 14 February 2014, the Athens Mixed Jury Appeal Court found Christos Eftymiou also guilty for aggravated torture and imposed him a sentence of five years' imprisonment that was converted into a fine. On 25 November 2013, a Naval Court in Piraeus found two coastguard officers guilty for the torture of an asylum-seeker in Chios in 2007 (see section 3.2. below).

129 Necati Zontul v. Greece; Judgment of 17 January 2012; Police Violence in Greece, op cit., pp. 27-28.

130 See [www.hellenicparliament.gr/UserFiles/bcc26661-143b-4f2d-8916-0e0e66ba4c50/k-vasan-pap.pdf](http://www.hellenicparliament.gr/UserFiles/bcc26661-143b-4f2d-8916-0e0e66ba4c50/k-vasan-pap.pdf).

131 Report of the Council of Europe Commissioner for Human Rights following his visit in Greece between 28 January and 1 February 2013, 16 April 2013, Comm DH (2013) 6, at [www.coe.int/t/commissioner/Activities/countryreports\\_en.asp](http://www.coe.int/t/commissioner/Activities/countryreports_en.asp): also CAT/C/GRC/CO/5-6.

132 Police Violence in Greece, *op cit*, pp. 46-48.

133 Law 3998/2011.

134 "Police Violence in Greece, *op cit.*, pp. 46-48.

135 See [www.hellenicparliament.gr/UserFiles/bcc26661-143b-4f2d-8916-0e0e66ba4c50/k-vasan-pap.pdf](http://www.hellenicparliament.gr/UserFiles/bcc26661-143b-4f2d-8916-0e0e66ba4c50/k-vasan-pap.pdf).

136 See for example *Bekos and Koutropoulos v Greece*, Judgment of 13 December 2005 (Application No. 15250/2002); also *Petropoulou-Tsakiris v Greece*, Judgment of 6 December 2007 (Application No. 44803/2004).

137 Greece was found to be in breach of its obligations under Article 2 para 3, read in conjunction with Article 7 and Articles 2 para 1 and 26 of the International Covenant on Civil and Political Rights. *Katsaris v Greece*, UN Human Rights Committee Views of 18 July 2012 (Communication No. 1558/2007).

138 CAT/C/GRC/CO/5-6.

139 Greece has been found many times in breach of Article 6 ECHR in cases concerning protracted judicial proceedings. In its draft Action Plan on Human Rights, the Ministry of Justice, Transparency and Human Rights announced its intention to submit to the Greek Parliament a draft law so as Greece executes the pertinent pilot judgements of the European Court of Human Rights. The draft law will introduce a remedy where victims can apply to the courts for compensation if it is found that the reasonable length of judicial proceedings has been exceeded (see [www.opengov.gr/ministryofjustice/wp-content/uploads/downloads/2013/12/Dikaiomata.pdf](http://www.opengov.gr/ministryofjustice/wp-content/uploads/downloads/2013/12/Dikaiomata.pdf))

140 Pro Asyl and Group of Lawyers for the Rights of Refugees and Migrants, The truth maybe bitter but it must be told, [www.proasyl.de/fileadmin/proasyl/.../Griechenlandbericht\\_Engl.pdf](http://www.proasyl.de/fileadmin/proasyl/.../Griechenlandbericht_Engl.pdf).

141 Endotracheal intubation is the placement of a flexible plastic tube through the mouth and vocal apparatus into the trachea to maintain an open airway.

142 Source [www.rizospastis.gr/wwwengine/story.do?id=7807335](http://www.rizospastis.gr/wwwengine/story.do?id=7807335).

143 A video where one can hear the attack also supports P's testimony. See [www.youtube.com/watch?v=p5FARBm7k48](http://www.youtube.com/watch?v=p5FARBm7k48)

144 Police Violence in Greece: Not just "isolated incidents", *op.cit.*

145 UN Human Rights Committee, General Comment 31, Nature of the General Legal Obligation on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004).

146 CAT/C/GRC/CO/5-6, paras.26.

147 Information provided by Panayote Dimitras, spokesperson of GHM. See *Kalamiotis v. Greece* (Communication 1486/2006), CCPR/C/93/D/1486/2006; also *Katsaris v. Greece*, *op.cit.*

148 In both cases, the police officers who committed the offences against the authors had not been

prosecuted because the offence had become time barred. However, the Greek authorities refer to a pending criminal investigation for the offence of abuse of office for the judicial officials involved in the violations against Mr Katsaris.

149 See Police Violence in Greece: Not just 'Isolated Incidents', July 2012, AI Index EUR 25/005/2012, pp. 45-46.



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## **A LAW UNTO THEMSELVES: A CULTURE OF ABUSE AND IMPUNITY IN THE GREEK POLICE**

As Greece faces its sixth year of deep economic crisis, police responses to social tensions continue to flout international human rights law.

A series of state policies implemented by the Greek police, such as the mass sweep operation coded “Xenios Zeus”, and police raids at Roma settlements have led to a rise in human rights violations such as racial profiling and arbitrary detention. Police excessive use of force, misuse of “less lethal weapons” and arbitrary detention continue to be reported, particularly during the policing of demonstrations along with ill-treatment in immigration detention centres and during collective expulsions of refugees and migrants to Turkey.

These abuses are taking place against a background of a steep increase of racially motivated attacks. Police has either failed to protect people from attacks by far-right groups or to effectively investigate hate crimes. In addition, law enforcement officers have been reported to be among the perpetrators of hate crimes.

Successive Greek governments have failed to acknowledge, let alone tackle, the scale and systematic nature of human rights violations by law enforcement officials and entrenched impunity.

This report ends with a series of recommendations to the Greek authorities that, if implemented, would help to prevent these systematic human rights violations by law enforcement officials; restore the faith of the public in policing and the investigation of abuses; and end the prevailing impunity. It also calls on the authorities to tackle hate crime and the pervasive impunity enjoyed by the perpetrators.

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