

EGREECE
@TORTURE AND ILL-TREATMENT

Although the fall of the military government in 1974 brought to an end the systematic torture of political prisoners, the torture or ill-treatment of people in detention by law enforcement officials has not been eradicated in Greece. In 1991 alone Amnesty International received information on some 45 cases in which Greek police and prison guards had allegedly tortured or ill-treated individuals or groups of people in their custody. Some of the victims required medical treatment and one detainee died in police custody allegedly as a result of torture. Another prisoner died in circumstances which have not been clarified; fellow prisoners alleged that he was beaten before he died, the prison authorities said that he committed suicide by hanging.

The Greek Constitution (1975) clearly states:

"Torture, any bodily maltreatment, impairment of health or the use of psychological violence, as well as any other offence against human dignity are prohibited and punished as provided by law."

Anyone convicted of torture or other attacks on human dignity can be punished by up to 20 years' imprisonment; if the victim died those responsible can be sentenced to life imprisonment. Greece is also party to international agreements that prohibit torture and ill-treatment. Greece ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1988 and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in 1991.

However, many of the officials who allegedly inflicted severe injuries on people in their custody apparently went unpunished and continued in their duties. Amnesty International is also concerned that some judicial officers do not appear to be investigating allegations adequately and in some cases have failed to take appropriate action when alleged torture or ill-treatment has been brought to their attention by victims or their lawyers.

Information on the cases described in this report comes from victims or their families, friends or lawyers, and from newspaper reports. In a number of cases Amnesty International has received medical reports confirming that victims sustained injuries consistent with their torture or ill-treatment allegations. In other cases an Amnesty International representative was able to talk to people who had seen the victim shortly after the alleged torture or ill-treatment. Amnesty International cannot always confirm the accuracy of individual allegations, such as those reported here. Nevertheless, the consistency and frequency of the allegations indicate that the scope of the problem goes beyond a few isolated incidents.

This report concentrates on cases of alleged torture or ill-treatment which have occurred over the last two years. A summary of the cases which Amnesty International has raised with the Greek authorities since 1986 is contained in the appendix.

CHAPTER TWO

Methods

The most widely reported methods of torture or ill-treatment used by police and other law enforcement officials are punching, kicking and beating with sticks, clubs or truncheons. Some police detainees also reported being threatened with revolvers and subjected to *falanga* (beatings on the soles of the feet). Some police officers allegedly inserted pencils between detainees' fingers and then forced them together. A few detainees alleged they had been tied to a chair or bench and beaten or hung up and beaten. There were isolated reports of electric shocks and one man alleged he had been burned on the genitals and feet. A group of 12 women detainees were beaten and made to stand naked while waiting to be body-searched in a room in full view of passing police officers who taunted them with sexually humiliating comments.

Criminal investigation

Many cases of torture or ill-treatment reported to Amnesty International occurred during criminal investigations. The main purpose of the torture or ill-treatment appeared to be to intimidate detainees and obtain confessions. Amnesty International is concerned that statements extracted under torture during police detention may be used as evidence during trial proceedings. Amnesty International urges the authorities to ensure that no statements extracted by means of torture or ill-treatment are ever admitted as evidence in court, except against a person accused of torture or ill-treatment, and to take strict measures to guard against this practice¹. Such measures might deter police officers from resorting to physical violence to extract a confession or information from a detainee.

In cases where criminal suspects were tortured or ill-treated, this occurred immediately after being taken into custody by the police. This was at the place of arrest, during the journey to the police station or at the police station itself. Some alleged victims said they were ill-treated after being taken to isolated areas such as a beach or a stretch of open ground. Some of the alleged victims were reportedly tortured or ill-treated for periods of up to 36 hours. During this period the detainees were not permitted to contact either their lawyers or families.

On 29 January 1991, 26-year-old Süleyman Akyar, a refugee from Turkey, died in the KAT Hospital, Athens, eight days after he had been taken to the Police Headquarters for interrogation by members of the Athens Anti-Narcotics Police. He and another man, Halit Yalçın, had been arrested on suspicion of dealing in drugs. The day after his arrest Süleyman Akyar was taken unconscious to the Red Cross Hospital and from there he was sent to the KAT Hospital. According to the certificate of discharge issued by the hospital following his death, Süleyman Akyar underwent surgery for a ruptured small intestine and was put on respiratory support. The certificate stated that severe respiratory, kidney and liver failure and multiple organ deterioration resulted in his death. A post-mortem examination carried out on 1 February concluded that Süleyman Akyar had died from pneumonia contracted as a result of injuries over his entire body caused by beating. A forensic pathologist working on behalf of Amnesty International examined the post-mortem report and three photographs and concluded that Süleyman Akyar had suffered beatings with a rod or whip and heavy blows to the abdomen, and had most probably died as a result of renal failure following multiple soft tissue and muscle damage. On one photograph the pathologist noted extensive bruising which must have been inflicted with the right arm in a raised position. He further stated that the presence of bruising in the armpit region may

indicate that the victim's arms were being held above his head. Another doctor expressed the opinion that Süleyman Akyar had been hung up by his hands and beaten and a third doctor expressed the view that marks around the upper hands were consistent with those which would be left by ropes, not handcuffs. The hospital report also noted brain and cranial injuries, which it stated had improved over the seven days Süleyman Akyar was in hospital, injuries on the genitals and rib fractures. These injuries were not included in the post-mortem report.

Reportedly Ioannis Vassiliadis, the then Minister of Public Order, ordered an investigation into Süleyman Akyar's death. According to the Greek newspaper *Eleftherotypia* he stated on 1 March that findings based on 38 statements taken under oath indicated that the police had acted in self-defence after Süleyman Akyar attacked them with a screwdriver. In March 1991 the Greek Government informed the United Nations (UN) Special Rapporteur on torture, who had sent an urgent appeal in connection with the case, that:

"Süleyman Akyar had tried to attack a police officer...and had been overpowered by other officers who handcuffed him. He then ran amok and knocked his head on the ground. At midnight, while he was being kept in custody in an office of the Narcotics Branch, Süleyman Akyar felt ill all of a sudden and informed his guard accordingly. He later lost consciousness. He was immediately transported by ambulance to the Red Cross hospital where he was given first aid. Hence he was transported to the KAT hospital...where he was kept for treatment of the wounds caused by his clash with the policemen. On 25 January 1991, his condition improved and he was able to be removed from the artificial breathing unit. Though his condition was progressing in a satisfactory manner, on 28 January it seriously deteriorated and Süleyman Akyar died the following day at 3pm...The post-mortem examination established that death occurred as a result of pneumonia...The Government added that the judicial authorities had already been involved and a preliminary investigation was being carried out."

At the end of April 1992 the investigation into the circumstances surrounding Süleyman Akyar's death was still continuing. Amnesty International has repeatedly sought information from the Greek Government on the circumstances surrounding Süleyman Akyar's death and has called on the government to initiate a thorough and impartial investigation. No reply had been received to any of these inquiries by the end of April 1992.

Amnesty International has received other allegations that members of the Athens Anti-Narcotics Police have tortured suspects in an effort to make them confess. Sehmus Ukus, a Kurd and citizen of Turkey, was reportedly picked up by members of the Anti-Narcotics Police in July 1990 as he was returning to his hotel in central Athens. Police officers allegedly took him to an area of high ground, stripped him naked and hung him from a tree for several minutes. They then took him down, handcuffed his hands behind his back, put him on the ground and tied his legs together. The police officers reportedly swore at him and then burned the soles of his feet and his genitals with a cigarette lighter. This continued for about 30 minutes. The police officers allegedly laughed at Sehmus Ukus and beat him on the back, legs, chest and arms with sticks. When he asked the policemen to stop beating him or else kill him, they replied: "You are going to die slowly." Sehmus Ukus became so distressed that he started to beat his head against the tree. The police officers then took him to the Headquarters of the Anti-Narcotics branch in Alexandras Avenue. He was left alone until morning and then taken to the second floor, where the police allegedly kicked and punched him and put pens between his fingers and then forced

them together. While he was being tortured a senior police officer reportedly came into the room and told the other police officers to stop and asked them if they had interrogated Sehmus Ukus. The police officers replied that they had not. When the senior police officer asked the other police officers why they were beating him, they replied, "he is a Turk".

When Sehmus Ukus was brought before the examining magistrate he showed her marks on his body from the torture. An eye-witness informed Amnesty International that Sehmus Ukus had bruises all over his body and burn marks on the soles of his feet and on his genitals. The examining magistrate reported the alleged torture to the public prosecutor but Sehmus Ukus was never called for examination by a forensic doctor and so far has not been called to give a statement to any judicial officer. Apparently, no investigation has been conducted into these allegations. In November 1991 Sehmus Ukus was given a 30-month prison sentence for using drugs. Amnesty International wrote to the Greek authorities expressing concern that Sehmus Ukus had neither been examined by a doctor nor called to testify to any judicial authority about the alleged torture. The organization asked to be informed whether any investigation had been carried out and to be informed of the outcome of any investigation. By the end of April 1992 no reply had been received.

Members of the Athens Anti-Narcotics Police allegedly tortured Mehmet Hayrettin Arat, a Turkish Kurd, over a period of some 17 hours when he was arrested on drug-related charges on 25 June 1991 at an Athens hotel. On arrest he was punched in the face and threatened with a revolver. He was then taken to the Security Police Headquarters where he was handcuffed facedown on a bench. One police officer sat on his back while another subjected him to *falanga* which lasted about an hour. When Mehmet Hayrettin Arat asked the police officers to be careful with him because he had recently undergone surgery the police officers reportedly responded with obscene gestures. After the *falanga* the policemen made Mehmet Hayrettin Arat run up and down a corridor on his swollen feet. One officer allegedly ran alongside him saying, "fuck Turkey". He was then made to stand in the middle of a group of nine police officers who allegedly beat him and threw him about. One of the policemen allegedly took the bullets out of his gun, showed one of them to Mehmet Hayrettin Arat and then put it back into the cylinder of the revolver. He then spun the cylinder, put the revolver into Mehmet Hayrettin Arat's mouth and pulled the trigger. Allegedly this happened four times, after which the police officers continued the "football" treatment. After this the police allegedly put a plastic bag over Mehmet Hayrettin Arat's head so that he could not breathe. When he was close to losing consciousness the police threw water over him. This was allegedly repeated seven times. The police then reportedly cut off Mehmet Hayrettin Arat's jeans with scissors and removed his underpants. One of the police officers put on a glove and inserted his finger into Mehmet Hayrettin Arat's anus saying, "I'll make a faggot of you".

The torture continued until 5am. Later that morning, Mehmet Hayrettin Arat was brought before a senior police officer who allegedly said: "Since you will not talk, I will say you had a kilo and I'll make sure you get 20 years." He was subsequently brought before the prosecutor and was committed to Korydallos prison where he is held in provisional detention on charges of drug-trafficking.

In another incident Vasilis Makrinitzas, Vasilis Makripoulias and Argyris Kavatas – all criminal suspects – were detained by members of the Thebes Security Police on 7 April 1991. The three men said that police officers tortured them in order to force them to confess. Policemen reportedly punched and kicked them repeatedly in the groin, stomach and face, with the result that one of them lost consciousness,

and held revolvers to their heads, threatening to kill them. One of them had a cigarette put out on his face. After the case was raised by a member of parliament the Minister of Public Order initiated an administrative inquiry. The three men were sent for a medical examination by a doctor who confirmed that they had injuries consistent with their allegations of torture. On 25 November 1991 the Greek authorities replied to Amnesty International's inquiry in connection with the case stating that "charges were laid against the officers of the Police Department of Thebes who were responsible for those acts and...a main inquiry on the case is under way." Amnesty International asked to be kept informed of further developments.

By the end of April 1992 Amnesty International had no further information regarding the progress of the investigation.

Another criminal suspect, 28-year-old Avgoustis Anastasakos, alleged that he was tortured by policemen on the island of Patmos on 12 September 1991. Following his interrogation by police, he was brought before the Court of First Instance of Kos and reportedly told the court:

"They tied my hands behind my back and beat me. At the beginning they kicked me in the neck, the face and genital organs. I was in such pain that I asked to go to the lavatory but they would not let me go. When finally they took me I could not urinate because of the pain. After they hit me on my back with cables they had got from a tape-recorder, they punched me in the face and broke one of my teeth.

They put the cable round my neck and pulled it tight so I couldn't breathe."

Avgoustis Anastasakos is said to have borne signs of the torture when he appeared in court. Fellow detainee Eleftherios Kougiou also claimed to have been tortured.

As a result of these allegations, the public prosecutor ordered the police to take the two men to hospital for a medical examination before taking them to Kos Prison and initiated an investigation into their allegations. At the end of April 1992 the judicial investigation was still continuing. In April 1992 the authorities, responding to Amnesty International's inquiries, stated that a police investigation had concluded that the men's injuries had been inflicted at least a week before their arrest.

Torture or ill-treatment of demonstrators

Amnesty International has received a number of reports concerning the torture or ill-treatment of people detained in connection with political demonstrations which have been accompanied by violent incidents. For example, Amnesty International received such allegations following demonstrations after the nuclear disaster in Chernobyl in June 1986, demonstrations against the visit of South African President de Klerk in May 1990, demonstrations against government policy on education in January 1991 and demonstrations against the visit of US President George Bush in July 1991.

Seventeen-year-old Stella Evgenikou was one of six people charged in connection with violent incidents which occurred during a July 1991 demonstration in Athens against the visit by US President George Bush to Greece and US foreign policy on Cyprus. The six were interrogated at the Security Police Headquarters in Alexandras Avenue. All six were allegedly ill-treated but only Stella Evgenikou made a formal complaint.

Stella Evgenikou said she was detained on 18 July at about 10.30pm. She had been

caught up in a stream of panic-stricken people running from the spot where police were firing ammunition. A policeman grabbed her shoulder and pushed her backwards so that she lost her balance. While she was sitting on the pavement the policeman allegedly started to hit and kick her. Some 10 other policemen then beat her with truncheons, kicked her all over her body and shouted abuse at her. She heard someone tell the policemen to stop or they would kill her; then she lost consciousness.

She was taken to the police headquarters in a patrol car while lapsing in and out of consciousness. At the police headquarters the policemen brought her back to consciousness by slapping her, then continued to hit her on the face. She was told that as soon as she signed a statement she could do what she wanted. Eventually she signed it.

Stella Evgenikou repeatedly asked to be examined by a doctor throughout the night of 18 July. On 19 July she was taken to the examining magistrate to request time to prepare a statement to the magistrate. Her lawyers also requested medical treatment and the magistrate ordered her to be taken to hospital immediately. However, she was taken directly back to the Security Headquarters. That afternoon a police doctor examined Stella Evgenikou and the other five detainees. He told her nothing was wrong with her, and noted that she had a bruise on her left cheek.

When her lawyer and family visited her two days later she had a severe headache, her body was aching all over, she felt very faint and nauseous and was experiencing difficulties walking and breathing. She was taken that day to the Evangelismos Hospital where doctors diagnosed contusions and other injuries to the thorax and fractures on two ribs.

On 23 July the six detainees were taken to the 22nd examining magistrate where they were committed into provisional detention in Korydallos Prison. The newspaper *Eleftherotypia* reported that Stella Evgenikou bore clear signs of ill-treatment when she appeared before the magistrate, who ordered her to be sent to hospital.

The six were charged with making and possessing bombs with a view to using them to harm objects and people; resistance to authority; hindering communications; unprovoked damage; bodily harm and causing explosions. During their appearance before the magistrate the detainees said that they had been beaten by policemen.

The same day Stella Evgenikou was taken to the General Popular Hospital of Athens which reported that in addition to the injuries to her thorax, Stella Evgenikou also had possible fractures on the front of her head.

Stella Evgenikou's lawyers lodged a complaint on her behalf against one named policeman, Harilaos Delvas, of the Monades Apokatastaseos Taxeos (MAT), Units for the Restoration of Order, and an unknown number of uniformed and plainclothes police officers who were present during her arrest and interrogation, for severe bodily harm, unlawful use of force, perjury, threats, torture and other attacks on human dignity, blasphemy and using abusive language.

On 29 July the six detainees were released from prison on bail. By the end of April 1992 the investigation into Stella Evgenikou's allegations had ended and the case was pending examination by the Council of Judges, which will decide whether there is sufficient evidence to send the accused to trial.

Following an anti-nuclear demonstration in June 1986, eight students were allegedly

tortured at the Thessaloniki Security Police Headquarters. During the demonstration on the campus of the Aristotle University of Thessaloniki there had been clashes between police and students. Two policemen were seriously injured when their car was set on fire. Kostas Petrou, Thanassis Svetkous, Michalis Tachous, Thanassis Vangilis, Argyris Mouratidis, Ana Tsambasis, Ioachim Tsinitzis and Nikous Stefanidis, who were among those detained, subsequently alleged they were tortured during interrogation.

During police detention the eight were denied access to their lawyers and families. After two days they were taken before the prosecutor. The following day they were taken to the examining magistrate. Neither the prosecutor nor the examining magistrate allowed them to see a doctor. Once committed to prison their request to see a doctor was rejected on the grounds that there was no doctor in the prison.

One of the students, Ana Tsambasis, stated that while they were in police custody police officers beat her round the ears and cheeks, pulled her hair, shouted at her and verbally abused and threw her against a wall to frighten her into giving them information.

Another student, Nikos Stefanidis, stated that he had been beaten all over, mainly on the ribs and stomach, and that he was taken up to the third floor of the police station where he was given electric shocks. His mother stated that he bore signs of torture.

Six of the eight students who alleged they were tortured reportedly gave confessions as a result of the torture. None of those alleged to have been tortured has sued the police. Without official medical reports the defendants considered they had no evidence to support their allegations. One of the defendants has also stated that she was advised against suing by her lawyer.

A total of 27 students were tried on charges including creating a public disturbance, damaging property and attempted manslaughter. They were all acquitted of these charges but some were found guilty of illegal possession of weapons and sentenced to 10 months' imprisonment commuted to a fine of 400 drachmas per day. During one of the trials held between 20 and 25 June 1990 at Serres Mixed Jury Criminal Court some of the defendants made torture allegations which were ruled out of order by the president of the court who stated that these had nothing to do with the matter at hand.

Other cases of torture or ill-treatment

Greek newspapers periodically report cases of police officers torturing or ill-treating people either picked up in the street, apparently at random, during the course of operations aimed at clearing areas of drugs users, drugs dealers and homosexuals, or following demonstrations. Sometimes the only criterion in such detentions seem to be dress and appearance, for example young men with long hair and pierced ears or young people dressed in black or clothes considered by police to be the "uniform of anarchists" are frequently targeted by police. Some people have been ill-treated or tortured after arguing with police officers. Amnesty International has also received reports that police have tortured or ill-treated anarchists and left-wing activists outside the political mainstream. In these cases the ill-treatment does not seem to be aimed at extracting confessions; instead it appears to be a demonstration of power and authority or an apparently arbitrary

act of revenge for violence committed against the police or for conflict during demonstrations.

Kostas Stamateas, a student, alleged that he was beaten with wooden clubs and verbally abused in February 1990 by Athens police who were conducting inquiries into a student occupation of the Polytechnic building. He was subsequently released without charges. A picture in *Eleftherotypia* on 9 February showed Kostas Stamateas' shin with signs of bruising and broken skin. In October 1990 Thomas Kapnoyiannis, Police Sub-Director, responded to Amnesty International's inquiries about the case. He stated that on 5 February Kostas Stamateas was taken in by police for questioning in connection with the bombing of the Ministry of Commerce and was referred to the Public Prosecutor in connection with arms and explosives offences. The letter further stated that during his detention and the subsequent judicial development of the case he was not ill-treated in any way and that no complaint had been lodged against police officers. Around the same period other young men made similar allegations.

Emmanouil Kasapakis lodged a complaint against police officers from the Z Police Squad in Athens on 25 September 1990. He stated that they had beaten him on the head with a club and had broken his left arm after asking him to turn down the music at a party he was holding at his Athens home on 23 September. Emmanouil Kasapakis was subsequently taken to the Athens District General Hospital. A medical report issued by the hospital, dated 24 September 1990, certified injuries to the head requiring stitching, resulting in concussion and amnesia, and injuries to the left hand. In his complaint Emmanouil Kasapakis cited charges of grievous bodily harm, dangerous bodily harm, threats and damage to property. In December 1990 Amnesty International wrote to the authorities in connection with Emmanouil Kasapakis' complaint but received no reply. The outcome of his complaint is not known.

Vasilis Sotiropoulos, an employee of the newspaper *Eleftherotypia* who works on the night shift was allegedly stopped in the street while on his way to the printers during the early hours of 26 April 1991 by three plainclothes policemen in a car. One of the police officers took out a revolver and shouted to him: "Don't move! Up against the wall. Security Police!" The police officer holding the revolver hit his head with the revolver butt while the other two hit him and shouted at him. When Vasilis Sotiropoulos said that he was a newspaper employee, the police officers stopped hitting him and one of them said: "Come on my friend. No harm done." They then apologized and drove away. Vasilis Sotiropoulos wrote down the car registration number and later lodged a complaint with the Tenth Police Station. He reportedly had a gash on his head and was feeling slightly dizzy. Two days later he went to a hospital where doctors diagnosed slight concussion. Some time later the police called him into the station and informed him that they had found no car with the number he had given them. They asked him to let them know if he saw his assailants again.

On 2 November 1991 33 people were detained by six policemen who caught them sticking up political posters in an Athens street. They were all taken to the Headquarters of the Security Police on Alexandras Avenue. Fifteen of the 33 detainees subsequently alleged they had been tortured and ill-treated.

One of the detainees, Maria Nikolaidou, informed the police that she was three months' pregnant, but a senior plainclothes police officer on the 12th floor of the General Security allegedly grabbed her by her hair, banged her head against a wall and shouted at her, calling her a whore and a tramp. Katerina Maliou reported similar treatment

and Dina Kalakou alleged that the crew of a police van had spat at her while making sexually abusive comments. The female detainees also stated that "the female prisoners were ordered to get completely undressed so [the police officers] could carry out body searches. These were carried out under conditions which were offensive, crude, irregular and humiliating for us. They left the doors open and we were naked in full view of policemen who were wandering about outside...who made comments of a sexist nature such as, 'Look at them - they're like sexually frustrated bitches' and many other such comments."

Others in the group of detainees were severely beaten. Ioannis Balis stated that members of the MAT and other police officers beat him all over his body and in the face. Police officers allegedly beat Georgios Meriziotis on the head, ribs and legs with clubs. Christos Stratigopoulos suffered a black left eye and marks from blows all over his body. Police officers broke Theofanis Mihas' dental crown after hitting him in the face and chin. Georgios Gerontidis, Ilias Boundouvas, Dimitrios Fasolis, Christos Sierras, Georgios Kosmas, Apostolos Kalostipis and Konstantinos Kalaremas all claim to have been kicked or beaten, some with clubs.

The 33 detainees were charged with illegal posting of bills, resisting authority, damaging private property, upsetting security communications, verbal abuse and disseminating false information. Their trial started on 4 November. On 5 November they all began a hunger-strike in protest against their continued detention by the security police. On 13 November they were released from detention after being sentenced to six months' imprisonment for illegal posting of bills and verbal abuse by the Three-Person Court of Athens for Intermediate Offences. At the end of April they remained free pending appeal. The judicial inquiry into their allegations was still continuing. In April the Greek Government, responding to Amnesty International's inquiries, stated that "their allegations...after investigation proved to be untrue."

In other cases police officers have beaten people up who have intervened when police were allegedly ill-treating people or investigating them in a violent or rough manner.

During the night of 6 May 1989, for instance, Dimitris Voglis stopped his car at a kiosk in Thessaloniki to buy cigarettes. He saw two police officers beating and kicking an unconscious man and challenged them. The officers then began to beat him and attempted to put him into their patrol car. A further four or five policemen arrived and all of them assaulted Dimitris Voglis. He was then handcuffed and taken to the G Police Station in Thessaloniki. At the station the same officers reportedly beat him with wooden truncheons. Finally on the evening of 7 May he was taken to hospital. A medical report issued by Ippokrateios Hospital certified "abrasions, bruising on the right knee and bruising on the scalp". On 8 May Dimitris Voglis was brought before the police court where his lawyer requested that the hearing be postponed for three days to enable him to be examined by a doctor. This request was granted.

The patrol crew and another police officer lodged a complaint against Dimitris Voglis for abuse, resistance to authority and light bodily wounds to a policeman. On 10 May Dimitris Voglis was convicted of abuse and inflicting minor physical injuries by the Three-Member Court for Intermediate Offences and sentenced to 25 days' imprisonment. The sentence was converted to a fine. An investigation was ordered by the public prosecutor into Dimitris Voglis' accusations against the police. On 21 November 1989 Amnesty International wrote to President Christos Sartzetakis

asking for information regarding the outcome of the investigations. No reply was received. Amnesty International subsequently learned that the prosecutor had concluded the investigation of the case and had referred the case for trial. By the end of April 1992 the case was still pending and no trial date had been set.

In a similar incident, 25-year-old Pantelis Tsoumbris was walking in the centre of Athens in the early afternoon of 15 January 1991 when he came across two policemen from the Z Police Squad searching a young man. The man was reportedly pinned against a wall and the policemen had pulled his trousers down. A large group of passers-by, including Pantelis Tsoumbris, gathered to protest and asked the policemen for an explanation. According to an eye-witness, the two policemen, aided by the driver of a patrol car, grabbed Pantelis Tsoumbris and started beating him on the head, feet, back and genitals with their truncheons, then hit out at some of the people watching the incident. The policemen took Pantelis Tsoumbris and the young man they had been searching to the G Police Station and they reportedly continued to beat Pantelis Tsoumbris outside the station until a senior officer intervened.

That evening the police took Pantelis Tsoumbris to the public prosecutor who initiated criminal proceedings against him for resistance to authority, bodily injuries, abuse and disobedience. The following day Pantelis Tsoumbris filed a complaint with the prosecutor of the Athens Court of First Instance against policemen Andreas Theofilopoulos, Nikolaos Dovros and Petros Laskasovitis for "minor physical injuries" and "verbal abuse". Three eye-witnesses, Makis Triantafyllopoulos, Dora Mavrommati and Nikos Petropoulos, also filed a complaint against the three policemen. On 1 February Pantelis Tsoumbris was tried by the Three-Member Court for Intermediate Offences for the charges the policemen had filed against him. He was acquitted.

According to a 17 January 1991 report in the newspaper Eleftherotypia, which had interviewed Pantelis Tsoumbris on the day of the alleged beating, Pantelis Tsoumbris bore marks of ill-treatment on his back and feet. Pantelis Tsoumbris reportedly told the newspaper that he had been beaten with truncheons in the head, joints, belly and back. In August 1991 Amnesty International raised the case of Pantelis Tsoumbris with the Greek authorities but received no reply. The outcome of his complaint is not known.

Police branches responsible for alleged torture and ill-treatment

The Ministry for Public Order has overall responsibility for all branches of the police force. Numerous allegations of torture and ill-treatment have been made in connection with the Security Police, which is responsible for criminal investigations and the regular police which carry out general policing duties. Allegations have come from Athens, Thessaloniki and smaller cities, towns, villages or islands. A particularly disturbing number of allegations relate to the Police Headquarters in Alexandras Avenue, Athens, where the headquarters of the Security Police and the regular police are based. This is also the headquarters of the Anti-Narcotics branch, against whom a number of very serious allegations of torture have been made. Where Athens is concerned, many allegations have also been made in connection with the MAT deployed during demonstrations, strikes and prison riots; the Z squad, known as the "Zitades", which patrols on motorcycles for instant intervention; and the Amesí Drasi (Rapid Action Force), also a rapid deployment unit which patrols in cars.

Allegations from prisons

Amnesty International has also received allegations of torture and ill-treatment from prisons. Prisoners caught attempting to escape have allegedly been tortured and kept in isolation for periods of up to three weeks in cruel, inhuman and degrading conditions. People caught escaping or people believed to be responsible for organizing an escape are referred to trial. The usual punishment is an additional prison sentence. Some prisoners branded as "trouble-makers" because they have complained about prison conditions or made demands of some kind have also alleged they have been beaten.

In February 1991 Eleftherios Komiakidis, aged 21, and Konstantinos Stefanidis, aged 30, attempted to escape from the hospital at Korydallos Prison but were caught almost immediately. After they appeared in court on 11 February in Piraeus to be tried for attempting to escape, the newspaper *Ta Nea* reported that they bore clear signs of ill-treatment. They stated to the court that after they were caught trying to escape, they were put in the disciplinary section of the prison for two days without food or water. They alleged that during this time they were beaten by the prison guards, and asked for the protection of the court when they returned to prison. The president of the court replied that the court was not competent to take any decision and advised them to lodge a complaint with the prosecutor who visited the prison. Both men were given an additional four months' prison sentence for attempting to escape. Other prisoners who took part in the escape also alleged they were ill-treated when they were recaptured and returned to the prison. On 13 February the head of the Public Prosecutor's Office of Piraeus, Athanasios Dadoukis, reportedly ordered a preliminary investigation into the torture allegations and passed the case to the Public Prosecutor of Piraeus, Anastasios Bramis, for investigation. The outcome or progress of the investigations is not known.

Also in February 1991, prisoners in Larisa Closed Prison went on hunger-strike to protest against the quality of the prison food and to demand increased heating until the end of the winter. Shortly after the hunger-strike began guards armed with truncheons and chains reportedly burst into the cells and beat those prisoners thought to be responsible for the hunger-strike. The prisoners alleged that the armed guards wore hoods so that they could not be identified. Some 17 prisoners were then taken by members of the MAT and transferred to other prisons.

Three deputies from the opposition party, PASOK, tabled a parliamentary question on 11 February condemning the alleged ill-treatment and demanding an investigation. It is not known whether the authorities have investigated these allegations.

Amnesty International received reports that 18 prisoners who had allegedly taken part in an attempted mass escape from Patras Closed Prison on or around 17 May 1991 were singled out as ringleaders and put in isolation cells for 11 days during which they were tortured and ill-treated. Following their release from isolation they were transferred to different prisons throughout Greece.

The prisoners concerned were:

Erdal Karasu, Ismet Süslü, Ali Mirzanli, Fikri Önver, Hüseyin Dinar, Eyüp Duman, Sehmus Ukus, Muzaffer Yorulmaz, Muharrem Turcan, Mehmet Emin Çelik, Ömer Kama, Muhammed Ludin, Nasreddin Akram, Abus Hamis Suphi, Hamid Riyat, Sabri Eyit, Sait (full name not known), Ferhan (full name not known)

The prisoners were reportedly put in groups of three or four into single isolation cells lined in concrete, containing no furniture and no lighting or ventilation, apart from a hole in the middle of the ceiling. Because the cell measured only 1.8 x 1 x 2 metres, the occupants could not lie down but had to sit or stand. For the first seven days the prisoners received no food; during the last four days they received food once a day. The prisoners were reportedly stripped down to their underpants and were given one blanket per cell. Allegedly prison warders and medical staff beat these prisoners with sticks, electric cables, rubber whips and truncheons and poured ice cold water on them throughout the 11 days they spent in isolation.

One of the prisoners, Erdal Karasu, reportedly spent two weeks in hospital as a result of the injuries he sustained. He allegedly suffered fractures to his ribs, mouth injuries, blood in the urine and bleeding ears. Nine months after the incident he was still experiencing swelling and pains in his neck, problems with his eyesight and hearing as well as sleep disturbances and psychological problems. Erdal Karasu lodged a complaint with the Prosecutor in July 1991. The progress and outcome of this complaint are not known.

Amnesty International also received a report that five Iranian prisoners, Aliriza Cemsidi Heyderi, Hasan Ahmedi, Abbas Surici, Ekber Zeyneli and Islami Mensur, were kept in isolation for 18 days in Korydallos Prison from around 2 September 1991 onwards because they were suspected of intending to escape. During this period, they were reportedly tortured, denied food, kept naked and not allowed outside for any exercise. Amnesty International wrote to the Greek authorities urging them to ensure that prompt, thorough and impartial investigations were carried out into these allegations, to make findings public and bring any prison personnel found responsible to justice. By the end of April 1992 no reply had been received.

Eleftherios Komiakidis died during the night of 8 October 1991 in Larisa Prison after being taken by guards to an isolation cell. The following morning prison guards took his belongings from his cell and informed his cell-mates that he had committed suicide in isolation. Fellow prisoners have alleged that as guards took Eleftherios Komiakidis away they were beating him and he called out: "They're going to kill me". According to newspaper reports, the Public Prosecutor of Larisa ordered a preliminary investigation into the case after fellow prisoners filed a suit alleging that Eleftherios Komiakidis had died because he was beaten. The findings of this investigation are not known, nor is it known whether the prosecutor took further steps on the basis of his findings. On 18 November the newspaper *Ethnos* reported that police stated that Eleftherios Komiakidis died after hanging himself with a shirt, and ruled out any criminal activity. A forensic report reportedly noted bruising around his neck. According to the same report, Eleftherios Komiakidis' father said that when he went to recover his son's body from the morgue he found bruising all over his body and face and a wound in between his eyebrows above the nose. In March 1992 Amnesty International asked for information on the outcome of this investigation and on the post-mortem findings. By the end of April no reply had been received.

CHAPTER TWO

Under Greek law anyone who has been formally charged or who is referred to in an indictment, a complaint by a victim or a petition or report concerning a punishable

act (Article 72 CCP), known as the "defendant" in Greek law, has the following rights during the police interrogation (Article 104 CCP).

1The right to be represented by a lawyer during every interrogation or when called to make a statement. For this purpose the defendant has the right to be given 24 hours' notice before any interview is carried out (Article 100.1 CCP). This notice can be shortened if the responsible interrogating official confirms in writing that it will create a danger (Article 100.2 CCP).

2The defendant's right to communicate with his/her lawyer cannot be denied under any circumstances (Article 100.4) However, while during subsequent stages of the criminal process (for example when a defendant is questioned by the examining magistrate), the official conducting the interrogation is obliged to obtain a lawyer for the defendant, if s/he explicitly asks for it (Article 100.3 CCP), this right is omitted under Article 104 CCP.

3A defendant has the right to be informed of the contents of the interrogating official's file as soon as s/he is summoned to appear before the interrogating official and the defendant or his/her lawyer is permitted to study and take copies of the contents of the file.

4The defendant has the right to ask for a delay of up to 48 hours before making a statement to the examining magistrate.

5The interrogating officer is obliged to explain all these rights to the defendant.

The police are entitled to carry out an investigation without prior authorization of the public prosecutor² if postponement might cause an immediate danger or if the crime in question is *in flagrante delicto*³. In such cases the police must notify the prosecutor "within the shortest time" and submit all reports in the defendant's file. Such cases are covered by Article 105, which permits the removal of all the usual rights of a defendant in police custody "except for the right to be represented by a lawyer". It is not clear whether permitting legal "representation" also means permitting "communication" with a lawyer. Legal commentators in Greece have argued that "representation" is equivalent to "communication" and therefore all police detainees, regardless of whether or not their arrest was authorized by a prosecutor, have the right to contact their lawyers. No court, however, has pronounced on this issue. In 1979 the Prosecutor of Larisa issued a circular to all prosecutors within his area instructing them that the right to be represented by a lawyer was equivalent to communicating with a lawyer and that they should inform police interrogating officials accordingly. Nevertheless, the meaning of this provision remains open to interpretation, and it is reportedly common practice for the police to deny detainees access to lawyers in such cases.

A number of lawyers have informed Amnesty International that the police frequently interrogate suspects as witnesses, because witnesses do not have the right to legal representation during police questioning. Statements made to the police in these circumstances may be used against that person in court if they are later charged and brought to trial. To demonstrate the extent to which suspects are interrogated as witnesses, a lawyer showed Amnesty International a signed statement given to the police by a man who had handed himself in to the police for a murder. Although the man freely confessed to the murder, he was nevertheless interrogated as a "witness".

In all incidents of torture or ill-treatment during police interrogation reported to Amnesty International, the detainee was not given the right to communicate with a lawyer until the interrogation was over and the detainee had made a statement to the police reportedly under duress. These included cases where the detainee was arrested *in flagrante delicto* as well as where the arrest had been authorized by a prosecutor, even when detainees had asked to contact a lawyer.

The CCP does not ensure the right of a person in initial police detention to communicate with relatives or friends. Whether or not a detainee is permitted to contact relatives is left to the discretion of the police officer responsible for the investigation. In several cases reported to Amnesty International minors who were not allowed to contact their parents were allegedly subjected to torture or ill-treatment by police.

While the CCP stipulates that in certain circumstances, detainees must have their rights explained to them, Greek lawyers have informed Amnesty International that police officers do not usually advise detainees of their rights. One lawyer told the weekly magazine *Ena*, 19 June 1991:

"Greek people don't know their basic personal and legal rights under the Constitution. They have the right to a defence lawyer, the right not to be kept in isolation, the right to ask for a delay before making a statement and they have the right to refuse to make a statement. These rights are provided by the Constitution and the Code of Criminal Procedure. Unfortunately, however, there is complete ignorance. Very often the state deliberately allows people to remain in ignorance because...it is convenient to do so. They don't want to be kept in check."

Amnesty International is concerned that the police have not been implementing clear legal safeguards giving defendants the right to communicate with a lawyer and to have a lawyer present during an interrogation.

Amnesty International is also concerned about the legal ambiguity as to whether people arrested without the prior authorization of a public prosecutor have the right to communicate with a lawyer. The right to be represented by a lawyer guaranteed to such detainees would be meaningless unless it was interpreted to imply an accompanying right to communicate and consult with that lawyer. Also, it is particularly important in cases where a public prosecutor has not authorized an arrest that the suspect has access to a lawyer to safeguard his/her rights. Amnesty International therefore recommends that the Greek Government should remove the ambiguity by giving clear and strict instructions to the police that all detainees in police custody have the right to both legal representation and free and unhindered access to and communication with their lawyers.

Accepted international standards require that all detainees be given prompt access to legal counsel⁴. International standards make no distinction between people arrested *in flagrante delicto* and other detainees for the purpose of communicating with counsel.

In many instances the police apparently do not observe the legislative requirement that they inform detainees of their legal rights. Furthermore, those people detained without prior authorization of a prosecutor do not enjoy this right under Greek law. International standards require that any person taken into custody should be informed immediately of his or her rights⁵. Amnesty International urges the government to ensure that this procedural safeguard is observed without exception

by the police and to ensure that detainees are also informed of the procedure to be followed if they wish to lodge a complaint that their rights have been violated.

Because torture or ill-treatment is most likely to occur when detainees are isolated from the outside world, Amnesty International also urges the government to ensure that every detainee in police custody has the right to "inform immediately his family of his detention and...be given all reasonable facilities for communicating with his family and friends"⁶. Access to family is as important a safeguard as access to a lawyer. Where minors are concerned, police have a special responsibility to inform relatives – particularly parents or guardians – of the detention immediately after arrest⁷.

Non-Greek detainees

Many alleged victims of torture or ill-treatment are foreigners – asylum-seekers, other refugees or foreign visitors – whose first language is not Greek and who often have at best a limited understanding of the language. Police officers have reportedly interrogated such detainees without providing them with adequate translation facilities and have coerced them into signing statements they know that the detainees cannot understand by torturing or ill-treating them.

Horst Bosniatzki, a citizen of the Federal Republic of Germany (FRG), was interrogated by police in Litochoro Police Station near Katerini from the afternoon of 15 September 1989 until the afternoon of 16 September. Although he understood very little of what the police officers said to him, he was not provided with an interpreter. Shortly after he was brought to the police station he asked to contact the Consulate of the FRG but his request was refused. When he repeated the request two police officers allegedly hit him in the face, kidneys and stomach and took him to a nearby beach where they chained his feet together, picked him up and threatened to throw him in the sea. Back at the police station they allegedly beat his fingertips with a thin stick until one of his fingertips split open. He was left alone for about seven hours during the night. The following morning, when the interrogation started again, he was asked to sign a statement, with the promise that he would be spared further beatings if he agreed. When he refused on the grounds that he could not read the statement because it was in Greek he was beaten again. Once again he asked to speak to the consulate but was told he could only make a telephone call after he had signed a prepared statement. An interpreter arrived who reportedly attempted to interrogate him instead of translating for him. When Horst Bosniatzki refused to answer the interpreter's questions the interpreter left. Horst Bosniatzki was told to remove his shoes and socks and forced to push his feet through the back of a chair so that he could not move them. He was then subjected to *falanga* and was also beaten on other parts of his body.

This interrogation lasted until about 1pm on 16 September. According to Horst Bosniatzki, he then signed a statement to avoid further torture. However, since he could not read it, he added "with reservations" in German. Throughout his detention in Litochoro, Horst Bosniatzki was allegedly given nothing to eat. On the evening of 16 September he was moved to a police jail in Katerini where he was kept incommunicado for nearly a week. He was finally permitted to contact the Consulate of the FRG the day before he was transferred to a prison in Thessaloniki.

Liam de Clair, a citizen of the Republic of Ireland with no knowledge of the Greek language, reported similar treatment. On 17 and 18 July 1990 he was allegedly tortured by police at Ios Police Station over a period of some 40 hours after being detained

in connection with the cashing of forged travellers cheques. At the police station a group of police officers reportedly beat him with fists and batons, kicked him, hit him about the face, head and body and threatened him with sexual assault. They also allegedly banged his head against desks, chairs and filing cabinets in an attempt to make him sign a confession. During this period he was locked in a shed outside the police station with no toilet and denied food and water. At intervals he was reportedly taken into the station for further interrogation. When he asked to see a lawyer he was beaten further and the police reportedly threatened to break his head "like a melon". Liam de Clair stated that as a result of the torture to which he was subjected, he signed a statement in Greek which he did not understand. Liam de Clair was examined at Naxos and Chios Hospitals and was reportedly given a medical report certifying bruising. His lawyer lodged a complaint against the police at Ios on 27 July 1990. Amnesty International does not know whether any action resulted from the complaint. At the end of April 1992 Liam de Clair was free pending trial.

Zorgani Slim, a Tunisian, was allegedly tortured from 19 to 20 February 1991 by the Athens Anti-Narcotics police who interrogated him without providing Arabic interpretation. He refused to sign a statement at the police station. When he was interrogated by an examining magistrate on 23 February he reportedly had access to an interpreter but no lawyer. Despite the presence of the interpreter he allegedly signed a statement written in Greek which he did not understand.

These reports indicate that some police officers and law officers disregard the right of detainees to be interrogated in a language they understand and to be provided with an interpreter if this is not possible. Principle 14 of the United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states:

"A person who does not adequately understand or speak the language used by the authorities responsible for his arrest, detention or imprisonment is entitled to ... have the assistance, free of charge, if necessary, of an interpreter in connection with legal proceedings subsequent to his arrest."

Principle 16 sets out the right of foreign nationals and refugees to be informed of their right to communicate with a representative of an embassy or consul, or in the case of a refugee, with a representative of a competent international organization. According to Article 233 of the CCP the responsible interrogator should call an interpreter if the suspect or witness does not understand Greek.

CHAPTER THREE

A person who has been tortured or ill-treated by police or other law enforcement officials can file a complaint against the officials concerned under the relevant article of the Greek Penal Code (PC), for example 137A and 137B (acts of torture and other attacks on human dignity committed by officials); 308, 308A, 309 and 310 (bodily harm), 330 (unlawful use of force), 361A (verbal abuse). The victim can file a complaint independently or through a lawyer, or a third party can file on the victim's behalf. The procedure followed depends on a number of factors, in particular whether the alleged crime is a felony, misdemeanour or petty offence under the PC.

Under Article 43 of the CCP, the prosecutor is obliged to initiate legal proceedings

upon receiving the complaint. If the prosecutor concludes that the complaint is not legally supported or that it is manifestly unfounded, s/he can close the case. The prosecutor also has the authority to conduct either a preliminary investigation or refer the case to certain authorized interrogating officials or bodies to conduct such an investigation. On the basis of the preliminary investigation the prosecutor determines whether there are grounds to proceed further with the case or whether it should be sent to the archives. In any other case the prosecutor must order either a "pre-investigation" or "main investigation". The type of investigation ordered depends on a number of factors, in particular whether the alleged crime is a felony, misdemeanour or petty offence under the PC and whether or not a preliminary investigation has already been carried out. If the alleged crime is a felony a main investigation must be carried out. Petty offences and certain classes of misdemeanour can be referred directly for trial. Once the examining judge concludes all investigations, the findings are forwarded to the prosecutor, who then refers the case and his/her recommendations to the Council of Judges for a decision⁸. The Council then examines the file and the prosecutor's proposal and decides whether to refer the case to trial⁹. If the case is referred for trial, the accused has the right of appeal. In such a case the Council of Appeal Judges examines the appeal and takes a decision on it. The Prosecutor for Appeals may also refer the case for examination by the Council of Appeal Judges if the party for the accused has not done so. If the Council of Appeal Judges rules that there is serious evidence to support the charges, the case will then be referred for trial.

Under Article 36 of the CCP the public prosecutor is required to institute criminal proceedings as soon as he or she receives a petition or a complaint or any information concerning the commission of a punishable act, even where no legal suit has been filed. Under Articles 37 and 38 of the CCP, magistrates, judges and public servants are obliged to report punishable acts to the competent public prosecutor.

In some cases a competent authority can order an administrative investigation to be carried out into allegations of torture or ill-treatment. Such investigations are usually conducted by a committee that takes statements under oath. The authorities are not obliged to make the findings of administrative investigations public. If an administrative investigation concludes that there is evidence that torture or ill-treatment occurred, the case is referred to the prosecutor.

There are signs that the complaints procedure is failing. Many victims regard the procedure as formidable, and complainants generally need excellent legal advice, which tends to be very expensive. Moreover, neither the general public nor many lawyers believe that a complaint against the police will result in their conviction. Amnesty International is concerned that some alleged victims of torture or ill-treatment are apprehensive about being harassed or persecuted if they lodge complaints. Lawyers sometimes recommend against their client taking action against the police for the same reason. One alleged victim, who wishes to remain anonymous, told an Amnesty International representative that he did not lodge a complaint against the police although he was severely ill-treated by police and accused of crimes he says he did not commit, because he felt that it would have no result and that he might be at risk of further trouble from the police. Another man, who also wishes to remain anonymous, complained that the police ill-treated him because he was acting as a character witness on behalf of a friend on trial for a criminal offence. Shortly after the witness lodged his complaint, the police brought him down to the station, beat him, held him for several hours and then released him without charge. He dropped the complaint soon afterwards on the advice of his lawyer, who told him that he would risk losing his job if his employers heard that he was

in trouble with the police. One lawyer told the newspaper *Ta Nea* that his clients do not lodge complaints of ill-treatment against the police because "they tell me that if they did that, they'd find themselves accused of 20 crimes instead of just one...They'll pin everything on me, is what they always say..."

A torture or ill-treatment complaint can easily be undermined because there are seldom any witnesses. The very conditions that encourage police and other law enforcement officials to use violence – particularly isolation of the detainee from the outside world – make it difficult or impossible for the victim to produce any witnesses. Medical reports are usually the only corroborative evidence victims are able to present in court.

In a few cases law enforcement officials who allegedly tortured or ill-treated people reportedly concealed their identities either by wearing hoods or by blindfolding or hooding the victim. Guards who allegedly beat with truncheons and chains prisoners they believed to be responsible for a hunger-strike in Larisa Closed Prison in February 1991 reportedly wore hoods so that they could not be identified. Kostas Andreadis, who alleged he had been subjected to torture by police at Thessaloniki Security Headquarters in March 1990, was unable to identify the police officers responsible because his head was covered with a hood.

All detainees and prisoners should be fully informed of the identity of all officers and other people present during an interrogation. Amnesty International urges the authorities to ensure that all interrogating officers make a practice of identifying themselves to detainees. In addition, the duration of any interrogation and of the intervals between interrogations as well as the identity of the officials who conducted the interrogations and other persons present should be recorded and certified in every case. These records must be made available to the detainee and the defence lawyer¹⁰. Such records would make it easier for people to identify officers who had tortured or ill-treated them and would act as an additional safeguard against abuse by law enforcement officials.

People particularly vulnerable to abuse by law enforcement officials – those with no connections or influence (political or social), foreigners, refugees and members of ethnic minorities, such as gypsies – are those who are least likely to have access to information about the complaints procedure and are those most likely to suffer repercussions if they lodge complaints against the police.

There is evidence that some public prosecutors and magistrates deliberately fail to take action on allegations made by defendants brought before them, even when the defendants clearly bear signs of injuries. When Sehmus Ukus, who was detained and allegedly tortured by police in July 1990, was brought before the examining magistrate, he showed her the marks on his body from torture. Someone who saw Sehmus Ukus shortly after his detention has stated that he had bruises all over his body and burn marks on the soles of his feet and on his genitals. The examining magistrate reported the alleged torture to the public prosecutor, who is responsible for initiating investigations into all torture allegations. Sehmus Ukus was, however, never called for examination by a forensic doctor, or called to give a statement to any judicial officer. Muzaffer Yorulmaz, who was allegedly tortured by members of the Athens Drugs Squad in August 1990, reportedly bore clear signs of torture when he was brought before the prosecutor and removed some of his clothes to show the prosecutor his injuries. The prosecutor allegedly said: "Yes, I know, I know, they beat you", but apparently took no steps to have Muzaffer Yorulmaz examined by a doctor or to investigate his allegations. When 17-year-old Artan Malaj told

the examining magistrate in Athens that he had been beaten and intimidated by police during interrogation and during his transfer from the police station to the public prosecutor, the examining judge did not report the allegations to the public prosecutor despite his obligations under Greek law to do so. When the lawyer who had offered to act on behalf of Artan Malaj protested, pointing out to the judge that he was obliged to report the case to the public prosecutor, the judge then reportedly sent the court papers to the prosecutor without any comment or request. The following day, Artan Malaj's lawyer sent an urgent request to the judge asking for his client to be examined by a forensic doctor. This request, however, was refused and no examination was carried out. No investigation was carried out into Artan Malaj's allegations.

Amnesty International urges the Greek Government to ensure that complaints of torture or ill-treatment are not investigated by the same authorities who are investigating the alleged offences committed by the victims. The investigation of complaints of torture or ill-treatment should be supervised by an authority recognized as independent and impartial. The UN Special Rapporteur on torture, Mr Peter Kooijmans, recently recommended that complaints of torture should be investigated by "an ombudsman-type authority or an independent commission on human rights with investigative and/or prosecutory powers".¹¹

It is difficult to find reliable information on the resolution of complaints after they are lodged. There is no central record office where the public can trace complaints and the Greek authorities do not appear to make the findings of complaints public. Investigations which result in a trial are generally reported in the press, since trials are open to the public and media in Greece; in cases where the investigation closes before trial it is very difficult to learn why a complaint has failed. Hearings of the Councils of Judges and Councils of Appeal Judges are not open to the public.

Two trials in which law enforcement officials were convicted of exercising violence against detainees came to Amnesty International's attention during 1991 and 1992 through press reports. On 26 April 1991 a second-instance criminal court sentenced former police officer Evstathios Zafeiratos to three and a half years' imprisonment for inflicting "dangerous physical injuries" in August 1987 on a man who had gone to the Security Police to find out what had happened to a business associate who had been arrested. The man died in hospital shortly afterwards. The first-instance court had sentenced Evstathios Zafeiratos to six years' imprisonment for "inflicting fatal physical injury". On 4 March 1992 the first-instance court of intermediate offences in Piraeus sentenced two prison guards to eight months' imprisonment each for inflicting light physical injuries on 18-year-old Giorgos Kaleris in the Minors' Section of Korydallos Prison in April 1988. Reportedly Giorgos Kaleris subsequently committed suicide in isolation, where he was put after he and some other prisoners created a disturbance in the prison canteen. A forensic report recorded death resulting from suicide and two head injuries.

CHAPTER FOUR

Greece ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) in 1988. In doing so it explicitly undertook:

to prevent torture taking place within its territory under any circumstances whatsoever by taking effective legislative, administrative, judicial or other measures;

to educate and train law enforcement officials fully regarding the prohibition of torture;

to ensure that its competent authorities would proceed to a prompt and impartial investigation of cases where there are reasonable grounds to believe that an act of torture has been committed, and, unless extradited for trial elsewhere, to prosecute alleged torturers;

to ensure that victims of torture have the right to compensation or, where a death occurs as a result of an act of torture, the victim's dependants are entitled to compensation;

to ensure that any statement which is established to have been made as a result of torture should not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made;

to review systematically interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

Greece has ratified the European Convention on Human Rights which also prohibits the practice of torture and other cruel, inhuman or degrading treatment or punishment. The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which Greece ratified in 1991, does not further elaborate the prohibition on torture. Instead it sets up a system of regular inspections of places of detention by the European Committee for the Prevention of Torture. The provisions of these treaties are legally binding on Greece.

Under the Convention against Torture, a Committee against Torture was set up which examines measures taken by States Parties to fulfil their obligations under the Convention, as well as examine complaints received regarding acts of torture carried out against a person by a State Party. Greece has made a declaration under Article 22 of the Convention recognizing the competence of the Committee to receive and consider communications from, or on behalf of, individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.¹² Greece has made a declaration under Article 25 of the European Convention on Human Rights permitting an individual claiming to be the victim of a violation of the rights set out in the Convention to make a petition to the European Commission of Human Rights, when all domestic remedies have been exhausted, within a period of six months from the date on which the final decision was taken.¹³

Greece has not ratified the International Covenant on Civil and Political Rights which prohibits torture and cruel, inhuman or degrading treatment or punishment. The Optional Protocol to this important human rights instrument provides for individuals who claim their rights under the Covenant have been violated and have exhausted all available domestic remedies to apply to the Human Rights Committee for their case to be examined.

CHAPTER FIVE

Government measures

The government should demonstrate its total opposition to torture or ill-treatment. It should make clear to all law-enforcement personnel that the abuse of people in their custody will not be tolerated under any circumstances.

In the light of the continuing pattern of cases of torture and ill-treatment in Greece, a public commission of inquiry should be established to investigate the factors which have facilitated these abuses and to recommend preventative measures. Members of the commission should be chosen on the basis of their known impartiality, independence and competence. As soon as possible after the conclusion of its work the commission should issue a full public report on its methods, findings, conclusions and recommendations. The Greek Government's response should also be made public. The commission should reconvene within a reasonable period to review steps taken by the authorities to implement measures aimed at eradicating torture and ill-treatment.

The government should ratify the International Covenant on Civil and Political Rights (ICCPR) and the (first) Optional Protocol to the ICCPR.

Police investigation and interrogation practice

All detainees should be informed, at the time of arrest and in a language they understand, of their legal rights, including the right to lodge complaints of torture or ill-treatment, and the procedures to exercise these rights.

People should be given the right to contact their families immediately upon being detained, and should have access to family members promptly after arrest and regularly throughout their detention or imprisonment.

All detainees should be given full access without delay to legal counsel.

Detainees who do not speak or understand Greek should be provided with professional and competent interpreters at all stages of the process during detention and investigations, particularly during all interrogations. In particular, a detainee should not have to sign a record of an interview or a statement in Greek if s/he does not understand Greek.

Foreign nationals and refugees should be informed of their right to communicate with a representative of an embassy or consul, or in the case of a refugee, with a representative of a competent international organization.

Where minors are concerned, the authorities should pay special attention to informing parents or guardians of the arrest and place of detention and the authorities should be required to make this notification on their own initiative.

The date, time and duration of each period of interrogation should be clearly recorded, as well as the names of all those present during interrogation. These records should be open to judicial scrutiny and to inspection by lawyers and relatives of detainees.

Interrogation methods used by police and training in interrogation techniques and human rights awareness should be reviewed regularly.

The authorities should ensure that statements extracted under torture or by means of ill-treatment are never invoked as evidence in Greek courts, except against a person accused of torture as evidence that the statement was made.

Prisons

The authorities should issue clear and strict instructions that under no circumstances whatsoever can prisoners be tortured or ill-treated as a punishment.

Prisoners should have access to information about their rights, including the right to lodge complaints about ill-treatment, and the procedures to exercise these rights.

Staff training in prisons should be reviewed.

Investigation of torture or ill-treatment allegations

The government should take measures to establish public confidence that all allegations of torture or ill-treatment will be investigated promptly, impartially, openly and thoroughly.

Prosecutors and examining magistrates should investigate all allegations of torture impartially and thoroughly. If a detainee complains of ill-treatment or torture or appears before them bearing signs of injury, they should initiate an investigation immediately, and refer the detainee to a doctor for examination. Detainees should be given the right to be examined by a doctor of their choice. The absence of a complaint by the victim, relatives or a third party should not deter investigation by the authorities into suspected cases of torture or ill-treatment.

Investigations of reports of suspected torture or ill-treatment should proceed promptly, thoroughly and impartially.

An ombudsman-type authority or an independent commission on human rights should be established to monitor all investigations into allegations of torture and ill-treatment committed by law enforcement officials. This authority should have the power to initiate investigations and prosecutions in cases where other authorities have failed to investigate and prosecute allegations of torture and ill-treatment impartially, promptly and thoroughly.

Any law enforcement agent charged with an offence involving the commission of torture or ill-treatment should be immediately suspended from duties directly related to arresting, guarding or interrogating detainees, pending the court's decision.

All complaints and the findings of all investigations into torture or ill-treatment allegations should be recorded, made publicly available and open to scrutiny.

All victims should receive appropriate medical treatment, compensation and reparation as required by international standards.

FOOTNOTES

Endnotes

Chapter 1

¹ Article 15 of the United Nations Convention against Torture (ratified by Greece in 1988) stipulates that "any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made".

Chapter 2

² Under the Constitution of 1975/1986, a person who has been detained by the police, either after being caught *in flagrante delicto* or on the orders of a prosecutor, must be brought before the competent examining magistrate within 24 hours at the latest and if the arrest is made outside the seat of the examining magistrate within the shortest time required to transfer the detainee to the magistrate.

³ Crimes *in flagrante delicto* are defined in the CCP (Article 242) as crimes "at the time they are committed or a crime which was committed recently". A crime cannot be considered *in flagrante delicto*, "if the whole of the following day since the act was committed has elapsed".

⁴ Principle 18 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

⁵ According to Principle 13 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment:

"Any person shall, at the moment of arrest and at the commencement of detention or imprisonment or promptly thereafter, be provided by the authority responsible for his arrest, detention or imprisonment, respectively, with information and an explanation of his rights and how to avail himself of such rights."

⁶ Rule 92 of the UN Standard Minimum Rules for the Treatment of Prisoners.

⁷ "If a detained or imprisoned person is a juvenile or is incapable of understanding his entitlement, the competent authority shall on its own initiative undertake the notification...Special attention shall be given to notifying parents or guardians" Principle 16(3) UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

Chapter 3

⁸ The prosecutor can recommend that proceedings should be halted temporarily or definitively; that further investigations should take place; that the case should be referred for trial; that the case should not be referred to trial due to lack of evidence.

⁹ It may decide that the case should not be referred to trial due to lack of evidence or because the act described is not punishable or if there are reasons to rule out the wrongful character of the act or charge; that the procedures be stopped definitively if, for example the accusations are revoked; in the case of certain serious crimes it may halt the procedure temporarily if there is insufficient

evidence to refer the case for trial; it may order a further investigation or it may decide there is sufficient evidence to refer the case to trial.

¹⁰ See Principle 23, UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

Chapter 4

¹¹ Report of the UN Special Rapporteur on torture, UN Doc. E/CN.4/1992/17

¹² The address for complaints to the UN Committee against Torture is:

Chief, Communications Section, UN Centre for Human Rights, Palais des Nations, CH-1211 Geneva 10, Switzerland. Telephone: (+41)(22) 734 6011, Telex: 289696 UNO CH, Fax: (+41)(22) 733 9879

¹³ Information on the procedure can be obtained from:

The Registrar, European Commission of Human Rights, Council of Europe, BP 431 R6, F-67006 Strasbourg Cedex, France.