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## Greece

**"It should never happen"**

**Citizenship: Greek, Identity: Romani**

**The ill-treatment of Nikos Katsaris by police**

Amnesty International is concerned about allegations that members of the Roma community are being subjected to ill-treatment from the police forces on the ground of their ethnic identity. "*These things happen sometimes*", was the answer of a police officer to questions raised by Greek Helsinki Monitor about the ill-treatment of 23-year-old Rom Nikos Katsaris and his relatives, including two boys aged 16 and 17, by police in Nafplio on 12 September 1999.

**"Ill-treatment should never happen"**, is the answer from human rights organizations, Greek Helsinki Monitor, Network DROM for the Social Rights of Roma and Amnesty International who are calling on the Greek authorities to investigate promptly and impartially the ill-treatment allegations, bring to justice any police officer found responsible and ensure that adequate compensation is paid to the victims.

Nikos Katsaris, a Rom aged 23, his father Yannis Katsaris, his brother, Loukas Katsaris, aged 16, and his cousin, Panayiotis Mitrou, aged 17, allege were insulted and subjected to ill-treatment by police officers during a road identity check in Nafplio on 12 September 1999. In his statement Nikos Katsaris alleges that in the afternoon of 12 September 1999 three police officers stopped the car his father was driving in order to control his papers. The driver and all passengers were ordered to get out of the car with their hands up (surrender gesture). With the guns aimed at them, Nikos, his father, brother and cousin got out of the car. They had their hands up and turned their back to the police officers as they stood against the car (as ordered), offering no resistance while they were searched.

When Panayiotis Mitrou asked if he could lower his arms, one of the police officers, who was investigating the car, approached and, requesting to know who had spoken, kicked Nikos Katsaris. Panayiotis Mitrou confessed he had spoken and was kicked twice. He was grabbed by the elbow and taken about 2 metres away from the car, insulted, punched twice on his side and pushed back against the car. Nikos' father then asked the police officers why they were hitting them with no

reason. One of the police officers grab him by his hair and punched him on his side repeatedly while telling him: *"don't speak wanker or I'll break you teeth and make you eat them"*. Loukas Katsaris who was standing near to his father was also kicked.

The four Roma were then handcuffed and taken to Nafplio police station to have their identity checked. There, they were further insulted and subjected to threats which included *"speak, wanker or I'll smash you head"* in order to make them confess whether previous police warrants had been issued against them. After interrogation, they were held separately in overcrowded cells. Panayiotis Mitrou and Loukas Katsaris were released after the police confirmed that there were no warrants against them. Nikos and Yannis Katsaris were remanded in custody pending the payment of a bail, as previous warrants had been issued against them for driving without a licence. There were subsequently released after the intervention of a lawyer and payment of a sum of money.

Amnesty International is calling on the Greek authorities to conduct a prompt, thorough and impartial investigation, to bring to justice those responsible and to ensure that Nikos Katsaris, his father, brother and cousin receive fair and adequate compensation, as required by international standards.

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

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

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

### **International Standards**

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

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

Greece also ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms in November 1974. Article 3 of the Convention states that: *“No one shall be subjected to torture or to inhuman or degrading treatment or punishment”*. Greece

ratified in 1991 the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment which not only prohibits the practice of torture and other cruel, inhuman or degrading treatment or punishment, but also sets up a system of regular inspections of places of detention by the European Committee for the Prevention of Torture. Greece is legally bound to observe the provisions of this treaty.

*The information in this case comes from a statement made by Nikos Katsaris in an interview which was carried out by the Greek Helsinki Monitor, a non-governmental organization which collaborates with Amnesty International.*