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## **Greece**

### **THE ALLEGED ILL-TREATMENT OF MICHAEL TONGE BY POLICE OFFICERS**

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 Michael Tonge<sup>1</sup> and his friend receive fair and adequate compensation, as required by international standards.

On 3 August 1999 at about 5am Michael Tonge and his friend<sup>2</sup> were attacked, beaten and stabbed by a group of five or six youths in Malia, Crete, where they were on holiday. In their statement to Amnesty International, both men claim that having succeeded in escaping from their attackers (one of whom was injured during the fight) they returned to the apartment they were renting with two other persons, only to be arrested by the police shortly afterwards. They allege that the police were accompanied by a group of about 20 Greek youths who ransacked the apartment and stole their possessions, while the police stood by without intervening.

Michael Tonge and his friend were subsequently taken to the police station for interrogation. There, they state, they were punched, slapped, insulted and told "you sign and go to jail or you die" by the police, as they refused to sign statements written in Greek, a language they could not understand. Reportedly, no lawyer was present during the interrogation and although they had sustained wounds in the previous fight which required stitches, they were not given access to a doctor until several hours later. For about five to six hours under interrogation and as they were trying to give their version of the incident, they were kicked, slapped and punched and received further death threats by the police officers. The two youths were later taken to hospital with injuries which included for Michael Tonge, a stab wound in his hand and another in his leg, as well as a broken nose, and for his friend, a gash in his neck.

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<sup>1</sup> The information in this case comes from statements made by Michael Tonge and his friend to Amnesty International.

<sup>2</sup> The name of the victim is known to Amnesty International

When returned to custody they were held in a cell which contained only two mattresses infested with insects. Eight detainees were held together in that cell and they were obliged to sleep on the floor. They allege that their clothes had been stolen (they eventually got a pair of jeans and a shirt after the British Embassy intervened), little food was available and that there was no water or toilet facilities. They both suffered from insect bites resulting from the poor hygienic conditions of detention. Michael's friend was released on bail four days after his arrest. However, Michael Tonge was first transferred to Neapoli prison. During the journey he was handcuffed to a metal seat at the back of the police van. Upon arrival, he was stripped naked and searched, given a bottle for urine and a blanket to sleep on in the corridor. He was also submitted to further psychological torture as he was told by a prison guard that he would be killed and would have his throat cut while asleep. The following day, he was then taken to a six square metres cell where he was held together with 16 other detainees. As there were not enough beds or mattresses, he had to sleep on the floor.

Michael Tonge was transferred to Korydallos prison on 18 August. He claims that he remained handcuffed in "crucifix style" to his seat during the 13-hour journey from Irakleio to the Piraeus and alleges he was only given food after he paid for a meal. While on the boat a police officer started to whip the legs of the prisoners with a rope covered in rubber. Another Greek prisoner who was also being transferred with him that day bore signs of ill-treatment resulting from being whipped. The detainees were searched for alleged possession of a knife, an allegation which Michael Tonge claims was later proven unfounded. While he was dozing off he was further beaten on his leg with a bunch of keys by the police officer.

**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*".

Under Article 12 of the same Convention "*Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground*

*to believe that an act of torture has been committed in any territory under its jurisdiction."* In every case in which torture has occurred, those responsible should be brought to justice, as required by Article 7 of the Convention and the victim should obtain redress with fair and adequate compensation, including the means for as full a rehabilitation as possible, as required by Article 14 of that treaty.

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.

With regards to conditions of detention, Article 10 of the United Nations' Standard Minimum Rules for the Treatment of Prisoners states that: *"All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting heating and ventilation"*. Article 21(1) of the same instrument states that: *"Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits."*

Moreover, Paragraph 52 of the March 1993 recommendations of the European Committee for the Prevention of Torture (ECPT), following a visit to Greece, clearly states that *"all police cells should be of a reasonable size for the number of people they are used to accommodate and have adequate lighting (i.e. sufficient to read by, sleeping periods excluded) and ventilation; preferably they should receive natural light. They should also be equipped with a means of rest (eg. a fixed seat or bench) and persons obliged to spend the night in custody should be provided with a mattress and clean blankets. Persons held by the police should be allowed to comply with the needs of nature when necessary, in clean and decent conditions, and should have adequate washing facilities. They should be given food at normal mealtimes, including a full meal (i.e. something more substantial than a sandwich) at least once a day. Persons held in police custody for extended periods should, as far as possible, be allowed a daily period of exercise in the open air"*.

### **Amnesty International's recommendations**

Amnesty International urges the Greek authorities to:

☞☞ enforce the absolute prohibition of torture and other forms of cruel, inhuman or degrading treatment of prisoners or detainees, incorporated into the Greek Constitution, national law and international human rights treaties to which Greece is party, in particular: The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the European Convention for the Prevention of Torture and Other Inhuman and Degrading Treatment or Punishment.

☞☞ carry out a prompt, thorough and impartial investigation into the allegations of torture and ill-treatment made by Michael Tonge and his friend and ensure that any police officer responsible

for ill-treatment be brought to justice. Amnesty International also recommends that the methods and findings of this investigation be made public.

The organization also request that the victims of ill-treatment receive adequate compensation as required by Article 14 of UN Convention against Torture.

As regards prison and detention conditions, Amnesty International urges the Greek authorities to take all necessary steps to ensure that prisoners are not subjected to conditions which constitute cruel, inhuman or degrading treatment.