

PUBLIC

AI Index: EUR 25/003/2001
July 2001

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Greece

"Shut up, we'll take you barefoot" The alleged ill-treatment of Andreas Kalamiotis 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 grounds of their ethnic identity.

Andreas Kalamiotis, a Rom aged 21, was reportedly insulted and subjected to ill-treatment by police officers when they surrounded his house (which he describes as a "shack") in Pefkakia, Aghia Paraskevi, near Athens on 14 June 2001. In his statement to the Ombudsperson Office in Athens, Andreas Kalamiotis alleges that he was drinking and listening to music with his friends at his home at 2am when police officers told them to turn off the radio which was disturbing neighbours. About five minutes after turning off the radio, the friends of Andreas Kalamiotis departed and he returned inside his home. While inside he heard noises of a row outside and went to the doorway to see what was happening. "I was surprized to see about 20 police vans and police officers with guns at the ready. An officer made a sign to me with his gun and said that he would shoot me. Not yet understanding what exactly had happened, I said to him: "Shoot!". While still almost inside my home (in the doorway), two or three officers seized me and handcuffed me. As I was barefoot, I asked my wife to bring my shoes, but the officers told me: "Shut up, we'll take you barefoot"; when my wife tried to speak to them they told her: "Shut up, you slut, don't talk". Andreas Kalamiotis later learnt that while he was away, the police had carried out a search on his and other Roma's homes.

Andreas Kalamiotis describes the subsequents events as follows: "After arresting me, the officers dragged me to the police van, where they pulled me over the bonnet and began to beat me. I think they also used truncheons. Their blows made me fall to the ground and then they began to kick me. At one point they put me in the van, where they again began to beat me. For some reason they took me out of the van, beat me again, and then took me back into the van, where I was beaten once again. In the meantime my children had come to the door, and seeing the officers beat me, they began to cry".

During his transport to Aghia Paraskevi police station, Andreas Kalamiotis was asked by the police officers who had fired the gun. He replied that he had not heard any shooting. Andreas Kalamiotis describes his arrival at the police station and treatment while in custody as follows: *"An officer (who seemed to be in charge of the whole operation - he said that he was from Sfakia and he was the one to have beaten me more than*

the rest – said to me, and I use the exact words, “ F*** your mother”. This particularly infuriated me since my mother is dead. Although I told him that and I asked him not to swear at my mother he answered back : “Who gives a f***”. So I started swearing back. Later on, when things got a bit calmer, two other police officers took me into a small room where they told me not to pay any attention to him since “he is a jerk”. A friend, who was also with us that night of the attack and had also been arrested, told me later on that this same policeman from Sfakia had taken him into a room where he also told him that he is from Sfakia and that he would plant heroin on me in order to incriminate me. After a while when everything was calm again I was thirsty and I asked for some water. The officer there told me to drink some from the toilet and I refused asking him whether he himself would ever drink water from the toilet. Finally, after almost half an hour or so they brought me some water from the refrigerator".

Around 11 am on 15 June 2001, two police officers escorted Andreas Kalamiotis to the Police Headquarters of Athens in order to take pictures of him. As he was handcuffed with his hands behind his back and as such could not sit properly on the chair for the photo, he asked the police officers to take the handcuffs off. They reportedly replied “Shut up *gyfto* [a racial insult in Greek which relates to his Rom ethnic identity] or we will beat the shit out of you”. He was later brought before the Public Prosecutor with his lawyers and charged with resisting arrest, insulting and threatening the police authorities. He asked for a three-day postponement, which was granted to him. On 18 June 2001, before he was due to appear in court, where the hearing of his case was postponed *sine die*, Andreas Kalamiotis went with his lawyer to the forensic services to report his injuries, but the doctor refused to see him saying that he had to first press charges or submit a complaint to the Police Station of Aghia Paraskevi. After initially refusing to make an official complaint about ill-treatment for fear of retaliation by the police officers involved, Andreas Kalamiotis decided to complain to the Office of the Ombudsperson in July 2001

Amnesty International is calling on the Greek authorities to conduct a prompt, thorough and impartial investigation into the above allegations, and, if they are well founded, to bring to

justice any persons responsible, as well as ensuring that Andreas Kalamiotis receives 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 from 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.

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

Amnesty International is calling on the Greek authorities

- to conduct a prompt, thorough, impartial and independent investigation into the alleged ill-treatment of Andreas Kalamiotis
- to bring to justice any police officers identified as responsible
- to ensure that Andreas Kalamiotis receive fair and adequate compensation if the allegations are found proven

as required by international standards and recommendations.

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