



World Organisation against Torture
P.O. Box 21- 8, rue du Vieux Billard
CH 1211 Geneva 8, Switzerland
Phone: 0041/22 809 49 39 / Fax: 0041/22 809 49 29
E-mail: omct@omct.org / Website: www.omct.org

The Roma in Greece and the preparation of the 2004 Olympic Games: ongoing violations of the right to adequate housing

A compilation of OMCT's interventions¹ on violations of the Roma's right to adequate housing in Greece (2001 - 2004)

April 2004

For further information, please contact mab@omct.org or omct@omct.org

¹ Since July 2003, all urgent appeals related to the right to adequate housing are done in collaboration with the Coordination Office of the Housing and Land Rights Network of Habitat International Coalition (HIC-HLRN).

The Programme on Economic, Social and Cultural Rights at the World Organisation Against Torture (OMCT) issues urgent appeals addressing violations of economic, social and cultural rights that are related to acts of torture and other forms of violence, as well as violations falling within OMCT's mandate in which economic and financial actors are involved.

Since July 2003, all urgent appeals related to the right to adequate housing are done in collaboration with the Coordination Office of the Housing and Land Rights Network of Habitat International Coalition (HIC-HLRN).

This compilation collates all urgent appeals, open letters and press releases issued by the programme from 2001 till April 2004 on violations of the right to adequate housing of the Roma in Greece. In particular, the urgent appeals and press releases highlight forced evictions, threats of or attempts at evictions that were carried out, under the pretext of preparations for the 2004 Olympic Games in Athens.

For urgent appeals issued by other programmes at OMCT, on specific countries, issues or periods please refer to the website at www.omct.org

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I. URGENT ACTIONS ON ROMA AND THE RIGHT TO ADEQUATE HOUSING IN GREECE, INCLUDING THE PREPARATION OF THE 2004 OLYMPIC GAMES

1. Case GRE 310801 ESCR - Unlawful demolition of 4 Roma houses by the Patras Municipal Authorities/Sub-sequent death of an old Roma inhabitant

31 August 2001

The International Secretariat of OMCT requests your **URGENT** intervention in the following situation in **Greece**.

Brief description of the situation

The International Secretariat of OMCT has been informed, by a reliable source of the demolition of 4 sheds located in a Romani settlement in the Glykada Riganokampos area of Patras.

According to the information received, on August 29th 2001, at around 11.00 a.m., the municipal authorities of Patras, equipped with a bulldozer and a dump truck, entered the Romani settlement and proceeded to "clean" the area, demolishing 4 sheds belonging to the Greek Roma **Panayotis** and **Christos Georgopoulos** and to two other unidentified Albanian Roma. It is reported that the inhabitants of the sheds were absent at the time of the demolition and that the municipal employees did not save the property inside the shed which belonged to the families from destruction.

According to the information received, no eviction warrants or orders were presented to the Roma. As the razed sheds were located on land belonging to the University of Patras, the entry of municipal authorities on this property required prior authorisation from this institution, which has, according to the information received, not been given. Moreover, the operation was allegedly carried out without the authorisation or presence of a public prosecutor, as is required under Greek law in cases of violation of privacy and the home.

Following the opposition of the Roma to further demolitions, Vassili Skanavis, the municipal councillor and person in charge of environmental matters, arrived at the settlement and allegedly informed the Roma that they had 20 days to vacate the area. It is reported that in a subsequent communication, Vassili Skanavis denied that he had ordered the vacation and instead stated that he simply notified the Roma that the area had to be cleaned up and asked for their cooperation in this regard.

According to the information received, **Konstantinos Georgopoulos**, a 60 year-old Rom who was present at the time of the demolition and whose shed was located near those which were razed, died in the afternoon of August 29th 2001. It is reported that the tension in the wake of the demolition, during which he tried to protect his own home, caused him considerable emotional distress.

Background Information

This demolition of Roma's houses echoes a similar case which occurred about a year ago and which has, to date, not been properly addressed by the Greek authorities.

On July 14th 2000, the municipal authorities of Aspropyros, equipped with a bulldozer, entered a settlement of Romani tent-dwellers in Aspropyros, approximately 15 kilometres west of Athens (Attica). In the presence of the Mayor of Aspropyros and the police, they demolished most of the homes of the Roma camp belonging to Greek and Albanian Roma and which contained their personal belongings. According to eye-witnesses, no eviction warrants or orders were presented to the Roma families. Indeed, the operation was carried out without the authorisation or presence of a public prosecutor, as is required under Greek law in cases of violation of privacy and the home.

The action taken by the services of the Municipality of Aspropyros resulted in the expulsion of the Roma from their encampment and in the demolition of their homes. According to eye-witnesses, only eight homes escaped demolition, which at the time were occupied by aged persons or people with health problems who could not move immediately.

A subsequent report by the Greek Ombudsman, released on January 26th 2001, found that the action taken by Municipality of Aspropyros violated Greek law and was, therefore, illegal. The report further recommended that a prompt and impartial investigation into the action of the Aspropyros Municipality be carried out in order to bring those responsible to justice. To date, OMCT notes with concern that no prompt and impartial investigation has been carried out, that those responsible have not been brought to justice, and that the victims have not been compensated.

Illegal eviction of the Roma and demolition of their homes are in clear violation of international human rights commitments freely undertaken by Greece. Article 11 of the International Covenant on Economic, Social and Cultural Rights, which forms a part of the International Bill of Rights and has been ratified by Greece, guarantees the right to adequate housing. The United Nations Committee on Economic, Social and Cultural Rights, which monitors compliance with the International Covenant on Economic, Social and Cultural Rights, made it clear in its General Comment No. 4 that the right to adequate housing should be seen as "the right to live somewhere in security, peace and dignity", entailing, *inter alia* "a degree of security of tenure which guarantees legal protection against forced evictions, harassment and other threats".

Moreover, the European Court on Human Rights, in its judgement *Selçuk and Asker v. Turkey*, found that the destruction of the applicants' homes and their eviction from their village constituted a form of ill-treatment, in violation of article 3 of the Convention.²

² Case of *Selçuk and Asker v. Turkey* (12/1997/796/998-999), Judgment, Strasbourg, 28 April 1998, para 80

Action Requested

Please write to the Greek authorities urging them to:

- i. take all necessary measures to guarantee the physical and psychological integrity of the above-mentioned persons;
- ii. guarantee an immediate investigation into the circumstances of the demolition in Patras as well as the eviction in Aspropyros, identify those responsible, bring them before a civil competent and impartial tribunal and apply the penal, civil and/or administrative sanctions provided by law and compensate the victims;
- iii. guarantee respect for the economic, social and cultural rights throughout the country and in particular the right to adequate housing, in light of General Comment No. 4 of the UN Committee on Economic, Social and Cultural Rights;
- iv. guarantee the respect of human rights and the fundamental freedoms in accordance with national laws and international human rights standards such as the International Covenant on Economic, Social and Cultural Rights.

2. Case GRE 200901 ESCR - Unlawful demolition of 6 Roma houses by the Aspropyrgos Municipal Authorities

20 September 2001

The International Secretariat of OMCT requests your **URGENT** intervention in the following situation in **Greece**.

Brief description of the situation

The International Secretariat of OMCT has been informed, by a reliable source, of the demolition of 6 homes and the damage to a seventh one, all located in a Romani settlement in Aspropyrgos.

According to the information received, on September 13th 2001, the municipal authorities of Aspropyrgos, under the orders of Aspropyrgos' Mayor G. Liakos, proceeded to destroy 6 homes and damage another, together with all their contents. The destroyed homes allegedly belong to 4 Greek and 3 Albanian Roma families.

It is reported that the municipal authorities of Aspropyrgos put an end to their operation following the intervention of the Greek Ombudsman and the Greek Helsinki Monitor. According to the intervention received, a police car stood by during the destruction of the homes without intervening.

Background Information

This demolition of Roma houses is reminiscent of what occurred in Aspropyrgos in February 1999 and July 2000.

On July 14th 2000, the municipal authorities of Aspropyros, equipped with a bulldozer, entered a settlement of Romani tent-dwellers in Aspropyros, approximately 15 kilometres west of Athens (Attica). In the presence of the Mayor of Aspropyros and the police, they demolished most of the homes in the camp belonging to Greek and Albanian Roma and which contained their personal belongings. According to eyewitnesses, no eviction warrants or orders were presented to the Roma families. Indeed, the operation was carried out without the authorisation or presence of a public prosecutor, as is required under Greek law in cases of invasion of privacy and the domicile.

The action taken by the Municipality of Aspropyros resulted in the expulsion of the Roma from their encampment and in the demolition of their homes. According to eyewitnesses, only eight homes escaped demolition; elderly persons or people with health problems who could not move immediately occupied these homes.

A subsequent report by the Greek Ombudsman, released on January 26th 2001, found that the action taken by Municipality of Aspropyros violated Greek law and was, therefore, illegal. The report further recommended that a prompt and impartial investigation into the action of the Aspropyros Municipality be carried out in order to bring those responsible to justice. To date, OMCT notes with concern that no prompt

and impartial investigation has been carried out, that those responsible have not been brought to justice, and that the victims have not been compensated.

More recently, OMCT also expressed concern about the demolition of Roma houses in Patras (Case GRE 310801. ESCRC).

The large number of cases of demolition of Roma homes, as well as the authorities' failure to take appropriate measures to carry out independent investigations in order to bring those responsible to justice and compensate the victims might well reveal a deliberate policy of discrimination against the Roma.

Illegal eviction of the Roma and demolition of their homes are in clear violation of international human rights commitments freely undertaken by Greece. Article 11 of the International Covenant on Economic, Social and Cultural Rights, which forms a part of the International Bill of Rights and has been ratified by Greece, guarantees the right to adequate housing. The United Nations Committee on Economic, Social and Cultural Rights, which monitors compliance with the International Covenant on Economic, Social and Cultural Rights, made it clear in its General Comment No. 4 that the right to adequate housing should be seen as "the right to live somewhere in security, peace and dignity", entailing, *inter alia* "a degree of security of tenure which guarantees legal protection against forced evictions, harassment and other threats".

Moreover, the European Court on Human Rights, in its judgement *Selçuk and Asker v. Turkey*, found that the destruction of the applicants' homes and their eviction from their village constituted a form of ill treatment, in violation of article 3 of the Convention.³

Action Requested

Please write to the Greek authorities urging them to:

- i. take all necessary measures to guarantee the physical and psychological integrity of the Roma families;
- ii. guarantee an immediate investigation into the circumstances of the demolition in Aspropyros, identify those responsible, bring them before a civil competent and impartial tribunal and apply the penal, civil and/or administrative sanctions provided by law and compensate the victims;
- iii. guarantee respect for the economic, social and cultural rights throughout the country and in particular the right to adequate housing, in light of General Comment No. 4 of the UN Committee on Economic, Social and Cultural Rights;

³ Case of *Selçuk and Asker v. Turkey* (12/1997/796/998-999), Judgment, Strasbourg, 28 April 1998, para 80

- iv. guarantee the respect of human rights and the fundamental freedoms in accordance with national laws and international human rights standards such as the International Covenant on Economic, Social and Cultural Rights.

3. Case GRE 190202 ESCR - Destruction of a Roma settlement by “unknown individuals”/Lack of action by the police

19 February 2002

The International Secretariat of OMCT requests your **URGENT** intervention in the following situation in **Greece**.

Brief description of the situation

The International Secretariat of OMCT has been informed, by the Greek Helsinki Monitor (GHM), of an arson attack that destroyed the Roma settlement located in the area of “Gerambella”, at the outskirts of the city of Pyrgos.

According to the information received, on February the 8th or 9th 2002, at around noon, “unknown individuals” entered the Romani settlement and burned the sheds to the ground. Reportedly, all of the Roma were working at the time the incident took place and no one was at the settlement.

It is also reported that the Pyrgos Police Department was contacted by the aforementioned source on February 13th and the officer in command was asked whether the police had been informed of the incident and if so, whether they were planning to launch any investigation. The officer responded that they knew only what they had read in the local newspapers and that there was nothing for them to do as the Municipality had already initiated some measures, though he did not specify which or what kind of measures.

Moreover, on February 14th, the Pyrgos Fire Brigade was contacted by the GHM, asking to be informed whether it had received any calls to put out a fire in the “Gerambella” location, to which the Fire Brigade answered negatively.

Background Information

About ten families have been living in the “Gerambella” location for the past two years. On July 2nd, 2001, the Pyrgos Municipal Council convened, following a request of the non-Roma residents of the “Gerambella” area. They were demanding that the Roma be evicted from the aforementioned location. The Municipal Council agreed with the residents’ request and called upon the Prefecture authorities to proceed to relocate the settlement.

Since that meeting and over the past seven months, the competent authorities have been discussing about a possible relocation of the Roma families living in the “Gerambella” area.

It should be reminded that the Romani settlement of “Gerambella” has been at the centre of attention of local residents and authorities for quite some time. Indeed, the non-Roma residents of the area have been complaining about the settlement, arguing that it constitutes a health hazard and that the Roma engage in drug dealing. When speaking to a journalist of the *Elefthootrypia* daily (in an article published on Feb 14,

2002), municipal counsellor Athanasios Sepetas confirmed those beliefs of the non-Roma residents and added that Pyrgos Municipality was planning to seek permission from the state agency owing the land to fence it, so that Roma would not resettle there.

In fact, on February 13th, 2002, a bulldozer belonging to the municipality arrived at the settlement late in the evening with the objective to clear the place up but the Roma stopped it on its tracks and eventually the bulldozer and its crew had to leave.

Illegal eviction of the Roma and demolition of their homes are in clear violation of international human rights commitment freely undertaken by Greece. Article 11 of the International Covenant on Economic, Social and Cultural Rights, which forms a part of the International Bill of Rights and has been ratified by Greece, guarantees the right to adequate housing. The United Nations Committee on Economic, Social and Cultural Rights, which monitors compliance with the International Covenant on Economic, Social and Cultural Rights, made it clear in its General Comment No. 4 that the right to adequate housing should be seen as “the right to live somewhere in security, peace and dignity”, entailing, *inter alia*, “a degree of security of tenure which guarantees legal protection against forced evictions, harassment and other threats”.

Moreover, the European Court on human Rights, in its judgement *Selçuk and Asker vs. Turkey*,⁴ found that the destruction of the applicants’ homes and their eviction from their village constituted a form of ill-treatment, in violation of Article 3 of the European Convention on Human Rights.

Action Requested

Please write to the Greek authorities urging them to:

- i. take all necessary measures to guarantee the physical and psychological integrity of the Romani families living in the “Gerambella” location;
- ii. guarantee an immediate investigation into the circumstances of the arson attack
- iii. to the aforementioned settlement, identify those responsible, bring them before a competent and impartial tribunal and apply the penal, civil and/or administrative sanctions provided by law and compensate the victims;
- iv. guarantee respect for the economic, social and cultural rights throughout the country and in particular the right to adequate housing, in light of General Comment No. 4 of the UN Committee on Economic, Social and Cultural Rights;
- v. guarantee the respect of human rights and the fundamental freedom in accordance with national laws and international human rights standards such as the International Covenant on Economic, Social and Cultural Rights.

⁴ Case of *Selçuk and Asker vs. Turkey* (12/1997/796/998-999), Judgement, Strasbourg, 28 April 1998, para 80

4. Case GRE 050203. ESCR - Arbitrary seizure of a resettlement site for Roma by the Nea Alikarnassos Municipality/Preparation of the 2004 Olympic Games

5 February 2003

The International Secretariat of OMCT requests your **URGENT** intervention in the following situation in **Greece**.

Brief description of the situation

The International Secretariat of OMCT has been informed by the Greek Helsinki Monitor (GHM), a member of the OMCT network, of the arbitrary seizure, by the Nea Alikarnassos Municipality (adjoining the city of Heraklion in Crete), of a resettlement site destined for the local Roma community in Greece.

According to the information received, in mid January 2003 the Mayor of the Nea Alikarnassos Municipality, Mr. Sissamakis, authorized municipal employees to break into a site attributed to the resettlement of the local Roma community, including forcing the entrance lock and placing iron props inside.

The site in question has reportedly been selected for the resettlement of the Roma community living within the administrative borders of the Nea Alikarnassos Municipality. In this respect, it is reported that part of the necessary infrastructure has already been constructed, while it is planned to build prefabricated homes on the site. Overall, the whole project of resettlement is managed by the Eastern Crete Development Organisation (O.A.N.A.K.) and is funded by central government resources.

According to the information received, Mr. Sissamakis is opposed to the resettlement of the Nea Alikarnassos Roma community in this site, arguing that it belongs to the municipality and that it is simply not possible to create a Roma settlement next to a basketball court constructed with the budget of the 2004 Olympics. In place of the Roma settlement, Mr. Sissamakis reportedly proposed the construction of a parking lot for the adjoining basketball court.

In addition to its opposition to the resettlement, Mr. Sissamakis stated in an interview to the daily "Eleftehrotypia" (27.01.03) that Roma blemish one's sense of good taste, that they deal drugs, that he does not want them in his municipality and that they should not be accorded any privilege –such as the creation of a settlement-, that they could rent houses in Heraklion or Nea Alikarnassos.

Background Information

This arbitrary seizure of the resettlement site destined for Nea Alikarnassos Roma reportedly occurs against the background of ongoing attempts to drive the Roma away and to oppose any resettlement plan that would take place within the Nea Alikarnassos administrative borders.

The resettlement plan, opposed by the newly elected Mayor Mr. Sissamakias, concerns around 500 Roma who are currently living in a camp situated within the Nea Alikarnassos municipality's administrative borders in the locality of Dyo Aorakia, between the highway and the industrial zone, about 500 meters away from the nearest habitation in the municipality. According to the information received, this camp was created around 15 years ago by a decision of the Heraklion Prefecture with the idea of reassembling all the scattered camps into one large one. This move was reportedly tolerated by the municipality of Nea Alikarnassos.

This camp is reportedly made of shanty houses with no water supply, electricity, sewage system or organised garbage collection. This absence of basic services has been reportedly used as a siege tactic, by the municipality authorities, in order to get rid of the Roma. Indeed, it is reported that since the establishment of the camp, the Nea Alikarnassos authorities are doing their best to drive the Roma away. For instance, the authorities refuse to have the Roma registered in the municipal list even if most of them live there permanently and despite the fact that 200 children were born there. Roma children were also reportedly not able to attend local schools from 1987 to 1998 because the camp was not within the enrolment boundaries of any school. Following 1998 and the efforts of the Heraklion Prefecture, a school for Roma children was eventually founded away from the municipality of Nea Alikarnassos, as part of the 34th Elementary School of Heraklion. In 2002, some children who attended the school for Roma went to regular schools in the municipality of Nea Alikarnassos but most of them dropped out very quickly; no Roma child of the camp has graduated from elementary school.

According to the information received, the Nea Alikarnassos municipality took a firmer stand, since 1997, regarding the Roma community living in the camp. It is reported that on December 17th 1997, the municipality issued an order of administrative eviction, claiming that it owns the land where the camp is located and asking 102 Roma families living there to vacate the area within 30 days. The families reportedly challenged the eviction order before the Heraklion County Court, which found the order abusive and cancelled it in its decision 975/1999 of November 12th 1999. The Court acknowledged that while in principle the municipality, as the owner of the land, had the right to issue an eviction order, its move was abusive because the affected Roma were living therein expecting their relocation that has been announced by the State.

This scenario was reportedly repeated in August 10th 2002 when the Roma were again served with an eviction order dated June 20th 2002 (Ref. 3754), asking them to vacate the area within 30 days. Again, the Roma challenged the eviction order before the Heraklion County Court, which, as in 1999, found the order abusive and cancelled it.

Since 2000, no other eviction attempts have been reported, although the police reportedly performs regular raids in the camp.

The Roma Situation and the 2004 Olympic Games

The arbitrary seizure of the resettlement site destined for Nea Alikarnassos Roma is also related to the preparation of the 2004 Olympic Games. Indeed, the Mayor of Nea

Alikarnassos Municipality, Mr. Sissamakias, clearly stated that the establishment of a Roma settlement was inappropriate next to a basketball court built with the budget of the 2004 Olympics.

It is not the first time that Roma communities are facing threats of eviction, actual evictions, or violations of their right to adequate housing as part of the preparation for the 2004 Olympics. For instance, the Roma communities that have settled in the various areas of Athens and surroundings (area of Aspropyrgos) have been facing repeated threats of, and actual forced evictions, notably in July 2000 and September 2001. Moreover, the local authorities in Aghia Paraskevi, Ano Liosia, Halandri and Marousi have openly claimed that they want the land on which the Roma have settled, or were meant to be settled, to build sport facilities for the 2004 Athens Olympic Games. In this respect, the National Commission for Human Rights noted in its 2001 report that "It is a fact that with the opportunity of the Olympic Games the eviction of the Gypsies from many areas has been organized."

There are fears, therefore, that as the date for the Olympics draws nearer, municipalities that want to evict their Roma communities will increasingly invoke the Olympics in order to evict the Roma without causing public censure or reactions from the Greek central authorities. With respect to this situation Mr. Alvaro Gil-Robles -the Council of Europe's Human Rights Commissioner- requested the Olympic Organising Committee to publish the list of the sites that have been selected for the 2004 Olympic games in order to prevent that pressure is being put on the Roma that have settled or wish to settled in those areas. According to the Greek Helsinki Monitor, this request remains, so far, unanswered. Similarly, OMCT's appeals to the International Olympic Committee in this respect (May 2001 and February 2002), have so far remain unanswered.

Action requested

Please write to the authorities in Greece urging them to:

- i. guarantee the right to adequate housing of the Roma community of Nea Alikarnassos;
- ii. ensure respect for economic, social and cultural rights throughout the country, and in particular the right to adequate housing, in light of general Comments No. 4 and No. 7 of the U.N. Committee on Economic, Social and Cultural Rights;
- iii. guarantee that local authorities abide by international human rights obligations that Greece has freely subscribed;
- iv. guarantee that the preparation of the 2004 Olympics and activities related to it do not lead to violations of human rights;

- v. guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance with international human rights standards;

5. GRE 290403. ESCR - Threat of unlawful eviction of a Roma community/Denied access to basic services

29 April 2003

The World Organisation against Torture (OMCT) requests your **URGENT** intervention in the following situation in **Greece**.

Brief description of the situation

OMCT has been informed by the Greek Helsinki Monitor (GHM), a member of the OMCT network, of a police attempt to evict a Roma community living in the Nea Zoi area of Aspropyrgos, located at approximately 15 kilometres west of Athens (Attica), Greece. This incident occurred while the Roma community living in Aspropyrgos is still awaiting the provision of water and electricity, as promised by the Greek authorities and officially announced to the Council of Europe in September 2002.⁵

According to the information received, on April 21st 2003, at around 3.00 p.m., a Hellenic Police (EL.AS.) car arrived at the Roma settlement located in Aspropyrgos. Two police officers reportedly said that *"the plot was bought and the proprietor sent us to tell you to move out because he wants to clean it up and enclose it"*. It is reported that the Roma were given two weeks time to gather their belongings and leave. While the police officers reportedly had with them certain documents that they showed to the Roma, they did not give any official eviction order.

A few days earlier, an individual claiming to be the proprietor of an adjacent plot where Roma are also living, reportedly asked them to leave his alleged property within twenty days and threatened that otherwise he would be forced to "call the police".

According to the information received, on the following day, (22 April 2003), a representative of GHM, who is also a member of SOKADRE (Coordinated Organizations and Communities for Roma Human Rights in Greece), called the Aspropyrgos Police Station in order to get some more information on the incident. The police officer reportedly claimed that he was unaware of the incident and suggested in called his chief, saying however that the Police Station frequently receives complaints by the residents in the surrounding areas asking the Police to intervene in order to drive away the Roma living in the wider area of Nea Zoi. On April 23rd 2003, the Chief of the Aspropyrgos Police Station reportedly stated to the representative of GHM and SOKADRE that he was unaware of the incident and referred him to other officers, who were unable to provide any concrete information. Following this event, SOKADRE reportedly sent a letter to the Aspropyrgos Police Station on April 23rd, asking them to provide any documentation that could justify the actions of the police officers. So far, the police has provided no further documentation.

⁵ Council of Europe, Office of the Commissioner for Human Rights, "Report by Mr Alvaro-Gil Robles, Commissioner for Human Rights, on his Visit to the Hellenic Republic, 2-5 June, 2002", Strasbourg, 17 July, 2002, para. 24, available at: [http://www.commissioner.coe.int/docs/CommDH\(2002\)5_E.htm](http://www.commissioner.coe.int/docs/CommDH(2002)5_E.htm)

This incident occurred while the Aspropyrgos Roma community is reportedly awaiting the provision of water and electricity as promised by the Greek authorities. Despite the assurances given by the Greek delegation to the Council of Europe on September 11th 2002 that “*all necessary measures have been taken in order that the Roma/Gypsy settlement of Aspropyrgos is provided with all public facilities*”, the settlement still does not have running water and electricity.

The guarantee provided last September by the Greek authorities that all necessary measures have been taken in order to ensure that the Roma/Gypsy settlement of Aspropyrgos is provided with all public facilities, seriously contrasts with the actual denial of such services by the Municipality, along with the attempted eviction that took place on April 21st 2003.

Background information

This attempted eviction, along with denied access to water and electricity (despite the Greek authorities’ guarantee that they have provided these services to the Aspropyrgos settlement) takes place in a context of ongoing harassment against the Roma population living in Aspropyrgos, including notably attempted and actual forced evictions, as well as living conditions failing to meet international standards related to the enjoyment of economic, social and cultural rights.

Besides the absence of running water and electricity that has already been mentioned, the Roma living in the Nea Zoi area of Aspropyrgos are living next to a defunct rubbish tip and in the midst of warehouses and small industrial facilities. Only about 6 families live in the settlement in question at the moment, although when Mr. Robles, the Council of Europe Commissioner for Human Rights, visited it in June 2002, there were about 20. The other families were forced to move out either due to the frequent police raids or due to the lack of infrastructure and problems with drugs. During his visit to Greece, Mr. Robles went to the settlement and stated the following in his report: “*Words fail me in saying that I am grateful to the families for their reception, as these people live under conditions very remote from what is demanded by respect for human dignity, in particular without running water supplies among other essential services.*”⁶

Attempted forced evictions or actual forced evictions of Roma living in Aspropyrgos are reported with alarming frequency. As highlighted by the following examples, attempted or actual forced evictions that are carried out by the Aspropyros Municipality include a certain number of similar characteristics, including the disregard for national and international law, the absence of eviction orders, the lack of alternative housing and compensation to the victims, as well as the absence of prompt and impartial investigation into the actions of the Aspropyros Municipality.

On February 16, 1999, a municipality of Aspropyrgos crew, escorted by the two deputy mayors of Aspropyrgos and police, entered the Nea Zoe settlement with a water tanker, two bulldozers, a jeep, and three police cars. The municipal employees tore down five sheds with the two bulldozers and set the rubble on fire. The settlement comprised twelve buildings altogether, with around one hundred inhabitants. The

⁶ *Ibid.*

Roma were not given enough time to remove their possessions. Some of the Romani residents were not present at the time of the operation.⁷

On July 14, 2000, the municipal authorities of Aspropyros, equipped with a bulldozer, entered a settlement of Romani tent-dwellers. In the presence of the Mayor of Aspropyros and the police, they demolished most of the homes in the camp belonging to Greek and Albanian Roma, which contained their personal belongings. According to eyewitnesses, no eviction warrants or orders were presented to the Roma families. The operation was carried out without the authorisation or presence of a public prosecutor, as is required under Greek law in cases of invasion of privacy and the domicile. The action taken by the Municipality of Aspropyros resulted in the expulsion of the Roma from their encampment and in the demolition of their homes. According to eyewitnesses, only eight homes escaped demolition; elderly persons or people with health problems who could not move immediately were in these homes. After the demolition, the inhabitants moved to a vacant place nearby, in the wider area of Aspropyrgos.

Mr N.A., a 35-year-old Romani man who witnessed the destruction of his home as well as many others, told that the inhabitants were not given time to remove their possessions from the huts and described how the bulldozers not only levelled the shacks, but used their blades to push the debris into the ground and cover it over with earth, burying the contents of peoples homes. According to Mr N.A., the demolition crew of the municipality proceeded to set ablaze the remains, mainly pieces of cardboard and wooden planks, which lay above the surface.⁸

On July 17 and 18, 2001, two municipal police officers and two state police officers visited one of the makeshift settlements, next to a refuse dump, and told the Romani families there to leave the area within three days. According to Ms Dionysia Panayotopoulou, a Romani woman who had resettled with her family next to the refuse site and a representative of the community to the non-governmental umbrella group SOKADRE, the officers did not present any papers and threatened the families that if they did not leave within three days, they would send in their special forces to take care of them. The authorities never acted on the threat and the Roma are still living beside the refuse site.⁹

On the morning of September 13th 2001, the municipal authorities of Aspropyrgos, under the orders of Aspropyrgos' Mayor G. Liakos, proceeded to destroy 6 homes together with all their contents and damage another. The destroyed homes allegedly belong to 4 Greek and 3 Albanian Roma families. A bulldozer belonging to the municipality of Aspropyrgos, accompanied by both state and municipal police officers, began demolishing dwellings belonging to Roma. One of the residents reportedly approached the police officers and asked them for the documents authorising the eviction. According to Mr V.A., one of the municipal officials reportedly told him that

⁷ For further details on this case, please refer to the report published by the European Roma Rights Center (ERRC) and the Greek Helsinki Monitor (GHM), *Cleaning Operations: Excluding Roma in Greece*, http://www.greekhelsinki.gr/bhr/english/organizations/ghm/greeceE_2003.rtf

⁸ *Supra* note 3

⁹ *Supra* note 3

they had no papers. One of the state police officers reportedly stated that he thought an eviction protocol existed, but that he could not remember. Mr V.A. related that he informed the officers that the eviction action was illegal without proper authorisation. The municipal authorities of Aspropyrgos put an end to their operation following the intervention of the Greek Ombudsman and the Greek Helsinki Monitor. According to the intervention received, a police car stood by during the destruction of the homes without intervening.¹⁰

On September 28th 2002, a bulldozer belonging to the municipality of Aspropyrgos, together with a municipal patrol car carrying four municipal police officers, visited a Romani man, Mr S.K., living in the Nea Zoe area. The Romani man was erecting a shed on a plot of land he owned when the bulldozer and the municipal police arrived and told him that they would have to tear his shed down. Ms Panayotopoulou asked them whether any decision had been issued by the local Town Planning Bureau, authorising the demolition. The municipal police officers responded that there was such a decision, concerning all the illegal dwellings in the area, but it had not been issued yet and hence they could not provide her with a copy. When further asked by Ms Panayotopoulou whether they had been sent there by the mayor, the municipal police responded that they were carrying out orders from the Town Planning Bureau. This is unlikely, as in such cases the town planning authorities solicit the assistance of the Greek state police and not of the municipal police forces. It is also unlikely, given that if in fact the municipal authorities had requested the intervention of municipal police, that a representative of the town-planning bureau would not be present. Finally, September 28, 2002, was a Saturday, a day when the regional authorities (to which town planning authorities belong) are closed. In the end, the municipal police and the bulldozer left, with officers telling Mr S.K. that he had time until Monday to tear down his shed himself, otherwise they would do so. The municipal police did not carry out their threat and on September 30, 2002, the *SOKADRE* submitted, on behalf of the Nea Zoe community, a complaint to the Ombudsman's office. On October 24, 2002, the Ombudsman's office addressed a letter (Ref. No. 19000.2.2) to the Aspropyrgos municipality, soliciting the municipal authorities' view on the issue at hand. The latter responded on February 12, 2003, (Ref. No. 3205), alleging that no municipal employees had been involved in any such activity on that particular day. The municipality of Aspropyrgos letter ended by offering its version of what actually had happened, namely that ... some individuals unknown to them, maybe even private security guards, presented themselves as municipal police officers, whereas they were not. The *SOKADRE* contacted both Ms Panayotopoulou and Mr S.K.s wife, Ms G.K., (who was also present during the incident) who reconfirmed their version of the events. Ms G.K. also added that one of the municipal police officers was an acquaintance of her husband, so it is impossible she was mistaken as to the officers' identity. On February 21, 2003, the *SOKADRE* submitted a complaint to the Ombudsman's office in which it claimed that the municipality's reply was inadequate.¹¹

The rate with which attempted or actual forced evictions of Roma occur in Aspropyrgos, along with an overall policy of harassment and denial of access to basic

¹⁰ *Supra* note 3; See also OMCT Urgent Appeal Case GRE 200901. ESCR (20 September 2002)

¹¹ *Supra* note 3

services suggest a systematic practice of keeping Roma permanently from long-term settlement and integration in the Municipality.

Action requested

Please write to the authorities in Greece urging them to:

- i. guarantee the right to adequate housing of the Roma community in Nea Zoi, -namely its following elements: security of tenure, access to public and environmental goods and services, freedom from dispossession, right to information and resettlement- as recognised in International Covenant on Economic, Social and Cultural Rights, General Comments No. 4 and No. 7 of the U.N. Committee on Economic, Social and Cultural Rights, and the International Convention on the Elimination of all Forms of Racial Discrimination, among others;
- ii. provide immediately public utilities (water, electricity, etc.) to the Roma community in Nea Zoi, as pledged before the Council of Europe and in accordance with General Comment No.15 of the U.N. Committee on Economic, Social and Cultural Rights on the right to water;
- iii. guarantee an immediate investigation into the circumstances of these events, identify those responsible, bring them before a civil competent and impartial tribunal and apply the penal, civil and/or administrative sanctions provided by law;
- iv. guarantee that municipal authorities of Aspropyrgos abide by international human rights obligations that Greece has freely subscribed;
- v. guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance with international human rights standards;

6. Case GRE 290403. 1 ESCR - Threat of unlawful eviction of a Roma community

20 May 2003

The International Secretariat of OMCT has received new information regarding the following situation in **Greece**.

New information

The International Secretariat of OMCT has been informed by the Greek Helsinki Monitor (GHM), a member of the OMCT network, of a police threat to evict the Roma community living in the Nea Zoi area of Aspropyrgos, located approximately 15 kilometres west of Athens (Attica), Greece.

According to the information received, three Greek police (EL.AS) cars – one jeep and one patrol car, each with 3-4 police officers on board, and a van with about eight police officers in blue military style clothes- visited the Roma settlement on Sunday May 11th, 2003 at around four o'clock in the afternoon.

It is reported that the Roma initially thought that the police officers were merely patrolling the area, looking for illicit transactions. The two police vehicles allegedly entered the settlement and then made a U-turn in order to leave. However, it is reported that shortly before leaving, they stopped and asked the Roma for how long they had been staying there. It is reported that upon receiving the Roma's answer, the police officers told them to leave as "the mayor has decided that you should leave". According to the information received, the Roma were not presented with any eviction orders and the police vehicles drove away.

According to the information received, the police orally denied these facts to the Greek Ombudsman, while the municipality of Aspropyrgos denied having taken such action, in an oral communication with GHM. However, as in previous cases, no investigation was carried out to identify the perpetrators, even though the Roma have in every case stated that they can identify them.

Brief reminder of the situation

The Roma of Aspropyrgos are regularly the victims of such eviction threats, coming either from Greek Police officers or the Aspropyrgos Municipal Police force.

No later than April 21st 2003, at around 3.00 p.m., a Greek Police (EL.AS.) patrol car arrived at the Roma settlement located in Aspropyrgos. Two police officers reportedly said that "the plot was bought and the proprietor sent us to tell you to move out because he wants to clean it up and enclose it". It is reported that the Roma were given two weeks time to gather their belongings and leave. While the police officers reportedly had with them certain documents that they showed to the Roma, they did not give them any official eviction order.

These incidents occur while the Aspropyrgos Roma community is reportedly awaiting the provision of water and electricity as promised by the Greek authorities. Despite all

assurances given by the Greek delegation to the Council of Europe on September 11th 2002 that “all necessary measures have been taken in order that the Roma/Gypsy settlement of Aspropyrgos is provided with all public facilities”, the settlement still does not have any running water and electricity. In an answer to a parliamentary question, the government has laid the blame solely on the mayor of Aspropyrgos who has repeatedly ignored government letters and a grant worth around 30'000 Euro that has been awarded in 1999 to carry out such infrastructure work. However, the government has always refrained from sanctioning the mayor or requesting an explanation as to the use of these funds.

The International Secretariat of OMCT is gravely concerned by these attempted forced evictions of the Roma living in Aspropyrgos, as well as by their alarming frequency. These have all similar characteristics, including the disregard for national and international law, the absence of eviction orders, the lack of alternative housing and compensation to the victims, as well as the absence of prompt and impartial investigation into the actions of the Aspropyros Municipality.

Action requested:

Please write to the authorities in Greece urging them to:

- i. take all necessary measures to guarantee the physical and psychological integrity of the Roma community of Aspropyrgos;
- ii. guarantee an immediate investigation into the circumstances of these events, in order to identify those responsible, bring them before a civil competent and impartial tribunal and apply the penal and/or administrative sanctions provided by law;
- iii. guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance with national laws and international human rights standards.

7. Case GRE-FE 110803, OMCT/HIC-HLRN, Joint Urgent Action Appeal - Unlawful criminal charges against 27 Roma/destitute living conditions in the Roma settlement of Glykeia

11 August 2003



The International Secretariat of the World Organisation against Torture (OMCT) and the Coordination Office of Housing and Land Rights Network of Habitat International Coalition (HIC-HLRN) request your **URGENT** intervention in the following situation in **Greece**.

The situation

The Greek Helsinki Monitor (GHM), a member of the OMCT network, has informed the International Secretariat of OMCT that Greek authorities have initiated criminal charges against 27 Roma living in Glykeia, Municipality of Nea Tiryntha, Prefecture of Argolida, Southern Greece. According to the information received, the Prefecture has accused them of violating national sanitary provisions regulating living conditions in temporary settlements. It is reported that these charges do not have adequate grounds for prosecution and have been brought even though the court acquitted the same 27 Roma of the same charges in 1999.

These new charges indict the 5 men and 22 women for having intentionally violated the Minister of Internal Affairs and Minister of Health's Decision entitled, "Sanitary Provision for the organized relocation of wandering nomads" (A5/696/25.4-11.5.83), from November 1998 to 17 July 1999. The indictment reportedly specified violations of Article 1 paragraphs 1 and 2 of the Sanitary Provision, which prohibit the "unchecked, without permit, encampment of wandering nomads (athinganoi, etc.)" but authorizes the temporary encampment "provided that there is a prior relevant decision of the Prefect and a permit."

According to the information received the Prefecture Council of Argolida settled the Roma in Glykeia in 1986, where they have been living since then. As it is the Prefecture that settled the Roma in Glykeia, their settlement complies with the cited sections of the Sanitary Provision that allow encampments with "a prior relevant decision of the Prefect," rendering the present charges groundless.

It is reported that the Roma settlement in Glykeia is adjacent to the Open Air Prison Facility of Tirynta and that it was the Chief Warden of the prison who asked for the prosecution by sending a letter (document Ref. No. 6787/27-11-1998) to the Prosecutor. The dates of November 1998 and 17 June 1999 cited in the indictment reflect the period running from the Chief Warden's letter to Prosecutor's office until the Police Station of Nafplio reported, without any investigation, the names of the 27 Roma to the Prosecutor's office. The 27 Roma involved in the pending trial were reportedly tried and acquitted on the same charges on 21 June 1999, the same month the current indictment was filed.

The GHM and SOKADRE (Coordinated Organizations and Communities for Roma Human Rights in Greece) are currently supporting the Roma. However, GHM has indicated, for lack of funds, the 27 Roma currently do not have legal representation..

The Roma are scheduled for trial in the Misdemeanour Court of Nafplio (the seat of the Prefecture of Argolida) on 22 September 2003 and face penalties of up to three months imprisonment and/or a fine.

Background information

These charges come in the context of Prefecture of Argolida officials' history of failure to carry out their responsibilities to provide services to the Roma community in Glykeia on an equal basis with other citizens. They also follow a pattern of segregated living conditions for the Roma in Greece.

As the Prefecture Council of Argolida settled the Roma in Glykeia, the Prefecture had a duty, under the Sanitary Provision, to provide sanitary facilities to them. However, the Prefecture has failed to perform this duty. Specifically, Article 3 paragraph 4 of the Sanitary Provision requires that "the organized encampments must have the necessary infrastructure that would allow for healthy living, such as facilities for drinking water, sanitary toilets, containers for garbage collection and disposal and, preferably, facilities for individual cleaning in commonly used baths and laundry facilities."

However, the Roma settlement in Glykeia is one of the most destitute settlements GHM has visited. Besides being located next to the Tirynta Prison, it lies next to a factory and fields where garbage and rubble are dumped. The site has no electricity or telephone service, and it has only three taps providing poor-quality water. It is also reported that municipal police frequently set up checkpoints on the roads, at which they verbally abuse the Roma inhabitants.

Discrimination against the Roma is apparently common in local institutions. It is also reported, for example, that the local hospital has a segregated postnatal recovery room for Romani mothers. The Greek National Commission for Human Rights (NCHR) and the Chair of the Council of Europe's Specialist Group on Roma/Gypsies have stated that a considerable number of Roma in Greece live under "apartheid" conditions, in racially segregated ghettos that stand in stark contrast to other residential areas in Greece.

Human rights, international law, and treaty violations

The living conditions of the Roma community in Glykeia, as well as the criminal charges against the 27 Roma contravene, *inter alia*, the inhabitants' right to water and to adequate housing; i.e., the right of all women, men and children to gain and sustain a secure place to live in peace and dignity. The Greek authorities especially violate those citizens' entitlements to security of tenure, access to public and environmental goods and services, information, freedom from dispossession, an appropriate housing location, participation, compensation, and physical security. All are elements to the right to the human right to adequate housing are enshrined in international law. Specifically, the authorities have breached their treaty obligations under articles 1, 2, 4, 11, 12, and 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Greece acceded to on 16 August 1985. The State has been derelict in its obligations as elaborated in the UN Committee on Economic, Social and Cultural Rights General Comments Nos. 4 and 7 on the human right to adequate housing, and in General Comment No. 15 on the right to water. Greece has also breached articles 1, 5 and 6 of the International Convention on the Elimination of all Forms of Racial Discrimination (CERD), which it ratified on 18 July 1970.

Action requested

Please write to the authorities in Greece urging them to:

- i. guarantee an immediate investigation into the circumstances of the duplicative criminal prosecutions, and dismiss charges that are not warranted;
- ii. guarantee the right to adequate housing of the Roma community in Nea Tirynta: namely, its following elements: security of tenure, access to public and environmental goods and services, freedom from dispossession, right to information and resettlement, as recognised in International Covenant on Economic, Social and Cultural Rights, and elaborated in General Comments Nos. 4 and 7 by the UN Committee on Economic, Social and Cultural Rights, and the International Convention on the Elimination of all Forms of Racial Discrimination, among others;
- iii. immediately provide public utilities (i.e., water, sanitation, electricity, etc.) to the Roma community in Nea Tirynta, as required under Article 3 of the Sanitary Provision, A5/696/25.4-11.5.83, and in accordance with General Comment No. 15 of the UN Committee on Economic, Social and Cultural Rights on the right to water;
- iv. ensure security and police protection on a equal basis with other Greek citizens;
- v. guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance with international human rights standards; the country in accordance international human rights standards.

8. Case GRE-FE 110803.1, OMCT/HIC-HLRN, Joint Urgent Action Appeal - Criminal Charges against 27 Roma and Destitute Living Conditions in the Roma Settlement of Glykeia

18 September 2003

The International Secretariat of the World Organisation against Torture (OMCT) and the Coordination Office of Housing and Land Rights Network of Habitat International Coalition (HIC-HLRN) request your **URGENT** intervention in the following situation in **Greece**.

New Information

The Greek Helsinki Monitor (GHM), a member of the OMCT network, has informed the International Secretariat of OMCT that on 22 September 2003, 27 Roma will be on trial before the Misdemeanour Court of Nafplio (the seat of the Prefecture of Argolida), facing penalties of up to three months imprisonment and/or a fine.

According to the information received, 27 Roma, who are living in Glykeia (Municipality of Nea Tirynta, Prefecture of Argolida), are accused of violating national sanitary provisions regulating living conditions in temporary settlements. These charges do not have adequate grounds for prosecution and have been brought even though the court acquitted the same 27 Roma of the same charges in 1999.

These new charges indict the five men and 22 women for having intentionally violated the Minister of Internal Affairs and Minister of Health's Decision entitled, "Sanitary Provision for the organized relocation of wandering nomads" (A5/696/25.4-11.5.83), from November 1998 to 17 July 1999. The indictment reportedly specified violations of Article 1 paragraphs 1 and 2 of the Sanitary Provision, which prohibit the "unchecked, without permit, encampment of wandering nomads (*athinganoi*, etc.)" but authorizes the temporary encampment "provided that there is a prior relevant decision of the Prefect and a permit."

The GHM and SOKADRE (Coordinated Organizations and Communities for Roma Human Rights in Greece) are currently supporting the Roma. GHM's legal counsel will represent the Roma during the trial, the European Roma Rights Centre (ERRC) providing the necessary funds.

Brief Reminder of the Situation¹²

According to the information received, the Prefecture Council of Argolida settled the Roma in Glykeia in 1986, where they have been living since then. As it is the Prefecture that settled the Roma in Glykeia, their settlement complies with the cited sections of the Sanitary Provision that allow encampments with "a prior relevant decision of the Prefect," thus, rendering the present charges groundless.

¹² For more information, please see Urgent Appeal Case GRE-FE 110803, released by OMCT and HIC-HLRN at www.omct.org

The Roma settlement in Glykeia is adjacent to the Open Air Prison Facility of Tiryntha, and it was the Chief Warden of the prison who reportedly formally sought prosecution by sending a letter (document Ref. No. 6787/27-11-1998) to the Prosecutor. The dates of November 1998 and 17 June 1999 cited in the indictment coincide with the period from the date of the Chief Warden's letter to Prosecutor's office until the Police Station of Nafplio—without any investigation— reported the names of the 27 Roma to the Prosecutor's office. The 27 Roma involved in the pending trial were reportedly tried and acquitted on the same charges on 21 June 1999, the same month the current indictment was filed.

Human rights, international law, and treaty violations

The pending trial and the criminal charges against the 27 Roma contravene, *inter alia*, the inhabitants' right to adequate housing and due process. The Greek authorities especially violate those citizens' entitlements to security of tenure, access to public and environmental goods and services, information, freedom from dispossession, an appropriate housing location, participation, compensation, and physical security. All are elements to the right to the human right to adequate housing are enshrined in international law. Specifically, the authorities have breached their treaty obligations under articles 1, 2, 4, 11, 12, and 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Greece acceded to on 16 August 1985. The State has been derelict in its obligations as elaborated in the UN Committee on Economic, Social and Cultural Rights General Comments Nos. 4 and 7 on the human right to adequate housing, and in General Comment No. 15 on the right to water. Greece has also breached articles 1, 5 and 6 of the International Convention on the Elimination of all Forms of Racial Discrimination (CERD), which it ratified on 18 July 1970.

The current indictment also violates domestic penal procedure provisions. For example, no investigation was undertaken to confirm that the 27 Roma currently indicted were living in the settlement during the period referred to above. Moreover, the Prosecutor appears to have merely asked the police to forward him the names of the 27 Roma that had been indicted and acquitted on 21 June 1999. Finally, it should be noted that, even if the Roma were acquitted on 22 September 2003, these duplicative criminal prosecutions would still amount to harassment aimed at forcing the Roma to abandon their settlement by virtue of incurring upon them expenses that they cannot afford.

Action requested

Please write to the authorities in Greece urging them to:

- i. guarantee an immediate investigation into the circumstances of the duplicative criminal prosecutions, and dismiss charges that are not warranted;
- ii. abstain from initiating criminal proceedings against Roma living in destitute settlements under the Sanitary Provision, at least until the proposals put forward by many municipalities around Greece or the central government concerning the relocation of their Roma communities are materialised;

- iii. guarantee the right to adequate housing of the Roma community in Nea Tiryntha: namely, its following elements: security of tenure, access to public and environmental goods and services, freedom from dispossession, right to information and resettlement, as recognised in International Covenant on Economic, Social and Cultural Rights, and elaborated in General Comments Nos. 4 and 7 by the UN Committee on Economic, Social and Cultural Rights, and the International Convention on the Elimination of all Forms of Racial Discrimination, among others;
- iv. guarantee the respect of human rights and fundamental freedoms throughout the country in accordance with international human rights standards.

II. PRESS RELEASES ON THE PREPARATION OF THE OLYMPIC GAMES AND THE IMPACT ON THE ENJOYMENT OF THE RIGHT TO ADEQUATE HOUSING BY THE ROMA

1. Press Release, Geneva, June 2001 - The Preparation of the 2004 Olympic Games in Athens

The World Organisation Against Torture (OMCT) expresses its deep concern over the human rights violations of the Roma population living in Attica (Greater Athens and adjacent municipalities) and calls upon the International Olympic Committee and the Greek authorities to take appropriate action

Besides repeated denial of their fundamental human rights, the Roma population living in Attica has also been facing repeated threats of, or actual forced eviction, allegedly as part of the "preparation" of Athens for the 2004 Olympic Games. Local authorities (in Aghia Paraskevi, Ano Liosia, Aspropyrgos, Halandri, Nea Iona) have openly claimed that they want the land on which the Roma are or can be settled to build sports facilities for the 2004 Athens Olympic Games.

On July 14th 2000, the municipal authorities of Aspropyrgos, equipped with a bulldozer, entered a settlement of Romani tent-dwellers in Aspropyrgos, approximately 15 kilometres west of Athens (Attica). In the presence of the Mayor of Aspropyrgos and the police, they demolished most of the homes of the Roma camp. The homes belonged to Greek and Albanian Roma and contained their personal belongings. According to eye-witnesses, no eviction protocols or orders were presented to the Roma families. Indeed, the operation was carried out without the authorisation or presence of a public prosecutor, as it required under Greek law in cases of violation of privacy and the home.

This eviction case is in clear violation of international human rights commitments freely undertaken by Greece. Article 11 of the International Covenant on Economic, Social and Cultural Rights, which forms a part of the International Bill of Rights and which has been ratified by Greece, guarantees the right to adequate housing. The United Nations Committee on Economic, Social and Cultural Rights, which monitors compliance with the International Covenant on Economic, Social and Cultural Rights, made it clear in its General Comment No. 4 that the right to adequate housing should be seen as "the right to live somewhere in security, peace and dignity", entailing, inter alia "a degree of security of tenure which guarantees legal protection against forced evictions, harassment and other threats".

The action taken by the services of the Municipality of Aspropyrgos resulted in the expulsion of the Roma from their encampment and the demolition of their homes. According to eye-witnesses, only eight homes escaped demolition, which at the time were occupied by aged persons or people with health problems who could not move immediately.

A subsequent report by the Greek Ombudsman, released on January 26th 2001, found that the action taken by Municipality of Aspropygos violated Greek law and was therefore illegal. The report further recommended that a prompt and impartial investigation into the action of the Aspropygos Municipality be carried out in order to bring those responsible to justice.

To date, OMCT notes with concern that no prompt and impartial investigation has been carried out, that those responsible have not been brought to justice, and that the victims have not been compensated.

The authorities' failure to carry out prompt and impartial investigation, to bring those responsible to justice, and to compensate the victims, as well as their open claim that they want the land on which the Roma are or can be settled to build sports facilities for the 2004 Athens Olympic Games does not augur improvement in the future.

OMCT also remains very concerned about the current situation of Roma living in settlements around Athens - notably in Aspropyrgos, Halandri, Marousi and Spata - where they often lack access to electricity, water, and other basic services. The frequent absence of public transports also results in preventing children from attending school.

The settlement of Roma in such areas responds to the application of article 3.1 of a 1983 ministerial decision which states that "the lands for the organised encampments of wandering nomads (Gypsies, etc.) which are going to be designated must be outside the inhabited areas and in good distance from the approved urban plan or the last consecutive houses".

In a recent visit to Greece Josephine Verspaget, Chair of the Specialist Group on Roma/Gypsies of the Council of Europe, after visiting Roma settlements around Athens declared that "there are conditions of institutionalised apartheid for many Roma, when they are forcefully settled in segregated areas far away from the rest of society".

In this regard, OMCT recalls that Greece as a state party to the International Covenant on Economic, Social and Cultural Rights is bound to respect the right to adequate housing which includes the availability of services, materials, facilities and infrastructure such as safe drinking water, energy for cooking, heating and lighting.¹³

OMCT also believes that the International Olympic Committee, as a co-organiser of the 2004 Olympic Games cannot remain indifferent to this blatant violation of human rights which, if tolerated, will only tarnish the image and the values of the Olympic movement.

For more information please contact:

Nathalie Mivelaz, The World Organisation Against Torture (OMCT)

Tel.: ++41 22 809 49 39, E-mail: nm@omct.org

¹³ United Nations Committee on Economic, Social and Cultural Rights, General Comment No. 4, 1991, para 8

2. Press Release, Geneva, 28 February 2002

As part of the preparation for the 2004 Olympic Games in Athens, Roma communities are being evicted from their settlements. So far, the Greek authorities have failed to take appropriate action to prevent these evictions and the International Olympic Committee has remained silent on this issue.

As part of the preparation for the 2004 Olympic Games in Athens, the Roma communities settled in the various areas of Athens and surroundings [area of Aspropyrgos] have been facing repeated threats of, and actual forced evictions. These evictions are taking place in blatant violation of Greek legal procedures and of international human rights covenants and conventions ratified by Greece. In recent years [since July 2000,] allegedly in connection with the development of infrastructure projects for the 2004 Athens Olympic Games, Greek local authorities have been openly claiming the land on which the Roma are settled, or were meant to be settled, to build sport facilities for the Olympic Games.

The first eviction took place on July 14th 2000, when the municipal authorities of Aspropyrgos, equipped with a bulldozer, entered a settlement of Romani tent-dwellers in Aspropyrgos, approximately 15 kilometres west of Athens. In the presence of the Mayor of Aspropyrgos and the police, they demolished most of the homes in the Roma camp causing the loss of all the personal effects belonging to Greek and Albanian Roma who lived in the settlement. The demolition crew then proceeded to burn the remains of the homes, presumably in order to deny the Roma the material (mostly wooden planks) necessary for rebuilding them. According to eye-witnesses, no eviction protocols or orders were presented to the Roma families. Indeed, the operation was carried out without the authorisation or presence of a public prosecutor, as is required under Greek law in cases of violation of privacy and homes.

The action taken by the services of the Municipality of Aspropyrgos resulted in the expulsion of the Roma from their encampment and in the demolition of their homes. According to eye-witnesses, only eight homes, occupied by people with health problems or aged persons, escaped demolition temporarily, as their residents were given an ultimatum to leave the site by July 17th.

Competent authorities have been reluctant to take appropriate measures with respect to this situation, notwithstanding a series of reminders coming from both governmental and non-governmental institutions. After the Greek Ombudsman advised, a year ago, on the illegality of these actions, the competent Ministry has not imposed any of the prescribed sanctions. Recently, the National Human Rights Commission recognised that evictions from many sites ahead of the Olympic Games were taking place with the – sometimes false – pretext of constructing sport facilities. The Commission particularly highlighted the fact that Municipality of Aspropyrgos did not even bother to follow the existing legal procedures of eviction, using instead “the offending argument of “cleaning the area from garbage””.

To date, there has not been any significant improvement in the situation concerning the Roma population living in the various areas of Athens and surroundings [area of Aspropyrgos]. Nineteen months after the aforementioned facts, no prompt and impartial investigation has been carried out, those responsible have not been brought to justice and the victims have not been compensated.

In the meantime, the arbitrary demolition of Roma houses in the area of Aspropyrgos has continued to be carried out. On September 13th 2001, the Municipal Authorities of Aspropyrgos proceeded to destroy six homes and to damage another, together with all their contents. The destroyed homes belonged to Greek and Albanian Roma families, and they were in an area adjacent to the one above. Before leaving the scene, municipal officials warned the Roma that they would return soon. Thankfully, due to the immediate reaction of the Greek Ombudsman's office and of local NGOs, the municipal authorities did not honour their promise.

Finally, local authorities in Aghia Paraskevi, Ano Liosia, Halandri and [Nea Iona] Marousi have openly claimed that they want the land on which the Roma are settled, or were meant to be settled, to build sport facilities for the 2004 Athens Olympic Games. Fears have also been voiced that, as the state is interested in obtaining land for the construction of infrastructure for the 2004 Olympic Games, further evictions of Roma living - some for more than thirty years - on land which is strategically located may soon take place. This is the case of the three Kaloghreza (Marousi) settlements, right next to the existing Olympic Stadium. These settlements may be soon under threat of eviction, as extensive infrastructure projects are scheduled to take place in the area, in view of the upcoming Olympic Games.

OMCT recalls that the Committee on Economic, Social and Cultural Rights, which reviews States' implementation of the International Covenant on Economic, Social and Cultural Rights, has placed considerable emphasis on forced evictions. Indeed it has asserted, in its General Comment No. 4 (1991) on the right to adequate housing that "instances of forced eviction are *prima facie* incompatible with the requirements of the [International Covenant on Economic, Social and Cultural Rights] and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law".¹⁴ In the case *Selçuk and Asker v. Turkey*, the European Court for Human Rights (ECHR) ruled that the destruction of the defendants' homes constitutes a form of ill-treatment, in breach of article 3 of the Convention which states that «no one shall be subjected to torture or to inhuman or degrading treatment or punishment».

To date, OMCT regrets that the International Olympic Committee, as a co-organiser of the 2004 Olympic Games, being repeatedly consulted and asked for support in the matters concerning the above mentioned cases, has not being responsive to the appeal launched.

Indeed, the International Olympic Committee has remained, so far, silent, despite the solicitation of NGOs for intervention. This silence, which implicitly signals tolerance

¹⁴ United Nations Committee on Economic, Social and Cultural Rights, General Comment No. 4 , 1991, para. 18

for these violations, is unacceptable. Indeed, OMCT believes that the International Olympic Committee, as a co-organiser of the 2004 Olympic Games, cannot remain indifferent to this blatant violation of human rights which, if tolerated, will only tarnish the image and the values of the Olympic movement.

For more information please contact:

Nathalie Mivelaz, The World Organisation Against Torture (OMCT)

Tel.: ++41 22 809 49 39, E-mail: nm@omct.org

3. Press Release, Geneva, 18 February 2004 - Greece: A History of Failed Promises to the Roma

The World Organisation Against Torture (OMCT) denounces the continued failure of the Greek authorities to honour their commitment to the Roma settlement in Spata, most recently by failing to provide them with essential basic services.

22 Roma families were forcibly relocated by the authorities in October 2000 to what was described as a 'model settlement'. The settlement is in fact located 5 kms away from the last house in Spata, has no electricity or running water facilities and there is no public transport to and from the settlement. The Greek Helsinki Monitor, a member of the OMCT network, has drawn attention to the current situation of the Roma in the settlement, which was blocked by snow from Thursday, February 12 until mid-day Sunday, February 15. A 1.5 km long dirt road that connects the settlement to the main road was completely impassable and as a result, the settlement whose access to water is limited to water transported in plastic containers by tank-wagons was without water for the entire period. The community has not been equipped with heating or electricity for the last 3 years. Community representatives reported that when they called the Spata municipality to obtain help, they were told, "no one cares for you, you are abandoned just like dogs" and that they should address themselves to the former mayor who had settled them there. Despite the fact that the road was cleared on Sunday, February 15, the community was provided with water by the local authorities only at mid-day February 17, while the promised food was never sent.

This most recent failure of the Greek government to honour its commitments to the Roma community is part of a systemized failure to protect and provide for the Roma community. For example, in September 2003, OMCT sent an open letter to the Greek government expressing concern about the inability of children from the Spata Roma community to attend school because of the lack of public transportation. The distance from the Municipality made it impossible for the Roma children to reach school without transportation and the children living in the settlement could not attend school ever since the community was resettled. Following the public outcry, a bus was finally provided and the Roma children are attending a preparatory class to prepare them for integration into normal school classes in September 2004. No one in the administration has been held responsible or accountable for the children's loss of three years of mandatory schooling.

The situation of the Roma community in Spata reflects "the rule" rather than "the exception" when it comes to the Greek government's policy towards the Roma. Over the past years, OMCT has frequently received information about attempted or actual forced evictions and forced resettlements of Roma communities by Greek authorities, particularly in connection with preparations for the 2004 Olympic Games, notably in Aghia Paraskevi, Ano Liosia, Aspropyrgos, Halandri and Marousi, just to list those in or around Athens.

OMCT notes that Greece will be examined by the UN Committee on Economic, Social and Cultural Rights in April-May 2004 and urges the Greek government to honour their international obligations and ensure that the economic, social and cultural rights of the Roma are protected and realised.

For more information, please contact:

Meghna Abraham or Lucinda O'Hanlon, The World Organisation Against Torture (OMCT)

Ph: +41 22 8094939, E-mail: mab@omct.org, loh@omct.org

III. OPEN LETTERS ON THE PREPARATION OF THE OLYMPIC GAMES AND THE IMPACT ON THE ENJOYMENT OF THE RIGHT TO ADEQUATE HOUSING AND EDUCATION BY THE ROMA

1. Open Letter to Mr. Constantine Simitis, Prime Minister of Greece, Geneva, September 29th 2003

Mr. Prime Minister,

The International Secretariat of OMCT has been informed by the Greek Helsinki Monitor (GHM), a member of the OMCT network, of the current difficulties faced by the 14 Roma children, who are living in the Roma settlement of the Spata Municipality, in being able to attend primary school.

OMCT believes that the difficulties faced by these children are representative of the failure by the authorities to honour their commitments towards the 22 Roma families who were compulsorily relocated in October 2000 to what was termed a 'model settlement'. Despite what was promised by the authorities, the Roma settlement still has no electricity connection. Running water is transported daily to the settlement, stored in plastic tanks and does not always cover the resident's needs. This situation unfortunately highlights a lack of vigilance and political will towards the implementation of the positive policies announced by your government, towards which the Prime Minister's Office for the Quality of Life has shown a commendable and sustained devotion.

OMCT would like to bring your attention to the fact that on September 11, 2003, 14 Roma children living in the settlement could not attend their first day of school, in spite of the guarantees given by the authorities on June 5, 2003. Indeed, on that day, the Mayor of Spata, representatives from the Ministry of Education, from the Eastern Attica Prefecture and from the Prime Minister's Office for Quality of Life agreed that a school bus will be chartered in order to transport them to the 3rd Primary School of Spata (see Minutes of the Meeting, document compiled by the Greek Ombudsman's office Ref. No. 11211/01/16-7-03). Moreover, none of the competent authorities had reportedly verified whether their commitment for a chartered school bus had been materialised. As a result, some parents interrupted their work and carried their children to school.

Following pressure exercised by GHM, a contract was signed to charter a school bus on September 12, 2003. A press release by the Mayor of Spata also confirmed that on Monday September 15, 2003, the school bus would pass by the Roma settlement. However, on that day, the bus did not show up. Following new efforts and further pressure, the parents were reassured that the school bus would go to their settlement on Tuesday September 16, 2003. On that day, the bus went to the wrong place, as no official had made sure that the bus company was properly informed of the route. Eventually, the bus arrived at 10:30 am to the school with all children on board. However, at the same time, the bus company informed GHM that the Roma settlement was difficult to reach as the road was dangerous and in a bad condition and that it

would therefore have to examine whether its bus could drive all the way to the settlement on a daily basis. It has subsequently told GHM that it does not expect the bus to be able to reach the settlement on days with bad weather as the 1,5 km bumpy road leading to it is barely useable when the road is dry.

OMCT is very concerned about this situation as transportation constitutes a crucial element for the Roma children's school attendance. The Roma settlement is located 5 kilometres away from the last house of Spata Municipality. There is no public transportation to and from the settlement and people have to use a dusty and unpaved road of 1.5 kilometres to reach it. The distance from the Municipality makes it virtually impossible for the Roma children to reach school without transportation.

In this respect, it is also important to note that since the Roma have been compulsory relocated in October 2000 to this settlement, children's school attendance has remained a recurrent problem. The children who were attending the primary school were forced to drop out as they were not provided with transportation, as required under national regulations. Art. 1 of the Joint Ministerial Decision of the Minister of Interior, Public Administration and Decentralization, Minister of Finance, Minister of Education and Religious Cults (Ref. No IB/607126-8-98). When this issue was brought to the attention of the Greek Ombudsman's Office in the summer of 2001, the competent State authorities invoked the fact that no children had been enrolled as an excuse for not providing them with a school bus. However, according to the information received, 8 Roma children were enrolled at that time. In 2002, due to the lack of transportation, Roma parents did not enroll their children for the new school year, considering that it would be of no use.

In view of these considerations, OMCT hopes that your Government will take immediate measures to ensure that Roma children get regular transportation from their settlement to the primary school in the Municipality of Spata. OMCT also hope that adequate measures will be taken in order to implement other commitments made on June 5, 2003 by the Mayor of Spata, representatives from the Ministry of Education, from the Eastern Attica Prefecture and from the Prime Minister's Office for Quality of Life according to which Roma children be provided with school items.

OMCT also hopes that your government will immediately provide public utilities (i.e., water, sanitation, electricity, etc.) to the Roma community in Spata, as required under Article 3 of the Sanitary Provision, A5/696/25.4-11.5.83, amended by the 23641/3.7.03, Joint decision by the Minister of Interior, Public Administration and Decentralization, the Minister of Health and the Minister of Environment (published in Government Gazette No 973 B', July 15, 2003) and in accordance with General Comment No. 15 of the UN Committee on Economic, Social and Cultural Rights on the right to water.

We thank you in advance for your careful consideration of this matter, and remain,

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Eric Sottas', with a stylized, overlapping structure.

Eric Sottas
Director

2. Open Letter to Mr. Constantine Simitis, Prime Minister of Greece, Geneva, 19th February 2004

Mr. Prime Minister,

The International Secretariat of OMCT has been informed by the Greek Helsinki Monitor (GHM), a member of the OMCT network, of attacks by Pontics on a Roma settlement in Aspropyrgos, Greece.

According to information received, a Roma settlement in Aspropyrgos (the north-western outskirts of Athens) was attacked on 2 February 2004 by a group of Pontics (ethnic Greek refugees from the former Soviet Union). Three shacks and three cars were burnt in the attack. Subsequently, 12 Pontics were arrested and charged with arson and damage to property and dangerous bodily harm. They are currently being held in pre trial detention. On 3 February 2004, dozens of Pontics launched a second attack on the Roma settlement. According to the police, the assailants attacked the settlement with axes, sticks and knives and tried to burn shacks but were scared away by the Roma who fired gunshots at them.

The first attack was believed to have been linked to a fight between local Roma and Pontic Greeks on 1 February, 2004; when a group of local Roma allegedly refused to pay a sum of 37 Euros they owed to a Pontic Greek, who runs a cafeteria. It is reported that the Roma beat the Pontic proprietor and also his nephew and two sons who tried to help. All four Pontics went after the incident to the local hospital and filed charges at the Aspropyrgos Police Station against the perpetrators (who have yet to be identified). Subsequent information received indicates, however, that the 12 Pontics, who were arrested after the first attack on the Roma settlement in Aspropyrgos, did not live in the wider area of Aspropyrgos and came to the settlement with the specific intent of attacking it. GHM believes that the attack was not 'provoked' or simply in response to the incident on 1 February, 2004 but appears to be driven by racist motives.

Police forces are still on stand by in the area and are ordered to generally keep a high profile in order to act as a deterrent to new incidents. OMCT commends the quick action of the Police in identifying and detaining the 12 Pontics who were involved in the first attack, submitting a comprehensive investigation report to the court and the subsequent action to keep the Police force on stand by. It is reported that this is the fourth time in a year that police in Western Attica has swiftly and objectively investigated allegations of Roma rights violations.

OMCT is, however, concerned by these developments and in particular by the second attack, which indicates that the violence may escalate in the future. The Greek National Commission on Human Rights has in the past expressed concern at the increasing incidence of particularly violent acts of Greek citizens against immigrants and the Roma. OMCT therefore urges the authorities to maintain vigilance, ensure that there is no escalation in the violence or tension amongst the different communities involved and take wider measures to combat all forms of xenophobia and racial discrimination, including transposition of all provisions of the EU Race Directive (2003/43) into

national legislation. OMCT also hopes that all incidents of racist violence will be promptly investigated, prosecuted and tried in accordance with national law and international human rights standards and that the victims (both Pontic and Roma) will be compensated for injuries and loss of property.

We thank you in advance for your careful consideration of this matter.

Yours Sincerely,



Eric Sottas
Director

CC
Mr. Constantinos Balatsos
Director of Western Attica Police Directorate
Fax: +30-2105448960

Mr. Fotis Nasiakos
Chief of Greek Police
Fax: +30-2106923689

Filippos Petsalnikos
Minister of Justice, Athens, Greece
Fax +30 2107489231

Mr. Giorgos Floridis
Minister of Public Order, Athens, Greece
Fax: + 30 210 6917944

George Kaminis
Ombudsman for Human Rights
Fax 30 210 7289643

Tassos Kriekoukis
Ambassadeur
Mission permanente de la Grèce
Place Saint-Gervais 1, 1201 Genève, Suisse
E-mail: mission.greece@ties.itu.int, Fax : +4122 732.21.50