

THE OBSERVATORY

for the Protection of Human Rights Defenders

L'OBSERVATOIRE

pour la Protection
des Défenseurs des Droits de l'Homme

EL OBSERVATORIO

para la Protección
de los Defensores de Derechos Humanos

Open Letter to Mr. Kostas Karamanlis, Prime Minister of Greece

Geneva-Paris, March 26, 2009

Re: Ongoing lack of an effective investigation into Ms. Constantina Kuneva's assault

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Dear Mr. Prime Minister,

The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), has been informed by the Greek Helsinki Monitor (GHM) of the ongoing lack of an effective investigation into the assault against Ms. **Constantina Kuneva**, a Bulgarian migrant worker and General Secretary of All Attica Union of Cleaners and Domestic Workers (PEKOP) based in Athens, which represents workers in the cleaning sector in the Attiki region¹.

The Observatory recalls that Ms. Constantina Kuneva sustained an attack with sulphuric acid on December 22, 2008, as she was returning home from her workplace. She was seriously injured, losing the use of one eye and might lose her ability to see with the other. She has also been suffering from serious breathing problems due to widespread damage to her larynx, oesophagus and stomach, caused by her assailants who forced her to drink acid.

According to the information received, on March 11, 2009, Ms. Kuneva's lawyers Daphne Vagianou and Costas Papadakis spoke publicly for the first time on the occasion of a press conference, stating that police had wasted valuable time in the days that immediately followed the attack, as they focused their inquiries on Ms. Kuneva's friends and family, suspecting a crime of passion, rather than treating it as an attempt to murder Ms. Kuneva because of her unionist activity. The lawyers further claimed that police officers failed to question witnesses, including a man who rushed to Ms. Kuneva's aid after the acid was thrown over her. They also accused the police of failing to make any efforts to determine the exact type of acid used in the attack.

A 48-year-old Albanian cleaner was arrested and released last month on suspicion of being involved in the assault, but Ms. Kuneva's legal team argued that the police only caught him to "intentionally create confusion". The suspect was released after a judge decided there was not enough evidence to charge him.

¹ See Observatory Urgent Appeal GRE 001 / 0109 / OBS 018, issued on January 29, 2009.

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The Observatory reiterates its deep concern about this assault against Ms. Constantina Kuneva as it seems to sanction her activities as a trade union leader. In an interview for the International Trade Union Confederation (ITUC) at the end of November 2008, she had denounced the poverty wages and harsh working conditions in the cleaning sector, where a vast majority of the employees are migrants and women. A few weeks before the attack, Ms. Kuneva had warned that she felt in grave danger as a result of her union activities, after having received death threats.

The Observatory recalls that according to OP 2(iv.) of the Council of Europe (CoE) Declaration on Human Rights Defenders², member-States shall “take effective measures to prevent attacks on or harassment of human rights defenders, ensure independent and effective investigation of such acts and to hold those responsible accountable through administrative measures and/or criminal proceedings”. Accordingly, the Observatory calls upon the Commissioner for Human Rights of the CoE to act in accordance with operative paragraph 4 of the CoE Declaration on Human Rights Defenders with regards to this situation.

The Observatory further recalls that as a participating State of the Organisation for Security and Cooperation in Europe (OSCE), Greece acknowledges that “the [1998] UN Declaration on Human Rights Defenders [... places] a responsibility [...] on states to adopt and implement adequate legislation and administrative procedures that would provide for a conducive environment for human rights defenders to promote and strive for the protection and realization of human rights and fundamental freedoms at the national and international levels”, and recognises “the need for particular attention, support and protection for human rights defenders by the OSCE, its Institutions and field operations, as well as by participating States”³.

Accordingly, the Observatory calls upon the Greek authorities to guarantee in all circumstances Ms. Constantina Kuneva’s physical and psychological integrity as well as to order a prompt, effective, thorough, independent and impartial investigation into the above-mentioned assault, the result of which must be made public, in order to identify all those responsible, bring them before a competent, independent and impartial tribunal and apply to them the penal sanctions provided by the law.

More generally, the Observatory urges the Greek authorities to conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, as well as to ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international and regional human rights instruments ratified by Greece.

We express our sincere hope that you will take these considerations and requests into account,

Yours sincerely,

Souhayr Belhassen
FIDH President

Eric Sottas
OMCT Secretary General

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² See Declaration of the Committee of Ministers of the Council of Europe for enhanced protection of human rights defenders, adopted on February 6, 2008.

³ See OP 6 & OP 8 of the Resolution on Strengthening OSCE Engagement with Human Rights Defenders and National Human Rights Institutions, adopted by the OSCE Parliamentary Assembly on July 10, 2007.