



Australian Government
Refugee Review Tribunal

Country Advice

Bangladesh

Bangladesh – BGD37616 – Greece –
Bangladeshis in Greece – Greek police –
Judicial system – State protection
4 November 2010

1. Please provide information on Greece's Bangladeshi community.

According to a recent report, published by the European Commission, migration from Bangladesh to Greece first started during the 1970s and grew slowly during the 1980s. During the 1990's the number of Bangladeshi migrants in Greece became increasingly significant.¹ No exact figure was found in the sources consulted regarding the number of Bangladeshis currently residing in Greece. This is, in part, due to the growing number of undocumented Bangladeshis residing in Greece.²

A recent report published by the European University Institute states that in March 2009 there were 3,119 Bangladeshis with valid permits in Greece.³ The report also indicates that in 2007 there were 2,965 Bangladeshi asylum seekers⁴ and in 2008 there were 1,655 Bangladeshi "aliens apprehended in Greece"⁵. A June 2008 report by the Hellenic Foundation for European and Foreign Policy states that there are an estimated 12,000 Bangladeshis in Greece.⁶ However, a report dated 12 November 2009 published by *Asia Pulse* states that there

¹ European Commission 2009, 'Pakistani and Bangladeshi Migration to Greece: "Chasing the Dream"', Hellenic Foundation for European and Foreign Policy, June http://www.eliamep.gr/wp-content/uploads/2009/06/policy_brief_pakistani_bangladeshi.pdf – Accessed 28 October 2010 – Attachment 1.

² European Commission 2009, 'Pakistani and Bangladeshi Migration to Greece: "Chasing the Dream"', Hellenic Foundation for European and Foreign Policy, June http://www.eliamep.gr/wp-content/uploads/2009/06/policy_brief_pakistani_bangladeshi.pdf – Accessed 28 October 2010 – Attachment 1.

³ Triandafyllidou, A. & Lazarescu, D. 2009, *The Impact of the Recent Global Economic Crisis on Migration: Preliminary Insights from the South Eastern Borders of the EU (Greece)*, CARIM –AS 2009/40, European University Institute, Robert Schuman Centre for Advanced Studies, p.4
http://cadmus.eui.eu/bitstream/handle/1814/12995/CARIM_ASN_2009_40.pdf?sequence=1 – Accessed 28 October 2010 – Attachment 2.

⁴ Triandafyllidou, A. & Lazarescu, D. 2009, *The Impact of the Recent Global Economic Crisis on Migration: Preliminary Insights from the South Eastern Borders of the EU (Greece)*, CARIM –AS 2009/40, European University Institute, Robert Schuman Centre for Advanced Studies, p.8
http://cadmus.eui.eu/bitstream/handle/1814/12995/CARIM_ASN_2009_40.pdf?sequence=1 – Accessed 28 October 2010 – Attachment 2.

⁵ Triandafyllidou, A. & Lazarescu, D. 2009, *The Impact of the Recent Global Economic Crisis on Migration: Preliminary Insights from the South Eastern Borders of the EU (Greece)*, CARIM –AS 2009/40, European University Institute, Robert Schuman Centre for Advanced Studies, p.9
http://cadmus.eui.eu/bitstream/handle/1814/12995/CARIM_ASN_2009_40.pdf?sequence=1 – Accessed 28 October 2010 – Attachment 2.

⁶ Triandafyllidou, A. & Maroufouf, M. 2008, *Immigration towards Greece at the Eve of the 21st Century: A Critical Assessment*, Hellenic Foundation for European and Foreign Policy, 21 June, p.28
http://www.eliamep.gr/en/wp-content/uploads/2009/02/idea_greece-report_triandafyllidou-maroufouf_21-june-2008.pdf – Accessed 28 October 2010 – Attachment 3.

are approximately 30, 000 Bangladeshis living in Greece, the majority of which migrated illegally.⁷

Demographic information indicates that the overwhelming majority of Bangladeshi migrants in Greece are men from relatively young age groups.⁸ According to a June 2008 report, by the Hellenic Foundation for European and Foreign Policy, 94% of the Bangladeshi population in Greece are men.⁹ Information from the Hellenic Foundation for European and Foreign Policy states that the main occupations of Bangladeshis in Greece involve working in small shops and restaurants. The report also states that according to data from December 2006 the average wage of a Bangladeshi worker was 41% lower than the average wage a Greek worker.¹⁰ The European Commission has reported on the importance of Bangladeshi co-ethnic networks for migrants' access to employment and social and financial services. The report states that:

Access to Pakistani and Bangladeshi co-ethnic networks is essential to be able to find employment in Greece. Moreover, such networks also provide many other useful services: i.e. housing, loans, sending remittances, etc.

Pakistani and Bangladeshi associations in Greece act as mediators between Greek society and their co-nationals by providing assistance in practical matters.¹¹

A report dated 2 October 2010 published by the *Hindustan Times* states that Bangladeshis and Africans in Greece also make a “living selling roses, pens, small electronic items and knickknacks.” According to the report the Greek Municipal Police strictly monitor Bangladeshis to ensure they are not selling prohibited goods such as torches or watches.¹²

An August 2010 report on migrants in Greece published by *The Network of Socio-Economic Experts in the Anti-discrimination Field* states that foreign citizens from countries such as Bangladesh, Egypt and Pakistan “suffer from discrimination due to negative stereotypes that Greeks hold, possibly due to lack of familiarity with people of these nationalities in the past in Greece.”¹³ The latest US Department of State report for Greece also states that “Immigrants,

⁷ ‘About 30,000 Illegal Bangladeshi Workers in Greece’ 2009, *Asia Pulse*, 12 November – Attachment 4.

⁸ European Commission 2009, ‘Pakistani and Bangladeshi Migration to Greece: “Chasing the Dream”’, Hellenic Foundation for European and Foreign Policy, June http://www.eliamep.gr/wp-content/uploads/2009/06/policy_brief_pakistani_bangladeshi.pdf – Accessed 28 October 2010 – Attachment 1; Triandafyllidou, A. & Marouf, M. 2008, *Immigration towards Greece at the Eve of the 21st Century: A Critical Assessment*, Hellenic Foundation for European and Foreign Policy, 21 June, pp. 17 – 18 http://www.eliamep.gr/en/wp-content/uploads/2009/02/idea_greece-report_triandafyllidou-marouf_21-june-2008.pdf – Accessed 28 October 2010 – Attachment 3

⁹ Triandafyllidou, A. & Marouf, M. 2008, *Immigration towards Greece at the Eve of the 21st Century: A Critical Assessment*, Hellenic Foundation for European and Foreign Policy, 21 June, pp. 17 – 18 http://www.eliamep.gr/en/wp-content/uploads/2009/02/idea_greece-report_triandafyllidou-marouf_21-june-2008.pdf – Accessed 28 October 2010 – Attachment 3

¹⁰ Triandafyllidou, A. & Marouf, M. 2008, *Immigration towards Greece at the Eve of the 21st Century: A Critical Assessment*, Hellenic Foundation for European and Foreign Policy, 21 June, pp. 28 – 29 http://www.eliamep.gr/en/wp-content/uploads/2009/02/idea_greece-report_triandafyllidou-marouf_21-june-2008.pdf – Accessed 28 October 2010 – Attachment 3

¹¹ European Commission 2009, ‘Pakistani and Bangladeshi Migration to Greece: “Chasing the Dream”’, Hellenic Foundation for European and Foreign Policy, June http://www.eliamep.gr/wp-content/uploads/2009/06/policy_brief_pakistani_bangladeshi.pdf – Accessed 28 October 2010 – Attachment 1.

¹² Saxena, P. 2010, ‘The past is a foreign country’, *Hindustan Times*, 2 October <http://www.hindustantimes.com/StoryPage/Print/607277.aspx> – Accessed 2 November 2010 – Attachment 5.

¹³ Karantinos, D. & Manoudi, A. 2010, *Country Report 2 2010 On Employment, Ethnicity And Migrants: Greece*, Antigone website, 10 August, p.18 http://www.antigone.gr/en/library/files/selected_publications/greece/EKKE%20Report%20on%20DISCRIMINATION.pdf – Accessed 2 November 2010 – Attachment 6.

who made up approximately 10 percent of the population, faced widespread societal discrimination.”¹⁴

News media and governmental reports indicate that racist attacks against migrant groups in Greece have escalated in recent years, including two serious attacks on Bangladeshis.¹⁵ A report dated 27 May 2010 published by *Agence France Presse* suggests that the increase in racist attacks is linked with the impact of the global financial crisis and growing unemployment.¹⁶ Reports also state that attacks on ethnic groups may be linked to recent increases in the number of “illegal” migrants.¹⁷ The following reports were found in the sources consulted regarding recent attacks on Bangladeshis in Greece:

- On 29 March 2010, *Times Online* reported that in February 2010 “a gang of mostly teenagers set fire to a house in Sparta, southern Greece, as a group of Bangladeshi migrants slept inside.” The report states that “Muslim migrants in Greece have faced increasing hostility from far-right militants, and the Pakistani community has frequently denounced attacks on its members by Greek youths.”¹⁸

An article dated 22 July 2010, published by *Agence France Presse*, reports on another violent incident against Muslim migrants in the Sparta region. The report states that a gang of approximately 10 men “beat four Afghan migrants with clubs after breaking into their homes”. The report states that:

The police said racism was a possible motive but that they were also investigating whether the attack was carried out by other migrants over local labour contracts, a police source said.

Attacks on immigrants have increased in frequency in Greece in recent years amid a surge in the number of illegal migrant arrivals.¹⁹

- *Times Online* have reported that in May 2009 “five Bangladeshi migrants were injured after unknown assailants tried to burn down a makeshift mosque in Athens.”²⁰

New media reports published by *Athens News Agency* indicate that Bangladeshis have been subject to crime related violence in Greece. The following recent reports were found in the sources consulted:

- On 7 October 2010, *The Athens News Agency* reported that in “downtown Athens, unknown individuals stabbed in the back a Bangladeshi and took his cash.” The report

¹⁴ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Greece*, 10 March, Section 6 – Attachment 7.

¹⁵ Amnesty International 2010, *Amnesty International Annual Report 2010 –Greece* – Attachment 8; US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Greece*, 10 March, Section 6 – Attachment 7; ‘Crete police arrest youths over racist arson attack’ 2010, *Agence France Presse*, 27 May – Attachment 9; ‘Afghan immigrants beaten in Greece: police’ 2010, *Agence France Presse*, 22 July – Attachment 10; ‘Bomb kills teenager in Athens’ 2010, *Times Online*, 29 March <http://www.timesonline.co.uk/tol/news/world/europe/article7079807.ece> – Accessed 2 November 2010 – Attachment 11; Hadoulis, J. 2009, ‘Marginalised Greek Muslims a ‘timebomb’’, *Agence France Presse*, 25 May – Attachment 12.

¹⁶ ‘Crete police arrest youths over racist arson attack’ 2010, *Agence France Presse*, 27 May – Attachment 9

¹⁷ ‘Afghan immigrants beaten in Greece: police’ 2010, *Agence France Presse*, 22 July – Attachment 10.

¹⁸ ‘Bomb kills teenager in Athens’ 2010, *Times Online*, 29 March

<http://www.timesonline.co.uk/tol/news/world/europe/article7079807.ece> – Accessed 2 November 2010 – Attachment 11

¹⁹ ‘Afghan immigrants beaten in Greece: police’ 2010, *Agence France Presse*, 22 July – Attachment 10.

²⁰ ‘Bomb kills teenager in Athens’ 2010, *Times Online*, 29 March

<http://www.timesonline.co.uk/tol/news/world/europe/article7079807.ece> – Accessed 2 November 2010 – Attachment 11.

states the same evening in Athens city a Pakistani man was stabbed by muggers and an employee was injured during an armed robbery.²¹

- A report published by *The Athens News Agency* on 24 November 2009 states that two Bangladeshi men were stabbed in Athens while resisting two Iraqi national attempting to mug them. One Bangladeshi man died as a result of the attack.²²

Recent *Athens News Agency* reports also indicate some violent incidents within the Bangladeshi community in Greece which appear to be crime related:

- On 25 February 2010, *Athens News Agency* reported that police had charged four Bangladeshi men with the murder of a 22 year old Bangladeshi man. The body was found on 25 January 2010. The arrested men are reported to have stated that “they had financial differences with the victim”.²³
- On 20 January 2010, *Athens News Agency* reported that police charged a Bangladeshi man with the robbery and abduction of another Bangladeshi man in Athens. The victim was reportedly attacked and held against his will by four Bangladeshi men seeking ransom money.²⁴

2. Please provide detailed information on the structure, organisation and effectiveness of the Greek police and other law enforcement bodies. Please include information on bodies or organisations with responsibility to oversee or hold the police accountable.

The police force in Greece, known as the Hellenic police force, are responsible for law enforcement in Greece. The Hellenic coast guard is responsible for maintaining law enforcement within Greek territorial waters.²⁵ Attachment 17 is a detailed chart outlining the structure and organisation of the Hellenic police force.²⁶ Corruption, arbitrary arrests, violence and racial profiling are continuing problems within the police force.²⁷ United Nations and governmental reports indicate that Greece does not have an appropriate independent police monitoring, investigation and complaint mechanism.²⁸ The US

²¹ ‘Daily News Bulletin in English, 10-10-08’ 2010, *Athens News Agency*, 8 October

<http://www.hri.org/news/greek/ana/2010/10-10-08.ana.html#34> – Accessed 2 November 2010 – Attachment 13

²² ‘Mugging ends in stabbing death, injury’ 2009, *Athens News Agency*, 24 November – Attachment 14.

²³ ‘Police solve murder of Bangladeshi in Ilion’ 2010, *Athens News Agency*, 25 February – Attachment 15.

²⁴ ‘Man arrested for robbery-kidnapping of Bangladeshi national; 2010, *Athens News Agency*, 20 January – Attachment 16.

²⁵ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Greece*, 10 March, Section 1.d – Attachment 7.

²⁶ ‘Hellenic Police Organisational Chart’ (undated), Hellenic Police website

http://ydt.gr/images/stories/photo19330_OrgAstynengl.jpg – Accessed 3 November 2010 – Attachment 17

²⁷ The Greek Ombudsman 2007, *Annual Report 2007*, p.11 http://www.synigoros.gr/pdf_01/ann_report.pdf – Accessed 3 November 2010 – Attachment 18; US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Greece*, 10 March, Section 1.a – Attachment 7; United Nations Office of the High Commissioner for Human Rights 2010, *UN Special Rapporteur on Torture presents preliminary findings on his Mission to Greece*, 20 October

http://www2.ohchr.org/english/issues/torture/rapporteur/docs/PressStatement20102010_en.doc – Accessed 3 November 2010 – Attachment 19; European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment 2009, *Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 to 29 September 2008*, Council of Europe website, 30 June, pp. 11 -14

<http://www.cpt.coe.int/documents/grc/2009-20-inf-eng.pdf> – Accessed 3 November 2010 – Attachment 20; Amnesty International 2010, *Amnesty International Annual Report 2010 –Greece* – Attachment 8.

²⁸ The Greek Ombudsman 2007, *Annual Report 2007*, p.11 http://www.synigoros.gr/pdf_01/ann_report.pdf – Accessed 3 November 2010 – Attachment 18; United Nations Office of the High Commissioner for Human Rights 2010, *UN Special Rapporteur on Torture presents preliminary findings on his Mission to Greece*, 20 October http://www2.ohchr.org/english/issues/torture/rapporteur/docs/PressStatement20102010_en.doc –

Department of State (USDOS) has also reported that impunity is a continuing problem in the Greek police force.²⁹

Information from the USDOS indicates that during 2009 the Bureau of Internal Affairs took disciplinary action against members of the police force for inappropriate conduct. No further information was found, however, regarding the role of the Bureau of Internal Affairs in monitoring police conduct. The USDOS provides the following information action undertaken by the Bureau of Internal Affairs:

During the year the police Bureau of Internal Affairs took multiple disciplinary measures, including dismissal and suspension, against officers involved in corruption, primarily forging documents and taking bribes, violations involving arms and explosives, illegally releasing persons from custody, procuring, and violations related to alien registration.

...Some police officers and diplomats were reportedly involved in trafficking rings or accepted bribes from traffickers, including from organized crime networks. The police Bureau of Internal Affairs investigated charges of police involvement in trafficking cases. In 2007 the authorities filed trafficking-related charges against three police officers, two of them senior officials. No trial date was set by year's end.³⁰

The Greek Office of the Ombudsmen also receives complaints regarding police brutality. The USDOS reported that during 2009 "the ombudsman reported several instances where police took persons to police stations arbitrarily for identity checks, used insulting language and threats of force, and conducted body searches in public." According to the report during 2009 "the ombudsman noted that the number of complaints that police conducted investigations without soliciting testimony from victims increased during the year."

The website of the Office of the Ombudsman states that it has received over 82,535 complaints between during its eight first years of operation (from 1 October 1998 to 31 December 2006). The service is free of charge and is available to any Greek or foreign citizen living in Greece. The website states that "as a mediator, the Greek Ombudsman makes recommendations and proposals to the public administration. The Ombudsman does not impose sanctions or annul illegal actions by the public administration." The Greek Ombudsman also has no mandate "if more than six months have elapsed since the complainant was informed of the illegal act or lack of action of the public administration."³¹

The most recent annual report available on the website of the Greek Ombudsman is dated 2007. This report states that there is a "continuous flow of complaints on violations of personal freedom within the framework of police action". The report also describes the ineffectiveness of internal investigations within the police force and coast guard:

It should be noted that the European Court of Human Rights integrated in its decisions of 24 May 2007 and 6 December 2007 verbatim chapters from a special report of the Ombudsman on the disciplinary/ administrative investigation of complaints against police officers, documenting its

Accessed 3 November 2010 – Attachment 19; European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment 2009, *Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 to 29 September 2008*, Council of Europe website, 30 June, pp. 11 -14 <http://www.cpt.coe.int/documents/grc/2009-20-inf-eng.pdf> – Accessed 3 November 2010 – Attachment 20.

²⁹ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Greece*, 10 March, Section 1.a – Attachment 7

³⁰ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Greece*, 10 March, Section 1.a – Attachment 7

³¹ 'On what issues can the Greek Ombudsman intervene?' 2008, The Greek Ombudsman website http://www.synigoros.gr/en_what_cases.htm – Accessed 3 November 2010 – Attachment 21; 'What is the Greek Ombudsman?' 2008, The Greek Ombudsman website http://www.synigoros.gr/en_what_is.htm – Accessed 3 November 2010 – Attachment 22.

constant stance that the **ineffectiveness of internal police investigations constitutes a new violation of those rights that have already been violated by the actions complained against, especially if the possibility of racial bias has been neglected or medical reports have not been taken into account.**

Similar problems have been noted in the way the Port Police deals with complaints against its officers, especially in regard to the treatment of aliens entering the country by sea and being arrested or detained under the port authorities. As confirming what has been reported is usually extremely difficult, this allows for rejecting all complaints as vague or on formal technicalities. However, even if confirming what has been reported is possible, the disciplinary investigation is seriously deficient.³²

In October 2010 the UN Special Rapporteur on Torture conducted a fact finding mission in Greece. The UN Special Rapporteur stated that Greece has a “non-functioning system of police investigation and complaint mechanism.” The report states that the police force in Greece has a lack of “effective complaints mechanism, independent investigation and monitoring”. The report states that:

I received numerous consistent allegations of beatings by police officers, and many of the detainees said they have been physically abused by police either upon arrest or later in the police station. However, there is only little forensic evidence and I only came across a few cases of ill-treatment amounting to torture in the sense of the definition of the Convention Against Torture (CAT). **This lack of evidence may be explained by the non-functioning system of police investigation and complaint mechanism.** Another element seems to be the high degree of fear of reprisals I witnessed from detainees in the hands of the police, which, combined with the dysfunctional judicial system, may perpetuate a system of impunity for police violence.

The lack of an effective complaints mechanism, independent investigation and monitoring create an environment of powerlessness for victims of physical abuse. As per the statistics sent by Greece to the UN Committee on the Elimination of Racial Discrimination in 2008, in the period from 2003 to 2007, only one officer was dismissed out of 238 investigations of police officers for alleged ill-treatment. A totally independent police complaint body with full investigative power is therefore needed, as it has already been highlighted by the Greek National Commission for Human Rights. I welcome the announcement at the end of 2009 of the creation of a Bureau to examine police misconduct, but I express again the importance for this mechanism to work completely independently from the police, and be under a different Ministry than the Ministry of Citizens Protection.³³

In June 2009 the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) produced a report regarding human rights violations within the police force and prisons in Greece. The report is based upon fact finding mission conducted during September 2008. The report states that “the information gathered during the 2008 visit indicates that apprehended persons continue to run a considerable risk of being ill-treated by law enforcement officials.” The CPT reported that they had received claims that allegations of ill treatment by police were not being systematically followed up even when lodged with an investigative judge. The report states that there is no independent complaints mechanism for allegations against the police force. The CPT stated that complaints are instead dealt with internally within the police force. The report states that “complaints by the public entailing allegations of disciplinary offences continue to be

³² The Greek Ombudsman 2007, *Annual Report 2007*, p.11 http://www.synigoros.gr/pdf_01/ann_report.pdf – Accessed 3 November 2010 – Attachment 18

³³ United Nations Office of the High Commissioner for Human Rights 2010, *UN Special Rapporteur on Torture presents preliminary findings on his Mission to Greece*, 20 October http://www2.ohchr.org/english/issues/torture/rapporteur/docs/PressStatement20102010_en.doc – Accessed 3 November 2010 – Attachment 19.

submitted to officers of the Hellenic Police, and the superior officer of the alleged perpetrator may still carry out investigations into certain offences.”³⁴

3. Please provide information on the judicial system in Greece.

The judicial system in Greece is divided into civil, criminal and administrative courts. The civil and criminal courts each consist of three levels of courts. The three levels of criminal courts in Greece include the courts of first instance, courts of appeals and the supreme criminal court known as the *Areios Paghos*. *Kodikas Poinikis Dikonomias* is Greece’s Code of Criminal Procedure.³⁵ According to a 2010 report by the US National Institute of Justice “The rights of the accused include the presumption of innocence and the right to a fair trial; the right to counsel when a defendant faces serious criminal charges; the rights to confront witnesses, present evidence and access government evidence; and the right to appeal.” The report also states that “Judges in Greece are considered passive; it is not known whether lay judges participate in the judicial system.”³⁶ The 2010 US Department of State (USDOS) *Country Report on Human Rights Practices* for Greece provides the following overview of the judiciary:

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence. Trials are public in most instances, and juries are used in all first and second-degree felony cases. The law permits denial of the right to a jury trial in cases of violent terrorism. Defendants have the right to be present at trial and to consult with an attorney in a timely manner. An attorney is provided to indigent defendants facing serious charges. Defendants may question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. They have the right to appeal. Defendants who do not speak Greek have the right to a court-appointed interpreter.

Some NGOs reported during the year that the quality and availability of court interpretation for non-Greek speakers varied from trial to trial.

... There is a generally independent and impartial judiciary in civil matters. The law provides citizens with the ability to sue the government for compensation for alleged violations of rights.³⁷

A 2005 report by the Organisation for Economic Development and Co-operation provides the following further information on the judiciary in Greece:

The President appoints judges for life after consultation with a judicial council. Courts may refuse to apply statutes on grounds of unconstitutionality. Lower courts are not obliged to follow the *Areios Paghos*, though such decisions may be reversed on appeal. The *Areios*

³⁴ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment 2009, *Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 to 29 September 2008*, Council of Europe website, 30 June, pp. 11 -14 <http://www.cpt.coe.int/documents/grc/2009-20-inf-eng.pdf> – Accessed 3 November 2010 – Attachment 20.

³⁵ Brooks, A & Eisenhart, C. 2010, *Characteristics of European Union Justice Systems: NCJ 230400*, National Institute of Justice, May <http://www.ncjrs.gov/pdffiles1/nij/grants/230400.pdf> – Accessed 4 November 2010 – Attachment 23; Organisation for Economic Development and Co-operation 2005, *Greece: Phase 2 Report on the Application of The Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and The 1997 Recommendation on Combating Bribery in International Business Transactions*, 26 April <http://www.oecd.org/dataoecd/51/13/35140946.pdf> – Accessed 4 November 2010 – Attachment 24.

³⁶ Brooks, A & Eisenhart, C. 2010, *Characteristics of European Union Justice Systems: NCJ 230400*, National Institute of Justice, May <http://www.ncjrs.gov/pdffiles1/nij/grants/230400.pdf> – Accessed 4 November 2010 – Attachment 25.

³⁷ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Greece*, 10 March, Section 1.e – Attachment 7

Paghos generally follows its own precedents. The works of legal scholars are not sources of law but can be very influential.³⁸

The 2010 USDOS *Country Report on Human Rights Practices* for Greece states that the judiciary in Greece has been criticised for being inefficient and “sometime subject to influence and corruption”. The report states that:

The law provides for an independent judiciary, and the government generally respected this provision in practice; however, observers reported that the judiciary was inefficient and sometimes subject to influence and corruption. The judiciary sometimes acted more leniently toward those claiming a political motivation for their acts of property destruction (professed anarchists) than it did for others. For example, anarchists were frequently given suspended sentences in lieu of prison time or fines.

During the year several opinions by the ECHR criticized the government for unreasonably long trials and found the court system to be inefficient.

During the year the UN independent expert on minority issues as well as legal and human rights groups, including the GHM, reported that Roma experienced police brutality, difficulty in accessing justice, and excessive delays in civil cases. Legal observers and NGOs reported discriminatory attitudes and language directed towards Roma in court.³⁹

Transparency International also reported in 2009 that in Greece there are “lengthy delays in the judicial process and a string of corporate corruption scandals which point to systemic weaknesses.” According to the report Greece has “insufficient levels of anti-corruption enforcement”.⁴⁰

4. Is protection available to a Greek resident of Bangladeshi background?

Governmental and NGO reports indicate that corruption, arbitrary arrests, violence and racial profiling are continuing problems within the police force.⁴¹ The 2010 US Department of State (USDOS) *Country Report on Human Rights Practices* for Greece also states that immigrants in Greece have accused the police force “of physical, verbal, and other mistreatment.” Amnesty International’s 2010 annual report on Greece also states that “reports continued throughout the year of ill treatment by law enforcement officials, especially against members

³⁸ Organisation for Economic Development and Co-operation 2005, *Greece: Phase 2 Report on the Application of The Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and The 1997 Recommendation on Combating Bribery in International Business Transactions*, 26 April <http://www.oecd.org/dataoecd/5/1/35140946.pdf> – Accessed 4 November 2010 – Attachment 24

³⁹ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Greece*, 10 March, Section 1.d – Attachment 7

⁴⁰ Transparency International 2009, *Corruption Perceptions Index 2009, Regional Highlights: European Union and Western Europe* <http://www.transparencia.org.es/INDICE%20DE%20PERCEPCI%C3%93N%202009/Regiones.%20Union%20Europea%20y%20Europa%20del%20Oeste%5B1%5D.pdf> – Accessed 4 November 2010 – Attachment 26

⁴¹ The Greek Ombudsman 2007, *Annual Report 2007*, p.11 http://www.synigoros.gr/pdf_01/ann_report.pdf – Accessed 3 November 2010 – Attachment 18; US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Greece*, 10 March, Section 1.a – Attachment 7; United Nations Office of the High Commissioner for Human Rights 2010, *UN Special Rapporteur on Torture presents preliminary findings on his Mission to Greece*, 20 October http://www2.ohchr.org/english/issues/torture/rapporteur/docs/PressStatement20102010_en.doc – Accessed 3 November 2010 – Attachment 19; European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment 2009, *Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 to 29 September 2008*, Council of Europe website, 30 June, pp. 11 -14 <http://www.cpt.coe.int/documents/grc/2009-20-inf-eng.pdf> – Accessed 3 November 2010 – Attachment 20; Amnesty International 2010, *Amnesty International Annual Report 2010 –Greece* – Attachment 8.

of vulnerable groups such as asylum-seekers, migrants and Roma.”⁴² The USDOS reported that on 3 January 2009, a Bangladeshi asylum seeker died following an alleged scuffle with police. The report states that:

According to media and immigrant NGOs, on January 3, a Bangladeshi man died when he fell into a ravine after an alleged scuffle with police. His death followed the death of a Pakistani man in October 2008 at the same spot. Police denied any involvement in the incidents, which took place close to immigration headquarters where hundreds of immigrants gathered every week to submit applications for asylum. Some nongovernmental organizations (NGOs) representing Muslim and immigrant groups criticized the police for brutality and poor organization of asylum processing procedures. In October the media reported that the new minister for citizen’s protection held an unprecedented meeting with Pakistani community leaders to discuss ways to prevent future incidents.⁴³

The abovementioned 2010 report published by *The Network of Socio-Economic Experts in the Anti-discrimination Field* also states that during 2009 a clash between police and “Muslim immigrants” five Bangladeshis were injured. The report provides the following information on the clash:

Muslim immigrants claim that during a routine paper control procedure, a policeman tore up a copy of the Koran found in their car. Clashes between immigrants and the police followed, which ended with shots being fired at an informal Muslim prayer room in central Athens, where five Bangladeshi immigrants were injured.⁴⁴

News media reports published by *Athens News Agency* indicate, however, several recent incidents in which police have investigated violent attacks on Bangladeshis in Greece. The following recent reports were found in the sources consulted:

- A report published by *The Athens News Agency* on 24 November 2009 states that two Bangladeshi men were stabbed in Athens while resisting an attempted mugging. One Bangladeshi man died as a result of the attack. The report states that “Security police are investigating the incident.”⁴⁵
- On 25 February 2010, *Athens News Agency* reported that police had charged four Bangladeshi men with the murder of a 22 year old Bangladeshi man.⁴⁶
- On 20 January 2010, *Athens News Agency* reported that police charged a Bangladeshi man with the robbery and abduction of another Bangladeshi man in Athens.⁴⁷
- The USDOS has reported that in June 2009 “police arrested two farmers in Manolada for ambushing, beating, and dragging two illegal immigrants from Bangladesh behind their motorbikes.”⁴⁸

⁴² Amnesty International 2010, *Amnesty International Annual Report 2010 –Greece* – Attachment 8

⁴³ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Greece*, 10 March, Section 1.a – Attachment 7.

⁴⁴ Karantinos, D. & Manoudi, A. 2010, *Country Report 2 2010 On Employment, Ethnicity And Migrants: Greece*, Antigone website, 10 August, p.10

http://www.antigone.gr/en/library/files/selected_publications/greece/EKKE%20Report%20on%20DISCRIMINATION.pdf – Accessed 2 November 2010 – Attachment 6.

⁴⁵ ‘Mugging ends in stabbing death, injury’ 2009, *Athens News Agency*, 24 November – Attachment 27.

⁴⁶ ‘Police solve murder of Bangladeshi in Ilion’ 2010, *Athens News Agency*, 25 February – Attachment 15

⁴⁷ ‘Man arrested for robbery-kidnapping of Bangladeshi national; 2010, *Athens News Agency*, 20 January – Attachment 16.

⁴⁸ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Greece*, 10 March, Section 6 – Attachment 7

A 2008 journal article titled ‘Police perception of migration and migrants in Greece’ also states that police detectives interviewed for the study had different perceptions towards different migrant groups. The report states that Bangladeshis, along with some other ethnic groups, were “generally valued positively” by interviewed police detectives. The report states that epithets such as “quiet” were used to describe Bangladeshis. This contrasted with reactions by the police detective to Albanians and Romanians who were evaluated negatively.⁴⁹

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