



Racist
Violence
Recording
Network



RACIST VIOLENCE RECORDING NETWORK

2012 ANNUAL REPORT

Introduction

The present report consists of two parts: First, the quantitative and qualitative findings of recording incidents of racist violence, through interviewing victims, by organizations participating in the Racist Violence Recording Networkⁱ during 2012; and, second the Network's positions on state responses and initiatives to combat racist crimes, including the adoption or amendment of relevant legislation or initiatives to do so.

1) Findings

During the period **January-December 2012**, the Racist Violence Recording Network documented, through interviews with victims, 154 incidents of racist violence, of which 151 were committed against refugees and migrants and 3 against European citizens (1 Romanian, 1 Bulgarian and 1 Greek).

Location of incidents: 107 incidents occurred within the geographical area of the Municipality of Athens, and particularly in areas of the city centre, such as Aghios Panteleimonas, Attica Square, America Square and other areas around Omonia Square, while 23 incidents were recorded in the broader area of Attica prefecture. Moreover, 13 incidents occurred in Patras, 3 in Corinth, while 3 incidents recorded in Igoumenitsa and Evros have occurred in detention centers. Finally, incidents have also taken place in Rhodes, Chios, Konitsa and Nea Manolada Ilias.

The majority of incidents occurred in public places, while 6 were more particularly recorded on public transport. There are also 7 incidents which occurred in detention facilities (police stations and detention centers) and 16 were perpetrated in private places such as migrants' houses, shops and places used as lodges.

Characteristics of the attacks: The majority of incidents concern physical attacks against foreigners, while the types of crimes are mainly severe body injuries (in 66 cases) and assaults (in 76 cases). Threats against foreigners have also been reported as well as cases of verbal abuse and property damage. It is worth noting that at least 22 incidents combine property damage and assault against a person (or persons), as shows the case involving the arson of a barber's shop owned by a Pakistani national near the area of Metamorfosi. Most incidents occurred at night or in the early morning hours.

The Racist Violence Recording Network registered a homicide case in 2012, following communication with the victim's family; the victim was a 31 year-old Egyptian citizen who died after 17 days in coma after being savagely beaten. This incident, like the atrocious murder of a 19 year-old Iraqi boy at the center of Athens in August 2012 and that of a 26 year-old Pakistani male who was fatally attacked by two people on a motorcycle near the

area of Petralona at the beginning of 2013, constitute a dramatic reminder that violent attacks with racist motives are not merely a continuous phenomenon, but one the degree of violence of which is frighteningly increasing within the Greek society.

The victims: The victims who approached the members of the Network and reported the incidents, consisted of 149 men (average age 27 years old) and 5 women (average age 24,6 years old), mainly from Afghanistan (47), Pakistan (13), Algeria (12), Bangladesh (12), Egypt (10) Morocco (7), Somalia (6), Soudan (6), Guinea (6), Tunisia (5) and Iraq (4). Nationalities of victims also include Iran, Mauritania, Syria, Eritrea, Congo, Senegal, Palestine, Comoros, the Ivory Coast, Albania, Georgia, Gambia and Ghana. In addition, the Network recorded 3 European citizens: 1 Romanian, 1 Bulgarian and 1 Greek who was victim of homophobic attack.

As regards the legal status of the victims, except those who have the nationality of an EU Member State, 44 were asylum seekers, 4 were recognized refugees, 15 were holders of residence permits and 79 held no legal documents or were under deportation order (in 8 cases the victim's status was unknown).

In the vast majority of cases, the victims consider the fact that their characteristic as foreigners is the reason for the attack; they believe that they were targeted because either of their skin color or of any other characteristic revealing the fact they were not natives (the majority of migrant victims were Muslims). It is worth noting that 2 out of 5 female victims believe they were attacked because they were wearing the hijab.

Also, in most cases, the victims themselves were able to identify the motive of the attack, since the attacks followed a question or a comment about the origin of the victims and were accompanied by verbal insults and threats against the foreigners. In many other instances (in particular cases where the victims were present in the country only for a short period of time and were unaware of racist violence incidents), the racist motive of the attack was clearly expressed to them by the perpetrators when victims requested on the reason of the attack.

Finally, the Racist Violence Recording Network recorded for the first time an attack where the motive was related to the sexual orientation of the victim. This record should not lead to the conclusion that there were no such attacks in recent years, but it is linked to the mobilization and participation of LGBT organisations in the Network only recently, and their active follow-up of relevant attacks.

The perpetrators: The perpetrators in the recorded attacks were men, with the exception of 8 incidents where the perpetrators acted as a group in which the participation of women has also been recorded. At least in those cases where victims could assess the age of the perpetrators, the average age was 27 years old and they were in the vast majority Greek citizens. Incidents where the perpetrators belonged to different ethnic groups have also been recorded (i.e. attack at the centre of Athens in which ethnic Albanian immigrants participated). In only 6 out of 154 incidents the perpetrator acted alone.

According to the victims' testimonies, in 91 cases, the perpetrators are believed to belong to extremist group. This fact also emerges from the qualitative elements recorded concerning the attacks: in these instances, the perpetrators are believed to act in an organized manner and in groups, moving either by motorcycle or on foot, often being accompanied by aggressive dogs. They are dressed in black and at times with military trousers, wearing

helmets or having their faces covered. In similar attacks the participation of minors is also recorded. Most incidents occurred after sunset or in the early morning hours. Motorcycle or foot “patrols” by people dressed in black are described as the most common practice; they act as self-proclaimed vigilante groups who attack refugees and migrants in the streets, squares or public transportation stops.

The victims speak of areas in Athens which have become inaccessible to them due to the fear of being attacked. In at least 8 cases, the victims or witnesses to the attacks reported that they recognized persons associated to Golden Dawn among the perpetrators, because either they wore the insignia of the organization, or they were seen participating in public events of the organization in the area, or they were known as associated with the local branch of the organization.

The Racist Violence Recording Network also recorded the following important cases: an assault perpetrated by 20 people who broke into a migrant’s house in Perama, leaving two people injured (one of whom had to undergo extensive face surgery), the incursion in the house of the Imam of the Pakistani Community in the area of Sepolia and 3 cases of invasion in abandoned buildings used by migrants as a lodge (2 in Athens and 1 in Patra). Moreover, at the end of October 2012, an attack against an Afghan restaurant was recorded following a demonstration of far-right supporters at the centre of Athens, while witnesses reported other various attacks on shops owned by migrants in the same evening.

Involvement of police personnel and public servants in racist attacks: There is a distinct category of 25 incidents where police and racist violence are interlinked, 7 of which occurred in locations where migrants are detained (Igoumenitsa police station, Attica Aliens Directorate, Agios Panteleimonas police station, Chimoniou Orestiada police station, Vrachati police station), while in 17 other cases in 2012, the involvement of law enforcement officials in racist attacks was also reported. In the reports of these incidents are involved officers on duty who resort to illegal acts and violent practices while carrying out routine checks. There are also cases where victims report that they were brought to police stations, were detained and ill-treated for a few hours, as well as reports of legal documents being destroyed during these operations. There is also 1 incident alleging cooperation between law enforcement officials and members of extremist groups during an assault on a migrant’s house in Chios. Finally, 6 cases occurred on and around public transport, in 2 of which the perpetrators were public servants: 1 incident where an Egyptian woman was verbally abused by a bus driver who shut the door on her baby’s carriage and 1 incident where an Afghan young male was reportedly beaten by bus controllers because he did not present a validated ticket.

Intensity of the attacks and use of weapons: The recording of incidents reveals several qualitative elements regarding the nature of the attacks: the violence of the attacks increases, while there is greater tolerance or fear by witnesses who do not intervene to assist victims during the attacks. In many cases victims report the use of weapons during the attacks, such as clubs, crowbars, folding batons, chains, brass knuckles, spray, knives and broken bottles, while the use of large dogs has been repeatedly reported in the area of Aghios Panteleimonas and Attica square. The victims suffer multiple injuries such as fractures, sprains, contusions, lesion injuries, abrasions, eyesight and hearing damages, symptoms of post-traumatic stress, etc.

Lodging of official complaints and the response of state and local authorities: Only 24 victims have addressed the competent authorities to file an official complaint and initiate

judicial procedures, while 23 would like to do so. The rest do not wish to take further actions, most of the times because they lack legal documents and are therefore afraid that they will be arrested and deported. Indeed, instead of dealing with complainants as potential victims of a crime, the police authorities prioritize control of the victim's legal residence in the country and abstain from the duty to investigate the reported incident.

In many cases, the victims of racist attacks stated that they attempted to report the incidents to the police but were faced with unwillingness or deterrence and, in some cases, the actual refusal of the police authorities to respond. Moreover, some victims did not wish to lodge a complaint because they had already been victims of police violence or because they argued that the perpetrators were associated with the police and / or the Golden Dawn and were afraid of being targeted.

Finally, there is a widespread impression that, even if the victims report the incident to the competent authorities, they will find no justice. A significant, though not general, trend is that victims do not receive any substantial assistance from the police, and, on the opposite, they often face indifference and are also deterred from officially denouncing the incident. There are numerous cases recorded in 2012 illustrating this phenomenon: 1) a victim alleges that when trying to report the incident, he was told "there is nothing the police can do, that's how things are in Greece"; 2) another victim reports that a police officer retorted "we know the game, you, foreigners, play, you'd better leave"; 3) a victim reports that while he was being beaten in the street, a police officer intervened but instead of arresting the perpetrators, he kicked him and told him to leave from the area; 4) a victim was deprived of his asylum applicant's document (pink card) while trying to file a complaint in police station and had to return accompanied by a lawyer in order to collect it back; 5) a victim who was beaten while exiting a police station reports that the attack was linked to a prior threatening and offensive behavior of a police officer in his regard.

These indicative reports show that a significant number of prosecuting agents consider racist attacks as a daily and ordinary phenomenon, they dismiss the reported cases as insignificant and show, therefore, no will to tackle it. They avoid intervening during racist attacks and when they do so, they treat victims with indifference and mistrust, and/or discourage them from filing official complaints.

The Racist Violence Recording Network assesses that the findings were exceptionally alarming, while increasing concern rises from the fact that the incidents recorded by the Network's members are only the tip of the iceberg. The geographically limited range of the participating organizations, the spreading fear amongst the victims which often prevents them from approaching even the organizations where they could report the incidents anonymously, as well as the inability of organizations to provide effective protection to the victims, are strong indications that the number of racist violence attacks recorded by the Network is much smaller than the actual one. This conclusion is reinforced from the frequent media reports of incidents in areas different from the ones covered by the participating organizations, revealing that racist violence is spreading.

2) Positions of the Racist Violence Recording Network on state responses and initiatives to combat racist crimes

Access to lodging official complaints and victim protection: The Racist Violence Recording Network welcomed the legislative initiative by the Ministry of Public Order and

Citizen Protection introducing special Departments and Offices within the Hellenic Police aiming at tackling the phenomenon of racist violence (P.D. 132/2012). This initiative could contribute towards addressing and preventing violence with racist and xenophobic motives.

However, it should be noted that any initiative of the Ministry of Public Order and Citizen Protection will bear no meaningful results unless reports/ testimonies/ complaints about police arbitrary behavior are effectively addressed, both when these concern a wrongdoing of police officers during the performance of their duties or the reproduction of biased reactions towards the victims (arising from personal opinions or due to the lack of targeted training); both may result in direct or indirect behaviors with racist motives that constitute violations of human rights. Hence, the effective and unconditional condemnation by the State of any act of police violence and arbitrary behavior is imperative.

Moreover, the provisions of P.D. 132/2012 fail to address issues of major importance for the effectiveness of these special Departments, namely the selection and recruitment procedure of their personnel, as well as their respective training. Members of the Racist Violence Recording Network participated as trainers in the two-day training organized for the newly appointed officials, which by no means is considered sufficient for the increased training needs on such a sensitive and complex issue. The Network therefore suggests a mandatory **process of continuous training**, including on up-to-date developments, and providing expert knowledge, for the police officers appointed in these Departments. To that end, the Network proposes the elaboration of Guidelines on how to address hate crimes and offers to actively contribute to their drafting. In any case, frequent complaints alleging unlawful actions with racist motives perpetrated by police officers, reveal the necessity for a transparent selection process, under objective criteria, so that staff likely to undermine the effective functioning of these Departments is excluded.

It should also be noted that the above legislative initiative lacks guarantees for the safe lodging of official complaints by persons who do not possess legal residence documents. Yet, effective prevention and combat of racist crimes presupposes the effective ability of the victim to report such a crime under safe conditions, without the fear of being found in such a position that would dissuade him/her from reporting the crime. The State should encourage the victims - regardless of their legal status in the country - to report any threats or attacks against them. Of significant importance is the fact that out of the 154 victims whose testimonies were recorded by the Network in 2012, the vast majority did not wish to file a complaint due to fear mainly related to the lack of legal documents. Undocumented migrants, who form the majority of the victims recorded, even in case they are willing to report the attacks to the authorities, are immediately arrested upon arrival at the police station with a view to be deported, and as a consequence they are deterred from reporting any racist attack against them. In addition, during judicial procedures against the perpetrator, persons without legal documents are once again dissuaded from participating in the process since they are threatened with arrest and deportation.

In order to tackle the above issue and reduce subsequent impunity of the perpetrators, the Racist Violence Recording Network suggests to explicitly provide for **the suspension of arrest and deportation decisions** against victims who file a complaint, complemented by **the granting of a residence permit on humanitarian grounds**, similar to the protection framework for victims of trafficking. More specifically, it is suggested, in cases where victims and/or witnesses without legal residence documents report incidents of racist violence, to suspend arrest and deportation decisions, following a special prosecutor act which will at first verify the grounds of the complaint and then recognize a victim or

witness of a racist crime as such, allowing for the granting of a special protection status (residence permit on humanitarian grounds) for the time required until the perpetrator(s) is/are prosecuted and sentenced and until the final judgment in the criminal case against the offender is reached.

In short, the State should give out the message that the physical integrity and safety of any person living on Greek territory are absolutely respected.

To this end, the Racist Violence Recording Network considers that the Law Proposal "*Combating racism and xenophobia*", recently submitted before the Parliament, could form the basis for a dialogue towards the effective response to racist violence, provided that some necessary amendments are made. The said Law Proposal is a remarkable step forward, to the extent that it suggests the granting of a residence permit on grounds of "public interest" to victims and key witnesses of racist crimes, following a decision for the suspension of the deportation process and protection from return. The Network welcomes the inclusion of the above provisions in the Law Proposal, however, it re-iterates that the granting of a residence permit to victims and key witnesses of racist crimes should not only apply where the "public interest" is exceptionally invoked. Instead, granting a residence permit on humanitarian grounds (as defined in Article 44 in conjunction with article 46 of L. 3386/2005) to victims who report incidents of racist violence, as well as to key witnesses, should be envisaged as an option until the perpetrator(s) is/are prosecuted and punished.

Adequate investigation of racist motive: The Racist Violence Recording Network welcomes **the appointment of a Special Prosecutor** responsible for the coordination and the proper investigation of racist crimes by prosecuting authorities and looks forward to a fruitful cooperation.

Given the continued escalation of attacks against refugees, immigrants and other groups by organized extremist groups, any legal instrument aiming at strongly tackling the upsurge of manifestations of racist violence should include adequate investigation of racial motives and provisions enabling the effective prosecution of such acts.

The provisions introduced under L. 4139/2013 "*On addictive substances and other provisions*" of the Ministry of Justice, Transparency and Human Rights, which was recently adopted by the Greek Parliament, although they are in a positive direction, are not sufficient to tackle the problem. In particular, the provision stipulates that the sentence to imprisonment for hate crimes, according to Article 79 par. 3 of the Criminal Code on aggravating circumstances, will not be subject to suspension. However, the Network highlights that the crucial issue for tackling hate crimes is not linked to the suspension or not of a sentence to imprisonment.

In practice, the impunity of the perpetrators is a result of the fact that the relevant provision of Article 79 par. 3 of the Criminal Code (which was added through a legislative amendment in 2008 and stipulates that the perpetration of an act of hatred on national, racial, or religious grounds or hatred due to differentiated sexual orientation constitutes an aggravating circumstance) is not applied by neither the police nor the Prosecutor at the stage of the criminal prosecution; it is applied only at the stage of the decision on the sentence, thus, after the guilt or innocence of the offender has been established. It is noteworthy that this Article has never been used by the judicial authorities to date.

It is therefore necessary to take an immediate legislative initiative related to the introduction of **distinct offences** (substantive offences) for crimes when they are accompanied by a racist motive; this proposal was recently presented by the Prosecutors of the Supreme Court to the Minister of Justice, while the recent Law Proposal "*Combating racism and xenophobia*" is also in the same direction.

Along with the explicit commitment of the prosecuting authorities to record, from the moment a complaint has been filed, any events or suspicions of the victim that relate to racist motives, the adoption of law provisions is required as follows: a) provide that the crime committed with racist motive is a crime with distinct offences, or, b) provide, in relation to some specific types of crime (including, indicatively, those against life, physical integrity, personal freedom and property), for a sentence increase if the crime is committed with racist motive, or, c) provide for the racist motive to constitute a general aggravating circumstance, including as regards the criminal sentence. In that manner, the exercise and initiation of the prosecution will be enabled, based on a specific type of crime that will allow the investigation of the racist motive already from the beginning of the criminal proceedings, including the stages of interrogation and judicial process.

Nevertheless, we reiterate that notwithstanding any legislative amendment, the State should provide adequate training and guidance to the prosecuting and judicial authorities involved so that the racist motive is investigated at all stages of the criminal proceedings.

Adequate investigation of attacks on grounds of sexual orientation and gender identity:

The Racist Violence Recording Network welcomes the amendment brought by L. 4139/2013 "*On addictive substances and other provisions*" which foresees the explicit inclusion of gender identity in Article 79 par. 3, namely as one of the grounds constituting an aggravating circumstance when committing a criminal offence. It is considered a positive step that makes the country's legislation to be in conformity with European laws and practices.

However, P.D. 132/2012, introducing special Departments and Offices within the Hellenic Police aimed at tackling the phenomenon of racist violence, limits its scope only to victims of acts of hatred "on national, racial, or religious grounds". Consequently, both the P.D. and any future legislative initiative should be expanded to include the protection of people who have been victimized due to sexual orientation and gender identity.

Athens, April 2013

i Concerning the Racist Violence Recording Network

Monitoring the escalation of racist attacks against refugees and migrants in the last few years, and also the lack of a formal and reliable mechanism of recording racist incidents, the **UN Refugee Agency** and the **National Commission for Human Rights** took the initiative and established in the summer of 2011 the Racist Violence Recording Network numbering today the following 30 non-governmental organizations and other bodies which provide legal, medical, social or other support services and come into contact with racist violence victims:

Aitima

Antigoni – Information and Documentation Centre on Racism

Arsis

Doctors of the World

Amnesty International

Network for the Social Support of Refugees and Migrants

Hellenic League for Human Rights

Hellenic Red Cross

Greek Helsinki Monitor

Greek Council for Refugees

Greek Forum of Migrants

Greek Forum of Refugees

Human Rights Commission of the Bar Association of Rhodes

“Positive Voice”

“Medin”

“Babel” Day Centre

Movement for the Support of Refugee and Migrant Rights (Patras)

LATHRA-Solidarity Committee for Chios refugees

METAdrasi

Integration Centre for Working Migrants - Ecumenical Refugee Program

Group of Lawyers for the Rights of Refugees and Migrants

Group of Lawyers for the Support of Refugee and Migrant Rights (Thessaloniki)

Association of Afghans United in Greece

Forum of Migrants in Crete

Colour Youth

OLKE Greece

YsMedia

i-RED Institute for Rights, Equality and Diversity

PRAKSIS

The Greek Ombudsman as an observer.