

# GREECE

## Ill-treatment, shootings and impunity

### Introduction

Two young Romani men arrested at night on the streets of Mesolonghi are beaten with a truncheon and allegedly threatened with rape. After three and a half years, one police officer faces trial: he is acquitted. A 40-year-old man is stopped for a minor traffic offence in Rhodes. He is allegedly kicked till his arm is broken and threatened with a gun. He is refused access to relatives, a lawyer or a doctor. A 16-year-old Albanian boy without proper documents is allegedly beaten and kicked by police; his spleen is ruptured. These and other allegations, often documented by medical evidence, indicate a pattern of ill-treatment by Greek police officers which is sometimes so severe that it amounts to torture.

Abuses by law enforcement officials do not stop at beatings. A young Romani man was shot dead through the back of his head when he failed to stop his car for a police patrol. The police officer who killed him was released on bail after five days in custody and returned to service, provoking riots in the Romani community. An elderly Albanian farm labourer is alleged to have been beaten, then shot in the back, by border guards. He had to have a kidney removed. Other shootings by law enforcement officials indicate excessive use of force or criminal incompetence in the use of firearms.

Abuses such as torture, ill-treatment and unlawful shootings violate both Greek law and international human rights law and standards. Torture and other cruel, inhuman or degrading treatment or punishment are absolutely prohibited by international human rights law, which also requires governments to ensure that law enforcement officers use firearms only in situations involving imminent threat of death or serious injury, and only when less extreme measures are insufficient.

The Greek authorities have so far failed to take the necessary steps to ensure that such abuses are not repeated. Prosecutions of police officers and other law enforcement officials accused of these serious human rights violations are rare, and even when they do result in a conviction, the punishment is almost never commensurate with the crime.

This document is a summary of a detailed report: *GREECE: In the Shadow of Impunity -- Ill-treatment and the Misuse of Firearms* (AI Index: EUR 25/022/2002) issued jointly by Amnesty International (AI) and the International Helsinki Federation for Human Rights (IHF), in September 2002. The full report documents many individual cases, analyses the concerns they raise, and examines relevant provisions of international human rights law and Greek law. In compiling this report, the reports, research and expertise of the IHF's member committee, Greek Helsinki Monitor (GHM), have been

essential and the work of the Minority Rights Group-Greece (MRG-G) has also been drawn upon extensively.

The Greek authorities often claim that Greece has a particular sensitivity to human rights issues. Greece has ratified international human rights treaties, and significant constitutional and legal provisions -- designed to protect human rights -- are in place. In practice, however, Greece has not secured the consistent implementation of these safeguards.

There is a relatively widespread pattern of abuse, in which police ill-treat detainees physically and psychologically to force confessions, to obtain information or to intimidate and punish them. In some cases the ill-treatment amounts to torture. Verbal abuse to intimidate and humiliate detainees is common; at times such abuse is racist or includes sexual threats. The victims include children.

Shootings by police and border guards have sometimes flouted international human rights standards. Police officers have often claimed that their guns fired accidentally, which, if true, points to a level of incompetence that requires immediate attention. On the border with Albania, law enforcement officials are alleged to have shot at unarmed people trying to cross into Greece, in contravention of international human rights standards.

Members of ethnic minorities and immigrants are particularly at risk of human rights violations at the hands of law enforcement officials. Xenophobia and racial profiling have played a part in the abuses suffered by Roma and foreign nationals, who are often undocumented immigrants from Albania, as well as undocumented immigrants and asylum-seekers from the Middle East, Asia and Africa. The marginalized and insecure status of many members of these groups, as well as financial constraints and language obstacles, ensure that few file formal complaints.

Members of the majority Greek population are not spared. They too have alleged, often with strong medical supporting evidence, that they were tortured or otherwise ill-treated by police officers. In most cases, however, they are somewhat better placed to make their complaints known and to initiate legal action to obtain redress.

Greece is legally committed to the absolute prohibition of torture or cruel, inhuman or degrading treatment in all circumstances. The fact that some of the people who have alleged ill-treatment were criminal suspects, or may have committed criminal offences, in no way justifies their ill-treatment or the excessive use of force by police.

Under international human rights law, allegations of torture or ill-treatment and of unlawful killings must be promptly, thoroughly and impartially investigated. Victims or their families must be granted reparation. Judicial and internal police inquiries have been launched into many of the cases documented. However, law enforcement officials have rarely been brought to justice. In the few cases where they have been tried and convicted, their punishment has almost always been nominal, involving a suspended prison sentence.

Official statistics relating to complaints of torture and ill-treatment point to almost total impunity for police officers in such cases. The reasons include: failure to ensure that investigations are prompt, thorough and impartial; police “solidarity” which obstructs the identification of abusers; the lack of legal aid for complainants; unduly protracted judicial proceedings and the tendency of courts to believe the testimony of police officers, even when the victim has powerful opposing evidence. Such impunity encourages the persistence of human rights violations and far outweighs the effect of any verbal exhortations or condemnations by government ministers.

There have, however, been certain encouraging developments. In particular, in the past five years an Ombudsman’s Office and a National Commission for Human Rights have been established. These bodies have taken the authorities to task on specific issues and have provided carefully researched analyses of problems. They have also presented proposals, legislative and practical, for remedying them. Although many of these have not yet been implemented, new laws on the use of firearms by police and police training are reportedly in the pipeline, and anti-racist legislation is being drafted. Draft laws on legal aid and measures to speed up legal proceedings are also reported to be under preparation.

This report contains recommendations for the measures necessary to end torture and ill-treatment, to prevent the unlawful or excessive use of firearms by law enforcement officials, and to ensure that victims obtain redress and reparation. Legislation and government directives can protect human rights only if they are enforced.

The information in this report has come from a variety of sources, primarily victims, court decisions and forensic medical reports, and the press. Other sources include intergovernmental organizations (IGOs), non-governmental organizations (NGOs) working with refugees and immigrants, the Greek Ombudsman’s Office, the National Human Rights Commission and information provided by the Greek authorities.

## **Torture and ill-treatment**

Physical and psychological ill-treatment of detainees by law enforcement officials, generally police officers, is relatively commonplace in Greece. The most frequent allegations are that detainees have been slapped, punched and kicked. In other incidents, truncheons, pistols or rifle butts are alleged to have been used. Some detainees have complained that while in custody they were denied water for many hours. Psychological ill-treatment, consisting of verbal, sometimes racist abuse, and sexual threats, has also been alleged. While in some cases the aim seems to have been to force confessions or other information from detainees, in others police officers appear to have indulged in unwarranted violence simply to assert their authority or to punish and intimidate.

### **International law**

Every act of torture is a crime under international law. The right to freedom from torture and other cruel, inhuman or degrading treatment or punishment is enshrined in international treaties which Greece has ratified. These include the International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

### **The Convention against Torture**

In 1988, when it ratified the Convention against Torture, Greece explicitly undertook:

- to prevent torture taking place under any circumstances whatsoever by taking effective legislative, administrative, judicial or other measures;
- to educate and train law enforcement officials regarding the prohibition of torture;
- to ensure that cases where there are reasonable grounds to believe that an act of torture has been committed are promptly and impartially investigated and that alleged torturers are prosecuted;
- to ensure that victims of torture, or their dependants, have the right to fair and adequate compensation;
- to ensure that any statement which is established to have been made as a result of torture is not invoked as evidence in any proceedings, except against an alleged torturer;
- to review systematically interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of detainees, with a view to preventing torture.

Article 1 of the Convention against Torture defines torture as “*any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed, or intimidating him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity*”.

### **Greek law**

The Greek Constitution prohibits the use of torture and ill-treatment. Since 1984 torture and ill-treatment have also been explicitly proscribed in the Greek Criminal Code. Articles 137A to 137D deal with “Torture and other offences against human dignity”.

The main law prohibiting torture and ill-treatment by police is Article 137A, which states: “*An official or military officer ... is punished ... if he subjects to torture, during the performance of ... duties, a person who is under his authority with the aim of a) extorting from this person or a third person a confession, testimony, information or statement, or the repudiation or acceptance of a political or other ideology; b) punishing; c) intimidating the person or third persons.*” The penalty is between three years’ and life imprisonment.

Article 137A is rarely used and is interpreted restrictively. Police officers prosecuted in connection with torture and ill-treatment are more likely to be charged with the lighter offences of “abuse of office”, “bodily injury”, “threat” or “insult”.

### **Failure to enforce safeguards for detainees**

Torture and ill-treatment most commonly take place during arrest or after a person is brought to a police station for questioning. The legal safeguards governing these procedures, and their strict observance, are therefore crucial in preventing abuse.

International human rights standards require people detained in police custody to be granted the following rights: the right to be informed of the reason for arrest and detention; the right to notify a relative or third party of arrest; the right of access to a lawyer and a doctor; and the right to be informed of their rights. These rights are also guaranteed under Greek law.

In practice, legal provisions relating to the rights of detainees, including their right to be informed about their rights, their right to contact family and legal counsel and to be seen by a doctor, are frequently denied or their fulfilment unreasonably delayed.

**Lazaros Bekos and Eleftherios Koutropoulos, Romani youths beaten in custody**

Two young Roma, 17-year-old Lazaros Bekos and 18-year-old Eleftherios Koutropoulos, were beaten by police after being arrested in Mesolonghi on 8 May 1998.

Lazaros Bekos was attempting to break into a kiosk while his friend Eleftherios Koutropoulos kept watch. According to Lazaros Bekos: "...plainclothes police officers arrived and hit me on the back of the head with the gun. One of them pushed me to the ground and stamped on me". The two youths were taken to Mesolonghi police station and interrogated separately.

**Eleftherios Koutropoulos and Lazaros Bekos © GHM**

They both allege that they were beaten and threatened with sexual abuse to make them confess to other crimes or to provide information about drug-dealing. Lazaros Bekos said that several police officers beat him with truncheons on his legs, shoulders and neck and that one officer "took an iron bar from under his desk (the one I had used to force the kiosk) and held it to my throat saying he would choke me if I did not tell the truth". He further alleged that a police officer said "If you don't pull your trousers down for me to fuck you, you'll die here'... He pulled at the button and undid it. I buttoned it back up and then [they] beat me ...".

Eleftherios Koutropoulos made similar allegations: "When they beat me I yelled and cried. I also heard Bekos shouting and crying." He further alleged that a police officer had threatened to rape him with a truncheon.

The two say that they were refused permission to call their parents when they arrived at the police station and were not allowed to contact a lawyer. No lawyer was present during their interrogation by police officers.

On 9 May the two were brought before a local public prosecutor, who charged Lazaros Bekos with attempted theft and Eleftherios Koutropoulos as his accomplice, set a date for their trial and ordered their release. (In November 1999 Lazaros Bekos and Eleftherios Koutropoulos were sentenced to 30 and 20 days' imprisonment respectively, suspended for three years.) They did not complain to the prosecutor about their ill-treatment. According to Lazaros Bekos they had been warned by police "not to say anything or they would send us to prison in Ioannina".

Representatives of GHM and MRG-G took the two youths for a hospital examination and to a forensic medical specialist in Patras. The certificate issued by this specialist recorded injuries inflicted by a “heavy blunt instrument”. In the case of Lazaros Bekos these injuries consisted of: “Two 10cm parallel ‘double bruises’ on his skin, dark red (almost black) in colour, on his left shoulder ... extending to the area of his right shoulder.” Eleftherios Koutropoulos’ injuries included: “multiple 12cm parallel ‘double bruises’ on his skin, dark red (almost black) in colour on his left shoulder...”

Eleftherios Koutropoulos: marks of beating © GHM

*Police officers accused of torture or ill-treatment may be subject to an internal police inquiry, known as the Sworn Administrative Inquiry, as well as to a judicial investigation. Although the two procedures are independent, facts established by a court are taken into account in disciplinary proceedings. Correspondingly, if the administrative inquiry establishes that a criminal offence has been committed, the prosecuting authorities must be duly informed and the findings and conclusions of the administrative inquiry are taken into account during criminal proceedings.*

The case was publicized by GHM/MRG-G on 11 May 1998. An internal police inquiry (Sworn Administrative Inquiry) was opened, and completed one year later, on 18 May 1999. It concluded that two police officers, Commander Apostolos Tsirikas and Deputy Commander B., had “behaved with exceptional brutality” and should be temporarily suspended from service.

This apparently unambiguous finding was not accepted by the Chief of the Greek Police. On 14 July 1999 an order was issued stating that it had been established that Apostolos Tsirikas “did not prevent inadmissible and brutal conduct, on the part of his subordinates, against the two detainees”. Apostolos Tsirikas was fined 20,000 drachmas (at the time approximately US\$60) and demoted. It appears that no disciplinary measures were taken against the second officer, and the subordinates allegedly responsible for beating the two youths were not identified.

*Under Greek law, victims of abuse or their families may file a complaint with the public prosecutor. Public prosecutors are required to institute criminal proceedings (by referring the complaint for investigation) when they receive information concerning an abuse, even if no criminal complaint has been filed. They may first order a preliminary examination (by police) to establish whether a criminal offence has been committed. When the investigation is concluded, the public prosecutor forwards the case to a Judicial Council, a pre-trial panel of judges which rules whether to refer the defendant for trial.*

On 13 May 1998 the prosecuting authorities in Patras ordered a preliminary examination into the allegations of ill-treatment made by Lazaros Bekos and Eleftherios Koutropoulos. The two youths were initially apprehensive about filing a criminal complaint against police officers who were still in active service in the area where they lived, but did so in July 1998. On 9 September 1998 they identified Apostolos Tsikrikas and two other officers as their assailants. However, Deputy Commander B. was on attachment to another unit at the time. On 31 August 2000, more than two years after the incident, the public prosecutor sent the case to a Judicial Council, asking for three police officers (Apostolos Tsikrikas and two colleagues) to be sent for trial. In September 2000 the Judicial Council ruled that only Apostolos Tsikrikas should be tried.

On 8 October 2001 Apostolos Tsikrikas was tried by a court in Patras on charges under Article 137A (3) of the Criminal Code, which provides for a prison sentence of three to five years' imprisonment for offences against human dignity. At the trial Lazaros Bekos' and Eleftherios Koutropoulos' lawyer argued that they had been consistent in identifying the defendant as one of the police officers who had beaten them, and that medical evidence and photographs confirmed their injuries. Five police officers testified that Apostolos Tsikrikas had not ill-treated the two youths, and the prosecutor called for Apostolos Tsikrikas to be acquitted. The court found that it had not been proved that the defendant had injured the two youths, and he was acquitted on 9 October 2001.

The case is now being pursued before the European Court of Human Rights.



### Ilias Hatzidiakos, kicked till his arm was broken



Ilias Hatzidiakos, a 40-year-old (Greek) man, was stopped and booked for a minor traffic offence by two police officers on 6 July 2001 on the island of Rhodes. One of the officers asked to see his vehicle papers. When he failed to produce these documents quickly enough, the police officer started to book him for this offence too. Ilias Hatzidiakos put his hand on the officer's notebook and asked him to stop.

According to Ilias Hatzidiakos, the officer immobilized, then handcuffed him.

Ilias Hatzidiakos - ©Amnesty International

*“As soon as they had handcuffed me, they knocked me to the ground and struck my head on the asphalt road. I was injured and bleeding, and they struck my head, but because I was stunned and in pain I was not able to discern whether they were punching me or kicking me.”*

The police officers took him to Afantos police station, where he says his requests to make a telephone call to his relatives were refused, as were his requests for water. He was put in a cell, and one of the police officers allegedly threatened him with a gun and kicked him.

*“I begged him to be careful of my arm because of an earlier operation for a double fracture, but he kicked me in the stomach and then the left arm, resulting in a further fracture. When I realized [what had happened] I told him: ‘You’ve broken my arm, please call a doctor’. While I was writhing in pain, he tried to kick my genitals and bending to avoid the blow I received the kick in my right ribs. Then I thought my end had come ...”*

Ilias Hatzidiakos' sister looked for him at the police station but neither she, nor his lawyer, was allowed to speak to him. Despite their entreaties, the police reportedly refused to let him go to hospital for three hours, until late that night. A medical certificate issued by the hospital records bruises on his forehead, a broken left arm, and abrasions on his chest and stomach.

The police authorities ordered an administrative inquiry and the two police officers concerned were reportedly transferred temporarily. Meanwhile, the Rhodes prosecuting authorities opened a preliminary investigation. On 18 July 2001 Ilias Hatzidiakos filed a criminal complaint against the two police officers on charges of abuse of office, threat, insult and dangerous bodily injury. By the end of June 2002 the judicial investigation had still not been completed.

In August 2001 the administrative inquiry concluded that the two police officers had engaged in a struggle with Ilias Hatzidiakos and by their "inappropriate behaviour" had brought upon themselves, and the Greek Police Force more generally, "unfavourable comments". It recommended that they be punished with a fine, but left the possibility open that if they were subsequently convicted of having caused bodily injuries they might be punished with suspension from service. The final outcome of these disciplinary proceedings is not known to AI/IHF.

### **Refat Tafili, an Albanian youth with grave internal injuries**

Refat Tafili, an undocumented Albanian immigrant aged 16, came to Greece in December 2000, and with the help of a relative found employment. According to his account, at 9.30pm on the evening of 8 February 2001 three plainclothes police officers raided the house in the Aghios Stefanos quarter of Athens where he and some other Albanians were staying.

*"I ... was preparing to go to sleep, when the police came. They opened the door and came in. They caught hold of me and took me outside. They pushed me to the ground and began to kick my stomach and legs. They dazzled my eyes with an electric torch and spoke to me in Greek, but I didn't understand."*

Refat Tafili in hospital: ©Eleftherotypia

Refat Tafili and another Albanian were taken to the police station in Aghios Stefanos and put in a cell. Refat Tafili fell ill, but instead of summoning medical aid, police turned him out onto the street. They did not record the detention and release, or the names of the arresting officers.

Early the next morning his relatives took Refat Tafili to hospital, where he was found to have suffered a double rupture of the spleen, and underwent an emergency operation for its removal. He remained in hospital for just over a week. At 8.30am on 17 February 2001, while his relatives were waiting to collect him, armed police officers arrested Refat Tafili at the hospital and took him to Papagos police station, Athens, to be

detained pending expulsion. A relative who protested was also taken to the police station, where he reported the beating which Refat Tafili had suffered on 8 February.

Refat Tafili and his relative were next sent to Police Headquarters in Athens, where they filed a complaint against the three officers who had beaten Refat. The relative was released and Refat Tafili was transferred to Aghia Paraskevi police station, where he identified one of the three officers who had beaten him. Criminal proceedings were initiated against the officer and other unknown police officers. An administrative inquiry was also opened.

Refat Tafili was still weak and in pain; his hospital medical notes had recommended that following his operation particular care be taken to prevent infections. However, he was held in a cramped and allegedly unhygienic cell, together with five adult immigrants. It is alleged that for two days he was denied food, was not permitted visits from a relative, and was allowed to leave the cell to go to the toilet only twice a day. Only after two days was he given the medication he had been prescribed, although not at the prescribed hour.

On 22 February 2001 Refat Tafili was ordered by the Ministry of Public Order to leave the country within 15 days, although his medical notes recommended that he remain under medical supervision for at least two months. However, shortly before his release his health deteriorated. He was taken handcuffed from the police station, with a high fever and internal bleeding, to the Sismanoglio Hspital, where he remained until 5 March. His lawyer filed an appeal against his expulsion, and after an intervention by the Ombudsman, Refat Tafili was granted leave to remain in the country, on exceptional grounds, for a further six months. This leave has since been extended.

Proceedings in this case have been delayed by difficulties in identifying the police officers involved. Refat Tafili was frightened and unwilling to attend an identity parade at Aghios Stefanos police station. This was reportedly because the police officer in charge of the investigation refused to allow him to be accompanied by his lawyer and an interpreter, despite the fact that he was under age, had no parents in Greece, did not speak Greek and was traumatized.

However, by the end of 2001 the administrative inquiry had reportedly concluded that two police officers had committed serious breaches of discipline, and referred them to a Disciplinary Board with the recommendation that one be permanently dismissed and the other suspended from service. In June 2002, however, a press report indicated that one or both might be exonerated.

Criminal proceedings have made less progress. Two police officers are reported to have been charged with grievous bodily injury, and efforts to identify a third police officer continue. Refat Tafili's family have filed a civil claim on his behalf for damages.

### **Immigrants and asylum-seekers ill-treated on Crete**

On 30 May 2001 a Turkish fishing boat was towed into a harbour in Crete by the Coastal Rescue Service. On board were 164 foreign nationals, mostly Kurds from Turkey, Iraq and Iran, as well as some Turks, Afghans, Pakistanis, Eritreans and Ethiopians. After they disembarked, four Turks were arrested on charges of people-smuggling.

The group of undocumented migrants and asylum-seekers, which included 20 women and 25 children, was held for several days in the old Academy of the Merchant Navy at Souda, Hania. Here, it is alleged, coastguards assaulted and beat many of the men. One member of the group later testified to an investigating judge that a coastguard had raped him with a truncheon.

On 6 June local doctors examined members of the group who alleged that they had been beaten. The doctors observed injuries on at least 16 of them, including bruising, swellings and a ruptured ear drum. Five were referred to hospital for further investigation and treatment.

On 7 June the Greek section of Médecins du Monde (MDM) publicized its concerns about the treatment and conditions of these asylum-seekers and immigrants. The following day the Chief of the Port Authority ordered an administrative inquiry.

The group was shortly afterwards moved to the old airport of Hania. On 10 June they were visited there by two MDM doctors, who examined the injured men and took photographs of their injuries. MDM reported that the group of 164 people was being detained behind bars in a room of 100

Crete: marks of beating on an undocumented migrant - © Médecins du Monde- Greek Section

to 150 square metres, with only three toilets, and no possibility of exercise in the open. Women and children were held together with men. Conditions were further aggravated by the high summer temperatures. MDM offered to provide accommodation for the women and children and by mid-June all members of the group were reported to have been transferred to Athens.

An administrative inquiry concluded that one officer had used violence “in a non-preventative manner” and had concealed the incident, and that five coastguards were guilty of physical or emotional abuse, homophobic denigration, and inflicting a “military-style punishment” (forcing one of the detainees to hop like a rabbit). In November 2001 it was reported that the officer and one coastguard had each been punished with 20 days’ confinement to barracks, and the other coastguards with 30 to 50 days’ imprisonment.

In October 2001 the prosecutor for the Naval Court of Hania ordered criminal proceedings to be started against the five coastguards on charges of offences against human dignity, but no investigation activities were undertaken until May 2002 when an investigating judge summoned three men, who alleged they had been ill-treated, to testify as witnesses. In July 2002 they testified to an investigating judge of the Naval Court of Piraeus.

## **Shootings by Law Enforcement Officials**

Towards the end of 2001 two young men, a Rom and an Albanian immigrant, were shot dead (in separate incidents) by police officers who said that their guns had fired accidentally. These were by no means the first cases in which this explanation had been used by the Greek police. In other incidents, border guards and soldiers on border duties are alleged to have fired at and wounded, in at least one case fatally, unarmed Albanians trying to enter the country illegally. In addition, coastguards are reported to have shot at boats transporting undocumented immigrants to Greece.

Law enforcement officials are at times obliged to make split-second decisions in complex and dangerous circumstances. However, the Greek police and other law enforcement officials appear to have used firearms in contravention of international standards on a number of occasions. According to the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, firearms should be used with restraint as a last resort and only in situations involving imminent threat of death or serious injury, and when less extreme measures are insufficient. They can be used with intent to kill only when strictly unavoidable in order to protect life.

The lethal use of force in contravention of these Principles amounts to arbitrary deprivation of life, while the non-lethal use may amount to torture or cruel or degrading treatment or punishment. The rights to life, to freedom from torture and ill-treatment and to security of the person are enshrined in the International Covenant on Civil and Political Rights, a legally binding treaty which Greece has ratified.

### **Greek law on the use of firearms**

The use of firearms by law enforcement officials in Greece is primarily regulated by a law dating back to 1943, when Greece was under German occupation. Article 1 of Law 29/1943 lists a wide range of circumstances in which a police officer may use firearms "... to enforce the laws, decrees and decisions of the competent Authorities or to disperse public gatherings or suppress mutinies ... without [bearing] any responsibility for the consequences".

Law 29/1943 has rightly been criticized as defective by the Public Prosecutor of the Supreme Court, senior Greek police officers, trade unions representing Greek police employees and the National Commission for Human Rights. In February 2002 the Minister of Public Order announced that a new law would shortly be enacted, which would "safeguard citizens against the thoughtless use of police weapons, but would also

safeguard police officers who will know better when they can use them". In April 2002 two draft laws -- on the use of firearms by police and on police training -- were reported to have been prepared by a committee of experts, but by the end of June these laws had not yet been published or adopted.

### **Marinos Christopoulos, a Rom shot dead in his car**

A police officer shot and killed Marinos Christopoulos, a 21-year-old Rom, with a single bullet through the back of his head on 24 October 2001 in Zefyri, Attica. He had failed to stop the car he was driving when a police patrol signalled to him to pull over. The police officer was arrested and charged with reckless homicide and unlawful use of weapons. He was released on bail five days later and was returned to service, although transferred to another department. His release provoked protest and rioting in the Romani quarter of Zefyri.

The police officer told the investigating judge that Marinos Christopoulos had attempted to run him down and that while trying to avoid the vehicle he accidentally pulled the trigger after he lost his balance and stumbled.

Marinos Christopoulos: © Private

However, in March 2002 an administrative inquiry concluded that the police officer *"acting instinctively, placed his right hand on his pistol, which he wore on his belt, took it out, pointed it towards the car which was driving away, and fired once in that direction, in order to halt its advance"*. The inquiry referred the police officer to a Disciplinary Board. It recommended his dismissal from service, on the grounds that he had fired a shot at the car to immobilize it, while being aware of, and accepting, the possibility that this action might kill the driver, thereby committing reckless homicide. At the end of January 2002 the judicial investigation had been completed, but by the end of June 2002 the case had not been forwarded to a Judicial Council for a decision as to whether the police officer should stand trial.

### **Ferhat Çeka, an elderly Albanian shot near the border**

Since 1991 Ferhat Çeka, aged 67, has supplemented his meagre pension and supported his family in Tirana, the Albanian capital, by spending several months each year working on farms in Greece. In March 2002 he set out once again. According to his account, on the evening of 8 March he crossed clandestinely into Greece, where, alone and unarmed,

he was apprehended by soldiers close to the military outpost of Aghia Ioanna. According to his account, he was first beaten and then shot at close range.

Ferhat Çeka © Albanian Rehabilitation  
Centre for Torture and Trauma

*“At about 6.30pm, I ... began to climb the mountainside ... When I reached the top I took a path through the forest. I had not gone more than 300 metres when I heard a dog; the dog sprang at me and caught me by the sleeve of my jacket. Then I heard soldiers shout: ‘Halt!’ I answered: ‘Yes!’ I did not try to flee and did nothing to suggest to the soldiers that I wished to run away. On the contrary, I obeyed their orders.*

*“The soldiers called to me from a distance and I replied that I was alone. They came and searched me, called off the dog, and took away everything I had on me ... They [then] told me to lie face down on the ground. When I did this, they began to kick me and beat me with their rifle-butts on my side, back and shoulders. I said: ‘Please, I’m an old man, please don’t hit me’. They yelled: ‘Don’t say a word unless we ask you questions’.*

*“After they had well and truly beaten me, two soldiers (there was a third soldier who stood at a distance of some 12 to 15 metres and did not approach) told me*

*to get up. With difficulty I got to my feet. The two soldiers who had beaten me withdrew some five metres and said something to each other in a low voice. I did not understand or hear what they were saying. But after this conversation, one of them approached me from behind with a pistol in his hand and said: ‘Walk on ahead’, and as I raised my right foot to take the first step, he shot me with the pistol, and again told me to walk on. But I told him to shoot me in the head and finish me off. ... As I lay wounded on the ground, they said to me: ‘Now run off to Albania’.”*

Ferhat Çeka was taken to hospital in Kastoria, where he underwent an operation which removed his right kidney and part of his liver.

*“On my ninth day in hospital I was questioned by an officer ... They gave me to sign what they had written without reading or translating it. I signed it because I was still in their hands and very frightened. I know Greek a bit, but only spoken Greek. I can’t read or write in Greek.”*



Ferhat Çeka was discharged on 21 March 2002 and returned to Albania, where he had further medical treatment. A medical report issued in Tirana confirmed his injuries and noted that he was suffering from anxiety and depression. "He recalls these events in detail ... he has nightmares, and cries out in his sleep."

In March 2002 the Greek military authorities initiated an administrative inquiry into this incident. The results of this inquiry, which had concluded in early May, were not made public but were forwarded to higher military authorities. The case was subsequently referred to the Military Prosecutor of Thessaloniki, but by mid-July the latter had not yet decided whether to initiate criminal proceedings.

### **Impunity: a systems failure**

One of the main factors behind the persistence of human rights abuses is impunity: the failure of the authorities to bring those responsible to justice. In Greece, prosecutions for torture and ill-treatment are rare, time-consuming and almost invariably unsuccessful or end in derisory penalties.

According to official figures issued in May 2001, in the period from 1996 to 2000 not a single police officer was convicted of torture or ill-treatment. During this period, 163 administrative inquiries were opened in response to complaints of ill-treatment. The outcome of these inquiries was that 121 complaints were dismissed, 24 police officers received (unspecified) disciplinary sanctions and 18 cases were pending. In 52 cases criminal investigations were started, 18 of which ended in the officer being acquitted or the case dismissed; the remaining 34 cases were pending.

During 2001, there were two trials of police officers charged with torture and ill-treatment, or causing bodily injury (offences committed while on duty). In the first a court acquitted a police officer of ill-treating Lazaros Bekos and Eleftherios Koutropoulos (see above). In the second an appeal court confirmed the conviction of a police officer on charges of causing dangerous bodily injury to Melpo Koronaïou (see below), but reduced his 30-month prison sentence to a suspended 15-month prison sentence.

There appear to be no official statistics on the prosecution of law enforcement officials in connection with deaths or injuries arising out of the unlawful use of firearms. Of some five cases in which police officers were referred to judicial councils or to trial in the period from the beginning of 2000 to the end of the first half of June 2002, three police officers were convicted of manslaughter. Two of them received suspended prison sentences, while the third has appealed against a sentence of four and a half years' *Amnesty International/International Helsinki Federation September 2002 AI Index: EUR 25/020/2002*

imprisonment; two other cases never got as far as a trial. In the same period no border guards or soldiers are known to have been indicted in connection with shootings on the border.

There are many factors that lie behind the failure to bring to justice law enforcement officials who are suspected of committing human rights abuses. Investigations, even when formally launched with due promptness, are rarely carried out promptly. Some are less than thorough. Thoroughness and impartiality are also undermined when investigations fail to ensure that victims or witnesses are provided, where necessary, with professional interpreters.

Under the Convention against Torture, Greece is obliged to ensure that "...its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction", and that "... any individual ... has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities".

Similar requirements are set out in the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, which apply also to situations where death results from "excessive or illegal use of force by a public official..."(Principle 1). They also require "... a prompt, thorough and impartial investigation ..." (Principle 9).

In Greece, police officers accused of serious human rights violations may be subject to an internal police inquiry, known as the Sworn Administrative Inquiry, as well as to a judicial investigation. Although the two procedures are independent, their results may influence each other.

The Sworn Administrative Inquiry is carried out by a single police officer, and its proceedings are confidential. Although its findings are subject to review by higher police authorities, the alleged victim cannot appeal against its findings. This procedure does not guarantee impartiality, independence and thoroughness. Moreover, even when such an inquiry has concluded that the allegations made against a police officer were founded and that he should be dismissed from service, this recommendation can be set aside on review. In practice the sanctions finally imposed on police officers are rarely more than a fine, temporary suspension from service or demotion. In addition, the authorities have often failed to suspend police officers from duty pending an investigation.

Although prosecutors are required by law to start proceedings if they receive information concerning the commission of a "punishable act", victims of torture or ill-

treatment have complained that they do not always do so or that they are slow to order an investigation or request a forensic medical examination. Delays of this kind can result in the loss of key evidence, for under Greek law a victim of torture or ill-treatment does not have direct access to examination by forensic services.

For example, **Arnesto Nesto**, an undocumented Albanian immigrant arrested on 15 April 2002 after a police pursuit, alleged that police punched, kicked and beat him during his arrest and later in Megara Police Station while interrogating him.

On 18 April 2002 he was brought before a prosecutor in Athens to whom he allegedly showed his injuries and complained of the ill-treatment he had suffered. The prosecutor did not order an investigation into these allegations or request a court order for his forensic examination.

The same day Arnesto Nesto was also brought before an investigating judge. According to his lawyer, Arnesto Nesto's injuries were plainly visible: he had bruises on his face, his hands and his feet, and his clothes were blood-stained. He told the judge: *"At Megara police station, they beat me, they beat me, they beat me and I didn't open my mouth. They beat me before I gave a statement and when I gave it. When I say that I didn't open my mouth I mean that the police officers were forcing me to say things which I hadn't done."*

In a written submission he asked to be examined by a competent forensic medical expert. The investigating judge reportedly did not respond to this request. Arnesto Nesto was remanded in custody for investigation on charges which include attempted murder, robbery and unlawful possession and use of arms.

### **Justice deferred**

The Greek judicial system suffers from a chronic lack of personnel and poor conditions. The courts are overburdened and it can take several years or more to bring a case to trial, and even longer to reach an irreversible court decision. Even in the very few cases where police officers are convicted of abuses, extremely protracted judicial proceedings (and the nominal sentences generally imposed) deprive the trials and convictions of much of their exemplary or deterrent effect.

### **The case of Melpo Koronaïou**

Torture and ill-treatment often taken place in isolation, and victims may find it difficult or impossible to support their complaints with convincing evidence. However, even in a

rare case such as the following, where medical evidence is backed up by photographs of the incident and the testimony of two lawyers who saw it happen, the system can fail to deliver prompt and impartial justice.

Melpo Koronaïou, knocked to the ground and kicked. © *Eleftherotypia*

On 14 April 1995, left-wing groups in Athens held a demonstration protesting against a knife attack by an alleged far-right extremist a few days earlier. Two young men had been wounded, one of them almost fatally, in the incident. The protest ended in clashes between demonstrators and anti-riot police; at least eight demonstrators later required hospital treatment. Several police officers were also reported to have been injured.

Melpo Koronaïou, a worker and trade unionist, who was at the rear of the demonstration, was surrounded in Patission Street by several uniformed riot police officers and one plainclothes police officer. She stated:

*“Despite the fact that I was alone, unarmed and that my back was turned towards them, the police officers ... attacked me violently without any reason. They surrounded me and started to kick me and beat me with truncheons all over my body until I collapsed on the pavement. Even then they did not stop – on the contrary, [the plainclothes officer] continued with even greater violence to kick my head and face despite the fact that I was completely defenceless and overpowered.”*

Melpo Koronaïou alleged that the other police officers did nothing to stop their colleague, who left her only when he saw her blood seeping onto the pavement. She remained there, unconscious and bleeding, for about 40 minutes until an ambulance arrived.

Unusually, this incident was recorded by a photographer, and two lawyers observed the incident from the balcony of their office. Photographs were published in the newspaper *Eleftherotypia* on 18 and 19 April 1995. These, together with the testimony of the two lawyers, led to criminal proceedings being started against the plainclothes police officer, Vasilis Athanasopoulos.

The doctors who examined Melpo Koronaïou recorded bruises on her face and various parts of her body and a triple fracture of the jawbones and chin. As a result of these injuries Melpo Koronaïou was unable to speak for two weeks, and for almost a year she experienced difficulties in eating and speaking.

On 20 April the Minister of Public Order ordered an administrative inquiry and Vasilis Athanasopoulos was temporarily suspended from service. In the course of the inquiry, 40 people testified, all but two of them police officers. The two were Melpo Koronaïou herself, while still in hospital, and one of the lawyers who had seen the incident, whose repeated telephone calls eventually persuaded the officer in charge of the inquiry to take her statement. Her colleague was reportedly not called to testify, nor, it appears, were any of the numerous other witnesses – demonstrators and journalists – present at the scene.

The administrative inquiry was completed on 3 May 1995. Melpo Koronaïou's lawyers asked for access to the case file and the inquiry's findings. Neither the statements of those questioned, nor the forensic medical report, were ever made available to her lawyers.

It was only in February 1998 that her lawyers received, via the Prosecutor's Office, the conclusion of the officer in charge of the inquiry. This document listed only the witnesses and documents examined and concluded: "The police officer is pictured attempting, or having attempted, to kick the injured party, without proving, however, that he did so." In view of the fact that Vasilis Athanasopoulos' actions had "given rise to unfavourable comments against him, the Service and the Police Force generally" the officer recommended his suspension from service for three months. (It is not clear whether this recommendation was accepted or indeed whether Vasilis Athanasopoulos was ever given a disciplinary punishment.)

Later, at his trial, Vasilis Athanasopoulos reportedly stated: "The deputy commander, who carried out the inquiry, said that he had to give me a punishment or there would be a public outcry." Vasilis Athanasopoulos is said to have subsequently been promoted.

Melpo Koronaïou lodged a criminal complaint on 1 June 1995 against Vasilis Athanasopoulos, whom she accused of causing her dangerous bodily injury, and against other, unnamed, officers who had also assaulted her. The prosecuting authorities were slow to act: the preliminary investigation was opened only in January 1996; it was completed in May that year. It did not succeed in identifying any other police officer involved.

The first pre-trial hearing was delayed until 13 March 1997, to be followed by numerous further delays and postponements. The case finally came to trial before a court in Athens on 25 October 1999. Vasilis Athanasopoulos denied the charges against him and reportedly claimed that on the day in question he had been passing by chance. He argued that the photograph had been misinterpreted: his foot was raised because he was

“trying to pass in front of her and fell on her”. The court, however, convicted him of having, together with (unknown) other persons, caused dangerous bodily injury to Melpo Koronaïou. He was sentenced to two and a half years’ imprisonment, but remained at liberty pending appeal. The photographs and the testimony of the two lawyers who had witnessed the incident were crucial in securing this conviction.

Two years later, on 10 October 2001, an appeals’ court in Athens heard Vasilis Athanasopoulos’ appeal. The court confirmed his conviction, but reduced his sentence to 15 months’ imprisonment, suspended for three years, on the grounds of previous good behaviour. Melpo Koronaïou has filed a civil suit for compensation which is reportedly due to be heard in September 2002, more than seven years after her injuries were inflicted.

### **Obstacles to reparation**

International human rights standards require states to ensure that victims of abuses such as torture or ill-treatment, or their families -- in cases of arbitrary killings -- receive reparations, including fair and adequate compensation.

*In theory, Greek law accords the internationally guaranteed right to compensation. However, a number of obstacles limit this right in practice. To sue for damages victims in practice (though not always in law) need the services of a lawyer. However, they do not have the right to free legal aid, so they must be able to afford a lawyer or seek the assistance of a small number of NGOs or individual lawyers willing to offer free legal representation.*

The costs of engaging a lawyer and the long delays in judicial proceedings are compounded by the lack of information and insecure status common to many victims of state-inflicted human rights violations. Add to this an understandable scepticism as to the efficacy of seeking redress, and it is not surprising that relatively few victims take their complaints to court.

### **Recommendations**

Amnesty International and the International Helsinki Federation for Human Rights call on the Greek authorities to implement the following measures to prevent torture and ill-treatment by police and law enforcement officials, to end repeated breaches of international human rights standards in their use of firearms, and to ensure that the cycle of impunity for human rights abuses is decisively broken.

## **1. Steps to prevent human rights violations**

- Greek law and human rights standards on the use of force by law enforcement officials should be strictly enforced;
- All detainees should be immediately informed of their rights in a language that they understand. Detainees should be guaranteed prompt and regular access to lawyers and doctors and given the right to notify their families. Detainees should be informed that free legal aid is available to defendants who cannot afford a lawyer. They should be given information about complaints procedures;
- Training programs for police officers should provide practical training in how to implement national law and international human rights standards in daily duties and in emergency situations, with particular emphasis on non-violent measures of law enforcement. Training programs should reinforce measures to combat racist or xenophobic attitudes amongst police officers;
- Legislation and regulations relating to the use of firearms by police, coastguards and soldiers on border duty should conform to international standards, including the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- The Greek authorities should ensure the implementation of the recommendations of international and regional human rights treaty bodies.

## **2. Steps to prevent impunity**

- All allegations of torture, ill-treatment or the unlawful use of firearms by law enforcement officials should be subject to prompt, thorough, independent and impartial investigation; officials under investigation should be removed from their posts pending the outcome of the investigation;
- Any law enforcement official reasonably suspected of responsibility for human rights violations should be brought to justice and sentences should be imposed which are commensurate with the gravity of the crime;
- Victims of human rights violations should be informed, in a language they understand, of their rights, of available remedies and how to gain access to those remedies. They should have direct access to forensic medical examination and free

legal aid as necessary. Victims or their families should receive reparations, including fair and adequate compensation, and the means for as full rehabilitation as possible.