

GREEK HELSINKI MONITOR (GHM)

Address: P.O. Box 60820, GR-15304 Glyka Nera

Telephone: (+30) 2103472259 **Fax:** (+30) 2106018760

e-mail: office@greekhelsinki.gr **website:** <http://cm.greekhelsinki.gr>

Human Dimension Implementation Meeting (Warsaw, 29 September - 10 October 2008)
Working session 4: Rule of law II (prevention of torture)

1 October 2008

Greece: Written contribution on nine convictions for police violence by ECtHR or UN HRC

Greek Helsinki Monitor (GHM) distributes today a recent joint release with the **World Organisation Against Torture (OMCT)**, following the latest conviction of Greece, in July 2008, by the **UN Human Rights Committee (UN HRC)** for police violence that was never properly investigated domestically. The release lists also eight previous convictions by the UN HRC or the **European Court of Human Rights (ECtHR)** since December 2005. At the same time, GHM has four more police violence cases awaiting decisions, one before the UN HRC and three before the ECtHR. There is prevailing impunity and unwillingness of the Greek authorities to take concrete action to remedy the situation. GHM awaits with interest the publication by the Council of Europe of *“the detailed information Greek authorities provided in the majority of these cases concerning the possibility of carrying out new investigations of the facts complained of and the additional clarification given in this respect at the meeting, which remain to be assessed”* (see below).

1035th DH meeting – 18 September 2008

Section 4.2

<https://wcd.coe.int/ViewDoc.jsp?id=1344073&Site=CM&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>

- 7 cases against Greece

- Cases concerning actions of police forces

50385/99 Makaratzis, judgment of 20/12/2004 - Grand Chamber

25771/03 Alsayed Allaham, judgment of 18/01/2007, final on 23/05/2007

15250/02 Bekos and Koutropoulos, judgment of 13/12/2005, final on 13/03/2006

21449/04 Celniku, judgment of 05/07/2007, final on 05/10/2007

27850/03 Karagiannopoulos, judgment of 21/06/2007, final on 21/09/2007

44803/04 Petropoulou-Tsakiris, judgment of 06/12/2007, final on 06/03/2008

17060/03 Zelilof, judgment of 24/05/2007, final on 24/08/2007

Decisions

The Deputies,

1. took note with interest of the considerable number of measures adopted by the Greek authorities, including very recently, in order to avoid similar violations;
2. noted also the detailed information they provided in the majority of these cases concerning the possibility of carrying out new investigations of the facts complained of and the additional clarification given in this respect at the meeting, which remain to be assessed;
3. decided to resume consideration of these cases at the latest at their 1st DH meeting in 2009.



**WORLD ORGANISATION
AGAINST TORTURE (OMCT)**

8, rue du Vieux Billard
Case postale 21
1211 Geneva 8, Switzerland,
Tel: + 41 22 809 49 39 Telefax: +41 22 809
4929 Email: mail@omct.org



GREEK HELSINKI MONITOR (GHM)

Address: P.O. Box 60820,
GR-15304 Glyka Nera
Telephone: (+30) 2103472259
Fax: (+30) 2106018760
e-mail: office@greekhelsinki.gr
website: <http://cm.greekhelsinki.gr>

PRESS RELEASE

13 August 2008

UN body finds Greece did not provide effective remedy to Roma victim of police violence

World Organisation Against Torture (OMCT) and **Greek Helsinki Monitor (GHM)** express great satisfaction with the **Views** adopted on 24 July 2008 by the **United Nations Human Rights Committee (HRC)** in the **Case of Andreas Kalamiotis v. Greece**. The related **Communication No. 1486/2006** was submitted to the HRC by **OMCT** and **GHM**. According to the HRC, Greece violated Article 2 paragraph 3 (right to an effective remedy) read together with Article 7 (prohibition of torture) of the **International Covenant on Civil and Political Rights** concerning the lack of an effective investigation into the allegations of police brutality against Rom **Andreas Kalamiotis**, on 14 June 2001, in Aghia Paraskevi (Greater Athens). Greece must provide the victim with an effective remedy and appropriate reparation, as well as take measures to prevent similar violations in the future. The HRC must be informed within six months about the measures taken by Greece to give effect to the HRC Views and their publication in Greek.

The events that led to this decision as well as the arguments put forward by the OMCT and GHM on one hand and the State on the other are well summarized in the Views, available at <http://daccessdds.un.org/doc/UNDOC/DER/G08/434/84/PDF/G0843484.pdf?OpenElement>. On the basis of the arguments of both sides, the HRC then noted that no disciplinary proceedings were ever instituted. The Hellenic Police carried out a preliminary informal investigation without hearing the victim and his witnesses and rejected the Greek Ombudsman's recommendation for a formal Sworn Administrative Investigation. The criminal investigation was concluded with a decision by a Judicial Council of Misdemeanors of Athens to drop charges, based primarily on the defendant police officer's arguments as the Roma witnesses never testified. An investigation of a GHM report to the prosecutor on judicial shortcomings in this and other cases started only three-and-a-half years later and were summarily dismissed by two prosecutors without any real investigation.

This is the ninth case of police violence that led the **Human Rights Committee (HRC)** or the **European Court of Human Rights (ECtHR)** to find Greece in violation of its obligation to investigate related allegations and/or of actual ill-treatment or death of the victim of police violence. The other eight cases are listed below.

"Greece should, like every other state, address the problem of police violence. Every allegation should be investigated promptly and impartially, perpetrators must be punished and victims awarded compensation, without having to resort to the HRC or the ECtHR" said **Eric Sottas, Secretary General of OMCT**. *"On the other hand, the HRC and the UN Committee*

against Torture must receive from Greek authorities relevant detailed information on the list of allegations included in the report submitted by OMCT, GHM and other Greek NGOs to both Committees when they reviewed Greece's record in November 2004 and March 2005. They include the ill-treatment of Andreas Kalamiotis. So far, the two Committees' related recommendations 22 for HRC and 10 for CAT have remained unanswered" added Eric Sottas (see OMCT et al. report at

http://www.omct.org/pdf/procedures/2004/joint/s_violence_greece_10_2004.pdf,

HRC recommendations at

<http://daccessdds.un.org/doc/UNDOC/GEN/G05/413/94/PDF/G0541394.pdf?OpenElement>

and CAT recommendations at

<http://daccessdds.un.org/doc/UNDOC/GEN/G04/451/16/PDF/G0445116.pdf?OpenElement>).

"There is prevailing impunity of police officers committing acts of violence, even after court rulings are issued against them domestically or against Greece internationally," said **Panayote Dimitras, GHM Spokesperson**. "Moreover, there are no sanctions against police and judicial officials who carry out investigations found by the HRC, the ECtHR or the Greek Ombudsman to be flawed. Unless this changes, police violence and subsequent cover-up during investigations will continue to be an endemic problem that harms the state of law in Greece" added Panayote Dimitras.

Background

On 28 March 2006, the HRC issued its Views on Communication No. 1070/2002 submitted by **Alexandros Koudis**, finding that Greece's failure, at the level of the Supreme Court, to take account of the author's claims that his confession was given as a result of ill-treatment by police, from 17 May to 27 June 1991, amounted to a violation of article 14, paragraph 3(g) (<http://daccessdds.un.org/access.nsf/Get?Open&DS=CCPR/C/86/D/1070/2002&Lang=E>).

On the other hand, there are four convictions of Greece by the ECtHR for ill-treatment by police. The first ruling, issued on 13 December 2005, in a case filed by GHM and the **European Roma Rights Center (ERRC)**, concerned the beating of Roma **Lazaros Bekos and Eleftherios Koutropoulos** on 8 May 1998 (see <http://cm.greekhelsinki.gr/index.php?sec=194&cid=1500>). The second ruling, issued on 18 January 2007, concerned the beating of Syrian **Mhn Ghassan Alsayed Allaham** on 8 September 1998 (<http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=813016&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>). The third ruling, issued on 24 May 2007, in a case filed by GHM, concerned the beating of **Dimitris Zelilof** on 23 December 2001 (see <http://cm.greekhelsinki.gr/index.php?sec=194&cid=3136>). The fourth ruling, issued on 6 December 2007, in a case filed by GHM and ERRC, concerned the beating of Romni **Fani-Yannula Petropoulou-Tsakiris** on 28 January 2002 (see <http://cm.greekhelsinki.gr/index.php?sec=194&cid=3210>).

There are also three convictions of Greece by the ECtHR for injury or deaths from police shooting. The first ruling, issued on 20 December 2004, concerned the shooting of **Christos Makaratzis** (<http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=709521&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>) on 13 September 1995. The second ruling, issued on 21 June 2007, in a case filed by GHM, concerned the shooting and rendering invalid, on 26 January 1998, of Rom **Ioannis Karagiannopoulos** (see <http://cm.greekhelsinki.gr/index.php?sec=194&cid=3153>). The third ruling, issued on 8 July 2007, in a case filed by GHM, concerned the fatal shooting of Albanian **Gentjan Celniku** on 21 November 2001 (see <http://cm.greekhelsinki.gr/index.php?sec=194&cid=3158>).