

GREECE

HELLENIC REPUBLIC

Head of state: Constantinos Stephanopoulos

Head of government: Constantinos Simitis

Death penalty: abolitionist for ordinary crimes

International Criminal Court: ratified

There were frequent allegations that police had ill-treated detainees. Two people were shot dead by police officers, allegedly in self-defence. In unrelated incidents soldiers on border duty allegedly fired at and seriously wounded two unarmed Albanians seeking to enter Greece clandestinely. Some undocumented foreign nationals were reportedly denied the right to apply for asylum; in some cases their conditions of detention were allegedly inhuman and degrading. The law on conscription to military service fell short of international standards.

Background

In May Greece signed Protocol No. 13 to the European Convention on Human Rights providing for the abolition of the death penalty in all circumstances. In October a law was adopted which classified trafficking in women and children for the purpose of sexual exploitation and labour as a form of organized crime, increased sentences and provided for the protection of witnesses.

Ill-treatment

Despite government assurances to the UN Committee against Torture that the application of the provisions of the Convention against Torture was fully safeguarded, there continued to be frequent allegations that police had ill-treated detainees during arrest and in custody. Alleged victims included Roma, unauthorized immigrants and members of the majority population.

☞ In June a Nigerian immigrant, Joseph Emeka Okeke, alleged that police officers had beaten him and subjected him to electric shocks when he resisted deportation. After he filed a complaint, three plainclothes officers allegedly threatened him. The authorities later stated that a forensic medical examination and an internal police inquiry had shown these complaints to be unfounded and that he had withdrawn his allegations. However, he reportedly denied having done this.

☞ In August, Yannis Papakostas, a Greek military conscript who was detained for driving a motorcycle without a licence, alleged that a plainclothes police officer at Aspropyrgos police station had subjected him to electric shocks on his shoulders and genitals.

☞ Thomas Mihalopoulos, a Rom, alleged that in July he and a cousin, Georgios Mihalopoulos, were slapped, kicked and punched by police officers at Zefyri police station after being arrested for driving a car without a licence.

Shootings by law enforcement officials

There were several incidents in which police officers or soldiers were alleged to have resorted to firearms in contravention of international standards for their use, resulting in injuries and deaths. In November draft legislation on the use of firearms by police and training for police in the use of firearms was published.

There were at least two incidents in which unarmed Albanians seeking to enter Greece clandestinely in search of work were shot at and seriously injured by Greek border forces.

☞ In March, Ferhat Çeka, an elderly Albanian, was apprehended by soldiers as he crossed the border into Greece. He alleged that they first beat him, and then one soldier shot him in the back. He was taken to hospital where a kidney and part of his liver were removed, before being returned to Albania for further treatment. An administrative investigation into this incident concluded in May, and a soldier was later charged with having accidentally caused him injury. The trial was scheduled for 2003.

☞ A police officer shot and fatally wounded a young Greek man, Anastasios Limouras, in October. Anastasios Limouras had allegedly attacked the police officer when the officer observed the young man apparently about to snatch a handbag. The police officer was remanded in custody on a charge of murder and exceeding the limits of self-defence.

Investigations and impunity

In a number of cases judicial investigations were not opened into complaints of ill-treatment. Where such investigations were undertaken they were slow. No police officers were convicted of ill-treatment. Police officers convicted of manslaughter received non-custodial sentences or prison sentences of less than three years, which under Greek law may be redeemed by payment.

☞ In April an Albanian immigrant, Arnesto Nesto, was arrested and charged with attempted murder and other crimes. He subsequently complained to an investigating judge and prosecutor that police officers had beaten him following his arrest and in custody to force him to "confess". His injuries were reportedly plainly visible, but his request for a forensic medical examination was denied and a judicial investigation into his allegations was not opened.

☞ In January Nikos Kamboureli filed a complaint that police officers in Thessaloniki had beaten and injured him while arresting him (he was found in possession of a small quantity of cannabis). Two eyewitnesses and a medical certificate confirming injuries to his face, hand and foot reportedly supported his complaint. A preliminary investigation was started; it was only in September that two police officers were charged with having caused him bodily injury.

Two police officers were convicted of manslaughter.

☞ In February police officer Athanasios Ziogas was sentenced to four and a half years' imprisonment. He was convicted of shooting and fatally injuring Stephanos Sapounas in 1996, when the latter failed to stop his car at a police roadblock near Athens. He appealed and in September his sentence was reduced to three years' imprisonment, redeemable by means of payment.

✉ In April police officer Dimitrios Trimmis was given a two-year suspended prison sentence for shooting dead Anastasios Mouratis, a Rom, in 1996. The court found that while carrying out a check on a group of Roma, he had accidentally pulled the trigger of his sub-machine gun. He appealed against his conviction.

✉ In July a police officer was indicted for manslaughter. In November 2001 he had shot and killed Gentjan Çelniku, an Albanian immigrant. There were concerns about the thoroughness and impartiality of the investigation. Relatives of the victim, who wanted the defendant to be charged with murder, had no right to lodge an appeal. AI called on the Chief Prosecutor of the Supreme Court to ensure that all aspects of the case were thoroughly and impartially investigated before it was referred for trial, but the indictment was not changed.

Undocumented immigrants and asylum-seekers

The authorities reportedly impeded the applications of some possible asylum-seekers by failing to inform them of their rights and refusing them asylum application forms. Some undocumented immigrants or asylum-seekers arrested after entering the country clandestinely were reportedly tried without benefit of legal counsel, and sentenced to imprisonment or deportation after the briefest of trials. Their conditions in detention were often poor, and in some cases inhuman and degrading. The National Commission for Human Rights in June published proposals to improve the reception of asylum-seekers and to guarantee their right of access to asylum procedures.

In June the Commissioner for Human Rights of the Council of Europe visited Attica Police Headquarters in Athens where dozens of foreign nationals were detained pending deportation. He afterwards stated that in his view the shortage of space, lack of physical activities and outdoor exercise, and "very precarious conditions of sanitation" amounted to degrading treatment. The Minister of Public Order subsequently informed him that conditions would be improved and that these premises would no longer be used for foreign nationals detained pending deportation. Although the number of foreign nationals detained in Attica Police Headquarters decreased, there were still reports of foreign detainees being held there in harsh conditions at the end of 2002.

In separate incidents at least four would-be immigrants, three of them Kurds from Turkey, were killed and five others wounded by landmines, while trying to enter Greece clandestinely. They had apparently strayed into marked minefields on the border with Turkey. In March Greece ratified the UN Ottawa Convention prohibiting anti-personnel landmines, but by the end of 2002 it had not removed and destroyed them.

Freedom of expression and religion

In April the Supreme Court overturned, on appeal, a four-month prison sentence imposed on Mehmet Emin Aga, an ethnic Turkish Muslim, on a charge of acting illegally as a mufti (religious leader). He was convicted after sending religious messages to

Muslims in Xanthi signed as the Mufti of Xanthi. In October the European Court of Human Rights, ruling on two applications he had made in 1999 arising out of eight convictions on the same charge, found that Greece had violated his right to religious freedom.

Conscientious objection

The law on conscription to military service fell short of international standards. Alternative civilian service continued to be of discriminatory and punitive length.

At least 25 people, including eight Jehovah's Witnesses and one Christian Evangelist, were denied conscientious objector status, or had that status withdrawn, and reportedly faced imprisonment. In some cases a refusal to grant conscientious objector status resulted from delays by the authorities in providing the necessary information to the applicant. In September the Deputy Minister of Defence undertook to improve legislation and conditions governing alternative civilian service.

✉ In September a conscientious objector, Lazaros Petromelidis, was arrested and detained in Korydallos prison for three days on a second charge of "insubordination in time of general mobilization" after he failed to respond to a call-up to military service. His appeal against a previous conviction and four-year prison sentence on this charge was again postponed. In 1998 he was deprived of conscientious objector status after refusing to do alternative civilian service on the grounds of its punitive length.

Detention conditions

There were concerns arising out of the case of 18 people suspected of being members of "17 November", an illegal group accused of responsibility for 23 politically motivated killings and other crimes committed between 1975 and 2000. On 29 June Savvas Xiros was brought to hospital with severe injuries, apparently sustained while carrying explosives in Piraeus. For several weeks he was under police guard in hospital and the authorities severely restricted his family's access to him, citing health and safety grounds. However, a prosecutor was able to question him at length – as a witness, according to the authorities. Savvas Xiros was not charged until 31 July. Some of the 17 other suspects arrested in July and subsequently were detained in complete isolation. In October the only woman detainee, Angeliki Sotiropoulou, complained about her conditions of detention and alleged that she was not permitted to exchange documents with her lawyer and that information appearing in the press indicated that her telephone calls with her lawyer were being tapped.

AI country reports/visits

Report

- Greece: In the shadow of impunity – ill-treatment and the misuse of firearms (AI Index: EUR 25/022/2002), published jointly with the International Helsinki Federation for Human Rights

Visit

AI delegates visited Greece in September to launch the report, to observe court hearings and to meet government officials.