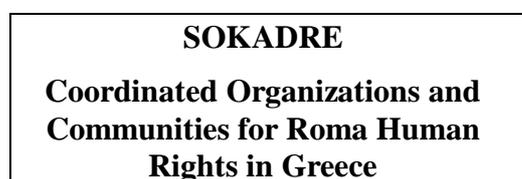


**State Violence in Greece: An Update (October 2011-April 2012)**

**Alternative Report to the United Nations Committee Against Torture**

**48th Session**



Athens and Geneva, 20<sup>th</sup> April 2012

This report supplements the **Alternative Report to the United Nations Committee Against Torture** submitted on 20<sup>th</sup> October 2011 by the same NGOs<sup>1</sup>. It contains updates on cases and information on developments occurred from October 2011 and April 2012.

<sup>1</sup> Available at: [http://www.omct.org/files/2011/10/21474/greece\\_joint\\_alternative\\_report.pdf](http://www.omct.org/files/2011/10/21474/greece_joint_alternative_report.pdf)  
[http://cm.greekhelsinki.gr/uploads/2011\\_files/OMCT-GHM-MRG-G-SOKADRE\\_Greece\\_Alternative\\_report.pdf](http://cm.greekhelsinki.gr/uploads/2011_files/OMCT-GHM-MRG-G-SOKADRE_Greece_Alternative_report.pdf)  
[http://cm.greekhelsinki.gr/uploads/2011\\_files/OMCT-GHM-MRG-G-SOKADRE\\_Greece\\_Alternative\\_report.doc](http://cm.greekhelsinki.gr/uploads/2011_files/OMCT-GHM-MRG-G-SOKADRE_Greece_Alternative_report.doc)

## Article 2

### Conditions of detention in police stations and prisons

Since mid-October 2011, the ECtHR found Greece in violation of Article 3 ECHR for inhuman detention conditions in the Thessaloniki Police Directorate (*Case of Ibram v. Greece* – judgment of 25 October 2011);<sup>2</sup> and in the Ioannina Prison (*Case of Samaras and [12] others v. Greece* – judgment of 28 February 2012).<sup>3</sup> Hence, there are now 14 such ECtHR convictions of Greece.

On 14 April 2012, it was reported that Greater Athens police station detention areas host 700 detainees in excess of their capacity, and are thus “transformed into prisons,” because of the overcrowding of the prison themselves.<sup>4</sup>

This is a consequence of a plan, announced in late March 2012, to round up and detain undocumented migrants, with particular emphasis on those suspected of carrying infectious diseases such as HIV. On 2 April 2012, Amnesty International called for the withdrawal of the plan considered “*deeply alarming and specifically targeting the most vulnerable people based on discriminatory criteria that will only exacerbate the stigmatization of migrants and asylum-seekers in the country.*”<sup>5</sup> The plan also called for the creation of 30 detention centers around the country with a capacity of 1,000 persons each, to hold undocumented migrants arrested for deportation for prolonged periods of time. Moreover, the plan called for the forced hospitalization under police guard of migrants and asylum-seekers diagnosed with an infectious disease and the introduction of a mandatory health certificate in order to be allowed to work in all jobs that will be required only for migrants and not for Greek citizens. In a 30 March 2012 interview, Commissioner for Human Rights at the Council of Europe Thomas Hammarberg called for the “*limited use of the detention centers for undocumented migrants,*” recalling that “*the vast majority of them have not committed any crime;*” he added that “*it is very important to respect the dignity of foreigners in Greece.*”<sup>6</sup>

Additionally, on 18 April 2012, the President of Prison Guards Spyros Karakitsos in a radio interview said that some 400 foreigners remain in the prisons as “guests” for up to twelve months

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<sup>2</sup><http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=894311&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>

<sup>3</sup><http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=902024&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>

<sup>4</sup> Daily “Kathimerini” (in Greek) [http://news.kathimerini.gr/4dcgi/w\\_articles\\_politics\\_100066\\_14/04/2012\\_479159](http://news.kathimerini.gr/4dcgi/w_articles_politics_100066_14/04/2012_479159)

<sup>5</sup> <http://www.amnesty.org/en/news/greece-plans-sweep-migrants-and-asylum-seekers-2012-04-02>

<sup>6</sup> Daily “To Vima” (in Greek) <http://www.tovima.gr/world/article/?aid=450963>

after having served their sentence as the judicial deportation orders against them cannot be executed since they come from countries at war.<sup>7</sup>

Finally, we reprint below pictures published by the daily “Ta Nea” on 1 February 2012, showing detention conditions in one prison, in Chania, Crete, where inmates sleep even in corridors. In the related article, it was reported that, in January 2012, there were 12,703 inmates in prisons with a total capacity of 9,270.<sup>8</sup>



### Unlawful deportation

The **ECtHR** also found Greece in violation of Article 1 of Protocol 7 for the expulsion of an Albanian citizen before his appeal against his expulsion were reviewed by the courts to which he had filed an appeal (*Case of Takush v. Greece* – judgment of 17 January 2012).<sup>9</sup>

<sup>7</sup> Interview on “Vima 99.5 FM” quoted in in.gr <http://news.in.gr/greece/article/?aid=1231191744>

<sup>8</sup> <http://www.tanea.gr/ellada/article/?aid=4690870>

<sup>9</sup> <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=898529&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>

### Article 3

#### The unacceptable situation concerning the registration of asylum applications continues

##### The case of the Attica Aliens Directorate

In a press release on the 15 March 2012, Greek NGO's<sup>10</sup> stated their findings after a month of continuing protest manifestations outside the building of the Attica Aliens Directorate<sup>11</sup>. The NGOs observed that the police authorities refuse to register the asylum claims of those seeking protection and only agree to register an exceptionally small number of applications and only during the early hours of Saturday mornings. The applicants waited along the side of the street for 2-3 days and nights in a row, under deplorable circumstances. This procedure renders access to the asylum process almost impossible in Attica. Furthermore, the NGOs reached the following findings<sup>12</sup>:

1. *“The majority of asylum seekers who wait in line to submit their application, start gathering at a sidestreet in the proximity of the Attica Aliens Directorate already from Wednesday to Thursday morning, in the hope of securing one of the front places in the line and maybe increasing their luck of having their application registered. The police uses however various techniques to make them go away and discourage them. In particular, as reported to the representatives of demonstrating entities, between Thursday evening and Friday morning the police often chases the asylum seekers away, even with the use of force (globs). Many applicants get discouraged and give up in the meantime their effort to have their application registered. We were also reported that on the evening of Thursday, 1 March 2012, the police resorted to the use of chemicals (teargas) in order to disperse the number of asylum seekers who had already gathered.*
2. *The most vulnerable groups, like women and unaccompanied minors, not only do not enjoy the special protection they are entitled to, but are prevented in the most inhuman manner from accessing the asylum process. In particular, the police authorities force women occupying the “first seats” within the line to leave the queue. Out of the approximately 20 women who came in*

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10 The Group of Lawyers for the Rights of Migrants and Refugees together with AITIMA, the Greek Council for Refugees, the Ecumenical Refugee Program and the Greek Section of Amnesty International co-signing the present press release, and in co-operation with other entities, groups and NGOs (among which Greek Helsinki Monitor)

<sup>11</sup> <http://www.aitima.gr/?q=en/en/home>

*the course of the past 4 weeks to submit an application, only a very small number succeeded. It should be noted that even women are subjected to the tortuous waiting of 2-3 days and nights in a row and are exposed to the same deplorable conditions as the rest. It is of particular concern to us, that they are forced to wait within a crowd of men, while the authorities take no particular measure of care and protection about their situation.*

3. *During our repeated presence there, we registered approximately 10 unaccompanied minors, who were obliged to wait at least 2 days and nights consecutively, among adults, exposed to the very bad weather conditions, and without access to water, food or toilet. On one occasion, during the morning hours of 18 February 2012, and following our persistent protests that unaccompanied minors are entitled to unrestricted access to the asylum process, the officer in charge agreed to allow to three minors entry to the building, in order to register their applications. To our surprise however, we were subsequently informed that despite all the hardship they had gone through, they were eventually dismissed by the officer, without having their applications registered, on the pretext that they were adults or because they came from Pakistan!*

*(...)*

*Three other unaccompanied minors, who after persistent protests of the attending organisations managed to enter the Aliens Directorate on 10 March 2012. According to the witness statements provided by the minors subsequently, the responsible officer made the children wait for many hours before registering their applications, and even subjected them to manipulative questions and threats, such as that he will only issue papers to them if they agree to register as adults. There was thus an obvious intention to discourage them from submitting their claims until the every last minute.*

*(...)*

*The refusal of the Greek authorities to register asylum applications and the treatment they have in store for asylum seekers, which is an insult to human dignity by all means, do not constitute some new practice, nor are they a result of administrative malfunctions or the economic crisis. On the contrary, they form part of a systematic policy, which has been going on for years, the primary purpose of which is to deliberately discourage asylum seekers from submitting their application in Greece. It forms part of the wider policy of the Greek authorities towards migrants and refugees, which is characterised by deportations of persons who are in danger in their country of origin, overnight conduction of asylum interviews, denial of reception conditions, lengthy detention under*

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12 <http://www.aitima.gr/?q=en/en/home>

*inhuman conditions etc, which have been repeatedly denounced by entities and organisation both in Greece and abroad, and have led to the condemnation of Greece by international bodies”.*

See also UNCHR News Stories 23<sup>rd</sup> March 2012 (Annex 1 of this document)

#### **Article 4**

##### *Torture trials and impunity*

1. On 13 December 2011, the Athens Mixed Jury Court convicted a retired police officer for two acts of torture with electroshocks using a stun gun of two youth, **Georgios Sidiropoulos** and **Ioannis Papakostas** in Aspropyrgos (Attica) on 14 August 2002. It is the first and only case in Greece that a court handed a conviction with the torture Article 137A paragraphs 1 and 2 of the Criminal Code. Article 137B paragraph 1a was also applicable: since there was use of electroshocks, the minimum sentence was confinement of at least 10 years. Yet, the court recognized as mitigating circumstance the good behavior of the defendant after the commission of the crime (Article 84 paragraph 2e). Hence, according to Article 83, the sentence of confinement to a minimum of 10 years was replaced by the sentence of confinement with a minimum of five years and maximum of twelve years. The court then imposed the minimum sentence of five years for each act of torture. Finally, on the basis of Article 94, the final compound punishment for concurrent offenses was the sentence for the first offense (5 years) increased by the minimum of one year for the second offense (the maximum was three quarters of the sentence that is three years), that is six years. That sentence moreover was suspended pending the appeal hearing that is not expected to be held before fall 2012 as the judgment and minutes of the first instance trial have not been published through April 2012. So, the court handed the most lenient sentence possible allowing the police officer to walk free. As was mentioned in the NGO report to UN CAT in October 2011 (page 18), the victims applied to the ECtHR through GHM on 17 May 2010.<sup>13</sup>

2. On the contrary, on 19 December 2011, the Athens Mixed Jury Court convicted two police officers who had been indicted for torture of eleven Afghan asylum seekers (mostly minors) in December 2004 in a central Athens square only for the misdemeanors crimes of causing bodily harm in the form of offense to human dignity to two Afghans (Article 137A paragraph 3) and of causing

unprovoked bodily harm to five other Afghans (Article 308A). They were sentenced to an imprisonment of 30 months for each commission of the first crime and 20 months for each commission of the second crime. The respective compounded sentences were 5 years and five months and 5 years respectively. The sentences were then transformed into fines and were suspended pending the appeal.<sup>14</sup> Then, on 22 March 2012, the Mixed Jury Appeals Court acquitted the police officers because of reasonable doubt of the charges of causing bodily harm in the form of offense to human dignity to two Afghans, and confirmed the first instance convictions causing unprovoked bodily harm to five other Afghans. The two officers were thus sentenced to imprisonment of 25 and 20 months, and their sentences were suspended because of absence of prior convictions to sentences above one year (Article 99).<sup>15</sup>

3. On the other hand, on 17 January 2012, the ECtHR found Greece in violation of Article 3 for the torture of an asylum seeker in June 2001 (*Case of Zontul v. Greece*).<sup>16</sup> He had complained that he had been raped with a truncheon by one of the coastguard officers supervising him, that the authorities had refused to allow him to be examined by a doctor who was on the premises, that the conditions of detention in the asylum seekers' camp had been poor, that the authorities had failed to conduct a thorough, fair and impartial investigation and that those responsible had not been adequately punished, as the Appeals Tribunal had not considered that his rape with a truncheon constituted an aggravated form of torture. Here is a telling Court summary of the domestic court decisions (based on Article 137A paragraph 3 rather than the torture Article 137A paragraphs 1 and 2) and of the ECtHR judgment:<sup>17</sup>

*“On 15 October 2004 the Naval Tribunal imposed prison sentences, some of them suspended, on five coastguard officers. D. was sentenced to 30 months’ imprisonment for an offence against sexual dignity. Another officer received a sentence of one year and four months’ imprisonment for aiding and abetting the offence, while the three others were sentenced to prison terms of 18 months for abuse of authority. The coastguard officers appealed. On 20 June 2006 the Naval Appeals Tribunal held that D. had inflicted bodily injury and impaired the health of a person under his authority, had engaged in unlawful physical violence against*

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<sup>13</sup> [http://cm.greekhelsinki.gr/uploads/2011\\_files/ghm1407\\_katadiki\\_astynomikou\\_electroshock\\_greek.doc](http://cm.greekhelsinki.gr/uploads/2011_files/ghm1407_katadiki_astynomikou_electroshock_greek.doc)

<sup>14</sup> [http://omadadikigorwn.blogspot.com/2011/12/blog-post\\_19.html](http://omadadikigorwn.blogspot.com/2011/12/blog-post_19.html)

<sup>15</sup> [http://omadadikigorwn.blogspot.com/2012/03/blog-post\\_27.html](http://omadadikigorwn.blogspot.com/2012/03/blog-post_27.html)

<sup>16</sup> <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=898517&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>

<sup>17</sup> <http://cmiskp.echr.coe.int/tkp197/view.asp?action=open&documentId=898630&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>

*that person and had seriously undermined his sexual dignity with the aim of punishing him. The Appeals Tribunal sentenced D. to a suspended term of six months' imprisonment, which was commuted to a fine. V., who had admitted aiding and abetting the offence, was sentenced to five months' imprisonment, suspended. His sentence was also commuted to a fine. (...)*

*The Court observed that the Naval Tribunal, like the Appeals Tribunal, had clearly established the offences of assault and rape. All the courts examining the case had noted that there had been forced penetration which had caused the applicant acute physical pain. The Court reiterated that the rape of a detainee by an official of the State was to be considered as an especially grave and abhorrent form of ill-treatment. A number of international courts – the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda and the Inter-American Court of Human Rights – had accepted that penetration with an object amounted to an act of torture. The treatment to which Mr Zontul had been subjected, in view of its cruelty and its intentional nature, had unquestionably amounted to an act of torture from the standpoint of the Convention.*

*As to whether a thorough and effective investigation had been carried out in the context of the proceedings brought against the coastguard officers D. and V., the Court noted that Mr Zontul's request to be examined by a doctor after the rape incident had been refused. With regard to the internal administrative inquiry, the Court considered that the report's finding that the coastguard officers' account of events appeared credible, since the applicant's case was not mentioned in the infirmary's patient records, was not satisfactory. It observed that Mr Zontul's evidence had been falsified, as the rape of which he had complained had been recorded as a "slap" and "use of psychological violence", that the events had been summarised inaccurately and that Mr Zontul had been reported as saying that he did not wish the coastguard officers to be punished.*

*At the same time, the Court observed that proceedings had been instituted in the criminal courts and that D. had been convicted at first instance and on appeal. The internal administrative inquiry and the criminal proceedings had been sufficiently prompt and diligent to meet the Convention standard.*

*Nevertheless, the penalty imposed on D. had been insufficient in view of the fact that a fundamental Convention right had been breached. Furthermore, such a penalty could not be*

*said to have a deterrent effect nor could it be perceived as fair by the victim. The Court considered that there had been a clear lack of proportion, given the seriousness of the treatment to which the applicant had been subjected. It therefore took the view that the Greek criminal justice system, as applied in the today's case, had not had a deterrent effect such as to prevent the torture of which the applicant had been victim, nor had it provided him with adequate redress.*

*Because he was no longer in Greece, and in spite of his efforts to track the progress of and participate in the proceedings, Mr Zontul had not been kept informed by the Greek authorities in such a way as to enable him to exercise his rights as a civil party and claim damages. The Greek authorities had therefore failed in their duty of information. The communications from the Greek embassy in London had been confined to informing the applicant that the hearing before the Naval Appeals Tribunal had been held and that the latter had delivered its judgment. The fact that Mr Zontul had been unable to attend the trial was of particular significance given that, after being given leave during the investigation stage to join the proceedings as a civil party, he had been prevented from fully exercising all the rights conferred on civil parties by the Code of Criminal Procedure.*

*Accordingly, the Court held that there had been a violation of Article 3 of the Convention, on account of the acts committed and of the failure to allow Mr Zontul to be involved in the proceedings as a civil party.”*

### **Articles 12 and 13**

#### *Police violence against journalists*

On 6<sup>th</sup> of April 2012, The European Federation of Journalists (EFJ) issued a statement where they condemned the behaviour of the Greek police and its special riot forces for brutally attacking journalists covering the rallies in Athens in reaction to the suicide of a retired person on 5<sup>th</sup> of April 2012 (See Annex 2)<sup>18</sup>. On this occasion the Greek police used excessive violence against journalists, several were severely beaten, including Marios Lolos, the President of the Union of Greek Photojournalists. This is not the only incident where police has used violence against members of the

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<sup>18</sup> <http://europe.ifj.org/en/articles/efj-renews-its-calls-for-respect-of-journalists-rights-in-greece>

press. According to the EFJ, the Greek authorities in 2011 assured journalists' leaders of the Greek police's devotion to protect democratic rights. Despite these assurances, police violence against journalists continues unabated.

### *Police violence against Roma*

On 3 April 2012, there was another incident of excessive use of police violence against Roma. Two plainclothes security police officers carrying out an operation searching for drugs and driving an unmarked car proceeded to a check of a car with three Roma men, in Geraka (Greater Athens). Two of them were injured after one of the officers fired warning shots according to him, direct shots according to the Roma. One Rom sustained injuries on his leg and the other on his stomach and legs; both were hospitalized and one, with five bullets in his leg, underwent surgery. The Roma alleged that the shots were fired when they came out of their car and asking the police officer who conducted the check to show them his identity and explain the purpose of the control. The two men also alleged that the police officer who fired the gun continued to point his gun at them even after they were lying injured on the ground, beat them and threatened to kill them if they did not comply with his orders. Police officers who came after the incident were also allegedly beating them while they were lying injured on the ground. The incident took place few meters away from the two men's house to which they were driven back by the third Roma, a friend, after a party.

According to the official Hellenic Police press release,<sup>19</sup> the three passengers of the car did not obey the instructions of the police given by a loud hailer to stay in their car in order for the check to be conducted; instead they came out of the car and moved against the two officers who had also come out of their car. However, in their subsequent sworn statements, the officers claimed that they had asked the Roma to come out of their car. In the initial statement, it was also said that the three men tried to take the guns of the two officers and this is why one officer fired warning shots to prevent their guns being taken away. Police announced that the criminal investigation ordered was conducted by the Northeast Attica Security Police Sub-Directorate. However, as the police officers involved belonged to that police agency, the investigation lacks at least objective if not also subjective impartiality, especially as there was no announcement of whether an independent sworn administrative inquiry will be launched as required by law when police guns are used. It is noteworthy that the only evidence found in the car following the check was a marijuana joint which

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<sup>19</sup>[http://www.astynomia.gr/index.php?option=ozo\\_content&lang=%27..%27&perform=view&id=13591&Itemid=879&lang=](http://www.astynomia.gr/index.php?option=ozo_content&lang=%27..%27&perform=view&id=13591&Itemid=879&lang=)

belonged to the car's driver who, on 5 April 2012, was acquitted of drug charges (he was convicted to a suspended three-month prison sentence for resisting arrest against which he has no right to appeal). Charges against the two injured Roma will be further investigated by the prosecutor.

The two Roma who were injured subsequently filed a criminal complaint against the police officers for the violation of Article 137A paragraphs 2 and 3 of the Criminal Code (torture and causing bodily harm in the form of offense to human dignity). They also called for an investigation of the racial motivation because of their Roma identity (Article 79 Criminal Code) as the police officers kept addressing the civilians as Roma during the incident and their identity was mentioned extensively in the police reports included in the criminal brief against them.

#### **Article 14**

##### *Delayed and inadequate compensation of relatives of police violence*

On 8 July 2007, the ECtHR found Greece in violation of Article 2 in the case of the fatal shooting of Albanian **Gentjan Celniku** on 21 November 2001. Then, **Celniku's** five relatives were awarded a compensation of 102,010 euros with **Athens Administrative First Instance Court** judgment 4855/31-3-2009. That was appealed by the State which argued that the facts were as mentioned in the domestic criminal court's acquittal of the police officer, even though there is a **Supreme Court** Judgment 1816/2007 that ECtHR judgments are binding case-law in such cases. The **Athens Administrative Appeals Court**, with Judgment 3758/3-0-11-2011, served on 8 February 2012, more than ten years after the fatal shooting of the victim, more than nine years after the filing of the suit for compensation, and more than four years after the ECtHR judgment, awarded a compensation of 25,000 euros to the victim's parents and younger sister, and nothing to the two older sisters because they had received a compensation of 20,000 euros from the ECtHR for the violation of Article 2.

#### **Article 16**

##### *Racial profiling and forced evictions of Roma*

1. On 28 March 2012, scores of Roma families were evicted from a makeshift settlement, created in 2004 on a state owned plot adjacent to the Attica Highway near the Athens airport, in Koropi. Once

again, no alternative housing was offered to them, while Roma residents claimed that they were never served protocols of eviction. There is videotaped evidence of the eviction. Several weeks later, the debris from the destroyed shacks remained on the site.<sup>20</sup>

2. Moreover, in the last two years, Hellenic Police has issued releases on arrests of suspects which include the Roma identity usually in capital letters; previously, such releases included references only to citizenship. Additionally, Hellenic Police has issued releases on police operations in Roma communities again naming the ethnic identity. Such releases can only strengthen negative stereotypes against Roma who believe that this is in fact the purpose of the introduction of references to the Romany ethnicity. From the score of such releases on file with GHM, one characteristic example is a release entitled “*statistical data on policing Roma settlements in the Department of Karditsa*” with the result of nine such operations in Roma communities in Karditsa and Sofades between 6 May 2010 and 12 December 2011, issued on 23 January 2012.<sup>21</sup> Another example is a release with the result one large scale police “targeted” operation involving units from the whole region of the Peloponnese “in the framework of the fight against criminality” on 16 February 2012, in the district of Laconia (whose capital is Sparta): police reported that the 17 persons arrested were “*three Roma nationals («ημεδαποί ΡΟΜΑ») for pending criminal convictions; two nationals («ημεδαποί») for unlicensed gambling; two foreign women («αλλοδαπές») for unlicensed gambling; and ten foreigners («αλλοδαποί») for illegal residence in the country.*”<sup>22</sup>

*A trafficking trial without proper interpretation and with ignorance of what trafficking is*

On 2<sup>nd</sup> April 2012, a trial concerning trafficking charges started before the Athens Mixed Jury Court. Both defendant and civil claimant are Nigerians with Edo as their mother tongue. They asked to have an interpreter from and to that language. Such an interpreter could not be found and thus the court recessed until 9<sup>th</sup> April 2012, giving time to the parties (but not asking the prosecutor) to find an interpreter. As a backup, the court appointed an interpreter (incidentally a Hungarian) between English and Greek, as both women understand some English, whereas the list of official translators does not include any interpreter from and into any of the languages spoken by Nigerians. However, it is a fundamental right to be provided with interpretation in a language one fully understands in court

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<sup>20</sup> Video from the eviction at [http://www.youtube.com/watch?v=ipPOLh8Wuhg&feature=player\\_embedded#](http://www.youtube.com/watch?v=ipPOLh8Wuhg&feature=player_embedded#); article at <http://www.newsnow.gr/article/37275/isopedothike-o-megalyteros-katavλισmos-ton-roma-sta-mesogeia-video.html>

<sup>21</sup> [http://www.karditsalive.net/index.php?option=com\\_content&view=article&id=11161:2012-01-23-09-37-08&catid=35:koinonikespolicekard&Itemid=53](http://www.karditsalive.net/index.php?option=com_content&view=article&id=11161:2012-01-23-09-37-08&catid=35:koinonikespolicekard&Itemid=53)

<sup>22</sup> [http://www.astynomia.gr/index.php?option=ozo\\_content&lang=%27..%27&perform=view&id=11939&Itemid=861&lang=](http://www.astynomia.gr/index.php?option=ozo_content&lang=%27..%27&perform=view&id=11939&Itemid=861&lang=)

cases especially when it concerns such sensitive issues. GHM, who provides legal aid to the trafficking victim, wrote on 3<sup>rd</sup> April to the Embassy of Nigeria, with a copy sent to the Ministry of Justice's Secretary General for Human Rights, to request that they provide both litigants with an interpreter between Edo and Greek so that a fair trial could be conducted that would also set a positive precedent for Greece. When GHM called on 4<sup>th</sup> April, the Embassy hanged up.<sup>23</sup> The Ministry did not react. On 9<sup>th</sup> April, the trial resumed without an Edo language interpreter, but also without the English language interpreter. Another English language interpreter was found from a trial in an adjacent court who was available for two hours. Then the court recessed trying in vain to find an interpreter until two hours later it decided to continue the hearing on 20 April and asked the prosecutor to find an English language interpreter. During the hearing, the trafficking victim had no interpreter to explain to her what was said by witnesses on the stand as the only interpreter was interpreting for the defendant. The unavailability of interpreters from and to most languages is a chronic problem of the Greek court system; thus trials involving foreigners who are not fluent in Greek can rarely be effectively fair.

On 20<sup>th</sup> April, the court heard the defendant describe how, for two years, the civil claimant's and other Nigerian girls' prostitution were exploited by her and her Nigerian boyfriend who had trafficked the victims from Nigeria to Greece, kept them in their apartment, and took them to bars or to street prostitution, taking all the money they received until they had paid off their debts of 40,000 euros. It also heard a May 2005 Associated Press article featuring an interview with the victim "Maria" (Annex 3 below); as well as two 2007 OMCT urgent interventions on behalf of the victim "E.L." detailing her exploitation, vulnerability and victim status.<sup>24</sup>

Yet, without providing any reasoning, it pronounced the defendant not guilty because of reasonable doubt. A probable explanation was that the victim had made the allegations in November 2006 when she was arrested facing deportation. The victim claimed that she had previously felt terrorized that if she ran away from her life of prostitution, her parents will become sick and die, a threatened curse part of a voodoo rite performed in her homeland just weeks before she was brought to Greece, whose effects were supposed to last until she had paid off her debt to the traffickers and the voodoo priest, which she did in mid-2006. These claims were dismissed by the prosecutor and probably the court. The judges were also obviously ignorant of the Palermo Protocol (ratified by Greece in 2010) that trafficking in persons means inter alia the harbouring of persons, by means of the abuse of a

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<sup>23</sup> <http://www.protagon.gr/?i=protagon.el.8emata&id=14076>

<sup>24</sup> <http://www.omct.org/violence-against-women/urgent-interventions/greece/2007/08/d18779/> and

position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person, for the purpose of exploitation of prostitution; and that the consent of a victim of trafficking in persons to the intended exploitation shall be irrelevant where any of the means set forth have been used.<sup>25</sup>

Updated trafficking statistics

Below is a table with statistics updated for 2011 available in the Hellenic Police website. The dramatic decline in the number of victims issued prosecutor decrees (which guarantee them with a special residence permit as trafficking victims in Greece until the time of the trial) is noteworthy.<sup>26</sup>

Year	Networks dismantled	Perpetrators of trafficking	Victims	Victims assisted	Prosecutors' decrees
2003	49	284	93	28	28
2004	65	352	181	46	25
2005	60	202	137	57	20
2006	70	206	83	39	34
2007	41	121	100	35	17
2008	40	162	78	36	16
2009	66	303	125	121	69
2010	62	246	92	64	30
2011	n.a.	220	97	51	9
Total	453 (2003-2010)	2096	986	477	248

Violence against women, including domestic violence

On 13 April 2012, Thessaloniki-based state television ET-3 journalist Theodora Avgeri reported in her Facebook page<sup>27</sup> that on 11 April 2012 she had witnessed a scene of violence against a woman by her partner in public and an unacceptable behavior of the police woman who dealt with the case:

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<http://www.omct.org/violence-against-women/urgent-interventions/greece/2007/05/d18650/>

<sup>25</sup> <http://www.bayswan.org/traffick/deftraffickUN.html>

<sup>26</sup> [http://www.astynomia.gr/index.php?option=ozo\\_content&perform=view&id=12106&Itemid=429&lang=](http://www.astynomia.gr/index.php?option=ozo_content&perform=view&id=12106&Itemid=429&lang=)

<sup>27</sup> [https://www.facebook.com/permalink.php?story\\_fbid=3499701486646&id=1094936753](https://www.facebook.com/permalink.php?story_fbid=3499701486646&id=1094936753)

*“On Holy Wednesday, a man was beating mercilessly his female partner before the eyes of their two-year old daughter in front of the Cosmos shopping center [in Pylaia, Thessaloniki]. The woman was desperately calling for help. No man offered to help her, although scores of eyes were watching the scene... I happened to be there too. When I ran to offer my help, I had to face the violence of the aggressor and the indifference of the [adjacent] gas station owner to whose store I sought refuge for the defenseless woman. He did not want to get in trouble... The icing on the cake was the attitude of the police woman who told the woman-victim: ‘Why were you beaten? You should know that if you file a complaint against your husband, he will file a complaint against you too. In fact, are you married?’... During the trip to the police station, the police woman added: ‘It is not possible, you must have done something for him to beat you.’”*

This case is indicative of how Hellenic Police reacts to cases of domestic violence, despite the existence of comprehensive legislation. Police officers are not trained to provide proper assistance or take the necessary action that would assure the safety of the victims and will help them seek legal action and redress. This is why Greece does not provide statistics on cases of domestic violence whereas it does provide statistics for cases of trafficking in human beings.

## Annex 1 UNCHR News Stories 23<sup>rd</sup> March 2012

### Dozens queue every week in Athens to apply for asylum<sup>28</sup>



*Lines of people sleep rough on Petrou Ralli Street in Athens, hoping to get an interview date and a pink card in the morning © UNHCR/K.Kehayioy*

ATHENS, Greece, March 23 (UNHCR) – Every week more than 100 people, including a few women and children, wait for hours overnight outside a police building in Athens, hoping to apply for asylum.

The moment they have been waiting for comes at 6:00 a.m. on Saturday, when staff at the Aliens Police Directorate in the Greek capital's Petrou Ralli Street allow just 20 people into the building, where they can register their asylum application. Sometimes there are fights to get to the front, but the whole process is over in minutes.

The chosen 20 are given an interview date and issued with a pink card that identifies them as asylum-seekers with the right to remain in the country, seek employment and receive minimal assistance while their application is processed and considered.

The unlucky ones are dispersed, though many return the following week. Some have been trying for months, despite the risks of being deported if they are caught without a pink card. Earlier this month, Greece's Minister of Citizen Protection Michalis Chrissohoides warned that some 1,000

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<sup>28</sup> <http://www.unhcr.org/4f6c8b6a6.html>

undocumented foreigners would be moved from Athens to a facility run by the police in Kozani, northern Greece.

The ritual on Petrou Ralli Street has been taking place every week for several years, but UNHCR and other humanitarian groups have been raising their concerns about the treatment of the asylum-seekers, believing they should all have unhindered access to the asylum procedure.



***The Long Wait:*** Every week dozens of foreigners queue for hours outside an Athens police building hoping for a chance to apply for asylum. (video link: <http://unhcr.org/v-4f6c8bef6>)

They also worry about the conditions that the asylum-seekers must endure, including having to wait in line for many hours without access to toilets and other basic facilities. Many sleep surrounded by piles of litter.

When UNHCR visited Petrou Ralli Street one recent Saturday morning, people from several sub-Saharan countries, including Burundi, Cameroon, Ethiopia, Ghana, Rwanda and Senegal as well as nationals of Iraq and Syria, were waiting in line, hoping that this would be their week.

In Rome, Laurens Jolles, UNHCR's regional representative, expressed concern at the situation. He urged the Greek authorities to address "this long-standing issue and ensure that access to the asylum procedure is guaranteed."

UNHCR is helping Greece to reform its asylum system. Unhindered access to the asylum procedure through proper registration of claims and efficient processing constitute is an integral part of the needed improvements.

A newly established Asylum Service envisages such improvements once it becomes fully operational. But there is an urgent need for immediate measures to improve conditions for those waiting each week outside the Aliens Police Directorate.

Nge from Cameroon told UNHCR she had tried five weeks in a row to get an interview at the aliens directorate since arriving in Greece in December. This time, after the police had selected the 20 to be allowed in, she desperately called out "I beg you." It made no difference and she left in tears.

Another lady, Sara from Ethiopia, has been living in Greece for 18 months. She asked for UNHCR's help, while complaining that she could neither return to her country nor go to another country in Europe. Three teenagers from Syria, who said they were in Greece without family members, each managed to get a precious pink card after failing the week before.

*By Ketty Kehayioylou in Athens, Greece*

## **Annex 2 EFJ Renews its Calls for Respect of Journalists' Rights in Greece<sup>29</sup>**

06 April 2012

The European Federation of Journalists (EFJ) today condemned the behavior of the Greek police and its special riot forces who this week brutally attacked journalists covering rallies in Athens following the suicide of a retired person on [Thursday 5 April 2012].

*"We call upon once more on the Greek authorities, and in particular the police to let journalists do their work freely. We express our deep anger and frustration that Marios Lolos, the President of the Union of Greek Photojournalists, and other journalists were beaten by the police,"* said EFJ President Arne König. *"The Greek people as well as European citizens have the right to know what is happening in Greece. This implies the respect for basic standards of the press freedom and fundamental human rights."*

Marios Lolos suffered serious head injuries yesterday when covering the protests which were sparked by the suicide of a 77-year-old retired pharmacist in Syntagma Square, Athens, who took his own life on Monday morning while people were passing by. He left a hand written note which was

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<sup>29</sup> <http://europe.ifj.org/en/articles/efj-renews-its-calls-for-respect-of-journalists-rights-in-greece>

found nearby, saying that despite paying all his life for a decent pension, he could not live with decency on his reduced pension.

During the protests following this very grave incident the police used excessive violence against journalists and photojournalists covering the events in Syntagma Square and injured seven more journalists. The previous day, journalist Rena Maniou was also severely beaten by security forces.

The EFJ supports the continuing efforts of all its affiliates in Greece who have been discussing the need for safety and press freedom rights with the former Minister of Protection of the Citizen. Last year, the authorities told journalists' leaders that *“the political and physical leadership of EL.AS. (Greek Police) is devoted to the protection of the democratic rights and treats the information vocation with the needed sensitivity and shall make every effort so that it can be exercised freely and unobstructed.”* Despite these assurances, police violence against journalists continues unabated.

There have been several recent incidents in which journalists suffered excessive police brutality while doing their job, including the case of journalist Manolis Kypraios who lost his hearing, Dimitris Trimis JUADN [Athens Journalists' Union] president who had an arm broken, journalist Georgos Avgeropoulos and photojournalist Tatiana Bolari.

### **Annex 3 Christian groups work to rescue prostitutes terrorized by voodoo<sup>30</sup>**

by Brian Murphy (Associated Press, May 19, 2005)

Athens, Greece - If she runs away from her life of prostitution, her parents will become sick and die.

At least that's what this Nigerian woman believes. The threatened curse, she claims, was part of a voodoo rite performed in her homeland just weeks before she was brought to Greece by a prostitution ring.

“I have no doubt in its power,” says the petite 24-year-old, who goes by the alias of Maria and described being forced into seven-night-a-week duty at a flophouse brothel on an Athens back street. “Even if I had a doubt, how could I risk the life of my mother and father?”

Maria's case illustrates one of the least understood corners of the sex slavery underworld: gangs

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<sup>30</sup> <http://www.wwrn.org/article.php?idd=16898&sec=39&con=63>

using the perceived potency of native West African voodoo and hexes to hold women in their grip. Recently, however, an unusual alliance has started fighting back.

One of Nigeria's new anti-prostitution inspectors is turning to Christian-affiliated groups to confront a system that \_ even by conservative estimates \_ may hold sway over at least 10,000 Nigerian women forced to work as prostitutes in Western Europe.

"We cannot fight this by police work alone," said Muhammad Babandede, the chief investigator for a Nigerian task force against human trafficking. "We need the faith groups on our side."

One of the most recent collaborations is being formed in Athens, a chief crossroads for prostitution smugglers from Africa, Eastern Europe and Asia.

An Illinois-based evangelical society is working with Babandede and other experts in voodoo culture on strategies to persuade the West African women -mostly Nigerian Christians- to reject the curses and seek help from authorities.

The group, Lost Coin, started counseling and prayer sessions this year aimed at shattering the voodoo influence by evoking the even greater might of God.

"These women believe in voodoo and all kinds of lesser gods, but most are also Christian and believe in the one almighty God who is above all," said Jennifer Roemhildt, who leads the Athens team for Lost Coin. Her organization is affiliated with International Teams, a nondenominational missionary group headquartered in the Chicago suburb of Elgin.

"God can undo the voodoo," she added. "It just takes a while to convince them of this."

Babandede offers a more blunt message: "Voodoo is just a myth, not a reality."

But, in practice, it's not so simple.

Faith in the power of voodoo \_ sometimes called juju \_ is deeply ingrained in West African culture. It's a direct link to ancient ancestor-based beliefs that include a wide variety of spirits and other supernatural entities, and it forms the base for rituals brought to the Caribbean and elsewhere. In

West Africa, voodoo priests still are often used to seal financial transactions or root out suspected thieves \_ often with a threat of a deadly curse for the wrongdoer.

Prostitution gangs parlay this fear to their advantage, Babandede said. Thousands of women and girls seeking transport to Europe -sometimes with false promises of legal work- undergo voodoo rituals that can involve drinking blood from cuts and taking nail and hair clippings as totems.

“They are told that fleeing the traffickers will bring death to them or their family,” said Babandede, who addressed a recent human trafficking conference in Turin, Italy, one of the hubs for Nigerian-based prostitution networks. “This is a heavy power over these women.”

It is also something difficult for most authorities to comprehend.

The international prostitution trade in Europe is mostly built upon other methods of bondage: holding women in prison-like conditions or setting impossibly high repayment sums in exchange for their passports and IDs. For some women who manage to escape, the ordeal is finally over.

“But in the cases of voodoo, it can be just beginning,” said the Rev. Tom Marfo, a Ghanaian-born Pentecostal pastor who operates mission houses around Amsterdam that specialize in helping West African women break from prostitution gangs. “They think, ‘Oh no, the curses will begin.’ I tell them to have faith that the true God will not let this happen.”

Dutch authorities have taken notice. Marfo is increasingly consulted to understand the centuries-old rituals behind the Nigeria prostitution rings.

“This is more than a police issue. This is an issue of native spirituality \_ a kind of spiritual terrorism being used on these women,” said Marfo. “You need religious people and the power of faith to fight this.”