



PRESS RELEASE

UN body ruling:

Greece failed to provide effective remedy to Roma for ill-treatment and discrimination

Athens-Geneva, 20 August 2012. *The UN Human Rights Committee held in the case Katsaris v. Greece (Communication No. 1558/2007)*¹, submitted jointly by the Greek Helsinki Monitor (GHM) and the World Organisation Against Torture (OMCT), that Greece failed to investigate a claim of ill-treatment and discrimination against a Greek Roma.

“This ruling on a case of physical abuse and discriminatory practices against a member of its Roma community exposes the emblematic failure of remedies to victims of such violence in Greece”, stated Gerald Staberock, OMCT Secretary General, and Panayote Dimitras, Spokesperson of Greek Helsinki Monitor in a joint comment to the decision.

“We call on the authorities to comply with the ruling, especially by proceeding with a complete and impartial investigation into the acts of ill-treatment and discrimination, and by providing the victim with an adequate compensation”, they added. Moreover, in accordance with the Committee’s Views, OMCT and GHM recall the Greek authorities’ responsibility to take concrete measures to ensure that similar violations are prevented from occurring in the future.

In this regard, both organizations remain preoccupied that both the European Court of Human Rights and the UN Human Rights Committee have found Greece in violation of torture-related fundamental human rights in 14 cases, 10 of which were submitted by GHM. Yet, so far none of the decisions rendered has been fully implemented. One of these cases is *Kalamiotis v. Greece*, also jointly submitted with OMCT, in which the Human Rights Committee has found that the Greece has violated the ICCPR by failing to effectively investigate allegations of police brutality.² However, up until this date the victim has not received any form of remedy or compensation.

These cases are part of a wider problem of violence and failing investigations and remedies as recently highlighted in proceedings before the UN Committee Against Torture (CAT). OMCT and GHM, in cooperation with Minority Rights Group - Greece (MRG-G) and the Coordinated Organizations and Communities for Roma Human Rights in Greece (SOKADRE), had jointly submitted an alternative report to the UN Committee Against Torture, as well as an update of such report, that reveal the impunity that essentially exists for those responsible for committing acts of torture and ill-treatment. Moreover, these reports show that Roma people are discriminated against on a large scale, and that police officers use excessive violence against them.³

¹ The UN HRC Views will be available on line at <http://tb.ohchr.org/default.aspx?country=gr>

² <http://www.omct.org/monitoring-protection-mechanisms/urgent-interventions/greece/2008/08/d19481/>

³ See *State Violence in Greece : An Alternative Report to the United Nations Committee Against Torture 47th Session*, World Organization Against Torture (OMCT), Coordinated Organizations and Communities for Roma Human Rights in Greece (SOKADRE), Greek Helsinki Monitor (GHM), Minority Rights Group - Greece (MRG-G). Also see: *State Violence in Greece: An Update (October 2011-April 2012), Alternative Report to the United Nations Committee Against Torture, 48th Session*, submitted by the same NGOs. See : <http://www.omct.org/monitoring-protection-mechanisms/reports-and-publications/greece/2012/04/d21757/>

Concerned by the limited number of prosecutions, convictions and sanctions following allegations of torture, the Committee Against Torture (CAT), in its concluding observations issued in May 2012, has urged Greece to “undertake prompt, impartial and effective investigations into all allegations of torture, ill-treatment or excessive use of force... [and] ...duly bring to trial alleged perpetrators of acts of torture or ill-treatment and, if they are found guilty, punish them with appropriate penalties which take into account the grave nature of their acts.” Additionally, CAT recommended that Greece “should without exception and as a matter of urgency offer prompt redress to victims of violence which has been determined by international supervisory organs and courts, such this Committee and the Human Rights Committee, as well as the European Court of Human Rights.”⁴

In light of these repeated international holdings, OMCT and GHM call upon the Greece to undertake a comprehensive and transparent stocktaking to review its compliance with CAT’s general recommendations and the HRC’s specific views so as to ensure a full and effective implementation of the Committee’s decision in *Katsaris v. Greece* and, more generally, to ensure that the international standards on the protection of fundamental human rights are respected throughout the country.

‘The financial crisis presently affecting the country cannot be an excuse for the non-implementation of international human rights decisions. To the contrary, protection against non-discrimination and effective remedies are particularly vital to prevent violence in an increasingly charged social environment’, noted Gerald Staberock and Panayote Dimitras.

OMCT and GHM will closely follow the implementation of the decision by the Greek authorities and will work together to reinforce the respect of the prohibition of torture and other forms of ill-treatment in Greece.

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⁴ See Committee Against Torture, *Concluding Observations : Greece*, UN Document CAT/C/GRC/CO/5-6, 27 June 2012. See : <http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.GRC.CO.5-6.doc>

Background

In its 105th session, the Human Rights Committee (HRC) found that the State of Greece has violated the International Covenant on Civil and Political Rights (ICCPR) in the case *Katsaris v. Greece* (Communication No. 1558/2007).⁵ This case was submitted jointly by GHM and OMCT on behalf of Mr. Nikos Katsaris, a Greek Roma who was victim of ill-treatment and discrimination by Greece police officers. On 12 September 1999, Mr. Katsaris was stopped by the police when driving away from a car market together with his father, brother and cousin. He was kicked, pointed with a gun and threatened by the police officers. He was subsequently handcuffed and brought to the police station, where he was placed in overcrowded holding cells, from which he was released only the next day. During the time he was in detention, Mr. Katsaris was subjected to racially motivated insults and verbal abuse by the police officers. Later, a prosecutor used discriminatory language referring to his Romani life-style.

There have been two previous convictions of Greece for police ill-treatment by the **United Nations Human Rights Committee** (HRC). On 28 March 2006, in the **Case of Alexandros Kouididis v. Greece**, the HRC found 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) of the **International Covenant on Civil and Political Rights** (ICCPR).⁶ On 24 July 2008 in the **Case of Andreas Kalamiotis v. Greece**, the HRC found that Greece violated Article 2 paragraph 3 (right to an effective remedy) read together with Article 7 (prohibition of torture) of the ICCPR 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).⁷

Moreover, there have been seven convictions of Greece by the ECtHR for ill-treatment by police. The first ruling, issued on 13 December 2005, concerned the beating of Roma **Lazaros Bekos and Eleftherios Koutropoulos** on 8 May 1998.⁸ The second ruling, issued on 18 January 2007, concerned the beating of Syrian **Mhn Ghassan Alsayed Allaham**⁹ on 8 September 1998. The third ruling, issued on 24 May 2007, concerned the beating of **Dimitris Zelilof** on 23 December 2001.¹⁰ The fourth ruling, issued on 6 December 2007, concerned the beating of Romni **Fani-Yannula Petropoulou-Tsakiris** on 28 January 2002.¹¹ The fifth ruling, issued on 14 January 2010, concerned the beating of **Panayote Galotskin** on 23 December 2001.¹² The sixth ruling, issued on 22 April 2010, concerned the beating of Roma **Theodoros Stefanou** on 5 August 2001.¹³ The seventh ruling, issued on 17 January 2012, concerned the torture of **Necati Zontul** by coastguard officers on 5 June 2001.¹⁴

On the other hand, there have been four convictions of Greece by the ECtHR for injury or death from police shooting. The first ruling, issued on 20 December 2004, concerned the shooting of **Christos**

⁵ The UN HRC Views will be available on line at <http://tb.ohchr.org/default.aspx?country=gr>

⁶ <http://daccess-ods.un.org/TMP/9240531.html>

⁷ <http://daccess-ods.un.org/TMP/3578788.html>

⁸ <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=790893&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>

⁹ <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=813016&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>

¹⁰ <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=817322&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>

¹¹ <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=826734&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>

¹² <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=861025&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>

¹³ <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=866810&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>

¹⁴ <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=898517&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>

Makaratzis on 13 September 1995.¹⁵ The second ruling, issued on 21 June 2007, concerned the shooting and rendering invalid, on 26 January 1998, of Rom **Ioannis Karagiannopoulos**.¹⁶ The third ruling, issued on 8 July 2007, concerned the fatal shooting of Albanian **Gentjan Celniku** on 21 November 2001.¹⁷ The fourth ruling, issued on 8 January 2010, concerned the fatal shooting of **Nikos Leonidis** on 25 March 2000.¹⁸

The *Katsaris* case has been brought jointly by both organisations as part of OMCT litigation support to UN treaty bodies. It is the third condemnation of a state party in the course of 2012 following cases in Paraguay and the first ever submission of a torture case against Mexico to the UN Committee Against Torture.

¹⁵ <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=709521&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>

¹⁶ <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=819088&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>

¹⁷ <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=819797&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>

¹⁸ <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=845148&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>