



GREECE

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5.1.3 PROMPT, THOROUGH AND IMPARTIAL INVESTIGATIONS

Amnesty International has repeatedly urged the Greek authorities to stop characterizing acts of unlawful use of force as “isolated” and acknowledge the systemic nature of the phenomenon and to send a strong message that such acts will not be tolerated⁴⁷ Such police misconduct has been frequently documented and is not just “isolated incidents”. Failure to do so will perpetuate a long-standing culture of impunity that Amnesty International and other organizations have been documenting for many years.⁴⁸

In 2019 and 2020, the Greek Ombudsman, in his capacity as a National Mechanism Investigating Incidents of Arbitrariness (National Mechanism), received a total of 471 cases concerning actions or omissions of law enforcement officials and staff of detention facilities.⁴⁹

Amnesty International’s previous reports identified systemic failings leading to impunity for law enforcement officials committing human rights violations including the failure by the police or judicial authorities to conduct prompt, thorough, effective and impartial investigations and to bring perpetrators to justice.⁵⁰ The ECtHR has found Greece in breach of the procedural aspects of Articles 2 (right to life) or 3 of the European Convention on Human Rights (prohibition of torture and other ill-treatment) in thirteen cases concerning use of potentially lethal force or ill-treatment by law enforcement officials on account of the absence of effective administrative and criminal investigations and inadequate criminal proceedings and penalties.⁵¹

The organization would like to bring to the attention of the Committee, some cases that resulted in serious injuries in protesters where the criminal and disciplinary investigations conducted failed to ensure justice.

In May 2020, an Athens court awarded compensation to journalist Manolis Kypreos after it found the Greek state responsible for his serious injury by a police officer who threw a stun grenade at him in 2011. An appeal was filed against the decision in October 2020, and it was heard in November 2021.⁵² The outcome of the hearing is unknown to date. Concerns remain as no one suspected of responsibility has been held accountable in the criminal and disciplinary investigations conducted into the incident.

In April 2021, an Athens court also found police responsible for the life-threatening injuries sustained by psychologist and photographer Yiannis Kafkas in May 2011 and awarded him compensation of 50.000 euros. An appeal was filed against the decision by the Greek authorities in September 2021. Concerns

⁴⁷ See Conclusions of Report Round-Table on Professional Policing: Treatment of Apprehended Persons and Consequences Athens, 10-11 January 2019 organised by the Council of Europe and the Greek Court of Cassation Prosecutor’s Office, available at: <https://bit.ly/3p1wL0z>. In a March statement, the Ministry of Citizen Protection argued that the reports of arbitrariness have increased but whether police violence has increased will be reflected when relevant investigations are completed by the Ombudsman and the Greek Police. The statement fails to acknowledge a series of persistent shortcomings identified in criminal and disciplinary investigations by the Greek Ombudsman in his capacity as a National Mechanism for the Investigation of Incidents of Arbitrariness and the CPT that can lead to the perpetrators not being brought to justice and which support a culture of impunity. Available at: <https://bit.ly/34xKlZQ>.

⁴⁷ See Amnesty International/International Helsinki Federation, *Greece: In the Shadow of Impunity: Ill-treatment and the misuse of firearms*, 23 September 2002 (Index: EUR 25/022/2002), at <https://www.amnesty.org/en/documents/eur25/022/2002/en/>; Amnesty International, *Greece: Alleged Abuses in the Policing of Demonstrations*, 30 March 2009 (Index: EUR 25/001/2009), at <https://www.amnesty.org/en/documents/eur25/001/2009/en/>; *Police Violence in Greece: Not just ‘Isolated Incidents’*, 3 July 2021 (Index: EUR 25/005/2012), at <https://www.amnesty.org/en/documents/eur25/005/2012/en/>; and *A Law unto Themselves: A Culture of Abuse and Impunity in the Greek Police*, 3 April 2014, (Index: EUR 25/005/2014), at <https://www.amnesty.org/en/documents/eur25/005/2014/en/>.

⁴⁸ Note 47 above.

⁴⁹ National Mechanism for the Investigation of Incidents of Arbitrariness, Annual Reports of 2019 and 2020, available at: <https://bit.ly/3fitEyq> and <https://bit.ly/3yOPHEw>.

⁵⁰ See note 47 above.

⁵¹ See Council of Europe, Committee of Ministers, Status of Execution: Makaratzis Group, available at: <https://bit.ly/2RXjBFU>. In a Resolution adopted on 16 September 2021, the Council of Europe Committee of Ministers decided to close the examination of the thirteen cases in the Makaratzis group. However, the Committee also stated that: “[t]aking note of the significant other general measures taken in recent years with a view to preventing similar violations, decided to continue the examination of the question of the outstanding general measures required in response to the shortcomings found by the Court in these judgments in the context of a new group of cases named Sidiropoulos and Papakostas”. It also noted that “the closure of these cases therefore in no way prejudices the Committee’s evaluation of the general measures required to prevent recurrence of ill-treatment by law enforcement officers, and lack of effective investigations into ill-treatment and deaths in the context of law enforcement”. See Resolution CM/ResDH(2021)190, Adopted by the Committee of Ministers on 16 September 2021, at the 1411th meeting of the Ministers’ Deputies.

⁵² Amnesty International Report 2020/2021, Greece Entry, at: <https://www.amnesty.org/en/location/europe-and-central-asia/greece/report-greece/>; *Greece: A Law unto themselves: A Culture of Abuse and Impunity in the Greek Police*, (Index:25/005/2014), note 47 above.

remain as the prolonged criminal and disciplinary investigations into the case failed to ensure justice for Yiannis Kafkas.⁵³

In the recent 2020 Report, the National Mechanism continued to identify a series of shortcomings in the conduct of disciplinary investigations. These shortcomings included: failures to investigate reported incidents of police arbitrariness; failure to seek or promptly examine witnesses; inadequate evaluation of medical findings; targeting of the person that reports an incident with the criminal offences of insubordination and resistance; and delays in the completion of the investigations.⁵⁴ In 41 % of the investigations monitored, the Mechanism requested more thorough investigations of complaints by the competent disciplinary authorities and noted that this should make the authorities think about improvements in the quality of the internal disciplinary procedures.⁵⁵

The organization notes the reforms introduced in 2019 in the Police Disciplinary Code and those introduced in 2020 that seek to enhance the effectiveness of the National Mechanism.⁵⁶ They include provisions that seek to ensure the required service distance between the person that conducts a preliminary disciplinary investigation and the officer/s investigated and to shorten the time that disciplinary investigations are conducted. The reforms also equip the National Mechanism with express powers to summon witnesses, carry out an autopsy, order an expert opinion and obtain depositions by witnesses; and give the National Mechanism the power to refer to the competent Minister cases where it has found an insufficiently reasoned deviation from the Mechanism's findings that have been referred to the disciplinary bodies for completion of an investigation.

5.2 EXCESSIVE USE OF FORCE IN MIGRATION CONTROL.⁵⁷

During the events of February-March 2020, discussed above, Greek border forces used tear gas extensively against groups of asylum-seekers and migrants, including families with young children attempting to cross the border. On 4 March 2020 Amnesty International observed Greek border guards using tear gas constantly over the three hours that our delegation monitored the Pazarkule border gate. During this time several people returned to the Turkish side, visibly injured and complaining of being hit by tear gas canisters fired by Greek border forces. Other reports were received of use of projectiles and stun grenades that Amnesty International could not verify. A health professional working in Turkey's border region confirmed that some individuals had received medical treatment for injuries consistent with use of plastic bullets.

Asylum-seekers and migrants frequently reported to Amnesty International and other NGOs that Greek border forces used live ammunition against them, both firing into the air and in their direction, as they attempted to cross the border. Amnesty International was shown a bullet allegedly fired by a Greek soldier at a group of asylum-seekers as they attempted to cross the Evros river border south of the city of Edirne; allegedly, it narrowly missed them as it lodged in a tree. The Turkish authorities claim that three people were killed as the result of use of force by Greek border forces and that 164 had been injured by 5 March. A larger number of shootings have been alleged by asylum-seekers and migrants but remain undocumented.

Amnesty International and other reputable organizations documented the deaths of two men in this area as a result of being shot: Muhammad Gulzari,⁵⁸ a 43-year-old Pakistani man, and Muhammad al-Arab,⁵⁹ a 22-year-old Syrian man. Amnesty International also reported the case of a Syrian woman, Nadera Almonla, who went missing and is presumed dead after she and her husband were separated from their six children while

⁵³ Amnesty International, Greece: Court decision awards compensation to protester subjected to near fatal unlawful use of force, Public Statement, 28 May 2021, (Index: EUR 25/4207/2021; *Greece: A Law unto themselves: A Culture of Abuse and Impunity in the Greek Police*, note 47 above.

⁵⁴ National Mechanism, Annual Report 2020, note 49 above.

⁵⁵ A Special Committee set up by the Ministry of Citizen Protection in November 2019 to investigate the progress of twenty cases of police violence underlined the impunity that exists and identified several shortcomings including unwillingness of police investigative bodies to cooperate with the National Mechanism; failure to obtain testimonies from crucial witnesses and examine medical professionals; as well as bias by the investigating officers. See Findings of Alivizatos Committee for police violence in Greece, available at: <https://bit.ly/3yNCqw6>.

⁵⁶ See National Mechanism Annual Report for 2019; note 49 above; also: Article 188 of Law 4662/2020 and Article 28 of Law 4760/2020 that envisages the establishment of five new positions of specialized scientific personnel.

⁵⁷ For further details and sources see: Amnesty International, *Europe: Caught in a political game* [...], note 5 above, pp. 7-9

⁵⁸ Forensic Architecture, *Investigation: The Killing of Muhammad Gulzar*, <https://forensic-architecture.org/investigation/the-killing-of-muhammad-gulzar>

⁵⁹ Forensic Architecture, *Investigation: The Killing of Muhammad al-Arab*, <https://forensic-architecture.org/investigation/the-killing-of-muhammad-al-arab>