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Human rights situations that require the Council's attention

Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 August 2013]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Greece: Concerns over continued abuses by the security forces and the situation of migrants and asylum-seekers

Amnesty International has longstanding concerns regarding human rights violations committed by law enforcement officials in Greece. These include concerns about excessive use of force and other violations in the policing of demonstrations and ill-treatment during arrest or detention. Moreover, our organisation continues to receive allegations of excessive use of force and ill-treatment of protesters during arrest or detention; and of asylum-seekers and migrants during immigration sweep and detention operations by police. There have also been reported incidents involving the excessive use of chemical irritants and rubber bullets. Photographers and journalists have not been spared from police violence while covering the demonstrations. Members of vulnerable groups such as individuals detained for immigration purposes are particularly at risk¹.

While the Greek authorities acknowledge the existence of human rights violations committed by law enforcement officials, they call them “isolated incidents” and thus deny the extent of the problem and fail to adopt appropriate measures to tackle them.

Video footage, photographs, press reports and witness testimonies point to the repeated use of excessive force by police in demonstrations organized against the austerity measures on 15, 28 and 29 June 2011. This includes the excessive use of chemical irritants against largely peaceful demonstrators.

In October 2012, serious allegations came to light of torture and other ill-treatment of 15 anti-fascist protesters by police at the General Police Directorate in Athens on 30 September 2012. Supporters of the protesters, arrested on 1 October, also alleged that they were subjected to treatment amounting to torture. The authorities denied the allegations, but an investigating judge requested that the Public Prosecutor bring criminal charges against the police officers involved in human rights violations against the protesters².

In 2012 and in 2013 protestors opposing a gold mining operation in Chalkidiki in Northern Greece reported excessive use of force, ill-treatment and use of chemical irritants.

Amnesty International has pointed repeatedly to the lack of accountability of law enforcement officials as one of the main reasons for the reoccurring incidents of torture, ill-treatment and excessive use of force.

Systemic problems persist in the investigation, prosecution and punishment of human right violations and contribute to the failure of police accountability. There are protracted delays in criminal proceedings, which can also lead to impunity if the offence eventually expires under the statute of limitation. Police, prosecutors and courts frequently fail to thoroughly investigate, prosecute or punish human rights violations involving law enforcement officials. Moreover, even if victims of ill-treatment or misuse of firearms find vindication before international bodies such as the European Court of Human Rights (ECtHR), this is not reflected at the domestic level as a result of delays in providing the applicants with compensation or the failure to reopen the investigations into the cases.

The failure of the Greek authorities to effectively address violations of human rights by police has made victims reluctant to report them. Fear of reprisals and lack of access to

¹ Greece: Police violence in Greece: Not just ‘isolated incidents’ , 3 July 2012, AI INDEX EUR 25/005/2012, <http://www.amnesty.org/en/library/info/EUR25/005/2012>

² <http://www.amnesty.org/en/region/greece/report-2013>

legal assistance, particularly by members of vulnerable groups such as irregular migrants and asylum-seekers in detention, also makes victims reluctant to report the violations.

A series of recommendations by Amnesty International³ to the Greek authorities to address the failures of accountability and impunity have not been adopted or endorsed fully by the Greek authorities. Despite repeated calls for the establishment of an independent police complaints mechanism, the Greek authorities have responded with the establishment in 2011 of an Office for Incidents of Arbitrary Conduct by Law Enforcement Officials. Amnesty International is concerned that the Office falls below international standards. Among other shortcomings, its mandate does not guarantee its independence and effectiveness. The Office has yet to become operational.

Amnesty International urges the Greek authorities to:

- strengthen the existing mechanisms for monitoring and oversight of the police including by establishing a reliable, independent and accessible police complaints system to undertake prompt, impartial and effective investigations of allegations of police misconduct;
- ratify as promptly as possible the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and establish or designate a National Preventive Mechanism mandated to visit places of actual or possible detention in order to prevent torture and other cruel, inhuman or degrading treatment or punishment and regularly examine the treatment and condition of persons deprived of their liberty;
- incorporate in the criminal code a definition of torture that is in strict conformity with and covers all elements contained in Article 1 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and explicitly include rape and other forms of sexual violence as a form of torture;
- ensure that chemical irritants and stun grenades are used in line with international standards. Chemical irritants should not be used for crowd control in enclosed areas, poorly ventilated areas, or areas with few exit routes (e.g. stadiums), unless in extreme life threatening situations. In such cases every effort should be made to ensure safe and effective evacuation of the target population.

Asylum-seekers and migrants

Research by Amnesty International shows that asylum-seekers and irregular migrants who arrive in Greece's borders with Turkey are sometimes pushed straight back to Turkey by Greek border guards or coastguards. The alarming number of testimonies collected by Amnesty International alleging collective expulsion suggests that these practices are regularly employed by Greek border guards and coastguards. Those returned to Turkey under such circumstances are denied the opportunity to apply for asylum in Greece in flagrant violation of international law. Research also shows that the way in which such push-back operations are carried out by the Greek border guards or coastguards puts lives at risk. Several of those interviewed by Amnesty International claimed they were abandoned in the middle of the sea on unseaworthy vessels or left on the Turkish side of the land border with tied hands. Among those who alleged having been pushed-back most also

³ Greece: Police violence in Greece: Not just 'isolated incidents' , Page 49, 3 July 2012, AI INDEX EUR 25/005/2012, <http://www.amnesty.org/en/library/info/EUR25/005/2012>

reported experiencing or witnessing violence or other ill-treatment and their personal belongings being confiscated or thrown into the sea⁴.

In the past few years, migrants, refugees and asylum seekers have been victims of the sharp rise of racist attacks leading to serious bodily harm. Victims are usually unwilling to report the attacks to the authorities, particularly those whose irregular migration status renders them vulnerable to arrest and detention. This contributes to the general climate of impunity for the perpetrators of such attacks. At the end of 2012, special police units were set up to tackle racist crime. However, there is still no legislation that would protect victims who have an irregular status from arrest and deportation during the investigation and eventual prosecution of alleged perpetrators.

Asylum-seekers and irregular migrants including unaccompanied minors face lengthy detention – often in appalling conditions – without an assessment of the necessity and proportionality of detention as required by law. The extensive and indiscriminate use of detention is a central plank of Greece’s migration policy, and recent legislation allows for the detention of asylum seekers for up to a period of 18 months.

During its visits to various immigration detention facilities, police stations and border guard stations in 2013, Amnesty International identified the following problems amongst others: asylum-seekers and irregular migrants held for prolonged periods in police stations and border guard stations only designed for short-term stay; lack of access to outside exercise; severely restricted communication with the outside world; lack of hygiene and hygiene products; and lack or limited access to medical assistance.

Amnesty International urges the Greek authorities to:

- investigate allegations of collective expulsions (push-backs) and ill-treatment at Greece’s land border with Turkey and in the Aegean Sea and to prosecute officials involved;
- end indiscriminate and automatic detention of irregular migrants and instead use alternatives to detention;
- end systematic prolonged detention of those who apply for asylum while in detention and increase reception capacity for asylum seekers and other vulnerable groups;
- prohibit the detention of children by law and end it in practice and increase shelter capacity for unaccompanied children;
- improve detention conditions by ensuring adequate sanitation of the facilities, access to health care, hygienic materials, and outside space for fresh air and exercise for all detainees;
- combat racial discrimination and related violence, including by publicly condemning such intolerance, and by investigating, prosecuting and punishing the perpetrators of such acts.

⁴ Greece: Frontier Europe: Human rights abuses on Greece’s border with Turkey, 9 July 2013, AI INDEX EUR 25/008/2013, <http://amnesty.org/en/library/info/EUR25/008/2013/en>