

**SECRETARIAT GENERAL**

SECRETARIAT OF THE COMMITTEE OF MINISTERS  
SECRETARIAT DU COMITE DES MINISTRES



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**Date:** 21/11/2018

**DH-DD(2018)1151**

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Meeting: 1331<sup>st</sup> meeting (December 2018) (DH)

Communication from a NGO (Greek Helsinki Monitor) (05/11/2018) in the case of MAKARATZIS (Makaratzis group) v. Greece (Application No. 12294/07).

Information made available under Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1331<sup>e</sup> réunion (décembre 2018) (DH)

Communication d'une ONG (Greek Helsinki Monitor) (05/11/2018) dans l'affaire MAKARATZIS (groupe Makaratzis) c. Grèce (requête n° 12294/07).

Informations mises à disposition en vertu de la Règle 9.2 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

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4 November 2018

*Makaratzis group of cases (applications No. 50385/99 etc.)*

Mr President

Under Rules 9(1) and 9(2) of the Rules of the Committee of Ministers for the supervision of the execution of judgments we submit the attached memo on the execution of *Makaratzis group of cases (applications No. 50385/99 etc.)* and request that the memo is also uploaded at your special website for the *1331st meeting (4-6 December 2018) (DH)*.

Yours faithfully

**Panayote Dimitras**  
**Executive Director**  
**Greek Helsinki Monitor**



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**Communication on the execution of  
*Makaratzis group of cases (applications No. 50385/99 etc.)***

4 November 2018

The **Committee of Ministers of the Council of Europe (CM)** is urged to take into consideration three very recent developments.

First, the historic filing by the **Supreme Court Prosecutor**, on 30 October 2018, of an application for the cassation of a domestic court judgment for the benefit of the law, to comply with a **European Court of Human Rights (ECtHR)** judgment where the domestic court judgment was ruled to violate the **European Convention of Human Rights (ECHR)**. The cassation, if confirmed by the **Supreme Court**, aims to remove that domestic judgment from the case-law so as to prevent the repetition of judgments with similar reasoning and/or invoking that judgment.

Secondly, the **Report on follow-up to the concluding observations of the UN Human Rights Committee on Greece** published on 2 November 2018. Greece's reply to the **HRCttee** and/or reported action therein concerning the excessive use of force and ill-treatment by law enforcement was evaluated by the **HRCttee** as either partially satisfactory or not satisfactory.

Thirdly, a comprehensive report with the telling title "**The killing of Zak: the astonishing violence and impunity of Greek police**" was published on 31 October 2018 by **Open Democracy**.

**1. The Supreme Court application for the cassation  
of a domestic court judgment found in violation of ECHR**

This seminal decision of the **Supreme Court Prosecutor** concerned the execution of the **ECtHR** judgment in *Chowdury and others v. Greece*. The **Supreme Court Prosecutor** issued [the following related press release](#) (translated in English by **Greek Helsinki Monitor - GHM**):

**Supreme Court Prosecutor**

**Press Release 30-10-2018**

The Supreme Court Prosecutor considered that the judgment of the Mixed Jury Court of Patras, No. 75-128/30-7-2014, according to which the accused in the case were declared innocent of the crime of trafficking in human beings and the direct aiding and abetting repeatedly and as a profession, was in violation of Article 4 (2) of the ECHR, as the European Court of Human Rights has also ruled, assigned to the Deputy Supreme Court Prosecutor Charalambos Vourliotis to file an application for the cassation of the above judgment for the benefit of the law.

Thereafter, the Deputy Prosecutor, today, on 23 October 2018, filed an application for the cassation of that decision for the benefit of the law, for wrong interpretation and wrong application of the provision of Article 323A of the Penal Code, and for lack of specific and detailed reasoning. This remedy seeks to correct the mistaken assumptions of that Court of Justice, to ensure the unity of the

case-law and to prevent the legal views referred to in the abovementioned decision from being repeated and consolidated.

**GHM** urges the **CM** to ask **Greece** to apply consistently the procedure of an application for cassation for the benefit of the law by the **Supreme Court Prosecutor** as a fundamental remedy to execute **ECtHR** judgments to remove domestic judgments held by the **ECtHR** to be in violation of the **ECHR** from the case-law so as to prevent the repetition of such judgments with similar reasoning and/or invoking such judgments. If filed by the **Supreme Court Prosecutor** and if approved by the **Supreme Court** such cassation judgments would be a very powerful apology to the victims of law enforcement violence that the **ECtHR** found that they were wronged by the domestic judgments. Such applications should be filed ten of the thirteen cases of the *Makaratzis group*, i.e. for the cassation of the domestic judgments in the cases of *Makaratzis*, *Sidiropoulos and Papakostas*, *Zontul*, *Bekos and Koutropoulos*, *Alsayed Allaham*, *Celniku*, *Karagiannopoulos*, *Galotskin*, *Stefanou*, and *Leonidis*. In the other three cases, of *Zelilof*, *Petropoulou-Tsairis*, and *Andersen*, the complaints had been archived and not referred to trials.

## **2. Report on follow-up to the concluding observations of the UN Human Rights Committee on Greece**

On 2 November 2018, the **UN Human Rights Committee** (**HRCttee**) released its assessment of the follow-up to the selected concluding observations of the **HRCttee** on **Greece** published in November 2015 that were selected for the follow-up review. One of them concerned the excessive use of force and ill-treatment by law enforcement officers. Based on a **GHM** submission, the **HRCttee** welcomed the designation of the Ombudsman as the national mechanism for the investigation of incidents of ill-treatment committed by law enforcement and detention facility agents, but required additional information to assess the effectiveness of its work including whether the Ombudsman's recommendations will be made binding. Moreover, the **HRCttee** regretted the lack of information on concrete measures taken to ensure that all allegations of unauthorized and disproportionate use of force by law enforcement officials are thoroughly and promptly investigated by an independent authority, asking for detailed information on the punishment of law enforcement officials for misconduct, ill-treatment or disproportionate use of force, in general and specifically for the cases of tortured Roma **Thanasis Panayotopoulos**, **Yannis Bekos**, **Vasilis Loukas** and similar ones. Hence, the **HRCttee** reiterated its recommendation, since its implementation was found not satisfactory and was graded with a **C**. The related excerpt from the report on the follow-up is reprinted here.

**Human Rights Committee**  
**124th session**  
8 October–2 November 2018

### **[Report on follow-up to the concluding observations of the Human Rights Committee](#)**

#### **I. Introduction**

1. The Committee, in accordance with article 40 (4) of the Covenant, may prepare follow-up reports based on the various articles and provisions of the Covenant with a view to assisting States parties in fulfilling their reporting obligations. The present report is prepared pursuant to that article.
2. The report sets out the information received by the Special Rapporteur for follow-up to concluding observations, and the Committee's evaluations and the decisions that the Committee

adopted during its 124th session. The status of the follow-up to concluding observations adopted by the Committee since its 105th session, held in July 2012, is outlined in a table available at [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1\\_Global/INT\\_CCPR\\_CS\\_124\\_27810\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/INT_CCPR_CS_124_27810_E.pdf).

### *Assessment of replies<sup>1</sup>*

- A** **Reply/action largely satisfactory:** The State party has provided evidence of significant action taken towards the implementation of the recommendation made by the Committee.
- B** **Reply/action partially satisfactory:** The State party has taken steps towards the implementation of the recommendation, but additional information or action remains necessary.
- C** **Reply/action not satisfactory:** A response has been received, but action taken or information provided by the State party is not relevant or does not implement the recommendation.
- D** **No cooperation with the Committee:** No follow-up report has been received after the reminder(s).
- E** **Information or measures taken are contrary to or reflect rejection of the recommendation**

<sup>1</sup> The full assessment criteria are available at [http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1\\_Global/INT\\_CCPR\\_FGD\\_8108\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/INT_CCPR_FGD_8108_E.pdf)

## **II. Assessment of follow-up information**

(...) 115th session (19 October–6 November 2015)

### *Greece*

Concluding observations:	<a href="#">CCPR/C/GRC/CO/2</a> , 3 November 2015
Follow-up paragraphs:	16, 32 and 34
Follow-up reply:	<a href="#">CCPR/C/GRC/CO/2/Add.1</a> , 6 December 2016
Committee's evaluation:	Additional information required on paragraphs 16[B][C], 32[C][B] and 34[C]
Non-governmental organizations:	<a href="#">Greek Helsinki Monitor</a> , 3 April 2017 <sup>2</sup> <a href="#">Médecins du Monde</a> , 19 April 2017 <sup>3</sup>

### **Paragraph 16: Excessive use of force and ill-treatment**

The State party should ensure that all allegations of unauthorized and disproportionate use of force by law enforcement officials are thoroughly and promptly investigated by an independent authority, that the alleged perpetrators are prosecuted, that those found guilty are punished with sentences that are commensurate with the gravity of the offence, and that compensation is provided to the victims or their families. The State party should also ensure that the police receive appropriate professional training that includes full respect for human rights principles.

## Summary of State party's reply

Complaints of misconduct or ill-treatment by police officers against individuals or of disproportionate use of force give rise to investigation procedures. In accordance with Presidential Decree 120/2008, an administrative enquiry is initiated and entrusted to officers of other departments. Acts constituting torture and other violations of human dignity result in dismissal.

As suggested by the Committee, a draft bill to designate the Ombudsman as the national mechanism for the investigation of incidents of ill-treatment committed by law enforcement and detention facility agents has been issued and recommended for adoption by Parliament in 2016. The mechanism will complement the judiciary. The draft bill provides for the Ombudsman to deal with cases (a) following a complaint, (b) initiated *proprio motu* or (c) upon referral by the competent minister or secretary-general of a ministry. While waiting for an Ombudsman's report, which has to be submitted within three months, the disciplinary bodies of each agency should refrain from issuing decisions. The final decision of a disciplinary body may depart from the operative part of the relevant report of the Ombudsman, provided that specific and detailed justification is given.

National law provides for victims of criminal acts to file civil lawsuits to obtain compensation. Apart from providing legal aid to persons on low incomes, victims of certain crimes are granted free legal aid irrespective of their income.

At the Hellenic Police Academy and the Police Constables' School, police officers are taught a separate module on human rights, as part of the courses on constitutional and administrative law.

## Information from non-governmental organizations

### *Greek Helsinki Monitor*

Several cases referenced in reports by Amnesty International and the Greek Council for Refugees demonstrate the shortcomings in implementing the mechanisms in place and confirm that torture and other ill-treatment persist. They also show the reluctance of the authorities to end impunity and effectively investigate the allegations of such treatment.

The new Ombudsman's mandate to investigate the complaints of arbitrariness by law enforcement and detention facility agents began on 9 June 2017. The enforcement agencies still retain the power to prosecute perpetrators. While the agencies have to justify the reasons for departing from the Ombudsman's recommendations, they are not binding.

Greek Helsinki Monitor describes the cases of three Roma, Thanasis Panayotopoulos, Yannis Bekos and Vasilis Loukas (one of whom was hospitalized as a result), who claim to have been the victims of torture by police officers. While several complaints submitted through the mechanisms in place were left unanswered, the individuals refused to testify in an internal investigation by local police that was subordinated to the division that they claim tortured them. Similarly, a 21-year-old Syrian refugee claims to have been kicked, stripped naked and detained by police. His arrest warrant was issued in Greek only. His defence statement translated into Greek by a translator without certification was read by several police officers, three prosecutors and two judges, yet none of them initiated investigations.

## Committee's evaluation

**[B]:** The Committee welcomes the designation of the Ombudsman as the national mechanism

for the investigation of incidents of ill-treatment committed by law enforcement and detention facility agents. It requires additional information on: (a) the mandate and actions taken by the national mechanism for the investigation of incidents of ill-treatment committed by law enforcement and detention facility agents to investigate allegations of unauthorized and disproportionate use of force by such agents; (b) whether the State party envisages rendering the Ombudsman's recommendations binding.

[C]: The Committee regrets the lack of information on concrete measures taken after the adoption of the Committee's concluding observations to ensure that all allegations of unauthorized and disproportionate use of force by law enforcement officials are thoroughly and promptly investigated by an independent authority. It therefore requires information on: (a) the measures taken to punish, as well as the sentences imposed on, law enforcement officials for misconduct, ill-treatment or disproportionate use of force, after the adoption of the Committee's concluding observations; (b) the progress of investigations made into the cases of Thanasis Panayotopoulos, Yannis Bekos, Vasilis Loukas and similar ones; and (c) the number, regularity, duration and content of professional training for police officers and other law enforcement agents conducted after the Committee's concluding observations. The Committee reiterates its recommendation. (...)

### 3. Comprehensive report on the astonishing violence and impunity of Greek police

On 31 October 2018, **Mariniki Alevizopoulou** and **Augustine Zenakos** published in **opendemocracy.net** the following comprehensive report on widespread, prevailing law enforcement impunity for use of violence in a long period of time.

## The killing of Zak: the astonishing violence and impunity of Greek police

[opendemocracy.net/can-europe-make-it/augustine-zenakos-mariniki-alevizopoulou/killing-of-zak-astonishing-violence-and-mariniki-alevizopoulou-and-augustine-zenakos](https://www.opendemocracy.net/can-europe-make-it/augustine-zenakos-mariniki-alevizopoulou/killing-of-zak-astonishing-violence-and-mariniki-alevizopoulou-and-augustine-zenakos) 31 October 2018

Police were seen hitting him with a baton, kicking him, stepping on him, and finally handcuffing him – while he appeared motionless. He was pronounced dead on arrival.



*Riot Police guarding Greek parliament during demonstrations Athens Greece, 2011.  
Wikicommons/Ggia.*



On September 21, Zak Kostopoulos, or Zackie Oh!, a queer performer and activist, was brutally killed in downtown Athens. As seen in video footage that has been made public, Zak was beaten savagely by two men, in broad daylight, in full view of onlookers.<sup>[1]</sup>

He appeared to be trapped inside a jewellery store, trying to break the glass window, in order to get out. The two men were seen to break the window front, and then kick him repeatedly onto the broken glass, as he was bleeding on the ground. He was then briefly attended to by a paramedic, who arrived at the scene, before getting up and trying to flee in panic, wielding a shard of glass from the broken window as if to keep people away, finally falling onto the tables of a coffee shop.

Police were then seen hitting him with a baton, kicking him, stepping on him, and finally handcuffing him – while he appeared motionless.<sup>[2]</sup> He was then transported by ambulance to a central Athens hospital, where he was pronounced dead on arrival. He was then transported by ambulance to a central Athens hospital, where he was pronounced dead on arrival.

Initially, most media outlets reported on the incident as a jewellery store robbery gone wrong. Though precisely what happened is still unclear, both video footage and eyewitness testimony that have since been made public have cast serious doubts on the robbery scenario. The investigation by state prosecutors is on-going, and the two men who beat Zak now face charges of “bodily harm leading to death”. The prosecutor for Arios Pagos, the Supreme Court of Greece, issued an order that the investigation should include the possibility of discriminatory motives, based on the law that prohibits racist crimes.

What is, however, more clear than the precise circumstances that led to Zak’s beating is that the conduct of police officers at the scene raises a lot of questions. To the general consternation caused by the footage showing police officers kicking and stepping on an already injured, motionless man on the ground, the most resounding answer to date has been the statement by the Chairman of the Athens Police Union, Dimosthenis Pakos, who said that “this is standard practice, whether you like it or not”.<sup>[3]</sup>

## **Incomplete reform**

The questions raised by the apparent conduct of police officers in the case of Zak’s death are, unfortunately, far from unprecedented. Although in the decades since the restitution of democracy in 1974, the Greek Police has been reformed, we might be justified in thinking that this process is incomplete – in the sense of a lingering lack of accountability, which has created an impenetrable culture of impunity, and even what could be called an autonomy from social control.

A vast amount of evidence that we have been gathering from several sources (including public records, media reports, personal interviews, requests for information from the police, and reports by respected NGOs) indicates that abuses of police powers in Greece occur much more frequently than is tolerable in a democratic country.



These abuses include, first and foremost, a number of unlawful killings of civilians, most of which have not been adequately addressed by either internal disciplinary proceedings or the judicial system. They also include unprovoked and excessive use of violence; ill-treatment and torture of detainees; inadequate or deficient actions at crime scenes, including the mishandling of evidence; and refusal to display police identification either when operating (for example, concealing or not wearing the identifying number on a riot-policeman's uniform), or when so requested.

What makes the frequency and gravity of abuses even more concerning is that very few cases among the ones reported result in the police being held in some way accountable. This remains so even when the persons claiming that they have been abused have a relatively high public profile, such as journalists, or there is a great number of available witnesses (such as during a demonstration), or there is indisputable visual evidence of the incident (such as photographs or video footage).

Amnesty International has documented allegations of abuse of police powers, including ill-treatment, violence and torture, such as beatings, falanga (beating or whipping the soles of the feet), rape with a truncheon, and use of an electric shock device. This documentation is included in reports that were shared with the Greek authorities and governments.<sup>[4]</sup>

## **Amnesty International research**

We spoke with Gavriil Sakellaridis, who heads the Greek Section of the international organisation, and asked for his view of the situation. "Amnesty International in Greece," Sakellaridis told us, "has been systematically researching the issue of arbitrary and excessive use of force or ill-treatment by law enforcement officials. We have published three reports in the recent past, the last of which was in 2014, as well as numerous statements. Reported serious incidents, particularly against refugees and migrants, continued this year, including many allegations of ill-treatment of refugees and migrants by the coastguard in the port of Patras and the continuing practice of push-backs in Evros river. These reported incidents illustrate that the culture of impunity persists."

"Another recent incident," Sakellaridis went on "where audio visual material shows police misuse of force is the case of LGBTI activist Zak Kostopoulos, who died after being violently attacked by a crowd of people, after being perceived as a thief of a jewellery shop. Published testimonies of eye-witnesses in the Greek media support further the audio-visual material. Amnesty International's research shows that systemic failings leading to impunity for law enforcement officials committing human rights violations persist. These include: the failure by the police or judicial authorities to conduct prompt, thorough, effective and impartial investigations and to bring perpetrators to justice; and the failure to guarantee the right to an effective remedy. The lack of accountability is one of the major factors that lead to the on-going human rights violations by law enforcement officials".

## Licence to kill?

The impression of less than satisfactory processes to ensure police accountability is justified if one considers even the most serious offences committed by officers. To cite only some of the most widely publicised unlawful killings by the Hellenic Police – and, therefore, ones where it would be reasonable to expect public pressure to result in justice being served:

- in November 1980 twenty-one-year-old worker Stamatina Kanelopoulou and twenty-six-year-old law student Iakovos Koumis were beaten to death by riot police, during the march commemorating the 1973 Polytechnic uprising against the junta;
- in November 1985, fifteen-year-old student Michalis Kaltezas was shot in the back and killed by a police officer, again after the Polytechnic commemoration march;
- in January 1991, twenty-five-year-old Turkish refugee Suleiman Akar died from what the coroner determined were severe injuries resulting from beatings, after being detained by the police for eight days on suspicion of peddling drugs;
- in October 1998, seventeen-year-old Serbian student Marko Bulatovic, while on a school trip to Greece, was shot at close range and killed by a police officer, after he was mistakenly identified as a pick-pocket;
- in December 2003, twenty-two-year-old amateur footballer Iraklis Marangakis was shot in the head and killed by a police officer, after he failed to stop at a police check-point while driving;
- in December 2008, fifteen-year-old student Alexandros Grigoropoulos was shot and killed by a police officer, while on an evening out with his friends.

The officers who beat Kanelopoulou and Koumis to death were never identified. Athanasios Melistas, the officer who killed Kaltezas, was tried and sentenced to two and a half years imprisonment; the sentence was suspended, then the conviction was overturned on appeal. The officers responsible for Akar's death were cleared of wrongdoing in an internal hearing and were not prosecuted. Kyriakos Vandoulis, the officer who killed Bulatovic, was tried and sentenced to twenty-seven months imprisonment; the sentence was suspended. Yiorgos Dimitrakakis, the officer who killed Marangakis, was tried and sentenced to life imprisonment, but on appeal his sentence was commuted to five and a half years.

The only case to date in which an officer charged with the murder of a civilian was punished to the full extent of the law has been that of Epaminondas Korkoneas, murderer of Grigoropoulos, who was sentenced to life imprisonment. The case, however, is currently being heard by the Court of Appeals, and it would perhaps be important to remember that the murder of the fifteen-year-old student was followed by massive social unrest and riots, in which Athens burned for weeks.

## No evidence discovered

If convictions are infrequent and sentences lenient where there are grave charges, such as murder, then for lesser – though still very serious – cases of alleged violence, the possibility of the police being held accountable is even more doubtful.

In June 2011, journalist Manolis Kypreos was reporting on a demonstration against austerity measures introduced by the government. According to his own account, when he observed riot police launching tear-gas and attacking with batons against peaceful protesters, he protested to the commander of a riot-police platoon. The officer dismissed him. Moments later, a flash-bang grenade landed at his feet. He suffered permanent loss of his hearing, and has since been suffering from vertigo and related disabilities affecting his sense of orientation and balance.

In April 2012, Marios Lolos, a photojournalist and chairman of the Greek Union of Photojournalists at the time, suffered a skull fracture from, according to his and several bystanders' accounts, a police baton. He was hospitalised and underwent emergency surgery. Those present also alleged that the officer who struck Lolos had turned his baton upside down, so as to strike with the handle, thus inflicting more damage. This practice has also been reported in other cases of alleged police violence.

In November 2014, Dimitris Liakos, a photojournalist, was covering a demonstration at the Athens Polytechnic, which involved clashes between students and riot police. According to his account, while he was photographing police beating students who were already face-down on the ground and handcuffed, he was himself hit on the head with a baton.

These high-profile cases involving journalists were widely publicised. They were protested by press unions and human rights groups. Internal disciplinary inquests were called for. But as time passed and the news-cycle shifted, nothing was heard about them. We requested information from the Hellenic Police on the findings of the inquests, and in each of the three cases got an identical answer: "The case was archived, as no evidence was discovered to establish the commission of a disciplinary offence by a police officer."

So, unfortunately, it is perhaps unsurprising that we got the exact same answer from the police regarding cases that involved not journalists covering protests, but demonstrators themselves, such as Yiannis Kafkas. In May 2011, a peaceful demonstration was broken up by riot police in what the demonstrators have described as an unprovoked attack with tear-gas and police batons. Kafkas, a post-graduate student, was beaten on his body and his head. He and eyewitnesses have reported that he was hit on the head with a portable fire-extinguisher. His head injury was so severe that he fell into a coma.

Having undergone emergency surgery, he spent ten days in intensive care and another ten in the neurosurgery clinic. A hospital doctor who operated on Kafkas described his situation when he was brought in as "close to death". Again, "the case was archived" by the police. Again, "the case was archived" by the police.

## Trial and error

Of course, cases of police violence do reach the courts. But even when judges in principle accept the fact that violence has been perpetrated, in the face of overwhelming evidence in the form of photographs or video footage recording the incidents, they seem reluctant to convict or to pass sentences that might serve as any kind of deterrent.

A most striking example is the case of photojournalist Tatiana Bolari, who was punched squarely in the face by an officer of the riot police, as she was covering a demonstration in October 2011. The police were pushing the photojournalists back with their shields. When Bolari complained that they could not do their job, she was punched. Her head violently swinging back from the force of the blow, with the policeman's hand suspended in mid air, was captured on camera by other photographers.<sup>[5]</sup> Still, the policeman was given an eight-month suspended sentence, which was reduced to three on appeal. He was acquitted of the charge of breach of duty.

In May 2008, Nikos Sakellion, a twenty-four-year-old expatriate Greek from Russia, who was in Athens on holiday, died while four police officers were attempting to arrest him. The officers maintained that he suddenly collapsed and they called an ambulance. During the autopsy, at the morgue, a bag of heroin was found in the dead man's throat.

Dissatisfied with the police's account of the incident, Sakellion's father plastered posters around the area where he died, requesting information from anyone that might have witnessed the incident. An eyewitness came forward, who claimed to have seen everything from his window. He recounted that the officers beat the man violently, after having handcuffed him, mainly on the back of his head. He even filmed part of the incident with his mobile phone.

Despite eyewitness testimony being heard in court, all officers involved were acquitted. The doctor who performed an emergency tracheostomy in the ambulance testified that there was no "bag of heroin" in the victim's throat.

On December 6, 2009, during the march commemorating the first anniversary of the murder of Alexis Grigoropoulos, a policeman from DELTA Team, a motorised police unit that has since been disbanded, was captured on video driving into the crowd.<sup>[6]</sup> Sixty-one-year old Aggeliki Koutsoubou, a mathematics teacher and political activist, was seriously injured. She had to be hospitalised for skull, ribs and collarbone fractures, and has experienced recurring hearing and balance problems from the beating that followed. According to those present, when they tried to help her, they were also attacked and beaten by police. A doctor suffered permanent damage to his arm from the beatings, while he was trying to give her first aid. In March 2012, the state prosecutor dismissed Koutsoubou's lawsuit against the police. The policeman in question was tried for involuntary bodily harm, the court essentially accepting the police's account that this was a "traffic accident". He was given a twelve-month suspended sentence.

In June 2011, the police attacked the huge anti-austerity demonstrations that were taking place in front of the Greek Parliament, launching thousands of tear-gas canisters onto the crowds, and even inside the Syntagma metro station, where demonstrators had been trying to find refuge, as well as on the improvised infirmary, where volunteer doctors were giving first aid to the injured. We, the authors of this article, were present during the attack, as we were tasked with covering the demonstration at the time, so apart from numerous eye-witness accounts that have since been published, we can also personally attest to the brutality with which police beat demonstrators, even chasing them into apartment buildings and the streets of nearby Plaka. We left when it became absolutely impossible to breathe, and to this day we consider ourselves very lucky to have escaped unharmed.

For the incidents of June 2011, there were several different lawsuits filed against the police by members of the public, and also one filed by Alexis Tsipras, who was not Prime Minister at the time, but still the leader of a small party. The lawsuits were considered together, in light of a great volume of evidence, including photographs, video footage, and testimony from those injured in the attack. Eighteen police officers were finally brought to trial last summer. They were all acquitted.

## Leniency escalating abuse

It would not be unreasonable to suppose that a failure to impose penalties that serve as a deterrent, not only exacerbates the climate of apathy towards excessive and unprovoked police violence, but also may allow a specific officer to continue to abuse citizens, having got away with illegal violence before. And facts do prove that such a supposition is justified.



*Police using tear gas on protesters against US-led airstrikes in Syria, April, 2018. Eurokinissi/Press Association.*

In December 2001, during a routine vehicle check, police officers severely beat up at least two persons. According to the account of one of the victims, Panayiotis Galotskin, whose case was eventually vindicated by the European Court of Human Rights,<sup>[7]</sup> the police suddenly turned on an acquaintance of his, a passer-by, who had simply wanted to know what all the fuss was about, and began to punch him and kick him.<sup>[8]</sup> They then burst into

a nearby cafeteria, where Galotskin had meanwhile been visiting the toilet, and beat him up with a pool cue. He was subsequently hospitalised.

Galotskin was charged with attacking the officers and freeing a prisoner (his acquaintance). He was acquitted in court, but despite that fact, the officers involved never faced any consequences for their actions: they were cleared in the internal inquest, and they were acquitted in the lawsuit Galotskin filed against them.

Five years later, on November 17, 2006, after another march in memory of the Polytechnic uprising had finished and everything was quiet, Cypriot college student Avgoustinos Dimitriou was walking in Thessaloniki. Dimitriou was totally unrelated to the earlier march and was just taking a stroll. He was suddenly attacked by police officers in plain clothes who began to savagely beat him with their fists. Not knowing that the men attacking him were police, he called to uniformed officers who were standing a little further away for help. Instead of helping him, they handcuffed him, and the beating continued. The violence was prolonged and extreme, and, as it later turned out, took place under the eyes of the Director of Police in Thessaloniki, who did not stop it. The violence was prolonged and extreme, and, as it later turned out, took place under the eyes of the Director of Police in Thessaloniki, who did not stop it.

Despite the incident being captured on video,<sup>[9]</sup> leaving no doubt about the circumstances of the attack, the police officially insisted that the student had injured himself by tripping and falling into a planter box.

Dimitriou was hospitalised for eleven days and has since stated that he has been facing serious psychological problems as a result of the attack. A civil court later found in favour of Dimitriou and awarded him a 300,000 euro compensation.

Eight officers were brought to trial. One of them had also been a participant in the beating of Galotskin, five years earlier, for which he had been cleared. Despite this indication of systematic abuse, the court was lenient for yet another time. Six officers were acquitted on appeal, and two were given prison sentences of two and a half years. The court suspended the sentences.

## **An antifascist motorcade, “State Security” and bodily harm**

The Greek Police have often been accused of racially motivated ill-treatment. Such accusations have, on occasion, crossed the country's borders.

In May 2012, Indian university professor Shailendra Kumar Rai, who had been invited to lecture at Athens University of Economics and Business, was arrested during a police crackdown on illegal street vendors, who are mostly immigrants.

In July 2012, an American tourist, Christian Ukworji was detained during a police anti-immigrant “sweep operation”, and claimed to have been beaten until he lost



consciousness. After that incident, the State Department published a travel warning that Americans could face discrimination by the Greek Police.

In January 2013, Korean tourist Hyun Young Jung was also detained in a “sweep operation” and maintained he was beaten both during his arrest and at the police station. Commenting for a BBC report and apparently confident that he was not saying anything problematic, a police representative at the time stated that anyone who looks foreign can be stopped.<sup>[10]</sup> A police representative at the time stated that anyone who looks foreign can be stopped.

Unfortunately, such xenophobic or racist motivations are not accidental. On the contrary, they appear to be connected to sympathies for far-right ideologies that run much deeper in the Greek Police.

On September 30, 2012, an antifascist motorcade demonstration was organised to protest the repeated racist violence against immigrants, perpetrated by fascist gangs, members or affiliates of Golden Dawn, the notorious neo-Nazi party that had just gained entry to the Greek Parliament. The leadership as well as numerous members of Golden Dawn are currently on trial, charged with constituting a “criminal organization”. The latest such incident at the time was a violent attack on the premises of the Tanzanian Community in Athens, six days earlier. A press release by the Hellenic Union for Human Rights, and other anti-racism watchdogs, described the attackers as “a group of about eighty Golden Dawn members”.<sup>[11]</sup>

According to the protesters, motorised police were following them and harassing them all along. After an altercation between the protesters and a small group of passers-by that included Golden Dawn members, the police suddenly attacked the motorcade, using flash-bang grenades and tear gas. They arrested fifteen of the demonstrators, and beat them with batons while handcuffed. A protester stated that police officers were stepping on his chest, causing him serious difficulty to breathe. Another said he was hit with a taser in his spine.

The fifteen detainees, according to their allegations, were then transported to the Attica General Police Directorate and were told to stay in a corridor outside the offices of the Directorate informally known as “State Security”. Formally the Directorate for Regime Protection, “State Security” is responsible for various surveillance operations and usually collaborates closely with the Antiterrorist Division.

They were to remain there until they gave a statement to the police, without being allowed access to a lawyer. Officers of the police unit that made the arrests were also to give statements, and they were allowed to stay in the same space. According to accounts, the “State Security” officers, who were at that point responsible for handling the detainees, then withdrew to their offices, and only emerged occasionally to tell everyone to “keep it down”.



The protesters maintain that while at the Police Headquarters they were beaten again. They claim that members of the arresting police unit, as well as a few others from the Police Special Forces that wondered in, then proceeded to put cigarettes out on them, shine flashlights and laser pointers in their eyes, spit on them, slap them, strip search them in plain view, all the while humiliating them and threatening them that they were going to kill their families. They were all denied water, and the only way to drink some was when they were allowed, after much taunting, to use the toilet. They were also denied sleep all through the night. They did not see a lawyer until the following day, almost twenty hours after their arrest.

Pictures of the detainees after their release on bail confirmed the presence of serious injuries, including a mark from a taser. The accusations against the police were widely publicised when *The Guardian* published a report.<sup>[12]</sup> The Minister of Public Order at the time, Nikos Dendias, denied the allegations in a speech in Parliament, and threatened the *Guardian* with a lawsuit, which he never filed. Forensic reports subsequently confirmed the injuries.

After a lawsuit filed by the fifteen, the Internal Affairs Division investigated the allegations, and some of the officers were positively identified. The public prosecutor decided to charge the officers with a misdemeanour charge of bodily harm. Only one officer is charged with torture, again as a misdemeanour and not a felony. The officers of "State Security" that had the detainees in custody were not charged with a crime. The lawyers of the fifteen argue that the "State Security" officers were the designated custodians and should have been charged with failing to protect the detainees.

We again requested information from the police on the findings of the internal disciplinary inquest – this time regarding the torture allegations. They replied: "After the sworn administrative review was concluded, it was tried by the General Police Director of Attica, and was by his decision archived, as no responsibility by police officers was determined, without prejudice to the provisions of paragraph 1 of article 49 of Presidential Decree 120/2008, concerning the repetition of the disciplinary trial in the case that a verdict of conviction is issued in the penal trial". To translate, the police say that they determined no officer was responsible, but they are aware that they are required by law to reopen disciplinary proceedings if the officers are found guilty in court.

"Six years on," Marina Daliani, a lawyer representing some of the protesters, told us "they are still waiting for their lawsuit against their torturers to be tried by a court of first instance, while the police officers involved have already been cleared of any disciplinary responsibility for the incident. Meanwhile, the ECHR continues to censure Greece for its inefficient prevention of torture and the impunity of the perpetrators. Incidents of police violence and corruption are increasing, and nobody feels surprised any more when they are publicized".

Both the trial of the police officers and the trial of the protesters are on-going, with the next court dates upcoming in November.

The group of people that was involved in the altercation with the antifascists that night was never arrested. Two persons from the group subsequently became witnesses against the protesters, claiming they were just ordinary citizens out on a stroll, when the “anarchists” attacked them. Their statements to the police were instrumental in the state prosecution against the fifteen protesters: the charges were upgraded to include attempted grievous bodily harm, a felony. Both “ordinary citizens” are today defendants in the on-going Golden Dawn “criminal organization” trial. Both were also convicted, in another case, for arson against a bar owned by immigrants in the Agios Panteleimonas area.

Some of the fifteen protesters have also claimed that during the time they spent under arrest at Police Headquarters, the officers who tortured them were bragging about being members of Golden Dawn, and photographed them with their mobile phones in order to put their pictures on the Internet – the implication being that their faces would then be known to Golden Dawn gangs.

## A family affair

The issue of the ties between Greek Police and Golden Dawn has been hotly debated ever since the neo-Nazi party’s appeal started rising in 2010 – but has been investigated, albeit by very few people, for a lot longer.<sup>[13]</sup>

After a notorious Golden Dawn attack, in 1998, which left student Dimitris Kousouris – today a professor in Germany – in a coma due to grave head injuries, the main perpetrator, Antonis Androutsopoulos – who was later convicted of attempted murder – remained a fugitive for six years. Michalis Chrysochoidis, Minister of Public Order at the time, formed a special police task force in spring 1998 with the mission of capturing Androutsopoulos, who was then Golden Dawn’s deputy leader and went by the nickname “Periandros”. Nothing came of the special task force’s efforts, and the fugitive finally surrendered on his own.

In April 2004, *Ta Nea* newspaper published classified documents by the special police task force, where it was claimed that the investigation into Androutsopoulos’s whereabouts was “sabotaged from within”. The documents further revealed that some elements from within the police were supplying Golden Dawn with radios and batons during popular demonstrations, in order for them to strike against “leftists and anarchists”.<sup>[14]</sup>

Ties between the police and Golden Dawn were again up for public debate in 2008, when Golden Dawn members attacked an anti-racist demonstration, stabbing protesters, and then were seen to retreat behind the lines of riot police, who protected them.<sup>[15]</sup>

After video footage emerged that showed riot police providing shelter for far-right extremists, during a demonstration in 2011, by herding them into the grounds of the Greek Parliament,<sup>[16]</sup> even the vice-chairman of the Police Employees Union of Attica, Nikos Karadimas, had to admit that “it is true that in the Police Force there are many who sympathize with the far-right”. He went on to say: “In some units they may be up to

20%".<sup>[17]</sup> Enquiring about the sheltering of far-right extremists on parliament grounds sometime later, we requested information from the police on the results of the internal disciplinary inquest. Unsurprisingly, we were told that, "the case was archived, as no evidence was discovered to establish the commission of a disciplinary offence by a police officer".

Particularly during the years of the Greek crisis, as Golden Dawn was becoming a law unto itself in certain areas of Athens, the police's willingness to investigate mounting racist attacks against immigrants was questioned on many occasions.<sup>[18]</sup> In a most characteristic incident, on the day after the Golden Dawn attack on the Tanzanian Community premises that we mentioned earlier, Yianna Kourtovic, a well-known lawyer, responded to an invitation by members of the community and went to the Aghios Pandleimonas police station, where an investigation into the previous night's attack had begun.

According to her account, members of Golden Dawn were also present. "Everyone, both the ones who were identified and the ones doing the identifying, were taken to the station," Kourtovic stated at the time. "But when I arrived, I found the accusers on the bench where the accused normally sit, and the accused outside the station, laughing with the police officers. In the station, while I was not there, as soon as one immigrant had filed a lawsuit, they told him he was to be detained, and pressured him to withdraw the complaint and the identification".<sup>[19]</sup> While all this was going on, members of Golden Dawn were freely roaming the offices of the police station. More of them gathered outside the station and started shouting and threatening. Platoons of riot police then arrived, but stood around chatting with the Golden Dawn members. As Ms Kourtovic tried to leave the police station, she was harassed in the presence of the police. While all this was going on, members of Golden Dawn were freely roaming the offices of the police station.

After the murder of Pavlos Fyssas by Golden Dawn member Dimitris Roupakias, in September 2013, an investigation was launched by the Internal Affairs Division into issues of "corruption", covering the whole of the police force, and including racially motivated and discriminatory abuses of power. The investigation resulted, a month later, in fifteen arrests of officers, ten of which were determined to have had "direct or indirect" connections to Golden Dawn, and concluded that there are "no 'nuclei' or (non-transparent) 'factions' or extra-constitutional poles in the Hellenic Police, which as a whole is a pillar of the democratic order".<sup>[20]</sup>



*Protestors marking 4th anniversary of murder of Pavlos Fyssas by a supporter of Greek ultra-right Golden Dawn party clash with anti-riot police, September, 2017. Marios Lolos/Press Association.*

Lawyers representing the victims of Golden Dawn in the on-going “criminal organisation” trial had criticised the Internal Affairs investigation, calling it a “parody”. They pointed out that just by examining media reports, the officers that had “direct or indirect connections” to Golden Dawn (through, for example, being implicated in criminal investigations, or through the police’s own public announcements) were at least three times as many. In addition, they maintained, the investigation failed to examine the systemic ties between the police and Golden Dawn, as evidenced in the implication of officers in higher positions, such as commanders of police precincts.<sup>[21]</sup>

Thanassis Kampayiannis, one of the lawyers at the trial, who is representing Egyptian fishermen attacked by Golden Dawn, told us :

“the investigation of relations between Golden Dawn and Greek Police has turned into a cover-up. At a time when the immunity enjoyed by the members of this criminal organisation has been manifestly shown at the Golden Dawn trial, there are still no penal or disciplinary responsibilities for those who are to blame.

“ The findings of the Internal Affairs investigation during the ministry of Nikos Dendias was a parody. However, the approach taken by the new government, led by SYRIZA, was also an unpleasant surprise. Not only were ministers unwilling to touch the abscess of the ties between Golden Dawn and the police, but Minister Nikos Toskas reached the point of attacking his predecessor, Nikos Dendias, in a statement saying that there was a “hunt against the police” and a “huge mistake”. The continuity between the state, the fascist deep state and Golden Dawn is still, unfortunately, the rule.”

## Photoshop skills

The question why Greek governments have not been doing more to address the problem of abuse of police powers and to increase police accountability is a pressing one. Ministers responsible for the police have through the years appeared more willing to absolve the

police of any wrongdoing than to seriously investigate claims of brutality – as is evidenced by the following infamous incident:

On February 1, 2013, four people were arrested for a double armed robbery. During their attempt to escape, they took a hostage with them, but they released him unharmed when their getaway van was blocked.

On the next day, the police published their photographs on its website. The photographs were very obviously and crudely altered with some image editing software. After persistent questions by journalists and a veritable storm in social media, the police published the original photos, which showed the faces of those arrested full of blood, bruises and swelling.

Three of the four claimed, through their families and lawyers, that they had been tortured during their detention. Forensic reports confirmed the injuries, and the police conducted an internal investigation, which concluded that they had resulted from the struggle during the arrest. [22]

The four did not file lawsuits, citing ideological reasons – meaning their anarchist convictions. It was largely for those convictions that along with armed robbery and other charges, they were also charged with participating in a terrorist organisation.

When the Minister of Public Order at the time, Nikos Dendias, was asked during a TV interview why the pictures had been altered, he replied: "I asked about it, too, like you, like any reasonable person, why was this done? Why were the photographs published? So that there could be an identification, so that there could be information about hide-outs. Because if there was no photoshop, so that they could resemble the image that the average person has, then the job of publishing the photographs would not have been done." [23]

The Minister's reply could be interpreted as saying that the pictures were altered because the faces of those arrested were so disfigured from the beatings that they were not recognizable for identification purposes. Though he was not as adamant in his denials of wrongdoing by the police as he had been in the case of the antifascist motorcade the previous year, he did repeat the police's contention that the injuries were sustained during the arrest. He also said that the four were heavily armed terrorists, and that if terrorism was not dealt with, then there was no hope for Greece's economic recovery.

In the event, both the Minister's premature verdict and the internal police inquiry were disproved during the trial. The four were not convicted of terrorism, with the public prosecutor himself saying that there was "no evidence" of participation in a terrorist group, and that "a crime with an ideological or political motive does not necessarily mean terrorist action". [24] But he also asked the court to consider the conduct of the accused during their arrest as a mitigating factor, because "the hostage related the dialogue between the accused in the van, according to which they decided not to use their weapons in order not to endanger the life of the hostage, and despite having a tactical advantage, such as heavy

weapons and a hostage, they did not use it. As to the charge of resisting arrest, it would be unreasonable to accept that the accused surrendered their option for armed attack while they had the advantage, but they decided to do so while they were being arrested.”

They were all acquitted of resisting arrest. Nevertheless, no inquiry was launched – neither was the disciplinary inquest reopened – into the causes of the injuries they suffered while in custody.

The responsible Ministry of Public Order and Citizen Protection has through the years demonstrated little interest in questioning the procedures through which the police seem to never find any evidence of wrongdoing among their peers. This remains true to a large extent today, even though SYRIZA had been very vocal about the issue while in opposition, with one notable exception: the creation of a new “mechanism” for investigating complaints, as part of the Ombudsman’s office, which is an independent authority for mitigation in differences between citizens and public administration.

The so-called “National Mechanism for the Investigation of Incidents of Abuse”, which was launched in 2016, allows the Ombudsman to intervene in internal disciplinary proceedings in various institutions, including the police. Effectively, the Ombudsman can halt the disciplinary proceedings until they conduct their own independent investigation into allegations of abuse. They have the power to request documents and hear testimony from involved persons, which they can use to produce an independent report. Upon submission of the Ombudsman’s report, the disciplinary inquest resumes and must take it into account without diverging from it, except by providing a “specifically justified reason”. The Ombudsman also has the power to request a reevaluation of findings in such proceedings, can make recommendations to ministers, and can forward its findings to state prosecutors when they determine that there is evidence of criminal activity. Finally, in cases where the European Court of Human Rights finds Greece in violation of its obligation to conduct effective investigations, the Ombudsman has the power to request that disciplinary inquests be reopened.

## **A portable transceiver**

In the last fifteen years, the European Court of Human Rights has found against Greece in numerous cases concerning violations of article 2 (right to life) and 3 (prohibition of torture and degrading treatment) of the European Convention on Human Rights.

These are, obviously, only the cases where the people affected had both the determination and the resources to see a rather difficult process through, and also where the strict ECHR standards for admissibility could be met. Depending on whether one only includes torture as legally defined or also varying degrees of degrading treatment in the more general sense – including conditions of detention in police stations, refusal of access to medical attention, etc.—the number of these cases ranges between thirteen and over one hundred.

The most recent such case that was decided by the ECHR, in 2018, concerned two young men – one of them a minor at the time – who were arrested for traffic violations in 2002, in separate incidents. Once taken to a police station, they were beaten up. Then, a police officer produced a device for delivering electric shocks and tortured the detainees. During the administrative inquiry that followed, the officer's superiors decided to archive the case with respect to the allegation of using an electric shock device, and found only that he carried and used during the performance of his duties a "portable transceiver" without the prior permission of the Ministry of Transport and Telecommunications. He was fined 100 euros. The officer was subsequently promoted, and left the service in 2010.

After a long series of delays and postponements, the officer was put on trial and convicted in 2011, receiving a sentence of six years imprisonment. On appeal, the sentence was reduced to five years and converted to a pecuniary penalty of five euros per day of sentence. Because the court took into consideration the officer's financial difficulties, it decided that the amount could be paid in thirty-six instalments.

The ECHR found that the process followed by the Greek authorities failed to provide a deterrent for the officer or other agents of the state, so that they may not commit such acts in the future. It awarded 26.000 euros in moral damages to each of the two victims.<sup>[25]</sup>

The thirteen cases against Greece involving violations of articles 2 and 3, collectively known under the leading case title "Makaratzis v. Greece",<sup>[26]</sup> were discussed in a meeting of the Committee of Ministers of the Council of Europe, in September 2018.<sup>[27]</sup> The Committee has placed these cases under "enhanced supervision", particularly with regard to the possibility of reopening disciplinary inquests under the new Ombudsman "mechanism". The Ombudsman has requested the re-evaluation of one case, so far.

It is, however, crucial to note that although this new "mechanism" is an undoubtedly positive development, it is at best a means of applying pressure to relevant authorities, and not a definitive measure – which is perhaps why Gavriil Sakellaridis told us that "Amnesty International is deeply concerned that although some steps have been taken to address impunity, such as the creation of a police complaints mechanism, more needs to be done".

## Impunity

To our question on how the Ombudsman's findings would be binding or could be enforced on the police, the Press Office replied that they are "obliged to comply". This does little to counteract the view that the Ombudsman's powers amount, in the final analysis, to a capability of making recommendations, as it has no power to actually enforce its decisions. It is still down to relevant authorities – whether the police disciplinary mechanism or the state prosecutors and the courts – to heed the Ombudsman's recommendations and mend their ways.



"Greece consciously avoids as far as it can punishing officers of its security forces who are implicated in torture and other forms of ill-treatment," says Panayote Dimitras, head of Greek Helsinki Monitor, an NGO that has represented eight out of the thirteen cases in the ECHR "Makaratzis v. Greece" bundle. "Even when there are convictions by the ECHR," he told us, "a proper execution of the decision does not take place. This would mean, at least, a review of the disciplinary and penal decisions that have led to impunity, even if such actions would not result in new sentences for the perpetrators, due to the statute of limitations. A review, nevertheless, that would quash decisions or parts of decisions that led to impunity, combined with an apology to the victims, would be a very significant step in rectifying injustice".

It seems to us that the Ombudsman's powers are not on their own sufficient for this task—nor for preventing or substantially limiting the continuation of police abuses in the future. The police, in a democracy, is subject to elected political authority, and it is ultimately that authority which is responsible for addressing the issue of police abuses and the apparent "culture of impunity".

With that in mind, we requested an official statement from the current minister, Olga Gerovassili. Her response, which was emailed to us via the ministry Press office, included a pledge that the manner in which the police operated in the Zak Kostopoulos incident will be thoroughly investigated and the affair will be resolved, as well as a lengthy exposition on the culpability of "some" of the media for how the incident was reported, and other thoughts on the "fascisation" of society.

When we replied that this statement did not address our question, which was about police impunity, we were told by the press office that the Minister's schedule would not allow her to draft a new statement. We replied again that we were willing to wait, and indeed allowed ten days for the Minister to find the time to reply. To the last of several reminders that this is an issue of the utmost importance for the Ministry, the press office replied for a final time that the Minister would not have the time for further comment.

## **Justice for Zak?**

"We will ask to speak with the Minister, Ms Gerovassili," one of the lawyers for Zak's family, Anny Paparroussou told us. Her intention is to communicate to the Minister not only her concern over the conduct of the police at the scene of Zak's death, but also their less than satisfactory, in her view, performance in the on-going investigation.

Characteristically, once Zak had been taken away in the ambulance, the arresting officers left the scene, without securing it. It is only after about an hour and a half that an officer, according to his own testimony to the prosecutor, was ordered to go back and secure the scene. In the meantime, the jewellery store owner, who had beaten up Zak, was still not in custody and was seen on video cleaning up.

"The investigation is not going very well," says Paparroussou. "The video material from cameras of adjacent shops, which could help to retrace everything that happened, has not been collected by the police. We are told this matter is now closed. There does not seem to have been any active search for witnesses by the police – it is only some friends of the victim who are looking for them and are trying to convince them to come forward. Around fifteen people have testified, but there were over a hundred present. The prosecutor did ask the police to identify the people that appear in videos with Zak before the incident, and particularly one person who was with him before and is also seen during the beating. The police replied one day later, just one day, that they were unable to identify them".

A great many people, including from the queer community, have expressed outrage online about the way Zak died and are demanding "justice for Zak". Protests have been held in Athens and Brussels. At the massive anti-racist march in Berlin, on October 13, there was a block dedicated to Zak. Amnesty International, the Hellenic Union for Human Rights, and various NGOs have issued statements condemning the conduct of the police and calling for an investigation.

An internal disciplinary inquest is now under way. Several NGOs have petitioned the Ombudsman's new "mechanism" to intervene – and they have pledged to do so. "They have no intelligible place in the philosophy of democracy."

Still, given the Greek police's track record, of which we here have documented merely a few most memorable instances, it would not be unreasonable to suspect that the officers of the law and the rule of law will continue on their separate ways.

"Part of the reason," Mark Greif writes, "police seem at present unreformable is that they have no intelligible place in the philosophy of democracy".<sup>[28]</sup>

In Greece at least, this certainly has a ring of truth.



*Protesters opposing planned changes to Greek strike laws and rampant real estate auctions clash with police outside parliament, Athens, January 12, 2018. Angelos Tzortzinis/Press Association.*

[1] Video footage is available [from SKAI TV here](#), in a news report billed as “attempted robbery”.

[2] Video footage available via [Efimerida ton Syntakton, here](#) .

[3] Statement made during [live interview here on Antenna TV](#). Video available online (in Greek).

[4] See Amnesty International, “Police Violence in Greece. Not just ‘Isolated Incidents’,” report, 2012, available [online \(in English\) here](#); “A Law Unto Themselves. A Culture of Abuse and Impunity in the Greek Police,” report, 2014, [available online \(in English\) here](#).

[5] A photo by Reuters/Yannis Behrakis is [available to view here](#).

[6] A clip from the video footage is [available to view here](#).

[7] See “Case of Galotskin v. Greece” (Application no. 2945/07), 14.04.2010, [available online \(in English\) here](#).

[8] The victim of this abuse was also vindicated by the ECHR. See “Case of Zelilof v. Greece” (Application no. 17060/03), 24.08.2007, [available online \(in English\) here](#) .

[9] A part of the video footage is available [here](#) and [here](#).

[10] See Chloe Chadjimatheou, “The tourists held by Greek police as illegal migrants,” *BBC News*, January 10, 2013, [available online here](#).

[11] See Hellenic Union for Human Rights, “Violent attack by Golden Dawn,” Press release, September 26, 2012, [available online \(in Greek\) here](#).

[12] See Maria Margaronis, “Greek anti-fascist protesters ‘tortured by police’ after Golden Dawn clash,” *The Guardian*, October 9, 2012, [available online here](#).

[13] For an introduction to the issue, see [the article by the investigative team “Ios”](#), which over the years has revealed a lot of what we know about Golden Dawn: “The Blackshirts of the Hellenic Police” [Oi melanohitones tis ELAS], *Eleftherotypia*, February 10, 2008. Available online (in Greek).

[14] See Areti Athanassiou, “Police were covering for ‘Periandros’,” *Ta Nea*, April 17, 2004, [available online \(in Greek\) here](#).

[15] “The Blackshirts of the Hellenic Police”, *ibid*.

[16] Part of the footage is [available to view here](#).

[17] See Stelios Vradelis, "The intimate relations between Hellenic Police and Golden Dawn have surfaced" [Stin epifaneia oi sheseis storgis EL.AS.-Hrysis Avgis], *Ta Nea*, July 1, 2011, [available online \(in Greek\) here](#).

[18] See Amnesty International, Public Statement, October 29, 2012, [available online \(in Greek\) here](#).

[19] See "Golden Dawn Attack on Immigrants and lawyer Ioanna Kourtovic" [Epithesi Hrysavgiton se metanastes kai sti dikigoro Ioanna Kourtovic], *tvxs.gr*, September 27, 2012, <http://bit.ly/1NLWi44>

[20] The findings of the investigation are no longer available on the Hellenic Police website, but they [are available \(in Greek\) here](#).

[21] The statement is [available \(in Greek\) here](#).

[22] Statements by the Commander of the Internal Affairs Service of the Hellenic Police, February 8, 2013, [available online \(in Greek\) here](#).

[23] Ministry of Public Order and Protection of the Citizen, Press Release, Statements by the Minister on MEGA Channel to journalists Dimitris Kampourakis and Yiorgos Oikonomas, February 4, 2013, [available online \(in Greek\) here](#).

[24] See Mariniki Alevizopoulou, "Do you remember the guys from Velvendo?" [Thimaste ta paidia sto Velvento?], *Unfollow*, September 5, 2014.

[25] See "Affaire Sidiropoulos et Papakostas c. Grèce" (Requête no 33349/10), 25.04.2018, [available online \(in French\) here](#).

[26] The relevant ECHR documentation is [available online \(in English\) here](#): the original decision is [available \(in English\) here](#).

[27] The relevant documentation is available [online \(in English\) here](#).

[28] Mark Greif, "Seeing Through Police," *Verso* blog, October 6, 2017, [available online here](#).

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