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**“POLICE FUNCTIONS,
PRACTICES AND HUMAN
RIGHTS PROTECTION: THE CASE
OF GREECE”**

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Asteriou Korina

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Abstract

Police Directorates are multiple and so are their functions. All these years, a series of human rights violations have occurred among these functions. So, the United Nations in order to minimize unlawful Police actions and promote the legitimate and appropriate manners of law enforcement for the sake of the entire society and without any discriminations towards the vulnerable social groups, formulated the rightful code of conduct for policemen which is based on the Universal Declaration of Human Rights, the International Human Rights Law and the International Humanitarian Law. Principal Functions of the Police, such as arrest, detention, investigation, use of force and firearms, law enforcement in times of armed conflicts and terrorist attacks, the correct attitude towards particularly sensitive social groups, such as women, juveniles and refugees, as well as, Police's responsibilities, duties and lawful management of firearms constitute the mandatory knowledge n officer must have.

However, apart from United Nations and the Universal Declaration on Human Rights, which constitutes the international umbrella of human rights, there are further transnational instruments and tools that secure human rights protection, such as the European Charter of Human Rights and the European Convention on Human Rights for the European cases of human rights infringement, combined with the European Court of Human Rights for vast justice bringing to the victims of human rights abuse.

On the Greek domestic level, Police has been for many years associated with far right movements and very conservative beliefs, often leading to its officers committing serious crimes against minorities and vulnerable individuals. During the period of the dictatorship, Police constituted the main instrument of maintenance of that regime via its notorious and abominable torture and exile sending of the opposed to the, so called "Regime of the Colonel". The contribution of the European Instruments played a dominant role, but the final overthrow came with the bloody Polytechnic Uprising in 1973. Some very dominant public figures, who got heavily tortured during that era, are Spyros Moustaklis and Alexander Panagoulis.

As long as it concerns the contemporary Greece, Police values remain up to a certain degree the same. Arbitrariness, abuse of power and torture still take place, whereas justice restoration seldom occurs. The press, illegal migrants, addicts, refugees and marginalized people constitute the most frequent victims, while juveniles are not

excluded from torture. Some very famous cases are the ones of Alexander Grigoropoulos, Nikos Sakellion, Augustine Dimitriou and Zak Kostopoulos. The conditions now of the Greek prisons are cruelty unhealthy and dangerous. The convictions of Greece by the European Court of Human Rights are numerous.

Meanwhile, the refugee crisis hitting Europe incomed the already dysfunctional European reality of the financial crisis, as Euroscepticism, extremism and nationalism got raised. Many E.U. states, after their national elections that brought the far right parties to power, embraced a very strict anti-migratory policy and closed their borders to refugees. A number of human rights violations got recorded all over Europe. In the Greek level, many human rights infringements of the asylum seekers occurred by the authorities and that lead to multiple convictions by the ECtHR. The deepest though wound constitute the unaccompanied children who live under terrible conditions.

Referring to the Greek national level, alterations to the Penal Code have been made in order to penalize unlawful police acts and bring corrupted state officials to justice.

Multilevel change and strong control and reorganization of the Police, combined with justice restoration and the formation of an effective judicial system must take place in order for the society to get significantly ameliorated.

Key words: Police, Refugee Crisis, Unaccompanied Children, Human Rights, Police Functions

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List of Abbreviations & Acronyms

a.k.a. → also known as

EAT → Special Investigations Office by the Greek Military Police

ECHR → European Convention on Human Rights

ECHR or ECtHR → European Court of Human Rights

ECSR → European Committee of Social Rights

ESA → Greek Military Police

CFR → Charter of Fundamental Rights of the European Union

E.U. → European Union

GNCHR → Greek National Commission for Human Rights

UDHR → Universal Declaration of Human Rights

UN → United Nations

UNHCR → United Nations High Commissioner for Refugees

U.S.A. → United States of America

Γ' ΕΤΟ → Special Armed Forces Battalion

Introduction

Police constitutes undoubtedly one of the most vitally valuable state instruments for the functioning and the security of a state. Police officers are in charge of multiple functions for the implementation of law and order in societies, so that these are well-functional. Police contains many Special Forces' departments with each of them conducting a different activity. Police's duties and responsibilities, apart from numerous, are different for each occasion. The dominant police functions are the arrest, the detention, the investigation and the law enforcement during different social occasions, varying from peaceful eras to armed conflicts, intense internal tensions, civil wars and terrorist attacks. In any of these occasions the law enforcement must occur correspondingly and with a very prudent use of firearms.

Nevertheless, Police violating the International and domestic Laws and Conventions on Human rights is a pretty frequent phenomenon. Vulnerable though social groups require differentiated treatment and intensive care some times. However, policemen tend to ignore it. The training over these matters must take place systematically, whereas it should be mandatory too. The occasions when Police committed serious infringements are numerous and happened all over the world. The current refugee crisis plays a crucial role, as it can justify the remaining conservatism and arbitrariness of the Police Force, which many times cannot correspond to its official duties with respect to human rights. Moreover, the way a domestic Police Force functions, and most of all, the degree of which a state corrects the unlawful acts by attributing justice to the victims, condemning the perpetrators and simultaneously attempting to change the general police notions, determine how tolerant, advanced, democratic and ethic a society is.

The base though of a lawful Police staff derives from the deep knowledge of its legal duties, responsibilities and management of difficult cases...

This essay attempts to present an overlook of the contemporary conditions of human rights respect by the Police staff regarding not only the current international orders about the behavior a policeman must have towards several social occasions and social groups, but also the actual incidents that have occurred. Furthermore, a special focus on the Greek case takes place, as Greece today constitutes a major player in the arena of "human rights' respect" because of its role in the refugee crisis. Particularly, a special

interest on examining the Greek case of human rights respect derives from the fact that Greece constitutes a country where major human rights infringements occurred in the past which led to the state having been often convicted by the *European Court of Human Rights*, and also from the existent necessity to see the degree of which Greece, an E.U. member state, respects the rights of the refugees. The second one tests the European values and solidarity, as well as, the degree of which the European orders and the Human Rights articles are applied by a European state. Sensitive issues, such the unaccompanied children and the European attitude towards them constitutes a great social and institutional test of everything previously mentioned. The research on human rights violations and treatment by the state officials of this especially vulnerable social group, the children, either unaccompanied refugees or simply detainees constitute my personal future scientific goal, due to the sensitivity and the urgency of its nature.

The essay starts from an apposition of the police obligatory methods of functioning depended on several different social occasions, such as a terrorist attack or an armed conflict, the performance of an arrest, the use of weapons and the behavior towards some special social groups, as for example the children, the women, the refugees and the detainees, formed by the United Nations in order to clarify the appropriate behaviors, duties and responsibilities policemen are entitled to have. Moving on to the second chapter, a brief mentioning of the three most significant official papers for the protection of human rights on an International and on European level, the *International Convention of Human Rights*, the *Charter of Fundamental Rights of the European Union* and the *European Convention on Human Rights*, takes place and closes the general report over the situation of the human rights respect based on official sheets. Afterwards, the examination now of a particular case, the Greek one, begins. Starting by a chronological report of Greece's long past in human rights disrespect, accompanied by its many convictions by the European Court of Human Rights and by the plentiful international disapprovals, we move forward to the brief analyses of some of the most shocking cases of human rights violations and acts of violence by the Greek police officers. More specifically, the cases of Alexandros Panagoulis, Spyros Moustaklis, Nikos Sakellion, Alexandros Grigoropoulos, Augustin Dimitriou and Zak Kostopoulos. Apart from these tremendous cases, a detailed report about the several convictions of Greece by the *European Court of Human Rights* for human rights infringement committed by the Hellenic Police will follow. Police's now disrespectful

behavior towards vulnerable social groups, such as detainees, prisoners or “marginalized” people and specific professional groups, such as the press is also being analyzed. Many convictions of Greece by the ECHR for the contemporary detainees’ conditions in the Greek prisons will be presented. The analyze also of the current Greek legal situation over the human rights ends the part of the “Greek Case”, with the “European Refugee Crisis” taking the baton of this essay. A brief report over the chronicle of the Refugee Crisis hitting Europe constitutes the starting sub-chapter, followed by the report of the detention centers, the violations of the rights of the refugees that occurred all over the European Union and the legal obligations states have towards the refugees. Afterwards, an extensive report and analyze of the Greek situation takes place, touching issues such as the Greek legal framework, the unaccompanied children and the convictions by the ECHR. All these reports lead to variable conclusions over the European and Greek reality of human rights respect...

1. Police Functions According to the United Nations: International Police Practices Respectful to Human Rights

General Remarks

When it comes to police functions, the special services divisions, often called “directorates”, “agencies” or “units”, as well as the functions that each of those divisions perform, are multiple varying from the widely famous “Internal Affairs Division”, to the “Cyber Crime Division” or the “Anti-Terrorist Unit” or the “Riot Police” etc. So, the activities that the Law enforcement agencies are obliged to perform and the actions that are responsible for are numerous around the world and so are the police practices used. Analyzing though all of them would be pointless, since they are different all over the world and depended on each culture and the laws that each state has adopted or the conventions that it has been consent to. On the other hand, that does not mean that arbitrariness rules societies today. There are international laws and conventions, as well as transnational agreements that prohibit unlawful police actions and tactics. Moreover there are special courts, capable of condemning an entire country, which examine cases of human rights infringement committed by policemen. Police violence does not constitute a phenomenon that remains unpunished or uncontrolled.

Now, police jurisdiction and practices are different in each domain. For instance, the tactics used in the “Anti-terrorism Unit” will be of course way different from the

ones used in the division of “Traffic Police”. Human rights though are universal and cannot be infringed in any way. Policemen ought to constantly act according to the applicable laws and the conventions signed by their state.

Nevertheless, there are some specific social circumstances and groups of people towards whom the police’s attitude and acts tend to encroach all the rules and the norms and policemen act in an authoritarian way. As it can be easily understood, vulnerable social groups, such as the refugees, and in general the migrants, the drug addicts or the children constitute some very usual victims of human rights violation by the police staff. At the same time, there are some specific situations where the police tactics may balance between being respectful to human rights and being cruel. Such circumstances are the process of the arrest of a criminal or a suspect, the investigation of a possible terrorist, the detention, the criminal investigation and the overall practices used in periods of war and armed conflicts, as well as the tactics used for the maintenance of public order and safety during protests etc. The reason behind this possible human rights infringement constitutes the frequently excessive use of force or violence, either physical or psychological, towards these special social groups when it is unneeded. The extent to which this physical force is legal according to the international rules and based on each social group of people and each police procedure will follow. In fact, the United Nations published an extended guide of what is an acceptable police behavior and what is not, as well as, a detailed report over the police’s duties and responsibilities.

1.1 Armed Conflicts¹

To start with a particularly tough social circumstance, the armed conflict or civil disorder, the police ought to always safeguard peace and public order of the state it belongs to, as well as obey to it, using though practices that are in accordance with the international law and the domestic one too and especially with the legislations that are closely associated with the international law. Nevertheless, the police officers are supposed to be non-combatants during an armed conflicted, unless the state officially obliges them to become ones. They can also abstain from their duties in case of occupation for moral reasons. Murder though, as well as torture or degrading treatment,

¹ in the sub-chapter “Armed Conflicts” all the information derives from the following source: High Commissioner for Human Rights, and Centre for Human Rights. “Civil Disorder, States of Emergency and Armed Conflicts.” In Human Rights and Law Enforcement: A Manual On Human Rights Training For The Police, Professional Training Series No.5., 93–98, 103–5. Geneva, New York: United Nations, 1997.

corporal punishment, mutilation, outrages upon personal dignity, hostage-taking, collective punishment, executions without trial are strictly prohibited, according to the United Nations. Policing during periods of armed conflicts varies depending on the degree of the occurring conflict. More specifically, apart from the initial level where no conflicts occur, there is the second level when internal tensions and sparse violent incidents take place, the third level where emergency due to the internal tensions is declared by the government, the fourth level when civil war occurs and the fifth and final level when an international armed conflict takes place. Police functions are corresponding to each degree. That means that for the first level, respect to all human rights without any derogations must take place. For the second level, respect to all human rights without derogations must occur, apart though from some very specific and defined by the law occasions where the police may act more aggressively for the sake of the citizens. For the third level, respect to all human rights is mandatory and at the same time non-discriminative, but with some exceptions being allowed when it is absolutely necessary. That happens only for situations of emergency, but always with respect to the right to life, the prohibition of torture, of slavery and detention for not respecting a conventional obligation. For the fourth and fifth level though, the obligations of the police towards human rights respect is according to the four Geneva Conventions, plus the first and the second added protocols of 1977 and the Hague Law, combined with the International Humanitarian Law and the International Human Rights Law. Concerning the Police functions, it must be clear that according to the United Nations, police officers are considered as civilians. The police employees are not considered as civilians, only when they are officially incorporated to the army.

Now, about the duties the police has during an international armed conflict, but only for the times it functions as a combatant, the police is obligated to obey the International Law as mentioned before. In particular, the police is responsible for protecting the wounded, the sick and the shipwrecked, for using the legitimate methods and means of warfare, for treating correctly and respectfully the prisoners of war and for protecting the civilians and the populations. On the contrary, when the police does not act as a combatant during an international armed conflict, its responsibilities are the domestic law enforcement with special regards to the human rights protection and the maintenance of public order. All in all, the police performs its general policing duties, a majority of whom now concentrates to war related actions, such as protecting the war

prisoners, the civilians and the population. Moreover, fulfillment of policing tasks during an occupation is acceptable. Now, the great difference comes to the rights police officers have in case of their arrest or capture. For instance, if they act as combatants, they have the right to be treated as prisoners of war and not to be subjected to hostilities that are not regulated by the International Law. When they are clearly civilians, they have all the rights the civilians have in case of an armed conflict according to the fourth Geneva Convention, as well as, the special provision for the protection of public officials where “the status of police” is defined. When it comes to civil war, the police is in charge of combatting the opposed armed groups, investigating their members’ criminal activities and performing its general policing responsibilities. In any case though, policemen are of course responsible for complying with both International and domestic laws. Moreover, when it comes to internal civil disorders, the police is obliged to restore the public order and perform its general policing duties, but at the same time, the police is responsible for applying correctly the International Human Rights Law and the domestic laws that incorporate the humanitarian laws, since the International Humanitarian law is applicable only in times of armed conflicts. Furthermore, in times of armed conflicts, civil disorder and internal tensions, The police is obliged to respect and secure the four basic and intransigent human rights, which cannot be infringed in any possible way and these are the right to life (apart from the “deaths from lawful acts of war”), the prohibition of torture, the ill-treatment and the prohibition of slavery and servitude. Besides, the police ought to follow the laws adopted by the government for the securing of the rest of human rights. An important detail constitutes the fact that retroactive function of the law is on and that means, that after peace and tranquility is restored, unlawful acts of the past will be investigated and punished. Nevertheless, United Nations take into consideration the fact that the line between an internal tension and an armed conflict is very thin. Meantime, United Nations take into consideration the fact that police officers are often under great danger and life-threatening situations, without though that meaning that they have the right to infringe any human right.

In practice, during armed conflicts, civilian policemen must follow trainings concerning the human rights, the humanitarian law, the first-aid, the management of disasters and the methods for defense designed for civilians. Besides, cooperation with other public instruments, such as the Fire Department, the Medical Staff, the Army, the Coast Guard and other authorities, as well as, performance of special treatment for the

vulnerable social groups, who can become easily victims, such as the refugees, the elderly, the children etc. are mandatory. When Police though gets incorporated in the combatant body of the state, then the responsibilities are different. In fact, as long as it concerns the enemy, the police is obliged to act as a conscious soldier, following the rules of the law of the war and that means, that policemen must only fight against the combatants of the enemy and only when it is needed and to the degree the mission requires. Fighting excessively and especially when the enemy is surrounded or not active, is strictly prohibited, whereas arrest is the desirable action. Hostage taking, location destruction and dishonorable behavior towards the enemy are not permissible. On the other hand, treatment of the ill and the wounded, report of law violations by others to superiors, respect to the *Red Cross* staff, and respect to the human rights and the dignity of the opponent are mandatory.

1.2 Terrorism²

Terrorism is undoubtedly one of the most particular and high in gravity matters and requires special attention to. To the collective consciousness, it constitutes a very sensitive and controversial issue, with its victims being numerous. According to the United Nations, terrorism is definitely a punishable act and a great threat to the social order, although there is not an official definition for legal purposes. Terrorism though is distinguished in various categorizations depended on its political or criminal character, on its aim or not to create a repression (based on the perpetrators' identity: state officials or simple citizens), and last but not least, on the time period that acts of terror are committed and that means during an armed conflict or not. In general, acts of terror are prohibited during both international and non-international armed conflicts, without even mentioning the periods of internal tensions or peace.

The police's now role concerning terrorism concentrates at the prevention of it by the establishment of the appropriate measures. Moreover, the police is in charge of intervening when a terrorist attack occurs in order to save the citizens by arresting the perpetrators and bringing them to justice. Terrorism is strictly prohibited at all times, even if an armed conflict or a civil disorder occurs and the police is constantly

² In the sub-chapter "Terrorism" all the information derives from the following source: High Commissioner for Human Rights, and Centre for Human Rights, *Human Rights and Law Enforcement: A Manual On Human Rights Training For The Police*, "Civil Disorder, States of Emergency and Armed Conflicts.", 100–102.

responsible for complying with this absolute prohibition. The obligation though to respect human rights and to ensure the humanitarian standards agreed by the United Nations and the states is always present.

1.3 Detention³

Detention constitutes another major in importance procedure where the police staff plays a defining role. At the same time, detention is a very controversial topic since numerous cases of human rights violations have occurred until today that provoked strong negative reactions. The outrage of public opinion took place and a significant number of those cases went to transnational tribunals, such the European Court of Human Rights for the E.U. member states. So, the United Nations formulated a code of conduct for the police concerning the detention conditions that policemen ought to provide to detainees. The notion of “detainee” refers to the arrested individual before him appearing to a court and getting convicted, whereas a “prisoner” is the convicted person. Nevertheless, the term “detention” refers to both situations.

A detained though individual is subject to great vulnerability due to the fact that he is not free and is under the control of the authorities. United Nations, in their manual written for the police stuff called *Human Rights and Law Enforcement: A Manual on Human Rights Training for the Police*, support that “All detainees are entitled to humane treatment and to respect for their inherent human dignity”. This obligation combined with the article 5 of the *Universal Declaration on Human Rights* which prohibits torture, cruel, inhuman or degrading treatment or punishment and with the article 11 which declares that "Every person is presumed innocent until proven guilty according to the law" ensure that detainees must be treated with total respect from the authorities. Women also, as well as juveniles, have particular provisions due to their sensitivity and vulnerability.

Concerning the technical duties Police staff has towards detainees, a police official is obliged to follow specialized trainings in order to broaden their counseling,

³ In the sub-chapter “Detention” all the information derives from the following sources: United Nations. Article 5, *Universal Declaration of Human Rights*, United Nations General Assembly Resolution 217 A § (1948). <https://www.un.org/en/universal-declaration-human-rights/>. United Nations. Article 11, *Universal Declaration of Human Rights*, United Nations General Assembly Resolution 217 A § (1948). <https://www.un.org/en/universal-declaration-human-rights/>. High Commissioner for Human Rights, and Centre for Human Rights, *Human Rights and Law Enforcement: A Manual On Human Rights Training For The Police*, “Detention.”, 75, 80.

riot-control, self-defense, supervisory, resolution of a conflict and first aid skills. Moreover, they ought to look carefully at the record of each detainee so as to prevent dangerous situations, as well as, facilitate the detainees' visits by lawyers, clergy, relatives, doctors, nurses and inspectors. Policemen are also obliged to contact the medical staff in order to be informed about the detainee's condition and requirements. In addition to that, policemen must often visit detainees to check for their safety. The interrogation and interview techniques must be always improved by the attendance of corresponding trainings. Meanwhile, policemen must only carry a firearm with them only if the detainee will get transferred or transported and they must always wear a distinct identity symbol, so as to be easily recognizable members of the police staff. Handcuffs should be used only when necessary. Beneficial also staff, such as books must be promoted. Last but not least, policemen are obliged to report any noticed violations.

1.4 Arrest⁴

Arrest constitutes another procedure mainly performed by the police. Like detention, arrest constitutes again a procedure where a significant amount of incidences of police violence got recorded, with the images and the stories of the victims getting immediately spread around the world and causing the urge of the people. As it can be easily understood, persons belonging to vulnerable social groups, such as migrants, refugees, ethnic minorities, addicts, politically different from the police staff citizens, children and in general people belonging to different kinds of minorities, suffer and get aimed the most. Having all that into consideration, United Nations published the official methods policemen must use in order to implement an arrest aright.

The standard instruction constitutes the attendance of training programs related to the relevant subject, which aim at the amelioration of the communication techniques and the interpersonal skills of the police employees, as well as, at the amelioration of their ability to perform an arrest, not only in a safe for their own-security way, but also respectfully for the dignity and privacy of the arrested individual, so that respect for human rights could be guaranteed up to a certain degree. Now, as long as it concerns the purely technical part, policemen must practice arrest methods, so as to be always

⁴ In the sub-chapter "Arrest" all the information derives from the following source: High Commissioner For Human Rights, and Centre For Human Rights, *Human Rights and Law Enforcement: A Manual On Human Rights Training For The Police, "Arrest."*, 71.

well-prepared. Self-defense, as well as handcuffing and conflict-resolution, must be also practiced frequently. About the moment of the arrest, police staff must always try to carry it out with a calm, reasonable and respectful way, whereas a more commanding tone must be used only in cases where the arrested person is unwilling to comply. Another important detail for a successful and lawful arrest is the reading of the rights to the arrested person, derived from a small paper which should be always carried on by the policeman. Moreover, the constant seeking of warned people and the attentive transcription of the events are basic steps a prudent policeman should follow.

1.5 Use of Force & Weapons⁵

Now, moving on to one of the hardest parts of the police duties, the inevitable use of force towards a civilian, some general rules and notions about it should become clear. According to the United Nations, force must be used only when it is emerging and only with lawful aims and legitimate law enforcement. Policemen, apart from owing to be well-trained, must also try to harm the least. Illegal actions and actions without lawful motives will be punished. The use of force, and more specifically, the use of firearms, constitutes always the least desirable method of a task implementation. They must be used only when it is absolutely necessary and with a very conscious and prudent manner. The occasions where firearms usage is permitted, are when the safety of the public or the safety of the policemen is severely in danger by a perpetrator. Besides, firearms are allowed in moments of escapes, where the perpetrator is once again unwilling to cooperate with the authorities, or when a crime that affects the security of the public is about to be committed and the policeman acts immediately in order to prevent it. In all cases though, firearms can be used only when other lower-profile techniques cannot work for those specific circumstances. Another important add on this topic, constitutes the fact that policemen, when choose to use firearms, must always make known to the perpetrator that they are police employees and warn him before shooting, as well as, abstain for a few seconds to see if the perpetrator complies. After a firearm usage, medical care must be provided, as well as, notification of the relatives of the victim. Moreover, policemen must always act under the orders of their superiors, without that meaning that if they follow the orders knowing that firearms or

⁵ In the sub-chapter "Use of Force & Weapons" all the information derives from the following sources: High Commissioner for Human Rights, and Centre for Human Rights, *Human Rights and Law Enforcement: A Manual On Human Rights Training For The Police*, "Use of Force and Firearms.", 84–86, 88.

use of force are unnecessary, will be cleared from the charges. Incidents of force must always be recorded, investigated and policemen who abuse the law and use unnecessarily force or even firearms against a civilian or a prisoner, will be punished. Besides, their superiors are responsible for their inferiors' actions.

In a more technical approach, police staff must be trained in versatile ways, not only physically, but also mentally. The psychological aspect plays a crucial role in the correct and legitimate use of force by policemen. Policemen must control their anxiety and participate in stress-management counselors. They must be also be well-trained not only on the use of firearms, self-defense techniques, correct vest and helmet wearing, shields handling, but also on the use, of non-lethal weapons too. Attending training over law enforcement without lethal weapons should be embraced and practice on negotiation and tranquil law enforcement should be regularly done.

1.6 Investigation Tactics⁶

Making a brief report over the legitimate and human rights respectful conduct of an investigation, we should start by the high importance of systematization of the process in order to achieve the best results. The attitude towards the suspects is crucial, as international law recognizes the suspect as an innocent person until he gets convicted. The Police staff must behave respectfully. Record keeping and extending investigation skills are essential for the progress of a policeman. Moreover, seeking the warrant or the court order, talking with superiors in case of a doubt and informing the suspect about his/her rights are the basic necessities of the investigation. Lastly, the correct attitude towards a confession is to be seen as an important paper, but not the base of the investigation, as it can be forced or fake. Investigation must always base on facts and indisputable evidence.

1.7 Treatment of Special Social Groups

1.7.1 Women⁷

There are occasions where women, although being equal to men by the law, are perceived as a vulnerable social group. The reasons behind this are numerous, but the

⁶ In the sub-chapter "Investigation Tactics" all the information derives from the following sources: High Commissioner for Human Rights, and Centre for Human Rights, *Human Rights and Law Enforcement: A Manual On Human Rights Training For The Police*, "Police Investigations.", 64.

⁷ In the sub-chapter "Women" all the information derives from the following sources:

majority of times that notion is perceived due to the fact that they are often victims of abuse either by their husbands (domestic violence), or by traffickers. Besides, there are states, mostly in the Middle-east, where women are perceived as minor human beings and in no occasion enjoy the same rights, liberties and opportunities with men.

As long as it concerns women's treatment by the police, a distinction must be made between the several categories of women associated with the police. That means that there are female prisoners and detainees, sexually abused women who seek help from the police, women who are victims of domestic violence, women in times of armed conflicts, women who face discriminatory behaviors and female police assistants. Each category requires specific treatment, as it has its own provisions and special needs. In overall, policemen duties are to attribute the same gravity on crimes of domestic violence as with others and manage those cases correspondingly. Cases of domestic violence and sexual related crimes cannot be treated as some common lawsuits against possible perpetrators. These women need special treatment. They must be informed about the available psychological, material and medical support and reassured about their safety with their accommodation to a secure location. Cooperation with medical staff and social workers about the case and accompaniment of the victim to the new safe place, after the complement of the appropriate procedures are highly insisted. Moreover, policemen owe to indulge into the case by completing the required investigation with interviews not only with the victim, but with her social milieu too, and with comparison of the evidence with previous cases in order to find resemblances and a possible connection. Prevention of future crimes could be reassured at this way. Last but not least, a decent behavior of male police officers is very important. Small talk and jests should be avoided, but instead a conversation with female officers about the incident would be very beneficial for the investigation of the case. Furthermore, in such cases, it is better for the victim to be served by female police officers in order to feel more comfortable, while men should not exactly abstain, but have a more discrete appearance in the procedure. In case now of female detainees, the basic rule is the separate detention and imprisonment from men, so as to be protected.

High Commissioner for Human Rights, and Centre for Human Rights, *Human Rights and Law Enforcement: A Manual On Human Rights Training For The Police*, "Law Enforcement and The Rights of Women.", 125–32.

1.7.2 Children⁸

Children are undoubtedly one of the most sensitive social group desperately needing special treatment and intensive care. Even if there are times when children became criminals, even hard ones, the element of youth and its thoughtlessness, as well as the opportunity for a better future, without eternal stigmatization and repetition of previous mistakes, should always be acknowledged by the police staff. The right to education must never be neglected, as well as other rights too. So, police officers must always get informed and trained over the appropriate methods of dealing with an underage criminal. In case the incidents are not of high importance, policemen should return those children to their homes and inform their relatives. Nevertheless, the majority of juvenile cases concern incidents of domestic violence and child abuse. In such cases, policemen must be very delicate with their manner of interviewing the child, who possibly feels uncomfortable around them. For incidents of neglected or abused juveniles, policemen must conduct a deep research everywhere, even outside the police department. A wise policeman is obliged to be prudent about incidents happening in his neighborhood. If a child is seen outside the school district during schooling time, the officer must report it and inform the child's parents. If a policeman notices another policeman being incapable of handling a child abuse case, an immediate report to his superior must be done. Furthermore, regular contacts with experts, psychologists, social workers etc. must occur frequently. Apart from the ordinary trainings of policemen, campaigns that police employees held in order to restrict child abuse in society are highly recommended. And last but not least, keeping detailed and secure records constitutes obligatory.

1.7.3 Refugees & Migrants⁹

Refugees and non-nationals are possibly the most vulnerable social group due to the fact that they situate in a foreign country whose language is possibly unknown to them and whose authorities want to refole them back to their place of origin. The

⁸ In the sub-chapter "Children" all the information derives from the following sources: High Commissioner for Human Rights, and Centre for Human Rights, *Human Rights and Law Enforcement: A Manual On Human Rights Training For The Police*, "Police and The Protection of Juveniles.", 121.

⁹ In the sub-chapter "Children" all the information derives from the following sources: High Commissioner for Human Rights, and Centre for Human Rights, *Human Rights and Law Enforcement: A Manual On Human Rights Training For The Police*, "Refugees and Non-Nationals.", 134–35, 141.

dangers they go through are countless, as they their human rights can be easily violated by the police, because of their inability to react in the fear of being sent back. Refugee is a person who due to some of his personal beliefs, religion, race, nationality, political beliefs, and social engagements is reluctant to return to his country of origin in the fear of being persecuted there. A non-national is either a foreigner or a migrant or stateless persons. United Nations recognized the status of refugees in the 1951 Refugee Convention in Geneva. Their rights got established and they are mentioned in details in a following section of this thesis. Nevertheless, the most basic rights for both refugees and non-nationals concerning their treatment by the authorities include the “equality of rights”, their “inalienability of rights”, their “universality of rights” and the right to “seek and enjoy asylum from persecution”.

Staying though on the police functions towards refugees and non-nationals, policemen, apart of course from knowing excellently all the human rights of those two vulnerable groups and the domestic migratory legislation, owe to secure those people either by searching and being vigilant for racist and xenophobic behaviors in the neighborhoods or by making them feel secure and free to talk openly about their issues without being afraid of getting arrested for anything. Moreover, policemen are obliged to have extended contacts with the migration employees and social workers in order to collect valuable information. Lastly, policemen must acknowledge a major detail, the fact that illegal migration is not a crime, so refugees and non-nationals are not criminals and they should not be treated as ones.

2. Official Papers Ensuring Human Rights Protection in Europe

Apart from the *Universal Declaration on Human Rights*¹⁰, where a series of human rights that protect the security, the dignity and the freedom of all people eternally got established by the *United Nations*, the *International Human Rights Law*, which is constantly applicable, even in terms of non-conflicts, and the *International Humanitarian Law*, which only applies during armed conflicts in order to protect civilians, there are more transnational and national official papers ensuring the respect to all human rights in a European level too. Moreover, the *International Covenant on*

¹⁰ United Nations. Universal Declaration of Human Rights, United Nations General Assembly Resolution 217 A § (1948).

*Civil and Political Rights*¹¹, as well as, the *International Covenant on Economic, Social and Cultural Rights*¹² constitute some equally respectable adjustments to the international cooperation against the human degradation and the human rights infringement.

So, moving on to the European territory and more specifically, to the European Union, there are a couple of conventions which attempt to ensure the protection of human rights in its member-states. These are the *Charter of Fundamental Rights of the European Union*¹³, created and ratified in 2000, the *European Convention on Human Rights*¹⁴, signed in 1950 and started to getting applied in 1953 and the *European Social Charter*¹⁵. The two main European instruments about the protection of human rights, constitute the *European Court of Human Rights* and the *European Committee of Social Rights* by the Council of Europe. According to Christos Giakoumopoulos, the director-General of the *Directorate-General for Human Rights and the Rule of Law* in the Council of Europe, the *European Committee of Social Rights* technically constitutes the contribution of the Council of Europe to the human rights protection, while it absorbs, or better integrates, the *Universal Declaration of Human Rights*.¹⁶

About children's rights protection, among all the European papers there are some primary ones, which are undeniably the European Treaties. According to the head of the *Department for Equality and Citizenship* in *European Union Agency for Fundamental Rights*, Ioannis Dimitrakopoulos and his speech about "Child Protection in the European Union: European And National Policies", the E.U. treaties oblige the European Union to promote the Rights of The Child and the article number 51 of

¹¹ International Covenant on Civil and Political Rights, *General Assembly resolution 2200A (XXI)* § (1966). Adopted by Hellenic Parliament with the law N. 2462/1997.

¹² International Covenant on Economic, Social and Cultural Rights, *General Assembly resolution 2200A (XXI)* § (1966). Adopted by Hellenic Parliament with the law N. 1532/1985.

¹³ Council of Europe, European Parliament, and European Commission. *Charter of Fundamental Rights of the European Union (2000/C 364/01)*, *Official Journal of the European Communities C 364 EU Delegation to Turkey* § (2000). Amended by the Treaty of Lisbon (December 1, 2009) and adopted by Hellenic Parliament with the law N. 4359/2016.

¹⁴ Council of Europe. *European Convention on Human Rights*, amended by Protocols Nos. 11 and 14 and supplemented by Protocols Nos. 1, 4, 6, 7, 12, 13 and 16, Rome § (1950). Adopted by Hellenic Parliament with the legislative decree 53/1974.

¹⁵ Council of Europe. *The European Social Charter*, ETS No.035 § (1965). Adopted by Hellenic Parliament with the law N. 1426/1984.

¹⁶ Γιακουμόπουλος, Χρήστος. "Προκλήσεις Και Προσεγγίσεις Της Προστασίας Των Δικαιωμάτων Του Παιδιού Στο Συμβούλιο Της Ευρώπης." presented at *the 1ο Φόρουμ Θεσσαλονίκης για τα Ανθρώπινα Δικαιώματα: Δικαιώματα Παιδιών*, November 1, 2019. <http://celc.web.auth.gr/>

European Charter of Fundamental Rights defines where children's rights are applicable. That functions on the states applying the European Law. The European Law has a regulative effect on the E.U. member-states: the national policies must be coordinated with the European ones. So, more legislative measures and policies with social rights and rights of the child are required. Moreover, the European Agenda about the rights of a child is probably more limited.¹⁷ The *Greek National Commission for Human Rights* constitutes an independent institution that attempts to suggest solutions and seeks the enforcement of the E.U. policies about human rights. According to the head of the *Greek National Commission for Human Rights* and international law professor, Mrs. Gavouneli, and more specifically, her speech about "The Greek National Commission for Human Rights about the Rights of the Child", there are three pillars of problems. The first constitutes the general issues and principles. The GNCHR tries to deter the discriminations among children and has also a regulative role, since it demands every measure to be in favor of the child's best interest. Secondly, the GNCHR treats matters of social protection and thirdly, it functions as a tool of International Law, trying to control the state administration.¹⁸

3. The Greek Case: Hellenic Police & Human Rights Protection

3.1 Hellenic Police Violence: General Remarks

When it comes to Hellenic Police and human rights protection, things get a little bit rough. Joining the Police Academy in Greece had been intertwined for a long time with very conservative political views and lifestyle, without that, though, being the absolute occasion. Police violence in Greece may be one of the most frequent phenomena, with the victims usually belonging to sensitive groups or supporters of left movements. There are multiple testimonials about police officers offending or committing crimes against immigrants, refugees, protesters, detainees, journalists etc. Furthermore, it is not uncommon to hear that a police officer joined a far-right organization, like "Golden Dawn". In fact though, very few cases like these are brought to justice, since the Greek judicial system is highly complicated and time-consuming.

¹⁷ Δημητρακόπουλος, Ιωάννης. "Παιδική Προστασία Στην Ευρωπαϊκή Ένωση: Ευρωπαϊκές Και Εθνικές Πολιτικές." presented at the *1ο Φόρουμ Θεσσαλονίκης για τα Ανθρώπινα Δικαιώματα: Δικαιώματα Παιδιών*, November 1, 2019. <http://celc.web.auth.gr/>

¹⁸ Γαβουνέλη, Μαρία. "Η ΕΕΔΑ Για Τα Δικαιώματα Του Παιδιού." presented at the *1ο Φόρουμ Θεσσαλονίκης για τα Ανθρώπινα Δικαιώματα: Δικαιώματα Παιδιών*, November 1, 2019. <http://celc.web.auth.gr/>

According to the *2018 E.U. Justice scoreboard*, it takes over a 1.000 days to solve an administrative case in the Greek judicial system.¹⁹ So, these extremely high levels of delay, combined with the general refusal of the competent authorities to control the situation and conduct an investigation about the occurred atrocities, makes a final verdict almost impossible to happen. So, the perpetrators remain unpunished and the victims barely get any compensation. Moreover, the possibility of the victims taking their case to transnational tribunals, is almost impossible to happen, due to the rule of non-exhaustion of all the local tribunals. During the research of human rights violations by police officers in Greece, a significant number of such cases appeared, which was not unexpected.

In order to indulge into police functions and the degree of which policemen respect human rights of citizens, detainees, refugees or other vulnerable social groups, we must follow a linear parallel study of the many forms the Hellenic police has, of some major contemporary historical acts and of the most tremendous cases of human rights infringement. The evolution of human rights in Greece and their respect by the police are equivalent to the evolution of the Hellenic Police per se, as well as, the political situation in Greece. The incidents of police's authoritarian atrocities and police's practices and functions constituted several times a subject of investigation and conviction by transnational instruments and organizations, such as the European Court of Human Rights, the United Nations and multiple non-governmental organizations which transfer their findings to the judiciary and the executive.

Hellenic Police came into its current form after a long series of alterations which were affiliated with the occurring regime of the Greek state. Human rights and their respect by the police are heavily associated with each form Hellenic Police possessed. It all started in the chronicle era of the reign of Otto ("Otto of Greece"), when in 1833 the "Greek Royal Gendarmerie" got established, followed by the addition of the "Cities Police" in 1920. Greek Royal Gendarmerie's functions and duties used to be the military policing and the assurance of public order and security. In the beginning, the Greek Royal Gendarmerie was considered as a part of the army.²⁰ In overall, they used

¹⁹ "Η Απονομή Δικαιοσύνης Στην Ελλάδα Σε Αριθμούς (Πίνακες)." *Lawspot.gr*, June 21, 2018. <https://www.lawspot.gr/nomika-nea/i-aponomi-dikaiosynis-stin-ellada-se-arithmoys-pinakes>.

²⁰ "Ιστορία Ελληνικής Χωροφυλακής." *Π.Ο.Α.Α.Σ.Α.*, November 3, 2015. <http://www.poaasa.gr/istoria-ellinikis-xorophulakis>

to follow the structure of the French Gendarmerie's. The gendarmes had to be between 25 and 40 years old, know how to write and complete a four year practice in the Greek army. Subsequently, a special training academy got established inside the army facilities, but after a while, it obtained its own ones.²¹ All in all, it constituted an instrument that followed the orders of king Otto. The gendarmerie was in charge of the whole Greece, apart from the areas of Athens, Piraeus, Corfu and Patras, which were under the jurisdiction of the Cities Police. Besides, the Hellenic Royal Gendarmerie could be characterized as military too, as the gendarmes took part in several battalions over the years. Between 1833 and 1893, several small instruments of public order got established, like the "National Guard", the "Auxiliary Gendarmerie", the "Municipal Police", the Administrative Police" and the police for the mountains ("Οροφυλακή" in Greek), which had very restricted duties, such as the guarding of the borders and the maintenance of the kingship in the Greek state until they their existence got revised by the Greek state. That situation resulted to the Greek Royal Gendarmerie having the main responsibilities for issues of public security and order.²² The chronicle of police authoritarian behavior has its roots since that era. Assemblies and protests have been targets by the police since then. In May 1936, a peaceful protest of farmers, workers and other civilians got violently turned down by the Gendarmerie and the Cities Police, because the interests of those groups of people came to contrast with the interests of king Otto and Metaxas, a future dictator. In the bloody incidents of the December 1944, which marked the beginning of a brutal civil war, almost 6.000 civilians were killed by the Hellenic Gendarmerie²³. During the period of the Greek civil war, serious crimes got committed by the gendarmes against the communists or the non-politically attached to right political views. When the Greek dictatorship of I. Papadopoulos commenced in 1969, Hellenic Royal Gendarmerie got transformed into one unit named simply as "Hellenic Gendarmerie". Its functions and policing duties included the safeguarding of the public order and security, the policing of the army members, as well as the protection of the royal family. The gendarmerie accompanied by the Greek Cities Police and its notorious "Security Police Department" and more specifically its "Special Investigation Department", as well as the newly formed "Greek Military Police",

²¹ "Ίδρυση Ελληνικής Βασιλικής Χωροφυλακής." Π.Ο.Α.Α.Σ.Α., June 4, 2019.

<http://www.poaasa.gr/idrusi-ellinikis-basilikis-xorophulakis>.

²² Π.Ο.Α.Α.Σ.Α., "Ιστορία Ελληνικής Χωροφυλακής."

²³ Oberon. "Η Χωροφυλακή Στην Κατοχή Και Τον Εμφύλιο." *Κόκκινος Φάκελος*, April 18, 2011.
<http://kokkinosfakelos.blogspot.com/>

committed the gravest atrocities and human rights abolitions. It showed complete authoritarian behaviors, transgressing all police functions, responsibilities and duties. An extended report over police arbitration, human rights infringements and wrongful, as well as unlawful, police functions will be presented in the following chapter, in order to have a clear look over the fact that police authoritarian behavior full of human rights violations and atrocities constitutes a tradition for the Greek police and has its roots since those eras. After the restoration of democracy and in order for Greece to achieve stability, the law number 1481/1984 made the Cities Police and the Hellenic Gendarmerie to get united in 1984 as one instrument of law enforcement renamed as “Hellenic Police”²⁴. Police during that Period was under the umbrella of the *Ministry of Public Order*. When years went by, the Greek police came into its current form, whereas the *Ministry of Public Order* got transformed into the *Ministry of Citizen Protection* with the presidential decree 184/2009²⁵. The Hellenic Police is a security force and according to the article 8.1 of the law 2800/2000 its functions are formed as it follows: “It ensures peace and order as well as citizens’ unhindered social development, a mission that includes general policing duties and traffic safety” and “it prevents and interdicts crime as well as protects the State and the democratic form of government within the framework of constitutional order, a mission that also includes the implementation of public and state security policy”.²⁶ Moreover, the “Greek Police is involved in dealing with any emergencies resulting from disasters and accidents or other disasters during peace or war, in cooperation with the competent authorities and Services, as well as in ensuring national defense, in cooperation with the armed forces. The exercise of general policing police includes in particular: ensuring social peace and order and providing legal protection to citizens and assistance to the authorities, observance of order in public spaces and in public gatherings and the protection of the individual and collective rights of citizens during these events, control of the operation of public centers, spectacles and shops, observance of order in court meetings and transfer of detainees and the control of the observance of the market and tourist legislation. The traffic police exercise includes: the regulation of pedestrian and vehicle

²⁴ Ελληνική Δημοκρατία. Νόμος 1481/1984 : Οργανισμός Υπουργείου Δημόσιας Τάξης, ΦΕΚ Α-152/8-10-1984 § (1984).

²⁵ Ελληνική Δημοκρατία. Προεδρικό Διάταγμα 184/2009: Σύσταση Υπουργείου Προστασίας του Πολίτη και καθορισμός των αρμοδιοτήτων του., ΦΕΚ 213/Α/7-10-2009 § (2009).

²⁶ Hellenic Police - Ministry of Public Order & Citizen Protection. “Hellenic Police.” Hellenicpolice.gr, n.d. <http://www.hellenicpolice.gr/>

traffic on the streets and in other public places, ensuring the implementation of the traffic code and other provisions related to the movement of pedestrians and vehicles and investigating traffic accidents. The exercise of public security police includes in particular: prosecution of crimes against life, personal liberty, property and property rights, the control and prosecution of drug trafficking, the prosecution of smuggling and antiquities theft, the care for the protection of minors and the application of the provisions on morals, the control of the observance of the provisions concerning the memoranda and the protection of the national currency and foreign exchange, the surveillance of the places frequented by the suspects in the commission of crimes and the control of these persons, the search for missing persons and lost and stolen items, the search and arrest of persecuted persons. The exercise of state security police includes in particular: the protection of the State and the democratic state, the protection of official persons, Greeks and foreigners, who are in the country, the control of the observance of the provisions concerning the entry, stay and work of foreigners in the country and lastly, the control of the observance of the provisions concerning weapons and explosives”.²⁷ According to criminologist and academic, Sofia Vidali, “the role of contemporary public police is to integrate populations into the state power”.²⁸

So, a detailed timeline of police functions and police malfunctions will be given combined with a timeline of tremendous cases of police arbitrariness, as well as, police tactics as long as it concerns certain social groups, such as the refugees, the detainees, the press, the vulnerable social groups. Major convictions by the transnational tribunals and organizations will be presented so that a respectable look over the way the Greek police use to function since the beginning of its establishment and the unlawfulness of such behaviors will be understood...

3.2 Torture and Human Rights Abolition during the Greek Dictatorship

3.2.1. The Chronicle of the Violated Human Rights²⁹

In order to make a sufficient transcription of the most famous cases of violence and human rights’ disrespect by the contemporary Greek Police, it is necessary to start

²⁷ Ελληνική Δημοκρατία. Νόμος 2800/2000: Αναδιάρθρωση Υπηρεσιών Υπουργείου Δημόσιας Τάξης, σύσταση Αρχηγείου Ελληνικής Αστυνομίας και άλλες διατάξεις., ΦΕΚ 41/Α/29-2-2000.

²⁸ Βιδάλη, Σοφία. “Κρατική Βία, Ασφάλεια, Αριστερά.” Left.gr. YouTube. April 28, 2013. <https://left.gr/news/syzitisi-kratiki-asfaleia-aristera>

²⁹ In the sub-chapter “The Violated Human Rights” all the information derives from the following sources:

with a brief reference to the past, so as to obtain a clear view over the subject. Hellenic police has a long history in human rights infringement and participation in fascist movements. It all started during the Greek dictatorship that took place between 1967 and 1974, by servicemen G. Papadopoulos, and was continued by D. Ioannidis. Makarezos and Pattakos were another two high officials involved in the oppression. During that era, a large number of police officers got associated with the illegal regime by hunting, arresting, committing physical and psychological torture, executing or sending all citizens who were against the regime and participated in deliberating organizations to exile. Hundreds of such cases came on spotlight, while there are many famous cultural figures, such as writers, poets, musicians, composers, actors and politicians who suffered a lot during the 7-year-dictatorship and talked openly about it. First of all, the Hellenic Gendarmerie, which used to be in charge of law and order until the military coup, shared its duties with the newly formed “Greek Military Police”. It was associated with the army and had the acronym “ESA” (“ΕΣΑ” in Greek). The “Special Investigation Department” with the Greek acronym “EAT” was responsible for searching and torturing “the enemies of the regime”. The leader of this department was D. Ioannidis, while the torture were mainly performed by Th. Theofiliannakos. The *Special Investigation Department*, which was based at Attica’s Security Directorate, functioned as security police.

During the Greek Military Junta of 1967–1974, human rights were almost nonexistent. Strict citizens’ control took place. Citizens ought to be very careful of their discussions, as everything could easily become a reason for getting arrested and tortured. Within the first month of the coup, more than 10,000 people got arrested by

Κεφαλληνού, Νατάσα. “Μπουμπουλίνας 18: Η «ένδοξη» Αίθουσα Βασανιστηρίων.” *Το Περιοδικό*, November 16, 2015. <http://www.toperiodiko.gr/>.

“Τα Βασανιστήρια Στη Διάρκεια Της Επταετίας.” *Historical Quest*, 2010. <https://www.historical-quest.com/syndromes/112-archive/20os-aionas-ellada/639-ta-basanistiria-sti-diarkeia-tis-epetaeias.html>.

“Τα Κολαστήρια Της Χούντας Στην Αθήνα.” *Alfavita.gr*, April 21, 2017.

https://www.alfavita.gr/koinonia/218669_ta-kolastiria-tis-hoyntas-stin-athina.

“Ποιος Ήταν ο Σκληρός Βασανιστής Της Μακρονήσου, Παναγιώτης Σκαλούμπακας.” *Newsbeast.gr*, February 11, 2018. <https://www.newsbeast.gr/weekend/arthro/3284315/pios-itan-o-skliros-vasanistis-tis-makronisou-panagiotis-skaloumpakas>.

Wikipedia Contributors. “Greek Military Junta of 1967–1974.” In *Wikipedia*. Wikimedia Foundation, November 27, 2019.

Wikipedia Contributors, “EAT-ΕΣΑ.”

Wikipedia Contributors, “Apostolos Santas.”

Wikipedia Contributors, “Makronisos.”

the Greek Military Police, while 3,500 people in total are reported to have been tortured by the Security Police (*ESA*). Austerity would perfectly describe that era. Even basic human rights abolished. Assemblies and protests were strictly prohibited, while there were high levels of censorship. The victims got physically and emotionally tortured with several techniques. According to the reports of Amnesty International and the victims' testimonies or other sources, the torture included deprivation of food, coercion to drink large amounts of water, forced hearing of loud contemporary music, gagging, phalanx, excessive, systematic beating which included head beating, burnings, nail pulling, whippings on naked bodies, physical abuse, electric shocks, extensive solitary confinement under terrible situations, stomach jumping, hanging for many hours, sexual torture that included nudity and cruelty to the genital organs, arbitrary arrest, illegal detention, threats of harming family members or threats killing, raping or maiming, humiliation, placemen of prisoners in specific cells so that the suffers of other detainees could be heard, stripping, fake announcement that the torture would be repeated within some hours, pressure on signing "loyalty" to the regime, sudden and unfair military tribunals, imitation of executions for fear creation, intimidation through the use of other victims' torture, such as the ones of Spyros Moustaklis, who became handicapped and voiceless etc. The main torture though, took place in the establishments of *ESA/EAT* in Attica's Security Directorate, in the street "Bouboulinas". In this building systematic torture took place continuously, whereas the roof was the notorious place of the worst torturing. The victims there were tied in a bench for as long the torture had been taking place. The gravity of the torture can be justified from the amount of people who passed away during the torture or a few days later. Apart from the tortured and detained citizens there, the majority of arrested citizens were sent to exile in isolated islands, with the most common destinations being Makronisos, Gyaros, Leros and Ikaria. In those islands, torturing was extensively performed.

More specifically, in Makronisos, the commander of the prison was Panayiotis Skaloubakas, a serviceman who joined a "Special Armed Forces Battalion" with the Greek acronym "T" ETO". It constituted a battalion which performed very heavy torture. Such an example was the gathering of the detainees in a large theater with the pretense of an upcoming religious speech, but in fact a continuous beating that led to the shooting of six people was what had happened in reality. It was followed though,

the next day, by a one of the scariest moments in Greek contemporary history, a massive shooting without any distinction by *Γ'ΕΤΟ*, which led to the death of over 350 people. Those practices remind nowadays a lot of the Nazi era and the death camps. Ioannidis, the second dictator, was also a high official of “Makronisos” camp. Some famous detainees, was the composer Mikes Theodorakis, the actor Thanassis Veggos, the politicians Manholes Glezos and Leonidas Kyrkos, as well as Apostolos Santas, the man who brought down the German flag with Manholes Glezos from Acropolis during the German Occupation, in 1941.

Moreover, the trails that took place did not bring any justice, as the entire judicial system consisted of judges that followed the line of the “Regime of the Colonels” (a.k.a. the dictatorship). So, detained citizens, after their torture, were convicted to either exile or death penalty. Based on the Universal Declaration of Human Rights, a respective number of articles got violated. The “right to life, liberty and security of person”, the prohibition of “torture or cruel, inhuman or degrading treatment or punishment”, the right to “equity before the law”, the “right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law” combined with the right of someone to “full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him”, the prohibition of “arbitrary arrest, detention or exile”, the “right to freedom of opinion and expression” with that including the “freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”, the right to “freedom of peaceful assembly and association”, as well as, the prohibition of someone being “compelled to belong to an association”, the “right to social security”, the right for someone “to take part in the government of his country, directly or through freely chosen representatives”, the right to elections guaranteed by the article number 21 clarifying that the “will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures”, the prohibition of “arbitrary interference with someone’s privacy, family, home or correspondence” and of “attacks upon his honour and reputation”, the right to “the protection of the law against such interference or attacks”, but most of all, the right for a person to be entitled to freedoms set forth in this

Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status and the prohibition of distinction “on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty”. So theoretically, the articles number 2, 3, 4, 5, 7, 8, 9, 10, 12, 19, 20, 21, 22 got completely violated, as democracy and elections got dissolved, citizens were not allowed neither to protest, nor to belong or express their political opinion in public as they got haunted for belonging to a communist assembly, arbitrarily arrested, illegally imprisoned, condemned to death or to exile, tortured, suffered through torture or behavior that affected their dignity, while their families were threatened, the press was not allowed to spread the news and access to tribunals was impossible because every tribunal member was a regime’s supporter/member.

3.2.2. The Role of Amnesty International ³⁰

The first step towards the condemnation of the phenomenon abroad took place in 1967. The news of the atrocities though got spread internationally, leading to the intervention of the *Amnesty International*, which sent a two member delegation to Greece in order to investigate if the amnesty for political prisoners got implemented and to what extent, as well as, to collect simultaneously information over the whole situation of the non-released political prisoners. James Beckett and Anthony Marreco were the two Amnesty International members of the delegation. They released two reports, with the second one being the catalyst for the conviction of the Greek government by the European Court of Human Rights, as it named the victims. Nevertheless, the first report managed to present precious information about the occurring torture as well, even though the researchers were not allowed to enter the

³⁰ In the sub-chapter “The Role of Amnesty International” some of the information derives from the following sources:

Beckett, James, Anthony Marecco, and Amnesty International. “Situation in Greece Report by Amnesty International.”

<https://www.amnesty.org/download/documents/204000/Eur250011968en.pdf>. Amnesty International, 1968.

Kosmopoulos, George. “Let Us Not Forget Torture.” *Amnesty International Greek Office*, n.d. <https://www.amnesty.gr/wp-content/uploads/2014/11/Let-us-not-forget-torture.pdf>.

Διεθνής Αμνηστία. “Το Ελληνικό Τμήμα- Ιστορία και Σημαντικές Ημερομηνίες.” *Amnesty International*, n.d. <https://www.amnesty.gr/elliniko-tmima-istoria-kai-simantikes-imerominies>.

“Να Μην Ξεχάσουμε Τα Βασανιστήρια.” *TVXS - TV Χωρίς Σύνορα*, November 16, 2014. <https://tvxs.gr/news/ellada/na-min-ksexasoyme-ta-basanistiria>.

Security Police facilities and the tortured detainees who had previously got released, hesitated to speak out in the fear of being recaptured. A significant amount of them though, dared to testify. So, sixteen of the victims testified that they had been tortured, whereas another thirty two people added their names in the list of imprisoned and tortured people. The role of Amnesty International was crucial, as it contributed significantly to the spread of the news all around Europe that concerned the torturing of the political detainees in Greece by the police. Amalia Fleming, an important Greek doctor, was the president of the Greek department of Amnesty International. Inside her house, the mission got in touch with many of the victims. They reported twenty two different types of torture. So, although the second report was the dominant one for the denunciation of Greece by the European Court of Human Rights, the first one formed the right ground for further investigation, but most of all, it forced the Greek government to obey to the demands of the delegation. Those had been the access to the political detainees' trials, the access to the list of all the political detainees with their charges, the full access to the Attica's Security Directorate and the permission to visit the prisons of the exile destinations, Leros and Gyaros, accompanied by the Representative of the International Red Cross. Plus, the delegation obliged members of the Minister of Justice and the Minister of Public Order to have a meeting with them. Subsequently, the two researchers visited the notorious building of the establishments of the Security Police in Athens, in *Bouboulinas* street to see the places, such as the roof, where the victims claimed that they had been tortured severely. They also spoke with some ex-political detainees or with family members of the ones who had still been in prison and also with some of the tormentors, who denied all the allegations. It is remarkable that the dictators did not care if they would be expelled from the Council of Europe. The Amnesty International was present in many trials of the political detainees and then characterized those trials as "parodies". Moreover, the reported torture was beyond imagination and its types multiple and variable. They were both physical and psychological. Another important success of that investigation was the naming of the tormentors (Major Theofiliannakos, Inspector Lambrou, Officers: Kapoglou, Kouvas, Zagouras, Mallios, Babalis, Karapanayintis, Kravaritis, Spanos, Vannicopoulos) and the verification of the locations where the torture used to occur (apart from the islands, there had been the Security Police facilities in "Bouboulinas" street, the military hospital "401" and "Dionysos" camp). Another important fact was the social ostracism of the political prisoners, as the authorities threatened their family

members, made them lose their jobs and punished all the people who attempted to support them financially, so that they would remain helpless. With the second report in 1968 the atrocities that took place in Greece got internationally recognized. Moreover, the Amnesty International stood by the Greek political detainees and their families, either financially or by spreading ending indignation letters, so they would not forgotten. It also pushed a lot for the release of the political detainees and it published their names. Beckett, who was a lawyer, had been in charge of interviewing the victims and investigating all the incidents that had been taking place. So, afterwards he wrote a very important and highly detailed book called “Barbarism in Greece”, where all his findings got totally presented.

3.2.3. The Denunciation of Greece in the European Court of Human Rights by the Scandinavian Countries & the Expel of Greece from the Council of Europe³¹

During that time, Denmark, Sweden, Norway and the Netherlands applied with the European Commission of Human Rights against the Greek government, in order to stop the human rights infringement by the dictators. The case had the title “Denmark, Norway, and Sweden V. Greece”. According to those applications, Sweden, Norway and Denmark alleged that there had been reputed “many serious violations of human rights and fundamental freedoms for whom the Consultative Assembly of the Council of Europe should intervene”³². Moreover, they specifically referred to the Resolution of Democracy that took place in 1967, violating the Convention’s obligations. They also made an open call for the Greek contacting parties to file too to the European Commission of Human Rights. On the opposite side, the Greek permanent representative claimed that the government’s actions had been legal and that they did not violated the Convention, basing their actions on the article number 15, which technically allows a state to act and take measures that may deviate from the Convent in case of an emergency or special conditions. Moreover, according to the Council of

³¹ In the sub-chapter “The Denunciation of Greece in the European Court of Human Rights by the Scandinavian Countries & the Expel of Greece from the Council of Europe” all the information derives from the following sources:

European Commission on Human Rights, Council of Europe. Denmark, Norway, Sweden, Netherlands v. Greece (I), *International Legal Materials* 1065–67 (European Court of Human Rights 1967). https://www.echr.coe.int/Documents/Denmark_Norway_Sweden_Netherlands_v_Greece_I.pdf “Denmark, Norway, and Sweden V. Greece; Proceedings in Council of Europe on Obligations of Greece under European Convention on Human Rights”. *International Legal Materials*, 6(6), 1065-1067. doi:10.1017/S0020782900051767 § (1967).

³² Parliamentary Assembly. Situation in Greece, Resolution 346 § (1967).

<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=15761&lang=en>.

Europe, the Greek government claimed that it had been a “product of revolution” and so had been “all the actions it made in order to maintain itself in power”, pointing out that the same thing had happened in Turkey a few years before. So, they claimed that the European Commission had no jurisdiction to interfere. Nevertheless, the Commission accepted the applications of the Scandinavian states. Afterwards, Greece responded extensively about the accusations, referring to every single one of those. In more details, the Greek representative refused all the allegations of human rights abuse, freedom deprivation and other Convention articles’ violations that have to do with the “security of tenure in civil service”, the “prisoners”, the “jurisdiction of the extraordinary military tribunals”, the “press”, the “amnesty” and the “abolition of censorship of correspondence”, by giving information showing that the Greek state was “well-functioning” and human rights abuse had been not taking place. The applicant governments of course, responded immediately, giving extra reports about the abuses that had been taking place in Greece, which clearly violated Articles number 3 and 7 of the Convention and articles number 1 and 3 of the Protocol. Furthermore, they presented variable facts that proved the violations. Then Greece responded that the Greek Codes (ex. The Civil Code) permitted those actions. In the End, the European Commission judged the application of Sweden, Norway, Denmark and the Netherlands as admissible and a sub-commission got established for further investigation. The Greek Government though decided to leave the Council of Europe, so that the final judgment would not get released and justice would not be attributed.

3.3 Some Well-known Cases

3.3.1 The Case of Alexandros Panagoulis³³

Moving on to some renowned cases of human rights abuse by the Greek Police of that era, we can start by one of the most famous victims, Alexander Panagoulis, a politician and a poet. He was politically active since he was young, as he was a member of the Greek student movement. During the period of the Greek military junta, he was an active member of anti-fascists organizations, like "National Resistance" («Εθνική

³³ In the sub-chapter “The Case of Alexandros Panagoulis” all the information derives from the following sources:

“Αλέκος Παναγούλης.” *Σαν Σήμερα.gr*, 2017. <https://www.sansimera.gr/biographies/1327>.
Βαρδάκη, Έρη. “Ένας Άνδρας, ο Αλέκος Παναγούλης - Η Ιστορία Του Μεγαλύτερου Έλληνα Αγωνιστή.” *Vice*, April 28, 2017. <https://www.vice.com/gr/article/pg5vdm/enas-andras-o-alekos-panagoylhs-h-istoria-toy-megalyteroy-ellhna-agwnisth>.
Wikipedia Contributors, “Σπύρος Μουστακλής.”

Αντίσταση» in Greek) and “People's Sabotage Resistance Organization”, named “LAOS” («ΛΑΟΣ» in Greek). He was arrested and imprisoned several times by the Special Investigations Department, convicted to death and severely tortured. Nevertheless, he attempted many times to escape, but the plurality of those times, he did not succeed. In August 13, 1968, he attempted to murder dictator Papadopoulos in Athens, an action that led to his arrest and torture in *ESA* establishments. During his detainment period, he was subjected to a series of torturing actions, such as heavy beatings by the Security Police that led to him losing his senses and falling into a comma, suffocation attempts, murder attempts via fire, whippings with wires and ropes, cigarette burning to all over his body, sexual torture with a burning needle inside his genital organs, sleep deprivation, violently mandatory feeding after him being under a hunger strike and permanent handcuffing. Besides, he got convicted twice in death penalty, but after huge reactions from internationally prominent personalities, such Jean Paul Sartre, Pablo Picasso, the Pope Paul VI, the Italian prime minister, Giovanni Leone, the French minister of culture, Andre Malraux and possibly the American president, Lyndon Johnson, the death penalty got cancelled. After the fall of Greek Junta, he got released, but died afterwards in a controversial “car accident”. It was claimed though to be a murder plan by dictatorship supporters, as he had collected material and was about to make revelations about the actions of the dictators.

3.3.2 The Case of Spyros Moustaklis³⁴

Another famous case, was that of Spyros Moustaklis, an emblematic figure of the Greek Resistance to the autocratic regime. Moustaklis was an officer of the Greek Army, who got severely tortured during the dictatorship by the Greek Security Police

³⁴For the sub-chapter “The Case of Spyros Moustaklis” all the information derives from the following sources:

Κατσίης, Αλέξανδρος, and Μαρία Λούκα. “Μια Κουβέντα Με Τη Σύζυγο Του Σπύρου Μουστακλή Στο Μέρος Όπου ο Ίδιος Βασανίστηκε Από Τη Χούντα.” *Vice*, November 17, 2017.

<https://www.vice.com/gr/article/mb3naq/mia-koybenta-me-th-syzygo-toy-spyroy-moustaklh-sto-meros-opoy-o-idios-basanisthke-apo-th-xoynta>.

“Ο Αντιστράτηγος Που Τα Άγρια Βασανίστηρια Της Χούντας Τον Άφησαν Παράλυτο.” *Newsbeast.gr*, November 6, 2016. <https://www.newsbeast.gr/weekend/arthro/2439894/o-antistratigos-pou-ta-agria-vasanistiria-tis-chountas-ton-afisan-paralito>.

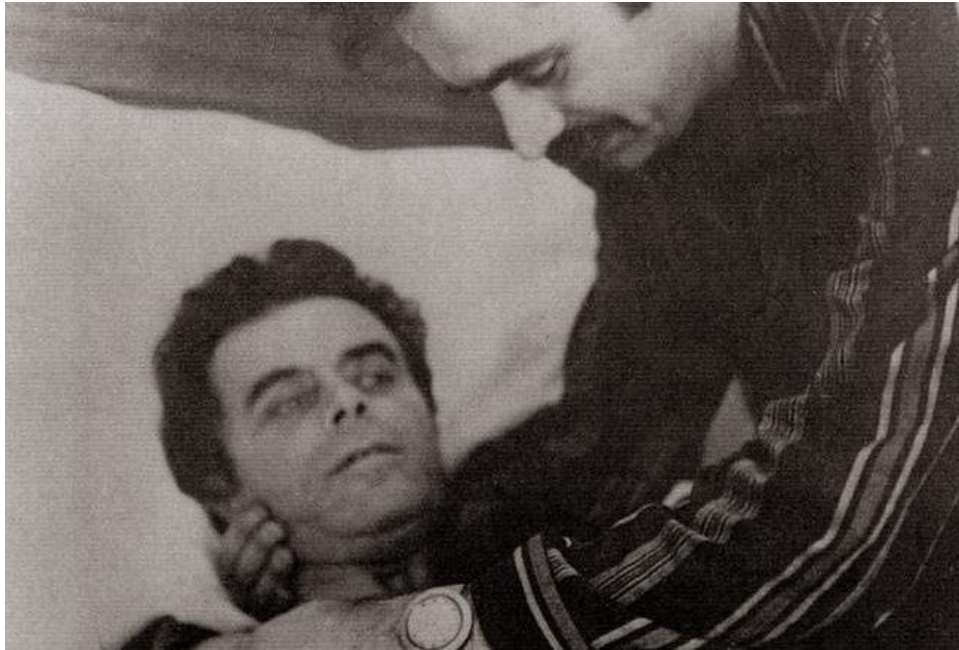
“Ο Ήρωας Σπύρος Μουστακλής.” *Alfavita*, November 17, 2018.

https://www.alfavita.gr/koinonia/273802_o-iroas-spyros-moystaklis.

Πολίτης, Γιάννης. “Σπύρος Μουστακλής: Ο Ήρωας Ταγματάρχης Που Βασανίστηκε Από Τη Χούντα (Vids).” *Έθνος*, April 21, 2019. https://www.ethnos.gr/ellada/34416_spyros-moystaklis-o-iroas-tagmatarhis-poy-basanistike-apo-ti-hoynta-vids.

Wikipedia Contributors, “Spyros Moustaklis.”

and the Military one, leading to him losing his speech and becoming permanently paralyzed. His actions in the Greek resistance organizations, started right after the Coup and his dismissal from the army because of that. He got arrested twice. According to Moustaklis' wife, during his first arrest, he was detained in the establishments of Security Police for twenty days and afterwards, he was sent to a hotel, where only members of the Greek resistance had been detained to. He was in extended solitary confinement for eleven continuous months without having the right to see his wife. Police officer, Bouboulas, often made fun of his wife about the visiting permission. After that, Moustaklis was sent to exile in island "Samothrace". Another crucial fact was that the police officers threatened him that if they arrested him again, he would get paralyzed. And that was exactly what happened. After his second arrest, during his detention, he went through gruesome torture that lasted for forty seven days and led to him getting paralyzed and voiceless. His wife, Christina Moustakli, declared that Moustaklis was tied in a chair with his hands tied to his back, while he was getting beaten up with a baton by policemen. One coup nicked his carotid artery and led to a stroke and the paralysis of his both upper limbs and bottom limbs and to the permanent loss of the ability to speak. In fact he was beaten up that hard, that a lieutenant of the military hospital where he was transferred to declared that "he looked like a liver" because of the blood. Besides, when he got bruised, he was not transferred to that hospital for a whole day. He was also admitted to the hospital with a different name and a false causality of his wounds. Moreover, other officers mentioned that either they did not know what had happened to him or that he deserved to. The torture that Moustaklis and other detainees went through included swearing and verbal humiliation of the victim. Plus, the victims were starving while they were getting beaten up by the police until they fainted and then lifted again up. All in all, his torture included violations of all the most important human rights, such as prohibition of torture, inhuman treatment, exile, arrest because of political views, arbitrary arrest, violation of private and family life, lack of access to a fair trial, inhibition of freedom to express etc.



The famous photo of Panagoulis holding handicapped Moustaklis³⁵

Source: Παναγιώτης Παπαδόπουλος and Βιλγάτωρας, Μουστακλής, Παναγούλης, Μανδηλαράς Άπαντες Παρόντες Και Χιλιάδες Ακόμα... | Γράφει ο Κάιν, April 30, 2018.

3.6 The Polytechnic Uprising and the Police ³⁶

The end of Greek dictatorship was characterized by the Polytechnic uprising, a monumental moment in the Greek contemporary history, when a significant amount of mostly college students got killed by military tanks that crossed over them. Even though in 1979 the restoration of democracy took place, more murders of citizens by the police officers occurred. During the Polytechnic memorial marches, four people, including three young citizens, got killed by the Greek riot police. The victims were Tasos Maglaridis, a 76 year-old-man, who passed away in a hospital room after his heavy

³⁵ Παπαδόπουλος, Παναγιώτης, and Βιλγάτωρας. Μουστακλής, Παναγούλης, Μανδηλαράς Άπαντες Παρόντες Και Χιλιάδες Ακόμα... | Γράφει ο Κάιν. April 30, 2018. <https://ikariologos.gr/moustaklis-panagoylis-mandilaras-apantes-parontes-kai-xiliades-akoma-grafei-o-kain/>.

³⁶ In the sub-chapter “The Polytechnic Uprising and the Police” all the information derives from the following sources:
Alevizopoulou, Mariniki, and Augustine Zenakos. “The Killing of Zak: The Astonishing Violence and Impunity of Greek Police.” *Open Democracy*, October 31, 2018. <https://www.opendemocracy.net/en/can-europe-make-it/killing-of-zak-astonishing-violence-and/>.
Μανιάτης, Κώστας. “Ήμουν Μπροστά Όταν ο Κορκονέας Σκότωσε Τον Γρηγορόπουλο.” *Oneman.gr*, December 6, 2018. https://www.oneman.gr/keimena/diabasma/megala_keimena/hmoyn-mprosta-otan-o-korkoneas-skotwse-ton-grhgoropoulo.
Wikipedia Contributors, “Ταραχές Του Δεκεμβρίου 2008 Στην Ελλάδα.”

beating by policemen during a concentration of resisters in 1980. Also, at the same year, Stamatina Kanelopoulou, a twenty-one-year-old worker and Iakovos Koumis, a twenty-six-year-old law student, got murdered by the beatings of the riot police. Their killers remain unknown. Then, in 1985, Michalis Kaltezas, a fifteen-year-old student, got shot in the back by the police and died afterwards. So, as we can notice, almost 10 years after the fall of Junta, the values and the tactics remain exactly the same...

3.7 Police Violence in Contemporary Greece

General Remarks

Moving on to contemporary Greece, the phenomenon of police violence is again pretty frequent. A possible reason for this could be the general values and ideology the police staff has that pass from generation to generation. As previously mentioned, conservatism and discriminative behavior towards sensible social groups or left ideologists constitutes a tradition in police circles. Although there are numerous reported cases of police violence, very little progress has been made. The overall police values remain the same as time passes. As long as it concerns the law enforcement, policemen involved in crimes barely receive any punishment, and in case they do, the punishments are not harsh. Among all the enrolled cases, there are a few very eminent ones, due to the brutality of the violence that the victims suffered from or due to the unprecedented shock they provoked to the popular opinion. Some of those cases were led to the European Court of Human Rights, with the victims making accusations against the Greek state.

3.7.1 The Case of Alexandros Grigoropoulos³⁷

The most shocking incident of police violence and complete infringement not just of the fundamental human rights, but also of the basic articles of criminal and police law, in contemporary Greece, is undoubtedly the case of Alexandros Grigoropoulos, a young child who got murdered by a special police guard in 2008. In the evening of the 6th of December 2008, Epaminondas Korkoneas, a special police guard, shot twice straight the 15 year old child who died instantly after the crossing of the second bullet

³⁷ In the sub-chapter "The Case of Alexandros Grigoropoulos" all the information derives from the following sources:

Μανιάτης, Κώστας. "Ήμουν Μπροστά Όταν ο Κορκονέας Σκότωσε Τον Γρηγορόπουλο." Νίγη, Άννα. "Από Τον Αλέξανδρο Μέχρι Τον Ζακ: Δέκα Χρόνια Αστυνομικής Βίας." *Vice*. December 6, 2018. <https://www.vice.com/gr/article/yw75qb/apo-ton-ale3andro-mexri-ton-zak-deka-xronia-astynomikhs-bias>.

inside his heart. Afterwards, a high number of demonstrations, occupations and protests took place, combined with excessive vandalism by groups of anarchists and college students. The special guard after shooting in cold blood the child and cursing, left the crime scene right away and left the under-age victim helpless. Then, he returned with his accomplice, another policeman who had previously thrown a flash grenade, to the police station with the police car and declared that they had been severely attacked by anarchists. Korkoneas claimed that he attempted to shoot for auto-defense, but the bullet got ostracized. The case is one of a very high importance because it highlights some significant problems that occur in the Greek society and remain unsolved till today, in case we take into account other following incidents. In particular, the grand issue of police violence remains unpunished not only by the domestic courts, but by a large proportion of society too, as constant efforts for its dissimulation by the other police officers, political figures and the media - which usually follow political lines - occurs. In the case of Grigoropoulos, apart from the two defendants who lied in order to cover-up their crime, the media got also involved by forecasting a distorted video of Grigoropoulos murder in order to formulate the public opinion to be in favor of Korkoneas. Nevertheless, Korkoneas' testimony of him being heavily attacked and not shooting straight, with that meaning that he did not intend to harm Grigoropoulos, got rebutted by the forensic surgeon. Korkoneas was evaluated as calm and having full conscience of what he had been doing. So, all the efforts of the state and the media to excuse him got down. The huge demonstrations that followed prove the indignation of Greek citizens towards a dysfunctional public system. During those demonstrations more police violence occurred towards protestors, children who then got arrested and journalists-reporters who got severely hit. Another fact of high importance that came out of this case is the impunity of serious criminals and the substantive conviction of such acts. According to the Greek penal system and its resilience, Korkoneas got released from prison after only 11 years and his accomplice was found innocent. So, as we can see, serious human rights violations by police authorities, such as "the right to life", and also violations of the Greek Police Law, Administrative Law and Criminal Law remain unpunished and justice seldom gets restored.

3.7.2 The Case of Nikos Sakellion³⁸

The next case concerns the brutal death of a 24-year-old college student, Nikos Sakellion, caused by the continuous beatings by four police special guards in the 11th of October in 2008. The plaguily paranoid outcome of the trial -which took place five years after- was that the four perpetrators were found innocent, although there were eyewitnesses and a recorded video. The case will be soon brought to the European Court of Human Rights. According to the testimony of the eyewitness, Ector Koufopoulos, Sakellion suffered from excessive beatings including swings, cuffs, headlock, while he had been handcuffed with his elbows being on the back of his head and dragged on the ground crying outloud without even trying to resist or escape. Besides, the evolution of the case per se, was full of mistakes and unanswered questions, such as the fact that his corpse had disappeared for 12 hours before it was given to the forensic surgeon for biopsy and when it was eventually given to the surgeon, it was in a terrible condition: in abstraction and full of bruises. The victim's stuff got as well disappeared and got never returned to his family. During the trial, the special guards firstly claimed that they found Sakellion unconscious without knowing how what had happened to him, but afterwards, one of the four guards declared that "such an arrest could never be committed without violence³⁹". They also claimed that Sakellion was choked by a small bag of heroin stuck in his throat, although that bag was not found by the rescuing team, but only by the forensic surgeon. Some other policemen that were watching the scene testified that they had seen the four special guards handcuffing the victim while he was standing up. There were more eyewitness though who were immigrants but they refused to testify because, according to the rumors, they had been threatened not to do so. In the end, the innocence of the defendants got verified by the Supreme Civil and

³⁸ In the sub-chapter "The Case of Nikos Sakellion" all the information derives from the following sources:

Varnava, Sylvia. "Υπόθεση Δολοφονίας Ν.Σακελλίων:Ο Άρειος Πάγος Επικυρώνει Την Αθώωση Των Ειδικών Φρουρών." *omniatv*, January 13, 2016. <https://omniatv.com/5805>.

Λαζαρίδου, Ειρήνη. "Ο Γιος Μου Πέθανε Από Αστυνομική Βία." *Avgi.gr*, February 2, 2014. <http://www.avgi.gr/article/10813/1784254/-o-gios-mou-pethane-apo-astynomike-bia->

Λαζαρίδου, Ειρήνη. "Ο Δεύτερος 'Θάνατος' Του 24χρονου Ομογενούς (Βίντεο)." *Avgi.gr*, July 30, 2013. <http://www.avgi.gr/article/703445/o-deuteros-thanatos-tou-24xronou-omogenous#prettyPhoto>.

The Press Project. "Η Δολοφονία Του Ν. Σακελλίωνα Και Το Διαρκές Έγκλημα Της Συγκάλυψης" *The Press Project*, March 27, 2014. <https://thepressproject.gr/i-dolofonia-tou-n-sakelliona-kai-to-diarkes-egklima-tis-sugkalupsis/>.

"Υπόθεση Νίκος Σακελλίων: Όλοι Αθώοι, Ένοχο... Το Θύμα." *Left.gr*, July 30, 2013. <https://left.gr/news/ypothesi-nikos-sakellion-oloi-athoi-enoho-thyma>.

³⁹ The Press Project, "Η Δολοφονία Του Ν. Σακελλίωνα Και Το Διαρκές Έγκλημα Της Συγκάλυψης".

Criminal Court of Greece and the case now is heading towards the European Court of Human Rights. Sakellion's father expressed his certainty about his son dying because of police violence⁴⁰ and declared that "Society must know that the lives of people are in the hands of policemen, who are trained to kill and not to have any responsibility"⁴¹.



The corps of Nikos Sakellion ⁴²

Source: "Ένας Νεκρός, Καμιά Ευθύνη: Αθώοι Και Οι Τέσσερις Αστυνομικοί Για Τον Θάνατο Του Ν. Σακελλίωνα." Left.gr, March 31, 2014.

3.7.3 The Case of Augustin Dimitriou⁴³

Another case of intense brutality by police instruments and violation of the fundamental articles of the Universal Convention of Human Rights and of the Charter Of Fundamental Rights Of The European Union, was the arbitrary beating by

⁴⁰ Λαζαρίδου, "Ο Δεύτερος 'Θάνατος' Του 24χρονου Ομογενούς (Βίντεο)."

⁴¹ SingleWoman Team. "Ο 24χρονος Νίκος Σακελλίων Που Σκότωσαν Αστυνομικοί Και Αθώωθηκαν" Single Woman (blog), October 2, 2018. <https://www.singlewoman.gr/empeiri/alithines-istories/o-24xronos-nikos-sakelliwn-pou-skotwsan-astynomikoi-kai-athwwthikan/>.

⁴² "Ένας Νεκρός, Καμιά Ευθύνη: Αθώοι Και Οι Τέσσερις Αστυνομικοί Για Τον Θάνατο Του Ν. Σακελλίωνα." *Left.gr*, March 31, 2014. <https://left.gr/news/enas-nekros-kamia-eythyni-athooi-kai-oi-tesseris-astynomikoi-gia-ton-thanato-toy-n-sakellion>.

²¹ In the sub-chapter "The Case of Augustin Dimitriou" all the information derives from the following sources:

"«Υπόθεση Ζαρντινιέρα» - Αθώοι Οι Έξι Αστυνομικοί Που Χτύπησαν Τον Κύπριο Φοιτητή." *iefimerida*, January 18, 2013. <https://www.iefimerida.gr/news/>.

"Υπόθεση Ζαρντινιέρα: Αποζημίωση 450.000 Ευρώ Στον Κύπριο Φοιτητή." *TVXS - TV Χωρίς Σύνορα*, February 6, 2016. <https://tvxs.gr/news/ellada/ypothesi-zarntiniera-apozimiosi-450000-eyro-ston-kyprio-foititi>.

policemen with covered-up faces, without uniforms and under the sight of other policemen of the Cypriot college student, Augustin Dimitriou. The incident occurred at the 17th of November 2006, a national memorial day against fascism, in Thessaloniki, in front of a few professors of the Faculty of Engineering who attempted to stop the policemen, without though great success. Augustine was transferred to the police station instead of a hospital, although he was heavily beaten up. Moreover, in order to cover-up the performed crimes, the police announced that Augustin hit in a window box during his effort to escape. Their claims got supported by the political leadership. As for instance, the Minister of Public Order congratulated the police staff for their performance. That incident repeats the usual route of all the incidents of police violence in Greece: the perpetrators remain unpunished, whereas the political representatives methodically justify the violence. Among the eight defendant officers who were found guilty in the first trial, six of them got acquitted in the second trial. In the end though, the Administrative Court of Appeal of Thessaloniki decided a compensation of 300,000 € to be given to Augustin Dimitriou for his physical and psychological torture.

3.7.4 The Case of Zak Kostopoulos⁴⁴

The latest case that created an ambiance of shock in the Greek society constitutes the killing of LGTB activist Zak Kostopoulos in 2018, caused by numerous beatings by other citizens during his alleged armed robbery and also by the excessive use of force by the policemen, who put pressure on him and handcuffed him, while he was already unconscious, leading to him dying a few moments later. It is said that Kostopoulos entered a jewelry shop with a knife on his hands in order to rob it, while he had been intoxicated. He got trapped inside it, and afterwards, the owner and another citizen beaten him almost till death when he tried to get out of the store. Zak collapsed after a few meters and then, police arrived and beaten him with a baton, passed over him by foot and handcuffed him on the back, while he was already unconscious and

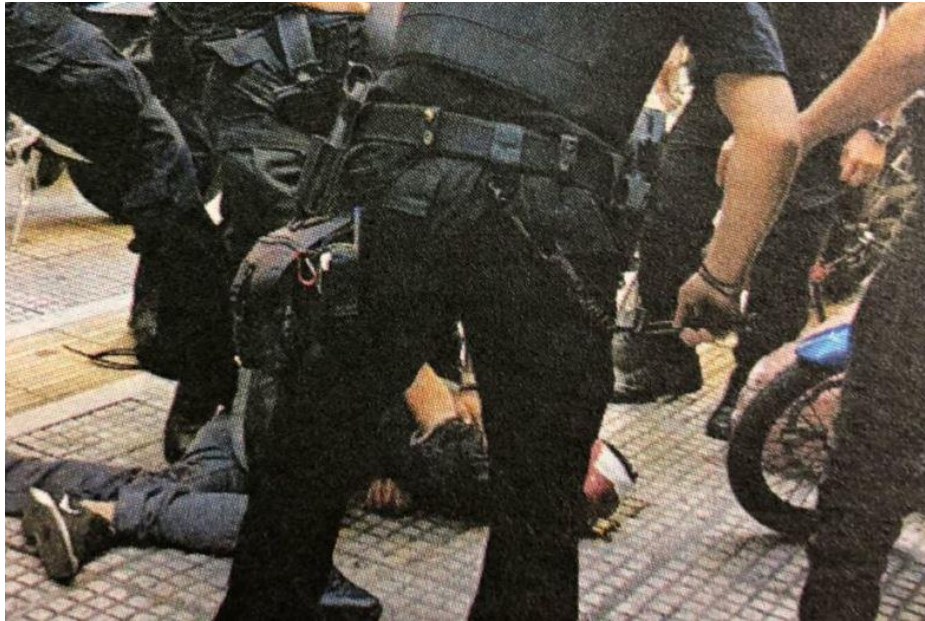
⁴⁴ In the sub-chapter “The Case of Zak Kostopoulos” all the information derives from the following sources:

Alevizopoulou, Mariniki, and Augustine Zenakos, “The Killing of Zak: The Astonishing Violence and Impunity of Greek Police.”.

Μεγάλου, Βέτα, and Μάνος Φραγκιουδάκης. “Πόρισμα: Ο Ζακ Κωστόπουλος Πέθανε Από Ισχυαμικό Επεισόδιο Που Προκλήθηκε Από Πολλαπλά Τραύματα.” *News247.gr*. News 24/7, November 20, 2018. <https://www.news247.gr/koinonia/o-zak-kostopoylos-pethane-apo-ischaimiko-episodesio>.

In.gr Team. “Ζακ Κωστόπουλος: Ενας Χρόνος Από Τον Θάνατο Του, η Δικαίωση Ακόμα Να Έρθει.” *in.gr*, September 21, 2019. <https://www.in.gr/2019/09/21/greece/enas-xronos-apo-ton-thanato-tou-zak-kostopoulou-lintsarisma-kai-dikaiosi-pou-den-exei-erthei/>.

possibly at his final moments. There are a few recorded videos of the incident. The first one shows Kostopoulos being trapped inside the jewelry shop trying to get out and the second one shows him lying on the ground and getting some first aids when suddenly someone kicks him again. Moreover, there is another video that shows him getting in a fast food restaurant a few moments before and getting expelled. Furthermore, his fingerprints were not identified on the knife, with whom he committed the alleged robbery and the results of the toxic examinations were clear. So, many mistakes occurred during the arrest of Zak Kostopoulos, whereas the conditions of his death are still in a large degree impenetrable. The police actions received huge criticism, because of the unreasonable use of force on unconscious and heavily wounded Kostopoulos, instead of providing him the first aids. The forensic examination showed that the death of Kostopoulos was caused by an ischemic episode created the multiple beatings. At this point, the responsibility of the policemen is proved. That incident brought for another time on the spotlight the issue of police violence combined with the general police values that remain the same through the years. The president of the police's trade union of Athens, Demosthenes Pakos, made some very controversial declarations about the police authoritarian tactics. The fact also that Kostopoulos was an LGBT activist and HIV positive was heavily used from some media, and in general from those who did not desired the attribution of justice, against him in order to create a misleading image of him being a "marginalized".



Zak Kostopoulos handcuffed by policemen, while being unconscious ⁴⁵

Source: Newsroom. “«Περίβριση Νεκρού» Οι Χειροπέδες Στον Ζακ Κωστόπουλο - Σκληρή Ανακοίνωση Από Τους Νοσοκομειακούς Γιατρούς.”. LiFO, October 1, 2018.

3.8 Police Violence against the Press⁴⁶

Moving to one of the most frequent phenomena in Greek society, police attacks towards the press, the recorded cases are numerous. Reporters and journalists often become a target by the Greek riot police, mostly in times of protests when they attempt to record the incidents. The frequency and the intensity of the phenomenon has many times brought the attention of the world press, which characterized those actions as infringement of the right to expression and of the freedom of speech and the press. The gravity of the attacks varies from very serious ones, which led to a grave injury or even

⁴⁵ Newsroom. “«Περίβριση Νεκρού» Οι Χειροπέδες Στον Ζακ Κωστόπουλο - Σκληρή Ανακοίνωση Από Τους Νοσοκομειακούς Γιατρούς.”. *LiFO*, October 1, 2018. <https://www.lifo.gr/now/greece/209835/periivrisi-nekroy-oi-xeiropedes-ston-zak-kostopoylo-skliiri-anakoinosi-apo-toys-nosokomeiakoy-giatroy>.

⁴⁶ In the sub-chapter “Police Violence Against The Press” all the information derives from the following sources:
International Press Institute (IPI). “Report Reveals Unpunished Police Violence against Greek Photojournalists.” *IFEX*, January 13, 2016. <https://ifex.org/report-reveals-unpunished-police-violence-against-greek-photojournalists/>.

Συναδινού, Ελίζα. “5 Τρανταχτά Περιστατικά Αστυνομικής Βίας Στην Ελλάδα.” *Athens Voice*. Athens Voice, December 6, 2016. https://www.athensvoice.gr/politics/332806_5-trantahta-peristatika-astynomikis-vias-stin-ellada.

Νίνη, Άννα. “Από Τον Αλέξανδρο Μέχρι Τον Ζακ: Δέκα Χρόνια Αστυνομικής Βίας.”

a permanent disability of the reporters, to lighter ones (verbal attacks). According to Dr. Polymenopoulou, when violence by police staff occurs and is reported to the police station, the reason behind the non-punishment of the perpetrators and the archiving of the case does not come from the public persecutor, but from the police staff itself which is not willing to cooperate and investigate the case⁴⁷. The reported incidents are a lot, but according to *Hellenic Photojournalists' Union* only in one out of sixteen cases, the perpetrator gets punished and that is usually based on the publicity received, without much attention being paid on the gravity of the incident. Moreover, the accusations and the penalties are non-significant. Now, one of the most highlighted attacks by the Greek riot police on journalists is the beating of photojournalist, Tatiana Bolari on her nape, while she was trying to cover a demonstration in Athens. It was the first time a policeman was convicted for his crimes against the press, even though the penalties were very light and suspendable. Journalist Manolis Kipreos lost his hearing completely after a chemical grenade was thrown to him by a policeman, while he was covering a demonstration in Athens in 2011 and more specifically, at the moment he had been showing his journalist ID to another policeman. Those policemen got never identified. Furthermore, Marios Lolos, the president of the *Hellenic Photojournalists' Association* got beaten on the back of his head with the baton of a riot policeman. The era of course of the very deep Greek financial crisis and the adoption of the new financial measures by the government, was a period of continuous demonstrations which led to uncontrolled levels of violence by policemen against journalists. A long trial of fourteen sessions about such an attack began and even though the indictment included several photos of the injured photojournalists, photos of policemen committing crimes, such as the beatings of protestors, chemical grenade throwing, certificates of hospitalization, forensic reports, DVDs from the scenes of the incidents, reports of the "Attiki General Police Directorate" and press articles, all perpetrators were found innocent.

⁴⁷ Dr. Polymenopoulou, Eleni. "Police Violence and Press Freedom in Greece." *International Press Institute*. European Centre for Press and Media Freedom International Press Institute (IPI) South East Europe Media Organisation (January 2016). <https://www.rcmediafreedom.eu/Publications/Reports/Police-Violence-and-Press-Freedom-in-Greece>.



*Photo of journalist, Manolis Kipreos, who became deaf after a policeman threw a chemical grenade on him.*⁴⁸

Source: News 24/7. “Διεθνής Αμνηστία: Οι Αμέτρητες Υποθέσεις Αστυνομικής Βίας Και Αυθαιρεσίας Που Μπαίνουν Πάντα Στο Συρτάρι.” News247.gr, June 16, 2015.

3.9 Police Violence & Marginalized People⁴⁹

The police torturing marginalized people and abusing basic human rights of them constitutes a common incident in the Greek reality. Vulnerable social groups, such as drug addicts, homeless people, migrants, sex workers or even children too, frequently become victims of arbitrary arrest, physical torture and verbal attacks by police officers.

⁴⁸ “Διεθνής Αμνηστία: Οι Αμέτρητες Υποθέσεις Αστυνομικής Βίας Και Αυθαιρεσίας Που Μπαίνουν Πάντα Στο Συρτάρι.” News247.gr, June 16, 2015. <https://www.news247.gr/koinonia/eglima/diethnis-amnistia-oi-ametrites-ypotheseis-astynomikis-vias-kai-aythairesias-poy-mpainoun-panta-sto-syrtari.6355482.html>.

⁴⁹ In the sub-chapter “Police Violence & Marginalized People” all the information derives from the following sources:

Alevizopoulou, Mariniki, and Augustine Zenakos. “Greece: Police Officers to Stand Trial for Brutality and Torture against Antifascist Protesters.” *Civic Space Watch*, February 28, 2018.

<https://civicspacewatch.eu/greece-police-officers-to-stand-trial-for-brutality-and-torture-against-antifascist-protesters/>.

“Μανωλάδα: Στα ‘Μαλακά’ Οι Κατηγορούμενοι Για Τις ‘Ματωμένες Φράουλες.’” *Newsit.gr*, March 13, 2019. <https://www.google.com/amp/s/www.newsit.gr/topikes-eidhseis/manolada-sta-malaka-oi-katigoroumenoi-gia-tis-matomenes-fraoules/2737411/amp/>. Source: thebest.gr.

Giulini, Silvia. “Μανωλάδα: Η Ιστορία Πίσω Από Τις Φράουλες 2ευρώ/Κιλό.” *Generation 2.0 For Rights Equity & Diversity*, April 3, 2017. <https://g2red.org/el/manolada-story-behind-2-euroskg-strawberries/>.

Συναδινού, Ελίζα. “5 Τρανταχτά Περιστατικά Αστυνομικής Βίας Στην Ελλάδα.”

A high-profile incident in Greece was the massive shooting of 42 Pakistani migrant workers by their two foremen in Manolada strawberry fields in 2013 which led to the injuring of the 31 of them. Although the police started to run the case after the high publicity it gained, it did not put the witnesses into a witness protection program. So, those migrants and anyone else willing to testify, faced tremendous threats. Besides, the police never investigated the rumored horrible conditions of migrant workers in the area. The charges of the defendants, apart from the “attempted suicide”, were “slave trade” too. During the trial, the first charge was transformed into “dangerous bodily harm” and the charges for slave trade did not occurred anymore. After the hilarious decision of the Greek court to condemn the defendants with a fine, the case was brought to the European Court of Human Rights which condemned Greece for its failure to prevent the slave trade. The Greek state got forced to compensate the workers with the amount of 12,000€ to 16,000 € to each of the 42 workers. In general in Greece, migrants, either legal or illegal, are mistreated by the authorities, which most of the times attack them physically or verbally. Another famous incident that has to do with migrants occurred in 2007, when policemen in the police station of “Omonoia” in Athens forced some arrested migrants to hit each other with a withe. The ECHR decided a 70,000€ compensation to each migrant. Torture of underage migrants will be analyzed in the section for refugees. Protestors now or citizens wearing clothes that remind of anarchist dressing may be subject to arbitrary arrest or continuous identity checking.

3.10 Contemporary Greek Prisons and Human Rights Disrespect ⁵⁰

The detainees now constitute a very special social group. The conditions of their accommodation in detention centers is mostly horrific, as the compliance of basic

⁵⁰ In the sub-chapter “Contemporary Greek Prisons and Human Rights Disrespect” all the information derives from the following sources:

Council of Europe, European Parliament, and European Commission. Charter of Fundamental Rights of the European Union (2000/C 364/01), *Official Journal of the European Communities C 364 EU Delegation to Turkey* § (2000). Amended by the Treaty of Lisbon (December 1, 2009) and adopted by Hellenic Parliament with the law N. 4359/2016.

United Nations, Universal Declaration of Human Rights, United Nations General Assembly Resolution 217 A § (1948).

Νόμος 2776/1999, Σωφρονιστικός Κώδικας, Άρθρο 27 Ιατροφαρμακευτική Περίθαλψη, Τεύχος Α', ΦΕΚ 291/Α/24-12-1999 § (1999). <http://www.opengov.gr/ministryofjustice/?p=8600>.

Συνήγορος του Πολίτη: Ανεξάρτητη Αρχή. “Οι Ασθενείς Κρατούμενοι Στον Κορυδαλλό Χρειάζονται Κανονικό Νοσοκομείο, Όχι «ειδική» Φυλακή.” *Δικαιώματα του ανθρώπου*. Συνήγορος του Πολίτη - Ανεξάρτητη Αρχή, 2012. <https://www.synigoros.gr/?i=human-rights.el.fulakes.161589>.

Συνήγορος του Πολίτη, Ειρήνη Κυριακάκη, and Ευτύχης Φυτράκης. “Έκθεση Αυτοψίας Στο Νοσοκομείο Κρατούμενων Κορυδαλλού.” *Synigoros.Gr*. Συνήγορος του Πολίτη - Ανεξάρτητη Αρχή, October 26, 2012.

human rights is questioned. There are numerous convictions of Greece by the European Court of Human Rights. In particular the convictions are over 300, with the total amount of compensations that the Greek state owes to the plaintiffs being up to 2.7 million €. The reason behind those condemning decisions was the violation of article 3 of the European Convention of Human Rights which strictly prohibits torture (“No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”⁵¹) and also the violation of article 13, that secures the right to an effective remedy (“Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity”⁵²). The accusations were based on the material conditions of detention, such as the overpopulation in the cells combined with other aspects of the detention conditions, such the received medical care and last but not least, the real existence of the right to effective remedy. The majority of Greek prisons do not have sufficient space for their inmates, whereas the daily life of prisoners is controlled by “prison gangs”. So, the inmates with a very strong and aggressive personality commit dangerous bullying to others. In the past, the U.K. refused to issue some of his wanted criminals in Greece in fear of the horrible conditions in the Greek prisons. During the period 1/1/2019-15/9/2019, 525 clashes of prisoners, 88 attacks against the prison’s staff, 7 homicides, 28 suicides, 42 prisoner stands, 2,528 mobile confiscations, 561 drug confiscations and 1,546 confiscations of improvised weapons occurred in the Greek prisons. Killings often take place between inmates for face-off and revenge, putting the police staff in danger. Gangs and violence rule the prison. Police officers, from their side, try to separate the detainees by their transfer to other

Τσουνάκου - Ρουσιά, Ελένη. “Οι Ελληνικές Φυλακές Ως Πεδίο Παραβίασης Του ά. 3 Της ΕΣΔΑ – The Art of Crime.” *The Art of Crime*, May 27, 2017. <https://theartofcrime.gr/>.

ΤοΒΗΜΑ Team. “Φυλακές : Κυριαρχούν η Βία ο Υπερπληθυσμός Και η Υποστελέχωση - Ειδήσεις - Νέα - Το Βήμα Online.” *tovima.gr*. Το Βήμα, October 1, 2019. <https://www.tovima.gr/2019/10/01/society/fylakes-kyriarxei-i-via-parallila-me-yperplithysmo-kai-ypostelexosi/>.

Ονισένκο, Κώστας. “Η Βία Κυριαρχεί Στις Φυλακές.” *Kathimerini.gr*. Καθημερινές Εκδόσεις Α.Ε. Εθν.Μακαρίου & Φαληρέως 2, July 18, 2014.

<https://www.kathimerini.gr/776660/article/epikairothta/ellada/h-via-kyriarxei-stis-fylakes>.

Ελληνική ένωση Για Τα Δικαιώματα του Ανθρώπου. “Φυλακές: Δολοφονική Βία Και Εγκληματικές Παραλείψεις | Ελληνική Ένωση Για Τα Δικαιώματα Του Ανθρώπου.” *ΗΙhr.gr*. Ελληνική ένωση Για Τα Δικαιώματα του Ανθρώπου, 2019. <https://www.hlhr.gr/>.

⁵¹ United Nations. Article 3, Universal Declaration of Human Rights, *United Nations General Assembly Resolution 217 A § (1948)*. <https://www.un.org/en/universal-declaration-human-rights/>.

⁵² United Nations. Article 13, Universal Declaration of Human Rights, *United Nations General Assembly Resolution 217 A § (1948)*. <https://www.un.org/en/universal-declaration-human-rights/>.

prisons. Nevertheless, further violence takes place by the police officers too, who performed it in a twofold way, either directly when prison guards torture the prisoners, or indirectly, when they blindfold to prisoners being killed or tortured by other inmates. The *Hellenic Association for Human Rights* points out that the state nowadays is insufficiently capable of protecting this vulnerable social group from the arbitrariness of the policemen working in detention centers and from the inner violence in the cells. The association also mentions that even if a prisoner committed the most heinous crime, the violence and the inaction of state institutions cannot be justified. The killing of long-term convict, Ilia Karelli, via beating by the jailers as retaliation to him previously killing a jailer in order to escape from prison, constitutes a striking example of that issue. Korydallos prison, for instance, has been characterized by its mates as a living hell... It is overcrowded and has terrible shortages not only in basic amenities, but in staff too. The hygiene level is dangerously low. Another violation of a basic human right, the right to medical treatment according to the article 35 of the *Charter Of Fundamental Rights Of The European Union* (“*Everyone has the right of access to preventive health care and the right to benefit from medical treatment under the conditions established by national laws and practices. A high level of human health protection shall be ensured in the definition and implementation of all the Union’s policies and activities.*”⁵³) and the article 25 (a) of the *Universal Declaration of Human Rights* (“*Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.*”⁵⁴) takes place. The right to healthcare is even proprietary by the Greek Penal Code and according to its article 27, the state must provide to the prisoners in need medical, dental and pharmaceutical care. According to the ombudsman’s survey in 2012 inside the detainees’ hospital of Korydallos prison, which also functions as a psychiatric clinic for Korydallos’ detainees, the conditions of patients is beyond words. A series of a serious infringement of rights by the state occurs. In the same building, mentally sick, handicapped, detainees with serious heart diseases, with cancer on its

⁵³ European Union. Article 35 - Health care, TITLE IV Solidarity, Official Journal of the European Union C 303/17-14.12.2007 § (2007). <https://fra.europa.eu/en/eu-charter/article/35-health-care>.

⁵⁴ United Nations. Article 25 a, Universal Declaration of Human Rights, United Nations General Assembly Resolution 217 A § (1948). <https://www.un.org/en/universal-declaration-human-rights/>.

last stage, HIV positive detainees, detainees that suffer from AIDS, detainees with tuberculosis, with a large number of them having active tuberculosis, and children live altogether. The rooms may be large, but the number of detainees is way larger from what it should be. The transmission of the diseases is really easy. The HIV positive detainees live on the same floor with the ones having tuberculosis. The hospital staff try to isolate them for not transmitting the disease, but it is worthless, as the common spaces are used by both of them. The conditions of cleanliness is horrific. The mattresses are dirty, with stains by urines and vomit. The only way to get those filthy mattresses a little bit refreshed is to get them in contact with fresh air, but when the hospital staff brings them to the yard, they get dirtier by the animal impurities of the ground. There are not enough materials. But the most important thing is that medications often finish and there is not enough budget to get some new. So, HIV positive detainees stop their treatment and all their effort to stay safe gets destroyed. Moreover, there is not enough medical staff and the existent doctors do not visit the patients. HIV positive patients do not need to be accommodated there. The lack of appropriate establishments, cleanliness and treatment leads to some diseases getting transformed into new versions, such as the tuberculosis, with that causing resistance to medication. In the establishment also, there are not the necessary areas for recreation. There is no gym, no library, not appropriately landscaped yard etc... The food, according to the detainees, is never enough and no good. Furthermore, another two basic human rights, as the right to education for the children is infringed because the children-detainees stay in the hospital of Korydallos prison for extra safety and they are not allowed to go to school. Besides, the medical records of the detainees are almost public, as anyone can get free access on them, which is against the article 13 of the *Code of Medical Ethics*⁵⁵ and against the *General Data Protection Regulation* of the European Union, which strictly prohibits the transmission of medical records to third persons with very strict exceptions. Last but not least, in this hospital-prison live many inmates that they should not be any more imprisoned due to the gravity of their diseases, such as cancer in the last stage. The medical staff desire for the state, apart from giving funds for the medicines, the cleaning and the equipment of the building, to decide what

⁵⁵ Άρθρο 13 - Νόμος 3418/2005 - Ιατρικό απόρρητο, Κώδικας Ιατρικής Δεοντολογίας, Αρ. Φύλλου 287 § (2015).

is the role of this hospital, because the last years works simultaneously as a common prison, a detainees hospital and a children's penitentiary.

3.11 The Human Rights Infringement of Detainees in Official Numbers⁵⁶

In fact, according to the Greek Amnesty, during the period 1988-2012, only 12 cases according to whom, the articles 137A and 137D of the Greek Criminal Law got clearly violated by the Greek Police staff, managed to reach the courtrooms. In Greece, apart from the Non-Governmental Organization "Hellenic League for Human Rights", which constitutes the oldest Greek NGO that conducts very important and high in quality surveys about the human rights violations in contemporary Greece, there is nowadays a governmental instrument for the investigation of human rights infringements named "National Mechanism for Investigating Incidents of Arbitrariness". The research and the work is conducted though by the Greek Ombudsman. According to the latest report, for the time period 2017-2018, 300 cases of human rights infringement inside the Greek prisons got examined. In particular, 145 cases referred to violations of the articles no. 308-315 of the Greek Criminal Code and constituted "Insults against Physical Integrity", 49 cases concerned the illegal use of weapons, which violated the Greek Law 3169 and 37 cases of "Abuses of The Personal Freedom" got also examined. Subsequently, there were 25 cases of violations of the article 137A of the Greek Criminal Code, which refers to the "Torture and Other Insults of Human Dignity". Now, there were 10 cases of "infringement of sexual freedom" (Article no.337 of the Greek Penal Law), 3 cases of "Insults to Life" and 7 cases of "inappropriate behavior". The most important fact though, and determining for the formation of a clear look over the contemporary Greek police tactics, constitutes the

⁵⁶ In the sub-chapter "The Human Rights Infringement of Detainees in Official Numbers" all the information derives from the following sources:

Ντούρα, Φωτεινή. "Αστυνομική Βία Ενώπιον Της Δικαιοσύνης: Κορυφή Του Παγόβουνου;" *Crime Times*, October 25, 2017. <http://www.crimetimes.gr/>.

Newsroom iefimerida.gr. "Καταγράφηκαν 300 Υποθέσεις Αστυνομικής Αυθαιρεσίας -Για Βασανιστήρια Και Παράνομη Χρήση Όπλου: Έκθεση Συνηγούρου Του Πολίτη." *iefimerida.gr*, August 21, 2019. <https://www.iefimerida.gr/ellada/katagrafikan-300-yprotheseis-astynomikis-aythairesias>. Συνήγορος του Πολίτη: Ανεξάρτητη Αρχή. Εθνικός Μηχανισμός Διερεύνησης Περιστατικών Αυθαιρεσίας: Έκθεση 2017-2018. Edited by Νίκος Δουλαδέρης and Στέργιος Πρεβέντης. Synigoros.Gr. Αθήνα, 2019. https://www.synigoros.gr/resources/emhdipa_2017_2018_gr.pdf.

Newsroom, CNN Greece.

"Συνήγορος Του Πολίτη: Τι Καταγράφει η Έκθεση Για Τα Περιστατικά Αυθαιρεσίας Σε Αστυνομία Και Φυλακές." *CNN.gr*, August 21, 2019. <https://www.cnn.gr/news/ellada/story/188172/synigoros-toy-politi>.

fact that in 21 cases, the existence of racist motives got examined. Moreover, 18 cases got archived due to the non-existence of further investigation reasons. Lastly, 290 cases referred to violations by the Hellenic Police staff, whereas only 10 referred to violations made by the Hellenic Coast Guard.

3.12 The Greek Penal Code as a Measure of Prevention & and Fight against Police violence⁵⁷

In the Greek legal system, the basic measure by the state for combating the arbitrariness of policemen, who tend to excessively violate human rights and torture the arrested individuals, especially when those individuals belong to vulnerable social groups as previously seen, constitutes the Criminal Law and in particular the article 137A of the first chapter, of the second book of the Criminal Code, which refers to the “Violations Of The Democratic Citizenship”. This article (137A) aims at punishing acts of violence committed by state officials, such as the military or the policemen and other equivalent workers against detainees and at bringing justice to the victims. The article 137A is specifically designed against torture. Modifications have been made, with the most recent ones forming the article as a detailed source of information about the penalties policemen (and other state officials) will face in case they commit unlawful and arbitrary actions against detainees. In particular, the article defines that if a policeman whose duty is the arrest, detention, guarding, interrogation or investigation of the possible crimes of a detainee decides to or just follows the order to torture the

⁵⁷ In the sub-chapter “The Greek Penal Code as a Measure of Prevention & and Fight against Police violence” some of the information derives from the following sources:

Άρθρο 2 Διορθωτικές τροποποιήσεις στο άρθρο 137Α: Βασανιστήρια και άλλες προσβολές της ανθρώπινης αξιοπρέπειας, Νόμος 4637/2019 : Τροποποιήσεις Ποινικού Κώδικα, Κώδικα Ποινικής Δικονομίας και συναφείς διατάξεις, ΦΕΚ Α / 180 / 18.11.2019 Open.gov.gr § (2019).

ΝΟΜΟΣ 4596/2019 Τεύχος Α' 32/26.02.2019 Ι) Κύρωση Του Πρωτοκόλλου Υπ' Αριθμόν 16 Στη Σύμβαση Για Την Προάσπιση Των Δικαιωμάτων Του Ανθρώπου Και Των Θεμελιωδών Ελευθεριών, ΙΙ) Ενσωμάτωση Της Οδηγίας 2016/343 Του Ευρωπαϊκού Κοινοβουλίου Και Του Συμβουλίου Της 9ης Μαρτίου 2016, ΙΙΙ) Τροποποίηση Του ν. 3251/2004 Σε Συμμόρφωση Με Την απόφαση-πλαίσιο 2002/584/ΔΕΥ Του Συμβουλίου Της 13ης Ιουνίου 2002 Κατά Το Μέρος Που Τροποποιήθηκε Με Την απόφαση-πλαίσιο 2009/299/ΔΕΥ Του Συμβουλίου Της 26ης Φεβρουαρίου 2009, ΙV) Εφαρμογή Διατάξεων Του Κανονισμού (ΕΕ) 2017/1939 Του Συμβουλίου Της 12ης Οκτωβρίου 2017, Σχετικά Με Την Εφαρμογή Ενισχυμένης Συνεργασίας Για Τη Σύσταση Της Ευρωπαϊκής Εισαγγελίας, V) Διατάξεις Που Αφορούν Στη Λειτουργία Και Την Αποτελεσματικότητα Της Δικαιοσύνης Και Άλλες διατάξεις, VI) Διατάξεις Που Αφορούν Στη Λειτουργία Του Σωφρονιστικού Συστήματος Και Άλλες διατάξεις., ΦΕΚ 32/Α/26-2-2019, Αρ. Φύλλου 32 § (2019).

Office Of The United Nations Commissioner For Human Rights. “Human Rights And Prisons A Pocketbook of International Human Rights Standards for Prison Officials.” *Ohchr.Org*. New York and Geneva: United Nations, 2005.

<https://www.ohchr.org/Documents/Publications/training11Add3en.pdf>.

detainee in order to punish him/her, collect information, to make him/her confess, to interrogate him/her, to make him/her admit having a political belief, or a belief of other nature, to intimidate him/her or his somehow related persons, then this policeman faces incarceration up to six years. Moreover, the same punishment applies to the officer, even if the aim of torturing is not any of the previously mentioned, but his/her motives of torture constitute detainee's racial characteristics, skin color, ethnic origin, sexual identity or orientation, religion, disability or his sex. The incarceration goes up to ten years when the torture include techniques of systematic torturing, such as phalanx, electric shocks, virtual execution, hallucinogenic substances or when the torture cause an irreparable damage. The same punishment gets imposed to the chief if he was the one commanded the torture. In case now torturing per se did not occur, but physical injuries, health damage, physical or psychological violence or any violation of human dignity, such as excessive solitary confinement, usage of truth detector and serious violations of sexual dignity, then the incarceration is up to three years combined with financial penalties, unless other harsher punishments based on other provisions occur. In case though, irreparable damage is caused to the victims, then the incarceration goes up to ten year once again. Of course, in cases of death, a lifelong incarceration is applicable or at least for ten years. Psychological pain capable of causing permanent psychiatric damage is included in the category of torture, as well as physical pain or physical exhaustion causing permanent physical disabilities. Suspension from Hellenic police is of course imposed on the perpetrators, after the irrevocable court decision. The article 137A ensures for the victims financial compensation from the Greek State, as well as, defines that in cases of oppression, the crimes cannot be overruled until the restoration of democracy. And last but not least, the Convention for the Protection of Human Rights and Fundamental Freedoms, and more specifically, its new additions about the function of prisons, got ratified and put into function in the 26th of February in 2019 as the law number 4596/2019.

Apart though from domestic laws, the High Commissioner of Human Rights ensures with the General Assembly's resolution 45/111 of 14 December 1990, the protection of the prisoners with the following articles: "All prisoners shall be treated with the respect due to their inherent dignity and value as human beings", "There shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status", "It is, however,

desirable to respect the religious beliefs and cultural precepts of the group to which prisoners belong, whenever local conditions so require”, “The responsibility of prisons for the custody of prisoners and for the protection of society against crime shall be discharged in keeping with a State's other social objectives and its fundamental responsibilities for promoting the well-being and development of all members of society”, “Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights, and, where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as such other rights as are set out in other United Nations covenants”, “All prisoners shall have the right to take part in cultural activities and education aimed at the full development of the human personality”, “Efforts addressed to the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged”, “Conditions shall be created enabling prisoners to undertake meaningful remunerated employment which will facilitate their reintegration into the country's labour market and permit them to contribute to their own financial support and to that of their families”, “Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation”, “With the participation and help of the community and social institutions, and with due regard to the interests of victims, favorable conditions shall be created for the reintegration of the ex-prisoner into society under the best possible conditions” and “The above Principles shall be applied impartially”.⁵⁸ Besides, in 2005, United Nations’ High Commissioner of Human Rights released a detailed a manual for the police concerning all rights prisoners have, including rights about “Physical and Moral Integrity”, about an “Adequate Standard of Living”, about health, about “Complaints and Inspection Procedures”, about the “Prisoners’ Contact with the Outside World”, about the beneficial “use of prisons” and last but not least, about the “safety of their detaining conditions”. Apart from all these rights, special provisions about prisoners belonging to vulnerable social groups are established, such women, juveniles, as well as, about prisoners of especially hard convictions, such as long-life prisoners or

⁵⁸ High Commissioner of Human Rights, United Nations. Basic Principles for the Treatment of Prisoners, *General Assembly resolution 45/111 § (1990)*.
<https://www.ohchr.org/EN/ProfessionalInterest/Pages/BasicPrinciplesTreatmentOfPrisoners.aspx>.

prisoners under death penalty. The non-discriminatory behavior of the authorities towards detainees is also legally established.

3.14 The Malfunctioning System of Complaints/Denunciations in Hellenic Police

Based on the *Code of Police Ethics*, there are specific provisions about the policing duties and the way they must be performed. According to the *Article 3.θ*, a policeman is obliged to “prevent and denounce immediately any act that includes torture or other inhuman, cruel or degrading treatment or punishment, any form of violence or threat of violence, as well as any adverse or discriminatory treatment against a detainee”⁵⁹. Moreover, according to the *Article 6.γ*, a policeman has to “ensure impartial and effective procedures of examination and control in case of complaints from citizens against his colleagues”⁶⁰. According to the *Article 6.ε*, he must “facilitate the researches and controls that the judicial, administrative and independent administrative authorities conduct”⁶¹. Moreover, according to the *Article 2.γ*, a policeman must “perform his duties with impartiality, objectivity, transparency, prudence, self-control, stability, determination and dignity, protecting, without any discriminations, all citizens from illegal acts against them”⁶².

Throughout the whole research of the police’s authoritarian behavior and serious infringements of human rights, even of the dominant ones, the one thing in common constitutes undoubtedly the scanty justice attribution to the victims and the inefficient complaint service, since transcription and investigation process are barely performed appropriately. The police use to function in a much internalized way that leaves little space for transparency and justice restoration. Human rights protection situate in a rather distant position while it is mostly treated with arrogance or suspicion. Most of the complaints are constantly getting lost within the process of investigation by the police and if not, the perpetrators usually avoid conviction in the rarely occurring trials. One of the most noticeable elements in the Greek cases that were brought to the European Court of Human Rights is the fact that after an incident of a serious human

⁵⁹ Ελληνική Δημοκρατία. Κώδικας Δεοντολογίας Του Αστυνομικού, Άρθρο 3. Συμπεριφορά κατά τη σύλληψη και κράτηση πολιτών.θ., Π.Δ. 254/2004, Φ.Ε.Κ. 238/Α’ § (2004).

⁶⁰ Ελληνική Δημοκρατία. Κώδικας Δεοντολογίας Του Αστυνομικού, Άρθρο 6. Ο αστυνομικός ως δημόσιος λειτουργός.γ, Π.Δ. 254/2004, Φ.Ε.Κ. 238/Α’ § (2004).

⁶¹ Ελληνική Δημοκρατία. Κώδικας Δεοντολογίας Του Αστυνομικού, Άρθρο 6. Ο αστυνομικός ως δημόσιος λειτουργός.ε., Π.Δ. 254/2004, Φ.Ε.Κ. 238/Α’ § (2004).

⁶² Ελληνική Δημοκρατία. Κώδικας Δεοντολογίας Του Αστυνομικού, Άρθρο 2. Συμπεριφορά κατά την αστυνομική δράση.γ., Π.Δ. 254/2004, Φ.Ε.Κ. 238/Α’ § (2004).

right violation by a police officer, the process of investigation of the complaint about that policeman or the complaint against that policeman by his/her colleagues who were witnesses of the incident were almost non-existent. An effort of cover-up always constitutes the expected reaction. The European Commissioner for Human Rights, Nils Muižnieks, demands the adaptation of the Greek Penal Code, and more specifically, he demands the adaptation of the definition of “torture”, to the one written in the “Convention against Torture”, since the last one is superior to the Greek Penal Code⁶³. More severe convictions of acts that include human rights violations are also demanded by Muižnieks. The potential behind all these suggestions is the actual punishment of policemen torturing civilians... Furthermore, in 2017, the role of the Greek the Ombudsman has gone through some alterations. In fact he now on shoulders the jurisdiction of imposing additional disciplinary control of security forces, so that limitation of the police atrocities maybe be performed. Nevertheless, the Ombudsman’s decisions do not have a disciplinary effect.⁶⁴

Sofia Vidali, criminologist and academic, situated the issue of the dysfunctional system of complaints for police abusive behaviors in the way the work of a policemen gets controlled. More precisely, she finds the origins of the problem in the legislation per se, which “obliges a policeman who desires to file a complaint about his superior or about his chief, to do it in front of his superior. Besides, the policeman who will conduct the investigation in order to find out if that superior made a disciplinary offense or violated any provisions of the Law will be present in the initial process to. So, the policeman who files a complaint about his superior, the investigator and the officer who is about to get investigated locate in the same room, so that the crime of the violation of the Law does not get enlightened. So, a policemen cannot technically indict his superior. Subsequently, Police violence constitutes a part of state violence. The police exercises violence by its definition and we, as a society that is formulated under a constitution, accept it. Violence is somehow exercised in the criminal-repressive system, inside the prisons or the tribunals. Police though constitutes the first state institution that the citizens come in direct contact in their daily lives. A policeman could be characterized as an instant judge, who must decide if he will arrest somebody within a few seconds, on the street, in the heat of the moment and under pressure conditions,

⁶³ Αγγελίδης, “Αστυνομική Βία Αποκαλύπτει Ο Επίτροπος.” *Η Εφημερίδα Των Συντακτών*.

⁶⁴ Αγγελίδης, “Αστυνομική Βία Αποκαλύπτει Ο Επίτροπος.” *Η Εφημερίδα Των Συντακτών*.

while the judge does it in a calm atmosphere. These factors affect the work of the police. The issue of police violence is the abuse of the policing power and authority. We are referring to the illegal police 'violence', the illegal use of force. According to all the latest reports from international organizations, it seems that an informal institutionalized racism starts to get formulated inside the Hellenic Police. It is clear now that there is an orientation of a part of the Hellenic Police forces towards extreme racist behaviors and trends and towards the establishment of the abusive use of force as a usual practice. There is an entire system though behind all this violence that teaches them to how to do it. There is an expertise in violence which is firstly obtained, then becomes a part of an ordinary job and lastly, gets indulged in the work routine of some policemen or of some police units. Simultaneously that system that teaches the use of violence functions under some specific conditions. Another phenomenon that is observed is that the targets of police violence usually constitute the financially lower groups of people, such as the migrants... So, we could say that it is a persecution of bankruptcy. Today the relations between citizens and the police is distinguished by violence as a rule, and not by solidarity. The police consists mainly of men who do not belong to the upper social class. It is staffed by middle-class and lower social strata and by people who do not have any connection with the so-called micro-political phenomenon. So, the use of force and violence becomes an easy solution. Nevertheless, nobody was born violent. There are some specific procedures that form such trends that occur in three domains: the education, the social frame within whom a policeman works and learns the job and lastly, the reaction of the system per se. Now, about the domain of education and the recruitment of citizens in the police force, we could say that before future policeman violate the rights of citizens and other social groups, their own rights have been probably violated without them even knowing that. Policemen's abusive behaviors and practices deprive from the way they are recruited in the police academy, from the way they experience the disciplinary offenses for which they become subject to various penalties and from the way they see some social groups of policemen being treated (female police officers, homosexuals and trainees who show great policing abilities) by the others. They are trained to be constantly suspicious and to be always extra 'careful' in order to survive within the other policemen. During their training, they do not get any valuable information for their actual work. Policemen worldwide learn the policing duties on the streets when they are on duty from the older ones. There is

an intergenerational transmission of the methods of dealing with the occurring incidents which is way more powerful than any law and rule. Some of the most democratic laws about policing legislations in Greece have been voted for the Hellenic Police itself. There is the *Code of Police Ethics* which does not get instructed in the Police Academy and the majority of police force does not even know its existence with an exception of very few policemen who although are informed about it, they do not use it at all. Furthermore, trainees are never instructed of the special presidential decree who explains when someone may be a suspect. They are told that anyone carrying stuff at night is a suspect or that the inactivity of people leads to criminal behaviors. The young get arrested without any rules. Such tactics and beliefs form professional policemen who think that violence and suspiciousness are the appropriate policing tactics. They carry a distorted image of policing professionalism, according to which the police never owes an apology. There is also the issue of the social isolation of the policemen and the existence of a distorted image of what a policeman is. There is a spread of a feeling of impunity. Another reason behind the spread of police abusive use of force, constitutes the attitude of the Ministry of Citizen's Protection, according to whom police violence is approached only as instant incidents and not as a problem in the way the institution works. The police now denies too that there is an issue of police violence... Many times, police officers change the name of the incidents. For instance, the "attack" gets altered into "defense". So, a protection net gets created for the law offenders. A rationalization of the exercise of violence gets formulated in the mind of policemen. Violence becomes a routine, gets normalized and gets used as a part of his job. Torturing now follows the same logic and procedure. A policeman commits torture after he has been through torture during his training..."⁶⁵

Yanna Kurtovic, lawyer and member of the *Network for Political and Social Rights*, seals the fact that "the role of the police is to exercise power and contains the use of violence". She also stated that "the police does not constitute an institution devoted in the civil protection" in any level. "Civil Protection is not the goal neither in the police's logic, nor in the police's consciousness or practices". On the contrary, the police is "an institution of compulsion, control, suspension, prosecution, punishment and the gate of persecuting and a punishing state mechanism". Moreover, "in the

⁶⁵ Βιδάλη, Σοφία. "Κρατική Βία, Ασφάλεια, Αριστερά." Left.gr. YouTube. April 28, 2013. <https://left.gr/news/syzitisi-kratiki-asfaleia-aristera>

beginning of the exercise of criminal power and compulsion which constitutes the most difficult moment in the relations between the citizens and the state, the police acts systemically and in the worse way”. More precisely, “in the stage of arrest, adduction and collection of the basic data for the case file formation and the preliminary investigation, it is very important that the police officer does not complete these phases with the intention of concealment or even to create a crime, since the case file elements cannot be changed”. The reasons behind the malfunctions of police, do not derive just from the usual policing practices, but also from the frequent concealment by the judicial authorities too... Kurtovic also mentions that “there is a simultaneous protection grid by the judicial authorities which attribute to the policemen, either witnesses or defendants, an irresistible presumption of reliability, and at the same time, by the legislation itself and more specifically, by the law 4055/2012, which exempts policemen from the flagrante delicto and from the payment for a lawsuit fee or for legal support”. So, “the policemen, who are entitled to cover-up their facial characteristics during their policing tasks by the law, cannot be identified and can be covered by the police itself. With the existence also of such a high fee for filing a lawsuit, a citizen cannot vindicate legal protection”. That means that “the exercise of state power becomes incognito”. Yanna Kurtovic comes to the conclusion that “the systematic and enshrined impunity of policemen, combined with the tactics, the principals, the norms and the general education of policemen inside the police corrodes them and dehumanizes them”.⁶⁶

Another major reason behind the non-existent punishment of policemen violating human rights and the terrible system of complaints and justice restoration constitute the extreme delays of the Greek judicial system, as well as, the pre-mentioned cover-up of the incidents. According to the 1988 – 2012 report of Amnesty International, only twelve cases of violations of the article 137A – 137D of the Greek Penal Code managed to enter the Greek courtroom...⁶⁷ Another reason behind wrongful police actions could be the recruitment of citizens and ex-hoplites of the army, named “special guards” or “border guards”, who are not sufficiently trained or not-trained at all. Since they do not have the appropriate training background, they cannot complete

⁶⁶ Κούρτοβικ, Γιάννα. “Κρατική Βία, Ασφάλεια, Αριστερά.” *Left.gr. YouTube*. April 28, 2013. <https://left.gr/news/syzitisi-kratiki-asfaleia-aristera>

⁶⁷ Ντούρα, Φωτεινή. “Αστυνομική Βία Ενώπιον Της Δικαιοσύνης: Κορυφή Του Παγόβουνου;” *Crime Times*, October 25, 2017. <http://www.crimetimes.gr/>.

their policing duties correctly and with the latest law alterations they can now obtain high police positions. Sofia Vidali mentioned that the hiring of such personnel can be “disastrous for the formation of a professional conscience and policing culture, but also for the way of policing. Joining the police without passing the national exams and with a differentiated and reduced education is a wrong choice, which generates problems, a multi-speed police and internal competition”.⁶⁸

As we can notice, the fight against human rights violation is at first a fight against the police mentalities. That task of police reformation thought, could only be performed by higher state instruments, and most of all, by the respective political league, which possesses the authority and the power to admonish, reformate and train the police. Concentration must be given to the police mentalities, practices and training of the police staff. So, the combat of this malfunctioning complaint and restoration system requires a bottom-down solution in order to be effective. Besides, the Commissioner himself suggested a better police training, as well as, the introduction of specific criteria for the promotion and recruitment of a policeman that examine a policeman’s past racist behavior, incidents of racist violence and his ability to perform in very stressful occasions. The Commissioner also demanded the recruitment of policemen from minorities and vulnerable social groups.⁶⁹ If all these highly effective suggestions get adapted by the Greek state, it is possible that Police will be able to perform in an appropriate and lawful way.

3.13 Cases by the European Court of Human Rights

One of the greatest wounds as long as it concerns police violence constitutes the illegal use of force and unlawful tactics towards prisoners, detainees and arrested individuals. Critical police arbitrariness in Greece takes place inside prisons. Detainees in the Greek prisons face great human-degrading behaviors and living conditions. So, apart from the refugees, the detainees suffer from serious violations of their human dignity and rights as well... The following cases constitute the most tremendous cases of the recent years of police violence in Greece:

⁶⁸ Βιδάλη, Σοφία. Σοφία Βιδάλη: Δημιουργείται Η Εικόνα Μιας Πόλης Σε Κατάσταση Πολιορκίας. Συνέντευξη από την Ιωάννα Δρόσου. *Η Εποχή*, September 8, 2019. <http://epohi.gr/synenteuxh-meth-sofia-vidalh-kathhghtria-egklhmatolgias/>.

⁶⁹ Αγγελίδης, “Αστυνομική Βία Αποκαλύπτει Ο Επίτροπος.” *Η Εφημερίδα Των Συντακτών*.

Sidiropoulos and Others v. Greece (Application no 33349/10)⁷⁰

The case of *Sidiropoulos and Others Versus Greece* refers to the torturing in 2002 of two young citizens, Sidiropoulos (who was an underage that time) and Papakostas, by a policeman and the imperceptible conviction of the perpetrator, which eventually got transformed into a redeemable penalty. The two young men got arrested for traffic related violations. The policeman during the investigation used arbitrarily a device that caused electroshocks to the victims. After Sidiropoulos and Papakostas filed a lawsuit and the case was brought to the Greek judicial system, the policeman faced a conviction of a five year imprisonment for committing torture which had been later on transformed into a redeemable penalty of 5€ per day which could be paid in 36 monthly instalments. The trial ended after 12 years and within this time the policemen did not only avoided get seriously punished, but on the other hand, he got promoted. Moreover, the criminal investigation lasted one year and no incriminating evidence were found about the policeman. So, he just paid a penalty of 100€ for the arbitrary use of the electroshock device. When the final trials took place, the policemen had already resigned from the police, so he did not constitute a state official anymore and the punishments had to be different... The punishment attributed to the policeman by the Greek judicial system did not constitute deterrent for him and for other state officials to commit further crimes. The criminal convictions of state officials for torturing must be extra severe and securing the protection of the citizens, migrants, detainees and other individuals from police atrocities. In this case, though there had been not been an actual disciplinary conformation of the perpetrator, who never faced his consequences of his actions in police. Moreover, the long trials and the nonexistence within all these years of a local tribunal where the two young men could refer to or the nonexistence of a way they could get their justice restored led to the lack of an actually effective remedy. Moreover, in the occurring trials the fact that Sidiropoulos was an underage had not

⁷⁰ For the part “Sidiropoulos and Others v. Greece (Application no 33349/10)” information was collected from the following sources:

European Court of Human Rights. CASE OF SIDIROPOULOS AND OTHERS v. GREECE (57/1997/841/1047) (European Court of Human Rights, Strasbourg July 10, 1998).

ECHR Case Law, ed. “Βασανιστήρια Από Αστυνομικό Σε Δύο Πολίτες. Καταδίκη Του Σε Ελαφρά Ποινή, Μη Πειθαρχική Τιμωρία Και Προαγωγή Του! Το Ποινικό Και Πειθαρχικό Σύστημα Στην Ελλάδα Στερείται Σοβαρότητας Σύμφωνα Με Το Στρασβούργο!” *ECHRCaseLaw.com*, August 30, 2018.

<https://www.echrcaselaw.com/apofaseis-edda/simantikes-apofaseis/vasanistiria-apo-astynomiko-se-dio-polites-katadiki-tou-se-elafra-poini-mi-peitharxiki-timwria-kai-proagwgi-toy-to-poiniko-kai-pitharxiko-sistema-stereitai-sovarotitas-simfwna-me-to-strasvourgo/>.

been included in the evolution of the trail. The case though was brought to the *European Court of Human Rights*, which decided that violation of the Article 3 (“Prohibition of Torture”⁷¹), of the Article 6§1 (“Right to a fair trial: 1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.”⁷²) and of the Article 13 (“Right to an effective remedy”⁷³) occurred. The ECHR eventually decided the 26,000€ compensation to each victim, plus 2,000 in both of them for the legal fees.

Igbo and Others v. Greece (Application no 60042/13)⁷⁴

This case focuses on the human degrading conditions in the Greek overcrowded prison in Chios Island. The fourteen applicants were Greek, Turks, Senegalese and Nigerian. According to their testaments, the conditions in the Greek prison were suffocating, since there were not enough beds for the inmates to sleep on and the behavior from the police personnel towards them was equivalently degrading. Medical care and sanitary conditions were not sufficient. Moreover, they supported the fact that they had no legal means to complain about their situation and gain their justice. The court decided that violations of the article 3 (“Prohibition of Torture”⁷⁵) and 13 (“Right

⁷¹ Council of Europe. European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 3 Prohibition of torture § (1950).

⁷² Council of Europe. European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 6 Right to a fair trial §1 § (1950).

⁷³ Council of Europe. European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 13 Rights to an effective remedy § (1950).

⁷⁴ For the part “Igbo and Others v. Greece (Application no 60042/13)” information was collected from the following sources:

Council of Europe, CASE OF IGBO AND OTHERS v. GREECE (Application no. 60042/13) (European Court of Human Rights, Strasbourg February 9, 2017).

ECHR Case Law, ed. “Ο Υπερπληθυσμός Στα Κελιά Των Φυλακών Συνιστά Απάνθρωπη Μεταχείριση.” *ECHRCaseLaw.com*, March 19, 2018. <https://www.echrcaselaw.com/apofaseis-edda/thematologia/axioprepeia/h-uperplthusmos-sta-kelia-ton-fulakon-sunista-apanthropi-metaxeirish/>.

⁷⁵ Council of Europe. European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 3 Prohibition of torture § (1950).

to An Effective Remedy”⁷⁶) did take place and a compensation of 6,700€ to 5,000€ was attributed to each one of them.

Singh and Others v. Greece (Application no 60041/13)⁷⁷

Staying in the issue of the overcrowded prisons filled with human degrading facilities and with lack of even basic sanitary conditions, there is the case of Korydallos prison. A large number of inmates (33 Greek citizen, an Albanian citizen and an Indian one) applied in the ECHR for the human degrading treatment of them and for the conditions they face in Korydallos prison. The ECHR decided that a violation of either the article 3 (“Prohibition of torture”⁷⁸) or the article 13 (“Right to an effective remedy”⁷⁹) combined with the article 3 took place and a compensation of 10,000€ to 5,000€ was attributed to each victim. In details, the cells were much overcrowded and filled with dirt and with insects being all over, while there was no heating, not enough lighting, no ventilation system and the sanitary levels had been way below human standards.

Marougas v. Greece (Application no 44689/16)⁸⁰

Once again, the human degrading conditions in the Greek prisons constitute a frequent accusation among all the cases against the Greek state. In this occasion, the complaints were filed for the prisons of Diavata, where according to the three complainants, the living conditions in the prison had been below human standards.

Council of Europe. European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 13 Rights to an effective remedy § (1950).

⁷⁶ Council of Europe. European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 13 Rights to an effective remedy § (1950).

⁷⁷ For the part “Singh and Others v. Greece (Application no 60041/13)” information was collected from the following sources:

ECHR Case Law, ed. “Ο Υπερπληθυσμός Των Φυλακών Συνιστά Εξευτελιστική Μεταχείριση Των Κρατουμένων.” *ECHRCaseLaw.com*, January 19, 2017. <https://www.echrcaselaw.com/apofaseis-edda/thematologia/axioprepeia/o-uperplhthusmos-ton-fulakon-sunista-ekseftelistikh-metaxeirish-ton-kratoumenon/>.

⁷⁸ Council of Europe. European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 3 Prohibition of torture § (1950).

⁷⁹ Council of Europe. European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 13 Rights to an effective remedy § (1950).

⁸⁰ For the part “Marougas v. Greece (Application no 44689/16)” information was collected from the following sources:

ECHR Case Law, ed. “Ελληνικές Φυλακές. Θέρμανση Τον Χειμώνα Για Μόνο Μια Ώρα Την Ημέρα Και Κατάκλιση Κρατουμένων Σε Μουχλιασμένα Και Δύσσομα Στρώματα. Απάνθρωπη Και Εξευτελιστική Μεταχείριση.” *ECHRCaseLaw.com*, October 8, 2018. <https://www.echrcaselaw.com/apofaseis-edda/thematologia/kategoria-prosopon/>.

Heating was on for only one hour and warm water existed for only two hours per day, while the quality and quantity of food were very limited and the inmates were sleeping on old moldy mattresses without any sheets or towels being given to them by the prison's police personnel. The room they had was below 3 m². No entertaining, educating, cultural or athletic activities had been taking place. Furthermore, the building was very old and the sanitary facilities old and destroyed. In a room of a ten people, there were five bunks, but no lockers. The prisoners faced medical issues since they were living altogether in very small spaces and with absolutely no hygiene. So, a violation of the Article 3 which forbids torturing and the human degrading treatment got violated according to ECHR.

Pilalis and Others v. Greece (Application no 5574/16)⁸¹

Another case of overcrowded prisons and inhuman conditions was brought to the *European Court of Human Rights* against Greece. Christopher Martidis, Dimitrios Pilalis and Varlam Hartislava applied in the ECHR. They declared that their space in the cell where they lived was below 3 m², while there was no medical support, no doctors, although Hartislava had a heart disease and had been handicapped at the degree of 80%. They also faced limited amount in food and water deprivation. The ECHR judged that the article 3 ("Prohibition of torture"⁸²) and the Article 13 ("right to an effective remedy"⁸³) were violated for the two inmates (Pilalis and Hartislava) and a compensation of 2,000€ was attributed to them.

D.M. v. Greece (Application no 44559/15)⁸⁴

⁸¹ For the part "Pilalis and Others v. Greece (Application no 5574/16)" information was collected from the following sources:

ECHR Case Law, ed. "Συνθήκες Κράτησης Κρατουμένων Και Μη Δυνατότητα Αποτελεσματικής Προσφυγής Για Να Εκφράσουν Τα Παράπονά Τους." *ECHRCaseLaw.com*, September 10, 2018. <https://www.echrcaselaw.com/apofaseis-edda/kat-arthro/arthro-3/sunthikes-kratiseis-kratoumenwn-kai-mh-dunatothta-apotelesmatikh-s-prosfughs-gia-na-ekfrason-ta-parapona-toys/>.

⁸² Council of Europe. European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 3 Prohibition of torture § (1950).

Council of Europe. European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 13 Rights to an effective remedy § (1950).

⁸³ Council of Europe. European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 13 Rights to an effective remedy § (1950).

⁸⁴ For the part "D.M. v. Greece (Application no 44559/15)" information was collected from the following sources:

ECHR Case Law, ed. "Οι Συνθήκες Κράτησης Για Τα Άτομα Με Αναπηρία Στις Φυλακές Και η Προστασία Των Δικαιωμάτων Τους Με Βάση Την ΕΣΔΑ." *ECHRCaseLaw.com*, March 21, 2018.

This case refers to a Georgian handicapped inmate in the prison in Nigrita in Serres, who applied in the ECHR about his living conditions. Although he was handicapped at the degree of 70% and although the fact that the local court decided that his time in prison should follow the line of one day of imprisonment being equal to two, his detention conditions were not equivalent to him not being able to walk or follow a normal daily routine. Besides, he did not had the right to appeal to justice. The ECHR decided that violation of the article 3 combined with article 13.

Zampelos and Others v. Greece (Application no 1167/15)⁸⁵

This cases refers to the very sensitive matter of the Korydallos prison hospital and its conditions. An extended analyze of these conditions proceeded in a previous sub-chapter. When it comes to the application in the ECHR about the conditions there, we have the case of Zampelos and seventeen other inmates of the hospital, who are seriously sick and are detained under completely inhuman conditions. Seventeen out of the eighteen applicants are HIV positive and the other one suffers from a serious lung disease. They all live altogether in non-existent hygienic conditions, in very small cells, along with people who have active and highly infectious diseases. There is not enough medical staff or medication, while the sanitary conditions (for example mattresses) are beyond words. Moreover, when the inmates complained to the council of the prison, an answer was never given to them... The European Court of Human rights decided that a violation of either the article 3 or the article 3 combined with the article 13 took place. A compensation between 5,000€ and 12,000€, plus 2,000 for the legal fees, was attributed to the victims.

Konstantinopoulos and Others v. Greece (Application no 29543/15)⁸⁶

<https://www.echrcaselaw.com/apofaseis-edda/thematologia/axioprepeia/oi-sunthikes-krathshs-gia-ta-atoma-me-anaphria-stis-fulakes-kai-h-prostasia-ton-dikaiomaton-tous-me-bash-ths-esda/>

⁸⁵ For the part “Zampelos and Others v. Greece (Application no 1167/15)” information was collected from the following sources:

ECHR Case Law, ed. “Όροι Και Συνθήκες Κράτησης Νοσοκομείου Φυλακών Κορυδαλλού.” *ECHRCaseLaw.com*, September 10, 2018. <https://www.echrcaselaw.com/apofaseis-edda/kat-arthro/%ce%ac%cf%81%ce%b8%cf%81%ce%bf-13/oroi-kai-sunthikes-krathshs-nosokomeiou-fulakwn-korudallou/>.

Συνήγορος Του Πολίτη. “Θέμα: Νοσοκομείο Κρατουμένων Κορυδαλλού «Ο ΑΓΙΟΣ ΠΑΥΛΟΣ»,” October 26, 2012. <https://www.synigoros.gr/resources/ekthesi-autopsias.pdf>.

⁸⁶ For the part “Konstantinopoulos and Others v. Greece (Application no 29543/15)” information was collected by the following sources:

ECHR Case Law, ed. “Κακομεταχείριση Κρατουμένων Στις Φυλακές Γρεβενών Και Έλλειψη Αποτελεσματικής Έρευνας.” *ECHRCaseLaw.com*, November 26, 2018.

This case touches for another time the inhuman treatment of prisoners by the policemen in the prisons. Actually, 28 prisoners from the prison in Grevena, claimed that during an inspection by the Prosecutor and the anti-terrorist unit after the allegations for insurrection taking place in prison, they got tortured by the policemen with the use of an electroshock device. The prison doctor, during the examination of the prisoners, noticed bruising signs and dermatitis in their bodies. The European Court of Human Rights decided that torture did take place and that the use of violence was not permitted. The court mentioned that the story the Greek policemen presented (and that means that the detainees were armed with improvised weapons and were causing destructions in their cells) came to contrast with the previous facts the same policemen had mentioned (and that had been that the inmates had been all locked in their cells, so there was no danger of them becoming violent). So, the excessive use of force was not needed. Moreover, the ECHR decided that an effective and sufficient investigation by the prosecutor and the high police lieutenants was not performed. The issue of the use of teasers by the policemen was not investigated at all and the video of the incident from the security cameras was not given to the lawyers of the victims. Furthermore, an investigation over the complaints by the inmates for human degrading treatment was never performed. According to the decision of ECHR a violation of the article 3 (“Prohibition of torture”⁸⁷) combined with the article 13 (“Right to an effective remedy”⁸⁸) occurred. A compensation of 10,000€ was attributed to 11 applicants, plus 1,500€ to all of them for the legal fees.

Foundas v. Greece (Application no. 50283/13)⁸⁹

<https://www.echrcaselaw.com/apofaseis-edda/thematologia/kategoria-prosopon/%ce%ba%cf%81%ce%b1%cf%84%ce%bf%cf%8d%ce%bc%ce%b5%ce%bd%ce%bf%ce%b9/kakometaxeirisi-kratoumenon-stis-fulakes-grevenon-kai-elleipsi-apotelesmatikis-erevna/>.

European Court of Human Rights. Court judgment concerning the conditions of detention of 28 prisoners in Grevena Prison (the Registrar of the Court, ECHR 019, January 18, 2018).

⁸⁷ Council of Europe. European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 3 Prohibition of torture § (1950).

⁸⁸ Council of Europe. European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 13 Rights to an effective remedy § (1950).

⁸⁹ For the part “Foundas v. Greece (Application no. 50283/13)” information was collected from the following sources:

ECHR Case Law, ed. “Η Μη Συμμετοχή Του Πατέρα Στην Έρευνα Για Τη Δολοφονία Του Γιου Του Από Την Αστυνομία, Παραβίασε Το Δικαίωμα Στη Ζωή.” *ECHRCaseLaw.com*, October 3, 2019.

<https://www.echrcaselaw.com/apofaseis-edda/thematologia/zoi/i-mi-summetoxi-tou-patera-stin-erevna-gia-tin-dolofonia-tou-giouy-tou-apo-tin-astunomia-paraviase-to-dikaioma-sti-zoi/>.

This case refers to a very sensitive issue, the murder of Lambros Foundas, the son of the complainant, Georgios Foundas, who was shot by policemen during an exchange of fire between them. Lambros probably belonged to a terrorist group named “Revolutionary Fight”. The policemen claimed “auto defense” and conducted an investigation immediately. The father, Georgios though, did not have any access to the criminal files and got informed about his son killing after the forensic surgery and ballistic survey took place, without even having been informed that a ballistic examination had been performed. Foundas asked for many documents of the case, but a small amount of them was attributed to him and after a pro-longed time period. The ECHR decided that the investigation of the case, which may had been immediate in the beginning, was eventually poorly performed because the family members of the deceased did not take any part in it and because they had not been informed about their relative’s death on time so that they could have hired their own expert. So, a violation of the article 2 (“The right to life”⁹⁰) was committed and a compensation of 15,000€ was attributed to Georgios Foundas.

Krassas v. Greece (Application no 45957/11)⁹¹

The last case refers to the arrest of Krassas, a middle aged man, with the accusations of rape and sexual harassment of his underage daughter made by his ex-wife in 2015. Krassas complained about him not going right after his arrest to a judge and for the delayed examination of his application for release from prison on bail. The ECHR judged that there had been violations of the article 5§3 (“Right to liberty and security: 3. Everyone arrested or detained in accordance with the provisions of paragraph 1 (c) of this Article shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees

⁹⁰ Council of Europe. European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 2 Right to Life § (1950).

⁹¹ For the part “Krassas v. Greece (Application no 45957/11)” information was collected from the following sources:

ECHR Case Law, ed. “Σύλληψη Για Βιασμό Και Σεξουαλική Κακοποίηση Ανηλίκου. Μη Προσαγωγή Αμέσως Μετά Την Σύλληψη Σε Δικαστή Και Μη Ταχεία Εξέταση Της Αντικατάστασης Της Προσωρινής Κράτησης.” *ECHRCaseLaw.com*, September 12, 2018. <https://www.echrcaselaw.com/apofaseis-edda/thematologia/eleutheria-kai-asfaleia/sullhpsh-gia-biasmo-kai-seksoualikh-kakopoihsh-anhlikou-mh-prosagwgh-amesws-meta-thn-sullhpsh-se-dikasth-kai-mh-taxeia-eksetash-ths-antikatastashs-ths-proswrinhshs-krathshs/>.

to appear for trial.”⁹²) and of the article 5§4 (“Right to liberty and security: 4. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.”⁹³). A compensation of 1,700€, plus 861€ for legal fees was attributed to him by the ECHR.

4. The Refugee Crisis & the Police: Levels of Human Rights Protection by The Police

4.1 The Refugee Crisis and Human Rights Violations in the European Level

4.1.1 The Refugee Crisis Crushing the E.U.

In 2014, an enormous migrant wave towards Europe, commonly known as “the refugee crisis” occurred. Its peak year was 2015, when over one million asylum seekers mostly from Syria, and from other countries too, such as Libya, Afghanistan, Nigeria, Pakistan, Iraq entered Europe, either by boats through the Mediterranean Sea or overland by surpassing the borders of some Southeastern European Countries. The origins of this humanitarian crisis are multiple and multi-level. The Syrian Civil War started as a simple protest for governmental reforms in March 2011 in Daraa, entitled as “The Arab Spring”, but turned out on March 15 into a bloody and violent battle between the protestors and the authorities. So, a civil war between the military army and some militant groups began. This highly ruinous war set back the standards of living of Syrian people and destroyed the social services, the institutions, the infrastructures and the social and business relations with their neighbors. Terrorism also increased tremendously as the Syrian army started to battle with militant religious groups. The final report shows that half a million people got killed, while 6.2 million people got displaced inside Syria. The role of the Syrian civil war in the European refugee crisis was crucial because, apart from all the people killed or displaced inside Syria, there were another 5.6 million people that fled the country asking for an asylum in Europe.⁹⁴ A large amount of Syrian asylum seekers had been arriving in Greece since then. Now other factors, such as the official declaration of the Libyan civil war after Kaddafi’s death and its numerous terrorist attacks by Taliban, the inhuman living

⁹² Council of Europe. European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 5 Right To Liberty and Security §3 § (1950).

⁹³ Council of Europe. European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 5 Right To Liberty and Security §4 § (1950).

⁹⁴ World Vision Staff. “Syrian Refugee Crisis: Facts, FAQs, and How to Help” *World Vision*, February 14, 2019. <https://www.worldvision.org/refugees-news-stories/syrian-refugee-crisis-facts>.

conditions in Iraq, Iran and Afghanistan, the civil war and the poverty in Pakistan and the life-threatening conditions in Tunisia, Morocco, Nigeria and Eritrea due to the continuous terrorist attacks by *Boko Haram*, combined with the deep poverty, led to a respective amount of citizens leaving their states in order to find better and safer living conditions and a secure life in the European territory.

The initial European destinations of asylum seekers are Greece via Turkey, Italy via Libya and Spain via North Africa. According to the United Nations, over 1.7 million refugees arrived in Europe during the period 2014-2018 with 16,000 deaths though because of shipwrecks⁹⁵. What is widely understood constitutes the fact that Europe was completely unready for such a migratory crisis. The non-existence of a migratory plan or legislation concerning a possible refugee crisis worsened the situation. Moreover, the lack of common policy among the member-states made the intra-state relations very tense, with a large number of European citizens losing their trust to the European Union and to the European values. According to C. Postelnicescu, from the University of Tübingen, “The refugee crisis emphasized precisely the lack of common legal procedures”.⁹⁶ So, the refugee crisis pointed out the ineffectiveness, the crucial delay in procedures, the bureaucratic character of Europe and the stability in progress. At the end of the day though, the excessive human losses, the hotspots that remind of prisons, the very limited asylum permissions, the inefficiency in clear distinction between a refugee and an illegal migrant, the closure of the borders in many countries, such Hungary and Austria, the raise of far-right governments, like the ones in Italy and in Hungary, the security system failure leading to terrorist attacks combined with the division of Europe between A-list and secondary countries due to the refugee accumulation in Greece, Italy and Spain, led to a climate of tension and disappointment not just all over Europe, but all over the world, whereas European values, solidarity and alliance between the member-states are questioned. And so is the human rights protection.

⁹⁵ The UN Refugees Agency. “Global Trends: Forced Displacement in 2018.” Geneva, Switzerland: United Nations High Commissioner for Refugees, n.d. <https://www.unhcr.org/>.

“Migration to Europe in Charts.” BBC News, September 11, 2018. <https://www.bbc.com/>.

⁹⁶ Postelnicescu, Claudia. “Europe’s New Identity: The Refugee Crisis and the Rise of Nationalism.” *Europe’s Journal of Psychology* 12(2) (May 31, 2016): 203–209. <https://ejop.psychopen.eu/index.php/ejop/article/view/1191/html>.

Now, mentioning that the police respects every single human right of a refugee would be very controversial and pointless since the police is traditionally a very conservative state instrument worldwide. The issue here, is how much a state is willing to control the situation and make the police staff comply not only with the domestic legislation, but also with the European and International one too. Moreover, the degree to which the state condemns the incidents of police violence against refugees, as well as the degree to which it investigates the conditions of the asylum seeking process and the police behavior towards the refugees in the refugee camps (hotspots) constitutes another crucial element of democratic efficiency and respect to the European values. Unfortunately, the European Court of Human Rights many times condemned the hosting countries for not paying respect to human rights, with that meaning that very shocking incidents must have occurred in the camps.

The confrontation of the refugee crisis by the European States varies from one state to another. There are countries like Greece or Spain which exercise a relatively friendly policy towards refugees, but there are also countries like Hungary or Austria, which have a totally opposing policy towards refugees, as they closed their borders refusing to accept any of them. The “refugee crisis” constitutes a topic that created many confrontations either in the domestic politics of a state, or in the European politics too, being often a topic of dispute among states. Moreover, it was used internationally as a political tool with many political leaders often referring to the management of the refugee crisis as an example to avoid. It became a part of many political campaigns worldwide, including the one of the president of the United States, Donald Trump, who is totally against refugees and migration in overall. This political dispute though, led to the raise of far-right political parties and in some cases, to them becoming the governmental parties or party-members of coalition governments all around Europe. So, nationalism is reborn, along with xenophobia and Euroscepticism.⁹⁷ Europe today is dominated by politics of polarization that planted the seeds of cultural racism and intolerance. An anti-immigration, anti-refugee and anti-Muslim political agenda existed in almost every far-right party of Europe. Social panic is the goal as refugees and migrants are presented as a threat to Europe. The traditional political parties face crucial

⁹⁷ Esteves, João. “Migration Crisis in the EU: Developing a Framework for Analysis of National Security and Defence Strategies.” *Comparative Migration Studies* 6, no. 1 (October 1, 2018). <https://doi.org/10.1186/s40878-018-0093-3>.

challenges as they have to handle simultaneously, a huge financial crisis and a migratory one too. Moreover, “Euroscepticism” brought to the surface another major European issue that although seemed to have faded, it is in fact very much alive. That issue, constitutes the “European identity”. According to professor of International Relations, Ole Wæver, “national identity, when employed, is an extremely powerful mode of subjectivisation”⁹⁸ and also “national identity is so far the most important form of large-scale social and political identity”⁹⁹. With the refugee crisis arriving in Europe, the will of many European States to “protect” their domestic culture from the so-called “foreign invaders” was used by the nationalist parties. Racism, intolerance, hostility to immigration, anti-Islamic rhetoric and hate speech deluge the political arena and the society, as refugees and migrants were perceived as a threat to the national culture and values. Moreover, populism, either nationalistic or left, gained valuable ground on the domestic and international politics within a climate of political polarization where a logical solution and treatment of the issue sounds impossible. Populist extremist parties dominated the national elections all around Europe. Postelnicescu mentions that “the return to the nation state” is desirable in many European states today and that nationalism, mostly empowered by the politics of fear, has its roots in the identity issues all around E.U.¹⁰⁰. Furthermore, she declares that nationalism is “based on the emotional factor” and that is why nationalist leaders usually promise security and protection, while they attempt to create an ambiance of instability and fear of the future among citizens for the migrant waves and the “imported terrorism”¹⁰¹. Another important fact that led to this drama is the sentiment of exhaustion for the politics and the very long integration process that tired the citizens of smaller states.¹⁰²

⁹⁸ Ole et al Wæver, *Identity Migration and the New Security Agenda in Europe* (London: Pinter Publishers Ltd, 1993), 21–22.

UACES 47th Annual Conference. “Nationalism through National Identity Narratives in Refugee/Migrant Crisis: A Comparative Study of French Mainstream Left and Right.” In *Uaces.Org*, n.d. https://www.uaces.org/archive/papers/abstract.php?paper_id=1228.

⁹⁹ Wæver, “Identity Migration and the New Security Agenda in Europe”, 21–22.

UACES 47th Annual Conference, “Nationalism through National Identity Narratives in Refugee/Migrant Crisis: A Comparative Study of French Mainstream Left and Right.”

¹⁰⁰ Postelnicescu, Claudia. “Europe’s New Identity: The Refugee Crisis and the Rise of Nationalism.” *Europe’s Journal of Psychology* 12(2) (May 31, 2016): 203–209.

<https://ejop.psychopen.eu/index.php/ejop/article/view/1191/html>.

¹⁰¹ Postelnicescu, “Europe’s New Identity: The Refugee Crisis and the Rise of Nationalism.”, 203-209

¹⁰² Postelnicescu, “Europe’s New Identity: The Refugee Crisis and the Rise of Nationalism.”, 203-209

The grand issue though, definitely constitutes the treatment of the asylum seekers by the police. This of course is generally associated with the central line of the migration policy a state has. As easily understood, states with a stricter policy towards refugees and migrants, usually have higher records of police violence against this special social group with many complaints by the citizens or the migrants/refugees themselves for serious violations of human rights and rights of the child. Some of the recorded cases led to the conviction of those states by the European Court of Human Rights. According to Dora Schriro, a senior Homeland Security official and her report over the issue, “most detainees are - systematically and unnecessarily - held under circumstances inappropriate for immigration detention’s noncriminal purposes”.¹⁰³ Therefore, migrants are treated like hard criminals, whereas their offense does not even constitute a criminal act.

4.1.2 The Police Infringing Human Rights of the Refugees All Around Europe

General Remarks

The refugee crisis hit Europe like a hurricane proving not only the lack of common policy against a migratory phenomenon, but also testing its initial values for union and solidarity. The list of countries that closed their borders or set up a numerical restriction to the refugees that could pass inside, refusing in this way to accept many refugees, were Hungary, Croatia, Slovenia, Poland, North Macedonia and Czech Republic. Besides, there were countries that embraced a very strict policy and had a very harsh attitude towards refugees, conducting very strict control of them. These countries were Austria, Sweden and the U.K... Now, Germany’s attitude changed through the years. Although in the beginning it seemed to be tolerant, when a few years passed, Germany chose to follow a conservative line about refugees, especially after Austria’s decision to close its borders by putting a limit on the number of acceptable refugees.¹⁰⁴ The controls of the refugees in the borders got extremely strict. That possibly stemmed from the raise in the far-right political party which caused some social and political panic and made the German government adopt stricter measures about refugees, in order to restrict the power of the far-right. Italy, as well as Hungary,

¹⁰³ Kalhan, Anil. “COLUMBIA LAW REVIEW RETHINKING IMMIGRATION DETENTION.” *Columbia Law Review Sidebar 110*, Drexel University Earle Mack School of Law Research Paper No. 1556867 (July 1, 2010): 42–58. <https://columbialawreview.org/wp-content/uploads/2016/07/Kalhan.pdf>.

¹⁰⁴ Arens, Marianne. “Austria Closes Its Borders to Refugees.” *Mondialisation.ca*, January 26, 2016. <https://www.mondialisation.ca/austria-closes-its-borders-to-refugees/5503754>.

had a complete reverse in their policies towards the refugee crisis. After their national elections where the far-right parties gained the majority of votes making Matteo Salvini and Viktor Orbán become the internal affairs minister of Italy and the prime minister of Hungary respectively, the national migratory policy changed completely.¹⁰⁵ The two states adopted an insanely strict policy towards refugees, which in the case of Italy even led to multiple deaths by shipwrecks, when the national authorities refused to let the boats disembark in its ports. Moreover, Turkey is maybe not a member-state of European Union, but it constitutes a European country and a dominant player in the evolution of the crisis, as it constitutes a major place of concentration of possible refugees, mostly from Syria, who seek to enter Europe and request for asylum. So, Turkey's behavior and policy is crucial for the evolutions that are going to happen, as 3.6 million asylum seekers from Syria are accommodated there. The possibility of Turkey allowing all those gathered asylum seekers enter the European Union can create a chaos since Europe is not only unready to integrate them, but also unwilling to a large part.

As it can be understood, the violations of human rights were multiple, putting the E.U. at the center of spotlight in the world press. The police now constitutes the dominant state instrument that has a direct contact with the refugees and is responsible for welcoming the asylum seekers, identifying them, putting them into the appropriate infrastructures, securing their lives from numerous threats, providing them food, healthcare and lodgment, conducting the necessary procedures to judge if they are refugees or illegal migrants with respect to their human rights, and last but not least, following the appropriate procedures of either providing them asylum or conduct the “refoulement” procedure to their home-countries. So, the vast majority of human rights violations occur by the police staff and up to a certain point the Coast Guard in some occasions.

4.1.2.1. A Brief Country By Country Reference

Italy¹⁰⁶

¹⁰⁵ “Europe and Nationalism: A Country-by-Country Guide.” *BBC News*, November 13, 2019. <https://www.bbc.com/>.

¹⁰⁶ In the sub-chapter “Italy” all the information derives from the following sources: “Migration to Europe in Charts.” *BBC News*, September 11, 2018. <https://www.bbc.com/>. Global Detention Project. “Italy: Complicit in Grave Human Rights Abuses?” *Global Detention Project*. Global Detention Project, October 15, 2019. <https://www.globaldetentionproject.org/italy-complicit-in-grave-human-rights-abuse>.

Starting up with the dominant European host countries, Italy constitutes a dominant state in human rights violations. First of all, the Italian government with Matteo Salvini as a minister of internal affairs followed an extremely strict policy against asylum seekers and refused to let the overcrowded and casting away vessels to disembark in the Italian ports. Moreover, the attempt of helping an asylum seeker or saving him became anymore illegal and people who attempted to do so, got prosecuted. Moreover, financial penalties up to 5,000 € would be soon established in order to decrease maritime arrivals. Over 17,000 deaths of possible refugees occurred since the beginning of the refugee crisis in 2014, according to BBC. According to the United Nations, more than 10 shipwrecks occurred that year in boats that had started their journey from Libya -and that means that the shipwrecks must had happened outside Italy, or in the Italian waters- leading to the death of more than 50 persons. Furthermore, Italy stopped the functioning of two aircrafts that were used for the rescuing of refugee vessels in the Mediterranean Sea. Italy also renewed recently its bilateral anti-migration agreement with the Libyan navy, which is now allowed to enter in the 12 Italian nautical miles, in order to return refugees to Libya. Italy also supported the actions of the Libyan army against migrants. In particular, the Italian Coast Guard coordinates with the Libyan one in order to prevent refugees from entering the country and creating a way for them to be pushed back, without though any concerns about their safety. That also makes Italy responsible for the abject human right violations that occur in Libya, as it sends back people who might be on a great danger. The Italian law of the detention period got changed and the police now keeps the refugees strictly inside hotspots. Moreover, the police now is capable of holding the asylum seekers “imprisoned” for the double time period, until identification process is over. Furthermore, the Italian authorities committed unlawful detention and kidnapped 177 asylum seekers, who were not allowed to disembark for five days because of an order of the Italian Coast Guard.

“Italy Events of 2018 - Part of the EU Chapter.” *Human Rights Watch*, December 21, 2018.

<https://www.hrw.org/world-report/2019/country-chapters/italy>.

“Italy Grounds Two Migrant Rescue Planes Documenting Human Rights Violations.” *Middle East Monitor*, August 28, 2019. <https://www.middleeastmonitor.com/20190828-italy-grounds-two-migrant-rescue-planes-documenting-human-rights-violations/>.

“Italy and Libya Violate the ‘Human Right to Leave One’s Country.’” *Sea-Watch.org*, August 15, 2017. <https://sea-watch.org/en/international-law-italy-libya/>.

Newsroom iefimerida.gr.

“Ιταλία Για Κακοποίηση Και Βασανιστήρια Προσφύγων.” *iefimerida.gr*, November 3, 2016.

<https://www.iefimerida.gr/news/298810/i-diethnis-amnistia-katigorei-tin-italia-gia-kakopoiisi-kai-vasanistiria-prosfygon>.

The International Amnesty has intensively accused Italy for violating human rights. After a survey it condemned, 24 refugees declared that they had been tortured by the police, one of whom got an electric shock, apart from getting beaten up. The victims though refused to file a lawsuit. Terror reigns hotspots. The plurality of refugees did not report any torture, but refused to give their fingerprints. Misinformation struggled refugees, as police did not inform them about the asylum process.

Hungary¹⁰⁷

Hungary constitutes another country with extremely harsh anti-migratory policy and brutal human rights violations. First of all, the Hungarian Police violated even basic human rights that have to do with dominant human needs, such as hydration. In particular, apart from the policy of “closed borders”, Hungarian policemen stopped the train that carried refugees and kept the refugees under the summer heat without any water. Other unlawful actions were the deprivation of food of 21 migrants who were waiting for their deportation and in some cases for even five days. Moreover, the Hungarian Police used gas canisters and sprayed water against the terrified refugees who fled the country towards Croatia. Moreover, there are accusations by the refugees of the border guards having beaten them and taken afterwards photos of them and “selfie pictures” to capture that moment... In the 25th of July 2019, the European Commission referred Hungary to the Court of Justice for the criminalization of supportive activities of asylum seekers and for the nonexistence of food in transit zones. The new legislation that Hungary adopted against migrants was clearly contradictory to the E.U. Law., because it constituted an “unlawful limitation of the right to asylum

¹⁰⁷ In the sub-chapter “Hungary” all the information derives from the following sources:

Dearden, Lizzie. “Hungarian Border Guards ‘Taking Selfies with Beaten Migrants’ as Crackdown against Refugees Intensifies.” *The Independent*, March 4, 2017.

<https://www.independent.co.uk/news/world/europe/refugee-crisis-hungary-border-police-guards-fence-beating-asylum-seekers-migrants-serbia-push-back-a7610411.html>.

European Commission. “Commission Takes Hungary to Court for Criminalising Activities in Support of Asylum Seekers and Opens New Infringement for Non-Provision of Food in Transit Zones Page Contents.” *European Commission*, 2019.

https://ec.europa.eu/commission/presscorner/detail/en/IP_19_4260.

Newsroom iefimerida.gr. “Εικόνες Σοκ Στην Ουγγαρία - Πρόσφυγες Γαντζώθηκαν Στις Ράγες [Εικόνες]”. *iefimerida.gr*, September 3, 2015. <https://www.iefimerida.gr/news/224306/eikones-sok-stin-oyggaria-prosfyges-gantzothikan-stis-rages-eikones>.

Kingsley, Patrick. “Hungary’s Treatment of Refugees Is Shocking and Unacceptable, Says UN.” *the Guardian*. *The Guardian*, September 17, 2015.

<https://www.theguardian.com/world/2015/sep/17/hungary-refugees-ban-ki-moon-eu-serbia>.

and introduction of new non-admissibility grounds for asylum applications”¹⁰⁸. Besides, it violated the Asylum Procedures Directive and the Reception Conditions Directive, as it led to the criminalization of support to asylum applicants: “The Hungarian legislation curtails asylum applicants' right to communicate with and be assisted by relevant national, international and non-governmental organizations by criminalizing support to asylum applications”¹⁰⁹.

Croatia¹¹⁰

Croatia now constitutes a country that is valuable for refugees and migrants in order to pass to north Europe. Serious abuses of refugees by the police though occurred, including physical abuses and stealing of their personal stuff, such as their money or their cellphones. Moreover, verbal abuses took place too, as policemen ridiculed and laughed at the refugees using obscene insults. Besides, they did not allow them to apply for asylum and sometimes they saw them a way to pass to Bosnia-Herzegovina that was through forests, causing their death. Moreover, in some hotspots, like the one in Westzak, there was no electricity, with the general look of the establishments looking like a jungle. Many bloody incidents between the refugees and the police occurred in the borders of Croatia and Bosnia. In general Croatia had a very strong anti-migrant policy, as it returned back to Serbia 217 migrants that had been expelled from Slovenia to Serbia, including though many families with young children. Serbia declared that it would not accept any migrants from Croatia from then on.

Bosnia¹¹¹

¹⁰⁸ European Commission. *Commission Takes Hungary to Court for Criminalising Activities in Support of Asylum Seekers and Opens New Infringement for Non-Provision of Food in Transit Zones*. European Commission. Brussels: European Commission, 2019. <https://ec.europa.eu/>

¹⁰⁹ European Commission, *Commission Takes Hungary to Court for Criminalising Activities in Support of Asylum Seekers and Opens New Infringement for Non-Provision of Food in Transit Zones*.

¹¹⁰ For the sub-chapter “Croatia” all the information derives from the following sources:

“Η Κροατία Επέστρεψε Στη Σερβία 217 Πρόσφυγες Που Είχε Απελάσει η Σλοβενία.”

Omegalive.com.cy, February 17, 2016. <https://omegalive.com.cy/h-kroatia-epestrepse-sth-serbia-217-prosfyges-poy-eixe-apelasei-h-slovenia.html>.

Amnesty International. “Κροατία: Συνενοχή Της ΕΕ Για Τη Βία Και Την Κακομεταχείριση Των Προσφύγων Και Των Μεταναστών/Στριών Από Την Αστυνομία.” *Amnesty.gr*, March 13, 2019.

<https://www.amnesty.gr/news/articles/article/22055/kroatia-sylenohi-tis-ee-gia-ti-kai-tin-kakometaherisi-ton-prosfygon-kai>.

efsyn.gr. “Αστυνομικοί Χτυπούν Και Κλέβουν Πρόσφυγες Στα Σύνορα Της Κροατίας.” *Η Εφημερίδα των Συντακτών*, August 20, 2018. https://www.efsyn.gr/kosmos/eyropi/161372_astynomikoi-htypoun-kai-kleboyn-prosfyges-sta-synora-tis-kroatias.

¹¹¹ In the sub-chapter “Bosnia” some of the information derives from the following source:

Bosnia now was not capable of taking care of the refugees, as the hotspots were improvisatory and highly unhealthy. In particular, they did not provide enough food, medical care or hot water to the asylum seekers. In the borders again of Croatia and Slovenia moments of tension occurred with the police using tear gas canons.

Austria¹¹²

Another country now that adopted very strict measures against migrants was, as previously mentioned, Austria which did not even provide to the refugees free legal assistance in order to apply for asylum. The detention though of underage children under the age of 14 was, apart from preferred, legal, although it violated the international conventions of human rights. A rumored attempt of group suicide occurred, with the migrants putting into flames their prison room in attendance of their refoulement.

Turkey¹¹³

According to Amnesty International, Turkey was also accused of making the Syrian refugees sign papers that declare that they would like to go back to their home-countries “voluntarily and in a safe way”, although these countries constituted conflict zones. So, Turkey attempted to apply the refoulement policy through violence and by ignoring the obligation of a country to provide asylum to a needed person.

A Few Other States¹¹⁴

Newsroom iefimerida.gr. “Επεισόδια Στη Σλοβενία: Με Δακρυγόνα Απώθησαν Τους Πρόσφυγες Οι Αστυνομικοί.” *iefimerida.gr*, September 19, 2015. <https://www.iefimerida.gr/news/226779/epeisodia-sti-slovenia-me-dakrygona-apothisan-toys-prosfyges-oi-astynomikoi>.

¹¹² In the sub-chapter “Austria” all the information derives from the following sources: efsyn.gr. “Ομαδική Απόπειρα Αυτοκτονίας Προσφύγων Σε Φυλακή Της Αυστρίας.” *Η Εφημερίδα των Συντακτών*, September 15, 2018. https://www.efsyn.gr/kosmos/eyropi/164509_omadiki-aporeira-aytoktonias-prosfygon-se-fylaki-tis-aystrias

efsyn.gr. “ΟΗΕ: Η Ουγγαρία Σκόπιμα Στερεί Το Φαγητό Από Πρόσφυγες.” *Η Εφημερίδα των Συντακτών*, May 3, 2019. https://www.efsyn.gr/kosmos/eyropi/193716_oie-i-oyggaria-skopima-sterei-fagito-apo-prosfyges.

efsyn.gr. “ΟΗΕ: Η Αυστρία Παραβιάζει Τα Ανθρώπινα Δικαιώματα Των Προσφύγων.” *Η Εφημερίδα των Συντακτών*, May 9, 2019. https://www.efsyn.gr/kosmos/eyropi/194512_oie-i-aystria-parabiazei-ta-anthropina-dikaiomata-ton-prosfygon.

¹¹³ For the sub-chapter “Turkey” some of the information derives from the following source: Στέλιος, Νίκος. “Η Τουρκία «σπρώχνει» Πρόσφυγες Στην Εμπόλεμη Ζώνη.” *Kathimerini.com.cy*, October 25, 2019. <https://www.kathimerini.com.cy/gr/kosmos/i-toyrkia-sprwxnei-prosfyges-stin-empolemi-zwni>.

¹¹⁴ In the sub-chapter “A Few Other States” some of the information derives from the following source:

On the 31st of October 2019, the European Court of Justice suggested the conviction of Hungary, Poland and The Czech Republic for the closure of their borders to refugees and for refusing to comply with the orders of the European Union, creating in that way the congestion of the refugees in Greece and Italy.

4.1.3. The Immigration Detention Conditions

Immigration detention is an administrative procedure states use for the asylum decision process about the non-citizens and for those who enter a state undocumented or with illegal official papers like a VISA permit, or without legal procedures or authorization, but they request a permission to stay for special purposes, such as the existence of life-threatening conditions in their country of origin.¹¹⁵ In the end, the Asylum authorities choose if a VISA will be given to these people, defining them in this way as “refugees” or if they will be deported and refouled to their counties of origin. It is worth-mentioning that immigration detention is not a criminal procedure, but just a typical administrative one.¹¹⁶ For as long as this procedure is being handled by the authorities of a state, all these people are in detention. The conditions of the detention of the migrants definitely constitutes a dominant pole concerning the respect of human rights which is based on international conventions, universal declarations, as well as, international, European and domestic laws. An international non-profit research center that investigates worldwide the migratory detention constitutes the *Global Detention Project*. The aims of this project is the improvement of transparency as long as it concerns the treatment of immigration detainees, the encouragement of the authorities to act with respect to the legislations, declarations, conventions and fundamental rules, the support of the advocacy for the detention practices reformation and the promotion of detailed research and analysis of the migratory policies.¹¹⁷

According to the latest reports that count the yearly number of the detained migrants in almost every European state, the countries that topped the list are France

Μοσχονάς, Κώστας. “Προτείνει Την Καταδίκη Ουγγαρίας, Τσεχίας Και Πολωνίας Για Το Μεταναστευτικό.” *Η Εφημερίδα των Συντακτών*, November 1, 2019.
https://www.efsyn.gr/kosmos/eyropi/217184_proteinei-tin-katadiki-oyggarias-tsehias-kai-polonias-gia-metanasteytiko.

¹¹⁵ Wikipedia Contributors, “Immigration Detention.”.

¹¹⁶ “What Is Immigration Detention?” *Aviddetention.org.uk*, n.d.

<http://www.aviddetention.org.uk/immigration-detention/what-immigration-detention>.

¹¹⁷ “GDP - Global Detention Project.” *European Commission*, October 3, 2018.

https://ec.europa.eu/knowledge4policy/organisation/gdp-global-detention-project_en.

with 46,800 immigration detainees in 2017, Greece with 31,126 immigration detainees in 2018, the United Kingdom with 28,941 again in 2018, Spain with 8,814 immigration detainees in 2017, Belgium with 7,105 in 2017, Italy with 4,092 in 2018, the Netherlands with 3,181 in 2017, Bulgaria with 2,989 in 2017 and last but not least, Portugal with 2,444 immigration detainees in 2016...¹¹⁸ There are countries though, like Austria, whose immigration detainees' number remains unknown to the *Global Detention Project*, as it closed its borders in January 2016. So, the last existent report of Austria's detainees is the one of 2014, when the detained asylum seekers were up to 1,920, while the number of "international migrants" that arrived in Austria in 2016 was 39,844. There also countries that present a relatively low number of detained asylum seekers with that signifying two possible explanations: either the fact that a state has an effective and quick administrative asylum picking process or that a state has a very harsh policy on migration and does not desire to allow any migrants in the country. The inverse, a country having a high number of immigration detainees, can be justified by a very slow and bureaucratic administrative system that delays the decision process and that is usually combined with an enormous amount of asylum seekers entering each year to that state making the process even more difficult to be carried out, due to the disproportion of the administrative staff and the asylum seekers. An example of the first case, and that means a country with effective authorities and system, probably constitutes Holland, which changed its asylum picking process with a new law. In Holland, the detention period before an application for an asylum permission gets examined in three to four months. The time needed for a decision to be taken depends on the gravity of each case. For Syrian citizens, the process is way easier and quicker, as the Syrian conflicts are well-known. For more difficult cases the process might last for eighteen months.¹¹⁹ That is probably why Holland has a relatively low amount of detained asylum seekers (3,181 in 2017) and 21,205 "international migrants" arriving in 2016. The list of countries which presented a low amount of immigration detainees are Croatia, Estonia, Czech Republic, Cyprus, Finland, Latvia, Ireland, Luxembourg, Lithuania, Malta, Slovakia, Romania, Poland and Slovenia. Germany now constitutes a particular case, as the amount of "international migrants" is big (over 700,000 in

¹¹⁸ Global Detention Project. "Organization & Alliances Country Grid." Global Detention Project. European Union, n.d. <https://www.globaldetentionproject.org/organisations-alliances/european-union-eu>.

¹¹⁹ "Ολλανδία: Πρότυπο Μοντέλο Στις Διαδικασίες Ασύλου." *naftemporiki.gr*, August 28, 2018. <https://www.naftemporiki.gr/story/1385318/ollandia-protupo-montelo-stis-diadikasies-asulou>.

2016) but there is no much information over the “immigration detainees”, for which the last report took place in 2014 and the number was 1,850. The 2018 applications for asylum were 162.000 and the ones of 2016 were 186.000. The rejections of asylum permission are usually about 35%.¹²⁰ Greece on the other hand, definitely constitutes a state with very long process for asylum applications’ check, but also a country with very high numbers of migratory arrivals. The amount of asylum applications that need to be examined was 62,418 by May 2019 and another 5,000 new applications are estimated to be filed every month, making it extremely hard for the Greek authorities to examine them, and most of all, to judge them correctly and not recklessly. The waiting time for an application to be examined can reach up to four years, according to Thessaloniki’s Asylum Office.¹²¹ In Greece the asylum procedure is held by the Asylum Service, which functions as an autonomous service of the *Ministry of Interior and Administrative Reconstruction* and has jurisdiction all over the country.¹²² Now the detention period in Greece lasts for eighteen months until the asylum application is filed and there are another eighteen months of detention after the application. However, although the detention of an asylum seeker in Greece used to occur after the order of the Asylum Service, now this jurisdiction is transferred to the police. In case the police staff declares that an asylum seeker presented false documents, they can detain him/her.¹²³

4.1.4. The Legal Obligations of States towards Refugees & Asylum Seekers

All states participating in the United Nations have an absolute and unbreakable commitment to provide asylum to the ones in high need, based on some specific social

¹²⁰ Reuters, A.P. “162.000 Αιτήσεις Ασύλου Στη Γερμανία.” *Kathimerini.gr*. Καθημερινές Εκδόσεις Α.Ε. Εθν.Μακαρίου & Φαληρέως 2, January 24, 2019.

<https://www.kathimerini.gr/1006305/article/epikairothta/kosmos/162000-aithseis-asyloy-sth-germania>.

¹²¹ Γεωργιοπούλου, Τάνια. “Τέσσερα Χρόνια Αναμονή Για Να Εξεταστεί Το Αίτημα Ασύλου.”

Kathimerini.gr. Καθημερινές Εκδόσεις Α.Ε. Εθν.Μακαρίου & Φαληρέως 2, May 6, 2019.

<https://www.kathimerini.gr/1022415/article/epikairothta/ellada/tessera-xronia-anamonh-gia-ezetastei-to-aithma-asyloy>.

¹²² ΝΟΜΟΣ 4375/2016 Οργάνωση Και Λειτουργία Υπηρεσίας Ασύλου, Αρχής Προσφυγών, Υπηρεσίας Υποδοχής Και Ταυτοποίησης Σύσταση Γενικής Γραμματείας Υποδοχής, Προσαρμογή Της Ελληνικής Νομοθεσίας Προς Τις Διατάξεις Της Οδηγίας 2013/32/ΕΕ Του Ευρωπαϊκού Κοινοβουλίου Και Του Συμβουλίου «σχετικά Με Τις Κοινές Διαδικασίες Για Τη Χορήγηση Και Ανάκληση Του Καθεστώτος Διεθνούς Προστασίας (αναδιτύπωση)» (L 180/29.6.2013), Διατάξεις Για Την Εργασία Δικαιούχων Διεθνούς Προστασίας Και Άλλες διατάξεις., ΦΕΚ Α’ 51/3-4-2016, Αρ. Φύλλου 51 § (2016).

¹²³ Αγγελίδης, Δημήτρης. “Αυθαιρεσία, Κράτηση Και Αθρόες Απελάσεις.” *Η Εφημερίδα των Συντακτών*, October 20, 2019. https://www.efsyn.gr/politiki/215461_aythairesia-kratisei-kai-athroes-apelaseis.

characteristics. The 1951 Refugee Convention set the base of the notion of “refugee” in the field of human rights. The 1967 Protocol relating to the *Status of Refugees* added crucial elements to the evolution of human rights of the refugees. Particularly, the Article 1 defines the term “refugee”, the Article 31 arranges issues concerning the refugees being “unlawful” in the country of refugee and lastly and the Article 33 prohibits the expulsion or the return, otherwise called “refoulement” policy, of the refugees.¹²⁴ All the states who signed the convention have a clear obligation to ensure the security of such individuals in need and at the same time to respect their human rights.

Meanwhile, the European Union created its own legal policy towards refugees and asylum seekers, agreed in the Dublin Agreements, especially in the third and in the fourth one. The third one, with the well-known E.U. Regulation 604/2013, sets the base for the European states to provide asylum to citizens of third countries when they are in high need or under some specific conditions and defines the fulfillment of certain requirements. It establishes the necessary criteria and the mechanisms for making a member state capable and sufficient in examining an application for international protection of a third-country national or a stateless person.¹²⁵

4.2 The Refugee Crisis and Human Rights Violations in Greece

General Remarks

Greece is undeniably one of the most affected European states by the refugee crisis, as it constitutes the crossroad between the West and the Middle-east. In 2015, almost over one million refugees arrived at the Greek islands or the Greek terrestrial borders, mostly from Syria, asking for asylum. Political, social and state upheavals occurred. The state’s lack of appropriate mechanisms and social structures, as well as resources, was way too evident. The high need of support by the European Union, the NGOs and the United Nations, apart from necessary, was also a test of the substantive European solidarity.

¹²⁴ United Nations High Commissioner for Refugees. Convention and Protocol Relating to the Status of Refugees, United Nations General Assembly Resolution 2198 (XXI), New York and Geneva § (1967). <https://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html>.

¹²⁵ European Parliament, and Council of the European Union. Regulation (Eu) No 604/2013 of The European Parliament And Of The Council, *Official Journal of the European Union* § (2013). <https://eur-lex.europa.eu/>

4.2.1 The Legal Framework in the Domestic Level and the role of Hellenic Police in the Refugee Crisis

First of all, Greece is obligated to offer asylum to the individuals in need, according to the 1951 Refugee Convention in Geneva and the 1967 Protocol which defines the “Status of Refugees” as previously mentioned. The Dublin Regulation “EU Regulation No 604/2013” follows the same logic and has a strong legal function.¹²⁶

In the domestic level, there are a series of laws, presidential decrees, ministerial decisions and circulars over the refugee issue. The law number 4375/2016 refers to the formation of the Asylum Service in Greece as it follows: “Organization and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service set up a General Secretariat for Reception, adapting Greek legislation to the provisions of Directive 2013/32 / EU of the European Parliament and of the Council on common procedures for the granting and withdrawal of international protection regime (recast) (L 180 / 29.6.2013), provisions on the work of beneficiaries of international protection and other provisions”¹²⁷. It is probably the most powerful law over the asylum process as it declares clearly the creation and the function of asylum process in Greece.

Since 2015, the Greek refugee law has been a subject of continuous change. The last alteration was about the detention conditions of the asylum seekers who, according to the law 4540/2018 (“Adaptation of Greek legislation to the provisions of Directive 2013/33 / EU of the European Parliament and of the Council of 26 June 2013 on the requirements for the reception of applicants for international protection (recast, L 180/96 / 29.6.2013”) and some others provisions (“Amendment of Law 4251/2014 (A ”80) on the Adaptation of Greek Law to Directive 2014/66 / EU of 15 May 2014 of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals - Modification Asylum Procedures and other provisions.”)¹²⁸, will be detained from now on in different establishments from where the common criminal detainees are being detained and they will have access to outdoor areas,

¹²⁶ Μήττας, Μιχαήλ Β. “Refugees’ Law – Political Asylum In Greece.” *Δικηγορικό Γραφείο Μιχαήλ Β. Μήττας*, September 3, 2018. <https://mittaslaw.gr/refugee-law-political-asylum-in-greece/>.

¹²⁷ Ελληνική Δημοκρατία: Υπουργείο Προστασίας του Πολίτη: Γενική Γραμματεία Μεταναστευτικής Πολιτικής, Υποδοχής και Ασύλου: Υπηρεσία Ασύλου. “Νομοθεσία. Το Άσυλο Στην Ελλάδα.” *Asylo.Gov.Gr*, 2011. http://asylo.gov.gr/?page_id=141.

¹²⁸ Ελληνική Δημοκρατία: Υπουργείο Προστασίας του Πολίτη: Γενική Γραμματεία Μεταναστευτικής Πολιτικής, Υποδοχής και Ασύλου: Υπηρεσία Ασύλου. “Νομοθεσία. Το Άσυλο Στην Ελλάδα.” *Asylo.Gov.Gr*, 2011. http://asylo.gov.gr/?page_id=141.

medical and psychological care, as well as, the right to get in contact with their lawyers. Moreover, the material conditions of the entry of the asylum seekers who belong to vulnerable social groups got redefined. Furthermore, a series of establishments took place, such as an allowance for the asylum seekers, the right to appeal to the administrative court in case the reception conditions are not anymore provided with a free-of-charge legal support and a respectful to human dignity medical and identification check when entering a country. But most of all, the most crucial alteration of the Greek Refugee Law definitely constitutes the fact that the Greek authorities owe to inform the asylum seekers about the asylum process either verbally or via leaflets, but always in a language they can understand.¹²⁹

Specifying though the role of the Hellenic Police in the refugee's crisis, we would say as long as it concerns the refugee crisis, there is a clear distinction between the duties police has and the ones the Asylum Service is charged with. The police is in charge of the identification, record keeping, fingerprint taking of the refugees and the migrants. According to Mrs. Tsirigoti, the lieutenant general of the Hellenic Police who was in charge of the refugee crisis in its peak year (2015), the whole policing process should take up to 72 hours, but due to the many technical issues, such as the enormous amount of refugees - who had been up to 10,000 per day - in contrast to the limited amounts of "Eurodac" handprint taking appliances, the process moves way slower. During all the completion of this process, the refugees stay in pre-departure centers. Apart from the role of the police, the Asylum Service which is in charge of interviewing the migrants and distinct them between "refugees" and "illegal migrants", so that they will either get an asylum by the police or they will get refouled back to their home countries, delays excessively the whole process which was supposed to be completed within 14 days... During all this time, refugees stay in hotspots... The police now is in charge of the pre-departure detention centers, while the Asylum Office is in charge of the hotspots. All these though lead to the over-crowded hotspots which were once

¹²⁹ ΝΟΜΟΣ 4540/2018 Προσαρμογή Της Ελληνικής Νομοθεσίας Προς Τις Διατάξεις Της Οδηγίας 2013/33/ΕΕ Του Ευρωπαϊκού Κοινοβουλίου Και Του Συμβουλίου Της 26ης Ιουνίου 2013, Σχετικά Με Τις Απαιτήσεις Για Την Υποδοχή Των Αιτούντων Διεθνή Προστασία (αναδιατύπωση, L 180/96/29.6.2013) Και Άλλες Διατάξεις Τροποποίηση Του ν. 4251/2014 (Α' 80) Για Την Προσαρμογή Της Ελληνικής Νομοθεσίας Στην Οδηγία 2014/66/ΕΕ Της 15ης Μαΐου 2014 Του Ευρωπαϊκού Κοινοβουλίου Και Του Συμβουλίου Σχετικά Με Τις Προϋποθέσεις Εισόδου Και Διαμονής Υπηκόων Τρίτων Χωρών Στο Πλαίσιο Ενδοεταρικής Μετάθεσης Τροποποίηση Διαδικασιών Ασύλου Και Άλλες διατάξεις., ΦΕΚ Α'91/22.05.2018, Αρ. Φύλλου 91 § (2018).

designed to accommodate only 1,000 people... Moreover, the relations with Turkey, where millions of refugees are settled and the relations of Turkey with the European Union lead to an endless game of negotiations, new agreements, new plans and serious human rights infringements, with Turkey conniving to the refugees passing over its national borders and enter Greece illegally and with a great life-risk... The unaccompanied children though would be probably the most crucial issue there, since they are extremely vulnerable. They can be easily taken advantage of by the smugglers and they are also very sensitive from the recent trauma. The appropriate accommodations do not exist or they are not sufficient. So, the Police chooses to keep them in police departments in order to protect them from the adults.¹³⁰

Moreover, the police is in charge of “the examination and processing of the backlog concerning applications for international protection that have been submitted by third-country nationals, before 07-06-2013”, “the examination of requests for family union and family reunification of beneficiaries of international protection, who have been granted international protection status by the Authorities of the Greek Presidential Decree 114/2010” and of “providing documents that relate to pending cases of beneficiaries and applicants for international protection and beneficiaries of humanitarian status according to article 22 of the Greek Law 4375/2016, as amended by article 96 paragraph 2 of the Greek Law 4485/2017”.¹³¹ Besides, the police is obliged to issue an ““Alien’s card requesting political asylum” for the aliens that lodged an application for international protection to the competent Police Authorities until 06-06-2013, which is valid for six months and is renewed until the examination of the request for international protection (“Pink Card”)”, a ““Residence permit” (“white card”) and “Special Identity Card for Political Refugee” (“yellow card”), to beneficiaries of refugee status, of five or three-years duration”, a ““Residence permit” to beneficiaries of subsidiary protection status, of two years duration, according to the Greek Presidential Decree 96/2008, as valid and the Greek Law 4636/2019”, a ““Residence permit for family members of a third country citizen”, who is beneficiary of international protection, according to the Greek Presidential Decree 96/2008, as valid

¹³⁰ Κίκη, Αικατερίνη. “Η Αντιστράτηγος Ζαχαρούλα Τσιριγώτη Αναλύει Το Προσφυγικό / Μεταναστευτικό Ζήτημα.” *Αστυνομική Ανασκόπηση*, no. 296 (June 2016): 28–32. <https://doi.org/ISSN 2241-9721>.

¹³¹ Aliens Division of the Hellenic Police Headquarters. “Alien Issues.” *Ελληνική Αστυνομία*. Ministry of Public Order & Citizen Protection, April 16, 2020. <http://www.astynomia.gr/>

and of the Greek Law 4636/2019, respectively, in cases of family union and family reunification”, a “Residence permit on humanitarian grounds”, lasting up to two years, according to article 22 of the Greek Law 4375/2016, as amended by article 96, paragraph 2 of the Greek Law 4485/2017” and a “Travel Document (T.D.V.) for beneficiaries of refugee status and, under certain conditions, for beneficiaries of subsidiary protection and applicants for international protection, according to article 25 of the Greek Law 4636/2019, whose application for international protection was lodged until 06-06-2013”.¹³²

Based on the *Code of Police Ethics* and the *Article 5.γ*, a policeman must perform his duties avoiding prejudices caused by color, gender, ethnicity, ideology and religion, sexual orientation, age, disability, marital status, or the economic and social position or other distinctive element of a person.¹³³ According to the latest law alterations and more specifically to the law 4636/2019¹³⁴, the police now has the jurisdiction to decide if a refugee will get detained or not, leaving the refugees in the mercy of each policeman... The European Union now plays a crucial role as it constitutes the instrument which imposes the new rules and the new law adaptations, as well as approves the technical and financial help of Greece... The Hellenic Ombudsman now is in charge of recording the human rights violations by the police and act as “duenna” of the unaccompanied children in Greece...

Police violence though towards refugees have been numerous and on-going... Nils Muižnieks, the European Commissioner for Human Rights, referred to the police violence towards refugees and migrants as a “systemic and extensive practice”.¹³⁵

4.2.2 The Greek Reality Concerning the Refugee Crisis

Heavy criticism though got received for the Greek Authorities about the detention of the asylum seekers, and especially of the children. Some critics mention that the

¹³² Aliens Division of the Hellenic Police Headquarters, “Alien Issues.” *Ελληνική Αστυνομία*.

¹³³ Ελληνική Δημοκρατία. Κώδικας Δεοντολογίας Του Αστυνομικού, Άρθρο 5. Εξυπηρέτηση των πολιτών. γ., Π.Δ. 254/2004, Φ.Ε.Κ. 238/Α' § (2004).

¹³⁴ Ελληνική Δημοκρατία. Νόμος 4636/2019: Οδηγία 2011/95/ΕΕ Του Ευρωπαϊκού Κοινοβουλίου Και Του Συμβουλίου Της 13ης Δεκεμβρίου 2011 «Σχετικά με τις Απαιτήσεις για την Αναγνώριση των Υπηκόων Τρίτων Χωρών ή των Απατρίδων ως Δικαιούχων Διεθνούς Προστασίας, για Ένα Ενιαίο Καθεστώς για τους Πρόσφυγες ή για τα Άτομα που Δικαιούνται Επικουρική Προστασία και για Το Περιεχόμενο Της Παρεχόμενης Προστασίας (Αναδιτύπωση)», Φεκ 169/Α/1-11-2019 § (2019).

¹³⁵ Αγγελίδης, Δημήτρης. “Αστυνομική Βία Αποκαλύπτει Ο Επίτροπος.” *Η Εφημερίδα Των Συντακτών*, December 3, 2017. https://www.efsyn.gr/ellada/koinonia/109201_astynomiki-bia-apokalyptei-o-epitropos.

detention of the asylum applicants was once mainly appointed by the Asylum Service, but now everything is on the mercy of the Hellenic Police, which will be from now on responsible for deciding if a possible refugee will be detained or not, although the police was been much criticized for violating human rights in the past. Among the countries that have been convicted by the European Court of Human Rights for not respecting the human rights of the asylum seekers/refugees/illegal migrants was Greece. In 2019, Greece got convicted for the detention conditions of underage refugees. The paradox though constitutes the fact that a few years ago, two Greek women, both citizens of the “Lesvos” island, got nominated for Nobel of Peace Prize in 2016 for their attribution to the refugee crisis by nestling some refugee infants. Nevertheless, the Greek Police has been several times accused for mistreating asylum seekers, refugees and illegal migrants. Besides, as previously mentioned, Hellenic Police has a long history in human rights violations.

Another socking incident that occurred in 2016, was when the representative of the Club of Syrian Migrants (“Σύλλογος Σύριων Μεταναστών” in Greek) filed a lawsuit in the Police Department against the policemen who tortured in multiple ways the children of some Syrian families that inhabited in an occupied building for the accommodation of refugees. More specifically, the children, who were members of a theatrical team of that improvised accommodation center, were heading towards the theater when they got arrested and detained in the police station without food and with their electronic devices, such cell phones or laptops, getting confiscated. But most of all, the migrant children got obliged to get undressed and walk in circles in front of the policemen who insulted them with sexually related insults.¹³⁶

4.2.3 The Unaccompanied Children in Greece

When the issue affects kids, who according to the United Nations constitute in some occasions a vulnerable social group, the gravity of the human rights’ infringement by the authorities is severely heavier. Even emotionally, a child getting somehow abused or neglected by the police causes greater anger not only to the society, but also to international or European organizations too... Because exactly of the high sensitivity of this issue, every incident is always brought to the spotlight worldwide. For instance,

¹³⁶ Μπασκάκης, Γ. (2016, September 30). Κακοποίηση ανήλικων προσφύγων στο Τμήμα. *Η Εφημερίδα Των Συντακτών*. Retrieved from https://www.efsyn.gr/ellada/dikaiomata/84403_kakopoiisi-anilikon-prosfygon-sto-tmima

when the U.S.A. government decided to change its immigration detention law about the maximum duration of the detention to infinity, even for underage illegal migrants, an international outrage was caused. The reasoning behind this new law was the limitation of migration flows, which were favored by the migrant children whose permit to stay could be used by their parents to enter the U.S.A, according to the U.S.A.'s Minister of Interior¹³⁷. The detention conditions of migrants in U.S.A., even the ones for children, are terrific. According to the United States' federal agency for health promotion, prevention and preparedness activities "Centers for Disease Control and Prevention" (CDC),¹³⁸ the sanity in the detention centers is non-existent, as children are living very close to each other and diseases spread very quickly. In particular, there are 931 cases of mumps in 57 "Customs and Border Protection" and "Immigration and Customs Enforcement" detention centers.¹³⁹ Moreover, according to *Human Rights Watch*, one of the largest international non-governmental organizations about human rights, and also according to several witnesses/victims, children and underage migrants are held without even the basic provisions, such as appropriate and sufficient food, beds, warmth, human conditions to sleep. Their meals do not contain any fruit, vegetables or even milk...¹⁴⁰ The most frequent meals are defrosted bologna sandwiches.¹⁴¹ Furthermore, there are complaints about policemen laughing at the migrants and that they even took away the blanket and the mattress given to an underage pregnant girl and her child at 3 a.m. every night. Children are held for weeks in those anti-human conditions without medical care and with absent medical records. Ten children died right after their deliberation. Sanitation is absolutely absent. There are children with urine, breast milk or mucus. Sometimes, children are unable to give an interview to humanitarian organization because of their trauma. Accusations for sexual harassments are recorded. The migrants have to sleep under a continuous light and all

¹³⁷ "Υπό Κράτηση Χωρίς Χρονικό Όριο Και Για Τα Παιδιά Των Μεταναστών." *Athens Voice*. Athens Voice, August 21, 2019. https://www.athensvoice.gr/world/572609_ypo-kratisei-horis-hroniko-orio-gia-ta-paidia-ton-metanaston.

¹³⁸ Rouse, Margaret. "Centers for Disease Control and Prevention (CDC)?" *Search Health IT*, n.d. <https://searchhealthit.techtarget.com/definition/Centers-for-Disease-Control-and-Prevention-CDC>.

¹³⁹ Dr. Parekh, Sejal. "CDC Reports More than 900 Mumps Cases in Immigrant Detention Centers." *ABC News*. ABC News, August 29, 2019. <https://abcnews.go.com/Health/cdc-reports-900-mumps-cases-immigrant-detention-centers/story?id=65268579>.

¹⁴⁰ Thum, Josie. "Child Immigration Detention: Part 1 - Humanium." *Humanium*, September 5, 2019. <https://www.humanium.org/en/child-immigration-detention-part-1/>.

¹⁴¹ Gumbel, Andrew. "'They Were Laughing at Us': Immigrants Tell of Cruelty, Illness and Filth in US Detention." *the Guardian*. The Guardian, September 12, 2018. <https://www.theguardian.com/us-news/2018/sep/12/us-immigration-detention-facilities>.

they are given for cold is a metallic sheet. The air is not circulated, making the space unhealthy and filthy, while cries from hungered children get easily noticed. So, the abuse of migrant children, and in general, the infringement of immigration detention rules by the U.S.A. Police is clearly evident.¹⁴² As it can be easily understood, heavy criticism occurred that can explain, up to a certain degree, the corresponding conviction of Greece for the prolonged detainment of its unaccompanied children. Passing on Europe, Malta's policy for unaccompanied underage children became the point of attention worldwide for being so very strict and inhuman, at least until 2012, because Malta characterized as underage migrants only those who are fully documented. The Maltese police considers undocumented children as adults and placed in detention centers for adults instead of special homes for children, depriving from those children their basic rights and their fundamental benefits granted by the international conventions and the European ones too.¹⁴³ Equivalent conditions occurred in the Greek detention centers too.

In particular, the procedure followed by the Greek Authorities when a family enters illegally Greece varies from one region to another. In overall though, the procedure takes place as it follows: the family gets located and arrested by the Hellenic Police. Afterwards, the first option is for when the family is located in Evros and near a hotspot and includes their sending to a refugee reception center or in case there is not enough capacity for them, their remaining at the Police Station or at a "Pre-deporting foreigners' detention centers" until there is enough room in the hotspots. After their settlement in hotspots, the asylum application procedure starts. The second option is for when the family is not nearby a hotspot, the identification procedure takes place immediately after their arrest, and afterwards, they get settled in a non-hotspot location. The third option refers to the families that enter Greece via sea and they get located/arrested in the Greek islands. The settlement of these migrants in a hotspot is the immediate action by the Greek Police followed by a refugee reception procedure and afterwards by a possible asylum application process. But when an unaccompanied child gets in the middle of the way, the procedure changes dramatically but not always

¹⁴² "Ο ΟΗΕ Καταγγέλλει Τις ΗΠΑ Για Την Απεριόριστη Κράτηση Παιδιών Μεταναστών." *Proto Thema*. September 4, 2019. <https://www.protothema.gr/world/article/921946/o-oie-kataggellei-tis-ipa-gia-tin-aperioristi-kratise-paidion-metanaston/>.

¹⁴³ "Malta: Migrant Detention Violates Rights." *Human Rights Watch*, July 18, 2012. <https://www.hrw.org/news/2012/07/18/malta-migrant-detention-violates-rights>.

in an edifying for the child way. Its psychological and physical condition might be seriously injured. In particular, when unaccompanied children get located by the police outside areas with hotspots, the older ones get usually under protective custody or detention in police stations, while the younger ones are kept in hospitals. Now, there are a couple of laws, the 4540/2018 and the 4554/2018, according to which, when an unaccompanied child gets located, the authorities are obliged to call the Prosecutor and the *Greek National Centre for Social Solidarity*. These callings must be immediate and prioritized respectively too. Apart from that, based on *Article 8* of the *European Convention of Human Rights*, the unaccompanied children must pass through an interview, based on their gender, age and language by specialists in order to identify them and locate their families.¹⁴⁴ The police though detaining underage migrants or putting them into hospitals affects gravely their psychology, which is already seriously affected if they had been leaving on the streets or without any protection and support outside the hotspots. The Prosecutor though mentions that the unaccompanied children must be semi-free and that means that they should not be completely free because it is possible that they will flee the country in order to get reconnected with their families.

The Greek Police has a Sub-Directorate of Protection for the Underage. According to the police major of Thessaloniki's department and her speech "Underage Refugee Victims"¹⁴⁵, the department is in charge of investigations if an underage refugee is a victim of abuse, and for the majority of cases, a victim of sexual abuse. According to Sofia Kousidou, the police major of the department, until last year there was not even a place to receive the children. Artists from *Athens School of Fine Arts* offered voluntarily their help in order to keep the kids busy. About the child abuse and the investigation process, policemen that interrogate the abused children usually belong to the opposite gender of the offender. The difficulties in investigating a sexual crime are great, such as non-obvious to the human eye external characteristics/wounds, inability of a child to speak Greek, constant interruptions by the translator in case the child gives the interview in his mother tongue, which also makes the flow of the speech getting lost up to a certain degree. Nevertheless, familiarization of the child with the policeman

¹⁴⁴ Unicef, and Συνήγορος Του Πολίτη. "Παιδιά (Που Μετακινούνται): Τα Δικαιώματα Των Παιδιών Που Μετακινούνται Στην Ελλάδα: Ετήσια Έκθεση 2018." *synigoros.gr*, 2019. <https://www.synigoros.gr/resources/docs/ee2018-kdp-dikaiom-paid-pou-metakin.pdf>.

¹⁴⁵ Κουσίδου, Σοφία. "Ανήλικοι Πρόσφυγες Θύματα - Αστυνομική Προανακριτική Προσέγγιση." presented at the *1ο Φόρουμ Θεσσαλονίκης για τα Ανθρώπινα Δικαιώματα: Δικαιώματα Παιδιών*, November 1, 2019. <http://celc.web.auth.gr/>

helps a lot. Besides, the frequently unwilling parents to help in the fear of a possible isolation and stigmatization worsens the situation. Sometimes, the victims inhabit in the same space with the offenders. But most of all, detention centers for underage migrants do not exist in Thessaloniki and that is crucial. The prosecutor though has expressed her strong disagreement about the methods police staff uses in order to interrogate an abused kid, focusing on the lack of special knowledge over a very sensitive issue because these children already carry a big trauma from what they had already been gone through.

About the unaccompanied children, the protective detention of children function negatively for those children. Valbota Xistouna, the head of the non-governmental organization “Arsis”, mentioned that although the law defines that protective detention must be performed under the rules of common detention, in reality the unaccompanied children are prisoners without yard time and without a release date since it is not a common “detention”, but a “protective” one. Moreover, Xistouna referred to the fact that adult refugees tend to inhabit in the housing for the underage ones. In this way, there is not enough room for the children. Moreover, the abolition of the *Social Security Number*, apart from the previously-mentioned issue of children not attending school, leads also to underage refugees not getting vaccinated or examined by doctors. So, for another time they cannot have access to education.¹⁴⁶

Now, apart from all the official judgments by international and European instruments, daily violations of fundamental rights and freedoms take place without much control. According to the United Nations High Commissioner for Refugees, between January and September of the year 2019, more than 2,100 unaccompanied children entered Greece via illegal vessels. In fact, only 26% of the unaccompanied migrant children are under appropriate for their age living conditions, while the rest of them inhabit in very indecent structures and spaces.¹⁴⁷ The unaccompanied children probably constitute the most vulnerable social group of the refugee crisis, as they are unable to defend themselves from the multiple dangers they are under, as well as, to

¹⁴⁶ Χυστούνα, Βαλμπόνα. “Παιδική Προστασία Και Κοινωνική Δράση Της ΑΡΣΙ.” presented at the *1ο Φόρουμ Θεσσαλονίκης για τα Ανθρώπινα Δικαιώματα: Δικαιώματα Παιδιών*, November 1, 2019. <http://celc.web.auth.gr/>.

¹⁴⁷ Newsroom, CNN Greece. “ΟΗΕ: Σημαντική Αύξηση Των Αφίξεων Προσφύγων Και Μεταναστών Στην Ελλάδα.” CNN.gr, October 14, 2019. <https://www.cnn.gr/news/ellada/story/193879/ohe-simantiki-ayxisi-ton-afixeon-prosfygon-kai-metanaston-stin-ellada>.

find efficient solutions for their issues in order to live in a peaceful and safe environment. Interviews with those children prove, apart from the tragic circumstances they have been gone through, such as killings of their family members, poverty, fear, violence, threats and robberies, the inefficiency of the Greek Police to provide them the safe environment they deserve, but most of all, a transparent, correct and legitimate process for their asylum application.

Witnesses from those unaccompanied children include accusations for absence of translators that should be provided by the Greek Police. As long as it concerns the translator absence, an unaccompanied child from Afghanistan who had no relatives to speak out about his fears, threats and difficult situations experienced an attack by three adults while he was sleeping in “Moria” hotspot in Lesbos leading to him staying for some hours next to some policemen in order to feel safer. The police though could not understand what had been happening and that the child had been suffering because a translator was not provided in that – out of the hotspot - area. The unaccompanied children in Moria are over a thousand. The sentiment of suffocation is created by the inappropriateness of the hotspot which accommodates 14,919 people, whereas its initial capacity was for 3,000¹⁴⁸. *United Nations High Commissioner for Refugees* insists on the inappropriateness of the structures for the unaccompanied children, since there are children who sleep on the roofs of the containers in Samos because there is not enough space for them to sleep in. Again in the hotspot of Samos, in Vathy, there are over twelve unaccompanied girls sleeping all in a very small container.¹⁴⁹ In general, today, only one third of the unaccompanied children in Greece live in a correct space for their age. Besides, a large number of them does not even sleep in a structure for children, but on the contrary, in a big tent inside a hotspot among with adults. 1,000 unaccompanied children are homeless or they live in occupied buildings.¹⁵⁰ After the intervention of the Greek Police on these occupied buildings in order to end the occupation, the children stopped going to school and getting education. Moreover, the Greek state announced

¹⁴⁸ Αλπιάνης, Γιάννης. “Μόρια: Μηδέν Εις Το Πηλίκον – Για «Πρέσπες» Της ΝΔ Μιλάει ο Κακλαμάνης.” *CNN.gr*, November 12, 2019. <https://www.cnn.gr/news/ellada/story/197143/moria-miden-eis-to-pilikon-gia-prespes-tis-nd-milaei-o-kaklamanis>.

¹⁴⁹ United Nations High Commissioner for Refugees. “Lone Children Face Insecurity on Greek Island.” UNHCR, October 14, 2019. <https://www.unhcr.org/news/stories/2019/10/5da059144/lone-children-face-insecurity-greek-island.html>.

¹⁵⁰ Ιγνατιάδης, Βασίλης. “Ασυνόδευτοι Πρόσφυγες: Μόνο 1 Στους 3 Φιλοξενείται Σε Κατάλληλες Δομές.” *Έθνος*, November 25, 2019. https://www.ethnos.gr/ellada/74013_asynodeytoi-prosfyges-mono-1-stoys-3-filoxenetai-se-katalliles-domes.

the abolition of social security number for illegal migrants, applicants for international protection and unaccompanied refugees. That means that the refugee children cannot enroll in schools and get formally educated¹⁵¹, an act which is totally against the *Rights of the Child*. In every convention and law, the right of children to basic education exists. Moreover, the police mentions that there are double, or even triple registrations of the same children due to parental conflicts who file for the supposed “abduction” of those children. The disappearances of unaccompanied children in Greece, according to the Greek Police were 1,481 only for the years 2014 and 2015¹⁵². Besides they often fall victims of human trafficking organizations. The number of the asylum applications in 2019 by unaccompanied children comes up to 4,600. Furthermore, the Greek Police often fails to determine if a migrant is underage or not, as the examination is not done in an appropriate way. They wait for many months under those hideous conditions until their application for asylum gets examined.¹⁵³ *United Nations High Commissioner for Refugees* calls for the Greek state to establish appropriate structures and conditions for this special and highly sensible social group. UNHCR also consults the rest of the European countries to pay some respect and prove the European solidarity by creating appropriate structures and accepting some of those unaccompanied children to reunite with their families. The Greek *Ombudsman* asks for safeguarding the uninterrupted function and reinforcement of the specialized for unaccompanied children refugee accommodation structures. Moreover, the Ombudsman asks for immediate relocation of the unaccompanied children in other European states.¹⁵⁴

Moving on to another serious fact about children and migration, the legitimacy of the detention conditions, and in particular, the time limit, as well as, the accommodating facilities. During the *1st Forum about Human Rights in Thessaloniki*, and in particular,

¹⁵¹ Βρούτσης, Ιωάννης. “Θέμα : Σχετικά Με Την Απόδοση ΑΜΚΑ Σε Ξένους Υπηκόους.” *Ελληνική Δημοκρατία Υπουργείο Εργασίας, Κοινωνικής Ασφάλισης και Κοινωνικής Αλληλεγγύης Γενική Διεύθυνση Κοινωνικής Ασφάλισης Διεύθυνση Ειδικότερων Θεμάτων Ασφάλισης & Παροχών Τμήμα Προσυνταξιοδοτικών Παροχών και Λοιπών Παροχών σε Χρήμα*, Athens, July 11, 2019. <https://diavgeia.gov.gr/>.

¹⁵² Newsroom iefimerida.gr. “Όλη η Αλήθεια Για Τα Ασυνόδευτα Προσφυγόπουλα.” *iefimerida.gr*, March 4, 2016. <https://www.iefimerida.gr/news/254628/oli-i-alitheia-gia-ta-asynodeyta-prosfygopoula>.

¹⁵³ Cheshirkov, B. (2019). Παιδιά μόνα αντιμετώπιζα με την ανασφάλεια στη Λέσβο. Retrieved November 14, 2019, from UNHCR website: https://www.unhcr.org/gr/13115-paidia_mona_antimeptwpa_me_tin_anasfaleia.html

¹⁵⁴ Συνήγορος του Πολίτη: Ανεξάρτητη Αρχή. “Παρέμβαση Συνηγόρου Του Πολίτη Για Τα Ασυνόδευτα Παιδιά, Πρόσφυγες Και Μετανάστες.” *Συνήγορος του Πολίτη - Ανεξάρτητη Αρχή*, n.d. <https://www.synigoros.gr/?i=childrens-rights.el.dpnews.358180>.

the one having the *Rights of The Children* as its special topic, the *Greek Deputy Ombudswoman For Children's Rights*, Theoni Koufonikolakou, mentioned during her speech about “Child Protection And The Role Of The Ombudsman For The Protection of The Rights Of The Child” that over 90 unaccompanied children live under unpropitious conditions. Nonetheless, a large amount of these unaccompanied children remain in waiting lists for their transportation to Amygdaleza Detention Center in Athens. So, these children, who are under detention, wait for another detention, whereas their psychology is already really sensitive, as they carry with them the trauma of what they have been through concerning the traumatic incidents in their countries of origin, the difficult and dangerous route until Greece and the current difficult living conditions. Moreover, they are in fear and they do not know why they are detained. Apart from all these facts though, there are unaccompanied children that are homeless. Because of the abolition of the *Social Security Number* for these children, both for the homeless and for the detained ones, having a job or even attend an evening school is impossible. So, them getting engaged in illegal activities and committing crimes is a logical consequence. So, according to the Greek Deputy Ombudsman, the creation of a common design with surveillance mechanisms and goals, which would be co-financed by the European Union and the Greek state, is needed.¹⁵⁵ Furthermore, based on the statistical data of the annual report over the unaccompanied children by the Greek Ombudsman (an independent authority) and *Unicef*, the number of the unaccompanied children in Greece by the end of October was 4,779 and 93% of them are over the age of 14. Now, 94% of those over-14-year-old unaccompanied children are male. About the countries of origin of the unaccompanied children in Greece, 43% of them come from Afghanistan, 30% from Pakistan and 9% from Syria and the rest of them from multiple states. The missing unaccompanied children are 1,200¹⁵⁶. The biggest concentration of unaccompanied children takes place in the island “Lesvos”, followed by the island “Samos”. About the places of their accommodation, the unaccompanied children inhabit in the facilities of the *Ministry of Citizen Protection*, in refugee reception centers, in specific hotels, in guest houses - officially called “Accommodation Facilities” and are supposed to be the best provision given by the Ministry as they

¹⁵⁵ Κουφονικολάκου, Θεώνη. “Παιδική Προστασία Και ο Ρόλος Του Συνηγόρου Για Τα Δικαιώματα Του Παιδιού.” presented at the *1ο Φόρουμ Θεσσαλονίκης για τα Ανθρώπινα Δικαιώματα: Δικαιώματα Παιδιών*, November 1, 2019. <http://celc.web.auth.gr/>.

¹⁵⁶ “Αγνοούνται 1.200 Ασυνόδευτα Παιδιά.” *Η Εφημερίδα των Συντακτών*, November 4, 2019. <https://www.efsyn.gr/node/217546>.

function under specific structures and staff -, in “Semi-Independent Living” apartments for the over the age of sixteen children and last but not least, in informal housing with the state not knowing where they are located. The concept of Semi-Independent Living will be possibly more developed with urban plans for these apartments and the creation of secure zones for refugees. Besides, commissioners and special social workers are supposed to start working in the unaccompanied-children accommodating facilities, but all these are possible and not de facto things to occur¹⁵⁷.

Moreover, Mr. Giakoumopoulos, the director-General of the *Directorate-General for Human Rights and the Rule of Law* in the *Council of Europe*, referred to the very special subject of the return of the children of the migrant jihadists, during his speech about “Challenges and Approaches To The Protection of the Rights of The Child At The Council of Europe: Rights of the Children”. The issue here is very delicate because these children can be critically judged in a twofold way. From a humanitarian aspect, the issue of their nationality might not play a significant role, but if those children have participated in serious illegal acts and committed crimes, such as decapitations, then the issue of criminal responsibility arises. So, in the last case, the situation gets really rough about how these children are going to be treated in trials, as long as it concerns the use of the favorable provisions for underage criminals¹⁵⁸.

The role now of the *High Commissioner of the Refugees* to the refugee crisis and to the unaccompanied children per se is really valuable and multi-level. The contributions of the United Nations are multiple since UN provided support for the child’s best interest by the relocation program to the U.K., by the creation of 28 hotspots only in 2018, by the development of urban units in Thessaloniki, in Athens and in many Greek islands for the founding of the unaccompanied children, by the semi-independent living program for the underage - but over 16-years-old - unaccompanied migrant children, by the free containers to the Greek islands, by the legal and socio-psychological support for the refugees, by the “ESTIA” program for the lodgment of the young adult refugees in the urban centers, so that the hostels for underage refugees will get decongested, with

¹⁵⁷ Unicef, and Συνήγορος Του Πολίτη. “Παιδιά (Που Μετακινούνται): Τα Δικαιώματα Των Παιδιών Που Μετακινούνται Στην Ελλάδα: Ετήσια Έκθεση 2018.” *synigoros.gr*, 2019. <https://www.synigoros.gr/resources/docs/ee2018-kdp-dikaiom-paid-pou-metakin.pdf>.

¹⁵⁸ Γιακουμόπουλος, Χρήστος. “Προκλήσεις Και Προσεγγίσεις Της Προστασίας Των Δικαιωμάτων Του Παιδιού Στο Συμβούλιο Της Ευρώπης.” presented at the *1ο Φόρουμ Θεσσαλονίκης για τα Ανθρώπινα Δικαιώματα: Δικαιώματα Παιδιών*, November 1, 2019. <http://celc.web.auth.gr/>

the website “H.E.L.P.” dedicated to the asylum process, with the attribution of the commissioner to national strategies, with the support for the immediate education of the migrant children, with the creation of a passport full of their qualifications, so that they can find jobs/integrate and last but not least, with the proposals for new actions that will help the unaccompanied and undocumented children, such as the pause of their detention and the introduction of the wrist x-ray examination in order to define accurately their age.¹⁵⁹ According to Christina Papazoglou, the Head of the Department of Protection, in the Office of the High Commissioner For Refugees in Thessaloniki and her speech about “Child Protection: The Role of High Commissioner of the United Nations For The Refugees”, 75% of the unaccompanied migrant children in the Greek islands do not attend school.¹⁶⁰

Nevertheless, the detainment of juveniles is also a procedure well-modified by the United Nations’ *High Commissioner of Human Rights*, which attempts to ensure their human rights. In particular, “Children are to benefit from all the human rights”, “Children who are detained shall be treated in a manner which promotes their sense of dignity and worth, facilitates their reintegration into society, reflects their best interests and takes their needs into account.”, “Children shall not be subjected to corporal punishment, capital punishment or life imprisonment without possibility of release”, “Children who are detained shall be separated from adult prisoners. Accused juveniles shall be separated from adults and brought for trial as speedily as possible”, “Special efforts shall be made to allow detained children to receive visits from and correspond with family members”, “The privacy of a detained child shall be respected, and complete and secure records are to be maintained and kept confidential”, “Juveniles of compulsory school age have the right to education and to vocational training”, “Weapons shall not be carried in institutions which hold juveniles”, “Disciplinary procedures shall respect the child’s dignity and be designed to instil in the child a sense of justice, self-respect and respect for human rights” and “Parents are to be notified of the admission, transfer, release, sickness, injury or death of a juvenile”.¹⁶¹

¹⁵⁹ Παπάζογλου, Χριστίνα. “Παιδική Προστασία: Ο Ρόλος Της Ύπατης Αρμοστείας Των Ηνωμένων Εθνών Για Τους Πρόσφυγες.” presented at the *1ο Φόρουμ Θεσσαλονίκης για τα Ανθρώπινα Δικαιώματα: Δικαιώματα Παιδιών*, November 1, 2019. <http://celc.web.auth.gr/>

¹⁶⁰ Παπάζογλου, “Παιδική Προστασία: Ο Ρόλος Της Ύπατης Αρμοστείας Των Ηνωμένων Εθνών Για Τους Πρόσφυγες.”

¹⁶¹ Office Of The United Nations Commissioner For Human Rights. “Human Rights And Prisons A Pocketbook of International Human Rights Standards for Prison Officials.” *Ohchr.Org*. New York and

A step though towards a Greece of solidarity and a sentiment of union, was the new strategy for the treatment of unaccompanied children with the establishment of the “foster care” program, named “Μετάδραση”¹⁶² (“A following act” in a free translation). Since 2016, already seventy Greek families participate in this new program.¹⁶³

4.2.4 Migration Related Cases by the European Court of Human Rights

The Council of Europe many times decided to turn against the Greek state since the human rights violations by its state officials have been numerous. In particular, the Hellenic Police holds a dominant position in human rights infringement. The European Court of Human Rights condemned Greece for the crimes committed by the Hellenic Police multiple times. Especially during the refugee crisis, a rise in the amount of convicting decisions occurred, with many of those cases bringing the attention of the world press and getting followed by a great disapproval by several countries and non-governmental organizations. As long as it concerns the wound of the refugees, we can start by the case of:

Kaak and Others v. Greece (Application no. 34215/16)¹⁶⁴

This case refers to the detention conditions and the illegality of detention of some unaccompanied Syrian, Afghan and Palestinian migrants in the hotspots of Vial and Souda in Chios Island. About the detention conditions, the ECHR decided that the conditions are sufficiently livable and that the Greek state does the best it can in order to provide the migrants the best possible living conditions based on the huge occurring humanitarian crisis. The Greek state supported the opinion that the police informed the public prosecutor who functioned as a guardian for the unaccompanied children and who was responsible for finding the appropriate lodgment for children. Moreover, the chief of Vial informed directly the *National Social Solidarity Service* in order to define

Geneva: United Nations, 2005.

<https://www.ohchr.org/Documents/Publications/training11Add3en.pdf>.

¹⁶² Μετάδραση. “Αναδοχή Ασυνόδευτων Ανηλίκων – Metadrasi.Org.” *Metadrasi.org*, 2016.

<https://metadrasi.org/campaigns/>.

¹⁶³ Καλαϊτζή, Αλεξία. “Ξεκίνησε Το Πρόγραμμα Αναδοχής Ασυνόδευτων Παιδιών Στη Θεσσαλονίκη.” *Voria.gr*, October 4, 2019. <https://www.voria.gr/article/xekinise-to-programma-anadochis-asinodefton-pedion-sti-thessaloniki>.

¹⁶⁴ ECHR Case Law, ed. “Τα Ένδικα Μέσα Που Είχαν Στη Διάθεσή Τους Οι Κρατούμενοι Μετανάστες Στα Κέντρα Υποδοχής Έκτακτης Ανάγκης Στην Ελλάδα Δεν Ήταν Ούτε Προσβάσιμα, Ούτε Επαρκή.” *ECHRCaseLaw.com*, October 4, 2019. <https://www.echrcaselaw.com/apofaseis-edda/thematologia/eleutheria-kai-asfaleia/ta-endika-mesa-pou-eixan-stin-diatrhesi-tous-oi-kratoumenoi-metranstes-sta-kentra-upodoxis-ektaktis-anagkis-stin-ellada-den-itan-oute-prosbasima-oute-eparki/>.

what the appropriate conditions for those children should have been. Lastly, the *Asylum Service* was also called. So, according to the ECHR, violation of the Article 3 did not occur. About the Souda hotspot allegations, the applicants did not precise if they suffered there, so the Article 13 was once again not violated. Now, the detention of almost one month for unaccompanied children is not human degrading because it is considered as a normal time for the Greek state to conduct its investigations and complete the appropriate migration related processes, because of the enormous migratory crisis. Violation though of the Article 5§1 did not occur. On the other hand, violation of the article 5§4 did take place since the deportation decisions which included the possibility of appeal were not explained to the migrants in a language they could understand, the informative leaflets were attributed to them without any legal assistance to explain their technical meaning and information of the migrants about where the courts they could apply to have been and what type of courts have been did not take place. A compensation of 650€ was attributed to each victim.

H.A. and others v. Greece (Application no. 19951/16)¹⁶⁵

Passing on to another recent case, the one of the nine unaccompanied migrant children that entered the country illegally claiming that they had fled their countries of origin because of life threatening conditions. They belonged to a vulnerable religious group (Ishmaelites).¹⁶⁶ Six of those nine kids were Syrian citizens, two were Afghans and there was a Moroccan too. They got arbitrary arrested by the Hellenic Police, without being given any explanation to, and got detained in police stations, again

¹⁶⁵ For the part “H.A. and others v. Greece (Application no. 19951/16)”, information was collected from the following sources:

H.A. and others v. Greece (no. 19951/16), (European Court of Human Rights 2019).

<https://www.asylumlawdatabase.eu/en/content/ecthr-ha-and-others-v-greece-greece-violated-convention-placing-unaccompanied-minors>

ECHR Case Law, ed. “Απαράδεκτη Και Εξευτελιστική Μεταχείριση Ασυνόδευτων Ανηλίκων Μεταναστών Από Ελληνικές Κρατικές Αρχές Και Παράνομη Στέριση Της Ελευθερίας Τους. Καταϊσμός Παραβιάσεων Της Ελλάδας.” ECHRCaseLaw.com, March 1, 2019.

<https://www.echrcaselaw.com/mi-kategoriopoihmeno/aparadecti-kai-ekseutelistiki-metaxeirisi-asinodeytw-anilikwn-metanastwn-apo-ellinikes-kratikes-arxes-kai-paranomi-sterisi-tis-elftherias-tous-kataigismos-paraviaswn-tis-elladas/>.

“DW: Καταδίκη Της Ελλάδας Από Το Ευρωπαϊκό Δικαστήριο Για Απάνθρωπη Συμπεριφορά Σε Ασυνόδευτους Ανηλικούς Πρόσφυγες.” Kathimerini.gr. Καθημερινές Εκδόσεις Α.Ε. Εθν.Μακαρίου & Φαληρέως 2, March 1, 2019. <https://www.kathimerini.gr/1012585/gallery/epikairothta/ellada/dw-katadikh-ths-elladas-apo-to-eyrwpaiko-dikasthrio-gia-apan8rwph-symperifora-se-asynodeytoys-anhlikoys-prosfyges>.

¹⁶⁶ Newsroom, CNN Greece. “Το ΕΔΔΑ Καταδίκασε Την Ελλάδα Για Ταπεινωτική Μεταχείριση Ανηλίκων Προσφύγων.” CNN.gr, June 13, 2019. <https://www.cnn.gr/news/ellada/story/180562/to-edda-katadikase-tin-ellada-gia-tapeinotiki-metaxeirisi-anilikon-prosfygon>.

without being given any explanations to and without enough food or contact with an outsider for 21 to 33 days. Afterwards, they got detained in the hotspot of “Eidomeni” in Greece, in unfavorable living conditions, for which though the Greek state did not have a direct responsibility due to the fact that the hotspot had been directed to a large extent by non-Greek governmental instruments. The underage migrants would get deported within one month. The ECHR judged that Greece should have priority protected the nine young unaccompanied migrants. And last but not least, the ECHR noticed that the prosecutor of the Criminal Court who possessed children’s custody did not provide them a lawyer, as he was obliged to.¹⁶⁷ In more details, the nine underage unaccompanied refugees were firstly detained in police stations without any yard time, exercise, communication with outsiders, restaurant facilities, TV or a radio, which could affect their psychological well-being, while it caused them a feeling of isolation. Moreover the ECHR decided that the detention conditions of unaccompanied children in police stations without psychological or social support was a heavily human degrading treatment. Now about the “Eidomeni” hotspot and the secure zone for the unaccompanied children where those nine refugees lodged, maintained according to the ECHR sufficient living conditions, due to the fact that in 2015 an enormous migrant wave took place and the demand for secure places for children was huge. Moreover, although the unaccompanied children claimed that they had been tortured by policemen in the police station of Kilkis, the judge decided that the accusations were false according to some medical examinations. Furthermore, the process of complaint about the living conditions and the access to a trial was absent or insufficiently performed, since the application obtained by the policemen (who were obliged to take it down correctly) did not mention the correct dates of detention of the children, so the fact that their detention was extra-long and illegal could not be identified. So, they could not proceed to a local tribunal. Furthermore, after they managed to file a complaint about the detention period, the prosecutor filed the case... The pro-longed detention now in police stations, and more specifically the pro-longed detention of children in police stations, was illegal in multiple ways (Article 3 of the United Nations’ *Convention on the Rights of the Child*, Article 13§6 (b) of the presidential decree no. 114/2010, Article

¹⁶⁷ Αγγελίδης, Δημήτρης. “Καταδίκη Της Ελλάδας Για Απάνθρωπες Συνθήκες Κράτησης Ανήλικων Προσφύγων.” Η Εφημερίδα των Συντακτών, March 1, 2019. https://www.efsyn.gr/ellada/dikaiomata/185445_katadiki-tis-elladas-gia-apanthropes-synthikes-kratiseis-anilikon-prosfygon.

32 of the law no. 3907/2011 and of course the article 5§1 of the *European Convention of Human Rights*). This extra-long detention kept those children away from the lawyers provided by the NGOs and the prosecutor did not get them in contact with a lawyer, although he was obliged to. At last, a final decision by the court got released at the sixth of April 2017, after a year of the application. The decision clarified that violation of the Article 3 (“Prohibition of torture”)¹⁶⁸, the Article 5§1(f) (“Right to liberty and security: Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law: the lawful arrest or detention of a person to prevent his effecting an unauthorized entry into the country or of a person against whom action is being taken with a view to deportation or extradition.”)¹⁶⁹, the Article 5§4 (“Right to liberty and security: Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.”¹⁷⁰) and the Article 13 (“Right to an effective remedy”)¹⁷¹ of the *European Convention on Human Rights* were committed by the Greek state. A compensation of 4,000 € was given to each victim, plus the amount of 1,500€ to all of them for the legal fees.

O.S.A. and Others v. Greece (Application no. 39065/16)¹⁷²

This case refers to the wrongful treatment of some Afghan migrants who wanted to file against their deportation, by the Hellenic Police which did not provided to them any legal assistance. The police also informed them in Greek, a language that they could not understand. Even if the informative leaflet that had been given to them by the

¹⁶⁸ Council of Europe. *European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 3: Prohibition of Torture § (1950)*.

¹⁶⁹ Council of Europe. *European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 5 Right To Liberty and Security §1(f) § (1950)*.

¹⁷⁰ Council of Europe. *European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 5 Right To Liberty and Security §4 § (1950)*.

¹⁷¹ Council of Europe. *European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 13 Right To an Effective Remedy § (1950)*.

¹⁷² For the part “O.S.A. and Others v. Greece (Application no. 39065/16)” information was collected by the following sources:

ECHR Case Law, ed. “Ενημέρωση Στη Χίο Αφγανών Μεταναστών Στα Ελληνικά Ότι Μπορούσαν Να Προσφύγουν Κατά Της Απέλασης Σε Διοικητικό Δικαστήριο Χωρίς Να Προσδιορίζεται Ποιο Είναι Αυτό Και Πού Βρίσκεται Αφού Στη Χίο Δεν Εδρεύει Τέτοιο Δικαστήριο! Παραβίαση Της ΕΣΔΑ.”

ECHRCaseLaw.com, March 22, 2019. <https://www.echrcaselaw.com/apofaseis-edda/thematologia/kategoria-prosopon/prosyfyges-metanastes/enimerosi-sti-xio-afganon-metanaston-sta-ellinika-oti-mporousan-na-prosfugoun-kata-tis-apelasis-se-dioikitiko-dikastirio-xoris-na-prosdiorizertai-poi-einai-auto-kai-pou-vrisketai-afou-sti-xio-den-edr/>.

police, was in the language they understood (farsi), they did not have a lawyer to explain them the asylum process, since those leaflets are not easily comprehended. Moreover, the migrants were told that they had to file in the administrative court about their deportation, without though having been informed where such courts were located and most of all what was the type of court they should refer to. For all these reasons, the ECHR decided that violation of the Article 5§4 (“Right to liberty and security: 4. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.”¹⁷³) took place. Nevertheless, the human degrading conditions of the overcrowded hotspot in Chios, as well as the right to freedom and security and the right to be informed of the charges immediately were not verified by the ECHR. A compensation of 650€ were given to each applicant, plus 1,000€ for legal fees.

Sh.D. and Others v. Greece, Austria, Croatia, Hungary, North Macedonia, Serbia and Slovenia (Application no. 14165/16)¹⁷⁴

This case refers to five Afghan unaccompanied children who faced human degrading treatment during their “protective” detention in several Greek police stations. The protective detention per se was wrongfully applied in underage and unaccompanied migrants. Those children entered Greece in 2016. They got checked by the Hellenic Police and their deportation within one month was decided. They attempted though to cross the borders towards North Macedonia but they got stopped by the national guards. One of those five children got immediately arrested by the Hellenic Police and was put under protective custody in the police station of “Polykastro” for 24 days, while the remaining four children got arrested later on in Chios Island and held afterwards in Eidomeni hotspot until their new deportation date would arrive. Nevertheless, they

¹⁷³ Council of Europe. European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 5 Right To Liberty and Security §4 § (1950).

¹⁷⁴ For the part “Sh.D. and Others v. Greece, Austria, Croatia, Hungary, North Macedonia, Serbia and Slovenia (Application no. 14165/16)” information was collected by the following sources:

European Court on Human Rights. Sh.D. and Others v. Greece, Austria, Croatia, Hungary, Northern Macedonia, Serbia and Slovenia: Court Finds Violations of Children’s Rights in Greece, www.asylumlawdatabase.eu (2019).

ECHR Case Law, ed. “Η Ελληνική Περιπέτεια Ανηλίκων Προσφύγων. Εξευτελιστική Μεταχείριση Οι Συνθήκες Κράτησης Σε Αστυνομικά Τμήματα!” ECHRCaseLaw.com, June 13, 2019.

<https://www.echrcaselaw.com/apofaseis-edda/thematologia/eleutheria-kai-asfaleia/i-elliniki-peripeteia-anilikon-prosfugon-ekseftelistiki-metaxeirisi-oi-sunthikes-kratise-se-astynomika-tmimata/>.

escaped to the Greek mainland. Another child was then detained in a police station when he attempted to flee to Italy. The ECHR decided eventually, that a violation of the Article 3 (“Prohibition of Torture”¹⁷⁵) occurred, since the children faced degrading treatment for being detained in police stations without any yard time or other major facilities and in Eidomeni hotspot where the living conditions are indescribable. Moreover there was an infringement of the Article 5§1 (“Right to liberty and security: 1.Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following”¹⁷⁶) because the protective detention should not have been applied to children and especially to unaccompanied ones... Moreover, the police was obliged to inform the public prosecutor that unaccompanied children had been set free or that they lived in a hotspot with the intentions of going to Europe in order to find their relatives. In that way, the prosecutor could have find them an appropriate and safe lodgment. The prosecutor though was never informed by the Hellenic Police. Apart from the European Convention of Human Rights, there is the *Convention on the Rights of the Child* (CRC) that attempts to protect the children from several abuses. A compensation of 4,000€ - 6,000€ was eventually given to each migrant, plus 1,500€ to all of them for legal fees.

J.R. and Others v. Greece (Application no.22696/16)¹⁷⁷

This case refers to three Afghani migrants in Greece who filed to the European Court of Human Rights because of the human degrading conditions in “Vial” hotspot during the intense migratory wave and because of their alleged pro-longed arbitrary detention after they applied for an asylum, without also having the details of their detention be explained to them in their language. According to the ECHR, a sufficient explanation of the detention reasons and the entire asylum process was not given to them, because of the fact that an informative leaflet in their language is definitely not

¹⁷⁵ Council of Europe. European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 3 Prohibition of Torture § (1950).

¹⁷⁶ Council of Europe. European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 5 Right To Liberty and Security §1 § (1950).

¹⁷⁷ For the part “J.R. and Others v. Greece (Application no.22696/16)” information was collected from the following sources:

ECHR Case Law, ed. “Συνθήκες Και Διάρκεια Κράτησης Σε Κέντρο Υποδοχής Μεταναστών Στην Ελλάδα.” *ECHRCaseLaw.com*, August 30, 2018. <https://www.echrcaselaw.com/apofaseis-edda/thematologia/axioprepeia/sinthikes-kai-diarkeia-kratisis-se-kentro-ipodoxis-metanastwn-stin-ellada/>.

European Court of Human Rights. Case of J.R. and Others v. Greece (Application no.22696/16), *Asylumdatabase.eu* (European Court of Human Rights, Strasbourg, January 25, 2018).

enough explanatory. So, violation of the Article 5§2 (“Right to liberty and security: 2.Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.”¹⁷⁸) occurred. Violation of the Article 5§1 (“Right to liberty and security: 1.Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law”¹⁷⁹) which technically refers to the arbitrary detention did not took place, as the one month that the migrants had been detained for, did not constitute a long time period and was in accordance with the Greek migratory situation of that time and with the time the Greek state needed to conduct the appropriate procedures. Moreover, the Vial hotspot was transformed into a semi-open facility. So, the complainants did not have the right to get outside for only one month and afterwards they were simply restricted. Subsequently, a violation article 3 (“Prohibition of Torture”¹⁸⁰) did not occur as well, although the living conditions in the hotspot were very controversial since the amount of people that had been living simultaneously there, was way higher than the capacity of the hotspot. Medical and legal assistance, as well as information, were limited and so was the food and water quality. Nevertheless, the court decided that the conditions, although harsh, did not pass the limit of torturing and human degradation. The article 34 (“Individual applications”¹⁸¹) was once again not violated, since the ECHR decided that the interview that the migrants had gone through, did not have the intention of convincing them to withdraw or change their application to the ECHR. In the end, a compensation of 620€ was attributed to each victim, plus 1,000€ to all of them for the legal fees.

Kolonja v. Greece (Application no. 49441/12) ¹⁸²

¹⁷⁸ Council of Europe. European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 5 Right To Liberty and Security §2 § (1950).

¹⁷⁹ Council of Europe. European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 5 Right To Liberty and Security §1 § (1950).

¹⁸⁰ Council of Europe. European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 3: Prohibition of Torture § (1950).

¹⁸¹ Council of Europe. European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 34: Individual applications § (1950).

¹⁸² For the part “Kolonja v. Greece (Application no. 49441/12)” information was collected from the following sources:

ECHR Case Law “Ο Δεσμός Της Οικογένειας Ισχυρότερος Από Την Απόφαση Περί Ισόβιας Απέλασης.” *ECHRCaseLaw.com*, November 6, 2017. <https://www.echrcaselaw.com/apofaseis-edda/thematologia/katigoumenos/o-desmos-ths-oikogeneias-isxuroteros-apo-thn-apofash-peri-isobias-apelashs/>.

The case of *Kolonja v. Greece* refers to the lifelong deportation of an Albanian migrant from Greece, although he was married with a Greek citizen and had two children, both of them Greek citizens too. The reasoning behind the deportation was his seven year imprisonment for drug dealing. Nevertheless, the “Right to family” and the possibility of reunion of someone with his family is secured by every human rights’ convention all over the world and of course by the *European Convention of Human Rights*. So, the European Court of Human Rights decided that a violation of the article 8 (“Right to respect for private and family life”) occurred and a compensation of 3,500€ was attributed to the victim.

A.E.A. v. Greece (Application no. 39034/12)¹⁸³

This case refers to the non-existent asylum process for a Soudan migrant in Greece, who fled Soudan because of him getting tortured for his political beliefs in 2003. He arrived in Greece in 2013 where he was denied to file for an asylum, whereas his deportation was immediately decided. He did not have access to an effective remedy in order to get justice. Moreover, he lived homeless for many years in human degrading conditions, without access to social services, food, drinkable water, toilets or to a residence permit. The ECHR decided that there was a violation of the article 3 (“Prohibition of Torture”¹⁸⁴) and of the Article 13 (“Right to an effective remedy”¹⁸⁵). Moreover the ECHR noted the systematic wrongful and inefficient process of asylum filing by the Hellenic Police and the Greek Asylum Office. A compensation of 2,000€ was attributed to him.

S.Z. v. Greece (Application no. 66702/13)¹⁸⁶

Συμβούλιο Της Ευρώπης. Υπόθεση Κολοντζα Κατά Της Ελλάδας (Προσφυγή αριθ. 49441/12) (Ευρωπαϊκό Δικαστήριο Των Δικαιωμάτων Του Ανθρώπου, Στρασβούργο Μάιος 19, 2016).

¹⁸³ For the part “A.E.A. v. Greece (Application no. 39034/12)” information was collected from the following sources:

ECHR Case Law, ed. “Οι Ανεπάρκειες Του Συστήματος Ασύλου Στοιχειοθετούν Παραβιάσεις Της ΕΣΔΑ.” ECHRCaseLaw.com, September 3, 2018. <https://www.echrcaselaw.com/apofaseis-edda/kat-arthro/arthro-3/oi-aneparkeies-tou-susthmatos-asulou-stoixeiiothetoun-paraviaseis-ths-esda/>.

European Court of Human Rights. CASE OF A.E.A. v Greece (Application no. 39034/12), *Asylumdatabase.eu* (European Court of Human Rights, Strasbourg, March 15, 2018).

¹⁸⁴ Council of Europe. European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 3: Prohibition of Torture § (1950).

¹⁸⁵ Council of Europe. European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 13 Right To an Effective Remedy § (1950). European Court of Human Rights. CASE OF .E.A. v Greece (Application no. 39034/12) (European Court of Human Rights, Strasbourg, March 15, 2018).

This case refers to the illegal detention of a Syrian refugee in 2013 while he was waiting for his deportation. S.Z. was arrested and imprisoned for ten months for possessing a fake French passport. While he was attending his deportation -although there had been a war in Syria-, he was arbitrarily detained in the basement of a police station in Athens. After him filing for asylum, the status of refugee was attributed to him. His case was brought to the ECHR because he was detained in human degrading conditions – the basement of a police station-, because his detention was arbitrary and because he did not had any access to the judicial system in order to complain about his condition. So, the ECHR judged that there had been a violation of the article 3 (“Prohibition of torture”¹⁸⁷), of the article 5§1 (“Right to liberty and security: 1. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law”¹⁸⁸) and of the Article 5§4 (“Right to liberty and security: 4. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.”¹⁸⁹). A compensation of 4,000€ plus 1,500€ for legal fees was attributed to the victim.

Sarwari and Others v. Greece (Application no. 38089/12)¹⁹⁰

¹⁸⁶ For the part “S.Z v. Greece (Application no. 66702/13)” information was collected from the following sources:

European Court on Human Rights. CASE OF S.Z. v. GREECE (Application no. 66702/13) (European Court on Human Rights, Strasbourg, September 21, 2018).

ECHR Case Law, ed. “Κράτηση Εν Αναμονή Απέλασης Σε Αστυνομικό Τμήμα.” *ECHRCaseLaw.com*, September 12, 2018. <https://www.echrcaselaw.com/apofaseis-edda/thematologia/eleutheria-kai-asfaleia/krathsh-en-anamoni-apelashs-se-astynomiko-tmhma/>.

¹⁸⁷ Council of Europe. European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 3 Prohibition of torture § (1950).

¹⁸⁸ Council of Europe. European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 5 Right To Liberty and Security §1 § (1950).

¹⁸⁹ Council of Europe. European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 5 Right To Liberty and Security §4 § (1950).

¹⁹⁰ For the part “Sarwari v. Greece (Application no. 38089/12)”, information was collected from the following sources:

European Court of Human Right. Assault of Afghan Nationals by Police Searching for a fugitive: Several Violations of Article 3 of the Convention (The Registrar of the Court, ECHR 136, April 11, 2019).

ECHR Case Law, ed. “Απάνθρωπη Και Εξευτελιστική Μεταχείριση Αφγανών Από Έλληνες Αστυνομικούς!” *ECHRCaseLaw.com*, April 15, 2019. <https://www.echrcaselaw.com/apofaseis-edda/kat-arthro/arthro-3/apanthropi-kai-ekseftelulistiki-metaxeirisi-afganon-apo-ellines-astynomikous/>.

Lawspot.gr. “ΕΔΔΑ: Καταδίκη Της Ελλάδας Για Εξευτελιστική Μεταχείριση Αφγανών Από Αστυνομικούς.” *Lawspot*, April 23, 2019. <https://www.lawspot.gr/nomika-nea/edda-katadiki-tis-elladas-gia-exeytelistiki-metaxeirisi-afganon-apo-astynomikoys>.

This case refers to the abuse of 9 migrants of Pakistani decent by two policemen (H.D. and E.K.) during an informal investigation over the escape of a Pakistani defendant from his tribunal. In particular, after the escape of a Pakistani defendant from a local tribunal in Greece in 2004, the policemen who were in charge of his guarding, decided to arbitrarily investigate the hotel where the fugitive used to live. They gathered all the mates of the hotel, made them get lined up facing the wall and showed them pictures of the fugitive. Then, the policemen hit ten Pakistani migrants with batons. Nine of those Pakistani victims filed a lawsuit in the police station and after a while the case ended up going to the ECHR. The ECHR decided that a violation of the Article 3 (“Prohibition of torture”)¹⁹¹ took place. More specifically, the ECHR mentioned that the investigation over the allegations of the nine migrants was not completed correctly, as the medical examination of the victims did not take place appropriately since a translator was not present and the physical medical examination by the forensic surgeons was poorly and way lower than the standards of the *Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)* and the ones of the *Istanbul Protocol* performed. Moreover a detailed report from the victims over what had happened did not take place, the preliminary examination started after a year and the whole process took almost five years, with all these making the evidence becoming distorted. The Greek police authorities did not investigate if the two policemen had been previously involved in racist crimes or if they had previously presented racist attitudes. They got never interviewed about their perceptions about migrants. Moreover, the Greek tribunal did not examine the possibility of a racist motive behind the policemen’s behavior, while it recognized all the mitigating factors and convicted them with suspendable punishments. On the other hand, ECHR recognized that the policemen did an arbitrary investigation in that building and that human degrading treatment and torturing of the nine Pakistani migrants took place, while none of them presented resistance and while one of them was underage. In the end, the ECHR decided the compensation of 26,000€ – 16,000 € to each applicant.

M.S.S. v. Belgium and Greece (Application No 30696/09)¹⁹²

¹⁹¹ Council of Europe. European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 3: Prohibition of Torture § (1950)

¹⁹² For the part “M.S.S. v. Belgium and Greece (Application No 30696/09)” information was collected from the following sources:

As long as it concerns the migration accusations, another case, that although did not occur in the latest years, but in 2009, constitutes a major in importance case, since it shows the long existing issue of the wrongful asylum process inside the European Union. The case of “M.S.S. versus Belgium and Greece” proves the inefficiency of the Greek Police over the handling of an asylum seeking process and over the application process. The application was filed in 2009 and had the number 30696/09. Greece got convicted for another time, along with Belgium, by the European Court of Human Rights for the mistreatment and for the incorrect asylum procedure by the Greek and Belgian authorities of an Afghan asylum seeker (Mr. M.S.S.). More specifically, the European Court of Human Rights decided that there has been a violation of the article 3 of the European Convention on Human rights by Greece about the detention conditions of Mr. M.S.S., as well as, a violation of the article 13, combined once again with the article 3, concerning the wrongful procedures during the asylum decision process and the absence of an effective remedy provided to Mr. A.S.S.. In more details, Mr. A.S.S.’s application got frivolously examined and rejected, which could have led to him being deported to a dangerous for his personal security country. For Belgium there had been also a conviction for equivalent violations. In particular, the article 3 of the Declaration got violated because the Belgian authorities sent Mr. A.S.S. back to Greece, although they knew that in Greece the asylum procedure used to be inappropriately completed risking in that way his life. A violation of the same article for the completely filthy conditions of his detention took place as well. Moreover, Mr. A.S.S. reported that when he was transported to Greece from Belgium, he got immediately detained in a building next to the airport where he slept on an insanitary and filthy mattress on the floor inside a very small and overcrowded room, with very limited access to toilet facilities and not enough food.

Rahimi v. Greece (Application No. 8687/08) ¹⁹³

Case of M.S.S. v. Belgium and Greece (Application no. 30696/09), § Strasbourg, France (European Court of Human Rights 2011). <https://hudoc.echr.coe.int/>
M.S.S. v Belgium and Greece [GC] (Application No. 30696/09) § Strasbourg, France (European Court of Human Rights 2011). <https://hudoc.echr.coe.int/>
European Court of Human Rights. CASE OF M.S.S. v. BELGIUM AND GREECE. , Coe.int (European Court of Human Rights 2011).

¹⁹³ For the part “Rahimi v. Greece (Application No. 8687/08)” information was collected from the following sources:

Rahimi v. Greece (Application No. 8687/08) (European Court of Human Rights July 5, 2011).

<https://www.asylumlawdatabase.eu/en/content/ecthr-rahimi-v-greece-application-no-868708-1>

Greece though got another time convicted for human right violations of asylum seekers by the European Court of Human Rights and more specifically, for the unaccompanied Afghan child named Eivas Rahimi. The court decided that violation of the articles 3, 13, 5§1(f) and 5§4 occurred. Moreover, 15,000 € were given to the victim in respect of non-pecuniary damage, according to article 41. The final court decision about the case “Rahimi v. Greece, Application No. 8687/08” came out on the 5th of July 2011 - three years after Rahimi’s referral- and was in favor of him. Rahimi, an orphan child, decided to flee Afghanistan and enter illegally Greece after both of his parents died during an arm conflict in Afghanistan. He was detained in Lesbos Island into terrible conditions, among adult detainees. It was decided to be deported back to his country of origin, Afghanistan, under non-legal procedures. First of all, he got never informed why he had been arrested and detained. A translator was never provided to him and the fact that one of his co-detainee functioned as a translator, did not secure any confidentiality. Apart from that, the legal procedure of applying for an asylum was never explained to him, although the representative of the legal council of Greece claimed that an informative leaflet was given to him in his language. Besides an extensive report and accusation was done for the conditions of the detention. The centers were overcrowded. There was a single toilet, which was many times overflowed and a single shower cabinet for 150 people. Sanitation was absent and in case of Rahimi, contact with an outsider was not possible, apart from the single time he had a contact with a member of a German NGO. The crucial part though that defined the court decision was the fact that Rahimi was not just underage, but also unaccompanied. That means that he was not under the surveillance and protection of an adult family member of him. The ECHR decided a compensation to be attributed to him by the Greek state.

5. Conclusions & Suggestions

All in all, police agencies and functions are multiple and variable. Each agency is in charge of certain targets. Unlawful police acts that violate the international

Σχολιασμός Υπόθεσης Rahimi κατά Ελλάδα (ΕυρΔΔΑ). “Σχολιασμός Υπόθεσης Rahimi Κατά Ελλάδα (ΕυρΔΔΑ).” *Curia.gr*, May 26, 2013. <https://curia.gr/sxoliasmos-ipothesis-rahimi-kata-elladas-evrdda/>. Vajic, Nina, Peer Lorenzen, Khanlar Hajiyev, Mirjanova Lazarova Trajkovska, Julia Laffranque, Λίνο Αλέξανδρο Σισιλιάνο, Erik Møse, and Ευρωπαϊκό Δικαστήριο των Δικαιωμάτων του Ανθρώπου. Υπόθεση RAHIMI κατά Ελλάδα (Προσφυγή υπ’αρ. 8687/08) (Ευρωπαϊκό Δικαστήριο των Δικαιωμάτων Του Ανθρώπου, Στρασβούργο: July 31, 2012).

agreements and the national laws constitute a quite frequent phenomenon. For this reason, the United Nations decided to create a police code, so that police officers are deeply aware of their duties, their responsibilities and their rights in order to conduct their investigations and complete their tasks according to the international law. This code is divided on some specific social situations, such as armed conflicts, terrorism, detention, arrest, investigation tactics and the appropriate use of force and weapons as well as the correct treatment of special social groups such as women, juveniles and refugees... In times of armed conflicts, the role of the police depends on the degree of the occurring conflict and so does the accepted use of force by policemen, who can be either civilians or combatants. It all depends on the type of the occurring conflict which can be “an internal tension or a sparse violent incident”, a “state of emergency due to the internal tensions declared by the government”, a “civil war” and “an international armed conflict”. In any case though, the police is obliged to respect and secure the four basic and intransigent human rights “the right to life” the “prohibition of torture”, the “ill-treatment” and the “prohibition of slavery and servitude”. As long as it concerns “terrorism”, the police’s role is to prevent it. In case though a terrorist attack occurs, the police is obliged to protect the civilians with the use of force being acceptable, but always with the biggest possible respect to human rights. About the unfavorable situation of detention, the role of policemen is rather practical. They are in charge of offering detainees dignified living conditions and taking care of the detainees’ safety, medical situation, criminal records, regular contacts with their relatives and lawyers, whereas they have to follow specific rules, such as the carriage of weapons only in times of transferring a detainee, the report of a human right infringement and the following of police training programs, so that they are always ready and aware of a possible conflict. Now, about arrest, a lawful policeman must constantly try to develop communication techniques and interpersonal skills and to practice his techniques in order to ameliorate a possible arrest, not only in a safe for his own-security way, but also in a respectful one for the dignity and privacy of the arrested individual. In this way, respect for human rights could be guaranteed. Force and weapons must be used only when it is emerging and only with lawful aims and legitimate law enforcement. Policemen must be well-trained and also try to harm the least. The use of firearms is permitted in case of an escape or in case the safety of the public or of the policeman is in great danger, but always after informing the perpetrator of the implementing shooting and always when other non-lethal weapons are not effective. Policeman’s responsibility

of his own acts is mandatory and so is a stable mental health. About the investigation tactics, the systematization of the whole process, such the record keeping, is mandatory. Paying respect though to the fact that every suspect is innocent until proven guilty is crucial. As long as it concerns the vulnerable social groups, such as the women, the children and the refugees, they constitute, as it can be easily understood, the most frequent victims and easy targets. The police's actions must be extra prudent towards them. About women, there are many categories and each one of those categories has special provisions by the law and needs and requires special treatment. There are female prisoners, detainees, sexually abused women, victims of domestic violence, women in armed conflicts, women who face discriminatory behaviors and female police assistants. Juveniles are undoubtedly the most vulnerable social group requiring especially sensitive treatment by the police. A child can be either the victim or the perpetrator. In both cases, policemen must treat delicately the case, so that the child won't be harmed and that it will not repeat the mistakes done. Moreover, the refugees would form another extremely vulnerable category since they are situated in a foreign country, whose language is possible unknown, and are afraid of getting refouled back to their countries of origin. Policemen must respect their rights and make them feel secure and free to talk about their issues, as well as inform them about the mandatory or possible legal procedures in a language they can comprehend. United Nations recognized the status of refugees in the 1951 Refugee Convention in Geneva. Apart though of provisions for the refugees, there are other major official papers ensuring human rights protection in Europe. Apart from the *Universal Declaration on Human Rights* accompanied by the *International Human Rights Law*, the *International Humanitarian Law*, the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights*, which constitute the "international" base of human rights protection, there are equivalent official papers in the European level too, such as the *Charter of Fundamental Rights of the European Union*, *European Convention on Human Rights* and *European Social Charter*. Two main instruments for the protection of human rights in the European level, are the *European Court of Human Rights* and the *European Committee of Social Rights*. The *Rights of The Child*, got protected by the article number 51 of *European Charter of Fundamental Rights*, which clearly defines where children's rights are applicable.

Concluding the Greek case of human rights violations by the police, we could declare that *Hellenic Police* has a long history of association with far right political movements and of committing serious human rights violations of citizens, as well as, presenting cruel behavior towards sensitive social groups, like migrants, refugees, citizens with opposite political opinions, journalists, protestors etc. The Greek dictatorship was a very obscure period in Greek contemporary history and the strong ties of Hellenic Police with the regime constitutes an undoubtful fact. The police's role was crucial in arresting and severe torturing of the citizens who attempted to bring down the regime or of the ones who were simply ideologically opposite to that. A significant amount of Articles of the *Universal Declaration On Human Rights*, such as the number 2, 3, 4, 5, 7, 8, 9, 10, 12, 19, 20, 21, 22 got completely violated, since people were prohibited to protest, to vote, to express their opinion in public, to have fair trial etc. Freedom of speech and press abolished, while people got arbitrarily arrested, threatened, sent to exile, got financially destroyed, socially excluded, killed, mutilated and got tortured physically and emotionally in every possible way and in the cruelest one too. Their families were affected as well. The vast majority of all those crimes being committed by the *Security Police* which had been collaborating with the dictators. The situation though in Greece and the continuous allegations from multiple citizens attracted the attention of *Amnesty International* which sent a two-member delegation to Greece in order to conduct an autopsy, to investigate if the amnesty for political prisoners had been implemented and to what extent, and to collect simultaneously information. The delegation indulged into the case by speaking with many victims, their family members and also with the Minister of Justice and the Minister of Public Order too. They saw many of the trials, the crimes and the atrocities that were taking place, and then they wrote two detailed reports in 1968 about all that stuff, which brought the Greek situation to the international spotlight and made it attract the interest of the European instruments. Moreover, *Amnesty International* supported the victims financially or morally by spreading the news. The following step was the Denunciation of Greece in the European Court of Human Rights by the Scandinavian Countries and its expel of Greece from the Council of Europe, without that though bothering the dictators. Some well-known victims of the Greek dictatorship were Spyros Moustaklis and Alexandros Panagoulis. Moustaklis, an ex-military, became permanently handicapped and mute from the excessive beatings, including every type of torture, from physical and psychological, to even sexual ones by the Greek Security Police and

the Military one too. Panagoulis was imprisoned, tortured and condemned twice to death for being politically active but got released from prison after a major European outcry for him. Nevertheless, he got eventually killed in a very controversial car accident. In 1979 the restoration of democracy took place with a very bloody massacre in the Greek polytechnic School by the Greek military and police forces. As traditional police values and ideology remains stainless all these years and passes from generation to generation, Police violence continues to exist. Unless the incident is extremely grave, so that it can provoke an intense shock to the public opinion, justice restoration barely takes place and in case it does, the punishments are provokingly light. Some of the most tremendous cases of police violence in contemporary Greece that shook the public opinion and received heavy criticism were the murder of the underage Grigoropoulos, who was shot in cold blood by a special police guard. The involved special guards and the media attempted to cover up the incident, but a recorded video was brought on spotlight and the case went on trial, followed by large demonstrations all around Greece. Another significant case was the one of Sakellion, a 24 old college student who is said to have been brutally murdered by three special guards in the center of Athens under indescribable circumstances. This is one of the weirdest cases and the most glaring murder cover-up by the police, the politics and the justice system. The young man was brutally beaten, while his body was missing for three days and eventually found in a terrible unrecognizable condition, while his personal stuff were never found and returned to his family. The special guards were found innocent in the trial, although there were witnesses... Many witnesses though, who were migrants, got threatened not to testify. The trial is leading now towards the European court of justice. Augustin Dimitriou, a young Cyprian college student, was heavily beaten up by policemen in front of his professors. The case was brought to the European Court of Justice which led to a 300.000 euros compensation to Augustine. Zak Kostopoulos, definitely the most shocking case of the last decade, was heavily beaten up by some citizens during an alleged robbery and afterwards by the policemen themselves, who also handcuffed him while he was bleeding and had been unconscious and possibly already dead. Furthermore, the press, constitutes a frequent target of the police, especially during demonstrations, because of its role and the gravity the media have not only in the spread of the news, but also in influencing the citizens' votes. In brief, the coverage of human rights violations by the police, and especially by the riot police, causes more violence, against the journalists and the reporters for capturing and publishing the attacks with

many times the incidents bringing the attention of the foreign countries. Many journalists, like Kypreos who permanently lost his hearing after a policeman threw a grenade on him, and many more have been gravely wounded. Unfortunately, even though some cases were brought to justice, no actual justice was attributed. Respectively, people belonging to vulnerable social groups, such as drug addicts, sex workers, the homeless, anarchists, illegal migrants and legal ones too, become frequently victims of arbitrary arrest, physical torture, verbal attacks and human rights infringement by police officers, with the cases being numerous. One very dark chapter in the Police chronicles is the conditions of the detention in the Greek prisons. The horrible unhealthy living conditions with lack of space, hygiene, medical care, and the right to an effective remedy led to over 300 condemning decisions from the European court of justice towards Greece. Moreover, these extremely dangerous Greek prisons are run by gangs and the arbitrariness of police officers. The hospital of Korydallos prison serves as a prisoners' psychiatric clinic too. It could be easily characterized as a living nightmare where patients with active tuberculosis, HIV positive patients, children, cancer patients or mentally ill living all together within a ridiculously limited living space without enough doctors or medicines, without enough sanitary staff, with filthy mattresses full of vomits and urines, without schooling and protection of their medical data. Violations of the Code of medical ethics, the European data protection law and the *Articles 137A and 137D of the Greek Criminal Law*. Plus, insults against physical integrity, human dignity, life, infringement of sexual freedom, inappropriate behavior were some of the accusations about Greece and its prisons. There is a large number of convicting decisions by the *European Court of Human Rights* about Greece, such as the case of *Igbo and Others versus Greece* (Application no 60042/13), the case of *Singh and Others versus Greece* (Application no 60041/13), the case of *Marougas versus Greece* (Application no 44689/16), the case of *Pilalis and Others versus Greece* (Application no 5574/16), the case of *D.M. versus Greece* (Application no 44559/15), the case of *Zampelos and Others versus Greece* (Application no 1167/15), the case of *Konstantinopoulos and Others versus Greece* (Application no 29543/15), the case of *Foundas v. Greece* (Application no. 50283/13) and the case *Krassas v. Greece* (Application no 45957/11). As long as it concerns the outcome of all these cases, the ECHR decided to condemn Greece and a compensation was always attributed to the victims...

As we saw, in 2015 an enormous migrant crisis in the European territory began testing the European ties, solidarity and trust among E.U. citizens. That was the well-known “Refugee Crisis”. The absence though of European Regulation towards a migratory crisis and the lack of formulation of a common policy among the E.U. states created much tension among the states, raising the issues of “European identity”, xenophobia, islamophobia and the raise of far-right governments all around the European Union. Depending on the levels of democratic efficiency a state possessed, the attitude towards the refugees varied from tolerant to completely inhuman with numerous cases of infringement of basic human rights and basic human needs in some occasions taking place. Many countries like Austria, Hungary, Croatia, Slovenia, Poland, North Macedonia and Czech Republic closed their borders to the refugees. In particular, in some countries, like in Hungary and Italy, the police committed serious crimes, including leading to death migrants or abusing them. According to the 1951 the *Refugee Convention*, the 1967 Protocol of the status of refugee and the *E.U. Regulation 604/2013*, a state is obligated to offer asylum to non-nationals or stateless persons under some specific criteria. Apart from the official papers that were mentioned before, an ‘Asylum Service’ was established in Greece in 2016 with the law number *4375/2016* which is defined to work as an independent directorate. Moreover, in 2015 the new *Migratory Law number 4540/2018* constitutes the adaptation of the Greek legislation to the provisions of Directive 2013/33 / EU, which sets the conditions of the detention of the refugees, who will be detained separately from criminals, with access to outdoor areas, medical care, free legal assistance and access to courts in case any of these measures are not implemented correctly. Reality though is far away from that with several cases of human rights violations taking place every day by the Hellenic Police, which now has the ultimate jurisdiction to decide if a refugee will be detained or not, followed by many convictions by the European Court of Human Rights. Among these multiple migratory cases are the case of Kaak and Others versus Greece (Application no. 34215/16), the case of H.A. and others versus Greece (Application no. 19951/16), the case of O.S.A. and Others versus Greece (Application no. 39065/16), the case of Sh.D. and Others versus Greece, Austria, Croatia, Hungary, North Macedonia, Serbia and Slovenia (Application no. 14165/16), the case of J.R. and Others versus Greece (Application no.22696/16), the cases of Kolonja versus Greece (Application no. 49441/12), the case of A.E.A. versus Greece (Application no. 39034/12), the case of S.Z. versus Greece (Application no. 66702/13), the case of Sarwari and Others versus

Greece (Application no. 38089/12), the case of M.S.S. versus Belgium and Greece (Application No 30696/09) and the case of Rahimi versus Greece (Application No. 8687/08).

The deepest wound of the refugee crisis is definitely the unaccompanied children, whose troubles are multiple. There are about 4.000 unaccompanied children in Greece today, but only one third of them live in appropriate for their age lodgment. They face great dangers from the adult refugees. They can easily become victims of smugglers or traffickers as they do not have any relatives. Many of them live on the streets, or in informal accommodation facilities, outside the hotspots, carrying at the same time the traumas of departure from their countries of origin... They are frequently detained by the Greek Police without any outdoor time for several months. Moreover, a large number of policemen does not have the appropriate qualifications to conduct legitimate and efficacious investigations about child abuse in hotspots. In general, as we have seen, Hellenic Police faces great struggles with dealing with such situations. Proper facilities do not exist in every Greek city, while the Greek state got again condemned multiple times for mistreating young underage refugees by the *European Court Of Human Rights*.

So, we can conclude that with the responsibilities of the police being multiple, officers ought to be very prudent and well-trained in order to complete their tasks accurately and not only in an effective way, but also in a decent and legitimate one too. There are many demanding social occasions where law enforcement by the police is needed. Nevertheless, in every case, even if the worst scenario occurs, respect to human dignity and rights must always takes place. Besides, special treatment with more tolerance and with a tender attitude must be given to some specific fragile social groups, who often tend to become victims of terrific violence and abuse. As we have already seen, constant trainings, well-preparation before a duty and sufficient knowledge of the occurring human rights, *International Humanitarian Law* and *International Human Rights Law* is absolutely vital. Compliance with the *European Charter of Human Rights* and the domestic legislation which incorporates all the international and transnational agreements on human rights, is extremely necessary. A wise policeman must always know his responsibilities and duties, but most of all, his limits in order to achieve the maximum success in his work.

However, we noticed many incidents of vast human rights infringement, unlawful police behavior and wrongful attitude towards civilians who possess different principals from the ones policemen traditionally have. Progress is constantly attempted to be made, but in reality, very little positive results occurred. On the whole, we can clearly notice that police functions all over the world use to follow the same line, whereas the majority of policemen present a deeply conservative profile and full of consolidated perceptions about the world order. This conservatism though, empowered by the sense of personal law enforcement, leads to arrogant and self-assertive behaviors, which even end up to racist acts against vulnerable social groups. Politics also always play a significant role in police functions, as they determine the degree of strictness, as well as, the attitude towards vulnerable social groups. That can be verified by the excessive incidents of police violence during periods of political instability and autocratic regimes, such as the Greek dictatorship of 69'-74' with the victims getting severely, and in some times irreparably, injured for expressing different political views and for belonging to revolutionary organizations. The connection of the police with far-right organizations, like *Golden Dawn*, is a frequent phenomenon and proves for another time the very conservative police's ideology. Countries also with high records of corruption, tend to have equivalent records of corrupted policemen, who get easily associated with far-right extremist groups or bribes. Besides, as we have previously seen, countries with far right governments have especially blatant human right violations by the authorities. The refugee crisis was an exact proof of this, as the countries whose governments implied a very strict migration policy, had numerous incidents of the police violating basic human rights of the asylum seekers and the refugees, with the victims including unaccompanied children. Nationalism got reborn all over Europe, with many far right parties winning the national elections. Cruel policies towards refugees, even for unaccompanied young children, have been embraced by a large number of E.U. states. That phenomenon even led to other countries, with moderate migratory policies embrace harsher ones too. The unaccompanied children probably constitutes the deepest open wound of the refugee crisis, because of their high vulnerability. They are very young people who are detained and treated like cruel criminals by the authorities, whereas they are simply the most innocent victims among the migrant wave. Besides, the act of illegal entrance to a country does not even constitute a criminal act.

As this research comes towards its end, the police has numerous responsibilities and duties as we can see... The current refugee crisis was a crucial test of the European solidarity and unity, but most of all, of how much ready and well-trained the police was... Unfortunately, the plentiful condemning decisions by the European tribunals prove that the Hellenic Police does not fulfill the parameters of a functional state organ and that it is not capable of following the transnational orders and legislations.

So, to sum up, police violence constitutes an international phenomenon, with its effects being vivid and deeply rooted in the collective consciousness. Police staff's notions remain unchanged over time, whereas their tactics may vary. United Nations try hard to impose the respect to human rights during law enforcement. However, the brutality randomly gets noticeably differentiated. As long as it concerns the sustainability of the old values, methods and violence, although the years pass and the societies progress, the non-existent justice restoration is still the reality. There are countless incidents of victims or of their family members filing lawsuits in order to bring their cases to the justice asking for vindication, but such cases either get archived or they are brought to the court after many years of delay and postponements with the defendant policemen getting always an innocence verdict or convicted with very light and usually redeemable punishments, even for very high-profile cases that include heavy crimes and human right violations. So, at the end of the day, we could say that police violence is a deep problem of the society as a whole. The inability of a state to attribute justice to its victims, whose human rights got heavily violated to the degree of them even dying, and also the attempts of a state to intentionally ignore all the evidence in order to help policemen dodge from their charges, makes the problem of police violence eternally unsolved. Meanwhile, it empowers the police's attitude and makes it rampant, since policemen will face no consequences in the end. The most serious social effect though, of a state being unwilling to restore justice, is that distrust becomes the leading sentiment in a state unconnected with its citizens. Another issue that arises from the domestic justice restoration's failure, as we have seen before, is the inaccessibility to *European Court of Justice* for the E.U. countries (or the *International Court of Justice* for non-E.U. countries), due to the obligatory parameter of exhaustion of all domestic remedies before the filing of the application by the victim to these higher judicial levels. So, justice cannot be attributed easily not even in a transnational level, making police violence impenetrable. So, the degree of which a state pays attention to

human rights infringement and law violations, especially when these are committed by its state officials and its national police, the instrument in charge of law enforcement, plays the most crucial role for the amelioration of living conditions, the securing of a free, equal and tolerant society where fear is absent, trust between citizens exists and the authorities constitute a reliable public instrument which will apply the law and justice among all people correctly and in a non-discriminative manner - no matter of skin color, age, sex, origins and personal beliefs -... To conclude though, the police crisis and human rights crisis signifies a deep political and ethic crisis within a society and as nationalism arises, human rights get questioned and are put in a great and minatory danger.

As long as it concerns the possible solutions to this particularly versatile issue, justice restoration is undoubtedly the most effective and paradigmatic method a state can use in order to pause it. Besides, harsher punishments for law breaking by the law enforcement instruments, such as the police, is necessary. Nevertheless, in order to change the conservative and authoritarian values police staff carries, focus must be given to the police per se... Regular and obligatory seminars and trainings must take place, as well as frequent psychological examinations. In particular, law teaching and in United Nations' code of function for the Police must be reiterated every time a police officer goes into a specific police directorate, so as to get constantly informed about the accurate law enforcement and the new variations in legislations. Moreover, a world ranking of police forces based on qualitative criteria could be an innovative way to raise healthy competition and increase human right protection, as well as, law enforcement without excessive occurring violence. A radical change though must take place from within, from the base of the society, from the young citizens... Education constitutes the base of a functional society. Proper education signifies proper citizens. So, the European Union and other important institutions, both domestic and transnational ones, as well as their functions, must be clear to young people, who must be also aware of their rights and their duties and how all these can be safeguarded and asked for. In the domestic level, a public but independent mechanism in charge of monitoring human rights violations by the police, which follows the way the non-governmental organization "Hellenic League for Human Rights" works, is necessary for social progress and a lawful police function.

If careful attention is played to all these parameters and possible restoring measures, society will move forward, towards the initial European values agreed by every state and towards a healthier, transparent, well-functioning and filled with trust and justice society, the one which had been once promised... In the end, Education is the base of a society and the dominant factor for progress. In the case of police training, it is necessary in order to avoid mistakes of the past and make it a lawful state organ, which pays respect to human dignity...

The closure of this thesis will take place with a statement by the *Hellenic League for Human Rights*: “The systematic violence by the state institutions and their absolute impunity raises a political issue and puts into question the country's commitment to a European orientation. The leadership of the Ministry of Justice bears full responsibility for what is happening and what is being threatened inside the country's prisons. The protection of life and dignity constitutes a right of everyone without any distinction and requires the lawful action of the authorities. It cannot be achieved with arbitrariness, violence and authoritarianism”.¹⁹⁴

¹⁹⁴ Ελληνική ένωση Για Τα Δικαιώματα του Ανθρώπου. “Φυλακές: Δολοφονική Βία Και Εγκληματικές Παραλείψεις | Ελληνική Ένωση Για Τα Δικαιώματα Του Ανθρώπου.” *Hlhr.gr*. Ελληνική ένωση Για Τα Δικαιώματα του Ανθρώπου, 2019. <https://www.hlhr.gr/>.

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