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**Excessive Use of Force by the Police in Europe and the Americas:
Human Rights Considerations and Challenges**

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Abstract

Police officers risk their lives on a daily basis to provide crucial services to the society. They are sworn to protect and serve civilians and they are obligated to protect and respect human rights. While the police must treat human rights with the utmost respect, on many occasions, the officers resort to the use of force that it often exceeds the necessary amount and it sometimes leads to death or serious injury. Excessive use of force, torture, ill-treatment, abuse, discrimination, humiliation, mutilation and death by the police are surprising policing practices and they constitute the exception to the rule. Some of the most fundamental human rights, such as “the right to life, liberty and the security of person”, the “right to freedom of expression or opinion”, the “prohibition of arbitrary arrest, detention or exile”, the “prohibition of torture or cruel, degrading or inhuman treatment or punishment”, the “prohibition of discrimination”, the “right to a peaceful assembly or associations” and the “right to an effective remedy” are being constantly violated by the people who swore to protect them. The purpose of this thesis is, through an extensive intercontinental analysis, of case law, international reports, Press articles and already existing literature, as it pertains to police violence in Europe and the Americas, to be able to comprehend where are the boundaries between duty and excess, if racism is one of the main factors of police brutality, if each State punishes unlawful, unjustified and arbitrary policing practices and actions and to finally make suggestions on how this gruesome phenomenon can be dismantled. The first part of this thesis deals with a theoretical background, the legal framework and the codes of conduct that the police must comply with, in order to function as it is meant to, while the second part pertains to the analysis of excessive use of force incidents in Europe, specifically in Greece, Austria, France, Belgium, Slovakia and Italy, as well as the United States of America, Canada and Latin America. The thesis concludes with final remarks on the phenomenon of police brutality and suggests solutions in order for this issue to be tackled.

List of Abbreviations

BPUFF → Basic Principles on the Use of Force and Firearms

CED → Conducted Energy Device

**CEDAW → Convention on the Elimination of All Forms of Discrimination
Against Women**

CFR → Charter of Fundamental Rights of the European Union

CPT → Council of Europe's Committee for The Prevention of Torture

CRC → Convention on the Rights of the Child

DI.AS. → Two-wheeled police units

EAT → Special Investigations Office by the Greek Military Police

ECHR → European Convention of Human Rights

ERRC → European Roma Rights Center

ESA → Greek Military Police

EU → European Union

FRA → European Union Agency for Fundamental Rights

G.A.D.A. → General Athens Police Directorate

ICCPR → International Covenant on Civil and Political Rights

**ICERD → International Convention on the Elimination of All Forms of
Discrimination**

ICESR → International Covenant on Economic, Social and Cultural Rights

LGBT → Lesbian, Gay, Bisexual, Transgender

NYPD → New York Police Department

OPCAT → Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

RCMP → Royal Canadian Mounted Police

UN → United Nations

UNCAT → Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment or the United Nations Convention Against Torture

Introduction

Police officers have the difficult task to protect and respect human right, as well as the life and integrity of individuals. Quite often, though, they resort in using excessive force, violating in that manner, some of the most fundamental human rights. This term refers to incidents where law-enforcement officials, that are permitted by law to use force, exceed the minimum amount necessary in various occasions and this escalates, generating repeatedly lethal outcomes. Excessive force doesn't always result in death and can take many forms, as detailed below.

In Belgium in 2010, after behaving strangely because of amphetamine use, a man was taken into custody and despite the fact that he was injected with a sedative, eight police officers restrained and started beating him, causing internal bleeding that led to his death. A year later, in Greece, a journalist named Manolis Kypreos, while covering the protests against austerity measures, was struck with a stun grenade, by a police officer, permanently losing his hearing. While in Slovakia, video footage showed police officers forcing six Romani boys, between the ages of ten and fifteen, to strip naked, kiss and slap each other, amongst other things.

Meanwhile in the United States of America, in 2014, a twelve-year-old boy, holding a toy gun was killed by a police officer, because the latter thought that the gun was real. Six years later, Breonna Taylor was fatally shot by three officers who executed a no-knock search warrant and entered her apartment, ultimately leading to her passing. In less than two months, in Minneapolis, police officer Derek Chauvin was pressing his knee on the neck of the unarmed and handcuffed George Floyd, for approximately eight minutes, causing his death. The whole world was shocked, because they witnessed with their own eyes, the murder of a civilian from the hands of a law-enforcement official. Unfortunately, the list is never-ending and we cannot even begin to describe how many more similar incidents were never brought to the public eye.

The people who have as a sole purpose to protect and serve the civilians, are slowly becoming a threat to them. Officers who are supposed to protect human rights, are gradually turning themselves into their biggest violators. According to the Commissioner for Human Rights (2009):

“Policing services refers to the responsibilities and duties performed by the police to protect the public, including: preserving the peace; enforcing the law; preventing and detecting crime; protecting human rights. Such services should be delivered in accordance with principles of fairness, equality and respect for human rights” (CommDH, 2009).

Quite often, where there is policing, human rights cease to exist. The “right to life, liberty and security of person”, the “right to freedom of opinion and expression”, the “right to peaceful assembly”, the “prohibition of arbitrary arrest, detention or exile”, the “prohibition of torture or other cruel, inhuman or degrading treatment or punishment”, the “prohibition of discrimination” and the “right to a fair trial” are few of the most violated rights by the police. People of colour, minorities, people with disabilities, people with mental health issues, the LGBT community, detainees, demonstrators and asylum seekers are the most targeted groups.

The main aim of this dissertation is to examine the phenomenon in an intercontinental scale, through the comprehensive comparison between Europe and America. Firstly, a theoretical background, concerning the general principles of policing, will be set and later on, the main deviations-from these principles-as well as the most severe violations of human rights will be explored and analyzed. Inter alia, there will be an extensive description of what is excessive force, which forms it can take and how each continent tackles this issue.

Through secondary research of already existing literature, case law, reports from institutions and organizations that protect and promote human rights, as well as news reporting, the major objective is to be able, through the findings, to answer the following questions:

1. Where is the border between police duties and police brutality/ where does the duty stop and brutality begins?
2. Is racism one of the main factors of excessive use of force by the police?
3. How are police officers accused of excessive force punished/how should they be punished?

4. How can excessive use of force by the police be prevented/ decreased/ eradicated?

1. Legal Framework Ensuring Human Rights Protection

Stemming from the Universal Declaration of Human Rights, that was established by the United Nations in 1948, in order for human rights to be protected, a series of legal papers, treaties, covenants, conventions and committees were further developed to serve the same purpose. In a European level, the European Convention on Human Rights (ECHR), or as it is formally named: the Convention for the Protection of Human Rights and Fundamental Freedoms, was drafted in 1950, by the Council of Europe, and was set into force on 3 September 1953. All the member states of the Council of Europe have ratified the Convention and are legally bound by it. The Convention secures specifically the “right to life”, the “right to a fair hearing”, the “right to respect for private and family life”, the “right to freedom of expression”, the “right to freedom of thought, conscience and religion” and the “right to the protection of property”. When it comes to the prohibition, it refers specifically to the “prohibition of torture and inhuman or degrading treatment or punishment”, the “prohibition of slavery and forced labour”, the “prohibition of death penalty”, the “prohibition of arbitrary and unlawful detention” and the “prohibition of discrimination in the enjoyment of the rights and freedoms set out in the Convention”. The European Convention on Human Rights has established the European Court of Human Rights (ECtHR), in 1959, which is based in Strasbourg, France, and has given to people whose rights have been violated, the right to bring their cases to the Court, as long as they have exhausted all local remedies. Judgements finding violations are binding on the States concerned and each state is obliged to execute them. The execution of these judgements is monitored by the Committee of Ministers of the Council of Europe. Many of the Court’s rulings have led governments to “alter their legislation and administrative practice in a wide range of areas”. The Charter of Fundamental Rights of the European Union (CFR) was drafted in 2000, but became legally binding in 1 December 2009, when the Treaty of Lisbon entered into force. It enshrines certain political, social and economic rights for the citizens of the European Union and residents into EU law. It also applies to the Institutions of the European Union and its member states when implementing European Union law. The Charter is divided into seven titles: dignity, freedoms, equality, solidarity, citizens’ rights and justice, as it pertains to substantive rights, while the last title, general

provisions refer to the interpretation and application of the Charter. Moving on to the international level, the International Covenant on Economic, Social and Cultural Rights (ICESCR) was adopted by the United Nations General Assembly, with Resolution 2200 A (XXI) in 16 December 1966 and came into force in 3 January 1976. Along with the Universal Declaration of Human Rights it constitutes the “International Bill of Human Rights” and it commits its parties to grant economic, social and cultural rights. The International Covenant on Civil and Political Rights (ICCPR) that was also adopted in December 1966, but entered into force in 23 March 1976, commits its parties to respect the civil and political rights, such as the rights to life, to freedom of speech, to freedom of assembly, to freedom of religion, electoral rights and rights to due process and a fair trial. The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or as it is also known as the United Nations Convention Against Torture (UNCAT), is an international treaty that has as a main purpose the prevention of torture and other acts of cruel, inhuman, or degrading treatment or punishment. Each member state is required to take the necessary measures in order to prevent any aforementioned act in any territory under their jurisdiction and furthermore, member states are forbidden to “transport people to any country where there is reason to believe they will be tortured”. The Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) adopted by the General Assembly on 18 December 2002 and entered into force in 22 June 2006 establishes “a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment”, and a Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment must oversee it. The Convention on the Rights of the Child (CRC) was adopted by the United Nations General Assembly, with Resolution 44/25, in 29 November 1989, and enshrines four common principles, such as non-discrimination, the best interest of the child, the “right to life, survival and development” and the views of the child. The International Convention on the Elimination of All Forms of Discrimination (ICERD) commits its members to “the elimination of racial discrimination” and the “promotion of understanding among all races”. The parties are also required to criminalize hate speech and membership in racist organizations. The Convention on the Rights of Persons with Disabilities is an international treaty that has as a main purpose to protect the rights and dignity of people

with disabilities. The parties are required to ensure the full enjoyment of human rights by the people with disabilities, to protect and promote them, and to also ensure that they are also equal before the law. The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), that is described as the “bill of rights for women”, was instituted in 3 September 1981, sets up an agenda in order for all discrimination against women to end.

2. Use of Force: Definition, Principles, Guidelines and Codes of Conduct

Police officers risk their lives on a daily basis in order to protect and serve civilians. Their occupation places them quite often in harm's way and depending on the situation that they have to face each time, they have to act accordingly, while also functioning with high professionalism, maintaining at the same time, the utmost respect for human rights and for the law, domestic and international. In many occasions, given the fact that not all incidents allow the officers to consider their actions before dealing with them, they have to decide in an instant what is the best way to handle each occasion. A lot of times, their response is the use of force, that sometimes can be deadly. The "right to life, liberty and security of person", the "right to freedom of expression", the "right to private life", the "right to a peaceful assembly", the "prohibition of arbitrary arrest, detention or exile", the "prohibition of discrimination", and the prohibition of torture or other cruel, inhuman or degrading treatment or punishment" are the most violated rights by the police. Especially when it comes to the prohibition of discrimination, police officers often use profiling, categorizing in that way people according to their characteristics, such as sex, age, race or physical appearance, habits, behaviors or preferences. Many times, profiling can lead to many mistakes and misconceptions, because police officers are used to stereotyping individuals and jump to rapid conclusions. Regarding profiling that can occur on "protected ground" such as race or religious affiliation, the officers may be instructed to target specific groups or take into considerations these attributes while operating. According to the European Union Agency for Human Rights, discriminatory ethnic profiling involves: "treating an individual less favorably than others who are in a similar situation (in other words discriminating), for example by exercising police powers such as stop and search; Where a decision to exercise police powers is based only or mainly on that person's race, ethnicity or religion". (European Union Agency for Fundamental Rights, 2016) Until now, a universal standard on what is the use of force does not exist. The International Association of Chiefs of Police has characterized use of force as the "amount of effort required by police to compel compliance by an unwilling subject". (National Institute of Justice, 2020) The UN Special Rapporteur on extrajudicial executions, named Christof Heyns, set out very clear principles, when it comes to police

use of force, in his 2014 report (A/HRC/26/36), and these are: legality, necessity, proportionality and accountability.

Legality. According to the basic principle number one of the “Basic Principles on the Use of Force and Firearms by Law-Enforcement Officials”: “Governments and law enforcement agencies shall adopt and implement rules and regulations on the use of force and firearms against persons by law enforcement officials”. Stemming from that principle, it is understood that police use of force must be based in domestic legislation and it is necessary that the objective served must be legitimate, meaning that force needs to be used only for a lawful reason. Anything other than that is considered unlawful and is in contrast to the aforementioned principle. One thing that needs to be taken into consideration is the non-discrimination principle, in order for the police to use force with no discriminatory bias against people on the grounds of their “race, ethnicity, religion, gender identity or political affiliation”. The UN Rapporteur stated that: “States must instead adopt both a reactive and a proactive stance, encompassing all available means, to combat racially motivated and other similar violence within law enforcement operations”. (Amnesty International, 2015) (Christof Heyns, 2014)

Necessity. According to basic principle number four of the BPUFF: “Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result”. Based on that, necessity serves the purpose of deciding if force should be used, and if it is indeed used, how much should it be. When it comes to the use of lethal force, necessity has three components: Qualitative, regarding the question if force should be used at all, or if there is any possibility to achieve the legitimate objective without resorting to force. Quantitative, regarding the amount of force that needs to be used in order to achieve a certain purpose. “The level of force used should be the minimum that can still be considered effective”. The temporary component states that the use of force must stop when the purpose is achieved or can no longer be achieved. (Amnesty International, 2015)

Proportionality. According to basic principle number five of the BPUFF: “Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall: (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and

the legitimate objective to be achieved; [...]” With proportionality, one can determine if the benefits of the use of force and the consequences of its use are in balance. The principle of proportionality sets a maximum, regarding the force that must be used in order for a legitimate objective to be achieved. The UN Rapporteur put it as it follows: “If necessity can be visualized as a ladder, proportionality is a scale that determines how high up the ladder of force one is allowed to go. The force used may not go above that ceiling, even if it might otherwise be deemed “necessary” to achieve the legitimate aim”. Something extremely important that must be noted is the “protect life” principle, according to which, one can take a life only for the purpose of saving or protecting another life. (Amnesty International, 2015) (Christof Heyns, 2014)

Accountability. According to Article 2 (3) of the International Covenant on Civil and Political Rights, States are obliged to: “ensure that any person whose rights or freedoms...are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in official capacity”. Law enforcement officials, along with law enforcement agencies as a whole must be held accountable for their actions. Accountability can be ensured as long as the whole law enforcement institution has proper policies and procedures when it comes to the use of force and firearms, when these policies are effectively applied and supervised, when officers are properly trained and responsibilities are clearly established, in order for previous mistakes to be avoided. Through constant assessment and evaluation of the actions and the performance of the officers, accountability can be ensured. The existence of effective mechanisms that can check the aforementioned will assist in holding accountable those who violated rights, it will prevent future similar actions and will improve the whole functioning of the law enforcement institution. (Amnesty International, 2015)

The National Institute of Justice is speaking about the “use of force continuum”, meaning that during a situation that an officer must handle, the actions that they may take can have many levels and the officer may rapidly move from one action to the other. An example of a use of force continuum is the following:

- *Officer Presence: No force is necessary. The mere presence of an officer is suitable to deter crime or diffuse a situation. Considered the best way to resolve a situation.*

- *Verbalization: Force is not physical. Officers use calm, nonthreatening commands, e.g., “Let me see your identification and registration.” May increase volume and shorten commands in an attempt to gain compliance (“stop” or “don’t move”).*
- *Empty-Hand Control: Officers use bodily force to gain control of a situation. There are soft techniques (grabs, holds, joint locks) and hard techniques (punches and kicks) used to restrain an individual.*
- *Less-Lethal Methods: Officers use less-lethal technologies to gain control of a situation. These can be in the form of blunt impact such as using a baton or projectile to immobilize a combative person. Chemical: chemical sprays or projectiles embedded with chemicals to restrain an individual (e.g., pepper spray). Conducted Energy Devices (CEDs): These devices discharge a high-voltage, low-amperage jolt of electricity at a distance (e.g., Tasers), officers may use conducted energy devices to immobilize an individual.*
- *Lethal Force: Officers use lethal weapons to gain control of a situation. This is the last and most severe response in the continuum and should only be used if a suspect poses a serious threat to the officer or another individual. (U.S. COMMISSION ON CIVIL RIGHTS, 2018)*

Furthermore, the Code of Conduct for Law Enforcement Officials that was adopted in 17 December 1979 by the General Assembly resolution 34/169, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment that was adopted in 9 December 1988 by General Assembly resolution 43/173 and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials that was adopted in 7 September 1990 by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990 are universal instruments that set out clear principles on proper policing and human rights protection.

When it comes to the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, some of the most important articles are the following:

Article 5: “Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall:

- (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;*
- (b) Minimize damage and injury, and respect and preserve human life;*
- (c) Ensure that assistance and medical aid are rendered to any injured or affected person are notified at the earliest possible moment.*

Article 6: Where injury or death is caused by the use of force and firearms by law enforcement officials, they shall report the incident promptly to their superiors, in accordance with principle 22.

Article 7: Governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law.

Article 10: In the circumstances provided for under principle 9, law enforcement officials shall identify themselves as such and give a clear warning of their intent to use firearms, with sufficient time for the warning to be observed, unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstance of the incident.

Article 12: As everyone is allowed to participate in lawful and peaceful assemblies, in accordance with the principles embodied in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, Governments and law enforcement agencies and officials shall recognize that force and firearms may be used only in accordance with principles 13 and 14.

Article 13: In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.

Article 14: In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the

minimum extent necessary. Law enforcement officials shall not use firearms in such cases, except under the conditions stipulated in principle 9.

Article 15: Law enforcement officials, in their relations with persons in custody or detention, shall not use force, except when strictly necessary for the maintenance of security and order within the institution, or when personal safety is threatened.

Article 16: Law enforcement officials, in their relation with persons in custody or detention, shall not use firearms, except in self-defense or in the defence of others against an immediate threat of death or serious injury, or when strictly necessary to prevent the escape of a person in custody or detention presenting the danger referred to in principle 9.

Article 22: Governments and law enforcement agencies shall establish effective reporting and review procedures for all incidents referred to in principles 6 and 11 (f). For incidents reported pursuant to these principles, Governments and law enforcement agencies shall ensure that an effective reviews process is available and that independent administrative or prosecutorial authorities are in a position to exercise jurisdiction in appropriate circumstances. In cases of death and serious injury or other grave consequences, a detailed report shall be sent promptly to the competent authorities responsible for administrative review and judicial control.

Article 23: Persons affected by the use of force and firearms or their legal representatives shall have access to an independent process, including a judicial process. In the event of the death of such persons, this provision shall apply to their dependants accordingly.

Article 24: Governments and law enforcement agencies shall ensure that superior officers are held responsible if they know, or should have known, that law enforcement officials under their command are resorting, or have resorted, to the unlawful use of force and firearms, and they did not take all measures in their power to prevent, suppress or report such use. (United Nations, 1990)

Moving on to the Code of Conduct for Law Enforcement Officials, the most important articles are the following:

Article 1: Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.

Article 2: In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

Article 3: Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

Article 5: No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

The Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly, defines torture as follows:

". . . torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners."

Article 6: Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.

Article 7: Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts.

Article 8: Law enforcement officials shall respect the law and the present Code. They shall also, to the best of their capability, prevent and rigorously oppose any violations of them.

Law enforcement officials who have reason to believe that a violation of the present Code has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power. (United Nations, 1979)

As it pertains to torture or other cruel or degrading treatment or punishment, through ECtHR case law, it can be understood that in order to characterize treatment as “inhuman or degrading”:

“an individual’s suffering and humiliation must go beyond that inevitable element of suffering or humiliation which is connected with a given form of legitimate treatment or punishment, ill treatment of an individual must reach a minimum level of severity, which depends on the concrete circumstances of a case related to, among other things, the duration of the treatment; physical and/or mental effects on the individual; sex, age and state of health of the individual”. (European Union Agency for Fundamental Rights, 2016)

In order to distinguish between torture and inhuman or degrading treatment there are three main conditions. The first one is intentionality, and it pertains to the intentions of one’s actions. While inhuman to degrading treatment can be a negligent action, torture is intentional and cannot happen accidentally. The second one is severity of the pain and it pertains to the level, the duration, the effects and in occasions the sex, age and state of health of the victim, as previously mentioned. The third one is purpose and it means that torture is performed in order to serve a specific aim, such as getting information, a confession, in order to intimidate, punish or discriminate against someone. (European Union Agency for Fundamental Rights, 2016)

Moving on to the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, some of the most important articles are the following:

Principle 1: All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person.

Principle 2: Arrest, detention or imprisonment shall only be carried out strictly in accordance with the provisions of the law and by competent officials or persons authorized for that purpose.

Principle 4: Any form of detention or imprisonment and all measures affecting the human rights of a person under any form of detention or imprisonment shall be ordered by, or be subject to the effective control of, a judicial or other authority.

Principle 5: 1. These principles shall be applied to all persons within the territory of any given State, without distinction of any kind, such as race, colour, sex, language, religion or religious belief, political or other opinion, national, ethnic or social origin, property, birth or other status.

2. Measures applied under the law and designed solely to protect the rights and special status of women, especially pregnant women and nursing mothers, children and juveniles, aged, sick or handicapped persons shall not be deemed to be discriminatory. The need for, and the application of, such measures shall always be subject to review by a judicial or other authority.

Principle 6: No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment.

Principle 21: 1. It shall be prohibited to take undue advantage of the situation of a detained or imprisoned person for the purpose of compelling him to confess, to incriminate himself otherwise or to testify against any other person.

2. No detained person while being interrogated shall be subject to violence, threats or methods of interrogation which impair his capacity of decision or his judgement. (United Nations, 1988)

Each State is obligated to respect human rights, meaning that it should refrain from limiting them unduly and it should also act to secure them, as it is obligated to protect them. Humans are considered to be rights holders, while the State, including judiciary, executive and legislative branches are duty bearers. According to the Training Manual for police trainers of the European Union Agency for Fundamental Rights:

“All state powers are bound by these two basic obligations:

Obligation to respect: The state must refrain from illegal and disproportionate actions. Unjustified interferences with human rights constitute human rights violations.

Obligation to protect: The state is obliged to take administrative, legislative and/or judicial action to protect human rights in order to ensure that people can fully enjoy their rights. Failure to take appropriate steps constitutes human rights violations”. (European Union Agency for Fundamental Rights, 2016)

The obligations to respect and protect human rights extend to police officers, meaning that they should not interfere with human rights, arbitrarily or without justification. The obligation to respect, which constitutes a negative obligation, means the respect of the right of a person by abstaining from certain actions, for example, they must not discriminate against someone when profiling or at police stops, while the obligation to protect which is a positive obligation, means the protection of a person from actions of another person for example police must intervene in domestic violence. (*European Union Agency for Fundamental Rights, 2016*)

Concerning the obligation to respect, the police must refrain from using excessive lethal force, in order to respect the right to life, should not use force during interviews or when countering physical resistance, especially when it comes to freedom from torture and other ill-treatment, they should not arrest people without legal grounds, they should respect the right to private life by not entering their home without a proper justification such as a search warrant and they should not prohibit an assembly without justification, or use excessive force while dispersing or managing a demonstration. (*European Union Agency for Fundamental Rights, 2016*)

Concerning the obligation to protect, police officers should guarantee the enjoyment of human rights, by taking measures both at the operational and the organizational level.

They are obligated to take into consideration and deal with any threat that might violate human rights and they should properly investigate any claim that the right to life and the right to physical integrity has been violated. (European Union Agency for Fundamental Rights, 2016)

On the following chapters, there will be an extensive report of excessive use of force incidents that shocked the whole world and occurred in Europe and the Americas proving that all of the aforementioned rights are violated.

3. The Case of Europe

Excessive use of force, torture, ill-treatment, abuse, discrimination, humiliation, mutilation and death are a quite common phenomenon in Europe. The police quite often resort to vicious practices causing a lot of people to suffer or to even lose their lives. Detention, arrest, assemblies, demonstrations, migrant or refugee camps are only a few of the most common places that police violence occurs. People of color, people with disabilities or mental health issues, the LGBT community, the Roma minority, demonstrators, people that belong to the left or anarchy space, representatives of the Press, detainees, asylum seekers and in some occasions even children are the most targeted groups of police brutality. Human rights are more than often violated by the people who had sworn to serve and protect, and many European countries had been convicted multiple times by the European Court of Human Rights, regarding human rights infringement. The “right to life, liberty and the security of person”, the “right to freedom of expression or opinion”, the “prohibition of arbitrary arrest, detention or exile”, the “prohibition of torture or cruel, degrading or inhuman treatment or punishment”, the “prohibition of discrimination”, the “right to a peaceful assembly or associations” and the “right to an effective remedy” are constantly being violated by police officers all over Europe. Following, the cases of Greece, Austria, France, Belgium, Slovakia and Italy consist of some of the most striking incidents of police violence that shocked the whole world. These incidents show how occurring, prolonged and serious is the phenomenon of excessive use of force by the police, how impunity still remains huge and that in many occasions, the sentences are not equivalent to the severity of the crime and how much needed are independent, impartial, thorough and prompt investigations, in order for justice to be served.

3.1. The case of Greece

Greece is undeniably one country that its police directorates had always had a connection with far right and conservative parties and movements in general. From the Dictatorship to modern Greece, police values have remained quite the same. Excessive and arbitrary use of force, ill-treatment, torture and racially motivated crimes are only a few of the many policing practices. Greece has been convicted quite a few times by the European Court of Human Rights on the charges of constant human rights violations and infringement. People of color, minorities, asylum seekers, people with disabilities, people with mental health issues, the LGBT community, demonstrators and detainees are the most targeted groups. In several occasions, even the most sensitive groups, such as children or the elderly, experience violations of their most fundamental rights. Following, there is a chronological order, of some of the most striking incidents of police violence that shocked Greece.

The Dictatorship (1967-1974) is one of the darkest chapters of Greek history. Human rights violation was constant and torture was part of everyday life. People were being subjected to extreme control and if they were found to be opposed to the regime, they could be arrested, tortured or executed. Prohibition of assemblies and protests, censorship, mental, emotional, physical, sexual torture, that took the form of food deprivation, cruel beating with various objects, hanging, solitary confinement, rape, mock executions and electric shocks-to name a few-were regular practices of the regime. Makronisos, Leros, Gyaros and Ikaria were the islands where arrested citizens were sent in exile. The torture there was even worse. “The right to life, liberty and the security of person”, “the right to freedom of opinion and expression”, “the prohibition of arbitrary arrest, detention or exile” and “the prohibition of torture or cruel, inhuman or degrading treatment or punishment” are only a few of the articles that were violated. (ASTERIOU, 2020)

Alexandros Panagoulis

Alexandros Panagoulis was a politician and a poet and one of the most heroic figures during that gruesome era. He attempted to murder the Dictator Georgios Papadopoulos, but his plan did not work. He was arrested and was subjected to cruel torture in order to turn on his partners. He endured everything without saying a single word. His torture included beating that led to a coma, burning, suffocation, force feeding after hunger

strike and a lot more. He was sentenced to death but after international reaction, from personalities such as Pope Paul VI, Jean Paul Sartre and Lyndon Johnson the death penalty was cancelled. In 1976, he died in a car accident under mysterious circumstances. (ASTERIOU, 2020) (SanSimera.gr)

Spyros Moustaklis

Spyros Moustaklis was an officer of the Greek Army. With true and deep democratic values and with important activity against the regime, he was part of the Navy Movement which, sadly, was betrayed before its manifestation in the summer of 1973, when he was arrested. He was held at the detention facilities of EAT-ESA for 47 days, where he was brutally tortured. During his torture, a severe blow to the carotid artery caused a stroke and he was then admitted to the hospital, under the pseudonym “Michailidis” and a false admission reason. The stroke caused total paralysis of upper and lower right limbs and loss of voice. He was hospitalized for two years and after several physiotherapies he was able to stand and walk, but he could never speak again. He died in 1986 and his burial was carried out with honours of a hero. (Πολίτης, 2019) (tvxs.gr, 2022)

During the Torturers Trials, that took place in 1975, the leading group of the people responsible for the torture that consisted of Theodoros Theofilogiannakos, Anastasios Spanos, Georgios Tsalas and Nikolas Chatzizisis was heavily convicted. Private Theofilogiannakos who was charged with serial abuse of power, aggravated assault and battery, moral culpability in grievous bodily harm, simple bodily harm and retention notwithstanding Constitution, had first been deposed from the rank of Lieutenant Colonel and later he was convicted in 27 years in prison, Lieutenant Colonel Chatzizisis (retired) was charged with serial abuse of power, assault on a superior officer, serious bodily harm, simple bodily harm, serial insulting a superior officer and moral culpability to grievous bodily harm, was convicted in 30 years in prison, Major Anastasios Spanos (retired) who was charged with serial abuse of power, serial insult of a superior officer, direct cooperation in serious and simple bodily harm and assault on a superior officer, was convicted in 25 years in prison and Major Georgios Tsalas (retired) who was charged with serial abuse of power, serial assault on a superior officer and serial insult to a superior officer, was convicted in 19 years in prison. Evangelos Mallios who was charged with abuse of power and moral culpability to abuse

of power, was convicted in 10 months in prison, while his sentence could be bought. Petros Mpampalis who was charged with abuse of power and moral culpability to torture, according to Press publications at the time, was found innocent at the first trial, while a few months later his prosecution was terminated, due to his untimely indictment. (Κατέρης Λάμπρος, 2020) (Ιωάννης Κουκαλάς, 2017)

Iakovos Koumis

On November 16, 1980, a march for the anniversary of the Polytechnic Uprising was taking place, while Rallis' government had forbidden at that day, the march to reach at the American embassy. The demonstrators were forced to disperse around Syntagma Square. When some of them tried to reach the embassy, the police acted with unprecedented violence. At a coffee-shop near that area, a law student from Cyprus, named Iakovos Koumis, was viciously beaten on the back of the head by the riot police. He was transferred to the hospital clinically dead and passed away a week later. The coroner described as the cause of death a severe blow to the head. Even though his family filed lawsuits and an investigation was also ordered, his killer was never found. (Staberis, 2013) (tvxs.gr, 2021)

Stamatina Kanellopoulou

On the same day as Iakovos Koumis, the 21-year-old factory worker Stamatina Kanellopoulou died from head and body baton hits from the police. The coroner stated that she had suffered 18 blows to the head, had multiple fractures and a severe brain injury. Her killer also remains unknown. (Staberis, 2013) (tvxs.gr, 2021)

Moving on to modern Greece, one can notice that policing practices and values have not changed a lot. Police and far-right parties often go hand-to-hand, violence is quite frequent and impunity is huge. The police in Greece often uses excessive force, even in the form of chemicals, lethal and less-lethal weapons, such as firearms or stun grenades, especially against demonstrators. Even the most peaceful march can end up in chaos. Arrest and detention are a place where human rights cease to exist and even though many complaints have been made, no significant action has been taken. The authorities keep on calling violent events as “isolated incidents”, perpetuating in this manner both impunity and lack of accountability. Ill-treatment, abuse and torture is a constant practice. Migrants, asylum seekers and people who are detained in migration or refugee

camps are at high risk. The State's lack or failure-one could say-to acknowledge this long systemic problem is continuously leading to persistent human rights violations. The European Court of Human Rights has found Greece in violation of Article 2, which is "the right to life" and Article 3, which is "the prohibition of torture or cruel, inhuman or degrading treatment or punishment" in 11 cases from 2002 to 2012. (Amnesty International, Amnesty International, 2012) Following there are some of the most well-known cases of excessive use of force by the police in modern Greece.

Alexandros Grigoropoulos

Alexandros Grigoropoulos was a 15-year-old student that was killed by the special police guard Epaminondas Korkoneas on December 6, 2008. Korkoneas, after verbal altercation with a group of young people, shot three times and one of his bullets found Grigoropoulos at the heart. The following day a wave of youth indignation broke out in a national level, leading to severe destructions, mostly in Athens, which it was thought to be "the worst since the restoration of democracy in 1974" according to the newspaper "Kathimerini". The riot took on an international dimension and events of solidarity were taking place all over the world. On 11 October 2010, the Mixed Jury Court of Amfissa, consisting of 3 regular judges and 4 jurors, found both Epaminondas Korkoneas and his partner Vasilios Saraliotis guilty, Korkoneas for manslaughter with direct intent (his charge was changed to the most severe and without mitigating circumstances) and Saraliotis for complicity. Korkoneas was sentenced to life imprisonment (4-3 vote) and 15 months in prison, while Saraliotis was sentenced to a ten-year suspended sentence (6-1 vote). Both convicts were sent to prison, but a year later Saraliotis was released on parole. The appeal trial started on 9 November 2016 at the Mixed Jury Court of Appeal of Lamia and ended on 28 July 2019 with the judgment. Epaminondas Korkoneas was sentenced to 13 years imprisonment, after the court recognized the mitigating circumstance of the extenuating circumstances and was released from prison two days later. On the contrary, the court unanimously found his co-defendant Vasilios Saraliotis not guilty due to doubts. (SanSimera.gr)

Augustine Dimitriou

November 17, 2006. A Cypriot college student, named Augustine Dimitriou was at the center of Thessaloniki, right after the march for the anniversary of the Polytechnic Uprising, when some police officers in civilian clothes and with their faces covered,

started beating him. A group of police officers in uniform standing nearby were watching the incident without doing anything to stop the abuse. Professors of the Aristotle University of Thessaloniki were asking the officers to stop, to give them their names and to also call a prosecutor at the scene. None of that happened. The bleeding man was transferred to the police station instead of a hospital, despite his condition. The officers were making fun of him as they were telling Augustine Dimitriou lies about which hospital he was in. The Minister of Public Order, Byron Polydoros, stated that he saw professionalism and he congratulated the officers for their success. The official police statement mentioned that the college student inflicted self-harm by hitting at a flower box. Soon after, a video that was showing what really happened to Augustine Dimitriou was released and the truth was restored. Two years later, seven officers who were charged with dangerous bodily harm, while the former leader who was charged with simple complicit and insult, were convicted in 15 to 39 months in prison, redeemable at five euros per day. Augustine Dimitriou was getting medication for his post-traumatic stress disorder. In 2013, six out of eight officers were found innocent. In 2016, ten years after his attack, Augustine Dimitriou was granted by the State 450.000 euros. (Συναδινού, 2016)

Nikos Sakellion

Nikos Sakellion, a 24-year-old college student was brutally killed by four police officers in May 11, 2008. According to an eye-witness' testimony, Nikos Sakellion was handcuffed, while the police was dragging him on the floor and repeatedly beating him, especially on the head, even though he did not try to resist. An officer even placed him on a chokehold. After his death, his body disappeared for twelve hours before the autopsy and when he was finally given to the coroner, he was severely deformed. His belongings disappeared as well and was never returned to his family. The police stated during the trial that they have found Nikos Sakellion unconscious and that they had no knowledge of how he might have ended up that way. A little after, another officer stated that "such an arrest could never be committed without violence". The officers claimed that Nikos Sakellion died of choking, after having swallowed a bag of heroin. The bag was never found by the paramedics, but it was retrieved only after his body was taken to the coroner. The officers who were charged with involuntary homicide, were found innocent, despite the fact that there were both eye-witnesses and a video from the brutal attack. The criminal department of the Supreme Court confirmed the acquittal decision

of the Three-member Misdemeanor Appeal Court for all four of them. The Court also ruled that the appellate acquittal decision has full, specific and detailed reasons, as required by the Constitution and criminal legislation and rejected the request of the Supreme Court Prosecutor's Office requesting its appeal. The case will also be adjudicated by the European Court of Human Rights. (ASTERIOU, 2020)

Zak Kostopoulos

One quite recent shocking and horrifying case is the murder of Zak Kostopoulos, an LGBT activist and a queer performer, by two citizens, after he allegedly robbed a jewellery store, followed by police abuse when he was severely injured and without his senses. On September 21st, 2018, Zak Kostopoulos was trapped in a jewellery store, without being known why he was there. During his attempt to break out, he passed through the window and when the owner of the store and a real estate agent saw him, started relentlessly kicking him, while passers-by were witnessing the attack, doing nothing to stop it. After getting away from the broken window and having been provided medical aid, he received another kick in the back by a third person. After that, in another attempt to flee, he was wielding a piece of glass, when he finally fell on the tables of a shop nearby. The police acted with unjustified violence, given the fact that while Zak Kostopoulos was unconscious, they hit him with a baton, kicked him, stepped on him and then put handcuffs on him. The cause of death was an ischemic episode from the beating. The media tried to portray this incident as a burglary that went wrong. They stated that Zak Kostopoulos entered the store with a knife, with the intention to rob it, while also being intoxicated. Further examination showed that there were not Zak's fingerprints on the knife and the toxicology exams were clear as well. Also, one of the officers was seen holding the knife with bare hands. The jewellery store owner and the real estate agent were convicted of the felony of aggravated assault with intend to cause death and they were sentenced to ten years in prison. The jewellery store owner will be in house arrest due to the fact that he is 77 years old, while after an appeal, only two months after his original conviction, the real estate agent was set free. The four police officers were found innocent, as it was judged by the prosecution that "the officers acted under the scope of their duties, their action did not show any excess and they did not exceed the necessary measure... they could not have acted differently and they did not use unjustified force" . (ASTERIOU, 2020) (eleftherostypos.gr, 2022) (Βαρούνη, 2022) (Newsroom, 2022)

3.2. Excessive Use of Force by the Police in Demonstrations, Assemblies and against the Press

Police in Greece has been known to use excessive force, mostly against peaceful demonstrators, utilizing chemicals, such as tear gas, stun grenades, and on occasions, firearms. Officers tend to use consistent bodily and verbal harm and they have also been seen in driving their vehicles against the crowd. Many complaints have been made against officers who abused or even killed protesters, but the authorities still keep on labelling them as “isolated incidents”. The fact is that police abuse is a prolonged systemic problem that needs to go a long way in order to be addressed, or eradicated. As long as the State will refuse to acknowledge the significance of these violent events, the police will continue to treat civilians with disrespect, will keep on treating them as “punching bags”, they will keep on beating and murdering them, without even being punished for their crimes. Amnesty International has published a report in 2012, referring to some striking violent incidents against the demonstrators, as well as the Press.

Manolis Kypreos, a journalist that was covering a demonstration in Athens, on June 15, 2011, was hit by a stun grenade that a police officer threw at him, causing permanent loss of hearing in both ears, practically ending in that manner his career in journalism. In August 2011, he underwent surgery in order to install a cochlear implant, and while he regained a small percentage of his hearing, he still cannot walk easily, due to lack of balance. Charges have been filed against unidentified officers for intentional cause of bodily harm against Manolis Kypreos, while the Athens Administrative Court of First Instance awarded him an interim compensation. (Amnesty International, Amnesty International, 2012)

In October 2011, an officer of the riot police is caught on camera, brutally beating the photo-reporter Tatiana Bolari at the back of her neck. He claimed that Tatiana Bolari tried to remove the cover off of his face, even though this is not something that is shown in the evidence. On June 16, 2015, the Court found the officer guilty of causing simple bodily harm but not of misconduct, sentencing him in 8 months of imprisonment with the power of suspension, while after the appeal, the sentence was reduced to 3 months. (Συναδινού, 2016)

Marios Lolos, the President of the Hellenic Photojournalists' Association was beaten with a baton at the back of his neck, by a police officer. In an interview that he gave in March 2022, to news24/7, he stated that after the hit, without having lost his senses and without him bleeding, he asked one of his colleagues for a cigarette and when he tried to take it, he immediately realized that he had lost the sense of touch at his left arm. This led him to medical examinations, where the doctor told him that he needed to have surgery or he would become epileptic or that he would die. He had the surgery and now he has two plaques and eight screws. Ten years after the incident his attacker remains unknown and unpunished. Marios Lolos also stated at the same interview, that when a demonstration is quite peaceful, with no serious episodes, then the riot police start mistreating and abusing the Press, because they “need to be careful of what they are filming”. (ΓΙΑΝΝΟΠΟΥΛΟΣ, 2022)

The years between 2009 and 2012 were extremely hard for Greece as it was going through the financial crisis that led to austerity measures and had significantly harsh effects on Greeks. Demonstrations were taking place successively and even though some were peaceful, others ended up in clashes, in which the police used force that exceeded national standards. A plethora of videos, photographs and testimonies describe the violence that people experienced in an excessive amount in each demonstration. According to Amnesty International, allegations have been made, referring to the fact that police do not always allow the injured people to have medical assistance. Other allegations have been made regarding arbitrary arrest of demonstrators, false charges on attacking the police and even transferring people to police stations without having any evidence that the demonstrators did in fact commit any crime. (Amnesty International, Amnesty International, 2012)

Aggeliki Koutsoubou, a 61-year-old mathematics teacher and a political activist, was taking part in a demonstration in Athens, one year after Alexandros Grigoropoulos was killed by a police officer, when a police officer hit her so bad that she had serious head injuries, four of her ribs and her collarbone were fractured and she lost hearing in her left ear. Witnesses say that they saw the police officer that attacked Aggeliki Koutsoubou driving his motorcycle, along with other drivers, intentionally at the protesting crowd. When a fellow demonstrator, who happened to be a doctor, tried to help her, the police officers beat him with batons on the head and the wrist. They also refused to call an ambulance. In March 2012, the prosecutor assigned to the case,

rejected the claim that the police officer drove towards Aggeliki Koutsoubou and injured her intentionally, despite the many eye-witnesses. An appeal was filed against this decision. The case was adjudicated as a motorcycle accident and the police officer who hit Aggeliki Koutsoubou, was convicted with a suspended sentence of 12 months. His sentence also concerned a simple violation of the traffic code. Concerning his partner who hit Mrs. Koutsoubou with a baton, did not even go through trial. (Amnesty International, Amnesty International, 2012) (Αφροδίτη Τζιαντζή, 2018)

Yiannis Kafkas, an unemployed psychologist and a post-graduate photography student, suffered severe head injuries that almost cost him his life, when a police officer hit him in the head with a fire extinguisher, that is part of the riot police's equipment, in May 2011, the time of the "Indignation movement" when he was participating in a demonstration against austerity. He spent ten days in intensive care unit, after having emergency surgery and stayed another ten days at the hospital. He stated that he remembers the riot police surrounding him and other demonstrators, beating them with such brutality and feeling two beatings from something heavy and metal, and that he was just trying to stay alive. When he woke up at the hospital, he had no control over his body. He stated that when he woke up after a coma, he wrote on a piece of paper that he was hit by a fire extinguisher. In 2021, Yiannis Kafkas was granted 50.000 euros by the Greek State for the moral damage that he had sustained. The Council of Misdemeanors acquitted all 17 officers without a trial, because they thought that "there was no concrete evidence, even indicative of the unknown perpetrator and the object from which the injury came". The Administrative Court of First Instance finds that "the indiscriminate use of force by the police officers on demonstrators was proven" and in particular that Y. Kafkas "was injured by a policeman of the Subdirectorate of Order Restoration platoons operating on Panepistimiou Street", who hit him "with a particularly heavy object of his harness, hitting him with force and intensity from behind, thus without the plaintiff being able to have visibility or the possibility of a minimal response and even in an extremely vulnerable and vital part of his body, which is his head". It also rules that "the conduct of the police officer in question not only violates his duty to safeguard public order, security and the physical integrity of the citizen, but also meets the special status of the crime of grievous bodily harm" and then decides that "the civil liability of the defendant Greek State is established". (Amnesty International, Amnesty International, 2012) (Γιώτα Τέσση, 2021)

Moving on to the pandemic era, it has been noticed that police violence was transformed to something even more vicious. Abuse of power, both by the State and the police, was constantly reported, the “right to freedom of expression” and the “right of peaceful assembly” were almost vanished, due to detrimental legislative reforms, “blanket bans” were introduced on public outdoor assemblies, restricting as such the obligations that Greece has under international human rights law and excessive and unnecessary use of force was a constant practice; and all of that were happening on the account of public health. (Amnesty International, 2021)

People who wanted to participate in peaceful demonstrations were penalized, while “human rights lawyers, women’s right defenders, trade unionists and members of political parties were arbitrarily arrested and criminalized for allegedly breaching public health rules and were handed unjustified administrative fines”. (Amnesty International, 2021)

In a report published by Amnesty International in 2021, it is described by the people who experienced many forms of excessive force by the police, how peaceful assemblies were dispersed in unlawful manners, how they were attacked either by batons, tear gas, water cannon, stun grenades, how they were verbally abused and how it was extremely difficult for them to maintain physical distance after being confined by the police. People were also describing how police checks during COVID-19 were amounting to torture, due to the fact that the police officers were subjecting civilians to excessive use of force. Of course, the authorities refuse to acknowledge the problem of excessive force, and they still cannot ensure prompt, effective, impartial and independent investigations, allowing in that manner these brutal incidents to continue to happen. (Amnesty International, 2021) Following, there are some of the interviewees’ stories.

In November 17, 2020, a group of students in Ioannina, decided to hold a peaceful demonstration for the Polytechnic Uprising. The students wore their masks and kept their distance. Suddenly, a group of police officers that belonged to the riot police and DI.AS. team encircled the students and started attacking them without previously warning them to disperse. A female student stated that she was beaten on the head, the neck and the shoulder with a baton, a male student suffered similar injuries, when the police first hit him and after they caught him from his clothes, tore some of them and threw him on the ground, when also stun grenades were thrown all around. Some of the

officers stated to the students that they were members of Golden Dawn and started threatening them. Another female student said that the female demonstrators experienced sexist language. A male student sustained a head injury and he was transferred to the “Accident and Emergency Unit of Ioannina Hospital”. Twenty-three out of the thirty to thirty-five students were detained. Epirus police stated that they were attacked with sticks and stones by “helmet-wearing” protestors even after the police gave orders to them. A case file was forwarded to the competent Prosecutor, against the twenty-three students, on charges of “disturbance of peace, violations of public health rules, violence against officials, destruction of private property and violations of the legislation on use of weapons”. The students deny all charges and state that the police charged them in order to justify the attack. Footage shows that the only things the students were holding, were banners and flags and they were not wearing helmets, something that is also proved by their head injuries. According to Amnesty International, “a disciplinary investigation is currently being conducted into the reported unnecessary and excessive use of force by the police”. (Amnesty International, 2021)

On March 7, 2021, during a “collective weekly discussion of an Open Assembly” of residents of the area of Nea Smyrni in Athens, during the time that police were checking to see if the civilians had the necessary documentation in order to be able to walk outside, otherwise the police were imposing fines to them, the police started beating a civilian, named A.M., who asked them why did they impose a fine on two families sitting at a bench. The civilian accepted six baton hits and while he was asking to find out the reason for his attack and telling the officer that he is in pain, the police officer continue to beat him. Fourteen injuries were identified on the civilian by a coroner’s service report. They all came by a blunt instrument and they were compatible with the time of the incident in Nea Smyrni. The injuries included: “swelling on the left ankle and occipital region (back of the skull) and bruises in the left and right thigh region, left shin region, left arm and lumbar region”. Eleven individuals, along with A.M. were transferred to G.A.D.A., which is the Athens General Police Directorate and a case file opened against them on charges of: “violence against police officers, insubordination and breaches of public health rules”. The Greek police stated that they were attacked by a group of thirty people and two officers were injured. Many eye-witnesses are stating that they were attacked by the police officers that day and there is also a video

that proves it. The Head of the Greek Police ordered a disciplinary inquiry and one police officer was suspended. The lawyer of the civilian “expressed serious concerns over the reluctance of the judicial and disciplinary authorities to investigate the accountability of the remaining police officers who participated in the incident”. (Amnesty International, 2021)

3.3. Excessive Use of Force by the Police during arrest or detention

Arbitrary arrests on false charges or with no reason at all is a quite common phenomenon in Greece. Amnesty International has received many times “allegations of ill-treatment of people during arrest and detention”. Torture, ill-treatment and all forms of abuse are taking place in many police stations all over Greece and the most common victims are demonstrators, refugees, migrants, people of left ideology and during COVID-19 anyone could have ended up handcuffed, beaten or fined. People are being deprived of their most fundamental rights, such as the “right to life, liberty and security of person”, the “right to freedom of opinion and expression”, the “right to freedom of peaceful assembly and association”, the “right to an effective remedy” and the “prohibition of torture or other cruel, degrading or inhuman treatment or punishment” and following there are some striking stories of people who suffered at the hands of the police.

In June 2007, in “Omonoia” police station, migrants were being tortured and humiliated by police officers who were forcing them to hit each other with a withe. When the migrants would not obey, then the police officers kicked them and also hit them with the withe. On December 2015, the European Court of Human Rights offered 70.000 euros compensation to each migrant. (Συναδινού, 2016)

In 2012, fifteen anti-fascist protesters, who were demonstrating in Athens and clashed against Golden Dawn, were arrested and transferred to G.A.D.A. where they were tortured and humiliated “in an Abu-Ghraib style”, as their lawyer stated. Another twenty-five people who demonstrated the next day “in support of their fellow anti-fascists”, were also arrested and stated that they “were beaten and made to strip naked and bend over in front of officers and other protesters inside the same police station”. The first arrestees stated that “they were slapped and hit by a police officer while five or six others watched, were spat on and “used as ashtrays” because they “stank”, and

were kept awake all night with torches and lasers being shone in their eyes”. Others said that they got burned on the arms with a lighter, while the officers filmed the incident and threatened them to post it online and also “give their home addresses to Golden Dawn”. One woman, out of the two that were held at the police station, stated that “the police officers used crude sexual insults” and she had her hair pulled by one of the officers when she tried to avoid the filming. She also stated that because the officers refused to give them water, they had to drink from the toilets. An injured detainee, who had his arm broken and a wound to the head that was bleeding, caused during his arrest, said that the beating did not stop even after his transfer to G.A.D.A. and he also had to wait until the next day to get medical treatment. Another detainee stated that “the police forced his legs apart and kicked him in the testicles during the arrest”. Another one said that an officer used a Taser on his spine and his legs were paralyzed for a while, causing him to fall. After, they handcuffed him “behind his back” they started “hitting and kicking him in the ribs and the head”. He stated that “then they told me to stand, but I couldn’t, so they pulled me up by the chain while standing on my shin. They kept kicking and punching me for five blocks to the patrol car”. The protesters preferred to remain anonymous, because they feared that either the police or Golden Dawn will harm them as reprisal. The press spokesman for the Greek police, Christos Manouras, stated that “there was no use of force by police officers against anyone in G.A.D.A. The Greek police examine and investigate in depth every single report regarding the use of violence by police officers; If there are any responsibilities arising, the police take the imposed disciplinary action against the officers responsible. There is no doubt that the Greek police always respect human rights and don’t use violence”. (Margaronis, 2012)

One extremely shocking case is the one of Aris Papazacharoudakis, a 21-year-old college student who was severely tortured by the police in G.A.D.A., on 10 March 2021. After the episodes that followed the incident of a police officer beating a civilian in Nea Smyrni, demonstrations were taking place all over Greece. While most of them were peaceful, the one that took place on 9 March was full of clashes and a police officer from the “DRASI motorcycle police unit” was severely injured. Aris Papazacharoudakis described to Amnesty International how two “hooded men on a motorbike” stopped him and then “hit, handcuffed, hooded” him and “forced him into a car with no license plates”. He was tortured in G.A.D.A. for several hours, during his

questioning regarding the clashes and the police officer's injury the previous day. (Amnesty International, 2021) He describes his experience as follows:

“They tried to elicit from me what is my football team... I explained to them that I am not interested in football teams and they were telling me “We do not give a shit...you will say one by force”. At some point, when I responded... they continued to hit me and laughed... They switched off the lights, and I was left with a hood on my head and my hands tied behind my back. And they start to hit me in the dark... And they created a climate of psychological terror, meaning I heard their steps sometimes coming close to me and then disappearing, (and sometimes they were) coming close and hit me... At some point in the dark... an intense noise starts being heard, of a tool, zip, like something was opening and closing with intensity...”. (Amnesty International, 2021)

He continues:

“... (T)hey asked me to talk about the place from where they took me (and) where my (political) collective was hosted..., and as long as I did not respond I was beaten up more... They were throwing me from my chair, they were lifting me from my handcuffs (and) I felt my shoulders would dislocate... It (was) a process of non-stop beating...”. (Amnesty International, 2021)

On March 2021, Aris Papazacharoudakis sought a medical examination from the General Surgery Clinic and the Orthopedic Clinic of Thriassion hospital in Elefsina. The medical reports found, inter alia: “thoracic pain, pain on the left shoulder and cervical area, swelling in the left shin area and bruises on the left buttock, shin area and humerus”.

On March 22nd, after an order from the Internal Affairs Directorate of the Greek Police, two coroners of the Athens Coroners' Service found the following: “an elongated bruise on Aris's left elbow, abrasions on his right hand, a small bruise on the left side of the kidney area, a bruise on the left buttock, and an extended bruise and concomitant swelling on the left shin”. (Amnesty International, 2021)

Aris Papazacharoudakis states that “he was not among the people that clashed with the police on 9 March during the protest in Nea Smyrni” and denied all the charges. The Ministry of Citizen Protection denied the allegations “of torture and ill-treatment by

Aris as completely untrue”. Aris Papazacharoudakis’ case is still at the main investigation stage in the justice system (Amnesty International, 2021).

O.M., a man who also took part in the demonstration of 9 March, was also arrested and “beaten up, verbally abused and threatened” in G.A.D.A. He stated that the police officers “removed all of his belongings” and then “undressed him, removed all of his clothes, and hit him with force all over his body asking him to recognize (Aris Papazacharoudakis) in a picture”. He stated that the police officers were banging his head on the wall, while “with their knees they were hitting his sides and spine”, in order to get information about the clash and the police officer’s injury. He also stated that “police officers were walking behind him all the time, with heavy steps with the purpose of beating him suddenly once more, while he was also hearing them putting on gloves and threatening him implying that he would be abused”. O.M. suffered “bruising on the right side of his body and right arm, swelling on the right elbow and severe pain on his spine”. On March 13, 2021, the “pre-trial detention of O.M.” was ordered by an Athens judge, on charges of “alleged attempted homicide in relation to the attack on the DRASI police officer”, which he denies. On June 4, 2021, O.M. together with Aris Papazacharoudakis filed “a joint criminal complaint against police officers in G.A.D.A. and their superiors for the ill-treatment they endured and this was filed under the torture provision of the Greek Criminal Code (Article 137A1)”. (Amnesty International, 2021)

3.4. Excessive Use of Force by the Police against migrants, refugees and vulnerable people

Racially motivated crimes and hate crime have seen a significant escalation, especially the last ten years. The most targeted groups are migrants, refugees, asylum seekers, vulnerable people such as persons with mental health concerns, the LGBT community and Roma. Amnesty International has been receiving allegations on excessive use of force by the police, especially towards “detained refugees and migrants”. People are subjected each day to torture and ill-treatment, they are being physically and verbally abused, they are being humiliated and sometimes they do not even make it out alive.

Another gruesome case that took place during detention is the rape of Necati Zontul, a Turkish-British national, by a coastguard officer in Chania, in 2001. When Necati Zontul arrived in Greece with a boat that was carrying over one hundred migrants, he

was detained at a poorly conditioned place, extremely overcrowded and with very little amenities. A coastguard officer “trapped Necati in the toilets and forced him to remove his clothes. He then raped him with a truncheon”. Necati thinks that he became a target because he is gay. The perpetrator was only given a small fine, because the Greek authorities “falsified Necati’s evidence, recording the rape as a “slap” and “use of psychological violence”. On 17 January 2012, “The Chamber found that Greek coastguard officials tortured Necati” and Greece was ordered a 50.000-euro compensation. Furthermore, the Court found that because “the Greek definition of torture was incorrect under international law”, there were not any charges for torture. (redress.org)

In 2007 in Chios, A., an asylum seeker stated to Amnesty International that coastguard officers brutally tortured him by hitting him on the head with a stick, “putting a plastic bag over his head and tightened it around his neck and dunked his head in a bucket of water”-a form of torture that is known as “dry and wet submarino”-and he was subjected to a “mock execution”. The coastguard officers threatened him, that if he would speak, he would die. In 2013, a Five Member Naval Court of Piraeus sentenced a coastguard officer to six years in prison suspended on appeal as he was found guilty of A’s torture. Another officer was guilty of failing to prevent the torture and was sentenced to three years suspended on appeal. The two officers were going to be removed from their position, while the third one was acquitted of torture. (Amnesty International, 2014)

Another striking incident is the brutal attack on Christos Chronopoulos, a man with mental health problems, that, due to the fact that he was causing “disturbance at a café”, he was arrested on 22 May 2007 and the next day he had to be transferred to the hospital. Christos Chronopoulos had sustained “a grave head injury, subdural haematoma, swelling of the brain and multiple bruises on his sternum and one wrist”. He had to have a surgery and he was in intensive care for two months. He was “several weeks in a coma, three months in neuro-surgical wing, and another six months at a rehabilitation centre”. His injury caused him “incontinence, post-traumatic amnesia, epilepsy, visual disturbance and significant difficulty walking”. His relatives are taking care of him, as he can no longer care for himself. The police officers were not charged because there was not sufficient evidence of guilt. (Amnesty International, 2012)

On 3 April 2009, a coastguard officer was brutally beating a Kurdish Iraqi migrant, named Arivan Osman Aziz, in the port of Igoumenitsa. On 27 July Arivan died. The examiner's report showed that "Arivan Aziz suffered serious head injuries caused by force either because he fell face down on the ground or because his head was banged against a blunt surface". The post-mortem showed that Arivan Aziz died because of a serious head injury and because his health deteriorated after four months in intensive care. Arivan's lawyer provided Amnesty International with the following "eyewitness account":

"Arivan, the eyewitness, and two other migrants were hiding in a truck which was about to board a ferry to Italy. When four members of the coastguard searched the truck, they apprehended the four men, beat them and handcuffed them. However, the handcuffs on Arivan and a second man, of Afghani origin, were not properly secured and they tried to escape. Two officers of the coastguard pursued them while the two other officers held the eyewitness and the fourth man. One of the officers apprehended Arivan and began to beat him; During this assault Arivan fell to the ground. The officer banged Arivan's head on the ground and also hit him on the head with a baton several times. Arivan reportedly started bleeding from the nose and lost consciousness". (Amnesty International, 2012)

The coastguard officers claimed that Arivan "had knocked and hit his head hard against the pavement" because he was epileptic, and they also stated that Arivan had pills for epilepsy with him. His father testified that Arivan was "completely healthy and had never suffered from epilepsy". (Amnesty International, 2012)

Moving on to one of the most marginalized communities in Greece, the Roma minority, which is estimated to be "250.000 to 350.000", is often being a target of discrimination, abuse, torture, ill-treatment and experience human rights violations quite often. One of the most striking cases, that happened in Gerakas in 2012, is when there was a "misuse of firearms and ill-treatment" against three unarmed Roma men. The police stopped the men's car, in order to check for drugs and suddenly the officer started to shoot at the men, allegedly "warning shots". Two of the men "sustained injuries to their legs and one of them was also injured in his abdomen and had to be hospitalized". The officers claimed that the men got out of the car, even if the officers told them to stay in there

and tried to take their guns, but according to the victims' lawyer there were many "inconsistencies between the official announcement and that of the police officer's testimony" who confirmed that "he had ordered the two men to get out of their car". (Amnesty International, 2012)

Moving one to another targeted group, transgender sex workers are being subjected to ill-treatment, violence, abuse and harassment by the police. According to the "Greek Transgender Support Association", transgender sex workers "are often arrested and charged for insulting public morality". A transgender woman who used to be a sex worker, named Anna, stated to Amnesty International that she was in custody more than a hundred times and one time an officer pushed her down the stairs, beat and kicked her. Police officers are usually the perpetrators of these crimes, according to a survey by the FRA, conducted around 2014. (Amnesty International, 2014)

In 2019, a 34-year-old man, named Ebuka Mamashoubek, died in Omonoia police station under "suspicious circumstances". The case raises questions, considering Ebuka's wife's allegations that the police officers did not tell her that he was dead, even after she went looking for him. (Τάγκα, 2020)

4. The case of Austria

Police violence in Austria is a common practice, especially against foreigners, due to prejudice, racism and stereotypes that often lead to racial profiling. Torture, public humiliation or beatings that on occasion leads to death, are only a few of the incidents that were publicized in Austria. According to Amnesty International, the years 1998 to 1999 from the many people who violated human rights, only a few were brought to justice, due to the fact that a lot of people who made complaints against the police, they were counter-charged on arrest, assault or defamation. (Amnesty International, 2000) From 2014 to 2015, the accusations of police misconduct reached 250, but no officer was charged. During the same time, 1.329 people were charged with civil disorder (The Local, 2015). The Council of Europe's Committee for the Prevention of Torture (CPT)'s report in 2014, referred excessive use of force by the police against detainees and psychiatric patients. Officers are often being excused even after having complaints of misconduct against them, and judicial proceedings as well as investigation on complaints of mistreatment are quite inadequate. Following there are some of the most striking incidents of police violence in Austria.

On 24 April 1996, a Serbian Romani man, named Nicola Jevremović, was harassed by the police when he tried to pay his friend's parking fine. Having escaped the police, he encountered a group of 25 to 40 police officers in his home, in which they had entered without a warrant. The police officers viciously beat Nicola Jevremović as well as his wife, Violetta, in front of their children and then they arrested them. They were made by the police to wait outside the house, in front of their neighbours, for half an hour, in order to be humiliated. Nicola Jevremović was found guilty of resisting arrest and was given a four-month suspendable sentence, while his wife was found guilty of suspicion of resisting arrest and was given a two-month suspendable sentence. When the couple filled a law-suit against the police for abuse of state power, the Court refused to hear their case, due to an incorrect date on a file that their attorney had submitted. (Romano Centro; ERRC, 1996) , (ERRC, Romano Centro, 1997).

In November 1998, Dr C., a black Austrian citizen, was stopped by the police after reversing his car into a one-way street. The police officers used the n-word, while asking him the reason why was he driving in the wrong way. They pushed him into a bush of thorns, they beat and handcuffed him. The beatings did not stop even after he

regained his consciousness. He had to spent 11 days at the hospital (Amnesty International, 2000).

In May 1999, Marcus Omofuma, a Nigerian asylum-seeker, was being deported from Vienna airport, when the officers practically “mummified” him, making him to stay to his seat by using adhesive tape, while also covering his mouth. Marcus Omofuma did not survive, as he died of suffocation. The three police officers responsible for Omofuma’s death were temporarily suspended from their duty. In 2002, the regional court in Korneuburg, sentenced them in 8 months in prison for involuntary homicide under especially dangerous circumstances. They claimed that Omofuma had some responsibility in his death because he had resisted deportation. All of them continued working as police officers. (Amnesty International, 2000) (Clara Akinyosoye, 2009).

In 1 January 2015, a 47-year-old woman was beaten by the police after she refused to take a breathalyzer test, on her way home, while walking after New Year’s Eve. The beating led to a fractured coccyx, while her head and her knees had severe bruising. She got no response to the complaint that she had filed. The prosecutor decided to reexamine the case, only after CCTV footage was found, that depicts her restrained on the ground, while being surrounded by nine police officers (The Local, 2015).

In July 28, 2015, a 27-year-old man, who was suspected as a pickpocket, was thrown to the ground by the police, after they had put handcuffs on him, and while he also did not try to resist arrest. The police officers claimed that the injuries were caused because the man pressed his head against a wall. A video showed that the man was “passive and compliant” (The Local, 2015).

In May 31, 2019 thousands of people were walking with climate activist Greta Thunberg, downtown Vienna, when the police used force that exceeded both necessity and proportionality. A day after the demonstration, a video that was published on Twitter, showed several police officers holding a man on the ground while one of them was punching him. Another video, showed two officers arresting an activist, while he was lying on the ground, tied, with his head under a police car that was about to leave, with the possibility to run him over. The officers pulled the man at the last moment (Civic Space Watch, 2019).

5.The case of France

Discrimination, humiliation, racial profiling and stigmatization are only a few of the standard practices of the French police. Many civilians, all over France, have experienced abusive identity checks, just because of their appearance. The most targeted people are Arabs and Blacks, and in addition to that, men and boys who are perceived to belong to either one of these races, are often subjected to stop-and frisk actions. (Human Rights Watch, 2021) The excessive use of force by the police in France is not something new, but during the course of the last years, even more brutality is being observed. Clashes between the police and demonstrators, especially after the “yellow vests” movement, quite often resort to mutilation, due to the fact that weapons such as rubber bullets, are constantly used against the civilians. Many people had lost limbs, eyes and even testicles because of the misuse of weapons that should not be normally used during public order situations.

Malik Oussekine, a 22-year-old French-Algerian student, became a symbol of French minorities, when he was killed by the police in 6 December, 1986. After walking home, during demonstrations, in which he did not take part in, he was chased by two police officers in motorcycles, and he took refuge in a building. The officers brutally beat him with their batons. Malik Oussekine was transferred to the hospital, where he was pronounced dead, although it was later revealed that he died in the building. The cause of death was heart-attack. His attackers were sentenced with suspended sentences. The Paris Assize Court sentenced both Chief Brigadier Jean Schmitt and Guardian Christophe Garcia to two and five years in prison each, due to charges of unlawful intentional bodily harm by law enforcement officers resulting in death without the intention of causing death. Schmitt denied his participation to the incident, while Garcia confessed that he had stricken Oussekine. Malik Oussekine’s death, happened twenty-five years after the police massacred 200 Algerian protesters, many of which were shot and their bodies were thrown to the Seine. After many years of not acknowledging this horrifying incident, the President Emmanuel Macron characterized it as “inexcusable crimes”, without though offering an apology. (The Arab Weekly, 2022) (Kaleem Aftab, 2022) (Le Monde, 1990)

In France, a group that is called Stolen Lives Collective, consists of families of people who either died or were harmed in the hands of the police, and are speaking up for

institutional racism that is underlying in policing practices. “Truth and justice for victims of police crimes”, “no more impunity for a criminal police”, “no to the license to kill” and “no justice, no peace” is written all over their banners, during their demonstrations against police violence, on 23 March, 2013. The families have gathered in order to seek justice for their loved ones who were killed or seriously injured by the police, during detention or questioning. All the victims were unarmed. Among them, there is Ramata Dieng, the sister of Lamine Dieng who was suffocated in a police van, in 17 June 2007, after having been in handcuffs, while his feet were tied. His family is having difficulty believing the police’s version of events. They are wondering why his body and his face were covered in bruises, how could he have overpowered eight policemen and they are also wondering if the police had used carotid restraint. Hakim Ajimi and Ali Ziri were both killed by the same method. No officers were charged on the deaths of the three men. A report by Amnesty International that was referring to five cases of people that died while in custody, highlighted that the use of force were exceeding proportionality, the investigations were not impartial, the prosecutors were reluctant to indict officers, the sentences were light compared to the severity of the presented evidence, the citizens’-police relationship was deteriorating and even more foreign people or people that originated from somewhere else, were being subjected to stop-and-search actions. (Ali Meziane, 2013)

Moving on to the “yellow vests” movement, many demonstrations are characterized by excessive use of force by the police, not only against adults, but children too. Numerous cases of police officers attacking peaceful protesters, the Press, as well as children with sting-ball grenades, tear gas and rubber bullets have been documented. During the events of 8 December, 2018, in Paris, photojournalist Thierry Olivier stated that he believed in the definitive target of photographers, while another journalist who preferred to stay anonymous, stated that he and other journalists were “repeatedly shot at by police with rubber bullets”. Thomas Morel-Fort, a journalist who was wearing a helmet with the word “press” written on it, had been shot by a rubber bullet and sustained fractures to his hand. Many people described how the police were confiscating their protective equipment and how this was used as a pretext to arrest them. The Ministry of Interior released figures which showed that, on 8 December, 1082 people were arrested, among which 100 children. A few days earlier, on 5 December, during the high school movement, according to a teacher, named Mathieu

Barraquier, when a tree was set alight outside the Simone de Beauvoir high school, the police started arming themselves with riot gear and some students started to throw stones. Suddenly a police officer shot a rubber bullet at a student, who was only talking to his friends, and “his cheek was burst open like a split pomegranate”. The boy needed to be hospitalized for two days. On 6 December, after clashes between the police and the students of Saint-Exupery high school, the police arrested 163 children, some of them only 13 years old, and forced them “to kneel with their hands either behind their heads or handcuffed behind their backs”, as is shown on footage that went viral. According to many of the children’s lawyer, Mourad Battikh, the children were forced to stay in this position for up to four hours, something that amounts to “cruel, inhuman or degrading treatment”. Another lawyer said that some of the children were not provided with either food, or a doctor before their questioning, while Leila Volle, who acted for two boys that were 15 years old, said that they were being questioned without her there. She also said that at least eight children were questioned without their lawyers. (Amnesty International, 2018)

6.The case of Belgium

In 2010, a 26-year-old man died at the hands of police during custody. After being arrested, due to strange behavior at a busy crossroads, the police had taken the man to a police station in Mortsel. The man had taken amphetamines and needed to be calmed down. Special psychological treatment was needed to be provided to him, but a psychiatric care center refused twice to assist him, so once again he was transferred to the police station. The police officers then injected him with a sedative and a little after, as is shown on footage, eight of them overpowered the man in a quite harsh way. Police officers were seen to have been on top of the man, while one of them is seen beating the 26-year-old. The man did not survive, as he had sustained internal bleeding and his body was covered with injuries. The police stated that they “acted carefully, respecting the necessary precautions”. (vrtnws, 2013)

In December 2003 and in February 2004, the brothers Said and Mohamed Bouyid were slapped by police officers, at a police station in Brussels, while in custody. Even though the brothers filed a complaint, the courts of Belgium did not find any fault regarding the officers’ behavior. Even though there were physical evidence, testimonies and medical reports of the bruising and the marks, the courts could still not be persuaded. After an unsuccessful application to the European Court of Human Rights, that ruled that the article 3 of the Convention on Human Rights, that refers to “the prohibition of torture, cruel or inhuman treatment or punishment” was not violated, the decision was referred to the Grand Chamber that in 28 September, judged that the rights of the applicants were indeed violated. The Grand Chamber noted that “...a slap inflicted by a law-enforcement officer on an individual who is entirely under his control constitutes a serious attack on the individual’s dignity...” (David Morelli, 2015)

In 17 May, 2018, a 2-year-old Kurdish girl died, after a chase between the police and a migrant van. Mawda Shawri was sitting on her mother’s lap, when she was shot by a police officer, despite him knowing that there was a child in the van. The officer, who was charged of involuntary homicide, received one year suspended sentence and a fine of 400 euros. Mawda’s death became a symbol for Belgian people regarding the injustice that many migrants and refugees face while seeking a better life in Europe. According to Sammy Mahdi, Belgium’s migration minister, Mawda’s parents “had been granted permission to remain in Belgium indefinitely and would no longer need

to annually renew a temporary residence permit”. (Juliette Campion, 2018) (Associated Press in Brussels, 2021) (Euronews, 2021)

In 7 May, 2018, the 27-year-old Moise Lamine Bangoura, was to be evicted from his home. When the person who should have executed the eviction asked the police for help, things took a rather dark turn. Eight police officers used excessive force that ended in Moise Bangoura’s death. He died of asphyxiation and acute stress, after several police officers laid on him. (7sur7, 2020) (Ojeaku Nwabuzo, Nabil Sanaullah, 2021)

In August 2019, a 17-year-old teenager, named Mehdi Bouda was killed after a police car hit him. No officer was charged. (bx1-Medias de Bruxelles, 2021) In 10 April, 2020, 19-year-old Adil died when he was hit by a police car, while he was trying to flee a COVID-19 control. Once again, nobody was charged with his death. (RTBF, 2020)

In 2021, 23-year-old Ibrahima was arrested on charges that he broke the coronavirus curfew. Before his arrest, he was filming a police check. His arrest took place on six o’clock, while the curfew was starting on 10. He died under unknown circumstances. (Erwin H.)

7.The case of Slovakia

Slovakia is a country that has been publicly criticized by the United Nations, as it pertains to excessive use of force by the police, especially against the Roma minority. Discrimination, ill-treatment and raids in Roma settlements are only a few of the police's actions.

In 2001, a 51-year-old man died in custody after he was allegedly chained to a radiator and beaten to death. The Mayor of Magnezitovce and his son, who used to work as a police officer were responsible for Karol Sendrei's death. The Mayor's son was removed from the police force, while the Mayor was temporarily suspended from his position, although four months later he was reinstated. Seven police officers were charged on torture and cruelty, and also on manslaughter, but were released six months later. Four of them were convicted and received sentences of four to eight and a half years in prison. (World) (Romea.cz, 2015)

In March 2009, six Romani boys between the age of 10-15 years old, ended up in custody after they had allegedly robbed and injured an older woman. The police officers forced the boys to strip naked, kiss and slap each other, while someone was recording the incident on a cellphone. The ten police officers who took part at the torture and humiliation of these children were all acquitted, due to the fact that the video was not admissible in court. (Romea.cz, 2015)

In May 2010, a 46-year-old man died of suffocation that was caused after the police used "a disproportionate amount of teargas against him". (Romea.cz, 2015)

In 19 June 2013, more than 60 police officers occupied the Romani settlement in Moldava nad Bodvou, with the pretext that they were searching for wanted people at the specific location. According to the occupants of the settlement, the police barged into their homes and started attacking women and children, while also using tear gas and stun guns. (Romea.cz, 2015) Martin Vavríník of ETP Slovakia, who runs a community center in the settlement said that: "Police officers went from one dwelling to the next, breaking doors and windows, smashing furniture, and attacking individuals very aggressively without communicating with them in any reasonable way. People were injured and some of our clients had to seek medical treatment, there are medical reports". (Romea.cz, 2013) Five years after the police raid, six people were charged on

perjury. Two citizens whose rights were violated that day, brought the case to the European Court of Human Rights, which ruled that the Articles 3, which is that “no one shall be subjected to torture or to inhuman or degrading treatment or punishment” and 14, which is “the prohibition of discrimination” of the European Convention of Human Rights had been violated, and the applicants were awarded with 20.000 euros each as “non-pecuniary damage” and 65.000 euros “jointly in respect of costs and expenses”. The government will pay a total of 110.000 euros “jointly to eight complainants to cover any and all non-pecuniary damage”. (The Slovak Spectator, 2022)

In 2 April 2015, approximately 19 Romani people were allegedly beat up by the police in the municipality of Vrbnica, Michalovce District, during a house-to-house search that was named “100”. (Romea.cz, 2015) Romani residents who were abused by the police that day, described at an interview how the police mistreated them. A man said that they beat their heads, that his father needed to be hospitalized and that the police officers kicked him in the crotch. People said that they had pistols put on their heads by the police and that they had to hide their children under the bed. A woman stated that the police took them to a field and told them that they were going to “shoot all the Gypsies”. (Romea.cz, 2015)

8.The case of Italy

Italy is a country where police violence is quite occurrent. Torture, Ill-treatment, abuse and murder during custody, detention or demonstrations is something quite common. Yet, once again, impunity is huge, the people who commit those crimes are rarely brought to justice, accountability is not ensured, while there are hardly no impartial, thorough and prompt investigations in order for justice to be served.

In 11 July 2001, Carlo Giuliani, a 23-year-old student and an anti-globalization demonstrator was killed by a trooper, when he threw a fire extinguisher at a police van and the trooper shot at him for retaliation. After the shot he was run over by a police jeep. It was during the G8 summit in Genoa, where the police also used tear gas and water cannons against the demonstrators and also hit them with batons. The European Court of Human Rights found no violation of Article 2 of the European Convention of Human Rights, which is the right to life, the judgment found that there was no use of excessive force and that Italian authorities had not failed to comply with their obligation to protect Giuliani's life. A total amount of 40.000 euros was awarded in non-pecuniary damage to the three applicants, as it was judged that the Italian State failed to "open an inquiry into the planning and management of the policing operation at the summit". (Simon Jeffery, 2001) (Duncan Kennedy, 2009) (European Court of Human Rights, 2009)

In 11 July 2003, Marcello Lonzi who was 29 years old at the time, died in his cell. Although the cause of death was considered to be heart-attack, his body was bruised, he had two dents in his head and his ribs were broken. His mother is still fighting for justice, as nobody was arrested for Marcello Lonzi's death. (Angela Marino, 2020)s

In 25 September 2005, the 18-year-old Federico Aldrovandi was killed after four police officers handcuffed him and pushed him to the ground. A combination of blows and compression on his chest caused his death. Enzo Pontani, Luca Pollastri, Monica Segatto and Paolo Forlani were sentenced to three years and six months in prison, but the sentence was later reduced to six months. The Italian Supreme Court confirmed the sentence in 2012, according to which: "the condition of nervous excitement in which the boy was, had required dialogue and restrained intervention but the four policemen dealt several blows at Aldrovandi, indifferent to his call for help" ...'Segatto hit his legs with a truncheon, Pontani and Forlani crushed him to the ground, while Pollastri

continued striking him.” There was no lawfulness and their conduct was incautious and damaging. The action of the four policemen was found to be “disproportionately violent and repressive”. (Statewatch, 2012) (LeggiOggi, n.d.)

In 27 September 2006, Riccardo Rasman, a 31-year-old man who had schizophrenic syndrome, was killed after three police officers went into his apartment “immobilized, beaten and asphyxiated him”. His neighbours called the police after they had seen him throwing some firecrackers, in order to celebrate the fact that he was going to start a new job. The officers tied Riccardo Rasman’s hands and feet with wire and then they repeatedly stood on him, causing in such a manner “postural asphyxia”. The officers were convicted on manslaughter, and they received six months in prison. (Laura Eduati, 2013)

In 14 October 2007, Aldo Bianzino, a 44-year-old carpenter, along with his partner Roberta Radici, were arrested after a few marijuana plants have been found on their home. The two of them were separated, after arriving at the police station. Two days later a police officer asked Roberta Radici if her partner had any heart problems and she said that he never faced any problems with his health. When she wanted to know why was she being asked that question, the officer told her that Aldo Bianzino was transferred to the hospital in serious condition. A while after, she found out that her partner was dead. Aldo Bianzino’s autopsy showed that he was brutally beaten, his ribs were broken and his liver and spleen were damaged. Due to the fact that his body had no bruises, the coroner concluded that Aldo Bianzino had died “as a result of beatings inflicted on him in such a way that vital organs were destroyed without the presence of traces”. A police officer was sentenced to one year in prison, for failing to assist him. (Angela Marino) (ENCOD, 2008)

In 11 November 2007, Gabrielle Sandri, a 27-year-old man and a Lazio fan, was killed by a police officer, after an altercation between Lazio and Juventus fans. The officer shot at the vehicle in which Gabrielle Sandri was in and his bullet found him on the neck. The police officer Luigi Spaccarotella was convicted to nine years and seven months for “voluntary murder with possible intent”, but after ten years he was able to obtain semi-liberty and he could leave the military prison of Santa Maria Capua Vetere during the day and also work as a volunteer. (RQuotidiano, 2012) (QN La Nazione, 2017)

In 14 June 2008, Giuseppe Uva and one of his friends were stopped by two police officers, they were then arrested and transferred to the police station. Giuseppe Uva was transferred to the hospital where he died the next day of cardiac arrest. He had evident signs of torture. The six police officers and the two carabinieri who were accused of manslaughter and kidnapping were all acquitted. (SKY TG24, 2018)

In 15 October 2009, Stefano Cucchi, was arrested for drug possession and drug dealing. The next day, during the hearing of the direct trial, he had bruises on his eyes and face and he had difficulty walking and speaking. After the hearing he was transferred to Regina Coeli prison. Two days later he was transferred to the hospital with injuries to his legs and his face, his jaw was fractured, he had hematuria, chest injuries and two fractures to the spine. Even though he needed to be hospitalized, he refused and he was taken to prison one more time. After another admission to a different hospital, he died in 22 October, being only 37 kilos and showing signs of severe beating. Alessio di Bernardo and Raffaele d' Alessandro, members of the carabinieri, were found guilty on involuntary manslaughter and were sentenced to twelve years in prison. In 2022, eight more carabinieri were sentenced in prison following Stefano Cucchi's trial, for forgery, aiding and abetting, failure to report and slander. (FQ, 2018) (Lorenzo Tondo, 2019) (Apollo Heyes, 2022)

In 22 July 2020 in Piacenza, seven Carabinieri were arrested on charges of “drug trafficking, receiving stolen good, extortion, illegal arrest, torture, grievous bodily harm, embezzlement, abuse of office and fraud”. There was an incident with the photo of a Nigerian man who was arrested and he was covered in blood. Montella, who is considered to be the leader of this group, stated that the man ended up that way because he fell during the arrest. A Brazilian transgender sex worker stated that marshal Orlando forced her to have sex with him, threatening and intimidating her that he will have her deported back to Brazil. She also stated that some of the other sex workers were beaten and threatened by the officers, during the orgies at the police station. All seven of them were sentenced between three and twelve years in prison. (Il MESSAGGERO, 2020) (Quotidiano Nazionale, 2021) (SKY TG24, 2020) (BBC, 2020)

In 1 July 2021, 52 prison guards were arrested on the charges of “aggravated ill-treatment, aggravated torture and causing multiple injuries” to prisoners of Santa Maria Capua Vetere prison, when they demanded masks and Covid-19 tests after the virus

outbreak. A video shows the prisoners being kicked, kneeled on their stomach, slapped and beaten with truncheons by the prison guards. The guards were wearing helmets in order to conceal their identity. (Angela Giuffrida, 2021)

9. The case of the Americas

Excessive use of force by the police in America is a phenomenon that unfortunately goes way back in time. From Jim Crow Laws to the Civil Rights Movement era and from the War on Drugs and 9/11 till today police and civilian interaction was always and still is turbulent. Police violence is gradually becoming a part of everyday's agenda in the media, while more and more violent cases are brought to the public eye. The relationship between the police and the public is quite challenging while trust is something that needs to be established from scratch. Every day, people are being deprived of some of their most fundamental rights, such as "the right to life, liberty and security of prison", "the right to private life", "the right to peaceful assembly" and "the right to an effective remedy". People are often subjected to torture, cruel or degrading treatment or punishment, to humiliation, discrimination and abuse at the hands of the police. Policing practices are becoming gradually violent, unjustified, unlawful and discriminatory, especially against people of colour. People with disabilities, the LGBT community, people with mental health concerns and people with low income are some of the communities that police repeatedly use force against. The true number of police violence victims remain unknown, since there is no accurate database that captures the true rates of force. Washington Post, the Guardian and Mapping Police Violence are three of the most significant sources on reporting the true percentage of those violent actions and especially police-involved shootings. Black people, who account 13% of the population of the United States of America, accounted for 27% of the people that police shot and killed in 2021, meaning that Black people are twice as likely as White people to be the victims of police shootings. (Curtis Bunn, 2022) Excessive use of force especially against people of colour, have created movements such as Black Lives Matter and campaigns such as #SayHerName, in order to raise awareness for the victims and draw people's attention around the frustrations of the African-American community. Racial profiling is quite common and is often responsible for disproportionate traffic stops, stop searches and discriminatory behavior against minorities. Police violence is often linked to the militarization of police departments. Police officers receive training that is quite similar to paramilitary training, that focuses on fear and defensive tactics. The fact that police departments are provided with military equipment such as tanks, prove that many officers are trained to see crime as a war. Rosa Books, a Law Professor at Georgetown University and a former Defence

Department official stated that many police academies in the United States of America are “Loosely modeled on military boot camps”. She stated about the officers that “They have to follow orders regardless of their personal feelings; They have to run toward gunfire, not away from it; And they have to remain cool and professional in the face of chaos, threats, and harassment. In this view, paramilitary training takes undisciplined young recruits and turns them into lean, mean fighting machines, ready to handle the rigors of street patrol”. (Rosa Brooks, 2020) Police departments in the United States of America often follow the “blue wall of silence”, an unofficial code, according to which police officers do not report misconduct or abuse that their colleagues may have committed, because they consider themselves of being part of a brotherhood that must be protected and not betrayed. Their fear of getting ostracized of the brotherhood is one of the main factors that silence perpetuates. (Trone Dowd, 2020) Following there are a few of the most striking incidents of police violence in the United States of America, Canada and Latin America.

9.1. The case of the United States of America

In *Brown v. Cwynar*, No. 11-1948 (3rd Cir, 2012) in 2007, a 73-year-old man, named Edward Brown, was tased for resisting arrest. The police tried to detain him because he was acting disorderly and when he tried to flee, the officer drive-stunned him in the arm. He removed Brown from his vehicle and pinned him to the ground. Brown was still resisting and even though the officers warned him that if he would not comply, he will be tased, he did not calm down so another officer, named Brian Cuscino, drive-stunned him in the upper back. The Court found that the “amount force applied was proportional to the threat he perceived, and was therefore reasonable”. (CaseLaw4Cops, n.d.)

On July 14 2014, Eric Garner, an African-American man, was killed by officer the police Daniel Pantaleo, after the second one put him in a prohibited chokehold during the arrest. A video of the incident generated national response and attention and created conversations around police brutality. Garner was suspected of selling single cigarettes from packs without tax stamps, NYPD officers approached him and after he told them that he was getting tired of being harassed, the officers tried to arrest him, with Pantaleo placing Garner in a chokehold and many other officers pinning him to the ground. Garner was repeatedly saying: “I can’t breathe”, until he lost consciousness. The

officers waited for an ambulance to arrive while Garner was lying on the sidewalk for 7 minutes. When he was transferred to the hospital, he was pronounced dead. The medical examiner ruled that Eric Garner's death was a homicide and that his death resulted from: "compression of neck, compression of chest and prone positioning during physical restraint by police". Garner also had asthma and heart disease, that combined with the above mentioned and his obesity, acted as contributing factors. When a Richmond County Court grand jury, decided on December 4, 2014 not to indict Pantaleo, protesters began to hold rallies and demonstrations in order raise awareness and show their frustration against police brutality. On July 13, 2015 the city of New York would have to pay 5.9 million dollars to the Garner family due to an out-of-court settlement. Five years later, Pantaleo was fired after a New York Police Department hearing decided that his employment should be terminated. (JAKE PEARSON, 2014; Marlene Lenthang, Aaron Katersky, 2021)

In *Perea vs. Baca*, No 14-2214 (10th Cir. 2016) in 2011, officers stopped Jerry Perea when he was running a stop sign on his bike, after previously behaving in a strange way, and it was thought that he may have been under the influence of drugs. He was holding a crucifix and he was screaming for forgiveness. They started chasing him and finally pushed him off of his bike and tased him ten times in two minutes. The man died a few moments later. The Court ruled that the officers used excessive force, due to the fact that the multiple taser shots were disproportional to the seriousness of the crime, Perea did not pose a threat to anyone and the fact that Perea was swinging a crucifix did not justify the officers' severe response. (CaseLaw4Cops, *Perea v. Baca*, n.d.)

In *Callwood vs. Jones*, No 16-174 (11th Cir 2018) Khari Neville Illidge was walking naked and full of scratches, and he appeared to suffer from "excited delirium". The first officer who arrived on the scene asked him to stop and speak with him. Illidge ignored him, walked away and suddenly turned and approached the officer. He got a warning that if he would not stop walking, he would be tased, and when he did not comply, the officer tased him. After Illidge continued to walk away, the officer tased once more. Illidge fell to the ground and when the officer tried to restrain him, he resisted with much strength, so he got tased three more times. Illidge started running away, despite all the hitting. Several officers helped restrain him, having him handcuffed, and when Illidge continued to fight back, he received another fourteen hits by taser. A few moments after, Illidge died. His mother sued the officers for excessive use of force, but

the Court ruled that they were entitled to “qualified immunity”, meaning that they could not be charged if they did not violate “clearly established law”. (CaseLaw4Cops, Callwood v. Jones, n.d.)

In March 2020, Breonna Taylor, a 26-year-old black woman was killed after the police stormed in her apartment during a drug raid. The police officers said that they had announced themselves before barging in the apartment, but Taylor’s partner, Kenneth Walker, said that he heard nothing, he thought that the officers were intruders and in response he fired a warning shot. The officers fired 32 shots and even though Walker wasn’t hit, Breonna Taylor received 6 bullets, that ultimately killed her. Even after the request of Breonna Taylor’s family and many activists to charge the officers involved with murder or manslaughter, the grand jury rejected it after reviewing the evidence. (BBC, 2020) On 23 September, a state grand jury justified the shooting and indicted officer Hankison on three counts of wanton endangerment for putting Taylor’s neighbours in danger with his shots. The city of Louisville, Kentucky agreed to pay 12 million dollars to the family of Breonna Taylor. (CNN, 2020) Brett Hankison was acquitted from the charges of wanton endangerment in March 2022. (Daniel Trotta, 2022)

On 25 May 2020, George Floyd, an unarmed African -American man was killed by a police officer, named Derek Chauvin, who knelt at his neck for approximately 9 minutes, while three other officers restrained his legs and his back. The police arrested Floyd after a clerk suspected that he may have used a counterfeit twenty-dollar bill. In June 2021, Chauvin was convicted in 22.5 years in prison, as he was found guilty in the charges of murder and manslaughter. (Amy Forliti, Steve Karnowski, 2021) J. Alexander Kueng and Tou Thao, were sentenced to 3 and 3.5 years in prison respectively, on “violating Floyd’s civil rights” and because they failed to stop Derek Chauvin from killing George Floyd. (Eric Levenson, Bill Kirkos, 2022) Thomas Lane was sentenced to 3 years in prison for aiding and abetting in second-degree manslaughter. (THE ASSOCIATED PRESS, 2022) George Floyd’s murder sparked protests all over the world, regarding racial discrimination.

9.2. The case of Canada

In Alberta, in March 2014, a police officer was convicted of assault causing bodily harm after breaking a man's eye-socket while trying to remove him from a store. The officer received a sentence of 120 hours of community service, leaving him without a permanent criminal record. (Edmonton Journal, 2018)

In British Columbia, two officers were charged with assault, after beating and pepper-spraying Jordan Dyck on Granville SkyTrain station in February 2012. In addition to the first charge, public mischief, breach of trust and fabrication was added. They both have been on paid administrative duty ever since 2013. The judge ruled that the victim "was not a threat to officer safety and did not appear aggressive or hostile on video evidence". (CBC News, 2015)

In January 2020, surveillance footage shows a 20-year-old nursing student, named Mona Wang, being dragged on a hallway of her campus in Kelowna by Constable Lacy Browning. The video shows that the RCMP officer stepped at Wang's head. Mona Wang was having a panic attack at the moment, so the officer was called in order to do a wellness check. Mona Wang alleges that the officer used excessive force against her while she also yelled at her to "stop being so dramatic". Lacy Browning was charged with assault. She pleaded guilty in 2022 and her sentence is expected in 2023. (Roshini Nair, 2020) (Tom Popyk, 2022)

In November 2010, in Barrie, a man was beaten by a police officer, when his friend broke an ornament at a mall. The officer who viciously beaten the man was found by the court guilty of assault causing bodily harm, obstruction of justice and fabricating evidence. The court sentenced him to 1 year in jail and one year probation. (The Canadian Press, 2013)

In July 2017, Constable Michael Theriault, a Toronto police officer, charged with assault, due to the fact that in December 2016 he attacked Dafonte Miller, who was 19 years old at the time, with a metallic pipe that led to the removal of Dafonte's eye. In 2020, the court found Theriault guilty and sentenced to 9 months in prison, with additional 12 months probation following his jail term, along with 5 years prohibition of weapons. (Nicole Thompson, Paola Loriggio, 2020)

9.3. The case of Latin America

Police violence in Latin America is not a recent phenomenon. Violence, abuse and complicity in organized crime was always synonymous with policing. The militaristic influences of past authoritarian regimes, still accompany the police forces of Latin America. Extreme violent actions, cruel practices and unlawful killings are still present. As Cezar Munoz, senior Americas researcher at Human Rights Watch stated: “Police violence in Latin America is often the result of widespread impunity, a lack of oversight and an institutional culture of opacity that sometimes encourages abuse”. Given the fact that Latin America consists of some of the most dangerous countries in the world, and social, economic and political inequality created frustration and dissatisfaction, people were led to the streets and the past four years, protests were taking place nationally. The police used “excessive and reckless force” in Ecuador, Chile, Haiti, Bolivia and Colombia, and as a result, hundreds of people died or suffered mutilations, especially on their eyes, due to the fact that the police were using rubber bullets straight to the demonstrators’ face. Gustavo Gatica, a demonstrator in Chile, lost his vision after Chilean Carabineros fired rubber bullets at his face in 2019. The same year, the police killed an estimated 26 protestors and provoked more than 4,500 complains as it pertains to human rights violations. In 2020, 10 people were killed and 250 were injured in Colombia by the police, during demonstrations that took place after a 46-year-old man was killed by the police in Bogota. In Brazil, the police killed more than 1,800 people in 2019. In Rio de Janeiro, 600 people were killed by the police, only in the four first months of 2020. In the last decade, the police killed 30,000 people in Brazil, with 79% of the victims being Black men. In Mexico, during the pandemic, a man was violently detained because he failed to wear a mask, as video footage shows. In Venezuela, police killed more than 2,800 people in 2020. The list of killings is never-ending and impunity is huge. Civilians ask for reform, as it pertains to police overall. Training, respect to human rights and accountability are much needed elements in order for the police to function as it is meant to. (César Muñoz, Juan Pappier, 2020) (Beatriz García Nice, 2020) (Connectas, 2021) (Michael Krumholtz, 2020)

Conclusion and Recommendations

What is evident from this thesis is that police violence is a prolonged problem that is occurrent around the globe. One incident after the other is brought into the public eye, and even though there is no accurate database of all the incidents that were caused by police-civilian interaction, what is found from all the aforementioned is that the problem has been long-existed but as years pass, it has gained more attention. The police violate in a constant basis the most fundamental rights and they have ended up the biggest perpetrators of crimes they originally swore to prevent and tackle. The “right to life, liberty and security of person”, the “right to peaceful assembly”, the “right to freedom of expression or opinion”, the “right to a fair trial”, the “prohibition of torture or other cruel, inhuman or degrading treatment or punishment, and the “prohibition of discrimination” are the most violated rights. People of color, people with disabilities, people with mental health issues, the LGBT community, migrants, asylum seekers, detainees, demonstrators are the most targeted groups. Impunity is a quite common phenomenon and the punishment is hardly equivalent to the severity of the crime. Police officers are not adequately trained. The equipment is not properly used. Misconduct, arbitrariness, misuse of firearms, abuse and excessive use of force are a few of the methods that police follows. People have suffered for a very long time at the hands of those who were supposed to protect them and many perpetrators still walk free. What is needed in order for this phenomenon to be tackled or eradicated is first and foremost respect in human rights. When law enforcement agents respect human rights, then their effectiveness is enhanced. Their professionalism can be increasingly developed in solving, preventing and detecting crime, as well as in maintaining public order. They can acquire a rather legal, ethical and moral approach in performing and fulfilling their duty. In that way, confidence and trust between the police and the civilians is built and gradually strengthened, police is seen as a part of the community and resort to a more proactive policing, justice is properly served and law is enforced. Legality, necessity, proportionality, accountability and non-discrimination need to be respected, applied and exercised. When it comes to the use of force, the police must function with lawful and respectful manners, regarding their responsibilities. They must enforce the law according to domestic and international standards. They need to use non-violent means before anything else, while force must be used only when strictly necessary and only for lawful law enforcement purposes. Unlawful use of force must never be excused.

According to the Trainer's Guide on Human Rights for the Police (2002), use of force must be "proportional in all cases to lawful objectives", "restrained to be exercised in the use of force", "damage and injury to be minimized", while there needs to be a range of means available for differentiated use of force and all officers must be trained in the use of the aforementioned means and of course in the use of non-violent means. Firearms must be used only in extreme circumstances, only in self-defense or in defense of others "against imminent threat of death or serious injury" or "to prevent a particularly serious crime that involves a grave threat to life" or "to arrest or prevent the escape of a person posing such threat and who is resisting efforts to stop the threat". Firearms must be used only when all other measures are insufficient and intentional lethal use of force or firearms "shall be permitted only when strictly unavoidable to protect human life". In situations where firearms are used, the officers must first identify themselves and give a clear warning, while they must also give the proper time in order for the specific warning to be obeyed, but this shall not be required in situations where death or serious injury are imminent. After the use of firearms all injured persons must be given medical aid, all their relatives or friends must be notified, proper investigation must occur where requested or required and a detailed report of the incident must be provided. (UNITED NATIONS, 2002) Furthermore, in order for police use of force to be eradicated, it first must be tracked. There is no standard database on police use of force incidents, so there is not a certain way to actually know how many people have been affected by the police's use of force. After the killing of Michael Brown in Ferguson, Missouri in 2014 some private and non-profit groups have created their own database. Some of them are "Mapping Police Violence" that was led by data scientist and activist Samuel Sinyangwe, Fatal Encounters by the journalist D. Brian Burghart and last, the Washington Post's Fatal Force database. The next step is the demilitarization of the police. Many departments, especially in the United States, have been adopting gear by their military. Moving on, more requirement in order for excessive use of force to be eradicated is to change police culture. Samuel Sinyangwe released a report in 2016 for the "Use of Force Project" and found that "in departments that adopt more of eight policies that limit how police can use force, the police kill fewer civilians". He looked at records of 94 of the United States' largest municipal police departments. These policies are the following: "requiring officers to de-escalate before using force"; "using guidelines defining the types of force that can be used to respond to specific situations"; "restricting or banning chokeholds and strangleholds";

“requiring a verbal warning before using deadly force”; “prohibiting officers from shooting at moving vehicles except in extreme circumstances”; “requiring officers to exhaust other options before resorting to deadly force”; “establishing a duty by officers to intervene if one of their colleagues is using excessive force”; “requiring officers to report all uses of force or attempted use of force”. These policies are proven to be effective, since departments that complied with four or more of them had 38% fewer police-involved killings per arrest than those with one or none. (Stephanie Pappas, 2020) Law enforcement agents must be properly trained in the use of lethal and less-lethal weapons, they must comply with the international standards and principles of policing and they must always act under lawful practices. They must be properly equipped, do not misuse their gear and know in which occasion they must use it. Body-worn cameras must be a permanent part of their equipment and their number of identification must always be visible. Whenever there is a use-of-force incident there must be prompt, impartial, independent and thorough investigation. Police officers must be held accountable for what they have done and no one should be above the law. Court proceedings must be more effective in order to serve justice as it should be served, punishment should be equivalent to the severity of each crime and impunity will cease to exist. As long as law enforcement agents start respecting human rights, domestic and international law and the community as a whole, excessive use of force will start to be gradually eradicated.

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