

**GREEK HELSINKI MONITOR (GHM)  
MINORITY RIGHTS GROUP - GREECE (MRG-G)  
HUMANIST UNION OF GREECE (HUG)  
COORDINATED ORGANIZATIONS AND COMMUNITIES  
FOR ROMA HUMAN RIGHTS IN GREECE (SOKADRE)**

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**Parallel Report on Greece's compliance  
with the International Convention on the Elimination of All Forms of Racial Discrimination**

31 October 2024

The text below submitted for the **United Nations' Committee on the Elimination of Racial Discrimination (CERD)**'s 114<sup>th</sup> Session (25 November - 13 December 2024) follows CERD's [List of themes in relation to the combined twenty-third and twenty-fourth periodic reports of Greece](#) (8 October 2024) and refers to its paragraphs. It also refers to paragraphs of the [Combined twenty-third and twenty-fourth periodic reports submitted by Greece under article 9 of the Convention, due in 2019](#) ("State Report" - 24 September 2021). All names mentioned are already in the public domain.

**Greek Helsinki Monitor (GHM)**, founded in 1993, monitors, publishes, lobbies, and litigates on human and minority rights and anti-discrimination issues in Greece and, from time to time, in other European countries.

**Minority Rights Group - Greece (MRG-G)**, founded in 1992, focuses on studies of minorities, in Greece and in the Balkans.

The **Humanist Union of Greece (HUG)**, founded in 2010, aims to promote secularism and a humanist view of cultural, social and ethical values and to work for social and cultural progress.

The **Coordinated Organizations and Communities for Roma Human Rights in Greece (SOKADRE)** is a network founded in 2001; its members include 50 Roma communities and 5 Greek NGOs that have been working on Roma rights.

They have previously submitted reports to **CERD** dated March 2001, [April 2009](#), [4 July 2016](#), [13 July 2016](#), [28 July 2016](#), and [21 March 2018](#).

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## Statistics

1. The **State**, in its report to the **Committee**, has once again failed to provide statistics on the demographic composition of the population based on self-identification, disaggregated by ethnic origin, and on migrants, refugees, asylum-seekers and stateless persons, as well as economic and social indicators on various groups living in the State party's territory, disaggregated by national or ethnic origin, gender and age, particularly in respect of minority groups, despite the specific previous recommendation of the **Committee**, and despite similar questions and recommendations by other **UN Treaty Bodies**. The main reason is that such statistics and indicators do not exist as there is a deliberate refusal to carry out the necessary monitoring and evaluation of policies in favour of minorities and for assessing the implementation of this **Convention**, as well as all other **UN Treaties**.

## The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1, 2, 4 and 6)

2. The **National Council against Racism and Intolerance** (NCRI), which adopted, in December 2020, the first [National Action Plan against Racism and Intolerance](#), for the period 2020–2023 became inactive and in April 2024 was moved from the **Ministry of Justice** to the **Ministry for Social Cohesion and Family** where it was announced [that it was “reactivated” in a meeting on 26 June 2024](#) without any reference to future developments. The only update is what the **State** told the **UN Human Rights Committee** in its review of **Greece** on [21 October 2024](#): *“A second online meeting took place on July 23, 2024. I would like to say that also funding has been secured to enhance its capability, capabilities to combat intolerance, racism and multiple and intersectional discrimination. The National Council through strength and collaboration between public authorities and civil society will focus on three main objectives. Firstly, to enhance victims' access to information and services via a multilingual platform supporting 10,000 victims over two years. Secondly, to improve the skills of public officials of the Council's capacity to draft the second national action plan against racism and intolerance within 150 stakeholders. And thirdly, to raise public awareness through a national campaign aimed at reaching 100,000 people.”* It is obvious that the **State** does not have any *“information on the results achieved and assessment of the implementation of the national action plan against racism and intolerance (2020–2023)”* the **Committee** requests nor any plans to make any such assessment.
3. In its [“Concluding observations on the twentieth to twenty-second periodic reports of Greece”](#) published on 26 August 2016, the **CERD** *“remained concerned that the new antiracism law No. 4285/2014 [amending Law 927/1979] is not fully compliant with the requirements of article 4 of the Convention, particularly as it does not criminalise the dissemination of ideas based on racial superiority and does not provide for a procedure to declare illegal, and prohibit, racist organizations. ... Recalling its general recommendations No. 7 (1985) and No. 15 (1993) relating to the implementation of article 4 of the Convention, the Committee recommends the State party to bring its anti-racism legal framework in full compliance with the requirements of article 4 of the Convention, and ensure its strict application.”* Similar recommendations were made in 2015 by the **HRCttee** and **ECRI**.
4. The **State** has opted not to implement this triple recommendation to criminalize again hate speech as it was a criminal offence before the 2014 amendments. So, today, the law continues not to punish advocacy of racist hatred, which is hate speech, but only incitement to racist discrimination, hatred or violence and that only if it is carried out *“in a manner which endangers public order or threatens life, liberty or physical integrity of the abovementioned persons.”* Having litigated hundreds of such cases, we know that most prosecutors and judges are implementing this provision in ways that lead to non-prosecutions or acquittals even when they

accept that there is hate speech which they argue is not a crime according to that law but a mere expression of personal opinions, or even that there is incitement but not in a manner that endangers public order or threatens the victims. Indeed, most prosecutors, including the specialized prosecutors on racist crimes in Athens, have filed to the archives hundreds of complaints on hate speech submitted by **GHM** in the framework of its “**Racist Crimes Watch**” project, although other prosecutors have pressed charges for hate speech. In fact, some of the prosecutors who archived the complaints reasoned their decisions with the claim that those expressing hate speech were merely “*expressing their personal opinions,*” irrespective of the fact that “*Nazism and racism are not matters of opinion, they are crimes,*” ([“Speech of European Parliament President David Sassoli marking the 75th anniversary of the liberation of Auschwitz”](#) on 29 January 2020) and that “*racism [does] not constitute an opinion but an aggression, and that every time racism was allowed to express itself publicly, the public order was immediately and severely threatened*” ([“Robert Faurisson v. France, Views of the HRCtee”](#) on 8 November 1996 ).

5. Of greater concern for a state that claims to uphold the rule of law is the fact that in a few cases where two complaints were filed for the same hate speech incident, one prosecutor archived it because the perpetrator was expressing his personal opinion, while another referred it to trial in which the perpetrator was convicted: this indicates the absence of legal certainty, one of the fundamental principles of the rule of law.
6. Of equally grave concern is the fact that several convictions for hate speech at first instance were overturned on appeal, which also indicates the absence of legal certainty.
7. We provide here indicative information on some 2019 decisions to archive **GHM** complaints on alleged racist behavior issued by **Greece**’s supposedly most important anti-racism prosecutor:
  - [A 2018 article on criminality in Greece by a then Appeals Court Prosecutor and later Deputy Prosecutor at the Court of Cassation](#) where he stated inter alia that “*illegal immigrants and refugees constitute a population group with a high rate of serious criminality ... Greece, with the armies of hordes of destitute aliens, tends to become not only a dump of human souls, but, worst of all, a dangerous arena of multifaceted and upgraded crime.*” With **Decision 2907/5-9-2019** the **Athens Prosecutor for Racist Crimes (who was also the National Point of Contact of OSCE/ODIHR on Racist Crimes for Greece and was promoted in 2019 to Deputy Appeals Court Prosecutor)** archived the **GHM** complaint as not racist arguing that the article is an analysis of the weaknesses of the criminal system in Greece, adding that the entry to Greece without proper procedures of the tens of thousands of foreigners is a crime of the competence of the first instance courts, even though not one prosecutor in such courts ever pressed such charges.
  - [A 2018 post by a leader of a marginal “liberal” party](#) claiming that “*being a Muslim is a penal crime,*” with references to dogmas of that religion that allegedly make its followers act in ways that constitute penal crimes like threat and constitution of criminal organization. With **Decision 2615/5-8-2019**, the same prosecutor archived the **GHM** complaint as not racist but arguing that the post was a critical review of the principles of “Mahometanism” ...
  - [A 2018 speech by the Mayor of Aspropyrgos](#), a **Greater Athens** suburb with a significant Roma population, who spoke of “*the uncontrolled group of Roma that has been active in the region for several years cannot come to their senses... the daily behavior of this particular group, characterized by others as vulnerable, but whose racism against us we endure, while we are called racists, has continued to operate in our region for over 20 years.*” With **Decision 169/19-8-2019**, the same prosecutor archived the **GHM** complaint as not racist arguing that the **Mayor** did not refer to the Roma as a whole but to those Roma who engage in criminal activities and in fact repeatedly over the years, a claim that **GHM** states is at least unfounded as on the contrary

Greece has been convicted twice for anti-Roma behavior (including school segregation) in that particular city led by its then **Mayor**.

8. **In all three cases, the persons against whom the complaints were submitted were NOT asked to provide explanations as prescribed by law in complaints: the Athens Prosecutor for Racist Crimes took upon herself to argue on their behalf so as to archive the complaints.**
9. **More generally, Athens Prosecutors for Racist Crimes are prosecutors who are assigned that duty in addition to their other duties for one year and change year after year. During the one-year term of the aforementioned prosecutor (2018-2019), she archived several cases (including the three mentioned above) but did not refer anyone to trial. On the contrary, her predecessor (2017-2018) referred to trial in 2019 and 2020 the following nine cases, of which however only one led to a conviction:**
  - An **extreme right newspaper** for [a front page article](#) with the title “*Transvestite Parliament – Beat all ‘sissies’ – this abortion of a law [on civil unions] was voted by 148 ‘perverts.’*” [On 27 October 2020, the publisher was convicted by an **Athens Single-Judge Misdemeanors’ Court** to the maximum sentence of 3 years in prison and a fine of 20,000 euros, suspended for three years. At the appeal trial on 12 June 2023 before an **Athens Three-Member Misdemeanors Court**, the suspended prison sentence was reduced to 18 months and the fine was dropped (in violation of the law).]
  - A **former Foreign Minister** who [said in a television interview](#) that “*The only good Turk is a dead Turk. I believe it because I haven't found a good Turk. They lack elementary knowledge. The Turk does not have a sense of the law.*” [On 22 June 2020, he was acquitted]
  - An at the time **member of the Political Committee of New Democracy** [who wrote in a post](#) that “*being gay, bi, and trans is a perversion and unnatural.*” [On 17 March 2022, he was acquitted]
  - The **leader of a marginal left party** [who wrote a conspiracy theory article](#) stating inter alia that “*[arriving] illegal immigrants are suspects for terrorist acts*” and calling for a “*general rebellion.*” [On 11 March 2022, he was acquitted]
  - An **extreme right blog** which published [a hoax](#) alleging that “*Video shock: Pakistani fanatics declare jihad in Greece – small children are initiated in the use of weapons*” – the video is from a school play in the celebration of a Pakistani national day. [On 3 November 2022, they were acquitted even though they were tried in absentia]
  - An at the time **Deputy Minister of Education** [who said in a speech before Parliament](#) inter alia that “*with patience and perseverance Jews secured the ownership of the Holocaust so as to claim their vindication.*” [Trial cancelled as the competence for ministers lies with Parliament]
  - An **extreme right columnist** and an **extreme right blog** who published in front pages [an article](#) with the title “*Parliament a Jewish Synagogue!!!*” when a commemorative plaque for inter-war Greek Jewish MPs victims of the Holocaust was inaugurated in Parliament. [On 10 January 2020, they were acquitted]
  - A **notorious author and self-professed Nazi** for [the manifesto of a new movement he founded](#) where he asked for “*the deportation of all Muslim minority members who identify as Turks.*” [On 13 January 2020, he was acquitted]

- A front-page article in Greek Nazi party **Golden Dawn's** youth publication [with extreme anti-immigrant references and a call for violent action against them](#). [On 18 January 2022, the publisher was acquitted after a five-minute trial!]
10. On the contrary, the **Athens Prosecutor for Racist Crimes for 2019-2020**, engaged in 2020 in massive archiving of complaints (the authors of racist speech were merely "*expressing their personal opinions*"). At the same time, she asked the **Head Athens Prosecutor** to file a complaint against **Panayote Dimitras** for intentionally filing false complaints (see below), an indication that she did not want the submission of complaints for hate speech.
  11. In recent years, there were two notorious acquittals on appeal of **Golden Dawn's** two main leaders. In both cases, the charges based on the anti-racism law were dropped because repeated legal provisions aiming at alleviating the burden of the courts through the quashing of charges for crimes with "small social demerit" (that is with a maximum prison sentence up to one year) had led to an "amnesty" to all hate speech crimes (punishable with Article 2 of Law 927/79 carrying a maximum sentence of one year) committed before 1 September 2013 (latest amendment Article 8 Law 4198/2013), including for these two cases. Hence, the prosecutors had referred them to trial charging them with the usual incitement to commit a crime:
  12. **Golden Dawn** founder [N.M. was acquitted on appeal on 18 January 2019](#) when an **Athens Three-Member Misdemeanors Court** overturned his conviction by an **Athens Single-Member Misdemeanors Court** on 9 February 2018 to a suspended 8-month prison sentence for incitement to commit crimes through a speech on 3 September 2011 in which, referring to journalists, publishers and his opponents, he said "*let them be afraid... if necessary we will get our hands dirty... we will break their heads I say it and do convey that message... if there is justice he too will be turned into soap, he [the publisher of the First Issue V.R.] and his Jewish children.*" The case originated in a **GHM** complaint. What followed is telling. **GHM** on 28 January 2019 formally asked the **Supreme Court Prosecutor** to file for cassation, which a **Deputy Supreme Court Prosecutor** in fact did on 27 February 2019. However, on 23 April 2019, with [Judgment 850/2019](#), the **Supreme Court** rejected the motion for cassation arguing inter alia that "*this Court has a specific power under the Constitution and the law, which does not include making a judgment on whether it is appropriate or permissible by the rules of art of rhetoric speech born in Greece [sic] that the leader of a political party uses the phrases in question in the context of his public speech in this case.*"
  13. [Golden Dawn's Parliamentary Spokesperson until 2019 I.K. was acquitted on appeal on 3 December 2018](#) when an **Athens Three-Member Misdemeanors Court** overturned his conviction by an **Athens Single-Member Misdemeanors Court** on 28 September 2017 to a suspended 6-month prison sentence for incitement to commit a crime through a speech on 15 May 2011 in the heavily Roma inhabited **Athens suburb of Aspropyrgos** where he had said inter alia for the Roma "*get rid of the human garbage who has been loaded on you, who are robbing you, who are killing you, who are committing crimes.*" [The case originated in a GHM complaint](#). A formal motion to the **Prosecutor of the Supreme Court** to file for cassation of that judgment was rejected as groundless.
  14. Perhaps the most characteristic case of conflicting **Prosecutor** decisions on the same hate speech cases concerns the leader of an extreme right-wing party, **A.S.** [On 9 March 2020, he was convicted by an Athens Single-Member Misdemeanors Court](#) to a suspended prison sentence of 2 years and a 15,000 euros fine for two separate cases, joined in one trial, of ableism and antisemitism. That trial had originated in a complaint by a disability rights group and a special order of the **Prosecutor of the Supreme Court**. At the same time, **GHM** had filed a complaint



for the same racist speeches of **A.S.** which a prosecutor had archived! In any case, on 7 December 2023, he was acquitted on appeal by an **Athens Three-Member Misdemeanors Court!**

15. Moreover, another **Athens Prosecutor for Racist Crimes** has in some cases decided to refer to trial for hate speech parliamentarians (including **Golden Dawn** ones) and sought the lifting of their immunity. The **Parliament** agreed and lifted the immunity. However, when the cases came back from **Parliament**, they were assigned to other **Prosecutors** who ... archived them!
16. The **Committee** is requested to take into consideration [the Racist Violence Recording Network communication to the Committee of Ministers on the execution of the Sakir – Gjirkondi group of cases](#) dated 18 December 2020, wherein it is documented that *“the actual impact of Article 81A on pending criminal cases was quite limited.”*

“In other high-profile cases of racist crime, Greek courts acknowledged the racist motive of the crime, but avoided using the specific articles of the Criminal Code, either in its old form (Article 79 para.3d) or in the new one (Article 81A, now Article 82A). Indicatively: In the case of the attempted murder, arson, robbery, etc. against Pakistani citizens R. Al., M. Ak., etc. (crime dates: 10 September 2012 and 22 September 2012, defendant: K. K.), although the Athens Mixed Juror Court (court decision: 325, 326/28-3-2014) ruled that the defendant had expressed “his desire that all the Pakistanis should be ousted”, “they smell”, and, as he explicitly told a witness, that “we killed him because he was a Pakistani”, it did not make use of the clause provided for in Article 79 para. 3(d). Similarly, the 2nd Athens' Mixed Juror Court of Appeal (471/9-11-2017) although it repeated in its description the racist motivation of the crimes, did not make use of the 81A clause. In the case of the dangerous bodily injury of Pakistani citizens L. Al., M. Iq. and M. H. in Ierapetra, Crete (crime date: 13 February 2013, defendants: P. G., D. Ar., etc.), although the Three Member Misdemeanor Court of Lasithi ruled (court decision 1079/13-11-2014) that the perpetrators were “motivated by xenophobic and racist feelings”, it did not make use of the 81A clause. In the case of the dangerous bodily injury of Afghani citizens Al. R. and R. M. (crime date: 16 November 2011, defendants: Sk. Th., L. I., M. G.), although both the 1st One-Member Misdemeanor Court of Athens (74344/10-7-2017, expedited process) and the 8th Three-Member Misdemeanor Court of Athens (3181/26-9-2018) described comprehensively the attack suffered by the victims after being asked by a group of perpetrators unknown to them about their “country of origin”, it did not make use of the 81A clause. Similarly, in most recent cases especially on the islands of north Aegean, the possible racist motivation of the attacks was not investigated in practice. Local police authorities seem to have disregarded the obligations of internal circular 7100-25-148/7-11/2014 and Public prosecutors routinely don't seem to include the hate crime element, despite the modus operandi of the perpetrators, meaning elements showing that the perpetrators may have acted in an extreme, xenophobic and organised manner. In addition, especially on the islands of Samos and Lesbos, critical challenges are observed regarding the investigation of racist crimes: in the case of Bangladeshi citizen E. Ud. in Lesbos (baton attack without provocation outside supermarket Lidl near Kara Tepe refugee camp), initially, the defendant has been prosecuted only for dangerous bodily harm without racist motivation. In a second stage, the prosecution was upgraded to the offense of the grave bodily harm, but still the racist motivation was not included. The court was postponed indefinitely due to the COVID19 restriction measures. With the new form of the article, racist motivation should be added in the early stage of criminal proceedings, by the local competent public prosecutor in order to become an issue during the ensuing court hearing.”

17. A most important development is that, on 20 January 2023, the **European Commission** published an [Infringements package](#) that included “**Combating racism and xenophobia: Commission sends letters of formal notice to ESTONIA, POLAND and FINLAND and urges GREECE and HUNGARY to correctly transpose EU law criminalising hate speech and hate crimes**”.

It was stated therein inter alia that “On [9 June 2021](#), the Commission sent a letter of formal notice to Greece, asking for an appropriate level of criminalisation of hate speech. The Commission also sent a letter of formal notice to Hungary on [2 December 2021](#), calling it to criminalise public condoning, denial or gross trivialisation of international crimes and to ensure the required level of criminalisation of racist and xenophobic hate crimes in general. Greece and Hungary's replies did not sufficiently address the Commission's concerns. Therefore, the Commission has decided to send Greece and Hungary reasoned opinions. Greece and Hungary now have two months to reply to the Commission's reasoned opinions. If the replies are not satisfactory, the Commission may decide to bring this matter before the Court of Justice of the European Union.” In the notice to **Greece**, the **Commission** did not consider appropriate that “the Greek legal system criminalises hate speech only when public incitement to violence or hatred endangers public order or poses a threat to life, freedom or physical integrity of persons.”

18. Concerning the “updated statistics and detailed information on complaints registered before the courts or any other national institution, including the National Commission for Human Rights, for acts of racial discrimination, racist hate speech and racist hate crimes, including over the Internet and through media outlets, and on the number of investigations, prosecutions and convictions of perpetrators, if any” requested by the **Committee**, such data were made available only in a table in a 25 October 2023 [response to a parliamentary question](#) that opposition party **SYRIZA** kindly agreed to submit on 4 October 2023 upon **GHM**’s request, which is reproduced below in a screenshot with our translation of the texts in Greek. In the nine-year period 10/9/2014 - 30/9/2023, following the introduction of Law 4285/2014, which amended Law 927/1979, there were 1,280 criminal cases for racist hatred and racist violence. Some 1,000 of them were submitted mainly to the **Athens Prosecutor** by **Greek Helsinki Monitor**, and some 100 of them were transferred from the **Athens Prosecutor** to other **Prosecutors** because of local competence. This means that some 85% of these cases were submitted by **GHM** and very few were in fact launched ex officio by **Prosecutors** or **Police**. Most importantly, there were only 93 convictions and 84 acquittals while some 165 trials were pending. It should be added that several convictions at first instance were overturned on appeal; this has occurred in more trials since August 2021.

ΥΠΟΘΕΣΕΙΣ ΡΑΤΣΙΣΤΙΚΗΣ ΒΙΑΣ ΑΠΟ 10-9-2014 ΕΩΣ 30-9-2023									
CASES OF RACIST VIOLENCE FROM 10-9-2014 TO 30-9-2023									
						ΑΠΟΦΑΣΕΙΣ DECISIONS			
	Σύνολο εισερχομένων μηνύσεων Total incoming complaints	Ρητορική μίσους Hate speech	Ρατσιστική βία Racist violence	Αρχειοθετήθηκαν Filed to the archives	Προκαταρκτική εξέταση (επεξεργασία) Preliminary examination (in process)	Καταδικαστικές Convictions	Αθωωτικές Acquittals	Άλλες * Other *	Προς εκδίκαση Trials pending
ΕΙΣΑΓΕΛΕΙΣ ΕΦΕΤΩΝ Appeals Prosecutors	17	4	13	0	0	4	3	4	6
ΕΙΣΑΓΕΛΕΙΣ ΠΡΩΤΟΔΙΚΩΝ First Instance Prosecutors	1263	543	720	650	121	89	81	163	159

\*παύει υφ’ όρων, ανάκληση της έγκλησης, διαβιβάζει λόγω αρμοδιότητας κτλ. \*conditional quashing, recall of complaint, transfer to other jurisdiction because of local competence, etc.

19. Complementary to this data, is the statement by the current **Athens Prosecutor of Racist Crimes**, who, in a public conference, stated, as [reported by Kathimerini on 26 September 2024](#): “For Greece, however, the data show that the majority of racist crimes do not reach the court hearings. “There are crimes that will only be brought to justice if the victim wants to,” explains the Deputy Prosecutor of the Athens Court of First Instance, responsible for racism issues, Stavroula Avgoustinaki. “When the victim does not wish, for various reasons, the criminal prosecution of

*the perpetrator, our hands are tied. In cases of hate speech, the percentage that finally reaches the courts is below 50%," she says.*"

20. **The Committee is urged to reiterate its recommendation, in an enriched form, that the State party should review its legislation with a view to ensuring that all advocacy of national, racial or religious hatred, in the form of public insults, defamation and incitement is prohibited by law, irrespective of whether it endangers public order or poses a threat to life, freedom or physical integrity of persons and that all cases of racist speech and racially motivated violence are systematically investigated ex officio, that perpetrators are prosecuted and punished, and that appropriate compensation is awarded to the victims.**
21. Concerning racially motivated violence and practices that amount to racial profiling by police and other law enforcement officers, the execution of judgements against the **State** on torture or ill-treatment has been examined for several years by the **Council of Europe Committee of Ministers (CM)** and is still pending before the **CM**, whose most recent review was on 7 December 2023, in the group "*Sidiropoulos and Papakostas v. Greece*". The **State** [submitted](#) that it "*deem[ed] that the requested general measures have been adopted*" and "*consequently, the authorities request[ed] that the supervision of the execution of the judgments at issue be terminated.*" The **CM** [rejected](#) the request of the authorities and "*encouraged them again also to take due account of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)'s recommendations, notably those concerning the implementation of procedural safeguards preventing ill-treatment in order to prevent similar substantive violations of Article 3 by all law enforcement agents (police and coast guards) and to keep the Committee regularly updated on the action followed in this domain; (...) invited the authorities to also address the need, highlighted by the Mechanism, for the police to conduct more frequently and where appropriate Sworn Administrative Investigations instead of simple inquiries; strongly invited them also to continue supporting and reinforcing the Mechanism [i.e. the Ombudsman] notably by taking measures to provide it with staff necessary in order to further improve its effectiveness as well as to give effect to the Mechanism's recommendations in order to enhance disciplinary investigations; invited the authorities to explore possible avenues of further action to ensure that criminal investigations are sufficiently thorough and conducted in a fully Convention-compliant manner, including through large scale trainings and awareness raising of prosecutors and judges, drawing also on the Council of Europe expertise and training courses such as the relevant HELP (Human Rights Education for Legal Professionals) courses; invited them to keep the Committee regularly updated about action in this domain; strongly invited the authorities to provide updated statistical and qualitative information about criminal investigations into ill-treatment by law enforcement officers and their outcomes to help facilitate an overall assessment of the impact of the measures taken to date; invited the authorities to submit a consolidated action plan/report setting out up to date information on all of the above issues by 1 March 2025.*"
22. During the December 2023 examination, the **CM** had two comprehensive and complementary NGO communications: [Communication from an NGO \(Greek Helsinki Monitor\) \(18/10/2023\) in the case of Sidiropoulos and Papakostas v. Greece](#) and [Communication from an NGO \(Pro Bono Publico\) \(16/10/2023\) in the case of Sidiropoulos and Papakostas v. Greece](#). We strongly request the **Committee** to consult the two NGO submissions. **GHM's** communication dealt with **CAT's LOI** on appropriate penalties and abolition of prescription; the **Greek Ombudsman's** reports on the execution of the **ECtHR** judgments and its review of administrative investigations; statistical data (which "*are telling about the continuing prevailing impunity. In 2021-2022, there was only one case of criminal charges brought under the torture article 137A CC for which it appears (although it is not clear) that there was an acquittal, while in two of the five cases where charges were brought for other violence, there were two convictions*



to up to 6 months imprisonment, probably suspended. Most crucially, no data was provided on the number of criminal complaints filed, most of which are filed without any charges being pressed.”); and the case of torture of Roma and ensuing impunity pending before the **ECtHR**, which is the one mentioned in the [Report on follow-up to the concluding observations of the Human Rights Committee](#) (8 October–2 November 2018) where the **Committee** “required information ... on the progress of investigations made into the cases of Th.P., Y.B., V.L. and similar ones.” **ProBonoPublico**’s communication dealt with “the use by police of firearms while in pursuit of the vehicles, leading to the death of 20-year-old N.S. and 16-year-old K.F, which, in concurrence with other instances lead to serious concerns on substantive and procedural matters, but also on the Roma origin of the persons involved; ... on the large-scale police operations in impoverished and segregated Roma settlements; ... and the failure to investigate the potential racist motives in criminal and administrative proceedings.”

23. Concerning the aforementioned case of *Th.P. et al*, we would like to inform the **Committee** that, while the **ECtHR** has not published a judgment, we were informed last month by the lawyer of *Th.P.* that, for a lawsuit for damages he had filed on 18 June 2018, the **Athens First Instance Administrative Court** published its judgment 3131/2024 on 11 March 2024, finding “*excessive police violence and inadequate investigation of his criminal complaint*” [submitted by **GHM**] that “*violated the national legislation and the substantive and procedural aspects of Article 3 ECHR causing damage to his personality and moral damage*” awarding him 5,000 euros. This means that the victim will get some remedy in the form of this judgment and the related compensation, but the police officers who committed the acts of violence and the police officers, prosecutors and judges who carried out the inadequate investigations so as to reject the criminal complaint and even punished the plaintiff Roma with fines for having filed an allegedly intentional false complaint are not affected.
24. Concerning the aforementioned **N.S.** death, on 24 October 2024, the following news story with a text by the lawyers of the family, was published:

### ["Justice" is asleep for three years](#)

24.10.24 11:46 (translated in English by **Greek Helsinki Monitor** from the Greek original)

**Eva Papadopoulou – Efimerida ton Syntakton**

*Murder of N.S.: memorandum of protest to the Supreme Court Prosecutor's Office for denial of justice on the part of the investigator Piraeus in the case of the homicide of the 18-year-old Roma (October 23, 2021) by police officers of the DIAS group in Perama.*

A memorandum of protest to the Prosecutor's Office of the Supreme Court for denial of justice on the part of the investigator Piraeus in the case of the homicide of N.S. by police officers of the DIAS group in Perama was filed yesterday, on the three-year anniversary of his murder, by the lawyers in support of the accusations (i.e. of the civil claimants), asking to order the absolute priority in conducting the supplementary interrogation.

Three years after October 23, 2021, and while since then two more deaths of young Roma people have been recorded by police fire and after a chase, the case file on the Sampani murder has gone through forty waves and the case "stagnates": the main investigation was completed in March 2022 , with the competent prosecutor recommending to the Piraeus Misdemeanor Council the referral of all seven accused police officers to a trial for manslaughter with intent and in a calm state of mind. The Council, however, with resolution No. 176/2023, found numerous omissions in the investigation of critical issues and returned the case to the stage of the main investigation.

**In the drawer**

This happened in May 2023. Eighteen full months later, the case file seems to remain in a drawer of the Piraeus investigating offices, without the supplementary investigation having even begun: the Sampanis family complains that the secretary of the competent investigating office in a telephone conversation he had at the beginning of this week with lawyer Thanasis Kampayannis informed that "no investigating action has taken place".

Since the summer of 2023, the case file has been taken over by a different investigating judge, while the family has requested both verbally and in writing that the case be expedited, so that the accused police officers - none of whom have been remanded in custody - can be brought to trial. As it turned out, to no avail, and so the two attorneys in support of the accusations (i.e. of the civil claimants) (Th. Kampayannis, Voula Dimitriadou) turned to the country's highest court. "Such a long delay in the investigation probably constitutes a refusal to perform a service, a deficient or untimely performance of duty due to the unjustified preference of newer cases and the neglect of older ones" they note in their memorandum and ask the Supreme Court Prosecutor, G. Adeilini, to proceed to the necessary actions so as to order the conduct of the investigation and the referral of the case to trial as an absolute priority.

### **The gaps**

This is not the only obstacle the case has stumbled on, on the way to "Justice". The initial judicial investigation was concluded with so many loopholes that the attorneys in support of the accusations reasonably argued that it was an attempted cover-up, since the circumstances of the murder remained unclear: the coroner's report did not say whether the victim's death was instantaneous or which of the wounds caused the death, but it was not specified who was driving the vehicle in which the Roma minors were riding and the point in time when the policemen opened fire, who, according to the Decision of the Council of Misdemeanors, must be summoned to a supplementary defense statement due to obvious contradictions in their defense statements.

These are just some of the omissions for which the victim's family has been crying out since the beginning, submitting memorandums to the Piraeus investigating judge, asking for her exemption, citing suspicions of bias on her part. The investigating judge herself had requested her exemption as soon as she took over the case, citing that she had previously worked in the office of the policemen defense attorney, Alexis Kougias. At that time her exemption was not accepted, but she was finally transferred from Piraeus to Athens and the case was taken over from the beginning by the new investigating judge in Piraeus.

### **According to Floridis, the acceleration of justice does not concern everyone!**

We submitted to the Prosecutor's Office of the Supreme Court a memorandum of protest and a petition of the supporters of the accusation [i.e. civil claimants] in the case of Perama in October 2021, when the 18-year-old Roma N.S. fell dead from the bullets of policemen of the DIAS group and two more 16-year-old Roma were in serious danger of losing their lives inside in a barrage of at least 38 bullets (one was seriously injured in hospital).

After the bold step of the Piraeus Council of First Instance to request a supplementary investigation, given the shortcomings of the main investigation conducted by the Fourth Piraeus Investigating Judge, the case has been unofficially put "in the drawer": although 18 months have passed since the case file was returned to the Fourth Piraeus Investigating Judge, the supplementary investigation (that can last only for two months by law) has not even started. It seems that the "acceleration of justice" that the Minister of Justice, Mr. Floridis, is talking about depends on who is the aggressor and who is the victim.

Three years after the police murder of 18-year-old N.S. and the near-murder of two more 16-year-olds, the Prosecutor's Office of the Supreme Court is called upon to carry out her duty and order the

completion of the investigation as an absolute priority, so that the perpetrators, who continue to serve as uniform police officers and remain unpunished, finally sit in the defendant's dock.

**Thanasis Kampayannis**, defense attorney for the family of N.S.

**Voula Dimitriadou**, defense attorney for the families of E.M. and E.Z.

### **Situation of ethnic minority groups (arts. 2, 5 and 6)**

25. In 2015, the **Committee** expressed its belief *“that, in a multi-ethnic society, recognition of ethnic groups of smaller size may help them to protect their existence and their identity. The Committee also notes that the Treaty of Lausanne neither prohibits the consideration of other groups as minorities nor prevents persons belonging to various ethnic groups to exercise their right to self-identification. The Committee therefore recommends that the State party review its position and consider recognizing other groups that may qualify as being ethnic, or religious minorities, and encourages the State party to implement the relevant decisions of the European Court of Human Rights.”* The **State** has ignored this recommendation and continues not to recognize the ethnic minorities of Turks and Macedonians, as mainly evidenced in its persistent refusal to implement the judgments of the **ECtHR** coupled by the persistent refusal to register or dissolve after initial registration new minority associations.
26. On the **Committee of Ministers of the Council of Europe (CM)**'s [dedicated website](#) on the execution of the **ECtHR** judgments on the Turkish minority associations issued in 2007 (in the *“Bekir-Ousta group of cases v. Greece”*), it is published: *“In view of the judgments rendered by the Court of Cassation in 2021 and 2022, which cannot be appealed, at its 1468th meeting (June 2023) (DH), the Committee urged the authorities to consider without further delay all possible avenues in order to implement fully and effectively the European Court’s judgments and prevent recurrence of similar violations. The Committee in particular reiterated its call on the authorities to consider amending the system concerning the registration of associations, in line with the European Court’s case-law and the 2014 [Venice Commission and OSCE Joint Guidelines on Freedom of Association](#), which favour the registration of associations without any prior control of their legality when domestic law provides for clauses allowing the monitoring of their activity a posteriori.”*
27. [In September 2017](#), the **CM** also *“noted with deep regret that the registration of another association in the Thrace region was rejected in 2017 by a final judgment of the Court of Cassation on grounds already criticised by the European Court in its 2008 judgments concerning the present case.”* That association was the *“**Cultural Association of Turkish Women in the Prefecture of Xanthi**.”* The **Supreme Court** considered that association’s title *“misleading”* as its members are not and cannot be proven to be *“Turks”* and cannot claim a *“Turkish national (εθνική) identity”* which would indicate the presence of a *“structured national (εθνική) Turkish minority”* in **Xanthi**: that would also be contrary to *“the Treaty of Lausanne of 1923 that recognizes only the existence of Muslim Greek citizens in Western Thrace (religious minority) and not a national (εθνική) Turkish minority.”* That association’s application to the **ECtHR** is pending.
28. Very recently, on 30 May 2024, the **First Instance Court of Rodopi**, [with its judgment 94/2024](#), decided to dissolve, another Turkish minority NGO, the *“**Western Thrace Fenerbahçe Culture and Sports Association**.”* Its dissolution was asked because, by allegedly *“being established by usurping the concept of “Western Thrace” contained in the name and charter of the association, [it] deliberately falsifies the history and anthropogeography of the region, and it is noted that, aware of the historical context, it aims to create and expand a different cultural and geographical*

*community in Komotini, located in the border region with a geopolitically sensitive location that is actually only Greek, for secret separatist purposes.”*

29. There are similar problems with Macedonian minority associations. It is to be recalled that in 2017, the registration of the **“House of Macedonian Civilization”** was rejected by the Greek courts (**Small Claims Court of Florina Judgment 16/2017**) for the third time (despite the two ECtHR judgments [\*Sidiropoulos and others v. Greece\*](#) in 1998 and [\*House of Macedonian Civilization and others v. Greece\*](#) in 2015) expressly because, according to that domestic court in 2017, there is *“no Macedonian nation, no Macedonian culture, no Macedonian language, and no Macedonian minority.”* Moreover, the domestic court argued that the ECtHR judgments do not penetrate the Greek legal order and hence cannot annul the domestic court judgments.
30. Additionally, on 26 January 2021, with Judgment 117/2021, **the Thessaloniki Court of Appeals** rejected the appeal by the Macedonian minority association **“Brotherhood of the Serres Natives: Cyril and Methodius”** against its dissolution (natives –“dopioi” in Greek- is a term used to designate Macedonian speakers in Greece).
31. Very recently, on 13 August 2024, the **Single-Judge Appeals Court of West Macedonia** with [judgment 82/2024](#) decided to dissolve the **“Center for Macedonian Language in Greece”** because it *“endangers the institutions of the State, public security, national interest and peaceful relations with the neighboring country of the Republic of North Macedonia”* as it (allegedly) *“deliberately falsifies the history and anthropo-geography of the region of Macedonia, aiming directly in the establishment of the existence and speaking of the “Macedonian language” in the neighboring and bordering areas of the North Macedonian state, mainly border regions [sic], whose population speaks the Greek language and is purely of Greek national consciousness;”* Researcher **Tasos Kostopoulos** [commented](#) that its *“reasoning was, in fact, drawn from the theories of a historical member of the domestic Far Right, which the court declared to be ‘well-known facts’”* adopting his claim that what was spoken by the Macedonian minority in Greece was not a the Macedonian language spoken in North Macedonia but some *“creole language”*.
32. **The Committee is therefore requested to ask Greece to explain why it did not proceed with the registration of associations of groups claiming minority group status, as it had pledged to the UN Treaty Bodies in 2015-2106 and why on the contrary new Turkish or Macedonian minority associations have been refused registration or dissolved soon after registration. It is urged then to adopt a recommendation similar to the one [submitted](#) by the UN Independent Expert on Minority Issues Gay McDougall on 18 February 2009: “The independent expert urges the Government of Greece to withdraw from the dispute over whether there is a Macedonian or a Turkish minority in Greece and focus on protecting the rights to self-identification, freedom of expression and freedom of association of those communities. Their rights to minority protections must be honoured in accordance with the Declaration on Minorities and the core international human rights treaties. Greece should comply fully with the judgements of the European Court of Human Rights, specifically those decisions that associations should be allowed to use the words “Macedonian” and “Turkish” in their names and to express their ethnic identities freely.”**
33. From its **List of Themes**, it is obvious that the **Committee** has noticed that, in the **State Report** submitted in late 2021, there was no information on the results achieved and no assessment of the implementation of the **National Strategy for the Social Inclusion of Roma (2012–2020)**; hence the **Committee** asked for such information as well as information on the **National Strategy for Roma Social Inclusion (2021–2030)**, including resources allocated to ensure its effective implementation. A visit to [the government website](#) on the **National Strategy for Social Inclusion and Poverty Reduction** will show that there is [the full text of the National Strategy](#) but no



information on the results achieved to date, which is expected, as very little has been achieved. This Committee's description in 2015 is valid today *“(a) Roma, especially those living in informal settlements, still encounter serious obstacles in gaining access to basic social services, such as housing, employment, education and health care, including the persistence of instances of educational segregation, forced evictions and poor living conditions while lacking access to water and sanitation; (b) Roma continue to be socially excluded and regularly encounter stereotypes and prejudices; (c) Roma continue to be disproportionately subjected to frequent identity checks, arbitrary arrests and harassment by the police and other law enforcement officials, combined with a lack of effective investigation, prosecution and sanctioning of law enforcement personnel for such misconduct.”* Most importantly, most Roma continue not to have access to adequate housing and hence their living conditions cannot improve.

34. **The Committee is requested to ask the State to document in details what steps it has taken to eradicate the segregation of Roma children in its education system, and to strictly limit the use of forced evictions through the adoption of feasible alternatives to eviction, including alternative housing for those families who are evicted; as well as how many Roma families previously living in destitute settlements have been relocated to adequate housing.**
35. **Additionally, the State should explain why on the one hand they claim that Roma in Greece are considered to be not a “minority” but a “vulnerable social group” and enjoy all civil and political rights, as do all Greek citizens, but on the other hand in the official Hellenic Police [Report on Organized Crime in 2022](#) they provide data disaggregated for foreigners and Greeks but they then disaggregate the data for Greeks to data for Roma and data for other Greeks, and how they attribute crimes to Roma when in the personal data registered during arrests there is no entry for ethnicity but only for citizenship, which means that the Roma identity in such reports is arbitrarily attributed by authorities, almost always without even the agreement of the individuals assigned as Roma, in a blatant example of racial profiling aiming at stigmatizing the Roma population rather than combatting anti-Roma stereotypes.**

#### **Situation of migrants, asylum-seekers, refugees and stateless persons (arts. 2 and 5)**

36. Two recently published and complementary reports provide updated information on conditions in reception and detention centers for migrants and asylum seekers.
37. On 5 September 2024, the NGO **Refugee Support Aegean** published a documented report with the title **[“Greece: Persisting severe reception deficiencies in understaffed camps”](#)** with an analysis of official statistics. They indicate that 18% of camps' residents (of whom 26% are children and 34% are women) are living there without receiving material reception conditions such as food or financial assistance; moreover, the mandatory financial assistance to all asylum seekers residing within the country's reception system is given to only 43%; only 29 doctors are employed across all camps, averaging just one doctor per 635 people among the 18,412 residents, adding that 13 of the 32 camps, including some housing hundreds or even thousands of residents, such as Samos (2,255 residents), Kos (1,263 residents) and Katsikas (789 residents), have no doctors at all; most camps have either one or no psychologist, midwife, or social worker, while there are only 92 nurses across all structures, averaging just one nurse for every 200 residents, and only 69 interpreters available across all structures, with 20 out of 32 structures having one or no interpreter.
38. **[On 12 July 2024](#)**, *“In a report on its ad hoc visit to Greece, which took place from 21 November to 1 December 2023, published today together with the response of the Greek authorities, **the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)** once again urges the Greek authorities to improve the*

conditions in the country's immigration detention facilities, and especially the newly-built and EU-funded centres on the Aegean islands, while ensuring that foreign nationals are treated both with dignity and humanity."

39. In [CPT's report summary](#) it was stated *"The main objective of the November 2023 visit to Greece was to examine the treatment of foreign nationals deprived of their liberty under immigration legislation in pre-removal detention centres, in police and border guard stations and in the newly built Closed Controlled Access Centres on the Aegean Islands of Lesbos, Kos and Samos. During the visit, the CPT again received several credible and consistent allegations of deliberate physical ill-treatment of detained foreign nationals by police officers in certain police stations in Athens and in the pre-removal detention centres of Amygdaleza, Corinth and Tavros (Petrour Ralli). Several persons also indicated that they were allegedly ill-treated by coast guard officials when intercepted at sea. Allegations mainly concerned blows with batons and the butt of a rifle, kicks, punches and slaps, as well as verbal abuse and racist insults. The Greek authorities must take more vigorous steps to end ill-treatment of foreign nationals deprived of their liberty. Further, foreign nationals continue to be held in poor conditions of detention. This is the case for several police stations which are inappropriate for stays exceeding 24 hours. In particular, Greek authorities should take Drapetsona Police Station out of service and end the detention of children at Athens Airport Special holding facility. The conditions in parts of these two facilities could be considered as amounting to inhuman and degrading treatment. The living conditions and treatment of foreign nationals held in pre-removal detention centres should be reviewed. For example, at the centre in Corinth, persons were being held in a state of forced idleness for periods of up to 18 months, in very poor material conditions, with the accommodation areas being poorly maintained, lacking hygiene and being infested with cockroaches and bed bugs. As a result of the catastrophic healthcare situation at this centre, an open tuberculosis infection had started spreading among large parts of the detained population. The CPT is also critical of the new EU-funded Closed Controlled Access Centres on the Aegean Islands. At the time of the visit, these centres did not meet the basic reception and protection needs of applicants for international protection. A great number of persons remained there deprived of their liberty way beyond the time limits provided by law and without benefiting from the legal safeguards related to detention, including access to a lawyer and interpreters. The living conditions for many of the persons met by the CPT could only be described as inhuman and degrading, especially at the centres of Kos and Samos. For instance, in some accommodation areas, up to eight persons were accommodated in 10 m<sup>2</sup> rooms many of whom had to sleep on the floor without even a mattress. Several containers or tent-accommodation were unfit for human habitation, with no functioning sanitary facilities, no electricity and no heating. Many foreign nationals did not even have winter clothing and shoes. All persons detained in a Closed Controlled Access Centre must be offered decent living conditions. Further, the CPT considers that the excessive security and unnecessary barbed wire fencing make these centres unsuitable for accommodating children and persons in a situation of vulnerability. Large numbers of persons with special needs and vulnerabilities were being held without a proper assessment or medical screening upon arrival. The CPT delegation even received a few allegations from these persons that they were subjected to sexual violence or harassment by other foreign nationals. Steps should be taken to swiftly identify persons in a situation of vulnerability and improve access to healthcare and the quality of care. This will require significantly reinforcing the understaffed healthcare teams and preventing violence amongst persons accommodated in the Closed Controlled Access Centres. The Greek authorities should also end the detention of unaccompanied and separated children in these centres."*
40. **The Committee is requested to make to the State recommendations similar to [the thorough recommendations by CPT](#) to end ill-treatment of foreign nationals deprived of their liberty and ensure that an effective investigation is carried out into all allegations of ill-treatment and to prevent that such foreign nationals are subjected to the practice of informal**

punishments; to ensure that detention of foreign nationals under immigration legislation is applied only as a measure of last resort in practice; to provide all foreign nationals deprived of their liberty under immigration legislation with access to qualified interpretation services and not require them to sign official documents in a language they do not understand, which is widely used practice; to establish a system of duty lawyers to ensure the right to access to a lawyer is rendered more effective in practice; to allow such detainees to keep, or at least have regular and frequent access to, their own mobile phones.

41. **Important recommendations concern detention in police stations. Authorities should be asked to ensure that: foreign nationals deprived of their liberty under immigration legislation are held in police establishments or special holding facilities for periods not exceeding a few days; each detained person is provided with a mattress, a blanket, and bedding – all clean – and a means of rest, such as a plinth or a bed; all cells are maintained in a decent state of repair and cleanliness; all cells offer sufficient access to natural light and adequate artificial lighting, which requires structural changes in several police establishments; all cells offer heating in winter; all sanitary facilities are kept in an adequate state of repair and hygiene; all persons held for longer than 24 hours are provided with a basic sanitary kit, free of charge, and access to hot water for the purpose of washing; all persons detained for periods exceeding 24 hours are offered access to outdoor exercise every day, which requires structural changes in several police establishments.**
42. Concerning pushbacks, in the aforementioned [CPT report](#) published on 12 July 2024, there is a section in paras. 152-163 entitled **“Informal forcible removals at borders – “pushbacks”**”. It is initially recalled that *“In the reports on the 2018 and 2020 visits, [See, in particular, the CPT’s 2020 visit report ([CPT/Inf \(2020\) 35](#)), paragraphs 53 to 60] the CPT addressed the issue of informal enforced return operations of foreign nationals from Greece to Türkiye both along the Evros land border area and at sea, without consideration of their individual circumstances, vulnerabilities, protection needs or risk of ill-treatment when returned (informally referred to as “pushbacks” or “driftbacks”). The Committee gathered sufficient evidence to conclude that pushbacks took place. Some persons had indicated that they had been pushed back multiple times.”* It is then added: *“During the 2023 visit, the CPT delegation again received many consistent and credible allegations of informal, often violent, forcible removals of foreign nationals across the Evros river or at sea to Türkiye. Such removals occurred without consideration of their individual circumstances, vulnerabilities, protection needs or risk of ill-treatment when returned (“pushbacks”). The allegations, as recently as mid-October to early November 2023, were obtained through detailed interviews with persons detained throughout Greece in various CCACs, PRDCs and other police and border guard establishments and related to alleged pushback operations that took place prior to their subsequent re-entry into Greek territory. Many allegations obtained in different locations from various unrelated individuals, including unaccompanied and separated children, corroborated the detailed descriptions and stories received elsewhere and concord with those documented by several other organisations, including UNHCR.”*
43. **CPT** concluded that *“Moreover, the evidence to date seems to highlight that no effective investigations have been carried out into allegations of violent forcible removals from Greece to Türkiye”*. It added: *“the CPT understands that the National Transparency Authority had received over 200 documented complaints of pushbacks by June 2022. Apparently some 88 of these complaints referred specifically to incidents involving the Hellenic Coast Guard and they had been transferred to the Naval Court Prosecutor for investigation. However, there is no information on how such cases are progressing or whether the investigations are being carried out in accordance with the criteria set out by the European Court of Human Rights and its case-law, and the standards promoted by the CPT. In the past, the CPT has raised questions over the*

*effectiveness of investigations into alleged ill-treatment by law enforcement officials. The CPT would like to be informed of the outcome of the completed investigations undertaken by the National Transparency Authority to date and to be informed about how many complaints in total it has received relating to pushback operations. It would also like to receive information about the number of cases being examined by the Naval Court Prosecutor and the outcome of these investigations. Likewise, it would appreciate being informed whether any alleged cases of pushbacks across the land or sea borders have resulted in law enforcement officials or other individuals being charged or prosecuted.”* In its [response to CPT](#), the State did not provide CPT any information on the outcome of these investigations.

44. The aforementioned over 200 documented complaints of pushbacks were submitted to the **National Transparency Authority** by GHM, which was also the one having submitted the 88 complaints transferred to the **Naval Court Prosecutor** for investigation, both [in June 2022](#). In a parliamentary question that opposition party **New Left** kindly agreed to [submit on 31 July 2024](#) upon our request, the competent **Ministries** were asked to inform **Parliament** about the outcome of the investigations in these 288 complaints, as well as if there have been any pressing of criminal charges or referrals to trials for pushbacks of law enforcement officers or others. The **Minister of Maritime Affairs and Insular Policy** replied that no criminal or disciplinary charges have been pressed against any coast guard officers for pushbacks. The **Minister of Justice** replied that the **National Transparency Authority** by law can be asked for information only via procedures to review independent authorities in **Parliament**, which of course was in contradiction to the sweeping reply given in para. 163 of the [State Report to the HRCttee](#) that “*its investigations have so far not resulted in the substantiation of any alleged violations*”. That **Ministry** also submitted the replies of 19 local **Prosecutors** from which it emerged that there has been a mere handful of pressing of criminal charges, all of which though were filed to the archives of unknown perpetrators. Moreover, the **Ministry of Defense’s** [reply](#) confirmed what all IGOs (like CPT) and NGOs have been saying, i.e. that criminal investigations of pushbacks by the **Naval Court Prosecutor** have not led to any criminal prosecution: “*In response to the relevant question, I am informing you that, at the Prosecutor’s Office of the Maritime Court of Piraeus, from 01-01-2019 until today, one hundred and twenty-five (125) cases have been investigated regarding criminal responsibilities of port authorities or Navy personnel for alleged illegal pushbacks of foreigners. Of these, one hundred and six (106) have been filed by Order or Act of Prosecutors of the Maritime Court of Piraeus, fifteen (15) are pending, while four (4) cases have been forwarded due to competence to other Prosecutor’s Offices of the Greek State. None of the above cases have led to criminal prosecution to date.*”
45. The **Committee** is requested to note that in an unprecedented move the **ECtHR** communicated to the **State** on the same day of 2 December 2021 [32 applications for alleged pushbacks](#). GHM made [a third-party submission on 22 July 2022](#) providing a comprehensive and extensively documented report on the developments and/or outcomes of related domestic investigations, with a critical analysis of their main findings and conclusions, so as to demonstrate that there are no effective remedies to deal with allegations of violation of Articles 2 (very large number of lives were endangered or even lost) and 3 (there was near systemic widespread inhuman and degrading treatment) of the **ECHR** that could have been exhausted. The **Committee** is urged to consult that submission. On 8 October 2024, the **ECtHR** communicated [8 more applications for pushbacks](#).
46. In addition, the **National Commission for Human Rights** has launched a **Recording Mechanism of Informal Forced Returns (IFR) Incidents** which published its [Annual Report 2023](#) in which it has recorded testimonies about 45 IFR incidents, reportedly occurring between January 2022 and December 2023, through personal interviews with 37 alleged victims. In addition, the **Ombudsman** [reported](#) that in 2023 it was investigating 50 alleged pushbacks



47. Finally, the **Committee** is strongly requested to read the telling **GHM** interviews with 30 victims published in [Expulsions and pushbacks with drownings, tortures, rapes, robberies: victims' testimonies to GHM](#): most are included in criminal investigations pending before prosecutors.
48. **The Committee is strongly requested to insistently ask the State to provide the data CPT asked for but was not provided on the 200 documented complaints of pushbacks investigated by the National Transparency Authority and the 88 complaints investigated by the Naval Court Prosecutor. Moreover, the State should be asked if any investigations were carried out for some 100 alleged pushbacks recorded and publicly reported by the State's two main Independent Authorities, the National Commission for Human Rights and the Ombudsman.**

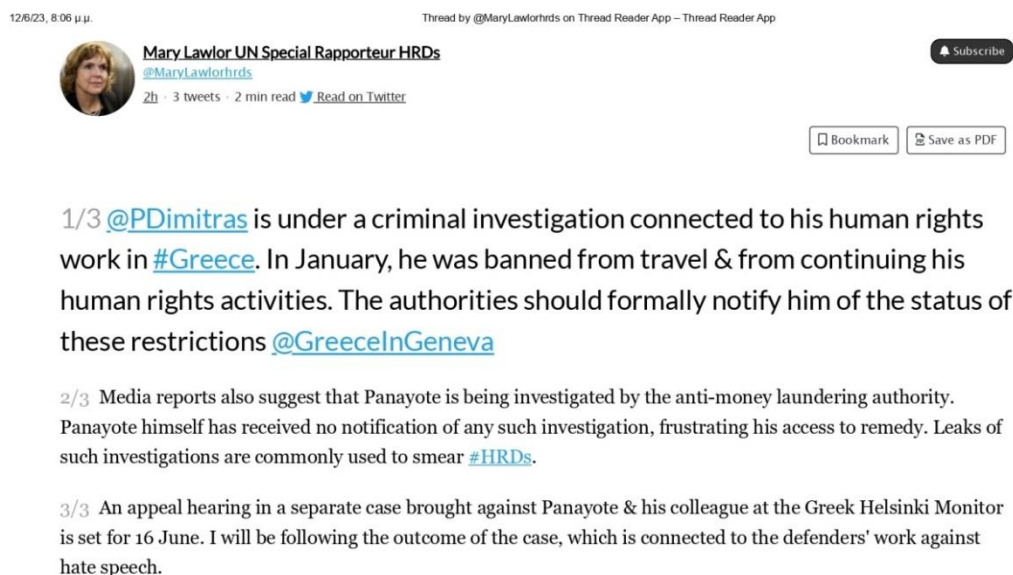
### **Harassment and persecution of human rights defenders**

49. **Another topic that the Committee is urged to include in its evaluation of Greece is the recent and on-going widespread harassment and persecution of human rights defenders.**
50. On September 28, 2020, the **Lesbos Police Directorate** issued a press release indicating that 33 human rights defenders from four international NGOs working on migrants' rights in Lesbos were to face charges including "espionage", "violation of state secrets", "creation of and participation in a criminal organisation" and "violations of the migration law", for allegedly "having provided confidential information to refugee flows from Turkey via closed groups and internet applications under the guise of humanitarian action". The press release further pointed out that the **intelligence service** as well as the **counter-terrorism unit of the Hellenic Police** were involved in the investigations. Moreover, the text stated that the NGO members did carry out those illegal activities, thereby violating their presumption of innocence. The names of the 33 human rights defenders were not mentioned in the press release. Nonetheless, the criminal file and the names of the allegedly investigated NGOs were subsequently leaked to several Greek media outlets. This triggered [a smear campaign](#) against the NGOs **Mare Liberium**, **Sea Watch** and **Josoor International Solidarity**, as well as against the project **Alarm Phone** and the association **FFM e.V.**, whose names appeared in the leaked information. Moreover, several newspapers inaccurately reported that the 33 human rights defenders had been arrested. None of those "suspects" was ever summoned to testify let alone provide defense statements. On 23 February 2024, the **Judicial Council of Mytilini**, following a motion of the **Prosecutor**, dropped the charges. In the meantime, one of these NGOs, **Josoor**, [had announced its dissolution on 17 August 2022](#).
51. **The Prosecutor of the Naval Court of Piraeus** not only does not properly investigate complaints about hundreds of well-documented pushbacks but also claims that they are evidently and intentionally false aiming at discrediting the **Hellenic Coast Guard**. For two of them, he has fined **GHM's Panayote Dimitras** with the costs of a first instance trial of 200 euros imposed on the person convicted in that trial, without even summoning **Panayote Dimitras** to explain himself about the claim that he was aware that his allegations were false: in essence he convicted him "in absentia" evidently aiming with such chilling decisions to dissuade him to continue his work.
52. On 1 April 2021, **Panayote Dimitras** was summoned as a suspect for having allegedly filed "*false complaints*." The charge specified that the alleged false complaint was the complaints on alleged racist crimes **Panayote Dimitras** had filed as **GHM Spokesperson** that had been archived by the **Athens First Instance Prosecutor** with the approval of the **Athens Appeals Prosecutor**. The **Prosecutor** had also ordered an investigation into the lawfulness of the operation of **GHM** and the existence of similar organizations in the other European countries. According to **Article 580 of the Code of Criminal Procedure**, when a complaint is archived and the **Prosecutor** believes it was an intentionally false complaint, s/he fines the plaintiff with the court expenses: as explained above, this is what the **Prosecutor of the Naval Court** did in two such cases, when he

fined **Panayote Dimitras** with the costs of a first instance trial of 200 euros imposed on the person convicted in that trial. In none of the archiving decisions by the **Athens First Instance Prosecutor** such a fine was imposed; on the contrary, in almost all of them it was explicitly said that there was no ground to impose such fines! **This fact makes very obvious that the complaint against Panayote Dimitras and GHM was launched by the Athens Prosecutor for Racist Crimes just to intimidate and deter the NGO that has submitted until then some 80% of the complaints for racist crimes since 2014, with ca. 40 of those cases having been referred to trials while another ca. 60 having led to the pressing of charges against unknown perpetrators. That Athens Prosecutor for Racist Crimes had also archived hundreds of complaints with the justification that racist speech was an expression of personal opinion and could not incite racial hatred. On 28 October 2021, another Athens Prosecutor filed the case as unfounded which was approved by an Athens Appeals Prosecutor on 5 November 2021. He stressed therein that most GHM complaints had been filed as legally unfounded and not as untruthful in their content, hence he implied that there could not have been any possible charge of false accusation against the applicant, vindicating Panayote Dimitras.**

53. Moreover, the **UN Special Rapporteur on the Situation of Human Rights Defenders** (SR HRD) carried out an official country visit to Greece in June 2022 and presented her [report](#) on 15 March 2023 at the **UN Human Rights Council** concluding that *“Human rights defenders promoting and protecting the rights of migrants, asylum-seekers and refugees, including human rights lawyers, humanitarian workers, volunteers and journalists, have been subjected to smear campaigns, a changing regulatory environment, threats and attacks and the misuse of criminal law against them to a shocking degree.”* **We urge the Committee to thoroughly review her report and adopt similar recommendations.**
54. During the report’s presentation [she said inter alia](#) *“One example is the treatment of Panayote Dimitras, a human rights defendant from Greek Helsinki Monitor, who I met while in Greece. Since my visit, Panayote has been placed under criminal investigation for facilitating “illegal immigration” and been barred from continuing human rights work. His supposed crime, informing Greek authorities on the presence of persons within Greek territory seeking to exercise their right to asylum. This and other cases must be a cause of shame for the state.”* One day before that presentation, she published the [Op-ed](#) **“Why are human rights defenders in Greece at risk and what can be done about it?”** A week earlier, the **UN Special Rapporteur on the situation of human rights defenders and the UN Special Rapporteur on the human rights of migrants** published [“Greece: criminal investigations opened against human rights defenders Panayote Dimitras, Tommy Olsen, Madi Williamson and Ruhi Akhtar \(joint communication\)”](#) with the following introductory update *“Since the sending of the communication, several restrictive measures have been imposed on Panayote Dimitras as the investigation against him continues. These include a travel ban, a duty to report to the police twice a month, a €10,000 bail, and a prohibition on his work with the Greek Helsinki Monitor or any related activities.”*
55. On 25 May 2023, the **SR HRD**, [commented](#) on her **Facebook** account on an interview of the **Greek Prime Minister** to **CNN**, where as usual he denied that the **State** carries out pushbacks: *“Not only have pushbacks become systematic in Greece, but HRDs documenting them & seeking accountability have come under intense pressure from the Government & been criminalised. There has been no let up since my country visit in 2022. [My conclusions then here.](#)”*

56. On 12 June 2023, the **SR HRD** tweeted the following thread:



57. Since then, the ban to continue his work was lifted. **However, the ban to travel abroad was maintained despite repeated formal requests to have it lifted, inter alia so that Panayote Dimitras can attend this year's UN Human Rights Committee and UN CERD reviews on Greece.** On the abusive freezing of Panayote Dimitras' account and the criminal investigation for alleged misuse of 178.666,80 euros donated to GHM in 2010-2015 by private donors, which though were used for the NGOs expenses, the **Committee** is referred to the comprehensive **Observatory for the Protection of Human Rights Defenders** [statement](#) "**Greece: Continued judicial harassment of migrants' rights defender Panayote Dimitras**" dated 14 August 2024.
58. Concerning the 16 June 2023 appeal hearing mentioned by the **SR HRD**, it led to the acquittal of **GHM's Panayote Dimitras** and **Andrea Gilbert** who at first instance had been convicted on 15 February 2022 to a twelve-month prison sentence suspended for three years on the charge of "*false accusation*" in their complaint against a **Bishop** for a public statement that was anti-Semitic even according to the **Central Board of Jewish Communities in Greece** (see the **Observatory's** 11 March 2022 "[Greece: Sentencing of GHM members Panayote Dimitras and Andrea Gilbert](#)" and 16 June 2023 "[Greece: International experts to observe appeal hearing of two human rights defenders criminalised by the authorities.](#)") A second trial of **Panayote Dimitras** for "*false accusation*" and "*aggravated defamation*" in his complaint against a **Mayor** who had made racist anti-refugee comments led to an acquittal on 17 April 2024 (see the **Observatory's** [statement](#)). That **Mayor's** related lawsuit seeking 25,000 euros for moral damages is pending before the courts. On the contrary, on 20 October 2023, an **Athens Multi-Member First Instance Court** with **Judgment 3577/2023** ruled that a **GHM** complaint against the **leader of a Greek Marine Le Pen-affiliated party** who had called asylum seekers entering Greece "*illegal plunderers*" was libelous and awarded him 3,000 euros for moral damage (he had asked for 120,000 euros). **Panayote Dimitras'** appeal before the **Athens Three-Member Appeal Court** is to be heard on 18 September 2025. All three criminal complaints against the **Bishop**, the **Mayor** and the **far-right politician** for their racist statements had been previously archived.
59. In the [European Parliament resolution of 7 February 2024 on the rule of law and media freedom in Greece](#) it is mentioned inter alia "*The European Parliament, ... Q. whereas Panayote Dimitras, a human rights activist and founder and head of the Greek Helsinki Monitor (GHM), is being prosecuted for illegal trafficking even though it appears that he was acting lawfully to provide humanitarian assistance to asylum seekers; whereas in December 2022, he was handed*

down a fine and prohibited from being involved with the GHM; whereas the Council of Europe Commissioner for Human Rights and the UN High Commissioner for Human Rights voiced concerns about the case; whereas the Anti-Money Laundering Authority ordered the freezing of all of Dimitras's assets in May 2023; whereas Dimitras stated on 31 May 2023 that he had only received EU funding designated for combating hate speech and that the funds were only used for that purpose; whereas the recent acquittal of 16 aid workers and volunteers demonstrates that criminal charges against those providing humanitarian assistance to asylum seekers have no legal basis;... 18. Is concerned by the attacks against civil society and, in particular, smear campaigns and judicial harassment by Greek authorities targeting human rights activists; is alarmed by the recent trials against humanitarian workers and people who provide humanitarian assistance to migrants and refugees; calls on the Greek authorities to drop all charges immediately and ensure that humanitarian workers and volunteers can provide assistance safely and freely;" The **Government's** response signed by the **Minister of Justice** and tabled in **Parliament** by the **Prime Minister** included the false claim that **Panayote Dimitras** was arrested in **Kos**; on 25 April 2024 he filed a [complaint](#) against both for breach of duty, aggravated defamation, as well as violation of Article 18 ECHR. The **Supreme Court's** response included the false claim that **Panayote Dimitras** had telephone conversations with the traffickers while the asylum seekers were still in **Turkey** before they started their journey to **Greece**: on 9 April 2024 he submitted the rebuttal [Comments on "Minutes and Decision of the Administrative Plenary of the Supreme Court 2/2024" and Request for Action](#) in which also all abusive and unlawful actions against him were documented asking the **Supreme Court** leadership who had signed the response to examine all these alleged violations of the guarantees of fair trial so that the provisions of the rule of law can be applied and to establish the violations of the guarantees of fair trial so that his criminal prosecution be terminated and the freezing of his bank account be lifted, as well as impose criminal and disciplinary sanctions on those who had violated the guarantees of a fair trial, and indeed repeatedly, with the aim, not of course to deliver justice, but to smear him and obstruct his work as a human rights defender. The **Supreme Court** snubbed the submission.

60. During the **UN Human Rights Committee** review of the State [on 22 October 2024](#), a **Committee** member asked: "*The state party unfortunately did not provide explicit information yet on attacks against human rights defenders or on related investigations. The Committee continues to receive information that human rights defenders, especially those working with migrants, asylum seekers and refugees and those reporting on push backs are regularly subjected to smear campaigns, harassment, threats and criminal prosecution. A widely reported case is that of Mr. Panayote Dimitras, a human rights defender from the Greek Helsinki monitor who has faced legal harassment and criminal charges despite his actions being lawful and aimed at providing humanitarian assistance to asylum seekers. According to information we have, he continues to face restrictive measures such as a travel ban which has prevented him from coming to Geneva to follow this dialogue in person. He also faces reporting requirements and the freezing of his bank accounts. Could the state party please explain to the Committee why it considers these measures to be necessary and proportionate? How does the state party protect in law and in practice human rights defenders and ensure that they can carry out their work safely and without undue interference, obstruction or judicial harassment? And which measures has the state party taken to ensure that perpetrators of attacks do not enjoy impunity?*" The **State's** reply: "*just a comment, please, about Mr. Dimitras' case that it is in judicial procedure so we cannot comment something.*" The reply was factually false since, as mentioned above, the government did comment in its reply to the **European Parliament**, with the aforementioned false claim.
61. **The Committee is therefore requested to ask the State to drop all charges against, and end the criminalization of, human rights defenders and assure that they can carry out their work safely and freely.**