

**GREEK HELSINKI MONITOR (GHM)**

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**Human Dimension Implementation Meeting (Warsaw, 29 September - 10 October 2008)**  
**Working session 6: Tolerance and non-discrimination I (Roma)**

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**Greece: Written contribution on ten years of GHM litigation on behalf of Roma**

**Greek Helsinki Monitor** (GHM) draws up a balance sheet of ten years of GHM litigation on behalf of Greece's Roma and Roma's vindication in some cases related to specific Roma rights violations (1998-2008) and also announces that three new cases have been communicated to Greece by international jurisdictions. In this ten year struggle, Roma organizations that are the privileged interlocutors of the state and the independent authorities, and are generously funded by the state, with the exception of the **Greek Gypsy Union** (Ενώση Ελλήνων Τσιγγάνων), not only did nothing about these or other cases, but have repeatedly criticized GHM.

The first ever GHM Roma litigation case concerned the ill-treatment of two young Roma in a police station in Mesolonghi (Western Greece) on 8 May 1998. By pure coincidence, a field trip to Greece's Roma settlements by GHM and the **European Roma Rights Center** (ERRC) included a visit to Mesolonghi on 9 May 1998. There the allegations were recorded, the bruised bodies were photographed, and the two Roma were taken first to the local hospital and then to the forensic doctor in Patras, who examined them and wrote a detailed report. What followed showed that, as in almost every other case of even documented allegations, Roma almost never have the possibility to have a fair treatment from the Greek police, judicial, administrative and independent authorities, even if some agents of those authorities at some point did handle cases with objectivity and acknowledged violations. The police sworn administrative investigation (EDE) was concluded with a report where it was recommended that the police officers involved be severely punished, but the Hellenic Police leadership did not sanction them. The **Greek Ombudsman**, to whom GHM appealed in 2001 in order to review the legality and the objectivity of the EDE, did not do it, even though it did record a case of discrimination against Roma. That Authority merely included this finding in a comprehensive report on police violence released in 2004, when the domestic remedies had been exhausted (with the acquittal of one police officer by the **Three-Member Appeals Court of Patras** on 9 October 2001). This case was also the object of the first ever application by GHM (along with the ERRC) to the **European Court of Human Rights** (ECtHR) which led to the first ever (triple) conviction of Greece for the violation of Roma rights on 13 December 2005 (see information on the case of **Bekos-Koutropoulos** below).

Five more convictions by the ECtHR in three cases litigated by GHM followed – two on police violence (June 2007 and December 2007) and one for exclusion from or racial segregation in primary education (June 2008). Moreover, the **European Committee of Social Rights**, in February 2005, convicted Greece for a triple violation of Roma's right to adequate housing. Complete information follows.

In the cases litigated by GHM before Greek courts, there are only two final convictions of police officers for the death of two Roma, **Anastasios Mouratis** (**Three-Member Appeals Court of**

**Lamia** – March 2003 – suspended prison sentence of two-and-a-half years) and **Marinos Christopoulos** (**Mixed Jury Appeals Court of Athens** – April 2006 - prison sentence of ten years and three months). There is also a final decision of the **Three-Member Administrative Court of Athens** (November 2003) for compensation of **Marinos Christopoulos'** family.

There are also two convictions at first instance where domestic remedies are pending. The first by the **Three-Member Administrative Court of Athens** (September 2006) for compensation of three Roma families (of **Dionysia Panayotopoulou** – **George Panayotopoulos** – **Dionysis Halilipoulos**) for their unlawful eviction by the **Municipality of Aspropyrgos**. The second by the **Three-Member Misdemeanors Court of Athens** (July 2008) which convicted three persons of the extreme right weekly **“Eleftheros Kosmos”** for a racist comment against Roma (prison sentence of seven months suspended or commuted to fine).

The decisions of the **UN Human Rights Committee** (UN HRC - equivalent to the ECtHR) in three cases communicated by GHM and on which the two parties have exchanged arguments are pending. Two concern police violence against Roma **Nikos Katsaris** (Nafplio, Peloponnese – September 1999) and **Andreas Kalamiotis** (Aghia Paraskevi, Greater Athens – June 2001) that were archived by prosecutors. The third concerns a racist letter against **Roma in Riganokampos (Patras)** (November 2001) for which the signatories were acquitted by a **Three-Member Misdemeanors Court of Patras** (June 2003). [Updated on 28 August 2008: GHM was informed after 3 August that on 24 July 2008 the UN HRC convicted Greece in the Kalamiotis case for the violation of the right to an effective remedy read together with the prohibition of torture].

**Finally, the ECtHR communicated recently to Greece two new cases based on GHM applications: on 17 June 2008 for the eviction of Roma in Chania (Crete) in July 2006 (<http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=837184&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>) and on 8 July 2008 for police violence against Rom Theodore Stefanou in Argostoli (Cephallonia) in August 2001, a case for which the Three-Member Misdemeanors Court of Cephallonia convicted a police officer to a suspended sentence of three years (April 2006) but the Three-Member Appeals Court of Patras, in a shameful trial, acquitted him (April 2008) (<http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=838327&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>). Whereas, on 17 July 2008, the UN Human Rights Committee communicated to Greece a new case after a GHM communication for multiple evictions of one Roma family in Riganokampos (Patras) in August and September 2006, one of which was witnessed and documented by the Commissioner for Human Rights at the Council of Europe during his visit to that settlement in September 2006.**

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**EUROPEAN COURT OF HUMAN RIGHTS:  
9 CONVICITONS OF GREECE IN FOUR GHM CASES IN 2005-2008**

**1-3. Bekos & Koutropoulos** (application 15250/02 with the **European Roma Rights Center** (ERRC) – judgment on 13/12/05 – victims Roma). Three violations of articles: 3 (ill-treatment by police), 3 (absence of effective investigation) and 14 (non-investigation of racial motive). Judgment in English at: <http://cmiskp.echr.coe.int/tkp197/viewhbk.asp?action=open&table=F69A27FD8FB86142BF01C1166DEA398649&key=11768&sessionId=1776122&skin=hudoc-en&attachment=true>. Related GHM press release at: <http://cm.greekhelsinki.gr/index.php?sec=194&cid=1500>.

**4-5. Karagiannopoulos** (application 27850/03 – judgment on 21/6/07 – victim Rom). Two violations of articles: 2 (injury that caused permanent disability by police) and 2 (absence of effective investigation). Judgment in French at: <http://cmiskp.echr.coe.int/tkp197/viewhbk.asp?action=open&table=F69A27FD8FB86142BF01C1166DEA398649&key=62997&sessionId=1779934&skin=hudoc-en&attachment=true>. Related GHM press release at: <http://cm.greekhelsinki.gr/index.php?sec=194&cid=3153>.

**6-7. Petropoulou-Tsakiri** (application 44803/04 with ERRC – judgment on 6/12/07 – victim Romni). Two violations of articles: 3 (absence of effective investigation of ill-treatment by police) and 14 (non-investigation of racial motive and racist behavior). Judgment in English available at: <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=826734&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>. Related GHM press release at: <http://cm.greekhelsinki.gr/index.php?sec=192&cid=3210>.

**8-9. Sampanis and others** (application 32526/05 – judgment on 5/6/08 – victims Roma). Two violations of articles: 14 (prohibition of discrimination) in conjunction with article 2 of Protocol 1 (right to education) and 13 (right to an effective remedy). Judgment in French at: <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=836273&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>. Related GHM press release at: <http://cm.greekhelsinki.gr/index.php?sec=194&cid=3304>.

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS:  
3 CONVICITONS OF GREECE IN ONE GHM CASE IN 2005**

**1-3. Collective complaint by ERRC** (complaint 15/03 in cooperation with GHM – decision communicated on 7/2/05 – victims Roma). Three violations of Article 16 of the European Social Charter for a) the insufficiency of permanent dwellings for Roma b) the lack of temporary stopping facilities for Roma and c) the forced eviction and other sanctions of Roma. Decision in English at: [http://www.coe.int/t/e/human\\_rights/esc/4\\_collective\\_complaints/list\\_of\\_collective\\_complaints/CC15Merits\\_en.pdf](http://www.coe.int/t/e/human_rights/esc/4_collective_complaints/list_of_collective_complaints/CC15Merits_en.pdf). Related GHM press release at: <http://cm.greekhelsinki.gr/index.php?sec=194&cid=748>.

**[UPDATE ON 28/8/2008] UN HUMAN RIGHTS COMMITTEE:  
1 CONVICITON OF GREECE IN ONE GHM CASE IN 2008**

**1. Kalamiotis** (communication 1486/2006 in cooperation with the **World Organisation Against Torture** (OMCT) – decision on 24/7/08 – victim Rom). One violation of Article 2 paragraph 3 (right to an effective remedy of ill-treatment) read together with Article 7 (prohibition of torture) of the International Covenant on Civil and Political Rights. Decision available in English at: <http://daccessdds.un.org/doc/UNDOC/DER/G08/434/84/PDF/G0843484.pdf>. Related GHM press release at: <http://cm.greekhelsinki.gr/index.php?sec=194&cid=3329>.