#### **GREEK HELSINKI MONITOR (GHM)**

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Greece: Update on 13 October 2005 harassment and illegal detention of GHM legal counsel Theo Alexandridis at the Police Department of Aspropyrgos (near Athens)

August 2007

# 1. The incident

Greek Helsinki Monitor (GHM)'s legal counsel Theo Alexandridis was illegally detained on 13 October 2005 after having helped Roma children secure access to their school in the "Psari" area of Aspropyrgos, near Athens. Theo Alexandridis' detention while carrying out legitimate human rights activities suggested deliberate measures by the police and local authorities to intimidate him and other human rights defenders, and especially to discourage him from filing charges against individuals who had illegally tried to stop Roma children from going to school, and had harassed and insulted him. He was detained for four hours at a police station after he had escorted Roma children on their way to the 10th and 11th primary schools, together with the police, to protect them from angry mobs shouting racist slogans, threatening, insulting and pushing Roma children and their escorts so as to hinder them from going to their schools.

In addition, while Mr. Alexandridis was held at the police station, the chair of the Parents' Association, which was the engine behind the efforts to exclude Roma children from the two public primary schools, held a meeting at the same police station with the police director, the nominal leader of the Roma and municipal officials to persuade the Roma leader to keep Roma children out of school until a new, segregated, Roma-only school would be ready in a week's time, as they claimed. The meeting was organized while this parents' representative was in detention for her previous illegal activities, and no Roma parent or NGO representative was invited to attend. Such a meeting at a police station suggested police collusion with anti-Roma local authorities and parents to promote segregated schooling and to put local Roma under pressure to make compromises that are not in line with official Greek school policies; the Ministry of Education in no way supports segregated schooling.

# 2. International appeals

This incident led to a 21 October 2005 urgent appeal by the **World Organisation Against Torture** (OMCT) and a 25 October 2005 public letter to the Greek authorities by the **International Helsinki Federation** (IHF) (see below). GHM is a member of OMCT and the IHF.

Theo Alexandridis' harassment and illegal detention was included in the *Annual Report 2005* of the **Observatory for the Protection of Human Rights Defenders**, released in March 2006 (see below). Subsequently, it was included in an allegation letter sent to the Greek authorities in June 2006 by the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène; the UN Special Rapporteur on the independence of judges and lawyers, Leandro Despouy; and the UN Special Representative of the Secretary-General on the situation of human rights defenders Hina Jilani. The Greek authorities did not reply to that UN communication, even after they warned in the Rapporteurs' reports, made public in the spring of 2007, that an absence of

# <u>reply</u> will make them treat the case no longer as a mere allegation but as a proven fact (see below).

# 3. Reaction to international appeals

A thorough examination of the court files related to that incident in mid-2007 by GHM provided ample information as to how the Greek authorities deliberately failed to swiftly, fairly and effectively investigate the case. Their concern appeared to have been to cover up the illegal detention, while at the same time see Theo Alexandridis referred to trial without the prior examination of his witnesses and the available video during the judicial summary investigation.

# a. Hellenic Police reaction to the IHF appeal

First, GHM has been able to establish that the IHF letter was registered with Ref. No. 10760/26-10-05 by the Office of the Minister of Public Order, one of the addresses of the letter. On it was a handwritten note dated 25-10-05 to send the letter for translation. It came back translated on 11-11-05 and was then assigned to the Chief of the Hellenic Police, whose office registered it with no. 17971/12-11-05. From there, it was assigned to the General Patrolling Division in the Hellenic Police Headquarters with Ref. No. 13602/15-11-05. The letter was then sent with Ref. No. 1026/3/11/2-ρ/29-11-05 to the Asproprygos Police Station "to be joined to the previous correspondence and for their information". The latter registered it with Ref. No. 1026/3/373/1-12-05. There is no other known action related to the IHF letter.

# b. Greek MFA and Hellenic Police reaction to the OMCT appeal

This could be partly explained by the fact that the OMCT urgent appeal reached the Greek authorities much faster at the initiative of the **Permanent Mission of Greece** in Geneva. **Ambassador Tasos Kriekoukis** sent to the competent **Division D4 of the Greek Ministry of Foreign Affairs** a fax with Ref. No. 6171.13/41/AS1860/24-10-05. In it he made clear that the Greek authorities should downplay rather than investigate the allegations coming from a source he scorned:

"I am transmitting the 21 October letter of the Swiss NGO OMCT to the Prime Minister's Office denouncing the detention for a few hours of lawyer Mr. Th. Alexandridis at the Aspropyrgos Police Station, following an incident with parents of pupils at the 10<sup>th</sup> and 11<sup>th</sup> primary school of Asproprygos. It should be noted that the international dimension that is attempted to be given t that incident is due to the fact that Mr. Alexandridis is the legal advisor of the NGO Greek Helsinki Monitor of the well-known and hyperactive Mr. Dimitras who is the OMCT correspondent in Greece. In the light of the above, and because of the prevailing practice here it is very likely that the HCHR Secretariat will send us as well a similar letter, asking for information on the case, we here consider it necessary that the MFA Central Service sends a prompt short answer to that NGO where the real facts will be mentioned and the case will be put in its real dimension."

Greek MFA Division D4 registered it with Ref. No. 6176/25-10-05 and, a week later, sent the 6176/AS300/2-11-05 fax directly to the Aspropyrgos Police Station received by the latter on 3-11-05. In it the Mission fax was attached and information was sought. The Aspropyrgos Police Station gave its own version of the facts and also called that the claims in the OMCT letter were "completely untrue as there was no illegal detention of the lawyer Mr. Th. Alexandridis," in a letter to the **Western Attica Police Directorate** with Ref. No.9009/20/156/7-11-05. The latter, on the basis of the information received by the Aspropyrgos Police Station wrote a brief response

which, undated, was attached to the fax sent to OMCT by the Permanent Mission of Greece with Ref. No. 6171.13/2/AS 16/5-1-06. From all that it became clear that the Hellenic Police made no summary let alone sworn investigation into the allegations of illegal arrest of Theo Alexandridis; instead they conformed with the spirit of the fax of the Permanent Mission of Greece to in essence cover up the case.

# c. Judicial reaction to ACAT Netherlands appeal

The OMCT urgent appeal had also a different fate. ACAT Netherlands affiliated to the International Federation of Action of Christians for the Abolition of Torture, several members of which are also members of OMCT's Network (along with GHM) took up the case (see text of appeal at http://www.acatnederland.nl/content/urgente actie.php?jaar=2005 -go to November 2005 and below). One of its members, FM Eqelmeer sent the appeal to Greek Prime Minister Costas Karamanlis on 5-11-05. From there it was probably sent to the Ministry of Justice. Then, the Office of Minister of Justice sent the appeal, with a handwritten unofficial translation, to the **Head of the Athens First Instance Prosecutor** with Ref. No. 6919/29-11-05. The Prosecutor received it with Ref. No. 157092/6-12-05 and sent to the office for "internal criminal prosecution" (ie ex officio prosecution) on 6-12-05 assigned to one prosecutor. The latter opened a file (ABM A06/1379) and launched a preliminary examination on 3-3-06 sending it to a Magistrate Athens to investigate a possible unconstitutional detention (Art. 326 CC). Two months later, on 3-5-06 the Magistrate returned the brief to the Prosecutor's Office with one statement by Theo Alexandridis to which was attached a detailed memo specifying the charges and the police officers implicated in the unconstitutional arrest as well as in breach of duty and false certification, with an additional request that their racist motivation be examined; and with another statement by the Commander of the Aspropyrgos Police Station. The brief was assigned to a Prosecutor's Office with Ref. No. EG 78-06/302, from where, on 16-12-06 it went back to the Magistrate for a complementary preliminary examination. The brief was returned to the Prosecutor on 7-2-2007 with statements by two witnesses of Theo Alexandridis, his GHM colleagues who were also present at the incident, and the explanations given by the three police officers against whom Theo Alexandridis' complaint was filed. On 4 July 2007, the Prosecutor issued Decision E $\Gamma$ 78-06/302/22 $\Delta$ /07 rejecting the complaint. It was served on 17 July 2007 to Theo Alexandridis, who filed appeal 478/1-8-2007 with the **Athens Appeals Court Prosecutor**. In it, the plaintiff asked that charges be filed against the three police officers for the initial charges and also, in one case, for racist statements; also against the commander of the Aspropyrgos Police Station who in his sworn statement assumed responsibility for the police actions and perjured himself; and finally against the Greek ambassador for breach of duty, false certification and exposure of Greece internationally.

# 4. Judicial handling of the brief opened on 13 October 2005

To conclude with procedures, the fate of the brief opened on 13 October 2005 is indicative of the deliberate decision of the Greek authorities not to really, fairly, effectively and independently investigate the events of that day as well as the preceding repeated racist incidents against the Roma pupils. In the brief, four actions were included. First, the complaint with constitution of civil claim filed by Theo Alexandridis on 13 October 2005 between 18:30-19:20 against the parents who prevented the access of Roma children to school and also threatened and slandered him: in it he inter alia asked for a videotape of the incident and eyewitnesses to be examined they were never examined. Secondly, the complaint with constitution of civil claim by the President of the Parents Association Anna Famelidaou against Theo Alexandridis filed after she gave a defense statement on the charges against her for preventing the children to enter school and for slandering and threatening Theo Alexandridis (the exact time is challenged by GHM –

see below): in her complaint she charged the GHM lawyer with threat, defamation, insult, and false accusation. Thirdly, the ex officio charges against four parents (including Anna Fameliadou) who had been arrested at 17:45 by the police for preventing the children to enter school but gave defense statement many hours later on 13 October 2005. Finally, the very urgent appeal complaint report on the racist action against Roma and threats against volunteers and Roma parents GHM had faxed to the Head of the Athens Prosecutor of First Instance Office on 12 October 2005, in which GHM had also asked for protection of those threatened: this document was registered with Ref. No. 147637/14-10-05 and assigned to the Prosecutor who had also been assigned to deal with the 13 October 2005 incident, but the charges were never investigated; it was simply added to the file by that prosecutor on 10 November 2005. The Aspropyrgos Police Station sent that brief to the Prosecutor's Office with Ref. No. 3021/8/2282-α/14-1-2006, without having carried out any investigation since 13 October 2005. On 23 March 2006, the brief was given number ABM Z06/8789, and on 4 April 2006 a Prosecutor decided to refer the case directly to trial.

# 5. Confirmation of GHM version of facts in state documents

a. Events before and after 13 October 2005

# GHM background note

From the first day of school, on 12 September 2005, non-Roma parents protested against and the presence of Roma pupils in the school. In the first five minutes of a videotape submitted by GHM to the Greek delegation to the OSCE in September 2005, and to the ECtHR in October 2005 with the related application, there is an excerpt from an "Alpha TV" program on this issue. In it is shown what happened on the first day at that school. Non-Roma parents are shouting to the Roma parents inter alia: "No child of yours will enter our school... You are not going to enter the school. I will bring 500.000 people; you will not enter here, that's that." After that, in an interview earlier in 2005, an 11-year old Romani girl explains why she cannot go to school even though she wants it so much: "yes, I go to school and they turn me away; they tell me 'you are poor, go away.'" To deal with the problem, the headmasters decided to schedule the preparatory class attended by most of the Romani children, and only by them, in late afternoon, after all other classes will have finished: "a lesson in 'segregation' for Gypsy children' was the very appropriate headline of the "Alpha TV" coverage in its nightly news on September 12. Still the non-parents were not satisfied as they did not want any Romani children in what they called "their" school.

# Facts acknowledged by Hellenic Police

In the Written Explanations memo dated 7 February 2007 submitted to the  $1^{st}$  Athens Magistrate by **Brigadier General Dimitrios Trigazis** at that time serving at the **Hellenic Police Headquarters** (at the time of the incident he was a **Brigadier** and the **Director of the Western Attica Police Directorate**) and in the Ref. No. 1026/3/11/2- $\rho\kappa\beta/16$ -2-2006 and 1026/3/11/2- $\kappa\rho\theta/1$ -3-2006 letters to GHM signed by **Brigadier Dimitrios Trigazis** then **Director of the Western Attica Police Directorate**, it is mentioned that:

i. At the beginning of the school year 2005-2006, 360 Greek-Pontic (repatriated from former Soviet states) pupils were registered at the 10<sup>th</sup> and 11<sup>th</sup> Primary Schools of Aspropyrgos, housed in the same building. In addition, 24 Roma pupils were registered.

- ii. On 13 September 2005, around 9:10 am, some 200 parents of Greek-Pontic pupils proteste3d outside the school against the presence and attendance of Roma pupils. Police forces prevented any incidents and by 10 am had the parents go away. In view of all that, only two Roma pupils showed up. The school principal suggested accepting only seven Roma pupils in the morning classes, and also holding a special afternoon preparatory section.
- iii. On 15 and 16 September 2005, the Parents' and Guardians' Association decided and carried out a boycott of classes in protest.
- iv. Since the beginning of October, 9 pupils attended an afternoon class between 15:30-18:40.
- v. On 10 October 2005, the Parents' and Guardians' Association called for another boycott of classes in protest for the attendance of the afternoon class by Roma pupils in the premises of the school where the non-Roma children attended classes in the morning. Some parents even went and closed the school's door so that pupils may not enter the school. Police officers opened the door and helped Roma pupils enter the school and attend their class.
- vi. On 11 and 12 October 2005, Roma pupils entered the school without incidents.
- vii. Overall, Hellenic Police "provided its assistance every time GHM requested it so that the Roma pupils enter their school and attend class despite the reaction of certain parents. Moreover, daily police officers with their presence were providing protection to the Roma pupils when they entered and left the school... In order to secure public order and prevent unlawful actions against Roma pupils, police force was assigned to the 10<sup>th</sup> and 11<sup>th</sup> Primary Schools on the following dates: 13-9-2005, 14-9-2005, 15-9-2005, 16-9-2005, 19-9-2005, 10-10-2005, 11-10-2005, 12-10-2005, 13-10-2005, 17-10-2005, 19-10-2005, 21-10-2005, 25-10-2005, 26-10-2005, 27-10-2005, 31-10-2005."
- viii. Twelve pupils attended school after 13 October 2005. [GHM note: until they were forced to attend a specially constructed ghetto school away from the main school and the Roma settlement in November 2005, after their parents were forced to sign declarations that they voluntarily wanted their children to attend that ghetto school.]
- ix. In a special area prefabricated school rooms were constructed where 67 Roma attended classes according to police reports of November 2005.
- b. Events of 13 October 2005 at the school

In the Written Explanations memo dated 7 February 2007 submitted to the 1<sup>st</sup> Athens Magistrate by **Brigadier General Dimitrios Trigazis** at that time serving at the **Hellenic Police Headquarters** (at the time of the incident he was a **Brigadier** and the **Director of the Western Attica Police Directorate**), and in the 1026/3/11/2-κρθ/1-3-2006 letter to GHM signed by **Brigadier Dimitrios Trigazis** then **Director of the Western Attica Police Directorate**, it is mentioned that, on 13 October 2005 around 15:00 some 50-60 parents of Greek-Pontic pupils gathered in front of the school entrance and protested against the attendance of Roma in the same school; they encircled the entrance so as to block access to it. Around 15:30, eight Roma pupils escorted by GHM's representative Theo Alexandridis and in the presence of a television channel showed up. Police asked for reinforcements and managed by 17:00 to make way for the pupils to enter school. There was pushing and insults heard. For that reason, four parents who were leading the effort to prevent pupils from entering school were taken to the Police Station of Aspropyrgos at 17:45. Moreover, in the 1 February 2007 explanatory statement to the 1<sup>st</sup> Magistrate of Athens,

by Nikolaos Hatzis, Deputy Director of the Western Attica Police Directorate at the time of the incident, when he was in charge of the police operation, it is mentioned that "immediately after [the pupils' entrance in the school] the Aspropyrgos Police Station Commander informed me that the GHM representative intended to file a complaint for the preceding incident in which he claimed he was threatened and slandered and I gave instructions to the Commander that [Theo Alexandridis] be transported to the Police Station in a police patrol car for his convenience and his security so that he files the complaint, which is what happened." After that, Nikolaos Hatzis stated that GHM's Spokesperson Panayote Dimitars asked him that arrests of those who had acted illegally take place and this did happen soon afterwards. It is therefore clear from these police statements and documents that Theo Alexandridis went, in a patrol car, to the Police Station to file a complaint soon after 17:00 and before the arrested parents arrived at the Police Station at 17:45, hence sometime between 17:15 and 17:30.

# c. Events of 13 October 2005 at the Aspropyrgos Police Station

It must be recalled that according to the Hellenic Police and GHM, Theo Alexandridis arrived at the Aspropyrgos Police Station around 17:30 and the four parents who led the protest against the Roma at 17:45.

Theo Alexandridis' oral complaint was not taken down by police officers until 18:30 as it is mentioned on it. It was completed at 19:20 as it is written on it. Hence, GHM's claim that for one hour police refused to take the complaint is confirmed by all these documents in the courts briefs. On the contrary, the claim of Greek authorities mentioned in several documents that Theo Alexandridis went to the Police Station to file a complaint at 18:30 and hence there was no refusal to take down his complaint for one hour is belied by these police information.

Theo Alexandridis was detained at the Police Station from 19:20 when he finished his complaint until after 22:50, when he finished his very short defense statement that he started giving at 22:35: these times are mentioned on the statement. GHM maintains that he was let go around 23:30. Since there was no arrest report prepared (and this in itself is unlawful), he was actually informed for the first time of the charges against him that had led to his detention at 22:35 when he was called to give his defense statement, more than three hours after he finished filing his complaint but was prevented from leaving the Police Station on the orders of the chief of the operations Nikolaos Hatzis. The three-hour delay in being informed about the charges against him plus the absence of an arrest report is a clear violation of Articles 3 (degrading treatment), 5 paras 1 and 2 (illegal detention), and 6 para 3 (rights of the accused) ECHR.

The times on the defense statement and the ensuing complaint against Theo Alexandridis made by the President of the Parents Association Anna Famelidaou indicate that she gave her short defense between 19:22-19:30, i.e. immediately after Theo Alexandridis completed his complaint against her and other parents. She then filed her own complaint against Theo Alexandridis between 19:30-20:10. Theo Alexandridis was in the meantime being held in the Police Station for some one hour in anticipation of the charges that would be filed against him.

Moreover, it should be noted that Anna Famelidaou was informed of the charges against her immediately after they were filed, while Theo Alexandridis was informed more than two hours after she completed her complaint. Police gives an implicit explanation for that time lag. They claim that the Prosecutor ordered that all parties involved be summoned to a meeting so as to diffuse the tension and pupils go unhindered at school. To apply this order, Police organized

a meeting in the Aspropyrgos Police Station between Anna Famelidaou, representatives of the City Hall and a nominal head of a Roma association who had no children at school and was not representing the parents of the children involved; the latter's parents and their representatives, GHM's advocates, were not invited to the meeting: one was held illegally in the Police Station, while the other, Panayote Dimitras, along with parents, was waiting for hours outside the Police Station, having being denied the request to meet with the chief police officer Nikolaos Hatzis.

That was the real reason of the long detention of Theo Alexandridis and the keeping of Panayote Dimitras and Nafsika Papanikolatos (of Minority Rights Group-Greece) waiting outside the Police Station: to neutralize their action, keeping Theo Alexandridis as "hostage," while pressure would be exerted to the unrepresentative Romani leader to agree that Roma pupils do not attend that school and be moved to the still under construction ghetto annex. In fact, during all these hours neither of the advocates waiting outside was asked to give a statement in the framework of the judicial investigation that had started with the filing of the complaints, even though they were named as witnesses by Theo Alexandridis. In effect, no time after 13 October 2005, were they or any other witness ever asked to testify...

The pressure on the accommodating Romani leader was once again effective and the result was "sealed" with a sworn deposition in the judicial file! Between 21:10-21:15, Vasilis Sampanis declared under oath that "I agreed with the suggestion of the President of the Parents Association Anna Fameliadou so as to defuse the tension and prevent incidents among us, our children would not go to school from tomorrow on through Friday 21 October 2005. If by then the school annex is not ready then they will resume attending classes at the 10<sup>th</sup> and 11<sup>th</sup> School." In addition, in her preceding complaint Anna Fameliadou had stated under oath inter alia that: "to put pressure on the competent authorities to give a prompt solution to our problem I had previously [GHM note: some weeks before that day] agreed with the president of the Roma settlement Vasilis Sampanis and the Mayor that no pupil would come to school until the annex for the teaching of the Roma be constructed, an agreement that the Roma did not honor."

After the successful "negotiation" of the racist parents and municipal representatives with the nominal and unrepresentative Romani leader, then **Brigadier Dimitrios Trigazis Director of the Western Attica Police Directorate** reported back on the "successful" outcome at 21:45 to the Prosecutor, who ordered that the in flagrante procedure not be applied and that those defendants who had not made defense statements make them and all persons be released. It took an additional 45 minutes for the Hellenic Police to start executing that order, at 22:35 starting with the statement of Theo Alexandridis and finishing at 23:45 with the last statement of the other three parents, according to the times mentioned on their statements. It was only then, around 23:30, as GHM had reported from the very beginning, that Theo Alexandridis was released.

The Prosecutor also asked the police to continue and complete the investigation. Police did nothing: they did not summon any of the eye witnesses Theo Alexandridis named, nor did they view the video that would have allowed them to locate additional perpetrators of the racist incidents against the pupils. Nor were the 12 October 2005 GHM charges before the Prosecutor on the previous incidents investigated. Simply, one day, on 3 January 2006, a police officer of the Aspropyrgos Police Station gave a sworn statement that "despite continuous and insistent investigation the individuals who were also preventing the Roma pupils from entering school on 13 October 2006 remain unknown." On 14 January 2006, the brief was sent to the Prosecutor.

# OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS FIDH / OMCT

# **Steadfast in Protest**

# **ANNUAL REPORT 2005**

Foreword by Louise Arbour

Full report at: http://www.omct.org/pdf/observatory/2006/obs annual report 2005 eng.pdf

[excerpt on Greece]

# **GREECE**

[...]

# **Harassment of Mr. Theo Alexandridis** [see OMCT appeal below]

On 13 October 2005, Mr. **Theo Alexandridis**, GHM legal counsel, was held at a police station for four hours after having participated, along with other human rights activists, in various demonstrations against the expulsion of Roma children from their school, subsequent to pressure exerted by certain parents of non-Roma children in the "Psari" neighbourhood in Aspropyrgos, near Athens.

Mr. Alexandridis had gone to the police station to lodge a complaint against the parents, responsible for violent acts during those demonstrations. Once he had filed the complaint, Mr. Alexandridis was not allowed to leave or meet with his colleagues at GHM. He was subsequently told that he was under arrest. Two hours later, he was told that he would not be judged in the framework of read-handed procedure and was released. The president of the Pupils' Parents Association lodged a complaint against Mr. Alexandridis for "libel" and "defamation". As of late 2005, the case was still pending.



# **World Organisation Against Torture**

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# Greece: Arbitrary arrest and subsequent release of Roma rights defender Theo Alexandridis

# Case GRC 211005. ESCR Economic, Social and Cultural Rights Concern

The International Secretariat of OMCT requests your **URGENT** intervention in the following situation in **Greece**.

# **Brief description of the situation:**

The International Secretariat of OMCT has been informed by the Greek Helsinki Monitor (GHM), a member of the network, about the arbitrary arrest and subsequent release of Mr. **Theo Alexandridis**, GHM's legal advisor.

According to the information received, on the evening of October 13, 2005, Mr. Theo Alexandridis was detained illegally for four hours in a police station in Aspropyrgos, after he defended the right of Roma children to go to school from which racist parents were trying to expel them and after he got harassed, pushed and insulted for that.

Indeed, on October 6, 2005, parents-members of the school's Parents and Guardians Association did not allow eight Roma children, living in the Roma settlement located in the "Psari" area and attending evening classes at the 10<sup>th</sup> and 11<sup>th</sup> Primary Schools of Aspropyrgos (which are housed in the same building), to enter into the school, telling them that a "gentlemen's agreement" had been reached between the Association and the Roma to the effect that Roma children would not attend school until, within one week's time, a special school for the Roma children would have been set up in an area located further away from the settlement than the school. The parents were afraid and did not send their children to school the next day.

When the Coordinated Organisations and Communities for Roma Human Rights in Greece (SOKADRE), to which GHM is a member, was informed of this, it both encouraged the parents to send their children back to school, and informed the local police that the children would be going to school and that police presence was required. As a result, on October 10, 2005, and following police intervention, the eight Roma children went to school.

On October 11, 2005, the school's Parents and Guardians Association decided that their children would not go to school until the new, segregated school for the Roma had been set up. They also demanded that the Roma children attending the evening classes also stop attending school until then. An announcement was posted on the school's entrance by the Association reading "The school will remain closed for the problem with the Gypsies". As a consequence, SOKADRE

continued, with the protection of the police, to escort the children to school, on October 11 and 12, 2005. During these two days, Mr. Theo Alexandridis, who was present, and another volunteer received threats and were verbally harassed.

Although GHM requested for protection against these violent acts, there were only two to three police officers on October 13, 2005 unable to exercise control over a mob of fifty to sixty parents who were pushing, shouting, insulting, and threatening Mr. Alexandridis, and preventing the eight Roma children from entering the school. There is available television footage showing the incident.

Although Mr. Alexandridis immediately expressed his wish to press charges against all the parents who were there and despite the fact that some of the offences that were taking place were punishable *ex officio* (indeed, three parents were eventually charged with use of illegal force), it took the police 90 minutes to inform Mr. Alexandridis that he should go to the police station to press charges. Thus, at around 5.00 pm, the Romani children entered, under reinforced police escort, into the school, while Mr. Alexandridis was taken to the police station in order to formally press charges. There, he was made to wait for an hour, under the pretext that the police director would soon come and he would decide who would complete the necessary forms. It was only after much protesting that a police officer took down the complaint.

At the time Mr. Alexandridis was waiting and was giving his testimony, the police director was holding a meeting with the nominal chairman of some Roma association (who was hurriedly asked to go to the police station), the chairman of the Parents and Guardians Association (whom Mr. Alexandridis had sued and, in addition, had been booked into the police station for use of illegal force) and local municipality officials. When Mr. Alexandridis finished giving his deposition, at around 7.00 pm, he was told not to leave the police station without any additional explanation. At the same time, the legal representatives of GHM and Minority Rights Group-Greece who went to the school, escorted the children back home and then went to the police station, were refused entry into it to see the police director or to pick up Mr. Alexandridis. Only after several calls by GHM to the Ministry of Public Order, and by GHM's main legal counsel to the Aspropyrgos police station, Mr. Alexandridis was told one hour later that it was likely that charges would be pressed against him by some of the parents. When queried as to whether charges were being pressed or would be pressed, the police officers did not answer. Mr. Alexandridis was finally informed that it was under arrest around 8.30 pm, when he informed a police officer that he would leave the police station.

Around 10 and 10.30 pm., Mr. Alexandridis was informed that he would not be tried under the *in flagrante* procedure. A defence deposition was then taken and he was officially released around 11.30 pm, when he learned that he had been kept in the police station because the chairman of the Parents and Guardians Association had orally expressed her wish to press charges of slander and defamation against him and that hence the police was obliged to detain him until charges were pressed and the prosecutor ruled as to whether the *in flagrante* procedure should be followed or not. It was only then, after waiting for four hours outside the police station, that the GHM and MRG-G representatives were allowed to enter the station and speak to the police director, as well as meet Mr. Alexandridis.

# **Background information:**

As a result of all the tension described above, the Roma are afraid that repatriate Greeks will attack their settlement. Indeed, for many years, there has been increased tension between the Roma and the repatriate Greeks, tension that it the past led to violent incidents, such as the attack,

by repatriate Greek, of a Roma settlement in Aspropyrgos, in February 2004 (See OMCT Open letter to the Greek authorities, 19 February 2004). Additionally, after the Roma children first registered to the school, the schools' headmasters sent a letter to their superiors, on June 21, 2005 informing them inter alia that the Parents and Guardians Association had strongly reacted against the prospect of the Roma children attending the school, recalling the violent incidents, and stated that all that were indications of what may follow in the fall. The state's adequate measures the headmasters requested were never taken, as their letter - copied to SOKADRE and the Greek Ombudsman - was ignored by the authorities.

# **Action requested:**

Please write to the Greek authorities urging them to:

- i. Put an end to the harassment directed against Mr. Theo Alexandridis and other persons involved in the defence of Roma people;
- ii. Conduct a fair, impartial and independent inquiry into these events, in order to identify the authors, bring them to justice and pronounce sentences proportional to the gravity of their crimes;
- iii. Guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance with international human rights standards, in particular the relevant provisions relating to access to education in the Convention of the Rights of the Child and the International Covenant on Civil and Political Rights.

#### Addresses:

- Mr. Costas Karamanlis, Prime Minister, Prime Minister's Office at the Hellenic Parliament, Greek Parliament Blgd, Constitution Square, Athens, Greece, Fax: +30 210 3238129 Email: Mail@primeminister.gr
- Mr. Petros Molyviatis, Foreign Minister, Athens, Greece, Fax: 30 210 36 81 433
- Mr. Anastasios Papaligouras, Minister of Justice, Athens, Greece, Fax +30 2107489231
- Mr. George Voulgarakis, Minister of Public Order, Athens, Greece, Fax: + 30 210 6917944
- Mr. George Kaminis, Ombudsman for Human Rights, Fax: + 30 210 7289643
- Ambassador, Tassos Kriekoukis, Mission permanente de la Grèce, Place Saint-Gervais 1, 1201 Genève, Suisse, e-mail: mission.greece@ties.itu.int, Fax : +41 22 732.21.50

Please also write to the embassies of Greece in your respective country.

Geneva, October 21, 2005

Kindly inform us of any action undertaken quoting the code number of this appeal in your reply.



Wickenburgg. 14/7, A-1080 Vienna, Austria; **Tel** +43-1-408 88 22; **Fax** 408 88 22-50 **e-mail**: office@ihf-hr.org – **Internet**: http://www.ihf-hr.org **Bank account:** Bank Austria Creditanstalt, 0221-00283/00, BLZ 12000

#### Greece:

# Human Rights Defender Illegally Detained -- Police Collusion to Promote Segregated Schooling for Roma Children?

Vienna, 25 October 2005: The International Helsinki Federation for Human Rights (IHF) today sent a letter to the Greek ministers of education and public order and the prosecutor of the Supreme Court to draw their attention to the illegal detention of Theo Alexandridis, legal adviser of Greek Helsinki Monitor (GHM), following his participation in the defense of Roma rights. The letter also takes up the generally precarious situation of the Roma community in Aspropyrgos, near Athens, where disputes between the community of mainly Greek repatriates from Soviet Union successor states and the local Roma in Aspropyrgos have been lingering for a long time. They re-emerged in June 2005 when 24 of the ca. 70 Roma pupils of primary school age living in the "Psari" area enrolled to two public primary schools, after years of racist exclusion. In October, Roma children had to be escorted to school under police and NGO protection to protect them against racially motivated mobs, which wanted to hinder them from attending school.

As a result of the escalating anti-Roma tension, and the failure of the police, prosecutors, and other authorities to act adequately to prevent or stop it, an air of impunity reigns in Aspropyrgos, and the Local Roma community is in constant fear of further escalation of anti-Roma sentiments and for their physical safety.

The letter to Greek officials follows below and is posted at: http://www.ihf-hr.org/documents/doc\_summary.php?sec\_id=3&d\_id=4140

# For more information:

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# INTERNATIONAL ## HELSINKI FEDERATION FOR HUMAN RIGHTS

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Ms. Marietta Yannakou, Minister of Education Athens, Greece, Fax: +30-2103239386

Mr. George Voulgarakis, Minister of Public Order

Athens, Greece, Fax: +30-2106917944

Mr. Dimitrios Linos, Prosecutor of the Supreme Court

Athens, Greece, Fax: +30-2106411523

Vienna, 25 October 2005

Your Excellencies,

The International Helsinki Federation for Human Rights (IHF) wishes to draw your attention to the illegal detention of Theo Alexandridis, legal adviser of IHF member Greek Helsinki Monitor (GHM). He was detained on 13 October 2005 after having participated in activities against the eviction of Roma children from the school they are attending, following racist pressure from non-Roma parents, in the "Psari" area of Aspropyrgos, near Athens, and calling attention to the precarious situation of the Roma community in that city. Mr. Alexandridis' detention while carrying out legitimate human rights activities suggests deliberate measures by the police and local authorities to intimidate him and other human rights defenders, and especially to discourage him from filing charges against individuals who had illegally tried to stop Roma children from going to school, and had harassed and insulted him.

Mr. Alexandridis, who had participated in the activities of the Coordinated Organisations and Communities for Roma Human Rights in Greece (SOKADRE), was detained for four hours at a police station after he had escorted Roma children on their way to the 10th and 11th primary schools, together with the police, to protect them from angry mobs shouting racist slogans, threatening, insulting and pushing Roma children and their escorts so as to hinder them from going to their schools.

In addition, while Mr. Alexandridis was held at the police station, the chair of the Parents' Association, which is the engine behind the efforts to exclude Roma children from the two public primary schools, held a meeting at the same police station with the police director, the nominal leader of the Roma and municipal officials to persuade the Roma leader to keep Roma children out of school until a new, segregated, Roma-only school would be ready in a week's time, as they claimed. The meeting was organized while this parents' representative was in detention for her previous illegal activities, and no Roma parent or NGO representative was invited to attend. Such

a meeting at a police station suggests police collusion with anti-Roma local authorities and parents to promote segregated schooling and to put local Roma under pressure to make compromises that are not in line with official Greek school policies; the Ministry of Education in no way supports segregated schooling.

We are aware that disputes between the community of mainly Greek repatriates from Soviet Union successor states, and the local Roma in Aspropyrgos have been lingering for a long time. They re-emerged in June 2005 when 24 of the ca.70 Roma pupils of primary school age living in the "Psari" area enrolled to these two schools, after years of racist exclusion and a year's efforts of SOKADRE.

The Parents' Association protested strongly against their registration, while the schoolmasters supported it. As the new school year started, seven Roma children were integrated into the first two grades of the normal school classes, while seventeen others, older children, were assigned to special preparatory classes; of the latter only eight attended those classes held in late afternoon, as the remaining seven children were not vaccinated. On 11-13 October 2005, the dispute escalated as non-Roma parents refused to send their children to school together with Roma and, at the same time, insisted that Roma children stay out of school until a new school building is completed for them. During the three days, Roma children had to be escorted to school by SOKADRE under police protection.

As the non-Roma parents were threatening the Roma parents and the human rights activists, on 12 October, GHM sent a letter to the competent ministers, the chief misdemeanors' prosecutor, and police authorities requesting inter alia the protection of the Roma and the activists. However, on 13 October, no such protection was availed and, as a result, the non-Roma parents were allowed for one hour to harass Roma children and Theo Alexandridis, while preventing the former from entering school, with the three police officers present unable to take any action. Only after GHM alerted the police headquarters extra force was sent which secured the access of the Roma children to school with ninety minutes delay; moreover, after GHM pressured the police officers, they pressed ex officio charges against the leaders of the parents' association for use of illegal violence.

As Theo Alexandridis was taken to a police station to file a complaint against those members of the mob who had committed illegal acts, no officer was available to complete the necessary paperwork for charges for more than one hour. What is more, Mr. Alexandridis was eventually placed under detention on the pretext that he needs to stay at the station in case any member of the Parents' Association wished to press charges against him. Eventually, one hour later and after the end of the meeting with the police director mentioned above, the already detained head of the Parents' Association announced that she would be pressing charges against Mr. Alexandridis. During the four hours of detention, GHM's spokesperson Panayote Dimitras along with Minority Rights Group-Greece's spokesperson Nafsika Papanikoaltou were not allowed to enter the police station to meet with Mr. Alexandridis and/or the regional police director who was coordinating the operation.

As a result of the escalating anti-Roma tension, and the failure of the police, prosecutors, and other authorities to act adequately to prevent or stop it, an atmosphere of impunity reigns in Aspropyrgos, and the local Roma community is in constant fear of further escalation of anti-Roma sentiments and for their physical safety.

The IHF strongly opposes segregated education on the basis of ethnicity as a discriminatory and degrading practice, which is based on racial prejudice. In our experience, segregated education

equals to substandard education for Roma children under various pretexts (such as mental disability) and inevitably places serious obstacles in their way to higher education, professional training, and steady employment opportunities. The placement of Roma children into separate schools or classes is in contradiction of both the international law and the European Convention for the Protection of Human Rights and Fundamental Freedoms (e.g., Article 3 on degrading treatment, Article 14 on racial discrimination, and Article 2 of Protocol 1 to the ECHR on the right to education). We would also like to remind you that the European Social Rights Committee has condemned similar policies in Greece and has ruled that Greece, with its overall policy in relation to the Roma minority, has violated Article 16 of the European Social Charter.

We appeal to you to make publicly clear to all Greek authorities, the police force and the public that all measures aimed at the segregation of Roma or any other minority groups are unacceptable, not only in the field of education but in all sectors of life. Further, we request you to do all in your power to put an end to the harassment of Theo Alexandridis and other persons involved in the defence of human rights in Greece. We urge you to order an impartial and independent inquiry into the events surrounding the failure of all authorities to provide Roma and activists the protection they requested, as well as the ensuing detention of Mr. Alexandridis, and to bring to justice all those who have violated his rights and the rights of other activists protecting Roma rights and of Roma parents and children.

We urge you to ensure that the local police will provide necessary protection for Roma – and in particular for Roma children – against racially motivated attacks and other abuses of their basic rights and to make sure that all such illegal acts are ex officio and in flagrante properly investigated and the perpetrators punished. We also urge you to make publicly clear that no police collusion of any form with anti-Roma groupings is tolerated and that all signs of such cooperation, as well as any racially motivated police misconduct, will be thoroughly investigated and punished.

Finally, we urge you to take all appropriate action to prevent further racial violence against Roma in Aspropyrgos and also to discuss policies and actions on Roma education with the Roma parents concerned and their representatives, rather than the racially inclined non-Roma parents and nominal Roma representatives who do not enjoy the full trust of the local Roma.

Sincerely,

Aaron Rhodes
Executive Director

Cc:
OSCE delegations
UNHCHR
Council of Europe
Helsinki Committees
Greek Ombudsman Office

Mr. Costas Karamanlis, Prime Minister, Prime Minister's Office at the Hellenic Parliament, Greek Parliament Blgd, Constitution Square, Athens, Greece,

Fax: +30 210 3238129

Email: Mail@primeminister.gr

5-11-05

# Dear Minister,

As a member of ACAT Netherlands, affiliated to the International Federation of Action of Christians for the Abolition of Torture, which has a consultative status for the United Nations and the European Convention, I am very concerned about the arbitrary arrest and subsequent release of Mr. Theo Alexandridis, GHM's (the Greek Helsinki Monitor) legal advisor.

On the evening of October 13, 2005, Mr. Theo Alexandridis was detained illegally for four hours in a police station in Aspropyrgos, after he defended the right of Roma children to go to school from which racist parents were trying to expel them and after he got harassed, pushed and insulted for that.

# I ask you urgently:

- \* put an end to the harassment directed against Mr. Theo Alexandridis and other persons involved in the defence of Roma people;
- \* initiate a fair, impartial and independent inquiry of these occurrences in order to identify the authors, bring them to justice and pronounce sentences proportional to the gravity of their crimes;
- \* guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance with international human rights standards;
- \* guarantee in particular the relevant provisions related to access education formulated in the Convention of the Rights of the Child and the International Covenant on Civil and Political Rights.

signature: [SIGNED]

Thank you for your careful consideration of my request.

Yours sincerely,

name: F.M. Eqelmeer

Diken v Mierstraat

103

address: 5461YN Veghek

Nederland

# **GREEK HELSINKI MONITOR (GHM)**

**Address**: P.O. Box 60820, GR-15304 Glyka Nera **Telephone**: (+30) 2103472259 **Fax**: (+30) 2106018760

e-mail: office@greekhelsinki.gr website: http://cm.greekhelsinki.gr

#### PRESS RELEASE

11 August 2007

# Greece leaves unanswered UN reports on Greek Helsinki Monitor defamation and prosecution

Greek Helsinki Monitor (GHM) has just become aware of the references in two UN reports to the harassment and prosecution GHM advocates have been the object of in 2005 and 2006. Those violations of the rights of human rights defenders became the object of a joint allegation letter sent to the Greek authorities on 2 June 2006 by three UN Special Procedures: the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène; the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy; and the Special Representative of the Secretary-General on the situation of human rights defenders Hina Jilani. They concerned pubic defamatory comments on 19 April 2005 by then Minister Nikitas Kaklamanis and Secretaty General Yanna Despotopoulou of the Ministry of Health; the illegal arrest and detention on 13 October 2005 of then GHM's lawyer Theo Alexandridis in the Aspropyrgos Police Department; and the anti-Roma racist and defamatory for GHM public comments made on 20 January 2006 by then Head of the Appeals Prosecutor's Office in Patras Anastasios Kanellopoulos who had also announced the prosecution of the GHM advocates.

The two reports (full excerpts on Greece attached below) mentioned that by early 2007 Greece had not replied to that communication. In one, Greece was asked to provide an official reply by the fourth session of the UN Human Rights Council (12-30 March 2007) while in the other it was said that, in the absence of a response, the case will no longer be considered an allegation but a proven fact. It must be noticed that in the first report (by the "racism" Rapporteur) there were summaries of communications to 22 countries; only 7 had not replied in 2006 (Greece, India, Bangladesh, Iran, Libya, Nepal and Sudan). Moreover, in the second report (by the "independence of justice" Rapporteur) there were summaries of communications to 63 countries; only 12 had not replied in 2006 (Greece, Gambia, Kyrgyzstan, Liberia, Moldova, Myanmar, Nepal, Pakistan, Serbia, Sierra Leone, Sri Lanka and Uzbekistan).

The two reports were finally discussed on 11 June 2007, at the UN Human Rights Council (see <a href="http://www.ohchr.org/english/bodies/hrcouncil/docs/5session/A.HRC.5.L.10\_28june07\_new.pdf">http://www.ohchr.org/english/bodies/hrcouncil/docs/5session/A.HRC.5.L.10\_28june07\_new.pdf</a>). Neither at that session did Greece provide any information or used its right of reply. It can be implied therefore that the case is now considered as proven fact by the UN and no longer an allegation based on reliable information the Rapporteurs had received.

GHM will provide these UN Special Procedures with an update on these three cases of harassment and prosecution, and will add information on additional instances of harassment and prosecution.

# **UNITED NATIONS**

A/HRC/4/19/Add.1 5 June 2007

# **HUMAN RIGHTS COUNCIL**

Fourth session

Report by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

Doudou Diène

#### Addendum

Summary of cases transmitted to Governments and replies received (excerpts on Greece) http://daccessdds.un.org/doc/UNDOC/GEN/G07/128/09/PDF/G0712809.pdf?OpenElement Greece

# **Communication sent**

- 74. On 2 June 2006, the Special Rapporteur, jointly with the Special Representative of the Secretary-General on the situation of human rights defenders and the Special Rapporteur on the independence of judges and lawyers, sent an allegation letter concerning **Theo Alexandridis**, legal counsel with the Greek Helsinki Monitor (GHM), and other staff members of GHM, an organization that monitors and reports on human rights violations in Greece, including violations against the Roma community.
- 75. According to the information received, on 19 April 2005, the Greek Minister of Health and the Secretary-General of Social Solidarity publicly accused certain nongovernmental organizations of existing only on paper and of publishing negative reports on the basis of unreliable, exaggerated and misleading information on the victims of the smuggling of human beings in Greece, in order to obtain an increase in funding from the Greek Ministry of Foreign Affairs. It was reported that GHM was specifically named in these accusations. Reports indicated that GHM has lodged a complaint against the Minister of Health and the Secretary-General of Social Solidarity.
- 76. Subsequently, on 13 October 2005, Mr. Alexandridis was arrested and detained in the Psari neighbourhood of Aspropyrgos, near Athens. It was reported that Mr. Alexandridis had gone to the police station to lodge a complaint against parents of non-Roma children who had allegedly committed violent acts against demonstrators who were protesting against the expulsion of Roma children from a school in the area. It was alleged that after he had filed the complaint, Mr. Alexandridis was told he was under arrest and was detained for four hours before being released without charge. Moreover, the president of the Pupils Parents Association allegedly lodged a complaint against Mr. Alexandridis for libel and defamation.
- 77. It was also reported that, on 20 January 2006, the Head of the Appeals Prosecutors Office stated during a radio interview that all Roma were criminals and announced that perpetrators, instigators and accomplices of Roma people who had helped them in a case concerning the alleged forced expulsion of Roma families in the Makrigianni area of Patras would be called on to take the stand, specifically including among this group representatives of GHM. The Head of the Appeals Prosecutors Office is also said to have stated in the same radio interview that he had

opened an inquiry into the involvement of GHM in petitioning the First Instance Prosecutor to open a criminal investigation into alleged illegal evictions and attacks against Roma people in Makrigianni.

# **Observations**

- 78. The Special Rapporteur regrets that no reply to this communication had been received from the Government of Greece at the time this report was finalized.
- 79. The Special Rapporteur intends to follow up on this case. In the event that no response is received from the Government, he will no longer treat the case as a mere allegation but as a proven fact.

# UNITED NATIONS

A/HRC/4/25/Add.1 5 April 2007

# **HUMAN RIGHTS COUNCIL**

Fourth session

# Report of the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy

# Addendum

**Situations in specific countries or territories** (*excerpts on Greece*) http://daccessdds.un.org/doc/UNDOC/GEN/G07/128/12/PDF/G0712812.pdf?OpenElement

# Greece

# **Communications sent**

161. On 2 June 2006, the Special Rapporteur sent a joint allegation letter together with the Special Representative of the Secretary-General on the situation of human rights defenders concerning Theo Alexandridis, legal counsel with the Greek Helsinki Monitor (GHM), and other staff members of GHM. GHM is an organization that monitors and reports on human rights violations in Greece, including violations against the Roma community. According to the information received, on 19 April 2005 the Greek Minister of Health and the Secretary-General of Social Solidarity publicly accused non-governmental organizations of existing only on paper and of publishing negative reports on the basis of unreliable, exaggerated and misleading information on the victims of the smuggling of human beings in Greece, in order to obtain an increase in funding from the Greek Ministry of Foreign Affairs. It is reported that GHM was specifically named in these accusations. It is further reported that GHM lodged a complaint against the Minister of Health and the Secretary-General of Social Solidarity. On 13 October 2005 Mr. Alexandridis was arrested and detained in the Psari neighbourhood of Aspropyrgos, near Athens. It is reported that Mr. Alexandridis had gone to the police station to lodge a complaint against parents of non-Roma children who had allegedly committed violent acts against demonstrators protesting the expulsion of Roma children from a school in the area. After he had filed the complaint, Mr. Alexandridis was told that he was under arrest and was detained for four hours before being released without charge. Moreover, the President of the Parents Association allegedly lodged a complaint against Mr. Alexandridis for libel and defamation. It is reported that on 20 January 2006 the Head of the Appeals Prosecutors Office, during a radio interview, stated that all Roma are criminals and announced that perpetrators, instigators and accomplices of Roma people who had helped them in a case concerning the alleged forced expulsion of Roma families in the Makrigianni area of the city of Patras would be called on to take the stand, specifically naming representatives of GHM. The Head of the Appeals Prosecutors Office also reportedly stated that he had opened an inquiry into the involvement of GHM in petitioning the First Instance Prosecutor to open a criminal investigation into alleged illegal evictions and attacks against Roma people in Makrigianni. Concern is expressed that the above-mentioned events are connected with the legitimate activities of Mr. Alexandridis and GHM in defence of human rights, in particular because of their involvement in defending the legal rights of the Roma community in Greece.

# **Communications received**

162. None.

# Special Rapporteur's comments and observations

163. The Special Rapporteur regrets the absence of an official reply and urges the Government of Greece to provide substantive detailed information at the earliest possible date, and preferably before the end of the fourth session of the Human Rights Council.