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PRESS RELEASE

26 September 2007

Greece: Roma effectively denied their rights

Greek Helsinki Monitor (GHM) releases the following letter it sent to **Council of Europe Commissioner for Human Rights Thomas Hammarberg** and **UN Special Rapporteur on the Right to Housing Miloön Kothari** following new evictions in Makrigianni (Patras) and the threat of imprisonment of all head of Roma households in Riganokampos (Patras). These evictions or threats of imprisonment come after several more evictions, threats of evictions, or criminal actions against Roma in Greater Athens, Halkida, Rhodes, Crete in the past few months.

In addition, GHM has recorded or received credible allegations that Romani children were denied this year access to school in Psari (Aspropyrgos –near Athens) and Spata –where in the past GHM and international pressure had secured their access; while in a Patras school as well in several other places they have been segregated to special classes or special schools for Romani children only. All that happens with the cooperation or the tolerance of local authorities, the Ministry of Education, the University of Thessaly that operates a multi-million euro project on (supposed) Romani children education, the notoriously inactive supposedly competent Equal Treatment Authority of the Greek Ombudsman, and all –large and small- political parties in Greece.

All these evictions and exclusions or segregation indicates that Greek authorities and Greek society feel they can ignore without any cost international recommendations to or findings of violations against Greece and Roma can be effectively denied their everyday fundamental rights.

Mr. Thomas Hammarberg

Council of Europe Commissioner for Human Rights

Mr. Miloön Kothari

UN Special Rapporteur on the Right to Housing

**URGENT APPEAL FOLLOWING NEW EVICTIONS AND THREAT OF
IMPRISONMENT OF ROMA IN PATRAS, GREECE**

22 September 2007

Dear Messrs. Hammarberg and Kothari

As you are meeting in Budapest (24-25 September 2007) in the framework of the Expert Workshop on “*Housing Rights: Positive Duties and Enforceable Rights*” organized by the first of you, **Greek Helsinki Monitor (GHM)** appeals to you, following newly recorded evictions and prosecution of Roma in Patras (Greece), calling for prompt and effective action to decisively put a stop to on-going evictions and other persecution and prosecution of Roma in Greece.

GHM went to Patras on 21 September 2007 to litigate the scheduled appeals trial of a police officer convicted, at first instance in April 2006, for the ill-treatment of a then 16-year old Rom in Argostoli (Cephalonia). The trial was once again postponed for 1 February 2008, on the request of the defendant, which means that it would have taken some seven years to have an irrevocable decision.

After the postponement, GHM visited the two Roma settlements Mr. Hammarberg had visited almost exactly one year ago, on 26 September 2006.

The Makrigianni settlement is no more there. Some two weeks ago, on the eve of the national election, the remaining 25 Roma families were effectively forcefully evicted as the bulldozers paving the way for a highway reached their doorsteps. At no point had they been served any protocols of eviction nor were they ever offered by the authorities –even inadequate- alternative housing options, that is at least a place where they could move their shacks. There has been no reaction by any local or national political party or medium against this illegal eviction that was actually never reported. These Roma are now reportedly squatting in another Patras area, risking new evictions, persecution, or prosecution.

At the Riganokampos settlement, GHM found 15 terrorized Roma families fearing that the “head” of each household may go to prison after a trial before the First Three-Member Misdemeanors’ Court scheduled for 26 November 2007, for which the summons were served to them (coincidentally?) also some two weeks ago. The charges are “squatting on public land” (violation of Article 23 of Compulsory Law 1539/1938). Should they be convicted, they face a firm prison sentence up to five years that cannot be commuted to a monetary fine plus a fine up to 300 euros. The related criminal investigation was launched ex officio by the Patras Prosecutor of First Instance in June 2005, following the issuing of a Protocol of Eviction by the state Real Estate Agency against the Riganokampos Roma, in May 2005. However, the Patras Magistrate’s Court, in October 2005, annulled the Protocol as abusive (Decision 312/2005), which is an irrevocable decision. GHM, on behalf of the Roma, filed in April 2006 a defense memorandum that included the Magistrate’s Decision as well as a January 2002 police document ascertaining that anyway the Roma had been settled there by the Patras Municipality and were not squatting. However, the Patras Prosecutor ignored these documents, refused to summon the one defense witness proposed in the memorandum (GHM’s Spokesperson Panayote Dimitras) and referred to trial the 15 Roma, calling instead as a prosecution witness one state agent who had not testified during the preliminary investigation. It is thus clear that this referral to trial is abusive and in breach of the Greek legislation and the European Convention of Human Rights.

An identical trial is pending against six Makrigiani Roma families, rescheduled from 23 April 2007 to 25 June 2008.

These are in fact two among a dozen actions in the last three years of the notoriously anti-Roma racist Patras prosecuting authorities to intimidate the Roma and force them out of Patras without respecting any due process. They are all detailed in the appendix on Patras of the report “*Greece: Continuing Widespread Violation of Roma Housing Rights*” published in October 2006 by GHM with the participation of the Centre on Housing Rights and Evictions (COHRE) and three other Greek NGOs with the financial support of the Council of Europe. An advanced copy of that report was given to Mr. Hammarberg during his visit in Greece one year ago. The complete report is now available at: http://cm.greekhelsinki.gr/uploads/2006_files/greece_roma_report_october_2006.zip.

On the other hand, the actions initiated by GHM on behalf of the Roma of Makrigianni and Riganokampos against the illegal evictions and other related anti-Roma activities or statements have effectively not been investigated. A related comprehensive and thoroughly documented

criminal complaint filed in January – March 2006 has been registered the effective preliminary investigation has not started to date. An additional December 2006 criminal complaint on the summer 2006 evictions in both Patras settlements and the related events surrounding the September 2006 visit of Mr. Hammarberg is in the process of the preliminary investigation (which though can last only four months according to the law), as is another criminal complaint on the scandal surrounding the granting of housing loans for destitute settlement Roma to non-settlement Roma or non-Roma in Patras, filed in October 2006.

Moreover, GHM has filed with the Greek Ombudsman in June 2006 a complaint on behalf of both communities in the framework of the Law 3304/2005 implementing the EU race Directives. Initially the complaint was a request to have an answer from the authorities about the announced resettlement of these Roma in the hope that the Ombudsman, as the competent Equal Treatment Authority, will facilitate the resettlements and most importantly help prevent the threatened evictions during last summer again on the eve of local elections. Updates were subsequently filed with the Ombudsman on the ensuing eviction actions. The Ombudsman is known to have carried out an investigation, including a meeting between Patras authorities and the Deputy Ombudsman for Human Rights two days after the visit of Mr. Hammarberg, when the Ombudsman was reported as having expressed his “understanding for the problem of Patras,” as if the Roma were a problem for Patras and not the illegal actions of the Patras authorities against the Roma a problem for Greece. Most importantly, to date, the Ombudsman has not answered any of the several letters sent by GHM on this complaint, let alone inform GHM about the progress of his investigation and/or seek additional information from the plaintiffs.

Worse, when GHM asked in April 2007 both the Greek Ombudsman and the Prosecutor of Patras to be given copies of the related case files to be used in the applications then being prepared for the European Court of Human Rights and the UN Human Rights Committee, both authorities declined to respect their obligation to respond to these requests thus effectively refusing to provide access to the files. As a result, GHM’s applications now include violations of Article 34 ECHR.

Dear Messrs. Hammarberg and Kothari

GHM is grateful to the letters of concern you have so far sent to the Greek authorities about Roma evictions in Patras and elsewhere in Greece. However, Greek authorities have made it known that they do not intend to respond to such letters and most importantly they have shown that they refuse to honor their obligations and to implement the European Committee on Social Rights’ two related findings of violation of Article 16 ECSR, instead continuing to evict Roma at leisure.

We thus urge you to seek alternative effective ways, including visits to Greece and actions via the Council of Europe Committee of Ministers and the UN Human Rights Commission that will compel Greece to respect the rights of Roma here and now. In that we join the 18 July 2007 similar call by the European Roma Rights Center (ERRC) in a letter to both of you that also includes a background of the situation in Greece, and focuses on the other eviction in process, concerning some 200 Roma families, in Athens (see: <http://cm.greekhelsinki.gr/index.php?sec=194&cid=3161>).

Otherwise, the fact that Greece may be ruled to have violated international conventions some years later will be of very little relevance to thousands of Roma who would have been evicted, prosecuted, or otherwise been victims of various forms of systematic discrimination amounting to inhuman and degrading treatment. Should we fail to help them effectively here and now, the credibility of all of us, NGOs and IGOs, who have for years spoken out on Roma rights violations in Greece and told the Roma themselves that they have housing rights and cannot be illegally evicted would be gravely affected.

We thank you in advance for your attention and are looking forward to hearing from you.

Yours sincerely

Panayote Dimitras
Spokesperson
Greek Helsinki Monitor
