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**Parallel Report on Greece's compliance with the
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

21 March 2022

This report was prepared for submission to the **United Nations Committee Against Torture (CAT)** for the adoption of the **List of Issues Prior to Reporting for Greece** during its 73rd session (19 April - 13 May 2022). The text below follows **CAT's July - August 2019 concluding observations** and refers to its paragraphs.

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.

Definition of torture

1. **Greece** has partly implemented **CAT's** recommendation (para. 11) to bring the contents of article 137A of the Criminal Code into line with article 1 of the **Convention**. It added discrimination of any kind among the purposes for inflicting torture; and it eliminated the requirement that the infliction of severe pain has to be "planned" in advance. However, it continues not to include in the definition the infliction of torture by or at the instigation of or with the consent or acquiescence of a public official or any other person acting in an official capacity. Moreover, **Greece** ignored **CAT's** concern (para. 10) that the maximum penalty for the basic offence of torture –without aggravating circumstances– was reduced from 20 to 10 years of imprisonment.

Statute of limitations

2. **Greece** also ignored **CAT's** recommendation (para. 13) that the offence of torture is not subject to any statute of limitations.

Fundamental legal safeguards

3. In 2019, **CAT** recommended to **Greece** (para. 15): *"The State party should ensure that all persons who are arrested or detained are afforded in practice all fundamental legal safeguards against torture from the very outset of their deprivation of liberty, including: the right to be assisted by a lawyer without delay, particularly during the investigation and interrogation stages; to be informed of their rights, the reason of their arrest and the charges against them in a language that they understand; to be registered at the place*

of detention; to have the assistance of an interpreter, if necessary; to inform promptly a close relative or a third party concerning their arrest; to be brought before a judge without delay; and, to request and receive an independent medical examination. Police officers should not be present during medical examinations of detained persons, save at the request of the medical doctor.”

4. None of these legal safeguards is in practice guaranteed today, especially when the persons arrested or detained are foreigners. CPT, in its **“Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 17 March 2020”** documented the effective absence of these safeguards against torture expressly mentioning that the situation has not changed since 2013 (emphasis added):

“21. The CPT wishes to recall again that, in the same way as other categories of detained persons, irregular migrants apprehended by the police in virtue of the applicable aliens’ legislation should, from the very outset of their deprivation of liberty, enjoy three basic rights that are fundamental safeguards against ill-treatment, namely the rights of notification of custody, access to a lawyer and access to a doctor. That said, **no noticeable improvements have occurred since the CPT’s 2018 visit to Greece.** Once again, the Committee has to conclude that these fundamental safeguards against ill-treatment, for the most part, do not apply in practice from the very outset of a foreign national’s deprivation of liberty and, more generally, remain ineffective, despite the existence of clear rules. [**See the CPT’s report on the 2013 visit report (CPT/Inf (2014) 26), paragraphs 27-32 where these issues were clearly laid out. The findings from the visits in 2015, 2016 and 2018 found that there had been no improvement**].

22. According to the information gathered during the visit, many foreign nationals met by the delegation who were – or had recently been – in police custody stated that they had not been granted the right to notify promptly a close relative or third party of their choice of their detention. Further, several persons complained that they were not able to contact a lawyer and/or see a doctor (see also section 6 on health care below) throughout the entire period of their police custody. In particular, access to a lawyer often remained theoretical and illusory for those who did not have the financial means to pay for the services of a lawyer. The provision of legal advice for issues related to detention and deportation was generally inadequate in all the detention places visited, including the Filakio RIC and the Filakio pre-departure centre. As a result, detainees’ ability to raise objections against their detention or deportation decisions or to lodge an appeal against their deportation was conditional on them being able to access a lawyer. (...)

23. A systematic deficiency of fundamental importance, which the Committee raised once again in its report on the 2018 visit, concerns an almost total lack of available interpretation services in all the establishments visited. Consequently, police officers and other staff faced significant difficulties in communicating with detainees and understanding their requests and needs. They usually had to rely on fellow detainees who spoke English or Greek. The CPT has long stressed that the use of fellow detainees as interpreters should, in principle, be avoided. Further, most foreign nationals claimed that they had signed documents in the Greek language without knowing their content and without having benefited from the assistance of a qualified interpreter. Indeed, nearly all official documents, including detention and deportation orders, were only available in the Greek language and were not translated. In Samos, migrants held in the two cells in the Coastguard premises were not even provided with the notification on detainees’ rights in a language they could understand. Where there are insufficient interpreters available to cover the required languages, the Greek authorities should explore alternative means such as the use of telephone interpretation services which have proved effective in other countries.”

Free legal aid

5. **Greek Helsinki Monitor** (GHM) that has been working extensively with hundreds of asylum seekers arriving in Greek islands or in Greek mainland has encountered all these problems faced by almost all of the persons GHM has worked with. An additional problem that has surfaced since the arrival of large groups of asylum seekers starting in March 2020 is that most lawyers assigned to asylum seekers to supposedly assist them with their applications for asylum communicate with them only once or twice and only through videoconferences and usually after the asylum seeker have filed their applications or their appeals against initial rejections of their applications. In many cases, moreover, the asylum seekers do not know the names of the lawyers and/or the interpreters through whom they converse with their lawyers.
6. Concerns related to the effective (and not just theoretical) access to free legal aid were highlighted in two reports in 2020 by the CPT. [In April 2020 CPT reported:](#)

98. Moreover, the right of access to a lawyer generally remained theoretical and illusory for those who do not have the financial means to pay for the services of a lawyer. This is mainly due to the fact that legal aid is not available at the stage of police investigation or when criminal suspects are questioned by the police, and that there are no duty solicitor schemes. Many detained persons alleged that their lawyer did not come to the police station and that they only met him/her during the hearing before the examining magistrate, when bail or remand in custody was determined.

Further, the delegation received again complaints that *ex officio* lawyers explicitly advised their clients not to complain officially about any alleged ill-treatment. Consequently, it is not surprising that alleged ill-treatment by the police generally remained unreported and that very few official complaints have been lodged.

The CPT reiterates its recommendation that the Greek authorities take steps to extend the existing legal aid system to the police investigation stage or when the suspect is questioned by the police, irrespective of whether the person concerned has formally been declared “accused”, and that duty solicitor schemes be put in place. Further, *ex officio* lawyers should be reminded, through the Bar Associations, of the importance of their role in preventing and, if necessary, reporting ill-treatment by the police.

7. Then, [in November 2020 CPT recommended:](#)

22. (...) The CPT calls upon the Greek authorities to take the necessary steps to ensure that all foreign nationals who are deprived of their liberty by the police under aliens’ legislation are granted the rights of notification of custody, access to a lawyer and access to a doctor and are placed in a position to effectively exercise these rights as from the very outset of their deprivation of liberty. As regards the right of access to a lawyer, this should include the right to have access to legal advice as well as, when foreign nationals are not in a position to pay for a lawyer themselves, the right to benefit from access to free legal aid.

8. **GHM** has monitored the access to asylum procedures in 2021 in Greek islands and has recorded a chaotic situation with the rights of notification of custody, access to a lawyer and access to a doctor and from the very outset of their deprivation of liberty. Here are some examples:
 - Mr. S.K. and Ms. L.H. and their child O.K., as well as Mr. M.S. and Ms. A.S. arrived on Lesbos on 7 June 2021, along with six other asylum seekers. [GHM announced their arrival with the intent to apply for asylum](#), a procedure that has been successful in avoiding summary unlawful deportations of new arrivals. Then another NGO assigned a lawyer on the island to handle the cases of these 5 persons including the filing of their asylum applications. A month later, that lawyer discontinued her work with that NGO and informed them that another lawyer from the same NGO would handle their cases, which however that NGO failed to do. So, when on 19 July 2021 Mr. S.K. and Ms. L.H. and their child O.K.

received the rejection decision, they had to ask the authorities for free legal aid. On 28 July, the three of them were asked to go to the asylum office at 6:30 am (!!!) for the appeal against that decision and the meeting with the ex officio lawyer, which they did at 1 pm (!!!). At that time, they met the lawyer via zoom who collected information for their cases but refused to give her name and contact phone or email! The three sent an email to the asylum office asking for that information which also refused to provide it. A related complaint to the **Ombudsman** was filed on 30 July 2021 by **GHM** that represents them who assigned file number 302716/43424/2021 but has not taken any action, allowing these persons to be represented by a “phantom” lawyer. **GHM** has been told that this is a recurrent phenomenon for ex officio lawyers to asylum seekers. [For the sake of completeness, the other family of Mr. M.S. and Ms. A.S. still await a decision on their asylum application].

- Ms. S.B., Ms. A.D., Ms. S.I., and Ms. N.B arrived on Chios on 4 July 2021, along with five other asylum seekers (many more from that group were unlawfully summarily deported from the island). **GHM announced their arrival with the intent to apply for asylum**. Then, two NGOs assigned local lawyers to take up the cases of nine asylum seekers who had been settled in a Hot Spot but, on 7 July 2021, were denied access to the asylum seekers and sent **a complaint letter to the authorities on 9 July 2021 which they also made public** denouncing a de facto detention incommunicado of those asylum seekers, whose mobile phones had been confiscated. They also filed is as a complaint to the **Ombudsman** who assigned file number 302716/43424/2021 and on 28 July asked the Director of the Hot Spot to provide the legal basis for those blatant violations. No reply was ever sent to the **Ombudsman**, let alone to the NGOs.
 - Nine asylum seekers arrived in Kos on 13 July 2021 (along with seventeen other asylum seekers). **GHM announced the arrival of the nine with the intent to apply for asylum**. Then, three NGOs assigned local lawyers to take up the cases of the twenty six asylum seekers who had been settled in a closed Pre-Departure Center (effectively a prison with the persons therein having no right to get out) but, on 15 July 2021, they realized that the asylum procedure had started without effective access to the lawyers to be followed by summary rejections from 20 July 2021 onwards and sent **a complaint letter to the authorities and the Ombudsman on 21 July 2021 which they also made public**. The letter has not been replied nor has the **Ombudsman** taken any action. Worse, most of those asylum seekers had to file the appeals themselves (!) and requests to have state-appointed lawyers were rejected, as were requests to access their files. So, their appeals were examined (and most rejected) summarily on 31 August 2021.
9. **CAT is therefore requested to ask Greece to explain the failure to provide effective legal aid in all these cases of persons in detention and/or asylum seekers (treated as persons in detention) as documented by CPT and NGOs.**

Non-refoulement

10. **CAT’s description of the situation in 2019 (para. 16) is equally valid today:**

“The Committee is seriously concerned at consistent reports that the State party may have acted in breach of the principle of non-refoulement during the period under review. In particular, the reports refer to repeated allegations of summary forced returns of asylum seekers and migrants – including Turkish nationals– intercepted at the sea and at the land border with Turkey in the northeastern Evros region, with no prior risk assessment of their personal circumstances. According to the information before the Committee, Greek law enforcement officers and other unidentified forces involved in push-back operations often use violence and confiscate and destroy the migrants’ belongings. While noting that the Internal Affairs Division of the Hellenic Police and the Greek Ombudsman’s Office initiated investigations into these allegations in 2017, the Committee is concerned that these administrative investigations have not included the hearing of live evidence from alleged victims, witnesses and/or complainants (art. 2, 3, 11, 12, 13 and 16).”

11. Indeed, the most discussed human rights problem Greece is facing, denounced by the full array of UN, **Council of Europe** and **EU** institutions, is usually summarized by the term “pushbacks.” This term is appropriate for interceptions of arriving asylum seekers at the sea and land borders with Turkey, whereas the most appropriate term for describing the sending back to Turkey of asylum seekers who have managed to set foot on Greek islands or well inside the land border with Turkey is “expulsions,” or “deportations.” In both cases, about a quarter to a third of the victims of these illegal refoulements are children, often babies, let alone pregnant women including in a handful of cases women who gave birth upon the very day of their rescue by Turkey. The most compelling conclusive evidence of an ongoing practice of illegal and violent pushbacks and expulsions since at least 2018 is offered in the [CPT report on Greece](#) published on 19 November 2020 and copied here in full:

The practice of pushbacks across the Turkish border and at sea

53. In the report on the 2018 visit, the CPT addressed the issue of pushback operations from Greece to Turkey via boat across the Evros River border. In the course of the 2020 visit, the CPT’s delegation again received consistent and credible allegations obtained through individual interviews in different places of detention of foreign nationals being detained, having their belongings confiscated and subsequently being pushed back across the Evros River border to Turkey. The allegations mainly referred to incidents that had taken place prior to March 2020 but within the previous six months. The persons who alleged that they had been pushed back from Greece to Turkey had subsequently re-entered Greek territory and had been apprehended and detained by the Greek police. By letter of 16 April 2020, the Hellenic Police assured the Committee that all police officers operating in the Evros region act in accordance with the law and in compliance with human rights standards. The *modus operandi* of the police along the border is summarised along the same lines as set out in the response of the Greek authorities to the report on the 2018 visit.

54. The persons who alleged to have been pushed back in the period prior to March 2020 described having been held for short periods in various detention facilities situated not far from the Evros River. Further, the persons alleged that they had had their personal belongings, including mobile phone and in some instances footwear, confiscated by their guards who had escorted them to the river and supervised the pushbacks (these persons all wore balaclavas which hid their faces and were dressed either in military-style fatigues or police uniforms).

55. A few of the persons met during the March 2020 visit alleged that they had initially been detained with other migrants, including families, who had subsequently been sent back across the river to Turkey. These persons described having been held together with many other people for a number of hours in a facility, the layout of which corresponded to that of the Poros detention facility visited by the delegation. Indeed, the Greek authorities confirmed to the CPT’s delegation that this facility had indeed been used for holding migrants for several hours before taking them to Feres or Soufli Police and Border Guard Stations. However, as the Hellenic Police did not keep any record of the persons who had been held at the Poros detention facility, it was not possible to trace the location to which these persons had been transferred. Records at Feres and Soufli did not state whether they had been held at Poros or not. The CPT is not convinced by the explanation provided to its delegation that the details of all persons taken to Poros were recorded upon entry to the facility and that at the end of each day, the form containing the information on these persons was simply thrown away. Moreover, persons held at the Poros facility claimed that while their personal belongings were taken away (bags, mobiles), they did not have to provide any individual personal information at that stage.

56. A telling manifestation of the human impact of this pushback practice is represented by a girl of two and a half years old who, along with her older brother of 21 years, was separated from her mother and father and five other siblings. The whole family had crossed into Greece on 29 February 2020 and had been apprehended in a field and taken to the quasi-official Poros centre. There were so many migrants present that some of them had had to remain in the courtyard

sitting on the concrete floor in the rain. The officers, dressed in camouflage uniforms and with balaclavas over their faces, allegedly confiscated the mobile phones of the migrants as well as their personal bags and kicked anyone who did not obey their orders to remain seated. After around six or seven hours, the camouflaged officers are said to have loaded most of the migrants, including the mother and four of her children, onto about six vehicles and transported them to the Evros River, where they were put into wooden boats and taken across to the Turkish side. A day later, the father and another brother were pushed back across the river in a similar manner. All the belongings of this family, including a backpack with clothes and identity and property documents as well as money, were allegedly taken by the officers. The brother and his little sister were taken to Feres Police and Border Guard Station and two days later to the Filakio RIC. They were served with deportation papers to Afghanistan. The anguish of the mother who was forcibly separated from her child in such a manner cannot be put into words. And yet, this is but one tragic illustration of the pushback practice.

57. The evidence supporting the case that migrants are pushed back across the Evros River to Turkey after having been detained for a number of hours, without benefiting from any of the fundamental guarantees, by Greek officers operating in an official capacity is credible. The onus is now upon the Greek authorities to ensure that this practice ends once and for all, and that any officers (police or military) operating outside of official command structures are held to account and sanctioned accordingly. Moreover, the CPT reiterates that every instance of detention of a person must be fully and accurately recorded so that there can be no arbitrary detention.

58. The CPT reiterates its recommendation that the Greek authorities act to prevent any form of pushbacks taking place across the Evros River border by law enforcement officials and military personnel. All foreign nationals arriving at the border or present in the territory of Greece who wish to request international protection should be effectively protected against the risk of *refoulement*, including possible chain *refoulement*. In particular, they should have effective access to an asylum procedure which involves an individual assessment of the risk of ill-treatment, on the basis of an objective and independent analysis of the human rights situation in the countries concerned. To this end, clear instructions should be given to Greek police and border guards to ensure that irregular migrants who have entered Greek territory must be individually identified and registered, and placed in a position to effectively make use of the legal remedies against their forced return. The CPT would like to be informed of the actions being taken by the Greek authorities to ensure that such pushbacks no longer take place.

59. The CPT's delegation also received a number of consistent and credible allegations concerning acts by the Greek Coast Guard to prevent boats carrying migrants from reaching any Greek island. For example, in early March 2020, the Greek Coast Guard allegedly stopped a boat with almost 50 persons on board and removed the fuel leaving the migrants and the boat to float about aimlessly. It was apparently only some 15 hours later that the Coast Guard returned to tow the boat to Lesbos island. Moreover, since the delegation's visit, credible allegations have emerged of migrants having reached the island of Samos from Turkey by boat before being re-embarked on a dinghy by Greek officers and towed by a Greek Coast Guard vessel back to Turkish waters, where they were allegedly left adrift overnight until recovered by the Turkish Coast Guard on the afternoon of the following day. As the European Court of Human Rights has repeatedly made clear, whenever the State through its agents operating inside or outside its territory exercises control and authority over an individual, and thus jurisdiction, the State is under an obligation to secure to that individual the rights and freedoms of the European Convention on Human Rights. **The CPT would appreciate the comments of the Greek authorities on these matters. It also wishes to be informed of the official operating instructions provided to the Greek Coast Guard whenever they encounter a boat carrying migrants.**

12. **CPT** in its report introduced also the allegations of pushback operations in the Aegean Sea, calling them “credible:” *“The CPT’s delegation also received a number of consistent and credible allegations concerning acts by the Greek Coast Guard to prevent boats carrying migrants from reaching any Greek island.”* **GHM** has collected such allegations for the period since March 2020 and submitted complaint reports to **Prosecutors** as well as to the **Ombudsman**. Many months to more than one year later, several of these complaints were archived in ways that indicated a determination not to carry out independent and effective investigations but to cover up the illegal practices and secure impunity to the alleged perpetrators.
13. The most indicative such cover up concerns a **Complaint to the Prosecutor of the Supreme Court dated 27 August 2020 on 36 pushback operations of 1389+ foreigners in March – July 2020**. The complaint was assigned to the **Prosecutor of the Naval Court of Piraeus**. The latter joined it with a **separate complaint GHM had filed on 3 March 2020 on the first of these 36 pushbacks** that included a video broadcasted by **BBC** and **Euronews**. **BBC** described the video: *“Greek coast guards fire into sea near migrant boat: Footage has emerged of Greek coast guards firing into the sea near a migrant dingy, and shoving it around, as they attempted to force it back towards Turkey.”* Nevertheless, on 14 October 2020 the **Prosecutor of the Naval Court of Piraeus** archived the whole case file. In the archiving decision the **Prosecutor** made clear he had based his conclusions on a statement by a **Hellenic Coast Guard Chief of Operations** (examined as witness and not as suspect) that explained why the actions of the **Hellenic Coast Guard** boat on 2 March 2020 including the fire shots were legal and aimed at deterring the foreigners which in the text were implicitly described as enemies... As for the long comprehensive complaint with 36 pushback operations of 1389+ foreigners in March – July 2020, it was also archived as *“repetitive of the claims in the complaint of 3 March 2020”* [!!!] without any investigation!
14. **GHM** has also similar archiving decisions for other complaints on individual incidents (non)investigated by the **Prosecutor of the Naval Court of Piraeus** available upon demand. In one, the eyewitnesses of an attempted pushback, foreigners who in the end of the day were towed by the **Hellenic Coast Guard** to Lesbos and were therefore available to testify and the **NGO lawyer Marianna Tzeferakou**, known to the **ECtHR** from her successful applications, who had alerted the **Hellenic Coast Guard** about the dinghy in peril (with a pregnant woman about to deliver) on 13 June 2020 were never asked to testify so that the **Prosecutor** could base its deliberately false conclusions on a **Hellenic Coast Guard** letter (not even a statement) to him sent almost four months later...
15. In view of this denial of justice, on 4 May 2020 **GHM** submitted a **Criminal complaint to Supreme Court Prosecutor calling for the investigation of 147 cases of illegal, violent, racist pushback or deportation of 7000+ foreigners in March-December 2020**. Therein, **GHM** stated *“We request the exclusion of the Prosecutor’s Office of the Athens Naval Court from the judicial investigation due to the denial of justice and bias with which he handled the previous “Criminal complaint for serial illegal pushbacks of foreigners March – July 2020” that we submitted to you on 27 August 2020.”* The **Supreme Court Prosecutor** accepted the request and sent that complaint to 16 **Prosecutors of First Instance** for criminal investigations: **First Instance Prosecutors of Rhodes, Naxos, Syros, Samos, Chios, Mytilene, Thessaloniki, Alexandroupoli, Orestiada, Drama, Thesprotia, Kos, Chania, Rethymno, Heraklio and Lasithi**.
16. Moreover, on 20 July 2021, **GHM** submitted an additional **Criminal complaint to Supreme Court Prosecutor calling for the investigation of 55 cases of illegal, violent, racist pushback or deportation of ca. 3000 foreigners in January-May 2021** asking again the exclusion of the **Prosecutor’s Office of the Athens Naval Court** from the judicial investigation. However, this time, the **Supreme Court Prosecutor** merely sent it to the **Head of the Athens First Instance Prosecutor** who immediately forwarded it to the **Prosecutor of the Naval Court of Piraeus**! It is indicative that the **Prosecutor of the Naval Court of Piraeus** is not competent to investigate allegations against police officers and soldiers included in the complaint...
17. To counter that negative development, on 29 August 2021, **GHM** submitted to all locally competent **19 Prosecutors of First Instance** the documented allegations about 200+ deportations/pushbacks. Subsequently, after the Greek government announced that it has asked the **National Transparency**

Authority to investigate all “pushback” allegations, on 10 December 2021, **GHM** submitted also to that Authority the documented allegations about 200+ deportations/pushbacks.

18. **Therefore, there are now well-documented allegations about 200+ deportations/ pushbacks in a fifteen-month period at the hands of the Prosecutors as well as the Greek Ombudsman and the National Transparency Authority involving ca. 10,000 victims, of whom some an estimated 2,500 - 3,500 are children. GHM welcomes the 8 July 2021 public call by the EU Commissioner Ylva Johansson that “there is a need for thorough and transparent investigations by the Greek authorities into such allegations” or else “the Commission will not hesitate to make use of all its powers under the Treaties, including where necessary the launch of infringement procedures.”**
19. However, there is little hope that any of these investigations will be effective as **Prosecutors** tend to side with the **Government** and contribute to cover-up and impunity. This is why in its report **“Greek NHRI sheds light on the situation of migrants at its borders and challenges of NGOs assisting refugees”**, published on 15 July 2021, the **Greek National Commission for Human Rights** stated that *“The GNCHR has recommended the Greek authorities to establish an official independent mechanism for recording and monitoring informal pushbacks complaints and to effectively investigate allegations of pushbacks and disproportionate use of force in order to hold those responsible accountable and protect victims.”* **GHM would like to note though that the GNHCR misreported therein that “only two pushbacks cases were investigated in 2020 by the Hellenic Police and four cases by the Greek Prosecutor, but no case of pushback has ever resulted in a trial before a court,”** whereas it is evident from the documentation detailed here that there were more than 40 pushback allegations investigated...
20. In September 2021, **GHM** launched a project to interview victims of expulsions so as to document what had been reported to **GHM**, that is the unprecedented extreme violence used by border officers involved in illegally expelling asylum seekers who had reached Greek islands. Several interviewees have since managed to arrive in Greece where they are now. Several interviewees have been victims of more expulsions (from the land) and/or pushbacks (at sea). The interviews were given to a large number of volunteers for this **GHM** project. **Appendix 1** with the title **“Expulsions and pushbacks with drownings, tortures, rapes, robberies: victims’ testimonies to GHM”** is submitted alongside the present report with 30 interviews through 22 December 2021. That **GHM** document is work in progress and has been published in **GHM’s Racist Crimes Watch** website.
21. The gravity of the problem of unlawful expulsions was evidenced in December 2021 when, probably for the first time in its history, the **ECtHR** communicated simultaneously to one country 32 applications on the same subject, namely pushbacks, aware that the applicants, with one exception had not exhausted domestic remedies as they, rightfully, consider them ineffective. A related **GHM** release with the **ECtHR’s** releases is submitted as **Appendix 2** with the title **“ECtHR launched 32 trials of Greece for refoulements – Deafening silence by the Greek media”** and is also published in **GHM’s Racist Crimes Watch** website.
22. Finally, **CAT** is requested to consult the **“Communication on the execution of the general measures in Makaratzis group of cases” (Appendix 3)** that the **Council of Europe Committee of Ministers (CM)** uploaded on its website on 4 August 2021 most significantly without any reply by Greece which is telling on the extensive documentation on “push-backs” and the effective refusal of the judicial system to seriously investigate the otherwise very well-documented by the **EU Commissioner Ylva Johansson, the Ombudsman, the CPT and NGOs** hundreds of “push-backs.” **CAT** should therefore ask Greece why it does not have safe entry points where their asylum claims can be evaluated, and how it responded to the **EU Commission’s, CPT’s, the Ombudsman’s, and NGOs’** allegations and calls for thorough independent investigations, as well as provide statistics of related criminal and administrative investigations.

Asylum system, immigration detention, and unaccompanied migrant and asylum-seeking children

23. GHM refers CAT to the related information in [Amnesty International's January 2022 report to CAT](#), in [Human Rights Watch December 2021 report to CRC](#) and especially in the comprehensive June 2021 Legal Note by ECRE

Sexual and gender-based violence against refugee and asylum-seeking women

24. GHM refers CAT to the related information in [the February 2022 joint briefing paper by the International Rescue Committee and Diotima "A stocktaking of the situation for refugee women and girls"](#)

Excessive use of force

25. In 2019, CAT (para. 26) expressed concerns *"at reports of excessive use of force by law enforcement officers acting to disperse demonstrators."* The problem continues to exist in the same if not larger scale, as is very well documented in [Amnesty International's January 2022 report to CAT](#).
26. Then CAT *"noted that no specific information was provided by the State party regarding the execution of the judgement in Makaratzis v. Greece and other cases of torture or ill-treatment examined by the European Court of Human Rights."* GHM represented the 9 of the 16 successful applicants in that group and submitted repeated communications to the CM. CAT is requested again to consult the aforementioned (on "pushbacks") **"Communication on the execution of the general measures in Makaratzis group of cases"** (Appendix 3) that the **Council of Europe Committee of Ministers (CM)** [uploaded on its website on 4 August 2021](#) most significantly without any reply by Greece. Here the concluding recommendations, summarizing the main concerns, are copied:

Recommendations to Greece the Committee of Ministers is requested by GHM to make:

1. As recommended by UN CAT, the offence of torture and other forms of ill-treatment should not be subjected to any statute of limitations, in order to preclude any risk of impunity in relation to the investigation of acts of torture and the prosecution and punishment of perpetrators. Moreover, the maximum penalty for the basic offence of torture –without aggravating circumstances– should be raised back to the maximum possible length of 15 years of imprisonment.
2. Greece should adopt the recommendations by the Ombudsman for the amendment of legislative provisions to secure that they will not prevent the adequate punishment of perpetrators of torture or ill-treatment and they will not hamper the efficiency of administrative investigations, including the imposition of financial consequences for those who have been dismissed from the service and are no longer subject to disciplinary proceedings, following a judgment of the Court finding violations of Article 2 and 3 of the Convention. Greece should also adopt the recommendations of the "Alivizatos Committee."
3. Greek authorities should comply with CPT's recommendation to act to prevent any form of pushbacks taking place across the Evros River border or the Aegean Sea by law enforcement officials and military personnel. All foreign nationals arriving at the border or present in the territory of Greece who wish to request international protection should be effectively protected against the risk of refoulement, including possible chain refoulement. In particular, they should have effective access to an asylum procedure which involves an individual assessment of the risk of ill-treatment, on the basis of an objective and independent analysis of the human rights situation in the countries concerned. To this end, clear instructions should be given to Greek police, Greek coast guard and border guards to ensure that irregular migrants who are entering Greek territory are not pushed back, are individually identified and registered, and placed in a position to effectively make use of the legal remedies against their forced return.

4. Allegations of unlawful deportations from Evros or the islands or pushbacks at sea should be the object of thorough and transparent investigations by the Greek authorities as Commissioner Johansson recommended and Greece should be warned by the Committee of Ministers as well that a sustained failure to do that will lead to infringement proceedings. The Greek NCHR's recommendation to establish an official independent mechanism to monitor and investigate such actions should be adopted and GHM adds that the Prosecutor of the Supreme Court should appoint a Deputy Prosecutor of the Supreme Court in charge of all such investigations in coordination with local Prosecutors and the NCHR proposed independent mechanism.
5. The continuing excessive use of violence by law enforcement agencies also outside the border areas coupled with a very widespread impunity makes it necessary that the aforementioned recommended structure headed by a Deputy Prosecutor of the Supreme Court should also include in its mandate such investigations.
6. Greece should promptly stop the crackdown on civil society actors and put an end to the ongoing criminalization of NGOs and volunteers working in the country in the field of humanitarian assistance to migrants and asylum-seekers by dropping all charges, and guarantee in all circumstances that they are able to carry out their legitimate human rights and humanitarian activities without fear of reprisals.
7. All that is necessary if the Prime Minister meant what Greece reported to the CM on 25 June 2021. *"He stated that while police brutality and violence is a worldwide problem, what distinguished Greece from other countries was the existence of an informal code of silence ("omerta") among police officers which led to ineffective investigation of such incidents and to lack of accountability of police officers and other law enforcement personnel. Establishing independent bodies, such as the Ombudsman, empowered to review incidents of abuse of the law by law-enforcement agencies and strengthening them demonstrates the Government's willingness to ensure the effective investigation of all cases and to enforce the law against everyone, including law enforcement officers. It also demonstrates the State's determination to address the cause of arbitrary use of violence, not just the symptoms, as well as the State's strong commitment to setting the stage for a change of culture among law enforcement personnel."* Greece is therefore called to demonstrate that State's determination, in the words of its Prime Minister, by implemented all the recommendations made above, most by the independent bodies the Prime Minister praised.

27. **GHM** welcomed the **ensuing** comprehensive evaluation the **CM** made in the September 2021 meeting:

MINISTERS' DEPUTIES Decisions [CM/Del/Dec\(2021\)1411/H46-15](#) 16 September 2021

1411th meeting, 14-16 September 2021 (DH)

H46-15 Makaratzis group v. Greece (Application No. 50385/99)

Supervision of the execution of the European Court's judgments

Reference document

[CM/Notes/1411/H46-15](#)

The Deputies

1. recalling that these cases concern the use of potentially lethal force and ill-treatment by law enforcement agents as well as the lack of effective investigations capable of leading to adequate disciplinary and criminal sanctions;

As regards individual measures

2. welcomed the Greek Prime Minister's public expression of apology to all victims of ill-treatment by law enforcement officers during his speech in Parliament on 12 March 2021, and his recognition of the seriousness of this kind of human rights violations;
3. noted that some of the applicants have requested and been awarded by administrative courts compensation additional to that awarded to them by the European Court;
4. expressed again its regret that as a result of the prescription rules in force the reopening of the criminal and disciplinary investigations in most of these cases would involve a disproportionate burden (except for Sidiropoulos and Papakostas, in respect of which information is awaited on the reopening of criminal investigation, Konstantinopoulos and Others (No. 2) in respect of which more information is awaited on the reopening of the criminal and disciplinary investigations and for Fountas in respect of which more information is awaited on the reopening of the disciplinary investigations);
5. underlined that following a Court's judgment finding procedural violations of Article 2 or Article 3 the proceedings relating to reopening should be prompt; urged therefore the authorities to inform the Committee rapidly about whether reopening of the torture-related criminal investigation remains possible in Sidiropoulos and Papakostas (final judgment dating from April 2018) and, as regards Konstantinopoulos and Others No. 2, to accelerate the criminal and disciplinary proceedings related to reopening, given that the Court's final judgment dates from March 2019; as regards the Fountas case expressed their concern with respect to the fact that the decision whether to reopen the impugned disciplinary investigation still remains to be adopted and urged the authorities to adopt measures in order for the relevant file is promptly submitted by the Police to the Mechanism for Investigation of Arbitrary Incidents by law enforcement officers;
6. decided, considering also the significant below-mentioned general measures taken in recent years to resolve the problems raised in the present group of cases, to close the supervision of all cases except for Sidiropoulos and Papakostas, Konstantinopoulos and Others (No. 2) and Fountas, by adopting Final Resolution CM/ResDH(2021)190, and to continue supervising the outstanding general measures under a new group of cases named Sidiropoulos and Papakostas;

As regards general measures

7. welcomed again the aforementioned speech of the Greek Prime Minister in Parliament expressing the State's determination to address the causes of violations raised in these cases and its strong commitment to setting the stage for a change of culture among law enforcement officers;

- Substantive violations of Article 3

8. while welcoming the authorities' determination to address the causes of ill-treatment and change the culture among law enforcement agents noted with serious concern notably the lodging of new similar applications with the Court and the persistence of ill-treatment by police agents evidenced notably by CPT in its 2020 reports and encouraged the authorities to take due account of the CPT's recommendations, notably those concerning regular professional training and safeguards preventing ill-treatment in order to prevent recurrence of substantive violations of Article 3 by all law enforcement agents (police and coast guard).

- Ineffective criminal investigations

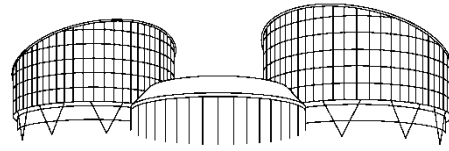
9. welcomed the 2020 amendment to the Criminal Code which aligned the definition of torture with the Court's case-law in response to the Committee's earlier decisions, as well as the 2019 amendments to the Criminal Code restricting the commutation of custodial penalties and providing for aggravating penalties for racially motivated crimes; noted also with interest the 2020 circulars issued by the Court of Cassation Prosecutor in order to align prosecutors' practice with the Court's judgments in Konstantinopoulos and Others No. 2 and Fountas;
10. noted however with concern the findings contained in the 2020 CPT report and urged the authorities to redouble their efforts in order to enhance the effectiveness of criminal investigations in line with the CPT recommendations; invited them to provide the Committee by September 2022 with updated statistical and qualitative information about criminal investigations into ill-treatment by law enforcement officers and their outcomes, showing the impact of the measures taken to date;

- *Ineffective disciplinary investigations*

11. welcomed the authorities' determination and measures taken to enhance the effectiveness of disciplinary investigations, notably: the increased transparency of investigations achieved by the Mechanism's work since it started operating in June 2017; the increasing quality of disciplinary investigations reviewed by the Mechanism; the 2020 legislation reinforcing the Mechanism's investigatory competencies; the 2019 change of the police officers' disciplinary law reinforcing the independence of disciplinary investigations;
12. noted nonetheless with concern the persistence of shortcomings in disciplinary investigations, recorded notably in the Mechanism's 2020 report, and urged the authorities to: continue supporting and reinforcing the Mechanism notably by taking measures to provide it promptly with staff necessary in order to further improve its effectiveness; give effect to the Mechanism's recommendations in order to enhance disciplinary investigations; and provide the Committee by September 2022 with updated statistical and qualitative information about disciplinary investigations into ill-treatment by law enforcement officers and their outcomes showing the impact of the measures taken to date.

Prompt, thorough and impartial investigations

28. In 2019, CAT (para. 28) expressed concerns "*at the fact that the State party has not furnished complete information on the number of complaints of torture or ill-treatment, including excessive use of force, or on the corresponding investigations and prosecutions during the reporting period,*" and then (para. 29) urged the State Party to ensure prompt, thorough and impartial investigations implementing the specific recommendations therein.
29. CAT is requested to recall that the **Human Rights Committee** in its **Report on follow-up to the concluding observations of the Human Rights Committee** (8 October–2 November 2018) "*required information ... on the progress of investigations made into the cases of Thanasis Panayotopoulos, Yannis Bekos, Vasilis Loukas and similar ones.*" More importantly, **during the examination by CAT of Greece's report on 25 July 2019**, (para. 50) **Rapporteur for Greece Mr. Hani** said (...) "*he would be grateful for further information on the frequent and widespread use of ill-treatment by police to obtain confessions; in that regard he wished to know why the case concerning alleged ill-treatment in 2016 of three young Roma – Thanasis Panayotopoulos, Yannis Bekos and Vasilis Loukas – had reportedly been closed, despite the fact that the matter had been raised by the Council of Europe Commissioner for Human Rights in a letter of concern to the Greek Government on 18 April 2017.*"
30. **Greece** failed to provide information in both cases. This emblematic case of torture of Roma and ensuing impunity is now examined by the **ECtHR**, that obviously judged it admissible. On 18 March 2021 the **ECtHR** communicated to Greece the following application filed by **GHM**:



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Published on 6 April 2021

FIRST SECTION

Application no. 44758/20

[Athanasios PANAYOTOPOULOS and Others against Greece](#)

lodged on 30 September 2020

communicated on 18 March 2021

SUBJECT MATTER OF THE CASE

The applicants, three Greek nationals belonging to the Roma ethnic group, allege that they were subjected to acts of police brutality amounting to ill-treatment and/or torture during their arrest, transfer to and detention at the police station. They also complain that the competent authorities failed to carry out an adequate investigation into the incident and that the impugned events were motivated by racial prejudice.

QUESTIONS TO THE PARTIES

1. Were the applicants subjected to treatment contrary to Article 3 of the Convention as a result of the police officers' acts that took place during the applicants' arrest, transfer to and detention at the police station on 8 October 2016?
2. Given the applicants' Roma origin, did the treatment complained of demonstrate discrimination on the part of the State agents and was, in consequence, in violation of Article 14 taken in conjunction with Article 3 of the Convention?
3. Did the authorities conduct an effective and prompt investigation into the applicants' allegations, as required under the procedural head of Article 3 of the Convention? Have the authorities failed in their duty to investigate possible racist motives for the acts complained of, in violation of Article 14 taken in conjunction with Article 3 in its procedural aspect?
4. The respondent Government are requested to submit the documents relating to the administrative investigation.

31. As it is mentioned in the application to the **ECtHR**, despite repeated requests for the forensic examination of the victims all the way up to government human rights officials, the state denied the victims such crucial evidence, obviously as it later emerged because it wanted to secure the impunity of the alleged perpetrators of police violence. Procedurally also, when the investigating judge closed the ridiculous one-month ceremonial criminal investigation in February 2019, in violation of the law he refused access to the complete file to the **GHM** lawyer representing the victims, giving him only the defense statements. The prosecutor to whom the file was then assigned in March 2019 also refused access to the file, again in violation of the law. Both requests were made so that an application to the **ECtHR** be filed already then, but the refusals made that impossible. The file was however assigned to a different Prosecutor. Seven months later, on 25 September 2019, she tabled a motion to the Indictment Chamber. In her description of

the facts, she included unsubstantiated fake claims, with the most important one being that the disciplinary investigation had been completed by that time (whereas it was completed in late 2021!) and made no reference to the hospitalization of the first applicant who had suffered a heart attack and serious injuries on his genitals. So, the police officers were considered to have carried out their duties correctly. The injuries, it was argued, could have been provoked when the two cars crashed (!!! no one had made that claim) or when they jumped off the bridge (the fake story). The fake facts allowed her to conclude that not only there should not be a referral to trial, but the three Roma should be fined 360 euros for having intentionally made false claims! On 20 December 2019 the Indictment Chamber agreed. As for the **Ombudsman, in its quality as National Mechanism for the Investigation of Arbitrary Incidents**, he refused to inform **GHM** about his investigation, even when he knew that the case was communicated to **Greece** by the **ECtHR**. **CAT** is requested to note that the Roma and their representative **GHM** had not been involved at all in the disciplinary investigation (and were intentionally denied access to its documents as said above, as there was an intention even by the **Ombudsman** not to involve the victims in its investigation). Only in the framework of the observations that **Greece** submitted to the **ECtHR** was the **State Party** compelled to submit the 850-page long content of the administrative investigation (see the **ECtHR**'s question 4) on 18 February 2022. Even then, the content of a second and very crucial administrative investigation ordered to examine an apparent forgery of a police report in order to provide the basis of the fake story about the allegation that the cause of the injuries was that the Roma jumped off a (non-existent) bridge was not included in the submission to the **ECtHR** as that investigation has not been completed through March 2022, i.e. almost 5,5 years after the facts.

32. These details are provided here as they indicate how **CAT**'s related 2019 recommendations (para. 29) were ignored. Evidently in this (and in so many other) "*complaint of torture and ill-treatment*," **Greece** did not "*promptly investigate in an impartial manner by an independent body*," whereas it failed to "*ensure ... that there is no institutional or hierarchical relationship between that body's investigators and the suspected perpetrators of such acts*," as the police officers administrative investigators all belonged to the same **Police Division (of Attica)** with the alleged perpetrators, rather than to the existing and fully independent **Internal Affairs Division**. As a result, "*the suspected perpetrators [were not] duly tried*" benefiting from impunity. Even if **Greece** is convicted by the **ECtHR**, they will not face any consequences. It is moreover important to note that in this (as in so many other) case, "*authorities [did not] launch investigations whenever there are reasonable grounds to believe that an act of torture or ill-treatment has been committed*:" the criminal and administrative investigations were carried out only because **GHM** filed a complaint on behalf of the victims who were punished with considerable fines for having testified on their torture or ill-treatment. Additionally, the "*suspected perpetrators [were not] suspended from duty immediately for the duration of the investigation*."
33. **CAT** is therefore urged to ask **Greece** to provide in its report "*comprehensive disaggregated statistical information relevant to all complaints and reports received of torture or ill-treatment –including information on whether such complaints led to investigations and, if so, by which authority, whether the investigations resulted in the imposition of disciplinary measures and/or prosecutions and whether the victims obtained redress – in a manner that will enable the State party to provide such information to the Committee and other relevant monitors in the future*." Moreover, **Greece** should be asked to inform **CAT** how many of these investigations were launched ex officio (as provided by law) before victims filed (or felt obliged to file) their own complaints to ensure that investigations would be launched. It is recalled that in the aforementioned case (*Panayotopoulos and others v. Greece*) both administrative and criminal investigations were launched AFTER, and only BECAUSE OF, **GHM** filed complaints on behalf of the victims.

Redress

34. **CAT** is requested to ask "*the State party to compile and provide information on redress and on compensation measures, including means of rehabilitation, ordered by the courts or other State bodies and actually provided to victims of torture or ill-treatment*," including whether such compensation had required the use of expensive domestic and/or international remedies by the victims and also how long

after the occurrence of the violent act was such compensation awarded, as well as if initial awards to victims were appealed by the **Government** which obviously prolonged the actual granting of the awards.

Coerced confessions

35. CAT is requested to ask **Greece** to “provide the Committee with information on any cases in which confessions were deemed inadmissible on the grounds that they were obtained through torture or ill-treatment and indicate whether any officials have been prosecuted and punished for extracting such confessions,” as there is a prevailing impression that there are hardly any such cases.

Conditions of detention

36. The CM has for years under enhanced supervision the execution of a large number of ECtHR judgments “concerning the inhuman and/or degrading treatment of the applicants on account of the poor conditions of detention of the applicants in overcrowded prisons” and “measures needed in response to violations of Article 3 on account of inadequate conditions of the transfer of prisoners by cellular vehicles between prisons or to hospitals and the inadequate conditions of detention in disciplinary cells.” 43 such judgments form the group of cases [Nisiotis and others v. Greece](#).

37. CAT is requested to consult the attached latest related comprehensive NGO submission “**Communication from an NGO (Hellenic League for Human Rights) (13/01/2022) in the case of NISIOTIS v. Greece (Application No. 34704/08) and reply from the authorities (21/01/2022)**” (Appendix 4).

38. GHM welcomed the comprehensive evaluation the CM made in the March 2022 meeting, noting in particular that “727 applications (almost half of the total pending cases against Greece) concerning prison detention conditions are pending before the ECtHR:”

MINISTERS’ DEPUTIES Decisions [CM/Del/Dec\(2022\)1428/H46-13](#) 9 March 2022

1428th meeting, 8-9 March 2022 (DH)

H46-13 Nisiotis group v. Greece (Application No. 34704/08)

Supervision of the execution of the European Court’s judgments

Reference document

[CM/Notes/1428/H46-13](#)

Decisions

The Deputies

1. recalled that this group of cases mainly concerns inhuman and/or degrading treatment due to the applicants’ poor conditions of detention resulting mainly from a structural problem of overcrowding in prisons and the lack of an effective remedy in this respect;

As regards individual measures

2. noted that no further individual measures are required in *Kargakis*, given that the applicant is no longer in detention and the just satisfaction has been paid; decided, without prejudice to the Committee’s evaluation of the general measures, to end its supervision by adopting Final Resolution [CM/ResDH\(2022\)46](#);

As regards general measures

3. recalled that the issue of prison detention conditions has been pending before the Committee for more than 10 years and that the Committee has repeatedly urged the authorities to adopt a comprehensive long-term strategy to resolve the problem and introduce a domestic effective remedy, in view notably of the fact that currently 727 applications (almost half of the total pending cases against Greece) concerning prison detention conditions are pending before the European Court;

- *The Strategic Plan for Prisons (2021-2023)*

4. noted with interest the submission of the Strategic Plan for Prisons (2021-2023); noting however that a timetable is not set in all parts of the plan and its impact on prison overcrowding is not assessed, requested information on the plan's implementation, notably in relation to the timetable of construction of the new prisons, the total number of new detention places to be added to the total capacity, and the envisaged timeline within which the overcrowding problem may be resolved;

- *The structural issue of prison overcrowding*

5. noted with deep concern that according to the data provided by the authorities, the total number of prison inmates exceeds the current capacity of prisons and that recent policy changes towards more severe sentences along with the suspension of enforcement of the alternative sentences scheme is likely to result in a further increase of prison inmates; invited therefore the authorities to provide a comprehensive assessment on the concrete impact of the above mentioned reforms on prison overcrowding;

- *Overcrowding in the Ioannina, Korydallos and Thessaloniki prisons*

6. recalled that the urgent decongestion of the Ioannina prison has been requested by the Court under Article 46 (*Samaras* § 73; *Tzamalīs* § 51, issued in 2012 and 2013 respectively) and it has been repeatedly requested by the Committee since 2013; furthermore recalled that in its December 2020 decision the Committee exhorted the authorities to urgently take measures to decongest Ioannina, Korydallos and Thessaloniki prisons, and having noted with regret that the measures presented to date do not appear to have decreased overcrowding in the above prisons, exhorted the authorities to provide a concrete and measurable plan to urgently decongest these prisons;

- *Effective domestic remedy*

7. expressed their particular concern that despite the Committee's repeated calls over the last five years no effective remedy has been put in place and stressed again that its introduction is urgently needed in view notably of the particularly high number of applications concerning prison detention conditions pending before the Court; exhorted therefore the authorities to inform the Committee about the progress made in that respect and to provide a concrete timetable for the introduction of an appropriate remedy;

8. invited the authorities to provide information on the issues set out in paragraphs 6 and 7 by 15 June 2022 and on the issues set out in paragraphs 4 and 5 by 30 November 2022;

- *Prisoner transfers and detention in disciplinary cells*

9. invited the authorities to present information on the measures taken or envisaged to prevent violations on account of long transfers by cellular vehicle and handcuffing of detainees with serious health problems, and the inadequate conditions of detention in disciplinary cells.

Hate crimes

39. In 2019, CAT (para. 46) expressed concerns “by reports it has received reflecting an increase in incidents of racist and xenophobic violence, especially against refugees, migrants and members of the Roma community, as well as a significant rise in incidents where law enforcement officials are either the perpetrators or just involved. It is also concerned at reports of widespread impunity for those crimes.”

The problem not only continues to exist but as shown above with references to violent pushbacks of asylum seekers it has become amplified with tens of thousands of victims.

40. In its **“Report on Greece”** published on 24 February 2015, **ECRI** noted that *“[anti-racism] Law 927/1979... does not address the recommendation contained in §§ 18 b of ECRI’s General Policy Recommendation (GPR) No. 7 on national legislation to combat racism and racial discrimination ..., referring to insults and defamation, or 18 f, concerning the public dissemination, public distribution or production or storage of racist material”* and *“recommended that the offences that are still missing (see ... above) be included in the law.”*
41. In its **“Concluding observations on the second periodic report of Greece”** published on 5 November 2015, the **UN Human Rights Committee (HRCttee)** *“was concerned that the new [anti-racism] Law 4285/2014 [amending Law 927/1979] and the provisions introduced in the Penal Code may hinder investigations and prosecutions of racist hate crimes involving public insults and defamation against groups”* concluding that *“the State party should review its legislation with a view to ensuring that all advocacy of national, racial or religious hatred is prohibited by law.”*
42. In its **“Concluding observations on the twentieth to twenty-second periodic reports of Greece”** published on 26 August 2016, the **UN Committee on the Elimination of Racial Discrimination (CERD)** was *“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.”*
43. The **Greek State** has opted not to implement this triple recommendation to criminalize again hate speech as it was a criminal offence before the 2014 amendments. This led most prosecutors, including the specialize prosecutors on racist crimes in Athens, to archive hundreds of complaints on hate speech filed 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 HRCttee”** on 8 November 1996).
44. 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 preferred 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.
45. 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.
46. There are two dramatic differences between anti-racism Law 927/79 and Article 82(A) on *“crimes with racist characteristics.”* Article 5 of Law 927/79 provides that crimes defined with that law are prosecuted ex officio (that is without the requirement of a complaint by the victim) and the plaintiff (i.e. the victim) does not pay the usual fee for standing as “civil claimant” (this since 2019 has been transformed to standing “in defense of the charges”) which would allow him to be a party in the proceedings. None of these two

provisions apply when the crime is prosecuted only with Article 82(A). First, unless the crime itself is prosecutable ex officio (felonies and some misdemeanors), the victim must file a complaint (within three months after the act) exposing him/her to potential risks from which the ex officio prosecution of Law 927/79 protects him/her. Secondly, s/he has to pay the court fee to stand “in defense of the charges” – currently 40 euros- which many victims cannot afford. **GHM** has advocated that the ex officio and the no fee provisions are also extended to the crimes prosecuted under Article 82(A) of the Criminal Code but it seems to be alone in that advocacy in Greece (as it seems to be alone in filing complaints for racist crimes): **CAT** is requested to ask **Greece** about that, in view of the fact that the main crimes that **CAT** is concerned with are not related to hate speech but to violent crimes with racist characteristics.

47. In its **“Concluding observations on the twentieth to twenty-second periodic reports of Greece”** published on 26 August 2016, the **UN Committee on the Elimination of Racial Discrimination (CERD)** *“remained concerned at the still low invocation and application of anti-racism legal provisions and the low rate of convictions in courts”* and *“recommended that the State party intensify its measures to strengthen the application of anti-racism provisions.”*
48. In its October 2019 **Action report concerning the Sakir group of cases** to the **Council of Europe Committee of Ministers**, **Greece** provided data on complaints and prosecution of hate crimes that confirmed **UN CERD’s** concern on *“the still low invocation and application of anti-racism legal provisions and the low rate of convictions in courts.”* In that data, **Greece** reported for 2015-2017 368 complaints for alleged racist crimes, 127 criminal prosecutions, 19 convictions (but not details on sentences imposed) and 4 acquittals. It also reported an additional 421 complaints for 2018-2019 but failed to give any information on what happened to them. It also claimed that in mid-2019 there were 220 court briefs with the PB (racist violence) signalization.
49. In assessing the information submitted by **Greece**, the **CM’s Secretariat** correctly wrote: *“The data provided by the authorities indicate a continuous rise in the number of reported incidents of racially motivated violence between 2015 and 2018. Compared to the total of 615 incidents, the data provided by the authorities reveal that the criminal charges (127 in total) and especially the convictions (19 in total) that took place in 2015-2017 are low. The two conviction judgments of 2017 and 2019 described above (status of execution) are significant. However, this does not allow an overall assessment of the progress made, since no similar, qualitative information has been provided on the other 17 convictions in the period 2015-2017, and no information has been provided on the years 2018-2019. A more in-depth, qualitative analysis is necessary, in order to assess the effectiveness of the measures adopted to date.”*
50. **CAT** is requested to take into consideration the **Racist Violence Recording Network communication to the Committee of Ministers on the execution of the Sakir – Gjikondi group of cases** dated 18 December 2020, wherein it is documented that *“the actual impact of Article 81A [now 82A] 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 Lesvos, critical challenges are observed regarding the investigation of racist crimes: in the case of Bangladeshi citizen E. Ud. in Lesvos (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.”

Human rights defenders and humanitarian workers and volunteers

51. In 2019, CAT (para. 48) expressed concerns “*about consistent reports of intimidation and harassment of human rights defenders and humanitarian workers and volunteers. In that connection, it regrets the scant information provided by the State party regarding the cases raised by the Committee, such as: the prosecution and later acquittal of three Spanish firefighters – Manuel Blanco, José Enrique Rodríguez y Julio Latorre – and two Danish volunteers – Salam Aldin and Mohammed el-Abbassi – accused of trying to help migrants enter Greece via the island of Lesbos; and, the arrest and pending trial of foreign NGO volunteers Sarah Mardini and Sean Biner on people smuggling, espionage and money laundering charges (art. 16).*”
52. Additionally, [during the examination by CAT of Greece’s report on 24 July 2019](#), (para. 41) **Rapporteur for Greece Mr. Hani** said (...) “*A number of persons claimed to have suffered harassment, persecution and detention by police and right-wing extremist groups on account of their activities in helping migrants as humanitarian workers or human rights defenders. He asked what action had been taken to end such harassment, and for information about the cases of Sara Mardini and Sean Binder, Mohammed Abbassi, Salam Aldeen, Manuel Blanco, José Enrique Rodríguez and Julio Latorre, and Panayote Dimitras.*”
53. **Sarah Mardini** and **Sean Biner**’s trial is still pending. **Panayote Dimitras**’ harassment has increased.
54. 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 **Panayote Dimitras** “in absentia” evidently aiming with such chilling decisions to dissuade **Panayote Dimitras** to continue his work.
55. This is not a unique case but part of a pattern to harass and persecute human rights defenders that evidently expose the widespread illegalities of the **Government**. The following is telling:

Greece: Ongoing crackdown on migrants' rights defenders as pushbacks of people on the move continue

Statement

Geneva, 28 January 2021 - The World Organisation Against Torture (OMCT) is deeply concerned about the criminalisation of human rights defenders and humanitarian organisations providing assistance and defending the rights of migrants and asylum seekers on Lesbos island and urges the Greek authorities to immediately put an end to the outlawing of solidarity with people on the move.

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 Greek intelligence service as well as the Greek 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 OMCT underlines that the names of the 33 human rights defenders were not mentioned in the press release. Furthermore, at the time of publication of this statement, none of the individuals concerned have received any official communication regarding the ongoing investigation against them.

Nonetheless, the criminal file and the names of the allegedly investigated NGOs were leaked to several Greek media outlets following the publication of the Lesbos Police's press release. 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.

"The persecution of rights defenders and organisations on charges of "facilitation of irregular migration" and even "espionage" attacks the essence of the right to defend rights in Greece", said Gerald Staberock, OMCT Secretary General. "Our intelligence and counter-terrorism services must protect our security and rights. When 'they protect us from defending rights' it is not only cynical but outright dangerous for democracy".

Greek authorities publicly stigmatise the work of those defending migrants' rights by equating their work with human smuggling. In a press conference held on December 8, 2020, the Greek Minister for Migration and Asylum, Mr. Notis Mitarachi, **accused** the NGO Aegean Boat Report of facilitating the illegal crossing of migrants from Turkey into Greece. The unfounded accusations levelled against the NGO were **categorically rejected** by Aegean Boat Report. In an **interview** with the newspaper The Times in December 2020, Mr. Mitarachi further claimed that Al-Kahir Foundation and Aegean Boat Report are funding human traffickers to help migrants reach Greece.

Non-governmental organisations that work on migrants' rights play an **essential role** to defend the human rights of people on the move in a context of systematic violations of international

human rights standards by the Greek authorities, including illegal **pushbacks and collective expulsions of migrants**, as recently **denounced** by the UN Committee Against Torture (UNCAT).

The Greek state has consistently failed to submit the information concerning the alleged intimidation and harassment of human rights defenders and humanitarian workers and volunteers that was **required** by the UNCAT.

We strongly condemn this crackdown on civil society actors in Greece and call on the authorities to put an end to the ongoing criminalisation of NGOs and volunteers working in the country in the field of humanitarian assistance to migrants and asylum-seekers, and to guarantee in all circumstances that they are able to carry out their legitimate human rights and humanitarian activities without fear of reprisals.

56. **CAT** is requested to take into account that almost two years later none of these 33 **NGO** activists has been summoned in the framework of the related investigation, which was probably meant as a chilling effect and a threat on the activists. On the contrary, on 19 July 2021, the same authorities made a similar announcement alleging felony crimes committed by 4 **NGO** activists of 4 **NGOs** and 6 asylum seekers from Syria and Afghanistan. **The alleged crimes were:**

“In terms of their methodology of action (modus operandi), the stakeholders, acting in a humanitarian manner, through closed groups and applications on the internet, but also by using a specific application of telephone connections, provided migration flows from Turkey, but also received from information and confidential information relating to:

- the gathering places on the Turkish coast and the time of start of specific migration flows to the islands of the Northeast Aegean (Lesvos, Chios and Samos),
- the coordinates (longitude and latitude) of specific migration flows and their direction at a specific time and place,
- the number of foreign nationals aboard third country boats, as well as the prevailing situation during the voyage of the boats, their final destination (sunbathing area),
- photographic material from third-country nationals aboard boats both during the voyage of the boats and after landing in areas of the islands of the Northeast Aegean,
- details of the operational work of the vessels of the Hellenic Coast Guard,
- the locations of military installations and photographs of military vehicles,
- details of the accommodation structures of foreigners in the islands of the Northeast Aegean.

In addition, after using this information, they provided instructions to foreign nationals of third countries upon arrival in Greek territory, concerning their transition either to inaccessible areas of the islands to hide or to areas and structures of health support, systematically complicating the work of competent Greek authorities.”

57. Two days later, on 21 July 2021, the same authorities filed felony charges for spying, forming a criminal organization, and facilitating the unauthorized entrance of foreigners in Greece against two asylum seekers who had managed to arrive safely in the island of Kos, **Aegean Boat Report administrator Tommy Olsen** and **GHM’s Panayote Dimitras**, because the NGO activists had communicated with the asylum seekers when they reached the island and announced their arrival to the authorities on 13 July 2021. In the criminal file, it was added that one asylum seeker had previously given an interview to **BBC** describing

how they were pushed back in a previous attempt to reach the island on 10 June 2021. The formal document with the charges, on file with **GHM**, leaves no doubt that the criminal charges were filed in retaliation for the interview the asylum seeker had made and the crucial assistance that the two NGOs had been providing to these and thousands more asylum seekers to help prevent or else record pushbacks.

58. Finally, on 15 February 2022, the **Three-Member Misdemeanors Court of Athens** sentenced **Panayote Dimitras** and **Andrea Gilbert**, respectively **GHM** Spokesperson and **GHM** specialist on anti-Semitism, to a twelve-month prison sentence suspended for three years on the charge of “false accusation” (Article 229 of the Criminal Code of Greece). The sentence has been appealed. The judicial procedure is related to a complaint for “public incitement to violence or hatred” and “abuse of ecclesiastical office” they had filed in April 2017 against the **Metropolitan Bishop of Piraeus Seraphim**. According to **GHM**’s complaint, the content of a public statement the **Bishop** made on in April 2017 was antisemitic and incited discrimination, hatred or violence against Jewish people in a way that endangered public order or posed a threat to lives, liberty of physical integrity. Nonetheless, while the Greek authorities archived the complaint, the public prosecutor brought the charge of “false accusation” against **Dimitras** and **Gilbert** and referred them to trial without previously conducting an investigation and without allowing them to call witnesses for their defense, as prescribed by law.
59. In effect, such public police actions aim at creating a chilling effect on human rights activists and humanitarian workers and at criminalizing solidarity and human rights work. What police authorities described in these allegations of felony crimes is in effect the work carried out by civil society that has recorded or sometimes prevented scores of unlawful pushbacks or deportations, which are the real felony crimes.

Human trafficking and lowering of sentences for perpetrators of trafficking and torture

60. In 2019, **CAT** (para. 50) expressed concerns “*about the lack of progress in the investigation into the whereabouts of over 500 children, mostly Albanian Roma street beggars, who had been rounded-up by the police in Athens prior to the 2004 Athens Olympics and disappeared from Agia Varvara, a state-run care home. The Committee regrets to learn that between 2005 and 2014 the case was reopened twice and both times closed due to lack of evidence (arts. 2 and 16).*” The problem continues to exist and **GHM**’s recommendation that as a minimum **Greece** expresses a public apology to the victims and/or their families for the failure to properly investigate the case has been ignored.
61. More generally, concerning human trafficking and exploitation of prostitution, the legislative framework introduced with Law 3064/2002 (to which **GHM** has contributed as acknowledged by the then government) was adequate to combat human trafficking. However, legislative amendments in 2019 have introduced a significant regression one example of which is very well described in **Court of Cassation judgment 1979/2019** with which a case was sent back to the **Mixed Appeals Court of Thessaloniki** for the lowering of the sentences imposed as the result of the reduction in the new Criminal Code:

In this case, the most lenient law of article 323A' par.1, 3, 5st Criminal Code (CC) [L.4619 / 2019] must be applied, pursuant to article 2 of CC. The prison sentence of five [5] years imposed on the appellant, with the frame of the then existing sentencing, i.e. at least ten [10] years to twenty [20] years of imprisonment, the recognition of mitigating circumstances of Article 84 (2d and e) CC, as well as the provision of Article 83b CC, which in this case provided for imprisonment for up to twelve [12] years or imprisonment for at least two [2] years. However, since the new CC came in force, the frame of the sentence is five [5] to fifteen [15] years in prison, and the mitigating circumstances sentence are set out in Articles 83 and 85 CC.

62. This description also highlights the dramatic decrease in the sentencing as a result of the recognition of mitigating circumstances. The case concerned the multiple rapes and trafficking of a young Romanian in January 2007. The convicted as “trafficker by profession” was facing in 2018 a sentence between 10-20 years of imprisonment. The then existing mitigating circumstances however immediately lowered the possible sentence to 2-12 years. The judges chose a sentence of five years that was converted into a fine.

Now the **Mixed Appeals Court of Thessaloniki** will have to consider that the sentence faced with the new CC is between 5-15 years and with the recognition of two mitigating circumstances six [6] months to six [6] years, which means that this trafficker's sentence will be further reduced from 5 years to probably 2-3 years converted to a fine.

63. **CAT** is requested to note that what was in principle an adequate frame of sentencing for such hideous crimes (trafficking including rapes) has been reduced to a much milder one. Additionally, and most importantly, **CAT** is requested to note that the recognition of mitigating circumstances in effect cancels what appears as severe sentencing for such crimes. In the new Criminal Code introduced in 2019:

a. The basic human trafficking offense is punished as before with 5-10 years imprisonment but the additional fine changed from 10,000-15,000 euros to an unspecified amount certainly lower than before.

b. The aggravating offense is now punished with 5-15 years imprisonment, as opposed to 10-20 years before, and the additional fine changed from 50,000-100,000 euros to an unspecified amount certainly much lower than before. In essence, this means that the aggravated offense is punished mostly with same sentencing as the basic offense, that is 5-10 years, as there is absolutely no example in the case-law of a court having imposed the upper limit (prison as well as additional fine) sentence for a single crime of human trafficking.

c. If the Greek court recognizes one mitigating circumstance, the sentence is reduced to 1-6 years and no fines for both basic and aggravated forms of human trafficking. If the court recognizes two or more mitigating circumstances, the sentence is further reduced to 6 months – 6 years and no fine.

d. Plea bargaining was introduced for the first time with Article 303 Code of Criminal Procedure. The provision excludes from plea bargaining crimes punishable with a life sentence, crimes of terrorism as well as crimes against sexual freedom and crimes of financial exploitation of sexual life (chapter 19 CC). However odd it may appear, while pandering belongs to the latter category and hence there cannot be a plea bargaining, human trafficking does not belong to the list of exceptions as Article 323A CC belongs to the crimes against personal freedom (chapter 18 CC) for which plea bargaining is possible, contrary to what **GRETA** considers as acceptable.

e. Conversion of sentences up to five years to fines has been replaced by replacement of prison sentences up to 5 years with community service (Articles 104A 105A CC).

64. Similar sentence reductions were introduced for the crimes of torture and other forms of ill-treatment (Article 137A CC). Hence, in the [CPT April 2020 Report on Greece](#), it is mentioned inter alia (emphasis in the original):

91. The CPT has ... highlighted the need to review other existing provisions of the Criminal Code to ensure that acts of torture and other forms of ill-treatment are appropriately punished as there appeared to be a systematic conversion of all prison sentences for such acts into non-custodial sentences (See, for example, European Court of Human Rights, *Sidiropoulos and Papakostas v. Greece*, App no 33349/10, 25 January 2018 [application filed by GHM]). The CPT regrets that the revised Criminal Code, adopted on 6 June 2019, has not fully addressed these deficiencies... Moreover, the limitation period for acts of torture and other forms of ill-treatment remains in place (paragraph 7) and there is still the possibility to apply mitigating circumstances (Article 84) that permit the conversion of prison sentences imposed for such crimes into non-custodial sentences, including fines. It is now up to the Court of Cassation (Areios Pagos) to clarify the law by way of an authoritative interpretation, i.e. an appeal or quashing 'in favour of the law' (αναίρεση υπέρ του νόμου), in order to send a clear message and re-frame legal doctrine in a way that allows for an application of the relevant provisions of the Criminal Code in line with the European Court of

Human Rights' case law. **The CPT would like to receive the comments of the Greek authorities on the above issues, and particularly on the rationale for the amended torture provision and related sanctions contained in the revised Criminal Code.**

65. For memory, in **CAT's August 2019 Concluding observations on the seventh periodic report of Greece**, it is mentioned inter alia (para. 10): *“While noting the entry into force of a new Penal Code on 1 July 2019, ... the Committee observes with concern that the maximum penalty for the basic offence of torture –without aggravating circumstances– has been reduced from 20 to 10 years of imprisonment (arts. 1 and 4).”*
66. Finally, **GHM** analyzed in 2020 18 domestic judgments in human trafficking cases to examine the legislation and case-law. In almost all trials, the human trafficking victims were not present or at least represented in the trials. Only in 4 cases were sentences of 10 or more years imposed. One was so positively exceptional as the conviction was only for pandering but two courts recognized it as a case of human trafficking and showed unbending stringency leading to a sentence of 10 years imprisonment. The second one is pending on appeal where the sentence of 10 years imprisonment is likely to be lowered. Likewise, the other two judgments on mass concurrent crimes leading to sentences above the upper limit before 2019 (25 years in prison) are pending on appeal and are expected to be lowered. In all other cases, the sentences were on average 5 years in prison (range 2,5 years to 7 years in prison), usually converted to fines (if 5 years or less). In some cases, sentences in first instance judgments were suspended until the appeal trials, which, in one case, allowed the convicted trafficker to disappear. In some other cases, the same human trafficker was convicted not for human trafficking but for pandering, while his victims were also convicted for illegal prostitution or illegal entry to, or residence in, the country. Last, but by no means least, is the recurrent phenomenon of some courts convicting persons for human trafficking with multiple victims but then imposing a sentence for only one crime, as opposed to what the law prescribes, i.e. sentencing them for multiple concurrent crimes, which does not happen with other courts.

Dissemination

67. In 2019, **CAT** (para. 53) *“requested the State party to disseminate widely the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations, and to inform the Committee about its disseminating activities.”*
68. It is usual practice that **Greece** ignores such recommendations and almost all reports to **UN Treaty Bodies** and the latter's ensuing recommendations are not published in any official government website nor otherwise disseminated. Hence, **CAT** should ask **Greece** about the disseminating activities with concrete supporting evidence, like links to websites that may have published such documents.

List of appendices

Appendix 1 “Expulsions and pushbacks with drownings, tortures, rapes, robberies: victims' testimonies to GHM”

Appendix 2 “ECtHR launched 32 trials of Greece for refolements – Deafening silence by the Greek media”

Appendix 3 “Communication on the execution of the general measures in *Makaratzis group of cases*”

Appendix 4 “Communication from an NGO (Hellenic League for Human Rights) (13/01/2022) in the case of *NISIOTIS v. Greece* (Application No. 34704/08) and reply from the authorities (21/01/2022)”