

**Submission to the United Nations Human Rights Committee regarding Greece's
adherence to the International Convention on the Elimination of All Forms of Racial
Discrimination**

114 Session (25 Nov 2024 - 13 Dec 2024)

Submitted by:

The Human Rights Legal Project



Human Rights Legal Project
Registration number in France: W353022203
SIRET: 918 856 410
NGO Registration Address: 3 rue Xavier Grall, 35410 Châteaugiron, France
www.humanrightslp.eu
info.samos@humanrightslp.eu

I. Reporting Organisation

1. The Human Rights Legal Project (HRLP) is a French legal-aid non-governmental organisation, based on the island of Samos, in Greece. It monitors and challenges human rights violations against displaced people, in Greece, imputable to the State, through its policies or its agents. HRLP provides legal support to enable displaced communities to access the Greek justice system and challenge violations of their rights. The most common forms of public authority violence monitored since the creation of the project have been cases of *refoulement*, police violence and unlawful detention of asylum seekers upon arrival on the island.

II. Executive Summary

2. The island of Samos is one of the designated ‘hotspots’ for managing asylum-seekers, with the Closed and Controlled Access Centre (CCAC) implementing a stringent approach to detention since the outset of its operation. Officers of the Hellenic Police are present at the site 24/7. In general, there is extensive police presence on the island of Samos due to its location, as the closest maritime border point to Turkey.
3. As an organisation providing legal aid to displaced people who are victims of human rights violations imputable to the State, HRLP has been informed of incidents of police violence against displaced people on numerous occasions. The majority of victims of police violence are reluctant to report said violence as they fear reprisals. The fear of reprisal is heightened for asylum-seekers residing in the CCAC, who are under extensive police surveillance at all times. The individual cases in this report therefore illustrate a much broader pattern of racially motivated State violence in Samos. Nonetheless, between September 2022 and January 2024, seven asylum-seekers reported being victims of police violence in the premises of the camp (III). Five individuals were victims of violence and bodily harm, including sexual violence, inflicted by officers of the Hellenic police while they were in police custody, outside of the CCAC (IV). Finally, two women were victims of violence and bodily harm, with a racist motive, in the General Hospital of Samos (V).
4. All the individuals mentioned in this report were asylum-seekers registered and residing in the CCAC, with the exception of I.B. and Q.P. (III(f)). On seven instances, HRLP filed complaints before the Greek authorities, representing a total of eleven victims. In three cases, HRLP did not bring formal complaints before the authorities but reported the incident to the authorities. Given the severity of the incidents reported, the Greek authorities could and should have opened investigations *suo moto* into the alleged violence and bodily harm inflicted by their agents.

To HRLP's knowledge, it has never been the case. Furthermore, the Greek authorities have not undertaken a prompt, effective and independent investigation into any of the cases for which HRLP brought formal complaints, either by filing a lawsuit or by reporting the incident to the Ombudsman. No perpetrator has been prosecuted and no victim has been provided with any form of compensation.

III. Violence and bodily harm inflicted by officers of the Hellenic police to asylum seekers inside the CCAC

5. According to the Ministry of Migration, the CCAC "includes all the modern technical and functional infrastructure that makes it a safe, controlled access facility, with upgraded living conditions for the accommodated population but also for the staff operating on site"¹. The Ministry of Migration specifies that safety is ensured in the CCAC through the presence of the Greek Police and a private security company 24 hours a day with at least fifty uniformed personnel on each shift².
6. The following incidents prove that, quite contrary to the Ministry's statement, asylum-seekers are exposed to severe forms of violence and bodily harm inside the CCAC, including violence inflicted by officers of the Hellenic police working inside the structure. Furthermore, as there is no effective investigation into reported incidents, officers of the Hellenic police benefit from absolute impunity which in turn favours a climate of abuse of power and violence by police officers.

a. September and October 2022³, violence and bodily harm inflicted to A.A., B.B. and C.C.⁴ by officers of the Hellenic police

7. A.A., B.B. and C.C. were physically assaulted by officers of the Hellenic police working inside the CCAC on numerous occasions. In particular, the three men reported being regularly beaten up by police officers when they were in the quarantine area, in September 2023. The quarantine area was a subsection of the CCAC where newly arrived asylum seekers were detained for approximately seven to ten days before being moved to the 'general population' area.
8. Additionally, one night of October 2022, while the three of them were sitting together in one of their rooms, police officers wearing balaclavas came in, blocked the door, turned off the lights and physically assaulted them. The police officers were so violent that they broke A.A.'s arm and B.B.'s nose. After the assault, there were significant delays before taking the three injured men to the hospital. At the General Hospital of Samos, they also felt racially discriminated against, with employees being harsh and refusing to provide them with any medical document regarding their injuries.

¹ Hellenic Republic, Ministry of Migration, Closed Controlled Access Centre of Samos. <https://migration.gov.gr/en/ked-samoy-kleisti-elegchomeni-domi-samoy/>.

² Ibid.

³ The precise dates are omitted to prevent the identification of the individuals mentioned in this report.

⁴ The initials have been modified to prevent the identification of the individuals mentioned in this report.

9. In July 2023, a report of the incident was sent to the Greek Ombudsman (‘Συνήγορος του Πολίτη’) which led to its examination by the National Mechanism for the Investigation of Arbitrary Conduct (‘Εθνικός Μηχανισμός Διερεύνησης Περιστατικών Αυθαιρεσίας (Ε.ΜΗ.ΔΙ.Π.Α)’). The three men were never interrogated by the Hellenic Police. As of October 2024, the case is still pending before the Hellenic Police Headquarters Police Personnel Directorate Department of Lower Rank Police Personnel.

b. October 2022, violence and bodily harm inflicted to X.Y. by officers of the Hellenic police

10. The violence inflicted upon X.Y. by officers of the Hellenic Police resulted in the partial rupture of his eardrum. In particular, in October 2022, after an altercation between asylum-seekers residing in the CCAC, X.Y. and three other asylum-seekers were arrested by police officers and brought to a part of the camp which, at the time, was not used to accommodate individuals. They were placed in a container which did not contain any bed and left there for the night. A police officer had turned on the warm air conditioning. The container was under police surveillance and police officers controlled the container four or five times during the night.
11. X.Y. and the three other men were subsequently conducted one after the other to the general part of the camp, in a police vehicle. Before entering the car, X.Y. was instructed to turn on the flight mode on his mobile phone. In the car, X.Y. was seated in the back between two police officers. X.Y. was ordered to look down during the ride. As soon as X.Y. looked down, one of the officers sitting next to him started to kick him and punch him around the stomach and on the head. One of the punches touched his right ear and damaged his eardrum. Once the ride was over, the officers acted as if nothing had happened in the car. There was no state-appointed doctor in the CCAC at the time of the incident and X.Y. was therefore seen by a doctor of Médecins sans Frontières. The doctor confirmed that he had a rupture of the right eardrum and partial hearing loss.
12. HRLP filed a lawsuit on behalf of X.Y. and reported the incident to the Ombudsman in December 2022. Both the Prosecutor of Samos and Ombudsman subsequently requested that the internal affairs conduct a preliminary investigation into the incident. Once the preliminary investigation was concluded, the Prosecutor requested that it be followed by a main investigation (‘κύρια ανάκριση’). As of October 2024, the case is still pending before the investigative judge of Samos (Ανάκριση).

c. May 2023, bodily harm inflicted to A.B. by officers of the Hellenic police

13. Officers of the Hellenic police arbitrarily, and therefore illegally, conducted a full body search of A.B. in the CCAC. It must be stressed that A.B. was never given a reason why he was taken to a separate container, why he underwent a search or what the officers were looking for.

14. In particular, in May 2023, as he was entering the CCAC, A.B. was taken to the police container at the entrance of the CCAC. When he entered the police container, there was already one police officer and another asylum-seeker who was also a resident of the CCAC. One of the police officers was holding the door handle of the container, indicating that he was guarding the door to prevent anyone from coming in or out of the container. A police officer subsequently ordered A.B. to remove his shirt and empty his pockets, which he did. He then ordered A.B. to lower his pants and underwear. A.B. tried to avoid it but was ultimately forced to lower his pants and underwear to his knees, and was therefore almost completely naked. An officer then ordered A.B. to squat three times. A.B. did. He was then instructed to turn around and do it again. The container has a small window so, while he was naked and squatting, A.B. saw women walking towards the container, They could see inside the container and one woman stared at him. After the squats, A.B. was told to pull up his pants. During the entire search, the police officers were laughing among themselves. The other asylum-seeker remained in the container during the search so he also saw A.B. undergoing this search.
15. HRLP first contacted the police and the management of the CCAC via email to inquire about the reasons for A.B.'s search. The communication also indicated that A.B. reserved all rights to instigate legal proceedings. The management of the CCAC responded to the inquiry, stating that a lawful physical search was conducted, due to a reasonable suspicion that the applicant was in possession of illegal items.
16. In July 2023, a report of the incident was sent to the Greek Ombudsman ('Συνήγορος του Πολίτη'). Later in July, the Ombudsman forwarded the Complaint to the National Mechanism for the Investigation of Arbitrary Conduct ('Εθνικός Μηχανισμός Διερεύνησης Περιστατικών Αυθαιρεσίας (Ε.ΜΗ.ΔΙ.Π.Α)'). In January 2024, A.B. was interrogated by the police. The report was forwarded by the Ombudsperson to the Personnel Directorate of the Hellenic Police Headquarters. There has been no update on the progress of the investigation since then.

d. November 2023, violence and bodily harm inflicted to E.F. by officers of the Hellenic police

17. At the time of the incident, E.F. was detained in the CCAC. He had not been registered as an asylum seeker in Greece since his arrival in a delay exceeding the legal provisions and was therefore unlawfully detained inside the premises. He was physically assaulted by Hellenic police officers working inside the CCAC.
18. In particular, in November 2023, E.F. was waiting in line for the food distribution in the CCAC. He was with his spouse and his three young children. There were some disturbances in the line as people had been waiting for more than two hours. A police officer came and started to shout and insult the people waiting in line. As he called for backup, two other police officers joined him and started to push and then hit people. The police officers had shields and knee pads, their uniform resembled those of anti-riot police. E.F. asked them to stop and to be allowed to leave.

A police officer punched him in the head and then hit him in the abdomen with his knee - which was covered by a knee pad. E.F. collapsed from the pain, he could not breathe and felt a sharp pain in his heart. His children saw him being assaulted by the police officers, they were screaming and crying in distress during and after the assault.

19. Three days after the assault, HRLP contacted the camp management and the police via email to report the assault of E.F. by police officers and request the video footage of the CCTV camera placed in the area. HRLP did not receive any official reply. To HRLP's knowledge, the Greek authorities failed to open an investigation into the reported incident.

e. January 2024, violence and bodily harm inflicted to R.S. by officers of the Hellenic police

20. R.S. was physically assaulted by officers of the Hellenic police working inside the CCAC. In particular, one night of January 2024, while R.S. was in his container with his spouse, three young children and two friends, four police officers came in. The police officers were searching the container but did not indicate what they were searching. They hit R.S. who then asked not to be hit in front of his children. R.S. was subsequently taken in a police car to the police station inside the CCAC. They brought R.S. to a room and began an interrogation. One police officer came in the room and punched R.S. in the stomach. R.S. bent over because of the pain and the officer punched him in the back of the head. He then punched him in the torso, in the back and on the rest of his body. Afterwards he pushed R.S. against a wall and punched him in the eye which caused him to bleed heavily. R.S. was then allowed to leave and he walked back to his container.
21. R.S. had a black eye for several days, he was seen by a doctor of Médecins sans Frontières who provided a medical report.
22. HRLP contacted the camp management and the police about the incident. HRLP also requested video footage from the camera inside the camp from the Data Protection Office of the Ministry of Migration. The management of the CCAC responded to HRLP's inquiry, stating that no incident has occurred and that there is no possibility of accessing CCTV footage, as the relevant equipment is not installed in the areas where the alleged incident took place. To HRLP's knowledge, the Greek authorities failed to open an investigation into the incident.

f. January 2024, I.B. and Q.P. witnesses of indiscriminate and disproportionate use of force by officers of the Hellenic police inside the CCAC

23. I.B. is a lawyer working for the reporting organisation. Q.P. is the legal coordinator of the reporting organisation. They directly witnessed the police brutality described hereinafter.

24. In particular, a morning of January 2024, I.B. and Q.P. were in the premises of the CCAC in order to meet with a client. To be more precise, they were near the entrance of the 'Protection Hub' and the 'administrative' zone of the camp, which includes the camp clinic and offices of the camp management and of the asylum services. Both zones are behind a high metal fence which is guarded by employees of the private security company G4S and police officers.
25. There was a group of asylum-seekers waiting behind the fences, and, as it is the line to access the clinic, the group included children, some of them under 10 years old, and other people in need of medical care. People were not let inside. A spontaneous protest erupted as some individuals started to chant "Asylum, asylum". The small protest was peaceful and nothing indicated a risk of escalation.
26. Suddenly, a group of riot police officers rushed in and, without any warning, attacked the crowd from behind. The officers were violently pushing people with their shields, including children. Doing so, the officers were loudly shouting and talking to the group of people as if it was a herd needing to be controlled. One officer violently pushed a man with his shield causing him to fall on I.B.
27. I.B. and Q.P. quickly understood that a little girl had been hit with a shield. Several children were crying and screaming in distress after the attack. A man who was standing with the family was arrested by the officers and brought to the administrative offices. Another officer, understanding that I.B., who had witnessed the whole scene, was a lawyer came to talk with her. I.B. told him that the officers' use of force was unprovoked, illegal and excessive. The officer replied that the operation was carried out to prevent the provocation of a violent incident. Such reply indicates an obvious misunderstanding of the legal framework regarding the use of force by State officials.
28. Asylum-seekers in the protest were exercising their right to freedom of peaceful assembly and the police's use of force was not justified as there was no evidence of a risk of escalation or violence. Furthermore, the Hellenic police's use of force was grossly disproportionate to the purpose of the preventive repression of a protest.
29. The same day, HRLP contacted the camp management, the Hellenic police and the office of the United Nations High Commissioner for Refugees in the CCAC to report the incident and request an investigation into the excessive use of force by the riot police. Some days later, HRLP also contacted the Data Protection Officer of the Ministry of Migration to request the video footage of the incident.
30. HRLP reported the incident to the Ombudsman and requested that the incident be investigated. As of October 2024, HRLP has not received any updates regarding the progress of the case investigation.

IV. Violence and bodily harm inflicted by officers of the Hellenic police to asylum seekers in their custody outside of the CCAC

a. April 2023, physical and sexual violence and bodily harm inflicted to F.G. by officers of the Hellenic police

31. F.G. was physically and sexually assaulted by officers of the Hellenic police while in police custody in Vathy, the main city of Samos. In particular, in April 2023, during a fight in the CCAC, to which he was not participating, F.G. received a stone on the head, fainted and was taken to the hospital by ambulance. The same day, police officers came to the hospital to arrest him and bring him to the police station to detain him. They took him to the police car next to the gate of the General Hospital of Samos and two police officers severely beat him up. F.G. fell to the floor and at that moment an officer kneeled on his chest. Another man was arrested and he was also violently hit by police officers. Both men were then taken in the police car to go to the police station. F.G. was sitting in the middle seat. Officers made insulting comments about F.G. and the other man's country of origin. Both men were forced to put their heads down and had their hands handcuffed in their backs. The police officer sitting next to him, K.G. started to hit F.G. in the back with his elbows before touching him in a sexual manner. He put his hand on F.G.'s genitals and squeezed them several times, inflicting pain on F.G. K.G. then told F.G. about sexual acts he would perform on him. None of the police officers in the car intervened. Once they arrived at the police station, and while F.G. was being interrogated by another officer, K.G. suddenly hit F.G. in the chest with his knee and then punched him in the face. After the interrogation was over, and while F.G. was sitting in the waiting room of the police station, K.G. sexually harassed him, verbally, and then pressed his genitals against F.G.'s shoulders.
32. In July 2023, HRLP filed a lawsuit against the Greek authorities for causing bodily harm, rape and inhuman and degrading treatments, with a racist motive. F.G. was able to identify K.G., the police officer who sexually assaulted him and the lawsuit therefore designates K.G. as the perpetrator. An investigation has been opened and F.G. was interrogated by the internal affairs of the Hellenic police. As of October 2024, the case is still pending before the Internal Affairs of the Police.

b. June 2023, violence and bodily harm inflicted to F.F., M.M. and R.R. by officers of the Hellenic police in the police station of Vathy

33. F.F., M.M. and R.R. were physically assaulted by officers of the Hellenic police during their detention at the police station of Vathy. The three men were accused of violence against officers and disobeying orders and were therefore arrested and brought to the police station in the city, where they were detained for the night. Their trial was postponed on two instances, as the authorities failed to provide the camera footage of the alleged assault. It is now scheduled to take place in March 2025.

It must be noted that the violence hereinafter took place in a limited area of the police station. There were several police officers present and, considering the premises, any police officer who was on the ground floor during the beatings could hear the hits but also the screams of the victims. The three victims were witnesses of the violence inflicted to the others.

34. In particular, in June 2023, the three men were in the waiting area of the police station before being each brought to a small room next to the cell, behind the police station reception. Before being brought to the room, R.R. was threatened by a police officer who placed a gun under his jaw. He was then taken to the room. He was kicked in the back by an officer and then forced to strip fully naked and squat. Afterwards, he was taken to the cell. R.R. then heard M.M. being brought to the room. M.M. was forced to strip naked. A police officer took his shirt, rolled it and then used it to whip M.M. An officer kicked him and another one punched him in the face. M.M. was then kicked in the knees before being told to get dressed. He was subsequently taken to the cell.
35. F.F. was the last one to be brought to the room. He was standing with his back to the wall and forced to undress fully. An officer punched him in the face and then another officer hit him repeatedly with a police baton. F.F. was screaming, crying in pain and begging for mercy. He urinated on himself and fell on the floor. Another officer then came into the room prompting the others to stop the beatings. F.F. was then instructed to get dressed and he was taken to the cell. F.F. had a black eye for several days after the attack.
36. In August 2023, HRLP filed a lawsuit against the Greek authorities for causing bodily harm and inhuman and degrading treatments, with a racist motive on behalf of F.F., M.M. and R.R. F.F. was able to identify one of the officers who is designated in the lawsuit. An investigation was opened and the three men have been interrogated by the internal affairs of the police. As of October 2024, the case is still in the stage of preliminary investigation before the Internal Affairs of the police.

c. November 2023, violence and bodily harm inflicted to I.J. by an officer of the Hellenic police

37. I.J. is a young man with significant health issues. After the incident described hereinafter, I.J. wanted to press charges against the officer who assaulted him. However, as HRLP was about to file the complaint, I.J. had to undergo emergency medical procedures in a life-threatening situation. I.J. decided not to file a complaint and was shortly after transferred to the mainland to receive medical care.
38. The incident took place in November 2023, at night. I.J. was leaving the General Hospital of Samos where he was examined for his high blood pressure. As he was exiting the hospital, a police officer attacked him. He punched I.J. in the chest and then on the arm. The punches were so strong that I.J. fell to the ground. While he was on the floor, the officer punched him in the chest again. When I.J. tried to get up, the officer grabbed him and threw him on the floor again. Eventually I.J. managed to stand up and was ordered to sit on the bench near the entrance.

The beating took place near the security gate of the hospital and could therefore be seen by the security guards.

39. HRLP requested the video footage of the CCTV from the hospital and also contacted the police station of Samos, first via phone and then via email, informing them of the incident and requesting the identity of the officer on duty at the hospital the night of L.J.'s assault. To HRLP's knowledge, the Greek authorities failed to open an investigation into the incident.

V. Gender based violence and bodily harm inflicted inflicted to women asylum seekers at the General Hospital of Samos

40. The General Hospital of Samos is a public hospital under the supervision of the Ministry of Health. Employees of the hospital are therefore State agents.

a. January 2024 L.M. Violence and bodily harm inflicted by employees of the General Hospital of Samos

41. L.M. is an asylum seeker and a survivor of severe forms of sexual and gender-based violence. She was a victim of violence and bodily harm inflicted upon her by employees of the General Hospital of Samos. She is francophone and does not speak Greek or English. There was no interpreter in the hospital while she was there and not a single employee tried to explain, through a translating application for example, what were the medical procedures performed on her.
42. In particular, L.M. contacted HRLP in January 2024 and reported having been aborted without her consent at the General Hospital of Samos. L.M. explained that she went to the hospital on a Friday and that she was then approximately five weeks pregnant. She was seen by a male doctor who made her sit in a chair, and without asking for her consent, inserted a long stick in her vagina and turned it around, causing her significant pain. He then did a blood test for pregnancy on L.M. which turned out positive. She was given an appointment for three days later. She did not receive any medication, not even painkillers.
43. The next day, L.M. bled heavily. She spent the two days in intense pain. On the third day, she returned to the hospital for her appointment. The medical staff did another blood test for pregnancy which turned out negative. A female medical practitioner then inserted a device which looked like a small vacuum in her vagina. This time again, the medical practitioner did not ask L.M.'s consent before inserting the device in her vagina. Afterwards, L.M. was sent back to the CCAC, without being prescribed any medication.
44. L.M. met with HRLP approximately one week after the incident. HRLP immediately referred L.M. to the organisation Médecins sans Frontières who arranged an emergency appointment for her. Upon seeing L.M. and the documents she had from the hospital, the midwife of Médecins sans Frontières explained that, from what she could understand, the very low level of pregnancy hormones shown on the first blood test results indicated a miscarriage.

It also suggested that the stick which was inserted in L.M.'s vagina was an ultrasound. The second blood test confirmed that L.M. had a miscarriage, which is why a vacuum was used.

45. The midwife insisted that L.M. should have been under anaesthesia during the second medical intervention and should have been prescribed medication, specifically antibiotics and painkillers.

b. February 2024, violence and bodily harm inflicted to N.M. by a doctor of the General Hospital of Samos

46. N.M. an asylum seeker residing in the CCAC Samos was physically assaulted by a gynaecologist of the General Hospital of Samos. N.M. was six months pregnant at the time of the assault. In particular, in February 2024, N.M. went to the General Hospital of Samos for a scheduled prenatal checkup appointment. When she saw the gynaecologist in the hospital, she asked for her appointment but he refused, insulted her and told her to leave. N.M. insisted and the doctor violently pushed her, causing her to fall on the arm of a chair behind her. After the initial shock, N.M. took out her phone to record. The doctor can be seen on the video angrily moving towards her, with his arm in her direction. He grabbed and pulled N.M.'s headscarf. The assault resulted in significant emotional distress and intense bruising on N.M.'s lower back, which is the part of her body that hit the chair.
47. N.M. contacted HRLP the same day. The following day, HRLP filed a lawsuit against the doctor on her behalf. The Hellenic police of Samos opened an investigation and ordered N.M. 's forensic examination by the coroner of the Hospital of Samos which was conducted the same day.
48. As of October 2024, no charges have been filed against the doctor and the investigation is still pending.

VI. Concluding observations on the ineffective investigations of reported arbitrary conduct of State agents targeting asylum-seekers

49. The violence faced by the fifteen asylum-seekers mentioned in this report shows that Greece does not guarantee to everyone, without distinction as to race, colour, or national or ethnic origin, the right to security of person and protection by the State against violence or bodily harm, inflicted by government officials.
50. Furthermore, the absolute impunity enjoyed by State agents who committed said acts indicates that Greece fails to assure to everyone within its jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms.