

GREECE

The alleged ill-treatment of Albanian citizen Arjan Hodi by police in Mytilene

On 24 March 2001 a group of local Greek students and young Albanian immigrant workers held a demonstration in the main square of Mytilene, the capital of Lesbos island, at which they denounced certain local bars and night-clubs for “racism”, and for discriminating against students and conscripts. They reportedly referred to an incident in which six Greek students were said to have been beaten by “bouncers”/doorkeepers of a bar while police looked on without intervening. They also cited a bar which had allegedly for a time displayed a sign prohibiting entry to “Albanians and conscripts”. They further protested about the case of a young Albanian who had allegedly been beaten up outside a bar in November 2000 for having dared to enter it.¹

Three days later, on 27 March, two police officers, A and B² arrested Arjan Hodi, aged 24, an Albanian working legally at a petrol station in Mytilene, who had previously reported to police that he and some of his compatriots had been denied entry to a night-club because of their nationality. The two officers who arrested him took him to Police Headquarters in Mytilene, where police officer allegedly punched him and beat him with a truncheon. Police officer A allegedly told Arjan Hodi that he was a cousin of the bouncer at a certain bar and threatened to jail Arjan Hodi and have him sent back to Albania if he continued to protest or demonstrate. Arjan Hodi was released an hour later, but was so severely injured that on his way home he lost consciousness, and had to be admitted to hospital.

On 29 March criminal proceedings on charges of “torture and other offences against human dignity” under Article 137A of the Greek Penal Code were started against police officer A. Similar charges were brought against other, unnamed, police officers who according to the Ministry of Public Order were present at the police station while Arjan Hodi was being beaten.³ Arjan Hodi subsequently withdrew a criminal complaint he had filed against police officer A, after the latter apologised and paid for his hospital fees. However, the withdrawal of the complaint has not halted criminal proceedings in this case. In October 2001 the prosecuting authorities in Mytilene reportedly stated that police officer A had been sent a summons to testify to an investigating judge, but that due to many other pending cases, he would probably not be called to testify until early 2002.

¹See *Eleftherotypia* of 02/03/01. Arjan Hodi’s name is not mentioned in this article, but he may have been the Albanian referred to.

²Names known to Amnesty International

³*Eleftherotypia* 30/03/01

An internal police inquiry (known as a Sworn Administrative Investigation) was also opened into the incident. In November 2001 it was reported that this inquiry had concluded that police officer A, in the presence of other police officers, had beaten and threatened Arjan Hodi. The case had been sent to the First Instance Police Disciplinary Council with the recommendation that A be dismissed from service, and that the other police officers receive lesser sanctions. The same press report noted that police officer A had admitted in a letter to the Public Prosecutor that he had ill-treated Arjan Hodi. Additionally, it was alleged that police officer A had previously been repeatedly reported for violent behaviour, both while serving at Mytilene police station and elsewhere, and that his superiors in the Greek Police were aware of his links with members of an extreme right-wing organization.⁴ An article in a local on-line newspaper, however, expressed outrage at the proposed dismissal of A, who “*did what any police officer would have done in his place. He used his service truncheon in response to the resistance of the Albanian. However, he made an error which an experienced officer would have avoided. He allowed Hodi to leave without recording the incident and keeping him ‘inside’ as he should have.*”⁵ The article described Arjan Hodi as a dangerous “mafioso”, without, however, substantiating this accusation.

Amnesty International’s concern

Amnesty International is concerned at the allegations of ill-treatment of Arjan Hodi and is calling on the Greek authorities to conduct a prompt, thorough and impartial investigation into them, and, if they are well founded, to bring to justice the persons responsible, as well as to ensure that Arjan Hodi receives fair and adequate compensation, as required by international standards.

Other related events

Following the end of communist rule in 1991, and the break-down of law and order in 1997 arising out of the collapse of financial pyramid schemes, poverty, unemployment and insecurity have driven hundreds of thousands of Albanians abroad, and many have turned to neighbouring Greece. Although their work is needed to meet shortages - particularly in agriculture and the building industry - in Greece, they are often regarded with hostility and suspected of being responsible for a rise in crime, although this is reportedly not borne out by statistics.⁶ The case of Arjan Hodi illustrates how racial tensions in a small community can escalate into a chain-reaction of threats, lawlessness and violence.

⁴*Eleftherotypia*, 21 November 2001

⁵*Aegean Times*, 20 November 2001

⁶See *Athens News* of 27 July 2001

In the early hours of 30 July 2001 a fight broke out at a bar in Mytilene, involving Arjan Hodi and a group of Albanian friends and the owner and employees of a bar, in which five or six Greek men were wounded, one of them seriously. According to the owner of the bar, Arjan Hodi and his companions had tried to force their way into the bar, while the Albanians claimed that the dispute had started because they had been refused entry because of their nationality.⁷ Only three days later, on 2 August, Arjan Hodi and three other Albanians were tried in Mytilene on the serious charges of being members of a gang, possession and use of weapons, threat and causing dangerous bodily injuries. Three of them were reportedly tried without a defence lawyer since they were unable to provide documented proof that they lacked sufficient funds to hire a lawyer and therefore were not eligible for legal aid. The four defendants were convicted, and sentenced to a suspended sentence of 37 months' imprisonment each, and their immediate expulsion from Greece.⁸

Furious crowds reportedly tried to mob the four defendants on their way to and from the court room and the trial took place under strict security measures. Television broadcasts reportedly showed angry local citizens with guns making threatening statements about Albanians and other immigrant workers. In the meantime a "popular meeting" held in the nearby village of Loutra (where most of the Greek victims, but only one of the accused Albanians, lived,) issued an ultimatum that all Albanian inhabitants in the village, many employed in agriculture, should leave the village by 5 August. By that date some 150 Albanians, including families and children who had been born in the village, had fled. Senior Greek politicians and sections of the national and local press variously criticized the inhabitants of Loutra for xenophobia or defended their actions. There was also criticism of local authorities for failing to take measures to protect the Albanians, or to institute criminal proceedings against those who had threatened to use violence against them.

It is clear that racial grievances on the island have not been resolved: in the early hours of 17 November 2001 a group of Greeks attacked five Albanian migrant workers who were leaving from a club in Gera village on Lesbos, stabbing one of them with a knife, and seriously wounding him. Two of the Albanians were taken to hospital for treatment. Four Greeks were arrested; they reportedly claimed that the Albanians had initiated the fight. However, witnesses reportedly claimed that the Greeks had attacked the Albanians for having "dared" to enter a club where Greeks were enjoying themselves".⁹

⁷*Eleftherotypia*, 31 July 2001

⁸*Eleftherotypia*, 3 August 2001

⁹*Eleftherotypia*, 21 November 2001

The Greek Constitution and national law specifically prohibit the use of ill-treatment or torture.

Article 7, paragraph 2, of the Greek Constitution states that: “[T]orture, any bodily maltreatment, impairment of health or the use of psychological violence, as well as any other offence against human dignity, are prohibited and punished as provided by law”.

Under national legislation, Article 137A-D of the Penal Code, dealing with “*Torture and other attacks on human dignity*” defines torture as “...*any systematic infliction of acute physical pain, or of physical exhaustion endangering the health of a person, or of mental suffering capable of leading to severe psychological damage, as well as any illegal use of chemicals, drugs or other natural or artificial means with the aim of bending the victim’s will*” (Art. 137A paragraph 2) - when perpetrated by a “*an official or military whose duties include the prosecution, interrogation or investigation of criminal offences or breaches of discipline or the execution of punishments or the guarding or the custody of detainees...[on] a person who is in his power with the aim of a) extorting from this person or a third person a confession, testimony, information or statement, repudiation or acceptance of a political or other ideology; b) punishing c) intimidating the person or a third person*” (Art.137A paragraph 1).

The prescribed penalty, in principle, for someone found guilty of torture is from three years’ to life imprisonment. The penalty is of at least 10 years in the most serious cases (such as for example the use of the *falanga* or electric-shock equipment - Art. 137B paragraph 1a) and life imprisonment if the victim dies (Art. 137B paragraph 3). Less serious cases involving “*Physical injury, injury to the health, the use of illegal physical or psychological force and any other serious attack on human dignity, which is committed by persons under the conditions and for the purposes defined in paragraph 1*”, are punished by three to five years’ imprisonment (Art.137A paragraph 3). Additionally, persons convicted of torture are automatically deprived of their political rights and dismissed from their jobs (137C). Under Article 137D paragraph 4 “*the victim of the offences [defined] in articles 137A and 137B has a right to demand from the individual and the state which are entirely responsible compensation for damages done to him/her and pecuniary satisfaction for psychological and moral damage*”

International Standards

Greece ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1988. In doing so, it expressly undertook to prevent torture taking place within its territory by undertaking to educate and train law enforcement

officers, to ensure that its competent authorities proceed to a prompt and impartial investigation of cases where there are reasonable grounds to believe that an act of torture has been committed, to ensure that victims of torture have the right to compensation or, where a death had occurred as a result of an act of torture, that the victim's dependants are entitled to compensation, and that those responsible for the torture are punished by appropriate penalties.

Article 2, Paragraph 1, of this Convention states that: “ *Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction*”.

Greece also ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) in November 1974. Article 3 of the Convention states that: “*No one shall be subjected to torture or to inhuman or degrading treatment or punishment*”. In 1991 Greece ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which provides for a system of regular inspections of places of detention by the European Committee for the Prevention of Torture (CPT). Greece is legally bound to observe the provisions of this treaty.

Amnesty International unconditionally opposes torture and other forms of cruel, inhuman or degrading treatment or punishment.

Amnesty International is calling on the Greek authorities

L to undertake a thorough and impartial investigation into the allegations of ill-treatment made by Arjan Hodi

L to ensure that any police officers found responsible for ill-treatment be brought to justice, and adequate compensation be awarded to the victim.