

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

28 JULY 2017
AI Index: EUR 25/6845/2017

Greece: Authorities must investigate allegations of excessive use of force and ill-treatment of asylum-seekers in Lesvos

Amnesty International calls on the Greek authorities to urgently investigate allegations that police used excessive force against asylum-seekers in the Moria camp near Mytilene during a protest on 18 July 2017 and ill-treated some of those who were arrested and detained in the Mytilene police station following the clashes that ensued. Testimonies the organisation collected from victims and witnesses about excessive use of force in the Moria camp are also supported by audio-visual material that was made public in the media in the days after the protest.

In the morning of 18 July, a protest which began peacefully in the Moria camp led to clashes around noon between a group of protesters and the police. Following the clashes, police arrested 35 male asylum-seekers and charged them with arson, causing injuries to police officers and causing damage to private property. Thirty-four of those charged were detained in the Mytilene police station, while one was transferred to hospital. On 25 July, a judge investigator ordered the pre-trial detention of 30 of those charged while four were released.¹ On 27 July, the hospitalized asylum-seeker was discharged and a judge decided not to detain him further. Eight of the asylum-seekers who were arrested filed criminal complaints reporting ill-treatment by the police.

This is not the first time that tensions have arisen in the Moria camp as a result of poor reception conditions, the death of asylum-seekers linked to such conditions, delays in the examination of asylum claims and the uncertainty that the refugees feel as a result of being stranded on the island.

In the past week, Amnesty International interviewed 11 of the asylum-seekers facing charges, including the one who was hospitalized, as well as their lawyers. Amnesty International also interviewed three other asylum-seekers who were in the Moria camp during the police operation of 18 July, representatives of non-governmental organizations on the island and representatives of the Lesvos police.

¹ Between 25 and 26 July, 20 of those held in pre-trial detention were transferred to Athens and two to Chios.

EXCESSIVE USE OF FORCE BY POLICE IN THE MORIA CAMP

The asylum-seekers interviewed reported that during the police operation to apprehend people who were clashing with police, police used excessive force and on one occasion discharged chemical irritants inside a container where asylum-seekers were accommodated.

Additionally, a video widely available on social media shows some police officers throwing stones in the direction of some protestors.² Another private video obtained by lawyers shows police officers repeatedly hitting individuals with truncheons even after these individuals had fallen on the ground.³ A third video shows individuals in plain clothes beating people apparently presumed to be protestors, with uniformed police standing nearby and failing to intervene.⁴

F., one of the asylum-seekers arrested that day, told Amnesty International:

'The police fired a lot of teargas and I felt like I was suffocating. ... Ten police officers beat me everywhere with their batons for three minutes. I was on the ground trying to protect myself, trying to make myself small..... They hit me on the right hand and on the head with their batons and kicked me with their boots..... The police officer who took me to the car spat on my face and called me 'stupid African'.....'

N., an asylum-seeker in his 30s, who was arrested by police but then shortly after was transferred to the hospital, told Amnesty International that he arrived in the Moria camp in the afternoon on his return from an appointment in Mytilene:

' ... After I entered in the camp, I arrived in front of EASO [the European Asylum Support Office]. A police officer hit me on the back of my neck ... I turned... and more police officers came and they hit me so much that I fell and [they] stepped on me... (During my beating)..... I lost consciousness ... I woke up in the hospital...'

A., another asylum-seeker in his early twenties, who was also arrested, said: *'... When I came out of the shower, the police caught me... They pulled me by my hair and hit me in the temple with a fist and dragged me on the ground...'*

Amnesty International also obtained extensive testimonies from three asylum-seekers, who were not among those arrested, each describing how the police threatened and pushed on the ground a visibly pregnant asylum-seeker from Nigeria and ill-treated a male asylum-

² The second video available at: <http://www.alfavita.gr/arhron/koinonia/nea-exegersi-sti-moria-vinteo-me-astynomikoys-na-petane-petres-stoys-prosfiges>.

³ On file at Amnesty International.

⁴ Footage shown in BBC News Turkey programme 'Europe's forgotten crisis', available at (relevant footage from 00:58): <https://vimeo.com/226661092>.

seeker who was hiding under a bed because he was scared that police would apprehend him. The male asylum-seeker reportedly lost consciousness as a result of the ill-treatment.

'A police officer [lifted] the bed and dragged S. by his head and then hit his head on the floor (of the container)... [Then] he dragged him by his t-shirt on the floor and[threw him] outside of the container... Another officer came back and told the pregnant woman... 'You lied, you lied that there is no man here...you must go to prison...' A police officer pushed her [and she fell on the ground]...' ... described one asylum-seeker.

ALLEGATIONS OF ILL-TREATMENT IN MYTILENE POLICE STATION

On 22 and 23 July, Amnesty International interviewed 10 asylum-seekers detained in the Mytilene police station. Many of those interviewed said that upon their arrival at the police station, police placed plastic handcuffs on them and pulled them very tight causing them severe pain. They also described how they had to sit on the floor of the police station for between five and six hours with their handcuffed hands behind their back, which added to their pain.

Some of them showed Amnesty International visible marks around their wrists which they said were linked to having been tightly handcuffed, and said that during the time that they remained handcuffed and sat on the floor, they were not offered any food or water and they were not allowed to go to the toilet. Some described beatings by police that may amount to torture.

B., an asylum-seeker in his twenties, said that his wrist was fractured when he was beaten by riot police during his arrest, and as a result being handcuffed behind his back caused him excruciating pain:

'...They put plastic handcuffs ... It hurt us a lot and some people urinated on themselves. I was ... in the plastic handcuffs and I had a broken wrist...'

Two of the asylum-seekers interviewed alleged that they were ill-treated in the cells of Mytilene police station:

D., an asylum-seeker in his early twenties said: *'...I was still tied with plastic handcuffs.... There were six police officers and they started to beat me... A police officer said 'not here' and they took me to the end of the hallway...They beat me with their batons and fists...I am in pain... '*

F., said *'... I was hit by a police officer with the fist on the head three times...'*

Despite their injuries, asylum-seekers interviewed in the police station said that even though they requested medical assistance for their injuries, the police delayed sending them to the hospital for some days. During their visit, delegates of Amnesty International saw open wounds on the body of one of the individuals interviewed, while another had his hand in a plaster cast. Those interviewed said that their injuries were the result of beatings by the police. The organization was also informed by lawyers that two of the persons charged were vulnerable individuals due to their experiences in the countries they

had fled from and transited through before arriving in Greece⁵

They all also told Amnesty International that while in detention, police asked them to sign documents in Greek without the presence of an interpreter and a lawyer. They said that the police told them that they would be in trouble if they did not sign the documents. All but one of those whom Amnesty International interviewed said that they signed the document presented to them because they were afraid of what would happen to them if they did not do so.

INFORMATION FROM SENIOR POLICE

In interviews with the Lesvos Police Director and some other senior police officers, Amnesty International was informed that 12 police officers sustained injuries during the clashes and three had to go to hospital to receive first aid.

Amnesty International acknowledges that policing demonstrations can be a challenging task, and that law enforcement officials are sometimes required to use force to maintain order and prevent crime. However, in carrying out their duties they must adhere to international law. The United Nations (UN) Basic Principles on the Use of Force and Firearms by Law Enforcement Officials explicitly state that police should as far as possible, apply non-violent means before resorting to the use of force, which they may use force to the minimum extent necessary and only if other means remain ineffective or without any promise of achieving the intended result. If the lawful use of force is unavoidable, police must exercise restraint in its use and act in proportion to the legitimate objective to be achieved, minimize damage and injury, and ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment. The Basic Principles also underline that governments must ensure that arbitrary or abusive use of force by law enforcement officials is punished as a criminal offence under the law.⁶

When there are allegations of excessive, arbitrary or abusive use of force by police or of acts of torture or other ill-treatment, the authorities must ensure there are effective and impartial investigations into those allegations. Police must not be exempted from criminal liability for unlawful acts committed in the course of duty. Over the years Amnesty International has repeatedly highlighted the continuing failure of the Greek authorities to conduct prompt, thorough, impartial and effective investigations into allegations of serious human rights violations by its officials.⁷

⁵ In a recent report, Medecins sans Frontieres found that in Lesvos 'vulnerable people's health and well-being were being put at risk by a grossly deficient vulnerability screening system and policies aimed at returning as many people as possible to Turkey', see 'A dramatic deterioration for asylum-seekers on Lesbos', July 2017, available at http://www.msf.org/sites/msf.org/files/msf_lesbos_vulnerability_report1.pdf.

⁶ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 27 August to 7 September 1990: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx>

⁷ For example, A Law unto Themselves – A culture of abuse and impunity in the Greek Police, April 2014, EUR

On 25 July, Amnesty International was informed by the Lesvos Police Director that the Greek Police Headquarters ordered an internal disciplinary investigation into the allegations of excessive use of force and ill-treatment of those arrested.

RECOMMENDATIONS

Amnesty International strongly urges the Greek authorities to conduct a prompt, thorough, impartial and independent investigation into the allegations against the police and ensure that those responsible are being brought to justice. The organization further urges the Greek Ombudsman in his mandate as a police complaints mechanism investigating incidents of abuse by law enforcement officials to undertake the investigation of these allegations. Any police officers reasonably suspected of committing criminal acts should be prosecuted.

Individuals who are being charged with crimes in relation to the clashes that followed the protest of asylum-seekers must have access to interpreters, free of charge, and to lawyers of their choice, free of charge if they do not have the means to pay, in order to ensure a fair trial.

The tensions in Moria are a result of the policies that confine asylum-seekers under the EU-Turkey deal to sub-standard conditions on the Greek islands for months on end. The policy of confining asylum-seekers to the islands in order to return them to Turkey must end. Instead, European governments must work with the Greek authorities to transfer asylum-seekers to mainland Greece for their adequate reception and relocation to other European countries.