



GREECE: FREEDOM OF ASSEMBLY AT RISK AND UNLAWFUL USE OF FORCE IN THE ERA OF COVID-19

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Cover photo: Police stands guard in front of the Greek parliament on the sidelines of a demonstration to support ailing Greek far-left hitman Dimitris Koufodinas in Athens on March 2, 2021.
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1. EXECUTIVE SUMMARY

Endemic, longstanding problems of police misconduct in Greece continued to be reported during the pandemic, but have been compounded by other forms of state overreach and abuse of power that have been wrongly justified by the Greek authorities in the name of protecting public health. Flawed legislation and problematic practices have had a chilling effect on the rights to freedom of expression and of peaceful assembly.

During the country's second lockdown, the Greek authorities three times introduced blanket bans on public outdoor assemblies that constituted disproportionate restrictions to the rights to freedom of expression and peaceful assembly and violated Greece's obligations under international human rights law.¹ In November and December 2020, the Greek authorities penalized peaceful protesters or individuals calling for participation in peaceful protests. Human rights lawyers, women's rights defenders, trade unionists and members of political parties were arbitrarily arrested and criminalized for allegedly breaching public health rules and were handed unjustified administrative fines. These rights were violated at a time when people wished to voice their concerns over important issues such as unlawful use of force by police, gender-based violence and the significant problems in Greece's public health system – hit by many years of austerity policies - at the time of the pandemic.²

Detrimental legislative reforms regulating demonstrations were also introduced in July and September 2020. Provisions of concern regard among others dispersal and prohibition of assemblies, the regulation of spontaneous assemblies and notification requirements. Government Guidelines in relation to the use of force appear broad regarding the type of situations where police will resort to force and are silent in relation to the threshold of risk for which the different means, methods and weapons will be used. Legislation on the use of cameras and drones in demonstrations and its implementation raise concerns on issues such as: transparency; the chilling effect that the use of cameras can have on peaceful demonstrators; and the wide range of offences that can be a ground under the Greek legislation for such systems to be introduced.

The cases documented in this report also show that the Greek authorities unlawfully interfered with and failed to facilitate the right to freedom of peaceful assembly by introducing blanket bans and dispersing peaceful assemblies including by resorting to unnecessary and excessive use of force. They also highlight how the police operations during the demonstrations documented made things much worse since protesters were not able any longer to keep physical distancing and reduce the risk of contagion.

Interviewees described how police resorted unnecessarily and excessively to the use of water cannon and chemical irritants against peaceful protesters. Some spoke of police hitting them with batons on their heads and using stun grenades in a way that could cause considerable injury including hearing problems.

¹ Greece entered into a second lockdown in early November 2020 and restrictions started easing significantly since May 2021. See: <https://bit.ly/2RwB8Ey>; <https://bloom.bg/2TF03qC>.

² See Amnesty International, *Greece: Resuscitation Required – The Greek Health System after a Decade of Austerity* (Index: EUR 25/2176/2020).

In some cases, female interviewees said that they were subjected to sexist and abusive language by police and in one case, protesters said that riot police identified themselves as being members of the far-right party Golden Dawn.

Some of the individuals interviewed described being subjected to unlawful use of force during COVID-19 checks or treatment that may amount to torture or other ill-treatment while in police custody. Protesters and other individuals interviewed also described overcrowding and/or very poor detention conditions that they considered as putting them at an increased risk of being exposed to COVID-19. Individuals interviewed also reported that police failed to inform them of the grounds of their arrest for several hours after their transfer to a police station and delayed or denied access to legal assistance.

A series of recommendations are made to the Greek authorities including amending legislation and policies regulating demonstrations to bring them in line with the country's international human rights commitments; ensuring in law and in practice that all uniformed law enforcement officials display an easily recognizable and clearly visible form of personalized identification at all times; and halting the criminalization and annulling the fines against peaceful protesters, lawyers, women's rights activists and those other individuals who were arbitrarily arrested in November and December 2020.

The organization also urges the Greek authorities to stop characterizing incidents of unlawful use of force as "isolated", acknowledge the systemic nature of the phenomenon and send a strong message that such incidents will not be tolerated. They must also ensure the prompt, impartial, independent and effective investigation of all allegations of human rights violations by law enforcement officials documented in this report.

2. INTRODUCTION

Since the beginning of the pandemic, Governments across the world felt forced to take a wide range of measures restricting human rights to tackle the spread of COVID-19. Certain human rights norms and standards can be subject to limitations – as long as these have a proper legal basis, pursue a legitimate aim such as the protection of public health and are both necessary and proportionate. However, this report provides a series of examples of state overreach and abuse of power that have been wrongly justified by the Greek authorities in the name of protecting public health and had a chilling effect on the exercise of the rights to freedom of peaceful assembly and freedom of expression.

The violations documented include blanket bans on demonstrations introduced after Greece entered in the second lockdown; arbitrary arrests and criminalization of peaceful protesters and other individuals for allegedly breaching public health rules; and imposition of unjustified fines.

The report also analyses in detail detrimental legislative reforms regulating demonstrations introduced between July and September 2020 and concludes that they constitute an unjustified interference with the right to freedom of peaceful assembly. It documents several cases concerning dispersal of peaceful demonstrations during the period of the second lockdown and reported unlawful and excessive use of force as well as some serious allegations of torture or other ill-treatment of protesters and other individuals in detention. The cases documented also highlight failings of the Greek authorities to guarantee core safeguards against torture and other forms of ill-treatment for persons deprived of their liberty including access to a lawyer and medical assistance.

A series of recommendations are made to the Greek authorities including the proposed amendment of legislation and policy regulating demonstrations so that they are brought in line with the country's international human rights commitments. The organization also urges the Greek authorities: to stop characterizing incidents of unlawful use of force as "isolated" and acknowledge the systemic nature of the problem; ensure the prompt, impartial, independent and effective investigation of all allegations of human rights violations by law enforcement officials documented in this report; and halt the criminalization and annul the fines against peaceful protesters, women's rights activists, lawyers and those other individuals who were wrongfully arrested prior and during symbolic actions and demonstrations that took place in November and December 2020.

3. METHODOLOGY

Between 17 November 2020 and the end of May 2021, Amnesty International interviewed eighteen individuals (eight female and ten male) who described being subjected to and/or witnessing unnecessary and excessive use of force or other ill-treatment by members of the Greek Police during or after demonstrations; and nine individuals (four female and five male) including women's rights activists, a lawyer and members of political parties arbitrarily arrested and criminalized for allegedly breaching public health rules.

Between March and June 2021, the organization also documented the case of an individual subjected to unlawful use of force during a COVID-19 check; and the cases of two protesters who described treatment amounting to torture while in custody following their apprehension by police.

Amnesty International also spoke with eight lawyers representing the individuals whose cases have been documented; a family member; and representatives from the 'Initiative of Lawyers and Jurists'; the NGO Homo Digitalis; and the Greek Union of Photo-Journalists (EFE).

Footage, pictures and medical certificates supporting the testimonies of unnecessary and excessive use of force and other ill-treatment were also reviewed.

All interviews were conducted remotely and/or in writing due to the travel restrictions introduced as a result of the pandemic. Amnesty International would like to express its deep gratitude to all people who shared their stories.

4. LAW AND GUIDELINES REGULATING DEMONSTRATIONS BREACH INTERNATIONAL STANDARDS

While international human rights law permits the exercise of the right to freedom of peaceful assembly to be subject to certain restrictions, any such restrictions are only permissible if they are provided by law, for the purpose of protecting certain limited public interests, and are demonstrably necessary and proportionate to that purpose.³ States have very narrow margins for justifying restrictions to this right, and therefore restrictions must be construed narrowly so that the rights are “practical and effective” not “theoretical or illusory”.⁴ Any restrictions imposed which do not meet all elements of this “three-part test” constitute violations of the right.⁵ The UN Human Rights Committee (HRC) has underlined that any restrictions on the right to freedom of peaceful assembly “should be guided by the objective of facilitating” this right.⁶

Since the beginning of the pandemic, the Greek authorities have introduced a series of detrimental legislative reforms that have a chilling effect on the right to freedom of peaceful assembly. In other words, these measures will make people fearful of exercising their rights for fear of punishment. In particular, on 29 June 2020, the Greek Minister of Citizen Protection tabled before Parliament a bill that would regulate public assemblies.⁷ The bill sparked large protests⁸ and drew criticism by civil society, including Amnesty International, political parties and trade unions.⁹ It became law on 10 July 2020 (Law 4703/2020)¹⁰ and was followed by implementing legislation in September 2020.¹¹

³ Article 21 of the ICCPR; 11(2) European Convention on Human Rights.

⁴ See *El-Masri v. “the former Yugoslav Republic of Macedonia”*, no. 39630/09, Judgment of 13 December 2012, para. 134.

⁵ Venice Commission Opinion on the Law-Making Amendments and Addenda to the Law on Conducting Meetings, Assemblies, Rallies and Demonstrations in Armenia, (2005), para. 30.

⁶ See UN Human Rights Committee (HRC), General comment No. 37 (2020) on the right of peaceful assembly (Article 21) (General comment No.37), CCPR/C/GC/37, 17 September 2020, para. 36, available at: <https://bit.ly/3clizuB>.

⁷ See <https://bit.ly/3x2iHYN>.

⁸ Reuters, Thousands of Greeks protest against bill to regulate demonstrations, available at: <https://reut.rs/3du09Zy>.

⁹ See Amnesty International, Greece: Amnesty International Statement on Bill of the Ministry of Citizen Protection: ‘Public Outdoor Assemblies and Other Provisions’, 9 July 2020 (Index: EUR 25/2706/2020), available at: <https://bit.ly/3svKkGb>; <https://bit.ly/3gnKKMe>; Greek Reporter, Government, Opposition Clash over Bill to Curb Demonstrations in Greece, 9 July 2020, available at: <https://bit.ly/3dvDlBT>.

¹⁰ Law 4703/2020, Public outdoor assemblies and other provisions, available at: <https://bit.ly/31HQbgk>.

¹¹ Presidential Decree (PD) 73/2020, Regulation of public outdoor assemblies, available at: <https://bit.ly/3n07SSd>.

Serious concerns exist as several provisions of Law 4703/2020 and its implementing legislation constitute an unjustified interference with the right to freedom of peaceful assembly as it is guaranteed in international and regional treaties that Greece is party to, including the International Covenant on Civil and Political Rights (ICCPR) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights).¹² The provisions of concern regard among others dispersal and prohibition of assemblies, the regulation of spontaneous assemblies and notification requirements.¹³

During the country's second lockdown, the authorities also three times introduced blanket bans on public outdoor assemblies that constituted disproportionate restrictions to the rights to freedom of expression and peaceful assembly and violated Greece's obligations under international human rights law.

On 21 January 2021, the Minister of Citizen Protection also presented Guidelines on the policing of demonstrations (National Plan for the Management of Public Outdoor Assemblies)¹⁴ implementing provisions of the controversial legislation on public outdoor assemblies including those on the regulation of spontaneous assemblies and dispersal of assemblies.¹⁵ The Guidelines provide for the designation of a restricted area for journalists that they can resort to on their own initiative in cases of clashes and the appointment of a senior officer who would communicate with them during the assembly.¹⁶ The announcement prompted reactions by journalists¹⁷ and Reporters without Borders, who saw it as a threat to press freedom.¹⁸ According to the Greek Union of Photo-journalists (EFE), the Ministry's announcement entailed many risks, such as limiting the free access of photo-journalists to demonstrations. EFE also underlined that it documented more injuries and obstruction in the work of its members by the police and less by protesters.¹⁹

Amnesty International is concerned that the Guidelines allow the use of force in a wide range of situations during demonstration and remain silent regarding the threshold of risk for which the different means, methods and weapons will be used. In addition, legislation on the use of cameras and drones in demonstrations and its implementation raise concerns on issues such as: transparency; the chilling effect that the use of cameras can have on peaceful demonstrators; the wide range of offences that can be a ground for such systems to be introduced; and that data retention rules are not in line with international human rights standards.

Further, despite announcements that police involved in the management of assemblies will wear visible identification to ensure accountability, there have been no official reforms so far.

Amnesty International's analysis in this section shows how this legislation, blanket bans and policies introduced breach international standards on the rights to freedom of expression and peaceful assembly.

4.1 DISPERSAL OF ASSEMBLIES

Amnesty International is seriously concerned that the grounds of dispersal as provided by Article 9 of Law 4703/2020 can lead to unnecessary and disproportionate interferences with the right to freedom of peaceful assembly. Article 9 gives the police or coastguard discretion to dissolve peaceful assemblies: that have been banned; where organizers did not fulfil notification requirements; or where participants may have breached restrictions imposed on the assembly such as moving beyond barriers or railings set up by the police.

Article 9 also provides for the dispersal of an assembly if it becomes violent and participants commit serious offences such as attacking persons, inflicting damage to property and attacking police officers and particularly in cases where explosive devices or sharp objects are used or in case the continuation of the assembly causes immediate danger against life or bodily harm. The provision and its implementing legislation²⁰ fail to take into account the need to protect the right of peaceful protesters to continue with the assembly and that police can in many instances take measures such as targeted arrests of those individuals engaged in violence instead of proceeding with the dispersal of the whole assembly.

¹² Article 21 of the ICCPR and Articles 10 and 11 of the European Convention on Human Rights.

¹³ See also analysis on the chilling effect of a provision introducing liability of organizers for offences committed by participants during a demonstration. Amnesty International Statement on Bill of the Ministry of Citizen Protection.

¹⁴ See Ministry of Citizen Protection, National Plan for the Management of Public Outdoor Assemblies, available at: <https://bit.ly/3svmMkF>.

¹⁵ Sections 1, 3.1 and 10.2 of Guidelines

¹⁶ Section 3.3. of Guidelines.

¹⁷ See <https://bit.ly/3v1cfui>.

¹⁸ Reporters without Borders, Greece's new guidelines for policing protests threaten press freedom, available at: <https://bit.ly/3tMsw10>.

¹⁹ Email communication with EFE, 10 May 2021.

²⁰ Article 10 of Presidential Decree 73/2020.

Amnesty International stresses that a decision to disperse an assembly should be the last resort.²¹ The mere reason of an assembly being considered unlawful under domestic legislation should not lead to its automatic dispersal. As long as an assembly remains peaceful, authorities should show restraint and tolerance in order to respect the right to freedom of peaceful assembly and so as not to unduly fuel tensions.²² As noted by the HRC: “Dispersal may be resorted to if the assembly as such is no longer peaceful, or if there is clear evidence of an imminent threat of serious violence that cannot be reasonably addressed by more proportionate measures, such as targeted arrests”.²³ Furthermore, the violent acts of some individuals do not deprive those who assemble peacefully of their right to do so.²⁴

4.1.1 MANDATORY NOTIFICATION REQUIREMENTS

Laws regulating the conduct of assemblies and demonstrations must ensure that they do not impose an authorization requirement before an assembly can take place. According to the OSCE Guidelines on Freedom of Peaceful Assembly, freedom of assembly is a fundamental right, and it should “be enjoyed without regulation insofar as is possible” and “those wishing to assemble should not be required to obtain permission to do so”.²⁵

It is important to underscore the difference between an authorization regime, under which protesters are required to seek permission from the authorities to assemble, and a notification regime, by which there is simply a mechanism by which protestors can optionally notify authorities of their intention to assemble. Failure to notify the authorities of the intention to assemble must not be used as a purported justification for dispersal.²⁶

However, Article 3 of Law 4703/2020 introduces a mandatory notification regime and Article 9 para 1(d) grants wide discretion to the competent authorities to dissolve assemblies where a notification is not made with the exception of spontaneous assemblies that are allowed under certain circumstances. The Law also fails to exempt from the obligation of notification those assemblies whose impact would be expected to be minimal.²⁷

4.1.2 REGULATION OF SPONTANEOUS ASSEMBLIES

Laws regulating the exercise of the right to peaceful assembly must ensure that, when specifying the notification requirements, these do not exclude the possibility of spontaneous assemblies. Spontaneous assemblies are generally regarded as those organized in response to some occurrence, incident, other assembly or speech, where the organizer – if there is one – is unable to meet the legal deadline for prior notification, or where there is no organizer at all.²⁸

Numerous regional and international bodies have addressed spontaneous assemblies and require states to equally protect the right to freedom of assembly when these occur. The Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association has stipulated as best practice that states adopt legislation actively allowing for the “holding of spontaneous assemblies, which should be exempted from prior notification”.²⁹

Amnesty International is concerned that, while Article 3 para. 3 of Law 4703/2020 and its implementing legislation³⁰ allows for spontaneous public outdoor assemblies that have not been notified to the authorities, it also sets broad requirements that are open to arbitrary interpretation by the competent authorities and can limit excessively the right to freedom of peaceful assembly.³¹ In particular, spontaneous assemblies should

²¹ Joint Report to the Human Rights Council, UN Special Rapporteur on the rights to freedom of peaceful assembly and of association and UN Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies, UN Doc. A/HRC/31/66, para. 61.

²² *Nurettin Aldemir and others v. Turkey*, (32124/02, 32126/02, 32129/02, 32132/02, 32133/02, 32137/02 and 32138/02) ECtHR Second Section (2007), para. 46.

²³ HRC, General comment No. 37, para. 85.

²⁴ *Ziliberberg v. Moldova*, (61821/00) ECtHR Fourth Section (2004), (admissibility), para. 53.

²⁵ OSCE/ODIHR and the Venice Commission, *Guidelines on Freedom of Peaceful Assembly*, 2010, para. 30.

²⁶ HRC, General comment No. 37, para. 71.

²⁷ The law exempts from notification requirement public outdoor assemblies taking place on 1 May (Labour Day) and 17 November (Day commemorating the Polytechnic Student Uprising).

²⁸ OSCE/ODIHR and the Venice Commission, *Guidelines on Freedom of Peaceful Assembly*, 2010, para. 126.

²⁹ Report of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, UN Doc. A/HRC/20/27, (2012), paras. 29, 91.

³⁰ Article 3 para. 5 of PD 73/2020.

³¹ According to Article 3 para. 3 of Law 4603/2020 and Article 3 para. 5 of PD 73/2020, a spontaneous assembly is allowed as long as no danger of disturbance of public order or serious disturbance of socio-economic life is looming.

be allowed to continue if there are no pressing needs that would justify their dispersal or any other restriction. Also, under Article 3 para. 3, the competent police or coastguard authority have the discretion to proceed with the dissolution of a spontaneous assembly if participants do not adhere with the restrictions imposed on them, such as assembling in a specific part of the road or in cases where they cannot conform with the obligation to appoint an organizer.³²

4.1.3 USE OF FORCE IN THE DISPERSAL OF AN ASSEMBLY

The Guidelines on the policing of assemblies³³ envisage the use of “mild methods” to avoid escalations including communication and mediation, warnings about the decision to disperse the demonstration and the use of chemical irritants and involvement of riot police only as a final operational choice.

Amnesty International is concerned over the broad range of situations where the use of force will be allowed (cases of dispersal, clashes or attacks against police officers). This would mean in practice the use of force in cases where police officers decide to disperse a peaceful assembly because they argue it is banned or does not fulfil notification requirements. It could also mean police officers resorting to widespread use of force even if acts of violence are isolated and can be addressed with targeted arrests. The Guidelines also remain silent regarding the threshold of risk for which the different means, methods and weapons will be used. They merely list the options without establishing any criteria or conditions.

The policing of assemblies should always seek to prevent the need to resort to force. As a rule, there is no room for the use of force in policing assemblies, except when dealing with individuals committing sufficiently serious offences.³⁴ Less lethal weapons that have an impact on a wide area must only be used in exceptional circumstances in response to widespread violence that cannot be contained through an individualised approach. Even if an assembly is considered unlawful under domestic law, police should not resort to the use of force just because of the fact of its unlawfulness.³⁵ Only when there are other compelling reasons - for example regarding public safety and security or the prevention of crime – should police consider resorting to the use of force. Less lethal weapons can only be used when responding to violent incidents. When using force in response to violence, law enforcement officials must distinguish between the individuals who are engaged in violence and those who are not (e.g. peaceful demonstrators or bystanders) and carefully aim such force only at those engaged in violence. In particular, less lethal weapons should not be directed at peaceful demonstrators or by-standers, but only at persons engaged in violence, and must at all times comply with the principles of legality, necessity and proportionality.³⁶ It is important to underscore that participants of an assembly who engage in violence are no longer protected by the right to freedom of peaceful assembly but retain all other human rights including the right to life, to security of the person and to freedom from torture and other cruel, inhuman or degrading treatment.

4.2 PROHIBITION OF ASSEMBLIES

4.2.1 LAW 4703/2020

The authorities must consider the prohibition of a specific assembly only as a measure of last resort and they should first resort to the least intrusive measures before the introduction of any restrictions.³⁷ Article 7 para. 1 of Law 4703/2020 and its implementing legislation introduce grounds of prohibition of assemblies that can unduly restrict the right to freedom of assembly as they give a wide margin of appreciation to the authorities to pronounce and enforce a prohibition.³⁸

According to the current legislation, police or the coastguard can prohibit an upcoming public outdoor assembly amongst other reasons if: a serious danger for public safety is looming particularly due to a

³² Also: Article 3 para. 5 of Presidential Decree 73/2020.

³³ National Plan for the Management of Public Outdoor Assemblies, January 2021.

³⁴ Guideline No. 7, Use of Force: Guidelines for Implementation of the UN Basic Principles on The Use of Force and Firearms by Law Enforcement Officials (AI Netherlands - August 2015), available at: <https://bit.ly/2QTM6DU>. See also OSCE ODIHR, Human Rights Handbook on Policing of Assemblies, pp. 30-32, available at: <https://bit.ly/2QTM6DU>.

³⁵ See UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 27 August to 7 September 1990, No. 13, available at: <https://bit.ly/3tVq6ac>,

³⁶ See also Office of the United Nations High Commissioner for Human Rights (OHCHR): Guidance on Less-Lethal Weapons in Law Enforcement, available at: <https://bit.ly/3tVq6ac>.

³⁷ HRC, General comment No. 37, para. 37.

³⁸ Article 8 of PD 73/2020.

possible commission of a serious crime against life, physical integrity, property and state power; or a serious disturbance of socio-economic life is threatened in a specific area.³⁹

Amnesty International notes that many assemblies, by their nature, involve a certain level of disruption to ordinary life or the rights of others and "require a significant degree of toleration".⁴⁰ Authorities must ensure that responses to such disruption are necessary and proportionate and do not lead to restrictions that put in jeopardy the right to freedom of peaceful assembly itself.

Where acts of violence by some individuals are anticipated, police should seek to constructively engage with those who wish to assemble peacefully in order to develop a strategy that allows the assembly to be held in a smooth and undisturbed manner. This may then also allow for police, or organizers, to influence in a constructive way those who appear to be hostile. The mere existence of risks is insufficient to justify the prohibition of an assembly.⁴¹ Nor does the possible intention of a few individuals to possibly engage in violence or to otherwise commit a criminal offence take away the right of those who wish to assemble peacefully. Therefore, authorities are required to take appropriate preventive measures in relation to the potential risks alone, without excessively restricting or even prohibiting the assembly as a whole.

As highlighted by the HRC: "... [f]or the protection of "public safety" to be invoked as a ground for restrictions on the right of peaceful assembly, it must be established that the assembly creates a real and significant risk to the safety of persons (to life or security of person) or a similar risk of serious damage to property".⁴²

Article 7 para. 1 of Law 4703/2020 also allows for the prohibition of counterdemonstrations if another approved demonstration with an opposing aim takes place in the same or nearby area and at the same time.

Under international human rights law and standards, the duty to facilitate assemblies applies equally to simultaneous assemblies and to counterdemonstrations.⁴³ Police must, so far as is possible, seek to accommodate simultaneous assemblies. Where this is not possible due to the size of the expected assemblies and the available space, a reasonable solution should be sought that allows both assemblies to achieve their respective objectives to the greatest extent possible. The proposed solution sought by the authorities should not afford preferential treatment on the basis of the purpose or content of the respective assemblies.

Counterdemonstrations should be allowed within sight and sound of the initial assembly.⁴⁴ However, a counterdemonstration should not seek to impede participants from the initial assembly from fully enjoying their right to freedom of peaceful assembly. Accordingly, it is the police's duty to protect the main assembly from any unlawful interference by counterdemonstrators,⁴⁵ including from violent acts or acts that seek to impede the holding of the initial assembly. Violent intentions among counterdemonstrators should not be used as a justification to prohibit or disperse the initial assembly.⁴⁶

4.2.2 BLANKET BANS ON ASSEMBLIES: A BLATANT VIOLATION OF FREEDOM OF EXPRESSION AND PEACEFUL ASSEMBLY

During the second lockdown introduced in Greece to curb the surge of COVID-19 cases, public or social assemblies were suspended except for public outdoor assemblies. However, between November 2020 and February 2021, Greece three times introduced severe and disproportionate restrictions on the rights to freedom of expression and peaceful assembly at times considered important by large parts of the Greek society.

A Decision by the Head of Greek Police, published on 14 November 2020, prohibited all public outdoor assemblies of four or more individuals between 15 and 18 November 2020, which meant the demonstrations to commemorate the 1973 Polytechnic Student Uprising against the military junta in Greece

³⁹ Article 8 of PD 73/2020.

⁴⁰ HRC, General comment No. 37, para. 44.

⁴¹ Joint report to the Human Rights Council, Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies, UN Doc. A/HRC/31/66, para. 25

⁴² HRC, General comment No. 37, para. 43.

⁴³ Report to the Human Rights Council, Special Rapporteur on the rights to freedom of peaceful assembly and of association, UN Doc. A/HRC/35/28/Add.1, para. 69.

⁴⁴ Joint report to the Human Rights Council, Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions, *ibid.* UN Doc. A/HRC/31/66, para. 14.

⁴⁵ Plattform "Ärzte für das Leben" (Doctors for the Right to Life) v. Austria, (10126/82) ECtHR Chamber (1988), para. 32.

⁴⁶ Christian Democratic Party v. Moldova (No. 2), (25196/04) ECtHR Fourth Section, (2010), para. 23.

on 17 November 2020 were banned.⁴⁷ The Decision invoked the need to take urgent measures to protect public health in light of the risk of a further spread of COVID-19 and imposed hefty fines for organizers of such assemblies (3,000 to 5,000 euros) and participants (300 euros).⁴⁸ It also stated that in reaching its decision it took into account the Opinion of the National Committee for the Protection of Public Health against Covid-19 dated 4 November 2020.⁴⁹

The blanket ban on assemblies drew criticism by civil society including Amnesty International,⁵⁰ the Union of Judges and Prosecutors⁵¹ and political parties. The ban was challenged before Greece's Council of State as unconstitutional by the NGO Hellenic League for Human Rights and political party MeRA 25. In a decision on 18 November 2020, the Council of State rejected the interim measures application citing the existence of imperative grounds of public interest. In its reasoning, the Council of State referred to the relevant Opinion of the National Committee for the Protection of Public Health against Covid-19 (the Committee), the increased pressure on the public health system and the temporary nature of the restrictions imposed.⁵²

Attention should be drawn to concerns over the Greek authorities' reluctance to publish the content of the Committee's Opinion. The Extracts of a Meeting dated 4 November 2020 revealed that the Committee had not proposed a ban of public outdoor assemblies as implied in the Decision of the Greek Police.⁵³ In his response during a Ministry of Health Press Conference on 16 November 2020 on whether the National Committee of Public Health Experts proposed such ban, its spokesperson also implied that this in essence was a political decision.⁵⁴

A second blanket ban of all public outdoor assemblies for 6 December 2020 – the anniversary of the murder of student Alexis Grigoropoulos by a police officer – was introduced by the Head of the Greek Police on 4 December 2020.⁵⁵ The relevant Ministerial Decision invoked also the danger of the spread of COVID-19 and referred to a Committee Opinion dated 2 December 2020.⁵⁶

In late January 2021 and at a time when students' protests were taking place all over Greece against an education bill providing for the creation of a campus police force,⁵⁷ the Head of the Greek Police introduced a blanket ban on public outdoor assemblies of more than 100 people for the period between 26 January and 1 February 2021.⁵⁸

The Decision cited "exceptionally imperative grounds" of public interest concerning the protection of public health; a risk of spreading COVID-19; and a Recommendation the National Committee for the Protection of Public Health against COVID-19. When asked about the Decision, Deputy Minister of Citizen's Protection commented that this was an 'an opening and not another restriction' to public outdoor assemblies.⁵⁹ As with previous blanket bans, human rights lawyers pointed out that the Decision was unconstitutional and legal requirements for the issuance of such a Decision as envisaged by national legislation were not followed.⁶⁰

Under international human rights law, restrictions can be lawfully placed on the right to freedom of peaceful assembly in order to protect public health. However, such restrictions must be subject to strict criteria and

⁴⁷ Decision No. 1029/8/18, Public Outdoor Assemblies, Government Official Gazette No. 5945, 14 November 2020. 17 November commemorates the Athens Polytechnic Uprising, a massive student demonstration against the Greek military junta, which ruled at the time. On 17 November 1973, a tank crashed the gates of the Athens Polytechnic and in the events that ensued 40 people (24 known and 16 unknown) died.

⁴⁸ It should be noted that neither the relevant provision of the Greek Constitution nor Law 4703/2020 envisage protection of public health as a ground for the prohibition of assemblies.

⁴⁹ The National Committee for the Protection of Public Health against COVID-19 was set up by a Decision of the Greek Ministry of Health on 23 February 2020. The Committee's aim is to recommend to the Leaderships of the Ministry of Health and other Ministries measures for the prevention and handling of the spread of COVID-19.

⁵⁰ See Greece: Blanket ban on public assemblies must be urgently revoked, 16 November 2020 (EUR 25/3346/2020); Hellenic League for Human Rights, Press release, 29 November 2020, at <https://bit.ly/3rLzBXK>.

⁵¹ See Union of Judges and Prosecutors, Press release, 15 November 2020, available at <https://bit.ly/3cNLKXW>.

⁵² Council of State, Decision No. 263/2020, available at: <https://bit.ly/3dAp3p0>. The ban has also been challenged in an appeal challenging the imposition of fines to 46 protesters in Thessaloniki for their participation in protest on 17 November 2020. The substance of the application asking the annulment of the Decision imposing the blanket ban will be decided by the Council of State on the pilot case on fines (see chapter 6 below).

⁵³ Ban on assemblies – the lie is revealed – Greek Police, Government and Council of State exposed, By Kostas Papadakis, 26 December 2020. Available at: <https://bit.ly/3rSFbax>.

⁵⁴ See: <https://bit.ly/3wmnoMy>.

⁵⁵ On 6 December 2008, 15-year-old Alexis Grigoropoulos was killed by a shot fired by Epaminondas Korkoneas, a police officer serving as a special guard. Amnesty International had expressed concerns over a number of human rights violations in the aftermath of that killing and the protests that ensued. See: Amnesty International, *Greece: Alleged Abuses in the Policing of Demonstrations*, (Index: EUR 25/001/2009).

⁵⁶ Decision No. 1029/8/18-κ' Public Outdoor Assemblies, Government Official Gazette, No. 5344, 4 December 2020, see <https://bit.ly/39G6hww>.

⁵⁷ The Guardian, Greek students at the barricades in dispute over education bill, 11 February 2021, available at: <https://bit.ly/3wpxUTj>.

⁵⁸ Decision No. 1029/8/18- κδ' of 25 January 2021 'Public Outdoor Assemblies', Government Official Gazette, No. 242.

⁵⁹ See: <https://bit.ly/20m3C2E>.

⁶⁰ Charalampos Kouroundis and Vasilis Tsigaridas, The new ban on assemblies and the Constitution, available at: <https://bit.ly/3sKft9A>.

limitations, be in conformity with the law and meet the principles of necessity and proportionality.⁶¹ As a rule, there should be no blanket bans on assemblies. In response to the COVID-19 pandemic, any restriction of assemblies must be based on the objective to protect public health and must be effective in achieving this objective. Restrictions must be time-limited and regularly reviewed as to their necessity and proportionality. Transparency in the decision-making process is also essential.⁶² Further, there must be no less-restrictive measures available to achieve the same objective.

Instead of a complete prohibition of an assembly, which should be a measure of last resort, the authorities must instead prioritize alternative less-restrictive measures, including measures to limit the number of participants, ensure the distance between each participant, wearing of masks, informing the public and controlling access routes in order to avoid mass afflux of bystanders. Even within the range of these possible measures, authorities are duty-bound to choose the least restrictive ones that would still allow the assembly to effectively convey its message.

In imposing blanket bans, the Greek authorities failed to honor their obligations under international law and standards. Notwithstanding the context of the global pandemic, the authorities had within their powers the ability to consider potential protests on a case-by-case basis, taking into account factors such as the physical distancing measures proposed by organisers and the outdoor nature of the protest concerned. Instead, they wrongly applied a blanket approach.

4.3 USE OF SURVEILLANCE SYSTEMS

The January 2021 National Plan on the management of assemblies (Guidelines) refers to the use of surveillance systems⁶³ including body worn or hand-held cameras and drones for the effective management of demonstrations; the designing of police interventions; criminal investigations and efforts to identify and arrest perpetrators in violent clashes; as well as for the transparency of police interventions. The Guidelines envisage that riot police and motorcycle police units such as DRASI will carry mobile or hand-held cameras and that cameras can also be placed on water cannons. It is also envisaged that participants will be informed about their use. Since late March, the pilot use of such cameras started by members of riot police, OPKE and DRASI units.⁶⁴

According to the HRC, “[the] use of recording devices by law enforcement officials during assemblies, including body-worn cameras, may play a positive role in securing accountability, if used judiciously. However, the authorities should have clear and publicly available guidelines to ensure that their use is consistent with international standards on privacy and does not have a chilling effect on participation on assemblies. Participants, journalists and monitors also have the right to record law enforcement officials”.⁶⁵

The use of hand-held cameras can have a particularly chilling effect on freedom of assembly as this could be intimidating to peaceful protestors. While this could still be necessary and proportionate if dealing with a crime in some circumstances, police must have clear guidance on how they use their cameras so as not to intimidate law abiding protestors.⁶⁶ Further, taking out a camera could be quite a confrontational action that might escalate tense situations. The public will need to know not only when the officers are going to have cameras but also when and why they are going to use them.

The Guidelines are based on a Presidential Decree (PD 75/2020) on the use of surveillance systems in outdoor spaces that was adopted without any type of public consultation with civil society in September 2020.⁶⁷

Under the current legislation, surveillance systems can be installed and operate during demonstrations for the purpose of deterring or suppressing the commission of a wide range of offences prescribed under the

⁶¹ By their General comment 37, the HRC clearly establishes that “Any restrictions on participation in peaceful assemblies should be based on a differentiated or individualized assessment of the conduct of the participants and the assembly concerned. Blanket restrictions on peaceful assemblies are presumptively disproportionate.” See HRC, General comment No. 37, para. 42.

⁶² See Venice Commission and OSCE/ODIHR, Guidelines on Freedom of Peaceful Assembly, Study n° 581/2010: “Any decision to restrict or prohibit an assembly should be based on legislation that reflects applicable standards and clearly describes the decision-making procedures. State authorities should also keep records to ensure transparency in their decision-making processes”. Available at: <https://bit.ly/2SFGIFh>.

⁶³ Section 12, Guidelines, *ibid*.

⁶⁴ See <https://bit.ly/3wMBA0K>. OPKE unit: police unit for the Prevention and Suppression of Crime; DRASI unit: motorcycle police unit that is part of the OPKE unit.

⁶⁵ HRC, General comment No. 37 (2020), para. 94.

⁶⁶ See OSCE Human Rights Handbook on Policing Assemblies, OSCE/ODIHR, 2016, p. 70, available at: <https://bit.ly/2RcHNnt>.

⁶⁷ Interview with Homo Digitalis, 20 April 2020. Presidential Decree (PD) 75/2020, “Use of surveillance systems obtaining or documenting sound and pictures in public places”, 10 September 2020. The initial draft was criticized on several of its provisions by the National Data Protection Authority. See Opinion 3/2020, Athens, 29 June 2020.

Greek Criminal Code including minor ones.⁶⁸ For example, such systems have been and can be used for monitoring the movement of individuals who participate in banned peaceful demonstrations and are considered to breach COVID-19 restrictions.⁶⁹ As a result, decisions on the installation and operation of surveillance systems during demonstrations could be in breach of the principles of necessity and proportionality in cases concerning minor offences by assembly participants. In view of the potentially chilling effect on those wishing to assemble, use of these surveillance systems present a possible violation of the right of a person to peacefully assemble.⁷⁰

As noted by the UN High Commissioner for Human Rights: “Authorities should generally refrain from recording assembly participants. As required by the need to show proportionality, exceptions should only be considered when there are concrete indications that serious criminal offences are actually taking place or that there is cause to suspect imminent and serious criminal behaviour, such as violence or the use of firearms”.⁷¹

Amnesty International is concerned that data retention rules are not in line with international human rights and EU law and this could add to the possibility of intimidation of protesters. In particular, Article 8 of PD 75/2020 fails to take into account objective criteria for the determination of the maximum length of storage of data for the purpose of the investigation of a criminal offence such as the type or gravity of the underlying offence.⁷² The organization also considers that data retention for possible suspects of future offences is a disproportionate interference with the right to privacy.

Concerns also exist over the lack of detailed information provided by the Greek police in relation to the use of surveillance systems and refusal to provide access to such information to civil society.⁷³ National legislation requires that the data processing authority (police or coastguard) must notify by any appropriate means the decision on the operation of the surveillance system and publish the necessary details.⁷⁴ However, information provided by Greek Police is limited to an announcement that a decision has been taken, the time that such surveillance systems will be used and the areas they will cover. No information is provided on the reasoning behind such decision or whether a data protection impact assessment has taken place.⁷⁵ NGO Homo Digitalis has reported that Greek Police refused to provide them with access to decisions on the use of drones and cameras during the two blanket bans on demonstrations as well as the data protection impact assessment on these decisions.⁷⁶

4.4 IDENTIFICATION OF LAW ENFORCEMENT OFFICIALS

As established by the European Court of Human Rights (ECtHR), law enforcement officials should be individually identifiable through name or personal number tags.⁷⁷ Effective accountability for law enforcement officials during demonstrations requires as noted by the HRC that “uniformed law enforcement officials should always display an easily recognizable form of identification during assemblies”.⁷⁸

Amnesty International has reiterated on many occasions its concerns over the failure of Greek riot police officers to wear an easily recognizable and clearly visible form of personalized identification.⁷⁹

A decision issued by the Head of the Greek Police in December 2019, reaffirms the obligation of all police officers to carry insignia in their uniforms that declare their identity and that of riot police officers should also

⁶⁸ Article 3 of PD 75/2020.

⁶⁹ Interview with Homo Digitalis, 20 April 2021.

⁷⁰ See also Interview with Homo Digitalis, 20 April 2021.

⁷¹ Report of the United Nations High Commissioner for Human Rights, “Impact of new technologies on the promotion and protection of human rights in the context of assemblies, including peaceful protests”, A/HRC/44/24, 24 June 2020, para. 35.

⁷² Art. 29 WP, Opinion on some key issues of the Law Enforcement Directive (EU 2016/680), Adopted on 29 November 2017; and Report of the United Nations High Commissioner for Human Rights, “Impact of new technologies on the promotion and protection of human rights in the context of assemblies, including peaceful protests”, para. 35.

⁷³ Interview with Homo Digitalis, 20 and 23 April 2021.

⁷⁴ Article 12 para. 2 of Presidential Decree 75/2020

⁷⁵ Between 5 December 2020 and 31 May 2021, Greek Police announced that it had decided to install and use surveillance systems in the Attika region on 73 occasions.

⁷⁶ Interview with Homo Digitalis, 20 April 2021. The requests were submitted on behalf of lawyers and journalists on 9 December 2021. Available at: <https://bit.ly/3grg3pB>; <https://bit.ly/3sBwamW>. In a response dated 18 March 2021, and received by Homo Digitalis on 21 April 2021, the Greek police refused to provide such access citing that applicants did not have a ‘reasonable interest’. Copy of response available on file.

⁷⁷ See *Hentschel and Stark v. Germany* (application No. 47274/15), Judgment of 9 November 2017, para. 91 (discussing masked police who did not have ID visible).

⁷⁸ HRC, General comment No. 37, para. 89.

⁷⁹ Amnesty International, *Police Violence in Greece: Not just ‘Isolated Incidents’*, (Index: EUR 25/005/2012); *A Law unto Themselves: A Culture of Abuse and Impunity in the Greek Police*, (Index: EUR 25/005/2014).

have a special number on the back of their helmets that combines the number of their unit and the specific number of each officer.⁸⁰

However, in the past decade and during the period covered by the current report, Amnesty International has received testimonies by protesters that riot police did not wear the required identification in their helmets or that they were not able to see this identification because of its position in the back of the helmets. In one case, Amnesty International has viewed copies of pictures of riot police officers involved in a demonstration on 6 December 2020 in Chania that show that their helmets had pictures of ancient warriors' helmets and no identification.⁸¹

The organization notes as a step in the right direction a point in the Guidelines⁸² that states that police officers participating in the management of an assembly will carry their identification number in a visible place. Amnesty International urges the Greek authorities to ensure in law and in practice that all uniformed law enforcement officials display an easily recognizable and clearly visible form of personalized identification at all times.

⁸⁰ See Statement of 23 December 2019, available at: <https://bit.ly/3slfwSy>.

⁸¹ Copy on file.

⁸² Section 4.3. of the Guidelines.

5. UNLAWFUL USE OF FORCE IN THE POLICING OF DEMONSTRATIONS

In the demonstrations documented by Amnesty International in November and December 2020, the Greek authorities introduced blanket bans on assemblies and dispersed peaceful assemblies that took place on the days of those bans.⁸³ During these assemblies, the Greek police proceeded with the dispersal of the assemblies in three different ways: arresting the protesters but not using force; using unnecessary and excessive force; encircling the protesters and not allowing them to leave until fines for breaching public health rules were imposed.

The organization has also documented cases of peaceful demonstrations that took place when there was no prohibition in March 2021 where police resorted to dispersal and use of unnecessary and excessive force even before the demonstration started. In a February 2021 demonstration, police reportedly used unnecessary and excessive force against peaceful protesters after the demonstration had ended and at a moment when no violent incident had taken place.

Interviewees described how police resorted unnecessarily and excessively to the use of water cannon and chemical irritants against peaceful protesters. Some also spoke of police hitting them with batons on their heads and using stun grenades in a way that could cause considerable injury including hearing problems.

In some cases, female interviewees said that they were subjected to sexist and abusive language by police and in one case, protesters said that riot police identified themselves as being members of the far-right party Golden Dawn.

The cases documented for the purposes of this report show that the Greek authorities unlawfully interfered with and failed to facilitate the right to freedom of peaceful assembly by introducing disproportionate restrictions such as blanket bans and dispersing peaceful assemblies including by resorting to unnecessary and excessive use of force.

Protesters also said that they adhered to physical distancing and wore masks in order to protect public health and that police proceeded with a dispersal of the assembly and use of force without any/or sufficient warning. They also said that they were transferred in overcrowded police cars or small police vans. The examples provided highlight how the police operations increased health risks since protesters were not able any longer to keep physical distancing.

Amnesty International notes that the use of force to disperse an assembly with a view to prevent the spread of the disease will in most cases be counterproductive and dangerous, since it will lead to uncontrolled movements of people and cause disorder, therefore increasing rather than diminishing the risk of contagion.⁸⁴ The obligation of the authorities to facilitate the right to freedom of peaceful assembly also means that

⁸³ See Chapter 4.

⁸⁴ COVID-19 Crackdowns: Police Abuse and the Global Pandemic (Index: ACT 30/3443/2020)

tolerance must be accorded to conduct that temporarily hinders, impedes or obstructs the activities of third parties, for example by temporarily blocking traffic.

Any use of less-lethal weapons should not be directed at peaceful demonstrators or by-standers, but only at persons engaged in violence.⁸⁵ Resort to tear gas which will provoke heavy coughing and streaming eyes/noses can possibly cause severe complications for COVID-19 infected people, as well as potentially spreading the infection, and might put additional strain on an already overburdened health system.

Hand-held kinetic impact devices such as batons, should not be used against a person resisting passively for the purpose of obtaining compliance with an order. The use of a baton against a person who is neither engaged in nor threatening violent behaviour is likely to amount to cruel, inhuman or degrading treatment, or even torture.⁸⁶ Baton strikes to certain areas of the body, such as the head, neck and spine, should be avoided in view of their potentially lethal consequences.

Water cannons are essentially pumping systems designed to shoot jets of water at people. The pressure of the water can be varied from low pressure to soak the person and deter or demoralize, to high pressure in order to impart a blunt trauma that can push back a person or knock them to the ground. The power of water cannon discharges can cause serious physical injuries and their use against public assemblies can be indiscriminate, and so can affect peaceful demonstrators and bystanders. Water cannons should never target the head of an individual as it is far too dangerous. They should only be used to disperse protesters engaged in violent acts against persons, not against protesters simply not complying with an order to disperse. Weapons likely to use considerable damage may only be used for the purpose of preventing/protecting against a similar threat. Further, weapons with indiscriminate effect should be used only in case of widespread violence when it is no longer possible to deal with individuals engaged in violence alone.

Stun grenades can cause considerable injury to people, including loss of hearing. Their precise effects and risks have been insufficiently researched, tested and evaluated. Their indiscriminate nature - the fact that they cannot differentiate between peaceful protestors and those that are engaged in violence - raises serious concerns as to whether they can be used lawfully at all in the context of public assemblies. In any case, the peaceful protests in which the Greek police reportedly resorted to the use of stun grenades did not justify the use of a weapon which can cause such considerable injury. Their use was clearly unnecessary and excessive in the circumstances.

5.1 DISPERSAL OF PEACEFUL ASSEMBLIES AND UNNECESSARY AND EXCESSIVE USE OF FORCE DURING BLANKET BANS ON DEMONSTRATIONS



ATHENS DEMONSTRATION

In the afternoon of 17 November 2020, police dispersed peaceful protests in Athens by using chemical irritants, stun grenades and water cannons. The first protest was organized by members of the Greek Communist Party (KKE) and its trade union (PAME) in Panepistimiou street. Members of left parties and social movements were also holding a small protest in a nearby street. The protesters were keeping distances and wearing masks.⁸⁷

Around 14:30, police dispersed the peaceful protest by using excessive amounts of chemical irritants, stun grenades and a water cannon (so-called AIANDAS) in violation of international human rights law and standards.⁸⁸ In video footage, the protesters can be seen trying to walk calmly towards Omonoia square and are followed by numerous anti-riot police officers and the water cannon.⁸⁹ While violence does not

⁸⁵ See Amnesty International, *The Human Rights Impact of Less-Lethal Weapons and Other Law Enforcement Equipment*, (Index: ACT 30/1305/2015).

⁸⁶ Office of the United Nations High Commissioner for Human Rights (OHCHR), *Guidance on Less-Lethal Weapons in Law Enforcement*, p. 58, available at: <https://bit.ly/2Rt6FHq>.

⁸⁷ See footage <https://bit.ly/3u3HIAP>, 0:17-1:15 min.

⁸⁸ See footage <https://bit.ly/3u3HIAP>, 1:29-2:53 min; also <https://binged.it/3ez7Uws>, 0:34-1:11 min; <https://bit.ly/3t8e7ER>, 0:08-0:54 min; and <https://bit.ly/3eHUz53>.

⁸⁹ See *ibid*.

appear to come from the side of the protesters, police continue throwing stun grenades and using chemical irritants and water cannons.⁹⁰

The footage in this case illustrates how a protest can be held in a manner that avoids contagion and protects public health and how the police intervention led to people being unable to keep physical distancing and reduce the risk of contagion.

The dispersal of the demonstration took place at a time when Dimitris Koutsoubas, the Communist Party leader had intervened and tried to negotiate with police the release of five party members that had been apprehended and were heavily guarded in front of a closed shop.⁹¹

Later that day, a statement by the Ministry of Citizen Protection said that the police asked repeatedly the protesters to leave and that they did not do so. The Ministry denied the existence of unlawful use of force and said that police used measures and methods of dispersal gradually.⁹²



IOANNINA STUDENT DEMONSTRATION

In the days following the 17 November 2020 demonstrations, reports were published on national media on police attacking and injuring students who tried to hold a peaceful demonstration for the Polytechnic Anniversary in the town of Ioannina in Northern Greece.⁹³ Amnesty International spoke to four of the students who participated in the demonstration that day.⁹⁴ They described a peaceful demonstration held by 30 to 35 students who kept physical distancing and wore masks and of many police officers belonging to riot police units and DI.AS team⁹⁵ encircling them and violently attacking them without any warnings or recommendations to disperse.

Elena*, a female student said: "...They started without any recommendation (or) some warning to beat us up, to beat us with rage ...I was looking in front of me and I just received a hit with a baton on the head from behind, ...and the second hit is on the shoulder and the third one on the neck ...".⁹⁶

Giorgos*,⁹⁷ a male student who sustained a series of injuries, including a head injury as well as shoulder and neck injuries, described: "...Some police officers even said 'I belong to Golden Dawn, you are dead'...At some point, I had fallen on the ground... before I got up, they threw stun grenades right at us...I gave a mighty scream because the (stun grenade) exploded before my eyes and next to my left ear... When I tried to stand up..., a police officer who was behind me caught me from my clothes...They hit me at that point on my head... tore some of my clothes and threw me on the ground and got me to a spot a little further away behind all the other students and a little bit away from the cameras and there were five to six police officers who were beating me up...".⁹⁸

Maria*,⁹⁹ another female student highlighted the sexist and abusive language and treatment that the female protesters were exposed to during the attack by the police and during their detention and questioning: "From the moment this whole attack started, many female (protesters) like me heard (words such as) 'Get down little slut because this is where you belong and never get up again' ...". Footage broadcast on a local television channel shows peaceful protesters wearing masks and holding a banner and being surrounded by police.¹⁰⁰ The footage also shows police officers beating the encircled students

⁹⁰ See footage <https://bit.ly/3u3HIAP>, 4:13 – 4:20 min.

⁹¹ See: 1.08-1.26: <https://bit.ly/3gPIrBF>; Anastasios Pafilis, KKE Parliamentary spokesperson and MP reported that police without provocation shoved and pushed him and other MPs including Dimitris Koutsoubas. See Interview available at: avgi.gr, 'Orgy of police violence and suppression', available at: <https://bit.ly/3aQLyFP>.

⁹² Ethnos.gr: The response of Chrysochoidis to KKE reports, available at: <https://bit.ly/3sXQr6g>.

⁹³ See <https://bit.ly/3thERDh>; <https://bit.ly/3vFxpTX>; <https://bit.ly/3vDOb5H>; <https://bit.ly/3b1HrXt>.

⁹⁴ Interviews, 22 November 2020.

⁹⁵ DI.AS team is a motorcycle police unit tasked with the prevention and suppression of violent offences.

⁹⁶ Interview 22 November 2020; name changed to protect identity of the interviewee.

⁹⁷ Interview 22 November 2020; name changed to protect identity of the interviewee.

⁹⁸ In a landmark verdict in October, an Athens court found the political leadership of far-right party Golden Dawn guilty of running a criminal organization. Golden Dawn members committed a series of violent crimes, including attacks against refugees, migrants, trade unionists and human rights defenders. See: Amnesty International Report 2020/2021, available at: <https://bit.ly/2T3xySZ>. See also conclusions of HumanRights360, The Hellenic Police and the Racist Crime through the 'Golden Dawn' Case-File, available at: <https://bit.ly/3hAC2Jk>; and RVRN, Justice shields the rule of law and human rights in Greece, available at: <https://bit.ly/3hcOTm3>.

⁹⁹ Interview 22 November 2020; name changed to protect identity of interviewee.

¹⁰⁰ See Ioannina TV, <https://bit.ly/3thERDh>, 0:01-0:02 min.

with their batons and sounds from stun grenades exploding can be heard.¹⁰¹ A bleeding student with a head injury is seen receiving first aid treatment by paramedics.¹⁰²

Giorgos* and another male student who also had sustained a head injury had to be transferred to the Accident and Emergency Unit of Ioannina Hospital to receive treatment shortly after the incident. The other students were transferred to the Ioannina Police Directorate and twenty-three of them were detained. Of people who sought medical treatment, sixteen students had sustained injuries, cuts, bruises and swelling in areas such as their heads, shoulders, ear, arms, and knees.¹⁰³

In their official statement, Epirus police said that they gave orders to helmet-wearing protesters but the protesters later attacked them with sticks and stones. The statement said that two police officers were lightly injured, and an ambulance was called to attend to two injured protesters.¹⁰⁴ The police formed a case file against twenty-three students that was forwarded to the competent Prosecutor. The alleged charges included disturbance of peace, violations of public health rules, violence against officials, destruction of private property and violations of the legislation on use of weapons.

The students denied all charges as spurious and highlighted the peaceful nature of their demonstration and that the charges against them were filed to justify the violence. They pointed to the footage showing the violence and injuries they sustained during the incident, that the only items they carried were banners and flags and that they did not wear any helmets as reported by the police, which they could prove through the head injuries they had sustained. Amnesty International understands that a disciplinary investigation is currently being conducted into the reported unnecessary and excessive use of force by the police.



RETHYMNO DEMONSTRATION

A third incident concerning the dispersal of a peaceful assembly and reported unnecessary and excessive use of force by police against protesters and a bystander took place on the 17 November 2020 demonstration in the town of Rethymno, Crete. Also, in this case, police appear to choose a method of dispersal that increased the risk of contagion instead of allowing the protesters to disperse peacefully and in an orderly manner.

Testimonies to Amnesty International described a peaceful protest where all COVID-19 protection measures were kept including physical distancing and the wearing of masks.¹⁰⁵ The protesters interviewed said that some time after the beginning of the demonstration, a police force of approximately 30 to 40 police officers including anti-riot police, OPKE units¹⁰⁶ and plain clothes policemen surrounded them in a street, trapped them with their backs against the wall of a shop and did not allow them to move.¹⁰⁷

The protesters said that they asked to be allowed to continue their protest or to leave as they were not able to adhere to physical distancing, but police refused. They described a sudden and unprovoked attack by the police against them and said that they did not resist.¹⁰⁸

According to the testimonies received, three protesters and a local resident had to seek hospital treatment for their injuries. According to reports, a female protester was punched in the face by police, fell on the ground and hit her head, sustained bruises to her eye and nose and suffered a concussion, while a male protester suffered an injury to his shoulder after police twisted his arm.

Dimitris*¹⁰⁹, a university student said to Amnesty International: "...I went to lift (another protester) who had fallen on the ground... and the police came and caught me from my hands and legs and I moved

¹⁰¹ See Ioannina TV, <https://bit.ly/3thERDh>, 0:03-0:25 min; also Epirus TV, <https://bit.ly/3thMxp0>, 0:01 – 0:08 min; and <https://bit.ly/3vBuBar>, 3:15-3:28 min.

¹⁰² See Ioannina TV, <https://bit.ly/3thERDh>, 2:30-2:32 min.

¹⁰³ Copies of hospital certificates on file with Amnesty International. Amnesty International has also viewed copies of pictures of some of the students' head injuries during their stay at hospital.

¹⁰⁴ Statement, 17 November 2020, available at: <https://bit.ly/3vDloyk>.

¹⁰⁵ Interviews with three protesters in November 2020; see also <https://bit.ly/3eRM6fY>; and <https://bit.ly/3vFI3ev>.

¹⁰⁶ A crime prevention police force.

¹⁰⁷ See pictures here: <https://bit.ly/3b3VwUn>.

¹⁰⁸ In a statement about the operation, the General Regional Police Directorate of Crete confirms the dispersal of the peaceful assembly as it does not refer to any violence from the side of protesters and states that the officers trapped the group of protesters in a street hub that resulted in deterring the progress demonstration towards the Public Market Square. Statement of 17 November 2020, available at: <https://bit.ly/3eVQWZI>.

¹⁰⁹ Interview 28 November 2020; name changed to protect the identity of the interviewee.

instinctively (because) I could not breathe from the tear gas... and they started beating me...(The beating) caused me a bleed in my head and a lung injury,... my whole left side still hurts...”.

Nikos*¹¹⁰, a neighbourhood resident who did not participate in the demonstration described unnecessary and excessive use of force against him by police after he had gone out to check what was happening: “...I saw some police cars and some officers...One turned and commanded me to go back where the crowd was.... I told him that I just got out of my house and then he swore at me mixing religious content on his curse words and came towards me... He grabbed me from my clothes.... (and) I asked him why he was doing this.... He did not even show me his ID... At that point, some of his colleagues appeared and pushed me towards some railings in the corner. A policeman in plain clothes came and grabbed my left foot and then left it, causing loss of balance of my body and hitting my left leg near the knee area. They made me kneel with force... I remember they tripped me and shoved me from one side to the other...I sustained an injury on my left leg (it took one month to heal), swelling on the side of my head (still not feeling okay) and cuts....”.

A total of 53 individuals were transferred to Rethymno Police Directorate. Fifty-one were released following identity checks without charges and police made two formal arrests including that of Nikos*. In particular, police filed a case against him for allegedly resisting police and swearing at a police officer, charges that he denies as spurious. Amnesty International understands that a disciplinary investigation started into the allegations of unnecessary and excessive force by Heraklion Police Directorate.



CHANIA DEMONSTRATION

On 6 December 2020 and during the second blanket ban, police reportedly dispersed another peaceful demonstration in Chania, Crete and used unnecessary and excessive force against protesters.

Student Nikos Glykopoulos provided Amnesty International with a detailed testimony of the incident. He described police grabbing one of the protest banners and throwing stun grenades within a minute of an initial warning of dispersal being issued. He continued: “... The police started hitting the people holding the banner ..and at that point I hold a coffee in one hand and I move towards the anti-riot police and try to intervene to stop them ... (Instantly) three police officers from the security branch grab me and try to throw me (on the ground)...(When I was on the ground) ... (one of the police officers) took the handcuffs... (they tried to put on me) and hit me on the head.... (and another police officer) puts one foot on my ribs and the other on my neck and I could not breathe”.¹¹¹

Footage viewed by Amnesty International¹¹² shows a small peaceful demonstration where participants kept physical distancing and wore masks. The material viewed also shows a few peaceful protesters surrounded by police and suddenly stun grenades are heard exploding among them. A man that appears to be a plain clothes police officer then moves forward and tries to grab away the banner held by the protesters and kicks them while riot police hit the protesters with their batons.¹¹³

Nikos Glykopoulos described how he was handcuffed and then transferred to the police bus and held there with some other protesters. He said they all witnessed police using dangerous moves to apprehend a protester and that one officer shoved one of the protesters held in the van who were objecting to the incident and tried to hit two others.¹¹⁴ He recounted “...the same security police officer that took the banners enters...; grabs my face and with force he sits me down (it was like a slap)...” .

Amnesty International understands that eight of the protesters including Nikos Glykopoulos were subsequently transferred to the Chania Police Directorate. The protesters were charged for allegedly breaching public health rules and insubordination. Nikos Glykopoulos was also charged with resistance and causing dangerous bodily harm to one of the officers trying to apprehend him. He and the other seven protesters deny all charges.¹¹⁵

¹¹⁰ Interview November 2020; name changed to protect the identity of the interviewee.

¹¹¹ Interview, 11 December 2020.

¹¹² Material on file.

¹¹³ Material on file; see also first footage at: <https://bit.ly/3b1RNqz>, 0.02-0.23 min.

¹¹⁴ Footage shows two police officers trying to apprehend a protester who is on the ground and in their attempt to do so they grab him forcefully from the back of the hood of his sweater resulting in essence in a choking movement. See second footage at: <https://bit.ly/3b1RNqz>, 0.02-0.09 min.

¹¹⁵ See also <https://bit.ly/3xNvkXW>.



THE CASE OF KATTIS-BOBOU FAMILY

In the late afternoon and evening of 17 November 2020, news emerged about police abuse against a family - Dimitris Kattis, Giota Bobou and their children Orestis and Lydia - in the neighbourhood of Sepolia, Athens. The case was widely covered in national media.¹¹⁶

In her testimony to Amnesty International,¹¹⁷ Giota Bobou described how she met her two children and their friends after 3:30 pm in Sepolia metro station shortly after finishing work. The group of students were returning home after participating in the demonstration in Larisis station. According to testimonies received, police had dispersed with chemical irritants and a water cannon a first attempt by protesters to hold the demonstration. Interviewees described how after the initial dispersal they were allowed to hold a gathering that ended peacefully. Subsequently, police belonging to DRASI motorcycle police unit reportedly chased and hit some demonstrators.

Giota Bobou said that she encouraged her children and their friends to go to their house and she would go to do some shopping. She described witnessing motorbikes from DRASI police unit driving like crazy in her street towards people and her son Orestis being beaten by police inside the driveway of the block of apartments where they lived. Lydia and family friend Nikolas Kavaklis who had arrived in the family home were also eyewitnesses to the attack. Amnesty International has been informed that the attack against Orestis was also witnessed by other demonstrators and neighbors. Giota Bobou recounted: "...They had caught Orestis and had trapped him between the door of our building and a parked car (inside the driveway) and they were beating him...I was shouting: 'This is our home, let him go'... There must have been six to eight (police officers) there... Between four and five...were hitting him with rage with their batons. I could not understand the reason that they had such rage...They dragged and shoved me and Lydia... (Orestis) did not resist ...".¹¹⁸

Dimitris Kattis told Amnesty International that when he asked officers where they would transfer Orestis, they said that he would be transferred to the nearby Kolonos police station. The family, some friends and neighbours went there to find out about him. However, they described that upon their arrival Orestis Kattis was not there and the police refused to respond to questions about his whereabouts and treated them with disdain. The family said that they felt deep worry and concern about the whereabouts of Orestis and that they continued to seek explanations. They later found out that Orestis had been transferred to the Attika General Police Directorate (known as G.A.D.A).

Dimitris Kattis¹¹⁹ said to Amnesty International that police officers from Kolonos police station and DRASI police force tried to apprehend him without any justification as the only thing that he was doing was to express his deep anger that his son had not been transferred to Kolonos police station as he had been told. He recounted: "...They placed one handcuff on my hand and I did not give them my other hand... I did not hit them or swore at them... At this point, I received some hits, they must have been punches and (police) using their knees... I received a hit under my sternum and at that point I started losing my senses...".¹²⁰ Dimitris Kattis was diagnosed with acute myocardial infarction and had to remain in the hospital for four days.¹²¹

Nikolas Kavaklis who was also with the family outside Kolonos police station said that he was tripped, thrown on the ground and then apprehended by police while he was trying to record what happened to Dimitris Kattis.¹²²

¹¹⁶ See Avgi.gr, Repression – In the Parliament police violence in Sepolia and Ioannina, available at: <https://bit.ly/3eZ8DY4>;

Huffingtonpost.gr, Report for police violence in Sepolia – In hospital the father of a protesters, available at: <https://bit.ly/3umAyYy>.

¹¹⁷ Interview 5 December 2020.

¹¹⁸Footage (available here: <https://bit.ly/2R5lVu9>) shows the family protesting about the arrest of Orestis while he is being dragged out of the apartment block and police officers throwing Giota Bobou on the ground (3.00-3.05 min). Friends of the family, neighbours and a lawyer are also shown or heard demanding from the police to tell them the reason why the student was arrested outside his home, but do not receive an answer. The video also shows a police officer chasing and hitting Lydia Katti with a baton on her shoulder (2.52-2.57 min).

¹¹⁹ Interview 5 December 2020.

¹²⁰ Footage viewed by Amnesty International shows Dimitris Kattis surrounded by police and asking them to let his hand free and why they did not keep their word that Orestis would be transferred to Kolonos police station. Material on file. See also, footage showing Dimitris Kattis asking the same questions, people expressing concerns after he collapsed and then him placed in an ambulance (available: here <https://bit.ly/3xXsolb>).

¹²¹ Copy of document on file with Amnesty International.

¹²² Interview 5 December 2020.

Lydia Kattis also recounted her ill-treatment by police and being subjected to lurid and sexist verbal abuse and threats¹²³ outside the police station: "... A police officer grabs me from my hair and drags me further down and another two (policemen) encircle me and the one who grabbed me from my hair says to me 'You bitch, you will die'...and grabs me around the throat...".

In a statement about the case, the Greek police accused Orestis Kattis of being among a group of people outside Sepolia tube station that threw stones at police resulting in two officers being injured. The statement also said that following his arrest, a group of approximately 40 persons went to the local police station where they hit, swore at, and attempted to injure the officers present.¹²⁴

After a short detention in Kolonos police station, Lydia Kattis, Nikolas Kavaklis and family friend Gerasimos Livanis were transferred to Kypseli police station and then to G.A.D.A where they remained until the morning when they appeared before a Prosecutor together with Orestis Kattis.

Orestis, Lydia, Nikolas Kavaklis and Gerasimos Livanis have been charged with a series of offences including allegedly attempting to cause serious bodily harm, violence against judicial staff, verbal abuse, disruption of public peace and infringements of legislation for weapons. It is unclear yet if the same charges have been brought against Dimitris Kattis. They deny and denounce the charges against them as spurious and baseless and highlight that they were not involved in violence.¹²⁵

Amnesty International understands that a disciplinary investigation has started by the Greek Police into the incident.

5.2 DISPERSAL OF PEACEFUL ASSEMBLIES AND/OR UNNECESSARY AND EXCESSIVE USE OF FORCE DURING OTHER DEMONSTRATIONS

The following cases concern dispersal of peaceful demonstrations and/or reported unnecessary and excessive use of force against peaceful protesters at a time when demonstrations were not banned.



DEMONSTRATIONS IN SOLIDARITY WITH PRISONER DIMITRIS KOUFONDINAS

Between late January and March, solidarity for hunger striker and prisoner Dimitris Koufondinas led to numerous actions and demonstrations supporting his request to be transferred to Korydallos prison. Dimitris Koufondinas, a member of armed group 'Revolutionary Organization 17 November' has been serving multiple life sentences since 2003. He began his lengthy hunger strike in protest of the government's decision to transfer him from the Kasavetia rural prison to Domokos prison and not to Korydallos prison according to national legislation.¹²⁶ Calls for a compassionate and fair handling of his case were made among others by numerous lawyers and jurists in Greece and abroad, political parties, the Greek Union of Prosecutors and Judges and Amnesty International.¹²⁷ However, despite the significant deterioration of Dimitris Koufondinas's health, there was no positive outcome in his recourse to justice challenging the lawfulness of the transfer decision and the Greek authorities refused to accept his request.¹²⁸ On 14 March, Dimitris Koufondinas stopped the hunger strike.¹²⁹

¹²³ Interview 5 December 2020. In a widely publicized audio-recording, police officers are heard luridly swearing at Lydia Kattis and the friends and neighbours protesting that she was grabbed from the hair. Lydia Kattis is also heard asking to be transferred to the hospital and that (a police officer) hit her in front of others. Available at: <https://bit.ly/3hao211>.

¹²⁴ See Statement dated 17 November 2020, available at: <https://bit.ly/2PWjyJM>.

¹²⁵ In the material viewed by Amnesty International, people gathered outside the police station are shown loudly debating with the police the apprehension of Orestis and do not appear to pose any threat. Material on file and here <https://bit.ly/3xXsolb>.

¹²⁶ Law 4760/2020 bans prisoners convicted of offences under the anti-terrorism legislation and those against whom a criminal procedure is pending for a misdemeanor to serve in rural prisons and provides for their transfer to the prison where they were serving previously their sentence.

¹²⁷ See among others Statement of the Union of Judges and Prosecutors available at: <https://bit.ly/3urctzJ>; Amnesty International Statement, 3 March 2021, available at: <https://bit.ly/2PZPqxa>.

¹²⁸ In a decision in late April, the Greek Council of State rejected the application to annul this decision as inadmissible citing that it had no competence. See Council of State Plenary Decision 582/2021, available: <https://bit.ly/3xRjfBa>.

¹²⁹ See Efsyn article, 14 March 2021, available at: <https://bit.ly/3nSH3ji>.

On 5 and 6 March 2021, Greek police proceeded with the dispersal of peaceful protesters trying to hold solidarity demonstrations that were called by the 'Initiative of Lawyers and Jurists' and other groups.¹³⁰

According to the testimonies received, during the first demonstration, police did not allow protesters to reach Syntagma square, pushed with their shields and dispersed with chemical irritants the few protesters who had earlier arrived in the square and who were attempting to open a banner.¹³¹ They also used a water cannon, stun grenades and chemical irritants against the protesters in each subsequent attempt to hold the demonstration.¹³² One male protester described: "...At the same time, riot police run alongside the water cannon while officers belonging to DRASI unit) were chasing the protesters and threw stun grenades horizontally towards the crowd...The motorbikes ran many times into people who were running, in order to throw them on the ground, immobilize and arrest them...".¹³³

In a statement dated 5 March 2021, Greek police said that protesters had obstructed traffic and when they were asked to disperse and refused, they were pushed with all necessary means so there would be no escalation.¹³⁴ In response to the police statement, lawyers participating in the demonstration highlighted the contradictions between the announcement of the Ministry of Citizen Protection regarding the lawful management of public outdoor assemblies and the actual police conduct on the day.¹³⁵ In their statement, the lawyers noted that: the police prohibiting protesters from reaching a lawful demonstration was a breach of national legislation and that the demonstrations announced had not been banned; also that the police did not follow the lawful procedure as provided in the relevant legislation on public outdoor assemblies including calling on those gathered to disperse.¹³⁶

On the second demonstration organized for the afternoon of 6 March, police forces once more prevented protesters from reaching the main gathering point of Syntagma square and dispersed the peaceful protesters that had managed to reach the square by pushing them and spraying them with chemical irritants.¹³⁷

Police also encircled peaceful protesters who were in the yard of the Old Parliament (Παλαιά Βουλή) building and subsequently transferred them to police stations for identity checks. Among them was Ectoras Koufondinas¹³⁸, the son of Dimitris Koufondinas. M*¹³⁹, one of the lawyers who approached the scene told Amnesty International how police ignored their repeated requests to provide explanations about the grounds of detention of peaceful protesters and to talk to the head of the police unit. She described how one officer, who appeared to be senior, started shoving the lawyers and some riot police sprayed them with chemical irritants to disperse them. Police officers also shoved and pushed a male lawyer and reportedly used insults against him.¹⁴⁰ Footage also shows a police officer attacking a photojournalist who covered the protesters' arrest.¹⁴¹ Lawyer A.S., who witnessed the incident said: "...The aggressive attitude against photojournalists was shocking...The impressive thing is that there was no cause to exercise any type of violence".¹⁴²

This was not the first incident where police attacked and/or obstructed photojournalists from covering demonstrations since the second lockdown. Cases of unlawful force against members of the press and/or

¹³⁰ According to one of the lawyers participating in the Initiative: "This Initiative does not represent an "alliance" between lawyers' organisations or between political entities, it has been rather an "ad hoc" conjunction/synergy of progressive lawyers who joined efforts to pull together the lawyers' and jurists' support on the legally justified claim of the hunger strike".

¹³¹ See footage where police is shown pushing and spraying with chemical irritants from a short distance a group of peaceful protesters in Syntagma square; Available at: <https://bit.ly/3eIrttQ>, second footage, 0.02-0.04 min.

¹³² See first footage showing the use of water cannon against protesters, available at: <https://bit.ly/3eIrttQ>, 1.25 -1.27 min.

¹³³ Interview 7 March 2021.

¹³⁴ See Statement of G.A.D.A regarding today's gathering in central Athens, available at: <https://bit.ly/3usrUrz>.

¹³⁵ See Statement by the 'Initiative of Lawyers and Jurists' here: <https://bit.ly/3vOLpL7>.

¹³⁶ Lawyer Kostas Papadakis also filed a request to the competent Prosecutor asking to be informed if the Athens First Instance Court Prosecutor's Office agreed for the dissolution of the demonstrations or 5 and 6 March or if he was informed as he should according to the law.

¹³⁷ See The Press Project, State of revenge in recital of arbitrariness and suppression, available at: <https://bit.ly/2RtgWmY>; Efsyn, How Greek police attempts to justify the excessive suppression, available at: <https://bit.ly/3y1PEoL>, second footage, 0.02 - 0.10 min. In a statement that concerned the rally scheduled for 6 March, the police in a similar vein said that they used all necessary means to deter protesters that attempted to take over the road. See Statement of 6 March 2021, available at: <https://bit.ly/3eqEYlj>.

¹³⁸ 29 protesters including Ectoras Koufondinas were then transferred to G.A.D.A. Ectoras Koufondinas was subsequently released. Seven of the transfers turned into formal arrests. Amnesty International was informed that police prevented and shoved lawyers who tried to see the detained protesters.

¹³⁹ Name changed to protect identity. Interview, 9 March 2021.

¹⁴⁰ See 0:20-0:23 available at: <https://bit.ly/3eoQBQ4>.

¹⁴¹ See The Press Project, "Revenge State in a recital of arbitrariness and suppression", fourth footage, 0:10-0:12 min, available at: <https://bit.ly/2RtgWmY>.

¹⁴² Interview 8 March 2021.

obstruction while they were covering demonstrations were reported during the second blanket ban on demonstrations and also in February 2021.¹⁴³

M.* also described how a water cannon repeatedly targeted with high pressure water a group of approximately twenty lawyers holding a banner resulting in her and two male colleagues sustaining injuries¹⁴⁴:

Amnesty International notes with concern the attacks documented against lawyers and members of the press and considers that the actions are a breach of press freedom and the right to freedom of peaceful assembly. As noted by the HRC: “The role of journalists, human rights defenders, election monitors and others involved in monitoring or reporting on assemblies is of particular importance for the full enjoyment of the right of peaceful assembly. Those persons are entitled to protection under the Covenant. They may not be prohibited from, or unduly limited in, exercising these functions, including with respect to monitoring the actions of law enforcement officials”.¹⁴⁵



ATTACKED WITH A FIRE-EXTINGUISHER

In the afternoon of 10 February 2021, a large student rally took place in Athens against controversial reforms introduced by an education bill, including the creation of a police force inside university campuses. With the exception of two reported incidents, the protest was largely peaceful.¹⁴⁶ Media articles speak about protesters suffering injuries and needing hospital treatment.¹⁴⁷ Footage shows a police officer punching a protester who was apprehended during that demonstration and who was lying on the ground.¹⁴⁸ A total of 52 individuals were transferred to G.A.D.A for identity checks.

Andreas*¹⁴⁹, a student and artist in his twenties, described to Amnesty International an unprovoked attack by riot and motorbike police forces against peaceful demonstrators shortly after the end of the demonstration¹⁵⁰ as well as a brutal attack against him by riot police including being hit by a fire extinguisher in the face. He suffered injuries on his face, head, rib and shin.¹⁵¹ The treatment described by the student may amount to cruel, inhuman or degrading treatment.

Andreas* managed to piece together what happened to him during the attack from eyewitness testimonies, a video and pictures he collected after the attack. He said: “...Around me there were people who were beaten up..., they were on the ground and (police above them) were beating them with their batons... Then I feel that I was kicked on my back... and from then on, I lost consciousness... An eyewitness told me...that one of the riot police officers (who attacked me)...hit me on the face with this fire extinguisher...”.¹⁵²

¹⁴³ On 6 December 2020, the Union of Press Photographers of Greece (EFE) reported that riot police pushed and hit with their shields photojournalists covering symbolic actions during the second blanket ban on demonstrations in the neighbourhood of Exarcheia. On 26 February 2021, EFE denounced an unprovoked attack by police forces against their members covering a demonstration in Central Athens which reportedly resulted in seven of them being injured. Email communication with EFE, 10 May 2021.

¹⁴⁴ See third footage in The Press Project article “Revenge State in a recital of arbitrariness and suppression”, available at: <https://bit.ly/2RtgWmY>.

¹⁴⁵ HRC, General comment No. 37, para. 30.

¹⁴⁶ In a statement, the Greek police referred to two clashes with protesters during the demonstration and refers to its conclusion in Omonoia square without mentioning any violence by the protesters at that point. Statement dated 10 February 2021, available at: <https://bit.ly/3x94Vmu>.

¹⁴⁷ See *Gazetta.gr*, Students report police violence, available at: <https://bit.ly/3f1DMtT>; Documento, Police violence: Student’s letter to Documento, available at: <https://bit.ly/33nwhrR>

¹⁴⁸ See footage, 0.05-0.07 min available at: [leidisis.gr, https://bit.ly/2SBbkYr](https://bit.ly/2SBbkYr);

¹⁴⁹ Name changed to protect identity. Interview 24 February 2021.

¹⁵⁰ See *Avgi.gr*, Student rally – Unjustified attack by police and random transfers of individuals to police stations for identity checks, available at: <https://bit.ly/3h94Que>.

¹⁵¹ Copy of medical certificate and pictures on file with Amnesty International.

¹⁵² A picture seen by Amnesty International shows Andreas* lying motionless on the ground, four riot police officers in full gear in the scene, and one officer standing above him holding a fire extinguisher.

6. UNLAWFUL USE OF FORCE DURING COVID-19 CHECKS

In their Covid-19-response, authorities must ensure that regulations and instructions establish clearly circumscribed responsibilities and tasks for law enforcement officials, to avoid overly broad discretion that may lead to arbitrary or otherwise excessive exercise of police powers. Restraint in the exercise of police powers and a consent-based, rather than a coercive approach should be prioritized to maintain acceptance of lockdown measures and to avoid unnecessary confrontations likely to increase the risk of contagion. Even in times of emergency, law enforcement officials may only use force that is necessary and proportionate to achieve a legitimate objective.¹⁵³ According to the UN Guidance on Less-Lethal Weapons: “Force used in the course of an arrest should be proportionate to the objective sought and the resistance faced. Arrest shall be carried out only for a legitimate law enforcement objective. Once the need for force has passed, no further force is lawful”.¹⁵⁴

During the second lockdown, footage showing the unlawful use of force against a young man by a police officer during a COVID-19 document check¹⁵⁵ caused outrage among Greek society and prompted many demonstrations against police use of force and a heated debate in the Greek Parliament. The incident took place on 7 March 2021 in the main square of the neighbourhood of Nea Smyrni in Athens. The footage shows a DI.AS team police officer using a collapsible baton and beating A.M. with force at least six times in various parts of his body. A.M. who does not pose a threat, asks why he is being beaten up and shouts that he is in pain.¹⁵⁶ A second footage filmed prior to the first, shows A.M. and some other individuals calmly discussing with the police, and the same police officer going towards him, telling him “come with me”, grabbing him by his jacket and hitting him with a baton.¹⁵⁷

A coroner’s service report identified fourteen injuries on A.M. caused by a blunt instrument and found that they were compatible with the time that the incident took place. The injuries identified included swelling on the left ankle and occipital region (back of the skull) and bruises in the left and right thigh region, left shin region, left arm and lumbar region.¹⁵⁸

¹⁵³ Article 1 and 2 of the UN Code of Conduct for Law Enforcement Officials (CCLEO) and UN Basic Principles on the use of force and firearms by law enforcement officials (Basic Principles), Basic Principle No. 1.

¹⁵⁴ Office of the United Nations High Commissioner for Human Rights (OHCHR), Guidance on Less-Lethal Weapons in Law Enforcement, section 6.1, available at: <https://bit.ly/2Rt6FHq>.

¹⁵⁵ Following the introduction of the first and second lockdown in Greece, people were allowed to leave their house only for certain reasons including visiting a doctor; and for physical exercise. They were required to send an SMS message or fill a form with their name, address and a number that corresponds to one of the permitted reasons and obliged to show those to the police - if checked. Failure to provide the required documentation led to the imposition of administrative fines for breaching COVID-19 restrictions. In May 2021, Greece started significantly easing restrictions of movement and removed the requirement for individuals to send SMS messages.

¹⁵⁶ See <https://twitter.com/i/status/1368878475440951296>, 0.27 – 0.55 min. One of A.M.’s lawyers told Amnesty International that the metal baton is not authorized to be used by police in Greece and that it was used in such a way (with the reverse side of the baton) that could have caused serious injuries.

¹⁵⁷ See also relevant footage: <https://bit.ly/3gF50sU>, 0.09 – 0.45 min.

¹⁵⁸ Copy on file with Amnesty International.

Following the event, eleven individuals including A.M. were transferred to G.A.D.A where they were held until later that evening and a case file was opened against them by the police that included charges of violence against police officers, insubordination and breaches of public health rules. In its initial statement, the Greek police said that during the COVID-19 check in the square by officers of the DI.AS unit, they were subjected to an attack by a group of thirty people resulting in the injury of two police officers.¹⁵⁹

In a written testimony sent to Amnesty International, some of the individuals arrested including A.M. described an unprovoked attack by the police against him ¹⁶⁰ and denied the charges against them as spurious. They also pointed to numerous eyewitnesses that saw the police abuse.¹⁶¹ Eyewitnesses speaking to the national media described the unlawful force against A.M. and stated that there was no violence against the police.¹⁶²

In their statement, those arrested said that they had been attending a collective weekly discussion of an Open Assembly of residents of various neighborhoods in the square that day.¹⁶³ They described how some bystanders including a few members of the Assembly had asked the police why they imposed fines on two families that were sitting on a bench in the square. Initially the police refused to answer and then started asking them to provide documentation. While they were showing to police their documents, a police officer grabbed violently the hands of a woman who was filming the police check with her mobile. They described: "...When some of us protested against the arbitrary behavior of the police officer, two other officers without warning shoved and threw two people on the ground, immobilizing by force one of them in order to transfer him to the police station [for an identity check]".

When the group protested this behavior, police reportedly told them to "get out of here" and then "a police officer targeted one of the people who protested (A.M.) saying imperatively 'you are arrested'". "Then the cops started pulling and tearing clothes, kicking and using collapsible metal batons (!), hitting with force on the legs, hands, back, neck and even on the back of the head...".

A disciplinary inquiry was ordered by the Head of the Greek Police into the incident and a police officer was suspended from his duties while an Athens Prosecutor ordered a criminal investigation.¹⁶⁴ The lawyer of A.M., Marina Daliani, expressed serious concerns over the reluctance of the judicial and disciplinary authorities to investigate the accountability of the remaining police officers who participated in the incident.

¹⁵⁹ See Statement of Greek police available at: <https://bit.ly/3dUAjOw>.

¹⁶⁰ Written Statement provided to Amnesty International, 12 March 2021.

¹⁶¹ See eyewitness testimonies: <https://bit.ly/3dUAjOw>; <https://bit.ly/3gF50sU/>

¹⁶² See eyewitness testimonies: <https://bit.ly/3dUAjOw>; <https://bit.ly/3noLfag>; <https://bit.ly/2QYZzu1/> / An analysis of sixteen videos by research group Disinfo Collective concluded among others that: the police officers of DI.AS unit made extensive use of a collapsible baton against a person who did not resist; there is nothing from the footage showing an organized group moving in a coordinated manner against the police; none of the videos depict a person or group of people attacking police officers. See: <https://bit.ly/2SK0Fem>.

¹⁶³ "Open Assembly of Residents of Nea Smyrni, Palaio Faliro, Saint Dimitrios and Neos Kosmos".

¹⁶⁴ See Statement of Greek police, 10 March 2021, available at: <https://bit.ly/3t1zVSC>.

7. PENALIZING PEACEFUL EXPRESSION AND ASSEMBLY

In November and December 2020, the Greek authorities penalized protesters participating in peaceful protests during the blanket bans on demonstrations and individuals calling for such participation. They also penalized activists staging an action in defense of women's rights on a day that demonstrations were not suspended. Among them were human rights lawyers, women's rights defenders, trade unionists and members of political parties. They were arbitrarily arrested and criminalized for allegedly breaching public health rules and handed unjustified administrative fines. The violations documented took place at a time when people wished to voice their concerns over important issues such as unlawful use of force by police, gender based violence and the significant problems in Greece's public health system – hit by many years of austerity policies - at the time of the pandemic.

7.1 ARBITRARY ARRESTS

Amnesty International's research shows that in November and December 2020, the Greek authorities proceeded with arbitrarily arresting many individuals participating in peaceful actions during the blanket bans on demonstrations or individuals calling for such participation.¹⁶⁵ They were initially transferred to police stations for identity checks.¹⁶⁶ After several hours of being deprived of their liberty, they were formally arrested and had cases filed against them by the police (σχηματίστηκε δικογραφία) for allegedly breaching public health rules (Article 285 of the Greek Criminal Code). Amnesty International has been informed that in at least one case, charges for breaching such rules have already been filed and the individuals concerned await to be called to a trial hearing. Activists have also been arbitrarily arrested and criminalized for staging an action in defense of women's rights on a day that demonstrations were not suspended.

No person should be arrested solely for exercising their rights to peaceful assembly and freedom of expression. As clarified by the UN Working Group on Arbitrary Detention (WGAD) an arrest or detention without a basis in law is arbitrary.¹⁶⁷ In addition, an arrest or detention that is permitted under domestic law may nonetheless be arbitrary under international standards. Examples include where the law is vague, over-

¹⁶⁵ On 1 February 2021, Daphne Katsiba, the President of the Thessaloniki Union of Hospital Doctors was also called to testify before the Thessaloniki General Police Directorate, in the framework of a preliminary criminal inquiry for the charge of 'incitement to disobedience' (Article 183 combined with Articles 26 and 27 of the Greek Criminal Code). The investigation commenced following an order from a Prosecutor for comments made by Daphne Katsiba in a TV programme that doctors would participate in the commemorative events of the Polytechnic Uprising. See <https://bit.ly/3sNfLwD>.

¹⁶⁶ Through the years, Amnesty International has expressed its concerns over reports of arbitrary transfers of protesters including minors to police stations without evidence that they have committed any offence. See Amnesty International, *A Law unto Themselves: A Culture of Abuse and Impunity in the Greek Police*, 2014 (Index: EUR 25/005/2014). In its various reports, the Greek Ombudsman pointed to the vagueness of the legal framework concerning transfers for identity checks and raised questions over the lawfulness of the practice particularly on cases where the individuals concerned had provided police officers with their identity documents. On recent concerns see: National Mechanism for the Investigation of Incidents of Arbitrariness, Annual Report of 2020, available at: <https://bit.ly/3fitEYq>.

¹⁶⁷ WGAD Fact Sheet No.26, Section IV(A)-(B).

broad, or incompatible with other human rights such as the rights to freedom of expression, assembly or belief.¹⁶⁸

Amnesty International wishes to stress that the Greek authorities may have achieved the opposite effect to that of their purported aim of protecting public health by arbitrarily arresting many peaceful protesters and transferring them to police stations. Criminal-law measures are generally ill-suited to the protection of public health and should only be used as a last resort where other less rights-infringing measures have failed or are unavailable. Measures that involve arresting people and taking them into custody are especially ill-suited as they increase the risk of contagion.¹⁶⁹

Amnesty International believes the arbitrary arrests and criminalization of peaceful protesters, persons who called for participation in peaceful protests and human rights lawyers constitute human rights violations and have a chilling effect on the rights of freedom of expression and assembly. The organization reiterates its call to the Greek authorities to halt their criminalization and ensure that any related charges against them for allegedly breaching public health rules and inciting disobedience are dropped.



POLITICAL ACTIVISTS ARBITRARILY ARRESTED FOR HANDING OUT LEAFLETS

In the afternoon of 14 November 2020, five members of the political party ANTARSYA, who were handing party leaflets to the public outside Kapani food market in Thessaloniki, were arbitrarily arrested by police and charged for allegedly calling for a breach of public health rules through calling for a participation to a demonstration (Article 285 of the Greek Criminal Code)¹⁷⁰ and inciting disobedience (Article 183 of the Greek Criminal Code). The leaflets called the public to participate in the demonstrations commemorating the 1973 Polytechnic Student Uprising and expressed concerns on the state of the public health system and the authorities' management of the pandemic.

Amnesty International interviewed the five individuals¹⁷¹ – Kostas Torpouzidis, Ioanna Katlamousi, Giorgos Papastougiannoudis, Elias Kroustalakis and Maria Tsirba - a few days following their arrest. Their lawyer, Charalampos Kouroundis, noted the absence of a legal basis for their arrest and arbitrariness in applying the law as the blanket ban on assemblies was published after their arrest by police.¹⁷² He also highlighted the complete flawed legal basis for the charge of incitement as police based it on a Ministerial Decision that allowed demonstrations.

The three men and two women told Amnesty International that this was not the first time that they handed out leaflets outside the Kapani market and that it was a regular party activity. They also highlighted that the previous week – after Greek authorities introduced a new lockdown - they were neither approached nor questioned by police while undertaking the same activity. They said that they wore masks and kept physical distances at all times.

They were then transferred to a nearby police station and after an hour they were reportedly informed that they would be charged following an order from the competent prosecutor for breaches of Articles 285 and 183 of the Greek Criminal Code. All five individuals were then transferred to the Thessaloniki Police Directorate.

In Thessaloniki Police Directorate, Kostas Torpouzidis was released because a different legal regime applied to him due to his capacity as a lawyer.¹⁷³ The other four individuals remained in custody in the Directorate until later that evening, underwent fingerprinting and were questioned. Later that evening, Giorgos Papastougiannoudis and Elias Kroustalakis were transferred to Polihni police station while Maria Tsirba and Ioanna Katlamousi were transferred to a police station in the area of Menemeni. They all remained in custody until the next morning. All five are waiting for a call to a trial hearing.

¹⁶⁸ Amnesty International, *Combating torture and other ill-treatment: A Manual for Action*, available at: <https://bit.ly/3ib7pMu>, p. 127-128.

¹⁶⁹ Amnesty International, *COVID-19 crackdowns: Police Abuse and the Global Pandemic*, (Index: ACT 30/3443/2020).

¹⁷⁰ Article 285 of the Greek Criminal Code punishes the breach of measures imposed by legislation or the authorities for the prevention of the spread of a contagious disease. It is punished with imprisonment and a monetary penalty. It attracts a prison sentence of up to ten years.

¹⁷¹ Interviews November 2020.

¹⁷² Interview November 2020.

¹⁷³ Article 39 of the Greek Lawyers' Code.



WOMEN'S RIGHTS ACTIVISTS ARBITRARILY ARRESTED AND CRIMINALISED SIMPLY FOR STAGING ACTIONS AGAINST GENDER-BASED VIOLENCE

In the late afternoon of 25 November 2020, Greek police apprehended nine women's rights activists who were taking part in small symbolic actions in Syntagma square, in central Athens, to mark the Day of the Elimination of Violence Against Women. During their symbolic actions, the nine women were wearing masks and observing physical distancing rules.

The nine women, who included leading members of feminist collectives and a staff member of Amnesty International's Greek Section were initially taken to Syntagma police station for identity checks. Despite their repeated requests, they were not told why they had been transferred to the police station, nor were they informed that they were being formally arrested until later that evening. Then, police filed a case against them for allegedly breaching public health rules (Article 285 Greek Criminal Code) and forwarded it to the competent Prosecutor in order for them to press charges.

Five other members of feminist collectives, who threw flyers against gender-based violence in the air, were also taken to Syntagma police station later that evening before being transferred to Acropolis station for identity checks. Two of them (one man and a woman) had also cases filed against them by police for allegedly breaching public health rules. Amnesty International spoke to the lawyers representing the eleven activists who highlighted the absence of a legal basis in national legislation for the charges brought against them as there was no blanket ban on demonstrations during that period under the applicable legislation.¹⁷⁴

Despina Paraskeva-Veloudogianni, one of the nine women's rights activists arrested in Syntagma square and staff of Amnesty International's Greek Section said: "We held our banner for two minutes and then closed it as the atmosphere was tense and while we are trying to reach Ermou street, police calls us...and surrounds us...I find incomprehensible what is happening. How could nine individuals constitute public danger?"¹⁷⁵

Dionysia (Sissy) Vovou, member of the feminist collective MOV said: "We feel outraged and angry that the authorities arrested us simply for staging an action on the International Day for the Elimination of Violence against Women..."¹⁷⁶

The arbitrary arrests and criminalization of the eleven activists drew criticism by Amnesty International, civil society, women's rights groups and political parties.¹⁷⁷ In a radio interview, the Minister of Citizen Protection issued an apology to the activists and characterized what happened as "an exaggeration".¹⁷⁸ However, in a disconcerting retraction from the apology of the Minister of Citizen Protection, the Deputy Minister justified the activists' arrests and accused them that they had not notified the police of their protest, thus breaching existing legislation on public assemblies and that the nine activists apprehended in Syntagma square had refused to disperse despite police warnings.¹⁷⁹



ARBITRARY ARRESTS AT THE ALEXIS GRIGOROPOULOS MEMORIAL

On 6 December 2020, Greek police transferred to police stations for identification many individuals that had assembled near the memorial of 15-year-old Alexis Grigoropoulos, a victim of unlawful use of lethal force by police in the neighbourhood of Exarcheia. During the day that the second blanket ban of assemblies was imposed, a heavy police presence was deployed in the area. The transfers were subsequently turned to formal arrests and police filed cases alleging a breach of public health rules (Article 285 of Greek Criminal Code).

¹⁷⁴ Article 6 of Joint Ministerial Decision, dated 7 November 2020, introducing lockdown measures for the prevention of COVID-19, available at: <https://bit.ly/3cJlzQW>

¹⁷⁵ Interview November 2020.

¹⁷⁶ Interview March 2021.

¹⁷⁷ See Amnesty International, Greece: Charges against women's rights activists - including Amnesty staff - must be dropped, 26 November 2020; see also response to a parliamentary question on cases of police arbitrariness, 8 December 2020, <https://www.efsyn.gr/node/270677>.

¹⁷⁸ See: <https://bit.ly/3cKFXCe>.

¹⁷⁹ See: <https://bit.ly/39EY3nb>.

Amnesty International interviewed two of the individuals apprehended on 6 December 2020 near the memorial of Alexis Grigoropoulos. They reported that all those gathered that day adhered to physical distancing and wore masks and asked the police to be allowed to approach the memorial simply in order to lay a flower. Among those arbitrarily arrested was the leadership of the Greek Socialist Workers' Party (SEK) that included elected municipal councillors and health workers, members of the anti-racist movement KEERFA, two human rights lawyers and recognized refugees. Amnesty International has been informed that around 86 individuals were apprehended, boarded on police buses and transferred for identity checks to Petrou Ralli Aliens' Police Directorate. They were subsequently released on the same evening after police filed cases against them under Article 285.¹⁸⁰ According to the Greek Police announcement, out of the 399 individuals transferred to police stations during operations in various parts of the Attika region on 6 December, police formally arrested and filed cases against 143 individuals for allegedly breaching public health rules.¹⁸¹

Human rights lawyers Thanasis Kampagiannis and Kostas Papadakis were among those apprehended when they went near the memorial site to provide legal assistance to the individuals who were there to pay a tribute. Police also filed a case against them for allegedly breaching public health rules.

When speaking to Amnesty International, Thanasis Kampagiannis said that despite declaring to the police that both him and Kostas Papadakis were near the memorial of Alexis Grigoropoulos in their capacity as lawyers, they were also apprehended. In the following days, NGOs, political parties, Bar Associations and lawyers condemned the two lawyers' arbitrary arrest.¹⁸² The Athens and Piraeus Bar Associations noted that this set a precedent that struck at the core of the legal profession and constituted an affront on the rule of law.¹⁸³ National legislation guarantees the right of lawyers to be treated with respect during the exercise of their duties.¹⁸⁴

Amnesty International has also received a report of police arbitrarily arresting a young man while he was walking in an Athens main street on the day of the blanket ban of demonstrations and filing a case against him for an alleged breach of public health legislation.

7.2 UNJUSTIFIED FINES

Amnesty International understands that many individuals were handed hefty administrative fines during the two blanket bans on assemblies in November and December 2020 on the ground that they participated in public outdoor assemblies of more than four people or for breaching movement restrictions.¹⁸⁵ Several others that participated in symbolic actions or political activities in November 2020 - on dates that public outdoor assemblies were permitted - were also handed fines for allegedly not providing the police with required documentation.¹⁸⁶

Until March 2021, general COVID-19 rules did not explicitly include demonstrations among the permitted reasons of movement despite the fact that such assemblies are not prohibited under the same legislation.¹⁸⁷ Human rights lawyers noted that such failure led to the imposition of unjustified fines to those exercising their right to freedom of peaceful assembly.

Interviewees said to Amnesty International that the fines against them were unjustified as they had adhered to COVID-19 protection measures (physical distancing and wearing masks) and provided the required documentation. They also pointed that the fines that ranged between 300 and 900 euros were unaffordable

¹⁸⁰ Some of the individuals arbitrarily arrested were also handed administrative fines.

¹⁸¹ See Announcement of 7 December 2020 regarding yesterday's transfers and arrests, available at: <https://bit.ly/31JRifE>.

¹⁸² See <https://bit.ly/3ujQ6fk>; and <https://bit.ly/3dM6sH1>.

¹⁸³ See <https://bit.ly/3cMAYRC>.

¹⁸⁴ Article 34 of Greek Lawyers' Code.

¹⁸⁵ Lawyers collecting information for the purpose of challenging the hundreds of fines imposed on protesters during the demonstrations, found that such fines have been imposed to individuals in nine cities in Greece. See: <https://bit.ly/2PJkCA9>.

¹⁸⁶ Case of eleven women's rights activists and case of members of ANTARSYA.

¹⁸⁷ See Article 3 of Ministerial Decision. Δ1α/Γ.Π.οκ. 12639, Urgent measures for the protection of public health from the danger of further spreading of COVID-19 in the country for the period of 1 March 2021 until 8 March 2021. The provision introduced transport for the purpose of participation to a public outdoor assembly as a permitted ground of movement. It did not appear to require the presentation of SMS message to police during checks.

as they were students, workers and people of low income or no employment.¹⁸⁸ In January 2021, the average minimum gross salary in Greece was just over 750 euros per month.¹⁸⁹

People interviewed have challenged these decisions before the competent police authorities. In some cases, they have been successful, but their appeals were accepted only on procedural grounds. In other cases, police have rejected the appeals.¹⁹⁰ Many have proceeded in challenging these decisions before administrative courts. Others said that prohibitive legal costs did not allow them to challenge the decisions imposing the fines.

Forty-six individuals who participated in a peaceful demonstration in Thessaloniki during the first blanket ban challenged the police decisions handing them a 300 euro administrative fine each before Greece's Council of State. In their appeal, the protesters highlighted that despite wearing masks and maintaining physical distancing as well as showing all required documentation to the police, they were encircled and handed fines. The pilot case also challenged the legality, constitutionality and proportionality of the decision imposing a blanket ban. The pilot case was heard by the Council of State on 2 April.¹⁹¹

Amnesty International wishes to stress that penalties for non-compliance with restrictions on the right to freedom of movement or liberty in response to COVID-19 must be provided for by a law formulated with sufficient precision to enable individuals to regulate their conduct accordingly, and made easily accessible to the public. Any penalty must be necessary and proportionate to protect public health or in the pursuance of another legitimate purpose under international human rights law. Longstanding international legal principles that guide states in implementing their human rights obligations urge states to avoid unwarranted and unnecessary criminalization in relation to public health.¹⁹² In order to be considered necessary, the penalties must be the last resort after other alternatives have proven unsuccessful or if it becomes clear that the objective cannot be achieved by those other means.

Amnesty International believes that fines linked with the exercise of the right to freedom of peaceful assembly are not necessary and proportionate, have a chilling effect on peaceful protests and urges the Greek authorities to annul the decisions imposing them.

¹⁸⁸ Interviews with protesters who participated in the Ioannina, Thessaloniki and Rethymno demonstrations on 17 November 2020; Athens and Chania on 6 December 2020; women's rights activists arbitrarily arrested by police on 25 November 2020 and five members of ANTARSYA arbitrarily arrested by police on 14 November 2020.

¹⁸⁹ See <https://bit.ly/3sRC2t1>.

¹⁹⁰ For example: in the cases concerning fines against protesters participating in Rethymno and Ioannina demonstrations.

¹⁹¹ They argued among others that the blanket ban imposed by the Head of the Police did not have a legal basis as the applicable legal regime (a Joint Ministerial Decision that came into effect on 6 November 2020) did not suspend public outdoor assemblies and asked for its annulment; and that it was contrary to the Article 11 para. 2 of the Constitution (right to freedom of peaceful assembly) as this provision did not provide for restrictions on public health grounds (Copy of appeal on file).

¹⁹² UN Commission on Human Rights, 41st Session, "Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights", UN Doc.E/CN.4/1985/4, 1984.

8. FAILURES TO UPHOLD SAFEGUARDS AGAINST TORTURE AND OTHER ILL-TREATMENT

During the research, Amnesty International has received some serious allegations of torture and other forms of ill-treatment of protesters and other individuals in detention. The cases documented in this report highlight failures of the Greek authorities to adhere to international human rights standards related to the protection of the rights of detainees and core safeguards against torture and other forms of ill-treatment including the rights of persons deprived of their liberty: to be informed of the reasons of their arrest; to access a lawyer; to receive medical care and assistance; and be detained under humane conditions.¹⁹³

Similar flaws have been documented in the organization's previous reports documenting incidents of unlawful use of force by law enforcement officials¹⁹⁴ and by international human rights bodies such as the European Committee for the Prevention of Torture (CPT) in its reports on Greece.¹⁹⁵

8.1 ALLEGATIONS OF TORTURE AND OTHER ILL-TREATMENT

Torture and other ill-treatment are absolutely prohibited under international law. The Greek authorities have obligations to bring to justice everyone responsible for any act of torture. Certain acts which constitute other cruel, inhuman or degrading treatment or punishment are also crimes under international law. Torture is prohibited in a number of international and regional human rights treaties to which Greece is a party, including Article 7 of ICCPR and Article 3 of the European Convention on Human Rights and the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).¹⁹⁶

¹⁹³ See concerns and recommendations in Report1 Roundtable on Professional Policing: Treatment of Apprehended Persons and Consequences Athens, 10-11 January 2019 organised by the Council of Europe and the Greek Court of Cassation Prosecutor's Office, available at: <https://bit.ly/3p1wLOz>.

¹⁹⁴ Amnesty International, *A Law unto Themselves: A Culture of Abuse and Impunity in the Greek Police*, 2014 (Index: EUR 25/005/2014).

¹⁹⁵ See 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 10 to 19 April 2018, CPT/Inf (2019) 4, available at: <https://bit.ly/3rEMrHc>. See also *Transfers to police stations, detention and arrests of citizens*, Athens Bar Association, Statement of 23 February 2021, at: <https://bit.ly/3cAWBEu>.

¹⁹⁶ In national legislation, torture and other forms of ill-treatment are proscribed by Article 137 A of the Greek Criminal Code (as amended by Law 4619/2019).



THE CASE OF ARIS PAPAACHAROUKAKIS

The footage showing a young man who was beaten by police in Nea Smyrni square sparked demonstrations against police violence in Nea Smyrni neighbourhood, other parts of Athens and the rest of Greece. The vast majority of these protests have been peaceful except on one occasion at a large and initially peaceful demonstration that took place in Nea Smyrni on 9 March that turned violent when a large group of individuals clashed with police. According to police reports, one police officer of the DRASI motorcycle police unit was seriously injured.¹⁹⁷ In the days following the 9 March demonstration in Nea Smyrni, serious allegations came to light in national media about beatings during arrest, sexual harassment and torture or other ill-treatment in custody in relation to some of the protesters arrested for allegedly being involved in the violent clashes with police and/or the injury of the police officer.¹⁹⁸ According to a statement by the Greek police, an investigation for the reported incidents was opened by the Internal Affairs Directorate under a Prosecutor's supervision¹⁹⁹ while for others disciplinary investigations were conducted by the Sub-Directorate of Disciplinary Inquiries.²⁰⁰

Twenty-one-year-old Aris Papazacharoudakis had participated in the 9 March demonstration in Nea Smyrni neighbourhood.²⁰¹ Aris said to Amnesty International that he was tortured by police in G.A.D.A. during his questioning in relation to the clashes and injury of the police officer the previous day.

He described²⁰² how he was stopped by two hooded men on a motorbike near the place where his political collective was meeting in the evening of 10 March and then he was hit, handcuffed, hooded and forced into a car with no licence plates. He said that he was beaten by police officers in the G.A.D.A. basement where he was initially transferred. He recounted: "They threw me inside the elevator head first and hit me...They told me 'We will rape your puppy'..."

Aris Papazacharoudakis said that he was subsequently tortured by police officers for several hours during his questioning and that this took place in two different stages and in locations on two different floors of the G.A.D.A. building. He said that during that time, he continued to have a hood on his head and was with his hands handcuffed behind his back. Aris Papazacharoudakis described that as he was being taken via the stairs from one floor to another, he was able to discern a logo with the initials of the Counter-Terrorism Service (D.A.E.E.V).

As Aris himself describes: "...They tried to elicit from me what is my football team....I explained to them that I am not interested in football teams and they were telling me 'We do not give a shit... you will say one by force'. At some point, when I responded,..they continued to hit me and laughed... They switched off the lights, and I was left with a hood on my head and my hands tied behind my back. And they start to hit me in the dark... And they created a climate of psychological terror, meaning I heard their steps sometimes coming close to me and then disappearing, (and sometimes they were) coming close and hit me... At some point in the dark, ... an intense noise starts being heard, of a tool, zip, like something opening and closing with intensity..."²⁰³

Aris Papazacharoudakis said that after some hours he was taken via the stairs to another floor of the building where a more detailed questioning took place and the police continued to beat and interrogate him. As Aris described: "... (T)hey asked me to talk about the place from where they took me (and) where my (political) collective was hosted..., and as long as I did not respond I was beaten up more... They were

¹⁹⁷ According to a statement by the Greek Police, sixteen individuals were arrested for participation in the clashes that took place on the 9 March protest. Charges brought against them included attempted homicide, causing dangerous bodily harm, preparation and possession of explosive materials. According to the statement, 10 police officers were injured and three remained in hospital for treatment. See: <https://bit.ly/3hvPnVc>. See also <https://bbc.in/3yqAfgM>; and <https://bit.ly/3AABufp>.

¹⁹⁸ An eighteen-year-old female reported that during her arrest she was beaten, sexually harassed and subjected to verbal sexist abuse by officers belonging to DRASI team and riot police teams. See Efsyn, "Police beat and sexually harassed an eighteen-year-old female", 12 March 2021, available at: <https://bit.ly/3tVoJYm>. A nineteen-year-old male reported that few minutes before his arrest a motorbike driven by DRASI officers drove at him and that he was hit with a baton on the head, sworn at and had his hair pulled by police officers that arrested him. Efsyn, "Greek police seriously exposed for those arrested in Nea Smyrni", available at: <https://bit.ly/3u5q8vx>. According to a statement by the Ministry of Citizen Protection, these and some other cases were investigated by the Internal Affairs Directorate under the supervision of a Prosecutor. See: <https://bit.ly/3f2K8uk>. See also footage showing police officers hitting a man arrested inside a shop in Nea Smyrni available here: <https://bit.ly/342pyUD>, 0.02 – 0.06 min.

¹⁹⁹ See Statement dated 13 March 2021, available at: <https://bit.ly/3f2K8uk>.

²⁰⁰ According to the Ministry's statement, sworn administrative inquiries were conducted amongst others for footage showing a police officer slapping a female protesting and reports about police throwing a molotov at protesters in Nea Smyrni.

²⁰¹ See also detailed testimony Efsyn, "They told me we will even rape your puppy", available at: <https://bit.ly/3hESQkj>.

²⁰² Interview with Amnesty International on 22 March 2021; and copy of official criminal complaint filed by Aris Papazacharoudakis and O.M. on 4 June 2021 (on file with Amnesty International).

²⁰³ Interview with Amnesty International on 22 March 2021.

throwing me from my chair, they were lifting me from my handcuffs (and) I felt that my shoulders would dislocate... It (was) a process of non-stop beating....”.

Aris was finally released three days later on 13 March 2021 after an Athens judge imposed on him bail conditions and after being charged by a prosecutor on 11 March 2021 with alleged detonation, manufacture and possession of explosives and arson.

On 14 March 2021, Aris sought a medical examination from the General Surgery Clinic and the Orthopedic Clinic of Thriassion hospital in Elefsina. The medical reports found among others: thoracic pain, pain on the left shoulder and cervical area, swelling in the left shin area and bruises on the left buttock, shin area and humerus.²⁰⁴ On 16 March, Aris spoke about his ill-treatment in the newspaper “the Journal of Editors”²⁰⁵ and shortly after an investigation started by the Internal Affairs Directorate of the Greek Police.

On 22 March, Aris was examined by two coroners of the Athens Coroners’ Service following an order by the Internal Affairs Directorate of the Greek Police. In their report, the two coroners documented among other injuries, an elongated bruise on Aris’s left elbow, abrasions on his right hand, a small bruise on the left side of the kidney area, a bruise on the left buttock, and an extended bruise and concomitant swelling on the left shin.²⁰⁶

Aris Papazacharoudakis continues to deny the charges introduced against him by a prosecutor and states that he was not among the people that clashed with the police on 9 March during the protest in Nea Smyrni.

In a statement issued on 16 March 2021 the Ministry of Citizen Protection denied the allegations of torture and ill-treatment by Aris as completely untrue.²⁰⁷ The statement said among other things that “during his detention and until he was brought before the judicial authorities, neither (Aris Papazacharoudakis) nor his lawyer with whom he had an unobstructed communication, expressed any report for torture or ill-treatment, nor the wish to be examined or transferred to any hospital for the provision of first aid”. The investigation into the allegations of torture endured by Aris continues, as does the case against Aris which is currently at the main investigation stage in the justice system.



THE CASE OF O.M.

O.M., a man who also participated in the 9 March demonstration described being beaten up, verbally abused and threatened by officers belonging to the Counter-Terrorism Service²⁰⁸ during his arrest in the afternoon of 10 March, in the car that transferred him to G.A.D.A and upon his arrival there. He also described treatment that may amount to torture or other ill-treatment during his questioning by police on the 12th floor of G.A.D.A.²⁰⁹

As O.M. described in the criminal complaint he submitted to the competent prosecutor: “I was led to an office on the 12th floor of G.A.D.A where my personal belongings were removed, and police...[...]... undressed me, removing all my clothes, and hit me with force all over my body asking me to recognize (Aris Papazacharoudakis) in a picture...[...]. In that room where my questioning took place, police officers (who) were alternating, ...were beating me all over my body, and specifically were banging my head on the wall, while with their knees they were hitting my sides and spine, with the aim of obtaining information for the events that led to the injury of the police officer and also names of persons that took part in it ...[...]. (P)olice officers were walking behind me all the time, with heavy steps with the purpose of beating me suddenly once more, while I was also hearing them putting on gloves and threatening me implying (that I would be sexually abused...)”.²¹⁰

O.M. reported that he suffered among others extensive bruising on the right side of his body and right arm, swelling on the right elbow and severe pain on his spine.

²⁰⁴ See copies of hospital certificates in Documento, “State pathology report confirms the torture of Aris Papazacharoudakis”, available at: <https://bit.ly/3byv0CN>.

²⁰⁵ See also detailed testimony Efsyn, “They told me we will even rape your puppy”.

²⁰⁶ See copy of state pathology report in Documento, “State pathology report confirms the torture of Aris Papazacharoudakis”.

²⁰⁷ See Statement of 16 March 2021, available at: <https://bit.ly/2Qs3ik0>.

²⁰⁸ Initials used to protect the individual’s anonymity.

²⁰⁹ Copy of criminal complaint filed by Aris Papazacharoudakis and O.M. See also open letter to Efsyn, Two tortured protesters file a criminal complaint against the Counter Terrorism Service, 23 April 2021, available at: <https://bit.ly/3y8bkj3>.

²¹⁰ Copy of a joint criminal complaint filed by Aris Papazacharoudakis and O.M. Unofficial translation by Amnesty International from the Greek original version.

On 13 March 2021, an Athens judge ordered the pre-trial detention of O.M. for charges including alleged attempted homicide in relation to the attack on the DRASI police officer, charges that he wholly denies.

On 4 June 2021, Aris Papazacharoudakis and O.M. filed a joint criminal complaint against police officers in G.A.D.A and their superiors for the ill-treatment they endured and this was filed under the torture provision of the Greek Criminal Code (Article 137A1).



THE CASE OF LYDIA KATTIS

Lydia Kattis described to Amnesty International how one of the police officers who arrested her, ill-treated her and a family friend while they were held in Kolonos police station on 17 November 2020. Lydia said: "...Inside the police station, he pushes me and before I sit down, he punches me in the right side of my head with (the knuckles of his armored glove) and he continues saying to me 'You are dead, you will see what will happen to you'. I did not resist and sat down... All this happened before the eyes of many police officers. Then he goes and comes again towards me. Gerasimos Livanis, a family friend who was also (brought in the police station) tells him: 'What are you doing to this girl?' and the policeman slaps him...".



BODY SEARCHES

Amnesty International was informed that four of the five ANTARSYA members (two men and two women) arbitrarily arrested in on 14 November 2020, were asked to remove all their clothes during a body search procedure in Thessaloniki Police Directorate, a completely unnecessary and degrading procedure.

On 10 February 2021, the four individuals filed a criminal complaint against the police for their alleged treatment under Article 137 A4 of the Greek Criminal Code (serious breaches to human dignity).²¹¹

Amnesty International stresses that body searches affect the right to privacy and the inherent dignity of the person and therefore should not be carried out lightly by law enforcement officials.²¹² Police should only carry out body searches when absolutely necessary for the purpose of an investigation or for security reasons, in a professional manner, by a person of the same sex and in the least intrusive manner possible, thus limiting as far as possible the inherently humiliating character of the search. Strip searches carried out in violation of the preceding points, in particular if carried out without due reason, amount to cruel, inhuman and degrading treatment.

8.2 FAILURE TO INFORM OF GROUNDS OF ARREST AND ENSURE PROMPT ACCESS TO A LAWYER

In at least five of the cases documented in this report, police reportedly failed to inform those apprehended on the grounds of their arrest for several hours after their transfer to a police station and/or delayed access to legal assistance. Some of the interviewees and/or their lawyers said that they were questioned without the presence of the lawyer.

Under international human rights law, every person arrested or detained has the right to be promptly informed of any charges against them.²¹³ All suspects and accused, whether or not detained, should have access to and assistance of counsel from the very start of a criminal investigation. A person arrested or detained should have access to a lawyer as soon as they are deprived of their liberty.²¹⁴

²¹¹ Copy of complaint on file.

²¹² International Committee of the Red Cross, International Rules and Standards for Policing, available at: <https://bit.ly/3fcfyic>. <https://bit.ly/3wuxha3>.

²¹³ See Article 9(2) of the ICCPR; Article 5(2) of the European Convention on Human Rights

²¹⁴ Guidelines 3 §43(b) and (d) and 4 §44(a) of the Principles on Legal Aid, Guideline 20(c) of the Robben Island Guidelines. See also, Human Rights Council resolution 13/19, UN Doc. A/HRC/RES/13/19 (2010) §6, HRC Concluding Observations: Georgia, UN Doc. CCPR/C/79/Add.75 (1997) §27, Jordan, UN Doc. CCPR/C/JOR/CO/4 (2010) §9.

Amnesty International was informed that the twenty-three students arrested and detained in Ioannina on 17 November 2020, were not allowed access to their lawyer during their detention despite their repeated requests and the only way they communicated with him was by phone. The students were reportedly not allowed a lawyer when fingerprinted, questioned and asked to sign documents acknowledging that they had read the charges against them.

Further, one of the lawyers of A.M. said that upon his transfer to G.A.D.A on 7 March 2021, her client and ten other individuals who were also apprehended, had their mobile phones confiscated and could not communicate with their families or lawyers. The lawyers representing them were reportedly not allowed to see them until 8:30 pm. That was five hours after their transfer to G.A.D.A. The lawyer also said that some of the eleven individuals were questioned without the presence of the lawyer.

Aris Papazacharoudakis also told Amnesty International that he was not informed on the grounds of his arrest upon his apprehension on 10 March 2021. Lawyer Anny Paparoussou said that Aris Papazacharoudakis was allowed to see his lawyers only in the afternoon of the next day after his arrest (around 1 pm and 3 pm). She also stressed that the first meeting with one of his lawyers on the 12th floor of G.A.D.A. was not substantive due to the limitation of the time and the absence of conditions conducive for the required confidential communication between a lawyer and a client.

8.3 POOR DETENTION CONDITIONS AND DENIAL OF MEDICAL ASSISTANCE

In several of the cases documented, the individuals apprehended described overcrowding and/or very poor conditions during their custody that they considered put them at an increased risk of being exposed to COVID-19. In some cases, the authorities reportedly refused to provide the interviewees with masks and/or disinfectant when requested. Many of the individuals whose cases have been documented said that they had to seek medical assistance for their injuries. Several interviewees and/or their lawyers said that police denied, delayed or obstructed access to medical assistance.

Under international human rights law, the Greek authorities are obliged to ensure that all people deprived of their liberty must be treated with humanity and with respect for the inherent dignity of the human person.²¹⁵ During the pandemic, the Greek authorities should refrain, as far as is possible, from taking persons into police custody even in criminal investigations. Instead, they should consider alternative measures to secure the law enforcement proceedings. They must also take adequate preventive measures to protect persons in police custody as well as police custody staff against contagion where the arrest and detention of a person is unavoidable in order to prevent, investigate or prosecute crime.

Persons injured in the course of arrest should be given medical assistance immediately. Delays of a matter of days are likely to breach international standards.²¹⁶ The Mandela Rules²¹⁷ and the UN Basic Principles for the Treatment of Prisoners call for detainees to be given or offered a medical examination as promptly as possible after admission to a place of detention.

Giota Bobou described how police hit and blocked doctor Andromachi Zourbaki from providing first aid to Dimitris Kattis after he collapsed outside Kolonos police station.²¹⁸ She also recounted that when the ambulance arrived to transfer Dimitris Kattis in the hospital, a police officer from Kolonos police station refused to let him go unless he was shown the ID of Dimitris Kattis despite the explanations by Giota Bobou that they did not have the ID with them. Giota Bobou and Dimitris Kattis said that the ambulance was allowed to go only following an intervention by doctor Mihalīs Rizos who was also outside the police station.

Lydia Kattis described how police ignored her request to receive medical assistance for several hours after her arrest. She was reportedly transferred to a hospital shortly before midnight and examined for injuries on her shoulder and head.

Andreas* described to Amnesty International how he was abandoned and not offered any assistance for his injuries following an attack by riot police on the 10 February student demonstration. He was later transferred

²¹⁵ Article 10 of the ICCPR; Principle 1 of the Basic Principles for the Treatment of Prisoners.

²¹⁶ *Hurtado v Switzerland* (17549/90), ECtHR (1994) §§77 and 79; *MS v the UK* (24527/08), ECtHR (2012)

²¹⁷ Rule 30 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), A/RES/70/175.

²¹⁸ See also detailed testimony by doctor Machi Zourbaki in @efsyn newspaper, available at: <https://bit.ly/3fJXafm>.

to a hospital after bystanders called an ambulance. Footage seen by Amnesty International shows Andreas lying motionless on the ground and being sprayed with chemical irritants from a very close range. Then four riot police officers are shown abandoning Andreas* and some bystanders are offering him assistance.²¹⁹

Some of the twenty-three male and female students detained in Ioannina Police Directorate on 17 November 2020 described how all of them were detained for approximately fifteen hours in a cell of 10 square meters. The students interviewed said that the cell and toilets were very dirty. They also said that the only masks they could use were the ones they had from the demonstration, that they were not provided with any antiseptic and police gave them only five bottles of water to share between them. When they asked for more, they were told to use the toilet tap or to order from outside. They reported that when some asked for ice for their head injuries, the police brought it with two hours delay and when they asked to receive hospital treatment, they were told that they had to choose two who could be sent to the hospital. Eventually, two more students were reportedly transferred to the hospital six hours after their arrest by the police. The remaining students were released the next morning and only then were able to seek hospital treatment.

Amnesty International was also informed about the dire custody conditions and lack of hygiene protocols that more than 150 individuals faced during their detention in G.A.D.A on 6 December 2020. The individuals concerned were apprehended by police in different parts of Athens on the day that the second ban on public outdoor assemblies came into effect. Serious concerns arise about accounts received regarding an 18-year-old male student suffering a dangerous epileptic fit after being detained for many hours and not provided with any food and water.²²⁰

The student's mother²²¹ said to Amnesty International that he was apprehended while he was walking with a friend in one of the main streets in Athens and that he was perfectly healthy before the epileptic fit that happened during his detention. She also said that during her son's epileptic fit, the police officers present failed to intervene and did not call an ambulance. She found out about what happened to her son only after being called by one of the lawyers present at the time of the incident.

Evangelia Ambazi²²², one of the lawyers providing legal assistance to those apprehended the conditions at the Directorate: "...I (entered), and the 6th floor of G.A.D.A had approximately 70-75 individuals bundled together... There are two narrow corridors, ...and there were around 30 people ...without food or water...When we (were) walking to the 7th floor, we heard screams... We (went) back to the 6th floor and I (saw) a man on the ground that was heavily bleeding from his mouth and a colleague performing CPR on him...An ambulance was called that arrived after 45 minutes...".

Aris Papazacharoudakis described very poor and degrading conditions of detention for him and O.M. while being held for three days on the 7th floor of G.A.D.A following their apprehension on 10 March. He said: "...The next day, we (were not given) water or breakfast...We took water for the first time from those detained in the cells next to us... We did not even have access to the toilet, and we used those water bottles for our needs...".

²¹⁹ Copy on file.

²²⁰ Amnesty International understands that the police also formed a case file against the young student under Article 285 of the Greek Criminal Code.

²²¹ Interview, 9 December 2020.

²²² Interview with Evangelia Ambazi, Head of the Legal team of MeRA25, 11 December 2020.

9. CONCLUSIONS AND RECOMMENDATIONS

The detrimental changes introduced in the past year in the legislation regulating demonstrations, the blanket bans, the dispersal of the documented peaceful demonstrations and reported use of unnecessary and excessive force paint a worrying picture about the state of the right to freedom of peaceful assembly in Greece. The arbitrary arrests and criminalization of peaceful protesters, human rights defenders and members of political parties and the handing of unjustified and hefty fines have a particular chilling effect on the rights to freedom of expression and peaceful assembly.

Amnesty International strongly urges the Greek authorities to take all measures that will ensure the facilitation of the right to freedom of peaceful assembly by introducing reforms to legislation and policy regulating demonstrations in line with their international human rights commitments.

The COVID-19 pandemic must be treated first and foremost as a public health crisis that needs to be addressed through evidence-based public health measures rooted in the respect for human rights. Coercive law enforcement measures risk undermining the effectiveness of the response and must only be used as last resort. In the COVID-19 response, authorities must ensure that laws, regulations and instructions establish clearly circumscribed responsibilities and tasks for law enforcement officials, reducing as much as possible discretion that may lead to arbitrary or otherwise excessive exercise of police powers. Instructions given must be based on scientific evidence and should include relevant public health guidance in order to allow law enforcement officials to respond appropriately to any situation they may encounter during this time of crisis. Restraint in the exercise of police powers and a voluntary, rather than a coercive approach should be prioritized to promote an effective public health response and to avoid unnecessary confrontations likely to increase the risk of contagion and to affect the legitimacy of law enforcement in the eyes of the public.

Crucially, the Greek authorities must stop characterizing acts of unlawful use of force as “isolated” and acknowledge the systemic nature of the phenomenon.²²³ Such police misconduct has been frequently documented and is not just “isolated incidents”. The Greek authorities must also send a strong message that such acts will not be tolerated.²²⁴ Failure to do so will perpetuate a long-standing culture of impunity that Amnesty International and other organizations have been documenting for many years.²²⁵ Amnesty International notes that in the year preceding the launch of this report, it has documented more cases reporting human rights violations by law enforcement officials including: ill-treatment of individuals during arrest/and or detention²²⁶; unnecessary and excessive use of force including misuse of chemical irritants

²²³ See Conclusions of Report Round-Table on Professional Policing: Treatment of Apprehended Persons and Consequences Athens, 10-11 January 2019 organised by the Council of Europe and the Greek Court of Cassation Prosecutor’s Office, available at: <https://bit.ly/3p1wLOz>.

²²⁴ In a March statement, the Ministry of Citizen Protection argues that the reports of arbitrariness have increased but whether police violence has increased will be reflected when relevant investigations are completed by the Ombudsman and the Greek Police. The statement fails to acknowledge a series of persistent shortcomings identified in criminal and disciplinary investigations by the Greek Ombudsman in his capacity as a National Mechanism for the Investigation of Incidents of Arbitrariness and the CPT that can lead to the perpetrators not being brought to justice and which support a culture of impunity. Available at: <https://bit.ly/34xKlZQ>.

²²⁵ See Amnesty International/International Helsinki Federation, *Greece: In the Shadow of Impunity: Ill-treatment and the misuse of firearms* (Index: EUR 25/022/2002); Amnesty International, *Greece: Alleged Abuses in the Policing of Demonstrations* (Index: EUR 25/001/2009); *Police Violence in Greece: Not just ‘Isolated Incidents’*, (Index: EUR 25/005/2012); and *A Law unto Themselves: A Culture of Abuse and Impunity in the Greek Police* (Index: EUR 25/005/2014).

²²⁶ Cases on file.

against protesters and people gathered in squares at a time when Covid-19 restrictions were easing;²²⁷ and ill-treatment of refugees and migrants including during push-back operations.²²⁸

In 2019 and 2020, the Greek Ombudsman, in his capacity as a National Mechanism Investigating Incidents of Arbitrariness (National Mechanism), received a total of 471 cases concerning actions or omissions of law enforcement officials and staff of detention facilities.²²⁹

In many of the cases documented, the authorities commenced or have been asked to commence disciplinary investigations by the National Mechanism. Criminal investigations have also started for some of the reported incidents. Amnesty International wishes to remind the Greek authorities that international human rights standards require them "...to investigate effectively, impartially and in a timely manner any allegation or reasonable suspicion of unlawful use of force or other violations by law enforcement officials in the context of assemblies. Individual officials responsible for violations must be held accountable under domestic and, where relevant, international law and effective remedies must be available to victims."²³⁰

Amnesty International's previous reports identified systemic failings leading to impunity for law enforcement officials committing human rights violations including the failure by the police or judicial authorities to conduct prompt, thorough, effective and impartial investigations and to bring perpetrators to justice.²³¹ The ECtHR has found Greece in breach of the procedural aspects of Articles 2 (right to life) or 3 of the European Convention on Human Rights (prohibition of torture and other ill-treatment) in thirteen cases concerning use of potentially lethal force or ill-treatment by law enforcement officials on account of the absence of effective administrative and criminal investigations and inadequate criminal proceedings and penalties.²³²

In the recent 2020 Report, the National Mechanism continued to identify a series of shortcomings in the conduct of disciplinary investigations. These shortcomings included: failures to investigate reported incidents of police arbitrariness; failure to seek or promptly examine witnesses; inadequate evaluation of medical findings; targeting of the person that reports an incident with the criminal offences of insubordination and resistance; and delays in the completion of the investigations.²³³ In 41 % of the investigations monitored, the Mechanism requested more thorough investigations of complaints by the competent disciplinary authorities and noted that this should make the authorities think about improvements in the quality of the internal disciplinary procedures.²³⁴

The organization notes the reforms introduced in 2019 in the Police Disciplinary Code and those introduced in 2020 that seek to enhance the effectiveness of the National Mechanism.²³⁵ They include provisions that seek to ensure the required service distance between the person that conducts a preliminary disciplinary investigation and the officer/s investigated and to shorten the time that disciplinary investigations are conducted. The reforms also equip the National Mechanism with express powers to summon witnesses, carry out an autopsy, order an expert opinion and obtain depositions by witnesses; and give the National Mechanism the power to refer to the competent Minister cases where it has found an insufficiently reasoned deviation from the Mechanism's findings that have been referred to the disciplinary bodies for completion of an investigation. Amnesty International calls on the Greek authorities to:

ON LEGISLATION REFORMS

- Amend Law 4703/2020 on public outdoor assemblies and PD 73/2020 and bring them into line with Greece's obligations under international human rights law including by:
 - abolishing the mandatory notification regime, and, if at all, to introduce an optional notification regime instead.

²²⁷ See Amnesty International, *Europe: Police of demonstrations in the European Union* (Index: EUR 01/022/2012).

²²⁸ See *Greece: Violence, Lies and Pushbacks – Refugees and Migrants still Denied Safety and Asylum at Europe's Borders* (Index: EUR 25/4307/2021).

²²⁹ National Mechanism for the Investigation of Incidents of Arbitrariness, Annual Reports of 2019 and 2020, available at: <https://bit.ly/3fitEYq> and <https://bit.ly/3yOPHEw>.

²³⁰ HRC, General comment No. 37, para. 90.

²³¹ See Amnesty International/International Helsinki Federation, *Greece: In the Shadow of Impunity: Ill-treatment and the misuse of firearms* (Index: EUR 25/022/2002); Amnesty International, *Greece: Alleged Abuses in the Policing of Demonstrations* (Index: EUR 25/001/2009); *Police Violence in Greece: Not just 'Isolated Incidents'*, (Index: EUR 25/005/2012); and *A Law unto Themselves: A Culture of Abuse and Impunity in the Greek Police* (Index: EUR 25/005/2014).

²³² See Council of Europe, Committee of Ministers, Status of Execution: Makaratzis Group, available at: <https://bit.ly/2RXjBFU>.

²³³ National Mechanism, Annual Report 2020.

²³⁴ A Special Committee set up by the Ministry of Citizen Protection in November 2019 to investigate the progress of twenty cases of police violence underlined the impunity that exists and identified several shortcomings including unwillingness of police investigative bodies to cooperate with the National Mechanism; failure to obtain testimonies from crucial witnesses and examine medical professionals; as well as bias by the investigating officers. See Findings of Alivizatos Committee for police violence in Greece, available at: <https://bit.ly/3yNCqw6>.

²³⁵ See National Mechanism Annual Report for 2019; also: Article 188 of Law 4662/2020 and Article 28 of Law 4760/2020 that envisages the establishment of five new positions of specialized scientific personnel.

- ensuring that failure to notify the intention to assemble is not used as a purported justification for dispersal or for considering participation in an assembly as unlawful.
- excluding from a notification regime assemblies whose impact can reasonably be expected to be minimal.
- establishing in law in a clear and explicit manner a presumption in favor of holding peaceful assemblies.
- seeking to accommodate counter demonstrations and repealing the provision that allows for their prohibition.
- repealing the provision introducing the liability of assembly organizers for the violent behavior of others.
- Ensure measures introduced to protect public health do not impose undue restrictions on people's rights to peaceful assembly and freedom of expression; there should be no blanket ban on public assemblies, but each assembly should be assessed on a case-by-case basis.
- Ensure in law and in practice that all uniformed law enforcement officials display an easily recognizable and clearly visible form of personalized identification at all times and take all other necessary steps to ensure the full accountability of members of law enforcement agencies and their commanding officers for their actions.
- Refrain from recording assembly participants. Exceptions should only be considered when there are concrete indications that serious criminal offences are actually taking place or that there is cause to suspect imminent and serious criminal behaviour. In such situations, the storage and use of the recordings must be limited to those cases and not be kept longer than necessary for the purpose of those investigations.
- Ensure transparency in the decisions taken in relation to use of surveillance systems during demonstrations.

ON ACCOUNTABILITY OF POLICE

- Ensure the prompt, impartial, independent and effective investigation of all allegations of human rights violations by law enforcement officials documented in this report.
- Promptly provide the National Mechanism with all information required for the fulfilment of its duties.
- Officials against whom there are credible reports of responsibility for committing, or being involved in, torture or other acts of ill-treatment should be suspended from active duty during investigations and where appropriate prosecuted under the criminal law.

ON POLICING OF ASSEMBLIES

- Ensure that law enforcement officials only use force when strictly necessary and proportionate to achieve a legitimate objective, even in times of emergency. Law enforcement officials should not resort to the use of force just because an assembly is considered unlawful.
- Ensure in practice the protection and facilitation of spontaneous assemblies in the same way as other assemblies.
- Ensure that devices that have indiscriminate effects and a high potential of harm, such as tear gas or water cannon, may only be used in situations of more generalized violence for the purpose of dispersing a crowd, and only when all other means have failed to contain the violence. They may not be used when people are in a confined space or where roads or other routes of escape are blocked. Exercise particular restraint in the use of tear gas during the pandemic that can increase the risk of contagion with the disease.
- Prohibit the direct firing of any projectile or grenade against a person.
- Refrain from using force to disperse an assembly when this is done with a view to preventing the spreading of COVID-19, especially when dispersal requires the use of chemical irritants such as tear gas.
- Prohibit the use of handheld spraying devices on people who are completely peaceful and/ or only passively resisting an order.

- Ensure that training is provided in order for law enforcement officials to use chemical irritants correctly in order to mitigate the risk of unnecessary or arbitrary injury or other harm.
- Ensure that law enforcement officials are provided with strict human rights-based scenario training in order to use batons correctly and thus mitigate the risk of excessive or unnecessary use of force causing unwarranted injury.
- Ensure the protection of those monitoring and reporting on violations and abuses of others in the context of peaceful assemblies including members of the press, lawyers and human rights defenders; and send a strict message to officers involved in the management of assemblies that unlawful use of force against monitors and members of the press and obstruction of such monitoring and reporting will not be tolerated.
- Reflect the above principles in the Guidelines on the management of demonstrations and ensure that they are detailed regarding the threshold of risk for which different means, methods and weapons will be used in cases of resort to force.

ON ARBITRARY ARRESTS AND FINES

- Halt the criminalization and annul the fines against peaceful protesters, lawyers and women's rights activists and those other individuals who were arbitrarily arrested prior and during the November and December 2020 demonstrations and symbolic actions. Any charges against them for allegedly breaching public health rules must be dropped.
- Ensure that persons arrested are informed, at the time of arrest, of the reasons for their arrest and promptly informed of any charges against them.

ON SAFEGUARDS FOR INDIVIDUALS IN CUSTODY

- During the pandemic refrain, as far as possible, from taking any person into police custody even in criminal investigations. Instead, consider alternative measures to secure the law enforcement proceedings.
- Take adequate preventive measures and proceedings to protect persons in police custody as well as police custody staff where the arrest and detention of a person is unavoidable in order to prevent, investigate or prosecute crime. In particular, measures should be taken to ensure that people deprived of their liberty are not transferred or held in a way that can increase contagion.
- Ensure in line with Recommendations made by Council of Europe and National Experts, the Greek Ombudsman, the CPT and other international standards that:
 - all persons deprived of their liberty, include those lacking funds, can have access to a lawyer from the beginning of custody and can have a lawyer present during interview.
 - all persons deprived of their liberty are provided with prompt access to medical assistance, including a medical examination on the commencement of custody.
 - police officers are informed and trained on the conduct of human rights compatible interviews of suspects and witnesses.
 - CCTV cameras are installed in detention areas and relevant footage is retained for a period of three months.
 - every detained person in police stations is held in humane conditions.

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GREECE: FREEDOM OF ASSEMBLY AT RISK AND UNLAWFUL USE OF FORCE IN THE ERA OF COVID-19

Since the beginning of the COVID-19 pandemic and especially during the country's second lockdown, Greece took a series of measures that have put the right to freedom of peaceful assembly at risk. They include detrimental legislative reforms regulating demonstrations; blanket bans on demonstrations; arbitrary arrests and criminalization of peaceful protesters for allegedly breaching public health rules; and imposition of unjustified fines.

The on-going reports of unlawful use of force in the policing of demonstrations and serious allegations of torture or other ill-treatment of protesters and other individuals in custody highlight that the Greek authorities must acknowledge once and for all this systemic phenomenon.

Greece is strongly urged to bring its legislation on demonstrations in line with international human rights standards, halt the criminalization of peaceful protesters and ensure the prompt and thorough investigation of all allegations of human rights violations by law enforcement officials documented in this report.