

Briefing: Police Violence and Press Freedom in Greece



Commissioned by



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SOUTH EAST EUROPE MEDIA ORGANISATION

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Report Commissioned by the International Press Institute
and the South East Europe Media Organisation

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COVER PHOTO: Marios Lolos, president of the Hellenic Photojournalists' Union (EFE), is struck in the head by a riot police officer. ANA-MPA/Pantelis Saitas. Photo republished with permission.



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Table of Contents:

- 5 I. Introduction: Freedom of expression in a time of crisis
- 9 II. Police violence against reporters and photojournalists
 - 9 a. Overview
 - 10 b. Inefficient disciplinary proceedings and lack of prosecutions
 - 13 c. The practice of abusive interrogations and arrests
- 17 III. Interview: Marios Lolos, president of the Hellenic Photojournalists' Association (EFE); and Anastassia Tsoukala, legal advisor to the EFE, criminologist and associate professor at the University of Paris IX
- 19 IV. Recommendations
- 21 V. Annex: List of police-related incidents of violence against photojournalists, 2010-2015

About this Briefing:

The International Press Institute (IPI), the global network of publishers, editors and journalists for press freedom, commissioned this briefing as part of a larger report on press freedom in Greece in the context of a joint IPI – South East Europe Media Organisation (SEEMO) visit to Greece in November 2015.

This briefing is intended as an introduction to the issue of police violence against the press in Greece and is therefore not an in-depth study, although it recommends that such a study be commissioned. Moreover, while press and television reporters are reported to have suffered police violence as well, this briefing focuses in particular on the situation of photojournalists and on specific aspects of Greek law and practice that have contributed to impunity for police violence against the media generally.

Any opinions expressed in this briefing are solely those of the author and may not reflect the view of the International Press Institute or the South East Europe Media Organisation.

I Introduction: Freedom of expression in a time of crisis

Greece's record on press freedom ranked low among both EU countries and western Balkan countries in 2015, coming in just above Bulgaria, Montenegro and Macedonia.¹ Reporters Without Borders (RWB) ranked Greece 18th in 2005 and 34th worldwide in 2009. By 2015, however, Greece had fallen to 91st worldwide (out of 180 countries) in the RWB World Press Freedom Index.² Why has this slide occurred?

The first decade of the new millennium saw Greece hit by a severe financial, political and social crisis. In 2009, private bank debt was incorporated into Greek sovereign debt, leaving the country with a €24 billion deficit.³ Since then, the ratio of debt-to-GDP grew further, with all the implications that this could have for a small European country: mass layoffs, a record rise in unemployment, unbearable taxes, the flaring-up of hate speech and anti-migrant discourse, a rise in support for extreme right-wing parties such as Golden Dawn and daily demonstrations against austerity measures. Media companies and press publishers were severely affected by the crisis, together with the business and third sectors more generally.

In 2011, the widely read daily Eleytherotypia, the first paper to circulate after the fall of the military dictatorship in 1975, closed down due to lack of funding.⁴ In 2013, Greece's public service broadcaster, ERT, was shut down, and remained so for almost two years before operations were restored in 2015.⁵ A number of other newspapers with wide

¹ See Mark Lowen, "Greece's media buckles under strain of financial crisis", BBC News, 23 August 2012 available at <http://www.bbc.co.uk/news/world-europe-19342961>; Reporters without Borders (RWB) 2015 World Press Freedom Index available at <https://index.rsf.org/#!/index-details>.

² See RWB, *2015 World Press Freedom Index – How we compiled the index*, available at <http://fr.rsf.org/IMG/pdf/methodology-en.pdf>. The index, according to RWB, was based on the following seven criteria: pluralism (measures the degree to which opinions are represented in the media); media independence (measures the degree to which the media are able to function independently of sources of political, governmental, business and religious power and influence); environment and self-censorship (analyses the environment in which journalists and other news and information providers operate); legislative framework (analyses the impact of the legislative framework governing news and information activities); transparency (measures the transparency of the institutions and procedures that affect the production of news and information); infrastructure (measures the quality of the infrastructure that supports the production of news and information); abuses (measures the level of violence and harassment). And also, RWB, *2015 World Press Freedom Index – Greece*, available at <https://index.rsf.org/#!/index-details/GRC>.

³ Ilias Bantekas, "The Artificiality of Greek Debt and its Odious Nature", 24 June 2015, Madhyam, available at <http://www.madhyam.org.in/the-artificiality-of-greek-debt-and-its-odious-nature/>.

⁴ Anon, "Where Greek media stand in the financial crisis", BBC News, 1 July 2015, <http://www.bbc.co.uk/monitoring/where-greek-media-stand-in-the-financial-crisis>.

⁵ Anon, "Greece shuts down state broadcaster in search for new savings", BBC News, 12 June 2013, <http://www.theguardian.com/world/2013/jun/11/state-broadcaster-ert-shut-down-greece>.

circulation, such as TA NEA and Kathimerini significantly reduced or stopped their print capacity,⁶ while television channels also faced reductions.

Even more alarmingly, the Greek debt crisis sparked a strong political division in the country, fuelled by public discontent with the measures imposed on Greece by the Troika (the European Commission along with the European Central Bank and the IMF). A report issued by the Greek Truth Committee on Public Debt, a body established by the Greek Parliament in April 2015, described this division aptly. To the one side are those in favour of the “failed macroeconomic adjustment programmes imposed by the creditors”, i.e., the maintenance of the extremely severe PSI agreement that was signed between the Greek Government and the Troika and other ‘rescue’ packages. To the other are those in favour of “making a real change to break the chains of debt”,⁷ i.e., those not fearing the exit of the country from the Eurozone and the creation of a new currency.

In this climate of general distrust towards institutions, Greek citizens came to question not only political power but also the “justice, welfare, and educational systems; the police; the parliament; and political parties”.⁸ One could also add representatives of the mainstream media to this list.

With public discourse “invaded” by blogs, tweets, Facebook posts and other new media sources, journalists and TV presenters working for daily papers and private television channels came to be seen as biased and were the subject of public anger. Many became the target of insults (such as *alites*, *roufianoï* and *dimosiografoi* – ‘journalists’, ‘scams’ and ‘traitors’) frequently yelled at crowd gatherings and increasingly since the 2011 PSI negotiations.

According to the Journalists’ Union of the Athens Daily Newspapers (JUADN), in many cases journalists have also suffered individual physical attacks.⁹ These attacks appear to have made no distinction as to the background, context or political affiliation of the journalists involved. For example, Paschos Mandravelis, a journalist working for the mainstream and conservative-leaning daily Kathimerini was attacked while visiting the right-wing youth coalition of Patra.¹⁰ In another instance, a reporter for the weekly Vima and the photojournalist Giorgos Pouliopoulos were attacked and beaten while reporting on the Manolada affair (the latter involved a village in the

⁶ Analytically, and for a historical perspective, see Nikos Leandros, “The media at the centre of the crisis”, in: Giorgos Pleios (ed), *The Crisis and the Media* (Papazisi 2013) [Greek].

⁷ Report of the Committee available here: <http://cadtm.org/IMG/pdf/Report.pdf> at 1.

⁸ Yannis Theocharis & Jan Deth, *Causes and Consequences of the Greek Crisis*, Mannheim Center for European Social Research (MZES) April 2013 at 4, Available at SSRN: <http://ssrn.com/abstract=2283215>.

⁹ JUADN condemns new attacks against journalists and technicians, 18 April 2015, available at <http://www.esiea.gr/i-esiea-katadikazei-nea-epithesi-kata-d/> [Greek].

¹⁰ <http://www.zougla.gr/greece/article/8ima-epi8esis-o-pasxos-mandravelis>

Peloponnese where local farmers had harshly exploited Bangladeshi workers, forcing them to work in strawberry fields without pay and in deplorable living conditions).¹¹

The involvement of members of the right-wing Golden Dawn party in many of these attacks is well-documented.¹² The South East Europe Media Organisation (SEEMO, an IPI affiliate) reports that allegations of Golden Dawn involvement in attacks on journalists have been on the rise since 2012.¹³ An example is the case of Simela Pantartzis, a photo-journalist for the Athens News Agency (AMPE), which is currently pending at the investigation stage as part of a broader ongoing pre-investigation against Golden Dawn.¹⁴ Pantarzi and a colleague, Yiannis Kemmos, were physically attacked by members of Golden Dawn while covering the trial of a party spokesman on charges of belonging to a criminal organisation.¹⁵ A similar incident occurred in January 2014 when Golden Dawn supporters threw glass bottles at a journalist covering the trial of two Golden Dawn MPs.¹⁶

In an interview with Michalis Laganis of Vice, an independent news site, in July 2014 following the incident, Kemmos stated:

*“The members of the Golden Dawn believe that the media are at fault for the problems; they consider them responsible for the prosecutions they are facing. Certainly in every protest, they have their own technicians, cameramen and photographers...”*¹⁷

Legal actions against Golden Dawn for these and other attacks have been few and far between. Journalists have very little confidence in the judiciary.

¹¹ Anon, “Attack on journalist in the strawberry fields of Manolada”, Eleytherotypia, 19 April 2011, available at <http://www.enet.gr/?id=268907> [Greek].

¹² “Photojournalists testify about neo-Nazi party Golden Dawn’s intimidation of the press”, Newsroom, 9 July 2014, available at <http://www.thepressproject.net/article/65423/Photojournalists-testify-about-neo-Nazi-party-Golden-Dawns-intimidation-of-the-press>.

¹³ IPI, “Greek journalists attacked in Athens”, 12 December 2013, available at <http://www.freemedia.at/news-view/article/greek-journalists-attacked-in-athens.html>.

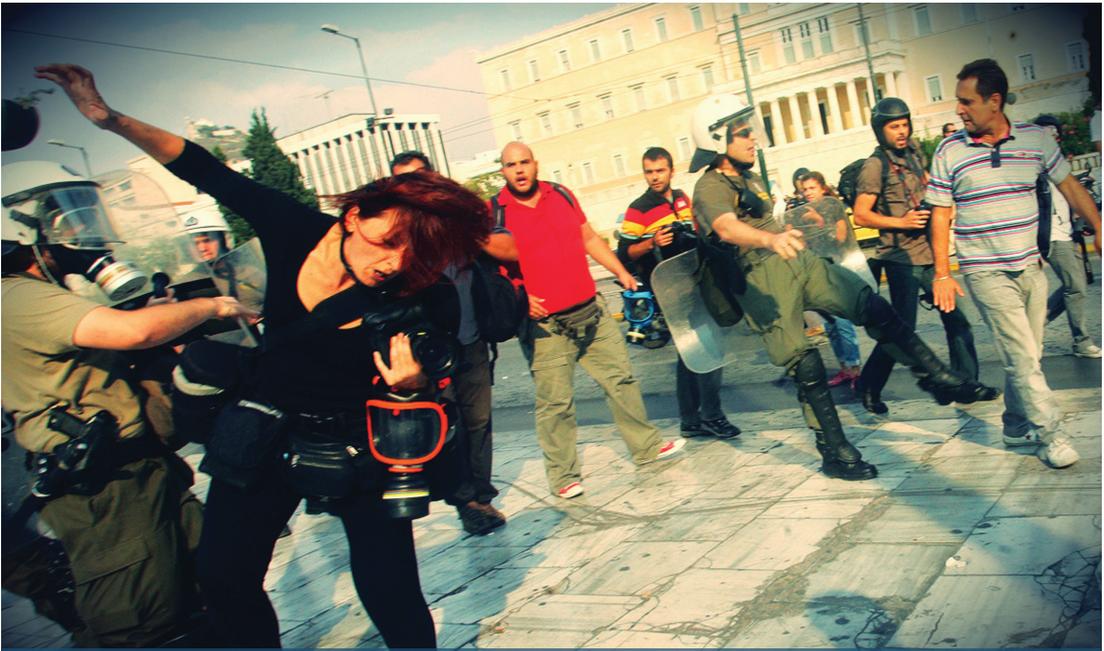
¹⁴ Ibid.

¹⁵ “This Monday the EFE President testifies about the Golden Dawn trial”, Naftemporiki, 4 July 2014, available at <http://www.naftemporiki.gr/story/829560/katathetei-gia-tin-epithesi-tis-xa-se-fotoreporter-o-proedros-tis-efe> [Greek]; “Released Golden Dawn spokesman lashes out at journalists”, Telegraph, 2 October 2013, <http://www.telegraph.co.uk/news/worldnews/europe/greece/10349863/Released-Golden-Dawn-spokesman-lashes-out-at-journalists.html>.

¹⁶ “Photojournalists testify about neo-Nazi party Golden Dawn’s intimidation of the press”, The Press Project, 9 July 2015, available at <http://www.thepressproject.net/article/65423/Photojournalists-testify-about-neo-Nazi-party-Golden-Dawns-intimidation-of-the-press>.

¹⁷ Michalis Laganis, “Kemmos talks about the attack against him by members of the Golden Dawn”, Vice, 9 July 2014, <http://www.vice.com/gr/read/fotografos-epithesi-xrisi-augi>.

Cartoonists and street artists have also been at the centre of controversies since the crisis emerged. A number of slogans spray-bombed in the streets of Athens have alleged the existence of a 'new Nazi regime' in Greece led by the German government under Chancellor Angela Merkel. Elsewhere, cartoonists working for daily newspapers have published drawings comparing the Troika to the Nazi regime.¹⁸ Germany is a natural target for these activities, not only because it is the Eurogroup's strongest economy, but also due to the debate over possible German reparations to Greece for crimes committed during World War II.¹⁹



Photojournalist Tatiana Bolari hit by a riot police officer. ANA-MPA/Alexandros Vlachos

¹⁸ Amie Ferris-Rotman, "Nazi jokes, wrath at Germans highlight Greek despair", Reuters, 26 October 2011, available at <http://www.reuters.com/article/2011/10/26/us-greece-germany-relations-idUSTRE79P3LN20111026>.

¹⁹ See only as an indication, Kerstin Bartsch and Björn Elberling, "Jus Cogens vs. State Immunity, Round Two: The Decision of the ECtHR in the *Kalogeropoulou et al. v. Greece and Germany* Decision' (2003) 4 German Law Review 477.

II Police violence against reporters and photojournalists

a. Overview

General incidents of police brutality during riots have occurred in Greece with increasing frequency since at least 2008. The murder of teenager Alexis Grigoropoulos by the Greek police that year sparked immense anti-police demonstrations. The violence reached a zenith in 2013 during public protests related to the stabbing of young rapper Pavlos Fyssas by a member of Golden Dawn.²⁰ It is well-documented that the special riot police in particular – the MAT and the DELTA forces – went far beyond the limits of their lawful powers on that occasion, targeting not only anarchists but also peaceful protesters. Violence ranged from the collective use of chemicals to individual verbal assaults, severe kicking and beatings with a club.

Amnesty International described the incident as follows:

“On 18 September 2013, during the large public demonstration that followed the fatal stabbing of Pavlos Fyssas in Keratsini, riot police were reported to have used excessive force against protesters including beatings with hand held batons and to have misused chemical irritants by firing canisters directly at people. ... According to protesters’ testimonies that Amnesty International spoke to, riot police attacked suddenly a part of the large and peaceful protest... Some reports speak about some protesters throwing stones at a riot police unit. The police reportedly responded by firing an excessive amount of chemicals at the protesters causing many to suffer breathing difficulties. Then officers belonging to the DELTA police unit encircled part of the protest, chased protesters and beat them up with their batons... Photographs made available to Amnesty International and taken by journalist Manolis Kypraios who participated to the demonstration show a civilian driving a motorbike knocking one of the protesters to the ground whereupon he was arrested by police. The pictures show two police officers belonging to the DELTA force beating the prostrate protester with their batons. Later on, violent clashes erupted between a section of the protesters and riot police outside the local police station.”²¹

²⁰ Helena Smith, ‘Greece moves to ban far-right Golden Dawn party’, 18 September 2013, The Guardian, available at <http://www.theguardian.com/world/2013/sep/18/greece-ban-golden-dawn-pavlos-fyssas>.

²¹ International, ‘Greece: A law unto themselves: A culture of abuse and impunity in the Greek police’, 3 April 2014, EUR 25/005/2014, available at <https://www.amnesty.org/en/documents/EUR25/005/2014/en/> at p.12.

Unfortunately, it is equally well-documented that police have also targeted journalists and photojournalists. The latter in particular are said to be easy targets during demonstrations due to their visibility while carrying cameras and other material. Notably, photographers are also the most 'dangerous' figures for the police, as any photograph of violence may be used as evidence against officers at a later stage. The list of photojournalists who have suffered police violence in Greece is surprisingly long. Manolis Kypraios was attacked and severely beaten in 2011 while covering a syndicates' strike. Tatiana Bolari was punched in the face by a police officer while covering the 2011 protests. Marios Lolos, president of the Hellenic Photojournalists' Association (EFE), has been attacked and beaten several times. The most severe incident occurred in 2012 while Lolos was covering anti-governmental protests. Yiannis Liakos was attacked on November 17, 2014 near Athens Polytechnic while covering events marking the Polytechnic uprising against the military dictatorship 40 years prior.

In his interview with Lampros Papadoyiannis and Kostas Economou, Lolos responded to the question of whether the press is a "nuisance" for the Greek state by saying:

“We are the 'eyes and the voice of democracy. We might not be that many, but we are still a few and we are trying. And this makes us targets for the MAT and the DELTA forces. They want a 'blind' democracy, and they want to do what they think is best, without any evidence certifying their unlawfulness.”

b. Inefficient disciplinary proceedings and lack of prosecutions

The number of complaints alleging violence against photojournalists that stop at the pre-investigation phase, according to figures gathered by EFE, is a clear indication that the legal framework on criminal procedure is being abused.

The Greek Code of Penal Procedure (GCPP)²³ allows the prosecutor not to initiate a prosecution if he or she deems the case "unworthy" to proceed. Under Art. 43, par. 2, the public prosecutor may order the complaint (in offences prosecuted by complaint only, such as light injuries) or the report (in offences prosecuted ex officio, such as severe bodily harm) to be archived at any stage of the procedure. Once the case is closed, it can only be reopened at the public prosecutor's direction, e.g., if new facts or evidence emerge that justify review. However, the re-opening of cases is unusual in practice.

²² Lampros Papadoyiannis & Kostas Economou, "Marios Lolos, Manolis Kyrpaivos and the photoreporters that are 'terrifying' the MAT" Popaganda, 12 October 2014, available at <http://popaganda.gr/o-marios-lolos-o-manolis-ki-preos-ke-fotoreporter-pou-tromokratoun-ta-mat/> [Greek].

²³ Greek Code of Penal Procedure ('GCPP') 1951/2001, as amended by Law 3904/2010. Excerpts partially translated in English by the UN Office on Drugs and Crime (UNODC translation does not reflect amendments in Law 3904/2010), available at https://www.unodc.org/res/cld/document/grc/code_of_penal_procedure_excerpts_html/Greece_Code_of_Penal_Procedure_1951_Excerpts.pdf.

GCPP, Art. 43 par. 2:

If the complaint or report is not legally founded or is manifestly unfounded in substance or is insusceptible of judicial control, the public prosecutor of the court of misdemeanours [archives] it and submits a copy thereof to the public prosecutor of the court of appeals, while highlighting the reasons that made him not prosecute. [The public prosecutor of the court of misdemeanours] will do the same in cases when, following the carrying out of a preparatory investigation or investigative acts carried out in accordance with article 243 paragraph 2 or the sworn administrative investigation, he finds that no adequate indications of guilt have come to light to support prosecution. The public prosecutor of the court of appeals: (a) In cases falling under section one, may order the public prosecutor of the court of misdemeanours to carry out a preparatory investigation if the crime is a felony or a misdemeanour tried by the three member court of Misdemeanours, or to prosecute for any other crime and (b) In cases falling under section two, may order prosecution. This applies to those crimes that are prosecuted only following complaint by the victim.

GCPP, Art. 43 par. 3:

The competent public prosecutor shall retract the case file from the archive only when new facts or evidence are invoked or emerge, and justify upon his discretion the review of the case. In this case, he shall call the person against whom the complaint was addressed or against whom the preliminary examination was conducted to provide an explanation.

This procedure applies during the pre-investigation within the pre-trial phase. If there is no evidence regarding the identity of an alleged perpetrator, the public prosecutor may archive the case file at his or her discretion at any stage of the pre-trial procedure (GCPP Art. 245, par. 3, sec. 1). The same may occur after a pre-trial investigation undertaken by a police officer, following a prosecutor's request under Art. 243, par. 2, sec. 1, or by any other body such as the General Inspector of the Public Administration under Law 3074/2002. In such cases, if the perpetrator remains either unknown or unidentified, the prosecution may again archive the case file, with the prosecution considered to have taken place (GCPP Art. 245, par. 3, sec. 2).

GCPP, Art. 245 par. 3:

If the preliminary investigation has not amounted to revealing the identity of the perpetrator of a certain crime, the case file is archived by an act of the competent public prosecutor. The public prosecutor may do the same if the perpetrator remains unknown following the preliminary investigation under Article 243 paragraph 2 first subparagraph or the preliminary examination or the administrative inquiry or findings or audit report of the General Inspector of Public Administration or Body or Inspection Service and Control bodies of para. 2 of Article 1 of Law. 3074/2002. In these cases, the prosecution under Article 43 is considered to have been

exercised by the adoption by the prosecutor of the above act, which must contain the classification of the offense and the time it was committed. If, subsequently [following the case-file archive] the perpetrator is revealed, the case file is retrieved from the archive and the criminal process continues. If the accused are more than one, archiving is valid only for the one who has remained unknown.

The reason that prosecutions for police attacks on journalists tend to stop at the pre-investigation phase appears to be related not to the unwillingness of prosecutors to initiate proceedings, but to the unwillingness of the police to cooperate.

The framework for internal disciplinary proceedings within the police is, in fact, extremely controversial. When a police officer is alleged to have committed an offence, the Greek police headquarters may request that an internal investigation, a so-called Sworn Administrative Inquiry (SAI/EDE), take place. According to the internal regulations of the police and the police deontology codes, SAIs and other types of inquiries should normally take place in all instances of alleged abuses by police officers. Yet in practice they are initiated only after an incident receives publicity or when an external body, such as a Ministry or the Greek Ombudsman, intervenes.

Even when they do take place, however, SAIs are likely to remain unproductive. This is the especially the case regarding inquiries into police brutality during riots and demonstrations, as it is extremely easy for superiors or colleagues to cover for the alleged offender(s). Although MAT and DELTA officers are legally obliged to wear uniforms and helmets with visible identification numbers, they seldom do so, conferring a state of anonymity while on duty. In practice, unless a photojournalist's picture has caught a close-up of the specific moment of the alleged offence, the SAI's report will not identify the perpetrator. This leads to problems in the judicial proceedings: Without the assistance and collaboration of the police, the prosecutor's preliminary inquiry (*proanakrisi*) will have no tangible outcome. When a SAI concludes that the institution of disciplinary proceedings against a police officer is unnecessary, it is virtually impossible for domestic courts to come to a different conclusion. As a result, journalists usually do not further pursue cases of police violence through the courts. Indeed, it is not uncommon for journalists to denounce police aggression only to friends and colleagues without turning to legal action or complaint.

In the cases of Lolos and Kypraios, in spite of the serious injuries provoked by the attacks (hospitalisation in the case of Lolos; disability and subsequent abandoning of the profession in the case of Kypraios), prosecutors dropped charges and the case files were archived.²⁴

²⁴ IPI, "Journalists Reportedly Attacked in Greece", 12 April 2012, available at <http://www.freemedia.at/newssview/article/journalists-reportedly-attacked-in-greece.html>; Rwb, "Another day of violence against journalists covering protests", 6 October 2011, <http://en.rsrf.org/greece-another-day-of-violence-against-06-10-2011,41135.html>. Kypraios lost his hearing and abandoned his job as a journalist and Lolos was hospitalised and nearly lost his life following the attacks.

The case of photojournalist Tatiana Bolari had, exceptionally, a fruitful legal outcome. Presumably, this success is due to the fact that the picture of Bolari's being punched (taken by another photojournalist) travelled around the world and shocked public opinion.²⁵ Following a complaint by Bolari, both disciplinary proceedings and criminal prosecution took place. The offender was tried on charges of unprovoked assault and sentence by a first instance court to eight months in prison.²⁶ While a sentence of eight months' imprisonment may be easily suspended or converted into a criminal fine under the Greek Criminal Code (punishments of up to two years may be transformed into fines by a simple request of the accused, and punishments up to three years only exceptionally), the verdict is a positive first step from the Greek authorities. The case of Liakos is also currently pending, since the offender has been identified.²⁷

c. The practice of abusive interrogations and arrests

The practice of subjecting journalists and photojournalists to *prosagoges* (a procedure translated as "to bring to a police station for questioning") as if the latter were suspects is another recurring police practice that affects press freedom.²⁸

The legal framework always allows the police to proceed with such abusive practices. Art. 74, par. 15, sec. 9 of Presidential Decree No. 141/1991 provides that police officers may "lead to the police station for investigation those lacking data that show evidence of their identity or who give rise to suspicion of having committed a crime due to the place, time, circumstances and behaviour". There is evidence that even in instances in which a reporter has shown his or her professional ID card, police may raise doubts as to the card's authenticity and proceeded to arrest the reporter and bring him or her to the police station. A reporter that refuses to cooperate may face charges of violently resisting authority, punishable with imprisonment for up to a year under Art. 167 of the Greek Penal Code (GPC), or of non-violent contempt of authority, punishable with up to six months in prison under GPC Art. 169. There is currently no disciplinary procedure for police officers who abuse these provisions.

²⁵ Sotiria Nikolouli, "Riot Policeman Found Guilty for Attack on Photojournalist", Greek Reporter, 24 Sept 2014, <http://greece.greekreporter.com/tag/tatiana-bolari/>.

²⁶ "First final judgment against police officer in the case of Bolari", Huffington Post, 16 June 2015, http://www.huffingtonpost.gr/2015/06/16/koinonia-katadiki-astunomikou_n_7594430.html [Greek].

²⁷ Alexandros Kalafatis, "The police officer who hit Liakos was found", Huffington Post Greece, 4 December 2014, available at http://www.huffingtonpost.gr/2014/12/04/astunomikos-xtupise-liako_n_6266964.html [Greek]; see also, Anon, "Chemicals and beating at the Polytechnic school", Eleytherotyphia, 13 November 2014, <http://www.enet.gr/?i=news.el.article&id=456471> [Greek].

²⁸ See e.g. "Accusations for arrests of journalists and photoreporters", Vima, 4 August 2015 available at <http://www.tovima.gr/relatedarticles/article/?aid=727650> [Greek].

GPC Article 167

1. Anyone who uses or threatens to use force for the purpose of obliging an authority or a civil servant to carry out an act within their competence or to refrain from carrying out a legal act, and anyone who uses physical force against a civil servant ... shall be punished by a term of imprisonment of at least three months.

2. Where the punishable acts cited above occur as a result of using a weapon or an object that may provoke bodily injury ... or the person who is the subject of the attack is seriously endangered, the perpetrator shall be punished by a term of imprisonment of at least two years

The aforementioned findings related to police practice in Greece are not particularly surprising. In its report on Greece, Amnesty International documented several incidents of extreme police violence and brutality; unlawful and arbitrary use of force during protest; and allegations of ill-treatment and even torture during interrogations.²⁹

Police brutality in Greece and the lack of adequate investigations into incidents thereof have also been the subject of several cases that have reached the European Court of Human Rights (ECtHR) in recent years. These cases include *Bekos and Koutropoulos* (2005) and *Petropoulou-Tsakiris* (2008), both involving racist police violence against members of the Roma community. In both instances, the Court found breaches not only of Art. 3 (prohibition of inhuman or degrading treatment) but also, interestingly, of Art. 13 regarding the right to an effective remedy (i.e., observing by implication the inability of the applicants to take the case forward in domestic courts).³⁰

Likewise, in *Makaratzis* (2004), the Court's Grand Chamber condemned Greece for its failure to adequately and effectively investigate a case of arbitrary use of lethal force by the police.³¹ On that occasion, Greece was found to have also been in breach of Art. 2 on the right to life. The Court stated that the "incomplete and adequate character of the investigation is highlighted by the fact that ... the Government were unable to identify all the officers who were involved in the shooting and wounding of the applicant".³² The Court has specifically criticised the SAIs in *Leonidis* (2009), a case concerning excessive use of firepower by a police officer against an individual of Russian-Pontic origin;³³ as well as in *Zelilof* (2007), concerning police brutality against a homosexual detainee.³⁴

²⁹ Amnesty International report supra note 22.

³⁰ ECtHR, *Bekos and Koutropoulos v Greece*, Application No. 15250/02, 13 December 2005 and *Petropoulou-Tsakiris v Greece*, Application no. 44803/04, 2008, 6 December 2007.

³¹ ECtHR: *Makaratzis v Greece*, Application No. 50385/99, 20 December 2004 (officers opened fire at a young person in the centre of Athens for having driven through a red traffic light).

³² Ibid at para 78.

³³ ECtHR: *Leonidis v Greece*, Application no. 43326/05, 8 January 2009.

³⁴ ECtHR, *Zelilof v Greece*, Application No. 17060/03, 24 May 2007.

Decisions in both cases referred to a report by the Greek Ombudsman entitled “Disciplinary-administrative investigations into allegations against police officers”. *Inter alia*, the Ombudsman’s report noted that “due to the merely routine assessment of evidence, the validity of any ensuing judgment of police disciplinary bodies is justifiably rendered vulnerable and susceptible to all kinds of criticism”.³⁵

³⁵ Ibid para 33.

III Interview

Marios Lolos, president of the Hellenic Photojournalists' Association (EFE); and Anastassia Tsoukala, legal advisor to the EFE, criminologist and associate professor at the University of Paris IX

Greece is in a time of crisis. How have things changed for photojournalists during this period in terms of press freedom?

M.L.: Everything changed since the murder of [Alexis] Grigoropoulos in 2008. The teenager's murder at the hands of a police officer triggered a public reaction. Up until then, the police had been primarily defensive in confronting the 'rage' of students. At that point, however, they became aggressive, starting the processing of subjecting the students to mass prosagoges during and after demonstrations. Some of these *prosa-goges* led to arrests. The ways in which these students were arrested were unlawful in many ways, typified by the circulation of fake pictures implicating the students (some of which showed students allegedly carrying bags with Molotov cocktails, e.g.) Our pictures proved the unlawfulness of these practices. From that moment on, we were also targeted by police. Moreover, photojournalists were actively collaborating with members of civil society, including lawyers and activists. This was not something the police liked. It all came to a head during the PSI negotiations – especially during the phase of the 'Indignant citizens movement' – and amid the massive anti-austerity demonstrations in Syntagma Square.

What has the government done to protect photojournalists from abusive police behaviour?

M.L.: Well, we held a meeting with the then-Minister of Citizen Protection, [Christos] Papoutsis. Two things were striking in that meeting. First, he did not commit to protecting us, referring to the 'autonomy' of the police. Second, he suggested that we wear protective gilets with the words 'Press'. This is, of course, ridiculous: I have only worn such gilets while reporting in warzones. Is Syntagma Square a warzone then? He also gave a surprising explanation for what happened to us, concentrating on the philosophy of the riot police. He said that the police see us as their enemies, and our cameras as potential guns, as 'Kalashnikovs'.

One of the problems seems to be that police officers who have allegedly used violence against journalists are not able to be identified. How can that be?

M.L.: There is a 2009 decision of the minister then in charge of the police, former Citizen Protection Minister [Michalis] Chrysochoidis, that obliges the MAT to wear uniforms with identification signs so that they can be identified on the basis of their range and series. These signs either do not exist, or are not readable. It is practically impossible to

identify them [...] This was the problem in the case of Yiannis Liakos, who was beaten by the police in 2014. He went to take pictures of the MAT outside of Athens Polytechnic [...] At the same time, I went to see the chief police officer for the region of Attica, at the General Police Authority of Attica (GPAA / ΓΑΔΑ). He guaranteed to me personally that none of his people would hurt any photojournalists during the demonstrations. He also called the head of the MAT in front of me. Yet things did not go as he promised and Liakos was severely beaten.

After the incident, the Chief of Police guaranteed to us that those who were responsible for the beating would be punished. The assessment of evidence, however, was not done properly. It was shameful: The video kept by the police as evidence had been taken by an amateur on a poor-quality phone. There was nothing that could be used to identify an officer in support of Liakos's testimony.

A.T.: This is a classic example of the 'autonomous functioning' of the police. The police cannot enforce its orders within its various divisions, within its proper hierarchy. The disciplinary proceedings of the police follow an 'Omerta' logic – the logic of covering for one other and refusing to give evidence. Like in the case of Liakos, when we heard the Chief of Police giving the orders to MAT's chief and its subdivisions not to hurt any photojournalists. [But] when something happens [...] the superior police officers cover for those lower-ranked.

As for the SAIs, they are not productive. The police reports usually conclude that "the offender has not been identified". This can only mean two things: Either the chief of police is not monitoring what is happening and whether the police subdivisions are acting as they should, in which case the police are responsible; or the police are covering for the relevant subdivisions, in which case the police are again responsible. The police disciplinary procedures are not being properly applied. And due to the institutional autonomy of the police, no one can control them – not even the Ministers.

What is behind reports that police have increased the practices of *prosagoges* as relates to photojournalists?

A.T.: Since the election of the new government [Syryza], the demonstrations have been minimal. There haven't been riots or much violence since then. Yet, even when not directly exercising violence, the police needs to maintain its logic. This is the logic of intimidation: "We want to show you that we can take you in at any moment."

It should be noted that the subjects of these *prosagoges* are not taken to the local police station in your neighbourhood, but to the GPAA. The fear remains, and the message is passed to all. This is that, at any moment, you can be stopped and arrested.

IV Recommendations

- A further report should be commissioned on police violence and its impact on press freedom so that the issue is examined more thoroughly.
- Allegations of physical assaults on photojournalists by law enforcement officials should be immediately investigated. For this purpose, police authorities should collaborate with public prosecutors and other judicial bodies.
- SAIs should be entirely redesigned so as to be impartial and effective. Membership in SAIs should be open to experts and members of civil society, including members of journalists' and photojournalists' unions. In any case, they should be external to the police authorities and dissociated from them.
- Police officers should wear helmets that clearly display their credentials so as to allow easy identification.
- Police officers should receive specialised human rights training in order to minimise any use of excessive force.
- The practice of prosagoges should be examined for its compliance with international human rights provisions, such as those related to the prohibition of degrading treatment.

V Annex: List of police-related incidents of violence against photojournalists, 2010-2015

Source: Hellenic Photojournalists' Union (EFE)

Incidents evidenced by photographs

1. Photojournalists crushed by riot police - 14 October 2010.
2. Aris Messinis attacked by riot police - 17 November 2010 (**perpetrator remains unknown**).
3. Marios Lolos (EFE president) hit in the head with baton by riot police officer - 15 December 2010 (**perpetrator remains unknown**).
4. Marios Lolos protests after being kicked in the head by riot police officer - March 2011 (**perpetrator remains unknown**).
5. Thanassis Stavrakis attacked with baton by riot policeman - 29 June 2011 (**perpetrator remains unknown**).
6. Tatiana Bolari punched by riot police officer - 5 October 2011 (Court of Appeal convicted officer involved and sentenced him to a three-month suspended prison sentence; according to EFE, this sentence will have no impact on the officer's career).
7. Panayotis Tzamaros hit in the head with baton by riot police officer - 5 October 2011 (**perpetrator remains unknown**).
8. Marios Lolos seriously injured after being hit in the head with baton by riot police officer - 5 April 2012 (**perpetrator remains unknown**).
9. Alexandros Stamatiou requires medical attention after being sprayed with tear gas at short range – 2010/2012 (**perpetrator remains unknown**).
10. Photojournalists crushed by riot police - 2010/2012.*
11. Vaios Chassialis knocked down by riot police - 2010/2012.*
12. Louiza Giouliamaki violently shoved down by riot police - 2010/2012.*

Incidents not evidenced by photographs

13. Tatiana Bolari is violently pushed down and trampled underfoot by riot police - 12 June 2014.
14. Simela Pantzartzi left unprotected by riot police while being attacked by members of extreme-right-wing Golden Dawn party in front of the Court of Appeal of Athens - 4 July 2014.
15. Yannis Kemmos left unprotected by riot police while being attacked by members of extreme-right-wing Golden Dawn party in front of the Court of Appeal of Athens - 4 July 2014.
16. Yannis Liakos hit at the head with baton by riot police officer - 13 November 2014 (**perpetrator remains unknown**).

*When dates are not specified, it means that victims cannot recall month or year.



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