

## RACIST VIOLENCE RECORDING NETWORK

### FINDINGS 1.1.2012 - 30.9.2012

It is now commonly accepted that the previous months saw an immense increase in racially motivated violent attacks in Greece. Relevant reports in printed and electronic media reveal that racist attacks have become an almost daily occurrence. According to reports by migrant and refugee organizations, the number of known racist violence incidents does not represent the real extent of this phenomenon in the country.

The **Racist Violence Recording Network**, which apart from the UN Refugee Agency and the National Commission for Human Rights, numbers 23 non-governmental organizations and other bodies\*, monitors the escalation of racist attacks and, by recording the incidents through the voluntary testimonies of victims, looks into and highlights the quantitative and qualitative trends of racist violence in Greece.

During the period January-September 2012, the Racist Violence Recording Network documented, after interviewing victims, **87 incidents of racist violence** against refugees and migrants, of which **83 occurred in public spaces** (squares, streets, public transport). The majority of these incidents concerns **physical attacks against foreigners** while the types of crimes are mainly severe bodily injury (in 50 cases) and assault (bodily injury, in 30 cases). There were also two incidents of **property damage and arson** against foreigners' businesses or residences, such as the arson of a hairdressers owned by a Pakistani national in the area of Metamorphosis as well as an attack with improvised explosive devices against a building inhabited by Syrian refugees in the area of Neos Kosmos.

73 incidents occurred in **Athens**, and in particular in areas of the city centre such as Aghios Panteleimonas, Attica Square, America Square and other areas around Omonoia Square, while 5 incidents were recorded in **Patras** and 3 in the wider area of **Piraeus**.

The victims who approached the members of the Network and were recorded consisted of 85 men and 2 women, in their majority 18 to 35 years of age, mainly from **Afghanistan, Bangladesh, New Guinea, Pakistan and Somalia**. As regards the legal status of the victims, 29 were asylum seekers, 2 were recognized refugees, 7 had residence permits, and 43 held no legal documents or were under deportation status (in 6 cases the victim's status is unknown).

In 84 out of 87 incidents the victims consider **the fact of their being foreigners the reason for the attack**; they believe they became targets either because of their colour

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\* The bodies participating in the Racist Violence Recording Network are listed in the short history of the Network provided at the end of this document which is signed by all participating bodies.

or due to any other characteristic revealing the fact they were not natives (in the cases of attacks against women both victims believe they were targeted because they wore a hijab). Verbal abuse and threats against foreigners that accompanied the attacks were proof for the victims of the reason for the attacks in the majority of cases.

As regards the **perpetrators**, and in accordance as always with the victims' testimonies, they are believed to belong to **extremist groups** in 48 incidents. In many cases, the victims describe them as acting in an organised manner and in groups (in 85 out of 87 incidents there were more than one perpetrators involved), dressed in black and at times with military trousers, wearing helmets or having their faces covered, while the participation of minors is also recorded in some attacks. The majority of attacks occur after sunset. "Patrols" by motorcyclists dressed in black is described as a common practice; they act as self proclaimed vigilante groups who attack refugees and migrants in the street, in squares or at public bus stops. Members of these groups stop and ask targeted persons about their place of origin and move on to attack them. The victims speak of areas in Athens which have become off limits to them due to the fear of attack. In some cases, the victims or witnesses to the attacks reported that they recognized **persons associated to Golden Dawn party** among the perpetrators, either because they wore the insignia of the party or because they were seen participating in public events organized by the party in the area.

The recording of incidents reveals several qualitative evidence regarding the nature of the attacks: the **violence of the attacks** increases while there is greater tolerance or fear by witnesses who do not intervene to assist victims during the attacks. In many cases victims report the use of weapons, such as clubs, crowbars, folding batons, chains, brass knuckles, knives and broken bottles during the attacks, while the use of large dogs has been repeatedly reported in the area of Aghios Panteleimonas and Attica square. The victims suffer multiple injuries such as fractures, contusions, lesion injuries, abrasions, limited eyesight etc. It is noted that a fatal attack on an Iraqi man in August 2012 was allegedly racially motivated.

There is a distinct category of **15** incidents where **police and racist violence are interlinked**. These incidents concern duty officers who resort to illegal acts and violent practices while carrying out routine checks. There are also instances where people were brought to police stations, were detained and maltreated for a few hours, as well as cases where legal documents were destroyed during these operations.

Only 11 victims have addressed the competent authorities to file an official complaint and initiate judicial procedures, while 14 would like to do so. The rest do not wish to take further actions either because they lack legal documents and are therefore afraid that they will be arrested to be deported or because they believe that they will find no justice. Those lacking legal papers, even they who would like to report the attacks to the authorities, are immediately arrested upon arrival at the police station with a view to be deported, and as a consequence they are deterred from reporting any racist attack against them. In effect, rather than being dealt with by the police as possible victims of a crime, the authorities prioritize control of the victim's legal residence in the country and thus abstain from their duty to investigate the reported incident. In addition, during judicial procedures against the perpetrator, persons without legal documents are dissuaded from participating in

the process since they are again threatened with arrest and deportation. In 22 cases the victims of racist attacks said that they tried to report the incidents to the police but were faced with **unwillingness or deterrence and, in some cases, the actual refusal of the police authorities to respond.**

### **Conclusions:**

Already from the first pilot program recording the attacks, the **Racist Violence Recording Network** found that the results were exceptionally alarming, while mounting concern derives from the fact that the incidents recorded from the Network's members are only the tip of the iceberg. The geographically limited range of the participating organizations, the spreading fear amongst the victims which often prevents them from approaching even the organizations where they could report the incidents anonymously, but also the inability of organizations to provide effective protection to the victims, are significant factors indicating that the number of racist violence attacks recorded by the Network is much smaller than the real one. This conclusion is also drawn from the frequent publication of incidents in areas other than the ones covered by the participating bodies, something that reveals the spreading of racist violence.

Despite relevant criticism by the Racist Violence Recording Network, as well as by other national and European organizations, which have repeatedly called on the Greek state to take immediate measures for the control of racist attacks, it is particularly disconcerting to find no effective response. It is telling that no perpetrator of a violent racist attack has been sentenced until today. The Minister of Justice admitted that the number of racist violence cases prosecuted is minimum, while there is great discrepancy between the evidence provided by the authorities about racist violence crimes and that provided by other sources.

The main problem rests with the **inability or unwillingness of the criminal investigation authorities** to **record** racist violence incidents, to **investigate the cases thoroughly** and to arrest the perpetrators, or, at times, with the practice of **detering** the victims of the attacks who do not have legal residence papers from reporting racist violence incidents to the police. The effective response to the problem of racist violence presupposes the ability of the victims themselves to go to the police authorities and report the acts against them, without the fear of being affected so negatively as to be dissuaded from reporting crimes against them. **The public interest to prosecute and respond to acts of criminal violence should take priority over the public interest to control those who remain irregularly in the country.**

### **Recommendations:**

The Racist Violence Recording Network would like to make the following recommendations to the Greek state regarding the fight against hate crime, that is, a criminal act against a person which is motivated by the offender's bias against national or ethnic origin, colour, religion, disability, sexual orientation and gender identity.

## To the Ministry of Public Order & Citizen Protection

### **A. Measures to monitor and combat hate crimes**

1. Develop a strategic plan for the prevention and response to racist attacks, in cooperation with specialized global and European organizations.
2. Condemn racist attacks at a ministerial and Police Headquarters level; explicitly prevent police officers from racially motivated violent practices.
3. Create a special force within the Hellenic Police to fight against hate crime; it could follow the standards of the force created to fight human trafficking and run in parallel to the duties of each police department. Potentially, this special force can function as a pilot program in critical areas.
4. Appoint, in every police station in Athens, one police officer with advanced specialized training, the duty to cooperate with the above mentioned special force and with the Ministry of Public Order & Citizen Protection.
5. Ensure implementation of the 7100/4/3 Circular, dated 24.5.2006. This concerns the obligation on behalf of the police to investigate racist motives, collect relevant information and record and/or report incidents via a specially designed form, regardless of a filed complaint, for all acts against individuals that are motivated due to national or ethnic origin, colour, religion, disability, sexual orientation and gender identity.
6. Ensure that all police officers are aware of their duty to support the victims, to intervene to their immediate rescue and to refer them to the appropriate services.
7. Identify special programs for the training of police officers, in the framework of the European Union and the Organization for Security and Co-operation in Europe (OSCE), in cooperation with national institutions.
8. Ensure cooperation of police departments with governmental and non-governmental organizations, as well as with migrant communities, to secure the provision of medical, social and legal aid and interpretation services so as to facilitate access of the victims to the police.
9. Suspend the public prosecutor's decision to arrest and issue deportation decisions for the victims who file a complaint, until an irrevocable decision is issued in court against the perpetrator(s); establish a special protection status for the victim while the perpetrator(s) is/are prosecuted and sentenced.
10. Protect the rights of human rights *defenders*, that is of those individuals and bodies which promote and protect human rights, as well as the rights of *witnesses* of racist attacks whose safe access to the authorities should be ensured.

### **B. Responding to violence from extremist groups**

1. Cooperate with experts who monitor the activities of extremist groups so as to ensure a more comprehensive response.
2. Inform police forces about the consequences of the activities of extremist groups and provide them with adequate training so that they respond diligently to extremist attacks and "patrolling" practices.
3. Collect evidence so that the article 187 of the Greek criminal code regarding criminal groups is put into effect particularly in the case of extremist groups.

### **C. Responding to racially motivated police violence**

1. Amend the current legislative framework in order to form an effective mechanism to tackle the complaints against police violence and arbitrariness, investigate and monitor them independently, according to the recommendations of international organizations.
2. Develop special procedures for the disciplinary control of police officers and the investigation of arbitrary actions with a racist motive.

### To the Ministry of Justice

1. Ensure the creation of a unified official system for recording and monitoring racist crimes in cooperation with the police and every governmental and non-governmental body which collects relevant evidence.
2. Appoint a special prosecutor in charge of leading the coordination, the promotion of better understanding and the conduct of proper interrogation processes of racist crimes by all public prosecutors.
3. Establish a special legislative committee to examine the possibility of extending the aggravating circumstances of article 79, paragraph 3 of the Greek criminal code and/or the introduction of special criminal provisions (substantive offences) so as to adopt the appropriate legislative framework for the punishment of hate crimes in the Greek legal system.
4. Introduce the possibility to exempt victims from paying a complaint fee as well as the expenses of the civil party representation before a criminal court, on the basis of a special act by the prosecutor.

Finally, the above recommendations for an effective response to racist crimes should be complemented by measures and policies to improve safety in neighborhoods, crack down on human trafficking rings, drug trafficking, prostitution and criminality, as well as upgrade these neighborhoods and relieve the population as a whole, limit ghettoization of destitute migrants and refugees and promote their social integration, where possible.

### About the Racist Violence Recording Network:

Through monitoring the escalation of racist attacks against refugees and migrants in the last few years, and recognizing that only a minimal number of racist violence incidents ever come to light, the **UN Refugee Agency** and the **National Commission for Human Rights** took the initiative and created in the summer of 2011 the **Racist Violence Recording Network** numbering today the following 23 non-governmental organizations and other bodies which provide legal, medical, social or other support services and come into contact with racist violence victims: Aitima, Antigoni – Information and Documentation Centre on Racism, Arsis, Doctors of the World, Amnesty International, Network for the Social Support of Refugees and Migrants, Hellenic League for Human Rights, Greek Helsinki Monitor, Greek Council for Refugees, Greek Forum of Migrants, Greek Forum of Refugees, Human Rights Commission of the Bar Association of Rhodes, “Babel” Day Centre, Movement for the Support of Refugee and Migrant Rights (Patras), LATHRA? Solidarity Committee for Chios refugees, METAdrasi, Integration Centre for Working Migrants - Ecumenical Refugee Program, Group of Lawyers for the Rights of Refugees and Migrants, Group of Lawyers for the Support of Refugee and Migrant Rights (Thessaloniki), Association of Afghans United in Greece, Forum of Migrants in

Crete, i-RED Institute for Rights, Equality and Diversity and PRAKSIS, as well as the Greek Ombudsman as an observer.

The primary goal of this initiative was the creation of an unofficial yet trustworthy network for documenting racist incidents to counteract the absence of an official and effective system for the recording of racist violence incidents and to highlight the actual dimensions of this phenomenon. The participating organizations record racist incidents according to the victim's testimony in a specially designed Racist Incident Record Form. For the victim's protection, **there is no mention in the form of personal details while confidentiality is strictly kept.** The Network presents the evidence collected about the nature, context and trends of racist attacks, formulates recommendations to the State advocating for the effective institutional combat of racist violence and undertakes activities to increase public awareness on the matter.

The systematic recording of racially motivated acts of violence from the Network's members was launched as a pilot program on 1 October 2011. In the first three months, October-December 2011, **63 incidents** were recorded and the first findings were presented in March 2012 (available at <http://lagainstracism.gr/pilot-phase-conclusions-1-10-2011-31-12-2011/> )

Athens, 23.10.2012