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Press Release

New disciplinary investigation into alien torture by the Coast Guard at the request of the Ombudsman and conviction of Greece by the European Court of Human Rights

An important development in the country's compliance with the European Court of Human Rights' (ECtHR) ruling "Zontul v Greece" is the resumption of disciplinary proceedings by the Coast Guard at the request of the Ombudsman. It concerns an investigation on the charges that Coast Guard officers allegedly raped with a baton a Turkish national of Kurdish origin in 2001 at the premises of the Port Authority of Chania. The Ombudsman, as the National Mechanism for the Investigation of Arbitrary Behaviour of Police Officers and State Penitentiaries Staff, may decide to re-investigate cases brought before him for which a judgment has been issued by the ECtHR for breach of the provisions of the European Convention on Human Rights, on deficiencies in the disciplinary proceedings or on new elements not evaluated in the disciplinary investigation. The activation of the Ombudsman's specific mandate presupposes forwarding of the cases by the competent services, and the Zontul case of 17 January 2012, forwarded by Legal Council of the State, is the only pending case of compliance with a ECtHR judgment brought before the Independent Authority, since 9 June 2017, when this special mandate was activated. The Ombudsman noted that the Greek court described the act as a serious violation of sexual and human dignity and the ECtHR as torture, while the outcome of the Administrative Investigation on 14 August 2001 referred to slapping and exercise of psychological violence, so the new disciplinary investigation of the case is not prevented, since the disputed offence is quite different. The Ombudsman, reserving its competence for independent investigation, asked the Head of the Coast Guard to order a new disciplinary investigation into the case. Further to the letter from the Ombudsman, the Coast Guard commissioned a new Administrative Investigation on 27 September 2017. The Ombudsman notes that this is a first step towards complying with the disciplinary procedures in the "Zontul v Greece" judgment of the ECtHR, which confirms that the legislative initiative to entrust to the Independent Authority the mandate of National Investigative Mechanism helps to increase the effectiveness of administrative investigations on serious violations of fundamental rights. However, the Ombudsman reserves the right to examine the outcome of the new disciplinary investigation, which will be forwarded to the Authority in accordance with the law. The Committee of Ministers of the Council of Europe, which is responsible for overseeing compliance with the judgments of the ECtHR at its recent

meeting (5-7 / 12/2017), welcomed the Ombudsman's decision to request a re-examination of the Zontul case.

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