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PERMANENT MISSION OF GREECE  
GENEVA

**EXTREMELY URGENT**

Ref. No. 6176.2D /104/AS 1717

**NOTE VERBALE**

The Permanent Mission of Greece to the United Nations Office at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and reference made to the latter's Note Verbal dated 15.8.2013 (concerning a Communication from Special Procedures-Joint allegation letter AL Health (2002-7) G/SO 214(106-10) G/SO 214 (53-24) GRC 2/2013) has the honor to convey the relevant replies provided by the competent Greek authorities ( a. Ministry of Justice and b. Ministry of Public Order and Citizen protection)

The Permanent Mission of Greece to the United Nations Office at Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 25 October 2013



To:  
-The Office of the High Commissioner for Human Rights  
Fax: 022 - 9179006  
E-mail : [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org)

Attached pages: - 14 -

Ministry of Justice

1. Regarding the incident of suicide (hanging) of a foreign national of the Ivory Coast within the Grevena Police Department, the Public Prosecutor of Grevena ordered the sending of the number 861/13 BM case, to the Grevena Police Department for preliminary examination.
2. Concerning the Neo Manolada incident, the questioning on the case has been completed by the First Instance Prosecutor of Amaliada, and the detention of the defendants and their additional defense, are pending.

ΕΠΙΣΗΜΗ ΜΕΤΑΦΡΑΣΗ TRADUCTION OFFICIELLE OFFICIAL TRANSLATION  
No. F 092.22/6605

URGENT

HELLENIC REPUBLIC

MINISTRY OF PUBLIC ORDER AND CITIZEN PROTECTION

HELLENIC POLICE HEADQUARTERS

SECTOR: SECURITY

HELLENIC POLICE HEADQUARTERS / DIRECTORATE: FOREIGN  
CITIZENS

HELLENIC POLICE HEADQUARTERS / DIRECTORATE: FOREIGN  
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PROTOCOL NUMBER: 71778/13/1577974

General File / Special Agenda File (4000/4)

ATHENS, 10.15.2013

Electronic distribution to recipients linked to the POL network.

TO: «SEE LIST OF RECIPIENTS»

SUBJECT: «Jointly submitted letter by three Special Rapporteurs of the  
Human Rights Council, i.e. Mr. A. Grover (right to physical and bodily  
health), Mr. F. Crepeau (rights of immigrants) and Mr. J. Mendez (on torture  
and other inhuman treatment).»

REF: a) Document No. 39577 dated 20/08/2013 of the D3 Directorate,  
Ministry of Foreign Affairs (together with the attached to it jointly submitted  
letter of the Special Rapporteurs in question).

b) Our document no. 71778/13/1540688 dated 9/10/2013 (not sent to all  
recipients).

A. - In response to (a) the above, concerning the subject, we hereby bring to  
your attention the following:

1. - On the questions raised:

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Bureau des Traductions du Ministère des Affaires Etrangères de la République Hellenique,  
Athènes.  
Hellenic Republic, Ministry of Foreign Affairs, Translations Office, Athens.

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No. F.092.22/66051<sup>st</sup> question

The incidents mentioned in the summary of the case are real and have occupied the Services of the Hellenic Police and the Press in the recent past. Please note that in all cases, our Services involved have applied the legislation in force (per case).

2<sup>nd</sup> Question

Regarding the details and results of the Sworn Administrative Inquiries (EDE) ordered for the cases reported, we hereby advise you, in summary, of the following:

(a) On the death of the Afghan national (surname) MOHAMMAD (name) HASSAN, son of AMON, on 27/07/2013 at the SISMANOGLIO Hospital, although the existing data do not suggest the commitment of a disciplinary offence in the strict meaning of Article 4 «Meaning of disciplinary offence» of the Presidential Decree 120/08, as a «wrongful and imputable breach of official duties», for the full and impartial investigation of the case and the accusations found in press releases for his delayed transfer to the hospital from the Pre-Departure Detention Centre for Foreign Citizens (P.K.E.K.) in Corinth, where he was held, and the possible imputation of disciplinary action to any accountable police officer involved in the case, a Sworn Administrative Inquiry was ordered by the Corinth Police Department, which is still pending.

(b) On the hanging of the Ivory Coast national (surname) OJALOU (name) AVTOUPAMAV, son of SALIOU, on 23.06.2013 in the toilet of detention area of the Grevena Police Department, where he was held since 20.06.2013, date on which he was released from the Grevena Detention Centre (where he was detained under a conviction for attempted theft), a Sworn Administrative Inquiry (EDE) is conducted to investigate in depth the case and impute, as applicable, similar disciplinary action against police officers who, at the time of the hanging were on duty, as well as against any other police officer in any way involved in this case, which is still pending. The Grevena Police Department has instituted a prosecution, in accordance with the provisions of the Code of Criminal Procedure (C.C.P.), which was filed with the Public

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Prosecutor's Office, Court of the First Instance, Grevena, previously informed accordingly.

(c) Also, on the hanging of Pakistan national (surname) MUHMMAD (name) ADNAN, son of ISAQ, on 12.07. 2013 in the toilet of the detention area of the Servia Police Department, who had been arrested for lacking the travel documents provided by law, a Sworn Administrative Inquiry (EDE) is conducted to investigate in depth the case and impute, as applicable, similar disciplinary action against police officers who, at the time of the hanging, were on duty, as well as against any other police officer in any way accountably involved in this case, which is still pending.

The Kozani Security Department has instituted a prosecution in accordance with the provisions of the Code of Criminal Procedure (C.C.P.) and awaits the forensic report to file it with the Public Prosecutor's Office, Court of the First Instance, Kozani, previously informed accordingly.

### 3<sup>rd</sup> Question

On 17.04. 2013, approximately one hundred (100) Bangladeshi nationals have gathered at the corporate facilities of a domestic entrepreneur, active in strawberry production, in New Manolada, Ilia, to claim the wages of six months' work in the farms of the above. During their stay there, three (3) Greek nationals, working as farm managers of the entrepreneur, claiming that the workers moved against them, fired against them with carbines, thus causing injuries to thirty (30) of the people gathered in the place. The perpetrators initially escaped capture, until 19/4/2013, when they were arrested. All arrested perpetrators, together with the briefs instituted against them, were led to the Public Prosecutor, Magistrate's Court, Amaliada and were taken into custody.

On the occasion of this incident, a unit of the Athens Police Directorate / Sub-Directorate: State Security / 6th Department, visited the region during the period 18/21-04-2013, in order, on the one hand, to conduct a police investigation to find racist - xenophobic motivation in the above offence and, on the other hand, to investigate any other incidents in the area, which may be racially motivated.

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Furthermore, thirty-five (35) victims have qualified as «victims of trafficking» by the order no. 32/2013, dated 22.4.2013, of the Public Prosecutor, Magistrate's Court, Amaliada and continue staying in our country and working in the above region.

According to the prosecution instituted, as well as other information gathered, on the incident of injury of the foreign workers, on 17/04/2013, which was the reason for conducting the investigation, no racist - xenophobic motivation emerged, as it was the result of financial disputes between the domestic employer and the foreign citizens working in his farms.

Apart from the relevant press publications, there were similar incidents in the past, which were the cause of official actions on the part of all jointly competent bodies, in order to significantly improve the situation described in the camps and the houses where foreign citizens resided.

#### 4<sup>th</sup> Question

To deal with the phenomenon of illegal immigration, which has become a major national issue, a series of measures are taken, which have been designed and are based on a risk analysis, including the mode of action (immigration flows) of the foreign citizens illegally passing through our country. Our intention is to address the mixed migration flows at the entry points of the Greek territory, in a way ensuring both the need for border control towards illegal migration, and the need to provide protection to refugees and other vulnerable groups, to ensure their living conditions are fully in line with the value of human beings.

In this direction, and to address, among others, illegal immigration in our country, a comprehensive action plan has been prepared, which was recently updated, the funding of which was approved by the European Union. It is also noted that the specific legislative initiatives undertaken by our Ministry and consisting in upgrading the First Reception system, establishing First Reception Centres (ΚΕ.Π.Υ.) and Pre-Departure Detention Centres (Π.ΚΕ.Κ.) for Foreign Citizens, reshaping the national asylum system (Asylum Office and Appeal Authority), strengthening the policy of forced and voluntary return of third country nationals in their home countries, as well as the

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operational activities of our Services, such as the «Xenios Zeus» operation, form a modern and coherent system of initiatives and actions that significantly contribute to mitigating the current situation and its gradual normalization, towards the effective management and the efficient and final confrontation of the immigration issue.

In particular, it was decided to use, apart from the area granted in Fylakio, Evros, the encampments of Corinth and Paranești, Drama, respectively, to establish facilities in Amygdaleza, Attica, Komotini and Xanthi (operating as Pre-Departure Detention Centres (P.K.E.K) for Foreign Citizens), to reconstruct the buildings of the former Special Residence Areas for Foreign Citizens in Chios and Samos (operating as Citizenship Identification Centres), to create a Citizenship Identification Centre in Lesbos while, at the same time, ongoing procedures are in place for the establishment and operation of other Centres in other areas of the country.

By the First Reception Centres (ΚΕ.Π.Υ.) and the Citizenship Identification Centres, a new system is launched for recording, assessing and validly certifying the identity and origin of the third country nationals subject to the first reception procedures, through a specific knowhow and a specialized, for this purpose, personnel, while ensuring their separation, registration and medical screening, as well as the support of vulnerable groups (unaccompanied minors, women, single parents) and, of course, the guidance of those entitled to international protection.

Furthermore, the Ministry of Public Order and Citizen Protection and the Hellenic Police Headquarters pay particular attention to ensuring that all necessary hygiene and safe accommodation rules for all prisoners held in the Pre-Departure Detention Centres (P.K.E.K.) for Foreign Citizens and police detention areas are adhered to, and their observance by all Police Services which, on a daily basis, are handling a large number of detainees, either when guarding them or during their transfers to and from the courts, detention facilities, etc. To this end, orders have been issued to all our regional Services, with directives-instructions to fully comply with their obligations, such as those resulting from existing regulations and international treaties.

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We also monitor the entire issue, intervening with specific orders - instructions in the event of shortcomings - failures, for the immediate improvement of the existing conditions.

It is emphasized that the opinions, complaints and findings, as well as any comments - recommendations included in the reports, etc. of international bodies, humanitarian organizations, etc. about the detention conditions in the respective areas of our regional Services, are a subject of concern, thorough study and investigation on the part of our competent Services and the necessary additional measures are taken, so that our country is not discredited abroad and is not denounced by international organizations.

As part of the ongoing effort to safeguard human rights, improve building infrastructure and ensure sanitary accommodation and protection of detainees, a Technical Description of the detention centres has been drawn, under which the detention facilities of Police Services are constructed - reconstructed, after taking into account, among others, the European Commission's guidelines on the Prevention of Torture. In this context, projects are implemented either through the Public Investment Programme (PIP), or through Public - Private Partnerships (PPP), involving constructions of new, modern, buildings with appropriate detention areas, so that they fully meet both the working needs of staff, as well as the needs of visiting nationals, while providing decent conditions of detention to the detainees in these Services.

The aim of all the above is to safeguard human rights, in the context of dignity and respect for diversities, as well as avoid marginalization and separation of human beings into categories.

#### 5<sup>th</sup> Question

In the context of efficient management of the flows of foreign citizens illegally entering the country, a series of actions are included to provide medical, psychosocial care and counselling support to persons detained in the respective areas of the Hellenic Police.

In particular, the First Reception Centres (KE.P.Y.) apply a screening and psychosocial diagnosis program for third country citizens illegally entering



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Greece, when subject to first reception procedures in First Reception Centres or Units.

Additionally, the Pre-Departure Detention Centres (P.K.E.K.) and the Foreign Citizen Identification Centres are entrusted, inter alia, with the responsibility for their feeding, clothing, medical examination and transfer to hospitals or health centres, cooperating with jointly competent Authorities, Agencies and Bodies for the purpose of providing medical and psychosocial care and counselling support to individuals detained, as well as the care for the provision of interpretation, where needed.

At the same time, the contribution of Non-Governmental Organisations (NGOs), which have frequent access to detention centres for foreign citizens, in providing medical services to irregular immigrants, is significant.

Further, we hereby inform you that the «Internal Operating Rules of the Services Guarding Detention Facilities for Foreign Citizens (Y.F.E.K.A.)» (Official Gazette vol. B/ 1851-29.07.2013) provide for the existence of medical, nursing and other scientific personnel of the State, NGOs or other agencies and bodies, on a permanent basis and, to this end, they provide for the establishment and equipment of specific areas, suitable to be used as surgeries. The «Business Plan» and the Memorandum of Co-operation of the jointly competent Ministers have already been drafted, so that medical support is provided to all detention areas for illegal immigrants (First Reception Centres, Pre-Departure Detention Centres for Foreign Citizens, autonomic detention centres) by Services of the Ministry of Health / National Centre of Health Operations (E.K.EP.Y.) and the procedures for the direct recruitment of medical staff in the areas where illegal economic immigrants are detained continue.

Specifically, the Business Plan of the National Centre for Health Operations (E.K.EP.Y.) aims to the provision of healthcare coverage for immigrants, based on the following lines:

- Providing health care to immigrants, both within the Detention Centres and in Health Facilities of various levels within the National Health System.
- Preventing the spread of various infectious diseases among immigrants and

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the staff, and their dispersion in the wider community.

- Promoting an integrated approach to health care in Immigration Detention Centres, both by improving the health of immigrants and improving their living / stay conditions.

6<sup>th</sup> Question

(a) The supervision and monitoring of the implementation of the provisions of labour laws, as well as of the provisions for safety, health, insurance coverage and protection of the workers' rights are reduced to the competences of the Inspectorate of Labour (S.E.P.E.), which exercises them throughout the country, through its central and regional Services (Articles 2 and 10 of Law 3996/2011, Government Gazette vol. A ' -170).

(b) Moreover, according to the provisions of the above same Law, the competence to enforce the labour law lies with the Special Insurance Audit Service (E.Y.P.E.A) of the Social Insurance Institute - Unified Insurance Fund for Employees, as it concerns the identification of employed and uninsured persons and the contribution evasion in general.

(c) The competences of the Hellenic Police, in accordance with the above law (Article 17, paragraph 2), are reduced to the provision of the assistance, under Articles 159 and 161 of the Presidential Decree 141/1991, to other Authorities, in the context of the performance of their duties.

(d) In the above context and in order to assist the work of the above mentioned Services, the Hellenic Police Headquarters have issued relevant orders to all regional Services, which gave guiding instructions and directives, and in particular:

- For providing any assistance possible to both Labour Inspectors and the Special Insurance Audit Service (E.Y.P.E.A.) of the Social Insurance Institute - Unified Insurance Fund for Employees, in the performance of their duties.

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(d) In the above context and in order to assist the work of the above mentioned Services, the Hellenic Police Headquarters have issued relevant orders to all regional Services, which gave guiding instructions and directives, and in particular:

- For providing any assistance possible to both Labour Inspectors and the Special Insurance Audit Service (E.YP.E.A.) of the Social Insurance Institute - Unified Insurance Fund for Employees, in the performance of their duties.
- For immediately responding to their calls, when emergencies arise during audits.
- For ensuring, in general, the smooth and unimpeded progress of their audit work, operating mainly preventively, as well as dissuasively with regard to any acts which may have an impact on this work.

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(e) In addition to the above, with a recent legislation and, in particular, Articles 14, 15 and 16 of Law 4144/18-04-2013 (Official Gazette vol. A' -88), the Economic Police and Electronic Crime Service becomes, in parallel, competent for conducting the audits provided and carried out by the audit bodies of the Social Insurance Institution - Unified Insurance Fund for Employees and the Labour Inspectorate (S.E.P.E.), to combat undeclared work, bureaucracy and tax evasion.

2. - Furthermore, with respect to other issues raised in the jointly submitted letter of the three Special Rapporteurs, we inform you the following:

(a) Regarding the incidents of 10/11-08-2013 in the Pre-Departure Detention Centre of Foreign Citizens in Amygdaleza, we hereby advise you that, on the particular date, (1.700) irregular immigrants were held, under repatriation decisions issued against them.

In the night hours of that date, a mass uprising of a large number of foreign prisoners took place who physically attacked police officers and caused extensive damages to the facilities of the above Centre. The cost of these damaged materials is roughly estimated to amount to, approximately, two hundred thousand euros (200.000 €). The Security Sub-Directorate for West Attica instituted a prosecution for violation of the Articles 170 of the Criminal Code on «Mutiny of detainees», 169 of the Criminal Code on «Disobedience», 167 of the Criminal Code on «Resistance», 309 of the Criminal Code on «Dangerous Bodily Injuries», 382 of the Penal Code on «Serious Damages», 45, 264 of the Penal Code on «Arson in Complicity», 42, 173 of the Criminal Code on «Escape Attempts by Detainees» and 173 of the Penal Code on «Escape.»

(b) Protecting the rights of nationals against arbitrary acts of state bodies.

The Headquarters of the Hellenic Police has repeatedly issued general and specific orders and instructions to all its regional Services regarding the issue of proper behaviour of police officers to all nationals regardless, the need to fully respect their personality and individual rights, as well as that for equal treatment, without racial, ethnic, religious or other discrimination, as provided by the Constitution and the laws.

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The effort made for this purpose does not simply relate to the fragmented response to incidents arising, but tends to create a climate of thought and culture to respect human rights and, to this end, the reports and recommendations of international institutions for stringent measures on the part of the Greek authorities are taken into account, to prevent and combat acts of ill-treatment of persons, as well the case-law of the European Court of Human Rights and the Human Rights Committee of the United Nations.

As it concerns the submission of any complaint relative to any violence or ill-treatment of nationals or immigrants by police officers, the Hellenic Police responds immediately and investigates, in any direction, the entire case, to discover the truth and certify and impute disciplinary action on any offender.

It is noted at this point that any complaints or information for unethical behaviour on the part of police officers against persons belonging to vulnerable ethnic, religious or social groups, which are disclosed to the Headquarters or its regional Services (complaints, press publications, filing of accusations), are recorded and an administrative inquiry is further ordered, to establish the validity of their contents and for the imputation of disciplinary action to any accountable police officer involved.

In particular, as regards the incidents of abuse, involving - or allegedly involving - police officers in the performance of their duties, the Office for Incidents of Arbitrary Behaviour has already been established by Law 3938/2011, reporting directly to the Minister of Public Order and Citizen Protection, as an independent mechanism to investigate complaints against members of the security forces. This Office's mission is to collect, record, evaluate and forward for investigation complaints filed for acts of the uniformed personnel of the Hellenic Police, the Fire Brigade and the Port Police Corps - Hellenic Coastguard, which occurred in the performance of their duties or abusing their status. It will also deal with cases for which a conviction has been pronounced by the European Court of Human Rights. So far, it has not been possible to operate the said Office, as its staffing with honorary officials, honorary public prosecutors and other persons provided by Article 1 of Law 3938/2011 (as amended by Law 4058 / 2012) has not

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been completed. Consequently, it is planned to amend the relevant provisions, so that the Office may operate. It is noted that this issue is being examined with due care and diligence and it is endeavoured that the above Office operates in accordance with its object and purpose, as a reliable, trustworthy and effective mechanism, taking into account the financial circumstances.

Finally, the Ministry of Public Order and Citizen Protection and the Hellenic Police Headquarters are determined not to allow the development of a xenophobic climate or the demonstration of racist phenomena within the Hellenic Police and to monitor any illegal, incorrect or improper conduct on the part of police officers and, to this end, any complaint or information for misconduct on the part of police officers in the performance of their duties or even when they are not on duty, for concealment of criminal behaviour on the part of nationals and, generally, for unlawful acts or omissions of police officers, is thoroughly examined and the legislation in force is strictly applied.

B. - The Offices of Physical & Political Leadership to be notified, to which this document is submitted, are kindly requested to be updated accordingly.

C.- Other recipients to whom this document is communicated, are kindly requested to be updated and associate it with the relevant correspondence.

THE CHIEF OF POLICE

MR. ALEXANDROS DENEKOS

POLICE BRIGADIER GENERAL

TO:

1) MINISTRY OF FOREIGN AFFAIRS, DIRECTORATE D4  
3 ACADEMIAS ST., ATHENS  
(Fax: 210-368.2257)

cc:

- 1) CHIEF OF THE HELLENIC POLICE
- 2) HELLENIC POLICE HEADQUARTERS / DEPUTY CHIEF OF THE HELLENIC POLICE
- 3) HELLENIC POLICE HEADQUARTERS / CHIEF OF STAFF - CHIEF

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OF THE HELLENIC POLICE

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- 5) HELLENIC POLICE HEADQUARTERS / SECTOR: PUBLIC ORDER
- 6) HELLENIC POLICE HEADQUARTERS / SECTOR: ORGANISATION OF HUMAN RESOURCES
- 7) HELLENIC POLICE HEADQUARTERS / DIRECTORATE: POLICE STAFF
- 8) HELLENIC POLICE HEADQUARTERS / DIRECTORATE: STATE SECURITY
- 9) HELLENIC POLICE HEADQUARTERS / DIRECTORATE: PUBLIC SAFETY
- 10) HELLENIC POLICE HEADQUARTERS / DIRECTORATE: GENERAL POLICING
- 11) HELLENIC POLICE HEADQUARTERS / DIRECTORATE: ORGANISATION AND LEGISLATION
- 12) MINISTRY OF CITIZEN PROTECTION - OFFICE OF THE MINISTER
- 13) MINISTRY OF JUSTICE, TRANSPARENCY AND HUMAN RIGHTS  
(Fax: 210-7767.775)

True translation of the Greek original document.

Athens, 25 October 2013

The translator, Stefanos Tefos

Γραφείο Μεταφράσεων Υπουργείου Εξωτερικών, Αθήνα.

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