

RUTHLESS AND RACIST: POLICING ROMA IN THE BALKANS

GREECE | NORTH MACEDONIA | SERBIA



CHALLENGING DISCRIMINATION PROMOTING EQUALITY



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INTRODUCTION

There is nothing new about police violence against Roma, and nothing new about the collusion and complicity of official institutions in their denial of racism; their indifference to the plight of targeted Romani communities, or the fate of victimised individuals; and the culture of ‘omerta’ [code of silence] and impunity among law enforcement agencies when it comes to policing Roma.

What is relatively novel, after decades of advocacy and litigation, is a growing acknowledgement among duty-bearers that, when it comes to justice and policing, institutional racism is a problem that has become more difficult to ignore. Events in 2020 following the police killing of George Floyd in the US prompted the European Commission’s 2020–2025 anti-racism action plan: *“The conflict between our values of equality and the reality of ingrained racism cannot be ignored: the global Black Lives Matter movement has acted as a stark reminder.”*¹

The Commission acknowledged that there needs to be action on policing, and called on Member States to *“step up efforts to prevent discriminatory attitudes among law enforcement authorities”*, for, as the Fundamental Rights Agency (FRA) drily noted four years later:

“Racism in policing includes discriminatory profiling practices, inappropriate racist communication and

*excessive use of force. These are strong indications of possible structural, institutional and systemic racism in policing.”*²

In November 2023, the Parliamentary Assembly of the Council of Europe (PACE) stated that when it comes to law enforcement, institutional racism against Roma and Travellers goes way beyond isolated cases of police brutality, and deplored the fact that *“violent raids and attacks against Roma villages and settlements as well as ethnic profiling, harassment, marginalisation and provocation, are part of daily life for many Roma and Travellers.”*

In a motion passed unanimously by the PACE Standing Committee, the parliamentarians noted that despite these repeated findings, and years of recommendations addressed to States to end such practices, police brutality is still too often committed against Roma and Travellers in Europe. The motion stressed the systemic nature of this discrimination, which includes *“inhuman and degrading treatment, torture, excessive use of force, and violence resulting in some cases in the victim’s death”* and stated that *“antigypsyism and anti-nomadism are evident in the way in which Roma and Travellers are policed and in the culture of impunity that still too often prevails for such practices.”*³

“Antigypsyism and anti-nomadism are evident in the way in which Roma and Travellers are policed and in the culture of impunity that still too often prevails for such practices.”

In its conclusions, PACE summed up the institutional racism of law enforcement authorities towards Roma and Travellers, *“as a terrible discriminatory imbalance: on the one hand, Roma and Travellers are very often subject to excessive surveillance, controls and use of force by members of law enforcement authorities, which violate their rights; on the other hand, when these populations are victims*

of criminal offences (whether committed by persons holding public authority or by private individuals), the responses provided are very often inadequate.”

The PACE resolution, which was adopted on the basis of a report by Jean-Pierre Grin⁴ (Switzerland, ALDE), fully endorsed the findings and recommendations contained in the ERRC’s report

1 European Commission, *Communication – A Union of equality: EU anti-racism action plan 2020–2025*. Available [here](#).

2 European Union Agency for Fundamental Rights, *Addressing Racism in Policing*, 2024. Available [here](#).

3 Parliamentary Assembly of the Council of Europe, *Institutional racism of law-enforcement authorities against Roma and Travellers, Draft Resolution and Explanatory Memorandum*, Prepared by Mr. Jean-Pierre Grin, rapporteur. Committee on Equality and Non-Discrimination, 10 November 2023. Available [here](#).

4 *Ibid.*

on policing, *Brutal and Bigoted: Policing Roma in the EU*.⁵ The resolution called on states to redouble their efforts to counter racist policing, to prevent these human rights violations and to respond appropriately when they occur, to hold all perpetrators to account, and to dismantle the institutional antigypsyism that allows these practices to continue.

According to rapporteur Jean-Pierre Grin, “such blatant human rights violations destroy the confidence of Roma and Travellers in law enforcement authorities”, a situation further worsened by

discrimination in access to justice which deprives the victims of abuse of adequate remedy. He echoed one of the key themes of the ERRC’s research reports, that Roma, who are victims of police ill-treatment and other violations of their rights, face multiple forms of discrimination in access to justice, compounded by anti-Roma prejudice among professionals working in the judicial system.⁶ This situation, he stated, “aggravates the already high level of mistrust that exists towards the criminal justice system, but also more broadly the justice system as a whole, among Roma and Travellers.”

“Such blatant human rights violations destroy the confidence of Roma and Travellers in law enforcement authorities.”

Mr. Grin found that the case law of the European Court of Human Rights reveals a “staggering picture of the relations of law enforcement authorities with Roma and Travellers”, and concurred with the ERRC’s assertion that the repetition of such cases was indicative of institutional racism – “even though, unfortunately, the European Court of Human Rights only very rarely looks into this aspect of the cases it is called upon to examine.”

He described the persistence of police brutality against Roma as all the more intolerable given that some of the ECtHR judgements date back to the mid-1990s: “It is quite simply unacceptable that problems that have been identified for so long have not yet been resolved. Within each Council of Europe member State, we can and must do

better.” Rapporteur Grin noted that new cases keep happening, and referred to the ERRC’s interactive online map, which has recorded dozens of deaths of Roma and Travellers that have occurred during their contact with police in 14 countries. He stated that: “To avoid similar events occurring again, we must recognise that the problems at stake go far beyond apparently isolated cases and examine the systemic nature of such violence.”

However, such cases keep happening – underreported and largely ignored – inside the European Union and its ‘near neighbourhood’; and for Roma, justice just keeps getting delayed and denied. Below are some recent incidents, which are illustrative of a wider malaise, and a recalcitrant resistance to address institutional racism within law enforcement.



13 APRIL 2023

A 27-year-old Romani man, Jani Rustemaj, was arrested and taken into custody in the Albanian capital, Tirana, by police officers from Police unit no. 2. He was later pronounced dead after going into a coma due to an alleged methadone overdose. His family contested this verdict, denied that their son had any issues with drug abuse, or health problems when the police took him into custody. The family accused the police of excessive violence and provided evidence of contusions, broken front teeth, and a broken leg as indications of police brutality, which they noticed and photographed during their visits to the hospital. After more than four months of silence from the police, public prosecutor, and ministry of interior, the victim’s family were still left without answers, and in October 2023 the ERRC wrote to the Albanian General Prosecutor and Minister of Internal Affairs to demand justice.⁷

5 Bernard Rorke, *Brutal and Bigoted: Policing Roma in the EU*. ERRC, 9 June 2022. Available [here](#).

6 Bernard Rorke, *Justice Denied: Roma in the Criminal Justice System*. ERRC and Fair Trials, December 2021. Available [here](#).

7 Judit Ignác, *Fatal Consequences of Racist Policing: 27-Year-Old Romani Man Dead in Police Custody in Albania*, ERRC News 11 October 2023. Available [here](#).

14 JULY 2023

A 33-year-old Romani man Muszunye Mircea Vişan died in a police station in Arad, Romania from cardiac arrest after an alleged sustained beating by police officers while in custody. In August 2023, his mother and sister filed a criminal complaint against two local police officers, which called for them to be held criminally liable as co-perpetrators. Legal support is being provided by RomaJust and the ERRC.⁸

11 NOVEMBER 2023

Around midnight, Greek police shot a 17-year-old Romani boy after a car chase in the town of Thebes, north of Attica. According to media reports, the car, with four passengers: two boys and two girls aged 15-17, failed to stop when ordered. In the ensuing pursuit, the car was surrounded by police in a dead-end alley in the Lontari village.⁹

This was the third fatal police shooting of a Romani teenager in three years, and kindled memories of the bitter controversy over remarks made by Greek EU Commissioner Margaritis Schinas, responsible for ‘promoting our European way of life’¹⁰. In the wake of the Black Lives Matter solidarity protests across European capitals in June 2020, Schinas claimed that Europe does not have issues “*that blatantly pertain to police brutality or issues of race transcending into our systems*”, and that because of the “*European tradition for protecting minorities, we have less issues than they have in the States*”.

This statement prompted condemnation from ENAR and 150 other organisations, appalled at Schinas’s ‘blatant denial’ of the existence of racist and discriminatory policing, despite decades of evidence of harassment, abuse, and violence experienced by racialised communities across Europe. To date, this situation had received “*little visibility and no public response*.”¹¹

The killings of these three teenagers served as a tragic reminder that when it comes to policing

Roma and other racialised minorities, contrary to Commissioner Schinas’s assertion, Greece and the European Union does indeed ‘have issues.’ The ERRC, in its report *Brutal and Bigoted*, which covered anti-Roma racism in law enforcement across six EU Member States, compiled a critical mass of evidence which fully repudiated the Greek Commissioner’s assertion. The report asserted that:

*“All too often, there is impunity for law enforcement concerning crimes against Roma, and the evidence demonstrates the extent to which anti-Roma racism is endemic and systemic within the ranks of officers paid to ‘protect and serve’. Beyond the blather about ‘bad apples’, the report demonstrates that law enforcement agencies are saturated with institutional discrimination ... The case files cited in this report comprise a catalogue of official lies and botched investigations, testimonies concerning incidents of excessive, arbitrary and sometimes lethal violence against young and old, deliberate attempts to discredit and intimidate victims, and protracted struggles through the courts for remedy, where justice for Roma is often denied and always delayed.”*¹²

Justice for Roma is often denied and always delayed.

8 ERRC Press Release, *Criminal Complaint Filed Against Romanian Police Who Beat a Romani Man to Death in Arad*. 17 August 2023. Available [here](#).

9 Keep Talking Greece, *Roma boy shot dead during police chase*. 12 November 2023. Available [here](#).

10 ERRC, *BLM, racism and resistance: This is not the time for a Euro-whitewash*, 22 June 2020. Available [here](#).

11 ENAR, Press Release, *Open Letter, European Commission must prioritise addressing police violence and structural racism in the EU*, 12 June 2020. Available [here](#).

12 Bernard Rorke, *Brutal and Bigoted: Policing Roma in the EU*. ERRC April 2022. Available [here](#).

This latest report on policing covers three countries in the Balkans, one EU Member State (Greece) and two candidate countries (North Macedonia and Serbia). As the chapter on policing Roma in Greece reveals, there is nothing new about police violence against civilians in general and Roma in particular. Back in 2002, Amnesty noted that the majority of victims in 66 documented cases of human rights violations by Greek police were Roma and asylum-seekers. Detainees alleged they were slapped, punched and kicked, subjected to racist abuse, and in some cases beaten with truncheons or rifle butts. Investigations were hampered by an ‘omerta’ among officers and the tendency of courts to believe police testimony, regardless of the evidence. Twenty years later, the Ombudsman noted a similar lack of adequate investigations and the virtual impunity enjoyed by police officers: *“Police officers’ unjustified use of state violence without effective systems of accountability appears to constitute a systemic problem which is not being properly addressed by the Greek government.”*¹³

In North Macedonia, Romani interviewees were clear that they had no trust in a system they perceived to be plainly unjust; and the reasons why included ethnic profiling, over-policing, inhuman and degrading mistreatment and racially abusive behaviour in encounters with Roma.¹⁴ The sample of recent cases taken to the European Court of Human Rights (ECtHR), cited in the chapter, is clearly not a cluster of ‘bad apple anomalies’, but is rather indicative of racism and discrimination that is embedded in the structures of the state.

As regards law enforcement, the cases are illustrative of a wider, systemic pattern of police brutality against Roma. Routine behaviours that include verbal racial abuse; random kicking and beating of suspects and anyone else that happens to be Roma and in the vicinity; ill-treatment and torture of detainees to extract confessions; and violent raids by special police units targeting Romani neighbourhoods and dwellings.

Two decades of recommendations and judgments later, one graphic illustration of the lack of progress is the 2024 observation that: *“there is no legitimate reason for non-standard objects, such as hand-held electric shock devices to be kept in rooms used for interviewing suspects”*; and the recommendation that *“any non-standard item that might be used for*

*inflicting ill-treatment should be removed from all police premises where persons may be held or questioned.”*¹⁵

Police violence against Roma in Serbia is a longstanding ‘concern’ and occurs within a context of what hundreds of thousands of protestors in Belgrade denounced in June 2023 as a “culture of violence” promoted by the government and its loyal media outlets;¹⁶ a recent history of coordinated public violence against religious and ethnic minorities, and the legacy of para-militarised and ultra-violent policing in times of war and conflict.

In a 2022 report following its visit to Serbia, the Council of Europe’s Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), called for action to address the serious problem of ill-treatment by the Serbian police. In addition to physical violence – which included *“slaps, punches, kicks and truncheon blows to various parts of the body, the application of electro-shocks by handheld devices and car batteries and forcing detained persons to remain in stress positions for prolonged periods”* – numerous remand prisoners claimed to have been racially abused due to their Romani or Albanian ethnic origin.¹⁷

The ERRC, in a submission to UNCAT, detailed a number of cases of inhuman and degrading treatment of Roma at the hands of Serbian police in recent years. This included evidence of police torturing Romani people to extract confessions (including asphyxiating a man with a plastic bag and holding a gun to his head), threatening to take children away from families, withholding food and water during interrogation, denying access to medical aid and legal counsel, as well as multiple accounts of groups of officers taking turns to beat defenceless Roma in interrogation cells. The police officers who perpetrate these human rights violations rarely if ever face any consequences for their actions.¹⁸

In each of the three countries covered in this report, similar concerns and pathologies were evident when it came to excessive use of force and racial discrimination by law enforcement agencies. For more than two decades, reports by international bodies and domestic human rights bodies and litigation in local and international courts have provided substantial evidence of the pervasiveness

13 Joint Civil Society Submission to the European Commission on the 2023 Rule of Law Report, *Rule of Law Backsliding Continues in Greece*, January 2023. Available [here](#).

14 ERRC and Fair Trials, *Justice Denied: Roma in The Criminal Justice System of North Macedonia* 14 February 2023. Available [here](#).

15 Council of Europe, *News 2024, Council of Europe anti-torture Committee (CPT) publishes report on North Macedonia*. 15 May 2024. Available [here](#).

16 New York Times, *Growing Protests in Serbia Demand Social Changes After Mass Shootings*. 3 June 2023. Available [here](#).

17 Milica Stojanovic, ‘European Anti-Torture Committee Concerned About Serbian Police Beatings’, *Balkan Insight*, 10 March 2022. Available [here](#).

18 ERRC, UNCAT submission on Serbia. 17 September 2021. Available [here](#).

of police brutality, and revealed how Roma have been persistently targeted by law enforcement in a manner that is both brutal and bigoted. The allegations of police abuse and patterns of violence remain virtually unchanged since reporting began, the

concerns expressed by international bodies and their recommendations to the State authorities remain the same, and remain largely unaddressed, meanwhile Investigative bodies lack the independence and resources to be truly effective.

The police officers who perpetrate these human rights violations rarely if ever face any consequences for their actions.

Commenting on numerous cases of police violence against Roma in many countries, and the authorities' subsequent failures to conduct effective investigations, the PACE report stated that investigations must be based on respect for the following principles: independence, relevance, diligence, transparency, and participation of victims:

“Failing to respect these principles deprives the victims of an effective remedy, means the authorities are not held accountable and undermines victims’ trust in the criminal justice system. Tolerating persistent failures by the authorities to respect their obligation to conduct an effective investigation into allegations such as those described above would amount to accepting impunity for serious violations of the European Convention on Human Rights, which would clearly be unacceptable.”¹⁹

Much of what has transpired when it comes to policing Roma is clearly unacceptable, and until there is resolute action to effectively counter antigypsyism in state and society, more cruelty will be dispensed by those charged to serve and protect, and more violence meted out to the most vulnerable and marginalised by police officers who feel a sense of invulnerability and entitlement as they go about their ‘duties’. The ERRC fully endorses PACE Rapporteur Jean-Pierre Grin’s call that:

“Council of Europe member States must redouble their efforts to prevent these human rights violations, and to respond appropriately when they occur. They must hold all perpetrators to account and dismantle the institutional systems and cultures and the prevailing climate of antigypsyism and anti-nomadism that allow these practices to continue.”²⁰

19 Parliamentary Assembly of the Council of Europe, *Institutional racism of law-enforcement authorities against Roma and Travellers, Draft Resolution and Explanatory Memorandum*, Prepared by Mr. Jean-Pierre Grin, rapporteur. Committee on Equality and Non-Discrimination, 10 November 2023. Available [here](#).

20 *Ibid.*

ΑΣΤΥΝΟΜΙΑ
POLICE

GREECE

DEMOCRATIC BACKSLIDING, VIOLENT POLICING, AND ANTI-ROMA RACISM

STATE OF DEMOCRACY UPDATES

Increased concerns about democratic backsliding in Greece in 2023 revolved around rule of law concerns, shrinking civil society space, harassment of human rights defenders and journalists, as well as continued abuses against asylum seekers and migrants, including violent pushbacks, abuses in detention, and vigilante violence. In April 2023, the Racist Violence Recording Network (RVRN) reported 74 incidents of racist violence in 2022 and noted that underreporting of racist violence continued.²¹

For the second year in a row, Greece was last among EU countries in Reporters Without Borders' (RSF) 2023 World Press Freedom Index:

*"Press freedom in Greece suffered severe setbacks between 2021 and 2023, including with a wiretapping scandal that revealed the National Intelligence Service (EYP) was spying on several journalists. Furthermore, SLAPPs (Strategic Lawsuit Against Public Participation) are commonplace, and, even more troubling, the murder of veteran crime reporter Giorgos Karaivaz in 2021 has not yet been solved."*²²

The CIVICUS Monitor, which tracks the state of freedom of association, peaceful assembly, and expression globally, downgraded Greece from 'narrowed' to 'obstructed' due to *"the repeated targeting of civil society and activists working with refugees and asylum seekers, disproportionate responses to protests and continuous legal harassment and surveillance of journalists."*²³

Warning of the dangers of the "criminalisation of solidarity", where civic freedoms are now being continuously undermined in Greece, CIVICUS cited the case of activist Panayote Dimitras, accused in December 2022 of "setting up a criminal organisation with the purpose of facilitating the illegal entry and stay in Greece of third-country nationals", after which the activist was banned from being involved with his organisation, the Greek Helsinki Monitor, and issued with a travel ban.²⁴ As reported by Human Rights Watch (HRW) in May 2023, Dimitras learned via leaks in the media that Greece's Anti-Money Laundering Authority had ordered a freezing of his assets pending an investigation of alleged misuse of European Union and other funding related to his organisation's work.²⁵

Civic freedoms are now being continuously undermined in Greece.

In a statement issued on 12 January 2023, Dunja Mijatović, Council of Europe Commissioner for Human Rights, warned that:

"Targeting human rights defenders and individuals engaged in acts of solidarity is both incompatible with

*states' international obligations and has a chilling effect on human rights work ... I urge the Greek authorities to ensure that human rights defenders and journalists can work safely and freely, by providing an enabling environment for their work and publicly recognising their important role in a democratic society."*²⁶

21 Human Rights Watch, *World Report 2024, Greece Events of 2023*. Available [here](#).

22 Reporters Without Borders, *2023 Press Freedom Index, Greece*. Available [here](#).

23 CIVICUS Monitor, *People Power Under Attack 2023: Greece Downgraded in Global Ratings Report on Civic Freedoms*. 16 March 2023. Available [here](#).

24 *Ibid.*

25 Human Rights Watch, *Greece: Smear Campaign Against Rights Activist: EU Should Act to Uphold Rule of Law, Curb Attacks on Civil Society*. 19 June 2023. Available [here](#).

26 Council of Europe Commissioner for Human Rights, *Statement: Greek authorities should reverse the trend undermining the work of human rights defenders and journalists*. 12 January 2023. Available [here](#).

In its 2022 summary, the US State Department noted that significant human rights issues included credible reports of cruel, inhuman, or degrading treatment or punishment of prison detainees and of migrants and asylum seekers by law enforcement authorities; restrictions on free expression and media including enforcement or threat to enforce criminal libel and slander laws; forced returns and alleged violence by government authorities towards migrants and asylum seekers; inadequate investigation and accountability for gender-based violence; and violent hate crimes targeting minorities and members of the LGBTQI+ community. While steps were taken to investigate and prosecute officials who committed human rights abuses, there were *“reports and complaints from nongovernmental organizations and international organizations regarding government failures to effectively investigate allegations of abusive police practices and forced returns of asylum seekers and to hold those found responsible to account.”*²⁷

The European Commission’s 2023 annual rule of law report was similarly critical about the serious challenges regarding the efficiency of justice and the hostile environment for many civil society organisations, which was largely due to smear campaigns, threats

and attacks, and the misuse of criminal law against human rights defenders working on migration, as well as the failure to protect journalists.²⁸

On 7 February 2024, the European Parliament adopted a resolution expressing concerns about very serious threats to democracy, the rule of law, and fundamental rights in the country and called on the Commission to make full use of the tools available to address the breaches of EU values in Greece. The resolution denounced threats made to journalists, violations of privacy with spyware, and abusive lawsuits – including from the Prime Minister’s entourage – and the instrumentalisation of ‘national security threats’ to wiretap political opponents. The resolution – adopted with 330 votes in favour, 254 against, and 26 abstentions – also highlighted the excessive use of force by police and the deficient quality of subsequent investigations and court rulings, alleged corruption, the length of judicial proceedings, and possible conflicts of interest, including police infiltration by organised crime. Worrying concerns also included the treatment of migrants and systematic pushbacks²⁹ and the attacks against civil society, particularly the smear campaigns and judicial harassment against human rights activists.³⁰

POLICING AND VIOLENCE: ‘NOT JUST ISOLATED CASES’

Such is the violent and corrupt reputation of Greece’s police force that, according to *Politico*, opposition parties made security and law enforcement a top campaign issue ahead of the 21 May national elections in 2023. Syriza, the leftist main opposition party, accused the ruling conservative party, New Democracy, of allowing the police to become run by organised crime gangs. As *Politico* reported:

*“Greek police have been in the headlines for all the wrong reasons of late, thanks to the alleged involvement of police officials in mafia gangs profiting from illegal brothels and casinos; the murder of a 16-year-old Roma boy during a police chase; an alleged rape in a central Athens police department; and complaints of police brutality.”*³¹

“Impunity, the cultivation of an omertà mentality, the lack of accountability, are unfortunately characteristic of the way the Greek police operates.”

Some sense of the particularity of Greek policing, with its long history of corruption and predilection for extreme violence against minorities, migrants, and leftists, can be garnered from the accusations levelled

by opposition politicians. For its current brace of scandals, politicians such as Giorgos Kaminis of the Pasok party blame both the interior ministry and police: *“Impunity, the cultivation of an omertà mentality, the*

27 US Department of State, *2022 Country Reports on Human Rights Practices: Greece*. Available [here](#).

28 European Commission, *2023 Rule of Law Report: Country Chapter on the rule of law situation in Greece*. 21 July 2023. Available [here](#).

29 European Parliament News, Press Release, *Frontex: MEPs want an effective border agency compliant with fundamental rights*. 14 December 2023. Available [here](#).

30 European Parliament News, Press Release, *Parliament concerned about very serious threats to EU values in Greece*. 7 February 2024. Available [here](#).

31 Nektaria Stamouli, ‘Who are the bad guys? Police brutality shapes Greek election’, *Politico*, 14 May 2023. Available [here](#).

*lack of accountability, are unfortunately characteristic of the way the Greek police operates, with the tolerance, if not the complicity, of the ministry.*³² The acrimony is not just testament to bitter political divisions, but also a legacy of the historically oppressive role played by the police in times of conflict and dictatorship.

In common with other parts of south-eastern Europe, Greece has experienced much by way of political turbulence over the past century, including some drastic manifestations of authoritarian and fascist rule. As noted by Douvlis and South, while the period of Colonel's Junta between 1967 and 1974 ushered the imposition of a particular form of order – other virtues of a civilised society were absent: *“The dictatorial regime created an authoritarian legal and political framework to support it and to facilitate the rule of the country, employing the police as the ‘long arm’ of the State.”*³³

The authors note that when the conservative New Democracy party came to power after the fall of the Junta in 1974, most police officers were of a rightist disposition and no major tensions or disputes arose between the government and the police. Neither was there any reform of the two existing police forces; the military force of the Gendarmerie, and the civilian Urban Police force (albeit one with military discipline and structure).

The socialist government, elected in 1981, came to power with a modernising democratic agenda, and sought to merge the two forces and create a National Police force in an effort to alter the relationship between the state and society. The attempt to democratise policing, to create a more publicly accountable force, as well as the end of coercive policing as the ‘long arm of an authoritarian state’ was described by the authors as an attempt by the socialists to restore balance, for as they saw it, *“the police under the conservative administration, acted without any sense of accountability and control”*. However, they note that *“the police today are still used by the politicians of Greece as figures of authority rather than as crime fighters.”* And with New Democracy back in power, the 21st century is witnessing a police force once

again acting with seeming impunity and without much by way of accountability or control.³⁴

Ten years earlier in 2013, as neo-fascist violence was spiralling out of control, left opposition parties accused the New Democracy-led coalition of showing excessive tolerance of the neo-Nazi Golden Dawn party's activities. More alarming were the revelations that Golden Dawn, whose cult of extreme violence set it apart from other European far-right groups, had penetrated the country's police force, set up caches of heavy weapons in remote locations, and trained its recruits to carry out brutal attacks against immigrants and political opponents. Such attacks became more frequent because of police foot-dragging over making arrests of Golden Dawn sympathisers, and one government minister admitted that some officers had gone beyond colluding with local neo-Nazis to set up political cells within their units.³⁵

In 2012, Amnesty International reiterated its long-standing concerns regarding human rights violations by law enforcement officials, which included *“torture and other ill-treatment during arrest or detention, misuse of firearms, excessive use of force and other violations in the policing of demonstrations.”* Classed by the authorities as ‘isolated incidents’, the number of allegations revealed a much deeper and systemic predisposition for violent abuse, with members of minority groups being particularly at risk. As regards impunity, the Amnesty report also noted that:

*Systemic problems persist in the investigation, prosecution and punishment of human right abuses. There are protracted delays in criminal proceedings, which can also lead to impunity if the offence eventually expires under the statute of limitation. Police, prosecutors and courts all frequently fail to thoroughly investigate, prosecute and/or punish human rights abuses involving law enforcement officials. Moreover, even if victims of ill-treatment or misuse of firearms find vindication before international bodies such as the ECtHR, this is not reflected at the domestic level as a result of delays to provide the applicants with compensation or the failure to reopen the investigations into the cases.*³⁶

“Systemic problems persist in the investigation, prosecution and punishment of human right abuses.”

32 *Ibid.*

33 Konstantinos Douvlis and Nigel South, ‘Police Reform and Social Change in Greece: The Development and Merger of the Gendarmerie and Urban Police Forces’, *Revija za kriminalistiko in kriminologijo* / Ljubljana 67 / 2016 / 4, 289–299. Available [here](#).

34 *Ibid.*

35 Kerin Hope, Greek police ‘infiltrated’ by Golden Dawn, *Financial Times*, 11 October 2013. Available [here](#).

36 Amnesty International, *Police Violence in Greece: Not Just Isolated Incidents*, 2012. Available [here](#).

Ten years after the Amnesty report, the issues remain the same: *CIVICUS* reported that in 2022-2023 ongoing repressions during protests remained a concern, as authorities repeatedly responded with the use of excessive force and detention of protesters, with frequent resort to stun grenades, tear gas, and physical violence.³⁷

Politico reported that in 2022, preliminary data from the Greek Ombudsman showed a 50% rise in citizens' complaints against the police compared to 2019, the last pre-pandemic year, and a 14% rise in incidents of racially motivated police actions. According to Greek Ombudsman Andreas Pottakis,

the government's attitude toward the police was 'overly supportive' and could be misinterpreted by officers, "making them think they have *carte blanche* to do whatever they want."³⁸

For its part, the European Commission against Racism and Intolerance's (ECRI) 2022 report recommended that the Greek authorities introduce decisive measures "to enhance the effectiveness of investigations into the misconduct by members of the Hellenic Police forces, be it motivated by racism or LGBTI-phobia, followed by, where warranted, effective and proportionate sanctions or criminal charges against perpetrators."³⁹

ANTI-ROMA RACISM AND DISCRIMINATION IN GREECE

While the Greek authorities put the number of Greek Roma at 110,000, other estimates suggest there are approximately 265,000 Roma living in Greece (2.47% of the population).⁴⁰ In its 2022 monitoring on Greece, ECRI reported that the authorities have divided and classified the 354 Romani residential areas into three types. According to the authorities:⁴¹

TYPE I (76 settlements) consists of makeshift constructions for accommodation, including tents, without infrastructure such as electricity or water;



TYPE II (159 settlements) share some Type I characteristics, but have proper houses with infrastructure as well;



TYPE III (119 settlements) "do not differ much from neighbouring disadvantaged areas inhabited by the majority native Greek population."



In common with many neighbouring states, Roma in Greece face systemic racism, social exclusion, and widespread hostility. UNCERD's concerns that the situation of Roma has not improved are widely shared, and its 'particular concerns' included the facts that:

- Roma, especially those living in informal settlements, still encounter serious obstacles in gaining access to basic social services, such as housing, employment, education and health care, including the persistence of instances of educational segregation, forced evictions, and poor living conditions while lacking access to water and sanitation;

37 *CIVICUS Monitor, People Power Under Attack 2023: Greece Downgraded in Global Ratings Report on Civic Freedoms*, 16 March 2023. Available [here](#).

38 Nektaria Stamouli, 'Who are the bad guys? Police brutality shapes Greek election', *Politico*, 14 May 2023. Available [here](#).

39 Council of Europe, *ECRI REPORT ON GREECE (sixth monitoring cycle)*, 22 September 2022. Available [here](#).

40 Council of Europe, *ECRI Report on Greece (sixth monitoring cycle)* 22 September 2022. Available [here](#).

41 *Ibid.*

- Roma continue to be socially excluded and regularly encounter stereotypes and prejudices;
- Roma continue to be disproportionately subjected to frequent identity checks, arbitrary arrests, and harassment by the police and other law enforcement officials, combined with a lack of effective investigation, prosecution, and sanctioning of law enforcement personnel for such misconduct (arts. 2, 3 and 5).⁴²

“Highest among Europe’s haters were the Greeks at 72%.”

The 2022 ECRI report found that housing conditions of Greek Roma stagnated since 2011: some 80% of Roma makeshift (Type I) settlements and 20% of (Type II) settlements were not connected to the national power grid. Thirty-one makeshift settlements were not connected to the water supply system and 26 had no sewage facilities.⁴³ Residential segregation also exacerbated the exclusion of Greek Roma from education, as residency determines which school children attend. According to the Roma Civil Monitor, the justifications for maintaining segregated Roma-only schools include the long distance between Roma settlements and mixed school buildings; non-vaccinated Romani children; Romani students’ low level of knowledge; and Romani children’s unhygienic habits.⁴⁴

Some idea of the extent of anti-Roma racism and discrimination in Greece is captured annually by the Eurobarometer surveys. According to the 2023 Eurobarometer survey, 86% of Greek respondents considered the phenomenon very widespread, against an EU average of 65%.⁴⁵ The 2019 survey by the Pew Research Center on European public opinion, found that of the minority groups tested on the survey, Roma stood out for the negative sentiments expressed toward them. Highest among Europe’s haters were the Greeks at 72%, outdone only by the Slovaks at 76%, and the Italians at 83%.⁴⁶

According to political scientist, Dimitris Bourikos, findings from local-scale studies are even more disturbing – research about the attitudes of public service professionals found that almost one in three acts with *“hostility, contempt or even hatred towards the Roma.”* While Greek Roma are not a homogenous or compact social group, Bourikos stated that the most excluded and impoverished Roma, living in camps beyond the outskirts of towns and cities,

have been demonised to such an extent that ‘Roma’ has become a synonym for criminal marginality which *“makes the various and varied issues and problems that the Roma face invisible, facilitating verbal violence and hatred ... Their living conditions are a disgrace to human dignity and human rights, with women and children in an extremely vulnerable position for all kinds of exploitation and abuse.”*⁴⁷

The 2022 State Department report on human rights practices in Greece provided a pithy account of anti-Roma racism and exclusion, one which managed to cover all bases in one paragraph:

*“Roma continued to face widespread governmental and societal discrimination, social exclusion, and harassment, including ethnic profiling by police, alleged abuse while in police custody, discrimination in employment, limited access to education, and segregated schooling. The ombudsman reported a municipality purposefully obstructed Roma citizens from purchasing property by delaying issuance of documents. In February and July, the ECHR applied interim measures to prevent local authorities from evicting Roma families from makeshift homes in Thessaloniki and Lesbos. In Lesbos, authorities defied the measures and demolished the homes.”*⁴⁸

According to the 2020 Roma Civil Monitor report, discrimination against Romani people remains prevalent in Greece despite the full and formal incorporation of the EU anti-discrimination directives into Greek national law. While Greek legislation provides a satisfactory level of human rights protection and adequate protection against discrimination:

“The laws currently in place are not implemented satisfactorily and police and judges frequently fail to take racist motivation into consideration

42 UNCERD Convention on the Elimination of All Forms of Racial Discrimination, *Concluding Observations on the 20-22 Periodic Reports of Greece*, 3 October 2016. Available [here](#).

43 Council of Europe, *ECRI Report on Greece (sixth monitoring cycle)* 22 September 2022. Available [here](#).

44 Roma Civil Monitor, *Civil society monitoring report on implementation of the national Roma integration strategy in Greece*. Center for Policy Studies of Central European University. EU Directorate-General for Justice and Consumers 2020. Available [here](#).

45 European Commission, *Eurobarometer survey 2023: Discrimination in the European Union*, December 2023. Available [here](#).

46 Pew Research Centre, *European Public Opinion Three Decades After the Fall of Communism*. 15 October 2019. Available [here](#).

47 Elvira Krithari, *Roma in Greece: Another Story of Invisibility*, *Athens Live/Medium*. 16 September 2018. Available [here](#).

48 US Department of State, *2022 Country Reports on Human Rights Practices: Greece*. Available [here](#).

*when investigating hate crimes. Discrimination also manifests itself through the educational and residential segregation of Greek Roma, as well as through the increased rates of racist attacks against them ... Also, socially vulnerable groups such as Roma have been targeted and scapegoated in a climate of heightened public tension over unemployment and austerity.*⁴⁹

In its 2022 report, ECRI found that Roma, as well as refugees, asylum seekers and migrants, and LGBTQI+ communities are frequent targets of hate speech, involving at times politicians and even state officials and representatives of the Greek Orthodox Church: *“It also emerged during the visit that new guidance provided to prosecutors has largely been ignored, resulting in only some ten prosecuted cases of hate speech of a criminal nature in the last ten years, with the majority not resulting in a sentence, or*

*even, in the worst case, with the complainant ending up accused and sentenced for libel instead.*⁵⁰

Despite comprehensive legislation aimed at improving the housing conditions of Roma, and the fact that municipal authorities are under a legal obligation to plan and implement integration schemes for Roma, the Greek Ombudsman found that Roma continue to face administrative obstacles. When applying for residence certification, Roma often find their type of housing does not usually match the common concept of a residence, or they are refused because they have failed to obtain the necessary supporting documentation. Roma also face forced evictions and discrimination in the rental market: *“Landlords are reportedly reluctant to rent flats to Roma and because of negative attitudes towards Roma prevailing in large parts of Greece, local authorities allegedly have a favourable attitude towards evictions.”*⁵¹

49 Roma Civil Monitor, *Civil society monitoring report on implementation of the national Roma integration strategy in Greece*. Center for Policy Studies of Central European University. EU Directorate-General for Justice and Consumers 2020. Available [here](#).

50 Council of Europe, *ECRI Report on Greece (sixth monitoring cycle)* 22 September 2022. Available [here](#).

51 *Ibid.*



ΕΛΛΗΝΙΚΗ ΑΣΤΥΝΟΜΙΑ
POLICE

POLICING ROMA IN GREECE

There is nothing new about police violence against Roma, and police violence against civilians in general, in Greece. Back in 2002 in a press release to launch a report on police misconduct, Amnesty International noted that in the majority of the 66 cases documented cases of human rights violations were Roma, immigrants, and asylum-seekers. A significant number of victims sustained severe injuries resulting from physical ill-treatment that required medical treatment or even hospitalisation.

“Detainees have alleged ill-treatment during arrest and in police custody. Slaps, punches and kicks are the most frequent complaints. However, in some cases detainees claim that they were beaten with truncheons or pistol or rifle butts - allegations often supported by convincing medical evidence. Other allegations refer to verbal, sometimes racist, abuse and in some cases, sexual threats.”⁵²

The report concluded that the physical and psychological torture or ill-treatment of detainees by police is relatively widespread and, according to Panayote Dimitras, *“The problem of police ill-treatment is not one of a few isolated incidents.”*

The report confirmed almost total impunity for police officers accused of such violations: investigations were neither prompt, thorough nor impartial, they were obstructed by an ‘omerta’ among police officers, protracted judicial proceedings, and the *“tendency of courts to believe the testimony of police officers, even when the victim has powerful opposing evidence.”⁵³*

Twenty years later, police violence and impunity featured prominently in the joint civil society submission to the European Commission on rule of law backsliding in Greece in 2023. The submission maintained that incidents of police violence and arbitrariness are not isolated cases but rather a frequent and increasingly common phenomenon in Greece. According to the Ombudsman, reports of arbitrariness on the part of law enforcement officers in 2021 increased by 41% on the previous year, and the lack of adequate investigation and the virtual impunity enjoyed by police officers *“seems to be an accepted status quo in the country. Police officers’ unjustified use of state violence without effective systems of accountability appears to constitute a systemic problem which is not being properly addressed by the Greek government.”⁵⁴*

“The problem of police ill-treatment is not one of a few isolated incidents.”

The following illustrative examples offer grim reminders that little has changed since 2002, despite repeated condemnation from the ECtHR, and concerns expressed and recommendations made by UN Committees and the Council of Europe. Roma and other racialised minorities find

themselves at the sharp end of systemic racism in the way they are policed, and brutal, sometimes lethal, police violence is a regular occurrence; the authorities fail to launch prompt and thorough investigations; and police impunity remains, for the most part, intact.

52 Amnesty International UK, *Press Release Greece: Misconduct in the shadow of impunity*, 25 September 2002. Available [here](#).

53 *Ibid.*

54 Joint Civil Society Submission to the European Commission on the 2023 Rule of Law Report, *Rule of Law Backsliding Continues in Greece*, January 2023. Available [here](#).

20 JULY 2021

PANAYOTOPOULOS AND OTHERS VS GREECE: ‘THE EMBLEMATIC CASE OF TORTURE OF ROMA’

In 2021 the Greek Helsinki Monitor (GSM) sent a communication to the Council of Europe’s Department for the Execution of Judgments of the ECtHR, concerning the execution of the general measures in the *Makaratzis group of cases*.⁵⁵ In its December 2018 recommendations related to general measures, the Committee called on the authorities to eradicate all forms of ill-treatment by law enforcement officials, and invited them to provide the Committee with concrete and detailed information on the measures taken or envisaged in response to the European Court’s judgments in these cases. This included:

- the impact of the new reinforced legislative protection against racist crime and possible new measures envisaged to ensure the investigation of possible racist motives when ill-treatment occurs in the context of law enforcement;
- the suspension of the limitation period for offences related to similar violations, and the possibility to reopen disciplinary investigations;
- the effectiveness of the new complaint Mechanism (the Ombudsman), and the extent to which decisions to close criminal investigations on the basis of prescription can be subjected to judicial or other independent review.⁵⁶

The Helsinki Monitor provided detailed documentation to support its assertion that in response to the call on the authorities “to intensify their ongoing efforts to eradicate all forms of ill-treatment by law enforcement officials” there had been “no effort whatsoever in that direction ... never before in modern Greek history has there been such a systematic practice of torture and other forms of ill-treatment by Greek law enforcement officials, with the number of victims (well) exceeding 10,000 individuals.”⁵⁷

The police violence documented concerned pushbacks and violence against refugees and migrants, harassment and persecution of human rights defenders and humanitarian workers, extreme violence including torture deployed against protestors, and “the emblematic case of torture of Roma and ensuing impunity now before the ECtHR.”

The case *Athanasios PANAYOTOPOULOS and Others vs Greece*, lodged on 30 September 2020, concerned three Greek nationals of Romani origin who alleged that they were subjected to police brutality amounting to ill-treatment and torture during their arrest, transfer to, and detention at the police station. They also complained that the competent authorities failed to carry out an adequate investigation into the incident and that the police violence against them was motivated by racial prejudice.

Despite repeated requests for the forensic examination of the victims, the state denied the victims such crucial evidence, because “it wanted to secure the impunity of the alleged perpetrators of police violence.” The criminal investigation was quickly concluded in early 2019. Both the investigating judge and the prosecutor refused the GSM lawyer representing the victims access to the case files, which made it impossible to submit an application to the ECtHR.⁵⁸

In July 2019, a new prosecutor tabled a motion to indict, making false and unsubstantiated claims against the plaintiffs, omitted any reference to the hospitalisation of the first applicant who sustained serious genital injuries and suffered a heart attack, and made the demonstratively false claim that the victim’s injuries were sustained when he jumped off a bridge. Based on this fabricated account, the prosecutor concluded not only that the case be dismissed, but that the three Romani victims be each fined €360 for having intentionally made false claims. On 20 December 2019 the Indictment Chamber agreed.

The GHM called this case emblematic because before reaching the ECtHR, the UNHRC and UNCAT, as well as the Council of Europe Commissioner for Human Rights, all raised this issue with the State authorities. Rather than prompt a thorough investigation, the Greek response was to besmirch the victims, accuse them of perjury, and impose fines on them.

55 Greek Helsinki Monitor, *Communication to the President of the Committee of Ministers Department for the Execution of Judgments of the European Court of Human Rights Council of Europe*, 20 July 2021. Available [here](#).

56 HUDOC Committee of Ministers, 1331st meeting, 4-6 December 2018 (DH) H46-13 Makaratzis group v. Greece *Supervision of the execution of the European Court’s judgments*. Available [here](#).

57 Greek Helsinki Monitor, 20 July 2021. Available [here](#).

58 *Ibid.*



23 OCTOBER 2022

TEENAGER NIKOS SAMPANIS, KILLED IN A HAIL OF BULLETS

According to media reporting and monitoring provided by Greek human rights activists to the ERRC, three young Roma (two minors, aged 15 and 16, and the deceased, aged 18) from the region of Aspropyrgos in Attica were involved in a police chase on 23 October while driving a stolen vehicle. In the course of the pursuit, seven police officers allegedly opened fire on the vehicle. Between 30 and 40 shots are clearly audible in a video of the car chase taken from a distance by a bystander. The gunfire killed the 18-year-old and seriously injured one of the minors. All three of the young Roma were unarmed. A recording of the radio conversation between the police operational centre and the attending officers shows that the officers were aware of the ethnicity of the occupants of the vehicle⁵⁹. On the recording they identify the car as a white Hyundai and state: “Centre - does not stop, three people inside, Gypsies.”

The police press release after the incident claimed all seven police officers sustained injuries, that the deceased was 20 and had a criminal record, and that the minor who was shot and wounded only had light injuries. All of these assertions were later proven to be false: no police officers were injured, the victim was 18 and had no criminal record, and the 16-year-old boy was seriously injured.

As reported in ZOIS, within hours of the shooting, the Greek minister of development and investment, Adonis Georgiadis, tweeted to defend and congratulate the police who had shot at the youths: “It is absolutely obvious that the police officers did their job well and protected both their lives and society by defending themselves. Well done.”⁶⁰ He was soon followed by the minister of civil protection, Takis Theodorikakos, who visited the police officers in a public gesture of moral support. In the weeks after the event, the hashtag #withthepolice was trending on Twitter and social media commentary was full of anti-Roma hate speech. When the prosecutor summoned the officers to testify about the incident in court, a chanting crowd including many police gathered outside, hailing them as heroes.⁶¹

On 27 October 2021, the European Parliament Anti-Racism and Diversity Intergroup (ARDI) and the ERRC sent an open letter to the Greek Prime Minister, Kyriakos Mitsotakis, concerning the incident. They urged the Greek authorities to investigate the possibility of racial motivation behind the disproportionate use of force; expressed concern at the national news coverage which triggered a wave of anti-Roma sentiment, with the prosecutor referring to Roma as a ‘social menace’; and called for a swift response from the competent authorities to declare that hate speech is unacceptable, and that there is no impunity for law enforcement concerning crimes against Roma or other ethnic minorities.⁶²



14 DECEMBER 2022

KOSTAS FRAGOULIS, JUST SIXTEEN AND SHOT IN THE HEAD

On 14 December 2022, more than 1,500 mourners gathered in a Romani neighbourhood in Thessaloniki for the funeral of Romani teenager who died of his wounds after being shot in the head by a police officer during a chase over an unpaid €20 gas station bill. The 16-year-old Romani boy, Kostas Fragoulis, passed away in hospital eight days after. The 32-year-old police officer was suspended from duty, arrested, and charged with attempted homicide with possible intent and illegal use of his service weapon. Police claimed the teenager tried to ram a police motorcycle involved in the chase, and the officer said he had fired his weapon because he believed his colleagues’ lives were in danger.⁶³

In the immediate wake of the shooting, about one hundred Romani men erected barricades and set fire to rubbish bins outside the hospital in protest⁶⁴. The next day, police used tear gas and stun

59 NEWSROOM IEFIMERIDA.GR, Πέραμα: Οι διάλογοι των αστυνομικών της ΔΙΑΣ με το Κέντρο Επιχειρήσεων -Συγκλονιστικά ηχητικά ντοκουμέντα [Perama: The dialogues of DIAS police officers with the Operations Center - Shocking audio documents], 26 October 2021. Available [here](#).

60 Original tweet available [here](#).

61 Christos Varvantakis, *The Systemic Discrimination Facing Greece’s Roma*, ZOIS Spotlight 42/2021. 24 November 2021. Available [here](#).

62 ERRC Press Release, *Open Letter on Greek Police Killing from ERRC and 14 Meps of EU Parliament Anti-Racism & Diversity Intergroup*. 27 October 2021. Available [here](#).

63 ERRC News, *Just 16 and shot in the head: Romani boy the latest victim of racist policing*, 7 December 2022. Available [here](#).

64 Costas Kantouris, *Greece: Protests over teenager’s shooting in police chase*, Associated Press, 5 December 2022. Available [here](#).

grenades against 1,500 left-wingers protesting against the killing in the streets of Thessaloniki. Few marchers credited the official claim that the victim's actions had *"placed the lives of the police officers in immediate danger."*

Police claimed the officer fired two shots to try and stop the suspect from ramming the pursuing motorcycle on which the officer was a passenger. A statement said the driver of the pickup truck had *"repeatedly made dangerous manoeuvres"* and drove through red lights before the shots were fired, adding that the vehicle subsequently crashed. A spokesman for Greece's main opposition left-wing Syriza party accused the centre-right government of failing to keep excessive policing methods in check: *"Society can no longer tolerate this climate of fear created by extreme police brutality which, for trivial reasons, has threatened the life of an underage 16-year-old child."*⁶⁵

11 NOVEMBER 2023

CHRISTOS MICHALOPOULOS, THE THIRD ROMANI TEEN SHOT DEAD BY GREEK POLICE IN 3 YEARS

Around midnight on Saturday, 11 November 2023, Greek police shot a 17-year-old Romani boy after a car chase in the town of Thebes, north of Attica. According to media reports⁶⁶, the car, with four passengers: two boys and two girls aged 15-17, failed to stop when ordered. In the ensuing pursuit, the car was surrounded by police in a dead-end alley in the Liantari village. Witnesses said a gun shot was heard, fatally wounding the 17-year-old. The police claim that one of the underage passengers tried to snatch the policeman's gun which 'went off' killing the boy. The victim's brother claimed that it was the policeman who fired the gun.⁶⁷

On the Sunday and Monday after the shooting, Romani protesters blocked roads, burned rubbish bins, and lit fires. A 40-year-old police officer was taken into custody and charged with homicide and illegal use of a weapon. Greece's Minister of Citizen Protection, Giannis Oikonomou, said *"When we have circumstances of delinquency and distrust, the chances of having incidents with a tragic outcome unfortunately multiply; however, I emphasise that the police must always operate by weighing up incidents based on their training and what the rules of engagement define."*

Further protests and clashes with police broke out in Athens and Thessaloniki on the Wednesday after the killing. Romani protesters and human rights groups accused Greek police of using excessive, and sometimes fatal, violence against members of the country's Roma minority, and Amnesty International called for *"an immediate, thorough, transparent and effective investigation into the latest incident, including an investigation into a possible discriminatory motive."*⁶⁸

On 14 November, in an emotional post on social media⁶⁹, the victim's schoolteacher described the boy as an innocent victim of state violence and called for justice, and condemned the media for just referring to him as 'Roma' in their news reports:

"Shame on them, this child has a name, like all the children in the world. His name is Christos Michalopoulos; he was my student, my son's classmate. His murder cannot go unpunished. Rest in peace, Christos. We apologise to you for the world you were born into. We apologise because as a society, we have done too little to make it fairer. Our only demand is for justice to be restored for you, sweet boy."

65 *Ibid.*

66 Keep Talking Greece, *Roma boy shot dead during police chase*. 12 November 2023. Available [here](#).

67 ERRC News, *Another Romani Teen Shot Dead by Greek Police*, 13 November 2023. Available [here](#).

68 Eleni Stamatoukou, *Greek Roma Protest After Teenager Shot Dead by Police*, BIRN/Balkan Insight. 14 November 2023. Available [here](#).

69 errcinsta, *Christos Michalopoulos, shot dead by police on 11 November 2023, aged 17*, 14 November 2023.



CONCLUSION AND RECOMMENDATIONS

Police violence against Roma is just one manifestation of a wider crisis of the criminal justice system, including structural racism that is embedded in the routines and norms that pervade state institutions; a crisis that allows for recurring abuses of human rights, a lack of accountability, and a culture of impunity. According to the US Department of State 2023 Country Reports on Human Rights Practices, it was business as usual in Greece, and there were no significant changes in the human rights situation in Greece during the past year:

“Significant human rights issues included credible reports of: cruel, inhuman, or degrading treatment or punishment of prison detainees and of migrants and asylum seekers by law enforcement authorities; crimes involving violence targeting members of national, racial, or ethnic minority groups; and crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons.

Roma continued to face widespread governmental and societal discrimination, social exclusion, and harassment, including ethnic profiling by police, alleged abuse while in police custody, discrimination in employment, limited access to education, and segregated schooling.”⁷⁰

The report states that constitution and law prohibit such practices, and that the government regularly took steps to investigate, prosecute, and punish officials who committed human rights abuses, whether in the security forces or elsewhere in the government. As for the efficacy of such actions, the report notes NGOs and international organisations have yet again taken issue with government failures to thoroughly investigate, proportionately punish, and effectively prevent human rights abuses by state actors.

Recommendations by UN and Council of Europe committees have been consistently disregarded, and the implementation of ECtHR judgements on police brutality has fallen short over the years. As a consequence, there is nothing novel contained in the recommendations below about what is to be done. But familiarity should not breed contempt, nor detract from the urgency of the need for radical reform to remedy the democratic deficit and lack of accountability when it comes to policing Roma and other visible minorities, especially migrants, refugees, and asylum seekers, in Greece. UNCAT recommendations from 2019 remain pertinent to this day,⁷¹ as do the recommendations from the 2022 ECRI report on Greece.⁷² The following set of recommendations is therefore excerpted from both reports.

● DEFINITION AND CRIMINALISATION OF TORTURE

The State party should extend the definition of torture to include acts based on discrimination of any kind; to make specific mention of acts of torture committed by a third person at the instigation of a public official; and to eliminate ‘superfluous elements’, such as the requirement that the infliction of severe pain has to be ‘planned’ in advance.

● STATUTE OF LIMITATIONS

The State party should ensure that the offence of torture is not subject to any statute of limitations, in order to preclude any risk of impunity in relation to the investigation of acts of torture and the prosecution and punishment of perpetrators.

● LEGAL SAFEGUARDS AGAINST TORTURE FOR DETAINEES

Ensure all who are arrested or detained are afforded the rights to be assisted by a lawyer without delay; to be informed of their rights, the reason for their arrest and the charges against them; to be brought before a judge without delay and to request and receive an independent medical examination. Police officers should not be present during medical examinations of detained persons, save at the request of the medical doctor.

● EXCESSIVE USE OF FORCE

Ensure that prompt, impartial and effective investigations are undertaken into all allegations relating to ill-treatment and the excessive use of force by law enforcement, that the perpetrators are prosecuted and the victims are adequately compensated. Review the crowd control procedures applied by the police in the context of demonstrations, including the use of tear gas, handheld batons, and shields, to ensure that they are not used indiscriminately and excessively or against peaceful protestors, and that their use does not result in an escalation of tension.

70 US Department of State, *2023 Country Reports on Human Rights Practices: Greece*. Available [here](#).

71 UN Committee against Torture, *Concluding observations on the seventh periodic report of Greece*, 3 September 2019. Available [here](#).

72 Council of Europe, *ECRI Report on Greece (sixth monitoring cycle)*, 22 September 2022. Available [here](#).

- **PROMPT AND THOROUGH INVESTIGATIONS**

Take effective steps to ensure in practice that confessions obtained under torture or ill-treatment are ruled inadmissible and investigated; ensure that all complaints of torture and ill-treatment are promptly investigated in an impartial manner by an independent body, that there is no institutional or hierarchical relationship between that body's investigators and the suspected perpetrators of such acts, and that the suspected perpetrators are duly tried and, if found guilty, punished in a manner commensurate with the gravity of their acts.

- **PREVENTION OF REPRISALS**

Ensure that, in cases of alleged torture or ill-treatment, suspected perpetrators are suspended from duty immediately for the duration of the investigation, particularly when there is a risk that they might otherwise be in a position to repeat the alleged act, commit reprisals against the alleged victim or obstruct the investigation.

- **REDRESS**

Ensure that all victims of torture and ill-treatment obtain redress, including an enforceable right to fair and adequate compensation and the means for as full a rehabilitation as possible. In addition, the authorities should compile and publish comprehensive disaggregated statistical information relevant to all complaints and reports received of torture or ill-treatment, whether such complaints led to investigations, and the outcomes of such investigations.

- **STRENGTHEN THE OMBUDSMAN**

The authorities should strengthen the support and litigation function of the Greek Ombudsman, in particular by introducing legislation enabling the Ombudsman to intervene as *amicus curiae* before courts.



NORTH MACEDONIA

DEMOCRATIC DEFICITS, VIOLENT POLICING, AND ANTI-ROMA RACISM

NORTH MACEDONIA ‘PARTLY FREE’ IN 2023

The latest Freedom House report categorised North Macedonia as a ‘partly free’ parliamentary republic, where unstable government coalitions and early elections are common and the struggle against corruption and clientelism remains ongoing. The media landscape is described as “*deeply polarised along political lines, and private media outlets are often tied to political or business interests that influence their content.*” However, several online critical and independent outlets continue to operate.⁷³

In its report on developments in 2023, the US Department of State noted that there were no significant changes in the human rights situation:

“Significant human rights issues included credible reports of: serious restrictions on freedom of expression and media freedom, including violence and threats of violence against journalists; serious government corruption; and crimes involving violence and threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons. The government took limited steps to identify and punish officials who may have committed human rights abuses.”⁷⁴

The European Commission’s 2023 report noted that the work of parliament was marred by deepening political polarisation between the ruling coalition and the main opposition party VMRO-DPMNE⁷⁵, which

actively blocked parliamentary work, and created a significant obstacle to progress in Parliament’s legislative agenda.⁷⁶

All three reports concurred that civil society organisations generally operated in a freer and safer environment under the SDSM-led government, and public institutions became more responsive to civil society work.

Concerns remain about the efficacy and independence of the judiciary. Only 1% of respondents in a 2023 poll expressed complete trust in the judiciary, while 18% ‘somewhat’ trusted it. Due process rights remain compromised by corruption and patronage within the justice system. Political interference in the work of prosecutors persists, while judicial culture remains highly corrupt. Delays and reversals in trials of high-level corruption cases increased in 2023, resulting in some cases in the expiration of the statute of limitations.⁷⁷ As regards the judiciary, the US Department of State reported that it received

“credible reports of unsanctioned judicial misconduct, undue political and business pressure on judges, nepotism, clientelism, protracted justice, inadequate funding, resistance to using legally mandated technology, and short staffing, hampered court effectiveness and affected public confidence in the rule of law.”⁷⁸

PRISONS, POLICING, AND TORTURE

In its 2015 Concluding Observations, UNCAT expressed ‘worry’ regarding the excessive use of force by police officials against Roma in North Macedonia, and called on the state to combat and prevent discriminatory police misconduct, to ensure that all alleged cases are

promptly and effectively recorded and investigated, and, as appropriate, prosecuted and punished.⁷⁹

In its 2021 report on North Macedonia, the European Commission expressed its concern that “*the civilian*

73 Freedom House, *Freedom in the World 2024: North Macedonia*. Available [here](#).

74 US Department of State, *2023 Country Reports on Human Rights Practices: North Macedonia*. Available [here](#).

75 *Internal Macedonian Revolutionary Organisation – Democratic Party for Macedonian National Unity*.

76 European Commission, *Commission Staff Working Document North Macedonia 2023 Report*. Available [here](#).

77 *Ibid.*

78 US Department of State, *2023 Country Reports on Human Rights Practices: North Macedonia*. Available [here](#).

79 UN Committee against Torture, *Concluding observations on the third periodic report of the former Yugoslav Republic of Macedonia*, 5 June 2015. Available [here](#).

*external oversight mechanism over the police is not fully functional, and the absence of genuinely independent investigators impedes efforts to address police impunity and effective prosecution.*⁸⁰ In its 2023 report, the Commission noted that *“the external oversight mechanism for the police, including the prison police, is still not fully functional”*, and that all reported cases must be investigated without delay and safeguards against ill-treatment by the police must be implemented systematically.⁸¹

According to the State Department report published in 2024, the government acted to investigate and prosecute claims of police abuse of detainees and

prisoners in the previous year. The Ministry of Interior’s Professional Standards Unit (PSU) upheld three of the 40 complaints, and launched disciplinary actions and filed criminal reports with the prosecutor’s office against four police officers for *“misconduct in the conduct of duty.”* The Organized Crime and Corruption Prosecutor’s Office’s specialised unit for police and prison guards’ abuses received 98 criminal reports involving 197 individuals. The unit investigated 36 cases involving 85 police officers and prison guards for illegal arrest, mistreatment of detainees, and police brutality. It indicted 35 officials, four of whom received suspended sentences: two for illegal arrest and two for mistreatment in service.⁸²

“The external oversight mechanism for the police, including the prison police, is still not fully functional.”

Conditions in prisons remain an issue of serious concern: *“The prison system generally was severely overcrowded, understaffed, and corrupt, exposing inmates to inhuman and degrading conditions. Certain prisons struggled to provide access to clean food or water or basic health and educational support services, particularly for juveniles.”*⁸³

These criticisms about dire conditions in prisons and detention facilities were raised earlier by the Council of Europe’s Committee for the Prevention of Torture (CPT), published in May 2021. The CPT called for immediate action to address poor management within the prison system, including the poor level of quality of health-care provided to inmates, and *“the squalid material conditions and the endemic corruption of staff.”*⁸⁴

The CPT also raised concerns that police ill-treatment of suspects had resumed in North Macedonia and that the authorities had done far too little to address the longstanding shortcomings within the prison system. The visiting delegation received many allegations of physical ill-treatment by police officers: *“Persons complained of being subjected to slaps, punches, kicks and blows with truncheons and other objects at the time of their apprehension or inside a police establishment for the purpose of extracting a confession.”*⁸⁵

For the CPT, it was self-evident that the premium placed by the justice system on confession evidence *“creates incentives for officials involved in the investigation of crime to use physical or psychological coercion.”* The widespread and routine aspect was clear in that allegations of physical abuse by police came from all areas of the country. In addition to calling for a system of ongoing monitoring of police interviewing standards and procedures to prevent ill-treatment and facilitate the investigation of any complaints, the committee insisted that the precise aim of such questioning must be made crystal clear to all police officers: *“that aim should be to obtain accurate and reliable information in order to discover the truth about the matter under investigation, not to obtain a confession from somebody already presumed, in the eyes of the interviewing officers, to be guilty.”*⁸⁶

There is little that is novel about the concerns over policing expressed by the European Commission, the UN Committees, and the Council of Europe’s ECRI and CPT. Back in 2003, the Helsinki Committee for the Republic of Macedonia reported that citizens had submitted numerous complaints about illegal searches, arbitrary arrests, and a wide range of systematic violations:

“The methods of torture and inhuman treatment are still everyday practice in the police work and are not

80 European Commission, *Commission Staff Working Document North Macedonia 2021 Report*. Available [here](#).

81 European Commission, *Commission Staff Working Document North Macedonia 2023 Report*. Available [here](#).

82 US Department of State, *2023 Country Reports on Human Rights Practices: North Macedonia*. Available [here](#).

83 *Ibid.*

84 Sinisa Jakov Marusic, ‘North Macedonia Criticised for Police Brutality, Bad Prison Conditions’, *Balkan Insight*, 11 May 2024. Available [here](#).

85 Council of Europe, *Report to the Authorities of North Macedonia carried out by the CPT*. 11 May 2021. Available [here](#).

86 *Ibid.*

subject to any control, prosecution or appropriate sanctioning. Persons deprived of freedom and detained in police stations do not have regular access to a doctor, let alone a doctor of their choice. The right to medical treatment is not regulated in law

or bylaws and is resolved on case-to-case basis ... Neither the courts, nor the Public Prosecutor used their legally prescribed competencies in order to prevent police abuses, showing no will to undertake any action in this respect.⁸⁷

“The methods of torture and inhuman treatment are still everyday practice in the police work.”

The culture of police impunity was well embedded twenty years ago in North Macedonia, and international committees repeatedly called for independent bodies to investigate allegations of torture and ill-treatment by law enforcement. The Helsinki Committee was especially concerned about continued state inaction, effective cover-ups in some instances, the lack of even internal sanctioning of police officers, and the fact that there was no citizen

participation or victim involvement in investigations which routinely ‘give the benefit of the doubt’ to statements of police officers:

“Very often reaction of the police when invited to give information in cases of suspicions for physical ill-treatment (usually when the injuries are visible or when there is medical documentation) is that the suspect suffers from self-inflicted injuries.”⁸⁸

ROMA EXCLUSION, POVERTY, AND DISCRIMINATION

The official results of the latest census, published on 30 March 2022, showed that while the country’s population has shrunk by 9.2% over two decades, and now stands at 1,836,713, the ethnic composition of the population has not shifted much since 2002.⁸⁹ Unofficial estimates vary widely, and the average estimate used by the Council of Europe puts the Romani population of North Macedonia at 197,000 or 9.56% of the total.⁹⁰

Despite more than a decade of Roma inclusion strategies, pre-accession funding from the EU, and regularly updated national action plans, there has been little tangible improvement in the living conditions of Roma in North Macedonia. At the EU-Western Balkans Summit in Sofia on 17 May 2018, the Prime Minister of North Macedonia initiated a process of regional commitment to Roma integration as part of the EU enlargement process, and the Western Balkans Prime Ministers signed the Poznan declaration, setting “ambitious yet realistic targets on Roma integration, to be achieved before joining the EU.”

Some idea of the ambitious nature of the integration targets was made clear by the *UNDP Roma at a Glance Factsheet on Macedonia*, which revealed that

only 26% of marginalised Roma aged 18-24 are in employment, education, or training (NEET), compared to 67% of non-Roma. 87% of marginalised Roma face severe material deprivation, and rates of early marriage remain persistently high: 33% of marginalised Romani women aged 20-49 years were married before they were 18-years-old. The survey found that enrolment rates in pre-primary education remained low compared to other countries in the Western Balkans: in 2017 the rate for ages 3-6 was just 14%.⁹¹

However, primary and lower secondary enrolment rates have improved and significant progress has been made in lower secondary completion rates. In 2017, 31% of marginalised Roma aged 22-25 had completed upper secondary education compared to 16% in 2011. However, school segregation in North Macedonia remained the highest in the Western Balkans with 40% of marginalised Romani students aged 7-15 attending segregated schools in 2017, compared to 25% in 2011. Previous studies indicated a high correlation between ethnic segregation and low quality of education, mostly due to the segregated schools’ poor infrastructure and learning resources, and teachers’ lower qualifications and high turnover.

87 Helsinki Committee of the Republic of Macedonia, *Annual Report 2003*. Skopje 15 January 2004. Available [here](#).

88 *Ibid.*

89 The results show that, of the resident population, 58.44% are ethnic Macedonians and 24.3% are ethnic Albanians. Among the rest, Roma account for 2.53% (46,433). Located in the urban areas, most Romani citizens live in Skopje, Prilep, Kumanovo, Bitola, Tetovo, Gostivar, Stip, and Kocani and, according to the government, Roma are present in more than 50 municipalities. Sinisa Jakov Marusic, “North Macedonia Census Reveals Big Drop in Population”, *Balkan Investigative Reporting Network*, 30 March 2022. Available [here](#).

90 Council of Europe, Publications: *Estimates on Roma populations in European countries*, updated 2 July 2021. Available [here](#).

91 United Nations Development Programme, *Roma at a Glance Factsheet on Macedonia*, April 2018. Available [here](#).

Non-discrimination and equal treatment is enshrined as a fundamental principle in the Constitution of the Republic of North Macedonia, and in January 2021 a new equality body – the Commission for the Prevention and Protection against Discrimination – was elected with wide-ranging powers, including the right to initiate proceedings for the protection against discrimination upon its own initiative.⁹²

On 15 February 2022, the authorities adopted a new Strategy for Inclusion of Roma 2022-2030 (SIR) which has acknowledged the need for accelerated implementation of public policies and activities to improve the situation of the Romani community. In its 2023 report, ECRI noted that despite positive steps and various efforts to improve the situation of members of the Romani community, social marginalisation and exclusion still persists in housing, education, employment, and health: *“Particularly worrying in the area of health is the infant mortality rate which is twice as high among Roma compared to non-Roma.”*⁹³

ECRI also called on the authorities to remind all medical practitioners that discrimination against patients due to their ethnicity is a breach of medical ethics and that any such breach would lead to

appropriate sanctions, including the revoking of the practitioner’s license as appropriate.

As regards housing, around 28% of Roma have not legalised their homes due to lack of urban plans in their municipalities, lack of information about the process, or inability to cover the related costs. Those who have submitted a request for the legalisation of their housing have often been waiting for more than five years for a response from the competent institutions. ECRI called on the authorities to ensure more social housing is built, intensify its efforts to close the educational outcome gap between Roma and non-Roma children, and take urgent steps to address the issue of the disproportionately high infant mortality rate among Roma.

According to members of the Romani community met by ECRI, online and offline hate speech against Roma remains frequent, but is rarely reported. Incidents of actual violence against Roma occur rarely in day-to-day public life, but ECRI noted that even the incidents that do occur are usually not reported to the police, mainly due to lack of trust - a problem not unconnected to the recurring issue of mistreatment of Roma by some law enforcement officials.⁹⁴



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92 European Commission, *Commission Staff Working Document, North Macedonia 2021 Report*, 19 October 2021. Available [here](#).

93 ECRI, *Report on North Macedonia (sixth monitoring cycle)* 20 September 2023. Available [here](#).

94 *Ibid.*

POLICING ROMA IN SERBIA

CONTEXT 2000: INSTABILITY, UPHEAVAL, INTERETHNIC TENSION, AND POLITICAL CONFLICT

The police constitute both a ‘critical infrastructure and symbol of political power’, and the disruptions of transition, conflict, and its resolution have had a defining impact on how policing has been conducted in North Macedonia over the past two and a half decades.

Policing is one very direct and forceful way in which citizens experience governmental authority, inextricably bound-up with citizens’ perception of the state’s legitimacy and, as a consequence, all policing is political.

Therefore, some understanding of the political context is necessary to get beyond the misconception that the problem is just one of discrete acts of police brutality against individuals belonging to ethnic minorities. There is a need to interrogate the institutions, legal frameworks, and the legacies of conflict that have shaped contemporary policing; and to comprehend how it is that arbitrary violence, impunity, routine racism, and discrimination have become so embedded in police culture and practice when it comes to Roma in North Macedonia.

All policing is political.

In the years preceding the armed conflict in 2001, Macedonia’s stability had been threatened by years of war in the region, economic hardship, and a large influx of refugees. In the aftermath of the wars, unrest erupted in Albania, bringing further chaos and instability and massive illegal activities in the border region.

Mounting unrest in neighbouring Kosovo turned into a war that lasted from February 1998 to June 1999. This resulted in a sudden and massive flood of refugees overwhelming Macedonia, peaking at a total of 360,000 registered refugees, mainly Kosovar Albanians and including Roma, housed in camps, collective centres, and with host families. This heightened fears of spill-over of interethnic conflict. By June 2000, ECRI reported that most of the Kosovar Albanians had returned to Kosovo, but Roma continued to seek refuge, fearing persecution by ethnic Albanians in Kosovo, who accused them of collaborating with the Serb forces. The UNHCR estimated the total number of refugees in the country, counting those not registered, at around 12,000.⁹⁵

In January 2001, the shelling of a police station by ethnic Albanian insurgents from the National Liberation Army (NLA) which claimed the life of a police officer marked the beginning of a seven-month armed conflict, which left 72 soldiers and police officers dead. Many were killed by NLA guerrilla operations and in ambushes. Some hundreds of NLA fighters are believed to have been killed, and up to 170,000 people were displaced at the height of the fighting. By

2005 most had returned to their homes, apart from some 2,000 ethnic Macedonians and Roma, some of whom remain displaced to this day. One police commander was convicted by the Hague Tribunal of leading a police unit that killed and committed other atrocities against ethnic Albanian civilians.⁹⁶

Cessation of hostilities was marked by the Ohrid Agreement, brokered by international mediators and signed by the government of Macedonia and representatives of the Albanian minority. Basic principles included the complete rejection of violence in pursuit of political aims; the assertion that the unitary character of the State, its sovereignty and territorial integrity are inviolable – *‘there are no territorial solutions to ethnic issues’* and; that the multi-ethnic character of Macedonia’s society must be preserved and reflected in public life.⁹⁷

The agreement made provision that local heads of police would be selected by municipal councils from lists of candidates proposed by the Ministry of Interior, *‘to ensure that police are aware of and responsive to the needs and interests of the local population.’* As part of the measures to assure equitable representation of communities in all central and local public bodies, and correct present imbalances in the composition of the public administration, *‘Particular attention will be given to ensuring as rapidly as possible that the police services will generally reflect the composition and distribution of the population of Macedonia.’*⁹⁸

95 ECRI, *Second report on “the former Yugoslav Republic of Macedonia”*. Adopted on 16 June 2000. Available [here](#).

96 Sinisa Jakov Marusic, ‘20 Years On, Armed Conflict’s Legacy Endures in North Macedonia’, *Balkan Insight*, 22 January 2021. Available [here](#).

97 Ohrid Framework Agreement 13 August 2001. Available [here](#).

98 *Ibid.*

POST-CONFLICT POLICING

Before the conflict, ECRI's first report on Macedonia in 1999 highlighted the tense state of relationships between different ethnic groups, in particular ethnic Macedonians and Albanians, and the existence of prejudice on both sides, and insisted on the need to ensure that criminal and administrative law is applied impartially and implemented in a non-discriminatory manner. The report noted the excessive use of force by police, including deadly clashes that cost several lives, where *"members of minority groups were far more likely to fall victims of such violence."* The Committee made its first, of what would be very many, subsequent calls for an independent body to be tasked with investigating all cases of ill-treatment by police officers, especially of members of minority groups.⁹⁹

In 2002, the year after the signing of the Ohrid Framework Agreement, the Helsinki Committee described the post-conflict period as one framed by large-scale political turmoil and corruption, where the general population experienced increased violence and insecurity, due to the presence of armed groups still operating in parts of the country, activities of uncontrolled elements of the police, unresolved crimes, and a non-functioning judiciary. The report stated that no effective steps had been taken to reduce police violence, or replace *"methods of torture with methods and means of modern technologies for the purpose of detecting and bringing crime perpetrators to justice."* The result was that the police managed to be *"utterly inefficient in many cases and on the other hand with the police violating human rights and freedoms in service of the ruling parties."*¹⁰⁰

One year later, the Helsinki Committee reported little progress made on the priorities set for policing, which included changes in the ethnic composition of the force, reforms to ensure greater efficiency and human rights compliance, and improved security for the population. Changes in the ethnic structure of the

police, which were oriented solely towards greater Albanian representation, according to the report, did not improve the force's sensitivity to cultural, religious, and ethnic diversity. Ethnically mixed police patrols, designed to gain the trust of the population, could not establish effective control in areas where they operated. The police continued to utilise the 'services' of the Army in conducting heavy-handed operations for the 'elimination of criminal and terrorist groups' which did little to win hearts and minds.¹⁰¹

The UNCAT report for 2008 revealed that despite the de-escalation of inter-ethnic tensions, seven years after the Ohrid peace accord policing was still in 'conflict-mode'. The Committee remained concerned about allegations of torture and degrading treatment committed by law enforcement personnel, as well as lack of prompt investigations and prosecutions, and noted that *"the most serious abuses would be committed by a special unit of the police named Alfi, mandated to counter urban crimes and work in plain clothes."*¹⁰²

The Ohrid agreement's power-sharing provisions to redress Albanian grievances paid little consideration to the interests of other ethnic communities. It was anticipated that *"the implementation of the Agreement will effectively signify a move towards the creation of a de facto bi-national state in which Macedonians and Albanians constitute the country's two ethno-political elites, whilst other ethnic communities are largely relegated to the fringes of political life."*¹⁰³ For the Romani community, despite never having pressed ethno-national claims that might pose a threat to the security or territorial integrity of the state, relegation to the fringes of political and social life in post-conflict Macedonia brought an added burden. For it would be Roma who came to bear the brunt of state racism, most brutally manifest in the manner in which Roma were policed.

For it would be Roma who came to bear the brunt of state racism, most brutally manifest in the manner in which Roma were policed.

99 ECRI, *First report on "the Former Yugoslav Republic of Macedonia"* Adopted on 24 May 1999. Available [here](#).

100 Helsinki Committee for Human Rights of the Republic of Macedonia, *Annual Report on Human Rights in 2002*. May 2003. Available [here](#).

101 Helsinki Committee for Human Rights of the Republic of Macedonia, *Annual Report on Human Rights in 2003*. January 2004. Available [here](#).

102 UNCAT, *Concluding observations of the Committee against Torture: The former Yugoslav Republic of Macedonia*, Fortieth Session Geneva, 28 April–16 May 2008. Available [here](#).

103 Jenny Engström, 'Multi-ethnicity or Bi-nationalism? The Framework Agreement and the Future of the Macedonian State', *Journal on Ethnopolitics and Minority Issues in Europe*, Issue 1/2002. ECM Flensburg. Available [here](#).

ROMA IN THE CRIMINAL JUSTICE SYSTEM

The ERRC, in partnership with Fair Trials, produced a set of four country-reports to examine the impact of anti-Roma racism on criminal justice systems. In North Macedonia, the evidence confirmed that at every stage of criminal proceedings, from arrest until sentencing, Romani defendants are faced with discriminatory attitudes and biases which leads to skewed decisions and unjust outcomes. Romani interviewees were clear that they had no trust in a system they perceived to be plainly unjust; and the reasons why included ethnic profiling, over-policing, inhuman and degrading mistreatment, and racially abusive behaviour from police officers in encounters with Roma.¹⁰⁴

Romani police officers from North Macedonia who were interviewed took it as a given that there was widespread mistrust in the criminal justice system among Roma, who, by virtue of profound marginalisation, cannot navigate the workings of the system, and are either not fully aware of their rights, nor in a position to effectively assert those rights. The officers reported regularly hearing their colleagues make insulting and derogatory remarks about Roma.

Most of the Romani interviewees from North Macedonia had experienced verbal racist abuse and physical intimidation by police officers. One described how he was taken into custody in a neighbourhood round-up of Roma after reports of a crime, and told: *“If you refuse to plead guilty during the interrogation process, then a police officer will force you to do so by slapping you in the face and beating you, and you will end up in pre-trial detention.”*

A Romani police officer confirmed that the experience of this victim was commonplace and told researchers: *“During interrogations, Roma are forced into signing documents in which they admit to committing some criminal offence and they do not even know what they are signing.”*¹⁰⁵

In 2020 and 2021 alone, the ERRC won two strategic litigation cases against North Macedonia at the European Court of Human Rights on account of the state’s failure to conduct effective investigations into allegations of police brutality against Roma.¹⁰⁶

All Romani respondents agreed that Roma were more likely to face arrest in North Macedonia. Most defence lawyers, who said that they were typically able to identify someone as Roma as they self-identified as such or on the basis of their appearance or language, suggested that they encountered Romani defendants frequently. Five of the nine interviewed said that Romani defendants comprise between 70% and 100% of their clients. Most attributed this apparent overrepresentation to the socio-economic disadvantages faced by Roma and their lack of legal knowledge, but there were also suggestions that actors within the system played a role in arresting, charging, and convicting Romani individuals more readily on account of their own prejudices, whether unconscious or conscious. Other explanations for the overrepresentation included the inadequacy of legal assistance, and the lack of support and rehabilitation measures to reduce the risk of reoffending.

Despite denials by judges and prosecutors that ethnic bias had any bearing on the workings of the justice system, Romani interviewees at the receiving end of North Macedonian-style justice found the system’s workings to be neither colourblind nor just. The institutional bias and basic unfairness of the justice system was also a concern for defence lawyers. One defence lawyer told researchers: *“There have been cases when I felt that a judgment was discriminatory. For example, I represented a (Romani) client who was given a three-and-a-half-year prison sentence without evidence being presented at court.”* Seven of the nine lawyers interviewed said that they had been similarly involved in, or knew of, cases where they felt that the outcome had been discriminatory against Romani defendants.¹⁰⁷

Roma at the receiving end of North Macedonian-style justice found the system’s workings to be neither colourblind nor just.

104 ERRC and Fair Trials, *Justice Denied: Roma in The Criminal Justice System of North Macedonia* 14 February 2023. Available [here](#).

105 *Ibid*.

106 European Court of Human Rights, *Case of Memedov v North Macedonia*. Strasbourg, 24 June 2021. Available [here](#); ERRC Press Release, 9 November 2020. Available [here](#).

107 ERRC and Fair Trials, *Justice Denied: Roma in The Criminal Justice System of North Macedonia* 14 February 2023. Available [here](#).

POLICING THE PANDEMIC (MAY-JUNE 2020)

What transpired since states of emergency were declared with the onset of COVID-19 in 2020 was a heightened awareness of the precarity of Romani lives, and increased scrutiny concerning the brutality and bigotry that characterises policing of Roma and other racialised communities in Europe. Anti-Roma racism, which manifested itself in violence, intimidation, and inflammatory rhetoric, was a feature of the policy response to Covid-19 in many states across Europe. A significant number of actions taken by law enforcement in ‘policing the

pandemic’ clearly violated the principles of non-discrimination and equality, and constituted cruel and inhumane behaviour. North Macedonia was no different. The imposition of curfews, bans on public gatherings, and social distancing measures provided added opportunities for law enforcement to brutalise Romani people with relative impunity.

The following incidents provide a snapshot of what transpired when routinised police brutality went into viral overdrive:

15 MAY 2020, SHUTO ORIZARI

A 21-year-old Romani man was struck by an ‘Alfa’ police unit car outside his house in Shuto Orizari. Shortly after, he received a visit from the police officers who apologised for the accident. However, a little later when his family took him to a hospital for examination, police officers were waiting for them, and took the man into custody. They brought him to Kisela Voda police station where he was subjected to a severe beating. The victim returned to the hospital and was issued a medical certificate confirming the injuries he sustained. The incident was reported to the police, and two days after the assault the case was reportedly forwarded to the Internal Control of the Ministry of Interior.

7 JUNE 2020, SKOPJE RAILWAY STATION

During curfew hours on the 7th June, a police patrol arrived at an area beneath the railway station in Skopje where ten Romani families were living together in informal housing. The group comprised of around 60 people, of which 30 were children. The officers were responding to noise complaints from nearby residents. The minor incident escalated when they called for reinforcements. According to one resident: *“In a few minutes, about 20 police officers from the section known as ‘Alfa’ arrived, with five or six vehicles, and without asking what was happening, they immediately started hitting us. They beat all of us including men, women, children, and the elderly.”*

Witnesses interviewed by the ERRC said that the police officers also used racial slurs as they set about the Romani people. One man recounted the moment the police reinforcements arrived: *“One of the police officers broke the door and forcibly entered the house and started to beat me and my wife who was holding a two-year child in her arms, I had no idea why they were beating us. The child was terrified and was screaming, but the police didn’t care”.*

Following the attack, five people were arrested for charges relating to the Covid-19 restrictions. One of the men who was beaten and arrested described his ordeal: *“After beating us, at about 8:00 p.m. they took the five of us to the police station in Aerodrom. Before we entered the police building, they beat us more, and when we were about to enter the building, they realized that I was innocent and let me return home while the other four were taken in the police station and interrogated until midnight.”* The other four Roma were charged with ‘failure to act according to health regulations during an epidemic’, and other misdemeanours. The Ombudsman opened a case into the incident and was reported to be providing legal support for the Roma who were attacked.

20 JUNE 2020, ‘BAIR’ COMMUNITY, BITOLA

A 25-year-old man named Doan was publicly beaten and humiliated by police officers in the informal community known as ‘Bair’ in Bitola, before being taken back to the police station and further tortured

- in police custody. The man was accused of stealing some metal and had reportedly been sent letters to appear before court. However, these had never arrived to his address because Bair is an informal neighbourhood without properly numbered houses, so Roma frequently do not receive mail which is sent there. The arresting officers handcuffed him without explanation before beginning to beat him, according to eyewitnesses. They then stripped him to his underwear and were recorded on video dragging him down the street in front of his friends, his neighbours, and his 10-year-old daughter. When Doan's mother was finally allowed to visit him, she found him in poor condition, severely exhausted, and handcuffed and chained to a metal chair. He had been denied access to a lawyer and not given any medical attention. He told his mother that the police were beating him to try and force him to confess to crimes he had not committed. He was subsequently sentenced to three months imprisonment, temporarily suspended due to the coronavirus pandemic. The ERRC provided legal representation and initiated a complaint against the Ministry of Interior over police misconduct.¹⁰⁸

TAKING RACISTS TO COURT: THE ERRC AND OTHERS VS NORTH MACEDONIA

The sample of recent cases taken to the European Court of Human Rights (ECtHR) are clearly not 'bad apple anomalies', but is indicative of racism and discrimination that is embedded in the structures of the state. As regards law enforcement, the cases are illustrative of a wider, systemic pattern of police brutality against Roma, routine behaviours that include: verbal racial abuse, random kicking and beating of suspects and anyone else that happens to be Roma and in the vicinity, ill-treatment and torture of detainees to extract confessions, and violent raids by special police units targeting Romani neighbourhoods and dwellings.

Twenty years ago, ECRI expressed concerns about racist policing, unsatisfactory investigation mechanisms, and the fear of reprisals that inhibited victims from making complaints.¹⁰⁹ The 2023 report

from ECRI makes for salutary reading in that it confirms, as far as law enforcement is concerned, that old habits die hard – and the recommendations remain the same.

On a positive note, ECRI reported that following the release of a video on social media showing police officers physically abusing Romani citizens in Bitola in September 2020, disciplinary action was taken against the officers involved and criminal charges were filed. The Bitola Basic Court sentenced one officer to a year in prison for use of excessive force, and the Minister of the Interior publicly condemned the incident. However, ECRI added that aside from this instance, *“NGOs maintain that police ill-treatment against Roma was still not adequately investigated and prosecuted and considered that not enough was done to prevent such cases.”*¹¹⁰

Justice delayed is justice denied.

The following selection of ECtHR cases provide a reminder that when it comes to state discrimination and racist brutality, all too often domestic remedies get exhausted, and the pursuit of justice must move to the Strasbourg court, where a judgment typically

takes years. Justice delayed is justice denied. Investigations into racially motivated police brutality need to be prompt, independent and thorough, and punishment must be proportionate.

108 ERRC, *Roma Rights in the time of Covid*, September 2020. Available [here](#).

109 ECRI, *Third report on “the former Yugoslav Republic of Macedonia”*. Adopted on 25 June 2004. Available [here](#).

110 ECRI, *Report on North Macedonia (sixth monitoring cycle)* 20 September 2023. Available [here](#).

9 NOVEMBER 2020

ECTHR ORDERS NORTH MACEDONIA TO COMPENSATE ROMA BRUTALISED BY POLICE AS TEENAGERS

In the case of *X and Y vs North Macedonia*¹¹¹, the state was ordered by the court to pay €7,500 each to two Romani applicants, represented by the ERRC, who were brutalised as teenagers by police in Skopje in 2014. According to the police statement, following a mugging incident, where the assailants were described as males with darker skin (Roma) aged between 16 and 18, four members of the *Alfa* police unit intercepted applicant X (who was 16 at the time). The report from the Ministry of the Interior stated that “*during the arrest no force had been used against X, who had cooperated with the police.*” However, according to medical records X sustained bruising to his head, neck, and chest, defined as ‘bodily injury’.

One eyewitness alleged that police officers began punching and kicking the applicants demanding that they hand over the stolen bag. X was also hit with a truncheon. She called their fathers who arrived shortly after, while the officers were still beating X. The father of Y, who was 13-years-old at the time, testified that his son was “*evidently upset, crying, had urinated in his pants and had an intense redness on his face*”. At the police station, X was interrogated for two hours in the absence of his father or a lawyer. During that time he had allegedly been beaten. Under extreme duress (insulted and threatened with the words “*find the bag or I’ll kill you in front of your father*”), X confessed to the crime.

On 15 July 2014 the complaint against the police was dismissed as unsubstantiated by the Inspectorate, which asserted that the police officers had not overstepped their authority. On 3 September 2014 the applicants, represented by the ERRC and the HCRH filed a criminal complaint to the public prosecutor against four unidentified police officers on account of ill-treatment, torture, violence, and racial discrimination in relation to the events of 19 May 2014. However, by December 2017 there was still no progress towards charging the officers. Separate civil complaints brought by the two Roma reached the Skopje Court of Appeal before being dismissed. The ECtHR declared there had been a violation of Article 3 of the Convention on account of the failure of the authorities to conduct an effective investigation into the applicants’ allegations of police brutality, but held there had been no violation of Article 3 of the Convention on account of the alleged police brutality.¹¹²

25 JUNE 2021

ECTHR FINDS THAT NORTH MACEDONIA FAILED TO INVESTIGATE RACIST MOTIVATION IN POLICE BRUTALITY CASE

In the case of *Memedov vs North Macedonia*¹¹³, the ECtHR ruled in favour of a Romani man who was physically assaulted by police officers in a racist attack during a violent raid in Topana¹¹⁴, a Romani neighbourhood of Skopje, North Macedonia.

The incident occurred in 2013, when special police units conducted a raid using force which the ERRC described at the time as ‘excessive and arbitrary’. Around 50 police officers were involved in attacking both women and men. Roma from the Topana neighbourhood told the ERRC that officers forcibly entered several Romani houses and local shops without providing any explanation; harassing and pushing people, often in the presence of children. Roma reported that police officers kicked and punched them with fists and police batons. Around ten Romani individuals were beaten up, including three women. The applicant in the ECtHR case was in a shop at the time when police burst in and attacked him. He was kicked and punched by a large group of police officers, who also shouted racial insults at him.

111 Full judgment available [here](#).

112 ERRC Press Release, *European Court Orders North Macedonia to Pay Compensation to Roma Brutalised by Police as Teenagers*. 9 November 2020. Available [here](#).

113 Full judgment available [here](#).

114 ERRC News, *Macedonian Police Target Roma with Excessive Force*, 13 May 2013. Available [here](#).

The ERRC helped him to go directly to the public prosecutor and file a complaint. Years later, this complaint was still pending with no indication that it would ever be investigated. The ERRC brought three cases at once: two before the domestic civil court against the national police and against the public prosecutor, and one before the ECtHR. The Strasbourg Court found that the state authorities were in violation of Article 14 read in conjunction with Article 3 of the Convention on account of their failure to investigate the applicant's allegations of racially motivated police brutality. The Court ordered the State to pay the applicant €3,000 within three months.¹¹⁵

24 OCTOBER 2023

ROMA WIN LANDMARK EUROPEAN JUDGMENT CONDEMNING RACIAL PROFILING AT THE BORDER IN NORTH MACEDONIA

The European Court of Human Rights (ECtHR) ruled against North Macedonia in a landmark judgment which condemned racial profiling of Roma at the border. The judgment, *Memedova & Others v North Macedonia*¹¹⁶, pertains to five Romani applicants who were represented by the ERRC and lawyers affiliated with the Macedonian Young Lawyers Association (MYLA). The Court found that four of the Romani individuals had been subjected to discrimination and that their freedom of movement had been violated. North Macedonia is required to compensate them within three months of the decision with varying amounts of non-pecuniary damages totalling €13,000 collectively.

In 2014, North Macedonian citizens were granted 'visa liberalisation', allowing them to travel to the European Union without prior visas. However this led to a concerning practice of racial profiling at the borders, explicitly targeting Romani individuals. The original incidents of racial profiling at the border dated back to 2014. The applicants pursued civil cases against the Ministry of Interior, alleging discrimination and a violation of their constitutional rights to leave the country. Whilst the courts in North Macedonia acknowledged a violation of some of their rights to leave the country, they did not find sufficient evidence of discrimination. As a result, the applicants sought justice before the ECtHR. Nazmi Abazov, one of the applicants named in the judgment, credited the process of litigation with effectively halting border profiling: *"In fact the ERRC succeeded in preventing this practice of returning Roma from the border from continuing. After they started litigation, we never faced the same issue when travelling abroad."*¹¹⁷

DEATHS OF ROMANI MEN IN NORTH MACEDONIAN PRISONS

The deaths were part of a series of four suspicious deaths of Romani inmates in a nine-month period in 2017 in prisons across North Macedonia.¹¹⁸ The

pattern of the deaths, involving drug overdoses and allegations of mistreatment, is one which the ERRC has been litigating since at least 2010.

30 JULY 2010

'R.A.' DIED IN GEVGELIJA PRISON. COMPENSATION AGREED IN 2017

On 30 July 2010, the 19 year-old Romani man identified in court papers as 'R.A.' began serving a three-month prison sentence in Gevgelija, a city in southern North Macedonia. A drug user, R.A. was administered methadone after being admitted to prison and was prescribed a daily dose. Less than 48 hours after arrival, he was taken to hospital, comatose and bruised about the head. An

115 ERRC Press Release, *European Court Rules North Macedonia Failed to Investigate Racist Motivation in Police Brutality Case*, 25 June 2021. Available [here](#).

116 Full judgment available [here](#).

117 ERRC Press Release, *Roma win landmark European judgment condemning racial profiling at the border in North Macedonia*, 30 October 2023. Available [here](#).

118 ERRC Press Release, *Fourth Romani Prisoner Dies in Macedonian Prisons*, 18 January 2018. Available [here](#).

autopsy concluded he had died from lung inflammation, aggravated by high levels of methadone and barbiturates which led to organ failure. The methadone level in his blood was more than seven times what it should have been. The ERRC supported the family's attempts to get justice through the criminal justice system in North Macedonia, however the family's criminal complaints and civil lawsuit went nowhere. As a result, in 2014 the family, with the ERRC's help, complained to the European Court of Human Rights.¹¹⁹

On 15 June 2017 before the ECtHR, the Government of North Macedonia agreed to pay €9,000 in compensation to the family of 'R.A'. The payment is part of a friendly settlement¹²⁰ which concluded the case against North Macedonia that had been pending before the Strasbourg court since 2014.¹²¹

11 MARCH 2017

ANDRIAS REJEPOV DIED IN IDRIZOVO PRISON. COMPENSATION AGREED IN 2021

Andrias Redjepov, a 21-year-old Romani man, died in KPU Idrizovo Prison, Skopje on 11 March 2017. He was reported to have died of a methadone overdose, despite not being a drug addict. There was also evidence that Redjepov had been tortured in the hours before his death. The European Court of Human Rights struck out this and another case, when the victims' families reached a friendly settlement with the Macedonian government. Rejepov's parents were each awarded €6,000 in damages.

At the time of his death, the ERRC reported that contrary to media reports that Redjepov's death was due to a methadone overdose, the deceased's mother insisted that her son died due to injuries caused by extreme violence carried out by prison guards. She asserted that her son had never been a drug or alcohol abuser and that there were inconsistencies concerning the official cause of death. Romani community representative in Šuto Orizari, Gege Demirovski, claimed he had received evidence and information that the victim was brutalised in the hours before his death; that guards brutally beat Andrias on a staircase in the prison before taking him to a room where they continued to beat and torture him to the point of death. The deceased's relatives accused the prison authorities¹²² of failing to provide lifesaving medical attention in time, and failing to notify next of kin of Redjepov's death in custody.¹²³

22 MARCH 2017

JUSINOV ERDAL DIED IN SHTIP PRISON. COMPENSATION AGREED IN 2021

Jusinov Erdal was a 25-year-old Romani man who died on the 22 March 2017 in KPD Shtip prison after medical treatment was apparently withheld for hours prior to his death.¹²⁴ Jusinov was married, and the father of a three-year-old boy and one-year-old girl. There were also allegations of mistreatment by prison guards and doctors. The European Court of Human Rights struck out this and another case, when the victims' families reached a friendly settlement with the Macedonian government (see: Rejepov case above). Erdal's sister was awarded €12,000 in damages.

In a press release after Jusinov Erdal's death, the ERRC announced it had taken the prison authorities to court on what was the second suspicious death of a Romani man in prison in as many

119 See [here](#).

120 Full decision available [here](#).

121 ERRC Press Release, *Victory for Roma: Macedonia Agrees to pay Compensation for Roma Prison Death*, 15 June 2017. Available [here](#).

122 Televizioni Alsat M Youtube Channel, *Сомнежи за смртта на 21 годишниот во затвор [Doubts about the death of the 21 year old in prison]*, 13 March 2017. Available [here](#).

123 ERRC Press Release, *Young Romani Man From Macedonian Prison Dies Under Suspicious Circumstances*, 16 March 2017. Available [here](#).

124 ERRC Press Release, *Another Romani Man Dies in Macedonian Prison*, 5 April 2017. Available [here](#).

weeks in 2017.¹²⁵ Erdal died on the 22 March in KPD Shtip prison (known locally as 'the Sixth') after medical treatment was apparently withheld for hours prior to his death. According to testimonies, his health condition was excellent and he had no special health requirements or treatment schedule in the days before he died. There are accusations from sources within the prison and those closest to Jusinov that he was being mistreated by the prison guards and doctors. He was reportedly not getting enough food as the guards were taking it away from him. The day before he died, he allegedly complained to the prison doctor about toothache and pain in his head. The doctor is alleged to have told Jusinov he was faking his condition, called him 'gypsy bastard', and refused to treat him. ERRC sources say that on 17 March, the doctor gave him an unknown dosage of unlabeled pills without a prescription, which he took these until the day he died. Many eyewitnesses that spoke with the ERRC were unwilling to testify for fear of reprisals from individuals within the prison.

Jusinov Erdal died at 1:30pm in the prison. His family were notified by his friends on the phone at about 3:00pm. His brother immediately went to the prison to see him but was reportedly threatened by a guard and told that if he insisted on seeing his brother's body he would be beaten, and was instructed to leave and return after five hours to take the body. The family noticed swelling around his forehead when they were eventually allowed to view the body.

The testimonies of those close to Jusinov as well as others within the prison, indicate serious anomalies and flaws in the behaviour of the prison service and doctors. He was allegedly refused first aid for four hours prior to his death, in circumstances which bore a striking resemblance to the events at KPU Idrizovo on 11 March which led to the death of 21-year-old Andrias Redjepov.



25 DECEMBER 2017

39 YEAR-OLD BEKIM DEMIR DIED IN IDRIZOVO PRISON. CASE STILL PENDING

Thirty-nine-year-old Romani man, Bekim Demir, died of a reported drug overdose in Idrizovo Prison days before he was set to be released. The ERRC took this case to court as part of a collective complaint involving the deaths of three other Romani inmates, against the Directorate for Execution of Sanctions, within the Ministry of Justice. He is the eighth and final inmate to die in KPU Idrizovo in 2017, and the fourth Romani person to have died in Macedonian prisons in nine months.

Once again, the circumstances surrounding the death of a Romani man are suspicious and uncertain. Bekim's family received a call from him on the day he died. He told them he was having difficulty breathing after the prison doctor gave him two injections which made him feel paralyzed. He asked his family to come to the prison to save him.

In the weeks before his death, Bekim complained to his family of ill treatment from prison supervisors and doctors. The guards routinely beat him and called him ethnic slurs according to his family who saw the marks left on his back. He also described constant pain in his stomach and legs which the doctors refused to provide treatment for, and even abused him for seeking treatment. On one instance, the doctor apparently told his supervisor "*fuck him, get him out, everybody here is sick, I don't care if he dies*".

Bekim was serving a three year sentence for theft, and had no major health complications prior to being admitted at KPU Idrizovo where visiting family noticed his general health deteriorating over time. He was the father of two young daughters aged twelve and four.¹²⁶

125 ERRC Press Release, *Young Romani Man From Macedonian Prison Dies Under Suspicious Circumstances*, 5 April 2017. Available [here](#).

126 ERRC Press Release, *Fourth Romani Prisoner Dies in Macedonian Prisons*, 18 January 2018. Available [here](#).



CONCLUSIONS AND RECOMMENDATIONS

For more than two decades, reports by international bodies and domestic human rights bodies, and litigation in local and international courts have provided substantial evidence of the pervasiveness of police brutality, and revealed how Roma have been persistently targeted by law enforcement in a discriminatory manner that is both brutal and bigoted. One graphic illustration of the lack of progress is evident in the 2024 observation that *“there is no legitimate reason for non-standard objects, such as hand-held electric shock devices to be kept in rooms used for interviewing suspects”*; and the recommendation that *“any non-standard item that might be used for inflicting ill-treatment should be removed from all police premises where persons may be held or questioned.”*¹²⁷

The allegations of police abuse and patterns of violence remain virtually unchanged since reporting on North Macedonia commenced; two decades later, the concerns expressed by international bodies and their recommendations to the State authorities remain the same, and remain largely unaddressed.

The 2024 report from the Council of Europe Anti-torture Committee (CPT), which focused on treatment by the police and the conditions in detention centres and prisons, including the effectiveness of investigations into complaints of alleged police ill-treatment, concluded that there has been *no improvement* in the treatment of persons deprived of their liberty by the police since its 2019 visit. The CPT received many allegations of police ill-treatment related to the time of arrest or questioning in a police inspector office: *“The allegations consisted of slaps, punches and kicks, as well as blows with truncheons and the butt of a weapon, inflicted on persons during their arrest or at the time of their questioning in an inspector’s office.”*¹²⁸

In terms of accountability, the CPT acknowledged that the recently established tripartite police accountability body, the External Oversight Mechanism, has the potential to become effective. But the report insisted upon the need for both a truly independent assessment of the reports on the use of force drawn

up by the police, and the application of more rigorous investigative measures. In many cases, *“investigative actions appeared to be ineffective in terms of slower action, and excessive reliance on police statements and official notes without carrying out cross-checks and ordering more important investigative measures (such as forensic examinations of the alleged victims or securing CCTV footage).”* This led to many criminal complaints being dismissed without a rigorous examination of the origin of the injuries that the victims allegedly attributed to police ill-treatment. The CPT repeated its insistence that *“only a multifaceted approach can effectively prevent and combat ill-treatment by the police, and this should consist of a series of concerted, well-designed and simultaneous measures.”*¹²⁹

As for the CPT’s long standing concerns in respect of the situation in prisons, while some basic improvements had been made in three of the four locations previously visited, the situation at Idrizovo Prison remained ‘alarming’: the report highlighted physical ill-treatment by staff and prolonged isolation of prisoners, and unhygienic and unsafe conditions, all exacerbated by severe overcrowding, and pervasive staff corruption. The CPT noted that health care provision in prisons has remained inadequate with insufficient staff, poor medical screening of recently arrived prisoners, and improper management of inmates with substance use disorders.¹³⁰

One consequence of the absence of substantive reform is that the following recommendations have remained consistent and gone largely unheeded over the past two decades. But in terms of what is to be done to make policing and, by extension, the criminal justice system more accountable and less racist, the relevance of these recommendations for Roma in North Macedonia has not been lost in repetition.

The recommendations below are excerpted from those of the CPT report, and its repeated call on the authorities to implement a coherent strategy to prevent and combat police abuse, to improve the effectiveness of investigations into complaints of police brutality, and to prevent ill-treatment within prisons:

- Police officers, including members of the police intervention teams, need to be trained to prevent and minimise use of force during arrests and be reminded of their duty to protect persons held in police custody.

127 Council of Europe, *News 2024, Council of Europe anti-torture Committee (CPT) publishes report on North Macedonia*. 15 May 2024. Available [here](#).

128 *Ibid.*

129 *Ibid.*

130 Council of Europe, *Report to the Government of North Macedonia on the visit to North Macedonia carried out by the European Committee for the Prevention of Torture (CPT) in October 2023*, 15 May 2024. Available [here](#).

Where force is necessary, they must be able to use professional techniques that minimise the risk of harm to the persons they are trying to arrest. Professional training should also be provided for criminal investigation officers on appropriate interview and investigation techniques and the prevention of ill-treatment.

- Standard Operating Procedures need to be strengthened, in particular through the provision of access to a lawyer in a proactive manner, the provision of information on rights in a more systematic and consistent manner, and a more rigorous application of the standards in the field of provision of medical assistance in police custody.
- Prison medical services should fully play their role in preventing ill-treatment, by ensuring that: doctors in prisons indicate at the end of their traumatic injury reports the compatibility between one or more objective medical findings and the statements of the person concerned; ensure that traumatic injury reports relating to injuries likely to have been caused by ill-treatment (even in the absence of statements) are automatically forwarded to the body empowered to conduct investigations; and doctors advise the prisoner concerned that the writing of such a report falls within the framework of a system for preventing ill-treatment, that this report must automatically be forwarded to a clearly specified investigating body and that such forwarding does not substitute the lodging of a complaint in proper form.
- The authorities should put in place a system of doctors visiting police premises, who are fully trained on how to identify and record injuries. Where possible, traumatic injury reports should identify any causal link between one or more objective medical findings and the statements of the person concerned. A secure room in the hospital should be set aside where such examinations may be carried out in a safe, secure and confidential manner.



ПОЛИЦИЈА



SERBIA

DEMOCRATIC BACKSLIDING, VIOLENT POLICING, AND ANTI-ROMA RACISM

Freedom House ranked Serbia in 2023 as only 'partly free'. Its freedom score continues to decline for reasons of democratic backsliding, which include "a pattern of intimidation by police, private security groups, and paramilitary organizations against demonstrations disfavoured by the authorities; pervasive harassment and intimidation of opposition parties at every level."

As for press freedom, "several members of the ruling party have openly threatened journalists, and as President Vučić regularly and publicly disparages

independent media outlets, journalists have faced physical attacks, smear campaigns, online harassment, and punitive tax inspections." Similarly, Freedom House reported that regime-critical NGOs, or those that address "sensitive or controversial topics have faced threats and harassment in recent years." The frequency of early elections has further eroded public confidence in the functioning of democratic institutions, and the score on electoral processes declined because of "undue electoral advantages afforded to the ruling party, including significant media bias and misuse of public resources."¹³¹

ORGANISED CRIME AND BLURRED LINES



"Serbia can be proud of its police force, which stands side by side with all European and world police forces. There are no more organised crime groups in Serbia."

Serbian Interior Minister Bratislav Gašić,
December 2023

Amidst the war and chaos of the 1990s, the Milosevic regime became deeply intertwined with street thugs and war criminals, giving rise to powerful, politically-connected gangs and a climate of impunity that, according to *Balkan Insight*, set the stage for the 2003 assassination of the country's first post-Milosevic prime minister, Zoran Djindjic.¹³² It was around this time that the young Aleksandar Vučić began making a name for himself. A face among Belgrade's football

hooligans in the late 1980s, Vučić graduated from law school in 1991, and apprenticed himself to a far-right Serbian politician named Vojislav Seselj, whose Serbian Radical Party, recruited a militia that became notorious for its murderous rampages and expulsions of non-Serb civilians. In 1995, days after the massacre of nearly 8,000 Bosnian Muslims around Srebrenica, Vučić gave a speech in parliament where he declared, "If you kill one Serb, we will kill a hundred Muslims."¹³³

131 Freedom House, *Freedom in the World 2023: Serbia*. Available [here](#).

132 Sasa Dragojlo, Serbia, State's Ties to Crime Become Hard to Miss, *Balkan Insight*, 16 February 2021. Available [here](#).

133 Robert F. Worth, The President, the Soccer Hooligans and an Underworld 'House of Horrors', *The New York Times Magazine*, 1 June 2023. Available [here](#).

In 2008, Vučić co-founded the breakaway Serbian Progressive Party which in 2012 became the ruling party in Serbia with Vučić eventually becoming Prime Minister in 2014 and President in 2017. Despite democratic reforms and Serbia's candidature for EU membership, since Vučić's party took power, the lines between organised crime and the state again became blurred and increasingly obvious with a cascade of scandals, leading one expert to assert that *"while the situation was bad under the governments that initially followed the fall of Milosevic in 2000, it is even worse now."*¹³⁴

Serbia has the second highest organised crime rate in Europe, according to the latest Global Organised Crime Index¹³⁵. The Serbian state, according to *RESPUBLICA*, acts as a kind of patron and monopolist over organised crime. Corruption scandals, unscrupulous practices in public procurement, and organised criminal groups of 'fans' in charge of intimidation and provoking violence, are directly

related to the political establishment and prominent figures within it, including the former head of Serbian intelligence, Aleksandar Vulin, who was blacklisted by the United States for alleged involvement in drug trafficking and organised crime.¹³⁶

The 2023 end-of-year boast about the end of organised crime by Interior Minister Gašić was met with not a little scepticism by observers. Investigative journalists with BIRN have found direct ties to the state in three major crime cases, involving money laundering, drug dealing, violence, and murders:

*"In each case, the names of numerous police and security service officials, even politicians, are mentioned as having ties to the mafia in indictments, official evidence, police notes or in witness testimony to the courts ... Gašić himself has been linked in witness testimony to the case of an illegal cannabis farm that enjoyed the protection of state security officials, a case currently before the courts."*¹³⁷

DECEMBER 2023 ELECTIONS: 'UNACCEPTABLE IRREGULARITIES'

The OSCE/ODIHR report on the 17 December 2023 elections, which *"unfolded amidst hardened polarization and discontent"*, found the campaign was marred by harsh rhetoric, media bias, and misuse of public resources. The observer mission noted that the *"overall subdued campaign was dominated by the incumbent president, and was characterized by hardened polarization, aggressive rhetoric, personal discreditation, verbal abuse and inflammatory language."* It received numerous reports about critical journalists subjected to verbal insults, including by state officials, as well as co-ordinated attacks by pro-government media. Election day was marked by numerous 'procedural deficiencies' and serious irregularities, which included vote-buying, ballot-box stuffing, and group voting. Observers

also reported *"some incidents of undue influence on voters, unauthorized tracking of voter turnout, and photographing of ballots."*¹³⁸

The establishment of an illegal voting station at the Belgrade Arena, to which tens of citizens from the Bosnian entity of Republika Srpska were allegedly transported in buses to vote, combined with reports that opposition politicians received threats from the police and were physically attacked on election day, prompted thousands of demonstrators to blockade the Serbian election commission building in downtown Belgrade on 18 December. In response to the OSCE report, the German Foreign Ministry condemned the reported election irregularities as *"unacceptable for a country with EU candidate status."*¹³⁹

'THE SERIOUS PROBLEM OF ILL-TREATMENT BY SERBIAN POLICE'

In March 2022, the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), called for resolute action by the authorities to address the serious problem of ill-treatment by the Serbian police. In a report following the CPT delegation's visit to Serbia, the committee stated that it received a significant

number of credible and consistent allegations of physical ill-treatment of detained persons by police officers, *"purportedly inflicted as a means to force the suspects to provide information or to confess to particular crimes, and to a lesser extent to punish them for the alleged crime committed or for resisting arrest."* In addition to physical violence – which

134 Sasa Dragojlo, Serbia, State's Ties to Crime Become Hard to Miss, *Balkan Insight*, 16 February 2021. Available [here](#).

135 Global Initiative Against Transnational Organized Crime, *The Global Organized Crime Index 2021*. Available [here](#).

136 Sasa Dragojlo, In Declaring Serbia Free of Organised Crime, Govt Ignores the Obvious, *Balkan Insight*, 18 January 2024. Available [here](#).

137 *Ibid.*

138 OSCE/ODIHR, *International Election Observation Mission Republic of Serbia – Early Parliamentary Elections, Statement of Preliminary Findings and Conclusions*, 17 December 2023. Available [here](#).

139 EURACTIV, *Germany: Serbia vote fraud 'unacceptable' for a candidate to join the EU*, 19 December 2023. Available [here](#).

included “slaps, punches, kicks and truncheon blows to various parts of the body, the application of electro-shocks by handheld devices and car batteries and forcing detained persons to remain in stress positions for prolonged periods” – numerous remand prisoners claimed to have been racially abused due to their Romani or Albanian ethnic origin.¹⁴⁰

In November 2021, in the wake of police violence against peaceful protestors in Belgrade and other cities, a Civil Rights Defenders (CRD) spokesperson described the scenes “as indicative of Serbia’s weakening rule

of law, specifically the growing political influences on institutions such as the police force ... events in Sabac showed that violent thugs can act with impunity in Serbia, when acting on behalf of government interests.” In Sabac, dozens of masked men attacked protestors with poles and hammers, and used a bulldozer to forcibly disperse them. Moments before the attacks police officers left their positions, leaving protestors defenceless. According to CRD, the armed group was seen to be in the company of known local officials, and entered vehicles belonging to members of the ruling Serbian Progressive Party (SNS).¹⁴¹

Physical violence included “slaps, punches, kicks and truncheon blows to various parts of the body, the application of electro-shocks by handheld devices and car batteries and forcing detained persons to remain in stress positions for prolonged periods.”

ROMA EXCLUSION, POVERTY AND DISCRIMINATION

Serbia’s 2022 census counted nearly 132,000 Roma, or under 2% of the population.¹⁴² However, most experts warn that such official figures are probably undercounts, with domestic and international estimates ranging between 300,000 and 460,000 Roma, which would make them the country’s largest minority group.

Most Romani people live in South-East Serbia (about 39%), with a still significant population living in Vojvodina (29%) and a smaller proportion living in the Belgrade area (19%). Approximately 70% of Romani people in Serbia live in Romani majority neighbourhoods. A mapping exercise conducted in the wake of the Covid pandemic, and published in December 2020, covered 702 substandard Romani majority neighbourhoods with a population of about 168,000. The mapping found that in 159 of such neighbourhoods, a total of 32,843 residents had no or irregular access to clean water. Access to sewerage networks was found to be irregular or missing in 457 substandard Romani majority neighbourhoods which are home to 93,050 Romani people, while 24,104 Romani people living in 64 settlements had no access to electricity.¹⁴³

UNCERD, in its latest report on Serbia, expressed concerns about the substandard living conditions in informal settlements. It reports that one third of registered homeless persons are of Romani origin, and that forced evictions from settlements continue to take place without consultation, due process of law, or the possibility of alternative accommodation. With regards to education, UNCERD was ‘deeply concerned’ that the percentage of Romani children enrolled in all levels of education is drastically lower than that of the general population of children, and it urged the State “to put an end to de facto public school segregation of Roma children and ensure access to quality education for Roma children, including through anti-racism and human rights training for school staff, awareness-raising efforts targeting parents and increased employment of Roma teachers.”¹⁴⁴

Five years on, many of the same concerns have been echoed by the European Commission in its 2023 report on Serbia. The report called for robust monitoring and data collection, improved Roma-sensitive budgeting, as well as strengthened coordination between ministries, national and local authorities, to implement Serbia’s new strategy and action plan for Roma inclusion,

140 Milica Stojanovic, ‘European Anti-Torture Committee Concerned About Serbian Police Beatings’, *Balkan Insight*, 10 March 2022. Available [here](#).

141 Civil Rights Defenders, *Serbia to Investigate Violence and Police Conduct During Peaceful Protests*. Available [here](#).

142 Statistical Office of the Republic of Serbia, *Final results of the Census of Population, Households and Dwellings, 2022*, 28 April 2023. Available [here](#).

143 Government of the Republic of Serbia - Social Inclusion and Poverty Reduction Unit, *Mapping Of Substandard Roma Settlements According To Risks And Access To Rights In The Republic Of Serbia With Particular Attention To The Covid-19 Epidemic*, 4 December 2020. Available [here](#).

144 International Convention on the Elimination of All Forms of Racial Discrimination (UNCERD) *Concluding observations on the combined second to fifth periodic reports of Serbia*, 3 January 2018. Available [here](#).

which was updated in October 2022. The Commission called for segregation in education to be addressed, legalisation of Roma settlements to be tackled as a matter of priority, and noted that forced evictions are still taking place, which is not in line with the Law on housing or international standards. Concerning social welfare, the Commission noted that *“limiting the number of children eligible for parental and child allowance, and conditioning the parental allowance on certain criteria, such as school attendance and vaccination of children, are disproportionately affecting Roma children and families.”*¹⁴⁵

In its 2023 report, Amnesty International warned that Serbia’s introduction of the Social Card registry, touted and funded by the World Bank as a ‘tool for inclusion’, has, in fact, worsened poverty and stripped thousands of social assistance, *“especially Roma and people with disabilities.”* As Amnesty noted, even prior to the introduction of the Social Card registry Serbia’s social assistance system was not fit for purpose. Strict eligibility requirements leave 250,000 people living in poverty without social assistance, and those who qualify receive a meagre monthly amount that is not sufficient to keep them out of poverty.¹⁴⁶



@Dragan/Adobe Stock

145 European Commission DG NEAR, *Commission Staff Working Document: Serbia 2023 Report*, 8 November 2023. Available [here](#).

146 Amnesty International, *Trapped by Automation: Poverty and discrimination in Serbia’s welfare state*, 4 December 2023. Available [here](#).

POLICING ROMA IN SERBIA

Police violence against Roma in Serbia is a longstanding ‘concern’ and occurs within a context of what hundreds of thousands of protestors in Belgrade denounced in June 2023 as a “culture of violence” promoted by the

government and its loyal media outlets¹⁴⁷, a recent history of coordinated public violence against religious and ethnic minorities, and the legacy of para-militarised and ultra-violent policing in times of war and conflict.

MILOŠEVIĆ’S ENFORCERS: THE COERCIVE APPARATUS OF A WARMONGERING ELITE AND ITS INSTITUTIONAL LEGACY

From the early 1990s to the 5 October 2000, law enforcement agencies inside Serbia were used by Slobodan Milošević to suppress political opponents and ‘resolve’ ethnic relations. As a 2004 report on state violence recounted, the organisation of the police force paralleled that of the armed forces, and police repression of ethnic minorities in the 1990s

*“was of an organized nature and included arbitrary house searches and detention of a massive number of people, their physical and mental abuse, and their subjection to degrading treatment on ethnic grounds. The common denominator in all these cases was the indifference demonstrated by the institutions of the state, which failed to take any action whatsoever either against those who gave the orders or those who carried them out.”*¹⁴⁸

With the start of the NATO bombing of Serbia in March 1999 that year, the Humanitarian Law Centre (HLC) registered numerous cases of police and paramilitaries killing and ‘disappearing’ Kosovo Albanian civilians, and subjecting prisoners to severe abuse. In 2000, the police launched a major crackdown against members of the Otpor (Resistance) Movement, which included unlawful arrests, search and seizures, beatings, and torture.

Following the overthrow of Milošević in October 2000, the notorious paramilitary Special Police Forces (PJP), whose members were implicated in the armed conflicts in Bosnia-Herzegovina and Kosovo, was renamed the Gendarmerie. The report described the fact that this unit retained its organisational

and personnel structure, including its commanding officer, General Goran “Guri” Radosavljević,¹⁴⁹ as *“the greatest threat to human rights in Serbia, including the right to freedom from torture.”*¹⁵⁰

Following outbreaks of anti-minority violence in Vojvodina and other parts of Serbia in 2003 and 2004, the European Parliament adopted a resolution on harassment of minorities, calling on the Serbian authorities to prevent the incidents and bring those responsible to justice.¹⁵¹ Human Rights Watch (HRW) stated that the failure of the government to seriously address violence directed against ethnic, national, and religious minorities in Serbia risked creating a climate of impunity. The HRW report, *Dangerous Indifference, Violence against Minorities in Serbia*, found that government officials, and the police in particular, frequently denied ethnic motivation even before any meaningful investigation into the incidents was completed, and many victims, including Roma, expressed frustration with the indifferent reaction from the police when they made reports about the incidents. According to HRW:

*“Serbia’s recent history provides an additional reason why allegations of anti-minority bias on the part of police appear perfectly plausible. The police force was a key institution in the ultra-nationalistic government of the former Serbian president Slobodan Milosevic during 1990s. Non-Serbs were virtually excluded from its ranks. Nearly five years after the removal of Milosevic from power in October 2000, Serbia still has a long way to go before ultra-nationalism is eradicated from police service and from the Serbian society as a whole.”*¹⁵²

147 New York Times, *Growing Protests in Serbia Demand Social Changes After Mass Shootings*. 3 June 2023. Available [here](#).

148 OMCT, ASTRA, Children’s Rights Centre, Humanitarian Law Centre, *State violence in Serbia and Montenegro: An alternative Report to the United Nations Human Rights Committee*, Geneva and Belgrade, 25th June 2004. Available [here](#).

149 According to Wikipedia, during the *Kosovo War* (1998–1999), Radosavljević led a cluster of counter-terrorism teams that were known as the Operational Group (OPG). The OPG were later suspected of killing 41 ethnic-Albanian civilians in the *Čuška massacre* in western Kosovo in May 1999. A number of human rights groups claimed that the OPG committed war crimes against civilians. Radosavljević was the person in charge of the military operation in Račak on 15 January 1999, which would become known as the *Račak massacre*. Radosavljević was also in charge of a Serb police training facility at Petrovo Selo where the three *Albanian-American Bytyqi brothers* were detained, tortured, executed, and buried in a mass grave. In July 2019, Aleksandar Vučić refused requests from several members of the US Congress to extradite Radosavljević, reportedly saying that “there is no evidence for his arrest.” Available [here](#).

150 OMCT, ASTRA, Children’s Rights Centre, Humanitarian Law Centre, *State violence in Serbia and Montenegro: An alternative Report to the United Nations Human Rights Committee*, Geneva and Belgrade, 25 June 2004. Available [here](#).

151 European Parliament, Motion for a resolution - B6-0057/2004. Available [here](#).

152 Human Rights Watch, *Dangerous Indifference, Violence against Minorities in Serbia*, 9 October 2005. Available [here](#).

As regards police brutality against Roma, the Jovan Nikolić case cited by HLC in 2002 bears such an uncanny resemblance to contemporary testimonies to suggest that, twenty years later, institutional biases, a predilection for sadistic violence, and old habits die hard. On 6 November 2002, Nikolić, responded to a summons for an investigatory interrogation. He recounted his experience at the hands of two police inspectors:

“They both yelled at me and slapped me, saying I was to admit to stealing. One of them hit me several times

on the shoulder with a nightstick. Then they took me to another office and told me to stretch out my arms with the palms up. They balanced a thick book on my hands and hit me with a wooden club on the back. All the time, they kept insulting me and cursing my Gypsy mother and saying I had to confess to some kind of robbery. They took the book away and put a black plastic bag over my head. One of them pulled the bag tight around my neck and shouted that he would strangle me if I didn’t confess. I said I hadn’t done anything and, when they saw they couldn’t make me confess to something I hadn’t done, they decided to let me go.”¹⁵³

SYSTEMIC INJUSTICE AND ROOTED RACISM

Beyond policing, recent research by the ERRC catalogued a litany of human rights abuses against Roma at all levels of the criminal justice system in Serbia. It corroborated earlier findings that overrepresentation of Romani people in the criminal justice system is due to a combination of factors which includes persistent racial profiling and over-policing of Romani communities, social marginalisation and higher rates of poverty, lack of eligibility for alternatives to sentencing, and a presumption of guilt rooted in wider racist narratives around so-called ‘Gypsy crime’.¹⁵⁴

The report found that, similar to a number of countries, Roma are more likely to be ethnically profiled and drawn into the criminal justice system than non-Roma in Serbia. Once drawn in, Roma are less likely to receive adequate legal representation and more likely to be held in pre-trial detention and receive custodial sentences than their non-Roma counterparts. There were also persistent allegations that individuals were tried and sentenced without any assistance from a lawyer whatsoever.

Roma are more likely to be ethnically profiled and drawn into the criminal justice system than non-Roma in Serbia.

For their part, Romani interviewees expressed distrust in a criminal justice system that reflected the biases and racism that prevails in the wider Serbian society where, as one interviewee put it, the majority population viewed Roma as *“less valuable, uneducated, unemployed and subsidised solely by social welfare and theft... They just don’t like us; they look at us like we are the worst.”*

When it came to policing in particular, the Romani respondents had little trust in law enforcement

and felt officers were prejudiced against Roma; all Romani interviewees from Serbia recounted being routinely stopped by police; most recalled incidents of harassment and verbal abuse, and half of them had direct experience of being physically assaulted by police. Almost half the police officers interviewed did not understand what discrimination is; many believed that it was acceptable to break the law to resolve an issue, and of those police officers canvassed in two surveys, 29% and 41% appeared to believe that Roma *“usually steal.”*¹⁵⁵

POLICE IMPUNITY, RACISM, AND ‘A LACK OF DUE DILIGENCE’

The concerns and concluding observations of the UN Committee against Torture (UNCAT) in 2015 revealed that little had changed in the intervening years with regards to a culture of impunity within the police force;

lack of redress for victims of torture and ill-treatment, and consistent failure by law enforcement to protect Roma, LGBTQI+ persons, human rights defenders and journalists. The Committee was concerned that

153 OMCT, ASTRA, Children’s Rights Centre, Humanitarian Law Centre, *State violence in Serbia and Montenegro: An alternative Report to the United Nations Human Rights Committee*, Geneva and Belgrade, 25 June 2004. Available [here](#).

154 ERRC and Fair Trials, *Justice Denied: Roma in the Criminal Justice System in Serbia*, February 2023. Available [here](#).

155 *Ibid.*

“of 391 complaints of torture and ill-treatment Internal Control Department of the police between 2009 and March 2012, only 15 per cent resulted in disciplinary measures, the majority of which were fines.” The most common sentence was one or two-years’ probation. The Committee also regretted the persistence of attacks on Roma, LGBTQI+ groups, human rights defenders, and journalists, the lack of complete data on such attacks and any subsequent convictions statistics, and on measures taken to prevent such acts. The Committee was also *“greatly concerned at reports that law enforcement authorities fail to act with due diligence in investigating and punishing these cases and in applying legal provisions for crimes motivated by hate.”*¹⁵⁶

UNCAT followed up on its recommendations in 2021. It found that when it came to the authorities taking steps to ensure in practice that detained persons undergo an independent medical examination from the outset of their deprivation of liberty, and the Committee’s call on the authorities to publicly condemn and investigate threats to and attacks on targeted groups including Roma, *“the Committee considers that the above-mentioned recommendations have been only partly implemented.”* As for impunity, UNCAT remained concerned that inadequate efforts are made to investigate the vast majority of criminal complaints lodged against police officers, prison staff and other State agents:

“Noting the low number of reported and adjudicated complaints regarding acts of torture and other ill-treatment, the Committee is seriously concerned

*about the disproportionately low ratio of convictions as compared with acquittals and case dismissals, further noting that where penalties are handed down to public officials, these are largely inadequate and not proportionate to the gravity of the act of torture.”*¹⁵⁷

As mentioned earlier, the visiting delegation from the Council of Europe’s CPT expressed its deep concern in 2022 that police brutality remains a serious problem and that in addition to physical violence, *“numerous remand prisoners also alleged to have received verbal insults of a racist nature notably in the light of their Albanian or Romani ethnic origin.”*¹⁵⁸

The alleged ill-treatment related to: the time of apprehension, after the persons had been brought under control (and handcuffed); the time when the suspects were being transported to the police station; and the time when the suspects were held in an office and interviewed by police officers. The CPT stated that these allegations were supported by both documented descriptions and photographic evidence contained in the medical files of remand prisoners, and it was *“able to follow-up on particular allegations relating to the infliction of severe ill-treatment in specified locations described by the detained persons”*. In one example cited, in the office of an anti-narcotics police inspector in Belgrade, the CPT found *“jumpstart electrical cables and a five-litre water cannister, which lends credibility to the allegations made by detained persons that they were subjected to electro-shocks in this precise office.”*¹⁵⁹

THE ERRC’S SERBIAN POLICE BRUTALITY ARCHIVE

In its 2021 submission of written comments to the UN Committee Against Torture, the ERRC asserted that *“police brutality against Roma is endemic in Serbia, particularly against young Romani men and boys.”*¹⁶⁰ The submission detailed a number of cases of inhuman and degrading treatment of Roma at the hands of Serbian police in recent years. The submission included evidence of police torturing Romani people to extract confessions (including asphyxiating a man with a plastic bag and holding a gun to his head), threatening to take children away from families, withholding food and water during interrogation, denying access to medical aid and legal counsel, as well as multiple accounts of groups

of officers taking turns to beat unarmed Roma in interrogation cells. The police officers who perpetrate these human rights violations rarely if ever face any consequences for their actions.

In the 2023 report by the ERRC and Fair Trials on Roma and the criminal justice system, stories of police abuse, harassment, and violence were recurrent amongst the Romani interviewees encountered by researchers. Most said that they had heard the police making disparaging and discriminatory remarks about Roma, while 50% recounted that they had been physically assaulted by police officers. One interviewee told researchers:

156 UN Committee against Torture, *Concluding observations on the second periodic report of Serbia*, 3 June 2015. Available [here](#).

157 UN Committee against Torture, *Concluding observations on the third periodic report of Serbia*, 1 December 2021. Available [here](#).

158 Milica Stojanovic, ‘European Anti-Torture Committee Concerned About Serbian Police Beatings’, *Balkan Insight*, 10 March 2022. Available [here](#).

159 *Ibid*.

160 ERRC Written Comments of the European Roma Rights Centre concerning Serbia for consideration by the United Nations Committee Against Torture, at 72nd Session (8 November to 3 December 2021). Available [here](#).

“I was beaten many times [by the police], cursing my gypsy mother. They intercepted my family, harassed my parents at night for an interview. When I went to court, the police stopped me and searched the whole car without a search warrant. Once they brought me to the station, I asked for a lawyer, they didn’t allow it, but they beat me up and then they let me go as if nothing had happened.”¹⁶¹

The following is an indicative selection of recent cases that strongly suggests routine violence and a culture of impunity among law enforcement when it comes to policing Roma.



APRIL 2017

COUPLE REPORT THEIR CAR STOLEN, GET DETAINED AND SUBJECTED TO BRUTAL ILL-TREATMENT

Marko Stalović and his wife Sandra, a married couple from a village near Mladenovac, reported the theft of their car to the police. As a foreign national Sandra was told to report her residency at the police station, and was duly informed that the car had been located. The couple were told to go to Belgrade to provide additional information and identify the car. They were taken in an official vehicle. On the way, the police inspector began to ask questions about the company they kept in Vienna, and if it were possible to make a living there from theft.¹⁶²

As soon as they arrived at the ‘29 November’ police station they were made to take a polygraph. An officer informed them that they had failed, that they were lying, and that his colleagues would deal with them. Two inspectors from Mladenovac then took them to separate rooms for further interrogation.

Marko was in a room with eight plainclothes officers. He was repeatedly slapped and punched, verbally abused, forced to kneel for extended periods, and whipped on his palms. Officers pulled a plastic bag over his head until he started choking and suffocating. In a video interview with the ERRC in 2023, Marko Stalović described his ordeal and spoke of the trauma that haunts him:

Thirteen hours of abuse, kneeling beatings, and whippings. Then at one point he cocked his gun and pointed it at me, and told me to hold out my right arm, so I would be left with a scar for my whole life. I stretched out my hand and said, shoot, shoot! If you are so tough, let me take one of you, just one. No, he said you will have eight, and all eight trampled me.

I asked for a lawyer and he said this is not Vienna. This isn’t Austria, you don’t make demands here. And when they let me go, I went and got my medical report, and filed a lawsuit, and now we have a trial in Strasbourg, and we are waiting for that trial, and I will see it through until the end.

Those beatings haunt me, I don’t know what to say anymore. Since then, my temper, a child, even a small child can annoy me very quickly, my God. So, I am not fit, I am not fit for work, I am not fit for anything. Because of that, the stress of it, my hair has fallen out, because of that, it has become a disaster, that’s all.¹⁶³

The couple were threatened that their children would be taken into care, and were not permitted to inform their family about their whereabouts or to call a lawyer. After almost 13 hours in custody, they were finally released.

In civil proceedings, the high court in Belgrade found that the Ministry of Internal Affairs exceeded its authority and officers were responsible for the physical and emotional coercion, and that Sandra and Marko were discriminated against on the grounds of their ethnicity.

In May 2017, Marko and Sandra filed a criminal complaint against several officers for abuse and unlawful deprivation of liberty. A year and a half later, and after two instances, the prosecution dismissed the criminal complaint. Marko and Sandra filed a complaint with the Constitutional Court

161 ERRC and Fair Trials, *Justice Denied: Roma in the Criminal Justice System in Serbia*. February 2023. Available [here](#).

162 Andrea Čolak, ‘The Fight Against Antigypsyism - A Lesson For The Prosecutor’s Office’, *ERRC News*, 29 October 2020. Available [here](#).

163 ERRC video, *Marko Stalović – Those Beatings Haunt Me*, 27 February 2023. Available [here](#).

in October 2018, pointing out the violation of several human rights and freedoms, primarily the prohibition of torture and the right to liberty and security. Before the Constitutional Court they pointed out, among other things, that the work of the prosecution did not meet the legal standard of an effective investigation.

7 JANUARY 2019

THREE ROMA BEATEN, TORTURED, THEN CHARGED WITH ‘DISTURBING PUBLIC ORDER’

Three Romani men were accused of writing ‘UÇK’ (Kosovo Liberation Army) in the snow on the windows of a car parked in front of an apartment building in a residential neighbourhood in Belgrade. On the grounds of failing to produce their IDs, police took them to the station where the men were beaten and forced to confess their guilt. While in police custody for several hours, three men were hit and kicked in the face and ribs, had plastic bags put over their heads, were thrown against the wall and furniture, and were threatened with different objects, including bats and electric devices. Straight from the police station, the three Roma were taken before the misdemeanour court where they were immediately sentenced to 50 days in prison for the misdemeanour offences of ‘disturbing public order’ and ‘begging’. They were also fined €45 each for not carrying their ID cards; the fines were converted to five-day prison sentences due to their alleged failure to pay the fine on the spot. From the court, the men were transferred to prison. They were released a week later, on 15 January 2019, following a ruling by the Belgrade Misdemeanour Appeal Court which cancelled the first instance court decision.¹⁶⁴

23 JUNE 2019

POLICE ASSAULT A MINOR IN MLADENOVAC

On the night of 23 June 2019, around 21:00, a police officer assaulted a 14-year-old Romani boy in the Belgrade municipality of Mladenovac. The boy and his cousin had called out to girls across the street when two passing police officers took umbrage, approached the youth, dragged him aside and kned the boy twice. The boy collapsed on the ground and was then put into a patrol car and driven to the police station. In July 2019, the boy’s attorney filed a criminal complaint with the Mladenovac Basic Public Prosecutor’s Office against two police officers for several criminal offences, including the criminal offence of torture and inhuman and degrading treatment. In June 2020 the public prosecutor’s office dismissed the complaint. Following the attorney’s appeal, the Belgrade Higher Public Prosecutor’s Office ordered the reopening of the investigation into allegations of police ill-treatment.¹⁶⁵

21 SEPTEMBER 2021

POLICE HALT A TAXI TO BEAT 18-YEAR-OLD ROMANI PASSENGER

A police patrol in the town of Brus in southern Serbia stopped a taxi and pulled the passenger, Bogdan, out of the car. According to witnesses, Bogdan was then beaten on the street near a post office, in full view of passers-by, before being taken back to the police station. On arrival at the station, he alleged he was further beaten by officers there.

The police later charged him for not wearing a seatbelt in the car and fined him 15,000 dinars (€128) for not being in possession of his ID card. As Bogdan did not have the money to pay this fine within one week, it was doubled to 30,000 dinars (€256). Bogdan’s father, Tomislav, told the ERRC that he feared his son would be taken away, and that one officer warned him that if Bogdan

¹⁶⁴ *Ibid.*

¹⁶⁵ ERRC Written Comments for UNCAT at the 72nd Session (8 November to 3 December 2021). Available [here](#).

caused any trouble by reporting this issue they would come back for him and make his life worse. The officer said that they had given Bogdan “a 2021 gift from Santa Claus, and that they could also make a special effort for 2022.”

Tomislav took Bogdan to the local hospital to be examined by a doctor for the injuries he sustained at the hands of the police officers. The officers also accompanied them to the hospital. When they arrived, the attending doctor would not issue a medical report and claimed that there were no visible injuries on the boy.

Tomislav took a photograph of Bogdan in front of the hospital, which showed bruising on his face and neck. In the evening they returned to ask again for a medical report and the same doctor told them that she would not dare to issue a report which went against the police officers, and that it would be best if they went to the hospital in nearby Kruševac for an examination. Bogdan and Tomislav were unable to travel to Kruševac as they could not afford the cost of transportation and were unable to procure a medical report.¹⁶⁶

19 JANUARY 2023

ACTION LAUNCHED FOLLOWING HOME INVASION AND VIOLENT ASSAULT ON ROMANI FAMILY IN BELGRADE

The ERRC and VRC initiated legal action against police officers following a violent home invasion that took place on 13 January 2023 in Belgrade. A discrimination complaint was submitted to the Commissioner for the Protection of Equality.

Police, who were responding to a noise complaint in the Savski Venac municipality of Belgrade, kicked open the front door of the family home where Miloš, his pregnant wife Sofija, and his cousin Duško were present. In a statement Miloš described the events of that night:

“It was about one o’clock in the morning when three policemen entered my house without knocking or anything. They kicked the front door and entered. I turned the music down and my nephew asked them - How can you enter like that without a warrant? This was the moment when I started to record. They replied to him – Since you are so bright, give us your ID and come with us to the police station. They began to pull him out of the house by force, and my nephew kept telling them that he will give them his ID if they simply exit the house since they entered without even knocking, not to mention the lack of a warrant. They knocked him down on the floor and tried to pull him out holding him by hands and legs. One of the policemen took my phone from my hand and erased everything I had recorded. The policemen then called for reinforcements, and since I tried to defend my nephew, they knocked me down as well. My pregnant wife and eight-year-old daughter tried to protect me and the policeman kicked my daughter, told her: ‘fuck your Gypsy mother’ and even punched my pregnant wife in the head. The reinforcements then arrived, about ten of them entered, took me and my nephew outside in the yard, knocked us to the floor and beat us. My pregnant wife followed us outside and they punched her in the head again.”

Sofija described the incident: *“I could not let them beat my husband. I tried to defend him. One policeman told me – I don’t give a fuck if you are pregnant. He then punched me in the head and pushed me away.”* Video footage of the incident taken by the children was released by the ERRC. Miloš and Duško were taken to Savski venac police station and held there for twelve hours where they were further beaten and racially abused. Both Miloš and Duško were forced to sign statements prepared by the police which they did not even read.¹⁶⁷

166 Jonathan Lee, ‘Serbian Police Stopped a Taxi to Beat an 18-year-old Romani Boy’, *ERRC News*, 26 January 2022. Available [here](#).

167 ERRC Press Release, *Legal Action Against Serbian Police After Home Invasion and Violent Attack on a Romani Family*, 19 January 2023. Available [here](#).



@Stanislava/Adobe Stock

13 SEPTEMBER - 22 NOVEMBER 2023

POLICE BRUTALISE ROMANI MAN, CONFISCATE HIS ID CARD, THEN LATER CHARGE HIM FOR HAVING NO ID CARD

A routine ID check by two police officers on 13 September 2023 quickly escalated, when they began beating and kicking the Romani man they had stopped. They confiscated his ID card, pinned him down, cuffed him and put him in their patrol car. During the ride to the Novi Beograd Police Station, he was repeatedly struck and slapped in the face by the officers. He was detained for 40 minutes, subjected to further physical abuse, and presented with a document to sign. His ID card was never returned.

A medical report from the Emergency Clinic of the University Clinical Centre of Serbia in Belgrade confirmed that he suffered contusions and superficial lesions on the left side of his head, as well as contusions in the eye area. The Vojvodina Roma Centre (VRC), in cooperation with the ERRC, filed a complaint with the Sector for Internal Control of the Ministry of Interior.

On 4 October 2023, he went to the police station to request the return of his ID card. The police officers at reception refused to check the whereabouts of his ID, told him to file a request for a new one, and reprimanded him for going weeks without identification. He obtained a new card about two weeks later.

However, on 10 October he was notified that a procedure had been initiated against him for failing to carry his ID card on 13 September. At the hearing before the Misdemeanour Court in Belgrade, Milan denied any wrongdoing and provided a detailed account of his ordeal. The ERRC's Legal Consultant, Andrea Čolak, was present at the hearing and described how the judge was baffled, finding it hard to grasp the fact that the police officers' aggression was random, unprovoked, and utterly unjustified:

"Unfortunately for many Roma, unwarranted police harassment and brutality are common experiences. As in Milan's case, there was nothing in his actions that necessitated the police officers carry out an identity check, use hostile language, physically constrain, and finally beat Milan. Nothing apart from his ethnicity and marginalisation that made him an easy target for a brutal demonstration of police power. Too often such violence remains ignored and unpunished, and as a result – normalised."¹⁶⁸

168 Judit Ignác, 'Romani man abused by Belgrade Police faces charges for failure to carry Identification after officers confiscated his ID', *ERRC News*, 19 December 2023. Available [here](#).

CONCLUSIONS AND RECOMMENDATIONS

As stated earlier in the chapter, the problem goes deeper than discrete incidents of police officers behaving violently towards Roma. Antigypsyism impacts on every aspect of Romani lives, and when it comes to the criminal justice system Romani people are overrepresented due to a combination of factors which include persistent racial profiling and over-policing of Romani communities, social marginalisation and higher rates of poverty, lack of eligibility for alternatives to sentencing, and a presumption of guilt rooted in wider racist narratives around so-called 'Gypsy crime'. Accounts of police abuse, harassment, and violence were recurrent amongst the Romani interviewees encountered by ERRC researchers, and the interviewees unsurprisingly expressed deep distrust in a system that, they felt, reflected the anti-Roma biases and racism prevalent in the wider Serbian society.

As for policing in general, racist violence is one symptom of a wider malaise, a direct institutional legacy of paramilitarised and ultra-violent policing in times of war and

conflict, and a consequence of the current predicament, where the lines between organised crime and the state have once again become blurred and, amid a cascade of scandals, opponents speak of a culture of violence promoted by the regime and its media outlets. The police force's sense of impunity combined with a long-practiced predilection for excessive violence has prompted the Council of Europe to call for resolute action by the authorities to address the serious problem of ill-treatment by the Serbian police, where physical violence is routinely accompanied by racial abuse.

It is clear that the issue of police violence against Roma cannot be resolved in isolation from the wider crises of anti-Roma racism, democratic backsliding, and electoral authoritarianism. However, the following recommendations, drawn from UN and Council of Europe reports, mark a very necessary and long-overdue starting-point to achieve any semblance of accountable policing of Roma and other minorities in Serbia.

- **STRENGTHENING OVERSIGHT**

Take measures to strengthen the independence and operational autonomy of the Protector of Citizens, and its staff responsible for facilitating the work of the national preventive mechanism particularly with regard to conducting independent, regular and unannounced visits to all places of deprivation of liberty. This mechanism should report publicly and promptly on its findings to alert the authorities to adverse detention conditions or conduct amounting to torture or ill-treatment.

- **LEGAL SAFEGUARDS**

Ensure that all fundamental legal safeguards against torture are guaranteed in practice for all detained persons from the outset of their deprivation of liberty, in accordance with international standards. This included the right of detainees: to be promptly informed both orally and in writing, of their rights; to be given the reasons for their arrest and the charges against them; to sign a paper confirming that they have understood the information provided to them; and to notify family members, or any other person of their choice, that they have been taken into custody. Their detention should be systematically recorded in a central register of persons deprived of their liberty, which their lawyers and family members can access.

- **ACCESS TO LEGAL AND MEDICAL ASSISTANCE**

Detainees must have access to a competent and independent lawyer through free legal aid; must receive a medical examination, conducted out of sight of police and prison staff by an independent medical doctor. Their medical record must be made immediately available to a prosecutor whenever allegations may indicate torture or ill-treatment. Furthermore, health-care professionals must not be exposed to any form of undue pressure or reprisals when fulfilling their duty.

- **IMPUNITY**

Ensure that all complaints of torture and ill-treatment are promptly investigated in an impartial manner by an independent body, and that there is no institutional or hierarchical relationship between that body's investigators and the suspected perpetrators of such acts; and that suspected perpetrators are suspended from duty immediately and for the duration of the investigation, particularly when there is a risk that they might otherwise be in a position to repeat the alleged act, commit reprisals against the alleged victim or obstruct the investigation.

- **REMEDY**

Take all the necessary measures to enable victims of police torture and ill-treatment obtain full and effective redress, including means of rehabilitation and care specifically tailored to their needs. Ensure that such crimes are punishable with appropriate penalties that are commensurate with the gravity of their nature, so that the penalties might serve as a deterrent. Compile comprehensive, detailed, and publicly available information to UN and Council of Europe bodies on redress and on compensation measures, including means of rehabilitation, ordered by the courts and actually provided to victims of torture or ill-treatment.

END
POLICE
BRUTALITY

OVERALL CONCLUSIONS

The sheer volume of complaints, court cases, and testimonies of police misconduct collected by the ERRC over recent years lends further credence to the conclusions from this report and its predecessor, *Brutal and Bigoted*, in total covering seven EU Member States and two Accession countries, that, right across Europe, anti-Roma racism and discrimination is systemic within many law enforcement agencies, where a culture of impunity emboldens police officers to give full reign to their racist prejudices and engage in arbitrary and sometimes lethal violence against Roma.

In its 2022 resolution on racial justice in the EU, the European Parliament directly drew on the ERRC's reporting when it highlighted several cases of racism, structural discrimination, harassment, violence, and ethnic profiling by police officers, judges, and lawyers in criminal justice systems; noted that "*structural biases against racialised groups can be found in the justice systems of most Member States*"; and declared that police violence and disproportionate use of force by law enforcement should never be tolerated. The motion stressed that accountability and independent oversight is essential to address institutional racism in law enforcement and called on Member States

*"To ensure that people have access to independent and well-functioning police complaints mechanisms capable of launching investigations into cases of police violence, misconduct and abuse and to safeguard the rights of people to document these cases."*¹⁶⁹

The conclusions to the 2023 PACE committee report and resolution on police racism against Roma further vindicated the ERRC's assertion that police

violence and subsequent impunity, demonstrates not just the extent to which anti-Roma racism is endemic and systemic within the ranks of officers paid to 'protect and serve', but reflects just how deeply embedded is antigypsyism in the institutions of the wider state and society.¹⁷⁰

The PACE report stated that, all too often, the authorities use the prevalence of antigypsyism amongst the general population as an excuse for taking no action to remedy violations against Roma and Travellers' rights, which "*perpetuates the marginalisation of these groups and fuels the vicious cycle of tense relations with law enforcement authorities.*" The failure to provide long-term solutions to these problems also increases tensions and sources of conflict within society, and "*inertia, indifference, inaction, neglect, resistance or outright hostility, whether amongst the general public or within authorities themselves, are all expressions of antigypsyism*", and that combating antigypsyism must form an integral part of all strategies to overcome discrimination against Roma and Travellers, "*including where it is committed by members of law enforcement authorities.*"¹⁷¹

This climate of brutality and injustice is further aggravated by the authorities' failures to provide remedy for human rights violations. As PACE noted, case law of the European Court of Human Rights in this regard confirms that all too often, "*when acts likely to constitute such offences are committed against Roma or Travellers, no effective investigation is carried out to elucidate the facts, leaving the victims without recourse or remedy, which is also a violation of their rights.*"¹⁷²

Where a culture of impunity emboldens police officers to give full reign to their racist prejudices and engage in arbitrary and sometimes lethal violence against Roma.

169 European Parliament, *European Parliament resolution of 10 November 2022 on racial justice, non-discrimination and anti-racism in the EU*. 10 November 2022. Available [here](#).

170 ERRC, *Brutal and Bigoted: Policing Roma in the EU*, April 2022. Available [here](#).

171 Parliamentary Assembly of the Council of Europe, *Institutional racism of law-enforcement authorities against Roma and Travellers, Draft Resolution and Explanatory Memorandum*, Prepared by Mr. Jean-Pierre Grin, rapporteur. Committee on Equality and Non-Discrimination, 10 November 2023. Available [here](#).

172 *Ibid.*

OVERALL CONCLUSIONS

What is remarkable, in both the three countries covered in this report as well as the six states reviewed in the previous one, is the consistency with which recommendations have been wilfully ignored by the authorities, and the stubborn fact that, for the most part, when it comes to racism and police brutality against Roma the official institutional response remains one of outright denial and stonewalling across Europe. The country sections in the report include recommendations specific to the jurisdiction, drawn from those formulated by either UN committees, Council of Europe bodies, or human rights organisations and legal experts. In many cases the recommendations have remained unchanged over more than two decades, as ‘urgent concerns’ have remained unaddressed.

In Greece, police violence against Roma is just one manifestation of a wider crisis of the criminal justice system, a crisis that allows for recurring abuses of human rights, a lack of accountability, and a culture of impunity. According to the US Department of State, 2023 came with credible reports of cruel, inhuman, or degrading treatment targeting migrants, ethnic minority groups, and LGBTQ+ persons.

Similarly, in the ‘partly free’ parliamentary republic of North Macedonia, police violence against Roma is part of a wider phenomenon of racialised injustice, where the evidence confirmed that at every stage of criminal proceedings, from arrest until sentencing, Romani defendants are faced with discriminatory attitudes and biases which leads to skewed decisions and unjust outcomes. Prospects for reform have to be

set against the wider political context in a state where unstable government coalitions and early elections are common, polarisation is rife, and the struggle against corruption and clientelism remains ongoing. Likewise in Serbia, it is clear that the issue of police violence against Roma cannot be resolved in isolation from the wider crises of anti-Roma racism, democratic backsliding, and authoritarianism characterised by “a pattern of intimidation by police, private security groups, and paramilitary organizations against demonstrations disfavoured by the authorities; pervasive harassment and intimidation of opposition parties at every level.”¹⁷³

Despite the different political contexts in each of these three Balkan neighbours – not least the fact that one is an EU Member State and two are not – when it comes to policing, Romani communities face a common set of challenges to their safety, and ECRI’s 2023 recommendation for the North Macedonian authorities could be copy-pasted and applied to Serbia and Greece:

“ECRI recommends that the authorities intensify their efforts to prevent and combat antigypsyism in policing. In so doing, the authorities should take determined action to encourage Roma victims and witnesses of police abuse to come forward, provide them with appropriate support and ensure better police accountability, notably by developing effective internal and external police oversight mechanisms, increase police training on issues affecting Roma populations, promote Roma recruitment to police services and ensure that Roma police officers enjoy equal opportunities for career development.”¹⁷⁴



This report and its companion, *Brutal and Bigoted*, aim to break the silence over racist policing against Roma, and the recommendations that follow – drawn from over two decades of reporting by international human rights bodies – constitute a demand that state authorities abide by their declared commitments to the principles of justice and equal protection before the law:

- Governments must ensure that confessions obtained under torture or ill-treatment are ruled inadmissible and investigated, and all complaints of torture and ill-treatment are promptly investigated and the victims are adequately compensated. Authorities must ensure that all victims of police torture and ill-treatment obtain redress, including an enforceable right to fair and adequate compensation and the means for as full a rehabilitation as possible.
- The authorities must ensure all who are arrested or detained are afforded the rights to be assisted by a lawyer without delay; to be informed of their rights, the reason for their arrest and the charges against them; to be brought before a judge without delay and to request and receive an independent medical examination. Police officers should not be present during medical examinations of detained persons, save at the request of the medical doctor.
- Complaints should be handled by independent mechanisms, with sufficient powers and resources to investigate allegations comprehensively and effectively, and to sanction offenders. Such mechanisms must be easily accessible and affordable for all complainants, and they should not have prohibitively high

173 Freedom House, *Freedom in the World 2023: Serbia*. Available [here](#).

174 ECRI, *Report on North Macedonia (6th Monitoring Cycle)*, 20 September 2023. Available [here](#).

evidentiary thresholds for initiating investigations. Sanctions against offenders must be proportionate, designed and publicised to serve as a deterrent against future racially-motivated assaults.

- In cases of alleged torture or ill-treatment, victims who register complaints must be protected from intimidation and reprisal actions by police officers; suspected perpetrators should be suspended from duty immediately for the duration of the investigation, particularly when there is a risk that they might otherwise be in a position to repeat the alleged act, retaliate against the victim or obstruct the investigation.
- With regards to ethnic profiling, governments should heed ECRI's General Policy Recommendation No. 11 on combating racism and racial discrimination in policing, that *racial profiling constitutes a specific form of racial discrimination and must be expressly prohibited by law*. To prevent it, ECRI recommended that states carry out research on racial profiling and monitor police activities in order to identify racial profiling practices, including by collecting data disaggregated by national or ethnic origin, language, religion and nationality in respect of relevant police activities.¹⁷⁵ Information on the ethnicity of those involved in the criminal justice system must be collected in accordance with human rights principles and protected against abuse through data protection and privacy guarantees. Such information must not be abused to further stigmatise minorities, but rather used to identify and eliminate stereotyping or racial profiling by law enforcement officers. Data showing the discriminatory effect of criminal justice policies and practices should trigger remedial action.
- As for the long-favoured recommendation that more training of police can put things to right, there is a caveat: showering resources on dubious 'unconscious bias' training has nowhere been shown to be effective in eliminating institutional racism. Police officers should be schooled on their obligations under national and international law to discharge their responsibilities in a non-racist and human rights compliant fashion, to ensure these officers become fully aware of the consequences and penalties for failure to do so. It is necessary that training should be reinforced by the incorporation of international human rights standards into the working rules, regulations, and procedures of the entire criminal justice system.

A sudden, unprompted change of heart is unlikely among the power elites in states with significant Romani populations which have, for two decades and more, ignored the concerns and recommendations of international bodies and human rights organisations, and remained unmoved by the plight of victims of racist policing. Racist habits die hard, and such habits are undergirded by institutional discrimination, defined by Ambalavaner Sivanandan as that which *"covertly or overtly, resides in the policies, procedures, operations and culture of public or private institutions – reinforcing individual prejudices and being reinforced by them in turn."*¹⁷⁶ Injustice must be rooted out by strong, persistent, and determined action, and the struggle against racist policing promises to be a long haul. At the ERRC, we are in it for that long haul, and can reiterate just one thing to persistent offenders – we will continue to exhaust all legal remedies at our disposal to hold to account governments, law enforcement agencies, and police officers who commit racist crimes or acts of discrimination against Roma; and we do insist that in time, justice *will* prevail.

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175 ECRI General Policy Recommendation N° 11 on Combating Racism and Racial Discrimination in Policing. Adopted 29 June 2007. Available [here](#).

176 Gary Younge, Ambalavaner Sivanandan obituary, *The Guardian*, 7 February 2018. Available [here](#).



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