

REDRESS

Ending Torture. Seeking Justice for Survivors

87 Vauxhall Walk, London SE11 5HJ, United Kingdom
Tel: + 44 (0) 20 7793 1777 Fax: + 44 (0) 20 7793 1719
Email: info@redress.org Web: www.redress.org

EUROPEAN COURT OF HUMAN RIGHTS FINDS IN FAVOUR OF UK/TURKISH DUAL NATIONAL TORTURED IN GREECE

[17 January 2012] Today the European Court of Human Rights found that Greek coastguard officials tortured Necati Zontul when he was raped in detention at the port of Chania, Crete, in 2001 and ordered Greece to pay 50,000 euro in compensation.

The judgment in *Necati Zontul v. Greece* confirmed that Greece breached Article 3 of the Convention (prohibition of torture) on account of the actions of the coastguard officials as well as the failures of the Greek authorities in the internal investigations and the criminal proceedings against the officials.

The Court considered that the rape of a detainee by an official of the State was an especially grave and abhorrent form of ill-treatment, amounting to torture in this case.

Mr Zontul was in a boat travelling to Italy when it was intercepted by the Greek Coastguard and towed to Hania Harbour in Crete. Once there, the migrant detainees were kept in poor conditions of detention, with severe overcrowding and limited access to basic amenities. A coastguard trapped the Applicant in the toilets and forced him to remove his clothes. He then raped him with a truncheon.

The Greek authorities were heavily criticised for their internal investigation of the incident, where they falsified the Applicant's evidence, recording the rape as a "slap" and "use of psychological violence". The Court also found that the criminal penalty imposed on the perpetrator of the rape, a suspended sentence commuted to a small fine, was insufficient. The perpetrator was not charged with torture and the Court took the view that the Greek criminal justice system had not had a deterrent effect to prevent the torture of Mr Zontul nor had it provided him with adequate redress.

The Court also found that the Greek authorities had failed in their duty to keep the Applicant informed of the proceedings to the extent that he was unable to exercise his rights as a civil party and claim damages.

Carla Ferstman, director of REDRESS, who brought the application on behalf of Mr Zontul, said: **"The Court recognised that rape can be a particularly cruel form of torture, and that**

Greece didn't adequately punish the perpetrators or afford redress to Mr Zontul. We hope this judgment will lead to changes in the way that Greece handles such cases in future."

REDRESS was assisted with the final pleadings by Tim Otty Q.C. and Simon Pritchard of Blackstone Chambers.

For further information: Contact Jehangir Jilani (jehangir@redress.org) or Eva Sanchis (eva@redress.org) at +44 (0) 20 7793 1777. You can also visit our web: www.redress.org

Note: REDRESS was founded by a British torture survivor in 1992. Since then, it has consistently fought for the rights of torture survivors and their families in the UK and abroad. It takes legal challenges on behalf of survivors, works to ensure that torturers are punished and that survivors and their families obtain remedies for their suffering. REDRESS has brought cases in a number of international and regional jurisdictions.