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The Fight against Torture after the Greek Military Coup in 1967

Amnesty International as diplomat behind the scenes

In the aftermath of the military coup in Greece in 1967, several human rights were trampled upon. Subsequently, the human rights NGO Amnesty International started monitoring this human rights crisis. This article illustrates the interaction between Amnesty as a civil society actor and several governmental actors, including the Greek authorities, revealing the former's diplomatic skills to improve the human rights situation. It shows how Amnesty managed to negotiate with a human rights-violating government, behind the scenes but also more on the forefront as an official witness in a judicial procedure, exercising what could be termed moral power.

Introduction

In April 1967 the Greek military exercised a coup under the leadership of Colonel George Papadopoulos, creating an authoritarian no-party system in Greece. Following Royal Decree No. 280, announced on the radio, basic constitutional rights were suspended.¹ Martial law was imposed, and the media were submitted to a poignant censorship. As several human rights were trampled on and thousands of political prisoners, many suspected communists or other left-wing or opposition people, were incarcerated, the human rights non-governmental organisation (NGO) Amnesty International started monitoring this human rights crisis. Founded in 1961 as an organisation that advocated for the rights enshrined in Articles 18 and 19 of the Universal Declaration of Human Rights (UDHR) of 1948, respectively the right to freedom of thought, conscience and religion, and

the right to freedom of opinion and expression, it mainly focused on the rights of political prisoners.

This article illustrates how Amnesty tried to map the human rights situation in Greece following the coup, turning its attention beyond Articles 18 and 19 UDHR, to another human rights violation: torture. It shows how Amnesty as a diplomat subsequently tried to influence governmental actors for the sake of implementing human rights. The interaction behind the scenes between Amnesty as a civil society actor on the one hand and the Greek authorities and member states of the Council of Europe as governmental actors on the other hand, reveals Amnesty's moral power and how it managed to influence judicial procedures before the European Commission of Human Rights against Greece, even leading to the latter's withdrawal from the Council of Europe.

Military Coup in Greece (21 April 1967): Amnesty International takes up the case

A few days after the political take-over of 21 April 1967, Eric Baker, co-founder of Amnesty, wrote to the new Greek Prime Minister Constantine Kollias, to ask him to allow an impartial investigation into the treatment of detainees, either conducted by Amnesty or by the International Committee of the Red Cross (ICRC), as well as to express Amnesty's concern about continuing arrests, asking him that "those against whom there may be legal charges should be brought to trial immediately before civilian courts with full opportunity to defend themselves."² Around the same time, Thomas Hammarberg, a Swedish member of Amnesty's International Executive Committee, visited Athens, where he explained Amnesty's goals in person to Minister of Public Order Pavlos Totomis. The latter assured him that at some stage Amnesty would be allowed to send a delegate to the island of Yioura, where many prisoners were kept.³ However, right after his arrival, Hammarberg was struck by the climate of widespread fear in Greece's society, which made him realise that it would be a risky endeavour for any witness to testify for a foreign human rights NGO.⁴ Other Amnesty efforts concerned more practical matters, such as organising funding to send relief and observers to the country, as it was important to discern facts from fiction.

Amnesty would also call upon members of the Council of Europe in Strasbourg, whose Consultative Assembly heavily debated the situation a few days after the coup. The NGO considered it a forum par excellence to demand

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a firm action against Greece. Therefore, Eric Baker contacted George Brown, Secretary of State for Foreign Affairs, to encourage the British government to refer this situation to the European Commission of Human Rights, thereby emphasising that Amnesty was only concerned with the human rights aspects of the case and not with the political aspects.⁵ These human rights concerns were the suppression of free speech due to the closing of several newspapers and a ban on public meetings, and the position of prisoners held for their political beliefs, often without a trial being in sight.⁶ As Greece had not yet accepted the right of individual petition, states needed to refer the case to the European Commission of Human Rights under then Article 24 of the European Convention on Human Rights (ECHR), which gave them the right to petition the Commission without requiring an own special interest in the enforcement of the right in question.⁷

In his reply, however, Brown thanked Amnesty for sharing its views with him, but although he agreed about the importance of maintaining the authority of the ECHR, he was not convinced that it would be helpful to refer the case to the Commission.⁸ Regarding Greece, Brown had a particular view. Only a few days after the coup, he had addressed the Cabinet meeting, informing them that the new regime was firmly in control and likely to remain so. According to him, the criterion which the British government applied in its decision whether or not to recognise a new government, was satisfied.⁹ Furthermore, although British Prime Minister Harold Wilson had suggested to Brown to strengthen the opposition to the Greek colonels, Brown was convinced that any such interference would further isolate the colonels, which would lead to them sharpening their stance. He favoured cautious and measured cooperation with the colonels.¹⁰ It seemed that Amnesty could not expect much help from this corner.

Amnesty also had contacts with officials of the Council of Europe, as Peter Leuprecht, Secretary of its Legal Commission, had phoned to ask informally whether Amnesty would be prepared to provide information to a rapporteur appointed to examine human rights violations in Greece.¹¹ Amnesty was certainly willing to help with information on political prisoners and prison conditions, but to provide information, it first needed to collect it.

“Big Brother is watching you”: Amnesty’s fact-finding missions to Greece

Already in June 1967 it became clear that Amnesty wanted to send Gustavo Comba of the Italian section as observer to Greece to do some preliminary field work. The NGO was aware however that police activities had increased since the coup and that telephone conversations could be tapped, that its mail could be opened and that in general, all its activities would probably be closely watched. Moreover, it realized that it could put local people in danger. Nevertheless, Comba needed to remind the Greek authorities of their suggestion earlier that it would be acceptable for an Amnesty representative to visit the Yioura prison. He was also assigned to get a grip on the number of detained POCs and to investigate their living and health conditions and if they had been mistreated or tortured. Finally, he also needed to collect details about their trials and check whether it would be possible to send a lawyer to assist the prisoners.¹²

After his visit, he reported to Amnesty’s headquarters and cut straight to the point by writing that he had found almost all doors closed. He suspected that the Greek government feared that Amnesty was not an objective witness.¹³ Amnesty’s efforts seemed to be in a deadlock, which Eric Baker tried to unlock by starting correspondence with the Greek ambassador in London, Verykios. This was the result of Comba entrusting his difficulties in attempting to visit prisons with Greek Minister of Foreign Affairs Pavlos Oikonomou-Gouras. On the latter’s advice, Baker asked the ambassador to discuss the matter.¹⁴ They met on 17 November. Baker described the general attitude of the ambassador as “to defend where he could, and to plead ignorance where he could not”.¹⁵ According to the ambassador, the situation in Greece was not that bad. He was sure that the political prisoners were allowed medical treatment, adding that “(a)fter all, he said, raising his right hand as though flourishing a whip, ‘we are not a Herrenvolk’”.¹⁶ Baker did not agree as he was outraged at allegations of the use of the *bastinado*, a torture method consisting of hitting the bare soles of a person’s feet, and other forms of torture which the Nazis had also used. The meeting ended up in a heated debate about the use of torture on prisoners. Baker pleaded for an independent enquiry, just as the British had allowed after being accused by Amnesty of torturing prisoners in Aden. It seemed that by mentioning this precedent, Baker hoped to put the Greek authorities under pressure. The ambassador nevertheless defended his authorities by claiming that detaining

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people was the only way to defend the country. He said that his country was not an inhuman nation or, if it was, it was a result of “political necessity”.¹⁷ At this point, Amnesty was already aware of possible torture of Greek political prisoners, which it could not ignore and which it needed to verify on the spot. Sending an investigative mission would be a good way of doing exactly that.

Anthony Marreco, a member of Amnesty and the English Bar, stressed the importance of setting up an Amnesty office in Athens “and to install in it some forceful figure capable of establishing, with tact, a “Big Brother is watching you, so mind your step” attitude towards the new Government”.¹⁸ However, Comba’s report had shown that the prevailing climate of fear would be a big obstacle for any long-term investigation. Nevertheless, when Prime Minister Papodopoulos announced a “Christmas amnesty” for political prisoners at the end of December 1967, the situation looked suddenly promising. However, this optimism decreased the next day when secretary-general of the Ministry of Public Order Colonel Ioannis Ladas announced that the amnesty would only apply to 300 people. Eventually, even only 86 people were released. At that time, Stephanie Grant, Amnesty’s first Head of Research, believed that the fact that the Prime Minister’s announcement about such an important issue could be overruled by one of his subordinates, was an obvious indication of internal disunity within the Greek government. It could also have been a sign that even the most dictatorial regimes could be sensitive to external pressure.¹⁹ To check whether and how the amnesty law was being applied to political prisoners, Amnesty sent Marreco, as well as American lawyer James Becket, as observers to Greece on 30 December. Becket would meet lawyers of prisoners, as well as their family members and friends. Marreco was in charge of undertaking discussions with the Greek authorities and appropriate embassies. Furthermore, they had asked for several facilities, such as permission to attend as observers and report upon the hearings of the Judicial Committees that were to review the cases of political prisoners, and permission to accompany the ICRC representative to the prisons of Leros and Yaros.²⁰ As turned out, however, none of these facilities were granted.

The Amnesty delegation still conducted research for four weeks, reporting the particulars of about 800 prisoners detained on the islands of Leros and Yaros. However, they also warned that no office openly established in Athens could hope to collect accurate information on the human rights situation in Greece, as there was a serious risk of police interference with Greeks who contacted an Amnesty representative. A lot of Greeks would be discouraged to testify to Amnesty. Nevertheless, after the mission Marreco found a suitable

man for the job, which basically came down to “nosing about in provincial towns”, namely British national Dennis Geoghegan. He would stay in Athens for about nine weeks and conduct further research.²¹ Furthermore, Becket and Marreco were assigned to investigate reports about police brutality. They interviewed 16 individuals recently released from prison who had been tortured by the secret police and collected information about 32 people still in prison who appeared to have had a similar treatment.²² Immediately after their mission, they travelled to Strasbourg, where they personally informed government delegates about the situation in Greece based on their own evidence.

The Amnesty report as leverage

Like many governments previously, the Greek government questioned the accuracy of Amnesty’s report and rejected the allegations as “lies” and “Communist propaganda”, even claiming that the witnesses were “mentally deranged”.²³ In a telegram, Amnesty’s man in Washington and first director of its American section (AIUSA), Paul Lyons, warned that the Greek government had set up a public relations operation with a 143,000 dollar budget in the US to discredit the report. As a result, the press wanted Amnesty to substantiate the report.²⁴ However, the fact that some details were missing in the report, could easily be explained by Amnesty’s desire not to reveal too much details on the victims, to protect them from possible reprisals. Marreco answered the questions and was rather cynical in stating that the report undoubtedly worried the Greek government, “although the evidence is that they are concerned so far only with the effect which allegations of torture may have on their tourist industry.”²⁵

Nevertheless, after meeting with Greek Permanent Representative Vitsaksis in Strasbourg, whom he had already met in Athens and who had had several telephone conversations with Greek officials before his arrival in Strasbourg, Marreco had the impression that the Greek government was seriously considering to make use of Amnesty’s “good offices”. Vitsaksis had even advised him to return to Athens. However, Marreco preferred to have a written invitation, so on 2 February 1968 he wrote to the Greek Ministry of Foreign Affairs and was now waiting for a reply within a suitable period of one month, before taking further action.²⁶ In the letter, Marreco reminded the authorities of Amnesty’s demands, amongst others to provide the necessary facilities to examine the situation in the prisons of Leros and Yaros.²⁷ If

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Greece would allow the facilities, Amnesty could verify whether the situation had improved, which it could then happily report to the Council of Europe. Marreco further strongly advised the authorities to issue an immediate order to prohibit the infliction of physical pain during interrogation, allowing to bring torturers who went against the order to justice. According to him, such an order “would go a long way to allay the fears which exist today in all civilised countries that the worst features of a Police State are being allowed to develop in Greece.”²⁸ However, no reply was yet received, and the fact that the Greek ambassador in London had since refused to meet Marreco was not promising.

Amnesty needed to formulate an answer to this uncooperative attitude of the Greek authorities. Therefore, it used its evidence as leverage in its negotiations, presenting what was basically an ultimatum. This kind of diplomatic action reveals a pattern in its work when it comes to negotiating with governments to stop human rights abuses and can be seen as a form of power.²⁹ However, the ultimatum could still be met in case the authorities accepted Amnesty’s recommendations – or rather “demands”, which included the demands to bring all prisoners held without trial on Leros and Yaros before properly constituted courts of law, to issue a Ministerial Order forbidding the use of torture in the interrogation of persons suspected of organising opposition to the regime, and to allow inspection by a body which would report to the Council of Europe.³⁰ To prevent Greece from being expelled from the Council of Europe, Amnesty seemed to see a role for itself, as it wanted the Council of Europe to persuade the Greek government to make use of Amnesty’s good offices to satisfy European opinion that violations of the ECHR had ceased.

Complaint before the European Commission of Human Rights

In the meantime, in September 1967, history had showed that it was not the British but the Swedish government that had decided to refer the question of Greece to the European Commission of Human Rights, in conjunction with Norway and Denmark, followed a week later by the Dutch government. National Amnesty sections had actively lobbied for this.³¹ Still, when this Commission later ruled that the case was admissible, Amnesty did not claim this as its own success but did acknowledge that perhaps its representatives had played some part in it.³² In their initial complaint, the complainants accused Greece of having committed several human rights violations,

amongst other things via the imposition of martial law, the prohibition of political parties, press censorship and the violation of freedom of assembly. They filed the complaint on moral grounds and not to cast doubts over the credibility of the European human rights system.³³ No mention was yet made of accusations of torture.

When the case was considered admissible in January 1968, Amnesty hoped to play a role in the proceedings. If the Commission would accept its evidence on torture, this would change the situation for Greece, since no derogation of the torture prohibition is allowed. The NGO appealed to its national sections to approach their respective Ministries of Foreign Affairs and to propose them to call Amnesty to give evidence before the Sub-Commission of the European Commission of Human Rights and, regarding its consultative status, to give further evidence. Meanwhile, the applicants had until the end of March to submit their memoranda on the merits of the case. Although Amnesty had set an ultimatum as of 2 February (*supra*), stating it would not act until one month had passed since the letter was sent to the Greek authorities, it needed to prepare in time to influence the memoranda.³⁴ It needed to come up with a strategy in case no reply would come. This plan seemed to focus on the case before the European Commission of Human Rights. Marreco zealously suggested that Amnesty's immediate object needed to be "to get into the act" and make sure that it would be called as a witness. It struck him that the applicants in their submissions had not included an infringement of the torture prohibition in Article 3 ECHR. In September 1967, the Permanent Representative of Greece had written to the Secretary-General of the Council of Europe that nobody in Greece had been subjected to torture. Now it was up to Amnesty to make sure that the applicant governments extended their complaints to include Article 3 ECHR and to convince them that Amnesty could actually substantiate the torture allegations and prove that the Greek representative was lying.³⁵ Once torture could be proven, Greece would be convicted anyway, as the torture prohibition allows no derogation, even in times of public emergency.

Return to Greece and publication of the report

Surprisingly, about two months after his return from Greece, Marreco was invited to return to Athens to meet Minister of the Interior Stylianos Pattakos. Now he was given every facility to inspect any prison he wanted and to talk to any prisoner he wished. According to Amnesty, this was the result of

“influential representations which had been made to the Greek government, that they should pay serious attention to the Amnesty International Report and take steps to satisfy world opinion as to the allegations of torture”.³⁶ As there was at least *prima facie* evidence of torture for 10 named persons, Marreco suggested to Pattakos that the Greek government should immediately implement at least one of the two following proposals: (1) to order a public inquiry into the torture allegations or (2) to institute criminal proceedings against certain officials named, “if only to clear their reputation”. His reply, however, was covered in complete denial and referred to the allegations as “communist propaganda”, causing at moments a heated argument. Pattakos added that there were no grounds for further investigation. Marreco replied that unless the allegations were disproved, “Greece must inevitably face expulsion from the Council of Europe.” Pattakos was told to have literally said: “Then let them throw us out.”³⁷

Despite the denial of the Greek authorities and due to their uncooperative attitude, Amnesty published the report and organised a press conference in early April 1968.³⁸ On the same day, the Greek Embassy press attaché also held a press conference to repudiate the torture allegations by releasing the most recent ICRC report on Greece, which did not conclude that torture was used. Interestingly, Amnesty was referred to as the “*éminence rouge*” behind all recent press torture reports, an expression which usually refers to the red shade of French Cardinal Richelieu’s (1585-1642) clerical dress. He was considered to possess the real political power as Prime Minister, and not the King. So, in fact, this was an interesting way of describing Amnesty’s influence, even though it was meant as a reproach. In addition, this may have been a subtle way of accusing Amnesty of some communist influence. There was also an interesting interplay between the organisers of the press conference and the attending press. The main issue was the latter’s emphasis on the fact that none of the prisons which the ICRC had visited were prisons where torture was said to take place.³⁹ The Greek press attaché replied that he only considered the ICRC as competent to carry out investigations. This in turn led a journalist to suggest that the permission to Marreco implied recognition of Amnesty. The press attaché replied that it was an invitation for Marreco personally. The press appeared however not convinced with this reply. Moreover, when asked by a journalist whether Greece would be willing to authorize the European Commission of Human Rights to conduct an investigation, Roussen replied that he thought not.⁴⁰

Amnesty also “clashed” with the British political world, even the Labour part of it, which was usually Amnesty-minded. A letter of Francis Noel-Baker to Eric Baker brought to light that both men were “on the opposite sides of the argument about Greece”.⁴¹ From Noel-Baker’s speech during the debate on 11 April 1968 in the House of Commons, of which he was a member, it appeared that it was he who had persuaded the Greek Minister of Interior to invite Marreco back in Athens and to provide him the opportunity to visit any prison he wished to see.⁴² Interestingly, this was only then publicly revealed. He was very negative about Amnesty’s research in Greece, as the following quote of his speech shows:

But any organisation seeking to defend human rights and report on them has a duty to conduct its inquiries in a responsible and objective way and to check facts beyond all doubt before they are published. I very much regret to have to tell the House that, in my opinion, the latest Amnesty report and Amnesty’s methods of investigation in Greece do not satisfy these requirements.⁴³

These were rather remarkable words coming from a man who had been a key participant in the founding of Amnesty. Noel-Baker had even been present at two meetings between Marreco and Pattakos and had also accompanied Marreco to the police headquarters in Athens. He referred to Marreco’s strong opinions to claim that this made “it extremely difficult for him to make an objective assessment of the subject.”⁴⁴ However, Noel-Baker himself did not seem particularly objective in the matter. He owned an estate in Greece, which had been in the family since 1832, and was very anti-communist. So, when there was communist activity in Greece, he was concerned. This also explains why he praised “the honest colonels”, stating that their regime was “the best for years”.⁴⁵ Considering his anti-communist sentiments, it is not surprising that he did not want to believe Amnesty’s claims of torture. Nevertheless, within the Council of Europe, many government representatives did strongly believe in Amnesty’s research.

Further developments in the Council of Europe: Amnesty testifies in Strasbourg

Due to the circulation in the Council of Europe of Amnesty’s report, the torture accusations were now widely made public. This made the governments of Denmark, Norway and Sweden extend their initial interstate complaint

against Greece to include torture, explicitly referring to Amnesty's reports. Without exaggerating, it can be stated that Amnesty's report was a catalyst in this.⁴⁶ The Sub-Commission of the European Commission of Human Rights was set up to ascertain the facts of the case and administer evidence. It held several sessions in 1968 and 1969, hearing a lot of witnesses. Marreco's wish to testify at the hearings would be fulfilled, when Jens Evensen, the Norwegian lawyer appointed to represent the Scandinavian countries, asked whether he would in principle be willing to appear as a witness called by the Scandinavian countries. Evensen asked the same to Becket and Geoghegan.⁴⁷ After the hearings on the merits of the case had started in September 1968, Marreco, Becket and Geoghegan effectively gave evidence to the Sub-Commission.⁴⁸ Interestingly, the Amnesty witnesses were the only ones identified according to their NGO affiliation.

Subsequently, by May 1969, the Committee of Ministers had adopted a resolution concerning the situation in Greece as a warning for Greece's suspension from the Council of Europe.⁴⁹ However, even before a voting could take place, Greece withdrew itself spontaneously. The Council did not need to apply article 8 of its Statute, which contained the provisions related to the suspension of a member state. As a consequence, Greece was banned *de facto*.⁵⁰ Not only did it ostentatiously withdraw itself from the Council, it also announced that it did no longer feel obliged by the latter's Statute, nor by the ECHR (including its First Protocol), alluding to old Article 65 ECHR, which postulated, *inter alia*, that every member state leaving the Council automatically was no longer a state party to the ECHR. However, the same article stated that the denunciation of the ECHR would only be effective after six months' notice. Furthermore, according to Articles 7 and 8 of the Statute of the Council, Greece needed to stay a member for a while. Only in December 1970 would Greece's membership be withdrawn *de jure*.⁵¹ In sum, Greece would not be immediately released from its obligations under the ECHR and the Committee of Ministers could still endorse the future report of the European Commission of Human Rights on the situation in Greece and authorise its publication.⁵²

When in October 1969, the Sub-Commission adopted its report, it was immediately sent to the European Commission of Human Rights, which in its turn presented its report to the Council of Europe's Committee of Ministers in November 1969. It contained 1200 pages and described in detail which human rights the Greek authorities had violated.⁵³ The European Commission of Human Rights had decided that several articles of the ECHR and its First

Protocol had been violated, including Article 3. To come to this decision, Amnesty's evidence and testimonies had played a significant role. The report even dedicated 400 pages to the torture violations. A few months later, in April 1970, the Committee of Ministers passed a resolution to make the report of the Commission on the Greek case public.⁵⁴ Within the Council, there could be no doubt anymore about the fact that Greece trampled upon human rights, including the torture prohibition.

Conclusion

Amnesty's role in this Greek case cannot be downplayed, as it was Amnesty that delivered evidence of torture by the Greek authorities, which was responsible for the extension of the interstate complaint before the European Commission of Human Rights to include torture. Its first formal intervention in the procedures of this Commission was a success. However, this did not mean that systematic torture practices were banned from Greece. It equally did not mean that the colonels' regime would soon disappear. Only in 1974 Greece would turn into a democracy again. Nevertheless, this article has shown how a human rights NGO managed to negotiate with a human rights-violating government, behind the scenes but also more on the forefront as an official witness in a judicial procedure, exercising what could be termed moral power. It illustrates how Amnesty's reputation was already established, even though the organisation was still only a few years old, lacking financial and human resources. Gradually, however, Amnesty would turn ever more into a prominent advocate against torture.

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