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## U.S. Department of State

### Greece Country Report on Human Rights Practices for 1998

Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

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#### GREECE

Greece is a constitutional republic and multiparty parliamentary democracy in which citizens choose their representatives in free and fair elections. The Panhellenic Socialist Movement (pasok) holds a majority of parliamentary seats, and its leader, Constantine Simitis, has been Prime Minister since 1996. The New Democracy Party is the main opposition party. The judiciary is independent.

The national police and security services are responsible for internal security. Civilian authorities maintain effective control of all security forces, and police and security services are subject to a broad variety of restraints. Some members of the police and security forces nevertheless committed human rights abuses.

Greece has a market economy with a large public sector that accounts for some 40 percent of gross domestic product. Residents enjoy a relatively advanced standard of living. Greece is a large net recipient of funds from the European Union, designed primarily to raise per capita gross domestic product.

The Government respected the human rights of most citizens; however, problems remained in some areas, although there was notable progress in others. Security force personnel sometimes abused suspects and illegal aliens. The Government continued to take corrective action to relieve severe overcrowding and harsh living conditions in some prisons. Despite religious leadersâ acknowledgment of a general improvement in government tolerance, some restrictions on freedom of religion persisted; police continued to arrest members of non-Orthodox religions for proselytizing. However, the

Government created a program of alternative military service for conscientious objectors. It sometimes placed human rights monitors, non-Orthodox religious groups, and minority groups under surveillance. In a significant step, the Government formally abolished Article 19 of the Citizenship Code, which had been used to revoke the citizenship of Greeks who are not ethnically Greek. Although the Government has used Article 20 of the Citizenship Code to revoke the citizenship of some Greek citizens abroad who asserted a "Macedonian" ethnicity, no such cases were reported during the year. Discrimination against ethnic minorities continued to be a problem. The Government formally recognizes only the Muslim minority specified in the 1923 Treaty of Lausanne; it refuses to acknowledge formally the existence of any other ethnic groups, principally Slavophones, under the term "minority." As a result, some individuals who define themselves as members of a minority find it difficult to express their identity freely and to maintain their culture.

In September a government Ombudsman's office was opened. In December a National Committee for Human Rights was commissioned formally.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

#### **a. Political and Other Extrajudicial Killing**

There were no reports of political killings.

A Romani man was killed in Partheni in April when he refused to stop his car for inspection. Police claimed that they exchanged gunfire with the subject in self-defense. A trial of the policemen involved was pending at year's end.

In September a botched hostage rescue operation in Athens resulted in the death of the hostage victim. The hostage-taker subsequently died in a hospital under suspicious circumstances. The chief of police who was in charge of the operation resigned in December. In December a public prosecutor charged seven doctors with manslaughter based on the medical treatment that the prisoner received.

In November a policeman shot a foreign student accused of purse snatching at point blank range. The policeman was charged with first degree murder. A trial date had not yet been set by year's end.

In 1996 a Romani man was shot and killed by a police officer while lying face down on the pavement at a police roadblock in Livadia. The officer was charged with involuntary manslaughter, but there was no resolution of the case by year's end.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The Constitution specifically forbids torture, and a 1984 law makes the use of torture an offense punishable by a sentence of 3 years' to life imprisonment. This law has never been invoked. However, security force personnel sometimes abused suspects during arrests and interrogations and abused illegal aliens. Police also abused Roma (see Section 5).

In July two Albanian teenagers arrested for theft accused police officials of beating them while in custody. One revealed burns in addition to bruises. Albanian diplomats reported the condition of the teenagers to the Ministry of Foreign Affairs. In August an investigation by the Ministry of Public Order found the police innocent of any abuse.

In May two Romani teenagers claimed that they were beaten while in police custody for attempting to steal ice cream from a kiosk. A trial was pending at year's end.

In the 1996 case of five policemen who beat a man in Iraklion, four of the officers were suspended from duty for 15 days. Charges filed by the individual were still pending trial at year's end. The court dismissed the charges in a 1996 incident in Thessaloniki in which police were accused of beating a man charged with robbery.

Conditions in some prisons remained poor due to substantial overcrowding and outdated facilities. As of September 17, the Ministry of Justice reported that the total prison population was 7,129 (of whom approximately 3,221 were foreigners), while total capacity of the prison system was 4,332.

Throughout the summer, detainees at the Drapetsona police detention center staged hunger strikes to protest conditions described by a human rights organization as "lack of adequate exercise, lack of natural daylight, insufficient toilet and bath facilities, severely limited access to medical treatment and no access to social services." The detainees are all non-European Union citizens awaiting deportation.

In September the Minister of Justice dismissed the prison inspector for "insufficient performance" of his duties.

The Ministry of Justice contracted for renovation of existing prisons, solicited bids for construction of 9 new prisons, and announced the hiring of 1,300 prison guards (to replace police who currently guard prisons). Construction is proceeding on a new center for the rehabilitation of narcotics addicts; it is scheduled to open in early 1999. The center is designed to house 350 inmates and is to cooperate with the organization for combating narcotics (Okana) to provide detoxification and rehabilitation programs for inmates.

The Government is inconsistent in permitting prison visits by nongovernmental organizations (NGOs).

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution requires judicial warrants for all arrests, except during the actual commission of a crime, and the law prohibits arbitrary arrest orders. Police must, by law, bring persons who are arrested on the basis of a warrant or while committing a crime before an examining magistrate within 24 hours. The magistrate must issue a detention warrant or order the release of the detainee within 3 days, unless special circumstances require a 2-day extension of this time limit.

Defendants brought to court before the end of the day following the commission of a charged offense may be tried immediately, under a "speedy procedure." Although legal safeguards, including representation by counsel, apply in speedy procedure cases, the short period of time may inhibit the defendant's ability to present an adequate defense. Defendants may ask for a delay to provide time to prepare their defense, but the court is not obliged to grant it. The speedy procedure was used in less than 10 percent of misdemeanor cases. It does not apply to felonies.

The effective maximum duration of pretrial detention is 18 months for felonies and 9 months for

misdeemeanors. Defense lawyers complain that pretrial detention is overly long and overused by judges. A panel of judges may grant release pending trial, with or without bail. Pretrial detainees made up 28.5 percent of those incarcerated, contributing to overcrowding problems, according to Government sources. A person convicted of a misdemeanor and sentenced to 2 years or less may, at the court's discretion, pay a fine instead of being imprisoned.

Exile is unconstitutional, and no cases have been reported since the restoration of democracy in 1974. In a significant step, the Government repealed Article 19 of the Citizenship Code in June (with effect retroactively to January when the Government introduced the legislation). This article had permitted the Government to deprive Greek citizens of non-Greek ethnic origin who traveled outside Greece of their citizenship and refuse them readmittance. Human rights groups sought to make the repeal even more retroactive and have encouraged the Government to facilitate individuals' application to reacquire citizenship. Human rights monitors estimate that there are between 400 and 1,200 individuals who lost citizenship under Article 19 and who continue to reside in Greece. Members of the Muslim community noted that a number of these persons have succeeded in reacquiring citizenship (also see Section 2.d.).

Article 20 of the Citizenship Code, which permits the Government to strip citizenship from those who "commit acts contrary to the interests of Greece for the benefit of a foreign state," remained in force. The Government did not provide statistics on citizens affected by this article in 1998, but no cases were reported publicly during the year. In the past those affected were citizens abroad who asserted a "Macedonian" ethnicity (also see Section 2.d.).

#### e. Denial of Fair Public Trial

The Constitution provides for the independence of the judiciary; it is independent in practice.

The judicial system includes three levels of courts, appointed judges, an examining magistrate system, and trial by judicial panels.

The Constitution provides for public trials, and trial court sessions are open to the public, unless the court decides that privacy is required to protect victims and witnesses, or the cases involve national security matters. Defendants enjoy a presumption of innocence, the standard of proof of guilt beyond a reasonable doubt, the right to present evidence and call witnesses, the right of access to the prosecution's evidence, the right to cross-examine witnesses, and the right to counsel. Lawyers are provided to defendants who are not able to afford legal counsel only in felony cases. Both the prosecution and the defense have the right of appeal.

Defendants who do not speak Greek have the right to a court-appointed interpreter. The low fees paid for such work often result in poor translation. Foreign defendants who depend on these interpreters frequently complain that they do not understand their trials.

The legal system does not discriminate against women or minorities, with some exceptions: the Ministry of Education and Religious Affairs may base its decision on "house of prayer" permit applications by non-Orthodox groups on the opinion of the local Orthodox bishop (see Section 2.c.); non-ethnic Greek citizens are prohibited legally from settling in a large "supervised zone" near the frontier (although this prohibition is not enforced in practice); and a 1939 law (also not enforced in practice) prohibits the functioning of private schools in buildings owned by non-Orthodox religious foundations.

There were no reports of political prisoners.

## f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution prohibits invasion of privacy and searches without warrants, and the law permits the monitoring of personal communications only under strict judicial controls. The efficacy of these safeguards remains an open question. The security services continued to monitor human rights groups (see Section 4), non-Orthodox religious groups, minority group representatives, and foreign diplomats who met with such individuals. On several occasions the press published information about such private meetings. Human rights activists reported suspicious openings and diversions of mail. As far as is known, the Government took no steps to stop such practices or to prosecute those involved.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press, and the Government generally respected these rights in practice, but with exceptions. Legal restrictions on free speech remain in force and were used in some cases by the Government.

Articles of the Penal Code that can be used to restrict free speech and the press include Article 141, which forbids exposing the friendly relations of the Greek state with foreign states to danger of disturbance; Article 191, which prohibits spreading false information and rumors liable to create concern and fear among citizens and cause disturbances in the country's international relations and inciting citizens to rivalry and division, leading to disturbance of the peace; and Article 192, which prohibits inciting citizens to acts of violence or to disturbing the peace through disharmony among them. Those convicted in the past were allowed to convert their convictions into a fine of approximately \$14 per day.

In September two journalists in separate cases were convicted and received 4-month and 8-month suspended sentences respectively on defamation charges for criticizing government ministers. Both cases are under appeal. In October two journalists charged in a 1997 case with espionage for publishing confidential government documents were acquitted.

The public prosecutor in Florina invoked these laws on several occasions in recent years, although not in 1998, in attempts to limit the Rainbow Party's use of Slavic names for Greek towns. In September a court declared innocent four officials of the Rainbow Party charged in 1995 with violating Article 192 when a bilingual sign hung outside party headquarters in Florina sparked a riot. The four stated that they intended only to inform the bilingual public of the existence of the office. A Rainbow Party official charged in 1996 under Article 191 for attempting to bring wall calendars into the country that identified Greek cities by their Slavic names was acquitted in November.

On matters other than the question of ethnic minorities, Greece generally enjoys a tradition of outspoken public discourse and a vigorous free press. Satirical and opposition newspapers routinely attack the highest state authorities. Members of ethnic, religious, and linguistic minorities freely publish periodicals and other publications, often in their native language. The Constitution allows for seizure (though not prior restraint), by order of the public prosecutor, of publications that insult the President, offend religious beliefs, contain obscene articles, advocate violent overthrow of the political system, or disclose military and defense information. However, seizures have been rare; none occurred in 1998.

A dictionary of modern Greek published in May generated several lawsuits from individuals who found certain definitions offensive. In July a trial court in Thessaloniki ordered removal of one definition from future editions of the dictionary and threatened the author with a fine and imprisonment if he did not

comply. The Supreme Court prosecutor suspended the decision pending review of the case by the Court later in the year. In February the Supreme Court upheld a 1997 appellate court ruling that sentenced Muslim journalist Abdulhalim Dede to a 6-month suspended sentence and 3 yearsâ probation for libel. Dede originally was charged in 1996 under Article 191 (on which he was acquitted) and libel laws for an article he wrote about extremist groups in Thrace.

The Constitution provides that the state exercise "immediate control" over radio and television. The state monopoly on radio and television ended in 1989, and a plethora of private stations quickly emerged. A 1995 law places ownership and technical frequency limits on the electronic media. The licensing of radio stations began in late 1996, and the licensing of television stations began in 1997. State-run stations tended to emphasize the Government's views but also reported objectively on other parties' programs and positions. Private radio and television stations operated independently of any government control over their reporting. Turkish-language television programs are widely available via satellite in Thrace.

Resolution of the television station Antenna's appeal of a \$350,000 (100 million drachmas) fine imposed  
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