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## U.S. Department of State

### Greece Country Report on Human Rights Practices for 1996

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#### GREECE

Greece is a constitutional republic and multiparty parliamentary democracy with an independent judiciary in which citizens periodically choose their representatives in free and fair elections. In 1996 parliamentary elections, the Panhellenic Socialist Movement (PASOK) won a majority of the parliamentary seats, and its leader, Constantine Simitis, was returned to office as Prime Minister. The defeated New Democracy Party retained the role of the main opposition.

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 legal and constitutional restraints. The Parliament, a vigorous free press, the judiciary, the European Parliament, and Greek and international human rights organizations monitor their activities. Some members of the police and security forces nevertheless committed human rights abuses.

Greece has a mixed economy in which the market system is overlaid by a large public sector that accounts for more than 40 percent of gross domestic product. Moderate growth, a high but declining inflation rate, a large but also declining budget deficit, and a 9.8 percent unemployment rate characterize the economy, which nevertheless provides residents with a relatively advanced standard of living. To promote further economic development, Greece relies heavily on the European Union for subsidies, grants, and loans, the latter two directed mainly toward major infrastructure projects.

The Government generally respected the human rights of most citizens, but problems remained in some areas. There continued to be credible reports that security force personnel sometimes abused suspects

during arrests and interrogations and abused Albanian illegal aliens. Relations between Greece and Albania improved substantially, however, and an agreement was reached to regulate the flow of Albanian seasonal workers to Greece. The Government continued to use Article 19 of the Citizenship Code to revoke the citizenship of Greek citizens who are not ethnically Greek, and Article 20 of the same code was used to revoke the citizenship of Greek citizens abroad who have asserted a "Macedonian" ethnicity. On occasion the Government placed international and domestic human rights monitors under surveillance. Information about their private meetings and activities subsequently appeared in the press.

Responding to criticism, the Government continued to take corrective action to relieve severe overcrowding and harsh living conditions in some prisons and police holding centers. Problems remain, however, as evidenced by violent prison riots in March and June. There are some restrictions on freedom of religion; four persons were prosecuted for proselytizing, two persons were prosecuted for illegal operation of a "house of prayer," and a number of Jehovah's Witnesses were harassed by authorities. Discrimination against minorities continued to be a problem.

The Government formally recognizes only one minority, the Muslim minority referred to in the 1923 Treaty of Lausanne. It refuses to acknowledge formally the existence of any other ethnic groups under the term "minority" and denies members of the Slavophone community the right to identify themselves as a minority. As a result, some individuals who define themselves as members of a minority find it difficult to express freely their identity and to maintain their culture.

## **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.

There were several reports of shootings at the Greek-Albanian border of illegal Albanian migrants being apprehended by Greek authorities. The Albanian Government protested four separate incidents to the Greek Government, including alleged shootings on the border in June and August and elsewhere in the country in January and April. At least two migrants were killed in these incidents. According to the Greek Government, each of the incidents was investigated, and criminal proceedings were initiated against the responsible officers. The Government emphasized that the incidents represented violations of an official policy against the use of force.

According to press reports, a man who died in police custody had suffered a heart attack after being beaten. An internal investigation concluded that he died of natural causes (see Section 1.c.).

#### **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. However, this law has never been invoked, even though a 1993 report by the Council of Europe (COE) Committee for the Prevention of Torture and

Inhuman or Degrading Treatment or Punishment (CPT) concluded that certain categories of persons detained or arrested by the police, particularly persons arrested for drug-related offenses or for crimes such as murder, rape, or robbery, run a significant risk of being mistreated and are occasionally subjected to severe mistreatment or torture.

The Government continued its own internal review of the CPT charges and as of September reported that of the 33 lawsuits filed against policemen in the period 1989-93 for abuse, torture, and mistreatment, 10 cases were still pending in court or under investigation. One case was closed when the police officer was found innocent.

Five police officers were under internal investigation following allegations that they severely beat a man arrested in January in Iraklion, Crete. Criminal charges filed by the individual were pending at year's end. Press reports claimed that a man found dead the same month in a police detention center in Vyron had died of a heart attack after being beaten. An internal investigation determined that he had died of natural causes and resulted in no disciplinary action; a related court case was also pending. In February a man arrested on robbery charges in Thessaloniki filed assault charges against several police officers. The charges and an internal investigation were pending. Some police also abused suspects during interrogations (see Section 1.d.).

In February a security team raided a Romani settlement near Athens in search of a murder suspect. Television coverage of the raid showed heavily armed team members dragging camp residents, including the elderly and juveniles, from their shacks, forcing them to lie face down in the dirt, and kicking them. Seventy persons were arrested, but the murder suspect was not found. A subsequent internal police investigation cleared the chief of police of wrongdoing, but it resulted in the dismissal of two other officers and the reprimand of a third officer for violations of police procedures and the use of excessive force.

Prison conditions remained poor. Despite several changes in the law to permit earlier parole of prisoners, substantial overcrowding continued to plague prisons throughout the country. Overcrowding contributed to unrest in six provincial prisons in March, and there were violent prison riots in March and June. While the capacity of Korydallos (the largest prison, located in Athens) is 480 inmates, some 960 were housed there in the first 10 months of the year. As of September 1, the Ministry of Justice reported that the number of prisoners was 5,178 (of whom approximately 2,000 were foreigners), while the total capacity of the prison system was 4,302.

The Government has instituted new training programs for wardens and new vocational training programs for inmates. The Ministry of Justice announced plans to begin construction of two major new prisons in 1997 in order to reduce overcrowding. Prison conditions for conscientious objectors continued to improve as a result of government actions to reduce overcrowding and to increase work opportunities in prisons, which reduced the time of imprisonment. A law passed in June granted voting rights to certain inmates.

In past years there were credible reports of rape by inmates (including rape of juveniles by other juveniles), physical abuse by prison guards, and violence perpetrated by inmates, including against foreign prisoners. There were no press reports of such incidents in 1996. In August, however, the Albanian Government protested mistreatment of inmates in the Patras and Iwannina prisons that was reportedly condoned by prison officials. Albanian consular officials were denied permission to visit either prison. Several inmate disturbances over conditions occurred.

A 1995 bilateral agreement between Greece and Albania provides for the transfer of Albanian inmates to

Albanian prisons. Although there are approximately 1,000 Albanian prisoners in Greek jails, only 23 were repatriated under the agreement during the first 9 months of the year. The Government attributed low participation in the repatriation program to the unwillingness of Albanian prisoners to consent to repatriation.

The Government is inconsistent in granting permission for prison visits by nongovernmental organizations.

#### 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 a person 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 police sometimes violated these legal safeguards. CPT team members stated that the police, during investigation of serious crimes, occasionally interrogated suspects as "witnesses," allegedly because witnesses do not have the right to legal representation during police questioning. Statements made to the police in these circumstances may be used against these persons in court if they are later charged and brought to trial. Witnesses do not have the legal right to remain silent, although they are not required to testify against themselves. In such cases access to a lawyer can be effectively denied until after interrogation, which in some cases has resulted in torture or mistreatment and the subsequent signing of a statement. These circumstances were reportedly most likely to occur in cases of serious crimes, including drug offenses, in which the police did not have sufficient evidence to convict without a confession. The Government did not prosecute and punish any officials for such misconduct during the year.

The effective maximum duration of pretrial detention is 18 months for felonies and 9 months for misdemeanors. 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 32 percent of those incarcerated, 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 in lieu of being imprisoned.

Exile is unconstitutional, and no cases have been reported since the restoration of democracy in 1974. However, Greek citizens not of ethnic Greek origin who travel outside the country may be deprived of their citizenship and refused readmittance to the country under Article 19 of the Citizenship Code. Article 20 of the Code permits the Government to strip citizenship from those who "commit acts contrary to the interests of Greece for the benefit of a foreign state." Article 19 was applied in 84 cases in 1996; the Government would not reveal the number of Article 20 cases it pursued in 1996 (see Section 2.d.).

#### e. Denial of Fair Public Trial

The Constitution provides for the independence of the judiciary, but there have been charges that judges sometimes allow political criteria, including the desire to obtain promotion, to influence their judgments.

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. According to defense attorneys, the latter provision has not been invoked since the restoration of democracy in 1974. The defendant enjoys the presumption of innocence, the standard of proof of guilt beyond a reasonable doubt, the right to present evidence and 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.

Although non-Greek speaking defendants have the right to a court-appointed interpreter, the low fees paid for such work often result in a poor quality of translation; foreign defendants complain that they do not understand their trials.

The legal system does not discriminate against women or minorities, with some exceptions: Article 19 of the Citizenship Code (see Section 2.d.) applies only to Greek citizens who are not ethnically Greek; Orthodox and non-Orthodox religions have different legal procedures for applying for a "house of prayer" permit (see Section 2.c.); nonethnic Greek citizens are legally prohibited from settling in a large "supervised zone" near the frontier (in practice this prohibition is not enforced); and a 1939 law prohibits the functioning of private schools in buildings owned by non-Orthodox religious foundations. (However, in practice this prohibition is not enforced.)

Although laws that limit freedom of expression remain in force (see Section 2.a.), no one has been imprisoned as a result of such charges in the last year. Those convicted in the past were allowed to convert their convictions into a fine of approximately \$14 per day.

Amnesty International reported several derogations from international standards in group trials of students stemming from violent demonstrations in late 1995 at Athens Polytechnic University.

There were no reports of political prisoners.

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

The Constitution prohibits the invasion of privacy and searches without warrants, and the law permits the monitoring of personal communications only under strict judicial controls. However, the number of persons and groups subjected to government surveillance in recent years raises questions about safeguards.

The security services continued to target human rights activists, non-Orthodox religious groups, and minority group representatives and to monitor foreign diplomats who met with such individuals. On several occasions, information about such private meetings, including official government documents, was published by the press. Human rights activists also reported the continuation of suspicious openings and diversions of mail, some of which was never delivered but was subsequently published in newspapers with apparent links to security services. 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

Freedom of speech and the press is provided for in the Constitution, and the Government generally respected these rights in practice, but with some exceptions. Some legal restrictions on free speech remain in force; the Government continued to use such laws against individuals who raise politically sensitive topics such as the assertion of nonrecognized ethnic minority identification.

Articles of the Penal Code that are at times 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.

These laws were invoked in September when the public prosecutor of Florina ordered the Rainbow Party to remove a bilingual sign outside its office that used a Slavic place name for a Greek city, on the grounds that it "promoted divisiveness." The public prosecutor pressed charges against the Rainbow Party for the display of a similar sign in 1995. In addition, an official of the Rainbow Party was charged with a criminal offense under Article 191 for attempting to import two wall calendars in March that identified Greek cities by their Slavic names. No trial date had been set by year's end.

On matters other than those involving the question of ethnic minorities, Greece generally enjoys a tradition of outspoken public discourse and a vigorous free press. In 1993 the Government repealed a law that forbade "insulting authority" and it proscribed prosecution of otherwise actionable "offenses committed by or through the press."

Satirical and opposition newspapers do not hesitate to attack the highest state authorities. The Constitution allows for seizure (but 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. Seizures have been rare, however, and none occurred in 1996.

Despite the official prohibition on prosecuting offenses committed by or through the press, Muslim journalist Abdul Dede was charged under Article 191 as well as under libel codes for an article he wrote in January concerning extremist groups in Thrace. His trial, originally scheduled for December, was postponed until 1997.

The Government is prosecuting Radio Icik, a Turkish-language station in Xanthi, for operating without a license in 1994 and 1995. No other radio stations have been prosecuted under these statutes despite the fact that many operate without licenses. The case is to be heard in February 1997.

In April a Turkish-language radio station in the Thracian village of Selero was damaged in a fire that the station owner claimed was caused by arson. He claimed that he had received warnings prior to the fire; he did not produce evidence, however, to refute the finding of the Government's investigation, which was that the cause was electrical.

The Constitution provides that the state exercise "immediate control" over radio and television. An independent, government-appointed body with the authority to enact rules governing private

broadcasting established procedural regulations for radio several years ago. In 1993 it did so for television as well, issuing licenses to six private stations. Many other private television stations operated without licenses, however. 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. Members of ethnic, religious, and linguistic minorities freely publish periodicals and other publications, often in their native language. In Thrace, Turkish-language television broadcasts are widely available.

An Athens court acquitted actor Vassilis Diamantopolous and professor George Roussis in May of charges of "praising a criminal act" in conjunction with their defense of rioting students on a television talk show. The public prosecutor appealed the decision, and the case was pending at year's end.

Academic freedom is respected.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly. Police permits were routinely issued for public demonstrations, and there were no reports that the permit requirement was abused.

The Constitution provides for the right of association, which was generally respected, except in cases involving ethnic minorities. In 1994 the Supreme Court upheld the 1991 decision of lower courts to deny registration to the "Macedonian Cultural Center" in Florina, organized by Greeks who consider themselves of Slavic descent. The 1991 ruling held that "the true goal of the society...is to affirm the idea of the existence of a 'Macedonian' minority in Greece, which contradicts (Greece's) national interests and the law." The organizers have appealed the decision to the European Court of Human Rights, which declared the application admissible in June but had not delivered a judgment by year's end.

Government authorities legally recognize the existence of the Muslim minority but not any other minorities (see Section 5). The Government's position is contrary to the 1990 Copenhagen document of the then-Conference on Security and Cooperation in Europe (CSCE) to which the Government is a signatory, which asserts that "to belong to a national minority is a matter of a person's individual choice."

#### c. Freedom of Religion

The Constitution establishes the Greek Orthodox Church, to which perhaps 95 to 97 percent of the population at least nominally adhere, as the prevailing religion, but it prohibits discrimination against adherents of other religions. The Greek Orthodox Church wields significant influence through its relationship with the Ministry of Education and Religion. Religious training is mandatory in public schools for Greek Orthodox pupils. Non-Orthodox students are exempt from this requirement. However, some teachers suspended Jehovah's Witnesses for not participating in school national day parades. The Constitution limits religious practice by prohibiting proselytizing; four Jehovah's Witnesses were prosecuted for proselytizing in 1996. More Jehovah's Witnesses were harassed by authorities who arrested and held them for several hours at police headquarters but subsequently released them without pressing charges. Several cases involving proselytism from previous years resulted in verdicts of acquittal in 1996; one such case was postponed until 1997. Several past convictions for proselytizing were pending before the European Court of Human Rights at year's end.

Traditionally, Jehovah's Witnesses ministers were not granted the exemption from military service

accorded under the law to clergy of "known religions" and thus served prison sentences for refusing military service. Since 1990-91 the Council of State, the highest court dealing with civil and administrative matters whose opinions are binding on the Government, has ruled that Jehovah's Witnesses were a "known religion" and has ordered the release of ministers who had refused induction. However, the recruiting service of the armed forces regarded these rulings as applying only to individual appellants, rather than as binding precedents for subsequent Jehovah's Witnesses ministers who were called up. It thus continued to rely, in the first instance, on the opinion of the Ministry of Education and Religion, which in turn accepted the view of the Greek Orthodox Church that Jehovah's Witnesses are not a "known religion." As a consequence, for the past few years, ministers of Jehovah's Witnesses have been called up for military service and prosecuted for refusal to serve; only after conviction could they appeal to the Council of State.

To open and operate a non-Greek Orthodox house of worship requires approval by the Ministry of Education and Religion. The Ministry bases its decision on the advisory opinion of the local Orthodox bishop. In recent years, such permission has been granted to some groups only after long delays and withheld altogether from other denominations. Two Jehovah's Witnesses were charged in February with the illegal use of a house of prayer in Komotini.

In September the European Court of Human Rights ruled in favor of four Jehovah's Witnesses who had been found guilty by the Supreme Court in 1991 of illegally operating a house of prayer. The Court found that the house of prayer authorization procedure allowed the Government to limit the exercise of religious freedom by members of non-Orthodox religions and was therefore contrary to Article 9 of the European convention on human rights. The Government nevertheless denied after the verdict that any restrictions were imposed.

In May an appeals court considering the case of former Greek Orthodox priest Nikodimos Tsarknias overturned three of his previous convictions for "pretense of authority." Human rights monitors note that the language of the court's decision implied recognition of the Macedonian Orthodox Church.

Mosques operate freely in Western Thrace and in the islands of Rhodes and Kos, where most Greek citizens of the Muslim faith reside. However, in December 17 Muslims were arrested in Xanthi province for rebuilding a mosque without a proper permit. Their case had not been resolved by year's end.

In accordance with a 1990 presidential decree, the State appointed two muftis (Islamic judges and religious leaders) and one assistant mufti in Greece, all resident in Thrace, based on the recommendations of a committee of local Muslim scholars, religious authorities, and community leaders. The Government argued that it must appoint muftis because, in addition to their religious duties, they perform judicial functions in many civil and d