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Greece 1

IHF Focus:

Freedom of expression and media; protection of ethnic minorities; citizenship; religious tolerance; protection of asylum seekers and immigrants.

Government efforts to improve Greece's traditionally poor human rights record were undermined by the prevailing ethnocentric and intolerant climate and mentality in the public, the media and the administration. This climate was regularly enhanced by statements and actions of key officials. In July, speaking in Thrace, home of the Turkish minority, Foreign Minister Theodore Pangalos called "shameful slanderers, who do not dare state openly that they serve illicit financial interests, those who pretend to be human rights defenders."

The Greek press was relatively free to report on various issues, but numerous editor-in-chiefs and journalists faced libel charges for criticizing politicians and public officials.

The policy of denying the existence of ethnic minorities in the Greek territory continued. In August, Speaker of the Parliament Apostolos Kaklamanis denied the existence of a Turkish national minority and called for the "homogenization" of the "Greek Orthodox and Muslim population of Thrace." Pangalos again declared in December that there was no Macedonian minority in Greece and that persons claiming there was, were "pervert intellectuals and pervert journalists." In December, President Kostis Stefanopoulos decorated, and the Academy of Greece awarded, notorious nationalist scholars who had for years contributed to the anti-minority propaganda.

There was progress in the issue of conscientious objection to military service as, in 1998, the first conscientious objectors started their alternative civilian service. However, its length (three years compared to 18 months for the military service) was punitive. In addition, in many cases, the conscientious objectors were treated almost like soldiers rather than like their colleagues in the state agencies they served, in violation of the spirit and the letter of the law.

Political refugees and immigrants faced xenophobia, violence – also by police - and courts violated their rights. On the positive side, hundreds of thousands were granted

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short-term legalization, but had to find a legal job to be able to stay in the country.

The Greek Helsinki Monitor was able to cooperate in a satisfactory way with some state agencies and ministries. However, tapping of its phone conversations, tampering with its mail, and security and/or intelligence services' surveillance also occurred.

Freedom of Expression and the Media

The Greek press was largely free, but courts frequently sentenced journalists to prison in libel cases, most of which involved newspaper articles that could not be considered anything more than harsh criticism of public officials. Such convictions helped intimidate the press, especially the provincial one that already suffered from limited means to operate. In some cases, the government was playing an active role in these prosecutions, while, in August, Minister of Justice Evangelos Yannopoulos proposed an amendment to introduce prison sentences of at least two years in cases of insult and defamation through electronic media. Following international reaction, the amendment was not introduced, but neither was it definitely repudiated.

- In April an Athens court sustained on appeal the prison sentence of four years and two months for "libel" and "publishing a false document" against Makis Psomiadis, journalist and owner of the daily Onoma. Psomiadis had claimed that Minister of Environment and Public Works Costas Laliotis had received a commission in exchange for awarding a contract. Psomiadis served a few months but was released for health reasons.

In September five journalists were convicted.

- In the first case, Giorgos Kondyloudis, journalist and publisher of Eolika Nea, a daily on the island of Mytilini, was convicted by a three-member Misdemeanor Court to eight months in prison for insulting deputy Franklino Papadelis. A letter to the editor had called the deputy's views "childish" and "politicians [in general, not the deputy] unworthy persons, who disgust people."

- Second, Yannis Tzoumas, journalist and publisher of Alithia, a daily on the island of Chios, was convicted to four months' imprisonment for defamation. The paper had called Minister Stavros Soumakis "minister of the ship owners ... who sunbathes at the villas of the ship owners." During the trial, the facts were confirmed as accurate,

but the court considered the "harsh style" of the article defamatory.

- Third, journalist Makis Triantafyllopoulos was convicted and given a suspended sentence of eight months for the defamation of Minister of Justice Evangelos Yannopoulos, in an article in the daily Kalimera. The Minister was accused therein for interference with justice in a case implicating the Governor of the Social Security Fund, Gregory Solomos, to seek favorable treatment of the latter.

- Fourth, Avriani newspaper publisher George Kouris, editor George Tsiroyannis and journalist Stelios Vorinas were sentenced to four years and eleven months in prison for aggravated defamation and insult of Yannis Raptopoulos, owner of a roadside assistance company, and of the Salonica newspapers Makedonia and Thesaloniki.

- In the fifth September case, Abdulhalim Dede, a Turkish minority journalist, was sentenced in Xanthi to eight months in prison under the flagrante delicto procedure for trying to install a radio antenna for Radio Isik. Other cases pending against Dede for illegally operating radio stations, due to be heard in October, were postponed because of the municipal elections. He had been charged in February 1996 for launching the radio station without a broadcast license. Over three thousand radio stations operated in Greece without licenses, several of which have also installed antennae without permission.

In October, the Council of Appellate Judges of Athens acquitted journalists George Harvalias, Noni Karayanni, George Papathanasopoulos of Eleftheros Typos, and Manolis Kottakis of Apogevmatini from charges of disclosure of state secrets. Their prosecution was initiated by the Greek Foreign Ministry after they had published, on three different occasions in 1997, classified documents on matters of foreign policy. A Council of First Instance judges had likewise acquitted them earlier in 1998, but a prosecutor had appealed that verdict: it was widely believed he had acted with the encouragement of the Foreign Ministry.

In some cases, foreign journalists were hindered from carrying out their duties.

- In September a Macedonian Television (MTV) crew was refused entry visas by the Greek Liaison Office in Skopje. The crew intended to cover the trial of the Macedonian minority party Rainbow for the use of the Macedonian mother tongue.

- In October Lutfu Karakas (a Turkish citizen) of the Turkish Hurriyet Press Agency, along with Mucahit Dukkanci (a Greek citizen), journalist and at the time candidate

for mayor in the Turkish minority community of Myki (Thrace), were taken into custody by local police. They were told that the village was in a restricted zone where foreigners were not allowed without special permit granted by the Greek Defense Ministry. In 1995 Greece had announced the abolition of the denial of entry to the 10-kilometer deep zone (inside the Greek-Bulgarian border but only in the area inhabited by the minority). Xanthi District Police Director informed them that in fact the abolition applied only to Greek citizens. He also asked the journalist to stay within the limits of the city of Xanthi. The next day the journalist returned to Turkey. During all his stay, the Turkish journalist was followed by security agents, "for his protection" as they stated.

A publication was also censored by a court because of a "politically incorrect" passage:

In July a Salonica court ordered the removal from the Dictionary of Modern Greek Language, in every future reprint or edition of the entry referring to "Bulgarian" players of a Salonica soccer team (PAOK) based in Thessaloniki, northern Greece. The court also threatened the book's author, Professor George Babiniotis, and publisher with a fine of 2,000,000 drachmas (approximately US\$6,500) each, and the former with a month's detention if the order was not applied. The court ruled that the entry in question offended the personality of the plaintiff (lawyer and elected city councilor of Salonica Theodore Aspasidis), and that "it creates confusion about the national origins of the players and the followers of PAOK and more generally the Macedonians."

Religious Tolerance

In September 1996, the European Court of Human Rights ruled in a case involving Jehovah's Witnesses that Greece had violated article 9 of the ECHR. The Court criticized Greek legislation for

"allowing far-reaching interference by the political, administrative and ecclesiastical authorities with the exercise of religious freedom" [and for]"imposing rigid or indeed prohibitive conditions on the practice of religious beliefs by certain non-Orthodox movements," [concluding that there is]"a clear tendency on the part of the administrative and ecclesiastical authorities to use these provisions to restrict activities of faiths outside the Orthodox Church."

Moreover, in November 1996, UN Special Rapporteur Abdelfattah Amor also criticized strongly this legislation. Still, no changes of these laws, dating from the dictatorship of the 1930s, were since introduced; the 1998 constitutional amendments did not take into account the UN recommendations. Greek legislation and practice remained intolerant, allowing the high-handed harassment of minority religions by authorities.

In February, the European Court condemned Greece for having unjustly convicted Protestants for proselytism of civilians. In November, the Court struck the appeal of a Jehovah's Witness who was under surveillance by the Greek state in March 1993, as the latter, breaking with past practices, settled with the plaintiff and promised, among other things, that Jehovah's Witnesses would no longer be under surveillance.

Despite all these judgements, violations against religious minority groups continued.

- Jehovah's Witnesses reported to Greek Helsinki Monitor that their members were frequently summoned to police stations around Greece for "identity controls." In April 1997 the Salonica State Security had reported to the Prosecutor's Office that 32 houses of worship in Salonica operated without license although all of them could produce appropriate documents. The houses of worship belonged to Evangelicals, Pentecostals, Adventists, Mormons, Catholics, and Jehovah's Witnesses. The Ministry of Public Order took no disciplinary action against the officers responsible for that deliberately misleading report.

- In November an appeal court postponed the hearing of the case of a former director of a Buddhist center for artistic activities and meditation in Halkidiki. She had been convicted to three months in prison (shortened on appeal to two months) for lack of state issued permit for the operation of a house of worship. In March 1998, the Supreme Court had sent the case back to the appeal court. In December, as in previous years, five Catholic nuns of the Mother Theresa Order faced expulsion as the authorities refused to renew their residence permit, despite past state assurances that such thing was not going to happen again.

- In December a court postponed the hearing of a case against 15 Scientologists for insult of public figures. The Scientologists had allegedly spied on them and informed foreign secret services like the CIA. The prosecution considered the case one of "national concern" and that the Scientologists' aims "hostile to Greece." A review of the indictment by Greek Helsinki Monitor indicated that the charges, as in previous cases against Scientologists, were mostly unfounded.

- In December, too, another court postponed the hearing of the case of an "Old Calendarist" who was arrested in August and subsequently prosecuted for "disturbance of religious gathering" in his own church. This paradox resulted from the fact that the Municipality of Galatsi and some neighbors, with the help of police, had seized the church on behalf of the official "New Calendarist" Orthodox Church, despite repeated court verdicts that their claims on it were unfounded.

Even individuals unrelated to religious groups were prosecuted.

- A group of homeopath doctors, called the "Diamantidis group," was unfoundedly characterized by court documents as a "sect" and their leader as a "guru."

A member of an NGO, Eva Androutsopoulos, was charged with proselytism into Buddhism, though she was not a Buddhist. This case was initiated by the local bishop whom the NGO had criticized. Androutsopoulos was acquitted in June.

Protection of Ethnic Minorities

In recent years, the Greek government has signed a number of international documents providing guarantees to minorities. The ICCPR was ratified in early 1997 while, in late 1997, the Framework Convention for the Protection of National Minorities was signed but had not been ratified by the end of 1998.

Still, Greece formally recognized only one "religious" minority, the "Muslims" of Thrace whose fundamental rights were formally guaranteed by the 1923 Treaty of Lausanne. (Ethno)national minorities of Turks and Macedonians were denied recognition. Minorities that were not officially recognized often suffered restrictions to their freedom of expression and association.

According to Greek Helsinki Monitor, government decisions to implement either improvements of minority rights or at least the respect of international human rights norms was often met with resistance by middle level state agencies that functioned as a "shadow state" and often undermined government policy. The government appeared to be reluctant to show the necessary political will to neutralize such resistance.

Turkish Minority

Greece denied the right of the Turkish minority to self-identification: the vast majority of its members identified themselves as Turks, irrespective of their Turkish, Pomak, Roma or other origin. Identifying the minority or its establishments as "Turkish" was considered illegal and could lead to prosecution. "Turkish" associations were dissolved.

- In July primary school teacher Rasim Hint was suspended for one year because, in 1996, he had called the Xanthi school he worked in "Turkish" rather than "Minority." For the same reason, Hint had been subjected to punitive transfers from the city of Xanthi to distant mountain villages between 1996-1998.

- In late 1998 the Komotini Appeals Court postponed twice the review of the "Turkish Union of Xanthi's" appeal against its dissolution.

- In October a court in Komotini refused the registration of the "Association of Religious Clergymen of Western Thrace Holy Mosques" because of the name "Western Thrace," which "could be interpreted as malign and intentional challenge of the Greekness of Thrace." This was done despite the fact that there were other associations that included in their title that name that was also commonly used as a geographical term in Greece.

A 1990 law gave the state the right to appoint the muftis, against the will of the minority. As of this writing, there were two muftis in Xanthi and Komotini - one appointed and one elected. The elected muftis have been repeatedly convicted for "pretense of authority" for merely using the title of mufti in written statements.

- By the end of 1998, the Xanthi mufti, Mehmet Emin Aga, had accumulated 82 months of prison in eight trials, most of which held during that year. He had in the past served six months and had bought off the other sentences.

Macedonian Minority

In Florina (northern Greece), where most ethnic Macedonians live, four ethnic Macedonians were put on trial in September for "inciting citizens to commit acts of violence." In September 1995, a mob led by the mayor had attacked and ransacked the offices of the ethnic Macedonian "Rainbow" party after the four men hung a sign in Greek and in Macedonian stating "Rainbow - Florina Committee." Those who attacked the offices had not been indicted although Rainbow filed charges in 1995.

The party was prosecuted for using the Macedonian language on the sign, but was finally acquitted: in that trial, the political and social leadership of Florina were witnesses for the prosecution that had based its case, inter alia, on articles of the ultra-nationalist weekly Stohos.

Another "Rainbow" leader was acquitted in November, with similar charges, for having brought from Macedonia calendars bearing toponyms of Greek towns in Macedonian and praising the inter-war pro-Macedonian policy of the Communist party, but not advocating violence.

Many ethnic Macedonians who fled Greece as a result of the 1946-49 civil war were not allowed to enter Greece, even for brief visits or to attend the fiftieth anniversary reunion of their exodus, held in July. This happened despite written commitment to the contrary by Alternate Foreign Minister George Papandreou in a letter to the IHF. Some were denied entrance because their passports mentioned their birthplaces in Greece with their old Macedonian name only; others simply because they were on a "red list" of undesirables.

In July Greece was convicted by the European Court of Human Rights for the violation of the freedom of association (article 11 of the ECHR) because the Greek courts did not allow in 1990 the establishment of the "Home of Macedonian Civilization." The European Court mentioned, among other things, the binding character for Greece of the OSCE documents that the country had signed, but had usually been considered merely declaratory and without legal value. The Court considered the aims of the organization "clear and legitimate" and added:

"Even supposing that the founders of an association like the one in the instant case assert a minority consciousness, the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (Section IV) of 29 June 1990 and the Charter of Paris for a New Europe of 21 November 1990 – which Greece has signed – allow them to form associations to protect their cultural and spiritual heritage."

Roma Minority

Greece's Roma minority was estimated at some 350,000 people. About one half of that community appeared to be integrated in a rather satisfactory way. However, the other half of the Roma were the most marginalized social group in Greece, subject to discrimination in education, employment and housing and to police abuse. An

ambitious government plan to help improve their situation, announced in mid-1996, remained a dead letter. Therefore, in 1998, one half of the Roma continued to have no decent settlement. They lived in at least thirty slums throughout the country with some of the worst living conditions in Europe.

The IHF and Greek Helsinki Monitor welcomed the Greek government's reply during the November OSCE Implementation Review Meeting, which said, inter alia:

"We cannot, and will not attempt to, justify the unjustifiable (...) We do recognize that the situation of the Roma in Greece is still far from satisfactory. It is indeed unacceptable. And in our efforts to remedy the situation we have a long way to go. The Greek Government has repeatedly expressed its will to take all appropriate measures to improve the state of Roma and bring their standard of living at the same level as that of other Greek citizens. What has been hindering the efforts by the central Government is the persistent mentality of prejudice at the level of local administration and some members of the police. Of particular concern, and of course more difficult to control by the central Government, are some elected local authorities. Five years ago, in an effort to decentralize the program aiming at the improvement of the situation of Roma in the country, a City Municipality Network for Gypsy Citizens was created in Greece, with the participation of some 33 cities and municipalities. However, the system of allowing the local government to deal with the question has been found to be really ineffective."

In 1997 Roma living in Ano Liosia were forced out of a state property they had lived in for ten years and moved in a settlement surrounded by a wire fence. All infrastructures promised to them in exchange for the move were never carried out. On the contrary, the local authorities from time to time expelled some Roma families from that settlement. Throughout 1998, Roma were expelled or threatened with expulsion from many other sites by the municipal authorities and sometimes by the courts, while the often-announced plan to find appropriate living quarters for them had not been implemented.

Most dramatic, and characteristic of Greek attitudes towards Roma, was the multiple expulsions in August of the largest destitute Roma community, made up of 3,500 people who had lived in Evosmos, near Salonica, for over 30 years. First, in June, four mayors threatened to prevent both these Roma from resettling in a former military barrack allocated a year earlier by the state, as well as the public contractor appointed by the authorities to carry out the necessary infrastructure works therein. As a result, this resettlement did not take place, nor did the infrastructure work in the

camp. However, in early August, this Roma community was told to leave Evosmos immediately lest large fines be imposed on them for squatting in private land – although some had indeed done so for 30 years. The Roma gave in to the threats and had to wander from place to place in the outskirts of Salonica but were not allowed to settle. Finally, they settled near the Gallikos river: an NGO mobilization helped force the authorities to promise they would not be expelled from there until the former barracks could be prepared for the final resettlement. By year's end, work had not started.

Amidst repeated allegations of excessive police violence against Roma, a murder of one Rom and torture of two others, backed by forensic evidence, led to no disciplinary measures against the police officers involved. This happened despite court indictments. The ministry had simply launched inconclusive "sworn administrative investigation."

- In April Angelos Celal, a 28-year-old Rom, was killed by police officers in Partheni (near Salonica), while trying to escape police control. The forensic certified that Celal died of a head wound caused by a bullet shot in the back of his head. In addition, he had another wound in the back. In June the prosecutor informed the police he had indicted three police officers for murder, conspiracy to commit murder and other charges. The police officers were not suspended.

In May Lazaros Bekos and Eleftherios Kotropoulos (17 and 18 years old, respectively) were ill-treated by police officers during their detention at the police station in the town of Mesolongi. According to a forensic certificate, they had "medium bodily injuries, inflicted with a broken instrument." In July the two Roma pressed charges against the police and in December three officers were indicted for violation of article 137A of the criminal code on "torture and other offenses against human dignity." Specifically, they were accused of having violated paragraph 3, section 1, for "concurrent bodily harm caused by a person, whose duties are the investigation of possible criminal acts, with the intent to extort from another person under his authority a confession, a deposition or an information." Throughout the year, the Roma youth were harassed by these police officers to retract their statements. Even after their indictment, the three police officers were neither transferred nor suspended from duty.

Citizenship

Article 19 of the citizenship law, used arbitrarily to deprive non-ethnic Greeks of their citizenship if they had settled abroad, was abolished in June 1998. Since its introduction, in 1955, and according to government figures, 60,000 Greek citizens - mostly ethnic Turks - had been deprived of their citizenship on the basis of that article. As many as 1,000 of such former Greek citizens still lived in Greece in 1998 as stateless.² They had been denied their rights under the 1954 UN Convention Relating to the Status of Stateless Persons ratified by Greece in 1975.

In January 1998, after sustained pressure by Greek Helsinki Monitor and other NGOs as well as minority representatives, the state gave some 150 such stateless persons identity documents which allowed them to enjoy many other rights and also to travel abroad. However, later in 1998, authorities refused again to issue such documents to other stateless, in direct breach of the law.

Protection of Asylum Seekers and Immigrants

Hundreds of political refugees arrived in Greece every month. UNHCR data showed that Greece had the lowest acceptance rate in Europe, while the agency repeatedly criticized Greece for the very inappropriate, sometimes inhumane, way it treated refugees. There were no adequate centers to host them, so hundreds of them squatted in public places living in indecent conditions.

Moreover, police and courts violated immigrants' and refugees' rights. Adequate translation was hardly existent. Even if acquitted, the defendants usually faced expulsion, or if they could not be sent back to their country of origin, they were held illegally and for months in inadequate detention centers.

- The highest prosecuting authority declared the expulsion order of Mohammad Doguz illegal. Nevertheless, in December, after 18 months of illegal detention, he was expelled to Syria even though he was facing death sentence there.

While the temporary short-term legalization of some 375,000 foreign immigrants (who then needed to find a legal occupation to be legalized for at least two years) was a positive step, throughout 1998 there were recurrent cases of racist violence. Some immigrants were shot dead by police officers or civilians, who usually claimed self-defense, though their victims were unarmed. In numerable cases, when courts pressed charges against perpetrators of such crimes and ordered their detention, local public opinion and/or the colleagues of the police officers were demonstrating

for their release.

This xenophobic climate was enhanced by statements linking criminality to immigration (contrary to official statistics), made in September and October by Prime Minister Costas Simitis, and the Ministers of the Interior Alekos Papadopoulos and of Public Order Geroge Romaos.

FOOTNOTES:

1. Based on the Annual Report 1998 of Greek Helsinki Monitor and Minority Rights Group-Greece. For details, see <http://www.greekhelsinki.gr>
2. In October, Deputy Foreign Minister Yannis Kranidiotis cited the estimate of 500 to Greek Helsinki Monitor.