

## Greece<sup>1</sup>

**IHF FOCUS: torture, ill-treatment and police misconduct; freedom of religion; national and ethnic minorities; racial discrimination, xenophobia, anti-Semitism and hate speech; asylum seekers and immigrants.**

Serious human rights violations continued in Greece in 2003 and most of them went unpunished ensuing widespread impunity of perpetrators of such violations.

The main areas that remained of critical importance were the ill-treatment, and misconduct by law enforcement officials towards minorities (particularly Roma), asylum seekers and immigrants (particularly Albanians) and state boarder crossers. Moreover, religious intolerance, anti-Semitism, racial discrimination and hate speech remained an area of great concern.

The courts and law enforcement bodies failed on numerous occasions to strictly penalize officials for the abuse of their power. This amounted to non-abidance of courts and judges to the international law and treaties, which Greece is a party to as well as to national laws. Violence by law enforcement officials was mostly present on state boarders or targeted members of minority communities. The toleration for such racially or ethnically motivated discriminatory acts to go unpunished fostered further development of racial and xenophobic atmosphere in Greece.

Additionally, the government failed to implement or develop laws that would ensure the further integration and respect of national minorities within the borders of Greece. The status of the Macedonian minority was left unsolved during 2003. The privileged status of the Greek Orthodox Church impeded the free operation of religious minority groups.

Media outlets, publishing racially discriminatory or anti-Semitic articles also went unpunished. On a positive note, 2003 witnessed efforts between the Orthodox Church and the Jewish community to build stronger relations for the future. However, individual Anti-Semitic acts continued to plague the country throughout 2003.

## Torture, Ill-Treatment and Police Misconduct<sup>2</sup>

Greece has been party to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment since 1988 and it ratified the European Convention against Torture in 1991. Article 7(2) of the Greek Constitution specifically prohibited the use of torture and ill-treatment. Since 1984 the Greek Criminal Code has also explicitly prohibited torture and ill-treatment.<sup>3</sup>

Additionally, by law, persons convicted of torture were automatically deprived of their political rights and dismissed from their jobs. The victim had the right to claim material compensation from the state for damages done to him or her and pecuniary satisfaction for psychological and moral damage. It was further provided that a state of emergency or a superior's order did not justify any acts

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<sup>1</sup> Unless otherwise noted, based on information from Greek Helsinki Monitor. For additional information, see <http://www.greekhelsinki.gr/bhr/english/index.html>.

<sup>2</sup> Amnesty International and International Helsinki Federation, *Greece: Torture and ill treatment and unlawful use of fire-arms*, September 2003, at <http://web.amnesty.org/library/print/ENGEUR250132002>

<sup>3</sup> The addition of article 137A-137D deals with "torture and other offences against human dignity" under Law 1500/1984. Article 137A(1) provides for a three years' imprisonment for public officials who resort to acts of torture with the aim of extorting a confession, testimony or other forms of statements, of punishing, or of intimidating a person or third persons. The most serious cases (such as, for example, beating the soles of the feet or electro-shock equipment) are punishable by a minimum of 10 years' imprisonment -- or life imprisonment if the victim dies (article 137B). Under article 137A (3) "less serious cases" are punishable by three to five years' imprisonment, and offences against "human dignity" (e.g., prolonged isolation and any serious offence against sexual dignity) are punishable by five years' imprisonment.

of torture. Under article 177(2) of the Code of Criminal Procedure evidence obtained by illegal means (for example, torture or ill-treatment) was not admissible in court.

However, in practice, official statistics relating to complaints of torture and ill-treatment confirm almost total impunity for police officers in cases of abuse. All the available information confirms that prosecutions under article 137A have been very rare, and that police and other law enforcement officials who ill-treat detainees—if they are to be prosecuted at all—are more likely to be charged under article 239 or with offences such as “bodily injury” (under articles 308 to 310 of the Criminal Code), “threat” (article 333) or “insult” (article 361). It is also significant that the only two cases known to Amnesty International (AI) and the IHF (in the period 1998 to the end of June 2002) in which police officers were indicted and tried under article 137A conformed to the restrictive interpretation of this article. In both cases the accused police officers were acquitted.

Numerous incidents that occurred in Greece in 2003 pointed to an increasing lethal and reckless use of firearms by the Greek police and other forms of misconduct. Unlawful shootings, beatings and ill-treatment, even torture, by police were frequent occurrences. One year after the publication of an AI/IHF report on police misconduct in Greece, no one had been punished for the 80 cases mentioned in the report. What is more, most of those cases had not even been effectively investigated despite the evidence available in the report as well as the police and court files.

The majority of the victims were Roma, immigrants—often Albanians—and asylum seekers, including children. A significant number suffered severe injuries resulting from physical ill-treatment that required medical treatment or even hospitalization. Detainees alleged ill-treatment during arrest and in police custody. Slaps, punches and kicks were the most frequent complaints. However, in some cases prisoners claimed that they had been beaten with truncheons or pistol and rifle butts—allegations often supported by convincing medical evidence. Furthermore, verbal, sometimes racist, abuse and in some cases sexual threats were reported.

- The trial against an abusive police officer, who killed an unarmed Rom on 24 October 2001, was still pending at the year’s end with a trial date set for 12 May 2004. Marinos Christopoulos (21) died in Zefyri, Attica, after being shot in the head by a police officer when he failed to stop at a police checkpoint. The police officer reported that the young Rom had attempted to run him down and that while trying to avoid the vehicle he had stumbled, causing his gun to discharge accidentally. The officer was charged with “reckless homicide” and released on bail. He was suspended from duty pending investigation. However, an internal police inquiry in March 2002 concluded that the officer had fired a shot at the car to halt it, while being aware of, and accepting, the possibility that this action might cause the death of the driver, and recommended his dismissal from service. Nevertheless the officer remained in the service through July 2003 because the second level Disciplinary Council of EL.AS. (Disciplinary Council of Hellenic Police) had not found until then the time to rule on the cashiering recommended by the chief of police. The accused police officer had been disciplined by the EL.AS twice before. The second punishment was imposed just 100 days before the killing of Marinos Christopoulos.<sup>4</sup>

This example is only one of numerous similar cases.

Violent incidents on the Greek-Albanian border remain another matter of concern. Hundreds of people crossed this border illegally every day to seek work in Greece. In some instances Greek law enforcement officials may have used firearms in legitimate self-defense, however in other cases it appears that they may have fired shots simply to intimidate, deter or to punish border-crossers.

- The investigation into the maltreatment and injury of Ferhat Ceka (67) in March 2002 continued in 2003. He had crossed clandestinely into Greece, unarmed and alone, and was

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<sup>4</sup> Greek Helsinki Monitor, 7 June 2003, at [http://www.greekhelsinki.g##r/bhr/english/special\\_issues/ai-ihf-torture-background/Marinos%20Christopoulos.doc](http://www.greekhelsinki.g##r/bhr/english/special_issues/ai-ihf-torture-background/Marinos%20Christopoulos.doc)

shot at by three soldiers, and ill-treated. Ceka was hospitalized with a bullet wound with the result that, according to a medical report, his right kidney had to be removed as well as part of the liver. The military's administrative inquiry concluded that the soldiers had acted in violation of regulations and they received a ten-day prison sentence as a disciplinary sanction while no criminal prosecution was recommended. However, Greek Helsinki Monitor (GHM) testified to a prosecutor of the Military Court of Thessaloniki that its investigation pointed to many irregularities and even criminal responsibility of the officers involved and the administrative investigation that had been carried out. The Military Court asked for a disciplinary and criminal investigation of the case. A court martial date was set for 3 April 2003, but it was postponed as the Greek and Albanian authorities failed to send the summons to Ferhat Ceka in Albania. Following GHM intervention, Ceka came to Greece and testified before the military court prosecutor on 11 June 2003. The prosecutor has, as a result, widened the investigation to include possible charges of ill-treatment. Subsequently, two soldiers were referred to a court martial on 16 September 2004. This has been the only case of assault on border-crossers that has reached a court in Greece.<sup>5</sup>

- On 15 September, Albanian citizens Ligor Halimi (41), Mili Halimi (43) and Rahman Pashollari (62), were stopped near the Albanian border and severely abused by Greek policemen when trying to return to Albania. The officers searched them, took their money, and reportedly began to punch, kick and hit them with wooden batons. The three men were taken to a detention facility in Pili (Florina), where their identity data were recorded. The policemen then took them to the Kapshtica (Kristalopigi) border crossing point. Of the three men, Ligor Halimi sustained the most severe injuries: he was diagnosed with injuries to the abdomen and a ruptured spleen, accompanied by internal hemorrhages. He later underwent surgery to have his spleen removed. Mili Halimi and Rahman Pashollari suffered only light bruises on their knees and arms.
- On 23 September, an 18-year-old Albanian, Vullnet Bytyci, was shot in the back of the head and killed by members of the Greek police near the Kristalopigi checkpoint while he was attempting to escape arrest. Four other Albanians with whom he was traveling to Greece, Alfred Ramadan Metaliaj, Emri Saetr Metaliaj, Beqir Osman Metaliaj and Bilbil Selman Metaliaj, were arrested and were later released and returned to Albania. A sixth person, Luan Metaliaj, reportedly escaped arrest and hid for 24 hours before returning to Albania. A bullet reportedly went through his jacket without injuring him during his escape. The Greek police reported that one police border guard shot in the air to prevent their escape as well as their threatening behavior towards one guard. However, there were reports that at the time of his shooting, Bytyci had stopped running away and did not present any danger. The authorities reported that the police border guard responsible for the shooting would be tried according to Greek law. He was prosecuted for reckless homicide and the decision of the Misdemeanor Council was pending as of the end of 2003 as to whether or not he will be referred to trial.

There were several other similar cases of police shooting or ill-treating of Albanian border-crossers alone in September and October 2003.

In June 2003, the Mixed Jury Criminal Court of Patras set a dangerous precedent by acquitting a police officer of the alleged rape of a 19-year-old Ukrainian woman in February 1998. The case came to trial five years after the young woman who was a victim of trafficking for the purpose of sexual exploitation made the initial claim of rape and thus forcibly held in a bar. The court decided that the woman had consented to sexual intercourse with the accused police officer and thus he was given only a suspended sentence for breach of duty. The four co-defendants in the case were simply ordered to pay small pecuniary fines (up to €13,000—a week's earnings from the operation) for their involvement in the trafficking offences. Neither the young woman nor any other witnesses were summoned to testify in court. No physical or other evidence was submitted on her behalf. Furthermore, the bailiffs in charge declared themselves unable to deliver the summons to the

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<sup>5</sup> World Organization against Torture (OMCT), 16 October 2003.

complainant due to an “unknown” address, despite the fact that she was known to the police and had obtained a special permit (suspending a deportation order) to remain in Greece to give evidence at the trial. The Supreme Court accepted a partial motion of cassation and the trial for the rape charges was only set for 19 March 2004, while the appeals for the trafficking charges was set for 21 June 2004.<sup>6</sup>

## **Freedom of Religion<sup>7</sup>**

An overwhelming majority of the Greek population associate themselves with the Greek Orthodox Church, which is recognized as the “prevailing” religion in the Greek Constitution. The relationship between the state and the Greek Orthodox Church is intimate, and the church is afforded preferential treatment in comparison with other religious communities in terms of financial and other forms of support. The state regularly interferes in the affairs of the church, but the church is also able to influence the affairs of the state to a much higher degree than other religious communities. The fact that the Greek Orthodox Church enjoys a privileged status vis-à-vis the state negatively influences the situation of other religious communities in the country—in both direct and indirect ways.

The Greek Orthodox Church has been criticized for encouraging prejudices and hostility against non-Orthodox groups in an effort to retain its dominant position. Such sentiments have also been echoed by the media and sometimes embraced by local authorities as well as by prosecutors and courts. As a result, a general climate of intolerance against minority religions prevails in the country, and many citizens hold the attitude that it is a “duty” to be Orthodox and that belonging to other denominations is unpatriotic or heretical.

In 2003, members of minority religions continued to be subject to discrimination at work places and in schools and faced career limits within the military, the police and the civil service because of their religious convictions. Such practices prompted some non-Orthodox believers to conceal their religious identity in order to be able to enjoy equal career opportunities with Orthodox Christians. NGOs also received reports about cases where people who belonged to minority faiths were arbitrarily arrested or experienced difficulties when they addressed the authorities regarding administrative affairs. Moreover, the country’s legislation continued to contain a number of problematic provisions that may be implemented so as to unduly restrict the right of minority religious communities to exercise their religious beliefs.

Under Greek law, the Greek Orthodox Church, as well as the country’s Jewish and Muslim communities, were recognized as legal subjects of public law. All other religious communities were considered legal subjects of private law. These communities were able to obtain the status of a “known” religion, which allowed them to freely worship, but not to own property or to undertake financial transactions in their own name. In order to be able to operate as full legal subjects, they had to establish a separate association or foundation in accordance with the provisions of the Civil Code. Thus, non-Orthodox minority religions were subject to a legal and administrative burden that the Greek Orthodox Church and the Jewish and Muslim communities did not encounter. They also did not qualify for certain tax exemptions that these three communities were entitled to. As the UN Special Reporter on the Question of Religious Intolerance stressed, it is a matter of concern that the concept of a “known” religion is not defined anywhere in the law and that there is no formal mechanism through which religious communities can obtain this status.<sup>8</sup>

The Greek Constitution establishes a general prohibition against proselytism. The constitutional prohibition is complemented by a special law, which was adopted during the military dictatorship of General Metaxas in the 1930s. By law, those who engage in proselytism may be subject

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<sup>6</sup> IHF and Greek Helsinki Monitor, “Greek Court Allows Rape to Go Unpunished, Sets Dangerous Precedent,” 14 July 2003, at [www.ihf-hr.org/viewbinary/viewhtml.php?do#c\\_id=460](http://www.ihf-hr.org/viewbinary/viewhtml.php?do#c_id=460)

<sup>7</sup> Unless otherwise noted, based on Greek Helsinki Monitor (GHM), *Religious Freedom in Greece*, September 2002, at [http://www.greekhelsinki.gr/bhr/english/organizations/ghm\\_mrgg\\_religious\\_freedom\\_2002.rtf](http://www.greekhelsinki.gr/bhr/english/organizations/ghm_mrgg_religious_freedom_2002.rtf)

<sup>8</sup> Abdelfattah Amor, Special Rapporteur of the UN Commission on Human Rights on the Question of Religious Intolerance, *Interim report concerning a visit to Greece*, (A/51/542/Add.1), November 1996.

to various sanctions, including fines, imprisonment for up to five years and deportation from the country. The UN Special Reporter on the Question of Religious Intolerance has also criticized the provisions criminalizing proselytism, noting that “Proselytism is itself inherent in religion.”<sup>9</sup> In one case before the European Court of Human Rights (ECtHR), the court found a violation of article 9 of the European Convention on Human Rights (ECHR), which safeguards freedom of thought, conscience and religion, in a case where the Greek authorities had failed to show that a person convicted of proselytism had used improper means.<sup>10</sup>

In 2002, a representative of the Greek government claimed that the provisions on proselytism are no longer actively implemented in the country and that since 2001 no representatives of minority religions have been prosecuted for proselytism.<sup>11</sup> Still, the provisions on proselytism remained valid in 2003 and were potentially applicable.

According to another legislation dating back to the 1930’s, all religious communities except those representing the Greek Orthodox Church must obtain permission from the Ministry of National Education and Religious Affairs and the Greek Orthodox Church in order to carry out activities. Permission can be granted only to “known” religions that do not endanger public order or morals through its worship practices, and do not engage in proselytism. Houses of worship that are constructed or operated without a license may be closed down and those responsible may be brought to court. The ECtHR has noted that the licensing provisions “allow far-reaching interference by the political, administrative and ecclesiastical authorities with the exercise of religious freedom,” in particular because they do not lay down any deadline for when the ministry should make decisions and motivate them. The ECtHR has also concluded that: “[it] appears that [...] the State has tended to use the possibilities afforded by the [licensing provisions] to impose rigid, or indeed prohibitive, conditions on practice of religious beliefs by certain non-Orthodox movements, in particular Jehovah’s Witnesses.”<sup>12</sup>

Since the late 1990s the situation has improved considerably and licenses are now normally issued as a routine matter. However, the problematic provisions remain in force, and in some cases non-traditional communities continue to experience difficulties when applying for a license.

- The Dodekatheists<sup>13</sup> have been waiting for a decision on their application for a license for two years.<sup>14</sup>
- The Scientologists were denied a license in 2000 on grounds that they are not a “known” religion.

The ca. 150,000 Muslims living in Athens had no mosque to serve them. In 2000, the government eventually decided to construct a mosque in the capital region. Construction of a mosque has been approved but only in a distant suburb of Athens as the Greek Orthodox Church had opposed plans to build a mosque within Athens city. Opposition from the residents of the suburb had stalled the beginning of the building of the mosque.<sup>15</sup>

In a positive development, the government decided in 2001 to abolish the requirement that religious affiliation be indicated on identity cards, which had been criticized by minority religions as a source of discrimination.

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<sup>9</sup> Ibid.

<sup>10</sup> European Court of Human Rights, *Case of Kokkinakis v. Greece*, (Application 00014307/88), May 25, 1993, §49. The court expressed doubts regarding the provisions, and has stressed that a distinction must be made between “bearing witness” and “corrupt and deformed forms of proselytism.”

<sup>11</sup> Information from the GHM to the IHF, May 2003.

<sup>12</sup> ECtHR, *Manoussakis and others v. Greece*, (00018748/91), 26 September 1996.

<sup>13</sup> The Dodekatheists believe in the twelve ancient Gods of Greece.

<sup>14</sup> Information from the GHM to the IHF, May 2003.

<sup>15</sup> *New York Times*, Frank Bruni, “Muslims’ Unanswered Prayer: A Place to Worship,” 22 April 2003.

## National and Ethnic Minorities<sup>16</sup>

As of the end of 2003, Greece continued its policy to recognize only one minority, the Turks of Western Thrace: it was recognized only as a religious—not a national—minority.

### *The Macedonian Minority*

In line with its policy, the existence of the Macedonian minority in Greece was denied, and both ethnic Macedonians living in Greece and foreign citizens of Macedonian ethnicity wanting to visit Greece were harassed.

On 8 June, the Greek Deputy Foreign Minister, Andreas Loverdos, made a historical statement in an interview with *Sunday Eleftherotipia*, stating that Greek authorities were ready to seek a technical solution to the problem of denying entry in the summer of 2003. Despite this statement, and following a backlash, additional conditions for Macedonian's entrance were introduced. As a result, many ethnic Macedonians who are former citizens of Greece or their descendants were denied entry into Greece throughout the summer. Greek authorities denied entry to persons whose birthplace was mentioned with their Macedonian names.

- On 20 July, Australian citizen Janko Kalinchev, born in the village of Meliti (Ovcharani in Macedonia), and Canadian citizen Georgi Kizovski, born in Gavros (Gabresh), attempted to enter Greece from the Republic of Macedonia in order to visit their birthplaces. Greek border officials, who refused to give an explanation, denied them entry.<sup>17</sup>

In addition, associations that include the words "Macedonian" or "Turkish" in their names continued to be rejected by the courts. Despite a ruling by the ECtHR in 1998 condemning Greece for the non-registration of the Home of Macedonian Civilization, a local court in Florina again rejected its registration in December 2003. On 19 September, the Supreme Court heard for the second time an appeal against the dissolution of the Turkish Union of Xanthi: its ruling was postponed until 2004.

### *The Roma Minority*

Roma in Greece continued to live in a state of spatial segregation from non-Roma in extremely substandard conditions, in violation *inter alia* of the explicit ban on racial segregation provided by international law. A 1983 Ministerial Ordinance explicitly required that authorities block Roma from settling "near archaeological sites, beaches, landscapes of natural beauty, visible by main highway points or areas which could affect the public health (springs supplying drinking water, etc.)." Abusive police raids on Romani settlements were frequent.

In addition, Roma in Greece were frequently subjected to ill-treatment and abuse, in some cases amounting to torture. In recent years, there have been at least three deaths of Roma due to excessive use of firearms by law enforcement officials. Most of such incidents have gone unpunished, or, at best, only cursory investigations have been conducted, failing to take adequate disciplinary action against the police.<sup>18</sup>

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<sup>16</sup> Unless otherwise noted, based on information from GHM, September 2003.

<sup>17</sup> Macedonian Human Rights Movement of Canada (MHRMC), "MHRMC Condemns Greece's Continued Blacklisting of Ethnic Macedonians," press release, 26 July 2003, at <http://www.greekhelsinki.gr/bhr/english/index.html>

<sup>18</sup> Greek Helsinki Monitor and the European Roma Rights Center (ERRC), *Cleaning Operations – Excluding Roma in Greece*, April 2003.

- The Nea Zoe Romani settlement in Aspropyrgos, near Athens, has been a target of continuous harassment by local authorities, threatening to evict Roma. On 21 April, two police officers entered the settlement and threatened Roma living there that they would be evicted because the owner of the land on which they lived without legal permits planned to clean up the area and fence it off. The police reportedly did not present the Roma with an eviction order, but gave them a two-week deadline to vacate the land. Several days earlier, a man claiming to be the owner of the land had visited the settlement and ordered the Roma to leave within twenty days, "or he would be forced to turn to the police." Later it turned out that the police officers had not acted at the order by their superior. Police frequently received complaints by residents in the surrounding area, asking the police to take action to drive away Roma in the area. Officers acting on such requests did so illegally in that the law required a civil court order for such an action. Before this, four attempted and actual forced evictions of Roma in Aspropyrgos had been carried out successively in 1999, 2000, 2001 and 2002, in violation of international and domestic law.<sup>19</sup>
- On 11 May, a Greek police patrol car with three police officers, together with a police van with approximately eight police officers in military style police fatigues, visited their settlement. The two police officers told the Roma that they should leave because "the mayor has decided so." The police officers did not present the Roma with any eviction protocols. Although the Greek ombudsman did not act on a related complaint, in a welcome change from past practice, regional police investigated the case and disciplined the policeman involved with a warning.<sup>20</sup>

Living conditions in the Aspropyrgos Roma settlement were extremely poor: Roma had no access to basic public facilities such as running water, electricity and sanitary conditions. The conditions remained so despite that the September 2002 statement by Greek authorities to the Council of Europe Commissioner on Human Rights stated, "all necessary measures have been undertaken in order that the Roma/Gypsy settlement of Aspropyrgos is provided with all public facilities."<sup>21</sup>

Positively, the Greek government responded via document Ref. No. 19148, dated 24 April 2003, to the question posed by the Greek Member of Parliament Maria Damanaki concerning the lack of public facilities in the Romani settlement of Aspropyrgos. This document made clear that the Greek government was aware of the gravity of the situation and had proposed solutions to ensure that Roma have access to an adequate standard of living. However, by the end of 2003, the Greek government had not enforced its own policies with regard to Roma in practice, neither had it ensured that the mayor of Aspropyrgos and other local authorities be sanctioned for their failure to respect the decisions of the Greek state authorities.<sup>22</sup>

## **Racial Discrimination, Xenophobia, Anti-Semitism and Hate Speech<sup>23</sup>**

### *Racial Discrimination*

Protection against racial discrimination was weak in Greece because authorities failed to proceed with amending legislation as required by the terms of the EU Race Equality Directive.

### *Anti-Semitism<sup>24</sup>*

<sup>19</sup> IHF, ERRC, Open Letter to the Greek Prime Minister, Mr. Simitis on the Roma Situation in Greece, 15 May 2003, at [http://www.ihf-hr.org/viewbinary/viewhtml.php?doc\\_id=3324](http://www.ihf-hr.org/viewbinary/viewhtml.php?doc_id=3324). See also GHM, ERRC, *Country Report Cleaning Operations: Excluding Roma in Greece*, April 2003.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Based on IHF, GHM press release of 4 September 2003 and the memorandum of the Greek Helsinki Monitor, at [http://www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=3&d\\_id=3685](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=3685)

<sup>24</sup> Based on IHF, GHM, *Anti-Semitism in Greece: Recent Developments*, 16 June 2003.

Anti-Semitic expressions in Greece continued to stem from two central misconceptions: a perceived threat to the traditional, Orthodox Greek culture and the direct link between Greek Jewry and Israeli policy in the Middle East. In the absence of strong criticism, selected clergy, journalists, and politicians brought their extreme views into mainstream discussion, the effect of which seeded anti-Semitic views within the larger Greek population.

Anti-Semitism in Greece was often downplayed by sceptics as protest against Israel or as the comments of a few, radical individuals in defence of what they see as a threat to Greek culture. To the contrary, the pervasiveness of misidentification, anti-Semitic political cartoons, and libel, were symptomatic of the acceptance or indifference to anti-Semitic sentiments by sections of the Greek populace and continued to adversely affect the country's Jewish community.

- During the early morning hours of Saturday, 3 August, “unknown vandals” desecrated the synagogue of Ioannina with “neo-Nazi” symbols and slogans written in blue spray-paint. The slogans included phrases such as: “We will return and the earth will tremble;” “Long live the victory;” and “Blood and honor.” A swastika was inscribed on the doorway.<sup>25</sup>
- On 8 October, Neo-Nazis spray-painted anti-Semitic slogans on the Holocaust memorial at a Jewish cemetery in the city of Ioannina, the second desecration of the site in recent years. The slogans stated, “*Death to Jews,*” “*Juden Raus,*” and the Celtic cross were scrawled on the memorial. Moses Constantini, head of KIS, stated that the acts of vandalism stated that it was “clearly anti-Semitic, anti-Jewish, anti-Greek. It’s uglier than anything before.” Ioannina Jewish Community called for state repressive measures against such acts, and pointed out that “Impunity results in uncontrolled impudence.” GHM’s statement on 9 October recalled that the previous two desecrations of Jewish buildings in the last 18 months went by neither without any form of condemnation nor had there been any effective investigation in the cases.

While freedom of speech is an inalienable right, the blurring of anti-Israeli and anti-Jewish reporting increased the quantity of anti-Semitic content in the Greek media, and Greek judicial system lacked will to deal with incitement to hatred and discrimination: courts failed to effectively litigate clear cases of hate speech, punishable under Greek law and international conventions to which Greece is a party.

Two important developments gave the Jewish community encouraging signs in both relations with the Orthodox Church and the Greek state. In May, following a successful conference on Jewish-Orthodox dialogue, Ecumenical Patriarch Bartholomew I visited the Holocaust memorial in Thessaloniki, as well as a nearby synagogue and Jewish museum. David Saltiel, head of Thessaloniki’s Jewish community, described the 29 May visit as “historic,”<sup>26</sup> and the gesture was seen as a sign of warming relations between the two religious communities. In December, the government and all political parties agreed to introduce a bill in order to create a national Holocaust Memorial Day, on 27 January, in remembrance of over 50,000 nationals who were killed during World War Two.<sup>27</sup>

However, the developments were merely steps in the right direction and were criticized by part of the Greek society.

### *Hate Speech*

In 2002 and 2003, seven cases against the publication of anti-Semitic, xenophobic or racist texts in the press were filed by GHM. Regrettably, however, one of these cases lapsed due to inactivity on the part of the prosecutors; two ended up in acquittal despite overwhelming evidence that Greek law had

<sup>25</sup> GHM, “Anti-Semitism in Greece, Desecration of the Synagogue of Ioannina,” 3 August 2003.

<sup>26</sup> Associated Press Newswires, “Orthodox leader visits Holocaust memorial in former hub of Greek Jewish culture,” 29 May 2003.

<sup>27</sup> Agence France Presse, “Greece to introduce national Holocaust Memorial Day,” 29 May 2003.



been violated; and four were in the process of being quashed, again, despite overwhelming evidence of breaches of law: in two of the cases, a trial date of 26 September 2003 had first been set and then cancelled.

- Two of the filed cases concerned an openly anti-Semitic letter published in the country's two largest selling dailies, in *Eleftherotypia* on 15 April 2002 and in *Ta Nea* on 16 April 2002. Indictment chambers quashed the cases; the first even after a date for the trial had already been set. The defamatory letter read, among other things: "...Jews today are lucky that no one intends to deprive them of the right to be called human beings, when they aren't... It's a proven fact that Jews are untrustworthy and fickle. They infiltrate societies, first playing the poor souls to generate pity and, when the time comes, they'll grab you by the throat."
- In another case, a court in Patras dismissed a case against the Patras neighbourhood associations, which in November 2001 had published a blatantly racist letter against Roma in local newspapers. The letter read: "Roma steal from the [non-Roma] resident's fields, they snatch what they can find from the yards of the homes. They loot our cemetery, they swear, they beat people they ring our bells. They should be immediately evicted from the area; any postponement or delay in resolving the problem we face will lead to militant action from the residents."
- In a further case a Greek prosecutor moved so slowly that no trial could be held against the publisher of a xenophobic letter because the statute of limitation had expired and the case lapsed. The case concerned a letter that was published on 26 January 2002 in the financial supplement *Economicos Tachydromos* of the daily *To Vima*. The letter read, for example: "Migrants, the scum who are being channelled into Greece. They have come just on a whim, to kill, rob and rape Greece."
- In the case of two complaints filed against *Ta Nea*, the paper continued, despite warnings, to publish want ads for homes for rent and sometimes for jobs that ended with the phrase "no foreigners", "foreigners excluded." One of the cases was quashed before a date for the trial was set, in the other case, the date for trial was set but the case went back to the prosecutor who recommended that the charges be dropped.

In December an Athens misdemeanours' court acquitted the defendants in a case against "albanophobia." The case was filed because of a letter published on 12 October 2002 in the financial weekly *Ependytis* (in its supplement *Symbol*) and read, among other things: "The 'terrible situation exists in Greece because of the 'Albanian plague.' We should exhibit exemplary cruelty to those who break the law, in order for Albanians to respect us and the type of society we have managed to create."

The outcome of the above-mentioned cases appeared to be a clear indication of the lack of will among some prosecutors and judges to hold trials or convict persons for statements that are openly racist, xenophobic or anti-Semitic -- and which are penalized by Greek law<sup>28</sup> and international standards.

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<sup>28</sup> In particular under Law No. 927/1979 as amended by Law No. 1419/1984 and Law No. 2910/2001.

## Asylum Seekers and Immigrants

Human rights groups expressed grave concern regarding widespread and grave violations of the rights of immigrants in Greece. The authorities often failed to inform immigrants of their rights, refused to provide them with asylum application forms and gave them misleading information. In some cases, undocumented immigrants or asylum seekers were tried without benefit of legal counsel and adequate interpreters and thus sentenced to imprisonment or deportation after trials lasting only a few minutes.

Adding to these problems, there was a serious lack of reception centers for asylum seekers in the country, which resulted in a situation where many asylum seekers were homeless throughout the asylum process.<sup>29</sup>

Moreover, since November 2001 and throughout 2003, Greece actively enforced a protocol agreed with Turkey on the reciprocal return of illegal immigrants. According to this protocol, Greece and Turkey will each return undocumented third-country nationals who arrive on their territory via the other country. The Greek government initially stated that the protocol would not be applied to persons seeking asylum. However, there are credible reports that Greece has implemented the protocol so as to forcibly return undocumented immigrants arriving by sea from Turkey without giving them an opportunity to file an asylum application or, in some cases, even refusing to accept asylum applications that individuals have attempted to file. According to GHM, hundreds of persons fleeing persecution may have been forcibly turned back to Turkey, and from Turkey probably deported to their countries of origin, since November 2001.<sup>30</sup>

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<sup>29</sup> GHM, *Violations of asylum seekers' rights 2001-2003*, March 2003, at [http://www.greekhelsinki.gr/bhr/english/organizations/ghm/ghm\\_08\\_03\\_03.doc](http://www.greekhelsinki.gr/bhr/english/organizations/ghm/ghm_08_03_03.doc); and appeal by 45 NGOs in connection with the General Assembly of the Euro-Mediterranean Human Rights Network in June 2002, at <http://www.hrw.org/campaigns/migrants/docs/greece-detainees.pdf>

<sup>30</sup> It should be noted that Turkey, although a party to the Refugee Convention and its protocol, only recognizes refugees from Europe.