



A "sweep" of illegal migrants on the streets of Athens. © Eurokinissi

IHF FOCUS: Freedom of expression; ill-treatment and misconduct by law enforcement officials; conditions in prisons and detention facilities; racism and anti-Semitism; religious intolerance; protection of national and ethnic minorities; citizenship and statelessness; protection of immigrants; human rights defenders.

There were few advances in the field of human rights in Greece in 2000, with the exception of the persistent and meritorious work of the Ombudsman's Office, set up in 1998, which has brought to the surface many latent human rights problems in Greece. The human rights situation in Greece is best illustrated in the Ombudsman's *Annual Report 1999* (p. 18, 69-70):

"Human rights violations by the administration [...] can be codified with the words arbitrariness-indifference-bias-impunity; they take their most acute form when applied against vulnerable social groups. [...] The administration, reproducing the most backward reflexes of our society, often shows its worst face when dealing with members of minority groups. [...] It is common wisdom that a feeling of im-

punity prevails in the administration, which in some cases favours occasional illegal actions, or in other cases perpetuates a status of generalised anomy and corruption".

Freedom of Expression

In its 2000 report, Freedom House expressed concern related to state officials' frequent recourse to libel charges against critical journalists. As a result, Greece received the lowest score among countries with a long democratic tradition for the respect of freedom of expression. Freedom House also considered that although the Greek press is generally free from government control, self-censorship (especially over the NATO air strikes in Yugoslavia) was common.

The International Press Institute (IPI) expressed similar concerns in its 1999 World Press Freedom Report, in which it stressed that criminal charges brought against journalists and newspapers in cases of alleged libel and defamation have a “chilling effect” on the right to freedom of expression. It also reiterated its view that libel and defamation charges should be relegated to the Civil Code. Regrettably, the Greek State sees no need to adopt a new policy on this issue, as its spokesman stated to the IPI. Thus, criminal convictions or the threat thereof have continued unabated.

◆ The case of Sotiris Bletsas, member of the Society for Aroumanian (Vlach) Culture, was deferred again after being postponed on 9 November 1999. Bletsas was indicted in 1995 under Article 191 of the Penal Code, concerning the dissemination of false information. His “crime” entailed the distribution of a publication of the European Union’s Bureau for Lesser Used Languages, in which Aromanian was described as a minority language spoken in Greece alongside Arvanite, Macedonian, Pomak, and Turkish. An MP and the leadership of the Panhellenic Union of Vlach Associations deemed this to be insulting to the Vlachs. On 2 February 2001, Bletsas was convicted to 15 months’ imprisonment and fined 500,000 drachmas (U.S.\$ 1,400), a sentence suspended pending appeal.

◆ The most high profile case involved novelist Mimis Androulakis and his publisher Thanasis Kastaniotis. On 4 February, charges were brought in Thessaloniki against the two men under the expedient indictment procedure that does not require any prior investigation of the charges and is reserved for serious crimes. They were both indicted on 3 March under Article 199 of the Penal Code for allegedly committing blasphemy against a known religion and its founder. In his latest book, *M to the Nth power*, Androulakis portrays Jesus Christ as having had sexual relationships and out-of-wedlock children. This raised furore among

fundamentalist Christians, who burnt copies of the book and attacked the bookstore in which it was launched. No arrests were made and although Archbishop Christodoulos condemned the incidents, he also stated that the book was blasphemous and implied that the indictments were justified. The presumption that the investigators were at least protected, if not motivated, by the Orthodox Church was made all the more stronger when at the 8 March hearing, Christian zealots and black-clad monks stormed the court, chanting “blasphemers” and “antichrists” at Androulakis’ defence lawyer, who was also beaten by some of the protesters. Once again, no arrests were made. Due to these incidents and fears of further violence, the circulation of the book was banned until September, when the court dismissed a suit demanding an injunction to permanently halt the sale of the book. Similar indictments were issued in the meantime in Athens, following charges brought by the fundamentalist Orthodox group Greek-Orthodox Salvation Movement (ELKIS). On 9 November, the Council of Misdemeanour Judges of Athens quashed the charges, arguing that the book is a literary piece of art, protected by Article 16 of the Greek Constitution.

◆ On 3 March 2000, world-renowned violinist Leonidas Kavakos was given a four-month suspended prison sentence by the three-member First Instance Court in Salonica for allegedly defamatory statements made in a March 1999 interview in a local newspaper, concerning three members of the artistic board of the Salonica State Orchestra. Kavakos was fined 200,000 drachmas (U.S.\$ 510) in damages to each of the plaintiffs. He appealed the sentence and was released pending the appeal.

◆ On 7 March, composer Manolis Rasoulis was given a 12-month prison sentence (which can be “bought off” for 1,500 drachmas, or U.S.\$ 4 per day) by the three-member First Instance (Misdemeanour)

Court in Athens for the “aggravated defamation” of singer Yorgos Dalaras. The Court considered the statement made by Rasoulis in an interview to the daily *Exousia* on 14 April 1998 to be defamatory but acquitted the newspaper, holding that there was no intent to defame.

◆ In April, a three-member Misdemeanour Court of Lefkada (Ionian Islands) sentenced three journalists of the regional daily *Enimerosi* each to 10 months in prison for the defamation of P. Kavvas, a member of the Central Committee of (conservative opposition) New Democracy, for a comment published in September 1998 during the election campaign for the prefecture elections. The defendants were tried without a lawyer because the Court rejected their request for postponement because their lawyer was attending a Council of State trial in Athens. They were released pending appeal.

◆ On 15 September, the Prefect of Thessaloniki Costas Papadopoulos reportedly refused to grant the required license of use of state owned property to local NGOs that wanted to organise a concert in solidarity with the Yugoslav student opposition movement OTPOR (Resistance). According to the prefect, granting the license would amount to an “intrusion in the internal affairs of another country”. The organisers tried to move to another location but perseverance by the Greek Communist Party (KKE) led to its ban.

◆ On 23 October, a Single-Member Misdemeanour Court of Athens convicted singer and satire artist Jimmy Panousis, under the “*in flagrante*” procedure, to a suspended four-month sentence for “desecration of a national symbol”. He was charged in connection with a poster announcing his nightclub program and depicting an altered Greek flag with vertical instead of horizontal blue and white stripes, and a hammer and sickle. On Greece’s national day (28 October) the Greek President denounced the poster, arguing that “this symbol [the flag] protects freedom in Greece.” It should

be noted that a Single-Member Misdemeanour Court of Salonica gave Christos Pappas a four-month sentence (commuted to a fine) on 30 October for the “desecration of a national symbol” because he burnt a Greek flag on 28 October. He was released on appeal. Additionally, Panousis was given a suspended five-month sentence by a three-member Misdemeanour Court of Athens on 3 November for having insulted singer George Dalaras. The latter considered Panousis’s insinuation that he had received money for a benefit concert in Cyprus to be “insulting”.

◆ On 9 November, the Fourth Three-Member Misdemeanour Court of Athens convicted Marousi (Greater Athens) City Councillor Nikos Kawalos for the aggravated defamation of his fellow City Councillor E. Kastanakis. The charges were based on Kawalos’ letter to a local newspaper, alleging the mismanagement of a municipal contract by Kastanakis.

◆ On 19 December, the Second Three-Member Misdemeanour Court of Athens convicted Dimitris Rizos, publisher of *Adesmeftos Typos*, for repeated insults against George Papazoglou. He was sentenced to four months in prison but was released on appeal. Rizos had asked for a postponement because his lawyer was not present but his request was denied. He then left the Court and was tried in absentia. At his next trial, which took place on 20 December, he was sentenced to 21 months in prison by the Eleventh Three-Member Misdemeanour Court of Athens for the insulting and aggravated defamation of Costas Mitsis, publisher of another newspaper with the same name, *Adesmeftos Typos*. Rizos was released on appeal.

The combination of the right to freedom of expression and issues pertaining to national minorities² appears to be volatile.

◆ Writer Vasko Karadza, a Macedonian citizen, was denied entrance into Greece on 30 May. He was born in Greece, from where he left during the civil war and was

subsequently stripped of his citizenship. His books have been published both in Macedonia and in Greece, yet his activities in Macedonian human rights and cultural organizations have earned him a place on the list of "inadmissible" persons despite the fact that he had a valid visa issued by the Greek Consulate in Skopje and had also visited Greece in the past. Karadza appealed his case to the Greek Ombudsman in September through the Greek Helsinki Monitor. The Ombudsman informed him on 15 November that he had been included on the "national list of undesirable persons" since his last trip in Greece, as he was considered "a threat to public order or to state security." Such matters are outside the mandate of the Ombudsman, who nevertheless suggested that Karadza appeal to the National Privacy Authority to determine the reasons for being "blacklisted."

◆ A similar case involved Slavko Mangovski, editor of *Makedonsko Sonce* in Skopje and a well-known defender of the rights of the Macedonian minorities throughout the Balkans. He discovered that he was on the list of "undesirables" when he attempted to enter Greece in order to attend a village festival in Northern Greece. Mangovski also filed a complaint with the Greek Ombudsman, who informed Mangovski on 12 January 2001 that he was indeed on the list for "reasons of national security." Moreover, at the 2000 OSCE Implementation Meeting on Human Dimension Issues, the Greek Government said:³

"There are a few cases of activists who want to enter Greece to prove a point, to challenge the Greek Government, or to turn themselves to heroes to the handful of their co-activists who pursue the same policies. Most, but not - I stress: not - all of them pursue a policy of secession of a sizeable part of Greek territory. Of course we are not alarmed by a handful of activists. But, all the same, we cannot welcome them with open arms and accept their provocations with gratitude."

◆ A group of three Turkish journalists were temporarily detained on 15 July 2000 on the road from Xanthi and Echinus in Greek Thrace. They had been charged with preparing a documentary on ethnic Greeks from Turkey that had settled in Thrace following the 1923 populations' exchange between Greece and Turkey, as well as on the Turkish minority living in the area. Although they had secured the necessary permit from the Greek Ministry of Mass Media to carry out their work and take photographs, they were followed and eventually stopped by plain clothed police officers who informed them that they could not proceed as they did not have the proper license for entering the restricted zone. When presented with the license, the officials stated that it was not valid. They prevented the group from leaving and called for more police officials, who, upon their arrival, checked and took the group's documents abruptly. The journalists were forced to drive back to Xanthi, where the group's leader was interrogated and told harshly that they could not enter the restricted zone without a permit issued by the Greek Chief of Staff, a process that would take at least three days. Presumably frustrated, the group decided to abort its project and eventually returned to Turkey, continuously followed by plain clothed police officials.

III-Treatment and Misconduct by Law Enforcement Officials

In a letter from the Greek Police General Staff to the Human Rights Directorate of the Greek Foreign Ministry, it was asserted that the Roma, due to their illiteracy, moral standards, customs and occupations, demonstrate unlawful behaviour that "[...] is usually the expression of everyday life". Such a remark, emanating from the leadership of the Greek police force, is both a result of and cause for the perpetuation of the Roma criminals among police officers. Furthermore, even when confronted with substantial evidence, courts are reluctant to

prosecute police officers, thereby contributing further to the prevailing climate of impunity among the ranks of the Greek Police Force. Once again, the cases that arose concerned Rom individuals almost exclusively.

◆ In May 1998, police officers in Mesolonghi ill-treated two Rom youths, Lazaros Bekos and Eleftherios Kotropoulos, who had been arrested for attempted ice-cream theft. Despite incriminating forensic evidence, charges pressed by the victims, the active involvement of international and Greek NGOs and the indictment of three police officers by the Public Prosecutor "for torture and other deeds offensive to human dignity", the policemen were not transferred and reportedly pressured the victims to drop the charges. Furthermore, a trial was not set. An investigation mandated by the police and Ministry for Public Order is not known to have reached any conclusions.

◆ Angelos Celal was killed by policemen in 1998. Following a reluctant administrative investigation carried out by the Ministry for Public Order, his father pressed charges against the responsible police officers. In May 1998, the District Attorney's Office announced that the police officers would be prosecuted for a host of criminal offences, including *inter alia* murder, attempted murder and the illegal use and possession of firearms. Despite the fact that according to the police report, Angelos Celal was unarmed and shot in the back, the Council of Court Judges of First Instance of Thessaloniki held on 29 March 2000 that all charges should be dropped because the police officers had acted in "legitimate self-defence." A request to the Prosecutor's Office submitted by the Greek Helsinki Monitor and Minority Rights Group-Greece challenging the Court's ruling was disregarded, and Angelos' father's appeal was rejected because of a mere technicality. As of this writing, the case is before the Supreme Court.

Conditions in Prisons and Detention Facilities

Following citizens' complaints, the Ombudsman visited the Omonoia Square Police Station, located in the centre of Athens, in 1999. According to his findings, the overcrowding of the establishment, caused by the lengthy detention (up to six months) of foreigners and the notorious "sweep operations" (whereby everyone who looks like a foreigner is stopped and asked to produce his legal documents, failing which he is led to the police station, usually in order to be deported). Along with the prevailing hygienic and material conditions, detention in such places could well amount to inhuman and degrading treatment in itself.

The situation was scarcely different in the Attica General Police Directorate detention centre for foreigners, which was visited by a Human Rights Watch group in November 2000. The group found that the "detainees lived in conditions of severe overcrowding, and lacked access to fresh air or exercise, adequate sleeping accommodations, adequate food, and adequate access to medical care."⁴

Racism and Anti-Semitism

A number of municipal authorities appeared to espouse quite openly racist ideas and act upon them without any condemnation by the State. In 2000, the municipal councils of Nea Kios, Nea Tirynta and Midea (in Argolida, Peloponnese) all unanimously decided that the Roma population in their respective localities was to be blamed for the rising criminality, despite the lack of police data to this effect. In an attempt to single-handedly tackle the problem, they decided to evict the Roma without suggesting concrete solutions for their relocation.

◆ Anti-Semitic attacks on unprotected Jewish monuments in Salonica took place on 20-21 April 2000. Swastikas and anti-Semitic slogans were written on the

Holocaust Monument and a Synagogue of Salonica at a time coinciding with Jewish Passover and the 33rd anniversary of the 21 April 1967 military coup. The event was ignored by both the media and the political parties.

◆ On 24 May, swastikas were painted on the wall of Jules Dassin's house in Athens. As the widower of venerated Melina Merkouri, the event did stir some reactions, but they were low key.

◆ On 29 May, Greece's largest Jewish cemetery in Nikaia (Greater Athens) was vastly desecrated with swastikas and neo-Nazi slogans. This time, although the Government and even the Orthodox Archbishop condemned the act, the event and the statements went underreported in the media.

Such attacks did not attract much publicity in the media. In contrast, the imagined involvement of Jewish lobbies, especially in relation to the highly contested issue of I.D. reform, was repeatedly mentioned in the media. In this case, even leading Church officials and MP's from both major parties made repeated anti-Semitic remarks. Conservative opposition party MP Gerassimos Yakoumatos called the Prime Minister a "high priest of modern Judaism" in Parliament. In late October MP Yiorgos Karatzaferis – elected with opposition New Democracy and later expelled for his attacks against the party spokesperson – tabled a parliamentary question to Prime Minister Costas Simitis. He asked the Prime Minister to inform him whether his daughter had been secretly married in a Jewish Synagogue, ostensibly attempting to link this event to the I.D. issue. This act was not condemned by any circles (political, media, or even the Central Jewish Council).

◆ On 9 November (*Kristallnacht* commemoration day), an anti-Semitic book written by a journalist attending the press briefings (Andreas Daldakis, *The Philosophy of Soya or Institutionalised Misery*) was

freely distributed in the pressroom of the Ministry for the Press and Mass Media. According to Agence France Presse in Athens, which reported the incident,⁵ Minister Geroge Reppas failed to condemn the distribution and the book itself, which *inter alia* equates "the pictures of Hitler's cruelty with those from Africa or elsewhere of the monstrosities of Judeo-American-Zionist capitalism."

◆ In late November, *Yparho* (I Exist), a narrative biography of popular singer Stelios Kazantzidis, recorded and published by well-known writer Vasilis Vasilikos, also Greek Ambassador to UNESCO, was published. The book includes, with no critical remarks by the author, a series of anti-Semitic comments that Kazantzidis is known to have made.

At the root of Greece's inaction to face the increasing incidence of racism, hate speech and anti-Semitism, is a dogged determination not to recognise its multicultural character. This was made all the more evident in Greece's reply to the 2nd ECRI Report on Greece, released on 27 June. In the report, ECRI expressed concerns about problems of racism, intolerance and exclusion, in particular *vis-à-vis* the Roma population, Albanians and members of the Turkish minority. The Greek State rejected these concerns, arguing that it is in the best position to determine what should be done in order to protect its citizens' rights and that it need not adhere to "[...] the notion of a multicultural character of Greek society".

In 2000, two surveys confirmed the gravity of the problem of xenophobia in Greece. On 1 November, the publication of the EU's spring 2000 Eurobarometer survey showed that 38 percent of Greeks are disturbed by the presence of foreigners ("citizens with other nationalities") in Greece. The EU average was 15 percent.⁶ Another even more revealing result from the same survey was published on 25 January 2001 by the European Monitoring Centre on Racism and Xenophobia

(EUMC).⁷ The results showed that while 64 percent of EU citizens consider it a positive thing for any society to be made up of people from different races, religions, and cultures, only 36 percent shared that view in Greece, and 52 percent disagreed (compared with 26 percent of EU citizens generally). One month later, the results of a spring 1999 survey were released. Carried out by the state National Centre for Social Research (EKKE), the survey showed that, on a composite index, 47-54 percent of junior high and senior high school pupils, parents and teachers were xenophobic.⁸

Religious Intolerance

Certain positive developments appear to have been set in motion in 2000. Following a long debate in 2000, on 9 January 2001, the Minister of Justice stated that the Government will abolish the old laws dating back to the 1930's on proselytism and licenses for houses of worship. Furthermore, the Government stood by its decision to remove religious status from I.D. cards. It was ultimately decided that a mosque should be built in the greater Athens area, although admittedly the decision had more to do with the 2004 Olympic Games and the religious needs of Muslim athletes, and less to do with the greater Athens Muslim population (mostly migrant) of over 100,000.

No progress was made with regard to the punitive length of the newly introduced conscientious objectors' civilian service. Furthermore, problems concerning the selection of the *mufti*, the appointment of the management committees of the *wakf* properties, as well as the size and ownership of such properties, were not addressed and had a lingering effect on relations between the Greek State and its Muslim (and predominantly ethnic Turkish) minority.

The most challenging task in 2000 however lay in countering widespread perceptions about other religions and dogmas (i.e. non-Greek Orthodox). Such percep-

tions are especially dangerous when espoused by courts and official authorities that are supposed to be neutral.

◆ On 6 April, the European Court of Human Rights held unanimously in the case of Thlimmenos v. Greece that there had been a violation of, *inter alia*, Article 9 (freedom of religion/belief) of the European Convention on Human Rights. Mr. Thlimmenos, a Jehovah's Witness, was refused the right to work as a chartered accountant although he met the proscribed professional standards. The refusal was based on his penal record, which contained a conviction for refusal to serve in the army due to his religious beliefs.

◆ In the latest series of incidents dating back to the interwar period, the (New Calendarist) official Orthodox Church continued, for the second consecutive year, to occupy a small church in a suburb of Athens, built and owned (until its dispossession) by a group of Old Calendarists. Municipal and police authorities did not demonstrate any intention to react.

◆ On 13 June, Hara Kalomoiri was given a suspended sentence of two months in prison by a Three-Member Misdemeanour Court of Salonica for having operated a house of worship without the required permit. In the Court's view, the establishment where Kalomoiri worked (the Centre of Practical Philosophy and Psychology) was actually the temple of a Buddhist cult as its "residents engaged in Buddhist activities, concretely [...] meditation."

◆ On 12 December, in the Single-Member First Circuit Court of Thessaloniki, for the first time in Greek judicial history, representatives of all minority Christian churches were tried simultaneously. Sixteen Catholics, Protestants, and Jehovah's Witnesses were indicted for the "unauthorised operation of a house of worship" in violation of Article 1 of Law 1672/1939, despite the fact that for 11 houses the necessary permits were produced, while the

other five were simply offices of the respective churches. Furthermore, in support of the view that the indictments were aimed at "intimidating" the ministers of the denominations, one of the ministers had already been acquitted by the Court for the same charge on 5 November 1999. On 12 December, all sixteen defendants were acquitted.

Protection of National and Ethnic Minorities

The auspicious statements made by the Greek Foreign Minister G. Papandreou in 1999, supporting minorities' right to self-identification and announcing the imminent ratification of the Council of Europe's Framework Convention on the Protection of National Minorities, were met with such strong opposition that he had to effectively renounce them. As a result, the existing policy towards minorities, which considered their express recognition by an international treaty as a *sine qua non* for their recognition, still applied in 2000. Thus, according to the Greek State, there was only one (religious) minority, that of the Muslims of Western Thrace, protected by the 1923 Lausanne Treaty.

Turkish Minority

Apart from its continued non-recognition as a national minority, the issue of the *muftis* remained another problem faced by the minority. Rejecting the appointment of the *muftis* of Xanthi and Komotini by the State, members of the minority proceeded to elect their own religious leaders, who were soon charged under Article 175(2) (pretence of authority) of the Penal Code for falsely assuming the title of the lawful religious leader.

◆ The elected *Mufti* of Komotini, Mr. Serif, was vindicated when his case reached the European Court of Human Rights. The Court, in its 14 December 1999 judgment in the case of *Serif v. Greece*, unanimously held that Mr. Serif's conviction

violated Article 9 (freedom of religion/belief). The Court's reasoning went unheeded in the virtually identical case of Mr. Aga, the elected *Mufti* of Xanthi, who was convicted at trial on 31 May and 7 November 2000: over the years, he has received prison sentences of more than 100 months (that he usually "buys off"), having been convicted in some 15 cases. On 25 January, the European Court of Human Rights held a violation of Article 6(1) concerning the length of criminal proceedings in the case of *Mehmet Emin Aga v. Greece*. Just satisfaction of 2 million Greek drachmas (U.S.\$ 5,130) was awarded for non-pecuniary damage.

◆ On 29 June, the European Court of Human Rights dismissed the case of *Raif Oglu v. Greece*. *Atnan Raif Oglu* is a member of the Turkish minority. On 4 February 1993, he was suspended for a year from his job as a primary school teacher in the minority school of Xanthi in Thrace for using the term "Turkish teacher" and using old Turkish names for villages. On 2 February 1994, he was told he could not resume teaching as there were no posts available and on 24 September 1996 he was dismissed from his job for engaging in activities that "could harm the interests of the State." Both decisions were quashed by the Administrative Court of Appeal, but he was not reinstated. He lodged a complaint with the European Court, invoking Articles 6(1) (right to effective judicial protection) and 14 (freedom from discrimination) of the ECHR. He was rehired on 17 February 1998 and on 25 February 2000 was paid 7,108,572 Greek drachmas (U.S.\$ 18,230), a sum equal to his salary and social security contributions for the period he was not employed. However, he maintained his claim for non-pecuniary damages and legal costs, which was rejected by the European Court of Human Rights on the ground that the applicant could no longer be considered a victim within the meaning of Article 34 of the Convention.

◆ On 6 July, the European Court of Human Rights convicted Greece in a case involving the length of proceedings (*Tsingour v. Greece*). Djahit Tsingour, a Greek national of the Turkish minority and a chemist, complained under Article 6(1) of the ECHR about the length of proceedings to which he was a party before the Council of State (which lasted more than four years and six months) arising out of the Xanthi Pharmaceutical Association's refusal to accept him as a member. The Court held unanimously that there had been a violation of Article 6(1) and awarded him 3,000,000 drachmas (U.S.\$ 7,700) for pecuniary damages, 1 million drachmas (U.S.\$ 2,560) for non-pecuniary damages and 1 million drachmas for costs and expenses. In the meantime, he finally became a member of the association.

On the other hand, a number of positive developments did take place, although it is not possible to ascertain whether they are tangible proof of a new and slowly emerging policy towards the Turkish minority or can be attributed to the easing of tension between Greece and Turkey.

◆ On 6 June, 12 Turkish minority teachers convicted in 1997 for signing a document that included the name "Union of Turkish Teachers of Western Thrace" (an organization that was dissolved in 1987 because the use of the term "Turkish" created the impression that the Union in question was composed of foreign nationals) were acquitted by the Appeals Court.

◆ On 12 December, it was reported that the Supreme Court (Decision 1550/2000) reversed a 1999 Appeals Court of Thrace decision to dissolve the "Turkish Union of Xanthi," upon the 1986 demand of the prefect of Xanthi. The Court's decision followed the line of the *Sideropoulos et al. v. Greece* decision against Greece in ruling that suspicions for future activities of an association cannot form the basis for its dissolution. The Turkish Union of Xanthi was founded in

1946. The case will have to be tried again in the Appeals Court of Thrace.

Finally, a mixed development took place in relation to the restricted zone, situated north of the minority-inhabited district capitals Xanthi and Komotini. Although nominally abolished in 1995, freedom of movement was now allowed only to Greek nationals and not to foreigners. In the case of the latter group, the nationality of the foreigner seemed to be of paramount importance. A German journalist was allowed to carry out his task unhindered while a group of Turkish journalists were effectively made to abandon their project.⁹

On 2 January, the Greek Helsinki Monitor and the Minority Rights Group-Greece issued an open letter to the Foreign Ministers of Greece and Turkey protesting the failure to allow the "quota teachers" of the Turkish and Greek minority to assume their duties before December 2000, although they had arrived at the beginning of the school year. Both sides cited the failure of the other to execute the agreement.¹⁰

Macedonian Minority

Leaders of the Macedonian Minority party "Rainbow" stood trial for publicly using their mother tongue and were acquitted in September 1998. In 1995, they had pressed charges against persons suspected of sacking their offices on 14 September 1995. The Council of Misdemeanour Judges of Florina and the Council of Appeal Judges of Kozani quashed the charges in October 1999 and April 2000 respectively. According to the former Court's reasoning, the minority leaders were more or less to be blamed for the harm inflicted upon them since by writing the name of their party in both Greek and Macedonian on a sign outside their offices, they had "naturally" provoked those who took part in the incident. An appeal to the Greek Supreme Court, lodged on 4 May 2000, was pending as of this writing.

At the same time, the Home of Macedonian Culture, which in 1998 won

the right to register following a decision of the European Court of Human Rights (*Sideropoulos et al v. Greece*) was not able to do so in 2000. Lawyers from Florina (the seat of the association) had refused to take on the case in 1999 and early 2000, or, in one case, asked for an exorbitant fee. The association then turned to the Florina Bar Association on 19 April 2000, asking for them to assign a lawyer. The Bar Association rejected the plea on 24 April, alleging formal deficiencies in the application. On 10 June, the Chairman and Secretary of the Home duly filed a second application, which was rejected again on 26 September, and claimed that not all its members had refused to take on the case, and that the Home had to turn to the President of the Court of First Instance anyway, who has the authority to appoint a lawyer. In February 2001, a related petition to the President of that court was filed.

Roma Minority

Despite the assertions of the Greek delegation to the 1999 OSCE Implementation Meeting that Government policies are oriented towards the permanent solution of the housing problem that has plagued the Greek Roma population for decades, only incremental advancements were made in 2000 in relation to the dismal picture painted in last year's IHF Report. In fact, the Government's decision to ignore a number of NGOs and Roma associations working hard to promote the tent-dwellers' rights when forming an inter-ministerial body was a step backwards. It should be noted, however, that the problems stem mainly from the refusal of municipal authorities and the local population to co-exist with the Roma.

◆ In the case of Nea Alikarnassos in Crete, despite the agreement of both the Prime Minister's Office for Quality of Life and local NGOs over the relocation of the Roma to a former military barrack with the intention of creating a self-managed settle-

ment, the Mayor began serving eviction orders to the Roma in August in an effort to evict them from his town. He did this despite a 1999 court ruling that such eviction orders were abusive.

In greater Athens, efforts to prevent similar evictions or find alternative sites to house the Roma living in Aspropyrgos, Ano Liosia, Aghia Paraskevi, Halandri, Nea Ionia failed as local authorities claimed that they want the land on which Roma live to build sports or other facilities for the 2004 Olympic Games in Athens. A letter from the Greek Helsinki Monitor and the Minority Rights Group-Greece to the International Olympic Committee (IOC) President Juan Antonio Samaranch in August 2000 - asking the IOC not to tolerate a cleansed, Roma-free, greater Athens as the host of these Games - reportedly led the IOC President to write a letter of concern to the Greek authorities, which will hopefully lead to a re-evaluation of existing policies. In the meantime, following the demolition of their homes by the municipality of Aspropyrgos, local Roma, with the help of the Greek Helsinki Monitor, filed a complaint with the Ombudsman, who summoned the municipality to immediately justify its action and provide the necessary legal documentation (25 July). However, the municipality ignored the request. In January 2001, the Greek Ombudsman concluded that the municipal actions were illegal and that there is a basis for disciplinary and criminal sanctions.

In October, the first successful resettlement of Greece's largest destitute Roma community from Gallikos River to Gonou, near Salonica, took place. Four NGOs (Doctors of the World-Greece, DROM Network for Gypsy Social Rights, Greek Helsinki Monitor, and Minority Rights Group-Greece) backed by a small parliamentary party (Progressive Left Coalition), had pressed authorities for four years to implement the plan for the creation of the first self-managed Roma dwelling unit in Greece. The plan was fully backed by the

Roma concerned - and regrettably opposed by the state-launched Panhellenic Federation of Roma Associations.

Citizenship and Statelessness

It is estimated that approximately 300 individuals in Greece remained stateless in 2000, while at least 1,400 more lived in Turkey and an unknown number elsewhere.

Although Article 19 of the Citizenship Code was repealed in 1998, it was only in mid-1999 that state officials would start considering the conferment of citizenship to those stateless in Greece. However, stateless persons were asked to apply for naturalisation as if they were foreigners and did not simply have their citizenship reinstated, as was the case in the 1980s with returning political refugees (of Greek ethnic origin) of the civil war. Despite this humiliation, many individuals applied for naturalisation, as their continuing statelessness meant that they could not receive a number of benefits reserved to citizens. Nevertheless, only three dozen of the more than 100 applicants had been granted citizenship by the end of 2000, notwithstanding assurances given by state officials that the process would be a swift one.

Among those who remain stateless, there are a number of Muslim Roma.

◆ The situation of Muslim Roma can be described by reference to the case of Sezgin Durgut, whose 1990 application for Greek citizenship is still pending. Moreover, the police department of Komotini refused in 1999 and again in 2000 to provide him with a stateless identity document, an obligation under the 1973 UN Convention for the Reduction of Statelessness that Greece ratified in 1977. The Greek authorities repeatedly and misleadingly claimed that Durgut's family had Bulgarian citizenship, since his grandfather was born in Bulgaria and migrated to Greece 60 years ago. The claim was made despite ample evidence that they were stateless.

Protection of Immigrants

The Greek State's plan to conditionally legalise immigrants living in Greece did not yield the expected results, as only 50 per cent of the estimated 600,000-700,000 immigrants applied for the so-called "green card," and no more than 120,000 had received "green card" by the end of 2000. A new legalisation and immigration bill was to be introduced in early 2001.

A negative new development in 2000 was the decision of the Ministry of Health and Welfare to deny medical treatment in state hospitals, save in emergency cases, to undocumented immigrants. Furthermore, medical staff were also obliged to report immigrants seeking non-emergency treatment to the police. Quite apart from the racist character of the decision and the negative effects it will have on migrants' and their families' health, it also poses a threat to public health by preventing the treatment of persons carrying contagious diseases.

The decision has also divided the hospital staff, as on the one hand the President of their Association declared that they would not implement the decision, while there were other instances in which treatment was refused to migrants and/or the police were summoned.

Albanians had a "criminal" image and were therefore often treated with prejudice by the courts.

◆ In a scandalous court verdict of 19 April, 23-year old Vata Safeti received a life sentence for the murder of an elderly person, plus 20 years for robbery. Both acts were allegedly committed with two other Albanians who were never caught. Among other procedural improprieties, none of the six witnesses recognised the defendant, nor was there any evidence that he had been in Lefkadia (Naousa) when the crime was committed on 24 December 1996. The conviction was based on the hearsay of witnesses that never testified in court, fuelling the suspicion that Vata Safeti was merely a convenient scapegoat for a crime the police were pressed to "solve."

Human Rights Defenders

Oblivious to the significant role that NGOs might play in the promotion of a human rights culture, the Greek State in fact continued to demonstrate a worrying propensity to hinder their activities.

- ◆ An international seminar on "Greece and the European Charter on Regional and Minority Languages," organised by the Council of Europe and the Minority Groups Research Centre (KEMO), scheduled for 28 June in the amphitheatre of the Greek Ministry for Foreign Affairs, was cancelled literally at the last minute, following criticism by members of the major opposition party.
- ◆ Following pressure exerted by the Greek State, a minority advocacy training programme for the Southern Balkans (jointly proposed by Minority Rights Group and Minority Rights Group-Greece) was excluded from the Stability Pact list of projects. Although no justification was given, one can assume that it was related to the prevailing sensitivity in Greece concerning minority issues.
- ◆ On 31 May, in Lamia, the Greek Helsinki Monitor and the Minority Rights Group-Greece, together with Amnesty

International, observed the trial of Mehmet Emin Aga (the elected *mufti* of Xanthi, who was convicted that day on appeal to seven months in prison for four cases of "presence of authority"). Well-known state security officers serving in Xanthi closely followed the NGO observers, even repeatedly looking over the notes they took, while police officials followed the buses transporting minority members to Xanthi following the trial.

- ◆ Halit Eren and Taner Mustafaoglu, Turkish citizens and former presidents of the Solidarity Association of Western Thracian Turks in Istanbul, were refused visas to Greece in the summer of 2000. Both had been refused visas on previous occasions. No formal reason for the refusals was ever given, but it was widely believed that their activism (although Eren wanted to visit his old mother) was the sole reason. The Visa Section of the Consulate General of Greece in Istanbul stipulated in a letter to *Turkish Daily News* (15 December 2000) that this was due to standard Schengen system procedures. Nevertheless, Mustafaoglu had frequently received visas to visit other EU Schengen countries in the past. Their cases bore a resemblance to the Mangovski case.¹¹

Endnotes

- ¹ Based on Greek Helsinki Monitor and Minority Rights Group-Greece, *Human Rights in Greece: Joint Annual Report for 2000*, 11 February 2000. www.greekhelsinki.gr/bhr/english/organizations/ghm/ghm_11_02_00.rtf
- ² See also Protection of Ethnic and National Minorities.
- ³ Statement by the Greek Delegation, Warsaw, 25 October 2000. www.greekhelsinki.gr/english/pressrelease/GD-25-10-2000-osce2000.html
- ⁴ Human Rights Watch, "Appalling Detention Conditions for Foreigners in Greece Says Rights Group", 20 December 2000, www.hrw.org/press/2000/12/greece1219.htm
- ⁵ AFP, "Des ONG déplorent l'exaltation de l'antisémitisme," 9 November 2000.
- ⁶ *Ta Nea*, "Record Xenophobia in Greece with 38 Percent", 1 November 2000.
- ⁷ www.eumc.at/news/media/MR194-3E01-01-en.doc
- ⁸ *Ta Nea*, "Shocking Data for the Values of Greek Society," 7 December 2000.
- ⁹ See Freedom of Expression.
- ¹⁰ Greek Helsinki Monitor and the Minority Rights Group-Greece, "Open letter on 'Reciprocal' Violation of Minority Rights," 2 January 2001.
- ¹¹ See Freedom of Expression.