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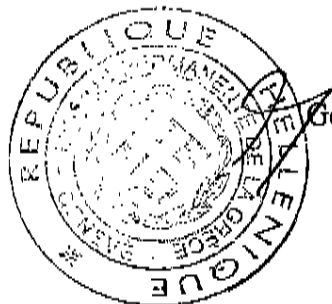
PERMANENT MISSION OF GREECE  
GENEVA

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**NOTE VERBALE**

The Permanent Mission of Greece to the United Nations Office at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the latter's Note Verbale, dated 31 March 2015, on the preparation of analytical report on the implementations of over-incarceration and overcrowding for the human rights of persons deprived of their liberty, has the honour to attach herewith a recent joint letter by the Minister of Justice, Transparency and Human Rights and the Alternate Minister for Citizen Protection, in this regard, which has been circulated to all Diplomatic Missions in Greece.

The Permanent Mission of Greece to the United Nations Office at Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 23 April 2015

To: **The Office of the High Commissioner for Human Rights**  
Fax: 022 917 9008

Att.: 2 pages

Athens, 20 April 2015

Overcrowding of prisons and lack of conditions suitable for the accommodation and care of prisoners with special needs (elderly or suffering from serious health problems or disabilities) have been permanent problems of Greek prisons for decades. The Greek Government inherited a very difficult situation which requires a long period of time as well as costs for the state in order to be tackled, in circumstances of strict austerity.

Additionally, international courts and institutions have stressed the urgency of a responding intervention. Eleven recent judgments of the European Court of Human Rights implementing Article 3 of the European Convention HR (Inhuman or Degrading Treatment or Punishment) found violations in cases concerning Greek prisons, with respect to complaints about detention conditions. The gravity of the situation concerning treatment and conditions of detention of prisoners, conducted the European Commission for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment (CPT) to issue a Public Statement concerning Greece. According to the statement, Greek Authorities have continuously asserted the improvement of the situation, however in situ inspections proved that the task was never achieved: severe overcrowding, insufficient staff rates and poor health care provisions are the constant features of the situation in Greek prisons.

Given the economic difficulties and the length of any current effort to build new well equipped structures and to find staff, Greece was obliged to create either an alternative to the regular detention system or to provide a compassionate release for detainees with special needs. The latter, thus a compassionate release system, was chosen for those detainees who were sentenced to imprisonment up to twenty years. First the alternation of regular detention to home detention has been selected for life-sentenced offenders who, because of their invalidity, no longer pose a threat to society. The wording of the new law and the conditions of the measure were drafted in order to make clear that this alternation is not a release, but a change of detention conditions. A more detailed analysis of the reform points out that lifers with testified disability over 80% who already count ten years of imprisonment, should be detained, after the judgment of a council of the Appeal Court, in their own house. This kind of detainment is provided under electronic surveillance (bracelet) and special conditions, such as visits of the authorities in house. Detainees who fail to satisfy any condition concerning home detention will be removed immediately and incarcerated. Greek authorities consider that the implementation of the new rule will offer enough time opportunities to create and construct better treatment structures in prisons for those detainees who will fail to be detained and treated at home.

Greece is well aware that this reform raised concerns, in both national and international frameworks, as a (only one) convicted terrorist S.X. having already completed 14 years of imprisonment and declared invalid (98% invalidity; practically blind, almost deaf, maimed, all because of his own behavior and also suffering of multiple sclerosis) should be favored by a form of release.

It is true that a restricted number of lifers (over a decade, already declared or to probably be declared by the competent committee as surpassing the 80% of invalidity and others in temporary detention according to the Greek Code of Criminal Procedure), detained now in inappropriate conditions, will be favored by the change of conditions. Nevertheless, it is important to consider that the presuppositions (serious disability attested by a competent medical expert and then judged by a council of experienced Appeal Courts judges), the institutional character (not a release, but a change of form of detention to suit special health needs) and the conditions (permanent electronic surveillance, special restrictions (such as visits of authorities or social workers etc, and return to prison in case of failure of detention conditions) guarantee the punitive character and the safety of the alteration of detention. Unfortunately, Greece has also been convicted by the ECHR because of the inappropriate conditions of detention concerning the aforementioned terrorist, but the reform offers sufficient time for the improvement of the inside treatment, in case of return to prison.

The Greek State, Justice and Government, provides strict and fair punishment for serious crimes, such as murder or terrorism, and of course expresses a deep respect for the victims, especially for those suffering the loss of their beloved relatives. The relatives of victims in Greece and other countries such as the United Kingdom, the U.S.A. and others, will be informed of all developments. We would like to reassure them that the compassionate change in detainment conditions for detainees with special health or treatment needs, does not constitute a release, given the conditions of electronic surveillance, as well as the other strict restrictions leading - in case the prisoner fails to respect them - back to prison. It is only proof that Greece respects fundamental human rights, based on the firm belief that security, justice and respect of human rights can coexist.

- Nikolaos Paraskevopoulos  
Minister of Justice, Transparency and Human Rights  
- Giannis Panousis  
Alternate Minister for Citizen Protection