

The 2015 Prison Reform Bill in Greece

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(Abstract) On Monday 20 April, the Syriza-led parliament in Athens passed the reform bill, proposed by the Greek Minister of Justice, *Nikos Paraskevopoulos*, concerning the prison system's reform. The bill adopted, which became law, allows disabled prisoners who have served most of their sentences to serve the rest of their terms under house arrest, for humanitarian reasons. It also abolished controversial C-type jails, where some of the most notorious criminals have been held. This Bill caused harsh reactions both from the inside of the country and the outside. The Public Union of prosecutors announced its disappointment for the Draft Bill before it was passed and the U.S. Government protested Greek law that would release disabled terrorists, whilst blacklisted two Greek terrorists, Christodoulos Xiros and Nikos Maziotis, who could be eligible to serve the remainder of his sentence under house arrest, instead of in prison, according to the latest Bill. On the other hand, the Greek Foreign Minister, *Nikos Kotzias*, confirmed the Secretary of State, John Kerry, during their talks in Washington that no terrorist will become free. The Minister of Justice, *Nikos Paraskevopoulos*, defended the bill after the criticism, by underlying that it fixes the deeply inhumane and anti-democratic prison conditions, while he reminded to everyone that Greece has been convicted for that reason from the European Courts.

Key words: Greece, Bill for Prisons' decongestion, Union of Prosecutors, *Paraskevopoulos*, *Kotzias*, John Kerry, terrorists, *Xiros*, *Maziotis*, U.S. Ambassador to Greece, U.S

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*Introduction*

Justice Minister *Nikos Paraskevopoulos* put up for public consultation a prison reform bill, which calls for the closure of C-type maximum-security prisons as well as the release of inmates who are disabled or ill. This last clause would allow some criminals to be released from prison, such as the member of the terrorist organization, *Savvas Xeros*, who was sentenced to serve five consecutive life sentences plus an additional 25 years for taking part in robberies and five assassinations. The Minister of Justice underlined the fact that the conditions in Greek prison are "dramatic" and on the way to become the worst in Europe, whilst he remind to the Greek government that there are 191 outstanding cases against Greece at the European Courts, over prison conditions. On the other hand, the two coalition government partners, SYRIZA and the Independent Greeks, have disagreed on provisions contained in a reform bill that aims to abolish the controversial "Type C" maximum security prison facilities. [1] The Public Union of Greek prosecutors protested the bill in its draft form, with the following announcements, whilst the Minister of Justice, *Nikos Paraskevopoulos* gave an immediate answer. In addition, before this Bill passed by the hellenic parliament, the U.S. has, also designated this decision of Greece as an „unfriendly act" during the talks between the Secretary of State, John Kerry and the Greek Foreign Minister, *Nikos Kotzias*, in Washington.

To begin with the reactions caused from the inside of the country, the Administrative Council of the Greek Union of Public Prosecutors has condemned, as well, the latest bill proposal of Minister of Justice, Mr. *Paraskevopoulos*, which aims to the permanent abolition of the controversial "Type C" maximum security facilities.

Specifically the union of prosecutors has stated:

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a) Legislative reforms, which include the provisional release of convicts from every crime and degree, consuming itself to exclusively emergency measures and aiming merely to the decongestion of Greek prisons, is characterized as opportunistic, disjointed and ultimately alien to the penal doctrine.

The prisons' overpopulation is undeniably an issue of cardinal importance. However, this cannot be resolved with an arbitrary legislative decrease of the real time of the serving of a sentence and the simultaneous general implementation of such measure without any exemptions regardless of the gravity of the crime committed. Such measure:

i. is equivalent to the essential cancelation of judicial decisions, which have been imposed in *casu*, namely based on specific legal and factual data

ii. limits the general and special preventative effect of the imposed sentences

i. does not provide for the fair and proportionate punishment of crimes committed by offenders. In fact, this controversial provision will actually reward them, because of the state's weakness to guarantee the infrastructure to impugn criminality

ii. puts public safety at risk, since it can be implemented without any exemptions and regardless of to the gravity of the crime committed (such as article 1 from statute 4043/2012), and finally

iii. strengthens the impression of a State, which acts incoherently, with self-negation and without respecting the legislation that this state has already passed in the sensitive field of Penal Law

b) whilst the Union concedes that the bill aims to address humanitarian concerns, particularly in the case of ailing inmates (from specific diseases) and disabled convicts (up to a specific disability rate), it notes that this humanitarianism appears to be "à la carte" and it does not unequivocally posit an objective criterion of a lenient treatment for all prisoners' categories. This results in the:

i. disintegration of the conjunction between the criminal action on the one hand and the purpose of the imposed penalty on the other

ii. lack of an individualized approach of each particular case on its own merits by the judicial authorities

c) Regarding the provision which will see most minor offenders released, unless they committed a serious felony resulting in life imprisonment, it is a common fear that minors can be exploited by older criminals, that usually act organized and either recruit minors or present themselves as minors. Some of these promoted provisions, facilitate precisely these organized criminal actions and appear to have a general "amnesty" purpose, instead of personalized examination of juvenile delinquency.

Last but not least, the administrative council of the Greek union of prosecutors declares its disappointment, because its contribution has not been asked during the drafting of this proposal on judicial reform; furthermore, the quick deadline for public discourse on the issue, is not enough to showcase this stage of discourse as essential. [2]

On the other hand, the Minister of Justice, Nikos Paraskevopoulos, on Tuesday, 31st of March, responded immediately to the harsh criticism by the Union of Public Prosecutors of Greece. The Prosecutors claimed the bill, was yet another in a series of acts of legislation "favoured by the state" for prisons that were "opportunistic, fragmentary and - essentially - foreign to penal doctrine". The draft bill proposes the abolishment of Type C maximum security prisons and allows the release from prison of inmates with health problems, minors, as well as the early release for several others based on time served. The Minister of Justice argued that the conditions in Greek prison are "dramatic" and on the way to become the worst in Europe, while he defended the bill for the mass release of prisoners, saying that in extraordinary circumstances and in a bid to alleviate overcrowding in Greek prisons, such measures have to be taken. [3] Mr. Paraskevopoulos, also, stressed the fact that there are 191 outstanding cases against Greece at the European Courts, over prison conditions. [4]

Specifically, he stated:

The Ministry of Justice respects the vital role and appreciates the position of Public prosecutors.

Nonetheless, the specific statement of the Administrative Council of the Greek Union of the Public Prosecutors, pursuant to the current Draft Bill, does not offer any proposals on how to resolve the problems troubling Greek prisons.

In emergency conditions and under the weight of responsibilities caused by the overcrowding of prisons and the continuous and expensive convictions by the European Court of Human Rights, the legislator is asked to find solutions here and now, even temporary. Unloading the prison system through judicious and scheduled releases which take into account certain criteria, meets exactly this need and the penal codes that will follow will place the bill on a sound base.

□ Ailing and people with a serious handicap experience incarceration as a double evil, so facilitating their release, under conditions, corresponds to a fair balance between the penalty awarded and the penalty which is really served. The claim that this “is humanism a la carte” is unfounded.

□ Respecting judicial decisions doesn't deprive the legislator from the power to choose the extent and manner the penalty will be served. The permanent abolishment of the controversial “Type C” maximum security facilities, for example, restores precisely this connection between the imposed penalty, on one hand and the serving sentences, on the other.

□ The manner in which penalty or temporary custody will be imposed, together with the over-criminalization, as well, consist unequivocally some of the major factors leading to overloading of the prison system.

□ Unilateral punishment methods reflect outdated perceptions and perceptions not leading anywhere, which do not have a place in a humanitarian state. [5]

As far as the reactions against this Bill concern, which were provoked outside of the country, both the U.S. Ambassador to Greece, David Pearce, and the Secretary of State, John Kerry. They protested new legislation that will let two disabled far-left terrorists convicted of murdering Americans, serve the rest of their life sentences under home confinement with an ankle monitor instead of in prison.

Specifically, Christodoulos Xiros was a member of the Marxist- nationalist „November 17., group that killed more than 20 people, including Americans, between 1975 and 2000. Maziotis is the leader of Revolutionary Struggle, a group held responsible for a 2007 grenade attack on the U.S. Embassy in Athens. Xiros has impaired and almost lost most of his sight and hearing, when a bomb exploded in his hands in 2002. He is also said to be suffering from multiple sclerosis and kidney problems. The explosion led to his arrest and the dismantling of the group, which killed 23 people between 1975 and 2000, including U.S., British and Turkish nationals. Xiros was vanished during his furlough in 2014 to meet his family, and he was re-arrested in January, 2015. The other terrorist is Nicolaos Maziotis, who was the leader of the Revolutionary Struggle blamed for a 2007 rocket-propelled grenade attack on the US embassy in Athens. Maziotis has also escaped during his trial in 2010 and was re-arrested in July, due to a shootout in Athens' main tourist area, in which four people were wounded.

On 18th of April, a meeting in Washington was held between the US Secretary of State, John Kerry and the Greek Foreign Minister, Nikos Kotzias. *“Obviously, we are very concerned that those who have committed acts of terrorism, who have been incarcerated need to remain incarcerated and we hope that we can work through all of our policy issues because the relationship between us is so important,”* Kerry told reporters before the meeting [6]. On the other hand, Nikos Kotzias has ensured that the new law in Greece about the prisoners will not let any terrorists become free. A Greek government Official, wishing to stay in anonymity, said that the Greek law was not aimed at releasing Xiros; but like other detainees, he met the criteria for house arrest wearing a monitor bracelet. The official also said Kerry expressed his concerns in a telephone call with Greece's Prime Minister, Alexis Tsipras, who said that the biggest risk for Europe came from the *“terrorism of the jihadists”* and called for cooperation.

U.S Ambassador to Greece, David D. Pearce, on his turn, voiced Washington's concerns about a law on prison reform, in a meeting held in Athens at the same day that the Draft Bill would have come to a final vote in the Greek Parliament. More precisely, he mentioned that *“If Savvas Xiros - or anyone else with the blood of American diplomats and U.S. Mission members on their hands - leaves prison, it will be seen as a profoundly unfriendly act and [...] it would be a disservice to the memory of the American diplomats he killed, and their families. We would not understand it.”* He also explained thoroughly that *“The issue is not prison reform, or alleviating overcrowding, or providing access to medical care, or improving humanitarian conditions. The issue is that convicted terrorists and murderers - people who have committed terrible, heinous crimes - should serve their full sentences in prison, not in the comfort of their homes, surrounded by their friends, families, and associates”.* In addition, the U.S. Ambassador to Greece underlined the significance of a good partnership between the two NATO allies. *“Greece is an important force for stability in the region and has been a good partner for the United States on a number of issues, including law enforcement and counterterrorism issues. We believe this legislation is inconsistent with the spirit of Greece's long-standing commitment to international counterterrorism cooperation and, should it pass, it would be a setback to our bilateral cooperation. This is not just a humanitarian issue, it is also an important security issue,”* Mr. Pearce said in Athens. [7]

However and after all this harsh criticism, the Greek Parliament brushed aside the US pleas and adopted the law about the prison reform, late on Monday, 20 April 2015, with the support of the leftist ruling party, SYRIZA. This Prison Reform Bill, which allows Xiros and other severely disabled prisoners to serve the rest of their sentences at home on humanitarian grounds, could not leave the US State Department uninfluenced.

One day after the adoption of the law, on Tuesday 21st of April, the US State Department placed the two Greek far-left militants, namely Christoforos Xiros and Nicolaos Maziotis on a terrorism blacklist. Specifically, the placement in this list means the freezing of any assets they both may have under U.S. jurisdiction. Furthermore, it is prohibited for Americans to have any transactions with them. [8]

As an answer to this decision of the U.S. Department of State, the one of the two aforementioned terrorists, Nicolaos Maziotis has written a letter from Domokos prison where he serves his sentence. In this letter he announces the following: „*The State Department admittedly did me great honor by including me in the list of international “terrorists”. This action is proves undoubtedly lack of confidence towards the Greek government, and sends a strong message; that the U.S. government – which does not recognize any court precedent in another State in case of an attack on U.S. targets – may arrest and prosecute any armed fighter and revolutionary who have attacked U.S. targets anywhere in the world, even if they have stood trial and have been incarcerated in the country where this attack was perpetrated. But the State Department has nothing to worry about. The SYRIZA-led government, despite deviations, will present themselves as consistent with the united front in the war on “terrorism”, just as they are being consistent with their debt repayment obligations to the creditors of the supranational elite. Besides, they stated that they “are doubly sensitive to issues of terrorism, since many attacks were carried out in the name of the Left.”*

*Regardless of how many years I have to spend in prison, regardless of the price I pay, I will always be filled with joy remembering how we as Revolutionary Struggle humiliated them that morning of January 2007, when we struck the facade of the U.S. Embassy and I will always remember with satisfaction the words of the then U.S. Secretary of State Condoleezza Rice, who woke the then planetarch George W. Bush, saying: “Mister President, we are under attack in Athens.” [9]*

### Conclusion

Last but not least, it is of vital importance for someone to think the purpose of any prisons' system itself; which precisely is the reason why criminals are lead to prisons? Is it a kind of punishment and revenge from the society for the obnoxious act that was committed? Or does the prisons' system aim to the reformation, anamorphosis and rehabilitation of the criminal, so as when he leaves prison he will not commit another crime? If the main purpose of penalties is the mere revenge and the moral satisfaction for the victim's relatives, then the death penalty should not have been nullified in almost every developed country in the world. However, if we could realize that the purpose of every prison's system is the restoration of a criminal mind, to a healthy reasonable person, who will no longer be a threat for society's safety after leaving prison, then we would try to find ways, through which this purpose could be served better. Moreover, “Democracy”, which entails respect to fundamental Human Rights, is an absolute idea itself and shall not be depended on whether a detainee has really regret for the committed crimes or not. In any case the “center” of all laws should be the human itself. This is the reason why Greece has been condemned in September, 2010, by the European Court of Human Rights in the “Xiros v. Greece” case [10], for the circumvention of Article 3, which concerns the “Prohibition of Inhuman or Degrading Treatment”. This law essentially says that people who are already heavily handicapped is not possible to remain in prison. After all, when they are released, they have no capability to commit a new criminal act.

[1] <http://www.tovima.gr/en/article/?aid=692579>

[2] [http://dikastis.blogspot.gr/2015/03/blog-post\\_8.h](http://dikastis.blogspot.gr/2015/03/blog-post_8.h)

[3] <http://www.greece2day.com/index.php/politics/item/2818-justice-minister-defends-bill-for-decongesting-prisons-after-criticism>

[4] <http://www.tovima.gr/en/article/?aid=692579>

[5] <http://dikastis.blogspot.com/2015/04/blog-post.html>

[6] <http://abcnews.go.com/International/wireStory/us-protests-greek-law-release-blind-terrorist-30448154>

[7] <http://www.nytimes.com/reuters/2015/04/20/world/europe/20reuters-eurozone-greece-prisons.html>

[8] <http://www.nytimes.com/aponline/2015/04/21/us/politics/ap-us-united-states-greece.html>

[9] <http://en.contrainfo.espiv.net/2015/04/23/nikos-maziotis-response-to-the-state-department/>

[10] see the case: [http://hudoc.echr.coe.int/sites/eng-press/pages/search.aspx?i=003-3254457-3633943#\\_ftn1](http://hudoc.echr.coe.int/sites/eng-press/pages/search.aspx?i=003-3254457-3633943#_ftn1)

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