



**HELLENIC REPUBLIC
MINISTRY OF JUSTICE, TRANSPARENCY
AND HUMAN RIGHTS
THE MINISTER**

Athens, 28/4/2017
Ref. No:



Mr Nils Muiznieks
Commissioner for Human Rights
of the Council of Europe

Dear Commissioner,

I would like to thank you for your letter and for the open and constructive dialogue with the Ministry of Justice on human rights issues. I would also like to note that the Greek Government shares your high interest on eradicating ill treatment by law enforcement and detention facility agents. Our political will is reflected in the recent establishment by L. 4443/2016 of the "National Mechanism for the Investigation of incidents of ill-treatment" within the Greek Ombudsman. As you know, the «Office for the investigation of incidents of ill-treatment» which had been established by Law 3938/2011 had remained inoperative since the enactment of this Law in 2011.

As regards the specific issues raised in your letter, please allow me to note the following:

First of all, I would like to clarify that the Greek Government is determined to effectively investigate all incidents of arbitrary and violent behaviour of law enforcement personnel and to punish the perpetrators.

However, with reference to the specific incidents mentioned in your letter and the information you have received containing allegations for very serious offences, I would very much appreciate, instead of a general reference, if we had been provided with specific information on these cases, in order to be able to

identify them and follow-up on their criminal investigation, especially as regards possible prosecutions and convictions.

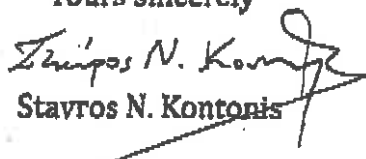
Furthermore, I totally agree that preventive measures, and especially training of law enforcement personnel, judges and prosecutors are of high importance and can decisively help to effectively combat such incidents. Therefore, we welcome any cooperation with the Council of Europe on this matter.

Concerning the definition of torture included in art. 137 A of the Penal Code, we have already requested from the Law-Making Committee which has been established for the reform of the Penal Code, to examine the compatibility of the current definition of torture with art. 1 of the UN Convention Against Torture. The Law-Making Committee is comprised of jurists specialized in Criminal Law and Human Rights and its work is still in progress.

Regarding the conversion of custodial sentences in cases of torture, I share your concern and we will consider the matter. I would like to assure you that we will not sacrifice justice in the name of prisons' decongestion and we are fully determined to make sure that perpetrators of such serious crimes are proportionately and effectively punished.

Thanking you again for your recommendations and for this constructive dialogue,

Yours sincerely


Stavros N. Kontonis