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Greece: Written contribution on harassment, defamation and prosecution of minority rights defenders

Greek Helsinki Monitor (GHM) distributes today an extensive report on the most serious acts of harassment, defamation and prosecution of minority rights defenders in Greece, prepared in August 2008, with an update in the form of a **World Organisation Against Torture (OMCT)** urgent appeal dated 17 September 2008.

In Greece, a formally democratic EU country, the existence of a Macedonian minority and of a Turkish minority is denied by all political forces, most media and most supposed civil society organizations. The related **UN Human Rights Committee, UN Committee on Economic, Social and Cultural Rights** and **European Commission against Racism and Intolerance** recommendations to Greece on these minorities have never been published in Greece. They are always deliberately ignored by parties and media in their frequent anti-minority statements (where arguments in favor of such minorities are usually presented as “anti-Hellenic” and as originating from, or manipulated by, the USA, Turkey or Macedonia) so as not to shatter the myth of non-existence of ethno-national minorities. Moreover, Roma are victims of widespread racism and discrimination in all walks of life, while there is an extensively documented generalized denial of justice for them, by both the courts and the independent authorities. This has been the experience of GHM when it has brought cases before these institutions on Roma’s behalf. On the other hand, there is no other civil society organization –not even the state-approved Roma associations- that effectively defends Roma rights. Finally, in Greece there is widespread anti-Semitism even among judicial officials and the rare prosecution of neo-Nazis, resulting from GHM-initiated litigation, faces the opposition of all political parties, independent authorities and most media, who also keep silent about, or even outright deny, the existence of anti-Semitism.

Activists advocating, defending and litigating minority rights are today the object of:

- one upcoming trial for defamation and perjury (as a retaliation for advocacy against racist school segregation of Romani children in a case for which Greece has recently been convicted by the European Court of Human Rights);
- one criminal investigation for alleged secessionist actions (calling for a penalty of life sentence) and a possible second criminal investigation for similar charges;
- multiple abusive and irregular tax audits;
- one criminal investigation for the possible withdrawal of the legal personality of a NGO;
- one criminal investigation for perjury (as a retaliation for the filing of criminal complaints against neo-Nazis);
- one physical attack in a courtroom followed by electronic posting of death threats –an incident that authorities have refused to investigate or even report it in the trial’s transcript; and
- a series of defamatory statements in the media and on the Internet.

In three cases of defamation of activists, prosecutor or judges have referred to trial one government official, the national newspaper with the largest circulation, and a local newspaper. They have also stated that this government official could also stand trial for having provided false information to the UN. Indeed, GHM would like to underline the courage of some prosecutors and judges who, against all odds and ignoring the prevailing anti-minority, anti-Roma and anti-Semitic attitudes, have taken decisions that have vindicated, in a few cases, the work of minority rights activists.

GREECE: HARASSMENT, DEFAMATION AND PROSECUTION OF MINORITY RIGHTS DEFENDERS (AUGUST 2008)

1. Harassment of activists who testified in a trial of Greece's neo-Nazis

1a. On 4 December 2007, Mr. **Panayote Dimitras -Greek Helsinki Monitor** (GHM) Spokesperson, member of **World Organisation Against Torture** (OMCT) Assembly of Delegates, and convener of the **Euro-Mediterranean Human Rights Network** (EMHRN)'s Working Group on Freedom of Association- testified at a trial before a Three-Member Appeals Court of Athens against the extreme-right newspaper *Eleftheros Kosmos*, which had published articles on 27 October 2006 in conjunction of the anti-Semitic book by Mr. Kostas Plevris, *The Jews - The whole truth* (May 2006), in which Mr. Plevris glorifies Hitler and calls for the extermination of the Jews.

During Mr. Dimitras' testimony, Mr. Plevris and his lawyer verbally attacked the witness. As soon as the testimony was finished, Mr. Dimitras was further attacked by Mr. Theodoros Varikos, a journalist at the State television channel *NET*, who insulted him and tried to strike him with his hand. Surprisingly, the presiding judge did not order the arrest of the assailant for disruption of court proceedings, merely suggesting to Mr. Dimitras to go to the police station and file a complaint for defamation. However, he was discouraged to do so by a police officer, who told him that if he did so, he would be arrested along with Mr. Varikos, as the latter would file a counter-complaint.

In addition, in the evening of 4 December 2007, a video was uploaded on the Internet by a member of the extreme rightwing party LAOS, showing the attack against Mr. Dimitras with the title "*dramatic closure of the trial today*". Below the video, insults and death threats were posted ("*no need to insult him; Mr. Dimitras needs something else, something that will rid us from his presence once and for all*"), as well as anti-Semitic messages.

On 13 December 2007, the Second Three-Member Appeals Court of Athens, by a two-to-one judge verdict convicted Mr. Plevris to a suspended prison sentence of 14 months for "*incitation to racial violence and hatred and for racial insults*". The other three defendants - the publisher, editor, and journalist of *Eleftheros Kosmos* - were acquitted of the same charges. Mr. Plevris appealed and the resulting trial is scheduled for 17 September 2008. The minority judge, in a 32-page opinion, called the book scholarly and upheld Mr. Plevris right to express his anti-Semitism and ideological views.

Right after this verdict, more threatening messages against Mr. Dimitras were posted on the Internet forum of the LAOS youth organisation NEOS saying, among others: "*Dimitras and Marie-Antoinette have the same unavoidable end*"; "*I agree. All traitors in the end get what they deserve*".

For details see GHM release at <http://cm.greekhelsinki.gr/index.php?sec=194&cid=3216>. There were related international appeals by the **Observatory for the Protection of Human Rights Defenders** (see <http://cm.greekhelsinki.gr/index.php?sec=194&cid=3227>), by **Minority Rights Group International** and **Greek Helsinki Monitor** (see <http://cm.greekhelsinki.gr/index.php?sec=194&cid=3226>) and by the **Euro-Mediterranean**

Human Rights Network (see <http://cm.greekhelsinki.gr/index.php?sec=194&cid=3224>). Yet, there has been no investigation of these actions to date. On the other hand, the incidents in the court were also omitted from the trial's transcript, in an effort of the court to hide them and consider them as non-events. On 14 April 2008, Panayote Dimitras filed a request with the President of the Athens Appeals Court seeking a correction of these minutes, which also listed the Jewish witnesses and Panayote Dimitras (who had to declare his atheism in court) as ... Christians. The request was not even forwarded to the appropriate court and Panayote Dimitras, on 13 August 2008 had to remind the President of the Appeals Court about it. As a result, he was informed that on 14 August 2008 the request was forwarded to the Chief Appeals Prosecutor of Athens.

2. Harassment of activists who filed complaints against Greece's neo-Nazis

2a. After he became aware of the complaints against him, filed in October and December 2006, Mr. Plevris launched in January 2007 two lawsuits for defamation against Mr. Dimitras. One of them also targeted Ms. **Andrea Gilbert**, GHM's specialist on anti-Semitism, and Messrs. **Moses Konstantinis**, **Benjamin Albala**, **Abraham Reitan** and **Leon Gavriilidis**, four members of the **Central Board of Jewish Communities in Greece** (Kentriko Israilitiko Symvoulío - KIS), who had also testified against him. Although these lawsuits contain racist, anti-Semitic and homophobic statements, the Greek courts have surprisingly registered them and have set trial dates in 2008. Mr. Plevris, probably because of his criminal conviction at first instance and the loss of his application for interim measures (see below) abandoned the lawsuits.

2b. Moreover, Mr. Plevris singled out Ms. Andrea Gilbert, because she is an American Jew who has settled in Greece and also the spokesperson of the gay and lesbian NGO **Athens Pride**. In August 2007, he filed an application requesting an interim measure to freeze her assets, which was heard on 30 November 2007, by the Single-Member First Instance Court of Athens (Interim Measures). On 16 January 2008 the court rejected the application. In its ruling, the Court concluded that *"it is true that the applicant calls into question the Holocaust, the concentration camps, the gas chambers and the ovens, which he considers part of Jewish propaganda [...] the applicant anyhow expressly states that he is an anti-Semite and a Nazi."*

2c. At the same time, in January 2007, Mr. Plevris filed a criminal complaint for defamation and perjury against Ms. Andrea Gilbert, and Messrs. **Panayote Dimitras**, Messrs. **Moses Konstantinis**, **Benjamin Albala**, **Abraham Reitan** and **Leon Gavriilidis**. More than one-and-a-half year later, the complaint is still in the phase of preliminary investigation, which according to the law should not last more than four months.

2d. Besides, in May 2007, Mr. Plevris also filed a complaint report against GHM and NGOs in general claiming they are redundant, illegal and implying they are foreign agents. His complaint included again racist and defamatory comments. Nevertheless, the Chief Prosecutor of the First Instance Court of Athens and the Chief Prosecutor of the Appeals Misdemeanors Court of Athens have decided that the criminal complaint was not completely unfounded, and launched a *proprio motu* preliminary criminal investigation which targeted only GHM. In a first statement on 26 September 2007, Mr. Dimitras had called the investigation abusive as, inter alia, it did not specify the alleged criminal activities. Then, on 21 February 2008, the Prosecutor sent again the file, this time mentioning one legal provision for the investigation: Article 4 of the European Convention on the Recognition of the Legal Personality of International Non-Governmental Organizations, which states that *"In each party the application of this Convention may only be excluded if the NGO invoking this Convention, by its object, its purpose or the activity which it actually exercises: a) contravenes national security, public safety, or is detrimental to the prevention of disorder or crime, the protection of health or morals, or the protection of the rights and freedoms of others; or b) jeopardizes relations with another State or the maintenance of international peace and security"*.

This intervened just after GHM won its sixth case in nine months at the European Court of Human Rights - ECtHR (violation of religious freedom with the religious oath before the courts - four previous cases concerned police violence and one excessive length of proceedings). As Mr. Dimitras noted in his 6 March 2008 statement to the magistrate, this provision or the related law does not include any sentence so as to be investigated during a criminal procedure, but may be used for a possible withdrawal of the recognition of GHM in a civil procedure. No real or alleged GHM action was listed by the Prosecutor that could have been the basis of the investigation. On the contrary, the Prosecutor asked for information of the administrative and financial functioning of GHM, including its income. Such questions were included in Mr. Plevris' complaint that triggered the investigation. In his statement, Mr. Dimitras filed for the exemption of the Prosecutor from the investigation for his partiality as he recalled that the same Prosecutor had filed two GHM complaints in the past in a manner that had led GHM then to challenge his impartiality. In one of them, the Prosecutor had shelved the investigation of GHM claims that there were improper investigations of two 2001 police abuse cases, concerning the death of Mr. Gentjan Celniku and the ill-treatment of Mr. Andreas Kalamiotis: in July 2007, the ECtHR convicted Greece for the violation of Article 2 of ECHR both in its substantive and in its procedural limb, finding that "*there was no effective investigation into the fatal shooting*" of Mr. Celniku; in July 2008, the UN Human Rights Committee convicted Greece violated Article 2 paragraph 3 (right to an effective remedy) read together with Article 7 (prohibition of torture) of the ICCPR because of the lack of an effective investigation into the allegations of Mr. Kalamiotis' ill-treatment (see **World Organisation Against Torture** appeal at <http://cm.greekhelsinki.gr/index.php?sec=194&cid=3286>). That prosecutor is thus responsible for having white-washed judicial investigations that were subsequently considered as ineffective by the ECtHR and the UN HRC. A judicial council rejected Mr. Dimitras' application for exemption on 21 April 2008 (decision 1148/2008), after a multiple unlawful procedure with the main argument that Mr. Dimitras was not entitled to seek an exemption as he was not a suspect, even though he had twice been lawfully summoned to, and did, testify as a suspect! As a result he was "*convicted to pay the judicial expenses of 85 euros.*" There is no effective remedy to this decision. On 7 May 2008, Mr. Dimitras notified the Prosecutor and the President of the First Instance Court of all the reasons that made that decision illegal. There has been no answer or other action following that notification. At the same time, more than one year later, the complaint is still in the phase of preliminary investigation, which according to the law should not last more than four months.

2e. Finally, in October 2007, Mr. Plevris filed a complaint report against Mr. Dimitras claiming that, with texts that he wrote on the Macedonian minority in Greece –which include references to ECRI and UN Treaty Bodies concerns and recommendations on the matter- he violated Article 138 paragraph 1 of the Criminal Code which states: "*one who attempts by force or by threat of force to detach from the Greek State territory belonging to it or to include territory of the Greek State in another state shall be punished by death*" (another article commutes death sentences to life sentences). The Chief Prosecutor of the First Instance Court of Athens decided that the criminal complaint was not completely unfounded, and launched a related *proprio motu* preliminary criminal investigation against Mr. Dimitras. More than nine months later, the complaint is still in the phase of preliminary investigation, which according to the law should not last more than four months.

2f. An extreme right wing LAOS MP, **Mr. Adonis Georgiadis**, tabled in January and March 2008 two questions before Parliament demanding the investigation of GHM by the tax authorities. Although the objective criteria for the selection of those who are submitted to tax audits do not include audits at the request of MP's, the Minister of Economy has asked three tax offices to launch such audits: in addition to the one corresponding to the seat of GHM, the not competent tax offices corresponding to the postal office box address and to the GHM annex address have been involved. GHM welcomed the opportunity to be audited for the first time ever by the state, even though following an improper procedure rather than a decision by the proper authorities in the framework

of their own work. However, the harassment by a second tax office (corresponding to the postal office box address) is unacceptable and abusive. GHM notes that the MP who tabled the question is the co-publisher of Mr. Plevris neo-Nazi book and a witness in the complaint of Mr. Plevris against GHM and KIS. His first question, moreover, was tabled the day after he was summoned to testify in the framework of a complaint for defamation, perjury and anti-Semitism filed by Mr. Dimitras against him for Mr. Georgiadis' sworn witness testimony. Mr. Georgiadis invoked his parliamentary immunity so as not to testify but then tabled the question, using the parliament as retaliation against GHM. In the end of August 2008, Ms. **Antonia Papadopoulou**, a GHM member, was also called by the competent tax office for an audit "in the framework of the investigation of GHM", as she was told.

2g. In addition, another extreme right wing LAOS MP, Mr. **Thanos Plevris**, son, professional and political associate of Kostas Plevris, also tabled a question in April 2008, asking the Minister of Justice to invoke his right to ask for a criminal investigation against the Macedonian minority political party "Rainbow" and GHM for violation of Article 138 paragraph 1 of the Criminal Code, with the same arguments of his father's complaint report (see above). The Minister used his right by referring the matter to the Prosecutor of the Supreme Court, because he considered the matter urgent and very important; the Prosecutor was still reviewing the request by mid-August 2008.

3. Public attacks by neo-Nazis against activists who filed complaints against them

3a. Mr. Kostas Plevris collected all the legal documents from the aforementioned actions against the activists who were responsible for taking him to court and published them, in July 2007, in a second book entitled *The Struggle for Truth*, which is again anti-Semitic and racist, but also defamatory for the GHM and KIS activists. In addition, as the legal documents are published in full, the addresses of those he sued are also printed. Although the book has been brought to the attention of the Athens Prosecutor of First Instance, he took no action against it.

3b. Mr. Plevris continued to make anti-Semitic and threatening statements, ahead of the appeals trial that was set for 18 April and was postponed on 22 April for 17 September 2008. In the same neo-Nazi paper "Eleftheros Kosmos" (www.elkosmos.gr) he declared that "*There is a wrong impression that the Jews won in the trial of my book... The Jews cheered for their victory, but what victory? ... The Jews did not win...I was politically vindicated... In the trial for the first time Jewish Zionism was denounced and the world was informed about the teaching of Talmud... In the Appeals Court, the Talmud and the Greek-hating and Christian-hating actions of Jews will be examined... The Jews cannot counter the evidence in my book with their evidence, as they have none... The trial revealed who supports the Jews. Organizations of two or three members, some lawyers, certain newspapers, two or three judicial officials served the interest of Jewish Zionism. I told one of those lawyers 'are you not ashamed to side with the Jews for money? Don't talk to me, you are my enemy'*" (3 March). This lawyer is GHM's volunteer (i.e. unpaid) lawyer. He also wrote: "*Jews who are powerful in the money area but lack everything else will be defeated*" in the appeals trial (4 April). Arguing that he is hopeful that he will be acquitted on appeal, he states that "*personally, I believe that in such cases, even if you are finally vindicated, you have to take revenge against those who wronged you out of self-interest. However long it may take you should take revenge, so that those who broke their oath of office do not remain unpunished*" (8 April). Additionally, in March 2008 a fifty-minute speech by Mr. Plevris was posted at the youtube in which he repeated his views on the "*subhuman, cancer, barbarian Jews*" who "*received compensation for the non-existent Holocaust victims*;" he spoke of the women who were involved in his trial as "*a Lesbian and some sluts (γόρραια)*" [GHM's Andrea Gilbert is a spokesperson for Athens Pride – the other women were from the Anti-Nazi Initiative]; he called Panayote Dimitras a "*psychopath*"; he added that "*it is an honor to be convicted with the anti-racism law*" and then went on speaking about the "*gypos*

(γύφτοι)” (for Roma) and the “kaffirs (κάφροι)” (for Africans). The speech is available in five installments at: <http://www.youtube.com/watch?v=b36MirmrmRg>, <http://www.youtube.com/watch?v=8c-nXL94pO8>, <http://www.youtube.com/watch?v=ChFtBvbQ9tg>, <http://www.youtube.com/watch?v=JiCw7IQKA5M>, <http://www.youtube.com/watch?v=mXP0jqrwluM>.

4. Upcoming trials of government official and of newspaper for defamation of GHM

4a. On 18 September 2008, before a Three-Member Misdemeanors Court of Athens, the government’s Secretary General for Gender Issues, Ms. **Evgenia Tsoumani**, is scheduled to go on trial for aggravated defamation by the press of Panayote Dimitras as an individual and as representative of Greek Helsinki Monitor. On 4 March 2007, in an interview to the large circulation “**Sunday Eleftherotypia**” newspaper, Ms. Tsoumani stated that what was written in GHM’s report to UN CEDAW on the position of Roma and minority women in Greece, especially children marriages and polygamy, “*are lies that damage the country internationally.*” At the conclusion of the judicial investigation, an Athens Misdemeanors Prosecutor decided not to press charges. Mr. Dimitras filed an application for review and an Athens Appeals Prosecutor accepted it and referred Ms. Tsoumani to trial, initially set for 25 June 2008. Ms. Tsoumani appealed against her referral. Although her appeal was filed after the expiration of the deadline, an Athens Appeals Prosecutor accepted it and asked the Athens Misdemeanors Prosecutor to refer the case to a Misdemeanors Judicial Council for the dropping of charges. In what is probably unprecedented, the Athens Misdemeanors Prosecutor ignored the request and referred the case to a Misdemeanors Judicial Council with a recommendation for a referral to trial. On 8 July 2008, the Council’s three judges not only agreed and referred Ms. Tsoumani to trial with the initial charge, but they also stated that “*there is sufficient evidence to support a public charge before a court against defendant Evgenia Tsoumani for the unlawful acts of ... breach of duty, false certification, and exposing the state before other countries*” (Decision 1921/2008 available in Greek at the web page http://cm.greekhelsinki.gr/uploads/2008_files/voulevma_symv_plimm_ath_1921-2008_parapompi_tsoumani.pdf). Since these charges, which confirm what GHM had argued only to become the object of defamatory attacks by Ms. Tsoumani, are related with the false information provided by Ms. Tsoumani to the UN and not with the interview, they are not subject to the eighteenth-month time-bar of the crimes committed by the press and are expected to become the object of a second case file against her. In any case, GHM would like to highlight that, in her appeal against the referral to trial, Ms. Tsoumani declared that “*everything I said in the interview ... was done in my institutional capacity as Secretary General for Gender Issues*” (emphasis in the original). This combined with the fact that even after her referral to trial as well as the Judicial Council’s finding that additional serious charges should be raised against her, she has remained in office makes clear that the defamatory attack against GHM and the misleading of the UN in Greece’s reports reflect official government attitude; hence Ms. Tsoumani is using her government position to weigh on the court, in a way that could jeopardize the court’s objective impartiality.

4b. On 15 December 2008, before a Three-Member Misdemeanors Court of Athens, the editorial board and a journalist of Greece’s largest selling paper, the weekly “**Proto Thema**” are scheduled to go on trial for aggravated defamation by the press of Panayote Dimitras as an individual and as representative of Greek Helsinki Monitor, for an article they published on 5 August 2007, in which they made some false claims about alleged GHM and **Minority Rights Group-Greece** activities on minority rights issues, so as to present the two NGOs as working as “contractors of allegations against Greece” and as favoring the interests of Turkey and of the USA. This newspaper has several times since attacked GHM and Mr. Dimitras personally, but also the Greek and Greek-Cypriot judges of the ECtHR as “anti-Hellenic” and “traitors,” without anyone ever having criticized it.

5. Upcoming trial of newspaper for defamation of Macedonian minority activist

5a. On 3 September 2008, before a Three-Member Misdemeanors Court of Edessa, the publisher of the local newspaper “**Logos tis Pellas**” is scheduled to go on trial for aggravated defamation by the press of **Pavle Voskopoulos-Filipov**, member of the Political Secretariat of the Macedonian minority party “**Rainbow**,” for having written that Mr. Voskopoulos-Filipov’s university degree on the basis of which he was hired as an architect by the Prefecture of Florina was forged.

6. Upcoming trial of former GHM (and now ERRC) legal counsel for defamation of anti-Roma parents association leader and perjury

6a. On 13 October 2005, Mr. **Theo Alexandridis**, then GHM legal counsel (and currently **European Roma Rights Center** staff attorney), was held at a police station for four hours after having participated, along with other human rights activists, in efforts to secure access of Roma children to their school that was being prevented by parents of non-Roma children, in the “Psari” neighborhood in Aspropyrgos, near Athens. Once the children, with the help of police, entered the school, Mr. Alexandridis went to the police station to lodge a complaint against the parents, responsible for racist and violent acts during those demonstrations. After he had filed the complaint, Mr. Alexandridis was not allowed to leave or meet with his colleagues at GHM. He was subsequently told that he was under arrest. Two hours later, he was told that he would not be judged in the framework of read-handed procedure and was released. The president of the Pupils’ Parents Association had lodged a retaliatory complaint against Mr. Alexandridis for libel, defamation, and perjury. A few days later, the Roma pupils were transferred to Roma-only classes held in a school annex away from the main school. On 5 June 2008, the ECtHR published its judgment in the related *Case of Sampanis et. al v. Greece* (see ECtHR press release at <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=836289&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>). The main points:

“In September and October 2005, from the first day of the school year, non-Roma parents protested about the admission to primary school of Roma children and blockaded the school, demanding that the Roma children be transferred to another building. The police had to intervene several times to maintain order and prevent illegal acts being committed against pupils of Roma origin. On 25 October 2005 the applicants signed, according to them under pressure, a statement drafted by primary school teachers to the effect that they wanted their children to be transferred to a building separate from the school. Thus, from 31 October 2005, the applicants’ children were given classes in another building and the blockade of the school was lifted. Three preparatory classes were housed in prefabricated classrooms on land belonging to the municipality of Aspropyrgos. Following a fire in April 2007, the Roma children were transferred to a new primary school set up in Aspropyrgos in September 2007. However, on account of infrastructure problems, that school was not yet operational in October 2007... In addition, in view of the racist incidents provoked by the parents of non-Roma children, the setting-up of such a system would have given the applicants the feeling that their children had not been placed in preparatory classes for reasons of segregation... Moreover, the Court was not satisfied that the applicants, as members of an underprivileged and often uneducated community, had been able to assess all the aspects of the situation and the consequences of their consent to the transfer of their children to a separate building. Reiterating the fundamental importance of the prohibition of racial discrimination, the Court considered that the possibility that someone could waive their right not to be the victim of such discrimination was unacceptable. Such a waiver would be incompatible with an important public interest. The Court concluded that, in spite of the authorities’ willingness to educate Roma children, the conditions of school enrolment for those children and their placement in special preparatory classes – in an annexe to the main school building – ultimately resulted in discrimination against them. Accordingly,

there had been a violation of Article 14 of the Convention taken together with Article 2 of Protocol No. 1 in respect of each of the applicants.”

As for the complaints filed on 13 October 2005, there was no further investigation, and especially no examination of the witnesses suggested by Mr. Alexandridis that included the television journalist who had shot the footage referred to in the detailed ECtHR judgment (available at <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=836273&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>):

“Le 13 octobre 2005, des enfants d'origine rom essayèrent d'accéder à l'école. Ils furent une nouvelle fois confrontés à un groupe de parents non roms. En particulier, la présidente de l'association montra à la caméra d'une chaîne de télévision qui s'était rendue sur les lieux les fiches médicales des enfants d'origine rom pour prouver qu'ils étaient inadéquatement vaccinés. Finalement, avec l'assistance de la police, qui s'était rendue sur place, les enfants roms purent accéder à l'école.”

The Athens Prosecutor of First Instance Office has decided instead to refer both complaints to the same trial, scheduled for 5 February 2009 before a Three-Member Misdemeanors Court of Athens, even though Article 59 of the Code of Criminal Procedure stipulates that the referral to trial for perjury (in this case of Mr. Alexandridis) is to be postponed until the trial on the initial case (in this case of the non-Roma parent) is held and has led to a final and irrevocable judgment.

7. Attacks against minority rights activists participating in European Parliament or Parliamentary Assembly of the Council of Europe meetings on minority rights in Greece

7a. On 17 April 2008, the **Greens/European Free Alliance group in the European Parliament** (EP) organized a public panel discussion in the EP in Brussels on **“Ignored Minorities in Greece: Western Thrace Turks and Macedonians”** with the participation of speakers from the two minorities and from GHM, as well as key MEPs and PACE members dealing with minority rights. The holding of the meeting was formally opposed by the Greek authorities who tried to have it cancelled or else have their own representatives as speakers. When their effort failed, they instructed Greek media and Greek political parties to publicly condemn the meeting and vilify the participants. Indeed, all political parties but the Left Coalition (that kept silent) condemned the meeting and expressly stated as one of their arguments that there were no “representatives from the civil society in Greece” participating. It was the most obvious expression of the prevailing attitudes in Greece, where Macedonian and Turkish minority activists as well as the rare human rights activists who advocate for minority rights are not considered to be part of the country’s (acceptable to the authorities, the parties and the media) “civil society.”

7b. Previously, on 22 November 2005, the **Parliamentary Assembly of the Council of Europe** (PACE) **Legal Affairs Committee** held a hearing in Paris on the non-ratification of the Council of Europe’s **Framework Convention for the protection of National Minorities** (FCNM) by nine member states (**Andorra, Belgium, France, Georgia, Greece, Iceland, Luxembourg, Monaco and Turkey**). During the hearing, then Head of the Greek Delegation to PACE (and currently Deputy Speaker of the Hellenic Parliament) **Elsa Papadimitriou**, speaking as she noted in that capacity (she was not a member of the Legal Affairs Committee), wondered why the PACE Committee had invited GHM’s Spokesperson **Panayote Dimitras** as the NGO interlocutor of the Greek state. She added that other bodies like ECRI had also done so. She called Panayote Dimitras’ objectivity into question. She finally thought the Committee could have invited other representatives of less controversial Greek NGOs, expressly mentioning **Linios-Alexandros Sicilianos**. **Linios-Alexandros Sicilianos**, is the Director of the **Marangopoulos Foundation for Human Rights** (MFHR), and also member of the **UN Committee on the Elimination of Racial**

Discrimination and of the **EU Fundamental Rights Agency Management Board**. The MFHR's President **Alice Yotopoulos-Marangopoulos** was until 2007 also the President of the **Greek National Committee for Human Rights** (from which minority rights activists are excluded). Indicative of MFHR's hostile attitude towards minority rights in Greece is that, in its website listing of all ECtHR judgments (<http://www.mfhr.gr/categories.asp?ln=0&id=33>), a unique such research source in Greece, the MFHR currently lists 646 judgments since 2005 with links to the Court's corresponding press releases, but excludes all judgments in cases filed by GHM or by Macedonians or Turkish activists.



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**Greece: New acts of harassment against Mr. Panayote Dimitras,
GHM Spokesperson and a member of OMCT Assembly of Delegates**

**CASE GRE 040408.2
Follow up of Cases GRE 040408 and GRE 040408.1
HUMAN RIGHTS DEFENDERS
Harassment / Defamation**

Geneva, 17 September 2008

The International Secretariat of the World Organisation Against Torture (OMCT) has received new information and requests your URGENT intervention in the following situation in **Greece**.

New information:

The International Secretariat of OMCT has been informed by the Greek Helsinki Monitor (GHM), a member of OMCT SOS-Torture network, about new acts of harassment against Mr. **Panayote Dimitras**, GHM Spokesperson and a member of OMCT Assembly of Delegates.

According to the information received, on 12 September 2008, the trial on appeal of the extreme-right newspaper *Eleftheros Kosmos* staff convicted on first instance to a suspended seven months sentence for violation of the [anti-racism] Law 927/79 for an anti-Semitic comment was heard before the First Three-Member Athens Appeals Court (Misdemeanors)¹. At approximately 10:30 am, during the first recess of the hearing while the judges were conferring in chambers, Mr. Konstantinos Plevris, a member lawyer of the Athens Bar Association, approached Mr. Panayote Dimitras and told him: "though I like you, you have started to annoy me and you will feel what fascism means, because as you know I have declared that I am a fascist". Following GHM complaints, Mr. Konstantinos Plevris has been referred to trial four times for violation of [anti-racism] Law 927/79, concurrent aggravated defamation, and false accusation (See background information).

¹ See background information.

On 16 July 2008, Mr. Konstantinos Plevris had already defamed Mr. Panayote Dimitras when he presented his defense deposition before the Misdemeanours Prosecutor of Athens (via the 10th Athens Magistrate), following the complaint filed by Mr. Dimitras and Ms. **Andrea Gilbert**, GHM specialist on anti-Semitism (See background information)². In his deposition, the lawyer explicitly defamed Mr. Dimitras, accusing him of being “a wretched traitor of Greece, actively and publicly supporting the existence of a Macedonian minority in this country” and of being “the object of a complaint for treason against the Fatherland”, adding that “he has turned into a profession the filing of complaints against Prosecutors - e.g. Mr. Sanidas [the Supreme Court Prosecutor], Supreme Court Deputy Prosecutor Mr. Kanellopoulos, etc. - and against our Fatherland before international organisations”. Mr. Plevris then said that Ms. Gilbert was “a Jewish-American who boasts of representing homosexual women, meaning that she is a psychologically defective, sexually perverted person who, as she does not respect her female nature, does not respect the truth either”. Mr. Plevris ended his deposition, stating, “in no way [he would] accept to come into contact with these national traitorous and antisocial elements”.

The International Secretariat of OMCT expresses its deep concern about these new acts of harassment against Mr. Panayote Dimitras, which seems to merely aim at sanctioning his human rights activities, in particular his activities against discrimination, anti-Semitism and minority rights in Greece.

The International Secretariat of OMCT also recalls that according to Article 12.2 of the United Nations Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”. (...)

Actions required:

Please write to the Greek authorities, urging them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Mr. Panayote Dimitras, Ms. Andrea Gilbert, Ms. Antonia Papadopoulou and Messrs. Moses Konstantinis, Benjamin Albala, Abraham Reitan and Leon Gavriilidis, as well as members of the Macedonian minority party “Rainbow”;
- ii. Put an end to all acts harassment, including at the judicial level, against Mr. Panayote Dimitras, Ms. Andrea Gilbert, Ms. Antonia Papadopoulou and Messrs. Moses Konstantinis, Benjamin Albala, Abraham Reitan and Leon Gavriilidis, as well as all human rights defenders in Greece;
- iii. Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly on December 9, 1998, especially its Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”, as well as above-mentioned Article 12.2;

² Ms. Gilbert had testified at a trial against *Eleftheros Kosmos*, which had published articles on 27 October 2006 in conjunction of the anti-Semitic book by Mr. Plevris, *The Jews - The whole truth* (May 2006). In this book, Mr. Plevris glorifies Hitler and calls for the extermination of the Jews.

iv. More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with international and regional human rights instruments ratified by Greece.