

GREEK HELSINKI MONITOR (GHM)

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**Greece: Update on 19 April 2005 slandering statements against GHM
by Minister and Secretary-General of the Ministry of Health**

August 2007

Greek Helsinki Monitor (GHM) was informed by various newspaper stories on 20 April 2005 of a defamatory attack against it, in a 19 April 2005 press conference, by then **Minister for Health Mr. Nikitas Kaklamanis** and then **General Secretary of Social Solidarity Ms. Ioanna Despotopoulou**. According to what later emerged to be the most accurate transcript of the interview, in left daily *Avghi* (http://193.218.80.70/cgi-bin/hwebpressrem.exe?-A=385412&-w=&-V=hpress_int&-P), Ms. Despotopoulou was reported to have stated that “*the non-governmental organization Greek Helsinki Monitor misleads international organizations by presenting high percentages for trafficking in Greece to secure grants by blackmailing the Ministry of Foreign Affairs.*” Mr. Kaklamanis was reported to have agreed: “*the allegations of the Secretary General about the [Greek Helsinki] ‘Monitor’ were supported by the Minister of Health Nik. Kaklamanis, who spoke of ‘non-governmental organizations existing only on paper’*” [οργανώσεις – σφραγίδα]. The Minister reportedly added that “*such allegations have been made before Parliament by the Deputy Minister of Foreign Affairs Euripides Stylianides.*”

Despite public calls from GHM and other NGOs combating trafficking in human beings to either substantiate or retract the allegations they considered defamatory, the Minister kept silent while the Secretary General reiterated on 17 May 2005 and on 9 June 2005 some of the allegations, obviously aiming at discrediting GHM and to a lesser extent other NGOs. The NGOs also pointed out that they were unaware of any related allegations made by Mr. Stylianides.

On 19 July 2005, the last day of the three-month deadline for a victim to file a complaint for aggravated defamation (συκοφαντική δυσφήμιση), GHM filed before the Athens Misdemeanors Prosecutor a complaint with constitution of civil claim against Mr. Kaklamanis and Ms. Despotopoulou for aggravated defamation through the medium of the press. The complaint was registered with Ref. No. Δ2005/2815.

GHM is not aware of any judicial investigation of the charges ever having been conducted. On the contrary, it is aware that crimes committed through the medium of the press have a special prescription deadline (παράγραφη) for criminal prosecution of 18 months, which can be suspended for up to two years only if the main procedure had begun with summons to trial having been served to the defendants before the end of that period. Hence, the crime of defamation GHM considered as having been committed against it by the two officials was let be prescribed on 19 October 2006. GHM is not aware either of any referral of the claims for compensation –not covered by the 18-month prescription- to a civil court according to Article 65 CCP.

GHM is aware though that the criminal prosecution of a Minister for acts committed during his tenure is the responsibility of the Parliament, according to Article 86 of the Constitution, Law 3126/2003, and Articles 153 and 154 of Parliamentary Rules. GHM assumes that the complaint was at some point referred to Parliament which did not act upon it. GHM considers though that, in the light of Articles 47, 54 and 55 CCP, the prosecutor should have ruled that it was impossible to investigate the complaint against the minister and informed the plaintiff, which did not happen.

In any case, Ms. Despotopoulou was not covered by such a development. Indeed, Article 7 of Law 3126/2003 provides for the application of normal legal procedures to accomplices (συμμέτοχοι) when the Parliament does not press charges against the Minister. This is also provided by Article 56 CCP.

Moreover, for the civil procedure of compensation, the special procedures for the indictment of Ministers do not apply. He is liable before the civil courts.

So, in effect, GHM was arbitrarily denied access to both the criminal and the civil courts. For that reason, an application was filed in December 2006 to the **European Court of Human Rights**, registered with Ref. No. 2170/07.

These slandering statements were included in the *Annual Report 2005* of the **Observatory for the Protection of Human Rights Defenders**, released in March 2006 (see below). Subsequently, they were included in an allegation letter sent to the Greek authorities in June 2006 by **the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène**; **the UN Special Rapporteur on the independence of judges and lawyers, Leandro Despouy**; and **the UN Special Representative of the Secretary-General on the situation of human rights defenders Hina Jilani**. The Greek authorities did not reply to that UN communication, even after they warned in the Rapporteurs' reports, made public in the spring of 2007, that an absence of reply will make them treat the case no longer as a mere allegation but as a proven fact (see below).

**OBSERVATORY FOR THE PROTECTION
OF HUMAN RIGHTS DEFENDERS
FIDH / OMCT**

Steadfast in Protest

ANNUAL REPORT 2005

Foreword by
Louise Arbour

Full report at: http://www.omct.org/pdf/observatory/2006/obs_annual_report_2005_eng.pdf

[excerpt on Greece]

GREECE

[...]

Slandering statements against several NGOs *[see KEDE-GHM release below]*

On 19 April 2005, Mr. Nikitas Kaklamanis, Minister of Health, and Mrs. Ionna Despotopoulou, Secretary General of Social Solidarity, publicly accused non-governmental organisations of “existing only on paper” and of “publishing negative reports on the basis of unreliable, exaggerated and misleading information on the victims of the smuggling of human beings in Greece, in order to obtain an increase in funding from the Greek Ministry of Foreign Affairs”. In particular, they explicitly named GHM. These statements, which Mrs. Despotopoulou repeated in July 2005, followed the information transmitted by GHM, on behalf of several Greek NGOs, to the United Nations Human Rights Committee. GHM lodged a complaint against those two official representatives before the Parliament, the only body that is authorised to judge members of the government. By the end of 2005, the case was pending.

PRESS RELEASE

20 April 2005

**TOPIC: HUMAN TRAFFICKING IN GREECE –
NGOs BLACKMAIL MINISTRIES OR MINISTERS SLANDER NGOS?**

The Non-Governmental Organizations (NGOs) **Centre for Research and Action on Peace (KEDE - Stop Now)** and **Greek Helsinki Monitor (GHM)** jointly condemn yesterday's statements made by the **Minister for Health Nikitas Kaklamanis** and the **General Secretary of Social Solidarity Ioanna Despotopoulou** about "*non-governmental organizations that exist "only on paper" and publish negative reports based on unreliable, exaggerated and misleading information on the victims of trafficking in Greece in an blackmailing attempt to secure higher financing by the Ministry of Foreign Affairs*". Moreover, the Minister added that "*such allegations have been made before the Parliament by the Deputy Minister of Foreign Affairs Euripides Stylianides*". Our organizations are not aware of such statements made by the Deputy Minister and wish to remind that the Deputy Minister is in charge of the **International Development Cooperation Department (YDAS)**, depicted by the Ministry of Health political leadership as a naive and irresponsible victim of blackmail by the very same NGOs it is funding...

The NGOs Centre for Research and Action on Peace (Stop Now) and Greek Helsinki Monitor, both implementing programs funded by YDAS, call upon the Minister for Health Nikitas Kaklamanis and the General Secretary of Social Solidarity Ioanna Despotopoulou to promptly state which data and references in the reports of which NGOs are inaccurate and misleading, which NGOs funded by YDAS to develop anti-trafficking projects are actually organizations "on paper only", and substantiate their claims that YDAS is "blackmailed" by NGOs. If, though, they deem that these statements do not reflect their views anymore, we call upon them to apologize publicly to the NGOs that have been in the centre of the fiercest attack against NGOs by any Greek government to date.

Otherwise, the Minister for Health Nikitas Kaklamanis and the General Secretary for Social Solidarity Ioanna Despotopoulou shall be considered nothing more than common slanderers and the NGOs will decide accordingly on their next actions.

Notice: The sources of the statements made by the Ministry for Health political leadership are today's articles in the daily newspapers Apogevmatini, To Vima, Eleftherotypia, Ethnos and Kathimerini; through 15:00 today, those reported statements had not been denied by the Ministry.

PRESS RELEASE

11 August 2007

Greece leaves unanswered UN reports on Greek Helsinki Monitor defamation and prosecution

Greek Helsinki Monitor (GHM) has just become aware of the references in two UN reports to the harassment and prosecution GHM advocates have been the object of in 2005 and 2006. Those violations of the rights of human rights defenders became the object of a joint allegation letter sent to the Greek authorities on 2 June 2006 by three UN Special Procedures: **the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène; the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy; and the Special Representative of the Secretary-General on the situation of human rights defenders Hina Jilani.** They concerned public defamatory comments on 19 April 2005 by **then Minister Nikitas Kaklamanis and Secretary General Yanna Despotopoulou of the Ministry of Health;** the illegal arrest and detention on 13 October 2005 of **then GHM's lawyer Theo Alexandridis in the Aspropyrgos Police Department;** and the anti-Roma racist and defamatory for GHM public comments made on 20 January 2006 by **then Head of the Appeals Prosecutor's Office in Patras Anastasios Kanellopoulos** who had also announced the prosecution of the GHM advocates.

The two reports (full excerpts on Greece attached below) mentioned that by early 2007 Greece had not replied to that communication. In one, Greece was asked to provide an official reply by the fourth session of the UN Human Rights Council (12-30 March 2007) while in the other it was said that, in the absence of a response, the case will no longer be considered an allegation but a proven fact. It must be noticed that in the first report (by the "racism" Rapporteur) there were summaries of communications to 22 countries; only 7 had not replied in 2006 (**Greece, India, Bangladesh, Iran, Libya, Nepal and Sudan**). Moreover, in the second report (by the "independence of justice" Rapporteur) there were summaries of communications to 63 countries; only 12 had not replied in 2006 (**Greece, Gambia, Kyrgyzstan, Liberia, Moldova, Myanmar, Nepal, Pakistan, Serbia, Sierra Leone, Sri Lanka and Uzbekistan**).

The two reports were finally discussed on 11 June 2007, at the UN Human Rights Council (see http://www.ohchr.org/english/bodies/hrcouncil/docs/5session/A.HRC.5.L.10_28june07_new.pdf). Neither at that session did Greece provide any information or used its right of reply. It can be implied therefore that the case is now considered as proven fact by the UN and no longer an allegation based on reliable information the Rapporteurs had received.

GHM will provide these UN Special Procedures with an update on these three cases of harassment and prosecution, and will add information on additional instances of harassment and prosecution.

UNITED NATIONS

A/HRC/4/19/Add.1

5 June 2007

HUMAN RIGHTS COUNCIL

Fourth session

**Report by the Special Rapporteur on contemporary forms of racism,
racial discrimination, xenophobia and related intolerance,
Doudou Diène**

Addendum

Summary of cases transmitted to Governments and replies received (*excerpts on Greece*)

<http://daccessdds.un.org/doc/UNDOC/GEN/G07/128/09/PDF/G0712809.pdf?OpenElement>

Greece

Communication sent

74. On 2 June 2006, the Special Rapporteur, jointly with the Special Representative of the Secretary-General on the situation of human rights defenders and the Special Rapporteur on the independence of judges and lawyers, sent an allegation letter concerning **Theo Alexandridis**, legal counsel with the Greek Helsinki Monitor (GHM), and other staff members of GHM, an organization that monitors and reports on human rights violations in Greece, including violations against the Roma community.

75. According to the information received, on 19 April 2005, the Greek Minister of Health and the Secretary-General of Social Solidarity publicly accused certain nongovernmental organizations of existing only on paper and of publishing negative reports on the basis of unreliable, exaggerated and misleading information on the victims of the smuggling of human beings in Greece, in order to obtain an increase in funding from the Greek Ministry of Foreign Affairs. It was reported that GHM was specifically named in these accusations. Reports indicated that GHM has lodged a complaint against the Minister of Health and the Secretary-General of Social Solidarity.

76. Subsequently, on 13 October 2005, Mr. Alexandridis was arrested and detained in the Psari neighbourhood of Aspropyrgos, near Athens. It was reported that Mr. Alexandridis had gone to the police station to lodge a complaint against parents of non-Roma children who had allegedly committed violent acts against demonstrators who were protesting against the expulsion of Roma children from a school in the area. It was alleged that after he had filed the complaint, Mr. Alexandridis was told he was under arrest and was detained for four hours before being released without charge. Moreover, the president of the Pupils Parents Association allegedly lodged a complaint against Mr. Alexandridis for libel and defamation.

77. It was also reported that, on 20 January 2006, the Head of the Appeals Prosecutors Office stated during a radio interview that all Roma were criminals and announced that perpetrators, instigators and accomplices of Roma people who had helped them in a case concerning the alleged forced expulsion of Roma families in the Makrigianni area of Patras would be called on to take the stand, specifically including among this group representatives of GHM. The Head of the Appeals Prosecutors Office is also said to have stated in the same radio interview that he had

opened an inquiry into the involvement of GHM in petitioning the First Instance Prosecutor to open a criminal investigation into alleged illegal evictions and attacks against Roma people in Makrigianni.

Observations

78. The Special Rapporteur regrets that no reply to this communication had been received from the Government of Greece at the time this report was finalized.

79. The Special Rapporteur intends to follow up on this case. In the event that no response is received from the Government, he will no longer treat the case as a mere allegation but as a proven fact.

UNITED NATIONS

A/HRC/4/25/Add.1

5 April 2007

HUMAN RIGHTS COUNCIL

Fourth session

Report of the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy

Addendum

Situations in specific countries or territories (*excerpts on Greece*)

<http://daccessdds.un.org/doc/UNDOC/GEN/G07/128/12/PDF/G0712812.pdf?OpenElement>

Greece

Communications sent

161. On 2 June 2006, the Special Rapporteur sent a joint allegation letter together with the Special Representative of the Secretary-General on the situation of human rights defenders concerning Theo Alexandridis, legal counsel with the Greek Helsinki Monitor (GHM), and other staff members of GHM. GHM is an organization that monitors and reports on human rights violations in Greece, including violations against the Roma community. According to the information received, on 19 April 2005 the Greek Minister of Health and the Secretary-General of Social Solidarity publicly accused non-governmental organizations of existing only on paper and of publishing negative reports on the basis of unreliable, exaggerated and misleading information on the victims of the smuggling of human beings in Greece, in order to obtain an increase in funding from the Greek Ministry of Foreign Affairs. It is reported that GHM was specifically named in these accusations. It is further reported that GHM lodged a complaint against the Minister of Health and the Secretary-General of Social Solidarity. On 13 October 2005 Mr. Alexandridis was arrested and detained in the Psari neighbourhood of Aspropyrgos, near Athens. It is reported that Mr. Alexandridis had gone to the police station to lodge a complaint against parents of non-Roma children who had allegedly committed violent acts against demonstrators protesting the expulsion of Roma children from a school in the area. After he had filed the complaint, Mr. Alexandridis was told that he was under arrest and was detained

for four hours before being released without charge. Moreover, the President of the Parents Association allegedly lodged a complaint against Mr. Alexandridis for libel and defamation. It is reported that on 20 January 2006 the Head of the Appeals Prosecutors Office, during a radio interview, stated that all Roma are criminals and announced that perpetrators, instigators and accomplices of Roma people who had helped them in a case concerning the alleged forced expulsion of Roma families in the Makrigianni area of the city of Patras would be called on to take the stand, specifically naming representatives of GHM. The Head of the Appeals Prosecutors Office also reportedly stated that he had opened an inquiry into the involvement of GHM in petitioning the First Instance Prosecutor to open a criminal investigation into alleged illegal evictions and attacks against Roma people in Makrigianni. Concern is expressed that the above-mentioned events are connected with the legitimate activities of Mr. Alexandridis and GHM in defence of human rights, in particular because of their involvement in defending the legal rights of the Roma community in Greece.

Communications received

162. None.

Special Rapporteur's comments and observations

163. The Special Rapporteur regrets the absence of an official reply and urges the Government of Greece to provide substantive detailed information at the earliest possible date, and preferably before the end of the fourth session of the Human Rights Council.
