

GREEK HELSINKI MONITOR (GHM)

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Human Dimension Implementation Meeting (Warsaw, 29 September - 10 October 2008)
Working session 10: Tolerance and non-discrimination II (combating racism)

6 October 2008

Greece: Written contribution on first historic final conviction with anti-racism law
(of “Eleftheros Kosmos” for anti-Semitism)

Greek Helsinki Monitor (GHM) welcomes the condemnation, on 18 September 2008, by the **First Three-Member Court of Appeal of Athens (Misdemeanors) (President Vassilios Peppas - Members Ioanna Vrettou and Ekaterini Krystallidou-Moresi)** for anti-Semitism (violation of Article 2 of Law 927/79) of the (affiliated to the extreme right party LAOS) newspaper “**Eleftheros Kosmos**” publisher **Dimitrios Zafeiropoulos** and former columnist **Theodoros Hatzigogos** (the latter left the newspaper after two convictions for racism) for a column in the paper’s 12 March 2006 issue, which inter alia stated “*Thank God, less than 1500 Jews have been left in Thessaloniki ...*”. The **Prosecutor Ernestos Zeginis**, moreover, moved to convict them for the entire indictment (appended here). Each convicted defendant was sentenced to a suspended sentence of five months in prison.

But unlike in the first instance trial on 5 March 2008 (see GHM press release at <http://cm.greekhelsinki.gr/index.php?sec=194&cid=3253>), the Court of Appeal, on 12 September 2008 when the trial began (it continued on 18 September 2008), threw out the civil claimants (GHM’s **Andrea Gilbert** and **Moses Konstantinis** and **Abraham Reitan** from the **Central Board of Jewish Communities in Greece (KIS)**). They had been accepted during the first instance trial. It is noteworthy that the Court of First Instance had sentenced in absentia the editor in chief of the newspaper **Theodoros Georgiou** (probably a non-existent person); that decision (a sentence of seven months imprisonment, commuted to a fine of 5 euros a day) is irrevocable. On the contrary, the two persons sentenced on appeal announced that they intend to file for cassation. Since the case will become time-barred on 12 September 2009, there is a risk of prescription before the conviction becomes irrevocable.

This condemnation is the first such decision at the appeals level on the basis of anti-racism Law 927/79 in nearly thirty years of the law’s existence. It constitutes a vindication of the GHM struggle that has litigated some fifty cases on the basis of this law. In Greece there are judges who can convict on the basis of the law, despite the clear opposition to its implementation by all governments, all parties, almost all journalists, as well as by the National Commission for Human Rights, the Greek Ombudsman and the Economic and Social Council of Greece.

Finally, it is recalled that the case began with a complaint report filed by GHM with the **Athens Chief Misdemeanors Prosecutor**, on 12 March 2006. The Prosecutor launched a preliminary investigation, which began with a filing of civil claimant status on 27 March 2006 by **Andrea Gilbert**, who also recommended as witnesses inter alia the KIS board members, who also filed for civil claimant status on 29 March 2006. The case file was then “forgotten” for almost a year in some prosecutor’s office until 11 September 2007, literally on the eve of the initial 18-month prescription, when the defendants were summoned to a first instance trial.

Following is a KIS press release (translated by GHM), which gives an accurate picture of the climate of the trial. The trial of Costas Plevris, reported therein, was postponed for 26 November 2008.

Central Board of Jewish Communities in Greece

New conviction of «ELEFTHEROS KOSMOS»

Following their conviction at first instance, the editor of the newspaper “**Eleftheros Kosmos**” Dimitris Zafeiropoulos and journalist I. Hatzigogos were tried today (18.9.2008) on appeal before a Three-Member Court of Appeal of Athens, and **were unanimously sentenced to imprisonment for 5 months** (with a three-year suspension) for the article published in the newspaper’s 12 March 2006 issue, which stated: “*Thank God, not even 1500 Jews are left in Thessaloniki ...*”.

It is worth noting that the defense counsel was Costas Plevris (!), who did not fail to plead in court with his familiar arguments against the Jews.

The postponed trial on appeal of Costas Plevris before the First Five-Member Court of Appeals of Athens, is scheduled to be heard tomorrow (19.9.2008). Plevris was convicted at first instance for his book “The Jews - the Whole Truth.”

Athens, 18 September 2008

INDICTMENT

ATHENS MISDEMEANORS PROSECUTOR’S OFFICE

ELEVENTH THREE-MEMBER MISDEMEANORS COURT OF ATHENS

ACTIONS

Violation of article 2 Law 927/1979, through the medium of the press, joint action.

DEFENDANTS

1. Zafeiropoulos Dimitrios of Konstantinos
2. Georgiou Theodoros,
3. Hatzigogos Theodoros of Nikolaos

They are charged as liable that in Athens on 12 March 2006, acting jointly, publicly, through the medium of the press, and through a written text, they expressed ideas that are offensive to a group of individuals because of the national origin and the religion of those individuals, and specifically, in the above time and place, being the first publisher and director of the weekly newspaper “ELEFTHEROS KOSMOS,” the second editor-in-chief and the third journalist and columnist in the same newspaper, while abusing the press as a medium, filed and published in issue number 142 of the above-mentioned newspaper of 12 March 2006, a publication – article, written by the third of them, with the title “*The Jews live up Thessaloniki,*” and with the following content: “*Thank God, not even 1,500 are left in Thessaloniki, which the founder of Zionism Theodor Herzl was calling in the beginning of the 20th century ‘Second Jerusalem.’ Nevertheless, all the candidate rulers of the*

city are disgustingly sucking up to the descendents of Abraham in order to secure anti-racist credentials. The latest example has been the former Pasok MP and possible candidate for Mayor of Thessaloniki in the October elections, Spyros Vougias. This comrade, who at the age of 54 still pretends to be a 'charmer,' appeared last Saturday at the TV show of the narcissist and forty-something Vicky Flessa ([at the state channel] «NET») and said verbatim... Spyros Vougias: 'There is severe unemployment in Thessaloniki and especially there is the sense of a city which has lost its psychology and self-confidence. It has become introvert and phobic, it is afraid of the foreign and of the different, while Thessaloniki has a great experience in integrating and assimilating populations. It had of course the bad luck that its 50,000 Jews were annihilated by the Nazis in concentration camps. These Jews were giving a great vibrancy to the city. I am sorry to say this, but today Thessaloniki has become a provincial town!' Exactly the same views on the decay of Thessaloniki after the supposed 'saponification' of the Jews were expressed some time ago by the other candidate for Mayor, well-known winemaker Giannis Mpoutaris. Who continues to admire Kemal Ataturk and insists on giving the name of this great son of Thessaloniki to Agiou Dimitriou street." Therefore, the defenders, in their above functions, acting jointly, expressed through that published piece and in particular with the phrases "Thank God, not even 1,500 are left in Thessaloniki..." and "...after the supposed 'soap-making' of the Jews...", publicly through the medium of the press ideas that are offensive to the Jews, since with the above undoubtedly offensive phrases, on the one hand they express hatred and contempt against the Jews and a wish that Jews no longer exist in Thessaloniki and in general, and on the other hand they directly deny and deride the fact of the annihilation of thousands of Jews by the Germans in concentrations camps during the Second World War.

They have thus violated articles 26§1^a, 27 and 45 of the Criminal Code, article 2 of Law 927/1979, as this law has been amended through article 24 of Law 1419/1984, combined with article 71§4 of Law 3386/2005, and with articles 1,2, 4 and 47 of Compulsory Law 1092/1938, reintroduced through article 2§b of Law 10/1975, and only article of Law 2243/1994.

Athens, 6-9-2007

The Prosecutor

[signature]

Konstantinos Anastasopoulos
Misdemeanors Prosecutor

Witnesses:

1. Dimitras Panayote.
2. Konstantinis Moisis.
3. Reitan Avraam.
4. Gilbert Andrea-Helen.
5. Tsiakalos Georgios.
6. Iosafat Samouil.
7. Benmayor Iakov.
8. Vougias Spyridon.
9. Boutaris Ioannis.

Documents to read:

Photocopy of the article in question from the newspaper "ELEFTHEROS KOSMOS."