



## FLASH REPORT

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| <b>Date:</b>                     | 26 October 2010  |
| <b>Expert:</b>                   | Athanasios Theodoridis   |
| <b>Title:</b>                    | Court acquittal of editors and directors of extreme right wing newspapers for having published insulting views against Roma persons  |
| <b>Country:</b>                  | Greece   |
| <b><u>Context</u></b>            |  |
| <b>Issue at stake:</b>           | Implementation of the anti-racism Law 927/ 1979  |
| <b>Ground of discrimination:</b> | race/ ethnic origin  |
| <b>Source:</b>                   | national court decision  |
| <b>Field:</b>                    | media  |
| <b>Legislative provisions:</b>   | Law 927/79 (interdiction of racial discrimination) as amended by Law 1419/84 (sanctions against racial & religious discrimination), Law 2910/01 (ex officio prosecution) and Law 3386/05 (anti-discrimination legislation), in combination with Law 1738/87 and Law 2243/94 (delicts committed by Press) |

### Content

**Case development** : Mr. Dimitrios Zafeiropoulos and Dimitrios Papageorgiou had been charged of violating Article 2 of the Law 927/79 (interdiction of racial discrimination) in conjunction with Law 2243/94 (delicts committed by Press) since as, respectively, editor and director of the weekly extreme right wing newspaper “*Eleftheros Kosmos*” they published on 10 July 2008 (in paper form) and 13 July 2008 (in electronic form) a text, concerning the alleged crucifixion of a drug dealer by Roma who supposedly punished him because he stole from them 250 grams of heroin. The article was written with a structure and a style containing generalised insulting views against Roma people residing in Greece in a way that tends to relate a specific criminal behaviour of particular individuals with their racial and ethnic origin and identity and therefore reduce their social status. Mr. Nikolaos Michaloliakos was accused for the same criminal acts for having published, as both editor and director, similar insulting



comments on 16 July 2008 in the bi-monthly extreme right wing paper “*Chryssi Avghi*”.

**Decision of the Court:** On 20 October 2010 the Three-Member Misdemeanors Court of Athens unanimously acquitted all the defendants. The court decision has not yet been notarised and made officially accessible, and therefore the exact legal arguments on which the dismissal was based are not known. The complete original text of the court decision will be published in several months.

The Court confirmed the status of civil claimant for Ms Dionysia Panagiotopoulou, a Roma person, by replying to an official request made by her lawyer, although she had not been personally<sup>1</sup>. On the other hand, in the framework of the trial, the Court dismissed an objection on behalf of witnesses that concerned incompatibility of Articles 217, 218 and 220 of the Code of Penal Procedure (stipulating that all witnesses have the right to avoid taking religious oath only if they declare themselves as non believers) with Article 13 of the Greek Constitution and Article 9 of the ECHR (protection of religious freedom).

**Short analysis:** In Greece the implementation of the anti-racism Law 927/1979 by courts has been rare so far and the relevant jurisprudence seems to be wavering. For instance, the Three-Member Misdemeanors Court of Athens, in the similar case of “Apollonion Fos”(court decision with number 8806/2010 – see Flash Report of 19<sup>th</sup> February 2010) found the defendant guilty and ruled that he had expressed ideas offensive to Jews as a group of persons because of their racial or national origin. Moreover, another similar conviction concerned the “*Plevris case*” (5919/2008, Athens Court of Appeals) and its topic was also linked to anti-Semitism. It should be noted that this was the sixth trial before a Three- Member Misdemeanors Court of Athens where a status of civil claimant was confirmed. Finally, it is notable that the Court confirmed the obligation of witnesses to reveal religious convictions to avoid taking oath on Bible in Court, although on 3 June 2010 the European Court of Human Rights (decision number 449) condemned Greece for the same matter (“*Dimitras and others vs Greece*”- (applications nos. 42837/06, 3269/07, 35793/07 and 6099/08).

**Internet link source and additional information:**

[http://www.oldelkosmos.gr/site/index.php?](http://www.oldelkosmos.gr/site/index.php?option=com_content&task=view&id=1470&Itemid=52)

[option=com\\_content&task=view&id=1470&Itemid=52](http://www.oldelkosmos.gr/site/index.php?option=com_content&task=view&id=1470&Itemid=52)

<http://xryshaygh.wordpress.com/2008/07/10/gypsies/>

Act of Indictment with **Number B08 /4426** (Persecution Office of Athens, 9/10/09)

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<sup>1</sup> The status of civil claimant is important because it allows victims to ask for a compensation and support their legal arguments by being represented by a lawyer.