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ANTISEMITISM IN GREECE: THE TRIAL OF KONSTANTINOS PLEVRIS

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**Introduction**

On December 13, 2007, the Greek neo-Nazi writer and lawyer Konstantinos Plevris was handed down a suspended sentence of 14 months by a Court of First Instance, the Second Appeals Court of Athens in Greece, under Greek Anti-Racism Law 927/1979 (henceforth, Anti-Racism Law), for a patently antisemitic book, *Jews, the Whole Truth*.<sup>2</sup> The Second Appeals Court of Athens serves as a Court of First Instance when at least one of the defendants involved is in the legal profession.<sup>3</sup>

Plevris was charged with violating Article 1 Paragraph 1, and Article 2, of the Anti-Racism Law 927/79, namely:

publicly, through the medium of the press, with intent and acting in concert, incited deeds and actions that could provoke discrimination, hatred and violence against persons and groups of persons, solely because of their racial and ethnic origins, and expressed offensive ideas against a group of persons because of their racial and ethnic origin and specifically against Jews in general.<sup>4</sup>

The 1,400-page book, which defames the Jews and denies the Holocaust, is one of the most comprehensive antisemitic treatises to have appeared in Greece since World War II. In it, Plevris, a prolific author, declares: “I am a Nazi and a fascist, a racist, anti-democratic and an antisemite” (p. 600).<sup>5</sup>

On the day of his conviction Plevris lodged an appeal. In judgment 913/2009, delivered on March 27, 2009, the Five-Member Appeals Court of Athens (henceforth, Athens Appeals Court) acquitted Plevris, quashing his conviction by a lower court from December 2007. Subsequently, requests to file a motion for cassation of his acquittal were submitted to the Supreme Court prosecutor. In judgment 3/2010 of April 15, 2010, the Greek Supreme Court Criminal Section (henceforth, Greek Supreme Court or Court of Cassation), sitting in plenary, dismissed the appeals.

What follows is a short survey of the last two judgments: judgment 913/2009 and judgment 3/2010, and subsequent developments. I will also relate these legal proceedings to the Anti-Racism Law and criticize the Greek judicial system's approach to racism and antisemitism.

### **Judgment 913/2009 – Athens Appeals Court (March 27, 2009)**

In his pleadings, Thanassis Plevris, son of Konstantinos Plevris, his lawyer at the trial and an elected MP of the extreme right LAOS (Popular Orthodox Rally) party, claimed before the Athens Appeals Court

[w]e have heard a witness in this court, one who claims to speak in defence of human rights, say that it is prohibited for anyone to be a Nazi. Is it possible that a democratic society should forbid anyone from speaking in defence of national-socialism?<sup>6</sup>

Asking the court to acquit the defendant, he declared that “it is the democratic right of each citizen to call for the extermination of any population and the re-opening of Auschwitz.”<sup>7</sup>

With regard to the Anti-Racism Law itself, both Thanassis Plevris and Konstantinos Plevris made a mockery of the trial, asserting in the Athens Appeals Court, that they had known about the law only after the book was published. This was in spite of the fact that law 927/79 was published in its entirety on pages 1294-6 of *Jews, the Whole Truth*.<sup>8</sup>

The Athens Appeals Court interpreted extracts of Plevris' book included in the indictment in light of Article 1 Paragraph 1 and Article 2 of the Anti-Racism Law. For example, the words:

That's what the Jews deserve. For it's the only way they understand: firing squad within 24 hours ... [*sic*]

were not considered by the court incitement to violence and hatred against Greek Jews.

Similarly, the passage:

Get rid of the Jewish propaganda, that deceives you with concentration camps, gas chambers, “ovens” and other fairytales of the pseudo-holocaust... [*sic*]

was not deemed insulting to Greek Jews.

Thus, after being convicted by the First Instance for a dual violation of the Anti-Racism Law, Plevris was acquitted by the Athens Appeals Court, as follows: regarding Article 1(1) – incitement to actions that may provoke racist hate and violence – Plevris was acquitted, with four votes in favor and one against; regarding Article 2 – dissemination of ideas insulting a group of people – he was unanimously acquitted.<sup>9</sup>

In its reasoning the Athens Appeals Court wrote:

The defendant does not revile the Jews solely because of their racial and ethnic origin, but mainly because of their aspirations to world power, the methods they use to achieve these aims, and their conspiratorial activities... The actual incidents and quotes from historical persons that the author uses to support his views are based on historical sources, which he cites, and which merely underscore some of his harsher phrases... Taken as a whole, the content of the book does not demonstrate that the defendant had the intention of using it to incite the reader to actions that could cause discrimination, hatred or violence against Jews, nor does he express offensive ideas against [the Jews] solely because of their racial or ethnic origin... This is because he does not revile all Jews collectively, but only those Zionist-Jews who implemented the specific acts he cites in the book.<sup>10</sup>

It should be noted that the reference in the court's reasoning to "actual incidents" and "historical sources" that Plevris used is similar to other comments on his writing expressed throughout Plevris' trial. At the beginning of the trial, in the First Instance, the prosecutor called Plevris' book a "scholarly study."<sup>11</sup> Moreover, the decision of December 2007 to convict Plevris was not unanimous. The minority judge who voted for Plevris' acquittal wrote a 32-page statement listing the reasons for her dissenting opinion. On November 9, 2008, the 70th anniversary of Kristallnacht, the human rights NGO Greek Helsinki Monitor (GHM) disseminated selected excerpts from this judge's views. Inter alia, she said that Plevris

cites documental evidence given in detail in his book in his attempt to cast doubt on the extent of the Holocaust, which he contends concerned only 66,000 to 350,000 Jews as shown in official data held by the International Red Cross, and not 6,000,000 as claimed by the Zionist movement to further its own interests ...

He worked with all the diligence and study expected of a professional historian, bearing in mind that a professional historian has the freedom to

evaluate historical sources positively or negatively and promote or relegate those he deems most convincing or trustworthy accordingly.<sup>12</sup> [sic]

The claim that Plevris had not reviled all Jews collectively ignores what he wrote in his book, in which he defames Jews as a whole, for example:

My book, which you are now reading, is simple proof that we don't count on the Jews. We despise them for their morality, for their religion, for their deeds, which all prove that they are sub-humans ...

Jew (in religion) and human are contradictory terms, that is, the one excludes the other.<sup>13</sup>

### **Motion for Cassation of Judgment 913/2009**

Between May 27 and June 3, 2009, GHM, the Central Board of Greek Jewish Communities (Kentriko Israilitiko Symvoulío – KIS), and the Greek NGO the Anti-Nazi Initiative (Antinazistikí Protovoulía – ANI), representatives of which were all involved as witnesses for the prosecution in the trial,<sup>14</sup> submitted requests to the Supreme Court prosecutor to file a motion for cassation of acquittal judgment 913/2009, delivered by the Appeals Court. The Court of Cassation is the Greek supreme court for civil and criminal law (*Areios Pagos*). It examines only legal, not factual issues. If the Court of Cassation concludes that a lower court has violated the law, or principles of procedure, it can order a rehearing of the case by the lower court. The Court of Cassation's decisions are irrevocable and it is the highest court of judicial resort.<sup>15</sup> The Supreme Court prosecutor is the sole competent authority to examine whether a judgment is legally wrong and it is this official who decides whether to file an appeal in the interests of the law, that is, in cases of erroneous judgment or violation of the law, or if the verdict of a lower court was incomplete.<sup>16</sup>

On June 4, 2009, the deputy prosecutor of the Supreme Court who was assigned the file rejected the cassation request in a five-line, hand-written note, as follows:

There is no legal reason to file a motion of cassation against that judgment in my opinion (it has a special and thorough reasoning, [and] has interpreted and applied the law correctly, without ambiguities, inconsistencies, rational gaps, and without creating any invalidity) [brackets in the original].<sup>17</sup>

However, probably following a query from the Rapporteur of the UN Committee on the Elimination of Racial Discrimination (CERD) in regard to judgment 913/2009 (see below), the file was assigned to the senior deputy prosecutor of the Supreme Court a few weeks later. On July 1, 2009, he filed a 17-page special motion for cassation under law no. 34/2009, on the grounds of a lack of “special reasoning required by the Constitution, and erroneous

interpretation and application of the substantive criminal provision.” It included long quotations from Plevris’ book, which led him to the conclusion that “it is automatically self-evident that the author, with intent, publicly expressed ideas that could incite discrimination, hatred and violence against Jews and offended persons and a group of persons because of their ethnic origin.”<sup>18</sup>

These responses from two prosecutors not only contradicted each other, but due to their dates had differing implications had the Court of Cassation accepted them. The deadline for filing a motion for cassation which, if successful, could lead to a new trial and possibly affect the defendant, was June 9, 2009. However, the senior prosecutor filed the motion only on July 1, 2009; if the motion had been accepted, the judgment would have been considered null and void and removed from the body of case law, and there would be no retrial. This characterizes cassation on behalf of the law that can be decided at any time without deadlines, and has no practical consequences for the parties to the trial. Yet, there would still be an advantage to such a legal proceeding – “an appeal in the interests of the law.” The Supreme Court would interpret the law and this would contribute to the establishment of a coherent body of case law on criminal anti-racist legislation.<sup>19</sup>

### **Judgment 3/2010 - Greek Supreme Court Criminal Section (April 15, 2010)**

With judgment 3/2010, the Greek Supreme Court Criminal Section, sitting in plenary, dismissed the appeal for cassation in the interests of the law.<sup>20</sup> The judgment was rendered by a majority of 24 judges with two dissenting opinions. In its ruling the Court of Cassation held, *inter alia*:

The provisions of law 927/1979 must be interpreted limitedly and not strictly, in view of the provisions of articles 14 par. 1 and 16 par. 1 of the Greek Constitution and article 10, par. 1 of the European Convention on Human Rights (ECHR), with which freedom of expression is established as regards the thoughts of a person (orally, in writing and via the press) as well as freedom of the art, science, research ...<sup>21</sup> [*sic*]

The majority found the reasoning of the Appeal Court judgment to be full and clear, the Anti-Racism Law to be properly applied, and hence the reasons for the motion for cassation to be groundless.<sup>22</sup>

It should be noted that the Supreme Court upheld the principle of freedom of expression enshrined in Article 10 Paragraph 1 of the ECHR. It is submitted that such a right, laudable as it is, does not automatically rank higher than other rights. There is no hierarchy of fundamental human rights in Europe. When fundamental human rights conflict with each

other a balance must be drawn between the safeguarding of a right and curbing abuse of it, and this is the court's role.<sup>23</sup>

### **Subsequent Developments - from Witnesses to Accused**

After Plevris' acquittal, he lodged a criminal complaint, and charges were brought against three ANI activists, Anna Stai, Rena Koutelou, and Lambis Katsiapis, formerly witnesses for the prosecution in his trial.<sup>24</sup> The public prosecutor's office in Athens took legal action against them and they were accused of "propagation of false news which could cause unrest to citizens regarding the impartiality of the Greek judicial system."<sup>25</sup> According to the indictment, the "false information" related to their claim that Plevris was supported by antisemitic prosecutors and judges. Plevris complained that this "false information" was disseminated in a leaflet by the ANI on January 14, 2009 and in an announcement on their website published on January 28, 2009.

Plevris was summoned as the prosecution witness in their trial.<sup>26</sup> This was odd, since he would be the only witness for the prosecution to defend the judicial officers allegedly offended, in a court case that his complaint had initiated. The three defendants faced a possible prison sentence of six months to five years and a fine for dissemination of false information through the medium of the press.<sup>27</sup>

The trial, which had been set for September 22, 2010, was postponed till December 2010. On December 6, 2010, the Second Three-Member Athens Appeals Court for Misdemeanors unanimously acquitted the three ANI activists for speaking out against the judges who had acquitted Plevris, ignoring the prosecutor's demand for their conviction. According to the ANI statement, the judges' antisemitism was not discussed during the trial. One of the defense witnesses was Dimitris Psarras, a well-known journalist from the major daily *Eleftherotypia*, who had published a report regarding Marianthi Pagouteli, one of the three judges whom ANI denounced as an antisemite. According to Psarras, Pagouteli kept a blog where her antisemitic position was made clear (see below). The presiding judge interrupted his testimony, claiming that this evidence was irrelevant to the case.<sup>28</sup> To date (mid-May 2011) no reasoning for the acquittal has been rendered.<sup>29</sup> Many supporters were present at the hearing despite little press publicity.

On January 24, 2011, following a complaint filed by Plevris in 2007, two GHM officials, Andrea Gilbert and Panayote Dimitras, and four KIS representatives, Benjamin Albalas, Leon Gavrilidis, Moisis Konstantinis, and Avraam Reitan, were to be tried before the Sixth Three-Member Misdemeanors Court of Athens for false accusations, perjury, and aggravated defamation expressed in their testimonies during the trial against Plevris, which resulted in his conviction by the First Instance. They claimed, for example, that in his book Plevris expressed the desire to free Europe of Jews or to eliminate them completely, that he

insulted Jews as a whole, that he expressed antisemitic views in his writings, and that he incited to acts of violence against Jews. They faced a possible prison sentence of three months to five years, a fine, and the stripping of their civil rights for one to five years for aggravated defamation; one to five years for false accusations, and one to five years for perjury.<sup>30</sup>

However, the case was not heard on January 24, 2011. An appeal by the six defendants against referral to the court was rejected by the Athens Appeals Prosecutor on March 3, 2011, with Decision 1166/2010 and a new date was set for their trial, June 14, 2011.<sup>31</sup>

### **Political Responses**

In a press briefing to diplomatic correspondents on April 8, 2009, George Koumoutsakos, spokesman of the Greek foreign ministry, related to the trial:

Extremist views like those expressed by the person to whom you referred [Plevris] do not represent and do not correspond to the beliefs and feelings of the Greek people...

I would add, in fact, that extremist views such as these essentially insult the Greek people as a whole; a people who fought with all their power against the Axis powers, against the forces of Nazism and fascism.<sup>32</sup>

Such a statement coming from an official source might have been an encouraging sign testifying to the notion that racism cannot be manifested with impunity. However, it was not circulated by any media outlet within Greece, although it was distributed by the Athens News Agency.<sup>33</sup>

The existence of the Anti-Racism Law often allows politicians to refrain from speaking out, since they presume the matter is being dealt with by the courts.<sup>34</sup> With the exception of LAOS, all other parliamentary parties used the influence they had on television to prevent their members from discussing the Plevris case. At the same time LAOS parliamentary deputies defended Plevris within and outside the court. LAOS MP Adonis Georgiadis publicized Plevris' book repeatedly on Greek television, stating that it was his "favorite." LAOS leader George Karatzaferis, published an article in the party weekly newspaper at the final stage of the trial, which closed with the statement, "the Jew smells blood."<sup>35</sup> It should be noted that Karatzaferis often makes antisemitic and racist remarks publicly. Thus far he has not been prosecuted for any of these statements under Law 927/1979.<sup>36</sup>

### **Criticism of the Greek Judicial System's Approach to Racism and Antisemitism**

As noted, in late June 2009 the Rapporteur of CERD<sup>37</sup> submitted a question to Greece relating to judgment 913/2009, which was assigned to the senior deputy prosecutor of the Supreme Court.<sup>38</sup> The question read as follows:

Please provide updated information on the application of Law 927/1979 “on punishing acts or activities aiming at racial discrimination,” including the number of convictions and the sentences imposed. What measures have been taken to ensure that acts of violence against members of ethnic minorities are always promptly and effectively investigated and prosecuted? [*sic*]<sup>39</sup>

This question, which asks for detailed information concerning the application of the Anti-Racism Law, refers to Article 2 Paragraph 1(a) of the Convention on the Elimination of all Forms of Racial Discrimination, which stipulates that:

Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation.<sup>40</sup>

In a statement submitted to the UN CERD session in August 2009, the Greek delegation explained that one of the main reasons that the Anti-Racism law had had a very limited application until recently was the reluctance of the courts to restrict freedom of speech, including the expression of offensive ideas.<sup>41</sup> To fend off criticism, even the Supreme Court in its dismissal of the appeal in cassation relied on the principle of freedom of expression as a fig leaf to conceal the distinction between freedom of expression, on the one hand, and incitement to hatred and usage of antisemitic and racist ideas, on the other.<sup>42</sup>

In a country like Greece, where antisemitism is deeply entrenched in mainstream society,<sup>43</sup> first and foremost, there should be adequate legislation. Criminal law provisions should be developed to combat xenophobia, racism, antisemitism, and Holocaust denial (the latter does not constitute a penal offense in Greece).<sup>44</sup> Yet, the mere existence of a law is not in itself a guarantee for its enforcement. In the 35 cases brought before the courts prior to Plevris' conviction in December 2007, no one had been convicted under the Anti-Racism Law. His conviction, which was overturned by appeal, was followed by two others, in March 2008 and in July 2008, and the number of cases based on that legislation had reached 50 by the end of August 2008.<sup>45</sup>

The conviction of March 2008 was confirmed by the First Three-Member Appeals Court of Athens (Misdemeanors) on September 2008. Thus, this was the first conviction at



the appeal level under Anti-Racism Law 927/79, and, as of writing, the only one, in more than thirty years of the law's existence.<sup>46</sup> The conviction of July 2008 was reversed by the Seventh Three-Member Appeals Court of Athens (Misdemeanors) on March 24, 2009.<sup>47</sup> On January 7, 2009, the Third Three-Member Misdemeanors Court of Athens acquitted the columnist and publisher of *Alpha Ena*, the official newspaper of LAOS, of violating Article 2 of the Anti-Racism Law, following the publication of an antisemitic article in its issue of July 28, 2007.<sup>48</sup>

In light of these facts and the sequence of dates, it is difficult to take seriously the Greek government's statement in a report of the UN Independent Expert on Minority Issues, Gay McDougall, released on February 18, 2009. Greece noted the success of positive measures it had taken to confront antisemitism and prosecute criminal acts.<sup>49</sup> Much more persuasive is what was later reported by various bodies monitoring the implementation of human rights. In its concluding observations of August 2009, CERD was concerned that Greece

is not effectively implementing legal provisions aimed at eliminating racial discrimination and in particular those relating to prosecution and punishment of racially motivated crimes... The Committee further requests the State party to provide in its next report updated information concerning the application by courts of criminal law provisions punishing acts of racial discrimination, such as those contained in Law 927/1979.<sup>50</sup>

A similar conclusion was reached by the European Commission against Racism and Intolerance (ECRI), the Council of Europe's independent human rights monitoring body for combating racism, racial discrimination, xenophobia, antisemitism and intolerance.<sup>51</sup> ECRI's work is organized in five year cycles, including nine to ten countries per year.<sup>52</sup> In its current cycle, the fourth, ECRI adopted its last report on Greece, published on September 15, 2009, covering the situation as of April 2, 2009.<sup>53</sup> Article 17 of the reports reads as follows:<sup>54</sup>

ECRI regrets, as the authorities have acknowledged themselves, that Law 927/1979 continues to be rarely applied although information indicates cases of incitement to racial hatred in Greece. NGOs have further informed ECRI that the above cases<sup>55</sup> were brought to court on their initiative. Therefore, more action on the Prosecutor's part is still necessary in this regard as it appears that he rarely brings cases to court ex officio. The Greek authorities have informed ECRI that, for this purpose, a special Prosecutor has been recently appointed as a contact person in respect of such crimes and, by circular of the Ministry of Justice, all prosecutions based on Law 927/1979 are monitored, relevant statistical details being sent to the National Focal Point on Racism and Xenophobia.<sup>56</sup>

Notwithstanding the above developments reported by the Greeks, in Article 18 of its report ECRI “strongly recommends that the Greek authorities act more vigorously to ensure the punishment of breaches of Law 927/1979 in order to adequately combat incitement to racial hatred.”<sup>57</sup>

ECRI also referred in its report to the administration of justice. Despite the claim by the Greek authorities that the National Judges’ Academy provides training on human rights in general and combating racism in particular,<sup>58</sup> ECRI had received reports of some judges and prosecutors making racist statements.<sup>59</sup>

The results of this case raise doubts about the impartiality of the Greek judicial system and the views of those in its service. As noted, the prosecutor of the First Instance commended Plevris’ book, while in her dissenting opinion, minority judge Marianthi Pagouteli, who voted for Plevris’ acquittal, noted his diligence as a professional historian.<sup>60</sup> According to the Greek daily newspaper *Eleftherotypia*, judge Pagouteli has published antisemitic remarks on her blog, including, “f. Jews, I wish Hitler had exterminated you completely.”<sup>61</sup> Nearly 70 years after the Holocaust the Athens Appeals Court referred in its acquittal judgment to “actual incidents” and “historical sources” that Plevris used in his book.<sup>62</sup> The Greek judiciary thus appears to have sided with his defamatory writing. Moreover, by validating the acquittal by the Athens Appeals Court of the self-proclaimed Nazi, racist, and antisemite Plevris, the Greek Supreme Court and the Greek judicial system as a whole were granting legitimacy to racism and antisemitism. When antisemitism is so shielded, the bar of indifference to its manifestations is raised to a new, dangerous threshold.

In addition, it was expected that the adjudication of the Greek Supreme Court in the appeal for cassation in the interests of law would provide guidance on the interpretation of Law 927/1979, which would serve to develop a coherent body of jurisprudence in that respect.<sup>63</sup> However, it did not establish a case law on the limitations to freedom of speech concerning incitement to racial hatred.

The complaints that Plevris lodged after his acquittal against the ANI, KIS and GHM, showed that he was using a form of “lawfare against human-rights organizations and the Jewish community.”<sup>64</sup> Those who stood up against Plevris and spoke out publicly against him were being prosecuted, while the self-confessed promoter of Nazism and racism remained unpunished by the highest instance of the Greek judiciary. The fact that dates have been set for these new trials indicates the prevailing attitude of tolerance toward antisemitism and intolerance toward those who try to fight it.

This year is a test case for the Greek justice. It is hoped that the ruling in favor of the three ANI activists at the beginning of December 2010 will mark not only a change in the approach toward those human rights defenders, but a new era in the struggle against racism and antisemitism in Greece.

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- 1 Michal Navoth is an Israeli attorney. Among her fields of expertise is public international law. She researches and writes on the subject of human rights. The review is based on her presentation at the Stephen Roth Institute's 10th biennial seminar on "The Working Definition of Antisemitism – Six Years After," which took place in Paris, August 30-September 2, 2010.
  - 2 For more details on the book and the legal proceedings see, Michal Navoth, "Antisemitism, Holocaust Denial and Racism in Greece Today," *Moreshet – Journal for the Study of the Holocaust and Antisemitism* 7 (English edition. Winter 2009), pp. 68–82.
  - 3 Ibid, p. 69.
  - 4 [http://cm.greekhelsinki.gr/uploads/2007\\_files/ghm914\\_katigoritirio\\_plevri\\_elkosmou\\_english.doc](http://cm.greekhelsinki.gr/uploads/2007_files/ghm914_katigoritirio_plevri_elkosmou_english.doc) (last visited January 27, 2011).
  - 5 [http://cm.greekhelsinki.gr/uploads/2009\\_files/ghm1152\\_jewish\\_ngos\\_antinazi\\_pantazopoulos\\_on\\_plevris\\_trial\\_english.doc](http://cm.greekhelsinki.gr/uploads/2009_files/ghm1152_jewish_ngos_antinazi_pantazopoulos_on_plevris_trial_english.doc) (last visited January 27, 2011). On a later work of Plevris, published in June 2007 see Navoth, "Antisemitism," p. 73.
  - 6 [http://cm.greekhelsinki.gr/uploads/2009\\_files/ghm1150\\_plevris\\_trial\\_english.doc](http://cm.greekhelsinki.gr/uploads/2009_files/ghm1150_plevris_trial_english.doc) (last visited January 27, 2011). For the full text of Thanassis Plevris' pleadings, see *ibid*. For more details on LAOS see Navoth, "Antisemitism," p. 71.
  - 7 See <http://antinazi.gr/english/frameup.htm> (last visited January 27, 2011). Similarly, Plevris himself declared to a crowded, attentive courtroom: "The holocaust is a profit-making myth of the Jews. I submit the proof and let them refute it, if they can. They cannot." See [http://cm.greekhelsinki.gr/uploads/2009\\_files/ghm1150\\_plevris\\_trial\\_english.doc](http://cm.greekhelsinki.gr/uploads/2009_files/ghm1150_plevris_trial_english.doc).
  - 8 See [http://cm.greekhelsinki.gr/uploads/2009\\_files/ghm1150\\_plevris\\_trial\\_english.doc](http://cm.greekhelsinki.gr/uploads/2009_files/ghm1150_plevris_trial_english.doc).
  - 9 See [http://cm.greekhelsinki.gr/uploads/2009\\_files/ghm1152\\_jewish\\_ngos\\_antinazi\\_pantazopoulos\\_on\\_plevris\\_trial\\_english.doc](http://cm.greekhelsinki.gr/uploads/2009_files/ghm1152_jewish_ngos_antinazi_pantazopoulos_on_plevris_trial_english.doc). The extracts in the indictment are quotations from p. 742 and p. 270 of Plevris, *Jews, the Whole Truth*, respectively; see *ibid*.
  - 10 [http://cm.greekhelsinki.gr/uploads/2010\\_files/ghm1290\\_areios\\_pagos\\_plevris\\_english.doc](http://cm.greekhelsinki.gr/uploads/2010_files/ghm1290_areios_pagos_plevris_english.doc) (last visited January 27, 2011).
  - 11 Navoth, "Antisemitism," p. 70.
  - 12 [ghm1080\\_greek\\_judge\\_antisemitism\\_english.doc](http://cm.greekhelsinki.gr/uploads/2008_files/ghm1080_greek_judge_antisemitism_english.doc).52.00 KB 10.11.2008 00:41 (last visited January 27, 2011).
  - 13 See <http://antinazi.gr/english/frameup.htm>.
  - 14 See Navoth, "Antisemitism," pp. 69-71; also [http://cm.greekhelsinki.gr/uploads/2009\\_files/ghm1152\\_jewish\\_ngos\\_antinazi\\_pantazopoulos\\_on\\_plevris\\_trial\\_english.doc](http://cm.greekhelsinki.gr/uploads/2009_files/ghm1152_jewish_ngos_antinazi_pantazopoulos_on_plevris_trial_english.doc).
  - 15 <http://jurist.law.pitt.edu/world/greececor2.htm> (last visited January 27, 2011).
  - 16 See [http://cm.greekhelsinki.gr/uploads/2010\\_files/ghm1290\\_areios\\_pagos\\_plevris\\_english.doc](http://cm.greekhelsinki.gr/uploads/2010_files/ghm1290_areios_pagos_plevris_english.doc).
  - 17 Ibid.
  - 18 Ibid.
  - 19 Ibid.
  - 20 Ibid. See also an English translation of judgment 3/2010 from April 15, 2010 (henceforth: "the Judgment"), in the author's possession.
  - 21 Ibid, "the Judgment."
  - 22 For the "majority rationale" and the "minority rationale," see "the Judgment."
  - 23 Chava Schachor-Landau, "Freedom of Expression and its Limits under the European Convention on Human Rights," *Israel Yearbook on Human Rights* 22 (1992), pp. 49-50, 82.
  - 24 The ANI fights neo-Nazism, racism, xenophobia, and antisemitism in Greek society; see <http://antinazi.gr/english/frameup.htm>.
  - 25 <http://antinazi.gr/english/frameup.htm>.
  - 26 [http://cm.greekhelsinki.gr/uploads/2010\\_files/ghm1341\\_dikes\\_antinazi\\_epse\\_kis\\_english.doc](http://cm.greekhelsinki.gr/uploads/2010_files/ghm1341_dikes_antinazi_epse_kis_english.doc) (last visited January 27, 2011); See also [http://cm.greekhelsinki.gr/uploads/2010\\_files/ghm1353\\_antinazi\\_ghm\\_kis\\_trials\\_english.doc](http://cm.greekhelsinki.gr/uploads/2010_files/ghm1353_antinazi_ghm_kis_trials_english.doc) (last visited January 27, 2011).
  - 27 [http://cm.greekhelsinki.gr/uploads/2010\\_files/ghm1353\\_antinazi\\_ghm\\_kis\\_trials\\_english.doc](http://cm.greekhelsinki.gr/uploads/2010_files/ghm1353_antinazi_ghm_kis_trials_english.doc).
  - 28 The facts relating to the trial of December 6, 2010 are based on a "Statement of the Anti-Nazi Initiative," transmitted to the author by the ANI.
  - 29 In Greek criminal cases the bench only announces at the end of the hearing whether the defendant is guilty or not guilty. The reasoning is published several months later and is available only to those who show interest in the case.

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- 30 [http://cm.greekhelsinki.gr/uploads/2010\\_files/ghm1342\\_omct\\_ejc\\_wjc\\_trials\\_antinazi\\_ghm\\_kis\\_english.doc](http://cm.greekhelsinki.gr/uploads/2010_files/ghm1342_omct_ejc_wjc_trials_antinazi_ghm_kis_english.doc) (last visited January 27, 2011). See also [http://cm.greekhelsinki.gr/uploads/2010\\_files/ghm1353\\_antinazi\\_ghm\\_kis\\_trials\\_english.doc](http://cm.greekhelsinki.gr/uploads/2010_files/ghm1353_antinazi_ghm_kis_trials_english.doc).
- 31 Information provided to the author by GHM.
- 32 [http://www.mfa.gr/www.mfa.gr/Articles/en-US/10042009\\_ALK1803.htm](http://www.mfa.gr/www.mfa.gr/Articles/en-US/10042009_ALK1803.htm) (last visited January 27, 2011).
- 33 See [http://cm.greekhelsinki.gr/uploads/2009\\_files/ghm1150\\_plevris\\_trial\\_english.doc](http://cm.greekhelsinki.gr/uploads/2009_files/ghm1150_plevris_trial_english.doc).
- 34 [http://cm.greekhelsinki.gr/uploads/2009\\_files/ghm1213\\_baker\\_odhir\\_antisemitism\\_english.doc](http://cm.greekhelsinki.gr/uploads/2009_files/ghm1213_baker_odhir_antisemitism_english.doc) (last visited February 14, 2011).
- 35 <http://antinazi.gr/english/frameup.htm>. For excerpts from MP Thanassis Plevris' speech in court see notes 6-7 and accompanying text on p. 2.
- 36 <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-IV-2009-031-ENG.pdf> (last visited March 23, 2011).
- 37 UN Committee on the Elimination of Racial Discrimination (CERD) is the body of [independent experts](#) that monitors implementation of the [Convention on the Elimination of All Forms of Racial Discrimination](#) (henceforth, the Convention) by its State parties. All States parties are obliged to submit regular reports to the Committee on the implementation of rights. States must report initially one year after acceding to the Convention and then every two years. The Committee examines each report and addresses its concerns and recommendations to the State party in the form of "concluding observations." See <http://www2.ohchr.org/english/bodies/cerd/index.htm> (last visited January 27, 2011).
- 38 See [http://cm.greekhelsinki.gr/uploads/2010\\_files/ghm1290\\_areios\\_pagos\\_plevris\\_english.doc](http://cm.greekhelsinki.gr/uploads/2010_files/ghm1290_areios_pagos_plevris_english.doc).
- 39 CERD, seventy-fifth session, August 3-28, 2009: Questions by the Rapporteur relating to consideration of the 16th to 19th periodic reports of Greece. <http://www2.ohchr.org/english/bodies/cerd/docs/AdvanceVersions/CERD-C-GRC-Q-19.doc> (last visited January 27, 2011).
- 40 <http://www2.ohchr.org/english/law/cerd.htm> (last visited January 27, 2011).
- 41 Greece: Introductory Statement to UN CERD session (August 2009), [http://cm.greekhelsinki.gr/uploads/2009\\_files/greece\\_introductory\\_cerd\\_august\\_2009\\_ghm\\_scan.doc](http://cm.greekhelsinki.gr/uploads/2009_files/greece_introductory_cerd_august_2009_ghm_scan.doc) (last visited January 27, 2011).
- 42 See note 23 and accompanying text on p. 6.
- 43 See Manfred Gerstenfeld, "The Deep Roots of Anti-Semitism in European Society," *Jewish Political Studies Review* (2005), <http://www.jcpa.org/phases/phases-gerstenfeld-s05.htm> (last visited February 14, 2011); also Navoth, "Antisemitism," pp. 71-72; [http://cm.greekhelsinki.gr/uploads/2009\\_files/ghm1152\\_jewish\\_ngos\\_antinazi\\_pantazopoulos\\_on\\_plevris\\_trial\\_english.doc](http://cm.greekhelsinki.gr/uploads/2009_files/ghm1152_jewish_ngos_antinazi_pantazopoulos_on_plevris_trial_english.doc).
- 44 See "the Judgment."
- 45 See Navoth, "Antisemitism," pp. 74. Fifty cases, the number given by the author as of the end of August 2008, were also cited in [http://cm.greekhelsinki.gr/uploads/2009\\_files/ghm1153\\_racism\\_trials\\_english.doc](http://cm.greekhelsinki.gr/uploads/2009_files/ghm1153_racism_trials_english.doc) (last visited January 27, 2011). It was also repeated more than a year later on October 5, 2009 by Rabbi Andrew Baker, Personal Representative to the Organization for Security and Co-operation in Europe (OSCE), and published by GHM on the same day. See [http://cm.greekhelsinki.gr/uploads/2009\\_files/ghm1213\\_baker\\_odhir\\_antisemitism\\_english.doc](http://cm.greekhelsinki.gr/uploads/2009_files/ghm1213_baker_odhir_antisemitism_english.doc).
- 46 See [http://cm.greekhelsinki.gr/uploads/2009\\_files/ghm1153\\_racism\\_trials\\_english.doc](http://cm.greekhelsinki.gr/uploads/2009_files/ghm1153_racism_trials_english.doc). Dimitrios Zafeiropoulos, publisher and director of the weekly *Eleftheros kosmos* (*EK*), and Theodoros Hatzigogos, *EK* journalist and columnist, were charged with abusing the press as a medium, by publishing in issue no. 142, March 12, 2006, an article entitled "The Jews Liven Up Thessaloniki." They were found guilty by the First Instance on March 5, 2008 of violating Anti-Racism Law 927/79. See also Navoth, "Antisemitism," pp. 74-75.
- 47 See [http://cm.greekhelsinki.gr/uploads/2009\\_files/ghm1153\\_racism\\_trials\\_english.doc](http://cm.greekhelsinki.gr/uploads/2009_files/ghm1153_racism_trials_english.doc). Zafeiropoulos and Hatzigogos, publisher and a columnist of *EK*, were convicted by the First Instance on July 4, 2008 of violating Anti-Racism Law 927/79 after an article published in *EK* on 18 June 2006 included "phrases offensive to Greece's Roma." They were acquitted on appeal on March 24, 2009. See also Navoth, "Antisemitism," pp. 75-76, and [http://cm.greekhelsinki.gr/uploads/2009\\_files/ghm1197\\_katadiki\\_zafeiropoulou\\_english.doc](http://cm.greekhelsinki.gr/uploads/2009_files/ghm1197_katadiki_zafeiropoulou_english.doc) (last visited February 14, 2011).
- 48 The article in *Alpha Ena* entitled "Devil in the Balkans" mentioned, inter alia: "Those who encouraged the Albanian Kosovars and created this problem are the Zionists of the Global

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- Dictatorship of the New Order.” See [http://cm.greekhelsinki.gr/uploads/2009\\_files/ghm1153\\_racism\\_trials\\_english.doc](http://cm.greekhelsinki.gr/uploads/2009_files/ghm1153_racism_trials_english.doc).
- 49 Ibid. See also [http://cm.greekhelsinki.gr/uploads/2009\\_files/ghm1155\\_mrgi\\_plevris\\_trial\\_english.doc](http://cm.greekhelsinki.gr/uploads/2009_files/ghm1155_mrgi_plevris_trial_english.doc) (last visited February 14, 2011).
- 50 See [http://cm.greekhelsinki.gr/uploads/2010\\_files/ghm1290\\_areios\\_pagos\\_plevris\\_english.doc](http://cm.greekhelsinki.gr/uploads/2010_files/ghm1290_areios_pagos_plevris_english.doc).
- 51 [http://www.coe.int/t/dghl/monitoring/ecri/default\\_en.asp](http://www.coe.int/t/dghl/monitoring/ecri/default_en.asp) (last visited February 14, 2011).
- 52 The reports of the first round of the ECRI were completed at the end of 1998, those of the second at the end of 2002, those of the third at the end of 2007 and the fourth round started in January 2008. See <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-IV-2009-031-ENG.pdf>.
- 53 Ibid. The previous report on Greece of the third monitoring cycle was published on June 8, 2004.
- 54 Ibid.
- 55 In Article 16 of the report the following cases were mentioned: convictions for the articles published in *EK* in March and June 2006 (see notes 46-47 and accompanying text on p. 9), and Plevris’ conviction by the First Instance on December 2007 and his acquittal on March 2009. Regarding the latter the ECRI report says: “At the time of writing, reports indicated that civil society actors would seek all possible remedies against the acquittal.” See <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-IV-2009-031-ENG.pdf>. For the involvement of the three NGOs, GHM, KIS and ANI, in bringing to court cases relating to violation of the Anti-Racism Law, see note 14 and accompanying text on p. 4. Regarding another possible remedy against Plevris’ acquittal, it should be noted that GHM filed an application to the European Court of Human Rights (EctHR) in Strasbourg on behalf of Andrea Gilbert, GHM’s specialist on antisemitism and a Jew, on the grounds that she was directly offended by the text on trial. The application *Andrea Gilbert v. Greece* was filed on December 4, 2009 and registered by the court as Application No 67142/09 . To date, no trial date has been set. The information concerning the above application was provided to the author by GHM.
- 56 European Information Network on Racism and Xenophobia (RAXEN) is composed of 27 organizations working as national focal points, one in each member state of the European Union. The national focal points are responsible for gathering information on the national level. RAXEN is one of the central tools of the European Union Agency for Fundamental Rights (FRA) in providing the European Union and its Member States with reliable and comparable data at the European level on racism and xenophobia with a special focus on antisemitism. See <http://www.ces.lt/en/2008/02/raxen-%E2%80%93-european-information-network-on-racism-and-xenophobia/> (last visited February 14, 2011); FRA Working Paper, “Anti-Semitism: Summary Overview of the Situation in the European Union 2001-2007” (2008); [http://www.efms.uni-bamberg.de/pubrax\\_e.htm](http://www.efms.uni-bamberg.de/pubrax_e.htm) (last visited February 14, 2011).
- 57 See <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-IV-2009-031-ENG.pdf>.
- 58 In its 3rd report, the previous report of ECRI, it recommended more extensive awareness-raising and training initiatives aimed at civil servants, elected representatives and politicians on issues of racism. See <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-IV-2009-031-ENG.pdf>.
- 59 Ibid.
- 60 See notes 11-12 and accompanying text on p. 3-4. Regarding the First Instance, the court was extremely hostile to prosecution witnesses and showed favoritism toward Plevris. When the trial commenced on September 2007 the presiding judge questioned the need for an anti-Nazi NGO in today’s Greece. Then in December 2007 with another panel of judges, when GHM spokesperson Panayote Dimitras testified at the trial and was attacked during his testimony, the new presiding judge did not order the arrest of the assailant for disruption and contempt of court. See <http://antinazi.gr/english/frameup.htm>; Navoth, “Antisemitism,” pp. 69-72, and [http://cm.greekhelsinki.gr/uploads/2010\\_files/ghm1342\\_omct\\_ejc\\_wjc\\_trials\\_antinazi\\_ghm\\_kis\\_englih.doc](http://cm.greekhelsinki.gr/uploads/2010_files/ghm1342_omct_ejc_wjc_trials_antinazi_ghm_kis_englih.doc).
- 61 <http://www.worldjewishcongress.org/en/news/9770> (last visited February 14, 2011). See also Note 28 and accompanying text on p. 6.
- 62 See note 10 and accompanying text on p. 3. One might ask whether Greek judicial officials agree with at least some of the ideas promoted by Plevris, or do they simply turn a blind eye to reality? There have been several assaults on Jewish cemeteries and Holocaust monuments since the appearance of Plevris’ book. See

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[http://cm.greekhelsinki.gr/uploads/2009\\_files/ghm1153\\_racism\\_trials\\_english.doc](http://cm.greekhelsinki.gr/uploads/2009_files/ghm1153_racism_trials_english.doc);  
[http://cm.greekhelsinki.gr/uploads/2009\\_files/ghm1152\\_jewish\\_ngos\\_antinazi\\_pantazopoulos\\_on\\_plevris\\_trial\\_english.doc](http://cm.greekhelsinki.gr/uploads/2009_files/ghm1152_jewish_ngos_antinazi_pantazopoulos_on_plevris_trial_english.doc).

63 See note 19 and accompanying text on p. 5.

64 [http://cm.greekhelsinki.gr/uploads/2010\\_files/ghm1342\\_omct\\_ejc\\_wjc\\_trials\\_antinazi\\_ghm\\_kis\\_english.doc](http://cm.greekhelsinki.gr/uploads/2010_files/ghm1342_omct_ejc_wjc_trials_antinazi_ghm_kis_english.doc).