

NEWS REPORT

Date:	27 April 2010
Expert:	Theodoridis Athanasios
Title:	Greek Supreme Court' s dismissal of appeal in cassation against neo-Nazi Plevris' acquittal
Country:	Greece
<u>Context</u>	
Issue at stake:	Implementation of the anti-racism Law 927/ 1979
Ground of discrimination:	religion/belief, race/ ethnic origin
Source:	national court decision (Greek Supreme Court's Criminal Section, number 3/2010)
Field:	Other (Incitation of discrimination, hatred or violence)
Legislative provisions:	Law 927/79 ("interdiction of racial discrimination") as amended by Law 1419/84 (sanctions against racial & religious discrimination) and by Law 2910/01 (ex officio prosecution)

Content

Case development: On 20 April 2010 the human rights NGO *Greek Helsinki Monitor* was informed that with judgment 3/2010 a self-professed neo-Nazi writer, Costas Plevris, had been acquitted of charges of violation of anti-racist law 927/1979 with his book "*The Jews : the whole truth*". The GHM obtained this information as it provides free legal support to persons of Jewish origin who brought the case before the European Court of Human Rights. The initial facts of this case are the following : With the Second Three Member Appeals Court of Athens (Misdemeanors) Judgment 8705 and 9006/2007, Costas Plevris had been convicted to a suspended sentence of 14 months in prison for "*incitement to discrimination, hatred or violence and expression of offensive ideas against Jews because of their racial or ethnic origin...through his book "The Jews-the Whole Truth"...The excerpts from the book in the indictment are to be read in the spirit that characterizes the whole book*". Two years after, with the First Five-Member Appeals Court of Athens Judgment 913/2009, Costas Plevris was acquitted. Here are some key excerpts from the reasoning: "*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 conspirational 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. The author has used these phrases with the intention of emphasizing the points he makes in the book, so as to make clear to the reader that which he considers to be the aforementioned aspirations of Zionist-Jews. 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”.

Decision of the Court: With Judgment 3/2010 the Greek Supreme Court's Criminal Section, sitting in plenary, dismissed the appeal in cassation “in the interests of law”, filed by the Prosecutor of the Supreme Court against judgment 913/2009 of the Five Members Appeals Court of Athens. The Supreme Court's judgment, taken by majority of 24 judges with two dissenting opinions to which 7 and 5 judges subscribed, has not yet been notarised and made officially accessible, and therefore the exact legal arguments on which the dismissal was based are not known yet.

Internet link source and additional information:

<http://cm.greekhelsinki.gr/index.php?sec=192&cid=3638>

http://cm.greekhelsinki.gr/uploads/2008_files/efet_athin_apofasi_8705-9006-2007_diki_plevri_el_kosmou_13-12-07.pdf

<http://www.sendspace.com/file/syuixy>