



NEWS REPORT

Date:	25 November 2011
Expert:	Athanasios Theodoridis
Title:	Court conviction of a lawyer for homophobic speech against lesbian activist
Country:	Greece
<u>Context</u>	
Issue at stake:	Homophobic speech as a form of a general crime protecting the “honour” and the “reputation” of a person
Ground of discrimination:	Sexual orientation
Source:	9685/2011 decision of the 3 rd Three-Member Appeals Court of Athens
Field:	Discriminatory homophobic speech / intimidation
Legislative provisions:	Article 361 of Penal Code (“Libel / slander” – crime concerning the honour and the reputation of a person)

Content

Case development: On 31 October 2011 the 3rd Three-Member Appeals Court of Athens convicted attorney Kostas Plevris for homophobic speech against the civil plaintiff Andrea Gilbert, spokesperson for “Athens Pride” and an officer of the Greek Helsinki Monitor (decision 9685/2011). The speech related to a case where, on 16 July 2008, Kostas Plevris, as the defendant in another lawsuit, had served an extrajudicial “*declaration to the Misdemeanors Prosecutor of Athens*”, stating that Andrea Gilbert was “*an antisocial element {who} boasts of representing homosexual women, meaning that she is a psychologically defective, sexually perverted person who, as she does not respect her female nature, does not respect the truth either*”.

The full text of the judgment is not ready yet, and therefore all the relevant information cannot be detailed. It is expected to be publicised in early 2012.

Court decision: The witness for the plaintiff was Evangelia Vlami, spokesperson for “Lesb. Equal”. The witness for the defense of Kostas

Plevris, Athens University Professor Maria Tzani, was summoned but did not appear. Prosecutor Ioannis Moraitakis recommended the conviction of the defendant (who served as sole counsel for himself), as did the two attorneys for the civil plaintiff, Vassilis Sotiropoulos and Vassilis Cheirdaris. The court (President : Maria Lepenioti, Members : Evangelia Giakoumatou and Aikaterini Hondrorizou) convicted Kostas Plevris to six (6) months imprisonment with a three-year suspension, while the prosecutor had recommended seven (7) months. The prosecutor highlighted that homosexuals should be treated as equal citizens and therefore the negative terms that had been used by the defendant (“irregular” / “anomalous” persons) could be regarded as offensive falling within the scope of the penal crime of “libel / slander”.

He also mentioned the Law 3304/2005 that transposed the EU Directives against discrimination and he referred to the decision 3490/2006 of the Council of State (Supreme Administrative Court of Greece) saying that erotic relations between persons of the same sex are “*an existing social reality*” and consequently their choices should be respected. The court adopted the arguments of the prosecutor and the civil plaintiffs.

Link source :

<http://cm.greekhelsinki.gr/index.php?sec=192&cid=3765>