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GREECE

Free Speech on Trial: Government Stifles Dissent on Macedonia

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INTRODUCTION

On April 8 1993, the United Nations admitted its 181st member state, Macedonia, under the cumbersome provisional name, "the Former Yugoslav Republic of Macedonia." Caught up in the nationalistic fervor that has swept the region since Yugoslavia began to crumble, Greece claims to fear that the former Yugoslav republic has designs on its northern region of the same name.

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Macedonia denies it has any territorial designs on Greek territory, citing a provision in its constitution forbidding territorial expansion and its proposal for a bilateral treaty for nonviolability of borders under international supervision. The resolution of the dispute between the two countries has been transferred from the European Community to the United Nations, and the current bilateral talks are mediated by the U.N. mediators Lord Owen and Thorvald Stoltenberg.

In Greece, some citizens are paying a heavy price for their government's hard line on Macedonia. In particular, freedom of expression has been abrogated through an intensive campaign which combines propaganda and a series of extraordinary criminal prosecutions for dissenters. Indeed, the first thing a visitor sees going through customs at the Athens airport is a series of posters in English proclaiming "Macedonia was, is, and will be Greek." We summarize the criminal prosecutions below.

Helsinki Watch views these trials as disturbing violations of freedom of expression rights guaranteed by international law. In none of the cases has any of the defendants been charged with violent acts or other criminal behavior. The charges are based purely on publicly expressed opinions that conflict with the views of the Greek government. All of the defendants face possible sentences of several years as well as large fines. Helsinki Watch calls on the Greek government to immediately drop charges against the defendants involved in each of the cases.

THE TRIALS

Organosi Sosialistiki Epanastasi (OSE)

Five members of Organosi Sosialistiki Epanastasi (OSE), a Trotskyite party, were tried in May 1993 on charges that include "spreading false information and rumors that might cause anxiety and fear to citizens and disturb international relations of Greece" and "inciting citizens to rivalry and division leading to disturbance of the peace." Their alleged crime was to produce a pamphlet of nine short essays on "The Crisis in the Balkans: The Macedonian Question and the Working Class." While written in the excited style of a partisan political tract, the pamphlet is entirely within the realm of peaceful political discourse.

On May 7, a court in Athens acquitted the five, after a week-long trial. In a disturbing and unusual move, the public prosecutor's office announced on May 12 that it would appeal the unanimous verdict. A conviction could carry several years in prison and heavy fines.

Christos Sideropoulos and Anastasios Boullis

In May 1993, two Macedonian minority activists, Christos Sideropoulos and Tasos Boullis, were sentenced to five months in prison and a fine of 100,000 drachmas (about US \$435.00) for telling *Ena* magazine in March 1992 that they "feel Macedonian," and for claiming that there are 1 million Macedonians in Greece -- a claim that the government is particularly sensitive about since, if true, it means that Macedonians amount to about 10% of the population of Greece. In an interview last November, Prime Minister Mitsotakis asserted: "We are the only Balkan country not to have minorities.

The small Muslim community in Thrace has full rights."¹ Sideropoulos and Boulis were convicted on May 4 on charges of spreading false information about the "non-Greekness of Macedonia" and the existence of a Macedonian minority on Greek territory which is not officially recognized, and with instigating conflict among Greek citizens by differentiating between the speakers of a Slavic language and Greeks. As a result of attempts to draw attention to the problems of the Macedonian minority, Sideropoulos was forced to resign from his job.

Sideropoulos and Boulis were found guilty as charged on all counts (except disturbing Greece's international relations) and sentenced to five months in prison and fined 100,000 drachmas. They have appealed, and the sentences have been stayed in the interim.

George Bobolas and Vasilis Rafaelidis

Bobolas, the publisher of the daily *Ethnos* and Rafaelidis, a columnist for the paper were indicted on charges of insult and libel for comments in a Rafaelidis column about the "non-Greekness" of the Thracians. Copies of the newspaper were publicly burned when the article was published. The two men were found guilty of insult and sentenced to seven months in prison, a sentence which has been stayed pending appeal.

Stratis Bournazos, Christina Tsamoura, Vangelio Sotiropoulou and Maria Kalogeropoulou

On September 20, 1993, an Athens court will consider the appeal of Stratis Bournazos, Christina Tsamoura, Vangelio Sotiropoulou, and Maria Kalogeropoulou, members of an anti-nationalist group, who were convicted on May 4 of last year and sentenced to 19 months in prison for distributing a leaflet entitled "Our Neighbors are not our Enemies. No to Nationalism and War." The leaflet called for peace in the Balkans and opposed the Greek government's foreign policy and domestic policy regarding Greece's ethnic minorities. The charges against them include disseminating false information, attempting to incite citizen acts of violence or dissension, and disturbing friendly relations with another country. The public prosecutor is said to be preparing a case against some of the 169 artists and intellectuals who signed a petition on behalf of these four, who are free pending appeal.

The public prosecutor also asked the parliament to lift the immunity of two deputies who were among the 169. The parliament turned down the request, as is customary in these cases.

Michail Papadakis

Michail Papadakis, a 17-year old high school student, was arrested in Athens during a demonstration on Macedonia after he handed out a leaflet that bore the words "Don't be consumed by nationalism. Alexander the Great: war criminal. Macedonia belongs to its people. There are no races; we are all of mixed descent." Papadakis was convicted on December 10, 1992 on charges of attempting to incite citizens to divisions among themselves, disturbing the peace, and carrying a weapon. He was said to have been carrying an iron bar, but it was not found and no evidence was produced in court to corroborate the weapons charge. He was sentenced to one year in prison but remain free pending appeal.

OAKKE

¹Mitsotakis Interviewed on Economy, EEC, Yugoslavia," *Le Monde*, November 19, 1992, reprinted in Foreign Broadcasting Information Service, November 23, 1993.

Six members of the Organization for the Reconstruction of the Communist Party (OAKKE) were convicted in January 1992 of defaming the authorities, inciting citizens to commit acts of violence and dividing the community, and illegally posting bills. The posters read: "No to Patriots. Recognize Slav-Macedonia." Theodoros Pagomenos, Dionysis Gournas, Roula Adamopoulou, Stergios Gioulakis, Anna Stai, and Kostas Koutelos were each sentenced to six and a half months in prison.

Other cases and incidents

In addition to the criminal prosecutions described above, there have been a number of other related incidents:

-- As in the case of Michail Papadakis, criticizing the long-dead Alexander the Great seems to strike a particularly sensitive vein. There are two cases pending at the preliminary inquest level against Takis Michas, a columnist for *Omikron*, on the basis of an article he wrote in February that called Alexander a "miserable slayer of people," and asserted that nationalist demonstrations "carried fascist overtones." In response, one member of Parliament called for Michas to be arrested and stripped of his citizenship, and another offered to beat him up in public. The general secretary of the ruling New Democratic Party called him a "national traitor," and another newspaper for which he writes asked him to start using a pseudonym for his columns.

-- A delegation of Greek intellectuals who traveled to Macedonia for a meeting with Macedonian intellectuals were harassed upon their return by Greek border authorities, who wrote their names in entry cards designed for Macedonians who enter Greece (in violation of regulations of the European Economic Community), checked their books and publications were checked, and confiscated one. The names taken at the border were leaked to a right-wing daily, *Stohos*, which said it received the information from a security officer on the border.

CONCLUSION

Greece's New Democratic Party government has sent mixed messages about the free speech prosecutions. The Undersecretary for Foreign Affairs, Virginia Tsouderou, has told interviewers that the trials are a mistake, and that she hopes for acquittals. In particular, she called the Trotskyite trial the result of "a narrow-minded policeman who thought he was doing his duty." But this is difficult to reconcile with the public prosecutor's subsequent announcement that it will appeal the May 7 acquittal of the defendants in the case.

These trials are based on statutes (see appendix) that violate international law on free expression. They are aimed at peaceful political expression. The government can stop these prosecutions if it wants to. Until it does, and moves to repeal the repressive laws it is using to muzzle dissenters, Greece's friends around the world -- and everyone concerned about freedom of expression -- ought to speak up and tell the country's misguided government to pursue its Macedonia policy through persuasion, not coercion.

Appendix: Penal Code Provisions Used in Greek Free Speech Trials

Article 141: One who through any activity intentionally exposes the Greek State or its allies or the people of either to the danger of counter-attacks or exposes the Greek State or its allies to the disturbance of friendly relations with a foreign state shall be punished by imprisonment for not less than three months nor more than three years, and if, because of his activities, counter-attacks have in fact begun, he shall be punished by imprisonment for not less than three years. (used in the case of the OSE, Bournazos et al.)

181: 1. Shall be punished by imprisonment for not more than two years: a. One who publicly insults the Prime Minister, the Government, the Parliament, the Speaker of the Parliament, the leaders of parties recognized by the By-Laws of the Parliament, and the judicial authorities. b. One who publicly insults or with hate or contempt removes, damages or defaces an emblem or symbol of the sovereignty of the State or of the President of the Republic.

2. Criticism alone can never be considered insulting of authority. (OAKKE.)

191: 1. One who by any means disseminates false information or rumors which may cause uneasiness or fear in the citizens or undermine public confidence or shake public trust in the national monetary system or in the armed forces of the country or may cause disruption of the international relations of the country shall be punished by imprisonment of not less than three months and by pecuniary penalty. If the offense is repeatedly committed by the press, the punishment shall be imprisonment for not less than six months and pecuniary penalty for not less than two hundred thousand drachmas. (OSE, Sideropoulos and Boulis, Bournazos et al.)

2. One who negligently commits any offense under the preceding paragraph shall be punished by imprisonment for not more than one year or by pecuniary penalty.

192: One who publicly and by any means causes or incites citizens to commit acts of violence upon each other or to disturb the peace through disharmony among them shall be punished by imprisonment for not more than two years unless a greater punishment is imposed by another provision. (OSE, Papadakis, OAKKE, Sideropoulos and Boulis, Bournazos et al.)

361: 1. Except in cases which amount to defamation (Articles 362 and 363), one who by words or by deeds or by any other means injures another's reputation shall be punished by imprisonment for not more than one year or by pecuniary penalty. The pecuniary penalty may be imposed in addition to imprisonment. (Bobolas and Rafaelidis)

2. If the injury to reputation is not severe, considering the circumstances and the person injured, the offender shall be punished by jailing or fine.

3. The provision of paragraph 3 of Article 308 shall here apply.

362: One who by any means asserts or disseminates information before a third party concerning another which may damage his character or reputation shall be punished by imprisonment for not more than two years or by pecuniary penalty. The pecuniary penalty may be imposed in addition to imprisonment. (Bobolas and Rafaelidis.)

363: If in a case under Article 362, the information is false and the offender was aware of the falsity thereof, he shall be punished by imprisonment for not less than three months, and in addition, a

pecuniary penalty may be imposed and deprivation of civil rights under Article 63 may be decreed. (Bobolas and Rafaelidis.)

* * *

This newsletter is a publication of the Fund for Free Expression and Helsinki Watch. It was written by Gara LaMarche, the Executive Director of the Fund for Free Expression, and is based largely on interviews conducted in Athens by Mr. LaMarche and by Mary Lynne Werlwas, the Leonard Sandler fellow, in March and April of 1993.

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