

On Freedom of Expression and Access to Information in Greece

(covers the period through December 1999 and was prepared for an IHF Royaumont project)

A. International Law and Domestic Legislation

1. Which international human rights instruments related to freedom of expression and access to information has your country signed and ratified?

As far as freedom of expression and access to information is concerned, Greece cooperates with a number of international organizations. It is a member of UN, EU, Council of Europe, OSCE and UNESCO. Greece is a contracting party to the following treaties related to freedom of expression and access to information:

- *European Convention for the Protection of Human Rights and Fundamental Freedoms* (signed in 1953, ratified in 1974). Greece signed this Convention on 4/11/1950 and ratified it in 1974 (l.d. 53/1974, SG (State Gazette): 256A/1974).
- *International Convention on the Elimination of All Forms of Racial Discrimination*. Greece signed this Convention in 1966 and ratified it in 1970 (ld. 494/24/3-3/4/1970, SG: A '77/1970).
- *International Covenant on Civil and Political Rights*. Greece signed and ratified this Covenant in 1997 (ld 2462/1997, SG: 25Á/26/7/97).
- *First Optional Protocol on the International Covenant on Civil and Political Rights*. Greece signed and ratified this Protocol in 1987 (law 1705/1987, SG 89A 12/6/1987).
- *Second Optional Protocol on the International Covenant on Civil and Political Rights*. Greece signed and ratified this Protocol in 1989 (law 1841/1989, SG: 94A 14/3/1989).
- *European Agreement Concerning Program Exchanges by means of Television Films*. Greece signed and ratified this Agreement in 1961 (ld: 4216/19/9/1961, SG: 172/19/9/61).
- *European Agreement on the Protection of Television Broadcasts*. Greece signed and ratified this Agreement in 1964 (ld: 4414/11/11/1964, SG: 211/11/11/64).
- *European Convention on Transfrontier Television*. Greece signed this Convention in 1994 but has not ratified it yet.

- *Protocol to the European Agreement on the Protection of Television Broadcasts*. Greece signed this Protocol in 1965 but has not ratified it yet.

- *European Agreement for the Prevention of Broadcasts Transmitted from Stations outside National Territories*. Greece signed and ratified this Agreement in 1979 (law: 910/1979, SG: 99/4/5/1979).

2. Is domestic legislation compatible with international human rights standards on freedom of expression and access to information?

In general terms Greek legislation on freedom of expression and access to information is compatible with the international human rights standards. However, there are still some inconsistencies. For example, Greek laws treat libel and defamation as criminal offenses. Penal courts have persecuted many journalists. This is contrary to international practice, which deals with libel and defamation in civil procedures.

3. Has your legislative body adopted or included in domestic laws the recommendations of international bodies (UN, the Council of Europe) on freedom of expression and access to information?

4. Is it possible in your country for Judges to rule on the basis of international human rights documents in case where domestic law is not consistent with the prescriptions of international law? If so, does it occur in practice? Please give at least one concrete example.

Ratified international instruments take precedence over municipal Greek law. This is stipulated in Article 28, Paragraph 1a of the Constitution: “The generally recognized rules of international law, as well as international conventions as of the time they are sanctioned by statute and become operative according to their respective conditions, shall be an integral part of domestic Greek law and shall prevail over any contrary provision of the law.” It follows that judges may rule on the basis of international human rights documents in cases where domestic law is inconsistent with international law.

However, things are quite different in practice when it comes to penal courts. Rarely, if ever, do courts of first and second instance take into consideration the international law provisions. Until recently this applied to the Court of Cassation as well. In the last years, however, provisions of Conventions ratified by Greece are mentioned in the judgments of that Court. This was most probably the result from the various convictions of Greece at the European Court of Human Rights for violating international law (for example, see the case of Panayotis Grigoriades v. Greece in the corresponding chapter).

Contrary to penal courts, civil courts usually take into consideration the provisions of international law. In cases where domestic law is inconsistent with international law, civil courts address this inconsistency and apply international law. For example, Article 107 of the Introductory Law of the Civil Code (associations should be governed by Greek citizens or, in cases where foreigners are necessarily members of the association, they could participate in the

administration board of the association provided they are equal in number with the Greek members) has been declared inconsistent with international law and is not applied by the Greek civil courts.

B. Freedom of Expression

- 1. Please briefly describe the provisions (in criminal law, media law, administrative law, etc.) which in your country's domestic law govern:**
 - a. the expression of opinions or the disclosure of information on politicians (the President, Prime Minister, ministers, Members of Parliament, local elected representatives; please give specific details) or civil servants (government officials, judges and judicial officials; please give specific details);**
 - b. the expression of opinions or disclosure of information on domestic or foreign policy of States;**
 - c. the protection of confidentiality of journalists' sources of information**
 - d. other**

For each of the above categories, please indicate:

- (i) the official/reference number of the legislative text(s) or regulation(s) containing the rule(s) concerned;**
- (ii) the content of the provisions, particularly any penalties which may be imposed (fines, prison sentences or other sanctions for failure to comply with the rule(s) in question; please indicate the type of sanctions involved and who can institute proceedings);**
- (iii) what remedies are available against such sanctions (please indicate what appeal procedures exist and any requirements which must be met in order to file an appeal and in order for the appeal to be declared admissible);**

a. The provisions on disclosure of information on politicians and civil servants are discussed in the corresponding chapter of this report. The provisions on expression of opinion on politicians and civil servants are discussed in the corresponding chapter on Libel and Defamation.

b. The provisions related to domestic and foreign policy included in the Penal Code are:

- Article 135, Paragraph 1, states that one who, by distributing texts or images, acts against, or incites others to act against the regime of the State should be punished with confinement in a penitentiary.
- Article 141 states that one who threatens the disturbance of the friendly relations of the Greek State with foreign states should be punished with imprisonment of no less than three months and no more than three years.
- Article 146 (on disclosure of state secrets) states that one who breaks state secrecy should be punished with confinement in a penitentiary for up to ten years.
- Article 148 on espionage states that one who discloses secrets should be punished with imprisonment of not less than a year (Paragraph 1); if the act of disclosure has been done knowingly, the punishment should be confinement in a penitentiary (Paragraph 2). In the case of espionage and disclosure of state secrets the court can deprive the defendant of his position.

- Article 183 states that one who incites others to disobey to state rules should be punished with imprisonment of no more than three years.
 - Article 184 states that one who incites others to commit a crime should be punished with imprisonment of no more than three years.
 - Article 185 states that one who publicly praises a crime should be punished with imprisonment of no more than three years.
 - Article 186 states that one who incites others to commit felony should be punished with imprisonment of no less than three months (Paragraph 1). One who incites others to commit misdemeanour should be punished with imprisonment (Paragraph 2).
 - Article 191 states that one who spreads false information and rumors liable to create concern and fear among citizens and cause disturbances in the country's international relations and incites citizens to rivalry and division, leading to disturbance of the peace, should be punished with imprisonment of no less than three months; if the above is committed repeatedly through the press, the punishment should be imprisonment of no less than six months and a pecuniary penalty of at least GDR 200,000.
 - Article 192 states that one who incites others to acts of violence or to disturbing the peace and harmony among them should be punished with imprisonment of no less than two years.
- c. The confidentiality of the sources of journalists working in the broadcasting media is protected by Article 9, Paragraph 2 of the Code of Ethics issued by the National Radio and Television Council. The article states that a journalist, working in the broadcasting media, should not reveal the identity of a confidential source.

There is no provision protecting the confidentiality of the sources of journalists working in the printed media. It has been stated that Article 371 of the Penal Code (on violation of professional confidence), which protects the confidentiality of information obtained for professional reasons (e.g. doctors, priests, lawyers), applies to the journalistic profession as well. However, this interpretation has not been generally accepted. Greek jurisprudence (e.g. of the First Instance Court of Athens, 10541/1976) shows that the protection of the confidentiality of the journalistic sources derives from Article 14 of the Constitution, which concerns freedom of the press. Judges also evoke Article 20 of the Penal Code (on reasons that exclude the illegality of an action), which states that an action is not illegal if it concerns a lawful duty. There have not been cases of journalists convicted for their refusal to break the confidentiality of their sources in recent years.

3. Please give a brief account of recent cases (since 1995) in which the various rules outlined above and those concerning journalists have been applied (please indicate which persons or bodies initiate proceedings, the reasons for applying the rules, and the nature of the decisions given by courts or other authorities following the proceedings). Please attach copies of court judgement(s) in English, if available. If not, provide a summary.

- On 19 November 1998, Traianos Pasis was acquitted by a three-member Misdemeanor Court in Florina for “dissemination of false information” (Article 191 of the Penal Code) at the Greek-Macedonian border in Niki, Florina on 17 February 1996. At that time he was a leading member of the Macedonian minority party Rainbow. According to the indictment, he was carrying “two wall calendars which he intended to circulate” and which “featured photographs of pure Greek towns and areas, under or next to which were captions written in a foreign idiom.” Indeed, the names of the localities were written in Macedonian. The indictment further stated that the captions “praised clearly controversial and provocative actions and decisions by political parties, groups and organizations which took part in the civil war. [These] actions and decisions disputed the Greek character of [the province of] Macedonia, aiming at its dismemberment, secession and annexation by a neighboring state then enemy of Greece.” The party implied here was the Communist Party of Greece (KKE) which was illegal during the civil war but is legal today. There was no evidence in the indictment to suggest that the calendars contained any advocacy of violence.
- On 9 November 1999, Sotiris Bletsas, member of the Society for Aroumanian (Vlach) Culture, was to be tried by a Misdemeanor Court in Athens, because in 1995 he had allegedly distributed a publication of the European Union’s Bureau for Lesser Used Languages (in which Sotiris Bletsas was the Greek “observer”) which mentioned the minority languages in Greece. The prosecution for dissemination of false information (Article 191 of the Penal Code) was triggered by charges pressed by New Democracy deputy Eugene Haitidis and the prosecution’s witnesses include the leadership of the Panhellenic Union of Vlach Associations.
- On 15 September 1998, Vasilis Romas, Costas Tasopoulos, Petros Vasiliadis, and Pavlos Voskopoulos (Rainbow Party leaders) were acquitted by a three-member Misdemeanor Court in Florina. They had been charged “for, having acted jointly and in public, in any way having caused and incited mutual hatred among the citizens, so that common peace was disturbed on September 6, 1995 in Florina. Specifically, at the aforementioned place and time, as legally representing the party with the name ‘Rainbow’ (‘Ouranio Toxo’), the four defendants hung a sign in the party’s office - in N. Hasou and St. Dragoumi streets. The words ‘Lerinski Komitet,’ written in a Slavic language, were also present on the sign. These words, in combination with the fact that they were written in a foreign language, i.e. a specific Slavic language, allegedly provoked and incited discord among the area’s citizens. Moreover, the ordinary people identified those words with an old terrorist organization of Slavic-speaking alien nationals, which was active in the area. This organization was known to have committed crimes, pillages and depredations against the indigenous Greek population, attempted the annihilation of the Greek element and the annexation of the greater area of the ages-long Greek Macedonia to a neighboring country, which at the time was Greece’s enemy.” It is noteworthy that the Rainbow Party pressed charges against the mayor of Florina and others who, in the night of 13-14/9/1995, led a mob attack and sacked the office of the party. This has not led to anyone’s prosecution by mid-1999.
- In July 1998, Mr. Rashim Hid, a teacher at a Turkish minority primary school in the town of Xanthi, was suspended for one year for having used the term “Turkish school” in a 1996 teachers’ meeting. Between 1996 and 1998, Mr. Hid had been subjected to punitive transfers to a mountain region in the Rhodope Mountains due to the same reason.
- Numerous times the Greek courts have charged Mehmet Emin Aga for violation of Article 175 (on Pretense of Authority), Paragraph 2, of the Penal Code. The charges were based solely

on the 33 messages he had issued to the Muslims on religious holidays, which he signed as Mufti of Xanthi between 1993-1997 (see details below). To this day, the First Instance Courts have convicted him to over 100 months in prison. The Appeals Courts have reduced these sentences to 70 months. He has spent six months in prison and has bought off the balance at considerable financial cost. Mehmet Emin Aga was elected Mufti of Xanthi in August 1990 by Muslims gathered at mosques. In August 1991, the Greek government applied a new 1991 law abolishing the old 1920 one on the election of muftis. Subsequently, the government appointed Emin Sinikoglu as Mufti of Xanthi.

Amnesty International declared that by sending leaflets with religious messages to the Muslim inhabitants of Xanthi, which he signed as the Mufti of Xanthi, Mehmet Emin Aga was exercising his right to freedom of expression. The organization announced that it would adopt Mehmet Emin Aga as a prisoner of conscience and would call for his immediate and unconditional release should he be imprisoned after his appeal hearing on two separate convictions for “usurpation of the function of a Minister of a known religion in Greece.”

- On 18 June 1998 Eva Androutsopoulou was found innocent of charges on violation of Article 4 of the Obligatory Law 1363/1938. She was charged with proselytism, which allegedly occurred when she was teaching German in a private tutorial school. The charges were as follows: “in the month of May 1995 and on a date that was not ascertained, she proselytised by abusing the inexperience of others [...] attempting in an indirect way, that is by making frequent references during class time to Buddhism and to religious beliefs of the Orient, to introduce pupils to the religious consciences of believers in different dogmas (‘heterodox’), aiming at changing the content of their religious conscience.” The prosecution was triggered by a report to the public prosecutor by the Bishop of Komotini.
- For cases concerning libel and defamation and access to information see the corresponding chapters.

4. If there has been any case already decided in your country or declared admissible to the European Court of Human Rights concerning Article 10 of the Convention, please describe the issue of the case(s) and any public debate on it. Please do the same if the U.N. Human Rights Committee (Article 19 of the ICCPR) decided a case of that nature.

- On 4 April 1995 the European Commission of Human Rights declared admissible the application of Mr. Ahmet Sadik, one of the leaders of the Muslim minority in Western Thrace. Mr. Sadik’s application claimed that Greece had violated Article 10 of the European Convention when it convicted him of disrupting public peace while distributing printed material referring to the members of the minority as “Turks” during his election campaign in October 1989.

Mr. Sadik was elected Member of Parliament in June 1989 and was a potential candidate for the 5 November 1989 elections. In October 1989, together with another member of the minority, he distributed leaflets, which drew reference to the “Turkish minority” of Western Thrace. Both minority members were subsequently charged with deceiving the electoral body, an offense under Article 162 of the Greek Penal Code, because their leaflet stated that the candidates of the main political parties had created a climate of terror and anarchy among the Muslim population. They were further charged with “disrupting public peace,” an offense under Article 192 of the Penal Code, by indirectly inciting the citizens to violence and by

creating rifts among the population by the use of the words “Turk(s)” or “Turkish” to identify the Muslims of Western Thrace.

On 26 January 1990 the First Instance Criminal Court of the Rhodopes region acquitted Mr. Sadik on the charge of deceit but found him guilty of disrupting public peace. It held that by distributing such material he wanted to invoke hatred and enmity and thus to divide the population. The Court sentenced the applicant to 18 months in prison, without giving him the chance to buy his sentence off. His request for suspension of the sentence pending his eventual appeal was rejected by the Court, on the grounds, *inter alia*, that the applicant was dangerous and there was a risk that he would flee to Turkey. The applicant was detained from 26 January to 30 March 1990. On 27 January 1990 the applicant appealed against the above judgment. On 30 March 1990 the Court of Appeal in Patras reaffirmed the first instance judgment, finding the applicant guilty of disrupting public peace. However, it reduced the sentence to 15 months in prison, which he was allowed to buy off. On 24 October 1990 the applicant appealed to the Court of Cassation. On 15 February 1991 the Court of Cassation rejected the appeal deciding that the judgment of the Court of Appeal had been sufficiently reasoned.

The European Commission of Human Rights has declared the applicant’s complaint admissible. In it, Mr. Sadik claimed that his conviction for disruption of public peace through the distribution of printed material referring to the Muslim population of Western Thrace as “Turks” violated his rights under Articles 9, 10, 11 and 14 of the European Convention. As his conviction involved his writings, the Commission considered that the main issue concerned Article 10 of the Convention. The Commission found that the public authorities had interfered with the applicant’s freedom of expression within the meaning of Article 10. Although the Commission decided that this interference was in accordance with the national law (Article 192 of the Greek Penal Code) and pursued a legitimate aim covered by Article 10 Paragraph 2 of the Convention on the prevention of disorder; it was not necessary in a democratic society.

The Commission recalled that freedom of expression constitutes one of the essential foundations of a democratic society and is among the basic conditions for the development of democracy. According to the decision, Paragraph 2 of Article 10 is applicable not only to “information” or “ideas” that are favorably received or regarded as inoffensive, but also to those that shock, offend or disturb the State or any sector of the population. Tolerance and open-mindedness are the criteria of pluralism, without which there is no “democratic society.” Furthermore, the Commission emphasized the crucial importance of freedom of expression for an elected representative of the people. It is because such an official has multiple roles as to represent his/her electorate, to consider their preoccupations and to defend their interests. Accordingly, the institution of criminal proceedings for statements made in the context of an electoral campaign is justified only insofar as it is not possible for the State to react in a suitable and adequate manner by the means usually available in democratic states. The Commission declared that the imposition of a prison sentence for the public use of the term “Turk” in respect of the Muslim minority in that area cannot reasonably be regarded as a “necessary” measure in a democratic society. Therefore, the Commission concluded that there had been a violation of Article 10 of the Convention.

On November 15, 1996, however, the European Court of Human Rights dismissed the case because Mr. Sadik had not exhausted all domestic legal remedies (i.e. he had not argued before the Greek courts that his case was a violation of his freedom of expression).

- On 25/6/1996 the European Commission of Human Rights declared admissible to the European Court of Human Rights the application of Panayotis Grigoriades against Greece for the violation of Article 10 of the Convention. Greece had convicted him for insulting the army during his military service.

In the course of his military service, Grigoriades claimed to have discovered a series of abuses committed against the conscripts and as a result, he had clashes with his superiors. Criminal and disciplinary proceedings were instituted against him. The former ended with his acquittal. A disciplinary penalty was, however, imposed on him and, as a result, he had to serve additional time in the army, something he refused to do. As a result he was declared a deserter on 6 May 1989 and criminal charges were brought against him. He sent a letter to his commander explaining his position. Considering that the content of the letter insulted the army, the commander instituted new criminal proceedings under Article 74 of the Army Criminal Code. The Permanent Army Court of Ioannina tried Grigoriades on 27 June 1989 for the offenses of desertion and insulting the army. At the outset of the trial, the defense questioned the constitutionality of the second charge, on the grounds that the relevant criminal provision was not *lex certa* and that the expression of criticism could not be considered as constituting an insult. The defense's preliminary exception was rejected by the court, which proceeded with hearing the witnesses. One of the witnesses, a fellow reserve officer on probation, testified on 10 May 1989 that the applicant gave him a copy of the letter he had sent to the commander of their unit. Taking into account the fact that the applicant was a first-time offender, the court imposed on him a sentence of a year and eight months in prison for the first offense and a sentence of three months in prison for the second offense. The applicant was ordered to serve an overall sentence of a year and ten months.

The applicant's appeal was heard by the Appeals Court of the Military Court on 5 September 1989. The court quashed the applicant's conviction on the desertion charge. However, it confirmed his conviction on the charge of insulting the army, having previously rejected the defense's objection as to the unconstitutionality of the relevant provision. A sentence of three months imprisonment was imposed on the applicant on the grounds that he was a first-time offender. On 20 September 1989 the applicant appealed at the Court of Cassation on the grounds that Article 74 of the Army Criminal Code had not been correctly interpreted and applied in his case. He argued, *inter alia*, that general criticism of the army could not be considered to constitute an insult. He also claimed that the provision violated the Constitution, because of its vagueness, and could not be considered *lex certa* and, furthermore, that it introduced an impermissible limitation on freedom of expression.

The Sixth Chamber of the Court of Cassation heard his appeal on 12 March 1991. On 26 June 1991 the Chamber decided to submit the case to the Plenary, after finding that Article 74 of the Army Criminal Code did not violate the Constitution and that it had been correctly applied in the applicant's case. In a decision issued on 22 September 1993 the Plenary considered that Article 74 of the Code described in a sufficiently circumscribed manner the elements of the offense, which were the insult and the intention of the culprit.

In order to declare the case admissible under Article 10, the European Commission of Human Rights had to consider whether the applicant's conviction for insult of the army was "prescribed by the law" and whether it pursued one of the legitimate aims enumerated in the second paragraph of Article 10 or whether it was 'necessary in a democratic society.'"

The Commission decided that the statutory provision itself was enough for the applicant to regulate his conduct. It also found that the scarcity of published case law was not enough to support the applicant's claim that he was unable to foresee the consequences that his letter entailed. The Commission therefore considered that the requirement laid down in Article 10 Paragraph 2 that any interference with the right to freedom of expression must be "prescribed by law" had not been violated in this case.

It was also decided that the interference with the applicant's right to freedom of expression pursued a legitimate aim under the Convention, namely to maintain order in the armed forces.

Finally, the Commission recalled that the limits of permissible criticism are wider with regard to the various branches of the executive than with regard to private citizens. According to the Commission, even though the letter contained harsh criticism of the Army, it did not contain any insults for individual members of the armed forces and its aim was to address a number of concrete problems facing army conscripts, i.e. to raise a matter of public concern. Moreover, the letter was addressed to a particular officer and not to the press or even to the applicant's fellow conscripts at large. That is why, although the letter had been seen by at least one other conscript, its potential for undermining military discipline was insignificant. In the light of the above and taking into consideration the nature of the penalty imposed, the Commission found that the interference with the applicant's right to freedom of expression was not "necessary in a democratic society" for the prevention of disorder in the army. It was disproportionate to the legitimate aim pursued and therefore not justified under Paragraph 2 of Article 10 of the Convention.

The Commission concluded that in the present case there had been a violation of Article 10 of the Convention.

- In the case of *Hajianastasiou against Greece* (6/6/1991) the European Commission of Human Rights decided that there was no violation of Article 10. The application of Mr. Hajianastasiou, an Air Force Officer to the European Court of Human Rights relates to the conviction of Hajianastasiou, on 22 November 1985, by the Appeals Court of the Greek Military Court for disclosing military secrets and to the proceedings before this court and the Court of Cassation to which the applicant appealed. Mr. Hajianastasiou complained to the Court that his conviction violated Articles 6 and 10 of the Convention. On January 1983 he had presented to a private company a technical study on guided missiles that he had carried out. A year earlier he had submitted to the Air Force a study concerning a guided missile carried out by him, while he was still an Air Force officer. On 4 July 1984, by order of the Chamber of the Permanent Air Force Court of Athens, the applicant and another person were charged with disclosing military secrets (Article 97 of the Military Criminal Code) for having communicated to the private company elements of the Air Force study. On 22 October 1984, the applicant was sentenced to two years and six months in prison by the Permanent Air Force Court of Athens. The other person accused was acquitted. The applicant and the Prosecutor of the Military Court of Review appealed against the above judgment. The Appeals Court sentenced the accused to five months in prison. On 26 November 1985, the applicant appealed to the Court of Cassation on the grounds of "erroneous application and interpretation of the provisions under which he was convicted, i.e. Art. 97, Paragraph 2 of the Military Criminal Code." On 18 June 1986 the Court of Cassation declared his appeal inadmissible.

The European Commission of Human Rights decided that the applicant's conviction did not constitute a violation of Article 10 of the Convention, on the grounds that the State was corresponding to a pressing social need in trying to prevent the disclosure of information qualified as "secret" by the military authorities.

C. Electronic media

1. How is the body controlling the national electronic media composed, to what extent is it independent, i.e. is there any possibility for political control? This also includes what powers this body has and how it exercises them.

The National Radio and Television Council (ESR) carries out the State's constitutionally mandated control over the national electronic media. Article 15, Paragraph 2 of the Constitution provides that the national radio and television are under the immediate control of the State; it also provides that they should aim at the impartiality, the equality and the quality of the broadcast material. Radio and television broadcasting was a state monopoly until 1987 (for radio) and 1989 (for television). Nevertheless the changing international situation, as well as social and economic factors have led to the abolishment of the state monopoly and the creation of private electronic media. It should be mentioned that private radio had appeared long before the official abolishment of the state monopoly and that television stations were in the making when the relevant law appeared. As a consequence, law 1866/1989 (SG: 222/1989), which was the first to set the prerequisites for the allocation of licenses to private channels, was issued partly to legalize an already existing situation. The same law founded the ESR as an independent body.

The ESR consists of nine regular and nine alternate members (p.d. 213/95, SG: 112/15/6/1995) (the number of the regular members was 11 in the beginning, later on increased to 19 and cut to 9 in 1995). The ESR is renewed every three years. The President of the Parliament recommends the President and the Vice President of the ESR. The party with the largest number of deputies in the Parliament recommends four regular and four alternate members. The second party recommends two regular and two alternate members, and the third and fourth parties recommend one regular and one alternate member each.

ESR's responsibilities are: to recommend three candidates per governmentally appointed position on the ERT board, among which the government will select one; to recommend the dismissal of members of the ERT board to the government; to advise the government on granting licenses to non-state owned radio and television stations; to issue codes of ethics for journalists, programs, and advertisements in broadcast media; to oversee the coverage of the activities of parliament and of electoral campaigns by the ERT; and to sanction the violations of these codes or of other laws by the stations.

The ESR has very limited independence from the State. To begin with, it lacks the necessary infrastructure and financial means and this makes its proper operation next to impossible. Moreover, the fact that its members are proposed by the parties, as well as the absence of representatives from social institutions, makes it difficult for it to have a position that is independent from the party policies. Finally, in crucial matters such as the allocation of frequencies and the licensing of the broadcast media, the role of the ESR is only advisory. To make things worse, the Minister of the Press and Mass Media has the right to ignore the

decisions of the body if he decides that they do not comply with the law. The government thus overruns the ESR and the status and possibilities of the body are seriously downgraded.

2. What is the mechanism for the licensing of electronic media and allocation of frequencies? Are there independent bodies for these purposes, or is the decision completely in the hands of the government? What is the procedure for the distribution of frequencies, are available frequencies announced in advance? Please include information on the possibilities for judicial review of the decisions of this body.

The Minister of the Press gives licenses to the electronic media, following the advice of the ESR. Also, the Minister of the Press and Mass Media, together with the Minister of Transportation, decides on the available frequencies and the number of licenses that would be allocated to the media. 40% (20% in the Prefecture of Attica) of the frequencies are given to regional and local media, while the rest are given to the national media. Within a month after the Minister of the Press announces the available frequencies, the media should apply for licenses. Within two months, the ESR should examine and evaluate the applications related to the schedules of the media, the number of employees, and its investment, as well as to the quality of the broadcasting program. Licenses are given for four years and can be renewed. They can be revoked in cases of serious violation of the rules.

The media can appeal to the State Council and ask for the suspension of the implementation of the above decisions.

Despite the above provisions there are still no officially granted licenses, since the ESR does not have the necessary means to proceed to the evaluation of the applications. In fact the absence of licenses suits both the media owners, who act independently of the competent rules and regulations, and the government, which leaves the matter unsettled in order to avoid taking the cost of such a decision and create frictions with the media.

3. Are there any property restrictions or limitations in the media field? Does law provide any legal solution in order to limit the monopoly whether in printed media or broadcasting? Please include/attach the English version of the article(s) of the law.

Law 2328/1995 provides for property restrictions in the sphere of the media, which limit the monopoly in printed and broadcasting media.

Concerning the broadcasting media, Articles 1 (Paragraphs 10-12) and 6 (Paragraph 8) stipulate that a joint stock company can have only one license of a television and a radio station. Every physical or legal person can participate in only one company and with only up to 25% of its capital (Law 2644/1998 has increased this limit to 40% for the pay-per-view broadcasting media (SG: 233/1998)). The same rules apply to relatives up to the fourth degree. One cannot participate in more than two media categories (media categories are television, radio, and newspapers). The participants in media corporations cannot participate in corporations, which undertake work from the public sector.

Concerning printed media, Article 13 (Paragraphs 10-14) provides that a physical or a legal person and his/her relatives up to the fourth degree can be holders of or participate in up to two daily political newspapers (a morning and an afternoon one) issued in Athens, Piraeus or Thessaloniki. The same applies to one daily financial paper and one daily sports paper issued in

Athens, Piraeus or Thessaloniki, also to two non-daily provincial newspapers issued in different prefectures, and to only one Sunday publication.

However, since no official licenses have been given yet, violations of these limitations are not unusual.

D. Print Media

1. What is the mechanism for the distribution of printed literature - is there a state monopoly or a system of licensing of companies, and how does this mechanism work? Are there any monopolies in printing, production of newsprint (paper used to produce newspapers) or distribution networks? Which practical implications does this have?

There is no state or other monopoly concerning the distribution of printed literature, the printing and the production of newsprint.

2. Are there any legal provisions stipulating the restrictions with regard to the distribution of the printed media or the broadcasting (i.e. media councils)? If so, please include the English version of any such rules and regulations, or summarize the main problems. Please provide examples.

Restrictions on the distribution of the broadcasting media are included in Article 4 of Law 2328/1995. According to the seriousness of the violation, the audience of each channel, the investment it has made and the existence of possible recrudescence, the Minister of the Press and Mass Media --following the advice of the ESR-- can impose sanctions on the media in question. Sanctions include recommendations, fines of GDR 5-500 million for television stations and GDR 1-10 million for radio stations (\$1= approximately GDR 320), temporary closure of up to three months, revocation of the license of the station,) moral sentences (e.g. the obligation to broadcast an announcement on the imposition of the other sanctions). If the ESR does not issue a decision within 30 days of the minister's suggestion, the Minister announces the sanctions without a decision by the ESR (l. 2644/1998, SG: 233/13/10/1998).

In an urgent case of apparent violation of the laws, the President of the ESR can order the postponement or the interruption of a program. Within three days the whole ESR board should decide upon the interruption or the postponement. If no decision is taken, the program can resume transmission at any time.

Even though severe fines have been imposed on television channels for breaking the Code of ethics issued by the ESR, the imposition of fines has met difficulties due to the limited power of the ESR in regulating the broadcasting media.

In November 1999 the Minister of the Press refused to ratify three decisions of the ESR taken in the previous year on the grounds that they did not comply with the law. He also doubted the moral status of the President of the ESR, by saying that the latter forged the proceedings and that the decisions did not arise from the relevant discussion among the members of the ESR. This led to the announcement that the Deputy President of the ESR, Mr. Manitakis, would resign if the Minister's decision were not recalled. It should be noted that members of the ESR had also resigned in the past denouncing the limited possibilities given to the ESR.

There are no special provisions stipulating restrictions with regard to the distribution of printed material. Restrictions on the distribution of printed material exist in the Constitution and the Penal Code as described in the corresponding chapters.

3. Do state media enjoy any economic, practical or other advantages over independent media? Please explain.

The state broadcasting company ERT (Greek Radio and Television) has the monopoly of pay-per-view TV broadcasting. Together with the state-owned Organization of Telecommunications of Greece (OTE), the ERT has the monopoly of “microwave broadcasting” and also the monopoly of cable TV. It is allowed, though, to enter into agreements with private companies for joint exploitation of these monopolies.

Every client of the state-owned Public Power Corporation (DEI) has to pay to ERT a special fee through the bimonthly electricity bills, independently of whether they watch or listen to ERT programs.

E. Libel, Defamation, Blasphemy

1. Does the law provide for civil or criminal liability (criminal libel provides prison sentences) for insult or defamation? Are disproportionate fines used in civil cases? What are the penalties and how is it prosecuted - through a private complaint in all cases (like in Poland), through the prosecutor in all cases or only in some cases by the prosecutor (e.g. when public officials are libeled) and in other cases through private action (e.g. when private citizens are libeled)? How many people have been sentenced on libel charges and what were the penalties? How many were sentenced under circumstances which suggest the misuse of libel provisions?

The law provides for criminal liability for insult and defamation.

Insult is punished with imprisonment of up to a year and/or with a pecuniary penalty (from GDR 50,000 to GDR 5 million, as defined in Art. 57 of the Penal Code, PC) (PC, Art. 361, Paragraph 1). Usually the sentences do not exceed two months, or, if the defendant wants to appeal, four months - the minimum sentence necessary for the right to appeal to be enforced. Unprovoked insult is punished with imprisonment of at least three months (PC, Art. 361A, Paragraph 1). Defamation is punished with imprisonment of up to two years and/or by a pecuniary penalty. Aggravated defamation is punished with imprisonment of at least three months (PC, Art. 363), to which a pecuniary penalty can be added. The offender can also be punished with deprivation of his/her civil rights. Defamation of a corporation is punished with imprisonment of up to a year or with a pecuniary penalty (PC, Art. 364, Paragraph 1), while aggravated defamation of a corporation is necessarily punished with imprisonment (PC, Art. 364, Paragraph 2). Disparaging the memory of a deceased is punished with imprisonment of up to six months (PC, Art. 365).

The Single Article (Paragraph 4.2) of Law 2243/1994 --which replaced the Single Article, Paragraph 2 of Law 1178/1981 on “Civil responsibility of the press and some other provisions”-- provides for a fine of at least GDR 10 million for the press published in Athens and Thessaloniki and at least GDR 2 million in the rest of the country upon the violation of the law. In practice, however, disproportionate fines have been imposed, especially against the provincial press, which is already in a weak position as it has limited means.

The cases are always initiated, following the private complaint of an injured person (PC, Art. 368, Paragraph 1) [in cases of disparaging the memory of a deceased, the right to file a complaint lies with the family of the deceased] or following a decision of the board of directors and of any other person with a legal interest in the case of a Corporation (PC, Art. 368, Art. 2). If the injured person is a civil servant, his/her official superior and the competent minister also have the right to file a complaint (PC, Art. 368, Paragraph 3). In cases concerning attack against the honor of the President of the Republic, prosecution is initiated after a demand by the Minister of Justice (PC, Art. 118, Paragraph 5). Prosecution against the Parliament, the Local councils and the Head of a foreign State is initiated after demand by the respective injured bodies.

Libel and defamation can also be dealt with in the Civil Code. Article 920 (“Defamatory rumors”) states that one who intentionally distributes lies that can hurt someone else is liable to fines. In addition Article 57 (“Right to personality”) provides that one whose personality is offended has the right to ask for the offense to be withdrawn, as well as for the promise that this would not be repeated in the future. Article 59 (“Satisfaction for moral abuse”) provides that the court, upon request of the plaintiff, can also impose compensation or order the publication of the revocation of the offense. The obligation to compensation is prescribed also in Article 919 (“Offense to morals”) and Article 932 (“Satisfaction for moral abuse” for an unjustified act).

Misuse of the above provisions is widespread. Several journalists have been brought to court on libel and defamation charges. For a description of recent cases, please see the corresponding chapter.

2. Does the law provide better protection against libel or defamation to public officials than to ordinary citizens?

The law provides for more severe sentences in cases of libel and defamation to public officials than to ordinary citizens. Libel and defamation to the President of the Republic and to the Parliament are punished with imprisonment of not less than three months (PC, Art. 157, Paragraph 3; PC, Art. 168, Paragraph 2). Insult to board councils of the county, municipal or community councils is punished with imprisonment for up to two years (PC, Art. 157, Paragraph 3). Libel against the Parliament and the local councils can be punished in addition by deprivation of positions (PC, Art. 157, paragraph 4). Attacks against the honor of a Head of a foreign state are punished with imprisonment (PC, Art. 153, paragraph 1b).

3. Are there any anti-blasphemy criminal provisions, what do they envisage and are they enforced? How many people have been sentenced and what were the penalties?

Blasphemy to God is punished with imprisonment of up to two years, while blasphemy to divinity is punished with imprisonment of not more than three months (PC, Art. 198,

Paragraph 1 & 2). Blasphemy to religion in general is punished with imprisonment of up to two years (PC, Art. 199). The Constitution provides for the seizure of publications that are blasphemous to the Christian and any other known religion (Constitution, Art. 14, Paragraph 3a).

- On 6 March 1997, a judicial source revealed that an Athens court had given two Greek journalists 15-month suspended prison sentences for an article deemed insulting to Christ. After a journalist from an extreme right-wing media outlet filed a complaint, the two journalists were charged with “offense against religion” for having reported on an English book which claims that Jesus Christ survived the crucifixion and fled to Europe with Mary Magdalene.
- In April 1997, another Athens court sentenced a journalist to 15 months in prison for an article, published in the monthly magazine for men *Max*, relating the supposedly dissolute life of Jesus Christ. The author was also charged with “offense against religion” after the above-mentioned right-wing journalist filed a complaint against him. He appealed and the sentence was suspended.

4. Are there legal provisions that journalists can invoke in their defense in court when accused of insult or defamation or any other media-related crime? (proof, good faith, public interest, etc.)

Journalists can invoke the notions of proof, good faith and public interest in their defense against charges of insult or defamation. According to the Penal Code, if defamation is based on true information that affects the public interest, defamation is not punished (PC, Art. 366, Paragraph 1), although punishment for insult is not excluded, if the intent to insult has been proven beyond reasonable doubt (PC, Art. 366, Paragraph 3). Disapproving criticism of scientific, artistic or occupational developments, or criticism for the purpose of fulfilling lawful duties, the exercise of lawful authority or protecting a right or some other justified interest, do not constitute an unjustified act (PC, Art. 367, Paragraph 1), unless they include aggravating elements (PC, Art. 367, Paragraph 2a) or unless the intent to insult is apparent (PC, Art. 367, Paragraph 2b).

5. Have journalists working in the broadcasting or printed media been brought to court for insult/defamation or any other media related crime? If, so on what legal basis?

- **What was the outcome?**
- **Please attach copy (copies) in English of court decision(s) sentencing them (if available, if not, provide a summary).**

There are several cases of journalists who have been brought to court for insult or defamation or other crimes related to the exercise of their profession. The legal basis for the prosecution are the articles on libel and defamation of the Penal Code (See also the relevant paragraph on that) -Articles 192 k, j, l- for disclosure of state secrets. In most cases the journalists were convicted in the first and second degree courts and then acquitted or convicted in the Court of Cassation. Some cases are still pending after appeal.

Here is a description of cases of journalists who have been brought to court in the last few years:

- In November 1999 the Public Prosecutor of Mitilini charged two journalists for defamation and aggravated defamation (Articles 362 and 363, respectively) after a complaint by the police authority of Lesvos. The two journalists, Stratis Balaskas and George Kondiloudis, were persecuted for an article that appeared in the *Eleftherotypia* newspaper. The article referred to relations of police officers of Lesvos with smugglers in a local olive press.
- On 13 July 1998, the Single-Member First Instance Court of Thessaloniki with its 18134/1998 Verdict (based on the “Procedure for Summary Measures”), ordered “the removal from the “Dictionary of Modern Greek Language,” in every future reprint or edition [...] of the entry “Bulgarian [...] 2. (abusive) the follower or player of a Thessaloniki team (mainly PAOK).” It also fined the book’s author (Professor George Babiniotis) and publisher GDR 2 million (USD 6,500) each, and also threatened the former with a month’s detention if the order was not complied. .

The court ruled that the entry in question offended the personality of the plaintiff (lawyer and elected City Counsel of Thessaloniki Theodore Aspasidis). Also, it argued that “it creates confusion about the national origins of the players and the followers of PAOK (a soccer team based in Thessaloniki, northern Greece) and more generally the Macedonians.” The verdict stated that the abusive meaning should not have been included in the dictionary, as its use is occasional and not sustained. It was based on the following explanation, quoted by the judge in his verdict: “A good dictionary does not simply record linguistic reality but also aims at instructing the reader. We turn to it to learn. For that reason, linguistic reality recorded therein, i.e. the use of a particular word, must be the one that has in some way been consecrated in Greek society, that is has been generalized and sustained. Occasional or isolated use is not enough. The aforementioned word ‘Bulgarian’, in its abusive meaning, has been probably used by an insignificant portion of football fans from Southern Greece, in fact more as a slogan than with the meaning of the word.” (see, M. Stathopoulos, “A dictionary between Justice and Scholarship” in the *Eleftherotypia* daily, 15 June 1998). The Stathopoulos article is indeed accurately quoted in the verdict.

A second “Application for Summary Measures” against that dictionary was heard on 20 July 1998, by a similar Thessaloniki court, for the entry of the abusive meaning of the word “Pontic.” “Pontics” is a pejorative term which refers to Greeks from the Black Sea who were “repatriated” at various times during the 20th century. In this case, however, the Application was rejected in December 1998.

On 24 July 1998 the Prosecutor of the Supreme Court released a motion asking for the cassation of the verdict. In this motion, the Prosecutor reverses the verdict’s rationale, in relation to the offense of the plaintiff’s personality and to the criteria for the entries in the dictionary. Furthermore, P. Dimopoulos added that the Court made a “spurious and erroneous interpretation of the related articles of the civil code, instead of defending freedom of expression and scholarly research.”

In January 1999 the Court of Cassation decided by majority vote that the entry in question (“Bulgarians”) constituted an offense to the personality, but that offense was not against the law, since no intent to insult was proved and since the entry was within the boundaries of scientific research.

- On 18 May 1999, journalist Dimitris Rizos, editor and publisher of the *Adesmeftos Typos* daily, was given a five-month suspended sentence for insulting George Papazoglou, a former

cadre of the newspaper. The incriminating text did in fact include insulting characterizations of Papazoglou. Rizos was set free on appeal.

- On 21 May 1999, Dimitris Rizos was convicted by a three-member Appeals Court of Athens to twelve months in prison for the repeated aggravated defamation of four members of the board of directors of the rival *Eleftheros Typos* daily. His incriminating interview to a television station in September 1994 did indeed include unsubstantiated allegations of *Eleftheros Typos* concerning the embezzlement of funds. Rizos' sentence was converted to pecuniary, he bought it off and was set free.

It is noteworthy that, in the first instance, a three-member Misdemeanor Court in Athens had convicted Rizos to forty-two months in prison for aggravated defamation.

- On 7 March 1999, the Chief Prosecutor of the First Instance Court of Athens, G. Koliokostas, brought criminal charges against all those responsible for the publication of a top secret report in the country's largest daily newspaper *Ta Nea*. They were charged of disclosure of state secrets. The report was written by the Greek Ambassador to Kenya G. Kostoulas and covered the events that contributed to Ocalan's capture by Turkey.

The indictment stated that the publication of that report was an "illegal act," as it included "information which the interest of the state required to be kept secret from foreign governments." The editor of the newspaper is therefore expected to be among those who will face these charges.

- On 21 September 1998, a three-member Misdemeanor Court of Thessaloniki sentenced the *Avriani* newspaper publisher George Kouris, editor George Tsiroyannis and journalist Stelios Vorinas to four years and 11 months in prison. They were convicted for aggravated defamation and insult of Yannis Raptopoulos, owner of "Express Service," a roadside assistance company; Raptopoulos also owns the Thessaloniki-based newspapers *Makedonia* and *Thessaloniki*, while Kouris owns the rival newspaper *Nea Makedonia*.

The incriminating articles were published on 31 December 1997, 2 January 1998 and 3 January 1998. Raptopoulos' lawyers told the Greek Helsinki Monitor that Kouris had previously been convicted to huge fines by civil courts for articles deemed defamatory, but he has always managed to avoid paying them because of the hazy and ever changing legal ownership of his newspapers.

- On 17 September 1998, journalist Makis Triantafyllopoulos was convicted and given a suspended sentence of eight months for the defamation of the Minister of Justice Evangelos Yannopoulos, in an article in the *Kalimera* daily in January 1998. In the article, he had argued that the minister was obstructing justice in a case by implicating that the governor of the Social Security Fund, Gregory Solomos, was seeking favorable treatment from the minister.

- On 3 September 1998, Yannis Tzoumas, journalist and publisher of *Alithia*, a daily on the island of Chios, was convicted to four months' imprisonment for defamation. He was charged for an August 1997 incident in which he was accused of defaming Minister Stavros Soumakis. Initially, he was charged with aggravated defamation for having claimed that the minister, when visiting Chios, was staying at the house of a ship owner who was under investigation. He also claimed the minister had managed to get tickets for himself and his wife on the eve of the 16 August 1997 Olympic Airways flight. (This flight is always booked three months in

advance.) The paper called him “minister of the ship owners [...] who sunbathes at the villas of the ship owners.” During the trial, the facts were confirmed as accurate, but the court considered that the “harsh style” of the article was an act of defamation.

On 21 January 1999 the Appeals Court of the Aegean in Chios acquitted Yannis Tzoumas, on the defamation charges. The Appeals Court confirmed the veracity of the facts and moreover stated that there was no intent to defame the Minister but only to criticize his behavior, albeit in a harsh way.

- On 26 June 1998, District Attorney Mantagiozidis recommended that “espionage” charges be filed against George Harvalias and Noni Karagianni, both journalists with the *Eleftheros Typos* daily, for publishing, on three separate occasions in 1997, classified documents on Greek-Macedonian relations, leaked from the Greek Ministry of Foreign Affairs.

Charges were initially brought against the journalists, with the active involvement of the Greek Foreign Ministry. The examining magistrate imposed a \$7,000 (GDR 2 million) bail for each of the journalists and a travel ban based on “demonstrable proof of guilt.” A Council of First Instance Judges likewise acquitted them in 1998, but a prosecutor had appealed the verdict. It was widely believed he had acted with the encouragement of the Foreign Ministry.

On 21 October 1998, the Council of Appellate Judges of Athens acquitted journalists George Harvalias, Noni Karayanni, George Papathanassopoulos of the *Eleftheros Typos* daily and Mihalis Kottakis of the *Apogevmatini* daily on charges of disclosure of state secrets.

- On 19 May 1998, journalist Charalambos Triantafyllidis, editor and publisher of the *Enimerosi* weekly (in Florina, northwestern Greece), was convicted by the three-member Appeals Court in Kozani, and was given a five-month suspended prison sentence for insulting Florina’s then elected prefect Pavlos Altanis, on 11 November 1998. The incriminating text was nothing more than strong criticism of the alleged “clientelistic” and revengeful actions of the newly elected prefect and had no outright insulting characteristics that could stand in a fair court. Triantafyllidis was convicted to a fine of GDR 500,000 (approx. USD 1,635) for damages.

It is noteworthy that, in the first instance, a three-member Misdemeanor Court of Florina had convicted Triantafyllidis to a twelve-month suspended sentence and GDR 10 million (approx. USD 32,700) for damages, aggravated defamation and insult of authority.

Given the high cost for a small provincial newspaper to appeal to the Supreme Court and then either to go to the European Court of Human Rights, or if vindicated by the Supreme Court, to go through a possible second appeals trial, Triantafyllidis told GHM that he regretfully opted not to use that venue.

- On 1 April 1998, an Athens court sustained on appeal the prison sentence of four years and two months for “libel” and “filing a false document” against Makis Psomiadis, journalist and owner of the *Onoma* daily, and ordered that he be incarcerated. The court refused to allow the sentence to be converted into a fine, thus setting a precedent in Greece. The journalist decided to refer the case to the State Council.

This sentence followed an article from February 1996, in which the journalist accused the Minister of the Environment and Public Works, Kostas Laliotis, of having been paid a commission for awarding a German company the construction of the new international airport in Athens.

- On 21 July 1997 two journalists of the *Niki* newspaper were each sentenced to 33 months in prison for “aggravated defamation” of the Minister of Justice Evangelos Yiannopoulos. The criminal charges were filed by the public prosecutor based on a complaint from Yiannopoulos regarding a series of articles published in July and September 1996 that questioned his participation in the resistance during the Greek civil war. In principle, defamation charges may not be raised unless the person affected proves it beyond reasonable doubt that an article has been written with the clear knowledge from the reporter of its untruthfulness. This issue, however, was not discussed in the *Niki* proceedings.
- In 1997, Abduhalim Dede, a Greek journalist from the Turkish minority was given a six-month suspended sentence for defamation of an ultra-nationalist activist from Thrace. He was charged in connection with an article published in Thrace’s Turkish minority newspaper *Trakianin Sesi* which dealt with a so-called “parallel state,” a veiled reference to a Mafia or police state in the sensitive zone of Komotini.
- On 15 June 1994 Iordanis Nomidis, the publisher of the provincial newspaper *Paratiritis* in Serres, northern Greece, was sentenced to three and a half years in prison, and a journalist at the same paper, Ariadni Papafotiou was given three years, for aggravated defamation. In May 1994, the paper had published and commented on a cable sent by the Serres Police Chief, Dimitris Lazaridis, to the Minister of Public Order and Justice. In the cable, Lazaridis informed the Minister that two deputy prosecutors in Serres had required local police officers to protect illegal female immigrants working in a local bar from being arrested. Similar reports about police protecting foreign call girls had been recently published by a number of Greek newspapers. A few days later, *Paratiritis* published a denial of all accusations by one of the accused prosecutors. Other newspapers that had reported the story were not charged, and charges brought against a television station were dropped for lack of intent. Lazaridis received a sentence of three and a half years for his involvement. As of this writing, their appeals were pending.

6. What is the mechanism of confiscation of printed materials and in particular what is the role of the judiciary in it – do law enforcement officials need a warrant from a judicial authority in advance or can they report on the case subsequently? Are there laws that envisage mandatory confiscation in certain cases? What is the situation in this regard - were there cases of either legal or illegal confiscation, what were the target groups (ethnic, religious minorities?), and what were the results of the litigation (if any)?

The Greek Constitution prohibits any seizure of newspapers and other printed materials either prior or after their publication (Art. 14, Paragraph 2). An exception to this is made for publications that offend religion (Art.14, Paragraph 3a), insult the President of the Republic (Art. 14, Paragraph 3b), disclose military or defense information, aim at the violent overthrow of the political system or are against the territorial integrity of the State (Art. 14, Paragraph 3c), contain obscene articles (Art. 14, Paragraph 3d). In the above-mentioned cases, seizure is ordered by the public prosecutor and only after the publication of the article (Art. 14, Paragraph 3). There is no provision on mandatory seizure in any case. Art. 14, Paragraph 4,

stipulates the procedure to be followed after the seizure: within twenty four hours after the material is confiscated, the Prosecutor shall submit the case to the Judicial Council; within another twenty four hours the Judicial Council should decide to keep or to interrupt the seizure, otherwise it is interrupted *ipso facto*. The publisher of the article and the Public Prosecutor can appeal against the decision to the Court of Cassation.

Cases of confiscation are extremely rare. Three cases have been reported in the last twenty years. The first one concerns the confiscation of Marquis de Sade's classic "Philosophy in the Boudoir" in the '70s on the grounds of obscenity. Obscenity was also the basis for the confiscation of an issue of the life style monthly magazine *KLIK* in the early '90s due to the magazine's coverage of sex matters. The last case concerns the summary measures taken against the "Dictionary of Modern Greek Language" of Professor Babiniotis in 1998. The court ordered the confiscation of the dictionary and the removal in every future reprint or edition of the entry "Bulgarian (...) 2. (abusive) the follower or player of a Thessaloniki team (mainly PAOK)" judging that it offended the personality of the plaintiff. The confiscation was never implemented and one could easily buy the dictionary in every bookshop in the large towns and cities in Greece. Furthermore, the Prosecutor of the Supreme Court Mr. Dimopoulos released a motion asking for the cassation of the verdict adding that the Court made a "spurious and erroneous interpretation of the related articles of the Civil Code, instead of defending freedom of expression and scholarly research." In January 1999 the Court of Cassation decided the removal of the summary measures (for more details on the Babiniotis case see the corresponding paragraph).

F. Role of Journalists

1. What is the role of professional journalists' organizations and other organizations in protecting freedom of information and access to information? Are there professional Codes (Rules) of Conduct for Journalists or Publishers? If there are English texts of those codes, please attach them. How do those Codes operate in practice?

The main role of the organizations of the professional journalists is that they provide a framework of principles for the self-regulation of journalism aiming at the lowest possible interference on the part of the State. They have the possibility to impose disciplinary sentences to its members. At least three journalists have been expelled from the Journalists' Union of Athens in the last years for violating the principles of journalism. However, since participation to the organizations is not obligatory for the exercise of the journalistic profession, these decisions do not have much of an impact.

In 1998 the Journalists' Union of Athens issued a code of principles of journalism. However, the provisions of this Code are too general to be of any use in the regulation of the everyday situation in the media.

2. Are there or have there been any cases of journalists practicing self-censorship? Please provide examples.

Although most journalists would deny its existence, self-censorship is a common practice among journalists in order to preserve their jobs and status. Some journalists have confessed

that they have been practicing self-censorship in order to protect what is considered to be the national interest of Greece. Most often, it is a mere reflection of the dominant nationalistic and xenophobic perceptions of foreign and domestic policy.

The coverage of the war in the Federal Republic of Yugoslavia provided several examples in this respect. In a letter to the Journalists' Union of Athens (ESIEA) on 4/4/1999 veteran journalist Richardos Someritis stated that "many Greek journalists, mainly in radio and television broadcasting, behave like soldiers in the front: they have chosen their camp, their uniform, their flag. If they are columnists, it is their right to do so. Nevertheless, how come even the Patriarch is censored by many of the media? Isn't ESIEA concerned about this problem? Shouldn't it remind journalists that their role is to inform? I wonder if our statutes and our code of ethics have been replaced by declarations of various committees of 'friendship' and propaganda." In an article published in the monthly magazine *KLIK* fifty journalists posed similar questions on the role of Greek journalists in the coverage of the war in the Federal Republic of Yugoslavia. Even if the majority of the Greek journalists insisted on their objectivity and impartiality, some of them implied that they had been practicing self-censorship.

3. Have there been any cases of violence against or harassment of journalists? Please provide examples, and if possible, any discernible pattern. (Committed by whom, connected to any particular issues, what kind of actions) Was any legal action taken against the perpetrators? Were defamation laws misused as a kind of harassment?

Cases of violence and harassment of journalists are usual. Journalists who dare express an opinion different from the dominant one, especially on issues that concern national identity and foreign policy, usually experience isolation and harassment. Apart from that, journalists are often threatened with prosecution by public figures on the basis of the provisions on libel and defamation for criticism exercised against them. Harassment comes invariably from politicians and public authorities as well as from fellow journalists. It usually takes the form of verbal attacks. Instances of physical assault and dismissal of the journalists from their jobs also exist. Despite several complaints by the victims as well as by groups of intellectuals and NGOs, no legal action has been taken against perpetrators of harassment.

The leading examples of harassment were related to cases concerning the existence of ethnic or religious minorities in Greece, the coverage of the war in the Federal Republic of Yugoslavia, and the arrest of the Kurdish leader Ocalan by the Turkish authorities.

The majority of the media took a pro-Serbian position during the war in Yugoslavia and strongly criticized NATO for attacking Serbia. Those who insisted on mentioning the massacres committed by the Serbian troops against the Kosovars and asked for a balanced coverage of the issue, were called traitors and agents of NATO. The same accusations were expressed against journalists who did not share the dominant view that the arrest of Ocalan by Turkey constituted national shame.

- According to a letter sent to ESIEA by veteran journalist Mr. Someritis on 4/4/1999 "all journalists with a point of view different from the dominant one or journalists who dared offer the information that others refused are being threatened or humiliated (e.g. a newspaper agreed to publish an interview in which I am called a 'Franco-Levantine'). Others have lost the right of expression (our colleague Manolis Vasilakis has been fired by the *Exousia* newspaper; his

dismissal was demanded by [the nationalist group] 'Network 21,' which considered the dismissal their personal 'victory'). Many are being threatened even by foreign embassies, while others go through extreme pressure aiming at their alignment with the prevailing line. Even [the terrorist organization] '17 November,' following the steps of some professional slanderers, participates in this campaign that seeks to silence us."

- On 5/5/1999 journalist Theodore Varikos attacked his colleague Sisy Vovou in the offices of the state television station ERT. According to the charges Sisy Vovou, who works in the press office of ERT, brought before the ERT Board and the respective unions, Theodore Varikos, a member of the Journalists' Union of Athens (ESIEA), assaulted Sisy Vovou first verbally and then assaulted her, because of his disagreement with her views on the Yugoslav crisis. Allegedly he shouted at her, "You, Muslim" (an act and an expression that reveal the nature of his own views).
- In March 1999 journalist Manolis Vasilakis was fired by the *Exousia* newspaper for an article in which he was examining the role of the nationalist group "Network 21" in the Ocalan case. Network 21 filed charges against him for aggravated defamation in civil courts and was asking him for disproportionate fines. Vasilakis has repeatedly been insulted due to his views on national issues.

Another common issue, provoking harassment of the journalists who do not share the dominant views on national matters is the subject of minorities in Greece. The dominant view in Greece supports the idea of an ethnically Greek State - homogenous in ethnicity and religion. The journalists who dare refer to the existence of ethnic minorities in the Greek State are confronted with suspicion and defamation. On 22 December 1998, in Skopje during an official visit to the Republic of Macedonia, the then Foreign Minister of Greece said that people who claim there is a Macedonian minority in Greece are "pervert intellectuals and pervert journalists." On 11 January, on Antenna TV, he again denied the existence of a Macedonian minority adding that he forbids any discussion about it. In Sofia on 19 January 1998 he stated that "the Greek journalists are the worst enemies of the Greek government," when one of them asked him what he perceived as an embarrassing question on Greek-Bulgarian relations.

Journalists who are members of the Turkish minority, which is officially recognized only as a "Muslim" minority, are subjected to serious harassment. On 10 October 1998, Lutfu Karakas of the Turkish Hurriyet Press Agency, a Turkish citizen, and Mucahit Dukkanci, a Greek citizen, journalist, and at the time, candidate for mayor in the Turkish minority community of Myki (Thrace), were taken into custody by the local police. They were told that the village was a restricted zone, where foreigners were not allowed without a special permit granted by the Greek Defense Ministry. In 1995, Greece had announced that it had abolished the 10 km-deep zone, located inside the Greek-Bulgarian border area but only in the region inhabited by the Turkish minority. The Xanthi District Police Director informed the journalists that in fact, the abolition applied only to Greek citizens. He also asked the journalist to stay within the Xanthi town limits. The next day the journalist returned to Turkey. Throughout his stay, security agents followed the Turkish journalist. This was meant to assure "his protection," according to the agents.

- On 15 September 1998 the Greek Liaison Office in Skopje refused a Macedonian Television (MTV) crew entry visas. The crew intended to cover the trial of the Macedonian minority party Rainbow, which was on trial in Greece for the use of the Macedonian language.

On 9 September, a special MTV letter had informed the Greek State formally of the request. Two weeks prior to that, the same crew was given visas in a matter of hours to cover Macedonian Deputy Prime Minister Buzlevski's visit to Greece. According to the GHM, one can conclude that, this time, the Greek authorities were simply trying to limit coverage of the embarrassing trial. The trial ended with the acquittal of the Rainbow leaders and the implicit recognition of the right to henceforth freely use the Macedonian language, both orally and in writing.

- A recent example of violence concerning religious minorities can be found in the violent attack against journalists covering a mob's attempt against Jehovah's Witnesses in Halkidiki (northern Greece). On 21 October 1999, two journalists from Halkidiki's Super Channel were beaten by a mob led by Mayor Costas Papayannis, in Kasandra, Halkidiki. Costas Glykos and Michalis Katsamiras were covering the mob's attempt to prevent the local Jehovah's Witnesses from starting the construction of their house of worship, construction that had been authorized by the authorities. During the violent incident, Jehovah's Witnesses as well as two representatives of the Ombudsman's office were harassed by the mob. The two journalists, as well as the Jehovah's Witnesses, pressed charges against the mayor and some alleged accomplices. On 22 October, the prosecutor formally indicted the mayor and his accomplices for crimes that included inciting religious hatred. Nevertheless, neither during the incident nor in the ensuing forty-eight hours did the police arrest the alleged perpetrators of the crimes, although the law mandates the police to do so in such serious instances. The mayor was being freely interviewed on 22 October on TV Macedonia. Speaking to the same television program, Greek Ombudsman Nikiforos Diamantouros stated that such incidents are a direct challenge to state authority.

Finally, an example of journalists harassed by the misuse of laws on defamation can be found in the announcements of Minister of Justice Evangelos Yannopoulos that he would bring charges for aggravated defamation against the right-wing newspaper *Eleftheros Typos* for an editorial of 17 August 1998. Such statements are not isolated. From time to time governmental officials and local authorities threaten to bring charges against journalists for articles that may be harsh, but usually do not exceed the limits of criticism generally accepted in a democratic society.

4. Have there been any cases of harassment of media outlets? (Taxes, problems with registration, temporary or permanent closures under various pretexts (unnecessary economic checks, fire security-checks etc.)

Cases of harassment of media outlets concern mostly minority media outlets.

- On 2 September 1998, Abdulahim Dede, a Greek journalist of the Turkish minority, was sentenced by the Xanthi court in northern Greece to eight months in prison for trying to install a radio antenna in his back yard. He was arrested on 1 September, kept at police headquarters overnight and sentenced the next day under the expeditious procedure, which is rarely used for charges such as building without a permit. Such procedure has rarely been used against a journalist, even though over three thousand radio stations operate in Greece without licenses, several of which have also installed antennae without permission. Dede was released after entering an appeal; the sentence is currently suspended pending appeal.

Dede had also been charged in February 1996 for launching the radio station Radio Isik without a broadcast license. He had also been prosecuted for defamation in 1997. He won the 1998 Hellman/Hammett grant from Human Rights Watch for all that harassment.

- In September 1996 ELTA (the Greek Post Office) refused to mail the Macedonian-language publication *Moglana* at the available reduced rate, apparently because of its promotion of ethnic Macedonian identity.

G. Hate Speech

1. Is hate speech a problem in your country? What form does it take (media, political statements etc.)? Is there any legal basis for prosecution, or procedures for reacting against hate speech? Provide examples where possible.

“Hate speech” against immigrants, national and religious minorities as well as against neighboring states and their people is extensive in Greece. Human rights defenders are also victims of hate speech. This is easily explained by the predominance of the nationalistic perception of the Greek State as an ethnic state with high rates of homogeneity among its population in terms of national origin and religion. Hate speech is omnipresent in the media, electronic and printed alike, independently from their political ideology. It is also present in statements made by politicians and public figures, from ministers of the government to members of the opposition and from local authorities to members of the administration.

Law 927/1979 (SG: 139/1979) (on punishment of actions promoting racial discrimination) provides the legal basis for prosecution against hate speech. Article 2 of the Law prescribes that one who insults a person or a group of persons on the basis of racial or national origin would be sentenced to imprisonment for up to one year and/or to a pecuniary penalty. Charges are filed under the private complaint procedure. However, there have not been cases of prosecution against hate speech in the recent years. In addition to Law 927/1979, Article 5 of the Code of Ethics of the National Radio and Television Council (Dec. 1/1991) forbids the presentation of a person in a way that may lead to his/her social isolation or discrimination due to, *inter alia*, his/her race, nationality and language.

Two indicative examples of widespread hate speech in the last year can be mentioned. The first one concerns the remarks made by Theodore Pangalos, at the time Greek Foreign Minister, on the Macedonian minority in Greece. The second one concerns the reactions by both politicians and the press to an appeal made by minority deputies, party leaders and NGOs for the unconventional ratification of the Framework Convention for the Protection of National Minorities by Greece. Despite appeals by NGOs, no measures were taken against these discriminatory remarks. Hate speech was not even condemned.

- In an interview in the *Apogevmatini* daily on 28 December 1998, the then Foreign Minister Theodore Pangalos called the people in the Republic of Macedonia, who claim there is a Macedonian minority in Greece “monkeys and animals.” Some days before that, during his visit to Macedonia, he had referred to all persons, who claim there is a minority in the Greek region of Western Macedonia as “pervert intellectuals and pervert journalists.” He argued that the minority is “artificial, a product of Titoism and Stalinism.” He repeatedly used pejorative if

not slandering language for the minority party Rainbow. He characterized it as “a coalition of Slavomacedonians, Stalinists and homosexuals that got 1,700 votes in the last elections.” He added, later on, that Rainbow “took part in the elections forming alliances with the Organization for the Reconstruction of the Communist Party of Greece (OAKKE) which is Stalinist, and the Movement for the Liberation of Homosexuals managing to obtain throughout Greece only 1,840 votes.” Given that Rainbow has never taken part in an election in a coalition with an organization representing homosexuals, the above statement by Mr. Pangalos brought to memory similar attacks made by intolerant and nationalist circles towards human rights activists, regardless of the clarifications the Minister resorted to later on.

- On 23 July 1999, a public appeal for the recognition of the Macedonian and the Turkish minorities was sent to the Speaker of the Greek Parliament and to the party leaders. It was signed by all three Turkish minority deputies, seven Turkish and three Macedonian minority organizations, as well as three human rights non-governmental organizations, including the Greek Helsinki Monitor and Minority Rights Group - Greece. The widespread negative reactions to the appeal were full of hate speech against the signatories. The Speaker of the Parliament, Apostolos Kaklamanis (of the socialist PASOK), said: “[...] Whatever constructs, especially at this moment, serve other purposes and will be handled in the appropriate way.” Former PASOK Minister of Macedonia and Thrace Stelios Papatthemelis said, “this action of the three deputies is very provocative and from all aspects repulsive. I should tell them in their language ‘Ai sihtir’ [Fuck off!].” On 28 July 1999, during a televised interview on Channel Seven, Mr. Papatthemelis reportedly made defamatory references to the Spokesperson of the Greek Helsinki Monitor Panayote Dimitras (in relation to the appeal of 23 July - See below). Mr. Dimitras followed the formal procedure with the National Radio and Television Council (request 1448/13-8-1999) for the acquisition of a copy of the program, in order to ascertain the exact content of these remarks and possibly take the necessary action. The Council did not take the action prescribed by law. The president of the socialist splinter DIKKI Dimitris Tsovolas said, “It is an insolent provocation that stains the 25th anniversary of the restoration of democracy in our country. [...] Such unacceptable, provocative, unhistorical actions are part of Turkish propaganda and of other anti-Greek circles.”

With the exception of the leftist daily *Avghi* (with an April 1999 average daily circulation of 2,000 and with a pro-Coalition position), all other 21 Greek national dailies reacted with extreme hostility and hate speech to the above-mentioned appeal. “Raw provocation by three deputies for a Turkish minority” was the 24 July 1999 front-page title of the largest selling daily *Ta Nea* (91,000, center-left). On 27 July, the same paper, in its editorial, accused the deputies and the Greek and international human rights NGOs of wanting to “light up a minority problem” on the orders of Ankara. *Eleftherotypia* (73,000, center-left) published an article by Howard University (Washington DC) Professor Nicholas Stavrou, a Greek-American, on “the US with its human rights industry behind the travails of the Balkans.” The author saw “Ankara and its patrons in Washington with the support of the human rights industry in the US and its affiliates in Greece” behind the appeal, which on the next day the same paper called a “provocation.” The political and financial weekly *Ependytis* (66,000) said on its 24 July front page “Muslim deputies provoke.” *Ethnos* (49,000, center-left), on 24 July had a front page title “Turkish bomb on the anniversary.” Its editorial read, “their parties must expel them today.” The coverage included expressions like “fifth column of Turkey’s agents,” “traitors” with an “allegiance to foreign masters.” It attacked also the human rights NGOs, which had the initiative of the appeal, “the provocative and insolent ‘initiative’ of some organizations that implicated also the three Muslim deputies is carrying out the orders of Ankara.” “Rebellion of

Muslim deputies in favor of Ankara” announced the front page of *Eleftheros Typos* (46,000, right wing). “Suspicious provocation” was the front-page title of *Kathimerini* (40,000, center-right), which engaged in the most blatant misinformation. “Unprecedented provocation yesterday by ‘obscure circles’ which circulated a ‘public appeal’ that was allegedly signed by the three minority deputies asking for the recognition of the existence in Greece of ‘a Macedonian and a Turkish minorities.’” It was an “unprecedented provocation with criminal consequences at the expense of Hellenism by ‘unknown’ individuals who are obviously playing the game of the nationalist circles of Ankara and others.” “The suspicious intentions become evident as the three minority deputies, with statements, deny they had any knowledge or participation in that action.” “According to Mr. Akifoglu, the whole story is an activity of the GHM Spokesperson Panayote Dimitras,” regardless of the fact that all three deputies had been appearing repeatedly in the private electronic media confirming and explaining their signature. *Kathimerini* never bothered to retract its story in the following days. On the contrary, the state media (radio ERA and television stations ET-1 and NET) kept quoting the *Kathimerini* story throughout 24 July, confirming the suspicion that it was an orchestrated government attempt to use one of the country’s supposed authoritative newspapers to discredit the appeal and attack its initiator. The favorably oriented to the Balkans state-owned Macedonian News Agency also ran many stories on such “provocative” actions, which were never specified; but, its articles included the full texts of reactions even by nationalist organizations hardly known by anyone. Finally, indicative of the mentality of the judges who, in the 1990s, have repeatedly convicted dissenting voices and minority members, was the statement of the Honorary Chairman of the Supreme Court, Vassilis Kokkinos: “this anti-national, traitorous, and unacceptable action of the three deputies should lead to their expulsion from their parties, regardless of political cost and expedience.”

H. Access to Information

1. Are there provisions regulating access to information (such as the constitution, laws on national security, laws on national archives, laws on protection of personal data, the penal Code, etc?) Is there any difference between journalists, citizens and other people in that respect? What is the legal limitation on access to information?

The Constitution and the other laws in Greece include provisions regulating the access to information. The Constitution provides that “the competent authority is obliged to provide an answer to any demand for information, provided this is prescribed by law” (Art. 10, Paragraph 3). Article 16 (“Right to know the administrative documents”) of the Law 1599/1986 provides that “every citizen [...] has the right to receive information regarding administrative documents, except those which refer to the private or family life of third persons” (Paragraph 1.) Article 3 of the same law provides that public services can deny this right in cases, which violate the secrecy of the discussions of the Council of Ministers and the other Governmental bodies, the secrecy of national defense and foreign policy, of public trust and currency, of the safety of the state and the public order, as well as the medical, trade, bank and industrial secrecy (Paragraph 3, a.); in cases where it may impede the work of public authorities in their research of crime or administrative violation (Paragraph 3, b); in other cases decided jointly by the Prime Minister and the competent Minister on an *ad hoc* basis (Art. 4). Refusal to provide an administrative document should be justified in writing to the applicant within a month after the application (Art. 6).

According to the Penal Code, disclosure of state secrets (Art. 146, Paragraph 1) is punished with confinement in a penitentiary for up to ten years. Article 148 on Espionage provides that the one who discloses secrets is punished with imprisonment for not less than a year (Paragraph 1); if the disclosure of the secrets has been done knowingly, the punishment is confinement in a penitentiary (Paragraph 2). The court can also fire the person in question from his/her job.

Articles 248 to 252 deal with the violation of secrets by civil servants: civil servants employed in the post service, the telegram service and the telephone service are sentenced to imprisonment of not less than a year, if they break the secrecy of letters, telegrams and telephone calls respectively. Violation of the secrecy of the judiciary is punished with imprisonment of not less than two years. Civil servants in the other sectors are sentenced to imprisonment of not less than three months if they disclose secrets related to their job. Articles 370 deal with violation of other secrets. Article 371 deals with breach of confidence.

Finally, Article 234 (on violation of the secrecy of court) provides for imprisonment of up to six months or for a pecuniary penalty for someone who publishes a report on court proceedings behind closed doors, unless the court gives its permission for the publication.

These provisions apply to all citizens. There is no special law regulating the access to information by the media. However, in cases where access to information by the media violates another provision, the notion of public interest is essential for the judge to decide if access to information is justified. It should be taken into consideration if the information is necessary for the public interest.

Contrary to the absence of provisions for the printed media, Article 9, Paragraph 1 of the Code of Ethics issued by the National Radio and Television Council (Decision 1/1991) deals with access to information by the broadcasting media. According to this provision, the journalists in the broadcasting media should not use indirect ways to access information except in cases where such ways are the only available and the information in question concerns an urgent public interest.

2. What procedure (if any) is there for allowing access to governmental or other official information? How does it work in practice?

There are no special provisions in the legislation allowing for the access to governmental or other official information.

3. Do public officials and ordinary citizens have access to files produced by communist secret services? If so, on what conditions, and how does it work in practice? Please attach an English version of legal provisions.

This is not relevant to Greece because Greece was never under a Communist regime.

However, Greece was under the dictatorship of the Army from 1967 to 1974. The files produced by the dictatorship were destroyed in the middle of the '80s following a law proposed by the socialist government with a view to put aside past frictions of that period.

4. Please give a brief account of recent cases (since 1995) which concerned access to information (please indicate which persons or bodies initiate proceedings, the reasons for applying, the rules and the nature of decisions given by the courts or other authorities following the proceedings). Please attach copies in English of court judgement(s).

5. Is there a law on data protection? If so, what sort of personal data are protected? Is data protection used as a pretext to deny access to information?

Law 2472/1997 reassures the protection of personal data. The Law provides that the processing of personal data is permitted only upon consent of the person involved or if the process is necessary, among others, for the completion of lawful procedures. The law includes provisions on a special category of personal data, which are called “sensitive data” that concern with the racial or ethnic origin, political beliefs, religious or philosophical ideas of a person (Art. 2, Paragraph B).

Data protection, and especially sensitive data protection, cannot be used as a pretext to deny access to information. Article 7, Paragraph 2, g provides that the processing of sensitive data of public figures is permitted if the data concern a public function and the processing is used exclusively for journalistic reasons. The law provides that permission for such a process is given only if the process is absolutely necessary for the satisfaction of the public right to get information on issues of public interest.

I. Law-Making Process

1. Please state briefly whether there are any plans to amend the existing legislation or regulations with regard to freedom of expression and access to information. (please indicate the origins and the nature of any such plans). To what extent is the NGO sector active in that field?

In August 1998 the Minister of Justice Evangelos Yannopoulos announced amendments to Articles 361 and 362 of the penal code (concerning insult and defamation). According to them, television and radio broadcasters may be imprisoned for “at least two years” if they broadcast, read or allow the broadcasting of “messages with insulting or defamatory content. The supervising Director of the employee, who has given the order for the broadcasting or reading of that message or allowed its broadcasting is punished as instigating principal or secondary accessory depending on the case.” The prosecution of such cases would be at the discretion of the public prosecutors without requiring prior complaint by the persons allegedly offended. Further, the Minister of Justice was also considering the introduction of fines of up to GDR 5 million (\$17,000) for such “crimes.” He also wanted to oblige the electronic media to disclose the full identity of all individuals whose messages would be broadcast.

Following international and domestic reaction, the amendments were never introduced but neither were they definitely repudiated.

With the exception of the Greek Helsinki Monitor and Minority Rights Group-Greece, which in cooperation with IFEX, IPI and IFJ, have often sent open letters to public officials and

written press releases criticizing this law, there is no particular activity by other local NGOs in pressing the government to amend the existing legislation. The most effective pressure comes from international NGOs, which have been very active trying to pressure the government to convert the prison sentences for libel and defamation to fines.

2. If there are no laws on freedom of expression and access to information,

Please specify whether there is public debate/parliamentarian initiative taking place in relation to these subjects. If so, in which forums are they taking place and what are the origins and terms of the debate?

A public debate on possible amendments of the legislature concerning mostly the broadcasting media is going on from time to time. The discussion is focused mainly on the protection of the citizen from the interference of the media owners into politics in order to serve their financial interests and on the role of the National Radio and Television Council (ESR) on the implementation of a code of ethics by the broadcasting media.

3. Please state whether the civil society has taken any initiatives on the matters and what has been the outcome so far. To what extent is the NGO sector active in that debate?

In 1993 under pressure from the society and the journalists, the newly elected Government of PASOK repealed Article 181 of the Penal Code that forbade “insulting authority” and proscribed prosecution of otherwise actionable “offenses committed by or through the press.” As a result of these changes, a number of trials involving the restrictions on freedom of speech, including the cases of two journalists, were terminated.

With the December 1993 repeal of the antiterrorism law, the Government lifted restrictions on the publishing of the public communications of terrorist groups. Prosecutions against six publishers and editors who had been given jail sentences for publishing such material ended with the repeal of the law.

Initiatives on the part of the Greek society for the abolition of the criminal liability of libel and defamation have encountered the refusal of the Government to change the laws.

Since the end of the '80s, when the process of deregulation of the broadcasting media started, issues concerning the electronic media are on the daily agenda of public discussion. This is reflected in several revisions of the relevant legislation.