

Antisemitism report in Greece

2012-2013

By Michal Navoth

The report provides an overview of antisemitism in Greece in 2012-2013 on basis of the framework outlined in the Action Plan of the Working Group on Antisemitism in the EU and Western Europe

1. Latest antisemitic incidents data and trends.

The first focus is on the trends and then antisemitic incidents of 2012-2013 are enumerate.

1.1 The antisemitic events should be considered against the major trend that characterizes 2012 and is of increasing concern, the June parliamentary election of 18 members of the Chryssi Avgghi (Golden Dawn, hereinafter: GD). In so doing, it has arguably become not only the most extreme right wing political party to have won parliamentary seats in Europe in the last years, but also among the most extreme to have entered a European national legislature since-Nazi era Germany.

The party was a fringe movement when founded in the early 1980s and remained so until three years ago. In 2009 elections it earned 0.23% of the vote (below the 3% threshold required to enter Parliament). In 2010 it won a seat on the Athens City Council and on June 2012 election it got 6.92 % of the national vote, thus becoming the fifth largest party in the Parliament. Today it ranks 3rd in the opinion polls and is the only party that has increased its power since election.

The near collapse of the Greek state's socioeconomic credibility paved the way to a marginal group like GD to move to the center of the political scene. Even if the party is not a member of the governing coalition, it can support and have an impact on the government, normalising racist and antisemitic speech along the way, pushing its views into mainstream policies.

Greek Prime Minister Antonis Samaras described GD as "a right-wing extremist, one might say fascist, neo-Nazi party".

With its violence against immigrants, swastika-like emblem and Nazi salute, its aggressive rallies, an unabashed reference to *Mein Kampf*, as well as its propagation of literature touting the racial superiority of the Greeks, promoting Aryan supremacy, racist and antisemitic ideology, and Holocaust denial, the party is the linear heir of the German national-socialist party.

GD presented itself as a support network for Greeks, at a time when national institutions were receding or even totally absent. GD is increasingly assuming the role of law enforcement officers on the streets. There is growing evidence that Athenians are being openly directed by police to seek help from that party.

Twenty six - page report released in April 16th (hereinafter: the report) is the result of a visit by Council of Europe Commissioner for Human Rights, Nils Muiznieks, and a delegation to Greece from 28 January to 1 February 2013. The report calls to curb and prevent the activities of those who advocate racism and hate “including parties such as the neo-Nazi ‘Golden Dawn,’ on which it should be possible to impose effective penalties”..

In a nine-page reply from Greek Government it makes comments of the report. Although when speaking about political organizations and parties the Commissioner refers explicitly to the GD with the preceding appellation neo-Nazi, the Greek government only mentioned the “extremist organization” .Its explanation concerning the latter is less persuasive: “[t]he extremist organization.....which, however, has legally found its way in the Hellenic Parliament, is a complexity in itself for obvious reasons related to the functions of democratic polity...”

Although the government shared the concern at the "considerable increase in racist attacks" it insisted that "racist attitudes remain a marginal phenomenon in Greek society".

GD did not respond to a request to answer the Commissioner's charges, but posted a link to the report on its website describing the Council of Europe as a "Zionist institution."

1.2 Antisemitic incidents data

In terms of vandalism and graffiti only a few antisemitic incidents took place in Greece in 2012:

- In April 2012 unknown perpetrators drew swastikas on the gate of the Jewish cemetery in Ioannina (north-western Greece) and vandals painted Stars of David on all banks in Chalkida (the capital of an island located north-east off the mainland of Greece), relating the financial crisis to the Jews.
- In September 2012 vandals painted swastikas and antisemitic slogan on the wall of the Jewish cemetery in (northeastern Greece). The slogan read: "fuck the tribe of Abrahaham".
- In October 2012 swastikas were painted on the Holocaust monument in Rhodes (a site that was vandalised in May 2010). In an interview on Sunday's paper *Eleftheors Typos* members of a new group called AME (Greek acronym for "Unallied Mender Nationalists" claimed responsibility. They claimed to be more nationalists than the GG. They glorified Hitler and characterized the Jews as the "ancient loan sharks in history". However, since the interview, no activity was reported.
- On mid February 2013 an antisemitic poster displaying a Magen David with a swastika interlaced in its center was placed all over the main boulevards of Athens.. The Central Board of Jewish Communities (KIS) addressed letters to the mayors of the local districts asking for the posters' removal. Some municipalities responded positively.

2. Nature of antisemitic discourse in the media and public life.

2.1 Antisemitic discourse in the media

Antisemitic rhetoric increased in the far-right press as well as on blogs. Many articles published attributed the financial crisis to the Jews, the Jewish capital, and Zionism. Yet, the publication of the above is in newspapers of low circulation and not in the mainstream press

- An article written by the spokesperson of the Golden Dawn, Ilias Kasidiaris, published in *Golden Dawn* weekly paper on July 25 2012 and entitled: "Zionist and American birds of prey hover over Greek natural mineral resources", with reference to the American Jewish Committee (AJC) and its Executive Director, David Harris' visit to Athens, is characteristic of such rhetoric.
- On April 30th 2013 AJC was targeted again when GD in an article on the party's website, condemned the upcoming visit to AJC's Global Forum in Washington of Samaras. It was accompanied by a grotesque cartoon that depicted Samaras sitting on the floor under a bloody AJC logo in front of a caricatured Jew in a chair, reminiscent of Nazi-inspired cartoons of the '30s and '40s in Europe.

It is apparent that today GD does not even does not even attempt to camouflage its ideology.

- On mid May 2013 an antisemitic statements made by George Karatzaferis, the President of LAOS party, an extreme right wing party which did not enter the parliament. In his TV show he pointed out that there were no poor Greek Jews while all other Greeks suffer from the economic crisis

2.2 Antisemitic discourse in Public life and Greek Parliament

The US State Department noted in its annual international religious freedom report that was published on May 20th 2013 that GD leader Nikos Michaloliakos, had “publicly and repeatedly denied the Holocaust and often gave Nazi salutes at public events”..

- In an interview on Greek television on mid May 2012, before the elections, when asked about Auschwitz, Mihaloliakos responded: “What about Auschwitz?...I have not been to Auschwitz ...What happened [there]? ... I have read many books questioning the number of six million Jews. This exaggeration was fabricated... There were no ovens. This is a lie...nor did gas chambers [exist]

Leaders of the party have frequently used undisguised antisemitic rhetoric inside the Greek Parliament and after a few episodes in the last month it seemed more like a parliament in Hitler’s Germany than in a European country in 21st century.

- In an address to parliament on October 23rd 2012, in the context of discussions on lifting his immunity in connection with suspicions of assault, GD spokesperson, Ilias Kasidiaris, read out a passage from the antisemitic forgery *The Protocols of the Elders of Zion*.

There was no condemnation for that act and that silence was “doubly worrisome”.

- In February 7th 2013 GD lawmaker Ioannis Lagos submitted an interpellation to the Greek Parliament questioning the country marking International Holocaust Remembrance Day on January 27th and the teaching of Holocaust in Greek schools.
- In mid May 2013 GD lawmaker Papas re-affirmed his admiration for Hitler during a session of the Greek Parliament. After an opposition lawmaker read out statements made by Papas in the past, in which he

praised Hitler and national socialism. The latter thanked him for “having reminded from this podium the writings of my youth” and added that “the future of the world belongs to nationalism”.

- Later in the same week Greece's parliament ejected a GD lawmaker and shouts of 'Hail Hitler' were heard in the chamber .

- There is no doubt that GD aims to influence the broader political discourse. The party member Eleni Zaroulia, wife of its leader Mihaloliakos, became a member of the Greek parliamentary delegation to the Parliamentary Assembly of the Council of Europe (PACE) and joined its Committee on Equality and Non Discrimination on October 1, 2012. In mid December 2012 Samaras promised the President of a European Grassroots Antiracist Movement (EGAM), whom he met in Athens that :”New democracy is in favour of a new composition of the Greek parliamentary delegation to the Council of Europe without the neo-Nasiz of Golden Dawn”

However, the Greek delegation which was sent on January 21st 2013 to e PACE has Zaroulia in it and Assembly members did not challenge credentials, again when it could do so acccroding to the rules of precdure.

3. Countermeasures

3.1 The functioning of the law enforcement system

The commissioner, who mentioned the Greek law as being insufficient or completely unused so far, urged the authorities to accelerate anti-racism legislation and to carry out systematic, continuous training and awareness-raising in anti-discrimination law and practice for all police officials, prosecutors and judges to facilitate all stages of the criminal proceedings, without which any legislative amendment will be ineffective.

- In January 2013 the police created a Service Against Racist Violence within the police force to receive reports of racist acts and initiate arrests.

In that respect the Commissioner said in his concluding remark that it was imperative "...to prevent and combat any *institutional culture* within law enforcement authorities which promotes impunity. This is especially important for the Greek police, a large number of whose members appear to be close to the Greek neo-Nazi party. Measures in this context should include a policy of zero-tolerance towards serious human rights violations... and the establishment or reinforcement of appropriate training and control mechanism."

The training should be long term including up-to-date developments and not like the two- day training organized for the newly 200 appointed officials of the 70 anti-racist police units, which by no means is considered sufficient for the increased needs on such a sensitive and complicated issue.

- On November 2012 a special anti-racism prosecutor was appointed. He is responsible for the coordination and the proper investigation of racist

crimes by prosecuting authorities covering the area of Athens. He works on racist crime cases only on a part-time basis without any assistance.

The Commissioner commented that the prosecutor was particularly under-resourced, and called to expand this institution to other regions of Greece in order for anti-racism law to be applied efficiently throughout the country.

- In the beginning of March 2013 a program aired on Britain's Channel 4 News and filmed in Athens showed some GD members threatening to turn immigrants "into soap" and put them in "ovens." Following the broadcast the new police task force said it had submitted the footage to an Athens prosecutor for review.

3.2 Is it possible to ban the GD?

Some political figures in Greece and elsewhere called for a ban on GD.. Can it actually be done? No. the Greek legislation does not include such a provision

Article 29, paragraph 1 of the Greek Constitution stipulates that "Greek citizens possessing the right to vote may freely found and join political parties, the organization and activity of which must serve the free functioning of democratic governance"

According to the report although the constitution does not provide for restrictions, including prohibition, on political parties, Article 29, paragraph 1 could be interpreted according to the principle of *effet utile*. This could be done by appropriate legislation, or the development of domestic case law, that would give effect to the wording and meaning of the above article. However, law experts in Greece agree that in a democracy parties and ideologies (no matter how extreme) can not be banned. In the same vein, the Greek government responded to the report. It claimed that under the 1975 constitution the interpretation of Article 29 according to the principle of *effet utile* was not possible, as the intention of the constitutional legislator going back in time to the fall of the dictatorship and the collapse of the military

junta in Greece had been to prevent any legislative or judicial intervention to the free functioning of political parties.

KIS is of the opinion that it is appropriate to keep asking for the banning of GD, to motivate reaction of the authorities. The way to react is to reinforce legislation. According to Article 1, paragraph 2 of Law 927/1979 members of organizations, which may be interpreted as including political parties, which organize propaganda or any kind of activities aiming at racial discrimination may be criminally sanctioned. Such sanctions may be accompanied by the convicts' loss of political rights for one to five years. under Article 61 of the criminal code, Although such sanctions have not as yet been imposed by Greek courts, the recent criminal proceedings initiated against two members of GD had their parliamentary immunity stripped in October 2012 following reports they allegedly been involved in acts of racist violence may act as test cases.

In addition to reinforcement initiatives were undertaken to amend the Antiracist legislation. In February 2011 a draft law (designated to replace the 927/1979) proposed by the Ministry of Justice was introduced for a public debate. KIS submitted that Ministry a memorandum proposing a series of changes, which would better safeguards the rights of the Greek Jews *Inter alia*, KIS asked for "special legislation to determine holocaust denial as criminal offence". The trigger for their move was the outcome of the Plevris trial. In 2006 Kostas Plevris, lawyer and author of an openly Nazi ideology, published 1,4000- page book *Jews – The Whole Truth* .which was manifestly antisemitic and incited to hatred and violence against Jews. Despite the *ex officio* prosecution and Plevris' first instance conviction in 2007 on the basis of Law 927/1979, the Athens Appeal Court in 2009 and the Court of Cassation in 2010 finally acquitted the defendant.

In December 2011 a final draft was brought to Parliament for vote.

The bill “on the combat of certain forms and manifestations of racism and xenophobia through criminal law” included a provision regarding holocaust denial. It contained some important criminal law provisions that may well permit stepping up the efforts to prevent racism and xenophobia such as the following: it proscribes and punishes provocation of or incitement to violence or “animosity” (a term broader than hate) on racial, ethnic, religious or sexual orientation grounds; proscribes and punishes the constitution of and participation in an “organization” that carries out activities of the above-mentioned nature, and proscribes and punishes public (including through the Internet) denial or praise of crimes of genocide, crimes against humanity and war crimes. The maximum imprisonment foreseen by the bill (for the different offences) is three years. Then the voting procedure was postponed and later due to the elections of 2012, the draft was not brought before the Parliament. However, since the end of 2012, as a response to the escalation of racial violence, mainly attributed to GD members, the Greek Ministers of Justice and Public Order cooperated to bring again the draft law for a parliamentary vote. In January 2013, KIS once more brought before the Ministry of Justice its requests. The bill was deposited before the parliament on 21.3.2013.

The bill, drafted by the justice ministry, would outlaw incitement against people because of their race, religion, ethnicity or sexual orientation, and impose jail sentences of up to six years on offenders. Even MPs would not be excluded and parties that receive public funding would see it suspended if their leaders publicly denied Holocaust, took part in racist attacks or used Nazi salutes or symbols in parliament.

On May 23rd it was announced that Samaras would hold talks on Monday with junior coalition party leaders to discuss anti-racism draft bill, following statements by New Democracy officials that existing legislation is sufficient to deal with racism. They claimed that there was no need for a tailored law on hate speech as it would violate the constitutional right to freedom of expression.

3.3 Greek delegation to PACE

Greek Jewry protested in a letter written on 11 October by KIS addressed to the President of the Greek Parliament and to the President of the Greek Delegation in PACE and asked for mobilizing the required statutory procedure in order to remove Zaroulia from her position.

Some officials at the Council of Europe, explained that the formal process for her inclusion has been respected.

In its response to the Commissioner's report, speaking of the entry into parliament of the GD, the Greek government added: "[i]n relation to this, let us remember that the Parliamentary Assembly of the Council of Europe declined to exclude a member of this organization from the Assembly plenary's session last January".

According to the rules of Procedures of the Assembly each national parliament decides the composition of its delegation which must ensure a fair representation of the political parties represented in the parliament.

According to a regulation of the Greek Parliament, all the parliamentary parties must be represented in PACE.

It seems that while Greece feels committed to the principle of representation of the entirety of the political spectrum, being responsible to the composition of its delegation also obliges Greece to conform the ideals and principles of the Council of Europe ((rule of law, respect for human rights and pluralistic democracy)."

It is for the Greek government to live up to what it has advocated and to change the composition of its delegation, a measure it is allowed to undertake at any time

KIS and EGAM should continue their efforts to enhance the ban on a far right member of PACE if she is affiliated with a party that its values contradict the core principles of the Council of Europe. If the GD can not be banned in Greece, at least its members should be ousted from a leading European body.

3.4 Campaign ideas for KIS and others anti racism campaigners.

All these bodies should endeavor to reinforce legislation and raise awareness in society.

- On May 22nd, 2013 Plevris dropped all charges brought against four representatives of the Greek Jewry as well as two representatives of the Greek Human Rights NGO, Greek Helsinki Monitor (GHM). Plevris filed a complaint in 2007 against those six persons for false accusation and aggravated defamation expressed in their testimonies during the trial against Plevris, which resulted in his conviction by the First Instance.

Consequently, the court definitely ended prosecution against the aforementioned individuals on charges of defamation. The same court exonerated them of charges of false accusations. It is hoped that this ruling will designate a change in the prevailing attitude of tolerance toward antisemitism and intolerance toward those who try to fight it.

Michal Navoth is an Israeli attorney and Chief Editor of Justice, the magazine of the International Association of Jewish Lawyers and Jurists. She specializes in international law and is a frequent commentator on events in Greece.