

## C.O.N.T.A.C.T.

### Desktop research results

### Greece

#### Annex 1. Definitions and interpretations of hate crime (including hate speech)

a) Examples of interpretations of law used in acquittal of hate crime (including hate speech) and in giving aggravated sentences

Country	Source: case law.	Provided by whom	What did they say
Greece	Acquittal of author for hate speech  See ΝΟΜΟΣ <a href="https://lawdb.intrasoftnet.com/">https://lawdb.intrasoftnet.com/</a>	Decision 3/2010 Supreme Civil and Penal Court (Άρειος Πάγος)	The author did not have the intention to provoke the reader to actions of discrimination, hate or violence against Jews or to express demining ideas against Jews because of their race and ethnic origin. The simple expression of an opinion or scientific critic cannot be considered as provocation to violence or hate, even when it is unpleasant or judgmental for the members of a race or a nation. The author was judgmental only to certain actions of Zionists.
Greece	Acquittal of a magazine editor who gave antisemitic leaflets in the entrance of a courtroom	Decision no 7237/2010 A Three-member court of Appeal Athens ( Τριμελές Εφετείο Αθηνών)	Law 727/1979 should be interpreted narrowly to protect freedom of expression. The defendant did not have the intention to provoke the reader to actions of discrimination, hate or violence against Jews or to express demining ideas against them. He expressed simple historical critic, unpleasant and negative for a group of persons, but not because of their racial or ethnic origin. Instead, it was based on actions of Jews that the author historically substantiates.
Greece	Acquittal of a Bishop for insulting atheists ΠοινΧρον 2013, σ. 314)	Order 26/2011 Public	In his personal blog, a Bishop expressed his opinions on atheists. The public prosecutor stressed that the absolute prohibition of the

		Prosecutor Aigion Διάταξη Εισαγγελέα Πρωτοδικών Αιγίου	public expression of racist ideas is prohibited by the constitution which protects freedom of expression. There must be an in concreto balance between freedom of expression and the threat it may pose.
Greece	Acquittal of a Bishop for insulting persons because of their sexual orientation	Order 455/2011 Public Prosecutor Athens. Διάταξη Εισαγγελέα Πρωτοδικών Αθηνών	The Bishop gave an interview in a newspaper where he said that homosexual behavior is an awful distortion of human dignity that has tremendous consequences to the physical and mental health. According to the prosecutor, the Bishop referred generally and impersonally to homosexuality as sexual orientation without referring to the social group or the complainants. The crime of insulting (361par1 Penal Code) is not substantiated.
Greece	Conviction of an author for insulting an homosexual in his blog	Decision 9685/2011 Three- member court Athens Τριμελές Εφετείο Αθηνών	In his personal blog, as well as in other blogs, the author referred to the plaintiff, a Jewish homosexual woman, as a person who is not liable, a pervert, a lesbian. The Court stressed that art 361 P.C. is substantiated, as the defendant intentionally insulted the plaintiff.
Greece	Conviction of a lawyer- author and a newspaper editor for insulting homosexuals through press	Decision 10522/2011 Three- member court Athens Γ. Τριμελές Εφετείο Πλημ/των Αθηνών	The lawyer – author sent a complaint to the discipline council of the lawyers union under the title « <i>homosexuality is perversion</i> », mentioning the plaintiffs, members of the union and members of the board of the “Athens Pride”. He used expressions such as persons “ <i>sexually perverts</i> ” “ <i>a lesbian cannot be a lady</i> ” “ <i>scams</i> ” “ <i>dogs</i> ” “ <i>have nothing to do with love</i> ”. The Court judged that these phrases have insulted the honor of these persons.
Greece	Conviction of two navy officers for hate speech	Decision 588/2011 Three member	During a national parade 39 special forces navy officers shouted “one is born Greek, you will never be a Greek, we will spread your blood you Albanian pig” “ <i>They call them Skopians, they call</i>

		Naval court of Piraeus Τριμελής Ναυτοδικείο Πειραιά	<i>them Albanians, I will sew my clothes with their skin”, «There will be a bloodshed, then I will take revenge, when you will bound to the flag and the cross”. The Court judged that the patriotism of the members of the navy does not mean that they can say such phrases, because their actions have multiplying effect in society.</i>
Greece	Conviction for hate speech <a href="http://www.efsyn.gr/arthro/oi-katadikes-tis-hrysis-aygis">http://www.efsyn.gr/arthro/oi-katadikes-tis-hrysis-aygis</a>	Decision 65738/2014 One member Court of Athens Η' Μονομελής Πλημμελειοδικείο Αθηνών	The defendant, a member of Golden Dawn, urged, in front of the camera, in actions of discrimination, hate and violence against people on the sole ground of their race and ethnic origin saying : « <i>we are ready to open the kilns. To make soaps. Not for the people, since these are chemic and we may fall sick .....We will have soaps for cars, side streets, we will construct buildings a lamb, with their skin....will take the hair and will sell them at Monastiraki</i> ”. These were some of the phrases he used referring to migrants. The Court decided that even if these phrases were exaggerations, they showed his conviction to provoke publicly people to cause harm to immigrants, so the rest of them are convinced to abandon Greece.
Greece	Trial pending. The public prosecutor in Rethimno called for an examination regarding the book of a German professor because in his book “denies the crimes of the nazis against the people of Crete, in an insulting manner.	25/11/2015 First Instance Court Πλημμελειοδικείο Ρεθύμνου	In certain parts of the book the german invasion in 1941 is characterised as fair and noble, while, at the same time he describes the resistance of the Cretan people <i>in dark colours, as dirty and montsrous</i>
Greece	Conviction for dangerous assault and insulting  <a href="http://www.efsyn.gr/arthro/oi-katadikes-tis-hrysis-aygis">http://www.efsyn.gr/arthro/oi-katadikes-tis-hrysis-aygis</a>	Decision 1580/2011 First Instance Court Poligiros Μονομελής Πλημμελειοδι	Members of Golden Dawn attacked two Albanians with rubber globs.

		-κείο Πολυγύρου	
Greece	Conviction for destroying a store and threatening public peace <a href="http://www.efsyn.gr/arthro/oi-katadikes-tis-hrysis-aygis">http://www.efsyn.gr/arthro/oi-katadikes-tis-hrysis-aygis</a>	Decision 62284/2011 First Instance court Athens Β' Αυτόφωρο Μονομελής Πλημμελειοδι κείο Αθηνών	The actions had followed the robbery and homicide of a Greek citizen, Manolis Kantaris in Athens by immigrants. The night following the homicide there were many assaults in migrant stores by members of Golden Dawn.
Greece	Conviction for trying to use illegal violence, threat and insult <a href="http://www.efsyn.gr/arthro/oi-katadikes-tis-hrysis-aygis">http://www.efsyn.gr/arthro/oi-katadikes-tis-hrysis-aygis</a>	Decision 44444/2013 One member Court of Thessaloniki Γ' Μονομελής Πλημμελειοδι -κείο Θεσσαλονίκη ς	Assault by members of Golden Dawn to an Albanian lady .They threatened her and her husband to leave their house and the area
Greece	Conviction for an arson to a bar owned by a citizen of Cameroon in Athens. <a href="http://www.efsyn.gr/arthro/oi-katadikes-tis-hrysis-aygis">http://www.efsyn.gr/arthro/oi-katadikes-tis-hrysis-aygis</a>	Decision 60084/2013 Three Member Court of Athens Β' Αυτόφωρο Τριμελής Πλημμελειοδι κείο Αθηνών	The Court recognised racist motive because the defendants acted out of hate to the victims' race and ethnic origins.
Greece	Conviction for the homicide of an immigrant. Recognition of racist motive <a href="http://jailgoldendawn.com">jailgoldendawn.com</a> .	Decision 398/2014 Court of Jury Athens Μικτό Ορκωτό Δικαστήριο	.The defendants, members of the Golden Dawn, acted because the victim was a migrant, because of his skin, ethnic origin and his religion. Although extreme political opinion is not enough to prove racist motive, the special circumstances of the crime leave no doubt to the Court that the defendants had a racist motive. Implementation

		Αθηνών	of Art 79 par. 3 P.C.
Greece	Conviction for attempting suicide, use of guns.  <a href="http://www.efsyn.gr/arthro/oi-katadikes-tis-hrysis-aygis">http://www.efsyn.gr/arthro/oi-katadikes-tis-hrysis-aygis</a>	Decision 738/2014 Court of Jury Athens Μικτό Ορκωτό Δικαστήριο Αθηνών	The defendants, members of Golden Dawn attacked an antifascist organisation.
Greece	Conviction for an arson and deadly assaults <a href="http://www.efsyn.gr/arthro/oi-katadikes-tis-hrysis-aygis">http://www.efsyn.gr/arthro/oi-katadikes-tis-hrysis-aygis</a>	Decision 114/2014 Court of Jury Athens Μικτό Ορκωτό Δικαστήριο Αθηνών	Members of Golden Dawn put a fire in a hair salon of a man from Pakistan while he was in the store, stabbed a greek taxi driver, assaulted a worker from Pakistan. Twelve days later, there were robberies and attacks against three men from Pakistan.
Greece	Conviction for an assault. <a href="http://www.efsyn.gr/arthro/oi-katadikes-tis-hrysis-aygis">http://www.efsyn.gr/arthro/oi-katadikes-tis-hrysis-aygis</a>	Decision 1079/2014 Three Member Court Lasithi	Members of Golden Dawn assaulted immigrants from Pakistan workers at olive trees, acting by racist motives
Greece	Conviction for grave assault, abduction. No recognition of racist motive due to legal reasons	Decision 486/2015 Three Member Court of Appeal Piraeus Τριμελές Εφετείο Κακουρηγιά των Πειραιά	The victim, a worker from Egypt, was brutally beaten, tortured and abducted by his boss.
Greece	Conviction of a public bus driver for denying the transport of two passengers of african origin	Appeal Court Thessaloniki Εφετείο Θεσσαλονί	The driver had been convicted by the first instance court for violating art 16 Law 3304/2005. He was convicted also at the second instance court.

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Greece	Conviction for robbery, assault and use of gun. Recognition of racist motive  www.hlhr.gr. www.gcr.gr.	Appeal Court Athens Μονομελές Εφετείο Κακουρηγμάτων Αθηνών (15/12/2015)	Two assaults in place Omonia, the first against a worker in a grocery store, who was beaten and insulted because of his ethnic origin. The second wa against to a pedestrian, because of his ethnic origin. Recognition of an aggravating circumstance of art 81A Penal Code.