

**PRESS RELEASE**

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**Greece: Abusive trial of University Rector and anti-Nazi activist after Golden Dawn complaint!**

**Greek Helsinki Monitor** (GHM) denounces as doubly abusive the trial scheduled to be held on 3 September 2013, before the **Athens Single-Member Misdemeanors Court**, of the **former Rector of the National Technical University of Athens Konstantinos Moutzouris** and of the **Secretary of the Revolutionary Workers Party Sabetai Matsas**. The full charges translated in English by **Greek Helsinki Monitor** follow. The charges are doubly abusive. First and mostly because the defendants are accused of having caused a breach of the peace through the initiation of violent actions by participants in a publically assembled crowd, but no such violent actions are described in the charges and no dates of such alleged actions are mentioned. Secondly, because the defendants are charged for texts uploaded on the university's and the party's website which are political discourse that, even if considered that they may "offend, shock or disturb," are protected by the case-law of the **European Court of Human Rights**. These texts may in no way be classified as incitement which supposedly led to a breach of piece and to ensuing violence.

It must be noted that the referral to trial was decided at the end of a judicial investigation following a complaint filed on 8 May 2009 by "neighborhood committees" of Athens which were in effect front organizations of the neo-Nazi political party **Golden Dawn** (XA), against the defendants as well as another half-dozen anti-racist NGOs, three political parties and the national secondary school teachers' union, who were not referred to trial. This is why the prosecutor has called as witnesses to support the prosecution's charges the current XA MP **Elias Panayotaros** whose parliamentary immunity has been lifted for a referral to trial on charges of aggravate defamation in an unrelated case, a notorious XA activist **Themis Skordeli** whose trial for stabbing three Afghans in September 2011 has been postponed eight times (!), as well as four other well-known XA figures.

**The charges (translated in English by GHM)**

The first of the defendants, **Konstantinos Moutzouris**, son of Ioannis, in Athens, during the months of January 2009 and May 2009, with more than one acts that constitute a continuation of the same crime, intentionally provided any form of assistance to others (...) prior to and during the commission of the wrongful act of article 192 of the Criminal Code, committed by unknown others. Namely, as Rector of the National Technical University of Athens (NTUA), he allowed the use of optic fibers that had been allocated to the above educational institution by the National Research and Technology Network SA (EDET AE), a subsidiary company of the Ministry of Development, by unknown operators of the internet website "Athens Indymedia," despite the fact that it is forbidden to provide free services for purposes other than educational or research. The [unknown operators], in their posts on the above website during the above time periods, publically provoked and agitated citizens to violent actions amongst themselves and to mutual discord, thus committing a breach of the peace. [The operators accomplished this] with the following web posts: "they also called for a gathering in December, which for some reason they canceled because we would have taken their scalps during those days"; "the organizers should know that there's a war going on, or rather the civil war has never stopped"; "may God help to fuck their Lady Mary"; "Cops and nazis [are part of] the same shop"; "the class duty of the national traitor [is] fire again at the unknown soldier"; "of course we'll go down [there] to break their heads"; "fascists, your grandparents are in the wells of Meligala, you, for now go back to your holes." All these phrases were aimed at inciting the volition of others to [commit] a particular illegal behavior by stirring the emotions and the abhorrence of one group of citizens towards another, resulting in a breach of the peace, through the initiation of violent actions with unified forces against persons and objects by participants in a publically assembled crowd.

The second of the defendants, **Sabetai Matsas** son of Benakis, in the above place [Athens] and on May 8, 2009, he publically and, in one way or another, publically provoked and agitated citizens to violent actions amongst themselves and to mutual discord, thus committing a breach of the peace. Specifically, as Secretary of the Revolutionary Workers Party, he posted on the above party's website an announcement of the rally in which this party was participating. The full content of the announcement is as follows: "The audacity of the paramilitary gangs oversteps all bounds. A few months after the assassination attempt against the immigrant unionist Konstantina Kuneva, and through an ongoing pogrom against immigrants by the state, the cutthroat paramilitary gangs are threatening to make another appearance on Saturday afternoon in central Athens. Let us prevent them with a decisive, mass presence in an antifascist assembly of trade unions and political organizations at 5 p.m. in Omonia Square! to rip off the hand they are laying on our immigrant colleagues and on our democratic rights and freedoms! As in December [when] we all rose up together, local and foreign workers and youth, now, too, we will confront the paramilitary bullies who have police protection. Throughout Europe, wherever the snake's egg is incubating again through the spasms of the systemic crisis [there] is a mass antifascist action by workers, unemployed youth, through unions [and] political organizations, [which] sets up a barrier and protects rights and freedoms (...). The government and the state have the primary responsibility for fomenting the fascist phenomenon by cultivating a climate of social automatism, an authoritarian police state, by attempting to declare the country a state of emergency. At the same time the state has absolved government officials involved in racist activities; it acquits cutthroat paramilitaries; it promotes the formation of detainment camps for immigrants. [We must] Close the offices of Chryssi Avgi [Golden Dawn]; no tolerance for cutthroat paramilitaries. The people don't forget; [send] the fascists to the gallows."

The above text was aimed at inciting the volition of others to [commit] a particular illegal behavior by stirring the emotions and the abhorrence of one group of citizens towards another through simplified generalizations, thus transgressing the boundaries of legitimate protest and expression of opinion, and resulting in a breach of the peace through the initiation of violent actions with unified forces against persons and objects by participants in a publically assembled crowd.

They are charged with the violation of articles 1, 14, 16, 17, 18 items e-d-b, 26 para. 1a, 27 para 1, 47 para 1, 51, 53, 79, 83, 192 of the Criminal Code.