



**Permanent Mission of Greece
to the United Nations Office and
other International Organizations
in Geneva**

No.: 6170.7/661

NOTE VERBALE

The Permanent Mission of Greece to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honor to attach herewith the reply of His Excellency M. Nikos Dendias, Minister for Foreign Affairs of the Hellenic Republic, to the joint communication (Ref: AL GRC 1/2022) addressed to him by the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on minority issues; and the Special Rapporteur on freedom of religion or belief.

The Permanent Mission of Greece to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

A handwritten signature in black ink, appearing to be a stylized 'A' or similar character.



Geneva, June 13, 2022

Encl. : As stated

To:
The Office of the High
Commissioner for Human Rights
In Town



THE MINISTER FOR FOREIGN AFFAIRS

Athens, June 8th 2022

Ref.: E/287

Dear Special Rapporteurs,

In response to the Joint Communication under Ref: AL GRC 1/2022, dated 21st April 2022 and based on information received by the Ministry of Justice of Greece, we have the honour to inform you of the following:

I. *Greece fully complies with all domestic, European and International Law provisions as far as respect, protection and promotion of human rights and fundamental freedoms are concerned; this obligation derives both from the Greek Constitution and relevant domestic legislation, as well as from relevant European Union Law and International Law provisions.*

II. *Given that the separation of powers is safeguarded under the Greek Constitution, the competent judicial authorities have informed us that a complaint was filed by the Greek Helsinki Monitor, represented by Mr. Dimitras, against His Eminence Metropolitan Seraphim of Piraeus; this complaint was submitted via the Hellenic Police Services Against Racist Violence (dated 28th April 2017). Following relevant legal procedures and provisions, the Office of the First Instance Prosecutor of Piraeus ruled that under Article 1, paragraph 1, 5 of Law 927/1979 (as applicable) on "public incitement to violence or hatred", no crime was committed and hence no further action was taken (case archived on 14th October 2019).*

III. *Following a complaint filed by His Eminence Metropolitan Seraphim of Piraeus against Mr. Dimitras and Ms. Gilbert, the competent Public Prosecutor, implementing relevant law provisions for preliminary examination, initiated criminal proceedings for the offense of "false accusation" (false allegation) against both individuals jointly. Following procedures at the Three-member Athens Court of Misdemeanors (seating on 15th February 2022) a decision (under reference number 2022/432 A) was issued, which has already been appealed by the accused.*

IV. *It is to be noted that under the Greek Constitution (article 26 "separation of powers"): 1. The legislative function is exercised by the Parliament and the President of the Hellenic Republic. 2. The executive function is*

H.E. Mary Lawlor

Special Rapporteur on the situation of human rights defenders

H.E. Irene Khan

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

H.E. Fernand de Varennes

Special Rapporteur on minority issues

H.E. Ahmed Shaheed

Special Rapporteur on freedom of religion or belief

exercised by the President of the Hellenic Republic and the Government. 3. The judicial function is exercised by the Courts; their decisions are executed in the name of the Greek People.

Greece has developed a coherent and comprehensive legal framework in which all established rights are safeguarded and citizens have the appropriate means to fully enjoy them. Such safeguards also include the possibility for judicial redress through access to justice; judicial authorities are thus entrusted with the implementation of the Constitution and relevant domestic and international legislation.

In accordance with the fundamental principles of independence and self-governance of Justice (Articles 26, 87, 88 and 90 of the Constitution), the Courts are composed of judges who enjoy functional and personal independence and are bound exclusively, throughout the execution of their duties, by the Constitution and legislation, exempt from any interference.

In the light of the above, the Ministry of Justice refrains from providing any comment on pending cases or non-final decisions.

Sincerely,

Nikos S. Dendias

