

Chapter 1 : Greece: Rescuers at Sea Face Baseless Accusations | Human Rights Watch

Article - Military service in the enemy Article - Supporting the military power of the enemy Article - Breach of contracts Article - Violation of state secrets.

Human Rights Watch analyzed court records and other documents in the cases of two of the four activists currently in pretrial detention. The two foreign volunteers Sarah Mardini, 23, and Sean Binder, 24, have been detained for more than two months. Two Greek nationals are also in pretrial detention, including Nassos Karakitsos, 37, who was arrested a week after Mardini and Binder. Greek judicial authorities should drop the baseless accusations and release them from pretrial detention. Greek police arrested Mardini on August 21, , in the airport on Lesbos as she was about to fly to Germany to begin her second year of undergraduate studies at Bard College Berlin. Another employee, Mirella Alexou, and Panos Moraitis, who founded the group in , subsequently turned themselves in to the police. Alexou was released on bail on November 2. Human Rights Watch was unable to obtain detailed information about the accusations against them. Mardini is detained in Athens, while Binder, Karakitsos, and Moraitis are detained on the island of Chios. ERCI , a registered nonprofit organization in Greece that also provided primary medical care and non-formal education programs for refugee and migrant children has ceased operations. Mardini had traveled by boat from Turkey to Greece in . The engine broke down, and she and her younger sister, who went on to participate in the Olympics in , helped save others on board by swimming and pulling the boat to Lesbos. Human Rights Watch examined the police reports, accusations, and other court documents in the case against Mardini and Binder, and spoke to their lawyers, other humanitarian volunteers, former classmates, and university administrators who know them. The accusations also misrepresent their volunteer work with a registered humanitarian nonprofit group that regularly coordinated with and participated in joint operations with the Greek Coast Guard as membership in a criminal organization; their monitoring of open maritime radio channels and public websites for information about refugee and migrant boats in distress as violations of government secrets and espionage; and their fundraising for a humanitarian group as money laundering, Human Rights Watch said. The five felonies of which Mardini and Binder are accused carry penalties of up to 25 years in prison. Greek law allows for up to 18 months of pretrial detention. Greek prosecutors have previously sought criminal penalties against volunteers helping migrants and asylum seekers. Greek authorities had arrested the volunteers in January , while they were helping boats carrying migrants and refugees. Putting rescuers in jail could have a chilling effect on other humanitarian activists at a time when the number of people drowning in waters between Turkey and Greece is increasing, Human Rights Watch said. Since the beginning of , more than have died or been reported missing in the Aegean Sea , compared with 62 in all of for roughly the same number of arrivals. The overall death rate in the Mediterranean, including the central and western sectors between North Africa and Europe, has also risen dramatically while nongovernmental rescue groups face bureaucratic and legal obstacles to continuing their life-saving operations, the International Organization for Migration said. Greek authorities were aware of the location and routinely checked on the volunteers, a former ERCI volunteer told Human Rights Watch, in order to ensure they were registered according to the rules of the Ministry of Migration Policy. Police said the car had fake military license plates concealed beneath its lawful civilian license plates, and detained Mardini and Binder for 48 hours. Police then obtained warrants to access their mobile phones and computers. On July 26, the police finalized an page report detailing allegations against them and others using information obtained from their smartphones, primarily text conversations from WhatsApp groups created to coordinate between humanitarian actors. The analysis below is based on the police report and other court documents. While police have stated that 30 people are suspected of a variety of alleged crimes, this analysis addresses the accusations against Mardini and Binder. People Smuggling The prosecutor accuses Mardini and Binder of being smugglers who facilitated the illegal transportation of people to Greece in violation of Greek Law of . However, ERCI presented all the people rescued at sea or helped on shore to Greek authorities so they could access identification and processing procedures, a former ERCI volunteer who is not part of the case and a lawyer representing Mardini and Binder told Human Rights Watch.

Article 2 of Law excludes people helping asylum seekers, persons seeking international protection in accordance with international law, from being penalized. While nonprofit groups conducting search and rescue operations in Greek waters should, as a matter of best practice, seek to coordinate with competent authorities as far as possible, there is no obligation in Greek law or the international law of the sea requiring rescuers to notify national or other authorities before proceeding with urgent rescues at sea. Binder was not physically present in Greece on at least 6 of those occasions, 5 of which occurred before he arrived on Lesbos in October. On a sixth specified date in December, he was attending his graduation in London, said the classmates, who also attended. Mardini was attending classes, taking examinations, or meeting the dean at Bard College Berlin; lecturing on the refugee crisis at the US consulate in Budapest; or attending a conference at Harvard University on six of the dates on which she is accused of helping people to illegally enter Greece, based on information Bard College Berlin provided to Human Rights Watch. Espionage In court documents, Mardini and Binder acknowledge that they and other members of ERCI drove along regular routes on the island of Lesbos, scanning the sea for boats in distress, and monitored open radio frequencies used by the Greek coast guard and Frontex, the EU external border agency, to learn about boats at risk. These are essential and routine tasks carried out by volunteer rescuers. ERCI sent its own small boats to conduct rescues in Greek waters and helped migrants and asylum seekers after they arrived on the islands, and according to former ERCI volunteers, consistently notified and coordinated with the Greek coast guard. The volunteers are accused of espionage under article of the penal code for monitoring the radio channels and the positions of Coast Guard and Frontex vessels. However, as the police report acknowledges, the radio channels “12, 19, and 37” are not encrypted and can be accessed by anyone with a VHF radio. The positions of Coast Guard and Frontex vessels are published in real time on commercial ship-tracking websites. Separately, under Law of , Mardini and Binder are accused of using radio devices without a license. In court documents, they state that the radios were purchased before they began volunteering and that they were not aware of the licensing requirement. Mardini and Binder are accused of communicating with refugee boats to help them evade Greek and Frontex vessels and of sharing information that interests of state require be kept secret from foreign governments under article of the penal code, which provides for up to 10 years in prison. The police report, which is the basis of the prosecution, contains no evidence concerning the accusation. The prosecutor alleges that the volunteers fraudulently used military license plates to enter restricted-access military areas on Lesbos where refugees and migrants sometimes disembarked. The police report on which the accusations are based does not include any evidence that Mardini and Binder tried to enter restricted military areas in the vehicle. The police report claims:

Chapter 2 : Greek penal code Archives - JurTransJurTrans

The Code was previously translated in by N. Lolis, prefaced by an introduction to Greek criminal law by Giorgios Mangakis, and published as part of the American Series of Foreign Penal Codes. Times move on though.

It encompasses , sq. The next largest cities with respect to population are Thessaloniki, Piraeus and Patra. The next census will take place in The official language is Greek. Greece was a founding member of the United Nations. It has accepted the compulsory jurisdiction of the International Court of Justice , with reservations , excluding from the competence of the Court any dispute relating to defensive military action taken by the Greece for reasons of national defense. On January 1st it became the tenth member of the European Communities. It is also a member of numerous international organizations including the Council of Europe. On January 1st Greece adopted the Euro as its currency; previously, the national currency was the drachma. Greece is a Parliamentary Republic, and all Greek citizens over the age of 18 have the right to vote. Greece is a civil law country, thus jurisprudence is not considered as a source of law. The Hellenic Constitution hereinafter the Constitution is the supreme law of the land. Arguably, customary international law also falls within paragraph 1 of Article Article 28, paragraph 2 provides that in cases of important national interests, constitutional competence can be delegated to international organizations. The third paragraph of article 28 provides that international treaties can set limits on national sovereignty, so long as the setting of limits is dictated by an important national interest, and does not infringe upon basic rights, democratic governance and equality. The issue of superiority of EU law to the Constitution is contested, and Greek courts have avoided adjudicating on the topic. The dominant position in constitutional theory supports a joint interpretation of paragraphs 2 and 3 of Article In practice, EU law de facto precedes the Constitution. Ancient Greek Law The Greek legal culture has its roots, albeit very remotely, in ancient Greece, dating back to almost B. Cities with the same political organization had more things in common than cities with completely different regimes. Ancient Greek legal systems were based on dispute settlement through mediation or arbitration between the parties. Distribution of justice was based on retaliation and reciprocity. Religion played a central role then, as it did later on, during the Archaic and Classic periods. Through the centuries, the system became progressively more concrete, and evidence has been found of the existence of courts in Athens during the Classic Antiquity period. According to Adam Watson, a representative of the English School of International Relations, as well as other scholars in international relations, ancient Greek city-states exhibited cooperative behavior, which was highly organized. A central institutional form that promoted cooperation was inter-city-state arbitration, which remained operational between the 6th and the 1st century B. The main goal of arbitration was to foster peaceful coexistence amidst the numerous wars and conflicts of the period and to solve problems of cooperation. It is known that weaker as well as stronger states were involved in arbitration, and arbitration clauses were included in treaties signed between states. Thus, the ancient Greek city-state system displayed characteristics similar to the modern international system. However, its quasi-international qualities derived not from any form of law tantamount to international law, but from arbitration. The terminology referring to law changed over time, indicating a transition from a belief in divinely inspired laws to laws as human constructs. In the older texts Homer and other poets , the term indicating the source of regulation of human behaviour, Themis, had religious connotations. It derives from the verb Nemoo, that is, to distribute. Accordingly, Nomos represented the belief that the distribution of goods and rights among people was the work of humans and not gods. Thus, Law was juxtaposed to Nature Nomos versus Fysis. Ancient Greek law was mentioned in writings as early as the Odyssey and the Iliad of Homer, however, not much is known about justice during that era. According to the opinio communis, ancient Greek law during the Homeric years was not written; it was transmitted from generation to generation through an oral tradition, and it was customary in nature. Those who knew the law and had the means of transmitting the law were representatives of aristocratic families who also sat as judges to various disputes. Before the 6th and the 5th centuries, law was mixed with religious beliefs, social morals as well as hygiene rules. The first legislators Zaleukos and Harondas, 7th century BC lived when it was believed that gods created laws. Towards the end of the 6th or the beginning of

the 5th century, this belief was progressively abandoned, and laws were thought to be creations of humans. During the 7th century, people with prestige, the legislators nomothetai or aisymnetai, were in charge of putting the law, which was oral and customary, in writing. According to Aristotle, the aisymnetai were monarchs who were elected for life, different from tyrants in the sense that they did not seize power by force but were given authority by others. Another interpretation is that the aisymnetai were supposed to deal with emergencies, or in Homeric years they were referees or judges, while in the classic era, they were high-ranking officials in the administration of the city-state. Classic Era 5th- 4th century BC: The more dominant position of law in the legal orders of the Greek antiquity coincides with the establishment of democracy in the city-state of Athens. The freedom of citizens could not be restrained without a legislative provision, which was the only source of compulsory regulation of human behaviour. Democratic principles provided for participation of all Athenian men who were born free and were above the age of 20 years in all functions of government. However, the vast majority of the population, namely slaves and women, as well as metoikoi, citizens of other city-states, were not allowed to participate in any form of government, since they were not considered to be citizens. The predominant principles of governance of the Athenian democracy were equality before the law isonomia and freedom eleutheria. A citizen was considered free by definition and was only constrained to obey the law. A citizen also had a civic duty and privilege to participate in the legislative process. The proposals of laws submitted to the people Ecclesia tou Demou were supposed to be in conformity with fundamental principles of governance. Possible contradictions within the laws were examined every year from the thesmothetes before the people. The Ecclesia tou Demou decided on the important state issues, namely the declaration of war, the signature of peace, the accession and exit from alliances, the voting of laws and public economics and budget. They became Athenian citizens after they were 20 years old if they had not been deprived of their political rights. The Ecclesia was in regular session forty times a year and held additional sessions whenever the circumstances made it necessary. The sessions took place in the Pnyka and some times in the market agora and the theater of Dionysos. Any citizen who wanted to give a speech, did so and then a decision was made by show of hands heirotonia. Despite the predominance of law in democratic city-states of the classic era, the number of legislative texts was rather small. The Athenians of the 5th and the 4th century kept the legislation of Solon as well as the law of Drakon on homicide. The number of new provisions on private law was limited. The oldest court in Athens was the Areios Pagos. Other courts were the epi Palladio, the epi Delfinio, the en Freattoi and the epi Prytaneio, whose competence was reduced after BC to manslaughter and some other, less important cases. Other courts also existed, and some serious cases were tried by the Parliament Vouli or even the Ecclesia. From the era of Solon, especially after the reform of Efialtis, the most important court was the Iliasia, which resembled the Ecclesia tou Demou because it was composed of judges Iliastai, of which were substitutes. Iliasia was the main court, formed not by professional judges, but by all citizens above the age of thirty without a criminal record, who were randomly picked to be judges. The judges were divided into ten departments of judges each. It is possible that all Athenian tribes were represented in each department and each trial. For each trial, a lottery took place, and, or judges were drawn from each department depending on the seriousness of the trial. The odd number of judges excluded the possibility of a tie during voting. The judges were given two to three ovolous the Athenian currency on the day of the trial as compensation. A hydraulic timer, the klepsydra, determined the time of accusation and rebuttal. Trials were of two types: A different procedure was followed for each kind. In private trials there were court fees prytaneia, and the plaintiff had the option of settling with the defendant. If the parties decided to settle, there was a fine of drachmas. After the composition of the court and the beginning of the trial, the plaintiff diokon would speak first, and then the defendant feugon would take the stand next. The time each had to make his case was predetermined, limited and timed with the klepsydra. The positive effect of timing trials was that speechwriters generally made efforts to avoid rambling, be right on point and write their speeches with care. However, in some trials time was unlimited for the participants. The laws required that the plaintiff and the defendant were obliged to argue their own cases before the court. Sometimes, however, interested parties resorted to the logografous speech writers. These were experienced orators who, in exchange for money, wrote the texts of the speeches that the plaintiff and the defendant would memorize and make before

the court. After they made their case, there would be a secret vote by the judges. In the case of a tie, the accused was found not guilty. In private trials, if the plaintiff got less than a fifth of the votes, he would pay a fine of one thousand drachmas and would have to refrain from similar lawsuits in the future. Aristofanis presents the Iliastai in his work *Sfikes* as simple Athenian citizens lacking prior legal education and judicial training. Thus, the logografoi had to know not only the law, but also the psychology of the judges, so that they could be influenced towards the interest of the clients. Lysias was the greatest speechwriter for court speeches. Their speeches are very important to contemporary research because they illustrate the life circumstances, ideas, political and moral values and religion of the time. They are the main sources of our knowledge of law in Attica. The decisions of the Iliastai were final with the exception of people who were tried in absentia, who were allowed to be retried two months after the first trial. Also, those who could prove that they were convicted because of false witness could be retried at any time. Under certain circumstances the Ecclesia tou Dimou had judicial competence. This occurred when a prosecution *eisaggelia* for a crime could not be tried by the established courts due to lack of provisions that determine the penalty for that crime. In that case the democratic body would either keep and try the crime itself, or send it to the competent court and determine the law under which the accused would be tried. Philosophy and Theory of Law: The ancient Greeks first established the idea of justice, and they distinguished between the law by the state positive law and the idea of justice as more abstract, related to natural law.

Chapter 3 : Greek Penal Code | UNLV - William S. Boyd School of Law

Abstract. Since the entry into force of the Greek Penal Code in , the basic principles governing the substantive criminal law and the provisions on the general structure of the criminal offence have remained for the most part unaltered.

Hart Publishing, , xii, p. This is a reflection of the fact that whereas the civil law paradigm is as much concerned with the effects of conduct on victims as with the nature and quality of that conduct, the criminal law paradigm focuses primarily on agent conduct and mental states. In the labelling of criminal offences, proscribed outcomes are typically described in a quite general way because the basic question is whether the offender, by proscribed conduct, has produced an outcome deserving of punishment. If that is so, the precise nature and extent of the effects of the outcome on the victim are not of great importance for labelling purposes. On the other hand, the impact of the criminal conduct on the victims may be taken into account in sentencing. Columbia University Press, v, p. Blackwell Publishing, , xiii, p. This relationship of cause and effect shall be presumed to exist when the act within the provisions of the law would, in the normal course of things, produce the result charged. If, in such a case, the act with which the accused person is charged in itself constitutes a crime he shall be liable to the punishment specified for such a crime. Sythoff, , p. Oxford University Press, , xi, p. Little, Brown, , xxviii, p. Cohen ; translation by Marie Neurath and Robert S. Cohen, Dordrecht and Boston: Kluwer, , xiii, p. Nomos Verlagsgesellschaft, , xxviii, p. If according to a respective article of this Code an offense is considered completed, when an action has caused a hazardous outcome or created a concrete risk of such outcome, it is necessary to state a causal relation between the action and outcome or concrete risk. A causal relation exists when an action constituted a requisite precondition for a hazardous outcome or the concrete risk provided by this Code. Without such action this outcome would not follow or such a concrete risk would not be created. Inactivity shall be considered a requisite precondition for a hazardous outcome or a concrete risk provided by this Code, if a person was specially required to perform any action pursuant to law, he had an opportunity to perform such action and as a result of this action the outcome would have been avoided. Rothman, , xii, p. Vernon Law Book, , vi, p. Vernon Law Book, , x, p. Oxford University Press, , xviii, p. Clarendon Press, , lxxxii, p. Freckelton and Danuta Mendelson, eds. Ashgate Publishing, , xxxii, p. A Sketch", in Georg Meggle, ed. Martinus Nijhoff, , chapter 7, p. Pantheon Books, , ix, p. Law Reform Commission, , xiv, p. Wise, in collaboration with Allen Maitlin; introduction by Edward M. Rothman, , xlvi, p. A7C7 ; "Article No one shall be punished for an act designated by law as an offence if the harmful or dangerous event on which existence of the offence depends was not a consequence of his own act or omission. Failing to prevent an event which one has a legal obligation to prevent shall be equivalent to causing it. The presence of pre-existing, simultaneous or supervening causes, even though independent of the act or omission of the offender, shall not exclude a causal relationship between his act or omission and the event. Supervening causes shall exclude a causal relationship when they were in themselves sufficient to bring about the event. If, in that case, the act or omission previously committed itself constitutes an offence, the punishment prescribed therefor shall be applied. The preceding provisions shall apply even when the pre-existing, simultaneous or supervening cause consists of the unlawful act of another person. Le disposizioni precedenti si applicano anche quando la causa preesistente o simultanea o sopravvenuta consiste nel fatto illecito altrui. Longmans, Green, , lxxxii, p. Dennis Michael Patterson, , ed. Blackwell Publishers, , xii, p. Ohio State University Press, , xii, p. College of Law, Ohio State University. Hart Publishing, , xxxiii, p. HMSO, c, iv, 79 p. HMSO, [], v, 59 p. The Commission, , 19 p. What Will Sever a Causal Link? Clarendon Press, , xxi, p. Clarendon Press; New York: Oxford University Press, , viii, p. Readings in Philosophy and Law, Stanford California: Stanford University Press, , v, p. Government Printing Office, , xxv, p. Causal Relationship Between Conduct and Result" at pp. Government Printing Office, , lxiv, p. Weidenfeld and Nicolson, xx, p. John, and the article would also be found in Nicholas St. John Green, Essays and notes on the law of tort and crime, Menasha, Wis.: George Banta publishing company, , vii, p. Frey and Christopher W. Cambridge University Press, , x, p. Westview Press, , xvii, p. Rosenberg, and Bentzion S. Causality, Responsibility, and Blameworthiness, New York: Springer-Verlag, , x, p. Thomas, , xxiv, p. Asser Press, ,

xxiv, p. University of Cambridge, , x, at pp. Oxford University Press, , [ix], p. Harvard University Press, , x, p. Medieval and early classical science, xi, p. Classical and contemporary science; , xi, p. Gaunt, , iv, p, see Chapter VII. TMC Asser Press, c, xii, p. Routledge-Cavendish, , xvii, p. Hart Publishing, , ix, p. Rousseau, , xii, p.

Greek penal laws apply to foreigners for acts committed abroad that are characterized as a felony or misdemeanor, if the act is directed against Greek citizens and is punishable under the laws of the country where it was committed or if committed in a politically unconstituted country.

Greek Penal Code English Translation: Articles 1 to 13 Greek Penal Code Translation copyright c Time limits of validity of Penal laws Article 1 - No punishment without law Punishment is not imposed except for those acts for which the law had expressly stipulated one before their commission Article 2 - Retroactive application of the most lenient law 1. If during the time from the commission of the act until the final adjudication two or more laws were in force , the one that contains the most favorable provisions for the accused is applied. Article 3 - Laws that have temporary validity Laws that have temporary validity are enforced even after ceasing to be valid for acts committed when they were in force. Apart from this the provision of paragraph 1 of the preceding article is applied. Article 4 - Imposition of security measures 1. The security measures provided for in Articles 69, 71, 72, 73, 74 and 76 are imposed according to the law in force during the trial of the action. In the case of paragraph 2 of article 2, the court that issued the judgement decides after proposal by the prosecutor whether to maintain or not the security measures imposed. Territorial jurisdiction of Penal laws Article 5 - Crimes committed in Greek national territory 1. Greek Penal laws apply to all acts committed nationwide, even by foreigners. Greek ships or aircraft are considered Greek territory wherever they are, unless in accordance with international law are subject to foreign law. Article 6 - Crimes of nationals abroad 1. Greek penal laws apply to an act characterized by them as a felony or misdemeanor which was committed abroad by a national, if that act is punishable by the laws of the country in which it was committed or if committed in a politically unconstituted country. A criminal prosecution is initiated against a foreigner who at the time of the offense was a national. It is also initiated against those who acquired the Greek citizenship after the commission of the act. Misdemeanors committed abroad are punishable only on the cases specifically prescribed by law. Article 7 - Crimes committed by foreigners abroad 1. The provisions of paragraphs 3 and 4 of the previous article apply in this case also. Article 8 - Crimes abroad that are always punishable by Greek law The Greek penal laws apply to nationals and foreigners regardless of the laws of the place of commission, for the following acts committed abroad: Article 9 - Indemnity for crimes committed abroad 1. The prosecution of an act committed abroad is excluded: These provisions do not apply to the acts defined in Article 8. Article 10 - Calculation of sentences that were served abroad The sentence that was wholly or partly served abroad in the case of a subsequent domestic conviction for the same act, is deducted from the penalty imposed by the Greek courts. Article 11 - Recognition of foreign criminal sentences 1. If a Greek is convicted abroad for an act that in accordance with the provisions of domestic law, entails ancillary penalties, the competent court of misdemeanors can impose these penalties. The competent court of misdemeanors can also impose he security measures provided for in Greek laws on anyone that was convicted or acquitted abroad. Relationship of the Penal Code with special laws and explanation of its terms Article 12 - Special Penal Laws The provisions of the General Part of the Penal Code apply to punishable offenses that are provided for in special laws, if these laws do not specify otherwise with an explicit provision. Article 13 - Concept of terms of the Code In the Code, the following terms are used with the following meanings: Document is also any medium used by a computer or by a peripheral computer memory, electronically , magnetically or otherwise, for recording, storing, production or reproduction of data, which can not be read directly, as well as any magnetic, electronic or other material used for recording any information , image, symbol or sound, independently or in combination, as long as these media and materials are intended or are suitable to prove facts which have legal significance. A crime is committed habitually, when the repeated commission of the act shows a constant tendency of the perpetrator to commit this particular crime as part of the personality of the perpetrator. Posted by law at.

Chapter 5 : greek penal code - Translation into French - examples English | Reverso Context

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The last person sentenced for blasphemy in Norway was Arnfred Olsen in , and he had to pay a fine of 10 Norwegian krone. However, the ban was lifted in October after a group of theologians who had seen the film produced a statement saying that there was no good reason for a total ban. Life of Brian was allowed on the big screen, provided with a poster at the beginning which stated that Brian was not Jesus. Under article and , respectively, "interruption of religious worship" and "offending the religious feelings" are punishable by law. The article has been used by pro-Church politicians and activists on numerous occasions, whenever they felt their religious feelings had been offended in some way. According to Romanian law, "cults, religious associations and religious groups The bill was withdrawn, however, later that month. Part 2 of the same article establishes stricter punishments for the aforementioned actions when coupled with desecration of holy symbols and or religious texts. South Africa[edit] Blasphemy is a common law offence in South Africa, defined as "unlawfully, intentionally and publicly acting contemptuously towards God. However, in a newspaper editor was convicted of blasphemy for publishing a story in which a nun has a vision of a sexual relationship with Jesus Christ, and the validity of the conviction was affirmed by the Appellate Division. The prohibition of hate speech is, however, not a criminal prohibition, and only civil penalties would result. This extension to "dogmas" and "beliefs" makes it very close to a blasphemy law in practice, depending on the interpretation of the judge. For instance, in it was used to prosecute a famous artist, Javier Krahe , for a scene shot 34 years ago, and lasting just 54 seconds in a documentary about him. In Sweden, a general principal developed during the 20th Century was that religion should be regarded as a private matter. Historically, Sweden had a blasphemy specific law introduced by King Erik XIV in that specifically protected religion, followed by similar Acts until , when it was replaced by an Act on "Peace of Faith" which was a milder form of restriction. In , the Act was repealed and a new Act was introduced on "agitation against a specific group of people". The new Act focuses on minority groups of a specific "race, skin colour, national or ethnic origin, faith or sexual orientation". Thus, the Act does not protect religion as such, but the group of people adhering to the religion. The new Act parallels Religious faith with the protection of people on the grounds of ethnicity or sexual orientation and has mostly been used in cases concerning agitation in relation to Jews and homosexuals. Blasphemy law in the United Kingdom The United Kingdom is made up of four distinct parts and several legal jurisdictions. In criminal justice matters, these jurisdictions are England and Wales , Scotland , and Northern Ireland. Blasphemy laws dating back to the medieval times were repealed in England and Wales in , but equivalent laws remain in statute in Scotland and Northern Ireland, though they have not been used in many years. English blasphemy laws were historically defended with the following reasoning: Thus, targeting Christianity is targeting the very foundation of England. The Opera which includes a scene depicting Jesus, dressed as a baby, professing to be "a bit gay". The charges were rejected by the City of Westminster magistrates court. Christian Voice applied to have this ruling overturned by the High Court , but the application was rejected. The court found that the common law blasphemy offences specifically did not apply to stage productions s. Lemon in , when Denis Lemon , the editor of Gay News , was found guilty. It had been "touch and go", said the judge, whether he would actually send Lemon to jail. He had three previous convictions for blasphemy when he was prosecuted for publishing two pamphlets which satirized the biblical story of Jesus entering Jerusalem Matthew Offences against Religious and Public Worship, that concluded that the common law offences of blasphemy and blasphemous libel should be abolished without replacement. On 5 March , an amendment was passed to the Criminal Justice and Immigration Act which abolished the common law offences of blasphemy and blasphemous libel in England and Wales. Common law is abolished, not repealed. Following the abolition of the blasphemy laws in England and Wales in , the film was eventually classified by the BBFC for release as rated in Constitution and no blasphemy laws exist at the federal level.

The First Amendment effectively put an end to them in the new American republic. In *Joseph Burstyn, Inc. v. Wilson*, the U. Supreme Court ruled in that New York could not enforce a censorship law against filmmakers whose films contained "sacrilegious" content. The opinion of the Court, by Justice Clark, stated that: It is not the business of government in our nation to suppress real or imagined attacks upon a particular religious doctrine, whether they appear in publications, speeches, or motion pictures. For instance, Section 3A1. Blasphemy in Islam is impious utterance or action concerning God, Muhammad or anything considered sacred in Islam. The hadiths, which are another source of sharia, suggest various punishments for blasphemy.

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Independence of the justice system[edit] In Greece , the Constitution has firmly established the independence of the justice system. The three branches of the Greek judicial system[edit] The building of the Arsakeion in Athens, where the Council of State is seated. According to the Constitution, there are three categories of courts: The supreme court of the civil and penal justice is the Court of Cassation, while the supreme court of the administrative justice is the Council of State. Hence, Greek judges belong to one of these two branches. Consequently, an administrative judge is not entitled to judge a penal or civil case, while a civil judge is entitled to judge a civil or penal case but not an administrative one. The civil justice[edit] Civil cases are judged: At first instance, by the District Courts or the Courts of First Instance, according to the estimated value of the matter disputed at law. At second instance, by the Courts of First Instance or the Courts of Appeal, according to the estimated value of the matter disputed at law. By the Court of Cassation, when a writ of certiorari is filed against a final decision of the Court of Appeal. If the Court of Cassation concludes that a lower court violated the law or the principles of the procedure, then it can order the rehearing of the case by the lower court. The penal justice[edit] Crimes are judged as follows: Felonies are judged, at first instance, by the "mixed" Court of First Instance and, at second instance, by the "mixed" Court of Appeal. In these "mixed" courts four jurors participate along with three professional judges of first instance and of appeal respectively. A constitutional provision allows the exemption of certain crimes from the jurisdiction of the "mixed" courts. These crimes are judged, at first instance by the three-member Court of Appeal and, at second instance, by the five-member Court of Appeals, without the participation of any jurors. For example, the members of the Revolutionary Organization 17 November terrorist group were judged according to this procedure, because felonies of terrorism or organised crime belong to the competence of the Court of Appeal and not to the "mixed" courts. The Court of Cassation examines writs of certiorari against the final decisions of the "mixed" or not Courts of Appeals and it can order the rehearing of a case by the lower court, if it concludes that the lower court violated the law or the principles of the procedure. Misdemeanours are judged, at first instance, by the Misdemeanours Court and, at second instance, by the Court of Appeal. A writ of certiorari against the final decision of the Court of Appeal is possible. Administrative justice[edit] The judicial control of an administrative act goes either on its merits or not. The administrative acts of the first case are appealed against with the legal remedies of the recourse or of the suit and they belong to the jurisdiction of the Administrative Courts of First Instance and of Appeal , while all the other administrative acts are appealed against with the legal remedy of the writ of annulment and they belong to the jurisdiction either of the Council of State or of the Administrative Court of Appeal. The control of these acts has to do with matters of legality, namely whether they are issued in accordance with the Constitution and the laws. At second and final instance, the Council of State is always competent to judge these acts. The decisions of all the administrative courts may be appealed against with a writ of certiorari, which is judged by the Council of State. The Chamber of Accounts is also a supreme administrative court, whose jurisdiction is limited in certain particular areas e. Its decisions are irrevocable and out of the control of the Council of State. The constitutional control of laws[edit] According to the Greek judicial system every court is competent to judge the conformity, or lack thereof, of a legal provision with the Constitution. This judicial right constitutes the so-called "diffused" control of constitutionality, which is opposed to the "concentrated" control. Since there is no such court in Greece, all courts are deemed competent to decide upon the constitutionality of a legal provision. The Supreme Special Court[edit] The Supreme Special Court is not a "regular" and "permanent" court, namely it sits only when a case belonging to its jurisdiction arises. It dates back to when it was established after the Czechoslovak model. Is a "Supreme Constitutional Court" necessary? This, however, applies where the European Council has expressly legislated in particular areas, this being where treaty provisions provide for secondary legislation in furtherance of the former. The Greek courts and, especially, the Council of State have avoided expressing

themselves about the superiority of the Constitution or EU law. In , a new provision was added to the Constitution, according to which the owners of private mass media are not allowed to participate in public procurements. In , Parliament passed a law, materialising the constitutional provision. The European Commission reacted immediately and warned that this legal provision violates the EU law of competition. The Greek government answered that the law materialises the respective constitutional provision, which is superior to the EU law. An ardent supporter of this opinion was the professor of law and Minister for the Interior, Public Administration and Decentralisation Prokopis Pavlopoulos. The Constitutional control and the Council of State[edit] After the constitutional amendment of , Supreme Courts can decide on the constitutionality of a legal provision only in Plenary Session. This amendment deprived the Chambers of the Council of State of their competence to judge the constitutionality of a legal provision. Now, the Chambers are obliged to submit the case to the Plenary Session of the Council. With this "trick" the Chamber of the Council reinforced its competence without violating the Constitution and avoided a time-consuming for the litigant procedure. According to the Constitution, the legal force of the international conventions is superior to the national laws but inferior to the Constitution. Controversies[edit] Various corruption cases often appeared, such as the Paradikastiko organization scandal consisting of lawyers, judges, jurists and Church of Greece representatives in the late s.

Chapter 7 : Greek Laws: Greek Penal Code English Translation : Articles 1 to 13

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UNHCR is not responsible for, nor does it necessarily endorse, its content. Introduction Greece, an established democracy and long-standing member state of the European Union EU , 1 guarantees freedom of expression under Article 14 of its constitution. For example, newspapers and other print media can be seized if they are accused of insulting the Greek president, offending Christianity or any other "known religion," or "offending public decency. The application of these laws has led to restrictions on freedom of expression that extend beyond what is permitted in international and regional agreements to which Greece is a party, most notably in the form of self-censorship by artists and others to avoid prosecution. The country is relatively homogeneous in terms of religion, with Greek Orthodox Christians making up 98 percent of the population. State Department, Muslims account for about 1. However, Greece has been a democratic republic since , and in it joined the EU. The political landscape has been relatively stable in recent decades, and the country continues to meet the criteria for membership in the EU. As a result of its official status, the Orthodox Church enjoys certain government benefits, including financial support, that are not extended to other religions. Such interim measures have been used to prevent a work of art from being exhibited and a movie from being screened, as described below. Articles and are somewhat different in that for the latter, a complainant is required, whereas for the former, the state initiates prosecutions on the basis of public interest, even in the absence of an offended person. This approach has been justified by the notion that religion is the "foundation of the state" of Greece, and consequently religious feelings must be protected for the good of society. As scholars have pointed out, Article "as it stands seems to protect respect for the divine as a legal interest independent of the intermediation of an offended person as the subject of a civil right. In a study, the Venice Commission concluded that "the offence of blasphemy should be abolished which is already the case in most European States and should not be reintroduced. In practice, however, these laws are used only to prosecute cases of perceived blasphemy against the Orthodox Church. This de facto discrimination is indicative of the special status enjoyed by the Church within the state establishment. The defendants have been criminally sanctioned for their "offensive" works, or the works themselves have been subjected to interim restrictions by civil courts in the interests of preserving social and religious peace. Though the movie was approved for distribution by a government censorship board, Orthodox Christians protested the film in the days and weeks following its release in Athens, holding demonstrations that in some instances degenerated into riots and had to be dispersed by police with tear gas. Religion is not a purely personal affair The complaint against the two men was reportedly submitted by a fundamentalist historian, Marios Pylavakis, who also allegedly orchestrated burnings of the book. The request for a permanent injunction was denied, and charges against the author and publisher were dropped. The court found that the novel did not constitute "malicious insult" because it was aimed at condemning misogyny rather than offending Christianity, and did not "attack religion as such. One of the paintings in the show, Asperges, by Belgian artist Thierry de Cordier, depicted a crucifix alongside male genitalia. He was found guilty of malicious blasphemy and received a six-month suspended prison sentence, and the court imposed an injunction on distribution of the book. The OSCE sent a letter to the Greek government following the initial ruling, arguing that the criminalization of expression such as that seen in The Life of Jesus was contrary to international press freedom standards. The blasphemy laws essentially allow certain elements of society to engage in legal harassment and intimidation of those who offend them, with the blessing of the state. Notes 1 One of the criteria for a state to join the EU is "stability of institutions guaranteeing democracy, the rule of Law, human rights and respect for and protection of minorities. Department of State, October , [http:](http://)

Chapter 8 : Blasphemy law - Wikipedia

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Greek penal laws also apply on any act that they regard as a felony or misdemeanour, which has been committed abroad by a Greek, if such act is regarded as a punishable act by the laws of the country where it has been.

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The Greek Penal Code makes libel a criminal offense. Actions on libel attacking: a) a Foreign State which is at peace with the Greek State; and b) the President of the Republic shall prescribe in six (6) months.