

Abstracts Session 1: *The Applicant States, the “Greek Case”, and Global Anti-Torture Politics*

Chair-Discussant: Axel Sotiris Walldén (Free University of Brussels, former official at the European Commission)

Hanne Hagtvedt Vik & Skage Alexander Østberg (University of Oslo)

Global Anti-Torture Politics 1967-1977 and the Scandinavian States

The growing outcry in the 1960s and 1970s against the use of torture has been largely credited to the work of Amnesty International and other non-governmental organizations. Among their celebrated successes were lobby efforts for outlawing such practices. Little is known about the state actors that initiated and drew up new international human rights law. This article discusses the roles of the Scandinavian states in three critical junctures in the modern history of the human rights issue of torture: The inter-state complaint to the Council of Europe against Greece during the Junta, the establishment of the UN Declaration against Torture, and the decision to initiate work on the UN Convention against Torture. It identifies a network of diplomats who formulated strategy for the establishment of human rights instruments against torture, with Sweden spearheading a concerted effort, in at times strained partnership with their Dutch peers.

Wiebe Hommes (Amsterdam Centre for European Law and Governance)

The “Greek Case” & the Netherlands: a Watershed Moment for Engagement with European Human Rights?

The Greek case was a watershed moment in Dutch engagement with European human rights. For the first time, a fellow ‘western European’ partner was scolded for a human rights violation. This was remarkable new. Not only were human rights new tools of foreign policy, also the Convention had played a marginal role in Dutch public, academic and political discourse preceding the Greek Case. However, with the step of the Government to file an interstate complaint, the Convention found itself, for a brief moment, in the center of attention. The implications were substantial: in a ‘boomerang effect’, the use of the Convention in a foreign policy setting opened up new windows of opportunity for both social movements as well as engaged academics and lawyers. European human rights, as legal tools, had always been seen as somewhat redundant, only known to a select group of academics. After the Greek case, this had changed. How did this happen?

This article takes a historical-legal approach and builds upon archival research of ministries and examines key persons involved in order to answer a couple of questions related to this pivotal moment: why did the Dutch government decide to push for the interstate complaint, after first being reluctant to take such a step? How did the coordination with the Scandinavian counterparts take place and why was an attempt at friendly settlement rejected? And how did the complaint impacted the domestic Dutch engagement with the Convention in the long run?

Abstracts Session 2: *The International Impact of the “Greek Case”*

Chair-Discussant Victor Fernández Soriano (University of Luxemburg)

Dimitrios K. Apostolopoulos (Academy of Athens)

The “Greek Case” in the Council of Europe and the Role of West Germany

Until 1969 West Germany followed a moderate policy towards the colonels’ dictatorship in Greece, a policy similar to its main European partners. Except for the freeze of the Association Agreement (1961) between Greece and the EEC, there was no interruption of commercial, investment or military relations with the Junta. The main pretext for not taking official action against the regime was to not jeopardize the cohesion of the North Atlantic Alliance in its southeastern wing, which was nearer to the Middle East. Thus, the survival of the regime would secure the German interests. Furthermore, the whole attitude of Bonn could also be explained by the total coincidence between German and US foreign policy.

The only powerful intervention against the colonels took place at the Council of Europe in late 1969. When Greece was forced to leave the Council of Europe in order to avoid condemnation of human rights violation, the relations of the dictatorial regime with all Western governments would have to be revised. Two months earlier the Socialist Willy Brandt became Chancellor in West Germany and this fact created new conditions in the Athens-Bonn relationship.. The leader of the Social Democratic Party had already given his mark against the dictatorial regime as foreign minister of the first *Grosse Koalition* (1966-1969).

Military government circles in Athens were convinced that the position of West Germany and Brandt personally - who supported the position of the Scandinavian governments - determined the fate of Greece in the Council of Europe. Although West Germany was cautious until the last minute, it was eventually added to those countries that opposed Greece when discussing the matter within the Council of Europe Committee of Ministers.

This paper, based on German archive sources, argues that the presence of Willy Brandt contributed to the withdrawal of Greece from the Council of Europe and the isolation of the regime.

Rigas Raftopoulos (Roma Tre University)

Human Rights and Colonels’ Lies. The Italian Perspective

After the 1967 Greek coup d’etat Italy remained the only country with a democratic regime in the Northern Mediterranean. The Greek events immediately sparked the reaction of the Italian public opinion and several different social and political groups took an active stance to condemn the Greek regime and to support the resistance in different ways. The emergence of the torture as an instrument of persecution against the internal opposition, not only tolerated but fully implemented and supported by the regime, was also a powerful element that affected the mobilisation and activism in Italy where, moreover, a large Greek student community was present in the vast majority of the country’s universities and contributed to inform and influence their Italian colleagues. At the same time in 1968-69 a very large and widespread wave of social and political unrest developed involving both students and workers who embraced the Greek political dissidents and harshly condemned the Colonels’ regime highlighting its violence and abuse of human rights. The vast solidarity for the Greek political refugees and students active against the regime fuelled a reaction on the political level and influenced the centre-left government in which the Socialist Party played a key-role with the Minister of Foreign Affairs Pietro Nenni.

This paper aims at presenting the Italian public opinion stance and reaction to the emergence of the Greek violations of human rights and the use of torture against political opponents through the use of Italian and Greek primary sources such as the archives of political parties and trade unions and the press during a crucial period for both Italy and Greece that culminated on 12 December 1969 with the withdrawal of Greece from the Council of Europe and the right wing terrorist attack in the central piazza Fontana in Milan, crucial stage in the strategy of tension.

Magda Fytili (Hellenic Open University)

The Impact of the “Greek Case” on the Francoist Spain

When Greece joined the Council of Europe in 1949, Spain, under dictatorship at the time, was excluded until after its transition to democracy. When Norway, Netherlands, Denmark, and Sweden filed a joint suit with the European Commission of Human Rights against the military government of Greece for the violations of a number of human rights provisions in the European Convention, Spain was still under dictatorship. This paper explores the immediate impact of the ‘Greek case’ on the Francoist regime, by analyzing its representations on four major newspapers of the time: *ABC* (a conservative, catholic, monarchist), *La Vanguardia* (a catalan-nationalist, conservative, monarchic), *Diario Madrid* (towards a democratic opening, read by the democratic opposition, closed by the regime in 1971), *Ya* (a conservative, owned by the Catholic Church, one of the most popular and influential newspapers during the Franco regime). At the same time, explores its long-term impact regarding the adoption or not of transitional justice measures during the Greek and the Spanish transition to democracy.

Ronald Janse (Open University of the Netherlands)

The Greek Coup d’État of 1967 and the European Community

The *coup d’état* of 21 April 1967 in Greece was not only cause for alarm in the Council of Europe. It was also ‘un problème politique et un problème de conscience’ for the European Community, as Jean Rey, President of the European Commission, put it in a closed meeting with the Council of Ministers in June 1967.

Six years before, on 9 July 1961, Greece had concluded an association agreement with the European Community. One of the aims of this agreement was full membership of Greece of the Community in due course. The question in 1967 was therefore this: can the Community continue an association agreement with a view to membership with a state which has turned from a democracy into a right-wing military dictatorship? The question was all the more salient, because Spain and Portugal were refused a similar agreement in 1962 on account of their undemocratic political regimes.

As is well-known, the Community responded in fall 1967 by ‘freezing’ the association agreement with Greece. But why, exactly, did the Community decide to take this step? Were the Community’s concerns similar to the concerns of the Council of Europe in the Greek case? Which pressures did transnational movements, including Amnesty International, exert on the European Community? Why did only one Member State of the Community, the Netherlands, join Sweden, Norway and Denmark in proceedings before the European Commission on Human Rights? Drawing on recent research (May 2019) in the Historical Archive of the European Union in Fiesole - and, time permitting, also in the Dutch Royal Archive- this paper presents novel answers these questions by discussing a number of documents on the Greek case which have hitherto not been discussed in academic analyses.

Abstracts Session 3: *Anti-Junta Resistance and the “Greek Case”*

Chair-Discussant: Alexandros Nafpliotis (Centre for Greek & International History, University of the Peloponnese)

Dimitrios Machlouta (McGill University, Montréal)

The campaign of the Inter-American Federation for Freedom and Democracy in Greece to eject Greece from the Council of Europe; the Meynaud papers.

Following the overthrow of democracy in Greece, a global network of anti-dictatorship activists in Europe and North America was formed to campaign against the military regime. This paper will examine the role of the anti – dictatorship coordinating committees, such as the *Inter-American Federation for Freedom and Democracy in Greece* and the *Central Council of the Greek Anti-dictatorship Committees Abroad*, in denouncing the military regime by revealing irregularities towards the human rights agreement, suppression of freedom of speech, and mass arrests that took place in the country. A chance was given by an existing network of communication with political prisoners of the military regime, to extract from the country texts with testimonies and proofs of human rights violations, thus providing the committees with important tools in order to achieve their main goal, the delegitimization of the regime. Furthermore, the paper will demonstrate how the coordinating committees campaigned for their causes and how networks between prisoners and the “outside world” developed; it will also assess the impact of reports by organizations such as the Red Cross and the Amnesty International in determining the decision of European governments for a possible expulsion of Greece from the Council of Europe. These developments were instrumental in presenting the “Greek Problem” in broader audiences, notably European and international organizations and contributing to the emergence of the “Greek Case” in the Council of Europe. The research draws on the private collection of Helene Zographos-Meynaud, an anti-dictatorship activist based in Montreal, who played a key role in the cause in both North America and Europe and will highlight the role of transnational activists and their connections to local political activists and social movements. The research for this paper also contributes to the issue of the role of diaspora organizations in Greek politics during the period of dictatorship.

Stan Draenos (independent scholar)

The “Greek Case” in the Context of the Cold War: the Council of Europe as a Factor in the Anti-Junta Struggle

The military junta’s December 1969 preemptive withdrawal of Greece from the Council of Europe was hailed as a victory for the country’s democratic cause. But the CoE’s pursuit of the Greek case also became embroiled in the politics driven by the Cold War division of Europe, with Greece a strategically vital member of the Western bloc. My proposed paper will explore the political dynamics surrounding the CoE’s condemnation of Greece for its flagrant violations of the Convention on Human Rights and Fundamental Freedoms. It will focus on how the CoE’s pursuit of the Greece case impacted the broader strategies adopted by the junta’s Greek opponents and their Western European allies. The CoE’s bold stance underscored the junta’s pariah status within the international community, increasing pressure on the regime to liberalize. But it was effectively a moral victory that managed to do little to change the military regime’s behavior or shake its hold on power. As a consequence, while widely celebrated, the Greek expulsion also occasioned a strategic divergence within the anti-junta camp over how to leverage the CoE’s actions to advance the prospects for a democratic Greece. The paper will investigate the nature and consequences of that strategic divergence, which would have a longer-term impact on the politics of Greece’s post-junta parliamentary democracy. In doing so, it will also attempt to

draw some lessons for efforts to advance transnational human rights and democratic norms in an international environment marked by conflicting national interests and vast disparities in power.

Nicolas Manidakis (University of Athens)

The “Greek Case” at Strasbourg : the Battle for Witnesses

This paper argues that, what may be called as the “battle for witnesses”, was one of the main issues of the political and juridical confrontation held at Strasbourg, from 1967 to 1969, when the so called “Greek Case” was examined at the European Commission of Human Right of the Council of Europe. Reliable testimonies were crucial, either to condemn or to absolve the Greek Junta regime of the various and serious accusations it faced. Fully aware of this aspect, Greek officials, on the one hand, and, the opposition to the regime, on the other, engaged in a real struggle, bringing witnesses (or even false witnesses) to France, providing them with every possible assistance or even monitoring them. Based mainly on material drawn from the archives of the French Ministry of Foreign Affairs, it is argued that this political and legal battle was clearly won by the Resistance forces. The Resistance forces managed to exfiltrate detainees that had been tortured, secretly from Greece and have them testify at Strasbourg. Moreover, in December 1968, they succeed to help two “forced” witnesses (Meletis and Marketakis), who were brought from Greece by the regime, to reverse their testimonies against the Junta rather than in favor. Following this, a third “forced” witness of Junta regime was hurriedly repatriated to Athens. In addition, the two aboved mentioned witnesses gave press conferences, making their accusations against the Greek dictatorship widely known. They later moved to Oslo, were they were given political asylum by the Norwegian government. Taking all this into consideration, it may be even argued that the lost case of the “battle of witnesses” had been one of the major blows for the Greek military government since its illegal establishment in 1967.

Vaggelis Karamanolakis & Antonis Sarantidis (University of Athens)

Reconstituting the Networks: Anti-Dictatorial Correspondence on the “Greek Case” through the ASKI Collections

The expulsion of Greece from the Council of Europe in December of 1969, such as all the preceded events led to the mentioned outcome, reinforced the already shaped anti-dictatorship networks, which were active mainly in the countries of Western Europe, and provisioned the anti-dictatorship movement with new dynamics, in general. In the current presentation, we will attempt to map the fore-mentioned networks as they have been documented through the collections of the Archives of Contemporary Social History (ASKI). In particular, we will review the reactions and further activities of the organizations and also the personal interventions of political figures who participated in the anti-dictatorship movement during the period of spring 1967 and December 1969, namely from the imposition of coup d'état until the expulsion of Greece.

The main framework is based on the reports of Consultative Assembly of the Council of Europe, pleas sent by political personalities to the Council in order to inform about the situation in Greece, proclamations of the anti-dictatorship organizations abroad and also the relevant mailing between members of their leadership. In addition, will be cited a number of reports about the hunger strikes made by Greek students and workers in Germany in order to exert pressure to the Council, and also by members of the academic community, mainly focused in the case of Gunnar Hering. At last but not least, there will be excerpts from the Greek anti-dictatorship press about the expulsion of Greece, mainly from abroad, and relevant posters.

Abstracts Session 4: International Institutions, Solidarity Movements, and the “Greek Case”

Chair-Discussant: Hara Kouki (University of Durham)

Tom Buchanan (University of Oxford)

Amnesty International and the Greek crisis of 1967-68

The period 1967-73 represents a highly formative phase in the history of Amnesty International, encompassing a major internal crisis (1966-7), the Greek coup of April 1967, controversies over the alleged use of torture in Northern Ireland and in the Israeli occupied territories, and the Chilean coup of 1973. The principal thread running through these turbulent years was, arguably, the organisation’s new focus on torture, culminating in the international Campaign for the Abolition of Torture (CAT) from December 1973 onwards. The CAT effectively relaunched Amnesty and propelled it towards the award of the Nobel Peace Prize in 1977.

This paper will offer a detailed analysis of the beginning of this period. It will locate Amnesty’s missions to Greece of late 1967 and early 1968 within the context of Amnesty’s own organisational development - and the growth of international activism in support of Greek democracy more generally - and assess the impact that these missions had on the “Greek Case”. It will shed new light on some of the major actors – notably, Amnesty’s Anthony Marreco – and it will ask why the initial Amnesty allegation of torture by the Greek regime – a short and in some ways limited document – had such a profound impact.

The paper draws on research for my forthcoming book for Cambridge University Press on Amnesty International and the emergence of human rights activism in post-war Britain (2020-21).

Kim Christiaens (University of Leuven)

International Solidarity with Greece in International Perspective

The coup of 1967 and the subsequent “Colonels’ regime” in Greece triggered one of the most iconic international solidarity campaigns of the Cold War. Human rights scholars have considered it as a critical movement in the development of human rights activism. The plight of Greece also mobilized a plethora of activists and social movements internationally. Yet, the question of how these campaigns on behalf of Greece related to international movements which developed simultaneously on behalf of other causes – both in the Third World as well as in Eastern Europe – , has remained largely unanswered. This presentation aims at situating European campaigns on behalf of human rights and democracy in Greece in the broader history of transnational activism during the Cold War, analyzing their impact and functioning from both an East-West perspective and from the perspective of the Third World. It reveals a close nexus with policies of East-West détente and the Third World, but also illustrates how campaigns on behalf of Greece became integrated in an anti-totalitarian Cold War historiography.

Janis Nabaldidacis (Humboldt University, Berlin)

The “Greek Case” from Inside

The Greek Case in 1969 marked a milestone and was an unprecedented caesura in the work of the European Commission on Human Rights (ECHR). Until then, several cases had been brought to the ECHR, but only two applications were considered admissible (the cases Zeidler-Kornmann and Simon-Herold). For the first time, the violation of Article 3 was officially stated. The investigation of the ECHR went along with multiple challenges, not only on an institutional level but also for the responsible rapporteurs. In total, the ECHR

appointed three rapporteurs to investigate the allegations against Greece: Max van der Stoel and his two predecessors Samuel Silkin and Willem Ewald Siegmann. The presentation intends to shed light on challenges the ECHR and their rapporteurs had to face during their investigations. How did the responsible members of the ECHR describe the difficulties they were confronted with when they tried to investigate the allegations? How did they reflect and consider their own role?

Methodologically, my presentation will draw on approaches from the new diplomatic history as well as on recent insights on the growing human rights movement in that time. This way, the ECHR, its work and its positions shall become visible through the lens of involved members. The presented research will be based on extensive archival research which has been conducted in the Council of Europe Archives with regard to my overarching dissertation project. In addition to the unpublished reports of the three rapporteurs, the main source will be an unpublished reflection of a former member of the staff of the ECHR, who wrote down his personal account about the procedure of the Greek Case investigation in 1977.

Konstantina Maragkou (London School of Economics)

Activists without Borders: International Campaigning during the 'Greek Case, 1967-1969

My presentation's focus will lie on accounting for the springing of transnational activism calling for the expulsion of Greece from the Council of Europe. It will aim to analyse the motives that drove the campaigners, as well as the mechanisms they implemented during their tireless efforts to effectuate the ostracism of Greece from this organisation. It will highlight the actions of both the diasporic Greeks and foreign campaigners, as well domestic resisters. In addition, it will account for the systemic obstacles and inherent issues that often challenged the solidarity of their campaigns. Particular emphasis will be placed on describing the truly remarkable transnational connections that were built and consolidated in an effort to maximise the impact of the resisting efforts. In fact, so seminal the cross-border transfusion of news and ideas were, that as my presentation will aim to show, they were considered as trailblazing. By quoting a wealth of information that confirms the catalytic contribution of the Greek Case and drawing comparisons with other concurrent international campaigns, my findings will prove the utterly important trajectory in the transformation of the human rights regime that the international mobilisation against the Colonels brought about.

My presentation will be enriched by material originating from a kaleidoscope of often unexplored sources. Those included the archives of not only the CoE, to some of which I was granted exclusive access, but also of several non-governmental organisations, which had consultative status with the Council. Personal and institutional archives also proved tremendously significant, the existence of many of which is largely ignored. Last but by no means least, my findings will be backed by the unparalleled insight offered by the tens of interviews, which I have conducted with the highest-ranking officials and advocates of human rights, including the 'architects' of the Council's decision to expel Greece.

Abstracts Session 5: *Torture, Trauma, Testimony*

Chair-Discussant: Gabriel Sakelaridis (Free University of Brussels, former official at the European Commission)

Katerina Stafatos (Kalamazoo College, Michigan) & Georgia Sarigianidou-Papadopoulou (former political prisoner)

The Greek Military Dictatorship and the Poisonous Knowledge of Torture and Trauma

The paper is based on a series of ongoing conversations and interviews with the junta political dissidents and educators, Georgia Sarigianidou-Papadopoulou and Aspasia Karra. Georgia's and Aspasia's testimonies of torture and incarceration were smuggled while both of them were still detained and were submitted as evidence of the systematic violation of human rights at the Council of Europe. Our paper draws from semi-structured and un-structured interviews with Georgia and Aspasia, published and unpublished testimonies of torture, as well as testimonies and interviews with other junta dissidents and archival materials, especially *Amnesty International's* Archive (League for Democracy, King's College London Archives).

The "Greece Case" will be discussed as a decisive moment that had a seismic effect in exposing the junta regime's machinery of terror and torture, but also on the discourse of human rights, and transitional justice. Set against a transnational and comparative background, the paper will shed light on the ways traumatic, lived experiences and testimonies of sexual violence, torture, solitary confinement -especially, their gendered, corporeal, and discursive threads- cannot always be fully unraveled within official processes of testifying.

Based on the stories and lived experiences of Aspasia Karra and Georgia Sarigiannidou-Papadopoulou, our intent is to address the materiality of the trauma of torture and incarceration as mirrored in the corporeal, the gendered body, the everyday and its disruption, the domestic; as it develops in its latency, its tangibility, and literality (Caruth and Felman, drawing on Freud). By doing so, our aim is to address the ways that this traumatic knowledge (what Veena Das describes as "poisonous knowledge", an alternative knowledge that is not accessible in ordinary circumstances or that derives from hidden and traumatic realities and lived experiences of violence due to war or mass atrocities and catastrophic events, where the past returns not only or necessarily as traumatic memory, but as poisonous knowledge) can be reclaimed by women, survivors of torture, political violence, and political imprisonment (as well as other socially marginalized groups) that reveals fragmented subjectivities, but also allows for a new "crafting of the self" (Baderoon), leading to lead to new forms of agency and visibility.

By engendering testimonies and trauma during and in the aftermath of the military regime, we are hoping to help think critically about silence as a survival mechanism and a new form of language, in opposition to a singular, linear, often sensational narrative that prioritizes victimization and relies on spectacularized forms (of primarily) sexual violence.

Anna Papaeti (Panteion University Athens)

Soundscapes of Torture: Enhanced Interrogation Techniques and the Legacy of the "Greek Case"

The so-called Greek case at the European Commission of Human Rights, Strasbourg, is probably the first time new interrogation methods targeting the sensorium are encountered in witness testimony. Telling is the use of an electric bell at Piraeus Security Forces Headquarters; the continuous exposure to noise and sounds at the Training Centre of Greek Military Police; and the use of motorized sound and of a 'gong' during torture by Athens Security Forces. More details emerged later during the first Torturers' Trial (1975, Athens), outlining a ritual practiced by Greek Military Police (including the continuous blasting of music) similar to the one used by

US military in the ‘War on Terror’. Piecing together information from witness testimony along with new interviews reveals how the Greek military dictatorship was up-to-date with cutting-edge enhanced interrogation techniques that had emerged in the early 1960s and were codified in the CIA’s Kubark manual (1963). A combination of rather banal methods manipulating the detainees’ environment, they constituted a holistic attack on the mind and body, producing what Metin Basoglu calls ‘learned helplessness’ (2017). This paper examines enhanced interrogation techniques in light of the concept of torture emerging from the ‘Greek case’ (focusing on purpose) and the case of Ireland against the UK (1978, focusing on the severity and cruelty of suffering). Drawing on testimonies from detainees of the dictatorship but also the ‘War on Terror’, it argues how these ECHR cases missed the devastating effects caused by enhanced interrogation techniques and their new approach to pain. The paper focuses on the use of music and sound from the Greek dictatorship to the ‘War on Terror’, showing how such judgements have contributed to the overshadowing of its damaging effects, reinforcing its inherent elusiveness which relies on culturally shaped perceptions of what constitutes severe pain and suffering.

Sotiris Kyrkos (President of the Athens Military Court)

The Lasting Impact of the “EAT/ESA” (Military Police Special Interrogation Unit) Trials upon the Jurisprudence of the Greek (Civil and Military) Criminal Courts.

Almost one year after the collapse of the military regime, two major trials against members of the EAT/ESA military police were held before the Athens Permanent Court Martial. In total, 18 officers and 14 conscript soldiers faced several charges arising from using torture during interrogations. The EAT/ESA torture trials were acknowledged by Amnesty International as the first trials internationally, since the Nuremberg Trials, to involve prosecution of torture. The shocking details of torture practices, particularly of distinguished senior military officers by subordinates, through its extensive, radio, television and press coverage, caused public outrage and paved the way for radical structural and administrative transformation within the military apparatus.

The paper aims at tracing the legacy of the above trials upon the judicial practice of the Greek criminal courts (civil and military) when seized with cases concerning the employment of practices qualifying as torture. Although Greece was the first state in the international plane to enact legislation criminalizing torture as a *sui generis* crime committed by state officials in 1984, the outcome of several trials concerning torture cases indicate that courts frequently shy away from classifying the alleged acts as torture, opting for the less grave classification as “inhuman and degrading treatment”, which in turn leads to the imposition of more lenient penalties to the offenders or even to their acquittal.

The role of the scrutiny exercised by the European Court of Human Rights and the Committee of Ministers of the CoE upon the compatibility of the above judgments with the prerequisites of art. 3 of the European Convention on Human Rights is also analyzed.

Abstracts Session 6: *The Legacy of the “Greek Case” and ECHR’s Role of Democracy Watchdog*

Chair-Discussant: Christos Giakoumopoulos (Director General of Human Rights and Rule of Law of the Council of Europe)

Vasiliki Saranti (Ministry of Foreign Affairs of the Hellenic Republic)

The Impact of the “Greek case” in the Interpretation and Implementation of the Derogation Clauses

When the military junta seized power on 21st April 1967, it declared a state of emergency by virtue of Royal Decree no 280 and derogated from a large number of constitutional provisions, including the prohibition of any political activity, the annulment of the upcoming elections of 28 May 1967, the establishment of exceptional military tribunals, the imposition of censorship in the press and private communications, arbitrary arrests and detentions etc.

Although the measures themselves clearly violated the principle of proportionality, the present paper aims at analyzing specifically only two of the elements of the Greek case’s legal legacy: a) the evaluation of the notion “public danger” by the European Commission on Human Rights and its impact on subsequent jurisprudence, b) the assessment of the legitimacy of acts issued by illegitimate/unconstitutional governments. Here again the dictum of the European Commission on Human Rights had extensive repercussions both in the UN and regional human rights systems. The discussion upon which it embarked continues unabated and heated even today.

Antonios Kouroutakis (IE University Madrid)

The “Greek Case”; Lessons Drawn for the State of Emergency

The Report of the Human Rights Commission on the ‘Greek case’ is a landmark case which was cited by a plethora of courts. This case was a major challenge for the newly established authoritarian regime in Greece, the Greek military junta of 1967–1974, which led to the withdrawal of Greece from the Council of Europe.

In para 153 of its opinion the Commission described the features of such an emergency: ‘Such a public emergency may then be seen to have, in particular, the following characteristics:(1) It must be actual or imminent. (2) Its effects must involve the whole nation. (3) The continuance of the organised life of the community must be threatened. (4) The crisis or danger must be exceptional, in that the normal measures or restrictions, permitted by the Convention for the maintenance of public safety, health and order, are plainly inadequate.’ What is the impact of this definition on the declaration of a state of emergency, and what is the role of the judge? Most importantly, how this definition of emergencies is contemporary?

This paper aims to address these questions and in particular by employing comparative analysis, to examine case law from both the European Court of Human Rights and national courts in order to highlight how such courts treat the so called “Greek case” in relation to emergencies.

Thomas Hochmann (University of Reims-Champagne Ardennes)

The European Court of Human Rights and Illiberal Democracies: A Forgotten Lesson from the “Greek Case”

In recent years, the European Court of Human Rights is facing the rise of political regimes ranging from illiberal democracies to more blatant dictatorships. The Court seems to experience some difficulties to calibrate the right response to this phenomenon. Some argue that a too harsh reaction might be counterproductive in the

sense that it could lead to a denunciation of the Convention by the affected State. However, the Court must draw a distinction between an isolated violation and a coordinated effort to undermine the rights guaranteed by the Convention. Oddly enough, the most adequate provision to do so is hardly ever mentioned. Article 17 specifically forbids “any State ... to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth” in the Convention.

In 1968/69, this tool was mentioned in the proceedings before the European Commission of Human Rights in the Greek case. The applicant governments insisted that article 17 was designed to “protect democratic regimes against totalitarian conspiracies.” In its report, the Commission found no need to examine a violation of article 17, but some members did study this point in their individual opinions.

This lesson from the Greek case has been completely forgotten. Article 17 was never applied to States until today and most scholars completely omit its reference to states and describe article 17 only as a prohibition of “abuse of rights” by individuals. However, very recently, the idea of applying article 17 against the State seems to reappear slowly. For instance, in *Navalny v. Russia* (2018), some judges of the European Court of Human Rights recalled the Greek case and tackled this issue.

The proposed paper will show this renaissance and explain how article 17 could work in this context. It will also show its problems and its advantages compared to article 18, a neighbouring provision prohibiting the restrictions on rights for an improper purpose, which is experiencing a more perceptible development very recently. It will be shown that this lesson from a tragic past can be useful in an alarming present.

Isabella Risini (Ruhr University, Bochum)

What Lessons Can Be Drawn from the “Greek Case” Regarding the Current Legitimacy Crisis of the ECHR System and the Limits of European Integration in Influencing National (Authoritarian) Politics?

In 1967, Greece was the first member State of the European Convention on Human Rights to fall prey to a coup d’état. It became clear that neither the political mechanism at work at the level of the Council of Europe nor the inter-State application under the Convention prevented authoritarian governments from (re-)taking root in Europe. In its denouncement note of 12 December 1969, Greece complained that ‘political decisions should not override the normal quasi-judicial and judicial determination of the question of human rights violations’.

In the paper, I compare the Greek Case to today’s situation of Russia within the Council of Europe and the European Convention of Human Rights. Russia faces several inter-State applications of both Ukraine and Georgia under the European Convention on Human Rights. Its relationship with Strasbourg has deteriorated in the past few years, the Strasbourg effect on Russia has been described as “dwindling”. Russia also suspended payments to the Council of Europe after its voting rights in the Parliamentary Assembly were suspended following its annexation of Crimea in 2014. I argue that it is worthwhile to remain in dialogue with Russia.

My research will focus on the question how the interplay between the institutions of the European Convention on Human Rights, especially the European Court of Human Rights on the one hand and the Council of Europe as parent organization on the other have evolved over time.