

# Spotters put Greek justice on the spot

**Kerin Hope** on red faces in Athens as UK and Dutch aircraft fans are accused of spying – ahead of an EU summit

With its white façade and airy interior, the courthouse in the southern Greek town of Kalamata was designed with high standards of justice in mind. But grimy windows and gaping holes in the lobby ceiling – home to a family of pigeons – suggest a different reality.

The bizarre case of the 12 British and two Dutch "planespotters" arrested on November 8 for spying, after touring a Greek air force base at Kalamata on its annual open day, is an extreme example of how a cultural misunderstanding can derail the system.

The British hobby involving sensibly attired grown-ups meticulously recording the serial numbers and other details of trains and planes can be puzzling even to their compatriots.

But the case also highlights a broad gap separating Greek judicial practice from the rest of the EU. While Greece has made steady progress towards economic convergence with its partners, winning entry to the eurozone, it has lagged behind in modernising the institutions of civil society.

The Kalamata authorities' handling of the planespotters' case has deeply embarrassed the Socialist government. Instead of dismissing the case for lack of evidence, as experts predicted, the local prosecutor insisted on pressing criminal charges.

There are hopes that the planespotters will be freed today on bail of Dr5m (£9,100, €14,700) each, after three local judges overruled the prosecutor and reduced the spying charges, which carry a maximum 20-year jail sentence, to a minor

offence – collecting information illegally.

But the judges did not back their decision with a legal argument, fuelling speculation that they had responded to political pressure. Amid intense diplomatic lobbying by the UK and the Netherlands, the Greek government was anxious to see the planespotters freed ahead of this week-end's EU summit.

Richard Howitt, a UK member of the European parliament who campaigned for the planespotters' release, said: "Next year when they return for the trial I'm confident the charges will collapse and they'll be acquitted. But the case has raised serious human rights issues that still have to be tackled."

Greece's justice system is generally recognised as being in poor shape. The planespotters spent almost five weeks in jail, but their experience was not unusual. Suspected criminals may be held for up to a year before being formally charged.

The justice ministry is expected to intervene to speed the trial. Otherwise it could be held up for two or three years by a backlog of minor cases.

Vassilis Markis, chairman of the Greek prosecutors' association, says: "The system is being overwhelmed by the huge number of cases flooding the prosecutors' offices and the courts."

Yet the problems go beyond logistics. When he discussed the planespotters' case with his UK and Dutch counterparts, George Papan-dreou, the foreign minister, made a point of stressing the judiciary's independence.

But like most Greek insti-



Greek prison guards check the bags of relatives visiting the planespotters in jail

AP

tutions, the judiciary is highly politicised, with appointments of senior judges requiring cabinet approval. Critics say a judge or magistrate who clashes with an influential politician or businessman may suddenly be overloaded with cases or transferred at short notice to a remote provincial town.

Nikos Konstantopoulos, a prominent Athens lawyer and leader of the small Left Coalition party, says the system is plagued by "mecha-

nisms of control, interference and influence-wielding, as well as corruption".

Greece has recently improved co-operation with its EU partners on the extradition of criminals, diplomats say. But prosecutors, investigating magistrates and judges still assert their independence in ways that are at odds with European practice.

The Greek judiciary has proved reluctant, for example, to respond to requests from Carla del Ponte, the UN

special prosecutor for war crimes, to investigate accounts held at Greek banks that may have been used by cronies of Slobodan Milosevic, the former Yugoslav president, for laundering money. One appeal court judge publicly rejected a request from the UN tribunal, saying: "Greek judges should refuse to become detectives for Mrs Del Ponte."

The details of more than 200 accounts allegedly linked with the Milosevic regime

arrived in Greece last August, but it was only last week that a council of judges ruled in favour of lifting bank secrecy regulations, according to justice ministry officials.

A senior adviser at the ministry says: "We have a particular problem over the UN war crimes tribunal. There is a streak of nationalism in the judiciary that becomes more pronounced when asked to co-operate with international authorities."