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The Politics of Coercion in Greece

By Zoe Konstantopoulou

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This is a transcript of Zoe Konstantopoulou's important July 22nd speech in the Hellenic Parliament.

I confess that the consciously, politically and personally painful moments which we are being called on to experience in parliament during this parliamentary term are multiplying.

From my capacity as Speaker of the House, I have just sent a letter to the President, Mr. Prokopis Pavlopoulos and to Prime Minister Alexis Tsipras noting that it is my institutional responsibility to emphasize and underline that the conditions this bill is being introduced under allow no guarantees of compliance with the constitution, no protection of the democratic process or the exercise of legislative power of parliament, nor a conscience vote by members of parliament, under conditions of blatant blackmail, which is aimed by foreign government of European Union member States at this government and the members of parliament and which is in fact introduced without any possibility of amendment by the parliament as was confessed by the Minister, whom I honor and respect deeply, as he knows, a statute through which a major intervention in the

functioning of justice and the exercise of the fundamental rights of the citizens is being attempted, in a manner that tears down both the functioning of Greek democracy as a social state under the rule of law and in which there is a separation of powers according to the constitution, as well as the preservation of the principle of fair trial.

Ministers are being coerced to introduce a legislation whose content they do not agree with, and the statement made by the Justice Minister was characteristic, but who are directly opposed to it and members of parliament are being coerced to vote for it who are also opposed to its content, and the statements made by members of parliament in the two parliamentary groups, which make up the parliamentary majority were also characteristic, every one of them.

All this is happening under the direct threat of a disorderly default and reveal that, in truth, this bill which foreign governments and not the Greek government have chosen as a prerequisite, is an attempt at the completion of a dissolution. Because this bill contains a major intervention into the third independent function, which is justice. This bill attempts to undermine the functioning of justice and is lifting basic guarantees to a fair trial and basic and fundamental rights of citizens.

I consider it my institutional duty to react as Speaker of the House as well and to ask my counterparts in all the parliaments of the member States of the European Union, as I have done in the past and as I did in my letter to the President of the European Parliament, to react and to take a stand against this dissolution.

Likewise in my letter to the President and the Prime Minister, which I am going to enter in the minutes, I have asked them to formally inform their counterparts of the coercive and forceful conditions under which this bill has come to a vote.

Minister, I am addressing you in my capacity of the previous parliamentary term. I have addressed you before in this capacity, when I congratulated you for the bills you introduced and especially for your pioneering legislation on the prison system. I am addressing you from the capacity with which I was honored by the parliamentary group of SYRIZA and the current Prime Minister, then opposition leader Mr. Alexis Tsipras, the capacity of the head of the SYRIZA parliamentary group for transparency, justice and human rights and from this capacity I tell you that it is evident that no one in the parliamentary group of SYRIZA endorses the provisions of this bill because the parliamentary group of SYRIZA during the previous period as well, had expressly objected and strongly opposed this same law, which ironically, is being introduced in an identical form, as it had been introduced by your predecessor Mr Athanasiou, and is being

accelerated in a shocking way by the lenders in order to put the nail in the coffin of one more expression of democracy.

Because just like they have attempted to turn the NO of the Greek people into a Yes in both the communiqué of the Euro Summit as well as in the previous law introduced here again through emergency procedures last Wednesday, so they are attempting to convert the 93.12% NO of lawyers as recorded in a nationwide referendum for the first time in early December 2014, into a YES.

These deprecating moves against democratic expression are entirely symbolic on the level of a referendum of lawyers and on the level of a nationwide referendum of citizens so that there is no doubt that the message which is being sent by the lenders is that democratic processes are futile, that direct democracy as expressed by citizens or professionals or lawyers, in this case, is irrelevant. This is a poisonous message for European societies, it is a message that the left and SYRIZA must not allow either for it to be sent, or to spread.

It is clear, that what is being attempted is the obliteration of both the government and the parliamentary groups that support it, through blackmail. It is clear that what is being put directly into question is democracy in our country. What is asked of us, what is asked of me, Minister, by the lenders is, in reality, to issue, if I could, a seal that said, “Greek Parliament” and hand it over to them in order to validate their diktats.

It is not acceptable that after SYRIZA and the committee for justice, rights and transparency gave such a fight in the previous period in reference to the undemocratic manipulation of the 800 pages in the article that was the measures of November 2012, that the government be forced under blackmail and in order to be humiliated (that is the intention) to now introduce 977 pages, in two articles, one of which contains 1008 articles of the Civil Procedure code and the other 130 articles incorporating a European directive, many of which are 2 and 3 pages long. The government of the left cannot be forced to bring these abbreviated and condensed, urgent [legislations], those with the most suffocating deadlines, those that it has consistently denounced in the past.

Minister, I know that by addressing you I am knocking on an open door, because you have consistently fought against such regulations, you have consistently expressed and thoroughly analyzed all the reasons why this code should have been withdrawn in 2014, and indeed was withdrawn, and that was a great victory not only for lawyers who put up a struggle in defense of citizens but it was also a huge victory for the citizen movements, for all those bodies which were

mobilized and it certainly was a huge victory for the main opposition party of the previous period and the opposition as a whole.

This is the victory they want to turn into a defeat and a destruction in order to once again send the message that we must legislate through fear. Mr Juncker said it today, shamelessly: “fear,” he said, “has led to the agreement”; and is it ever possible for this to be accepted and tolerated in a European Union, which has as its statutory principle the welfare of peoples and societies, the protection of rights and the shielding of democracy?

Minister, the No of the lawyers on the 2nd and 3d December 2014 meant and still means NO to fast-track foreclosures, NO to auctions and forced executions, NO to mock trials on paper because it cancels the hearing proceeding, NO to the further degradation of justice, which is a pillar of democracy, it means NO to a further undermining of the constitutional rights of citizens.

When Mr. Hardouvelis, in the summer of 2014, in a brazen way while addressing the Troika, undertook the obligation to compensate for any consequences of judicial rulings which would annul memorandum provisions, the then opposition, the justice committee and the department of justice of SYRIZA were the first to step forward and say this could not be tolerated, that this intervention into justice and judicial decisions was a diversion and yet it is with the previous bill that it is forced through blackmail; and so it would be good for my colleagues and comrades, whom I honor without exception, not to forget themselves and speak of an agreement. Coercion is not an agreement, blackmail is not an agreement, the aim to force a complete subordination of a democratic country to the will and demands of other governments and other countries, is not an agreement.

And we must not forget ourselves because at some point, we might forget everything and we might begin referring to these things as if they were our own. They are not our own, they are not the wishes and the will of the government, the content of this bill. This is also made evident, Minister, by the fact that you have set up a special committee to examine another draft code of Civil Procedure.

And it is not even the wish of members of parliament, who will vote in favor and belong to parliamentary groups supporting the government. It is not their wish to apply these inhumane measures, which leave citizens completely defenseless, borrowers especially, to the banks.

Minister, you know it, but perhaps citizens do not know this well, that the head of the committee that drafted this code was Mr Chamilothis, who was responsible for the monstrous

memorandum law 4055 of 2012, which has been collectively denounced not only by bodies but also by lawyers and representatives of the judiciary and which SYRIZA has pledged to repeal but also, that members of the drafting committee of this legislation, which is now being accelerated are legal advisors of the banks. That is who the members of the legislative drafting committee that was formed by the memorandum governments are and there should be no doubt that the objective served is precisely, once more, to hand over of the property of the citizens to the banks, [it is] the servicing of the banks and the bankers at the expense of citizens.

We must not open the door to allow this objective to be implemented, an objective promoted by the adoption today of this Code of Civil Procedure and here I would ask you specifically and my colleagues who are lawyers, to speak frankly; passing legislation is not a trivial thing, it is not a temporary thing and not a joke. This framework is becoming State law for the first time and indeed, in the form of a code. It is becoming State law that the Greek State is retreating to the banks and ranks after the banks in auction procedures. It is becoming State law that workers retreat to the banks and rank after the banks at auctions. It is not enough to say that we vote now and will make sure they will not be applied. When we attempt for them to not be applied, they will tell us, “you voted for it” and we cannot treat ourselves as permanent, in whatever position we are in.

This is a piece of legislation that goes into force on 01/01/2016. It proves both that there is no urgency and that it can be discussed under normal conditions but also it raises major concerns in relation to what the aspirations and achievements of those who seek to overthrow this government and to humiliate the political forces that support it will be, in order for them to not be able to stand tall in the minds of citizens and of society.

Colleagues, as a member of parliament for SYRIZA I could never vote for this bill; as one formerly in charge of the committee for the control of parliamentary work in issues of justice, transparency and human rights of the Parliamentary Group of SYRIZA, from which position I fought for three years to stop the memoranda attack on justice and civil rights but also the memoranda orgy of corruption and vested interests, I could never vote for this bill; as a lawyer, I could never vote for this bill and as Speaker of the House, I could never legalize procedures which make the Parliament decorative, which waive the guarantee function of parliament, that circumvent the conscience of parliamentarians and ultimately discard democracy.