

**Question for written answer E-003001/2021/rev.1
to the Commission**

Rule 138

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Subject: Deterring civil servants from testifying before Greek courts, with the threat of disciplinary and criminal action, is unprecedented

In a memo sent to the Ministry of Migration and Asylum, addressed to the Minister responsible, the Office of the Legal Adviser of the same Ministry states that, as a general rule and without exception, sworn testimonies of civil servants in favour of opponents of the Greek State are grounds for disciplinary and criminal proceedings¹. Consequently, this memo, which threatens general disciplinary and criminal proceedings, universally prevents civil servants from fulfilling their duty to testify, in breach of the provisions of current legislation². At the same time, the statement that civil servants may only testify in support of the Greek State at the written request of the Office of the Legal Adviser and after having consulted the competent case officer raises serious suspicions that there are attempts to reroute the testimonies of civil servants that are inconsistent with the duty of truth. The memo is both unprecedented and vague from a legal standpoint, as well as being highly questionable, and will lead to civil servants being intimidated and will interfere with the judicial process and the rules on the proper administration of justice.

In view of the above:

Is the Commission aware of the above-mentioned memo?

Does it consider it to be in line with the right to judicial protection and the principles of the proper administration of justice, which are cornerstones of the EU and the rule of law?

What is the Commission's opinion on allowing the testimony of civil servants only in cases where it favours the Greek State?

¹ https://im1.7job.gr/sites/default/files/article/2021/22/341564g-screenshot_3.jpg

² See Article 26 of the Civil Servants' Code (Law 3528/2007), Article 400(2) of the Code of Civil Procedure and Articles 212(1) and 183 of the Code of Criminal Procedure, which stipulate that civil servants and State officials are exempt from the obligation to testify only in cases where information is confidential or if there is a duty of confidentiality and for which a statement may be submitted with the permission of the competent Minister.