

THE GREEK PONTIANS OF THE FORMER SOVIET UNION
(LEGAL ASPECTS)

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PROLOGUE

The motive of this paper has undoubtedly been the Summer Session of the Institute of International Public Law and International Relations on the subject: "PEACE AND HUMAN RIGHTS".

However, the inspiration to me was the valuable advice of Dr. Luise Druke and Dr. Abashidge whose rich experience pointed new legal aspects of this issue to me.

Therefore this paper has the following three ambitions:

- A. To acquaint International Community with the serious issue of the existent Hellenism in the former Soviet Union; a fact that has serious extensions involving Human Rights.
- B. To contribute to the recognition of the Pontian issue of Genocide and
- C. To suggest effective, I hope, solutions that will resolve the important problems of the Greek Pontian emigrants in Greece.

I hope that my paper will find the adequate correspondence from the Authorities and will contribute to a better way of living of the Greek Pontians whether they live in my country or in the former Soviet Union.

1. HISTORICAL BACKGROUND OF THE PONTIC GREEK'S ODYSSEY IN THE FORMER SOVIET UNION

It wouldn't be an exaggeration to say that the Greeks have been one of the most ancient people of the former Soviet Union. The first Greek colonies which were founded on the coasts of the Black Sea and in Caucasus date back to the 8th and 7th century (B.C.). During the 9th century (A.D.) Russia accepts Christianity from Byzantium. In 1453, after the fall of Constantinople, thousands of Greeks resort as refugees to Russia.

However, the increase of the Greek population in the former Soviet Union was provoked by the big influxes of immigrants from Pontos during the Othomanic Empire. Before the first world war, there were 700.000 Greeks in Pontos. Yet the tragical disaster of Asia Minor in 1922 resulted into a massive and violent displacement of the Greek element from Pontos and the immigration of one part of it in Greece, whereas the rest in the former Soviet Union; a multi-national country in which different type of theories and political practices regarding nationalism and internationalism determine the procedures of its identity's development.

History informs us that nearly 353.000* Greek Pontians were killed during their persecution from the Newturks. This persecution started in 1914 and culminated when Minor Asia was devastated. During (1914-1924) about 200.000 -250.000 Pontians emigrated from Pontos to Caucasus and to the rest of Russia. If we added this number in the existing Greek population in Russia we would conclude into the undoubted fact that in 1918 there were about 700.000 Greeks.

The Odyssey of Greek Pontians in the former Soviet Union after the Revolution of 1917 could be characterised by three historical periods that have indisputably marked the history of Russia.

The first period (1917-1937) is characterised by the prevalence of Lenin's theory and by the existence of certain political freedoms, regarding mother tongue and the minorities' way of living. As a consequence of this political order, Greek civilisation made a significant progress.

The second one is the period of persecution and massive banishment of the biggest part of the population, which starts in 1937, when Stalin was the absolute

* All the numbers and the historical facts are taken from the survey of the University of Athens and KOULA KASIMATI.

ruler of the country. The reasons of that persecution during 1937-1939 remain unknown. The tendency of the minorities to establish autonomous areas is regarded as one of them. The 13th of June 1949 is the day of the massive deportation of the Greek-Pontians citizens of Caucasus into Central Asia, especially into the Republics of Kazakhstan, Uzbekistan and Kirghisia. The Greek-Pontic population who has the Greek citizenship and lives in the Republic of Georgia is sent to exile. Stalin's ulterior scope was the exploitation of the huge and remote areas of the former Soviet Union through the full cover of his country's need for labour.

The third period, which virtually begins in 1985 and is characterised by the perestroika ideology, allows the hidden nationalism of the minorities to be shown. This fact concludes into the vindication of certain rights, which in addition to the borders' opening and the possibility of immigration, has led to nationalistic riots and to the increase of the immigration's population.

2. THE PONTIC GREEK SOCIETY IN THE REPUBLICS OF THE FORMER SOVIET UNION TODAY

Today Pontians live mostly in the Republics of Georgia, Kazakhstan, Uzbekistan, Ukraine etc. According to the formal census of 1979 Pontians were about 350.000. However the real number is considered to be much bigger because a lot of Pontians for reasons which are going to be analyzed later, avoid to be registered as Greeks and therefore are regarded as locals. It is a general belief that today about 500.000 Greeks live in the former Soviet Union. From this number, some Greeks possess the Greek citizenship, whereas some others even though are of Greek descent, possess the former Soviet Union's citizenship. According to the formal data of the Ministry of Foreign Affairs in 1988 the Greeks-compatriots of former Soviet Union are allocated are following:

a. A.R. of Aphazia (South Georgia)	50.000
b. S.R. of Georgia	80.000
c. Department of Stavroupolis and Krashnodar S.R. of Russia	100.000
d. Department of Donets S.R. of Ukraine	100.000
e. Armenia	12.000
f. A.R. of Ossetia	10.000
g. Republics of Kazakhstan	135.000
h. Area of Siberia	unknown number

3. CONTEMPORARY EMIGRATION FLOODS OF PONTIANS IN GREECE

According to a survey of the University of Athens, which was financed by the General Secretary of Greek Emigrants with the contribution of the Social European Pay Office and which has been a necessary help and consultant for this project, it is estimated that between 1985-1990 almost 30.000 Pontians were located in Greece. Over 22.000 of them arrived in Greece during 1989-1990. Up to 1988 the overwhelming majority of Pontians, emigrates mostly from the Central Asia Republics of Kazakhstan, Uzbekistan and Kirghizia. That is because nearly all the Greek Pontian families of those Republics possess Greek passports and therefore have greater possibility of leaving the former Soviet Union than those Greek Pontians who possess the Soviet-citizenship from other parts of the former Soviet Union.

The latest data inform us that in 1991 and in 1992, 11.420 and 8.563 respectively Greek Pontians have arrived in Greece.

In accordance with the above mentioned survey, a percentage of emigrants which is estimated to be about 31% has crossed the Greek borders with a Greek passport of a member of the family, whereas about the 6,5% has used personal Greek passport. It should be mentioned that the 39% of the emigrants have come to Greece after the invitation of a relative from Greece. Moreover another significant number of 10% shows the emigrants who have arrived with a license from the Greek Embassy.

4. LEGAL CONDITION OF PONTIC GREEK EMIGRANTS IN GREECE

4.1. *Definition of the word "homogeny"*

According to article 4 par. 3 of the Greek Constitution of 1975/1986 "*Greek citizen is the one who has the qualification that law requires*", that is the qualification which the Greek Citizenship Code (G.C.C.) sets.

The "*homogenes*". as they are called in Greece, or the expatriots, is a particular process of getting the Greek citizenship. The purpose of its existence, according of course to the respective article (art. 5) of the Greek Citizenship Code, is to give the qualification of Greek citizenship to those people who have no citizenship at all, live permanently abroad and "*behave*" like Greeks.

The meaning of the word "*behaviour*", which is a legal definition, could be given an extensive analysis by Legal Theory and Science. I am going to point out two of the most important theories involving this subject, in order to define its limits. If we began with, the etymological stem of the adjective "*homogeneous*"

which consists of the words "*homo*" that means "*same*" and the word "*genus*" which means "*tribe*", we would easily conclude to the fact that it is based on racial origin. So we should consider someone to be homogenous only if he was the direct or the remoter descendant of a Greek citizen and who was genealogically related to Greece through ties of blood (*ius sanguinis*).

In accordance with another opinion, which seems to be much closer to the truth, to give the qualification of the "*homogenous*" to a person we should first judge his national consciousness. As the criteria of this consciousness we should consider elements and characteristics of his or her personality (origin, language, religion, national traditions) and the general common knowledge of historical and national events [*Court decision 2756/1983*].

The Greek character of the Pontians is such a clear fact that none could doubt it, since it is a historical precept that South Russia and especially the Black Sea coasts in their whole extent, have been inhabited for over than 2.500 years by the Greek colonies and have been the centre of a tremendous cultural and commercial activity.

Those people beared the consequences of a wide range of historical events and became an object in the hands of political and military cruel leaders. This Hellenism of the former Soviet Union, despite the serious offense of the genocide and the constant persecutions that has suffered through the years, managed to maintain national consciousness and identity.

Those people that had become the victims of emigration and dispersion, with all these political and social changes that have happened recently, have eventually found their way home and ask for vindication and for normal living conditions in the country which has been for all their life the theme of their dreams.

Legislation, as the functional instrument of a state, is obliged to create normal and human conditions that are necessary for the repatriation of those people, based of course on the European Convention on human rights and the protection of refugees under International Law. Moreover, law has to serve both the interests of the Greek Pontians, who are still in the former Soviet Union and International Law by acting between its limits. The purpose of qualifying the Pontians of the former Soviet Union with the Greek citizenship, has to do with an adequate legal protection when their rights are infringed.

According to the information given by newly-established Pontian's Associations who have returned to Greece the (last five years about the legal condition of the emigrants, it is estimated that about 35-40% of them me with a Greek passport, which is given to them by the Greek Embassy in the former Soviet

Union. In order to get the Greek passport, Pontians have to show formal papers that can prove their Greek origin and have to be found in the Records, where they are registered as Greeks. It should be also mentioned that these people who possess the Greek passport have the Soviet passport as well since they were citizens of the former Soviet Union. The procedure of qualifying all these people with the Greek citizenship in Greece, is quite easy and fast. That is because the Greek Authorities only have to recognize their Greek origin, in order to qualify them with the Greek citizenship.

The rest and, as it results, most of the emigrants arrive having in their possession only the Soviet passport, which has the particular repatriation stamp on it. Their Greek origin is usually very difficult to prove with formal papers, whether because of the constant riots and the catastrophe of the Public Records in the former Soviet Union or because of the disappearance of these papers by the Pontians themselves in fear of the persecutions especially when Stalin was in charge.

In this case and up to 01.07.1993 acquisition of Greek citizenship was effected through naturalisation (article 6 G.C.C.), however since 01.07.1993 this process has become more simplified and shorter, since the proof of Greek origin of these persons is relatively simple due to their Greek name, which is written on their Birth Certificate which they carry with them.

Finally some others who do not have Greek citizenship come to Greece without a permanent residentship permit but only with a visa, which causes them a serious problem for their stay in Greece. For them the acquisition of Greek citizenship is very difficult either because they cannot stay in Greece for more than 6 months or because the documents necessary for acquisition of Greek citizenship are very hard to find for the above mentioned reasons but mainly due to the state of war in many regions of the former Soviet Union. In this case, which seems to be of a greater concern to the refugees, an exceptional settlement could be adopted, which would not delay the naturalisation of these Pontians as Greeks. Certain conditions or criteria might be set initially so as to enable those fulfilling them to remain on Greek territory for more than a six month term granted to them.

4.1.a. Criticism - Suggestions

At this point, on the basis of what has been said above, I would boldly offer a criticism as regards the "*national consciousness*" criterion for determining in Greek origin. In line with the analysis I attempted at the start, a lack of clarity is seen in the definition of "*Greek behaviour*". How then is the relevant authority to decide on the retention of national consciousness in the case where, according to the above theory, there is a lack of basic evidence such as language and "*national life style*"?

For we must not overlook that a Greek person who has lived under the now well known conditions in Russia, would of course be unable to retain and cultivate his tongue. Gradually therefore, he abandoned his tongue, distanced himself somewhat from the Greek family, while at the same time his national convictions became less intense. For reasons of protection, progress and acquisition of positions, he felt it necessary to acquire Russian citizenship, he studied in Russian schools and served in the Russian army as a Russian citizen.

Due to all these, the sad phenomenon is seen that, out of a total of about 650.000 Greeks in Russia, only one half speak the Greek language, which of course bears the stamp and has the idioms of the place of origin of the speakers, while it also carries foreign mixed elements, received from the more populous groups within which the Greek person has lived.

Naturally, the above are most certainly not presented in order to downgrade the Greek character of these Pontians but on the contrary for the purpose of proving that the Greeks of Russia during all these years have been a flock without a shepherd, an orphan without a protector and guardian, a group without leaders, organization or structure.

Bearing the above things in mind we can better understand the vague and possibly insufficient criterion which makes the concept of establish "*national consciousness*" and the Greek origin for the acquisition Greek citizenship's criteria. The precariousness of the confusion between legal concepts and social reality is seen to be more serious when one considers the consequences which such a judgment may have on the sphere of legal action by the individual.

Indeed, it would be admittedly dangerous to assign to the state authorities the task of judgment as to the existence of an emotional state resulting in the drawing of legal conclusions, and recognition of legal consequences.

Thus I feel that perhaps the most realistic solution would be to abandon "*the national criterion*" and replace this with such a view as would consider as a Greek a person born by Greek parents as well as that born on Greek soil by non-native parents. According to the above solution the establishment of a fulfillment of the above criteria would both be easier and also more objectively established since there would be no necessity for criteria of a sentimental nature to cause the above dangers. As regards the "*national consciousness and behaviour*" criterion it could, as indeed it does, remain as a criterion of forfeiting of Greek citizenship, since according to the Greek Citizenship Code (art. 20) the commission of antinational acts and those incompatible with the status of a Greek national would result in forfeiture of the Greek citizenship. Thus protection of the Greek State against persons acting contrary to national interests is achieved, as well as the protection of

the interests of thousands of Greek Pontians who, for whole decades, have been alienated from the Greek way of life and language for reasons which in most cases excised without their say.

Moreover, should the above solution be considered that for various reasons inappropriate, it could be used as an auxiliary means of determining Greek origin, in cases where serious reasons exist similar to those in the case of the Greeks of Pontus.

4.2. Matters of double citizenship

According to the Preamble of the 1930 International Hague Convention regarding citizenship, every human being must have a citizenship. The same is referred to also in art. 16, par. 11 of the International Declaration of Human Rights of the U.N. (1948).

Therefore in establishing the provisions regarding citizenship, the internal affairs lawmaker of each state, assisted by the comparative study of the Law concerning citizenship, must have as a guide line this fundamental principle of the acquisition of a citizenship. However each State settles such legal situations on the basis of prevailing political, national, social, and economic conditions which the main aim of defending national interests and always of course in accordance with the demands of international life.

Today it is a common demand of the Pontians of the former Soviet Union that they retain both the Russian citizenship in parallel with the Greek one. Namely, to have double citizenship so that the issue of a visa would not be necessary each time they wish to visit the former Soviet Union. This is indeed natural since most of them have left their close relatives in these lands, and also whole estates, the fortune of which is of serious concern to them. Moreover, many of them wish to enter into active business and feel that if they lose their double citizenship a high financial cost would be incurred.

Certainly double citizenship entails many disadvantages for those possessing it. In particular they are subject to military service as well as double taxation of the individual by both states, and there is also some insecurity created in business dealings in case the citizenship law is applied to contractual culpability.

My own belief is that an in-between solution should be adopted in the case of the pontians which will emerge possibly from the signing of bipartisan treaties between Greece and the former Soviet Union which will settle this situation according to the real needs of nations and Greek Pontians and also within the framework set by international life.

Another matter Legal Science is the case, where an expatriate resident abroad marries a foreign woman. The provision of art. 5, par. 1, section 2 of G.C.C. enables the foreign woman (or non national) wife of expatriate to acquire the Greek citizenship using the privilege of the said article. However, following the modifications effected with the adoption of the principle of her independence or individuality of the citizenship of the married woman, the possibility provided by the above provision is contrary to the general spirit of the current provision of art. 4 of G.C.C. which states that marriage has no effect on the wife's citizenship. However for the foreign husband to acquire, if he desires the Greek citizenship he shall be subjected to exactly the same treatment as any other foreign national, who wishes to be naturalized as a Greek person. This treatment causes serious problems, if within the same family one of the parents is equated with any other foreign national. Therefore, in addition to the adoption of an easier procedure for naturalisation of these persons, the double citizenship of spouses should be applied, without reservation in the case of intra-national marriages so that the spouses may each acquire the other's citizenship while at the same time retaining their original citizenship. Thus serious practical and everyday problems will be solved, which these people face in trying to retain their national identity. In any case most citizenship legislation are in favour of this possibility, such as that of France, Portugal, Spain, Holland, e.t.c.; This is the way by which similar problems of Greek Pontians and their families should be faced, and also those of their Pontian brothers remaining in the lands of the former Soviet Union, of course after the necessary consultations have been made between the Republics concerned.

4.3. Matters of education and training

The high esteem in which the Greek alien in Russia, held and still holds the school and Greek education, is well known. Among his first care has been the building of schools near Greek Churches. However in the Soviet Republics of Georgia, Armenia, Kazakhstan the events of 1937 and 1947, produced conditions of insecurity for the Pontians. The denial by the official Soviet Republics of their fundamental rights, (language, educational, cultural), has created the conditions for, and aims at the gradual cultural absorption of, a historic people with a great contribution to Universal Civilisation and also to the civilisation of the Black Sea and the Caucasus.

However, in recent years, in the Soviet Republics of Georgia and Abkhazia certain positive steps have been taken for the teaching of the Greek language, which however should also be extended to the other Republics of Russia of Ukraine and Armenia in application of what the international treaties for the protection of minorities and human rights specify.

Specifically in accordance with art. 1, par. 1, 2, art. 2, par. 1, as well as art. 4, par. 2, 3, 4 of the Proclamation for the Rights of ethnic, religious and linguistic minorities, nations should protect the existence and cultural identity of ethnic minorities and also encourage the promotion of their identity by adopting suitable laws for this purpose. In particular, the states should create favourable conditions in order to assist persons belonging to minorities in expressing their particular characteristics and develop their culture, language, religion, manners and customs. More specifically, the provision of art. 4, par. 3 refers to the obligation that nations have for adoption of measures for the creation of adequate opportunity for the conservation and learning of the mother tongues of minorities.* This special provision underlines the importance of conservation of the mother tongue, which is, in any case, the connecting link between each nation and its people.

Today in the Republics of the former Soviet Union there are no sheer and absolute Greek schools and the Greek language is taught as a foreign one. It was only after 1984 when the Greek language started being taught in the Institute of Foreign Languages in Moscow. Furthermore, in 1987 the Chair of Greek Philology was established in the University of Tiflida.

However, what seems to be of the utmost importance is the establishment of hundreds of Greek schools that will have the official support of the Greek Government, which will provide them both with animate and living material. It is an urgent need that the Educational system was organized, wherever there is a solid mass of Greek Pontians and that the vernacular Greek language was cultivated by Greek teachers appointed by the Greek Government. This way the rights of our expatriots will be preserved and the unemployment rate of teachers in Greece will decrease. Eventually Greek Authorities should bear in mind the need of support that should be shown to the young Pontians of the former Soviet Union in the sense of adopting special regulations involving their registration in Greek Universities.

But, regardless of the activity that the Greek state will evolve towards the expatriots, there should be a recognition of the Pontian's right to establish and conserve their schools.

* MICHALIS CHARALAMPIDIS (*EttvixA ^iinj/iam*), page 73. "The Sovietic Authorities" should take the initiative in order to create all the conditions, necessary for the development of the Greek Pontian's identity, having as an example the specific Articles that set the rights of the Kurdian Society in Georgia and Armenia.

Another equally important problem of the Greek Pontians, who have repatriated and wish to render their services and their knowledge in the country, is the problem of the necessary acknowledgment of their Diplomas in order to obtain the license to practice their profession.

This problem consists in the fact that the majority of the scientists who have graduated from Universities of the former Soviet Union don't speak the common Greek language but the Pontian language, which although is based on Ancient Greek is not vernacular. I believe that this matter could be effectively faced and resolved by using these scientists in regions, where Pontians are settled.

4.4. Matter of retirement

One of the most serious matters that seem to trouble Pontians who have just repatriated in Greece is the acknowledgment of their working years in the former Soviet Union. It is a demand based on the fundamental right of work, which has been recognized by the Universal Declaration of Human Rights (1948). It is a real fact that 8 of the former communist countries had abstained from the vote for political reasons. However, under today's circumstances the signing of the Declaration by the Republics of the former Soviet Union is expected to happen quite soon. To be exact, article 23 of the above Declaration recognizes, within the bounds of social and economic human rights, the right to work and to enjoy state benefits. Moreover article 22 is referred to social security and to the state's obligation to satisfy the economical and social human rights of its' people. That was the first universal declaration of human rights ever happened in the field of international affairs.

Therefore, the Republics of the former Soviet Union have to come to an agreement with the Greek Government in order to give retirement pension and to acknowledge the working years of those people.

4.5. Estate matters

Another serious matter that will have to be effectively and fairly faced is the property matter. A lot of the Pontians who repatriate in Greece are impelled to leave their property and some of their possessions in the former Soviet Union. Those of them who have left their relatives, whether transfer their estate to them or sell it. For the rest of them there is no other way than to abandon it. This reality should be considered carefully and should lead to the signing of bilateral agreements for the protection of the economical and fundamental rights of those people.

In this point, I would like to transfer to you a historical demand of the Pontians', which derives from the Genocide these people suffered during the years 1916 and 1923.1 copy from the book of MICHALIS CHARALAMPIDIS "*National matters*": "A great number of Pontians about 350.000 out of 750.000 disappeared during the slaughter, the persecutions and the exiles. The proof, the facts of the execution of this crime against us imper not only from the comparison between the numbers of the Pontians before and after the crime (1916-1923), the reports of foreign Ambassadors and Consuls General but mostly from the history of the Pontian families. Is there one Pontian family who didn't have a "victim of the nation-killing policy of the Othomanic state? If the International Community in general or some of it's institutions have recognized the other two genocides of our century, the Jewish holocaust and the Armenian genocide, then they still ignore the second in extent massive genocide of our century. The genocide of Pontos".

This matter, indeed should concern the International Community and there should be a serious study of the legal procedure that will give to this issue the publicity and the recognition it should have been given many years ago. At this point, I would like to remind the Authorities of the Conventions that regulate similar matters.

- a. Convention of the Prevention and Punishment of Genocide (1948). Entered into force on 12 January 1951.
- b. Convention on the Non-Applicability of Statutory Limitations to War Crimes against Humanity. Entered into force on 11 November 1970.
- c. European Convention on the Non-Applicability of Statutory Limitations to Crimes against humanity and War Crimes (1974).

5. CONCLUSIONS AND REMARKS

Nobody could maintain that, what we have said above exhausts the issue of Pontians in the former Soviet Union.

However, I hope that this paper will contribute to catching the Authorities attention to serious problems that demand direct solutions.

First of all I believe that the Greek Societies in the former Soviet Union should acquire legal status in order to handle their issues and their estate, along with the bequests left to the Church, Schools and Foundations without the obligation to account to the Authorities for their actions.

Furthermore, I would like to point out the lack of a Non-Governmental Organization in the International Community that will be exclusively concerned with the Pontians and that will undertake to propel their legal issues. The existence of a Non-Governmental Organization which will be established by the Pontians (from all parts of the world) with the financial support of both Governmental and International Organizations, will succeed, I hope, in acquainting everyone with the Pontian issue.

The existence of a Governmental Organization wouldn't on the contrary avoid getting entangled in political matters that would limit its activity.

Therefore only with a Non-Governmental Organization would Pontians succeed in having an effective cooperation with the Interested Parts and moreover would their activities be acknowledged by the International Community.

However all these are totally independent from the interest and the attention that the Greek Government is obliged to show.

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