



*PERMANENT MISSION OF GREECE  
TO THE OSCE*

Ref. No 23.4/5/AS 425

**NOTE VERBALE**

The Permanent Mission of Greece to the Organization for Security and Cooperation in Europe (OSCE) in Vienna presents its compliments to all the Permanent Missions and Delegations to the OSCE and to the Conflict Prevention Centre and, in accordance with the Decision of the Forum for Security Cooperation dated 9 April 2003 (FSC.DEC 4/03), has the honour to provide Greece's response to the Questionnaire on the Code of Conduct on Polico-Military Aspects of Security for 2008.

The Permanent Mission of Greece to the Organization for Security and Cooperation in Europe (OSCE) avails itself of this opportunity to renew to all other Permanent Missions and Delegations to the OSCE and to the Conflict Prevention Centre the assurances of its highest consideration.

*Attached: Information Exchange on the Code of Conduct*

Vienna, 15 April 2008



To: - All Delegations and Permanent Mission to the OSCE  
- Conflict Prevention Centre



Information Exchange on the OSCE Code of Conduct on the  
Politico-Military Aspects of Security

G R E E C E

15 April 2008

***1. Appropriate measures to prevent and combat terrorism, in particular participation in international agreements to that end.***

***(a) List of international agreements, including all United Nations conventions and protocols related to terrorism, to which the participating state is a party.***

- Our Country has signed up the twelve (12) International Conventions, on combating terrorism, which have been ratified with corresponding Laws and Legislative Decrees.

- Greece has corresponded completely in the decisions of the United Nations Security Council (1267/1999, 1333/2000, 1373/2001, 1390/2002, 1526/2004), where - inter alia - the process of taking measures against Osama bin Laden, the Taliban, the "AL-QAIDA" network and anyone connected to it, groups or individuals, is currently continued.

-In Greece, the legislation in force which includes criminal acts referred to combating terrorism (terrorist activities) is sufficient, both at the level of prevention and of suppression of these activities. Regarding this issue, there are special provisions in the Penal Code as well as in particular criminal laws (Acts of Parliament) that are already in force or can enter into force.

In particular:

-Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963 (Legislative Decree 734/1971, Official Gazette 33 A' /15.2.1971 ), entry into force 29.8.1971.

-Convention for the Suppression of Unlawful Seizure of Aircraft, signed at the Hague on 16 December 1970 (Legislative Decree 1352/1973, Official Gazette 74 A' /31.3.1973), entry into force 21.10.1973

-Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971 (Legislative Decree 174/1973, Official Gazette 248 A' /28.9.1973), entry into force 14.2.1974

-In fulfillment of the deriving obligations stemming from the above mentioned two Conventions (no 2 and 3), the Act 480/1976 (Official Gazette 314, 23/11/76) "for the prevention of illicit acts against the safety of aviation" was published.

-Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973, (Law 1368/1983, Official Gazette 89 A' /8.7.1983), entry into force 2.8.1984.

-With the Act 1706/1987 (Official Gazette 98, 22/6/87), the Greek-Italian (agreement on the fight against terrorism, organized Crime and smuggling of narcotics, was ratified.

-International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979, (Law 1688/1987, Official Gazette 29 A' /13.3.1987), entry into force 18.7.1987.

- Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980, (Law 1636/1986, Official Gazette 106 A' / 18.7.1986), entry into force 6.10.1991.

-Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988, (Law 1913/1990, Official Gazette 177 A' /17.12.1990 ), entry into force 25.5.1991.

-Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988 (Law 2108/1992, Official Gazette 204 A' /29.12.1992), entry into force 9.9.1993.

-Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988 (Law 2108/1992, Official Gazette 204 A' /29.12.1992, entry into force 9.9.1993.

-With the Act 2254/1994 the "Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction" was ratified.

- Specifically, the articles 77 to 91 of that convention refer to the possession, acquisition, trading and trafficking of firearms generally, and ammunition from individuals and legal entities in the area of the contracting parties of the EU.

-Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991 (Law 2264/1994, Official Gazette 208 A' , 5.12.1994), entry into force 21.6.1998.

-Act 2991/2002 (Official Gazette 35, 27/02/2002) concerning the enforcement of the aforementioned "UN Convention for the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction".

-International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997 (Law 3116/2003, Official Gazette 48 A'/27.2.2003 ), entry into force 26.6.2003.

-Act 3251/2004 (Official Gazette 127, 9/7/2004) "European arrest warrant, amendment of Act 2928/2001 on criminal organizations and other provisions". Under this legislation, Greece has adopted the EU Framework Decision of 13 June 2002 on the European Arrest Warrant, the Framework Decision of 13 June 2002 on Combating terrorism and the UN Security Council decision 1373 (2001). Furthermore, Greece has signed the UN Convention against transnational organized crime (TOC convention) and the 3 additional protocols to it and it is in the procedure of their ratification.

-International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999 (Law 3034/2002, Official Gazette 168 A'/19.7.2002), entry into force 16.5.2004.

-Greece has also signed (15.9.2005) the International Convention for the Suppression of Acts of Nuclear Terrorism, New York, 13 April 2005.

**(b) Accession to and participation in other multilateral and bilateral agreements or measures undertaken to prevent and combat terrorist activities.**

- Greece, besides the close collaboration and the various initiatives developed in the frame of E.U., promotes at the same time an important collaboration in the wider region of South-eastern Europe, the Adriatic and the Ionian.

As a result our country has signed up 19 Bilateral Police Collaboration Agreements (EGYPT, ALBANIA, ARMENIA, BOSNIA-HERZEGOVINA, BULGARIA, ISRAEL, ITALY, CHINA, CROATIA, CYPRUS, LITHUANIA, MALTA, UKRAINE, HUNGARY, PAKISTAN, POLAND, ROMANIA, RUSSIA and TURKEY).

-Greece has ratified the "European Convention on the Suppression of Terrorism" (Law 1789/1988, Official Gazette 133 A'/20.6.1988), entry into force 5.11.1988.

-Greece has also signed the "Protocol amending the European Convention on the Suppression of Terrorism" (15.5.2003), the "Council of Europe Convention on the Prevention of Terrorism" (17.11.2005) **and the "Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the**

**Proceeds from Crime and on the Financing of Terrorism” (12.10.2006).**

**-Within the framework of the International Maritime Organization (IMO), Greece has signed the “Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation” and the “Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf” (12.2.2007).**

-Furthermore, Greece has ratified the “Agreement among the Governments of the Black Sea Economic Cooperation Participating States on Cooperation in Combating Crime, in particular in its Organized Forms”, Corfu, 2.10.1998 (Law 2925/2001, Official Gazette 138 A’, 27.6.2001) **and the “Additional Protocol on Combating Terrorism to the Agreement among the Governments of the Black Sea Economic Cooperation Participating States on Cooperation in Combating Crime, in particular in its Organized Forms”, Athens, 3.12.2004 (Law 3452/2006, Official Gazette 70 A’/3.4.2006).**

-It is also to be noted that Greece has concluded a number of bilateral agreements on police cooperation, which are also applicable in the context of terrorism.

***(c) National measures, to include pertinent legislation, taken to implement the international agreements, conventions and protocols cited above.***

- In the legislative level, Greece proceeded in the rearrangement and completion of the state legislative frame. The basic priority of the new legislative framework is the maintenance of balance between the reinforcement of the abilities of the competent Law Enforcement Authorities for fighting terrorism, as well as the protection of basic individual rights and democratic freedoms of Greek population, achieving a high level of effectiveness.

In particular:

Greece has revised the counter-terrorism legislative framework. The relevant legal provisions for the fight against Terrorism and Organised Crime have been strengthened, by the 2928/2001 Act, in 27/06/2001. The new counterterrorism legislation, implemented by the 3251/2004 Act, in 24/06/2004, our National Legislation was readjusted and harmonised in the provisions the relevant E.U. Framework – Decisions:

- The Framework – Decision (13/06/2002) on the European arrest warrant, and
- The Framework – Decision (13/06/2002) on combating terrorism.

It is noted that, for the elaboration of Law 3251/2004, have - inter alia - been taken into account the decision of 1373/2001 of the Security Council of the United Nations, as well as the International Convention on the suppression against financing of terrorism, that was ratified from our Country with the Law 2331/1995, improved afterwards by the Law 3424/2005.

***(d) Information on National efforts to prevent and combat terrorism including appropriate information on legislation beyond United Nations conventions and protocols. (e.g. pertaining to financing of terrorist groups).***

- The competent entities / agencies in Greece responsible on combating terrorism in operational level, also having orientation both in the prevention, and suppression of terrorist activity, are the following:

- The National Counter-Terrorism Coordinator, an independent and specialized Public Prosecutor, who collaborates with the Ministry of Public Order. The public prosecutor, chairs the “Analysis and Research Co-ordination Council” (it deals with the fighting against crime), supervises and coordinates the process of investigations, regarding the terrorism matters.
- The Law Enforcement Agencies, in the sector of Investigation and terrorism related intelligence, i.e.:
  - The State Security Division of the Hellenic Police Headquarters
  - The Counter-Terrorism Division, assisted by the other Security Services (Athens, Thessalonica and regional, with co-competence in security issues)
  - The Coast Guard, within its territorial competence.
  - The National Intelligence Service.

By undertaking coordinated efforts for the effective fighting of terrorism and applying specialised methods of confrontation, mainly recommend the quality of followed proceedings and investigative methods and developing at the same time a high quality forensic laboratories techniques, our Country has achieved, important overwhelming hit against domestic terrorism. The dislocation of the two more important domestic organisations ever acted in our Country, the “R.O. 17<sup>th</sup> of November” and the “REVOLUTIONARY POPULAR STRUGGLE”, constituted the leading development in the counter-terrorism efforts of the Greek Security Agencies.

The investigations carried out, are always targeted and all the investigative disposal tools are used for the localisation and the arrest of perpetrators, developing the high possibilities of our forensic laboratories, by using improved and worldwide contemporary techniques.

It is also pointed out that, from 1991 up today - mainly because of our preventive actions and monitoring - no terrorist action has taken place in our country from international terrorism.

***(e) Roles and missions of armed and security forces in preventing and combating terrorism.***

- Believing constantly that terrorism is a threat against the human existence, irrespectively of nationality or religion, Greece condemns unambiguously each terrorist activity, without discrimination of origin or cause, as a criminal and totally unreasonable action.

Our Law Enforcement Agencies, participates actively in coordinated efforts both at the international and regional level, contributing equally in the international campaign for the prevention and combating terrorist activity, as well as in the configurations of common counter-terrorism policies within the European Union.

With faith in the respect and the protection of human rights and in the value of human life, our Agencies efforts are focused in the restriction of threat from terrorism by undertaking series of necessary operational measures.

***2. Description of the national planning-and decision-making process-including the role of the Parliament and Ministries- for the determination/approval of,***

***(a) the military posture***

The Government determines the national defence policy and commands the armed forces through the Government Council for Foreign and Defence Affairs (GCFDA).

The GCFDA is a decision-making Governmental Body dealing with foreign and defence affairs. It formulates defence policy, approves long-term programming concerning defence capabilities, including major procurement programs of the Armed Forces, and evaluates crisis situations. It is chaired by the Prime Minister, and its members are, among others, the Ministers of Foreign Affairs, National Defence, National Economy, the Chief of the National Defence General Staff (NDGS) and other Ministers, depending on the case or issue under discussion.

The Ministry of National Defence, under whose purview the Greek Armed Forces are placed, implements the national defence strategy based on the defence policy set out by the GCFDA.

The Parliament passes defence laws and other legislation concerning the Armed Forces and approves the defence budget.

***(b) Defence expenditures***

Greek Armed Forces carry out, on annual basis, a 15-year long term and a 5-year medium term, defence procurement plan. The Defence Budget is part of the overall State budget and is approved on an annual basis by the Hellenic Parliament.

***3. Description of***

**(a) Constitutionally established procedures ensuring effective democratic control of the military, paramilitary and internal security forces, as well as intelligence services, and the police**

The Greek Armed Forces are at all times subject to democratic control. The Government is accountable to Parliament for the defence of the country and is responsible for the administration of, and the control over the Armed Forces.

The GCFDA formulates the defence policy, appoints the Chiefs of Staff and makes decisions on all important foreign and defence matters.

The Minister of National Defence, makes recommendations to the GCFDA and implements the decisions of the latter.

The Parliament is entitled to information and explanation on every action taken by the Government on defence issues, and exercises parliamentary control ((exercise of "the right to know"), through the Parliamentary Committee on Defence and Foreign Policy Issues, etc).

The internal security forces are subject to the same civilian control procedures as the Armed Forces. The Government is responsible for the internal security and stability of the country. It appoints the Heads of the internal security forces. The law (legislation passed by the Parliament) determines in detail their functions.

The National Intelligence Service of Greece operates under the direction of the Prime Minister, to whom it is answerable. Responsibility for its administrative structure lies with the Ministry of the Interior. The Police and the Fire Brigade, come under the direction and command of the Ministry of the Interior, to which they are answerable.

**(b) Constitutionally established authorities/institutions responsible for the democratic control of military, paramilitary and security forces.**

The Constitution of Greece provides that the President of the Hellenic Republic is the Commander of the Armed Forces. However, this is an honorary provision. The actual Commander of the Hellenic Armed Forces (by specific Constitutional provision as well) is the Government (Cabinet Council and, the GCFDA). As already stated above, the Minister of National Defence makes recommendations to the Cabinet and the GCFDA and implements the decisions of the Government.

**(c) Roles and missions of the military, paramilitary and security forces as well as controls to ensure that they act solely within the constitutional framework.**

The concept of National Defence includes a number of functions and activities developed and monitored by the State with a view to protecting the territorial integrity, the national independence and sovereignty of Greece.

The detailed role and the missions of the Armed Forces are elaborated in the law (Parliament act No 2292/1995 "On the Organization and Function of the Ministry of National Defence and the Command and Control of the Armed Forces") and they are particularized accordingly by the Military Regulations of



the Army, the Navy, and the Air Force. The Parliament has a “right to know” (Parliamentary Committee on Defence and Foreign Policy Issues, Parliamentary Committee on Internal Issues of the State, etc).

The security forces aim at the maintenance of internal stability in the country and the protection of the security and life of Greek and foreign citizens in Greek territory. Their mission is determined in detail by the legislation passed by the Parliament.

**(d) Public access to information related to the armed forces.**

The Ministry of National Defence is actively pursuing a policy of openness and accountability toward the public and Parliament.

The public has access to information pertaining to the Armed Forces in the following ways:

- By attending relevant sessions in Parliament (either live or on the Parliament TV-channel).
- By exercising its right to access to Government documents, (: every citizen has the right to demand a copy of every document prepared by the MoD or the Armed Forces, save for documents which contain information the disclosure of which may harm or prejudice national security (normally documents classified “secret” and above). In such a case a valid written denial is needed by the competent authority of the Armed Forces).
- On the internet, at the Greek MoD and Armed Forces sites.
- At the Armed Forces Public-Information Offices.
- Through the MoD Information Directorate and the Press and Information Offices of the Chief of the HNDGS and the Chiefs of the General Staffs.
- Through the mass media.
- By attending, upon invitation, exercises, demonstrations and seminars organized by the Armed Forces.
- At Armed Forces Conscription and Recruiting Stations.

**4. Stationing of armed forces on the territory of another participating State in accordance with their freely negotiated agreements as well as in accordance with international law.**

The GCFDA decides the assignment of national forces, including the stationing of armed forces, in other countries as a result of international commitments.

The Minister of National Defence implements the military aspects of Government policy with regard to international organizations, and also implements the decisions of the Government concerning the participation of

Hellenic forces in exercises conducted in the context of Alliance or other intra-state agreements.

The status of the personnel of the Greek Armed Forces stationed abroad is determined, as regards their general duties in terms of international law, by the UN Charter and by the specific legal foundation of the Mission in which they participate, established by UNSC resolutions, by NATO decisions or by other international agreements.

Greece is a party to the Agreement Between the Parties to the North Atlantic Treaty regarding the Status of their Forces (NATO SOFA, done in London on June 19, 1951), as well as to the Agreement between NATO and PfP countries regarding the status of their Forces (PfP SOFA, signed in Brussels on June 19, 1995 ).

## ***5. Description of***

### ***(a) Procedures for the recruitment or call-up of personnel for service in the military, paramilitary, or security forces, if applicable.***

The Constitution of Greece stipulates (art. 4, para. 6) that “every Greek able to bear arms is obliged to contribute to the defence of the Fatherland, in accordance with the provisions of the law”.

All Greek men aged 18 years and above, are subject to military conscription on a compulsory basis, in accordance with the rules set out in the “Military Conscription Act”. The rules for the recruitment of women for service in times of general mobilization or war are set out in another Parliament Act.

Deferment of service is granted to the conscripts who are entitled to it; they join the Armed Forces at the end of the deferral period granted to them.

Selection of personnel for service in the internal security forces is made on the basis of requirements determined by the specific duties and missions of those forces as indicated above. Service at the security forces is a job and it is paid for.

### ***(b) Exemptions or alternatives to compulsory military service, if applicable***

Greece has enacted legislation providing the possibility for those who, for ideological or religious reasons, refuse to bear arms, to be recognized as conscientious objectors. Conscientious objectors who do not object to all military service but only to combatant duties can be assigned non-combatant duties in the Armed Forces; those who object to all military service have to offer civilian/social service in the public sector.

Provisions concerning exceptions from military service (granted to specific categories of conscripts) are included in the “Military Conscription Act”.

### ***(c) Legal and administrative procedures protecting the rights of all forces personnel***

The rights of all military personnel, including those who serve time limited obligatory duty, are protected by the Constitution. A few exceptions are accepted by the Constitution itself, due to the special legal status of the military as this is defined by their mission: for example, military personnel do not have the right to strike, or to be elected with a political party, or to participate in political activities during their active duty, etc. Apart from that the legislation that provides for civil, political and social rights is fully applicable to all kinds of military personnel. All active members of the Armed Forces and the Coast Guard --irrespective of their rank, station, duties, etc-- come under the jurisdiction of the Military Judicial System, for any criminal offence they commit, be it an offence of the ordinary Penal Code or of the Military Penal Code or of the general penal legislation (drug-offences, weapons related offences, traffic offences, etc). Civilians can never, under any circumstances whatsoever, be tried before a Military Court (to that end there is a specific Constitutional rule). A limited number of specifically described criminal offences are excluded (e.g. offences against police officers while on duty, criminal offences according to the legislation on elections, customs related crimes, etc). The legal status of the members of the Judicial Corps of the Armed Forces is dual, that of a judge and an officer at the same time. The Hellenic Judicial Corps of the Armed Forces is independent in its function and comes directly under the Minister of National Defense from the administrative perspective. The governing body of the Judicial Corps is the «Supreme Judicial Council of the Military Justice Corps». The high command of the Armed Forces is not allowed to interfere in any way whatsoever with the jurisdictional and administrative issues concerning the Judicial Corps.

#### ***6. Instruction on international humanitarian law and other international rules, conventions and commitments governing armed conflict included in military training programmes and regulations***

The provisions of the international conventions and the general principles of international humanitarian law and the law of armed conflict (LOAC) are included in the curricula of Military Academies and other Military Schools, as well as in training courses and seminars for officers, NCOs and conscripts at all levels.

Training centers of the three Branches of the Armed Forces provide instruction on international humanitarian law and the LOAC. Appropriate training is offered at all levels of command, commensurate with the officers', the NCOs' and the conscripts' duties and responsibilities. Members of the Hellenic contingents deployed abroad undergo special training on LOAC and international humanitarian law, with a focus on each mission's specific aspects.

#### ***7. Any other information***

Additional information on the issues covered above is provided in the White Book of the Ministry of Defence and on the internet, at the website [www.hndgs.mil.gr](http://www.hndgs.mil.gr).

