



PERMANENT MISSION OF GREECE TO THE UNITED NATIONS

888 SECOND AVENUE • NEW YORK, NY 10017-2905

TEL: (212) 888-6900 • FAX: (212) 888-4440

E-MAIL: MISSION@GREECEUN.ORG

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VERBAL NOTE

The Permanent Mission of Greece to the United Nations presents its compliments to the Office of Legal Affairs of the United Nations and in response to its Verbal Note under reference: LA/COD/59/1 dated 21 January 2015, has the honour to attach herewith information submitted by Greece concerning the scope and application of the principle of universal jurisdiction.

The Permanent Mission of Greece to the United Nations avails itself of this opportunity to renew to the Office of Legal Affairs of the United Nations the assurances of its highest consideration.

New York, 27 April 2015

Enclosure.: 2 pages

To: Office of Legal Affairs of the United Nations
Room S-3639
United Nations

Information submitted by GREECE in response to request by the Office of Legal Affairs of the United Nations (under ref.: LA/COD/59/1 dated 21-1-2015) concerning the scope and application of universal jurisdiction

The principle of universal jurisdiction is one of the traditional jurisdictional principles recognized in Greek criminal law. It should be stressed, however, that the scope of this principle is relatively limited.

More specifically, Article 8 of the Greek Penal Code establishes the principle of universal jurisdiction for the following categories of crimes committed abroad, to the extent that it provides that Greek penal laws are applicable to nationals and foreigners alike irrespective of the laws of the country where the act was committed:

- a) high treason, treason against the Greek state and terrorist acts;
- b) crimes concerning military service and the obligation for conscription;
- c) punishable acts committed by persons in their capacity as civil servants/officials of the Greek state **or in their capacity as officials of an organ or organization of the European Union having its seat in Greece;**
- d) acts against or directed to a civil servant/official of the Greek state **or a Greek official of an organ or organization of the European Union** in the exercise of his/her duties or related to his/her duties;
- e) perjury in the context of proceedings pending before Greek authorities;
- f) piracy;
- g) crimes against the currency;
- h) slave trade, trafficking in human beings, trafficking, child sex tourism (travel with the purpose of the commission of sexual intercourse or other lascivious acts against minors), **rape or abuse to lascivious acts against minors, seduction of children, abuse of minors to lascivious acts constituting a felony, child pornography, pornographic performance of minors, forced prostitution or sexual abuse of minors for profit or enforced disappearance of a person;**
- j) illegal trafficking in narcotic drugs;
- i) illegal circulation and trafficking in obscene publications;
- k) any other crime to which Greek penal laws apply by virtue of specific provisions or international conventions signed and ratified by Greece.

National jurisdiction is exercised irrespective of the location of the crime and the nationality of the alleged victim or perpetrator, concurrently to the eventual jurisdiction of other States. Furthermore, no application by a foreign authority or complaint by the victim are necessary for the prosecution of the act.

Article 8 has been applied by the Greek courts mostly in cases pertaining to trafficking in narcotic drugs.

Furthermore, Law 3658/2008 on "*Measures for the protection of cultural property and other provisions*" (Official Gazette, Vol. A'70, 22.4.2008) stipulates in Article 13, par.4 that the offences provided for in Chapter 9 of Law 3028/2002 on the "*Protection of Antiquities and cultural heritage in general*" (Official Gazette, Vol. A'153/28.6.2002) are prosecuted and punished according to Greek penal laws even if committed abroad.

It should also be noted that Article 2 of Law 3948/2011 (Official Gazette, Vol. A' 71, 5.4.2011) on the "*Adjustment of domestic law provisions to the provisions of the Statute of the International Criminal Court ratified by Law 3003/2002 (A'75)*" provides that the provisions of this Law are applicable both to nationals and foreigners for all acts enumerated in Articles 7 to 15 (i.e. genocide, crimes against humanity, war crimes, violation of the duty of supervision, omission to report a crime) provided that they have been committed:

- a) in the territory of the Greek State or on board Greek vessels or aircrafts, wherever they are present, unless they are subject to foreign legislation according to international law,
- b) abroad, by Greek nationals or foreigners who acquired the Greek nationality after the commission of the act,
- c) abroad, against the Greek State or Greek nationals.

Finally, Greece is a party to a number of international conventions (such as the conventions against terrorism adopted under the auspices of the United Nations) which provide for the obligation of States to establish their jurisdiction over the offences described therein in cases where the alleged offender is present in their territory. **In this regard, it should be noted that Greece ratified by virtue of Law 4169/2013 (Official Gazette, Vol. A'162, 12.7.2013) 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, both of which amend the relevant provisions of the respective original international instruments (article 6, par.4 of the 1988 Convention and article 3, par. 4 of the 1988 Protocol).**