



PERMANENT MISSION OF GREECE TO THE UNITED NATIONS

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No 1131

VERBAL NOTE

TO:

The Permanent Mission of Greece to the United Nations presents its compliments to the Secretary-General of the United Nations and with reference to the Latter's Verbal Note No LA/COD/2 of 2.4.2012 has the honor to submit the following information on the status of the Additional Protocols to the Geneva Conventions of 1949 relating to the protection of victims of armed conflicts, as well as on measures taken to strengthen the existing body of international humanitarian law in accordance with General Assembly resolution 65/29:

1) Greece reaffirms its deep commitment to international humanitarian law and the implementation of the four Geneva Conventions of 1949 and their Additional Protocols. Greece is a Party to the three Additional Protocols. It ratified the Additional Protocol I in 1988 and the Additional Protocol II in 1992. In 2009, Greece ratified the Additional Protocol III by virtue of Law 3804/2009 (Government Gazette A'166).

Greece has made a declaration under article 90 of the Additional Protocol I, recognizing the competence of the International Fact – Finding Commission.

2) In 2010, Greece enacted new legislation concerning its armed forces (Law 3883/2010), which provides, inter alia, for the establishment of a body of legal advisors in the armed forces, thus ensuring compliance of the Greek legislation with the requirements of article 82 of Additional Protocol I.

3) Greece has been a strong advocate of the need to fight impunity. In this regard it has supported the international tribunals for the former Yugoslavia and Rwanda, the Special Court for Sierra Leone and the International Criminal Court. Greece is continuously working to achieve universal adherence to the Rome Statute in its efforts to end impunity for crimes falling within its jurisdiction. The amendments of the ICC Statute at the Kampala Review Conference constitute an important development in this regard and Greece has been a strong supporter thereof.

H.E. Mr. Ban Ki-moon
Secretary-General of the
United Nations
New York

Furthermore, Greece adopted in 2011 domestic legislation for the implementation of the Rome Statute (Law 3948/2011), to which Greece is a Party since 2002.

The new law (Law 3948/2011, Government Gazette A'71, 5.4.2011) consists of two parts, containing, respectively, provisions of substantive penal law and provisions of procedural penal law and judicial cooperation.

The general provisions of substantive penal law, indicatively: a) cover issues of jurisdiction, b) stipulate that the crimes described in the special provisions of substantive penal law as well as the relevant sentences are not subject to any statute of limitations, c) define, *inter alia*, the categories of persons protected under international humanitarian law d) cover the issue of "superior orders", e) establish the responsibility of military commanders and other superiors.

Special provisions of substantive penal law define the crimes covered by the new law in accordance with the ICC Statute (genocide, crimes against humanity, war crimes against persons, war crimes against property and other rights, etc).

The procedural penal law provisions, *inter alia*, define the competent court for judging the crimes set out in this law and describe the investigation procedure, which contains guarantees of due process. Lastly, the final articles of the law cover various issues of judicial cooperation.

4) Greece is a Party to the Hague Convention of 1954 for the Protection of Cultural Property in the event of Armed Conflict and to its First Protocol. In 2005, it ratified also the Second Protocol to the Hague Convention. Furthermore, Greece participates to the Committee for the Protection of Cultural Property in the event of Armed Conflict, established under the Second Protocol, and has actively participated in the elaboration of the Guidelines for the implementation of the Second Protocol. The text of the Guidelines was adopted during the meeting of the Parties to the Protocol, in November 2009.

Special emergency plans for the protection of cultural property in the event of armed conflict have been drafted, which aim at protecting, safeguarding and safekeeping national treasures against destruction and looting in the event of war.

Greece has also established a National Advisory Committee for the implementation of the Hague Convention of 1954 and its two Protocols. The Committee is composed of 12 members, whose competence and special knowledge is connected with issues pertaining to the Convention. The Committee meets under the chairmanship of the Director General of Antiquities and Cultural Heritage of the Ministry of Culture and Tourism and its mission is to determine the measures to be taken by Greece in peacetime, according to article 5 of the Second Protocol to the Convention.

5) In what concerns the dissemination of international humanitarian law, it should be noted that Greece has a National Committee for the Implementation and Dissemination of International Humanitarian Law, which functions under the auspices of the Ministry of Foreign Affairs. This Committee is chaired by a university professor specialized in International Humanitarian Law (IHL), while its members are officials from different ministries which handle issues of international humanitarian law, or, more generally, humanitarian issues (such as humanitarian aid), the Hellenic Red Cross (HRC) as well as prominent members of the academic community. The Committee operates in a consultative manner in matters concerning the implementation of IHL by the Government and other bodies, promotes and disseminates IHL in Greek society through various means (seminars, informational events) and follows international developments in the field of IHL.

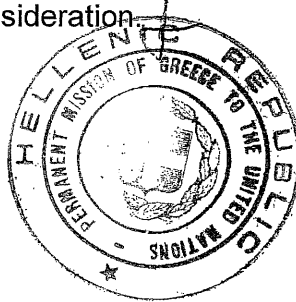
In May 2009, the Committee organized with great success the first Training Course on International Humanitarian Law, entitled: «International Humanitarian Law: From Theory to Practice». The aim of this Training Course was to train government officials, members of the armed forces and students of military academies, police officers, members of NGOs which deal with humanitarian issues as well as postgraduate university students on basic principles and elements of international humanitarian law and to demonstrate the practical implementation of IHL in contemporary international developments. The trainers in this Training Course were prominent professors of international humanitarian law in Greek universities, diplomats and legal advisors of the Ministry of Foreign Affairs as well as an official of the International Committee of the Red Cross.

In what concerns the training of the armed forces, IHL is taught in the Military Training Academies. IHL is also an integral part of the promotion training of officers of the armed forces. Training on IHL is also provided for military personnel in the pre-deployment phase of peacekeeping operations. Furthermore, members of the armed forces often participate in national and international training seminars and conferences on international humanitarian law.

As to the training of police officers, IHL forms a part of the curriculum in both the School for Police Lieutenants and the School for Police Constables of the National Police Academy. Lectures on specialized aspects of IHL are also given to students of the aforementioned Schools as well as to the students of the School of Further Education and Training of the National Police Academy. Furthermore, elements of IHL are taught as part of the subjects "International Law" and "Protection of Human Rights", in the School of National Security.

It should also be noted that basic elements and principles of IHL as well as historical aspects of IHL are included in the subjects «Civil and Social Education» and «Introduction to Law and Political Institutions», which form part of the curriculum of secondary education. Furthermore, IHL is taught in most of the Public International Law Departments of the Law Schools of Greek universities.

The Permanent Mission of Greece to the United Nations avails itself of this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.



New York, 29 May 2012