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## GREECE

- 1. Which are the procedures for the incorporation of Security Council resolutions imposing sanctions into the internal legal order of your State? Are they incorporated through legislation, regulations or in any other way? Has the implementation given rise to any constitutional or other legal problems at national level? Is there any relevant case-law?**

The basis for the incorporation of SC resolutions imposing sanctions into the internal legal order of Greece are Law 92/1967 on the implementation of SC resolutions and Law 936/1979 on external trade.

According to the former, any resolution based on article 41 of the U.N. Charter: a) is published in the (state) Official Gazette by ministerial decision and b) is implemented through the issuance of a presidential decree. Such decree further specifies the prohibitions provided for in the resolution and the measures which are necessary for its implementation. Any violation of the provisions of the aforementioned presidential decrees is subject to imprisonment up to five years or to a fine or to both.

Pursuant to the latter law, SC resolutions and EC regulations providing measures concerning export and import trade are implemented through decisions of the Ministry of Economy and Finance. The infringement of these measures entails administrative and penal sanctions (imprisonment up to two years, fines, impounding of goods).

Certain problems have been identified with regard to the imposition of sanctions targeted at individuals suspected for terrorist activity. The problem mainly concerns the freezing of assets of such individuals, a measure which, if prolonged, requires a judicial decision and might eventually be considered by the Courts to affect the right to property guaranteed by the Greek Constitution. Such problems also arise from S.C. Resolution 1483 insofar as that Resolution provides for the freezing and the transfer of the frozen assets to a special Fund. This kind of measures which may amount to confiscation of assets might also create a constitutional problem. However, no relevant case has been reported.

- 2. Does the choice depend on the content and the legal nature of the Security Council resolution?**

In certain cases, the quasi legislative nature of a particular SC resolution may require a formal act for its implementation. Such, for example, is the case of S.C. Resolution 1373. In this connection, Law 3251/2004 qualifies, under specific conditions, certain criminal offences as terrorist acts punished by severe penalties, thus providing more solid ground for the implementation of that Resolution.

- 3. When sanctions are imposed for a fixed period of time which is not renewed, are they tacitly repealed within your domestic legal order or is any normative action required?**

The Presidential Decrees mentioned under 1. above provide for the duration of sanctions if there is a relevant stipulation in the SC resolution concerned. In such a case, there is, normally, no need for their repeal. If, however, the sanctions are terminated by a subsequent resolution, a new presidential decree is issued in order to repeal the one by which the sanctions were imposed.

4. **When a Security Council resolution imposing an export embargo provides for exceptions while not establishing a committee to authorise such exceptions, does the incorporating act appoint a national authority which is competent to authorise export?**

No such special national authority has been established so far. However, the General Directorate of Policy Planning and Administration of the Ministry of Economy and Finance is competent to authorize such exceptions.

5. **Are Sanctions Committee decisions specifying Security Council sanctions or setting conditions for their activation incorporated into domestic law?**

This is done by reference in the abovementioned Presidential Decrees to the decisions of the Sanctions Committee.

6. **Have there been cases where the act incorporating sanctions in the domestic legal order was challenged in court for being in violation of human rights?**

No. However, such possibility may not be excluded in the future.

7. **Are there decisions of national courts or state practice concerning the relationship between sanctions directed towards individuals and the human rights of these individuals?**

No. However, such possibility may not be excluded in the future.