

LAW No. 3948/2011 on the adaptation of internal law to the provisions of the ICC Statute, adopted by Law 3003/2002 (A'75)

(Official Gazette of the Hellenic Republic, vol. A, No. 71/5 April 2011)

THE PRESIDENT OF THE HELLENIC REPUBLIC

We publish the following law, promulgated by the Parliament:

PART A

PROVISIONS OF SUBSTANTIVE CRIMINAL LAW

1. GENERAL PART

Art. 1

Application of Provisions

The provisions of the Criminal Code (Cr. C.) and Military Criminal Code (Mil.C.C.), as in force, shall also apply for the crimes enumerated in art. 7-15, unless otherwise stipulated in the present Law.

Art.2

Territorial Application (Jurisdiction *ratione loci*)

The provisions of this Law shall be applicable to both nationals and non-nationals for all acts enumerated in art. 7-15, provided that they have been committed:

- a) In the territory of the Greek state or on board Greek ships or aircrafts wherever they are present, unless they are subject to foreign legislation, according to the provisions of international law,
- b) abroad , by Greek nationals or by aliens who became Greek nationals after the commission of the act,
- c) abroad, against the Greek State or Greek nationals.

Art. 3

Statute of Limitations

Felonies enumerated in art. 7-13, as well as sentences imposed irrevocably for their commission shall not be subject to any statute of limitations.

Art. 4

Definitions

In the context of the present Law, the following definitions shall apply:

1. "Civilian population": the persons who do not take direct part in the hostilities or who have ceased to participate in them, including the members of the armed forces who have laid down their arms and the persons who have become *hors de combat* due to sickness, wounds, captivity or any other reason.
2. "Non international armed conflict": the armed conflict between a state and an armed group which has an internal structure and occupies part of the national territory whereupon it exercises *de facto* state authority, as well as the conflict between such armed groups.

3. "Persons protected by International Humanitarian Law" :
 - a) In international armed conflicts: persons protected according to the provisions of the Geneva Conventions of 1949 and of the First Additional Protocol of 1977, especially the wounded, the sick, the shipwrecked, the prisoners of war and the civilian population,
 - b) In non international armed conflicts: the wounded, the sick, the shipwrecked and the persons who do not take part in the hostilities and have fallen into the power of the adverse party,
 - c) In international and non international armed conflicts: the members of the armed forces and combatants of the adverse party who have become *hors de combat* or are otherwise defenceless.
4. "Military Commander": any person who exercises *de facto* power of command, control and issuing of orders,
5. "Civilian Superior": any person who exercises *de facto* power and control of a political organization or operation,
6. "Civilian Object": any object, including buildings, installations or other types of infrastructure, which do not constitute a military target.

Article 5:

Superior orders and proscription of law

1. The fact that a crime included in art. 7 and 8 of the present Law has been committed by a person pursuant to an order of a superior, whether military or civilian, shall not relieve that person of criminal responsibility.
2. Crimes included in art. 9-15 of the present Law, following the execution of an order issued according to the lawful procedure by the competent authority, shall be exempt from criminal punishment, provided that the person did not know that the order was unlawful and the order was not manifestly unlawful. In this case, the person who issued the order shall be punished as the perpetrator of the crime.

Art. 6

Responsibility of military commanders and other hierarchically superiors.

A military commander or civilian superior who omits to prevent the commission of a crime proscribed by the provisions of this Law, though he has the opportunity, shall be punished as the perpetrator of this crime actually committed by his subordinate.

2. SPECIAL PART

Article 7

Genocide

Anyone who, with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Kills members of the group,
- (b) Causes serious bodily or mental harm to members of the group (art. 310 par. 2 of the Cr.C.),
- (c) Deliberately inflicts on the group conditions of life calculated to bring about its physical destruction in whole or in part,
- (d) Imposes measures intended to prevent births within the group,
- (e) Forcibly transfers children of the group to another group, thus creating by himself or in co-perpetration with others danger for the existence of this group, shall be sentenced: (i) in case of

subpar. (a) with the penalty of life imprisonment (ii) in cases of subpar. (b) —(e) with a term of incarceration from 5-20 years. If the commission of the act resulted to the death of a person, a term of incarceration of at least 10 years of duration shall be imposed.

Article 8

Crimes against humanity

1 Anyone who, in the context of a widespread or systematic attack directed against any civilian population, which is directed or encouraged by a state or an organization which exercises de facto authority in a certain territory:

- a) Commits willful killing,
- b) intentionally inflicts upon a population (in whole or in part) conditions of life, calculated to bring about the destruction of the population,
- c) Commits slave trade (art. 323 Cr.C.), trafficking of human beings (art. 323A Cr. C.) or white slavery (art. 351 Cr. C.),
- d) Deports or forcibly transfers or displaces one or more persons by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law,
- e) Subjects a person who is under his control to acts of torture (art. 137A Cr. C.),
- f) Commits rape (art. 336 Cr. C.) or enforced prostitution (art. 349 Cr. C.) or enforced sterilization or unlawfully confines a woman made pregnant forcibly or with the use of threat of force , with the intent of affecting the ethnic composition of any population,
- g) Commits enforced disappearance in order to remove a person from the protection of the law for a prolonged period of time by:
 - (aa) abducting him or her with the authorization, support or acquiescence of, a State or a political organization, or depriving his or her freedom of movement in any other manner, followed by a refusal to acknowledge that or to give information on the fate or whereabouts of those persons, or
 - (bb) refusing, following orders of a state or a political organization or contravening a legal obligation, to give promptly information on the fate or whereabouts of the persons against whom the above, under (aa), acts were committed or by providing false information.
- h) Deprives any identifiable group or collectivity of their fundamental human rights on political, racial, national, ethnic, cultural, religious or gender grounds, that are universally recognized as impermissible under international law, if this act facilitates the commission of any of the crimes enumerated in art. 7-15 of the present law,
- i) Causes grave bodily or mental harm (art. 310 par. 2 Cr. C.),
- j) Imprisons or otherwise deprives the liberty of a person,

shall be sentenced to the following penalties:

- (aa) Life sentence for the crime of subpar. (a)
 - (bb) A term of incarceration of at least 10 years, in cases of crimes of the subpar. (b)-(g)
 - (cc) A term of incarceration of at least 5 years, in cases of crimes of the subpar. (h)-(i).
- For the crimes of subpar. (c), the court shall also impose a fine ranging from 20.000-200.000 euros.

2. In cases of the crimes proscribed in subpar. (b)-(i) of the preceding par., if they result to the death of a person, the following sentences shall be imposed:

- (aa) instead of a term of incarceration of at least ten years, the penalty of life imprisonment and

(bb) instead of a term of incarceration (5-20 years), the penalty of incarceration of at least ten years.

3 Anyone who commits any of the crimes enumerated in par. 1, with the intention to maintain an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups, shall be sentenced to a term of incarceration of at least 10 years, unless a heavier sentence applies, according to other penal provisions.

Art. 9

War crimes against persons

1 Anyone who, in connection with an international or non international armed conflict:

a) Commits willful killing of a person protected according to the provisions of international humanitarian law,

b) Takes as hostage a person protected according to the provisions of international humanitarian law,

c) Subjects to torture or inhuman treatment (art. 137A Cr.C.) a person protected according to the provisions of international humanitarian law,

d) Commits rape (art. 336 Cr. C.) or enforced prostitution (art. 349 Cr. C.) or enforced sterilization against a person protected according to the provisions of international humanitarian law, or unlawfully confines a woman made pregnant forcibly or with the use of threat of force, with the intent of affecting the ethnic composition of any population,

e) Conscripts children under the age of fifteen years or enlists them into armed forces or groups or coerces them to participate actively in hostilities,

f) Displaces persons protected according to the provisions of international humanitarian law or forces them to move from the place they lawfully reside to another state or region, by deporting them or with the employment of other coercive means prohibited by international law, unless the security of the civilians involved or imperative military reasons so demand,

g) Imposes or carries out against persons protected according to the provisions of international humanitarian law the death sentence or sentences entailing deprivation of liberty or other sentences of comparable gravity, without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable,

h) Willfully endangers loss of life or serious injury to body or health of a person protected according to the provisions of international humanitarian law by:

(aa) Subjecting him/her to experiments which are neither justified on medical grounds nor carried out in his or her interest, without the free and express consent of the person concerned,

(bb) Removing from him/her tissues or organs in order to be used for transplants, with the exception of blood or skin which are to be used for therapeutic purposes, according to the generally accepted medical standards, without the prior free and express consent of this person,

(cc) Applying therapeutic methods not endorsed scientifically, in the absence of any relevant medical necessity without the prior free and express consent of this person, shall be sentenced in the case of subpar. (a) to life imprisonment and in the rest of the cases to a term of incarceration of 10 years minimum (10-20 years).

2 Anyone who, in relation with an international or non international armed conflict wounds a member of the adverse armed forces or a combatant of the adverse party who, having laid down his arms or having no longer means of defence, has surrendered at discretion, shall be sentenced to a term of incarceration (5-20 years).

3 Anyone who in connection with an international armed conflict:

(a) Unlawfully confines a person protected by international humanitarian law or unduly delays his/ her repatriation,

(b) As a member of the Occupying Power, transfers parts of the civilian population into the territory under occupation,

(c) Compels a person protected by international humanitarian law with force or with threat of force to serve in the armed forces of a hostile power or to take part in military operations against his/her country, shall be sentenced to a term of incarceration (5-20 years).

Art. 10

War crimes against property and other rights

4. Anyone who, in the context of an international or non international armed conflict, pillages or in any way destroys extensively, objects belonging to the adverse party and have been transferred to the possession of his/her party or seizing the property of an adversary, shall be sentenced to a term of incarceration up to 10 years, unless such destruction or seizure be imperatively demanded by the necessities of the conflict.

2 Anyone who, in the context of an international armed conflict, contrary to the provisions of international law, declares abolished, suspended or inadmissible in a court of law the rights and claims of the whole or of a significant part of the population of the adversary, shall be sentenced to a term of incarceration up to 10 years.

Art. 11

War crimes against humanitarian operations and distinctive emblems

1 Anyone who, in the context of an international or non international armed conflict:

a) Intentionally directs attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict,

b) Intentionally directs attacks against buildings, material, medical units and transport and personnel using the distinctive emblems of the Geneva Conventions in conformity with international humanitarian law,

shall be sentenced to a term of incarceration (5-20 years).

2 Anyone who, in the context of an international or non international armed conflict makes improper use of a flag of truce, of the flag or the military insignia and uniform of the United Nations, as well as of the distinctive emblems of the Geneva Conventions and by this way commits willful killing, shall be sentenced to life imprisonment. In the case of willfully causing grave bodily harm (art. 310 par. 2 Cr.C.), he/she shall be sentenced to a term of incarceration (5-20 years).

Art. 12

War crimes concerning the use of prohibited methods of warfare.

1 Anyone who, in the context of an international or non international armed conflict:

- a) Intentionally directs attacks against the civilian population as such or against individual civilians not taking direct part in hostilities,
 - b) Intentionally directs attacks against civilian objects, for as long as they are protected as such by the provisions of international humanitarian law, especially buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, towns, villages, dwellings or buildings which are undefended or demilitarized zones as well as installations and infrastructure containing dangerous forces,
 - c) Intentionally launches an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;
 - d) Utilizes persons protected by international humanitarian law as human shields, in order to dissuade the enemy from launching an attack against certain targets,
 - e) Intentionally uses starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including willfully impeding relief supplies as provided for under international humanitarian law,
 - f) As a commander, declares that no quarter will be given or orders that there should be no survivors, thus causing to another person terror and anxiety,
 - g) Kills or causes grave bodily harm (art. 310 par. 2 Cr. C.) to persons belonging to the adversary armed forces or combatants of the adversary, making misuse of their trust which he/she has treacherously secured for this purpose,
- shall be sentenced to a term of incarceration (5-20 years), unless a more severe penalty applies according to other relevant penal provisions.

Art. 13

War crimes concerning the employment of prohibited means of warfare

1 Anyone who, in the context of an international or non international armed conflict employs:

- a) poison or poisoned weapons,
- b) biological or chemical weapons or
- c) bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions, in a way that is likely to cause danger to a person,

shall be sentenced to a term of incarceration up to 10 years.

2. If the act of par. 1 results to grave bodily harm (art. 310 par. 2 Cr.C.) or to the death of a civilian protected by international humanitarian law, a term of incarceration of at least 10 years shall be imposed.

3. For the purposes of this article, the term "poison" includes every substance which, according to the natural course of events, causes the death or grave bodily harm (art. 310 par. 2 Cr.C.), because of its toxic composition.

Art. 14

Breach of duty to exercise proper control

1. A military commander who, with the exception of the case of art. 6, intentionally omits to exercise proper control upon his/her subordinates, who are subject to his/her commands or *de facto* control, shall be sentenced to a term of imprisonment of at least 2 years, in case that the subordinate commits or attempts to commit a criminal act proscribed in this Act, provided that the commander was able to foresee and prevent the commission of this act.

2. A political superior who, with the exception of the case of art. 6, intentionally omits to exercise proper control upon his/her subordinates, who are subject to his/her commands or *de facto* control, shall be sentenced to a term of imprisonment of at least 2 years, in case that the subordinate commits or attempts to commit a criminal act proscribed in this Act, provided that the commander was able to foresee and prevent the commission of this act.

3. The negligent breach of the above duty shall entail the imposition of a sentence of a term of imprisonment not exceeding 3 years.

Art. 15

Failure to report a crime

A military commander or political superior who omits to report immediately to the competent for investigation and prosecution authority a criminal act proscribed in the present Act, which was committed by one of his/her subordinates, shall be sentenced to a term of imprisonment (from 10 days to 5 years).

PART B

PROCEDURAL PROVISIONS AND JUDICIAL COOPERATION

I PROCEDURAL PROVISIONS

Art. 16

Designation of the competent court

The Athens Court of Appeals (Chamber composed of 3 judges) shall be the competent court for the adjudication of crimes proscribed in the present Law, as well as for related felonies or misdemeanours, regardless of their gravity and the capacity of the accused.

Art. 17

Ne bis in idem

If a person has been irrevocably tried by the International Criminal Court (ICC), he/she shall not be subject to a new prosecution for the same act, even under a different legal characterization. In case of initiation of criminal proceedings, they shall be discontinued as null and void according to the *ne bis in idem* rule.

Art. 18

Suspension of statute of limitation

The time-limit of statute of limitation for felonies other than those proscribed in the present Law, shall be suspended for the time period between the surrender of a person to the ICC until his/her acquittal or the serving of the imposed penalty. In such a case, the temporal restriction of art. 113 par. 3(a) of the Cr. C. shall not be applicable.

Art. 19

Conduct of investigations

1. For felonies proscribed in the present Law, the conduct of investigative acts shall be authorized in accordance with the provisions of art. 253A par. 1 of the Code of Criminal Procedure (C.C.P.), in cases where the conditions laid down in the above art. are being fulfilled.

2. For the initiation of investigations as well as for the time period deemed necessary for the completion of their purpose, the power to issue a specially reasoned judgment is vested upon the Judicial Council of Athens Appeals Court, after the submission of a relevant proposal by the Prosecutor. In cases of extreme urgency, the investigation may be ordered by the Prosecutor or the Investigating Judge. In such a case, the Prosecutor or the Investigative Judge are under the obligation to submit the issue to the Judicial Council in a time-limit of 3 days. Otherwise, the relevant order shall be rendered *ipso facto* invalid after the expiration of the above deadline.

3. Any evidence or information obtained during the course of investigations conducted according to the provisions of par. 1 may be utilized solely for the purposes stipulated by the decision of the Judicial Council. Exceptionally, the above evidence or information may be utilized for the resolve of the crimes proscribed in the present Act or crimes proscribed in art. 187 and 187A of Cr. C. and the arrest of their perpetrators, after due decision of the Judicial Council.

II. JUDICIAL COOPERATION

Art. 20

1 Any request for surrender of a sought person to the ICC, done in English and officially translated in Greek language, shall be directed to the Secretary of State for Justice, Transparency and Human Rights and consequently shall be forwarded to the Office of the Prosecutor of the Court of Appeals.

2 The request shall be supported, as a minimum, by the following documents:

- (a) Data proving the identity of the accused, such as a thorough description of his/her physical characteristics, photograph or fingerprints or any other element of proof,
- (b) A certified copy of the arrest warrant and a brief statement of the facts of the case and
- (c) A certified copy of the indictment or of the judgment of the court pronouncing the guilt.

3. In cases of urgency, the above data may be transmitted via any medium leaving a written or electronic trace. In such a case, the request shall be served according to the provisions of par.

1.

4. In case of competing requests for surrender to the ICC or to another court or to another State requesting extradition or on the basis of a European arrest warrant, the provisions of art. 90 of the Statute of the ICC, which was ratified with Law. 3003/2002, shall apply.

Art. 21

Arrest of the requested person

1. The Prosecutor of Athens Appeals Court, upon reception of the request, shall order the arrest of the requested person, who must be brought before him/her without delay. The arrested person must be immediately informed about the existence and the content of the request, as well as for the right to legal representation by an attorney at law. In case that the arrested person lacks sufficient command of the Greek language, an interpreter shall be appointed. If the requested person has not appointed a legal representative, the Prosecutor is under the obligation to appoint one by his/her own initiative.

2. The arrested person shall have the right of recourse to the Judicial Council, in order to challenge his/her identification, in a time-limit of two working days after the arrest.

3. The Judicial Council of the Appeals Court (Chamber of 3 judges) shall sit in public in a period of 15 days after the arrest the latest and is under the obligation to decide finally and irrevocably in 10 days. The arrested shall be summoned before the Council at least 3 days before the date of the hearing.

Art. 22

Decision for surrender to the ICC

1. The Judicial Council of the Appeals Court, after examining the arrested, in cases he preferred to present him/herself before it and after hearing the Prosecutor and the accused or his legal representative, shall decide by a reasoned judgment upon the following issues of the request:

- (a) Whether the warrant applies to that person,
- (b) Whether the person has been arrested in conformity with the lawful procedure (*bene detentus*)
- (c) Whether the rights of the person have been respected, especially the right to an attorney and interpreter (in case that the arrested person lacks sufficient command of the Greek language),
- (d) Whether the crime attributed to the arrested person or, in case of the existence of a verdict of guilt, the crime for which this verdict was issued, are included in the list of crimes for which the surrender is allowed, according to the provisions of the present law.

2. The Judicial Council of the Appeals Court may order the conduct of supplementary investigations concerning the elucidation of the data of par. 1, deferring the final decision for 15 days the utmost.

3. The final decision of the Judicial Council of the Appeals Court may be appealed by the person whose surrender is sought and by the Prosecutor before the Supreme Criminal Court (*Areios Pagos*) in a deadline of 3 days after the publication of the decision. A report of the appeal shall be drawn up by the Registrar of the Appeals Court.

4. The Supreme Court shall decide *in camera* within ten days. Art. 448 and 450 of the C.C.P. shall apply by analogy.

5. The person whose surrender is sought, shall be summoned by the General Attorney of the Supreme Court in person or through his appointed representative, at least 3 days before the hearing.

6. The Judicial Council of the Appeals Court may, at any stage of the proceedings, order the interim release of the arrested according to the stipulations of art. 59 paras 3-6 of ICC Statute, ratified by Law 3003/2002. The provision of art. 449 par. 2 of C.C.P. shall apply analogously. In case of appeal, the Judicial Council of the Supreme Court shall be competent for adjudication.

Art. 23

Surrender to the ICC

1 The decision for surrender issued by the competent Judicial Council shall be executed within a period of one month after its public announcement. In such a case, the Prosecutor of the Appeals Court shall submit the decision, accompanied by the relevant record, to the Secretary of State for Justice, Transparency and Human Rights, who takes care of its execution.

2. In the case that an irrevocable decision concerning the request for surrender is not published within 3 months from the date of arrest, the arrested person shall be released.

Art. 24

Provisional arrest

1. In urgent cases, the Prosecutor of the Appeals Court, after a relevant request by the ICC, shall order the provisional arrest of the person sought, pending presentation of the request for surrender.

2 The request for provisional arrest shall be made by any medium capable of delivering a written record and shall contain:

(a) Information describing the person sought, sufficient to identify the person, and information as to that person's probable location;

(b) A concise statement of the crimes for which the person's arrest is sought and of the facts which are alleged to constitute those crimes, including, where possible, the date and location of the crime;

(c) A statement of the existence of a warrant of arrest or a judgment of conviction against the person sought; and

(d) A statement that a request for surrender of the person sought will follow.

3. If a request according to art. 20 is not submitted within 30 days after the arrest, the arrested person shall be released.

4 The procedure of art. 21 paras 2 and 3 shall be also applicable in the context of this article.

Art. 25

Provisional surrender to the ICC

1. The person in custody may, after a relevant decision of the Judicial Council of the Appeals Court upon request of the ICC, be temporarily transferred to the latter for purposes of identification or for obtaining testimony or other assistance. The person may be transferred if the following conditions are fulfilled: (i) The person freely gives his/ her informed consent to the transfer; and (ii) The requested State agrees to the transfer, subject to such conditions as that State and the Court may agree.

2. The person being transferred shall remain in custody. When the purposes of the transfer have been fulfilled, the Court shall return the person without delay to the requested State.

Art. 26

Consultations with the ICC

1 The Secretary of State for Justice, Transparency and Human Rights, in cooperation with the Foreign Secretary, shall consult with the ICC in all circumstances specified by the ICC Statute or warranted by the particular circumstances of the case such as:

(a) when the production of any documents or disclosure of evidence at any stage of the proceedings before the ICC or during the course of judicial cooperation may jeopardize national security, according to art. 72 and 93 par. 4 of the ICC Statute, ratified by Law 3003/2002,

(b) When the execution of a certain measure of assistance requested by the ICC contravenes a fundamental, generally applicable legal principle of greek public order, as stipulated in art. 93 par. 3 of the ICC Statute,

(c) When the request for surrender of a person or for the provision of judicial assistance is inconsistent with the obligations of the Hellenic Republic with respect to the State or diplomatic immunity of a person or property of a third State, according to the provisions of art. 89 par. 2 of the ICC Statute.

(d) When the person sought for surrender brings a challenge before a national court on the basis of the principle of *ne bis in idem*, as provided in article 89 par. 2 of the ICC Statute.

(e) If the person sought is being proceeded against or is serving a sentence in the requested State for a crime different from that for which surrender to the Court is sought, as provided in article 89 par. 4 of the ICC Statute.

Art. 27

Transportation of a person under surrender through Greek territory

The Secretary of State for Justice, Transparency and Human Rights shall authorize transportation through the national territory of a person being surrendered to the Court by another State, provided that the conditions of art. 89 par. 3 of ICC Statute are fulfilled .

Art. 28

Requests for taking and production of evidence

1. Any request for taking and production of evidence, done in English and officially translated in Greek language, shall be directed to the Secretary of State for Justice, Transparency and Human Rights and consequently shall be forwarded to the Office of the Prosecutor of the Court of Appeals.
2. The Prosecutor of the Court of Appeals shall forward the request to the Investigating Judge of the Appeals Court, duly appointed by the Head of the Court's Administration.
3. The Investigating Judge of the Appeals Court may, after duly authorized by the General Attorney of the Supreme Court, travel outside the vicinity of Athens Appeals Court for the purpose of taking and producing evidence or to assign this task to the Investigating Judge of the local Court of 1st Instance.
4. Any act of taking and producing evidence shall be conducted according to the provisions of national legislation. In exceptional circumstances, the Prosecutor of the Appeals Court may allow the persons whose are designated in the request be present and provide their assistance in the course of its execution.

Art. 29

Serving of summons to appear before the ICC

1. The summons to appear before the ICC, according to the provisions laid down in art. 58 par. 7 of the ICC Statute, shall be served on the person concerned by the Prosecutor of the Court of 1st instance of the place of his/her residence.
2. Witnesses and experts who are summoned as above and fail to comply, shall be produced forcibly to the ICC upon request and shall be surrendered to the Dutch authorities.

Art. 30

Furnishing of information to the ICC

The competent Greek Authorities shall furnish the ICC with certificates of criminal records and every other relevant information for the needs of a specific criminal case as requested, under the same terms and conditions these data are furnished to the Greek judicial authorities.

Art. 31

Enforcement of sentences

1. In case that the ICC, according to art. 103 of its Statute, designates that a custodial sentence shall be served in Greece, the Secretary of State for Justice, Transparency and Human Rights shall forward the case file to the Prosecutor of the Athens Appeals Court, who shall introduce the case to the Appeals Court (Chamber of 3 Members) for recognition and adjustment of the sentence imposed.

2 The Athens Appeals Court (Chamber of 3 Members) shall recognize the decision of the ICC and order the execution of the custodial sentence imposed, with the following adjustments;

(a) A term of imprisonment of equal duration, in case the imposed sentence does not exceed 5 years in duration,

(b) A term of incarceration (temporary or for life), in case of heavier penalties imposed.

3 The sentence of temporary incarceration shall, in any case, not exceed 25 years in duration.

4 The Athens Appeals Court (Chamber of 3 Members) shall recognize and order the execution of fines and forfeiture measures, as well as the compensation awarded to the victim, by adjusting them to the provisions of Greek legislation.

5 Sentences shall be enforced according to the provisions of the Greek legislation, under the supervision of the ICC, as stipulated in art 106 and 110 of the ICC Statute.

6 A convicted person whose sentence is enforced in Greece, shall not be subject to prosecution or punishment or to extradition to a third State for any conduct engaged in prior to that person's delivery to the State of enforcement, unless such prosecution, punishment or extradition has been approved by the Court at the request of the Hellenic Republic, according to art. 108 of the ICC Statute.

7 Communication between the sentenced person and the ICC shall be unimpeded and confidential.

Art. 32

The enforcement of the provisions of the present Act should never lead to the violation of fundamental rights and principles recognized and protected by the Constitution, the European Convention on Human Rights and the International Covenant on Civil and Political Rights.

Art. 33

Date of enter into force

The present Law shall enter into force from the date of its publication to the Official Gazette.

We order the publication of the present Law to the Official Gazette and its execution as law of the State.

Athens, the 1st of April 2011
The President of the Republic
Carolos Papoulias
The Members of the Cabinet