

**HELLENIC REPUBLIC**  
**GREEK NATIONAL COMMISSION FOR HUMAN RIGHTS**

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<p><b>Comments on the Law 3251/2004 titled “European Arrest Warrant, Amendment to the Law 2928/2001 Concerning Criminal Organisations and Other Provisions”</b></p>
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Greek legal order had to incorporate two major Framework- Decisions of the European Community concerning the European arrest warrant and the surrender procedures between member-States and other antiterrorist measures. The Commission adopted the following points:

(a) It questioned the need to modify Law 2928/2001 and introduce Law 3251/2004. In the Commission’s view the former law was adequate enough to deal with the phenomena of organised crime and terrorism. The majority of the members of the Commission, in its plenary session of November 4<sup>th</sup> 2004, maintained that the modification of the former law was not necessary from a social point of view;

(b) As to the question whether Greece has the legal obligation to incorporate European legal norms into its domestic legal order, the vast majority of the members voted in the affirmative;

(c) Regarding the question whether the principle of “double criminality” for the extradition of a person should be abolished, the overwhelming majority of the members of the Commission voted in the negative;

(d) The overwhelming majority of the Commission’s members voted in the negative regarding the restriction of the principle of “speciality”;

(e) The majority of the members voted in the negative in relation to the “temporary transfer” of a wanted person -and without any time-limits;

(f) The Commission considered as unacceptable the lack of provision concerning the prohibition of Greek citizens' extradition;

(g) The Commission decided that the definition of an act of terrorism (incorporated into the Greek Penal Code) in a way that the subjective criterion was also to be taken into account was not appropriate;

(h) The Commission considered the characterization as a terrorist act of an individual's act which does not constitute execution of an organization's decision as not appropriate;

(i) The Commission decided against the application of "special interrogative acts" and DNA examination to every crime described by the law as "terrorist act".

10 February 2005