

## National Practice relevant to Piracy

UNCLOS constitutes the appropriate legal framework within which all activities in the oceans and seas are carried out and provides the necessary legal certainty to address existing and emerging threats to maritime security. Greece is a Party to UNCLOS and to all major international conventions dealing with maritime crime, including the UN Convention on Transnational Organized Crime and its Protocols, as well as global counter terrorism instruments.

Moreover, Greece strongly supports the IMO's role and work in delivering robust security-related policies and normative instruments and enhancing the capabilities of States through multilateral collaboration and technical cooperation.

In particular, Greece is involved in and committed to relevant international operations and initiatives, such as NATO and EUNAVFOR ATALANTA operations, the Contact Group Piracy off the Coast of Somalia, the Montreux Document Forum, that aim to address, in full respect of international law, piracy and other maritime security challenges.

## National Legislation on Piracy

National legislation (article 215 of the Greek Code on Public Maritime Law) defines the crime of piracy along the lines of UNCLOS referring to the commission of piracy on the high seas, as a crime for which a sentence of at least 5 years of imprisonment is provided for.

In case of attempt and commission or aiding and abetting piracy, the general provisions of the Greek Penal Code apply. According to article 8 of the Greek Penal Code, piracy is a crime *jure gentium* and national courts have jurisdiction irrespective of the nationality of pirates. In particular, according to the Code of Criminal Procedure, the three-member court of appeals adjudicates the crimes of piracy.

Finally, conditions for the provision of security services by armed guards on merchant ships are further specified in Law No. 4058/2012, Official Gazette vol. A', no. 63 and in Ministerial Decree No. 641.36-2/12/23-04-2012 (Official Gazette vol. B', no. 1338).

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### **Penal Code (Law No. 4619/2019, Official Gazette vol. A', no. 95)**

#### **Article 8: Crimes committed abroad that are always punishable under Greek laws**

The Greek penal laws apply to nationals and foreigners, irrespective of the laws of the place where the crime was committed, for the following acts committed abroad: [...] (f) Piracy; [...]

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### **Code of Criminal Procedure (Law No. 4620/2019, Official Gazette vol. A', no. 96)**

### Article 111: Three-member and five-member court of appeals

A. The three-member court of appeals adjudicates: [...] 3. The crimes of piracy as well as the crimes against transportation, telecommunications and other public benefit facilities, foreseen in the penal code or in special criminal laws.

[...]

B. The five-member court of appeals adjudicates, at second instance, the appeals against the decisions of the three-member court of appeals.

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### **Provision of security services by armed guards on merchant ships and other provisions (Law No. 4058/2012, Official Gazette vol. A', no. 63)**

#### Article 1: Provision of services by private armed guards

Upon authorization by the Commandant of the Hellenic Coast Guard, provision of security services on a Greek flag merchant ship (hereinafter ship) not engaged on cabotage voyages and crossing maritime areas exposed to the risk of piracy, shall be permitted to private armed guards for the protection of the passengers, the ship and its cargo against attacks that constitute piracy, within the meaning of this term in accordance with articles 101 and 103 of the United Nations Convention on the Law of the Sea (ratified by Law No. 2321/1995, Official Gazette vol. A', no. 136).

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### **Code of Public Maritime Law (Legislative Decree No. 187/1973, Official Gazette vol. A', no. 261)**

#### Article 215: Piracy

1. Piracy is committed by any person on board who, by means of physical violence or physical threat to persons, commits acts of depredation for private ends directed on the high seas against another ship.

2. Every ship intended by the persons in dominant control to commit or to be used for the purpose of committing the acts referred to in the previous and remains under the control of pirates, is considered a pirate ship.

3. The acts of piracy according to paragraph 1 of the present article are punished with the sentence of imprisonment of at least 5 years, both the captain and the naval officers governing the pirate ship are also punished with the same sentence, while the crew members of the pirate ship with knowledge of its destination are punished with the sentence of imprisonment up to 10 years.

**Relevant Case Law:** *The Legal Council of the State (Opinion 398/2011) addresses the issue of the competence of the legislative initiative on protection from piracy in the light of national legislation, taking into account allocation of competences among the Ministries of Justice, Development and Investment, of Maritime Affairs as well as of Citizen Protection. Furthermore, the above-mentioned Opinion deals with the question of suppression of piracy committed against Greek flag ships on high seas in accordance with articles 105 and 107 of the UNCLOS.*

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**Penal & Disciplinary Code of the Merchant Navy (Legislative Decree No. 654/1970, Official Gazette vol. A', no. 181)**

**Article 14: Piracy**

1. Piracy is committed by any person on board who, by means of physical violence or physical threat to persons, commits acts of depredation for private ends directed on the high seas against another ship.
2. Every ship intended by the persons in dominant control to commit or to be used for the purpose of committing the acts referred to in the previous and remains under the control of pirates, is considered a pirate ship.
3. The acts of piracy according to paragraph 1 of the present article are punished with the sentence of imprisonment of at least 5 years, both the captain and the naval officers governing the pirate ship are also punished with the same sentence, while the crew members of the pirate ship with knowledge of its destination are punished with the sentence of imprisonment up to 10 years.

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**Code of Private Maritime Law and other urgent provisions of the Ministry of Maritime Affairs and Insular Policy (Law No. 5020/2023, Official Gazette vol. A', no. 29)**

**Article 179: Employment agreement and hostage of the seaman**

1. The hostage of the seaman in or out of the ship because of piracy or armed violence does not entail the termination of the employment agreement.

**Article 268: Cases of abandonment**

The abandonment of the ship and the fare is allowed if: [...] d) the ship is conquered or impeded following a foreign power's order, for a period of at least twelve (12) months, provided the insurance covers the dangers of war or piracy.