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GENEVA

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15 JUN 2012

Recipients: SFA.....

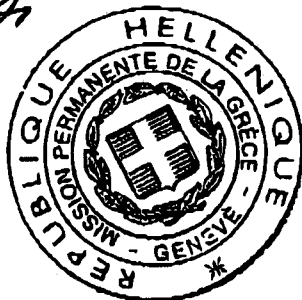
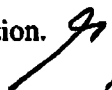
URGENT

Ref. No. 6175.4 / 6/AS 980

**NOTE VERBALE**

The Permanent Mission of Greece to the United Nations Office at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and reference made to the latter's Verbal Note GVA-0231 dated 9.5.2012 (regarding the use of mercenaries) has the honor to convey the relevant Greek legislation provided by the Greek Government (Ministries of National Defense, Ministry of Development-Competitiveness and Shipping, Ministry of Citizen s Protection).

The Permanent Mission of Greece to the United Nations Office at Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, June 15, 2012

To:

**-The Office of the High Commissioner for Human Rights  
Mandate of the WG on the use of mercenaries as a means of violating human  
rights and impeding the exercise of the rights of people to self determination  
Palais des Nations, CH-1211 Geneva 10, Switzerland  
Fax: 0041-22-9179008**

Pages attached: 10

ΕΠΙΣΗΜΗ ΜΕΤΑΦΡΑΣΗ / TRANSLATION OFFICIELLE / OFFICIAL TRANSLATION

No.09222/3084

**GOVERNMENT GAZETTE  
OF THE HELLENIC REPUBLIC  
SECOND ISSUE**

No.1338

24 April 2012

**CONTENTS**

**DECISIONS**

- Authorisation for the provision of security services by private armed guards of companies embarking on and disembarking from Greek merchant ships via foreign ports..... 1
- Determination of the cost of utilisation of Hellenic Coast Guard materials, means and personnel in dealing with sea pollution incidents..... 2

**DECISIONS**

No. 641.36-2/12

(1)

Authorisation for the provision of security services by private armed guards of companies embarking on and disembarking from Greek merchant ships via foreign ports

**THE MINISTERS OF**

**NATIONAL DEFENCE – DEVELOPMENT, COMPETITIVENESS  
AND SHIPPING – CITIZEN PROTECTION**

Having regard to:

1. The provisions of:
  - a) paragraph 3 of article 12 of Law 4058/2012, "Provision of security services by armed guards aboard merchant ships and other provisions" (A 63);
  - b) indent (f) of paragraph 4 of article 2 of Law 3922/2011, "Establishment of Hellenic Coast Guard Headquarters and other provisions" (A 35);
  - c) Law 2321/1995, "Sanctioning of the UN Convention on the Law of the Sea and the Agreement on Part XI of the Convention" (Government

ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ - ΥΠΟΥΡΓΕΙΟ ΕΞΤΕΡΝΩΝ  
ΜΕΤΑΦΡΑΣΤΙΚΗ ΥΠΗΡΕΣΙΑ  
REPUBLIQUE HELLENIQUE - MINISTERE DES AFFAIRES ETRANGERES  
SERVICE DE TRADUCTION  
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Gazette A 136), which entered into force on 19 August 1995 pursuant to notice F.0546/3229/1995 (Government Gazette A 207), especially articles 101 and 103 of such Convention;

d) Presidential Decree 127/2010, "Reallocation of powers in the Ministries of Interior, Decentralisation and Electronic Governance, of Rural Development and Food, of Justice, Transparency and Human Rights, of Citizen Protection and of Maritime Affairs, Islands and Fisheries" (A 214);

e) indent (d) of paragraph 5 of article 18 of Presidential Decree 67/2011, "Organisation of the Hellenic Coast Guard agencies" (A 149);

f) article 90 of the "Code of Laws on Government and Governmental Bodies", sanctioned by the first article of Presidential Decree 63/2005 (Government Gazette A 98).

2. The need to protect human life aboard Greek merchant ships sailing seas exposed to the risk of piracy.

3. The fact that the issuance of this decision does not burden the state budget, we hereby decide:

To authorise the provision of security services by private armed guards of companies embarking on and disembarking from Greek merchant ships via foreign ports as follows:

## Article 1

## Information on file

1. For the issuance of the authorisation referred to in article 1 of Law 4058/2012 (A 63), the original of which must be carried aboard the ship, the ship owner or manager shall submit to the Directorate of State Security of the Hellenic Coast Guard Headquarters a file comprising the following information:

- a) an application form by the ship owner or manager, stating:
  - i) the name, register, type and IM number of the ship;
  - ii) the period of validity of the requested authorisation;
  - iii) the number of private guards; and
  - iv) the high-risk areas, taking article 4 hereof into account;

## ΕΠΙΣΗΜΗ ΜΕΤΑΦΡΑΣΗ / TRADUCTION OFFICIELLE / OFFICIAL TRANSLATION

- b) a duplicate receipt issued by a tax office for the amount corresponding to the special charge referred to in article 4 of Law 4058/2012 (A 63), on the basis of the requested period of validity of the authorisation;
- c) a report on the estimated risk, pursuant to article 2 hereof;
- d) a statutory statement under article 8 of law 1599/1986 (A 75), to the effect that:
- i) a contract for the provision of security services has been concluded with a company duly established and operating either in Greece or in another explicitly named State, the name and other information thereof, the term of the contract, the ISO number and the issuer thereof;
  - ii) the company undertakes to report to the Operations Centre of the Hellenic Coast Guard Headquarters:
    - (1) the time of embarking and disembarking of the private armed guards, if requested;
    - (2) any information relating to the contract referred to in point (i) above or submission of a copy of such contract within six (6) hours of the receipt of a written request from a Hellenic Coast Guard agency;
    - (3) changes in any information contained in the authorisation file. Changes shall be notified by any suitable means, without any delays and within forty eight (48) hours at the latest. If such change relates to information comprised in the authorisation, the current authorisation shall be amended accordingly for its remaining period of validity.
- e) a letter-statement of the service provider in Greek or English, officially translated into Greek, signed by the legal representative thereof (whose signature must be certified by an official authority), to the effect that:

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- i) the company is in operation at the time of issuance of the certificate and is not under liquidation or bankruptcy proceedings and that its legal representative is aware of and understands his obligations, stemming from Law 4058/2012;
- ii) the company is a provider of private sea security services using armed guards, especially for dealing with piracy phenomena, and has certified, suitably and adequately trained personnel, especially armed guards, for dealing with such phenomena;
- iii) the arms carried by the guards aboard the ship belong to the company and have been acquired, registered and disposed of pursuant to the law of the state of its registered office, to which access is granted through the security service provider to the ship owner or manager, agency of the Hellenic Coast Guard Headquarters competent for the issuance of the authorisation and the competent authorities of other states in whose ports the ship will sail,
- iv) the name, passport number and issuing country of the head private armed guard and his alternate and of the other private armed guards who will embark on the ship to provide security services pursuant to Law 4058/2012 and this decision;
- v) the number, type and manufacturer of arms, the serial number of each arm and the number, type and caliber of ammunition carried by private armed guards aboard the ship;
- vi) the appointment of a representative in Greece and the particulars thereof (full name, identity card or passport number, issuing country);
- vii) all private armed guards embarking on the ship are over twenty one years of age, have undergone medical tests and have been found physically and mentally fit to provide the



ΕΠΙΣΗΜΗ ΜΕΤΑΦΡΑΣΗ TRANSLATION OFFICIELLE OFFICIAL TRANSLATION

loss of life, medical expenses, recovery and repatriation expenses, transport costs and other direct and indirect losses incurred by private armed guards and any third party;

f) the following additional documentation:

i) if the security service provider is based abroad:

(1) extract from the commercial register or certificate by the competent supervisory authority, issued within the preceding two months, attesting the establishment and entry of the company in the relevant register (certificate of good standing), the register number, the name of its legal representative and whether the company is in operation on the date of issuance of the certificate; and

(2) copy of the authorisation issued by the state of the company's registered offices for the provision of security services by armed guards aboard ships.

ii) if the security service provider is based in Greece:

(1) for capital companies, a General Register certificate attesting the establishment and entry of the company, its management body, its representation and its solvency, or the Government Gazette issue in which the appointment of directors/managers and representatives were published, and a certificate that the company is subject to bankruptcy, dissolution and liquidation proceedings; for personal companies, a General Register certificate attesting the establishment, entry and solvency of the company and its managers, or copy of its statutes, certificate of the First Instance Court relating to any changes to its statutes, and a certificate that the company is subject to bankruptcy, dissolution and liquidation proceedings; and

(2) a copy of its authorisation and a certificate by the company to the effect that the company meets the

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requirements of presidential decree referred to in paragraph 1 of article 12 of Law 4058/2012;

- (g) copies of the ship nationality documents, of the ship's insurance certificate stipulating the ability of cover its lifesaving means and the list of crew.
2. The State Security Directorate of the Hellenic Coast Guard Headquarters may summon, if necessary, the ship owner or manager to supplement the information on file or provide clarifications, within three (3) days of the submission of the application and the information on file at the latest.
3. In the event of justified rejection of the request for authorisation, the said duplicate receipt shall be returned to the applicant with the rejecting decision and shall be transmitted to the tax office for refunding the unduly paid sum.
4. To renew the authorisation, the ship owner or manager shall submit an application, accompanied by:
- a) a statutory statement under article 8 of law 1599/1986 (A 75) to the effect that the terms and conditions of the authorisation are still valid;
- b) a duplicate receipt issued by a tax office for the amount corresponding to the special charge referred to in article 4 of Law 4058/2012 (A 63), on the basis of the requested period of validity of the authorisation.
5. The renewal of the authorisation shall be approved within five (5) days of the submission of the application referred to in this paragraph.

#### Article 2

##### Report on the estimated risk

1. The analysis of the estimated risk shall form part of a written report by the security officer of the ship owner or manager on ISPS matters, which shall include the following information, as a minimum:

ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ ΥΠΟΥΡΓΕΙΟ ΕΞΤΕΡΝΩΝ  
ΔΙΕΥΘΥΝΣΗ ΑΣΤΙΝΩΤΗΤΑΣ  
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- a) the frequency at which the ship sails through areas characterised as high risk for pirate attacks pursuant to article 4;
  - b) the indicated number of private armed guards and their armature;
  - c) that resorting to private armed guard services is necessary, taking into consideration the planned voyage, the features of the ship and the cargo, the existing means of ship protection and guarding and the applicable Best Management Practices;
  - d) that the ship has suitable and secure premises for the safekeeping of arms and ammunition, accessed solely by the captain and the head of armed guards or their alternates, acting jointly.
2. The said report shall certify that the views of the ship's captain have been taken into account.

Article 3

Type of authorisation

The contents of the authorisation issued by the Chief of the Hellenic Coast Guard shall be consistent with the Greek and English version of the "Sample authorisation for the provision of security services by private armed guards of companies embarking on and disembarking from Greek merchant ships via foreign ports", attached hereto as an Annex and forming an integral part hereof. In case of doubt as to the text of the authorisation, the Greek text shall prevail.

Article 4

High-risk areas

High-risk areas are sea areas characterised as such in the applicable Best Management Practices and those characterised as such by the International Maritime Organisation (IMO), specifically sea areas between the Red Sea, the gulf of Aden to the straits of Ormuz and the northern part of the Indian Ocean, including the Arabian Gulf and the Mozambique canal, or as determined from time to time by the said instruments and organisations.

Article 5

ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ, ΥΠΟΥΡΓΕΙΟ ΕΞΤΕΡΝΩΝ  
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TRANSLATION SERVICE

ΕΠΙΧΡΗΜΑ ΜΕΤΑΦΡΑΣΗ TRANSLATION OFFICIELLE OFFICIAL TRANSLATION

**Incident reporting – familiarization of private armed guards**

1. Any incident of use of arms by private armed guards aboard the ship shall be immediately reported by the ship's captain or the ship's security officer to the Operations Centre of the Hellenic Coast Guard Headquarters.

2. Within twelve (12) hours of the termination of a piracy or attempted piracy incident, the ship's security officer shall submit to the Operations Centre of the Hellenic Coast Guard Headquarters a detailed written report, also signed by the captain, comprising at least the place and time of the incident, its circumstances, the efficiency and/or lack of means of prevention aboard the ship, including the private armed guards' services, any photographs and material from the CCTV on board, any injuries or deaths of persons aboard the ship, quantity and type of ammunition used, as well as any other information considered necessary by the Operations Centre of the Hellenic Coast Guard Headquarters about the incident.

3. In the event of use of arms or ammunition either because of the erroneous evaluation of an incident or for reasons not relating to a pirate attack or attempted attack, the ship's security officer shall prepare and submit within twelve (12) hours to the Operations Centre of the Hellenic Coast Guard Headquarters a written report on the use of arms, also signed by the captain, which shall comprise at least the following information:

- a) time, place and circumstances;
- b) details that preceded the use of arms;
- c) the particulars of the persons involved and the persons who were eye- or ear-witnesses and their written statements;
- d) evidence on the incurrence of physical or material damage;
- e) quantity and type of ammunition used.

4. The captain shall procure that:

- a) immediately after they embark on the ship, private armed guards familiarize themselves with its premises and the use of lifesaving and fire-fighting equipment;

