

**ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ**  
**ΕΘΝΙΚΗ ΕΠΙΤΡΟΠΗ ΓΙΑ ΤΑ ΔΙΚΑΙΩΜΑΤΑ ΤΟΥ ΑΝΘΡΩΠΟΥ**

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<p><b>Recommendation to the Greek Government to Ratify Protocol No 13 to the European Convention for Human Rights, Concerning the Abolition of Death Penalty in All Circumstances*</b></p>
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In formulating its proposals on the Revision of the Constitution, and more particularly on Article 7, para. 3, the National Commission for Human Rights resolved (unanimously) to propose to the Constitutional Revision Parliament the *abolition of the death penalty in all circumstances, including those of the crimes stipulated by law which are committed in time of war or in relation to it.*

The Constitutional Revision Parliament arrived at the following regulation (Article 7, para, 3 C): "*The death penalty shall not be imposed except in those instances stipulated in law in the case of crimes committed in time of war and relating to it.*"

On 3 May 2002, Protocol No. 13 to the European Convention on Human Rights (ECHR), which abolishes the death penalty in all cases, opens for signing. This is the supplementation of additional Protocol No. 6 to the ECHR, which abolished the death penalty, but not in time of war or imminent danger of war. Greece has ratified Protocol No. 6 to the ECHR, and ratificatory Law 2610/1998 provides for the implementation of the death penalty as regards acts which have been committed in time of war or imminent danger of war. It should, however, be noted that of the 39 member states of the Council of Europe which have ratified Protocol No. 6

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\* Rapporteurs: P. Pangalos, 1<sup>st</sup> Vice-President of the NCHR, and Y. Ktistakis, Legal Officer, NCHR.

(it has not been ratified by Armenia, Azerbaijan, or Russia, and Turkey has not signed it), only Cyprus and Ukraine have notified, as they had a duty to do, the Secretary General of the Council of Europe of the national provisions which stipulate the implementation of the death penalty in time of war.

It will be recalled that on the ratification of the International Covenant on Civil and Political Rights of the UN and its optional Protocol (Law 2462/1997), Greece has also undertaken the obligation to abolish the death penalty, though registering a reservation - in accordance with international treaty law - as to the instances of crimes stipulated by law which are committed in time of war or in relation to it. Protocol No. 2 to the ICCPR has been ratified without any reservation by the remaining 14 countries of the European Union. Of the total of the 46 countries which ratified Protocol No. 2 world-wide and have accepted the abolition of the death penalty, only Greece, Cyprus and Azerbaijan have made reservations as to its implementation in time of war.

It is proposed that Protocol No. 13 to the ECHR should be signed on 3 May 2002 in Vilnius by the representative of the Greek Government and that subsequently it should be confirmed and ratified by the appropriate national organs with the view to the complete harmonisation of the country with the stance of the rest of the member states of the European Union.

28 February 2002