



International Convention for the Protection of All Persons from Enforced Disappearance

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Chair: Mr. Ravenna

Contents

Consideration of reports of States parties to the Convention

Initial report of Greece

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Mr. Ravenna took the Chair.

The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties to the Convention

Initial report of Greece (CED/C/GRC/1; CED/C/GRC/Q/1; and CED/C/GRC/RQ/1)

1. *At the invitation of the Chair, the delegation of Greece joined the meeting.*
2. **Mr. Alexandris** (Greece), speaking via video link to introduce his country's initial report (CED/C/GRC/1), said that, although no allegations of enforced disappearance had thus far been made to the competent Greek authorities, his Government continued to attach great importance to the protections provided for under the Convention.
3. The Criminal Code, and the Civil Code provisions on adoption, had been amended and aligned with the Convention following its ratification by Greece in 2015. When the Criminal Code had again been amended in 2019, the provisions on enforced disappearance had been consolidated under the new article 322 on abduction. The amendments introduced in 2019 had not reduced the scope of the protections already in place against enforced disappearance. New article 322 contained the three constitutive elements of the crime of enforced disappearance, as set out in article 2 of the Convention, and provided for penalties that were commensurate with the extreme seriousness of the crime, in line with article 7 (1). Article 322 also provided for an aggravated form of the crime when the victim was a member of a specific vulnerable group and addressed the responsibility of superiors for acts or omissions. The crime was subject to a lengthy statute of limitations that was proportionate to its extreme seriousness and that took account of its continuous nature.
4. The measures put in place to protect public health during the coronavirus disease (COVID-19) pandemic had not affected the right of all individuals to report cases of enforced disappearance to the competent judicial and law enforcement authorities and to the Office of the Greek Ombudsman.
5. During the 2015 Syrian refugee crisis, Greece had received unprecedented numbers of migrants, refugees and asylum seekers. His Government deplored the loss of life attributable to the inhumane activities of smugglers and their networks. Considerable progress had been made in relieving congestion on the Aegean islands, expanding relocation schemes, accelerating asylum procedures and operationalizing the new multipurpose reception and identification centres. The Special Secretariat for the Protection of Unaccompanied Minors was implementing a national strategy for the protection of such minors in which a strong emphasis was placed on the best interests of the child. In addition, the Office of the National Rapporteur had drafted a national action plan to prevent and combat trafficking in human beings and to protect and rehabilitate victims.
6. A number of safeguards existed to prevent the enforced disappearance of detainees. Individuals who entered the country illegally could be detained for the period of time necessary to arrange their return, a period that was limited by law. The rights of detainees to receive visits and to be informed of their rights and obligations was fully guaranteed. Detention records were kept, and no person could be detained under administrative or criminal law without having their personal details entered in an official register of detainees. Independent authorities, such as the Office of the Greek Ombudsman, could conduct on-site inspections of places of deprivation of liberty.
7. The domestic legal provisions allowing an adoption to be challenged when the consent given was found to be invalid, to have been given in error or as a result of fraud or to be illegal or immoral could be applied in a case, should it arise, where the adopted child was a victim of enforced disappearance.
8. **Ms. Villa Quintana** (Country Rapporteur) said that, in the light of the State party's response to paragraph 1 of the list of issues (CED/C/GRC/RQ/1, para. 3), it would be useful to know when and under what conditions it might consider recognizing the Committee's competence to receive and consider individual and inter-State communications.
9. She wondered whether the still outstanding disaggregated data on the number of disappeared persons, if any, in the State party, including in the context of migration, on the

number of cases, if any, in which there might have been some form of State participation (art. 2) and on any complaints filed in response to disappearances perpetrated by non-State actors (art. 3) might be obtained from police registers or the three registers that had been established under Law No. 4554/2018 to collect information on unaccompanied minors. It would be helpful to know how many registers of disappeared persons existed, whether they contained only information on unaccompanied minors and whether they included information that related to article 2, to article 3 or to both articles of the Convention.

10. It was regrettable that new article 322 of the Criminal Code no longer classed enforced disappearance as a separate crime but as a form of abduction, and that it included the intention to deprive an individual of the protection of the State as a constituent element of that crime, despite the Committee's established position that deprivation of the protection of the State should in fact be seen as a consequence of enforced disappearance. In view of the State party's assertion that the amended language of article 322 – "so as to deprive him/her of the protection of the State" – was similar to the previous language of the article – "which places such a person outside the protection of the law" – she would welcome an explanation of the State party's interpretation of the two phrases.

11. It would also be helpful to know whether the State party intended to bring the definition of enforced disappearance as a crime against humanity contained in article 8 (1) of Law No. 3948/2011 into full alignment with the definition of enforced disappearance appearing in article 2 of the Convention.

12. Given that, under new article 322, superiors who had ordered the commission of an act of enforced disappearance could be punished only if the act had been committed or attempted, she would be interested to learn about the distinction made by the State party between a completed act and an attempted one. She wished to know what penalty, if any, superiors who ordered the commission of an act of enforced disappearance would incur under the Criminal Code. It would be helpful to hear about how article 44 (1) of the Criminal Code, which exempted from punishment individuals who, having started to carry out a criminal act, ceased doing so of their own free will before the act was consummated, might be applied in the context of enforced disappearance.

13. She would be grateful to receive information on article 21 of the Criminal Code, which addressed the culpability of individuals who carried out orders to commit unlawful acts, including the interpretations that had been given to that provision.

14. According to article 3 of the Military Criminal Code, the Criminal Code did not apply to military offences in areas where the provisions of the two Codes differed. It would be helpful to learn about any such conflicting provisions and how the prohibition on invoking the orders of a superior as a justification for an act of enforced disappearance was applied in the military context. She would also appreciate information on the legal provisions exempting from punishment persons who refused to obey orders or instructions ordering, authorizing or encouraging enforced disappearance and on the avenues of recourse available to subordinates who faced disciplinary measures as a result of their refusal to carry out a criminal act ordered by a superior.

15. She understood from the State party's written replies that the crime of enforced disappearance was punishable by 5 to 15 years' imprisonment – in other words, by the most severe penalty, with the exception of life imprisonment (CED/C/GRC/RQ/1, para. 15). The delegation might specify which penalties were typically imposed for serious offences in the State party and clarify the seemingly contradictory statement made in the replies that no numerical threshold had been established for the punishment of enforced disappearance (CED/C/GRC/RQ/1, para. 12). It would be useful to know what the maximum and minimum penalties were for the crime of enforced disappearance if the available aggravating and mitigating circumstances were taken into account, which provisions of the Criminal Code were applicable and whether the State party intended to align the relevant provisions on mitigating and aggravating circumstances with those of article 7 (2) of the Convention. What penalty would be incurred by a superior who failed to prevent or repress the commission of an act of enforced disappearance and was guilty of aiding and abetting such an offence?

16. **Ms. Kolaković-Bojović** (Country Rapporteur) said that she wished to know whether the statute of limitations for enforced disappearance commenced on the date on which the

person was forcibly disappeared or the date on which he or she was found. She wondered whether a statute of limitations of only 15 years was really proportionate to such a serious offence. The delegation might describe the safeguards in place to prevent the statute of limitations from being applied to victims who were seeking effective redress through criminal, civil or administrative proceedings.

17. According to article 8 (3) of the Criminal Code, if an act of enforced disappearance was committed by a State agent abroad, new article 322 of the Criminal Code would apply, irrespective of the laws of the country in question. It would therefore be useful to know whether the principle of double criminality applied to cases covered by article 8 of the Criminal Code, especially when the crime was committed by a non-State actor, and whether the State party would be competent to prosecute a foreign national suspected of forcibly disappearing a person who was not a Greek citizen. She would appreciate examples of circumstances where the State party would be able to exercise jurisdiction over an act of enforced disappearance if there was no lawful State authority.

18. In addition, she would like to know whether the State party had any plans to exclude the competence of military authorities to investigate and/or prosecute persons accused of committing an act of enforced disappearance, even when the persons in question were military personnel. The numerous reports received by the Committee alleging that migrants were being held in secret detention prior to being pushed back raised doubts as to whether the information contained in paragraph 24 of the written replies, to the effect that no allegations of enforced disappearance had been received since the submission of the State party's initial report, was still correct. She would be grateful for statistics on the number of investigations carried out with a view to locating and identifying missing migrants. What data were kept on missing migrants? What mechanisms were in place for collecting, storing and using DNA samples from their family members?

19. She would be curious to know whether the persons authorized to report acts of enforced disappearance were different to those who could report a missing person. The Committee would welcome an explanation of the remedies available to complainants if the authorities refused to investigate a case. She also wished to know whether there was a law which allowed for the prosecution of non-governmental activists who filed a complaint or gave evidence in connection with cases of enforced disappearance. The lack of information on the capacity, human resources and budget of the police units responsible for investigating allegations of enforced disappearance was regrettable. It would be useful to know more about how those units were organized, to whom they reported and the areas of the national territory, including border areas, in which they were active. The Committee would also appreciate information on the legal provisions under which police units could enter the premises of the armed forces or intelligence services to investigate cases of enforced disappearance and gain access to relevant documentary evidence.

20. She wondered whether any internal procedures were in place to ensure that any member of the Hellenic Police, the Hellenic Coast Guard or any other authority who was suspected of being involved in an offence of enforced disappearance was suspended from duty even before the preliminary inquiries began. Were public prosecutors and investigating judges competent to bar members of the armed forces or intelligence services who were suspected of being involved in an offence of enforced disappearance from participating in related investigations? What role did the Office of the Greek Ombudsman play in investigations into cases of enforced disappearance?

21. It was her understanding that, if an investigative measure was requested by a third country, in the absence of a bilateral treaty, it could be granted under article 459 et seq. of the Code of Criminal Procedure, if such a measure was deemed to be compatible with Greek law. The Committee would welcome a more detailed description of the procedures by which such investigative measures could be granted under article 459 et seq., the criteria used to assess the measures' compatibility with Greek law and the institutions responsible for conducting such assessments. It would also like to receive some examples of mutual legal cooperation in cases of enforced disappearance and some information, including statistical data, on the practical steps taken by Greece to cooperate in the investigation of disappearances of migrants and on the context of such cases and their outcome. Lastly, it would like to receive information on any mutual assistance initiatives to search for, locate

and release disappeared persons, or to identify and return their mortal remains to their loved ones.

The meeting was suspended at 4 p.m. and resumed at 4.15 p.m.

22. **Mr. Stournaras** (Greece) said that Greece attached great importance to the communications procedures provided for under international human rights treaties. While it was not currently in a position to make the declarations under articles 31 and 32 of the Convention, the matter was under constant review by the Greek authorities.

23. **Mr. Kakavoulis** (Greece), speaking via video link, said that article 322 of the Criminal Code, which dealt with enforced disappearance, had been amended simply to ensure proper codification and maximum coherence of the Code's provisions. The phrase "so as to deprive him/her of the protection of the State" circumscribed the mens rea of the offence to preclude any wider interpretation of the perpetrator's intention. The term "attempt" was defined in article 42 of the Criminal Code. An unsuccessful act aimed at unlawfully depriving a person of his or her freedom was deemed an attempt to commit an act of enforced disappearance and carried up to 8 years' imprisonment.

24. Article 322 of the Criminal Code applied to anyone who committed the crime of enforced disappearance, irrespective of the number of persons involved. However, if it was committed by three or more persons, it also fell under the purview of article 187 of the Criminal Code, on criminal organization, which carried a maximum of 15 years' imprisonment. Greek law had been amended to ensure its consistency with the Rome Statute of the International Criminal Court and, in certain circumstances, classed enforced disappearance as a crime against humanity. Article 322 also provided for the dismissal of an officer convicted of the crime of enforced disappearance. The Criminal Code provided that its general provisions were to apply to any criminal act covered by its special provisions, which meant that they also applied to the crime of enforced disappearance. While, under article 46 of the Criminal Code, anyone who ordered or solicited an offence was liable to the same punishment as the perpetrator, article 322 made specific provision for the more severe punishment of a superior who ordered the commission of an act of enforced disappearance. In accordance with the *lex specialis* principle, article 322 of the Criminal Code took precedence over the general rules contained in articles 45 to 47. Article 322 also made it clear that an order from a superior could not be invoked for the purpose of evading criminal responsibility for an offence of enforced disappearance. Article 21 of the Criminal Code stipulated that an act was deemed to be criminal if the order from a superior on which it was based was illegal or contrary to the Constitution. A person who disobeyed such an order would not be subject to disciplinary measures. Greek courts and prosecutors had jurisdiction over acts of enforced disappearance committed by Greek or foreign nationals under the circumstances spelled out in paragraphs 58 and 59 of the initial report.

25. Article 6 of the Criminal Code set forth the conditions for the applicability of article 322 of the Criminal Code to crimes committed by Greek nationals abroad, and article 7 provided for the application of the Criminal Code in respect of foreign nationals who committed an act of enforced disappearance under article 322 against a Greek national outside Greece. Under article 8 (c) of the Criminal Code, crimes committed abroad by persons acting in their capacity as State agents were always punishable under Greek law. The same was true for crimes covered by special provisions or international conventions ratified by Greece, irrespective of the nationality of the perpetrator or the laws applicable in the place where the crime had been committed, as established in article 8 (k) of the Criminal Code.

26. Articles 37 and 38 of the Code of Criminal Procedure placed an obligation on State agents to inform the public prosecution authorities without delay of any criminal offence reported to them. The Criminal Code also stated that suspected cases of enforced disappearance could be reported verbally or in writing to the public prosecution authorities or to any other investigating body by anyone who became aware of such acts. If the authorities refused to investigate the case, proceedings could be initiated against the State agent on the grounds of breach of duty, as provided for in article 259 of the Criminal Code; that offence carried a penalty of 10 days to 2 years' imprisonment, or a fine.

27. Greek law established the right of victims to know the truth, including by accessing case files, within the limits established by law. Victims of enforced disappearance were

entitled to take legal action against the perpetrator and to seek compensation for material and moral damages incurred; additional details on compensation were provided in paragraphs 136 and 137 of the initial report. The Code of Civil Procedure was applicable in proceedings concerning private individuals; alleged acts committed by State agents were governed by the Code of Administrative Procedure. Article 937 of the Civil Code established a statute of limitations of five years for compensation claims from the date on which the claimant had become aware of the damage, and of 20 years from the date on which the offence had been committed. The crime of enforced disappearance was subject to a statute of limitations of 15 years, which also applied to compensation claims.

28. **Ms. Avraam** (Greece), speaking via video link, said that the allegations made against the Hellenic Coast Guard concerned conduct that was inconsistent with its operating procedures and practice. The Hellenic Coast Guard had saved thousands of lives at sea and the number of casualties in the Aegean Sea was significantly lower than in other regions of the Mediterranean. It cooperated closely with the European Border and Coast Guard Agency (Frontex), and the Office of the United Nations High Commissioner for Refugees, followed the Frontex Code of Conduct in its daily operations and had made human rights and fundamental freedoms an integral part of its training curricula. All allegations of refoulement or ill-treatment of migrants were duly investigated in a timely manner and all coastguard operations were subject to independent monitoring.

29. Recently adopted legislation provided for cooperation between the Hellenic Coast Guard and non-governmental organizations (NGOs) in the context of search and rescue operations. The charges brought against non-governmental activists concerned their suspected unlawful interference in the operations of the Hellenic Coast Guard.

30. Members of the Hellenic Coast Guard were bound by the highest professional, legal and moral standards and assisted persons in distress at sea, irrespective of their nationality, migration status or the circumstances in which they were picked up. Upon locating an unidentified corpse, the local authorities ordered identification by DNA analysis; the information obtained was subsequently transmitted to the Hellenic Police. Shipwreck survivors were issued with certificates for use by asylum services. The Hellenic Coast Guard had received specific instructions on how to treat members of vulnerable groups, including victims of smuggling or trafficking. A range of seminars had been organized for its members in cooperation with NGOs. In cooperation with the International Committee of the Red Cross and the Hellenic Red Cross, staff had been trained in the management of mortal remains and DNA collection techniques.

31. **Ms. Goula** (Greece), speaking via video link, said that the Special Secretariat for the Protection of Unaccompanied Minors compiled all the data collected by the different State agencies working with that group. Three different registries for unaccompanied minors had been established under Law No. 4554/2018; more details were provided in paragraph 109 of the written replies. Special attention was paid to unaccompanied minors who had gone missing; an emergency response mechanism for unaccompanied minors in need of immediate protection had been established and had started operating in April 2021. The mechanism's staff cooperated with the Hellenic Police, the public prosecution authorities, United Nations entities and NGOs. The mechanism included a 24-hour hotline, mobile units, multidisciplinary outreach and response teams and five emergency accommodation facilities. Once the necessary protocols had been followed, the minors in question were transferred from emergency shelters to long-term accommodation and care facilities. Since its inception, nearly 2,000 children had been referred to the mechanism.

32. **Ms. Villa Quintana** said that, in view of the complexity of the State party's criminal laws, the Committee would be grateful if the valuable clarifications provided orally could be submitted in writing.

33. Notwithstanding the decisions adopted by the Committee to date in respect of individual communications, she would like to encourage the State party to consider making the declarations provided for under articles 31 and 32 of the Convention.

34. While she appreciated the information provided on data collection on unaccompanied minors, the Committee was most interested in statistical information on the number of disappeared persons, if any, or reported disappearances in the State party, including in the

context of migration, and on acts committed by non-State actors, if any. It would also be helpful to receive statistical information on the number of sets of proceedings instituted under new article 322 (1) and to learn whether any complaints of disappearance of adult refugees had been filed. The delegation might also indicate whether the three registries referred to in paragraph 109 of the written replies were interrelated and whether the information collected was used to inform practical measures to prevent enforced disappearance. If that was the case, the Committee would be grateful for additional information on such measures.

35. She would be curious to learn about the reasons for replacing articles 322A, B and C of the Criminal Code with the new article 322 on abduction. The previous provisions had established enforced disappearance as a specific, stand-alone crime and set out clear criteria for aggravated forms of enforced disappearance and, by referring to the “placement of a person outside the protection of the law”, reflected the wording used in article 2 of the Convention. Conversely, new article 322 departed from the Convention by making reference to “deprivation of the protection of the State”. It was unclear why a State party to the Convention should introduce changes of that nature.

36. She would welcome additional clarification on the definition of the crime of enforced disappearance and the penalties imposed for that crime. Legal certainty was an important principle of law and indispensable for adequate prosecution of a crime. It was unclear by which criteria a judge could be expected to weigh up the charges, assess the evidence and render judgment when, despite the information contained in paragraph 15 of the written replies, article 322 (2) made no reference to the length of the sentence applicable, instead simply referring to “imprisonment”. It was also unclear which crimes incurred life imprisonment and whether extremely serious acts of enforced disappearance might carry such a penalty. Such legal certainty was crucial, both for the prosecution and for the defence. Furthermore, when faced with a range of possible perpetrators of acts of enforced disappearance, State agents or other, it was important to recall the principles enshrined in article 6 (1) (b) (ii) of the Convention and article 6 (1) of the Declaration on the Protection of all Persons from Enforced Disappearance.

37. She understood that, according to article 322 (5) of the Criminal Code, invocation of articles 20 to 25 of the Criminal Code could not preclude the wrongfulness of the acts referred to in that article. The delegation might specify the type of penalty imposed for wrongful orders. It also remained unclear whether the State party had established mitigating circumstances for persons involved in the commission of an offence of enforced disappearance, such as those provided for in article 7 (2) (a) of the Convention.

38. **Ms. Kolaković-Bojović** said that it was still unclear whether the statute of limitations for enforced disappearance commenced on the date on which the person was forcibly disappeared or the date on which he or she was found, whether dead or alive. She also wished to know whether there were any plans to exclude the competence of military authorities to investigate or prosecute persons accused of committing an act of enforced disappearance.

39. She would appreciate clarification on the statutory time frame for investigating cases of missing migrants. The Committee would also be interested to know which authority was responsible for managing databases on missing migrants and exactly what information they contained.

40. It would be helpful to hear more about the situation of the non-governmental activists who had been accused of interfering in the work of the Hellenic Coast Guard. In particular, she wished to know which provision in Greek law had served as the basis for their prosecution. Lastly, she would welcome further information on the procedures for reporting missing persons and cases of enforced disappearance, respectively. Were persons with a legitimate interest authorized to report both types of case to the competent authorities?

41. **Ms. Lochbihler** said that the Committee had been disturbed to learn that the Hellenic Police and the Hellenic Coast Guard had reportedly broken or confiscated mobile telephones belonging to migrants and refugees. She would like to hear what measures were being taken to prohibit such practices and to bring perpetrators to justice.

42. **Mr. Albán-Alencastro** said that the allegation that non-governmental activists had unlawfully interfered in the work of the Hellenic Coast Guard was very serious indeed. On

the other hand, the role of the NGOs to which they belonged was to promote and protect the human rights of migrants in need of international protection, and there had been reports of migrants being held in detention for up to two or three days before being removed from the country. He would welcome further clarification as to how exactly the work of the Hellenic Coast Guard had been disrupted in those cases.

43. **Ms. Villa Quintana** said that, according to article 322 (4) of the Criminal Code, any superiors who failed to take all measures necessary to prevent or repress the commission of an act of enforced disappearance, or to submit the matter to the competent authorities, would be punished with at least 3 years' imprisonment. She wished to know whether a universal minimum penalty had also been established for the crime of enforced disappearance, regardless of the status of the perpetrators.

44. **Ms. Goula** (Greece) said that the Amber Alert protocol had been put in place to notify the public of cases of missing or abducted children. The protocol set out the specific measures to be taken in cases of suspected child trafficking or in respect of minors who were believed to have left the country. A legislative amendment introduced in December 2020 had put an end to the practice of holding unaccompanied migrant minors in detention. All unaccompanied minors were now registered by the authorities at reception and identification centres. As soon as that process had been completed, they were sent to appropriate facilities on the mainland.

45. **Mr. Karampatsakidis** (Greece), speaking via video link, said that the crime of enforced disappearance was not addressed in the Military Criminal Code and that the Ministry of National Defence had not taken any specific measures to implement the Convention. Military personnel who were perpetrators or victims of enforced disappearance were subject to the jurisdiction of the military courts. Article 53 of the Military Criminal Code required military personnel to refrain from any act that contravened national law. They would not therefore face any disciplinary or criminal sanctions for refusing to follow orders or instructions that would result in a crime being committed under article 322 of the Criminal Code.

46. In Greece, civilians were not prosecuted by military authorities and, as a result, there were no provisions in Greek law excluding the competence of military authorities to investigate and/or prosecute persons accused of committing an act of enforced disappearance. No such cases had been brought before the military courts. Specific safeguards had been put in place to ensure the independence of the military courts and, under the Military Criminal Code, the guarantees set out in the Code of Criminal Procedure also applied to military criminal proceedings. In any case, the military courts had no jurisdiction to hear cases of enforced disappearance involving military personnel when the alleged perpetrator, a member of the military, had acted together with a citizen, who was not a member of the military, or a State agent. Furthermore, he wished to clarify that the military had absolutely no authority to enter private premises or to detain civilians under orders from civilian or military courts.

47. **Ms. Avraam** (Greece) said that the priority of the Hellenic Coast Guard was to save lives and that it initiated search and rescue operations as soon as it was informed of persons at risk. Those operations were the sole responsibility of the Hellenic Coast Guard and Greek law did not provide for the involvement of NGOs in such activities.

48. **Mr. Kakavoulis** (Greece) said that murder was the only crime punishable by a life sentence in Greece. With regard to the language used in new article 322 of the Criminal Code, the term "protection of the State" had been chosen to guarantee victims the broadest possible protection of the law and of all authorities operating under the law. Although that provision did not explicitly provide for aggravating and mitigating circumstances in cases of enforced disappearance, the mitigating factors listed under article 84 of the Criminal Code – which included the conduct of the perpetrator both before and after the offence was committed – applied in such cases. All citizens, including military personnel and agents of the State, could be prosecuted for the crime of enforced disappearance.

49. It was true that, following the overhaul of the Criminal Code in 2019, the three articles that had formerly addressed enforced disappearance had been replaced by the new article 322 on abduction. However, the legal content on enforced disappearance had not changed and the current provisions of Greek law remained in line with the Convention. Although still treated

as separate offences, it had been decided that enforced disappearance and abduction should be brought together under the same provision because they both involved depriving victims of the protection of the State.

50. **Mr. Ayat** said it appeared that the delegation's responses had given rise to uncertainty among Committee members as to whether Greek law was fully consistent with the Convention and that he wished to invite the delegation to provide the clarifications requested.

51. **Ms. Villa Quintana** said that the information provided in paragraph 18 of the written replies and paragraph 52 of the initial report, to the effect that, as the crime of enforced disappearance was continuous in nature, the statute of limitations commenced on the date on which the unlawful situation ended, appeared to contradict the information provided in paragraphs 50 and 51 of the initial report, according to which the statute of limitations for enforced disappearance commenced on the date on which the offence was committed. As a result, it was unclear how the State party interpreted the continuous nature of the crime of enforced disappearance.

52. **Mr. Ayat** said that he wished to stress to the delegation that enforced disappearance was a continuous crime that required special treatment in law. It was different to a crime like murder in that it was appropriate to delay the start of the statute of limitations until the victim was found, since there was always the possibility that he or she was still alive.

53. **Mr. Kakavoulis** (Greece) said that enforced disappearance was a continuous crime, which meant that the statute of limitations commenced on the date on which the unlawful situation ended. Since enforced disappearance was a felony, the limitation period was 15 years. As a result, the responsibility of the agents of the State continued to exist as long as their criminal responsibility was active. Consequently, the statute of limitations for civil claims commenced on the date on which the victim was released.

The meeting rose at 5.55 p.m.