

The Role of the Hellenic Coast Guard in the Hellenic Internal Security and in Combating the Phenomenon of Organized Crime

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Abstract

The initial and basic mission of the State and its cardinal purpose was and still is the protection of the society from internal and external risks. This protection is guaranteed by institutions which have been set up by state. Each institution as is been known, is governed by structures, that have specific functions related to its internal organization and administration as also according to the specific mission which is called to perform in accordance with the constitution and the existing legal framework. In the light of these general findings, the Hellenic Coast Guard and the institutional role that performs, particularly its mission and organization, the subject and primarily the range of competences in which is involved in internal security after the reorganization effort, held by the present government from 10/2009 onwards will be the subject of this briefly study.

Keywords: Hellenic Coast Guard (HCG), organized crime, internal security, ministry of Mercantile Marine (MMM), Law Enforcement Agencies (LEAs), Hellenic Police (HP), Finance and Economic Crime Unit (SDOE), Organized Criminal Groups (OCG).

Introduction

After the elections of 04/10/2009, was occurred one of the key reforms in the composition of government ministerial schemes from 1974 to date. It was the abolition of the Ministry of Mercantile Marine (MMM) and its fragmentation of services and responsibilities to other ministries (Korontzis, 2011, pp 31-57).

This abolition recommends one of the most important administrative and government reforms because it was referred on the most productive and prestigious area of Hellas, the commercial shipping, and consequently to the main military administrative service, which supported the commercial shipping for one century, the HCG (Korontzis, 2010, pp 53-55). A corollary of this reform was the reorganization of the services which were involved in the sector of public order and security by subjecting them to a ministry (Ministry of Citizen Protection), implementing a new one? system of internal security and civil protection (Korontzis, 2010, pp 77-85).

The purpose of this briefly study is the critical approach of the new role is required to perform by Hellenic Coast Guard under the new constitution and structure as have been revealed through the legal texts. Additionally as have been known, in the recent years, dominating the

action of organized criminal groups (OCG) operating in various criminal activities like smuggling of immigrants, smuggling tobacco, drug trafficking etc. So, the concept of organized crime in national and international law will be developed, and the possibilities which are offered to the Hellenic Law Enforcement Agencies (LEA) in order to combat organized crime. Within this framework it will also be presented in statistical tables the activity of HCG in specific areas the last three years (tables 2,3,4,5 about here).

1. Mission, Structure and Composed of Hellenic Coast Guard

1.1 Hellenic Geopolitical Reality

The Hellenic geopolitical reality is consisting by the following characteristics:

- a. - Extensive Hellenic coastline (almost 18.400 km), the second longest in Europe (after that of Norway), which is equal more or less to the two thirds of the perimeter of Africa.
- b. - Existence of numerous rock-islands (more than 9000), which create a space accessible from many directions.
- c. - Proximity of the Turkish coastline (from which entry the main illegal migration flows), to the East Aegean Hellenic Islands that gives the advantage to the smuggling links to organize "transfers".
- d. - Heavy maritime traffic, of all kind of vessels in the sea.
- e.- the extensive land border with Albanian (246 km), FYROM (245 km), Bulgaria (476 km) and Turkey (203 km), total :1170 km (Table 1 about here).
- f.- between two continents (Asia and Europe), contact point between Black Sea and Mediterranean Sea, East Mediterranean and West Mediterranean Sea, near to Suez canal and to the Middle East (Korontzis, 2011, pp 58-72).

1.2. Establishment of Citizen Protection Ministry

In 2009 the Ministry of Citizen Protection was established by the Presidential Decree (PD) 184/2009 (A' 213) in which belongs now the responsibility in public and state security as also the civil protection. More specifically under its authority are the Hellenic Police (HP), the Hellenic Coast Guard (HCG) (Korontzis, 2011, pp 1-288), the Fire Services, the General Secretariat for Civil Protection and the National Intelligence Service [see No 2876 / 2877 and 2879 / 07.10.2009 (B 2234) Prime Minister Decisions "Change of Ministries Title" , "Recommendation a position of Deputy Minister at Ministry of Citizen Protection", "Setting Ministries range order" and action of legal contain of 13/10/2009 (A' 215)].

As have been revealed by the preamble of the Law 3922/2011 (A 35) ["Rename of the Hellenic Coast Guard and subjection to the Ministry of Citizen Protection"], with this administrative government regulation is «factually confirmed the intention of the State to strength state mechanisms of protection and service to citizens as also the public interest by setting up a new independent ministry, which will ensure a rational, comprehensive and uniform approach, evaluation and combating issues related to its mission».

With the provisions of the same PD as also the PD 127/2010, to the ministry of Citizen Protection were assigned law enforcement competences of the former Ministry of Mercantile Marine, Aegean and Island Policy. According also to the same preamble «ultimate goal of these arrangements was the integration of relative competences into one political organization, since the management of important security issues and environmental protection (Korontzis, 2009, pp 77-90) from services with different political leadership, direction and perception definitely affects negatively in terms of the uniform design, coordination, immediacy, the operational activity and overall in the effectiveness of their work» (Papoutsis, 2011).

The purpose of the above government administrative reform was, and is the completion of the structural design of the internal security and civil protection so under a single political

oversight, coordination and direction to effectively fulfill its mission and to participate actively with other security forces in fulfilling the mission of the Ministry of Citizen Protection. It is a reform that moves towards to the direction of the establishment of the Home Land Security (USA) as can be shown by the chart of the last (HLS, 2010).

The only time in which an effort was made in order to act together all state security services in cooperation with the Armed Forces drawing up security plans for all areas of relevance competences (and internal security) was the period of the Olympics Games 2004 (Korontzis, 2011, pp 58-72) and (Korontzis 2010, pp 1-72).

It must be noted that after a number of legal texts (Korontzis, 2011) showing the sloppy design and implementation of public policies, and after having been preceded several uncoordinated original administrative reforms in the field of merchant shipping (Korontzis, 2003, pp 78-79) and maritime security, was established the aforementioned Law 3922/2011, which attempted to solve, or better to limit the negative impact of governmental undertakings.

1.3. Hellenic Coast Guard

The mission of the HCG is the law enforcement in areas and places in where lies its competence. Specifically the mission of the HCG includes:

- a.-Ensuring public order, including the exercise of general police and traffic police.
- b. - The prevention and suppression of crime and particularly organized that includes exercise public and state security.
- c. - The organization of the conditions for safe navigation.
- d. - Search and rescue at sea.
- e. - The protection of the marine environment.
- f.-The measures for monitoring the performance of policing and control of maritime borders.
- g. -The ensure of the compliance with and enforcement of maritime safety rules for ships and port facilities, as also the conditions of vessels safe operation, according to the institutional framework in place each time, as the International Code of Safety of Ships and Port Facilities (ISPS), ratified by Law 1045/1980 (A 95) after the amendments were adopted particularly by the Conference of Contracting Governments to the International Convention on December 12, 2002 and incorporated into Hellenic law by PD 56/2004 (A 47) and the International Safety Management Code (ISM), ratified by Law 1045/1980 (A 95), as amended and supplemented by Decision No 1 / 1994 of the Conference of Parties to the Convention on International Safety of Life at Sea, 1974, incorporated into Hellenic by PD 74/1996 (A 58) (Korontzis, 2011, pp 65-81).h. The control of implementation requirements on vessels crew (Korontzis, 2010, pp 55-68).The jurisdiction of the Hellenic Coast Guard extends at sea liability, vessels and to all kind of crafts, ports and land area of these, as also to other terrestrial, coastal and marine areas such as the concepts of these terms shall be determined particularly in Legislative Decree (LD) 444/1970 (A 39), Law 2971/2001 (A 285), Law 2242/1994 (A 162), article 12 of Law 2289/1995 (A 27) or other special provisions.

As for its character, the HCG is an armed security force, militarily organized, the personnel of which have the status of the military under the Hellenic Military Penal Code. The provisions related to other armed corps are enforced for its staff if this specifically designated by law, and the provisions of Article 129 of the Code of Hellenic Coast Guard Personnel ratified by Law 3079 / 2002 (A 311) (Korontzis, 2009, pp 75-96). The organic positions amounted to 10.242 employees.

For the implementation of its competence and to perform its task the HCG compose by 8 Regional Administrations, 18 Central Port Police Authorities, 58 Port Police Authorities, and 107 Sub Port Authorities and Stations Port Police Authorities.

In accordance with Articles 158-163 of Chapter III "Judicial Police" of LD 187/1973 (A 261), tasks of general investigators in connection with crimes committed in the areas of HCG jurisdiction have been assigned to its staff from the rank of warrant officer and above (Korontzis, 2011, pp 52-54). In order to fulfill its mission within the new design was

established the headquarter of HCG in the ministry of Citizen Protection as the highest executive office. Through the Headquarters, the Chief of the HCG assist the Minister and the Secretary of the ministry of the Citizen Protection in exercising their functions. Headquarter is setting up by six (06) branches and twenty six (26) divisions. Main staffs are also the Deputy Chief, the General Staff and the General Inspectorate of the HCG.

The sectors which reflect the philosophy of the new mission of the HCG and which were established by the Headquarters are:

- a. - Operation branch (consisting of six divisions).
- b. - Administration, Management and Education branch (consisting of three divisions).
- c. - Infrastructure and Support branch (consisting of four divisions).
- d. - Security branch (consisting of five divisions).
- e. - Police and Order Branch (consisting of three divisions).
- f. - Navigation Safety Branch (consisting of five divisions).

The organization of services was determined in accordance with the provisions of PD 67/2011 (A 149). The HCG is establishing in Central and Regional Services. The Central services include the HCG Headquarter, which is divided into branches (as described above) as also the services which are described in Article 1, section 3 of this PD. Regional services include the Regional Administrations of the HCG, the Port Police Authorities which are under the authority of the HCG Regional Administrations as also the services of Maritime Attachés. Notable of Law 3922/2011 is the establishment of a central Council Planning and Crisis Management at HCG Headquarter, as by analogy exists in the Hellenic Police Headquarters [Law 2800/2000 (A 41)].

Headquarters important role in carrying out the security competences is playing by the Security branch composed by the following five divisions:

- A. Division of State Security.
 - B. Division of Public Safety.
 - C. Division of Maritime Border Protection.
 - D. International Police Cooperation Division.
 - E. Division of drugs and tobacco smuggling prosecution (Articles 18-22 PD 64/2011).
- Specifically:

A. - The exercise of public security includes:

- a.-The prosecution of crimes against life, personal liberty, property and property rights.
- b.- The prosecution of smuggling and looting, the crimes under Articles 187 and 187A of the Hellenic Penal Code and in particular the prosecution of illegal use and trafficking of drugs, cyber crime and money laundering.
- c. - The search and arrest of persons who are persecuted.
- d. - The search for missing persons and articles lost or stolen.
- e. - The gathering and use of information pertaining to issues of public security.
- f. - Dealing with incidents of piracy in the sea of competence.

B. – The exercise of state security includes:

- a. - Protecting the state and the democratic regime by any undermining action
- b.-To prevent and to combat violence and terrorism.
- c. - The control of compliance relating to weapons and explosives.
- d. - Monitoring of compliance with the provisions relating to the movement, residence and work of aliens in the country and in particular to combat the illegal immigration.
- e. The gathering and use of information pertaining to matters of state security and national interest in general.

C. - The exercise of policing maritime borders (Mpousios, 2010) includes:

- a. The organization of police action and control of maritime borders to tackle illegal immigration and cooperation with other competent authorities and agencies in the country for this purpose (Korontzis, 2010, <http://www.setha.mil.gr/main.php?action=diatribes>).
- b. The participation and cooperation with relevant services of the European Union, third countries and international organizations for the design and implementation of joint operational action in addressing illegal immigration and protecting the maritime borders of the country and participation of Hellenic Coast Guard in similar actions in other member countries of the European Union (Korontzis, 2011, pp 50-51), (Chrysohoidis, 2010).
- c. The prevention and the treatment of any illegal activity (Korontzis, 2005, pp 93-112). The compose of the new branch and the subjection of five (05) divisions to it, in order to be combated specific types of crime, due to the new approach of the internal security applied for the last three years in Hellas. It must be noted that before the establishment of HCG Headquarters the tasks of the divisions were enforced only by one division, the security division (PD 242/1999).

After the description of the role of the HCG as this is defined in the relevant legal provisions, and trying a wider comparative approach of the Coast Guards operating in different countries in the world are ascertained the following:

A. – To the competences of the Coast Guards may be assigned the following tasks:

- a. - search and rescue,
- b.- maritime law enforcement,
- c.- ships safety,
- d. - maintenance of lighthouses and border control,
- e. - in wartime to some coast guard agencies may be assigned duties ports defense, port security, maritime intelligence and coastal patrols. It may also vary the jurisdictions that allocated to Coast Guards, as to be part of the Armed Forces, to be a law enforcement agency or to engage in search and rescue. For example, the U.S. Coast Guard (United States Coast Guard-USCG) is a military service that implements the law, whereas in the UK the corresponding Coast Guard is a political organization that deals with search and rescue.

B. - specifically in the countries listed below have been assigned the following responsibilities:

Argentina

The Coast Guard of Argentina known as the Argentine Naval Prefecture is under the authority of the Ministry of Interior of Argentina and is responsible for exercise police into the rivers and sea areas under its jurisdiction.

Australla

Australia, which has 19,650 km coastline, has no service to which have been assigned clear duties for defending the coast. This task has been assigned to the Navy through the division which is responsible for the administration and the protection of borders (Border Protection Command Division), as also to the police-state. For search and rescue had been set up two private voluntary organizations, which offer only search and rescue services.

Canada

In the Canadian Coast Guard have been assigned rescue and search services, in cooperation with other agencies and organizations in the country (Canadian Forces, Royal Canadian Mounted Police). Maintain and operate lighthouses, coastal stations of light, vessel traffic services, services of combating pollution, marine communications systems and icebreakers services. Also is engaged into research and has hydrographic vessels.

France

There is no Coast Guard in France. But in each region is an Admiral who called Prefet

Maritime, and he/she is responsible for coordinating all services assigned to them for action at sea (navy, gendarmerie, customs etc.).

Germany

The German Coast Guard known as Kustenwache is a civil service as also a law enforcement agency, in which are employed police officers and civilians from various federal agencies related to the maritime administration and also responsible for coordinating all enforcement activities law within their jurisdiction.

Iceland

The Coast Guard in Iceland is a law enforcement organization, which is charged with tasks of national defense. It also participates in military exercises and contributions for expeditionary operations.

Italy

In Italy, the Guardia Costiera is part of the Italian Navy under the Ministry of Infrastructure and Transport. Duties of search and rescue have been assigned to it as also the implementation of maritime and maritime safety regulations.

Netherlands

The Dutch Coast Guard known as Nederlandse Kustwacht is an organization dedicated mainly to search and rescue.

Portugal

In Portugal, the Coast Guard is composed of many different government agencies that constitute the Sistema de Autoridade Maritima (Maritime Authority System) or SAM. It includes the Portuguese navy, the Portuguese Gendarmerie, the Air Force, the Border and Immigration Agency, the Civil Protection Authority, the National Institute for Medical Emergency and the Criminal Police. Coordinator is the National Maritime Authority, headed by Admiral of the Navy. The Authority is supported by the Department of the Portuguese Navy, including the Portuguese Maritime Police, the Institute Lifeguard, the Lighthouse Service and many port police authorities.

Spain

In Spain are several active Coast Guards. Sociedad de Salvamento Seguridad Maritima known and as Salvamento Maritimo. It is responsible for maritime traffic, safety and rescue operations, marine environmental protection but without have been assigned to it law enforcement tasks. Engaged in research and rescue, and other coordinating agencies are involved such as the Spanish Navy, Air Force etc. Customs duties and duties of Border Protection have been assigned to the Servicio Maritimo de la Guardia Civil.

U.S.A.

It is a service of law enforcement as also a military service. It is part of the Armed Forces and one of the seven corps in the U.S. that wears a uniform. Its role is to provide search and rescue services, coastal defense and law enforcement. In peacetime it is under the authority of the Ministry of Homeland Security and in time of war to the Navy (the information described here has been taken from the site http://en.wikipedia.org/wiki/Coast_guard and related links which refer/last visit 01/2012). From the above reveals that the differences of the HCG with other similar services operating in the world focus on:

- The HCG is a military corps that enforce police competences and in land areas of ports and not only at sea in which has jurisdiction.
- perform specific administrative police jurisdictions at the foreshore and the beach on matters of unlawful interference and

- until recently was the administrative service of the merchant marine which had the responsibility for the organization, improvement, development and protection of commercial shipping, linking these to the national economy, support for marine tourism, marine transport service, the naval education, issues concerning maritime labor and the enforcement of port policy of Hellas. After the publication of Law 3922/2011 should be evaluated after a sufficient period of time the new administrative reform introduced by this law.

2. Organized Crime

2.1 International Legislation

In the article 45 of PD 67/2011 sets out the administrative and judicial police duties of HCG officers who are posted in Port Police services in Hellas. Among other duties in paragraph (c) is specified that "prevent and suppress the organized crime in the exercise of public and state security». One of the major types of crime today that characterize specific quality characteristics is the organized crime.

Which is the concept of organized crime, what characteristics and what provisions exist in the Hellenic, European and International law in order to be combated this phenomenon? As far as concerning the definition of an illegal action as a form of organized crime according to the document with No 6204/2/97 ENFOPOL 35 REV 2 issued by the EU Council, and after a lot of discussions it was agreed by the member states that in order a criminal activity to be integrate at organized crime should be met at least six of the following characteristics, among which coexist certainly those mentioned in items 1,3, 5 &11, namely:

- a. - Cooperation between more than two persons.
- b. - Sharing tasks.
- c.-Long or indefinite duration.
- d-Some form of discipline (the organization's activities to be implemented in accordance with a defined set of rules).
- e. - Suspicion of committing serious criminal offenses.
- f.-International Action (organization activities must cover more than one country).
- g.-Use of force or other forms of intimidation (the use of violence or intimidation are part of the usual methods of organized action).
- h.-Use of commercial and operational structure (to control the profits).
- i.- Involvement in legalizing inputs from illegal activities (money laundering).
- j. - Influencing the fields of politics, media, public administration, judicial authorities or the economy.
- k. – Hunting for profit making and / or power as a key objective.

Also important provisions related to the determination of this specific concept include the provisions of Law 3875/2010 (A 158), "Ratification and implementation of the UN Convention against Transnational Organized Crime and its three Protocols and related provisions".

Specifically article 2 of the above mentioned law states: «"Organized criminal group" shall mean a structured group of three or more persons existing for a period of time and acting with a common purpose of committing one or more serious crimes or offenses established in accordance with this Convention, in order to get directly or indirectly a financial or other material benefit».

2.2 National Legislation

As far as concerning the Hellenic legislation, a significant legal development in terms of tackling organized crime was the provisions of Law 2928/2001 (A 141). Particularly with

Article 1 of that Act amended Article 187 of the Hellenic Penal Code and introduced the concept of criminal organization.

Specifically provided that "up to ten years imprisonment is punished anyone who establish or be part of a structured and continuous action group of three or more persons (organization) and seeks to commit more crimes provided for in Articles 207 (counterfeiting) / 208 (circulation of counterfeit currency) 216 (forgery) / 218 (forgery and misuse of stamps) 242 (false statement, distortion, / 264 (arson) / 265 (arson in forests) / 268 (flood) / 270 (explosion) / 272 (offenses relating to explosives) / 277 (causing wreck) / 279 (poisoning and food sources) / 291 (disturbing the safety rail, ship and aircraft) / 299 (murder with intension) / 310 (grievous bodily harm) / 322 (rape-abduction) / 323 (slave trade) / 323A (trafficking) / 324 (abduction of minors) / 327 (involuntary abduction) / 336 (rape) / 338 (abuse of a sexual abuse) / 339 (seduction of children) / 348A (child pornography) / 351 (trafficking) / 351A (lewdness with payment) / 374 (aggravated theft) / 375 (embezzlement) / 380 (robbery) / 385 (extortion) / 386 (fraud) / 386A (computer fraud) / 404 (usury).

Also with the same sentence are punished the most of the crimes under the law on narcotics, firearms, explosives and protection of materials that emit harmful radiation for humans, as well as the violation of paragraph 5 of Law 3386/2005 (A 212) as amended by article 15 and 4 of Law 3536/2007 (A 42) which states: "Whoever facilitates the entry or the exit of Hellenic territory citizen of third country without being subjected to control which is predicted by Article 5 shall be punished with imprisonment of at least a year and a fine of at least five thousand Euros. If the above mentioned individual acted on speculation shall be punished by imprisonment of at least two years and a fine of at least ten thousand Euros. If two or more individuals acting jointly committed the above offense for financial gain, under the action of a criminal organization as defined in paragraph 1 of Article 187 of the Hellenic Penal Code, as replaced by paragraph 1 of Article 1 of Law 2928 / 2001 (A 141), will be punishable by provisional imprisonment up to ten years and a fine of 10,000 to 50,000 Euros".

From the study of the provisions of Article 187 paragraph 1 of the Criminal Code, indicates that in order to be established the offense of formation or membership in an organization should be satisfied the following conditions:

- a.- Establish or inclusion as part of a group,
- b.-the group should be structured and have lasting effects (quality and time criterion, respectively),
- c.-the group consisting of three or more persons (quantitative criterion),
- d. - to seek the commitment of the most mentioned above.

With article 187A inserted by Article 2 of Law 2928/2001 introduced "Measures of equity." Specifically: "If one of the perpetrators of acts of constitution or membership organization or gang in paragraphs 1 and 3 of Article 187 enable announcement at the beginning to prevent discrimination by a planned crime or in the same way contribute substantially to dismantle the criminal organization is exempt from punishment for acts». In the article 9 of Law 2829/2001 is predicted the protection of witnesses from possible revenge or intimidation of the persons who according to article 187 of the Hellenic Penal Code assist in revealing criminal activities or their relatives.

In the Hellenic Criminal Code was added article 253 A with Article 6 of Law 2928/2001 as the first passage of paragraph 1 and paragraph 2 of this article were replaced with paragraphs 1 and 2 of Article 42 of Law 3251 / 2004 (A 127), which refers to interrogation operations at criminal organizations. Especially for the offenses in paragraphs 1 and 2 of article 187 and for the offenses of Article 187 A, the investigation may include the conducting of:

- a) penetration investigation, with the enforcement of the guarantees and the procedures in the following paragraphs and as the penetration is predicted in paragraph 1 of article 25B of Law 1729/1987 "Fighting the spread of drugs, protection of young people and other provisions" as amended, at the paragraph 1 of Article 5 of Law 2713/1999 "Internal Affairs Service of the Hellenic Police and other provisions", if the penetration investigation is limited to acts that are

strictly necessary for the detection of crime, the performance whose members of the organization had previously agreed,

b) controlled deliveries, with the enforcement with the same guarantees and procedures, as otherwise these deliveries are predicted at the article 38 of Law 2145/1993 "Regulation of issues executions sentences acceleration and modernization of justice procedures and other issues" as force,

c) lifting of the confidentiality with respect to the same guarantees and procedures, as otherwise this lifting is provided in articles 4 and 5 of Law 2225/1994 "For the protection of freedom of response and communication and other provisions" (paragraph 4.a. replaced by Article 12 of Law 3115/2003)

d) activity registration or other events outside of the home with audio or visual or other special technical means of keeping with the same guarantees and procedures, as otherwise the registration is predicted in paragraph 4 of article 6 of Law 2713/1999 and

e) Correlation or a combination of personal data with the enforcement of the same guarantees and procedures and under the material terms and conditions of Law 2472/1997 "Protection of individuals from the processing of personal data".

The investigations cited in the preceding paragraph shall be conducted only:

a) if obtained strong evidence that had been committed an offense referred to in paragraphs 1 and 2 of Article 187 or offense of Article 187A of the Hellenic Penal Code and

b) the dismantling of a criminal organization or detection of terrorist acts in Article 187A is otherwise impossible or very difficult.

In addition to those articles are provided and increased judicial guarantees, namely:

a. - In order to be carried out those investigations referred in paragraph 1 and for the strictly necessary time required for achieving the aim rule is required with specific justification issued by the competent judicial council after a proposal by a public prosecutor. In extremely urgent cases the investigation may order by the prosecutor or the investigator. In this case the prosecutor or the investigating judge is obliged to introduce the issue into the competent judicial council within three days. Otherwise the validity of the provision ceases at the end of three days.

b. - Each element or knowledge gained in carrying out during the investigations referenced in paragraph 1 may be used only for purposes defined by the Judicial Council. Exceptionally, the elements or the knowledge gained can be used for certifying crime, arrest of perpetrators and the dismantling of other criminal organization, if the judicial council ruled specifically on this.

c. - The provisions of this article can be applied when conducting is taking place according to special penal laws which the rules are still in valid, if not inconsistent with its provisions.

Apart from the above to combat organized crime in Hellas helps the following instruments:

a. - Law 3064/2002 (A 248), "Fight against human trafficking, crimes against sexual freedom».

b. - PD 233/2003 (A 204), "Protection and assistance to victims of crimes of articles 323, 323A, 349.351, 351 of the Hellenic Penal Code under Article 12 of Law 3064/2002 (A 248)."

c.- Law 3251/2004 (A 127), " European Arrest Warrant, Changes to the Law 2928/2001 for criminal organizations and other provisions ".

d. - Law 3424/2005 (A 305), "Modifying, supplementing and replacing provisions of Law 2331/1995 (A 173) and adjustment of the Hellenic legislation to the Directive 2001/97/EC of the European Parliament and Council for the prevention of financial system for legalized money from illegal activities and other provisions".

In PD 14/2001 (A 1) and in particular in article 25 provided that at the departments of Drug Prosecution/ Security Division of Attica, is defined as a particular competence of them the controlling of the movement of narcotic drugs and psychotropic substances and the contacting of preliminary investigation. In article 11 of Law 2928/2001 (A 141) provides that "the preliminary investigation and preliminary examination which is conducted by the Drug Prosecution Services /Security Divisions of Attica/General Police Directorate of Athens and Thessaloniki, reservation to the provisions of Articles 33, 34 and 35 of the Code of Criminal Procedure, is under the supervision and guidance of Appeals Prosecutor of Athens and Thessaloniki respectively, carried by one of the existing vice Public Prosecutors appointed by the court of appeal".

In addition to the above:

In article 8 of the 3387 / 2005 (A 224) is stating that "In the Divisions of Attica and Thessaloniki defined by a decision of the Supreme Judicial Council, a public prosecutor respectively, with full and exclusive occupation for three years, who supervise and guide the work of service in the prosecution of organized crime. The above mentioned public prosecutor is being informed about all information and complaints received by the above mentioned services and may order or conduct by him/her self preliminary investigation or preliminary examination for crimes predicted by Articles 187 and 272 of the Hellenic Penal Code, as amended by the Law 2928/2001 (A 141)".

In Article 5&3 of Law 3649/2008 (A 39) is stating that «in the National Intelligence Service (NIS) is seconded by decision of the Supreme Judicial Council, a public prosecutor for a period not to exceed of three years, who controls the legality of specific operational activities on matters pertaining to Human Rights and exercise such other competences conferred by provisions of this Law ".

In articles 2 & 3 of Law 3943/2011 (A 66), entitled "Economic Crime Public Prosecutor" is stating that "the duties of the Economic Crime Public Prosecutor, the territorial jurisdiction of who extends across the territory, is the supervision, guidance and coordination of the operations of general officers under Article 33 Paragraph 1 of Criminal Code Procedure and special staff officers». In the same law in paragraph 10 is providing that with a common ministerial decision issued by the Ministers of Finance, Justice Transparency and Human Rights, can be posted on Prosecution of Appeals and Misdemeanors offices, officials of the Ministry of Finance, in order to assist the work of prosecutors when officers conducted a preliminary investigation or preliminary examination on economic or other related crimes and for a period of two years which can be extended by a similar decision for an equal length of time up to two times.

According to Article 49& 9 of Law 2935/2001 (A 162), "the preliminary investigation and preliminary examination which is conducting by the Office of Internal Affairs of the Ministry of Mercantile Marine (MMM), supervised by the public prosecutor head of the Misdemeanors Prosecutor or by the competent military Prosecutor of Naval court. Supervision is exercised either by the above or by their subordinates public prosecutors and consists to the right to be informed of all information or complaints received by the above mentioned service, to be aware of all the cases handled and to monitor their progress to give instructions and guidance and to be present during the conducting of the investigations".

There are three major administrative corps in Hellas [Finance and Economic Crime Unit (S.D.O.E.), Hellenic Police, Hellenic Coast Guard] for the prosecution of economic and cyber crime. The first has a competence of action in all the Hellenic territory and the other two in certain territorial places, as determined by the relevant legal provisions. Obviously is being created the well-known phenomenon that characterizes the systemic problems of the Hellenic public administration, the overlapping of competences.

While there have been set a competent prosecutor for financial crime, as is clear revealed from the above mentioned legislative framework, he/she directs and supervises only the actions and investigations conducting by the officers of S.D.O.E. as also the staff of the Ministry of Finance. There is no such legal provision for appropriate inclusion of the respectively Police Service [(Economic and Cyber Crime Unit – established by PD 9/2011 (A 24))] in his/her jurisdiction, as the same is taking place for the HCG. The staff of the relative

service of Hellenic Police as also the staff of the HCG when they are acting as preliminary staff officers are under the supervision and guidance of prosecutors of criminal justice and not under the supervision and the guidance of the specialized public prosecutor of the economic crime.

Conclusions

The Hellenic Coast Guard with its new name now [query creates what's new - particularly attached to the exercise of the competences of this corps added the new title] and with the new subjection at the ministry of Citizen Protection, will enforce the competences conferred to it and in that matter will be completed the structural design of the internal security and civil protection of Hellas. As also was written in the preamble of the Law 3922/2011 "From now on under a unified political oversight, coordination and direction (it means the HCG) it will effectively fulfill its mission and will participate actively, effectively and equitably with the other security forces in fulfilling the mission of the ministry."

Critically and briefly worth mentioning some questions arising from those listed above. As is well known the government implements specific policies which are supposed that have been before the election under the adjudication of the electorate. These policies are specific in every sector, implemented whole under government programs and are interrelated. Main instrument of implementation of government policies by sector is the minister.

In the case of internal security - security is a concept which is not identified specifically in legal texts, but in each case is determined on the basis of case-law decisions of the courts – creates numerous of questions the wording "that the management of important security and environmental protection issues from services and corps with different political leadership, direction and perception affects definitely negatively in terms of the uniform design, coordination immediacy, operational activity and overall in the quality and the effectiveness of their work".

It means that the ministers of each ministry and in specific cases, until the drafting of this law, enforced different policies, that each minister had a different direction and vision, that there was no unified design as also lack of coordination and thus affected the immediacy and the operational action of the services which were under their supervision. These apparently occurred at the level of internal security when security forces as in this case, belonged to different ministries. This is perhaps another Hellenic originality in terms of public order and security.

As far as concerning the HCG, should not at least be disclosed deficiencies, shortcomings, failures of action of this specific corps, in the level of the administrative body of commercial shipping and maritime security in order this specific administrative reform to become at least more systemically and more convincing? It must be mentioned that in any case, the action of this specific corps was under the political guidance of political leaders (ministers, general secretaries), and their policies were implementing by it, mainly through the former MMM, which was comprised in the largest extent by HCG staff.

How consistent with reality or otherwise how is supported the argument made that «..... it is necessary to add at the structure of the Ministry of Citizen Protection, the Hellenic Coast Guard and will complete the structural formation of the internal security system and civil protection, so from now on under a unified political oversight, coordination and direction to fulfill effectively its mission and will participate actively, effectively and equitably with the other security corps forces in fulfilling the mission of the Ministry".

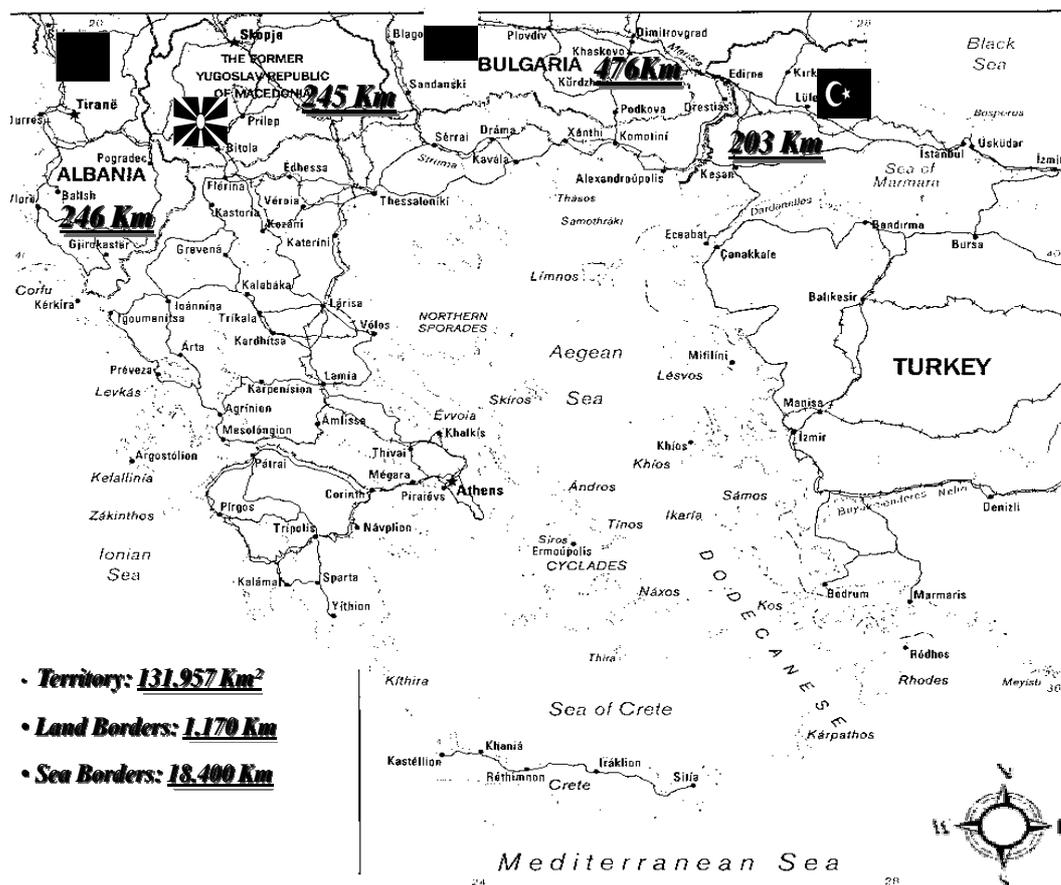
Before when staffing another ministry (MMM), the HCG did not fulfill its mission? Did not always involve under political surveillance in enforcing government policies as it was its task? Did not involve in designing and implementing internal security policies? Did not participate in similar councils and institutions were established by its staff? Did not participate in international and European organizations and agencies on issues related to navigation and maritime security in which promoted government policies after relevant directives of political leadership?

Noted, that with this law it was the first time that adopted provisions with primary responsibilities for the HCG, which until recently were carried out by the former MMM. Careful study between the provisions of two laws, namely 2800 and 3922, shows that the philosophy adopted for the new mission, organization and constitution of HCG was based on the similar legislation which is relative for the mission, organization and establishment of the Hellenic Police. The organization and operation of the Hellenic Police probably discerned as effective in tackling crime activities in preventive and coercive field and was decided that this administrative model could be implemented at the HCG in order to achieve its optimal performance.

It is necessary as a basic step of a public policy after sufficient time to be evaluated this administrative reform in the level of the internal security and in tackling crime as also the consequences in the shipping administration.

Tables

Table 1: Land and Sea borders of HELLAS



Source: Conference «ATHENA 09», Athens 10/2009. More specifically the «Athena 09» Crisis Management International Conference was the 12th annual “Athena” conference organized by the Hellenic National Defence General Staff (HNDGS) under the auspices – since 2008- of the Hellenic Ministry of National Defence. The «Athena 09» took place in Athens from September 30th until October 3rd 2009 at Metropolitan Hotel. Available on http://www.geetha.mil.gr/index.asp?a_id=2495.

Table 2: Tobacco Seizures
Years 2009- 2010-2011

YEAR	2009	2010	2011
INCIDENTS	23	25	33
ARRESTED PERSONS	51	93	207
CIGARETTES SEIZED	5.871.720\ (PACKETS)	11.064.883 (PACKETS)	22.786.508 (PACKETS)
VEHICLES SEIZED	5 LORRIES – 2 TRUCKS – 9 CARS	12 LORRIES – 8 TRUCKS - 4 CARS – 1 FORKLIFT – 1 TRAILER	26 LORRIES – 1 TRUCK- 15 CARS
VESSELS SEIZED	1 M/V	6 M/V AND 1 F/V	13 M/V
EVADED EXCISE DUTIES & TAXES	15.261.283,34 €	17.974.757,79 €	71.749.646,31€

Source: Ministry of Citizen Protection/Hellenic Coast Guard H.Q./Security General Directorate

Table 3: Illegal Entry from Turkey/Arrests of Illegal Immigrants and Smugglers/Seized Vessels and Cars

YEAR	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
ARRESTS (ILLEGAL IMMIGRANTS)	<i>6.741</i>	<i>3.911</i>	<i>2.234</i>	<i>2.319</i>	<i>2429</i>	<i>2841</i>	<i>8721</i>	<i>15001</i>	<i>10066</i>	<i>1746</i>	<i>87</i>
SMUGGLERS ARRESTS	<i>62</i>	<i>44</i>	<i>61</i>	<i>40</i>	<i>64</i>	<i>91</i>	<i>173</i>	<i>217</i>	<i>182</i>	<i>48</i>	<i>03</i>
SEIZED VESSELS	<i>53</i>	<i>67</i>	<i>42</i>	<i>55</i>	<i>56</i>	<i>61</i>	<i>156</i>	<i>174</i>	<i>165</i>	<i>33</i>	<i>03</i>
SEIZED CARS	<i>--</i>	<i>--</i>	<i>--</i>	<i>--</i>	<i>09</i>	<i>03</i>	<i>02</i>	<i>08</i>	<i>02</i>	<i>02</i>	<i>--</i>

Source: MINISTRY OF CITIZEN PROTECTION/HELLENIC COAST GUARD H.Q./SECURITY GENERAL DIRECTORAT

Table 4: DRUGS SEIZURES

YEARS 2009-2010		
YEAR	2009	2010
1. INCIDENTS	241	374
2. ARRESTED PERSONS	316	532
3. CANNABIS		
a) Cannabis resin	267,8gr	4 Kgr 589,6 gr
b) Cannabis herb	387 Kgr 527,8gr and 38 joints	705 Kgr 693,5 gr And 27 joints
c) Cannabis oil	-	37,1 gr
d) Cannabis plants (seeds)	60 plants 70 seeds	68 plants 357gr seeds & 154 seeds
4. OPIATES		
a) Heroin	3Kgr458,6gr	183 Kg 552,08gr
b) Raw Opium	792,77gr	6 Kg 456 gr
c) Codeine	-	-
d) Methadone	27 tablets & 116,4gr	591,3 gr και 78 ml liquid 60 tablets of 5mg
e) Rest opiates	-	-
5. STIMULANTS		
a) Cocaine	3Kgr 513gr	83 Kgr 994,4gr
b) Methamphetamines (tablets) Crystal meth	-	5 Kgr 626 gr
c) Amphetamines	44 tablets & 0,5gr	4 gr Methamphetamines
d) Ecstasy	3 tablets	108 tablets and 30,7gr liquid 5gr MDMA
e) KHAT	ICE 14gr – 500gr leaves of KHAT	-

6. DRUGS		
a) Hallucinogens		14,4 gr mushrooms
SPEED	-	-
L.S.D.	6 impregnated papers	2 impregnated papers
b)Tranquillizers	648,5 tablets	953,5 tablets
c) Barbiturates	-	-
7. KETAMINE	-	-
8. DEATHS REPORTED	-	2

Source: MINISTRY OF CITIZEN PROTECTION/HELLENIC COAST GUARD H.Q./SECURITY GENERAL DIRECTORATE

Table 5: DRUGS SEIZURES /YEAR 2011 (thru 30-11-2011)

AUTHORITY	HELLENIC COAST GUARD
1. INCIDENTS	322
2. ARRESTED PERSONS	369
3. CANNABIS	
a) Cannabis resin	135,44 gr
b) Cannabis herb	748 Kgr 703,71 gr plus 18 joints
c) Cannabis oil	76,8 gr
d) Cannabis plants (seeds)	1603Items - 300gr plus 9 seeds
4. OPIATES	
a) Heroin	3 Kgr and 634,62gr
b) Raw Opium	1 Kgr 348,6 gr
c)Methadone	4,2gr – 4 ml (liquid) – 3 tablets
d) Codeine	-
e) Rest opiates	-
5. STIMULANTS	

a) Cocaine	11Kgr 919,30 gr
b) Cocaine Leaves	-
c) Amphetamines	3 gr
Methamphetamines (tablets)	
Crystal meth	1,8gr
d)Ecstasy	9,3gr
e) KHAT	204,3gr
f) SPEED	
6. DRUGS	-
a) Hallucinogens	286 tablets -15,2gr mescaline
b) L.S.D.	17,5gr - 97,5gr (liquid) - 6 impregnated papers
c)Tranquillizers	559,5 tablets
d) Barbiturates	-
7. KETAMINE	-
8. DEATHS REPORTED	-
9. DEATHS CERTIFIED	-

Source: MINISTRY OF CITIZEN PROTECTION/HELLENIC COAST GUARD H.Q./SECURITY GENERAL DIRECTORATE

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