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THE EVOLUTION OF GREECE'S SECURITY LEGISLATION AND POLICY

Andreas Borgeas *

INTRODUCTION

Greece's economic crisis forecasts a bleak future for those already referred to as the "lost generation." This generation came of age during the optimism of Greece's European prosperity, yet now is regarded as a casualty of the Eurozone debt crisis which has shattered the country's prospects and psyche.¹ Under such traumatic conditions it should come as no surprise that political violence in the streets has become a common occurrence.² Nor should the leap from political violence to resurgent terrorist activity be unexpected under these circumstances, especially given

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¹ See Viola Caon, *Europe's Lost Generation: How it Feels to be Young and Struggling in the EU*, THE OBSERVER (Jan. 28, 2012, 3:00 PM), <http://www.guardian.co.uk/world/2012/jan/28/europes-lost-generation-young-eu> (stating that Greek youth have been among the most affected by Greece's economic crisis); see also *Greece's Youth in Crisis*, THE DAILY BEAST (Nov. 22, 2011, 4:45 AM), <http://www.thedailybeast.com/articles/2011/11/21/greece-s-youth-in-crisis.html> (emphasizing that the unemployment rate for Greece's young adults has risen due to the economic crisis).

² See Dina Kyriakidou & George Georgiopoulos, *Gun Attack on PM's Party HQ as Greek Violence Escalates*, NBC NEWS (Jan. 14, 2013, 2:03 PM), http://www.msnbc.msn.com/id/50460037/ns/business-stocks_and_economy/t/gun-attack-pms-party-hq-greek-violence-escalates/#.UP3VIB1BAvk (commenting that Greece is currently facing attacks on political figures due to the financial crisis); see also David Muir & Bradley Blackburn, *How Did Greek Economic Crisis Get So Bad?*, ABC NEWS (May 5, 2010), <http://abcnews.go.com/WN/greeks-streets-violent-protests-economic-problems/story?id=10567233> (providing an example of violence resulting from protests due to the economic crisis in Greece).

the revolutionary strains so recognizable in Greece's political culture.³

Few European countries have internalized the political and cultural forces of terrorism as much as Greece. On a popular level, Greece has experienced dramatic fluctuations in its security legislation and policy toward an assortment of indigenous and foreign resistance causes.⁴ Greece today, especially as it struggles with its financial turmoil, reveals the strains of its historically expressive populace. That is why Greece's history, and the manner in which its laws and policies have evolved, make Greece unique to the study of terrorism. This article examines the political fluctuations that have influenced Greece's security policies toward terrorism, both Middle Eastern based and indigenous, and the corresponding evolution of Greece's legal instruments amidst the changing nature of Greece's terrorist threats.

I. Middle Eastern Terrorism and Greece

Among European countries Greece has been unique in its security policies toward terrorism originating from the Middle East. Greece is valuable for this study in large part because of the significant vacillations in its security policies and involvement in

³ See Anthee Carassava, *Bomb Blast at Greece Shopping Mall Raises Fears of Extremism*, L.A. TIMES (Jan. 20, 2013, 7:44 PM), <http://www.latimes.com/news/nationworld/world/la-fg-greece-violence-20130121,0,6314563.story> (reporting a shopping mall bombing in Greece and explaining its possible connection to the economic troubles); see also George Papadopoulos, *Crisis in Greece: Anarchists in the Birthplace of Democracy*, TERRORISM MONITOR, July 12, 2012, at 4, available at http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=39613&tx_ttnews%5BbackPid%5D=588 (discussing the economic crisis in Greece and the reappearance of anarchists as a result).

⁴ See Georgios Karyotis, *Securitization of Greek Terrorism and Arrest of the 'Revolutionary Organization November 17'*, COOPERATION AND CONFLICT, Sept. 2007, at 271, 276–84, available at http://www.academia.edu/2334458/Securitization_of_Greek_Terrorism_and_Arrest_of_the_Revolutionary_Organization_November_17 (citations omitted) (detailing how Greek's treatment of terrorist activities has changed throughout the years); see also *New Provisions of the "Anti"-Terror Law*, CONTRA INFO (Nov. 27, 2010), <http://en.contrainfo.espiv.net/2010/11/27/new-provisions-of-the-anti-terror-law/> (remarking that anti-terrorism laws in Greece changed in August 2010 which expanded the definition of terrorism).

Middle Eastern affairs.⁵ Greece's relevance in the region has been enhanced by the absence of a colonial legacy, a restive minority population, and the complexities of a prominent role in world affairs.⁶ Greece was not an imperial power so it has no need to cope with the historical animosity of a subjugated people, nor is its politics so associated with western hegemony that its institutional or commercial entities are viewed as targets of real consequence. Even considering its historical differences with Turkey and a strong Orthodox Christian identity, theoretically Greece should be a relatively benign country in terms of terrorism. However, Greece has been an active country for terrorist operations for several reasons.⁷

First, Greece had stripped away many of its security capabilities following its military dictatorship around the time terrorism emerged on the scene.⁸ Second, Greece has strong popular and media support for Middle Eastern causes—in particular, the Palestinian, Kurdish, and Armenian causes—which

⁵ See Dr. Ioannis N. Grigoriadis, *Seeking Opportunities in Crisis Times: Greek Foreign Policy in the Middle East*, ELIAMEP THESIS, Mar. 2012, available at <http://www.isn.ethz.ch/isn/Digital-Library/Publications/Detail/?lng=en&id=142756> (noting the fluctuations in Greece's policies toward the Middle East). See generally Spiros Ch. Kaminaris, *Greece and Middle Eastern Terrorism*, 3 MIDDLE EAST REVIEW OF INTERNATIONAL AFFAIRS, MERIA JOURNAL, June, 1999, available at <http://212.150.54.123/articles/articlelet.cfm?articleid=403> (outlining reasons why Greece has become a target of terrorist organizations).

⁶ See RICHARD CLOGG, *A CONCISE HISTORY OF GREECE* 236–37 (2nd ed. 1992) (noting that in the 1990s, Greece was mostly homogenous and had a small minority population); see also George Protopapas, *Greece's International Profile and Crisis*, IFIMES (Feb. 2, 2012), <http://www.ifimes.org/en/print/?id=659> (positing that Greece's involvement in international affairs has been destroyed in large part by the economic crisis).

⁷ See Ayaz R. Shaikh, Note, *A Theoretic Approach to Transnational Terrorism*, 80 GEO. L.J. 2131, 2171 (1992) (citations omitted) (referencing accusations made by the United States that Greece was giving sanctuary to Middle East terrorists); see also James Risen, *A Pattern of Unsolved Greek Terrorism Cases*, N.Y. TIMES, June 9, 2000, <http://www.nytimes.com/2000/06/09/world/a-pattern-of-unsolved-greek-terrorism-cases.html> (stating that Greece was ranked second in the world for their amount of anti-American terrorist attacks).

⁸ See JAN OSKAR ENGEL, *TERRORISM IN WESTERN EUROPE: EXPLAINING THE TRENDS SINCE 1950* 151 (2004) (stating that it was only after Greece's shift to democracy that terrorism in the country became a challenge); see also *Greek Domestic Terrorism*, NAT'L COUNTERTERRORISM CENTER: COUNTERTERRORISM 2013 CALENDAR <http://www.nctc.gov/site/groups/greek.html> (last visited Jan. 22, 2013) (noting that terrorist groups appeared after the fall of Greece's military dictatorship).

tends to excite existing anti-American and anti-Israeli sentiments.⁹ Third, Greece's proximity to the Middle East and geography are ideal. Its porous borders and waterways are difficult to secure and Greece's E.U. membership allows for relative ease of movement within Europe.¹⁰ The final reason is due to the presence of western targets, including diplomatic institutions, companies, and military installations.¹¹ Within the framework of these factors, this section examines Greece's policies toward terrorism originating from the Middle East by surveying how different administrations have responded to select terrorism problems.

Through most of Greece's military dictatorship, or junta (1967-74), there was little in the way of Middle Eastern based terrorism on Greek soil.¹² Yet, as Israel's military gains stunned an embarrassed Arab world, the era of terrorism began in Europe. Following the demise of the dictatorships and the advent of parliamentary democracy, Greece underwent a period of profound reforms which stripped Greece's security, intelligence, and military agencies of the extensive powers they previously exercised with enhanced civil protection substitutes.¹³ For

⁹ See CAROL MIGDALOVITZ, CONG. RESEARCH SERV., RS 21833, GREECE: THREAT OF TERRORISM AND SECURITY AT THE OLYMPICS 3 (2004), available at <http://www.fas.org/irp/crs/RS21833.pdf> (referencing the presence of people from Muslim and Arab countries in Greece); see also Soeren Kern, *Greece to Build First Official Mega-Mosque in Athens*, GATESTONE INST. INT'L POL'Y COUNCIL (Sept. 12, 2011, 5:00 AM), <http://www.gatestoneinstitute.org/2413/greece-mosque-athens> (indicating the large number of Muslims that have migrated to Greece from the Middle East and other locations in recent years).

¹⁰ See MIGDALOVITZ, *supra* note 9, at 4 (recognizing that Greece has many ports of entry); see also Heath Cabot, *The Governance of Things: Documenting Limbo in the Greek Asylum Procedure*, 35 POLAR: POL. & LEGAL ANTHROPOLOGY REV. 11, 11 (2012) (stating that many people from the Middle East, Africa, and South Asia have received access to the E.U. through Greece).

¹¹ See Nelson D. Schwartz, *U.S. Companies Brace for an Exit From the Euro by Greece*, N.Y. TIMES, Sept. 2, 2012, <http://www.nytimes.com/2012/09/03/business/economy/us-companies-prepare-in-case-greece-exits-euro.html?pagewanted=all> (presenting the effect on American companies of Greece's default on its debt).

¹² See CINDY C. COMBS & MARTIN W. SLANN, ENCYCLOPEDIA OF TERRORISM 272 (2nd ed. 2007) (indicating that during the period of the military junta, terrorist groups such as the ELA appeared).

¹³ See Richard Clogg, *Greek Perspectives After the Elections*, THE WORLD TODAY, Jan. 1975, at 7, 7 (discussing Greece's "depoliticization" of the military in 1974); see also F. Stephen Larrabee, *Dateline Athens: Greece for the Greeks*, FOREIGN POL'Y, Winter 1981-82, at 158, 162 (acknowledging Greece's civil

instance, the military's internal security functions were eliminated and the police were prohibited from entering university grounds.¹⁴ This was in reaction to the junta years when the military used violent means to suppress student demonstrations.¹⁵ These symbolic reforms created security weaknesses that became more evident in 1976 when operatives from the Popular Front for the Liberation of Palestine hijacked an Air France plane as it departed from Athens.¹⁶ Greece was surprised by the fact that terrorists knew to exploit its relaxed security measures, and, in conjunction with the Turkish occupation of Cyprus, brought Middle Eastern issues to the forefront of Greek politics.¹⁷

A. PASOK and New Democracy

While Greece has a parliamentary form of government with many political parties, power still rests firmly in the main parties

reforms and the purge of the military from government in the years following the dictatorship).

¹⁴ See Niki Kitsantonis, *Debate Rages in Greece About Right of Police to Enter University Campuses*, N.Y. TIMES, Dec. 9, 2009, http://www.nytimes.com/2009/12/10/world/europe/10iht-greece.html?pagewanted=all&_r=0 (describing the impetus behind Greece's law banning police from university campuses); see also Kathy Tzilivakis, *University Asylum Law Lifted*, ATHENS NEWS (Jan. 31, 2011, 4:04 AM), <http://www.athensnews.gr/issue/13428/36835?action=print> (explaining that Greece's asylum law was originally passed under the PASOK government to prevent police from entering university premises, and since then has only been lifted a total of three times).

¹⁵ See JOHN S. KOLIOPOULOS & THANOS M. VEREMIS, MODERN GREECE: A HISTORY SINCE 1821, at 148 (2009) (noting the military's suppression of the Athens Polytechnic uprising in 1973); see also Kitsantonis, *supra* note 14 (describing Greece's law banning police from university campuses as a response to the military suppression of student protests in 1973, where at least twenty-three people were killed).

¹⁶ MARK ENSALACO, MIDDLE EASTERN TERRORISM: FROM BLACK SEPTEMBER TO SEPTEMBER 11, at 96 (2008) (arguing that the lack of security in Athens airport allowed terrorists to easily attain weapons and hijack Air France flight 139); J. PAUL DE B. TAILLON, HIJACKING AND HOSTAGES: GOVERNMENT RESPONSES TO TERRORISM 64 (2002) (stating that Athens airport was historically known for having inadequate security).

¹⁷ See DAVID A. HARRIS, IN THE TRENCHES: SELECTED SPEECHES AND WRITINGS OF AN AMERICAN JEWISH ACTIVIST 134 (Vol. 3 2002–03, 2004) (arguing that Greece's historical conflict with Turkey was a contributing factor in Greek policy toward the Arab world); see also Spiros Ch. Kaminaris, *supra* note 5.

PASOK and New Democracy.¹⁸ The two can generally be described respectively as the socialist and conservative parties.¹⁹

Andreas Papandreou founded and served as the charismatic leader of the PanHellenic Socialist Movement (PASOK).²⁰ Despite being arrested by dictators twice—once under Metaxas' reign in 1939 and again during Papadopolous' reign in 1967—Papandreou is a legendary figure in Greek politics because his polarizing reign embodies Greece's struggle with right-wing governance and perceived U.S. imperialism.²¹ After residing in the U.S. for twenty years following his first exile, Papandreou returned to Greece in 1959 and shortly thereafter was appointed economic advisor to his father George Papandreou when he became Prime Minister.²² When Greece's military dictatorship came to power in

¹⁸ George Georgiopoulos & Stephen Grey, *Special Report: Greece's Other Debt Problem*, REUTERS (Sept. 27, 2012, 4:44 AM), <http://www.reuters.com/article/2012/09/27/us-greece-politics-parties-idUSBRE88Q0EA20120927> (naming PASOK and New Democracy as the two main political parties in Greece).

¹⁹ See *New Democracy (ND)*, ENCYCLOPEDIA BRITANNICA, <http://www.britannica.com/EBchecked/topic/411357/New-Democracy-ND> (last visited Jan. 21, 2013) (describing New Democracy's founding and conservative ideologies, namely, increased economic liberalization and support for European integration); see also *Panhellenic Socialist Movement (PASOK)*, ENCYCLOPEDIA BRITANNICA, <http://www.britannica.com/EBchecked/topic/441273/Panhellenic-Socialist-Movement-PASOK> (last visited Jan. 21, 2013) (remarking on PASOK's shift from radical roots, which advocated to quell all military alliances and increase regulation of the economy, to socially democratic ideals).

²⁰ See JOSE MAGONE, *CONTEMPORARY EUROPEAN POLITICS: A COMPARATIVE INTRODUCTION* 376 (2010) (reporting that the founding of the political party occurred on September 3, 1973); see also Marlise Simons, *Andreas Papandreou Dies at 77; Fiery, Ambiguous Premier Dominated Greek Politics*, N.Y. TIMES, June 23, 1996, <http://www.nytimes.com/1996/06/23/world/andreas-papandreou-dies-at-77-fiery-ambiguous-premier-dominatedgreek-politics.html?pagewanted=all&src=pm> (describing Papandreou's leadership style as passionate and fiery).

²¹ See MAGONE, *supra* note 20 (remarking on PASOK's verbally radical stance and ability to capitalize on anti-American sentiments in Greece during that period); see also *Andreas George Papandreou, Epic Greek Politician, Died On June 23rd, Aged 77*, ECONOMIST (June 29, 1996), <http://www.economist.com/node/14581071> (labeling Papandreou as an "epic" politician and the "most successful Greek leader of the century").

²² See Theodore C. Kariotis, *Andreas G. Papandreou: The Economist*, 23 JOURNAL OF THE HELLENIC DIASPORA 33, 34 (1997), available at http://thesis.haverford.edu/dspace/bitstream/handle/10066/5719/Kariotis_23_1.pdf?sequence=1 (discussing Papandreou's years as a professor at the University of Minnesota and subsequently, the University of California at Berkeley); see also Simons, *supra* note 20 (detailing Papandreou's experiences in the United States, which included arriving in the United States with \$14 in his pocket,

1967, both father and son were imprisoned and Andreas later fled Greece for the second time when George died under house arrest.²³ In exile, Andreas Papandreou established the new PanHellenic Liberation Movement, predecessor to PASOK, and in 1981 PASOK prevailed against the conservative New Democracy, which led to Greece's first socialist Prime Minister.²⁴ Despite his deep ties to the U.S., Papandreou blamed U.S. intelligence for the junta's abuses and set the tone for Greece's anti-American sympathies as well as the groundwork for his foreign policies.²⁵

The central issue for Greece when PASOK came to power was the ongoing political crisis with Turkey. Papandreou inspired political support by castigating the U.S. for its tacit approval of Turkey's invasion and continuing occupation of Cyprus.²⁶ Disenchanted with the cold war gamesmanship of the American and Soviet adversaries, Papandreou promoted a policy of nonalignment and envisioned leading a socialist alternative to the

earning a degree in economics from Harvard University, and serving in the United States Navy).

²³ See *A Brief Biography of George A. Papandreou*, HELLENIC REPUBLIC THE PRIME MINISTER, <http://www.greekembassy.org/Embassy/files/George%20A.%20Papandreou%20-%20PROFILE13-09-20100.pdf> (last visited Jan. 21, 2013) (revealing that Andreas Papandreou fled to Sweden after his release by the military dictatorship and then moved to Canada); see also *Encyclopedia: Papandreou, Andreas Georgiou*, YAHOO EDUCATION, <http://education.yahoo.com/reference/encyclopedia/entry/Papandreou> (last visited Jan. 21, 2013) (reporting that Andreas Papandreou was imprisoned and exiled in 1967).

²⁴ See *Andreas George Papandreou, Epic Greek Politician, Died on June 23rd, Aged 77*, ECONOMIST (June 29, 1996), <http://www.economist.com/node/14581071> (discussing the PASOK's party victory in the 1981 elections); see also *Encyclopedia: Papandreou, Andreas Georgiou*, YAHOO EDUCATION, *supra* note 23 (noting Papandreou's creation of the PASOK party while he was in exile).

²⁵ See Andreas Papandreou, *The 'Greek Problem' Is Really an American Problem*, N.Y. TIMES, Jul. 21, 1968 (outlining Papandreou's views that American involvement in Greek affairs continued even after the civil war had ended); see also John C. Loulis, *Papandreou's Foreign Policy*, 63 FOREIGN AFFAIRS 375, 375 (1984), available at <http://www.jstor.org/stable/20042189> (suggesting Papandreou's anti-American rhetoric influenced Greek policy and Greek relations).

²⁶ See Jeffrey Simpson, *Papandreou: Bearing Gifts to the Greeks*, THE GLOBE & MAIL, Sep. 15, 1981 (discussing Papandreou's campaign rhetoric that fed Greek fears of conspiracies hatched by the United States and Turkey); see also R.W. Apple, Jr., *Greece Under Papandreou: Leftist but in Western Camp*, N.Y. TIMES, Mar. 19, 1984 (describing American fears that Papandreou's anti-American rhetoric would lead the country out of the Western alliance into a policy of neutralism).

capitalist west and communist east.²⁷ In what became known as “tritokosmikos,” or “third-worldism,” Papandreu promoted sympathy for various Middle Eastern causes, primarily for the plight of the Palestinians, and in his first year in office he granted official recognition to the Palestinian Liberation Organization (PLO).²⁸ His aim was to win Middle Eastern support over Cyprus by bolstering the Palestinian, Kurdish, and Armenian causes to ultimately establish regional policies for the containment of Turkey.²⁹

As Middle Eastern players attempted to leverage European support against Israeli adventurism, Greece found itself in the delicate position of championing these various causes while still trying to keep Greece out of their theater of operations.³⁰ In 1984, British and American agents arrested Abdullah Fuad Shara of the May 15 organization in his Athens apartment.³¹ To the astonishment of the U.S., Greece subsequently released Shara and provided him with safe passage to Algeria, accusing the foreign

²⁷ See *Papandreu's Legacy*, IRISH TIMES, Jan. 18, 1996 (recounting Greece's traumatic history with Germany and the United States that influenced the country's political realignment in the 1970s); see also *Papandreu, the Political Purebred, Forced to Save Greece*, AGENCE FRANCE PRESSE, May 2, 2010 (noting Andreas Papandreu's policies including pulling Greece into the non-aligned movement).

²⁸ See *Greece Grants Diplomatic Status to P.L.O. Office*, N.Y. TIMES, Dec. 17, 1981 (announcing the establishment of diplomatic status to the PLO liaison and information office in Athens); see also *Athens and Jerusalem*, JERUSALEM POST, Jul. 11, 2011 (explaining Andreas Papandreu's relationship with PLO chief Yasser Arafat as part of his effort to promote tritokosmikos).

²⁹ See Hasan Yilmaz, *Turkey and the Middle East: Threats and Opportunities* (June 2001) (unpublished thesis, Naval Postgraduate School) (illustrating that most of Arab support in the 1980s fell to Greece rather than Turkey); see also Kaminaris, *supra* note 5 (analyzing Papandreu's sympathy for radical Arab regimes, including pro-Palestinian, pro-Armenian and pro-Kurdish support).

³⁰ See Patrick R. Hugg, *Cyprus in Europe: Seizing the Momentum of Nice*, 34 VANDERBILT J. TRANSNAT'L L. 1293, 1328–29 (2001) (detailing various strategies implemented by Foreign Minister George Papandreu to create greater accord among the nations in the area); see also DAVID ALLEN & ALFRED PIJERS, *EUROPEAN FOREIGN POLICY-MAKING AND THE ARAB-ISRAELI CONFLICT* 115, 1984 (illustrating instances where Greece has parted with the general UN community in support of Israeli actions).

³¹ See *Review & Outlook: Greek Mythology*, WALL ST. J., July 10, 1984, at A9 (stating that American agents found Fuad Hussein Shara of the “May 15 Group” during a raid on an Athens apartment); see also Leslie H. Gelb, *Greece Upsets U.S. in Terrorist Case*, N.Y. TIMES, June 29, 1984, at A9 (explaining that Shara, a member of the “May 15 Group” was detained in Athens).

agents of violating Greece's sovereignty during his capture.³² It later surfaced that Papandreou had likely reached a secret arrangement with certain organizations that agreed to abstain from terrorist activities on Greek soil in exchange for Greece's political support. The American Ambassador angrily accused the Greek government of colluding with "Arab terrorist organizations, aiming to avoid terrorist activities in Greece."³³ Yet, Papandreou's bargained-for security would ultimately prove unsustainable given the regions' competing interests and disunity amongst the players. Just as Papandreou's policies openly defied the U.S., a Lebanese group hijacked a Trans World Airlines (TWA) plane from Athens in 1985.³⁴ It then became clear that Papandreou could not maintain trusting alliances with the Middle Eastern players and was incapable of uniting the third world countries in any meaningful direction. Ultimately, the political realities would force Papandreou to take a more flexible position with Turkey. While relations between Greece and the U.S. remained combative on the diplomatic level, Papandreou never followed through on his campaign threats to withdraw Greece from NATO or the European Community, and he never expelled the American military from Greek soil.³⁵ By the time PASOK was elected out of office in

³² See *Review & Outlook: Greek Mythology*, *supra* note 31 (showing that the Greeks gave Shara safe passage, due in part to the U.S. and U.K.'s violation of Greek Sovereignty); see also Gelb, *supra* note 31 (depicting the release of Shara and subsequent disdain toward American invasion of Greek sovereignty).

³³ See Bossis, *infra* note 68 at p. 136 (citing an article in the Greek newspaper *Eleftherotypia* dated June 28, 1987 in which the American Ambassador sent a memo to the Greek Minister of Foreign Affairs accusing the Greek government of having "...relations with Arab terrorist organization Abu Nidal aiming to avoid terrorist activities in Greece.").

³⁴ See Edward Schumacher, *Hostages in Lebanon: Sour Note For Athens; Philharmonic Cancels Stop in Greece on Basis of Warning About Airport*, N.Y. TIMES, June 23, 1985, at A14 (stating that a Lebanese terrorists hijacked a T.W.A. flight from Athens); see also Paul Anastasi, *Hostages in Lebanon; Greece Comes Under Criticism For Inadequate Airport Security*, N.Y. TIMES, June 18, 1985, at A9 (explaining the hijacking of a Trans World Airlines plane as it left Athens and Greece's inability to secure it's airports).

³⁵ See *U.S.-Greek Strains Turn Small Issues Into Big Ones*, N.Y. TIMES, Feb. 22, 1985, at A6 (expressing the strained diplomatic relations between the United States and Greece in the 1980's); see also Philip Revzin, *Greek Leader, Facing Economic Worries, Modifies His Vitriolic Anti-U.S. Rhetoric*, WALL ST. J., Jan. 14, 1986, at 35 (portraying the tepid diplomatic relations between the Greek and United States governments).

1989 Papandreou's third-world policies had failed in their aim to exempt Greece from terrorist operations.³⁶

New Democracy, the conservative counterpart to PASOK, came to power in 1990 with Constantine Mitsotakis, nephew of famed Eleftherios Venizelos,³⁷ who abandoned Papandreou's foreign agenda for a pro-American policy that included recognizing Israel and adopting tougher antiterrorism policies toward the Middle East.³⁸ Greece, for instance, supported Operation Desert Storm in Iraq and began arresting and deporting numerous suspected Palestinian operatives.³⁹ Following a failed attempt by the Islamic Holy War Movement to assassinate the British Consul in 1991, Greece retaliated against the network and

³⁶ See *Abu Nidal Members Jailed in France Over 1988 Attack*, BBC (Mar. 1, 2012), <http://www.bbc.co.uk/news/world-europe-17226400> (discussing a Palestinian terrorist group's 1988 attack on a Greek cruise liner); see also *U.S. Embassy Holds Ceremony for 'November 17' Victim Capt. Nordeen*, GREEK EMBASSY, Jun. 28, 2001, www.greekembassy.org/embassy/Content/en/Article.aspx?office=2&folder=322&article=8318 (noting that U.S. diplomat William Nordeen was killed in a 1988 terrorist attack in Kefalari, Greece).

³⁷ See *Greek Party Does Flip-Flop On Coalition*, CHI. TRIB., June 20, 1989, at 4C (declaring that after he was elected, Mitsotakis aimed to hold previous Prime Minister Andreas Papandreou accountable for his corrupt policies); see also *Greece, Politics, Government, and Taxation*, NATIONS ENCYCLOPEDIA, <http://www.nationsencyclopedia.com/economies/Europe/Greece-POLITICS-GOVERNMENT-AND-TAXATION.html> (last visited Jan. 20, 2013) (observing that while New Democracy did win the 1990 election, the party quickly fell apart when members broke off to form a different party, known as Political Spring).

³⁸ See *Greece Announces Full Recognition of Israel*, ASSOCIATED PRESS, May 21, 1990, available at <http://www.apnewsarchive.com/1990/Greece-Announces-Full-Recognition-of-Israel/id-f4eb5671aadf6f25c4e5c9c95a7909a3> (stating that Greece was the last country in the European Community to establish diplomatic ties with Israel); see also Arnold Sherman, *Greece's Gamble*, JERUSALEM POST, Aug. 17, 1990 (noting that Mitsotakis undertook these pro-American policies in an effort to receive economic aid).

³⁹ See Patrick Quinn, *Greece to Deport Foreigners Connected to Terrorism*, ASSOCIATED PRESS, Apr. 29, 1991, available at http://www.apnewsarchive.com/1991/Greece-To-Deport-Foreigners-Connected-To-Terrorism/id_d0423ba89914a3dc2b6ba0cc2413b91f (illustrating the vast deportations of foreigners that took place in Greece because of terrorism); see also George Tzogopoulos, *Greece and Gulf War II*, HELLENIC OBSERVATORY, at 7 (May 2005), available at http://www2.lse.ac.uk/europeanInstitute/research/HellenicObservatory/pdf/2nd_Symposium/George_Tzogopoulos_paper.pdf (commenting that Prime Minister Mitsotakis believed he had to intervene in the Gulf War because Iraq had broken international law by invading Kuwait).

expelled the PLO representatives from Athens.⁴⁰ This incident marked the first time Greece rejected a resistance network on its own soil and came to symbolize Greece's departure from Papandreou's policy of negotiated security.

Yet again, Papandreou confounded his critics three years later when he won the premiership by igniting nationalist furor over the Macedonia (FYROM) crisis.⁴¹ In this instance, Papandreou, with tenuous control in Parliament and with the heightened responsibilities of the E.U. presidency, promoted engagement with Turkey over the occupation of Cyprus and declined to veto Turkey's nascent E.U. aspirations.⁴² While reformist in some areas, Papandreou's policies toward terrorism remained reactionary. For instance, when Greece, acting on U.S. intelligence, finally arrested and convicted the wanted Palestinian Rashid Muhammad for bombing two American airliners, his sentence was subsequently reduced and he was later deported to Tunisia.⁴³ Reports surfaced that Greece released Muhammad early

⁴⁰ See Jean Cohen, *Greek Court Gives Palestinians Stiff Sentences for 1991 Bombing*, JEWISH TELEGRAPH AGENCY, July 19, 1992, available at archive.jta.org/article/1992/07/20/2877260/greek-court-gives-palestinians-stiff-sentences-for-1991-bombing (stating that despite the PLO's contentions that they were not involved with the attack, Greek authorities still deported members of the organization); see also *Greece Expels 26 Palestinians in Botched Attack That Killed 7*, N.Y. TIMES, June 13, 1991, www.nytimes.com/1991/06/13/world/Greece-expels-26-palestinians-in-botched-attack-that-killed-7.html (discussing details of the attack that led to the expulsion of PLO members).

⁴¹ See Marlise Simons, *Andreas Papandreou, Greek Leftist Who Admired and Annoyed U.S., Dies at 77*, N.Y. TIMES, June 24, 1996, <http://www.nytimes.com/1996/06/24/world/andreas-papandreou-greek-leftist-who-admired-and-annoyed-us-dies-at-77.html?page=1&src=pm> (discussing how Papandreou's failing health left him ineffective as a leader towards the end of his term); see also David B. Ottaway, *Political Comeback in Greece; Papandreou Is Set to Win Vote – But How Socialist Is He Now?*, WASH. POST, Oct. 9, 1993, at A24 (opining that Mitsotakis' policies of privatization and economic austerity made him unpopular, and played a part in Papandreou's reelection).

⁴² See Muzaffer Vatansver, *The Possible Impacts of the Greek Election in Turkey*, INT'L STRATEGIC RESEARCH ORG., Jan. 22, 2013, <http://www.usak.org.tr/EN/myazdir.asp?id=1074> (noting that Papandreou vetoed negotiations for Turkey to become a member of the EU); see also *Papandreou: Ankara Needs to Respect EU Rules*, TODAY'S ZAMAN, Sept. 23, 2009, http://www.todayszaman.com/newsDetail_getNewsById.action;jsessionid=9BC499F557CD901A904D387997491BF4?load=detay&link=187716&newsId=187554 (citing Papandreou as stating that he would not rule out vetoing Turkey's attempt to join the EU).

⁴³ See Cohen, *supra* note 40 (noting that the Greek High Court initially reduced Rashid's sentence from eighteen to fifteen years due to good behavior); see also

and denied U.S. requests for extradition amid warnings by Palestinian groups that Greeks would be targeted if he were given to the U.S.⁴⁴

When poor health prompted Papandreou's retirement in 1996, he was replaced by Kostas Simitis, a PASOK technocrat oriented toward Greece's accession to the Eurozone and reformation of Greece's foreign policies.⁴⁵ Greece was not going to support Papandreou's national liberation struggles any longer. Yet, competing elements within the PASOK administration insisted on providing covert support to these causes, despite public proclamations to the contrary.⁴⁶ Even as Greece chafed at Turkey's accusations of colluding with rebellious Kurds, Kurdistan Workers' Party (PKK) guerilla leader Abdullah Ocalan was found

Yoram Schweitzer, *The Arrest of Mohammed Rashid – Another Point for the Americans*, INT'L INST. FOR COUNTER-TERRORISM, June 7, 1998, <http://212.150.54.123/articles/articledet.cfm?articleid=35> (discussing that Rashid's fifteen year sentence was cut short after only eight years when Greek authorities released him for "good behavior").

⁴⁴ EDWARD F. MICKOLUS, *TERRORISM, 1992-1995: A CHRONOLOGY OF EVENTS AND THE SELECTIVELY ANNOTATED BIBLIOGRAPHY* 22 (1997) (noting that in 1993, a Greek appeals court diminished Rashid's sentence to 15 years); *see also* E.A. Wayne, *US Pushes Greece to Take Action Against Terrorism*, CHRISTIAN SCI. MONITOR, July 22, 1988, <http://www.csmonitor.com/1988/0722/aterr.html> (discussing that in the past, Greece has released alleged terrorists from custody due to pressure from the Palestinian Liberation Organization).

⁴⁵ *See* Andy Dabilis, *Simitis Slams Papandreou Over Crisis*, GREEK REPORTER, Nov. 11, 2012, <http://greece.greekreporter.com/2012/11/11/simitis-slams-papandreou-over-crisis/> (discussing Costas Simitis' criticisms of former prime minister Papandreou and the manner in which he led Greece towards the Eurozone); *see also* *PASOK's Time Is Over, Another Formation Will Take Its Place, Predicts Costas Simitis*, GR REPORTER, (Jan. 24, 2012), http://www.grreporter.info/en/pasok%E2%80%99s_time_over_another_formation_will_take_its_place_predicts_costas_simitis/5951 (noting that Simitis' policy resulting in the accession of Greece into the Eurozone).

⁴⁶ *See* Dina Kyriakidou, *Former Greek PM Attacks Successor As Socialist Rifts Deepen*, THE STAR ONLINE (Nov. 10, 2012), http://thestar.com.my/news/story.asp?file=/2012/11/10/worldupdates/2012-1110T133525Z_1_BRE8A90A6_RTROPTT_0_UK-GREECE-BOOK&sec=Worldupdates (noting that Greek prime minister Costas Simitis attacked his predecessor for mishandling the debt crisis, among other national struggles); *see also* Kerin Hope, *Papandreou Criticizes U.S. Counter-Terrorism Policy*, ASSOCIATED PRESS (May 30, 1986) <http://www.apnewsarchive.com/1986/Papandreou-Criticizes-U-S-Counter-Terrorism-Policy/id-99d2b75eddf080e66999459ac06658f5> (citing Greek prime minister Papandreou as supporting national liberation struggles, particularly in Palestine, where he distinguished these scenarios from acts of terrorism).

in 1999 at the residence of the Greek Ambassador to Kenya.⁴⁷ This caused deep embarrassment to the Simitis administration as it was trying to improve its international image in preparation for the 2004 Olympic Games.⁴⁸

Antiterrorism concerns stirred immense controversy during the time leading up to the Olympics. The world media complained that Greece's chronic delays and mismanagement were a prelude to security lapses in what would become known as a security failure of epic proportions.⁴⁹ After all, Greece had a history of being soft on terrorism; notably, Greece's failure to dismantle the indigenous November 17 organization based on its own soil.⁵⁰ Not surprisingly, the U.S., Britain, and Israel, among others, insisted on exercising significant security oversight which set the tone as a

⁴⁷ See *Greece: The Ocalan Crisis*, ECONOMIST (Feb. 18, 1999), <http://www.economist.com/node/186922> (discussing the resignation of the Greek foreign minister Theodoros Pangalos amid the scandal of Abdullah Ocalan's capture); see also *Turkey Snatches Kurdish Leader*, BBC NEWS (Feb. 16, 1999), <http://news.bbc.co.uk/2/hi/africa/280622.stm> (noting that Theodore Pangalos vehemently denied Greece's involvement in the Abdullah Ocalan scandal).

⁴⁸ See Alessandra Stanley, *3 Greek Officials Removed Over Rebel Kurd's Capture*, N.Y. TIMES, Feb. 19, 1999, <http://www.nytimes.com/1999/02/19/world/3-greek-officials-removed-over-rebel-kurdscapture.html?n=Top%2fReference%2fTimes%20Topics%2fPeople%2fS%2fSimitis%2c%20Costas> (demonstrating how Greece's involvement in harboring Ocalan had a negative impact on public opinion); see also Ilene R. Prusher, *How Kurd's Arrest Rattles Greece*, CHRISTIAN SCI. MONITOR, Feb. 26, 1999, <http://m.csmonitor.com/1999/0226/p6s1.html> (discussing how the Ocalan scandal derailed Greece's attempt to reposition itself as a well-managed European democracy).

⁴⁹ See U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-05-547, OLYMPIC SECURITY: U.S. SUPPORT TO ATHENS GAMES PROVIDES LESSONS FOR FUTURE OLYMPICS I (2005) (explaining that the 2004 Summer Olympics in Athens were held during a period of heightened anxiety about terrorism); see also Raymond Bonner & Anthee Carassava, *Delays in Athens Raise Concern on Olympic Security*, N.Y. TIMES, July 3, 2004, <http://www.nytimes.com/2004/07/03/world/delays-in-athens-raise-concern-on-olympic-security-readiness.html?pagewanted=all&src=pm> (claiming that Greece's continuous construction delays contributed to a lack of confidence in the security of the 2004 Olympics).

⁵⁰ See Frank Bruni & Anthee Carassava, *Greece to Begin Trial Involving Long-Elusive Terror Group*, N.Y. TIMES, Mar. 3, 2003, <http://www.nytimes.com/2003/03/03/world/greece-to-begin-trial-involving-long-elusive-terror-group.html?ref=november17>. (asserting that Greece's hosting of the 2004 Olympics served as an impetus to dismantle the November 17 guerilla group); see also Tekla Szymanski, *Greece: November's Fall?*, 49 WORLD PRESS REV. 9 (2002), available at <http://worldpress.org/Europe/671.cfm> (arguing that Greece's reluctance to take down the November 17 terror group is indicative of the country's tolerance of terrorism).

loss of confidence in Greece's ability to host the games safely.⁵¹ Despite having set the security policies in place for what ultimately became a successful Olympics, Simitis did not stand for reelection in 2004 and New Democracy returned to power with Kosta Karamanlis as Prime Minister.⁵² Greece's antiterrorism efforts in the successive administrations went through dramatic changes, both in terms of policy and execution. Some changes were organic, but most were precipitated by intervening forces and the expanding security regulations of the E.U. Accordingly, the study of Greece's antiterrorism policies must consider these intervening changes. However, the New Democracy and PASOK policies discussed above remain an insightful means toward understanding the political sensibilities of Greek leadership.

As convenient as it would seem to understand PASOK and New Democracy by their political labels, merely doing so would be an injustice to the study of terrorism. PASOK's policies under Papandreou ultimately proved unsuccessful because the exchange of political support for safety guarantees as a matter of policy was unsustainable given the complexity of the region, its competing interests, and the disunity amongst the players. While New Democracy opposed compromise with organizations that used violence as a political tool, especially where civilians were targeted, the latter of the two approaches remains the most prevalent policy in western practice.⁵³ In this way terrorists are at least aware in advance of the limits of political leverage through

⁵¹ See MIGDALOVITZ, *supra* note 9, at 5–6 (stating that the Greek government established a seven-nation Olympic Advisory Group to assist with security for the Olympics); see also Diana Muriel, *Athens in Race Against Time*, CNN, May 6, 2004, <http://www.cnn.com/2004/WORLD/Europe/03/25/olympic.construction/index.html>, (indicating that the Olympic Advisory Committee contributed more than \$800 million to the security budget for the 2004 Olympics).

⁵² See ANN NEIR ET AL., *Europe*, 39 INT'L LAW. 569, 587–88 (2005) (explaining that after almost twenty years in power the socialist party lost the national elections to the party of New Democracy); see also Helena Smith, *Greek Right Ends Era of Socialist Power*, GUARDIAN, Mar. 8, 2004, <http://www.guardian.co.uk/world/2004/mar/08/helenasmith>. (discussing the shift from Socialist control to democracy with the election of Karamanlis).

⁵³ See BBC INTERNATIONAL REPORTS, BBS MONITORING, GREEK PRIME MINISTER CALLS FOR NATIONAL UNITY AGAINST VIOLENCE 1 (2008) (summarizing Karamanlis' opposition to violence as a means to reach political objectives); see also WORLD NEWS CONNECTION, GREEK PRIME MINISTER SAYS GREECE CONDEMNS ALL ACTS OF VIOLENCE, TERRORISM 1 (2005) (stating that Karamanlis unequivocally condemned acts of violence and terrorism).

use of violence, although many examples exist where terrorism became politically persuasive. The policies of these parties reflect more than the time and the players involved. They bear on the political sensibilities of the Greek populace as well as the choices every country confronts in establishing antiterrorism policies; particularly, the extent to which dialogue and negotiation may inspire terrorists to transform into political entities, as usually occurs in the evolution of many organizations with lasting and realistic objectives. Papandreou's policy reveals the major variables in dealing with terrorist organizations, including the nature, purpose, and cohesion of the group itself. Further, promoting resistance struggles only to weaken a third-party adversary is not valuable when the subject group's proxies cannot be controlled. In fact, the very country seeking to emerge as the intended alternative authority may be exposed to blackmail, as it occurred with Greece.

II. *Domestic Terrorism in Greece and November 17*

Domestic terrorism first emerged in Greece in response to the repressive policies of the military dictatorships known as the "Regime of the Colonels," or junta, which collectively refers to a series of right-wing governments between 1967 and 1974.⁵⁴ The colonels justified their takeover by claiming that communist sympathizers had infiltrated and subverted Greece.⁵⁵ Meanwhile, under the policies initiated by the 1947 Truman Doctrine, the U.S. did not object and perhaps even helped instigate the coup d'état since the takeover promised an even more secure means of

⁵⁴ See ALBERT PARRY, *TERRORISM: FROM ROBESPIERRE TO THE WEATHER UNDERGROUND* 413 (2006) (asserting that Greek domestic terrorism was a response to the junta's repressive policies); see also GEORGE KASSIMERIS, *EUROPE'S LAST RED TERRORISTS: THE REVOLUTIONARY ORGANIZATION 17 NOVEMBER* 25–26 (2001) (arguing that disillusionment in the wake of post-Colonels Greece manifested itself in the form of terrorism).

⁵⁵ See Harry J. Psomiades, *Greece: From the Colonels' Rule to Democracy in 2 TRANSITIONAL JUSTICE: HOW EMERGING DEMOCRACIES RECKON WITH FORMER REGIMES: COUNTRY STUDIES* 253 n.1 (Neil J. Kritz ed., 1995) (chronicling that the Colonels justified their seizure of power as necessary to prevent a Communist takeover); see also SUSANNE VOIGT, *MILITARY REGIMES IN TURKEY AND GREECE A COMPARATIVE ANALYSIS* 1 (2008) (explaining that the junta wanted to prevent a Communist takeover of Greece).

containing Soviet expansion during the Cold War.⁵⁶ With U.S. support, the junta aggressively sought to purge Greece of its leftist elements—dissolving political parties, suppressing civil liberties, rendering stiff punishments by military courts—and as a result thousands of suspected political opponents were imprisoned, exiled, and assassinated.⁵⁷ These experiences left an indelible mark on the Greek psyche and inspired in some a call to arms.

A. N17 the Organization

While Greece has been known for having over 250 domestic terrorist groups,⁵⁸ November 17 (N17)⁵⁹ remained the most notorious and lethal of Greece's indigenous terrorist organizations. It is widely accepted that the organization adopted its name after the infamous day in 1973 where students at the National Technical University of Athens demonstrated against the fascist policies of the junta.⁶⁰ The brutal repression of these

⁵⁶ See SIMÓN DUKE, UNITED STATES MILITARY FORCES AND INSTALLATIONS IN EUROPE 163 (1989) (showing that the coup was in the interest of the United States against the Soviet Union); see also DAVID F. SCHMITZ, THE UNITED STATES AND RIGHT-WING DICTATORSHIPS 70 (2006) (showing that a former U.S. Secretary of State supported the Greek colonels pursuant to the Truman Doctrine's containment policy).

⁵⁷ See DONALD F. BUSKY, DEMOCRATIC SOCIALISM: A GLOBAL SURVEY 69 (2000) (documenting that the junta ordered the arrest of leftists, censored the news media, and suspended political parties and civil rights); see also BACKGROUND TO CONTEMPORARY GREECE 264 (Marion Saraphe & Marion n Saraphē eds., 1990) (documenting that the junta indefinitely extended emergency powers).

⁵⁸ See Ta Nea, Nov. 10, 1999 (Greek Ministry of Public Order release); see also Georgios Kayotis, *Securitization of Greek Terrorism and Arrest of the 'Revolutionary y Organization November 17'*, 43 COOPERATION AND CONFLICT: JOURNAL OF THE NORDIC INTERNATIONAL STUDIES ASSOCIATION 271 (2007) (documenting that around 250 terrorist groups have claimed responsibility for attacks in Greece since the 1970s).

⁵⁹ See Επαναστατική Οργάνωση 17 Νοέμβρη, *Epanastatiki Organosi dekaefsta*; see also Kayotis, *supra* note 59 (asserting that N17 was the most influential, lethal, and radical group of the Greek terrorist organizations).

⁶⁰ See George Kassimeris, *For a Place in History: Explaining Greece's Revolutionary Organization 17 November*, 27 U. NEW BRUNSWICK J. CONFLICT STUD. 129, 130 (2007) (explaining that the name November 17, or 17N, comes from the day in 1973 when the Greek military junta used tanks to crush a student-worker protest at Athens Polytechnic University); see also *November 17, Revolutionary People's Struggle, Revolutionary Struggle, (Greece, leftists)*, COUNCIL ON FOREIGN REL., <http://www.cfr.org/Greece/november-17->

demonstrations later embodied the popular struggle for Greece to reclaim itself from the dark legacy of the dictatorships and the foreign powers popularly perceived to be exploiting Greece.⁶¹

Although N17 became operational in 1975, remarkably little was known about the organization and its membership until 2002.⁶² For over twenty-six years N17 eluded Greece's security and intelligence services, enhancing its mystery and fueling speculation of collusion within the ranks of the socialist PASOK government and law enforcement.⁶³ Following an N17 attack, the primary source of information about the attack came from N17 itself in carefully released public proclamations rather than from Greek investigators announcing arrests. In these proclamations, N17 sparsely fashioned itself as Marxist along ultra socialist lines with heavy doses of Greek nationalism.⁶⁴ While N17 lacked a

revolutionary-peoples-struggle-revolutionary-struggle-greece-leftists/p9275 (last visited Jan. 19, 2013) (confirming that November 17 derives its name from the student uprising at Athens Polytechnic University on November 17, 1973).

⁶¹ See Steven Erlanger, *Greece Hopes Arrests Earn It Europe's Embrace*, N.Y. TIMES Aug. 5, 2002, <http://www.nytimes.com/2002/08/05/world/greece-hopes-arrests-earn-it-europe-s-embrace.html?pagewanted=all&src=pm> (reiterating that the terrorist group November 17 developed from popular struggle against the 1967-74 Greek dictatorship); see also *Revolutionary Group 17 November (RON17)*, NAT'L CONSORTIUM FOR THE STUDY OF TERRORISM & RESPONSES TO TERRORISM, http://www.start.umd.edu/start/data_collections/tops/terrorist_organization_profile.asp?id=101 (last visited Jan. 19, 2013) (affirming that November 17 is a nationalist terrorist group that targets groups it believes are responsible for Greece's exploitation).

⁶² See U.S. DEP'T OF STATE, COUNTRY REPORTS ON TERRORISM 2007 – GREECE 72 (2008), available at <http://www.unhcr.org/refworld/docid/48196cafc.html> (reporting that most of the N17 terrorists were apprehended in 2002); see also Robin Oakley, *N17: Decades of Deadly Terror*, CNN.COM, (July 31, 2002, 1:09 PM), <http://archives.cnn.com/2002/WORLD/europe/07/31/n17.background.oakley/index.html> (announcing, that as of July 2002, police had arrested 14 members of N17 and believed to have crippled the N17 organization).

⁶³ See Jonathan Rendell, *Yard Closes Net on Greek Terrorists*, TELEGRAPH, July 7, 2002, <http://www.telegraph.co.uk/news/worldnews/europe/greece/1400645/Yard-closes-net-on-Greek-terrorists.html> (proclaiming that N17 has eluded agencies like Interpol and the FBI for thirty years); see also *Greek Arrest over CIA Chief Murder*, CNN.COM, (July 25, 2002, 8:23 AM), http://articles.cnn.com/2002-07-25/world/greece.n17_1_greek-police-alexandros-giotopoulos-pavlos-serifis?_s=PM:WORLD (declaring that N17 gained notoriety with its ability to elude the police for twenty-seven years).

⁶⁴ See Anther Carassava, *Film Revisits Greece's Recent Terrorist Past, But is the Nation Ready?*, L.A. TIMES, Oct. 23, 2010, <http://articles.latimes.com/2010/oct/23/world/la-fg-greece-terror-20101024> (defining 17N as a militant Marxist revolutionary movement); see also *Police Find N17 Murder Weapon*,

clearly discernible ideology, at times bordering on anarchy, it directed its revolutionary ire against former junta officials, the U.S. and its perceived agents, businessmen, and New Democracy politicians.⁶⁵ N17 also bitterly opposed the free global market and NATO, and eventually opposed Europe's deepening integration.⁶⁶ Early on N17 drew much support from students, laborers, exiles and intellectuals eager for retribution for the tragedies that befell Greece under the junta.⁶⁷ Even after the dictatorship, former junta elements remained within the ranks of the police and military despite popular demands for justice. Many of the perpetrators avoided accountability by the *stigmaio* legislation, which legally mitigated their participation in the dictatorships as a temporary offense.⁶⁸ Greece sought to avoid the kind of potentially

CNN.COM, (July 17, 2002, 8: 54 AM), http://articles.cnn.com/2002-07-17/world/n17.arrests_1_greek-police-greece-shootings?_s=PM:WORLD (affirming that N17 portrayed itself primarily as a Marxist group and later as a nationalist group).

⁶⁵ See CONG. RESEARCH SERV., FOREIGN TERRORIST ORGS. 96 (2004), available at <http://www.scribd.com/doc/9707247/Foreign-TerroristOrganizations#download> (referring to N17 as an anti-Western, leftist terrorist organization that opposes the Greek establishment, the U.S., the EU, and the Turkish involvement in Cyprus); see also *Revolutionary Group 17 November (RO-N17)*, NAT'L CONSORTIUM FOR THE STUDY OF TERRORISM & RESPONSES TO TERRORISM, http://www.start.umd.edu/start/data_collections/tops/terrorist_organization_profile.asp?id=101 (last visited Jan. 19, 2013) (affirming that N17 principles are anti-American, anti-Turkey, anti-NATO, anti-EU, anti-Greek establishment, anti-colonial and anti-capitalist).

⁶⁶ See Tekla Szymanski, *Greece: November's Fall?*, WORLD PRESS REVIEW, Sept. 2002, Vol. 49 (discussing the history and emergence of the Greek terrorist group "N17," and its sentiments against America, NATO and imperialism); see also *November 17, Revolutionary People's Struggle, Revolutionary Struggle (Greece, Leftists)*, COUNCIL ON FOREIGN REL. (Jan. 12, 2012), <http://www.cfr.org/greece/november-17-revolutionary-peoples-struggle-revolutionary-struggle-greece-leftists/p9275#> (noting N17's opposition to Greece's participation in NATO and the European Union).

⁶⁷ See George Kassimeris, *Fighting for Revolution? The Life and Death of Greece's Revolutionary Organization 17 November, 1975-2002*, J.S. EUR. & BALKANS, 259, 261 (2004) (stating that the purposes of November 17's first attacks were to align themselves with the concerns of the Greek public and gain sympathy); see also Bruce Wallace, *Greece Makes Arrests in 27-Year Terrorism Saga*, THE GAZETTE, July 19, 2002, at A13 (describing how N17 filled their ranks with lawyers, students and journalists).

⁶⁸ See Mary Bossis, *The Mysteries of Terrorism and Political Violence in Greece*, in CONFRONTING TERRORISM: EUROPEAN EXPERIENCES, THREAT PERCEPTIONS AND POLICIES 132 (Marianne Van Leeuwen ed., 2003) (discussing

destabilizing and protracted investigations that occurred after the Greek Civil War, from 1946 to 1949, where even an accusation of communist sympathies instigated sanctioned reprisals.⁶⁹ As it was, the authorities appeared unwilling or incapable of enacting the retribution deeply expected by many Greeks. Impressions naturally arose that N17 was fighting a proxy war on behalf of PASOK and other leftist elements in the Greek government.⁷⁰

N17's first assassinations occurred in 1975 and 1976 with the killing of CIA station chief Richard Welch and former police captain of the junta, Evangelos Mallios. Following these assassinations, N17 submitted proclamations to the French and Greek newspapers *Liberation* and *Eleftherotypia*, claiming responsibility and political justifications for the killings.⁷¹ The nature of these calculated attacks made N17 infamous on an international scale, and N17's apparent vigilantism resonated with certain disenchanting segments of the populace.⁷² These attacks were just a portent of the terrorist operations to come over the next

the Greek government after dictatorship, and the role of former junta members in the current government).

⁶⁹ See Minas Samatas, *Greek McCarthyism: A Comparative Assessment of Greek Post-Civil War Repressive Anticommunism and the U.S. Truman-McCarthy Era*, J. HELLENIC DIASPORA 5, 5 (1986) (describing the anti-communist trend in both the United States and Greece in the last century); see also Ioannis A. Tassopoulos, *New Trends in Greek Contemporary Constitutional Theory: A Comment on the Interplay Between Reason and Will*, 10 DUKE J. COMP. & INT'L L. 223, 228 (1999) (discussing the anti-communist state that emerged in Greece following the conclusion of the Greek Civil War).

⁷⁰ See Press Release, Embassy of Greece, U.S. Envoy Says No Evidence Linking PASOK To 'N17' (July 24, 2002), available at <http://www.greekembassy.org> (noting the investigations into PASOK about its possible ties with the N17 terrorist organization); see also Coral A. Davenport, *How 'November 17' Was Foiled*, CHRISTIAN SCI. MONITOR (Jan. 22, 2013, 2:04 PM), <http://www.csmonitor.com/2002/0722/p06s01-wogi.html> (explaining how PASOK has been rumored to protect N17 from detection and apprehension).

⁷¹ See Kassimeris, *supra* note 54, at 74 (discussing the attacks on both Richard Welch and Evangelos Mallios in N17's earliest stages as a terrorist organization); see also ALEX P. SCHMIDT ET AL., POLITICAL TERRORISM: A NEW GUIDE TO ACTORS, AUTHORS, CONCEPTS, DATABASES, THEORIES, AND LITERATURE 561 (2005) (noting the manifests left by N17 after attacks like the one on Richard Welch).

⁷² See Kassimeris, *supra* note 54, at 74-75 (showing that N17 gained notoriety when it took credit for terrorist activity); see also WAYNE C. THOMPSON, THE WORLD TODAY SERIES 2012: WESTERN EUROPE 287 (2012) (arguing that the Greek government tolerated N17 because their socialist ideals and anti-American rhetoric resonated with the Greek public).

twenty-six years. By the time it was dismantled in 2002, N17 was responsible for over 200 acts of violence and twenty-three assassinations—five American, one British, two Turkish, and many Greek businessman and prominent politicians of the conservative New Democracy Party.⁷³

B. *The Investigation of N17*

After it was discovered that Greek diplomats harbored PKK leader Ocalan, Prime Minister Simitis reshuffled his cabinet and appointed Michalis Chrysochoidis as Minister of Public Order.⁷⁴ Despite his lack of national security and law enforcement credentials, Chrysochoidis was chosen to oversee the ministry in charge of Greece's security with one main objective: to dismantle November 17 before the Olympics.⁷⁵

Chrysochoidis assembled a team for this specific assignment that included special prosecutor Yianni Diotis⁷⁶ (both of whom were interviewed by the author for the writing of this

⁷³ See Mark Landler, *Greece Convicts 'November 17' Terrorists; Radical Leftist Group Operated 27 Years, Killed 23 Victims*, THE GLOBE & MAIL, Dec. 9, 2003, at A20 (illustrating that N17's terror campaign lasted almost three decades and claimed 23 victims, including three U.S. officials); see also *November 17, Revolutionary People's Struggle, Revolutionary Struggle (Greece, leftists)*, COUNCIL ON FOREIGN REL. (Jan. 12, 2012) <http://www.cfr.org/greece/November-17-revolutionary-peoples-struggle-revolutionary-struggle-greece-leftists/p9275> (demonstrating that N17 attacked foreign diplomats, Greek officials, and eventually the general public).

⁷⁴ See *Michalis Chrysochoidis: Minister of Regional Development and Competitiveness*, ECONOMIST, <http://cemea.economistconferences.com/content/michalis-chrysochoidis> (last visited Jan. 20, 2013) (indicating that Chrysochoidis served as Minister of the Public Order from 1999 to 2003); see also *Race Against Terror*, THE JAGMIRE (June 20, 2009), <http://jagmire.blogspot.com/2009/06/race-against-terror-by-nicholas-gage.html> (maintaining that Prime Minister Simitis appointed Chrysochoidis, a novice in law enforcement, to fill the position of minister of public order).

⁷⁵ See *Athens Beefs Up Security*, EDMONTON JOURNAL, Dec. 19, 2000, at D8 (reporting that Chrysochoidis met with foreign security experts and ambassadors prior to Greece hosting the Olympics); see also *Greece Seeks British Help on Olympic Security*, NEWS LETTER, Jan. 24, 2002 (recognizing that Chrysochoidis' focus prior to the Olympics in Greece consisted of creating a plan to prevent N17 terrorist activity).

⁷⁶ See *Former Deputy Prosecutor Yiannis Diotis to Head Up SDOE*, ATHENS NEWS AGENCY, May 2, 2011 (stating that Yiannis Diotis was Greece's former public prosecutor); see also *Race Against Terror*, *supra* note 74 (showing that special prosecutor Diotis and Chrysochoidis worked together to defeat N17).

article). This team was unique in that it established for the first time the infrastructure to make meaningful use of evidence as it was collected and analyzed.⁷⁷ Surprisingly, the Greek national police did not have an intelligence bureau, nor did they collate information from all N17 operations into one investigative system.⁷⁸ Instead, N17 operations were filed and interpreted as separate crimes, rather than analyzed as part of the continuing operations of one criminal enterprise.⁷⁹ Finally, Chrysochoidis ordered the creation of an intelligence bureau within the national police and a fresh and comprehensive scouring of the files for any overlooked or unmatched clues.⁸⁰ The assorted files revealed an evident connection between N17's proclamations and France.⁸¹ Because a French newspaper was one of the two that received N17's initial proclamation,⁸² it is surprising that earlier investigators failed to follow this lead for a connection to France. The antiterrorism unit and the new intelligence division cooperated and compiled a list of Greek activists in Paris during the junta years where only one name remained unaccounted for—Alexandros Giotopolous.⁸³ Decades earlier, France's antiterrorism

⁷⁷ See Interview with Michalis Chrysochoidis, Former Greek Minister of Public Order (notes on file with author); see also COUNTER-TERRORISM: INTERNATIONAL LAW AND PRACTICE 342–43 (Ana María Salinas De Frías, Katja L. H. Samuel & Nigel D. White eds., 2012) (presenting the changes as proposed by the Minister of Public Order in the acquisition and use of information by Greek authorities to more effectively combat domestic terrorism).

⁷⁸ See Interview of Michalis Chrysochoidis, Former Greek Minister of Public Order (notes on file with author).

⁷⁹ *Id.*

⁸⁰ See *id.*; see also *Race Against Terror*, *supra* note 74 (indicating that Chrysochoidis created an intelligence section to review N17's attacks upon learning that there was not one).

⁸¹ See Interview of Michalis Chrysochoidis, *supra* note 77; see also *Correspondent: A Greek Tragedy*, BBC NEWS (Mar. 18, 2001), http://news.bbc.co.uk/1/hi/english/static/audio_video/programmes/correspondent/transcripts/1205893.txt (connecting N17 with France through an N17 statement in the Leftist French newspaper, *Liberation*).

⁸² See *Correspondent: A Greek Tragedy*, BBC NEWS (Mar. 18, 2001), news.bbc.co.uk/1/hi/english/static/audio_video/programmes/correspondent/transcripts/1205893.txt (noting that N17's first proclamations appeared in the French newspaper *Liberation*); see also *Race Against Terror*, *supra* note 74 (noting that N17 released a statement about the killing of Welch to three Greek newspapers and one French newspaper).

⁸³ See Interview of Michalis Chrysochoidis, *supra* note 77; see also *Profile: November 17 Mastermind*, BBC NEWS, <http://news.bbc.co.uk/2/hi/europe/>

authorities had Giotopolous on file for carrying false papers, and, together with information Greek authorities unknowingly possessed, provided investigators with fingerprints, a physical description, and other helpful information on the man who would soon be revealed as the leader of N17.⁸⁴

In June 2002, the unsuccessful investigation of N17 finally changed. The son of a priest who worked as a part-time iconographer planted a homemade bomb at the ticket office of a ferry company in Piraeus.⁸⁵ During preparations, the bomb exploded prematurely and left the operative alive but in critical condition.⁸⁶ This was the break the authorities needed. In the operative's possession was a handgun that later proved to be the murder weapon in two earlier N17 assassinations as well as a set of keys that would soon expose the underbelly of the organization.⁸⁷ In the operative's apartment, Greek authorities found the typewriter on which the N17 manifestos were produced, plans for future operations and other incriminating forensic information that would confirm the identities of other N17 members, including a fingerprint of Giotopolous.⁸⁸ As the N17 operative lay on the

3300129.stm (last updated Dec. 8, 2003, 4:28 PM) (stating that Giotopolous was arrested for being the mastermind of the N17 group).

⁸⁴ See Nicholas Gage, *Race Against Terror*, VANITY FAIR, Jan. 2007, at 64, 66 (depicting the joint efforts of French and Greek intelligence agencies leading to the discovery of N17 leader Alexandros Giotopolous); see also Interview with Michalis Chrisochoidis, *supra* note 77.

⁸⁵ See Kate Connolly, *Greek Terrorists Face Multiple Life Sentences*, TELEGRAPH, Dec. 9, 2003, <http://www.telegraph.co.uk/news/worldnews/Europe/greece/1448923/Greek-terrorists-face-multiple-life-sentences.html> (describing the botched bombing attempt and subsequent capture of N17 member Savas Xyros); see also Interview with Michalis Chrisochoidis, *supra* note 77.

⁸⁶ See David Pallister, *Greek Police Find Terror Group's Hideout*, GUARDIAN, July 4, 2002, <http://www.guardian.co.uk/world/2002/jul/05/davidpallister> (recounting that the untimely blast of the bombing left Xyros hospitalized in critical condition); see also *Greece: Police Find More Weapons*, SKY NEWS (July 6, 2002, 1:57 PM), <http://news.sky.com/story/111677/greece-police-find-more-weapons> (noting that Greek police detained Xyros following the premature explosion and took him to a hospital).

⁸⁷ See Pallister, *supra* note 86 (outlining the terrorist paraphernalia found both at the scene of Xyros' botched bombing as well as several N17 hideouts linked to Xyros); see also Interview with Michalis Chrisochoidis, *supra* note 77.

⁸⁸ See Anthee Carassava, *Greeks Claim Victory Over Terrorist Group But Questions About Suspects' Ties Remain*, N.Y. TIMES, July 19, 2002, [http://www.nytimes.com/2002/07/19/world/greeks-claim-victory-over-terrorist-group-but-questions-about-suspects-ties.html?n=Top%2fReference%2fTimes%](http://www.nytimes.com/2002/07/19/world/greeks-claim-victory-over-terrorist-group-but-questions-about-suspects-ties.html?n=Top%2fReference%2fTimes%2f)

hospital bed, the government now possessed more tools to disassemble N17 than they had ever had before.

III. *The Evolution of Greece's Legal Tools*

A. *Law 774/79*

When CIA officer Welch was assassinated by N17 in 1975 the evidence was formulated to treat Welch's death as a homicide rather than a terrorist assassination.⁸⁹ The Greek penal code had generally contained laws covering various crimes inherent to terrorism-related activities, such as assault and homicide.⁹⁰ However, because Greece was contemplating its anti-mafia laws at that time, its legal orientation was directed toward a criminal enterprise, and Parliament resisted the idea of adopting legislation specifically covering the misunderstood phenomenon of terrorism.⁹¹ Typifying New Democracy and PASOK's political posture, the former sought specific legislation as a means to enhance security while the latter interpreted such measures as the

20Topics%2fSubjects%2ft%2fTerrorism (describing how Xyros' capture led Greek police to incriminating evidence concerning N17 members and exposed its leader Alexandros Giotopolous); *see also* Interview with Michalis Chrisochoidis, *supra* note 77.

⁸⁹ *See* John Crewdson, *The Murder That Sparked Identities Protection Act*, CHI. TRIB., Mar. 12, 2006, *available at* http://articles.chicagotribune.com/2006-03-12/news/0603120383_1_spy-then-cia-director-william-colby-intelligence-identities-protection-act (noting that the assassination of CIA officer Richard Welch was initially labeled a homicide).

⁹⁰ *See* Carol Migdalovitz, *Greece*, in *EUROPEAN COUNTERTERRORIST EFFORTS: POLITICAL WILL AND DIVERSE RESPONSES* 59 (Susan Boriotti & Donna Dennis eds., 2004) (suggesting that State laws reflected the Greeks' perception that the police and government were a greater threat to their safety than terrorists); *see also* Andreas G. Banoutsos, *Mapping the Development of Anti-Terror Legislation in Greece in the Aftermath of 9/11*, RESEARCH INST. FOR EUR. & AM. STUDIES (2007), *available at* <http://www.rieas.gr/research-areas/editorial/485.html> (noting that the way Greek governments initially faced terrorism was by voting and ratifying international agreements rather than incorporating counterterrorism efforts into Greek penal law).

⁹¹ *See* KATHLEEN MALLEY-MORRISON, *STATE VIOLENCE AND THE RIGHT TO PEACE: WESTERN EUROPE AND NORTH AMERICA* 94 (2009) (noting that although an anti-terrorist bill was introduced in 1978, Greek authorities considered terrorism an ephemeral phenomenon); *see also* Karyotis, *supra* note 4, at 277 (arguing that the lack of any coherent strategy in Greece's response to terrorism could be partially attributed to its misconceptions about the nature of domestic terrorism).

curtailment of the civil rights gained from the fight against the junta.⁹² Despite stiff political opposition, New Democracy passed Law 774 in 1979, which defined a number of specific terrorism-related felonies, including providing refuge to terrorists.⁹³ Also among its measures were the death penalty and a financial incentive program for informants.⁹⁴ In the 1981 elections PASOK persuaded voters that these expanded powers were a throwback to the suppressive policies of the junta and repealed Law 774 in 1983.⁹⁵

B. *Modifying Greece's Constitution*

Greece's Constitution had been interpreted to mean amnesty was available under certain circumstances for politically motivated crimes.⁹⁶ In addition, according to Article 97, a political crime could only be tried by a mixed court comprised of regular

⁹² See Kassimeris, *supra* note 54, at 157 (explaining how New Democracy believed the existing Greek penal code was insufficient, necessitating the introduction of special legislation for the fight against terrorism); see also Nikolas Kolaitis, *Foreign & Domestic Terrorism in Greece*, 2 INT'L J. BECCA at 22 (2012) (demonstrating that the evolution of counterterrorism policies was disfigured by the lack of unity and action between members of parliament).

⁹³ See Bossis, *supra* note 68, at 139 (stating that Law 774 defined specific terrorist felonies); see also Interview with Yianni Diotis, Former N17 Special Prosecutor (notes on file with author).

⁹⁴ *Id.* (explaining that the sentences introduced for the various terrorism-related crimes were very heavy); see also Interview with Yianni Diotis, *supra* note 93.

⁹⁵ See Kassimeris, *supra* note 54, at 164 (illustrating that PASOK used Law 774 as a device for gaining greater coercive powers over the people); see also Karyotis, *supra* note 4, at 277, available at <http://cac.sagepub.com/cgi/content/abstract/42/3/271> (stating that Law 774 was repealed soon after PASOK came into power in 1981).

⁹⁶ See 1975 SYNTAGMA [SYN.] [CONSTITUTION] art. 47 §§ 3, 4 (Greece), available at <http://www.photius.com/countries/greece/government/syntagma.pdf> (stating that amnesty for political crimes may be granted only by a statute approved by the Plenum of the Parliament with a three-fifths vote by its members as opposed to amnesty for common crimes, which may never be granted); see also Donsyios Spinellis, *Greece*, in L'HARMONISATION DES SANCTIONS PÉNALES EN EUROPE 89, 93, available at http://halshs.archives-ouvertes.fr/docs/00/41/96/45/PDF/RAPPORTS_NATIONAUX_-_Greece_-_Donsyios_SPINELLIS.pdf (defining the purpose of amnesty provisions such as Article 47 §§ 3 and 4 as a means of appeasing violent social and political conflicts).

judges and jurors.⁹⁷ Finally, the Constitution did not permit extradition if the defendant was a foreign national fighting for political change in his home country.⁹⁸ (Art. 5, § 2). While it is unclear how frequently these provisions were actually exercised, they remained a post-Ottoman institutional testament to Greece's sympathy for those politically oppressed and left no alternative but to raise arms in political opposition.

Greece's constitutional legacy was to conflict with the emerging legislative powers of the E.U.⁹⁹ In 1988, Greece ratified the European Counter-Terrorism Convention that provided terrorist crimes would not be considered political acts or politically-motivated crimes.¹⁰⁰ The implications of ratifying this convention are significant, rendering terrorists ineligible for amnesty, revoking

⁹⁷ See 1975 SYNTAGMA [SYN.] [CONSTITUTION] art. 97 § 1 (Greece), available at <http://www.photius.com/countries/greece/government/syntagma.pdf> (stating that political crimes are subject to the legal remedies specified by law in mixed jury courts); see also THE CONSEQUENCES OF COUNTERRORISM 46 (Martha Crenshaw ed., 2010) (distinguishing political crimes tried by a mixed jury under Article 97 of the Constitution from all terrorism-related crimes which fall under the jurisdiction of Greece's Criminal Court of Appeals).

⁹⁸ See 1975 SYNTAGMA [SYN.] [CONSTITUTION] art. 5 § 2 (Greece), available at <http://www.photius.com/countries/greece/government/syntagma.pdf> (indicating that all persons living within the Greek territories shall enjoy its protections, but prohibiting the extradition of aliens prosecuted for their actions as "freedom-fighters"); see also 1 Media, Advertising, & Entertainment Law Throughout the World § 14A:2 (2012) (specifying that Article 5 § 2 of Greece's Constitution, which provides equal protection of the law to aliens, is relevant when interpreting its media laws).

⁹⁹ See M. Isabel Medina, *Celebrating the Jurisprudence of Justice Ruth Bader Ginsberg: Real Differences and Stereotypes -- Two Visions of Gender, Citizenship, and International Law*, 7 N.Y. CITY L. REV. 315, 351–52 (2004) (specifying how the European Union is pressuring Greece to adopt norms prohibiting gender bias within the nation state); see also Mary Ellen Tsekos, Note, *The New European Union Directive on Sexual Harassment and Its Implications for Greece*, 10 WTR HUM. RTS. 31, 32 (2003) (stating how Greek law on sexual harassment will yield to the European Union's newest amendments, which take precedent over Greece's local laws).

¹⁰⁰ See Dionysios Spinellis, Note, *Terrorism*, 57 RHDI 445, 460 (1994) (indicating how Greece hesitated to ratify the treaty for years and finally was among the member states that ratified it in 1988); see also COMMITTEE OF EXPERTS ON TERRORISM, PROFILES ON COUNTER-TERRORIST CAPACITY, GREECE, 5 (2012), available at http://www.coe.int/t/dlapil/codexter/3_CODEXTER/Working_Documents/CODEXTER%20Profiles%20_2012_%20Greece_EN.pdf (illustrating that Greece signed the European Convention on the Suppression of Terrorism on December 27, 1977, but ratified the convention in 1988).

the right to a mixed court trial and exposing persons to extradition for the crimes committed.¹⁰¹ This agreement resonated throughout Parliament and identified the controversial legislative changes Greece needed to adopt as a member of the E.U. in the wake of terrorism.¹⁰²

C. Law 1916/90

In 1989 New Democracy Prime Minister Pavlos Bakoyiannis was assassinated by N17.¹⁰³ Bakoyiannis was the first member of Parliament to be killed by terrorists, and his death inspired his wife Dora, later to be Greece's Foreign Minister, to assume his seat in Parliament, where she came to symbolize the policy distinctions between New Democracy and PASOK.¹⁰⁴ New Democracy returned to office in 1990 and shortly thereafter enacted Law 1916, "Law for the Protection of Society against Organized Crime."¹⁰⁵ Law 1916 copied many of the provisions of

¹⁰¹ See Aaron J. Noteboom, Comment, *Terrorism: I Know It When I See It*, 81 OR. L. REV. 553, 574 (2002) (acknowledging that although the European Convention on the Suppression of Terrorism provides a scope of political offenses, it also provides a member state with an option to recognize political offenses and to refuse extradition); see also Antje C. Petersen, Note, *Extradition and the Political Offense Exception in the Suppression of Terrorism*, 67 IND. L.J. 767, 782 (1992) (stating that the purpose of the European Convention on the Suppression of Terrorism was to ensure that terrorist acts do not escape prosecution by emphasizing effective extradition procedures).

¹⁰² See Miltiadis Fakitsas, *The Rise and Fall of Terrorist Organizations in Post-Dictatorial Greece: The Role and the Lessons for the Intelligence Services* 29–30 (June 2003) (unpublished thesis Naval Postgraduate School) available at <http://www.dtic.mil/dtic/tr/fulltext/u2/a417464.pdf> (discussing the legislative changes made in accordance with terrorism in Greece).

¹⁰³ See Marlise Simons, *Greek Lawmaker is Slain in Athens*, N.Y. TIMES, Sep. 27, 1989, <http://www.nytimes.com/1989/09/27/world/greek-lawmaker-is-slain-in-athens.html> (reporting the death of Greek politician Pavlos Bakoyiannis); see also William D. Montalbano, *Greek Scandal Turns Deadly as Terrorists Gun Down Lawmaker*, L.A. TIMES, Sep. 27, 1989, http://articles.latimes.com/1989-09-27/news/mn-142_1_greek-scandal (indicating that Pavlos Bakoyiannis had been murdered by the terrorist group N17).

¹⁰⁴ See Biography for Dora Bakoyannis, SILO BREAKER, (Jan. 15, 2009), available at http://news.silobreaker.com/biography-for-dora-bakoyannis-5_2260517690554712064_4 (showing the number of times Dora Bakoyannis was elected under the New Democracy banner).

¹⁰⁵ See ELECTIONS IN EUROPE: A DATA HANDBOOK 830 (Dieter Nohlen & Philip Stöver eds. 2010) (documenting the results of the Greek elections in 1990); see also *Law No. 1916 on the Protection of Society against Organized Crime*,

its predecessor, Law 774, but it was still not a law specifically oriented toward terrorism.¹⁰⁶ While Law 1916 left out the death penalty, a provision bitterly opposed in 774, it significantly expanded police powers and their ability to collect evidence.¹⁰⁷ The law was controversial because it empowered the authorities to deny media the right to publish terrorist proclamations following a lethal attack.¹⁰⁸ However, freedom of the press advocates fiercely rejected the new law and defiantly published the next N17 release following the organization's assassination of a Turkish diplomat.¹⁰⁹ Numerous editors were arrested and New Democracy was subsequently condemned at the polls for undermining Greece's tradition of expanded civil rights.¹¹⁰ In yet another political reversal, PASOK retook power in 1993 and repealed Law 1916 in the same year.¹¹¹

INTERNATIONAL MONEY LAUNDERING INFORMATION NETWORK (2007), available at <https://www.imolin.org/amlid/showLaw.do?law=6306&language=ENG&country=GRE> (providing the date and legislation enacted in the Law for the Protection of Society against Organized Crime).

¹⁰⁶ See Kassimeris, *supra* note 54 (showing the development of Greek legislative responses to terrorism); see also Kolaitis, *supra* note 93, at 23 (2012) (discussing the changes in Greek laws as terrorist attacks occurred).

¹⁰⁷ See Interview with Yianni Diotis, *supra* note 93; see also Kolaitis, *supra* note 92, at 24 (noting the opposition of PASOK members of Parliament to Law 774 for its diminishing human liberties).

¹⁰⁸ See Interview with Yianni Diotis, *supra* note 93; see also George Kassimeris, *What not to do When Dealing With Terrorism: The Greek Experience*, 1 DEMOCRACY & SEC. 105, 112 (2005) (discussing how such a response to terrorism can be more dangerous for a democratic society than terrorism itself).

¹⁰⁹ See Interview with Yianni Diotis, *supra* note 93; see also Kassimeris, *supra* note 67, at 266 (2004) (discussing the assassination of Turkish diplomat Cettin Gorgu by N17, which occurred on October 7, 1991).

¹¹⁰ See John M. Nomikos, *Terrorism, Media, and Intelligence in Greece: Capturing the 17 November Group*, 20 INT'L J. INTELLIGENCE & COUNTERINTELLIGENCE 65, 69 (2007) (discussing the impact that Law 1916/90 had on the mass media that caused the New Democracy party to lose power in government); see also Kolaitis, *supra* note 92, at 25 (Jan./June 2012) (explaining that the public and political fear that existed during Mitsotakis' government due to the encroachment of the Greek people's civil liberties helped terrorists weaken the government).

¹¹¹ See Banoutsos, *supra* note 90; see also Fakitsas, *supra* note 102, at 29–32 (discussing the anti-terrorist laws of 1978 and 1990 and their effect on the two major political parties, PASOK and New Democracy).

*D. Death of Brigadier Saunders and International
Accountability*

After decades of assurances, there had been little noticeable improvement in Greece's willingness and ability to dismantle its terrorist organizations. As a result, Greece's diplomatic relations continued to suffer. The U.S. National Commission on Terrorism recommended designating Greece as a state "not cooperating fully" with U.S. counterterrorism efforts, and, in the U.S. State Department's 1999 Annual Report, was referred to as "remaining one of the weakest links in Europe's efforts against terrorism."¹¹² There was little surprise therefore that relations with Greece reached a critical level in 2000 when British defense attaché Stephen Saunders was assassinated.¹¹³

In what became a significant turning point in Greece's awareness of its terrorist vulnerabilities, the Simitis administration initiated a comprehensive public relations campaign to contain the fallout.¹¹⁴ For the first time, Greece's political leadership utilized all available media outlets to condemn the killing.¹¹⁵ In a rare

¹¹² See U.S. DEP'T OF STATE, PATTERNS OF GLOBAL TERRORISM 1999, 33–36 (April 2000), www.state.gov/www/global/terrorism/annual_reports.html (discussing Greece's weaknesses against terrorism); see also Olga Kallergi, *Exporting U.S. Anti-Terrorism Legislation and Policies to the International Law Arena, a Comparative Study: The Effect on Other Countries' Legal Systems*, CORNELL LAW SCHOOL INTER-UNIVERSITY GRADUATE STUDENT CONFERENCE PAPERS, 5–9 (Apr. 16, 2005) http://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1018&context=lps_clap (discussing actions the Greek government has taken to mitigate the terrorist threat in Greece, thereby improving relations with the United Kingdom and the United States).

¹¹³ See Nomikos, *supra* note 110 (discussing the impact that the assassination of Stephen Saunders had on the Greek government's response to terrorism and hunting for N17 members); see also *British Diplomat Shot Dead in Athens*, BBC NEWS, June 8, 2000, <http://news.bbc.co.uk/2/hi/europe/782245.stm> (last visited Jan. 20, 2013) (detailing the assassination of military attaché Brigadier Stephen Saunders).

¹¹⁴ See Associated Press, *Greek Officials Condemn March in Support of 'Nov. 17' Terrorists*, WALL ST. J. EUROPE, Oct. 3, 2002, at A3 (discussing the vocal methods Greek government members undertook to express to the Greek people and the world that terrorism would not be tolerated); see also Erlanger, *supra* note 61 (highlighting the increased utilization of police powers to crack down on terror following the Saunders assassination).

¹¹⁵ See David Holley, *Greece Tightens Noose on Guerillas; Terrorism: Police Arrest a Suspected Leader of a Notorious Group and Name a Gunman in the 1975 Assassination of a CIA Agent in Athens*, L.A. TIMES, July 27, 2002, at 1 (detailing how the government utilized nationally televised speeches to reach the

display of unity, government officials collectively proclaimed N17 a threat to Greece's democratic values and way of life.¹¹⁶ The campaign extended to antiterrorism messages, including numerous television appearances by Saunders' widow, and fresh parliamentary debates on how to enhance Greece's security and legal capabilities.¹¹⁷ For the first time, popular sentiment began to coalesce against the recognized domestic threat.¹¹⁸ Greece sought to assure the international community of its sincere antiterrorism efforts and to make clear that such attacks were not a legitimate continuation of the social movements popular in the '70s and '80s.¹¹⁹ Greece's leadership was determined to strip N17 of the

masses with anti-terror messages); *see also* CP Wire, *British Brigadier Shot Dead; Greek Terrorists Suspected*, WINNIPEG FREE PRESS, June 9, 2002, at B1 (highlighting the publication of an interview with a CIA agent on the topic of Greek terrorism in a Greek weekly newspaper).

¹¹⁶ *See* *Greek Terror Suspects Set to Challenge Prison Trial*, DOW JONES INTERNATIONAL NEWS, Mar. 3, 2003 (underscoring the impacts from attacks by November 17 and threats posed to Greek democratic values by this violence); *see also* Anthee Carassava, *6 From Greek Terror Group Get Life Sentences*, N.Y. TIMES, Dec. 18, 2003, at A15 (describing Marxist and Stalinist tactics utilized by the November 17 terrorists that undermine and counteract existing democratic values).

¹¹⁷ *See* Stephanie Nolen, *After 30 Years, Greek Police Finally Crack Terrorist Cell; Obscure November 17 Had Eluded Capture; Despite 23 Killings and Dozens of Bombings*, THE GLOBE & MAIL, July 19, 2002, at A3 (detailing the increased scrutiny by Greek police on terrorist suspects and the end of impunity for November 17 members); *see also* Carassava, *supra* note 116, at A15 (examining Greek sentencing practices and implications of harsh sentencing on terrorism and public perceptions of Greek measures).

¹¹⁸ *See* Geoff Winestock, *A Chink in Terror's Armor; In Greece, Public Outrage Turns Tables on November 17 Group*, WALL ST. J., Sept. 5, 2002, at A12 (commenting on the change in Greek sentiment surrounding the November 17 terrorist organization); *see also* Daniel Williams, *Greece Catches Up To Elusive Terrorists; Arrests May Snuff Out November 17 Group*, WASH. POST, July 19, 2002, at A1 (describing how both Greek and Western observers viewed the increased pressure on November 17 by Greek police as the beginning of the end for the terrorist group).

¹¹⁹ *See* *Greek Officials Condemn March in Support of 'Nov. 17' Terrorists*, WALL ST. J. EUROPE, Oct. 3, 2002, at A3 (analyzing the response of Greek officials and attempts to distance Greece from terrorism in light of support for November 17); *see also* Erlanger, *supra* note 61, at A1 (illustrating how Greece took measures with direct intention to curry favor in the international community and to repair the Greek image).

façade of popular support from which it derived so much mystery and power.¹²⁰

The parallel component to Greece's diplomatic initiative was its effort to improve security cooperation with Britain and the U.S. Barely a month after Saunders' death, Minister Chrysochoidis, Greek Foreign Minister Papandreou, and British Ambassador Madden assembled for a counterterrorism summit on how to reform Greece's antiterrorism policies.¹²¹ Valuable recommendations were made during the summit, including ways to reorganize Greece's security forces by constructing a single antiterrorism body modeled after Britain's counterterrorism department.¹²² British officials also proposed sophisticated surveillance techniques and enhancements in the use of media instruments.¹²³ Efforts formalized when the two countries agreed to joint antiterrorism exercises and the mutual exchange of intelligence.¹²⁴ In a similar spirit, Greece and the U.S. signed a

¹²⁰ See Michalis Chrysochoidis, *Fighting Organized Crime and Terrorism for Security and Stability in the Balkans*, WILSON CENTER (Sept. 7, 2000), <http://www.wilsoncenter.org/publication/fighting-organized-crime-and-terrorism-for-security-and-stability-the-balkans> (observing that public dialogue over terrorism and the assassinations continued for weeks after Saunders' death); see also Tally Kritzman, *Greek Counter Terrorism, Have the Lessons Been Learned?*, INT'L POL'Y INST. FOR COUNTER-TERRORISM (Aug. 8, 2000), <http://212.150.54.123/articles/articleDet.cfm?articleid=124> (explaining that Saunders' murder prompted Greek citizens to hold a moment of silence for the assassinations and the government to broadcast anti-terrorism messages).

¹²¹ See ICT, *Greek Counterterrorism; Symbolic Steps*, INT'L POL'Y INST. FOR COUNTER-TERRORISM (Aug. 8, 2000) www.ict.org.il/inter_ter/frame.html (stating that the anti-terrorism seminar was held on July 11th and 12th in 2000); see also *Greece Proposes New Anti-Terrorism Measure*, N.Y. TIMES, June 13, 2000, <http://www.nytimes.com/2000/06/13/world/greece-proposes-new-anti-terrorism-measures.html> (declaring that Greece will be working with the Europe and the United States to combat terrorism).

¹²² See ICT, *supra* note 121 (noting that soon after the seminar, the British assisted Greece in reorganizing its security forces); see also Kallergi, *supra* note 112 (explaining that British authorities assisted the Greek government in organizing a single anti-terrorism entity).

¹²³ See ICT, *supra* note 121 (observing that the British introduced the idea of using the media to fight against terrorism in Greece); see also Kallergi, *supra* note 112 (writing that sophisticated surveillance techniques were suggested for the first time by the British).

¹²⁴ See ICT, *supra* note 121 (noticing that Britain played a dominant role in Greece's battle against terrorism); see also Chrysochoidis, *supra* note 120 (observing that Greece was making strides in its fight against terrorism by teaming up with fellow European countries).

cooperation agreement covering informational and investigative support for crimes involving the two countries.¹²⁵ The U.S. also encouraged Greece to overhaul its antiterrorism laws by making a series of specific recommendations,¹²⁶ many of which would be included in Greece's next legislation.

E. Law 2928/01

After so many lethal attacks had gone unanswered, Greece was politically prepared for tough legislation. Finally, Law 2928 was created in 2001, after grueling debates between ruling PASOK and minority New Democracy.¹²⁷ Despite popular acclaim, the legislation was presented as anti-mafia and lacked an explicit reference to terrorism itself.¹²⁸ Yet, its applications to the war on terror were unmistakable. Law 2928 provided important tools for Greek authorities to combat terror, including: defining an organization for the first time; promoting reward for information incentives; creating a witness protection program; allowing for

¹²⁵ See ICT, *supra* note 121 (writing that attorney general Janet Reno met with the Greek Minister to sign the cooperation agreement), see also Tally Kritzman, *Greece, U.S. to Sign Counter-Terrorism Agreement* (Sept. 5, 2000), <http://212.150.54.123/spotlight/det.cfm?id=479> (noting that Minister Chrysochoidis signed a bilateral police cooperation agreement in Washington).

¹²⁶ See Daniel V. Speckhard, *Citizen Protection Minister Upbeat on Reorganization, Cooperation*, THE GUARDIAN, Jan. 11, 2011, <http://www.guardian.co.uk/world/us-embassy-cables-documents/246265> (stating that the Hellenic Coast Guard was to be reorganized to model the U.S. Coast Guard); see also U.S. DEP'T OF STATE, 2010 COUNTRY REPORT ON TERRORISM, available at <http://www.state.gov/documents/organization/170479.pdf> (reporting that Greek officials worked with U.S. officials in training to strengthen border security from terrorism).

¹²⁷ See *Proposal for a Council Framework Decision on Combating Terrorism*, DOW JONES FACTIVA, Sep. 24, 2001 (stating that both the criminal and criminal procedure code of Greece have changed dramatically after Law 2928 was passed); see also Kolaitis, *supra* note 92, at 25 (2012) (recognizing that in response to Greece's most deadly terrorist attack, Law 2829 was passed).

¹²⁸ See Sec'y of State for Foreign and Commonwealth Affairs, *2005 Counter-Terrorism Legislation and Practice: A Survey of Selected Countries*, <http://image.guardian.co.uk/sys-files/Politics/documents/2005/10/12/foreignterrorlaw1.pdf> (last visited Jan. 28, 2013) (stating that Law 2928 allows a foreign national to be expelled if he belongs to a mafia organization); see also ADVANCED INST. OF LEGAL STUDIES, *Study – National Means of Implementation of Third Pillar Instruments*, <http://ials.sas.ac.uk/postgrad/docs/GROTIUSGR Vol2.pdf> (last visited Jan. 28, 2013) (finding that amendments to Law 2928 to prevent organized crime).

mitigating exchanges, such as turning state's evidence; immunizing government approved spies; allowing the use of DNA evidence; extending the time allowed to lawfully question suspects; approving the use of broader interrogation methods; and creating more severe punishments for terrorism-related crimes.¹²⁹

Also, as amended by Law 2928, Article 187, Section 1 of the Criminal Code provided that crimes committed by a criminal organization, irrespective of the crime itself, fall under the jurisdiction of the Criminal Court of Appeals.¹³⁰ One component of this was the creation of the "special court," which, in contrast to the historic "mixed court," eliminated the use of jurors, due in large part to their susceptibility to tampering, and instead established a three-judge panel.¹³¹ Finally, Law 2928 also helped facilitate the processing of investigation warrants by requiring the approval of only one judge where national security matters were involved.¹³²

F. September 11th and the E.U.'s Legislative Response

The scale and daring of the September 11th attacks changed the perception of terrorism forever.¹³³ Shortly after the attacks the

¹²⁹ See Interview with Yianni Diotis, *supra* note 93; see also Ariane Chebel D'Appollonia, *FRONTIERS OF FEAR: IMMIGRATION AND INSECURITY IN THE UNITED STATES AND EUROPE* 84 (Cornell Univ. Press, 2012) (stating that Law 2928 lists twenty-two offenses that are categorized as terrorist attacks).

¹³⁰ See Interview with Yianni Diotis, *supra* note 93; see generally Odysseas Elytis, *Imprisoned in Conflict – Cooperation and the Law*, available at http://www.alba.edu.gr/uploads/Voliotis_article.pdf (explaining that Law 2928 allows for more lenient sentencing of members of organized crime).

¹³¹ See Interview with Yianni Diotis, *supra* note 93; see also Kallergi, *supra* note 112, at 9 (2005) (stating that under Law 2928, all crimes of terrorism are tried without a jury).

¹³² See COUNCIL OF THE EUROPEAN UNION, *The Practical Application of the European Arrest Warrant and Corresponding Surrender Procedures Between Member States*, at 7–9 (Oct. 20, 2008), available at http://www.asser.nl/default.aspx?site_id=8&level1=10789&level2=10860&level3=11107 (explaining that the Public Prosecutor at the Court of Appeals in Greece retains the authority to issue European Arrest Warrants); see also Interview with Yianni Diotis, *supra* note 93.

¹³³ See Sudha Setty, *What's in a Name? How Nations Define Terrorism Ten Years After 9/11*, 33 U. PA. J. INT'L L. 1, 3–10 (discussing how countries struggled to define terrorism post-9/11) (2011); see also Rosa Ehrenreich Brooks, *War Everywhere: Rights, National Security Law, and the Law of Armed Conflict in the Age of Terror*, 153 U. PA. L. REV. 675, 676–86 (2004) (stating

European Council adopted the European Plan of Action and thereafter drafted the E.U. Framework Decision on Combating Terrorism.¹³⁴ The Framework Decision, requiring compliance by all E.U. member states, provided for more than 70 antiterrorism related measures. Of these measures, most notable were provisions which established a common definition of terrorism; a European arrest warrant; an extension of the statute of limitations for terror-related killings from twenty to thirty years; harsher penalties; a list of terrorist organizations; a list of persons related to terrorist organizations; and measures to suppress terrorist financing.¹³⁵ While Greece did not comply with the Framework Decision until June of 2004, the anticipated implications of the antiterrorism legislation immediately set the scope and direction of Greece's future antiterrorism tools.¹³⁶

that globalization has obscured the traditional legal boundaries of armed conflict and national security law).

¹³⁴ See *Conclusions and Plan of Action of the Extraordinary European Council Meeting on 21 Sept. 2001*, CONSILIUM, 15–17 (2001), available at http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/140.en.pdf (last visited Jan. 19, 2013) (announcing the adoption of a European arrest warrant to combat terrorism); see also European Union: Council of the European Union, *Council Framework Decision 2002/475*, art. 1, O.L.J. 2008, available at <http://www.unhcr.org/refworld/docid/3f5342994.html> (providing a uniform definition of terrorism for European Union member countries).

¹³⁵ See Jack Straw, Secretary of State for Foreign and Commonwealth Affairs, *Counter-Terrorism Legislation and Practice: A Survey of Selected Countries*, 15–16 (Oct., 2005), available at <http://image.guardian.co.uk/sysfiles/Politics/documents/2005/10/12/foreignterrorlaw1.pdf> (indicating that Law 2928 provides the Greek authorities with broader means to investigate a suspected terrorist group); see also Eugenia Dumitriu, *The E.U.'s Definition of Terrorism: The Council Framework Decision on Combating Terrorism*, 5 GERMAN L. J. 5, 586, 591–95 (2004) (emphasizing that the EU Framework Decision distinguishes between three types of offenses: terrorist offenses, offenses relating to a terrorist group, and offenses linked to terrorist activities).

¹³⁶ See Banoutsos, *supra* note 90 (noting that prior to the Athens Olympic Games in 2004 the Greek Parliament enacted Law 3251 known as the "European Arrest Warrant and the Confrontation of Terrorism"); see also *European Arrest Warrant, Amendment to Law 2928/2001 on Criminal Organizations and Other Provisions*, CONSILIUM, 1 (2004), available at http://www.consilium.europa.eu/ueDocs/cms_Data/docs/polju/en/EJN636.pdf (defining the parameters of the European Arrest Warrant, Law 3251, within the Greek Penal Code).

G. Dismantling and Prosecuting N17

As the N17 operative lay on the hospital bed, Law 2928 allowed Greek authorities to use broader interrogation methods and more time to conduct lawful questioning.¹³⁷ Initially the operative, coming in and out of consciousness, was not treated as a suspect but rather as a material witness. Thus, Greek authorities avoided the legal obligation to charge him or release him within twenty-four hours.¹³⁸ Investigators feared publicity might scare other N17 members into hiding, and this extra time enabled them to connect the handgun to other N17 murders, as well as to collect other useful evidence from the apartment.¹³⁹ Under interrogation, the operative—and later his two brothers—revealed essential information about the organization and its members, including the mastermind known as “O Psilos,” the “Tall One.”¹⁴⁰ In the next month the authorities canvassed Greece, arresting the remaining members, and confirmed the “Tall One” was indeed Alexandros Giotopolous living under a false identity.¹⁴¹ Shortly thereafter he was captured on a ferryboat departing a Greek island with forged documents.¹⁴² In retrospect, it is remarkable that Chrysochoidis’

¹³⁷ See DAVID CANTER, *THE FACES OF TERRORISM: MULTIDISCIPLINARY PERSPECTIVES* 98 (John Wiley & Sons, 2009) (discussing the hospital bed interrogation of Savvas Xiros that led to the dismantling of the 17N); see also George Gilson, *Judges Deliberate on Verdict in 17N Case*, *ATHENS NEWS*, (Nov. 28, 2003), http://www.athensnews.gr/old_issue/13042/10618 (reporting that a defense attorney for Savvas argued that Savvas’ confession was drug induced and exacted through torture).

¹³⁸ See Interview with Yianni Diotis, *supra* note 93; see also George Kassimeris, *Greece: the Persistence of Political Terrorism*, 89 *INTERNATIONAL AFFAIRS* 1, 131 (2013) (describing how a premature bomb explosion severely wounded the operative, giving port authorities an opportunity to investigate).

¹³⁹ See Interview with Yianni Diotis, *supra* note 93; see also Kassimeris, *supra* note 139 (identifying the handgun collected from the injured operative as the weapon stolen from a police officer killed by N17, hence connecting the operative to the terrorist organization).

¹⁴⁰ See Interview with Yianni Diotis, *supra* note 93; see also Kassimeris, *supra* note 68, at 271 (noting that Alexandros Giotopolous denied involvement with N17 throughout his trial).

¹⁴¹ See Interview with Yianni Diotis, *supra* note 93; see also Kallergi, *supra* note 113, at 9 (crediting new technology in Greece for the successful surveillance and evidence collection tactics).

¹⁴² See Interview with Yianni Diotis, *supra* note 93; see also Partial Declassification 12633/04, *Evaluation of National Anti-Terrorist Arrangements Report about Greece*, 14-16 October 2003, at 4, <http://register.consilium.europa>.

team accomplished an arrest in one month that had eluded Greek authorities for over twenty-six years.

The trial of N17 became known as the “trial of the century”: there were nineteen defendants accused of twenty-three murders, one hundred and eighty-four attempted murders, and dozens of armed robberies and attacks; two hundred and seventy-three prosecution witnesses; two hundred and thirty-six defense witnesses; thirty-eight prosecution attorneys; thirty-two defense attorneys; and a one thousand four hundred and twelve page indictment. The trial began in March 2003.¹⁴³

One of the defendant's statements best summarized N17's legal strategy. It was argued that crimes for which the defendants were accused were political, not criminal, and to be tried by a special court without jurors rather than in a mixed court would undermine Greece's Constitution and would incorporate the legal policies of meddling foreign powers.¹⁴⁴ The defendants further argued that the confessions forming the basis of the prosecution's case should be inadmissible because they were obtained under coercion, threats of extradition, and unjust physical conditions.¹⁴⁵ These arguments became the subject of great debate in the court of public opinion, but ultimately proved unavailing at trial.¹⁴⁶

eu/pdf/en-/04/st12/st12633-ex01.en04.pdf (reporting on the Summer 2002 capture of N17 members and subsequent dismantling of the organization).

¹⁴³ See MICHAILIS DIMITRIOU, JUROR AT THE TRIAL OF NOVEMBER 17, at 597 (2004); see also Kallergi, *supra* note 113, at 10 (estimating that it would take approximately 47 hours to read the full indictment).

¹⁴⁴ See DIMITRIOU, *supra* note 143, at 31–32; see also Kallergi, *supra* note 113, at 12–13 (recognizing that N17 members' constitutional rights to a mixed court were triumphed by Greece's anti-terrorism laws giving special courts jurisdiction of all terrorists organized actions, including those political in nature).

¹⁴⁵ See DIMITRIOU, *supra* note 143, at 31–32; see also *Suspected N17 Terrorist Slams Court as 'Biased, Unjust, and Illegal'*, ATHENS NEWS AGENCY: DAILY NEWS BULLETIN IN ENGLISH, Mar. 5, 2003, <http://www.hri.org/news/greek/ana/2003/03-03-05.ana.html#06> (reporting N17 members' claims that their confessions were coerced by threats and unfair treatment).

¹⁴⁶ See U.S. DEP'T. OF STATE, *supra* note 62, at 75 (noting that N17 members were convicted on major felony charges rather than on political accounts); see also “N17” Actions “Criminal” & not “Political”, *Appellate Court Council Says*, ATHENS NEWS AGENCY: DAILY NEWS BULLETIN IN ENGLISH, Jan. 3, 2003, <http://www.hri.org/news/greek/ana/2003/03-01-03.ana.html#15> (reporting that N17 members were charged with organized criminal offenses, which were not barred by the statute of limitation).

Greece, having ratified the European Counter-Terrorism Convention, could no longer consider such crimes political acts.¹⁴⁷ Further, broader use of interrogation methods was not found to be inconsistent with Law 2928, especially given the severity of N17's threats.¹⁴⁸ Ultimately, N17 defendants were convicted, but not under the terms that were popularly understood.¹⁴⁹ N17 defendants were not prosecuted in a special court, but in a regular court. Also, they were not accused of terrorism-related crimes, but for organized crime offenses such as bank robbery.¹⁵⁰ Just as the legendary syndicate boss Al Capone was convicted for tax evasion, N17 defendants were tried and convicted for crimes far less sinister than those for which they were known.¹⁵¹ Presumably, in the days preceding the Olympics, Greek prosecutors sought a definitive conviction uncomplicated by the politics of the special court.¹⁵² It

¹⁴⁷ See COUNCIL OF EUROPE, PROTOCOL AMENDING THE EUROPEAN CONVENTION ON THE SUPPRESSION OF TERRORISM 8 (2003) (amending to include an extended list of offenses that are to be depoliticized and treated as crimes); see also U.S. DEP'T. OF STATE, PATTERNS OF GLOBAL TERRORISM 2003, 48 (2004) (acknowledging that Greece's counterterrorism legislation actions would extend their definition of crime).

¹⁴⁸ See Interview with Yianni Diotas, *supra* note 93; see also U.S. DEP'T. OF STATE, COUNTRY REPORTS ON TERRORISM 2008, 76 (2009) (noting that N17 terrorist conduct remains alive in Greece as convicted members continue posing threats to their government from prison cells).

¹⁴⁹ See U.S. DEP'T. OF STATE, *supra* note 62, at 75 (noting that N17 members were convicted on 224 counts of organized crime offenses); see also "N17" Actions "Criminal" & not "Political", *Appellate Court Council Says*, *supra* note 147 (reporting that the Athens appellate court decision labeled N17 terrorist behavior as organized crimes rather than political crimes).

¹⁵⁰ See Interview with Yianni Diotis, *supra* note 93; see also Hellenic Republic Embassy of Greece, *N17 Member Admits participation in 27 Crimes, including Bakoyiannis' Murder*, July 20, 2012, available at <http://www.greekembassy.org/embassy/Content/en/Article.aspx?office=2&folder=334&article=9867> (stating the masterminds of N17 were charged with organized crime).

¹⁵¹ See Hellenic Republic Embassy of Greece, *Life Sentences for "November 17" Killers*, 9 GREECE: A NEWS REVIEW FROM THE EMBASSY OF GREECE, PRESS & INFORMATION OFFICE, at 2 (Dec. 2003) (citing the terms of imprisonment fewer than those proposed by the prosecutor); see also ATHENS NEWS AGENCY DAILY NEWS BULLETIN [ENGLISH], "November 17" terrorist group trial verdicts passed down by criminal court, Mar. 12, 2009, available at <http://www.hri.org/news/greek/ana/2003/03-12-09.ana.html> (elaborating on the convictions of N17 members).

¹⁵² See *N17 leader, hitman jailed for life*, CNN WORLD, (Dec. 17, 2003, 2:52 AM) <http://www.cnn.com/2003/WORLD/europe/12/17/greece.n17/index.html?iref=allsearch> [hereinafter "CNN World Article"] (reciting the urgency to capture the N17 group before the 2004 Olympics); see also Hellenic

remains to be seen how the special court will be implemented and whether it is determined by the high court to be consistent with Greece's Constitution.

By December of 2003, most N17 defendants were convicted of multiple murders. Many were given life sentences, including Giotopoulos, who was sentenced to twenty-one life terms.¹⁵³ These sentences are unusually harsh, given Greece's historically lenient penal policies.¹⁵⁴ In Greece, a life term is limited to twenty-five years with eligibility for parole after sixteen years. But for those sentenced to multiple life terms they may apply for parole after twenty years.¹⁵⁵ It is worth noting that CIA station chief Richard Welch was never even mentioned in the trial as his assassination fell outside of Greece's twenty-year statute of limitations.¹⁵⁶

IV. Terrorism Prevention and the Olympics

The Athens Olympic Games are essential to the study of Greece's security policies given the significant input and coordination Greece received from many foreign participants. In the wake of 9/11, the Iraq war, and the Madrid bombings, security concerns were raised to new heights.¹⁵⁷ Many feared the premier

Republic Embassy of Greece, *supra* note 151, at 2 (elaborating on the strong resolve to combat terrorism before the Olympic Games).

¹⁵³ See Interview with Yianni Diotis, *supra* note 93; see *CNN World Article*, *supra* note 153 (citing Giotopoulos's guilty sentence).

¹⁵⁴ See Effi Lambropoulou, *Crime, Criminal Justice and Criminology in Greece*, 2 EUR. J. OF CRIMINOLOGY 211, 212 (stating the leniency of the Greek criminal justice system); see also Dionysios Spinellis & Calliope Spinellis, *Criminal Justice Systems in Europe and North America*, THE EUROPEAN INST. FOR CRIME PREVENTION & CONTROL, at 3 (emphasizing the lenient sentencing or de-penalization for certain offences).

¹⁵⁵ See Interview with Yianni Diotis, *supra* note 93; see also Eric L. Jensen, Sarah Browning & Courtney Waid, *Life Imprisonment as a Penal Policy*, 55 REVISTA INTERNACIONAL DE LOS ESTUDIOS VASCO [RIEV] INTL J. ON BASQUE STUDIES 115, 118 (2010) (noting Greece's 25 year maximum life imprisonment term).

¹⁵⁶ See Mark Landler, *Greek Court Convicts 15 in 27-Year Old Terror Group*, N.Y. TIMES, Dec. 9, 2003, at A3 (noting that the prosecutors in the court case did not bring charges for Richard Welch's murder because the statute of limitations had expired); see also Interview with Yianni Diotis, *supra* note 94.

¹⁵⁷ See Cathryn L. Claussen, *The Constitutionality of Mass Searches of Sports Spectators*, 16 J. LEGAL ASPECTS SPORT 153, 153 (2006) (stating that due to terrorist activity around the world, the organizers of the 1996 Atlanta Olympic

international sporting event would become the locale for a spectacular terrorist attack.¹⁵⁸ No athletic envoy could afford to disregard the events of 1972, when Israeli athletes were assassinated during the Munich Games.¹⁵⁹ Therefore, the Athens Games became an important symbol of courage in the face of looming threats of terrorism.

As part of the comprehensive pre-game security initiative, the Greek Parliament passed the antiterrorism law entitled "European Arrest Warrant and Confrontation of Terrorism."¹⁶⁰ Legislation 3251/2004 amended the earlier antiterrorism law 2928/2001 in part by specifically defining terrorism:

[A]s an act committed in such a way or to such an extent or under such circumstances that it could seriously damage a country or an international organization, and is aimed at inducing fear among the population or forcing illegally any public authority or international organization to proceed to an act or to refrain proceeding to it or to seriously harm or destroy the fundamental constitutional, political or economic structure of a country or an international organization.¹⁶¹

Games subjected spectators to bag searches); *see also* Clifford J. Levy, *Uneasy Greeks Focus on Olympic Safety*, N.Y. TIMES, Apr. 7, 2004, at A6 (emphasizing the need for security at the Athens Summer Olympics in response to renewed fears of terrorist attacks).

¹⁵⁸ *See* Benjamin T. Clark, *Why the Airport and Courthouse Exceptions to the Search Warrant Requirement Should be Extended to Sporting Events*, 40 VAL U. L. REV. 707, 737 (2006) (commenting that the likelihood of a terrorist threat at sporting events is real and substantial); *see also* Anthee Carassava, *Greece Lists Terror Scares During Games*, N.Y. TIMES, Oct. 14, 2004, at A14 (indicating that following the September 11 attacks, Greece put in place the most expensive security ever when hosting the Olympics).

¹⁵⁹ *See* Robert J. Delahunty & John C. Yoo, *The President's Constitutional Authority to Conduct Military Operations Against Terrorist Organizations and the Nations that Harbor or Support Them*, 25 HARV. J. L. & PUB. POL'Y 487, 511 (2002) (acknowledging that it was members of the Black September group that killed eleven Israeli athletes at the 1972 Munich Olympic Games); *see also* Michael A. Mogill, *Eight Simple Rules for Stating My Dogma*, 6 RUTGERS J.L. & RELIGION 3, 4 (2004) (noting that during the 1972 Munich Games, eleven Israeli athletes and coaches were seized and murdered by Palestinian militants).

¹⁶⁰ *See* Banoutsos, *supra* note 90; *see also* Kallergi, *supra* note 112, at 6 (noting that the Greek authorities took action before the Olympic Games in Athens by publicizing anti-terrorism messages).

¹⁶¹ *See* Delegation of Greece, Information Exchange on the OSCE Code of Conduct on the Politico-Military Aspects of Security, FSC.EMI/105/08 (Apr. 15, 2008) *available at* www.osce.org/fsc/3151 (commenting that the legislation of Act 3251/2004 amends Act 2928/2001).

The law cited over twenty types of offenses considered terrorist acts when committed under the above criteria.¹⁶² Given the security concerns of the time, Greece had to open itself to much painful criticism, foreign intervention and endless negotiations over security administration.¹⁶³ These negotiations culminated in Greece's framework plans—strategic, directional, tactical, and operational schema—wherein there were clear delineations of command, responsibilities, and objectives, partially drawn upon the Sydney, Atlanta, and Salt Lake City models.¹⁶⁴

One of the security planning agencies created was the seven-nation Olympic Advisory Group.¹⁶⁵ In coordination with the Hellenic Police, the Advisory Group participated in operational readiness exercises and partnership projects to improve intelligence and security functions.¹⁶⁶ With almost 50,000 people trained to provide security at the Olympics, it became a project of monumental proportions.¹⁶⁷ Greece quickly became the epicenter

¹⁶² See Feridun Yenisey, Editor's Letter, *Some Legal Aspects of Terrorism in Western Europe and Turkey*, 14 KAN. J.L. & PUB. POL'Y 643, 647 (2005) (noting the addition of twenty-two defined acts of terrorism to the Greek Criminal Code); see also Banoutsos, *supra* note 90.

¹⁶³ See Anthee Carassava, *Doubts Mount Over Athens Olympics*, N.Y. TIMES, Aug. 17, 2003, at 10 (describing criticism of the poor security measures taken prior to the 2004 Olympic Games in Athens); see also Gregory L. Vistica, *For Athens Olympics, A Security Gap; Tests Show Porous Defenses; Reports Cite Planning Breakdowns*, WASH. POST, Sept. 27, 2003, at A01 (demonstrating the widespread foreign criticism of Greek security in Athens as well as the steps being taken to improve security).

¹⁶⁴ See Tom Hundley, *Security at Games to Test Greek Mettle; Blasts Underscore Worries in Athens*, CHI. TRIB., May 16, 2004, at C1 (finding the influence of previous Olympics on security planning for the Athens Olympics); see also *Greek Ministry of Public Order Release*, ELEFTHERTYPIA, Dec. 30, 2001 (discussing the negotiations that led to the international adoption of a framework for Olympics security).

¹⁶⁵ See *Greek Ministry of Public Order Release*, *supra* note 164 (remarking on the creation of the Olympic Advisory Group to provide guidance for the implementation of security procedures at the Athens Olympics); see also *Pope Offers Blessings to Athens Organizers*, WASH. POST, May 16, 2004, at E06 (explaining the role of the United States in the Olympic Advisory Group).

¹⁶⁶ See *Greece Gets Radiation Detectors*, WASH. POST, May 26, 2004, at D07 (providing an example of cooperation between Greek police and foreign nations for Olympics security); see also *Greek Ministry of Public Order Release*, *supra* note 164 (delineating the duties performed by the Olympic Advisory Group).

¹⁶⁷ See *Athens Security Drill Comes Under Protest*, WASH. POST, Mar. 12, 2004, at D02 (holding that the size of the Greek Olympics security force is nearly

of world security, evolving from the recommendations and strategy of the participating countries, and establishing a renowned security infrastructure where previously virtually none existed.¹⁶⁸ Its institutional preparedness made Greece an international authority on security practice.¹⁶⁹

V. *Law 3875/2010: Ratification of The Palermo Protocol*

The most recent addition to Greece's portfolio of antiterrorism legislation was adopted by Parliament as Law 3875 in 2010.¹⁷⁰ Law 3875 is, in part, the ratification and implementation of the 2000 United Nations Convention Against Transnational Organized Crime, commonly known as one of the three Palermo Protocols.¹⁷¹ The Protocol is oriented toward transnational organized crime—it includes a working definition of an organized criminal group, measures to combat money-laundering, corruption, extradition, joint investigation, witness protection, and law enforcement cooperation—but Greece's

50,000); *see also* Greek Ministry of Public Order Release, *supra* note 164 (establishing the enormous size of the security force for the Athens Olympics).

¹⁶⁸ *See* Minas Samatas, *Security and Surveillance in the Athens 2004 Olympics: Some Lessons From a Troubled Story*, 17 INT'L CRIM. J. REV. 220, 221 (2007) (describing how the 2004 Olympics became the biggest security operation in peacetime Europe); *see also* Anastassia Tsoukala, *The Security Issue at the 2004 Olympics*, 3 EUR. J. SPORT & SOC'Y 43, 45 (2006) (stating that Greece created the most expensive security infrastructure in Olympic history and signed 38 security agreements with 23 countries).

¹⁶⁹ *See* MIGDALOVITZ, *supra* note 9 (affirming that Greece took its role as Olympic host seriously and expended \$1.2 billion on security); *see also* Samatas, *supra* note 168, at 221 (noting how Greece became the testing ground for the newest antiterrorist surveillance technology during the 2004 Olympics).

¹⁷⁰ *See* COUNCIL OF EUROPE, PROFILES ON COUNTER-TERRORISM CAPACITY: GREECE 2 (2012) (stating that Law 3875/2010 repealed paragraph 8 of Article 187A of the Criminal Code); *see also* *New Provisions of the "Anti"-terror Law*, *supra* note 4 (demonstrating how in 2010 Greece expanded the scope of its terror law so that acts of resistance against the government would be considered terrorism).

¹⁷¹ *See* THE GOVERNMENT OF GREECE, COMMENTS ON THE 21ST GREEK REPORT ON THE IMPLEMENTATION OF THE EUROPEAN SOCIAL CHARTER 1 (2011) (positing that Law 3875/2010 ratified the Palermo Convention and expanded the protection of human trafficking victims); *see also* AMNESTY INT'L ANNUAL REPORT 2011: GREECE, <http://www.amnesty.org/en/region/greece/report-2011> (affirming that Law 3875/2010 implemented the 2000 UN Palermo Protocol in Greece).

accompanying domestic legislation modified the earlier 3251/2004 law for more actionable counterterrorism significance.¹⁷²

Law 3875 modifies Article 187 (¶¶ 3-6) of the Greek Penal Code, in part amending the following:

(3) Whoever seriously threatens with the commission of the offense... and, thus, causes terror, shall be punished with imprisonment of at least two years.

(4) With incarceration of up to ten years is punished whoever forms or accedes as a member to a structured group with a continuous activity, consisting of three or more persons acting jointly and with the purpose of committing [a terrorist offense]. ... The manufacturing, procurement or possession of weapons, explosives and chemical or biological materials or materials emitting radiations harmful to man for the purpose of serving the objectives of the terrorist organization shall constitute an aggravating circumstance.

(5) Whoever heads the terrorist organization...shall be punished with incarceration of at least ten years.

(6) Whoever provides any kind of assets, tangible or intangible, moveable or immovable or any kind of financial instruments, regardless of their mode of acquisition, to a terrorist organization or an individual terrorist or for setting up a terrorist organization or for someone to become a terrorist or whoever receives, collects or manages any such assets or instruments with reference to the above, ... shall be punished with incarceration of up to ten years. With the same penalty is also punished whoever provides substantial information, with knowledge of such information being used in the future, to facilitate or support the commission by a terrorist organization or an individual terrorist.

These changes help to enhance Greece's legal tools against terrorism and reflect the seriousness with which it views its security threats.¹⁷³ As one evaluates the evolution of Greece's

¹⁷² See United Nations Convention Against Transnational Organized Crime, Nov. 15, 2000, A/RES/55/25 (saying that the Palermo Protocol established an ad hoc committee for elaborating a convention against transnational crime while discussing the illicit trafficking of individuals and firearms); see also THE GOVERNMENT OF GREECE, *supra* note 171, at 11 (mentioning that the Palermo Protocol helps advance the legal framework for the protection of minors against illegal trafficking).

¹⁷³ See FINANCIAL ACTION TASK FORCE, THIRD MUTUAL EVALUATION OF GREECE: TENTH FOLLOW-UP REPORT 1, 17 (Oct. 28, 2011), <http://www.fatf-gafi.org/media/fatf/documents/reports/mer/FoR%20Greece.pdf> (noting that the Greek Parliament adopted the Palermo Convention in 2010, allowing for the government to arrest those who aid terrorists); see also U.N. Secretariat,

security legislation and policies of the last few decades—Laws 774/79, 1916/90, 2928/01, 3251/2004, and 3875/2010—it is remarkable the amount of change that has occurred in the Greek security system. Also remarkable is how these changes have been precipitated by a military dictatorship, E.U. membership, the Olympic Games, and now, the Greek economic crisis.

VI. *Greece's Emerging Terrorist Threats*

Following the Olympics Greece dramatically scaled down its security infrastructure. Most security personnel from the domestic security units, including experts from the N17 operation, were reassigned as both political attention and financial prioritization toward security waned.¹⁷⁴ Yet, in just the few years following the Games, there were more than a dozen terrorist attacks on Greek soil, including the assassination of a British military attaché guard, bomb attacks at government offices, and more assassination attempts, including one which targeted Chrysochoidis' successor Minister Giorgos Voulgarakis.¹⁷⁵ British and American authorities objected that the security infrastructure they helped to create had been dismantled, and complained of Voulgarakis' use of the police rather than the antiterrorism squad to conduct terror-related investigations.¹⁷⁶ Rumors surfaced that Greece was reverting to its earlier ways.¹⁷⁷ So, when an anti-tank

Application of the United Nations Convention Against Transnational Organized Crime by State Parties With Respect to Criminal Offences Against Cultural Property, CTOC/COP/WG.2/20123-CTOC/COP/WG.3/2012/4 (July 31, 2012) (adding that Greece has integrated the Organized Crime Convention into its domestic law framework through the adoption of 3875/2010).

¹⁷⁴ See Interview with Dr. Athanassios Drougos, Senior Lecturer, Hellenic Defense Colleges (Oct. 17, 2010) (asserting that counterterrorism efforts have diminished); see also George Gilson, *Greece's Interests Attacked*, ATHENS NEWS (Jan. 17, 2007), http://www.athensnews.gr/old_issue/13218/15646 (explaining how police officers were transferred from the counterterrorism unit).

¹⁷⁵ See George Gilson, *Greece's New Terrorists Strike*, ATHENS NEWS (June 2, 2006), http://www.athensnews.gr/old_issue/13185/14640?action=print (describing the bomb attacks on Minister Giorgos Voulgarakis).

¹⁷⁶ See Risen, *supra* note 7 (discussing how Americans believe Greece is weak in handling terrorism).

¹⁷⁷ See Matthew J. Peed, *Blacklisting as Foreign Policy: The Politics and Law of Listing Terror States*, 54 DUKE L.J. 1321, 1344 (2005) (noting that Greece has substandard counterterrorism efforts); see also *Greece Toughens Law on Terrorism*, N.Y. TIMES, Dec. 16, 1990, <http://www.nytimes.com/2007/01/12/world/europe/12greece.html> (highlighting Greece's terrorism history).

missile was fired into the American Embassy and exploded near the office of the U.S. Ambassador, Greece and the world took notice.¹⁷⁸ Since then, the world has not stopped watching the terrorist resurgence in Greece.¹⁷⁹

It is widely understood by security experts that the left-wing terrorism popularized by N17 has regenerated into a new form of domestic terrorism. Greek security experts believe groups such as Revolutionary Struggle (EA), Sect of Revolutionaries (SE), and Conspiracy of Fire Nuclei (SPF) are behind many of the new attacks.¹⁸⁰ EA is confirmed to have had affiliations with N17 members and British officials believe EA began as a loosely associated splinter group initially stylized as the “next generation” of N17.¹⁸¹ British authorities believe the largest threats confronting Greece are from EA and SE, but both organizations appear less coherent and more anarchist than revolutionary.¹⁸² In

¹⁷⁸ See *Explosion Hits U.S. Embassy in Athens*, N.Y. TIMES, Jan. 12, 2007, <http://www.nytimes.com/2007/01/12/world/europe/12greece.html> (detailing a powerful explosion at the U.S. Embassy in Greece, reportedly caused by a rocket).

¹⁷⁹ See Kolaitis, *supra* note 92, at 38 (discussing a new wave of Greek terrorism); see also Ian Fisher & Anthee Carassava, *Explosion Attack on U.S. Embassy Revives Greek Fear of Terrorism*, N.Y. TIMES (Jan. 14, 2007), available at http://www.nytimes.com/2007/01/14/world/europe/14greece.html?_r=0 (describing a new wave of terrorism).

¹⁸⁰ See Ian Fisher & Anthee Carassava, *U.S. Embassy in Athens is Attacked*, N.Y. TIMES (Jan. 12, 2007), available at http://www.nytimes.com/2007/01/12/world/europe/12cnd-greece.html?_r=0 (identifying the Revolutionary Struggle as the active terror group responsible for the U.S. Embassy bombing); see also NAT'L COUNTERTERRORISM CENTER, *supra* note 8 (detailing various domestic terrorist that work with Greece's borders).

¹⁸¹ See Interview with British Embassy counterterrorism official (notes on file with author); see also *November 17, Revolutionary People's Struggle, Revolutionary Struggle (Greece, Leftists)*, COUNCIL ON FOREIGN REL. (Jan. 12, 2012), <http://www.cfr.org/greece/november-17-revolutionary-peoples-struggle-revolutionary-struggle-greece-leftists/p9275#> (claiming that the Revolutionary Struggle was created by remaining members of N17 who were not detained by Greece's counterterrorism unit).

¹⁸² See Interview with British Embassy counterterrorism official, *supra* note 182; see also *ISG IntelBrief: The Shifting Terrorist Threat to the Global Financial Sector*, THE SOUFAN GROUP (July 26, 2012), http://soufangroup.com/briefs/details/?Article_Id=349 (listing the Revolutionary Struggle, Sect of Revolutionaries, Conspiracy of Fire Nuclei, and International Revolutionary Front as the greatest current left-wing terrorist threats in Greece).

this regard they could be more dangerous.¹⁸³ The flux of these organizations could create competing interests and increase their susceptibility to dangerous ad hoc alliances.¹⁸⁴ Further, there is a risk these organizations may seek stronger identification from one another and attempt even more sensational attacks.¹⁸⁵

What is striking about the reemergence of Greece's domestic terrorists are the three new elements now a part of the security calculus: (i) the economic crisis; (ii) changing demographics; and (iii) the evolving nature of terrorism.

Greece's economic crisis forecasts a bleak future for those already referred to as the "lost generation." This generation came of age during the optimism of Greece's European prosperity, but it is now regarded as a casualty of the Eurozone debt crisis, which has shattered the country's prospects and psyche.¹⁸⁶ Under such traumatic conditions it should come as no surprise that political violence in the streets has become a common occurrence. Nor should the leap from political violence to resurgent terrorist activity be unexpected, especially given the revolutionary strains in Greece's political culture.

More recently, Greece has become home to many Muslim immigrants, especially Albanians, Pakistanis and Palestinians, many of whom are undocumented and disenfranchised in the

¹⁸³ See Interview with British Embassy counterterrorism official, *supra* note 182; see also Kolaitis, *supra* note 92, at 39 (describing the new generation of anarchist and terrorist groups as more aggressive, indiscriminate, and advanced in its methods and tactics).

¹⁸⁴ See Interview with British Embassy counterterrorism official, *supra* note 182; see also U.S. DEP'T OF STATE, COUNTRY REPORTS ON TERRORISM 2009 (Aug. 5, 2010) <http://www.state.gov/j/ct/rls/crt/2009/140885.htm> (reporting that the Guerilla Group of Terrorists and the Conspiracy of Fire Nuclei jointly bombed the National Insurance Company building in Athens).

¹⁸⁵ See Interview with British Embassy counterterrorism official, *supra* note 182; see also Kolaitis, *supra* note 92, at 39 (predicting that the recent increase in terrorist incidences in Greece will only get worse).

¹⁸⁶ See Elena Becatoros, *Greece Racist Attacks Increase Amid Financial Crisis*, HUFFINGTON POST (Nov. 11, 2012), http://www.huffingtonpost.com/2012/11/12/greece-racist-attacks_n_2116302.html (stating that amid Greece's financial crisis, half of its youth is currently unemployed and therefore cannot afford basic necessities and healthcare); see also Nicholas Paphitis, *2 Greeks Charged in Pakistani Immigrant's Killing*, WLSL 10 (January 18, 2013), <http://www2.wsls.com/news/2013/jan/18/2-greeks-charged-in-pakistani-immigrants-killing-ar-2476201/> (noting that in the past three years Greece has been struggling with a financial crisis that has debilitated living standards and employment).

relatively homogenous, proudly Christian, and often nationalistic Hellenic Republic.¹⁸⁷ It would be an understatement to say that Greece has been slow to assimilate and accommodate its growing Muslim population, including its cultural and institutional resistance to the establishment of mosques, which is forcing many Muslims into underground prayer and religious education.¹⁸⁸ Security experts fear that marginalizing Greece's Muslims could lead to a radicalization of segments of the population. It does not help that amid the frustration of the economic crisis many Greeks are expressing resentment toward their immigrant populations, declaring even that "Greece is for Greeks." Accordingly, security experts suspect that with mounting resentment, growing underground communities, and both domestic and foreign radical elements seeking exploitation, these ingredients could turn into a dangerous recipe.¹⁸⁹

Lastly, the evolving nature of terrorism is also a disproportionate threat. The risks posed by the few require comprehensive and costly countermeasures by the many. Often

¹⁸⁷ See LORING M. DANFORTH, *THE MACEDONIAN CONFLICT: ETHNIC NATIONALISM IN A TRANSNATIONAL WORLD* 112 (1997) (stating that because Greek is so homogeneous both nationally and religiously, any minority group that is believed to threaten that is often discriminated against); see also Eric Randolph, *Greece Struggles With its Minority Immigrants*, *THE NATIONAL* (June 25, 2012), <http://www.thenational.ae/news/world/europe/greece-struggles-with-its-minority-immigrants#ixzz2IfGtgl5h> (finding that there are roughly half a million illegal immigrants in Greece today who have fled from Pakistan, Afghanistan, and Iran).

¹⁸⁸ See Elizabeth F. Defeis, *Religious Liberty and Protections in Europe*, 45 *J. CATH. LEGAL STUD.* 73, 83 (2006) (recognizing that Greece, with an established Church, has been criticized for its restrictions on religious liberty and its regulation of places of worship); see also Matthew Brunwasser, *Greece Turns Back on Religious Minorities*, *PRI'S THE WORLD* (Aug. 7, 2012), <http://www.theworld.org/2012/08/greece-religion-muslims/> (noting that the Greek government has never allowed an official mosque to be built in Athens since the country achieved independence in 1821).

¹⁸⁹ See Rachel Donadio, *Dread and Uncertainty Pervade Life in a Diminished Greece*, *N.Y. TIMES*, June 13, 2012, http://www.nytimes.com/2012/06/14/world/Europe/greeks-dread-future-as-their-world-deteriorates.html?pagewanted=all&_r=0 (finding that Greeks are depressed about their families and Greece's immense economic troubles); see also J. Michael Kennedy, *For Illegal Immigrants, Greek Border Offers a Back Door to Europe*, *N.Y. TIMES*, July 14, 2012, <http://www.nytimes.com/2012/07/15/world/europe/illegal-immigrants-slip-into-europe-by-way-of-greek-border.html> (reasoning that as a result of Greece's heavy debt and growing number of immigrants, people are increasingly taking out their frustrations on immigrants).

the use of terror, which tends to be tactical rather than strategic, generates leverage for practical purposes often political in nature.¹⁹⁰ More common, though, is the blurring distinction between terrorism and criminal enterprise.¹⁹¹ A synergy regularly exists between the two, with their interests, objectives, and profits intertwining into an exponential threat.¹⁹² Security and intelligence organizations historically failed to separate terrorism from organized crime or domestic from international.¹⁹³ It is widely known now that terrorists exploit such administrative seams and boldly operate across one category to the next.¹⁹⁴ Terrorist motivations range from the religious to the political to the

¹⁹⁰ See Wadie E. Said, *Humanitarian Law Project and the Supreme Court's Construction of Terrorism*, 2011 B.Y.U. L. REV. 1455, 1472 (2011) (finding that terrorism is politically motivated violence that is geared toward making changes in government or policy); see also Nathaniel Stewart, *Ohio's Statutory and Common Law History with "Terrorism": A Study in Domestic Terrorism Law*, 32 J. LEGIS. 93, 105 (2005) (discussing that terrorism is a crime of terror that is meant to bring about political change).

¹⁹¹ See Mariona Llobet, *Chapter 5 Terrorism: Limits Between Crime and War. The Fallacy of the Slogan 'War on Terror'*, 14 IUS GENTIUM 101, 112 (2012) (claiming that terrorism must be subject to criminal law because it is a form of crime); see also Nicholas J. Perry, *The Numerous Federal Legal Definitions of Terrorism: The Problem of Too Many Grails*, 30 J. LEGIS. 249, 252 (2004) (finding that the acts of ordinary criminals have been labeled as terrorism).

¹⁹² See TORE BJØRGO, *ROOT CAUSES OF TERRORISM: MYTHS, REALITY AND WAYS FORWARD* 19–20 (Routledge, 2005) (remarking that the infusion of money made from crime often changes the character and motivations of terrorist organizations); see also FLORINA CRISTIANA MATEI, *RESEARCH INST. FOR EUR. AND AM. STUD., COMBATING TERRORISM AND ORGANIZED CRIME: SOUTH EASTERN EUROPE COLLECTIVE APPROACHES* 6 (2009) (recognizing South Eastern Europe has been a fertile ground for organized crime and terrorism which has allowed the two to merge and pursue common goals).

¹⁹³ See FLORINA CRISTIANA MATEI, *RESEARCH INST. FOR EUR. AND AM. STUD., COMBATING TERRORISM AND ORGANIZED CRIME: SOUTH EASTERN EUROPE COLLECTIVE APPROACHES* 6–7 (2009) (asserting, globalization has contributed to a convergence between organized crime and terrorist activities); see also JOHN ROLLINS & LIANA SUN WYLER, *CONG. RESEARCH SERV., TERRORISM AND TRANSNATIONAL CRIME: FOREIGN POLICY ISSUES FOR CONGRESS* 2–4 (2012) (noting that the U.S. government has recognized an increased connection between crime and terrorism).

¹⁹⁴ See BJØRGO, *supra* note 192, at 164 (explaining that because of the high earnings from acts typically associated with organized crime, terrorist groups have begun to adopt illicit trafficking to fund their actions); see also Thomas M. Sanderson, *Transnational Terror and Organized Crime: Blurring the Lines*, 24 SCH. FOR ADVANCED INT'L STUD. 49, 49–50 (2004) (stressing the increased threat as organized crime and terrorist groups are converging with one another).

revolutionary, but when paired with criminal enterprise, the profit element makes this kind of terrorism an especially lethal mix.¹⁹⁵ For instance, take how the anti-globalization group Revolutionary Struggle uses Chinese made rockets,¹⁹⁶ or how elements in Sunni affiliated al Qaeda fundraise through the poppy trade and traffic materials to competing Shia.¹⁹⁷ The profit motive risks turning terrorism and organized crime into a dynamic and sustainable enterprise. To combat this kind of advanced partnership requires comprehensive and concentrated security measures. Yet Greece, in its current economic state, cannot adequately confront these three new elements within its security agenda.

CONCLUSION

Given its weak economic condition, it is unlikely the terrorist resurgence in Greece will subside. As a result, the E.U. is left little choice but to assist Greece in reinvesting in its security infrastructure. Between dismantling N17 and hosting the Olympics, Greece constructed a renowned security apparatus, albeit now a neglected security framework. Its capabilities have diminished due to resource and political reprioritization. Yet, as

¹⁹⁵ See ROLLINS & WYLER, *supra* note 193, at 5 (acknowledging that collaborations between terrorist and criminal organizations increases terrorists' capabilities, strengthens their infrastructure, and increases their wealth); see also Thomas M. Sanderson, *Transnational Terror and Organized Crime: Blurring the Lines*, 24 SCH. FOR ADVANCED INT'L STUD. 49, 58–59 (2004) (arguing that the combination of crime and terrorism is an increasingly powerful challenge to U.S. and global interests).

¹⁹⁶ See Fisher & Carassava, *supra* note 180 (stating that an antitank grenade was fired upon the U.S. embassy in Athens by the anti-American group Revolutionary Struggle); see also Josh White, *Missile Hits U.S. Embassy in Greece*, WASH. POST, Jan. 12, 2007, <http://www.washingtonpost.com/wp-dyn/content/article/2007/01/12/AR2007011200051.html> (recognizing that the group Revolutionary Struggle fired a rocket-propelled missile which hit the U.S. Embassy in Athens).

¹⁹⁷ See Maria Abi-Habib, *Gains by Taliban Open Door to Opium Revival*, WALL ST. J. (Jan. 19, 2011), <http://online.wsj.com/article/SB10001424052748704678004576089360303878944.html> (reporting that the Taliban reaps about \$125 million a year from the sale of opium); see also Luke Mogelson, *The Scariest Little Corner of the World*, N.Y. TIMES (Oct. 18, 2012), http://www.nytimes.com/2012/10/21/magazine/the-corner-where-afghanistan-iran-and-pakistan-meet.html?pagewanted=all&_r=0 (noting opium and other drugs are accounting for a progressively larger proportion of al Qaeda's revenue).

the ongoing terrorist attacks demonstrate, Greece is facing a resurgence in domestic threats and increased potential for new foreign threats. These threats can only be addressed through dramatic financial and political investments. In particular, more resources should be directed toward the antiterrorism units to increase their capabilities to prevent and investigate terrorism-related crimes. Greece should also enhance cooperation between its organized crime, immigration, and antiterrorism divisions, as some of the new emerging threats will invariably involve all three services.

Greece should also commit to substantive Islamic outreach. Greece's sizeable and disenfranchised Muslim population is being marginalized in the Greek state. The implications of this continuing alienation may risk the radicalization of segments of its Muslim communities. Greece should implement policy measures to build relationships with community leaders and, in particular, help pave the way for the establishment of mosques and community centers. The existence of these symbolic institutions will reduce the need for at-home prayer and informal religious education. Eventually, a healthy Muslim society can enfranchise itself, but only if Greece's institutional and cultural barriers begin to break down. To do otherwise, Greece's Muslim population could become a destabilizing element within the country, possibly adding another dangerous dimension to Greece's already vulnerable security condition.