HEUNI

The European Institute for Crime Prevention and Control,
affiliated with the United Nations

Criminal Justice Systems in Europe and North America

GREECE

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Preface

Until the 80's Greece was among the countries with a low criminality rate and a low rate of incarcerated people. In fact, in 1 February 1983 Greece was among the five countries with the lowest rate of inmates in Europe: 35 per 100,000 inhabitants – the other four being The Netherlands (28), Malta (29), Cyprus (29,7) and Ireland (37).[*]

The Greek criminal justice system was adjusted to a situation of a rather homogeneous, «*Gemeinschaft*»-type society, with informal social control pressures functioning effectively. The surplus of Greek working force would emigrate to other European countries or to countries of other parts of the globe, creating the Greeks of the diaspora.

Fifteen years later, the urbanisation, industrialisation and modernisation processes as well as the influx of foreign – many of them clandestine – workers altered both quantitatively and qualitatively the crime picture. The criminal justice system could not and did not adjust to the incoming changes immediately. Thus, human and technical resources and the *modi operandi* of police, members of the judiciary and the correction administration are lagging behind.

On 23 November 1998 a discussion was held in the Greek Parliament on the correctional system. This discussion was based on an inter-party committee report of 1994, which, *inter alia*, covered issues concerning crime policy and administration of justice. The report started with the assumption of an overloaded criminal justice system and ended with the proposition of a series of policies and measures, most of them, following relevant Recommendations of the Council of Europe. The crime policy proposed aimed at de-loading the system in general and optimising the resources, in order to provide for a more humane, rational and effective criminal justice. The report recommended e.g. (a) the decriminalisation of certain types of behavior, (b) the diversion from the criminal justice system of others, (c) the more lenient sentencing or depenalization of certain types of offences, (d) the ample use of non-custodial sanctions and early release practices, (e) the transfer of the adjudication of certain types of offences to professional associations (e.g. offences of the press), (f) the encouragement and amplifying of the possibilities of alternative dispute resolution through the public prosecutor as mediator according to article 25 para. 4 of the Law 1756/1988 and, (g) last but not least, the focusing on crime pre-

[*] Prison Population of 1.2.1983. Conseil de l'Europe, Bulletin d'information penitentiaire, No 2 Decembre, 1983, p.17.

vention and activate the dormant Crime Prevention Council created by Law 1738/1987.

The Government has responded to the 1994 report and to the emerging new crime situation by adopting a mild European-oriented crime policy without, however, allocating the necessary funds in order to materialize it. The pages, which follow attempt to place in a nutshell the description of the contemporary Greek criminal justice system and depict some of the most important changes that it underwent during the last fifteen years.

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Abbreviations

Art. or art.	Article
Arts. or arts.	Articles
BIEC	Body for the Investigation of Economic Crime
CBRTD	Code of Basic Rules for the Treatment of Detainees
CPP	Code of Penal Procedure
EL.AS	Elliniki Astynomia (Hellenic Police)
EU	European Union
OAED	Organization for the Employment of Labor Force
PC	Penal Code
Para . or para.	Paragraph
Paras or paras.	Paragraphs
P.p. or p.p.	Public prosecutor
P.ps or p.ps	Public prosecutors

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THE CRIMINAL JUSTICE SYSTEM OF GREECE

1. Demographic Issues

1.1. Greece is located in southeastern Europe and more specifically on the southern tip of the Balkan Peninsula and covers an area of 131,957 sq. km. The Greek mainland is bounded on the north by Bulgaria, The Former Yugoslav Republic of Macedonia and Albania; on the east by the Aegean Sea and Turkey; and on the west and south by the Ionian and Mediterranean seas. The country consists of a large mainland and more than 1,400 islands, including Crete, Rhodes, Corfu, Chios, Lesvos, Limnos. Greece, has more than 14,880 kilometres of coastline - which make it difficult to control - and a land boundary of 1,160 kilometres.

The Modern Greek State gained its independence from the Ottoman Empire in 1830 and in 1981 accessed to the European Community. The language - modern Greek - preserves many elements of its classical predecessor dating back 3,500 years. The *total population* of Greece as of June 1999 is estimated by the U.S. Department of State to be 11,5 million[1], while the Greek **population** is estimated by the National Statistical Service of Greece as of 1 January 1998: 10,510,965 (table 1). Most probably the former estimation includes economic refugees as well. (see also below 1.4.)

TABLE 1

Estimated Population of Greece (1 January 1998)

Age brackets*	**Males**	**Females**	**Total**
0-6	368,667	346,259	714,926
7-12	349,038	330,591	679,629
13-17	357,237	337,576	694,813
18-20	235,818	223,975	459,793
21-64	2,906,753	3,072314	5,979,067
> 65	963,711	1,019,026	1,982,737
TOTAL	**5,181,224**	**5,329,741**	**10,510,965**

Source: Statistical Service of Greece

* The age brackets below 21 years correspond to those provided by the Greek Criminal Code (see below 1.2.).

[1] Information provided by data of the U.S. Department of State Background Notes, Greece, June 1999,p.1in: http://www.state.gov/www/background_notes/

1.2.The statutory minimum age of **criminal responsibility** is 12 years. Children below 6 years of age are not subjected to Penal Law regulations. From 7 to 12 years (not completed) they are not considered criminally liable; therefore, they are only subjected to educational or therapeutic measures. Therapeutic measures are applied in case minors who suffer from certain types of mental or physical illness or are drug addicts commit an offence (articles 122 and 123 of the Greek Penal Code - hereinafter: PC). Adolescents between 13 and 17 years of age do not, as a rule, have criminal responsibility either; the court however, may, under certain conditions consider them as criminally liable (art. 127 PC).

1.3. The age of **full adult criminal responsibility** comes with the 17th birthday. (For comparison: suffrage age: 18 years). The total population (0-17 years) that has not reached this age is 2,089,368. (See Table 1). However, there are cases that certain adolescents 13-17 might have full responsibility (see supra 1.2 and infra 5.3). Young adults between 18 and 20 years are subjected to adult criminal law; the courts, however, are allowed discretion to impose a lenient sentence (art.. 133 PC).

1.4. Until the '90's Greece was a homogeneous society: 99% of the population had Greek as a mother tongue and 98% were of Greek orthodox religion, 1% Muslims and 1% other[2]. After 1990 an inflow of economic refugees and (clandestine) immigrants, mostly from the countries of Central and Eastern Europe, has started. Thus, Greece, from a country of emigration became a country of immigration, totally unprepared to receive immigrants; neither the relevant legislation nor the required social structure and institutions existed. Hence, the exact figure of illegal immigrants or the **total number of non-natives** is unknown. The Ministry of Labor gives an estimate of 500,000-600,000[3] and the U.S. Department of State of 1,000,000 [4]. As of January 1998 a legalization process of clandestine immigrants was initiated and as of June 1999 approximately 50,000 green cards were granted while the Greek government plans to give another 200,000 (circa) cards by the end of 1999[5]. However, due to the large coastline, the inadequately guarded land boundaries and the political pressure from the neighboring countries there is a continuous back and forth of people. Studies show that 24% of the illegal immigrants working in Greece prefer the legalization process with temporary work and residence

[2] Ibid.
[3] A. Davanelos, Labor Issues, in: Hermes, No 20, February 1998 see, http://www.ana.gr/hrmes/1998/feb/labour.htm
[4] See above footnote 1.
[5] Data of the Ministry of Labor and of the General Association of Greek Workers as quoted in newspaper ELEFTHEROTYPIA, 8 June 1999, p. 29.

permit, 27% have also decided to remain permanently in the country and 30% are expecting to eventually return to their native countries[6].

1.5. The **most important nationalities represented among the non-natives, neo-immigrants** are people coming from Russia - many of them of Greek origin - 300,000, Albania 200,000, Egypt 80,000, Poland 65,000, Ukraine 18,000, Palestine 2,000, Philippines, Nigeria etc[7].

1.6. According to the National Statistical Service of Greece the population of the country is distributed in three main areas: urban (above 10,000 population), semi-urban (2,000 - 10,000) and rural (less than 2,000). The process of urbanization has led almost half of the population of the country in **urban areas**. The greater Athens area has 3,096,775 inhabitants, the greater Piraeus area 880,529, the city of Thessaloniki 377,951 and in all the remaining three big cities reside more than 400,000 inhabitants[8].

1.7. While inflation rate is decreasing (close to 2,1%, in August 1999) the **unemployment rate** is still high: 10.8%. (EU of 15:10.0%). In a labor force of 4,445,700 there were 478,500 **unemployed** and 3,967,200 **employed** - the total population over 15 years being 8,720,200. In these figures the registered foreigners are also included. From data referring to foreigners only, it results that the total registered population is 228,300 of which 167,100 belong to the labor force, 144,900 are employed and 22,300 or 13,3% are unemployed. [9]. The percentage of male/female unemployed for the year 1998 was for Greece: 7.8% males and 17.4% females, while for EU of 15 it was: 8.4% and 11.8% respectively.[10]

[6] Ibid.
[7] Approximate figures as quoted in newspaper KATHIMERINI, 2 May 1999, pp.46 and 47.
[8] U. S. Department of State, op.cit. Footnote 2, p. 2.
[9] Data of the second trimester of 1998. Newspaper KATHIMERINI, (Economic Section) 13 July 1999, p.25. It is worth noticing that according to EU data the unemployment rate of Luxembourg (the lowest) is 2.8% and of Spain (the highest) is 16.1% (June 1999).
[10] Statistical Office of the European Communities (personal communication).

2. Substantive Criminal Law Statutes

2.1. The Greek Penal Code in force (hereinafter: PC) has been enacted in 1950 by Law (Act of Parliament) 1492/1950 and entered into force on 1 January 1950. It replaced the previous one of 1833. The present Code has been influenced to a great extent by the German Penal Code of 1871 and the Bavarian Penal Code of 1813 which in its turn had followed the French Penal Code of 1810.

Since its introduction, the PC has been amended several times, but none of these amendments can be characterized as a major reform, since they all concerned minor issues and piece-meal amendments.

2.2. The PC has been published officially in the **Greek language**, and more specifically, in the then official (archaic) form of modern Greek used in the legislation called «katharevousa». It was translated into the common spoken form called «demotiki», which since 1976 became the official language and published in that form by Presidential Decree (hereinafter: PD) 283/1985. There exist English (by Liolios), German (by Karanikas) and French (by Yotis) translations of the Penal Code – all of them more than 30 years old; thus they do not include the recent amendments.

2.3. In addition to the PC a number of **special penal laws** (*Nebengesetze*) exist. Most of them regulate other matters by they include penal provisions as well. The violations of these special laws constitute around 80% of either police recorded crime or court convictions. For instance in 1998 police recorded a total of 326,786 offences. PC violations were 63,368 (19.39%) and special laws violations 263,418 (80.61%). It should be noted that in the special penal laws, the so-called judicial or administrative codes, are also included. These codes regulate well-defined sectors of social life. The main special penal laws are:

- the Military Penal Code (Law 2287/1995, especially articles 1 - 166);
- the Code of Market Regulations (Law 146/1946);
- the Code of Traffic Regulations (present stand: Law 2696/1999);
- the Code of Customs (Law 1168/ 1918 as amended);
- the enactments on drugs (Law 1729/1987), on antiquities (Law 5351/ 1932, as amended); and on the protection of the environment (Law 1650/1986);
- several laws concerning labor relations (e.g. Law 3934/19/1911 «re: Sanitary and Safety Measures of Laborers and Working Hours», Law 429/1912 «re: Work of Women and Minors»), and
- the tax evasion Law (present stand: Law 2523/1997 «re: Administrative and Penal Sanctions in the Taxation Legislation and other Provisions») etc.

Some of the above statutes also provide administrative sanctions, usually for different, less serious violations - but these are clearly distinguished from the penal ones.

3. Procedural Law Statutes

3.1. The present **Greek Code of Penal Procedure** (hereinafter: CPP) has been enacted simultaneously with the PC by Law 1493/1950, and its translation into the common modern Greek language form was enacted by PD 258/1986. The Code replaced the previous one of 1834, which had been amended and reformed several times since then. That Code had used as a model the French *Code d' Instruction Criminel* of 1808 and the new Code followed in many respects the old one. However, in certain parts, it was also influenced by the Italian Penal procedure of 1930 and in certain provisions by the German Code of Penal Procedure of 1877.

Since 1950 the CPP has been amended several times but mostly as to minor matters. The main important reforms are the following:
- By enactment of the dictatorial military Government of 1967 the jury system has been abolished and replaced by mixed courts composed by three jurors and four professional judges who decide jointly both on legal questions and on facts. Upon the re-establishment of democratic legality, the Constitution of 1975 art. 97 para 1 confirmed that reform and the Law 969/1979 regulated the details of the composition of the court and its procedure (cf.infra 6.5.5.).
- By Law 1128/1981 «re: Provisional Detention and other Provisions» the detention awaiting trial has been reformed, following the guidelines of Recommendation Nr.R (80) 11 of the Council of Europe. This measure has been provided as optional, depending on certain conditions and as the last resort. Restrictive conditions to be imposed (e.g. bail or prohibition to leave certain places or the country) should be considered and imposed in the first place. Finally, by Law 2408/1996 the provisional detention was limited to felony cases only.
- By Law 663/1977 the procedure of indictment and reference of the case to trial was simplified as to certain categories of offences to which, later, other ones were added. Such offences are the arson of woods (Law 663/1977 art. 20), the drug offences (Law 1729/1987 art. 21), the embezzlement of ship cargoes (Law 1419/1984) etc.

3.2. As far as we know, **no translation** of the whole text of the CPP into a foreign language is available. Only certain provisions have been translated for the needs of works of legal scholars written in foreign languages.

3.3. The **main statutes, outside the CPP**, including provisions on criminal procedure are:

- the Military Penal Code (Law 2287/1995), the second part of which (art. 167 - 232) includes certain special provisions concerning the procedure before military courts, while as to the rest the CPP applies;
- the Law 663/1977, already mentioned above;
- the Code of Market Regulations (Law 146/1946), the articles 58 - 66 of which include some exceptions from the general rules of procedure of the CPP;
- the Code of Customs (Law 1168/ 1918 as amended), art. 122 - 126a;
- the Code of Traffic Regulations (present stand: Law 2696/1999) art. 105;
- and the Law of the Press (Laws 5060/1931 and 1092/1938).

3.4. There are a number of **statutes and provisions on juvenile offenders**. The competent authorities and courts as well as the procedure applicable to juvenile offenders are governed by art. 96 para 3 of the Greek Constitution of 1975/1986; this provision exempts juvenile courts from the jury system and the public hearing, as well as from various provisions of the CPP. For example, art. 1 establishes the juvenile courts, art. 27 refers to the special status and duties of the public prosecutor for minors, arts.112 and 114 provide for the jurisdiction of three member and one member juvenile courts, art.130 para 3 concerns the separation of hearings in case minors and adults are co-offenders, art.574 regulates the matter of criminal records etc. Special statutes have been also enacted dealing with specific aspects of the juvenile justice system. For instance:

- Law 3315/1955 «re: Completion of the Provisions on Juvenile Courts and on the Treatment of Minor Offenders» as amended, which provides, *inter alia,* that the juvenile court hearings take place without publicity and that the provisional detention, if ordered, should be in juvenile institutions.
- Laws 2793/1954 and 378/1976 establishing a service of supervisors of minors (probation officers) in the juvenile courts (see also relevant Presidential Decree 49/1979).
- Law 2298/1995, which in art.17 restricts the institutionalization of juveniles, and in art.18 amends the structure and function of the Societies for the Protection of Minors.

4. The Court System and the Enforcement of Criminal Justice

4.1. The **organization of the courts** is governed presently by Law 1757/1989 «re

Organization of the Courts, as amended by subsequent Laws 1868/1989 and 1968/1991. This enactment has replaced the previous Law «re organizations of the courts and notary public offices» of January 21/ February 2, 1834.

4.2. The above legislation has been published officially in Greek. **No translation** in any other language exists.

4.3. The fact that the above Law is of recent date and its purpose was to replace all previous legislation concerning the organization of the courts is the reason for which **no other important statute** contains provisions on that matter.

4.4. Law 1481/1984 «re: Organization of the Ministry of Public Order» provides for the **organization of the police**. With this enactment the previously existing two police forces, namely the Gendarmery and the City Police have merged into one unique body the Greek Police (EL.AS), and all relevant matters have been regulated. Law 2054/1954 «re Code of Lawyers», as amended, regulates the organization of the Bar Association. The **prison system** is governed by Law 1851/1989 the so-called "Code of Basic Rules for the Treatment of Detainees" (hereinafter CBRTD). The only special statute governing the organization of a probation agency for adults is Law 1941/1991, articles 15-17, while the duties and functions of that agency are provided in articles 100A PC esp. paras 4 - 8 and 82 para 8 PC. These provisions and the probation agency have not been put into practice as yet. (see infra 7.5.).

4.5. By contrast, the service of supervisors of minors or probation officers for **juvenile offenders** is regulated adequately and it functions in a satisfactory way. The main relevant statutes are Law 378/1976 «re: Establishment of a Service of Regular Probation Officers for Minors at the Juvenile Courts». Furthermore, by PD 49/1979 «re: Function of the Service of Probation Officers for Minors» the practical questions concerning that service have been settled. (see also supra under 3.4).

5. The Fundamental Principles of Criminal Law and Procedure

5.1. The **principle of legality** *(nullum crimen, nulla poena sine lege»)* is included in art. 7 para 1 of the Constitution which reads as follows: «There shall be no crime, nor shall punishment be inflicted, unless specified by law in force prior to the perpetration of the act, defining the constitutive elements of the act. In no case shall punishment more severe than that specified at the time of the perpetration of the act be inflicted». Likewise, art. 1 of the Penal Code provides the following: «Punishment shall be inflicted only for acts for which the law had provided it expressly, before they were committed».

5.2. With respect to the **division of offences** the PC follows the system of the French Penal Code of 1810, providing in art. 18: «Any act punishable by death (the death penalty is now abolished) or by confinement in a penitentiary is a felony. Any act punishable by imprisonment or by pecuniary punishment or by confinement in a reformatory institution (for minors) is a misdemeanor. Any act punishable by jailing or by fine is a petty offence».

This division is also used in the other criminal law statutes, according to art. 12 PC, which provides that «the provisions of the General Part of the present code shall be applicable to the offences provided for in the special statutes, unless such a statute contains an express provision to the contrary.»

5.3. The **minimum and maximum ages** at which an offender is dealt with as juvenile are provided by art. 121 para 1 first sentence PC, which reads as follows:

«Minors, under the present chapter, shall be defined as those [persons] between the beginning of seven years and seventeen years of age completed. Those under twelve years of age shall be defined as children, and those between twelve and seventeen shall be defined as adolescents.»

According to art. 126 PC an offence committed by a child shall not be imputed to him/her. Instead, the courts apply educational or therapeutic (in case of a physical or mental health problem) measures. An adolescent shall be subject to the same kind of measures, if the court does not consider that he/she should be submitted to a special criminal sentence, according to the following article. According to art. 127, a penalty of confinement in a correctional institution for adolescents may be imposed to a minor 13-17 years of age, if the court finds from (a) the circumstances under which the offence was committed and (b) the personality of the perpetrator, that such a penalty is necessary in order to deter them from the commission of further offences. Consequently, in such cases adolescents are considered criminally liable.

Finally, by art. 133 PC if, at the time of the commission of an offence, a person has completed his/her 17th year and is not 21 years of age, the court may impose a mitigated punishment according to art. 83 PC (see *infra* as well as supra 1.3.)

5.4. – 5.5. According to the Greek penal doctrine, «imputability» is a judgement by which a person is blamed for his/her conduct and therefore he/she is disapproved and becomes personally responsible for his/her act. «Guilt» is considered any circumstance justifying disapproval of the offender. The «principle of guilt» or «principle of imputablity» *(nulla poena sine culpa)* is deemed fundamental, since it is based on art. 2 para 1 of the Constitution which dictates the respect and the protection of the human dignity as the primary obligation of the State. Therefore, the existence of guilt/imputabity is an absolutely necessary condition of the criminal offence and the corresponding liability. Considering the above, **strict liability**, existing irrespective of the element of culpability (intent or negligence) is **not** recognized in the Greek Criminal law system.

5.6. Since criminal liability is based on the disapproval of a person for the commission of an offence, it has a personal character and cannot be imputed on groups of persons. Therefore the so called «**corporate responsibility or liability**» has not been recognized until now under the Greek law.

5.7. The **grounds of justification** provided in the Greek Penal Code are of two kinds: First there are the general ones, which may be applied to all or a great part of criminal offences. Then, there are the special ones that are provided in the special part of the PC and concern the justification of particular criminal offences.

The general grounds of justification are:

(a) the defense (both understood as self-defense and defense of another person against an illegal and present attack (art. 22 PC);
(b) the condition of necessity justifying the act (art. 25 PC);
(c) the binding legal order of a superior civil servant or military (art. 21 PC) and
(d) the justification of the act, if it was executed in the exercise of a right or in fulfillment of a duty provided by the law (art. 20 PC);

The most important special grounds of justification are those provided in the articles 304 para 4 PC (justified interruption of pregnancy), art. 308 para 2 PC (simple [not grievous] bodily harm committed with the consent of the person suffering it and not bring against good morals), art. 367 para 1 PC (justification of attacks against honor i.e. verbal injuries and defamation, committed for the protection of certain legal interests), 371 para 4 PC (breach of professional confidence, committed for the protection of certain legal interests which could not be protected otherwise).

The most important case of justification not provided expressly in the Penal Code is the conflict of legal duties. As such conflict is considered a case in which a conflict between two legal duties is *in abstracto* controversial and this controversy is not solved by the law (as in the cases of other grounds of justification). The relevant question is dealt with especially in the treatises of legal scholars, while the case law on this matter is rather scarce. It should be noted that cases of conflict of duties are resolved by the case law on the basis of excuse rather than of justification. According to legal scholars and the relevant case law, the conflict shall be resolved by the application of certain rules (i.e. the most important legal duty should be preferred and, if no difference of importance can be found, the choice is left to the person acting while the law has to approve necessarily his choice).

5.8. Article 111 PC deals with **time limits** or the period of lapse of time for offences and provides that «the punishability of an offence is barred by the lapse of time. Felonies shall be subject to lapse of time (a) after 20 years in a case of statutory punishment of (death, now abolished) or confinement in a penitentiary for life and (b) after 15 years in all other cases. Misdemeanors shall be subject to lapse of time after 5 years. Petty violations shall be subject to lapse of time after one year.»

5.9. The Penal Code is divided into a **general part** (articles 1 -133) and a **special part** (articles 134 - 459). The appended table shows the titles of parts and chapters of the Penal Code.

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5.10. (a-b): There is no distinction between **murder and intentional homicide** in the Greek PC. The relevant offence is defined in a simple and clear way in art. 299 para 1: «One who intentionally kills another shall be punished by confinement in a penitentiary for life» In the second paragraph the mitigated form of homicide «in a

state of psychological excitement» is provided which is punishable by confinement of 5-20 years.
(c) **Robbery** is defined in art. 380 PC in three different variations. Thus, robbery commits: (i) «one who, with the use of bodily violence upon another or with threats of immediate injury to the body or life of another takes from such other person movable property which wholly or partially does not belong to the offender;» (ii) one, who by the same means compels delivery of such property for its unlawful appropriation; and (iii) one who, caught in the act of committing a theft, uses the same means as above in order to keep the stolen property.
(d) **Assault** is not provided as a criminal offence in the Greek criminal law. The conduct, which in other legislations is defined, as assault, is in particular, criminalized by the provisions on bodily injury or harm, of which four different variations exist:

(i) the basic form, which consists in simple intentional bodily injury, defined in art. 308 para 1 as an act of a person: «… who intentionally inflicts upon another bodily ill-treatment or harms his health...» and the aggravated forms of:
(ii) dangerous bodily injury, defined (art. 309 PC) as the conduct described above committed, however, in a manner which may cause danger to the victim's life or grievous bodily harm;
(iii) grievous bodily harm (art. 310 PC) and
(iv) deadly injury.

An act considered as assault by other jurisdictions may fall into the category of completed or attempted bodily harm or even attempted homicide under the Greek PC. Finally, if no bodily harm was intended by the assault, but only a humiliation or insult of the victim, the offence could be considered as an insult manifested by an actual act, i.e. an attack against the honor (art. 361 PC).
(e) **Simple theft** is defined (art. 372 para 1 PC) as the act of a person: «… who takes from another's possession movable property which wholly or partially does not belong to the offender, with intent unlawfully to appropriate such property...» Two aggravated forms of theft are provided in the PC. The first concerns the case in which «…the property is of high value...» (art. 372 para 1 last sentence, PC). The second refers to an even more aggravated form, punishable as a felony (art. 374 PC). This aggravated form exists in cases where : (i) property, used for religious worship is taken from a place of such worship; (ii) an article of scientific, artistic or historical significance, which was located in a collection exhibited to the public or in a public building or in any other public place, is taken; (iii) an object, which was transported by a public means of transportation or was deposited in a place where objects to be transported or to be delivered were left, or was being transported by a passenger, is taken; (iv) the theft was committed by two or more persons joined together for the purpose of committing thefts or robberies; and (v)

the act was committed by a person which commits thefts and robberies habitually or as a profession.

6. The Organisation of the Investigation and Criminal Procedure

6.1. General issues

6.1.1. The Greek criminal justice system is based on the Continental tradition. The criminal procedure is often characterized as following a «mixed» model of inquisitorial and accusatorial system. It would be more accurate to say that, although the procedure is basically inquisitorial, it has also strong adversarial elements.

The offences are prosecuted exclusively by the public prosecutor (p.p.) at the court of misdemeanors, after he/she takes knowledge of them by a denouncing report of an authority or by a complaint by the victim or by a denunciation by any citizen or in any other way. The p.p., after receiving such a notice of the offence, is obliged to prosecute the case, provided that it is based in the law, that it is not too vaguely reported or that it is not manifestly unfounded as to the facts. Sometimes the p.p. may conduct the investigation himself/herself or with the assistance of an investigative officer in order to find out whether there is some suspicion justifying the prosecution. The Greek criminal procedure is governed by the principle of mandatory prosecution (or legality principle). Therefore, if such a suspicion exists, the p.p. has no discretionary power to prosecute or not to prosecute taking into consideration expediency factors.

The prosecution is effected in one of the following three ways:
- By initiating a «summary» investigation, to be conducted either by a magistrate or by a police officer. This kind of investigation is applied, as a rule, in misdemeanor cases.
- Another possibility is the initiation of an «ordinary» investigation that is conducted by an ordinary judge. This procedure is mandatory in felony cases and optional in misdemeanors, if the p.p. is of the opinion that the summary investigation, which has already taken place, must be completed by an ordinary investigation.
- A third way of prosecuting is the direct reference of the case to trial before the competent court. This procedure is applied in cases : (a) of petty violations, (b) of misdemeanors of minor importance, (c) where the facts are clearly proven, and (d) of misdemeanors, when the offender is apprehended in the act (red handed).

After the completion of the investigation the p.p. may make a motion to the judicial council (i.e. a court deciding in *camera*, without publicity) either to acquit (dismiss the case) without trial; or to refer the case to trial (indict). The p.p. may also, after a summary investigation, refer the case directly to trial, without requesting a decision of the judicial council. The last possibility is limited to misdemeanor cases only.

At trial the p.p. summons all the parties, namely the accused, the civil claimant and the civilly liable third party, if such parties are participating in the proceedings. He also summons all the important witnesses, both of the accusation and (some of the witnesses) of defense, while the parties may bring to the trial also any other witnesses and other evidence. The p.p. and the civil claimant must notify to the accused the names of the witnesses they have summoned; the accused however has not a corresponding obligation.

Legal counsels have the right and the duty to defend the accused. Moreover they can represent the accused in all the procedural acts in which personal appearance is not necessary. They also accompany the accused when he/she appears personally to the investigating judge to defend himself/herself and answer questions. They have the right to take knowledge of the criminal dossier before the accused presents his/her defense at the pre-trial stage and also before the trial. At the trial phase they assist the accused in every respect, question the witnesses and experts, exercise all the rights of the accused and have the right to speak last, in other words have the last word. Finally, they may lodge appeals in the name of the accused.

6.1.2. The **pre-trial phase** has a mixed character: it is rather inquisitorial, since the investigating judge or the investigating magistrate or police officer takes most of the initiatives in order to gather the evidence and proceed with all the necessary measures. But it has also some accusatorial features, since the parties – i.e. the accused and often also the civil claimant - have certain rights and may influence the proceedings by submitting applications, bringing in evidence, lodging appeals to the judicial council against the decisions of the investigating judge or the p.p. etc.

6.1.3. The **pre-trial phase is deemed to end** when also the intermediate stage (the proceedings before the judicial councils) ends. It is considered that the trial stage begins when the summons to trial is served upon the accused.

6.1.4. The trial has also a mixed character. The **inquisitorial characteristics** consist mainly in the role of the court, which tries to find the truth *ex officio,* questioning the witnesses and experts, examining the other pieces of evidence and asking eventually for more evidence, even postponing the proceedings in order to bring it in. The **accusatorial features** are present in the important roles of the par-

ties, who examine witnesses and experts and other types of evidence, comment on each type of evidence presented to the court and plead at the end of the trial.

6.1.5. The Greek CPP makes provision for the institution of the **examining or investigating judge** (*juge d' instruction, Untersuchungsrichter*) who is competent to conduct the «ordinary» investigation which is mandatory in all felony cases and optional in misdemeanor cases, if the p.p. considers that the preceding «summary» investigation by a magistrate or a police officer needs to be completed. According to art. 239 CPP, the purpose of any form of investigation in general is to collect all necessary pieces of evidence in order to prove the commission of an offence and to decide whether somebody should be referred to trial for it. During the investigation all efforts are made to detect the truth. The inquiry should aim at finding *ex officio* not only incriminating evidence, but also material proving the innocence of the accused. Furthermore, the investigation should collect any data concerning the personality of the accused that could influence the sentencing process.

In particular, the investigating judge is competent to conduct all acts of inquiry, which he/she deems necessary in order to detect the crime and the perpetrators. He/she considers the requests of the p.p. only if he/she believes that it would be expedient (art. 248 CPP). He/she is also competent to order the provisional detention of the accused or to impose restricting conditions to him/her (e.g. bail or the obligation to report every day to the police station or the prohibition to stay in or to leave a certain places). But in this case the investigating judge should have the agreement of the p.p. (art. 283 CPP).

6.1.6. The **Greek Code of Penal Procedure (CPP) is not divided into a general part and a special part** but into eleven parts. (See Table 3 which shows the titles of parts and chapters of the Code of Penal Procedure).

TABLE 3
Contents of the Code of Penal Procedure

Chapter	Articles
Part One: General Provisions	
I. Criminal Courts and Officials	1 - 26
II. Prosecution	27 - 62
III. Civil claims in the criminal proceedings	63 - 71
IV. Parties in the criminal proceedings	72 - 108
V. Competence of the Courts	109 - 137
VI. Acts of Procedure	138 - 176
Part Two: Evidence	177 - 238

6.2. *Special issues*

6.2.1. Article 6 para 1 of the Constitution provides that «no person shall be arrested or imprisoned without a reasoned judicial warrant which must be served (upon the arrested person) at the moment of **arrest or detention** pending trial, except when he/she is caught while committing a criminal act.» A parallel provision is found in art. 276 para 1 CPP stating that, except of the cases of art. 275 (offender caught «in the act») no person shall be arrested without a specially and sufficiently reasoned warrant of the investigating judge or the judicial council, which must be served at the moment of arrest».

6.2.2. Pre-trial detention is provided by art. 282 para 3 CPP, as a last resort, instead of the restricting conditions (e.g. bail or obligation to report every day to the police station or prohibition to stay in or to leave a certain place). The **legal prerequisites** of pre-trial detention are as follows:

(a) it may be ordered in felony cases only (exceptionally it may be ordered in misdemeanor cases if he/she has not complied with the restrictive conditions previously imposed on him/her) and

(b) one of the five conditions mentioned below should be fulfilled. Namely the accused:
   - has no known residence in the country; or
   - has made preparations to facilitate his absconding; or
   - has been a fugitive in the past; or
   - has been declared guilty for escape from prison or for breach of restrictions with respect to the place of residence; or
   - if set free, it is estimated that he/she may commit more crimes; this estimate is the result of reasoning based on facts concerning the previous life of the accused or on the special circumstances under which the act with which the accused is charged has been committed.

6.2.3. The **investigating judge** is competent to order the provisional detention of the accused. But the judge shall receive also the agreement of the p.p. for it (art. 283 para 1 CPP). In case of disagreement between these two officials, the judicial council decides. It should be noted that the p.p., before expressing his/her opinion should hear the accused and his/her counsel (art. 283 para 1 last sentence CPP).

6.2.4. The **maximum term of pre-trial detention** is determined by : (a) art. 6 para 4 of the Constitution and (b) art. 287 para 2 CPP. The latter provides it only with respect to felony cases, since the pre-trial detention for misdemeanor cases has been recently (by Law 2408/1996 art. 2 para 2) abolished, as a rule. The maximum term is one year, which in extraordinary cases can be extended, by specially reasoned decision of the judicial council, for up to six more months. Against the de-

cisions of the judicial council in these matters an appeal to Areios Paghos (the Supreme Court) is granted to the accused and to the p.p. (287 para 5 CPP).

At present there is no trend to shorten this maximum term.

6.2.5. By art. 285 CPP, the **accused may start proceedings**, challenging the lawfulness of the warrant of pre-trial detention, to the judicial council, which decides definitely on the issue. But if the detention is based on a warrant of the judicial council itself, no legal remedy is provided.

The **automatic control** of the pre-trial detention is effected in the following way: By art. 287 para 1 CPP, if the detention has lasted six months, the judicial council shall decide whether the accused shall be either released or detained for an additional period. Against the decisions of the judicial council an appeal to Areios Paghos (the Supreme Court) is granted to the accused and to the p.p. (287 para 5 CPP).

By art. 287 para 3 CPP. if the detention is not extended within 30 days after the completion of six months, the force of the warrant ceases and the p.p. orders the release of the person detained.

6.2.6. Art. 87 PC and art. 371 para 4 CPP provide that, when a custodial sentence is imposed and after its duration has been determined by the sentencing court, the **term of the pre-trial detention** of the accused as well as the time between arrest and order of pre-trial detention shall be **deducted from the sentence**.

6.2.7. The **appeals** against a decision of a court of first instance are : (a) the appeal *de novo* to a court of second instance and (b) the appeal for legal error to Areios Paghos (the Supreme Court). The appeal *de novo* is basically granted to the accused and the p.p. It is also granted to the civil claimant - however, in exceptional cases only. This appeal authorizes the court of second instance to try the case again as to all offences and points that are mentioned in the appeal. The case is re-tried from all sides - both of law and of fact - and the procedure is basically the same as in the first instance. The court may examine more evidence, even new witnesses, provided that they are present in the courtroom and that the p.p. or one of the parties requests it. If the appeal has been lodged by the accused or by the p.p. in favor of the accused, the decision of the court of second instance cannot worsen the position of the accused. It can only either sustain the appeal and ameliorate his/her position or reject it and keep the conviction as it has been pronounced by the first instance court (prohibition of the *reformatio in pejus).* But if the p.p. has lodged a contrary appeal requesting the reform of the decision to the detriment of the accused, then the court of second instance is free to decide either way.

Art.510 CPP provides for an appeal for legal error to Areios Paghos; this appeal is permitted for certain legal grounds only. The Supreme Court is not authorized to evaluate facts. It may, however, control the reasoning of the trial court and judge whether it is missing or insufficient. In case Areios Pagos rescinds the decision, four possibilities exist. The Supreme Court may:

(a) apply the law itself properly (art. 518 para 1 CPP); or
(b) dismiss the case (art. 517 CPP); or
(c) refer the case for retrial to another court of the same kind as the one which had issued the decision rescinded; or
(d) refer the case for retrial to the same court, if it may be composed by different judges (art. 519 CPP).

6.2.8. The answer to the question whether **a case may be tried in the absence of the defendant** is both "yes" and "no". Article 340 CPP provides that the accused is obliged to appear at the trial personally; he/she may appoint a counsel for his/her defense (340 para 1 CPP). In cases of petty offences and not serious misdemeanors, the accused may be represented at the trial or the hearing by his/her counsel. If the accused who has been legally summoned to the trial does not appear, he/she is tried as if he/she were present (340 para 3 CPP). This means that the court, which has the duty to investigate and find the truth *ex officio,* shall inquire all aspects of the facts, including whatever may be to the benefit of the defendant.

With respect to felonies, however, more strict provisions apply (432 para 1 CPP). If the accused is absent and his/her residence is unknown, the service of the decision of the judicial council referring him/her to trial and the summons to it are effected:

(a) to some close family member of his/her living with him/her or
(b) if no such persons can be found to the mayor of the town, or
(c) to the parish priest, who shall have the summons affixed in a public place (156 CPP).

This procedure is called "fictitious service procedure" by some authors. If the accused neither appears, nor is arrested within a month as of the service of the above documents, the proceedings are suspended until the accused appears or is arrested. But if the accused: (a) had been released from pre-trial detention because the maximum limit had been completed, and (b) has been legally summoned to the trial, he/she is tried as if he/she were present, even in felony cases. The same applies if the accused, being in custody, has caused to himself/herself incapacity to appear. In these cases, however, if a person convicted *in absentia* appears or is apprehended, then the case is re-tried in his/her presence, while the sentence is executed until the end of the re-trial proceedings (432 paras 2 and 3 CPP). If the absence of the ac-

cused who has been convicted *in absentia,* was due to a *force majeure* event which he/she was unable to communicate to the court before or during the trial, a legal remedy - called "petition for the annulment of the proceedings" - is granted (340 para 1 CPP). If the accused can prove such an event, the proceedings are declared null and void and a date for a new trial is fixed (340 para 2 CPP).

Furthermore, the accused is granted a legal remedy called "petition for the annulment of the decision" if the accused: (a) had been considered a person of unknown residence, (b) had been summoned by the above fictitious service procedure, (c) was tried and convicted in absentia and (d) did not lodge an appeal against the sentencing decision. This petition shall be lodged within 8 days after the execution of the sentence or even before that. The accused has the burden to prove that he/she had a known address. If he/she proves it, the case is re-tried.

6.2.9. In the Greek CPP the principle of «moral evidence» - *intime conviction* in French law - is followed. Namely, by art. 177 «the judges are not obliged to follow any legal rules of evidence, but they must decide according to their conviction, following the voice of their conscience and being guided by the impartial judgement which results from the proceedings, with respect to the truth of the facts, the trustworthiness of the witnesses and the value of the other pieces of evidence».

The «main» means of **evidence** are (a) the indications, (b) the judge's observations during the trial (c) the expertise, (d) the confession of the accused, (e) the witnesses and (f) the documents. Beside these, any other kind of evidence is permitted (art. 179 para 1 CPP). However, art. 177 para 2 CPP provides that those pieces of evidence which have been obtained by means of criminal offences, are not taken into consideration in order to pronounce the accused guilty. Moreover, they are not considered in the sentencing or the imposing of measures of constraint during criminal proceedings. Exceptions are possible in cases of felonies punishable by confinement in a penitentiary for life, in which a reasoned decision of the court shall justify the consideration of such evidence.

The witnesses testify in the following way: First, they are asked to say whatever they know on the subject in a narrative way, without being interrupted. Then, questions are put to them by the president of the court, the p.p., the other judges, the counsel of the civil claimant and lastly by the counsel of the defense, in that order (art. 357 CPP).

Next, the experts' reports are read and the experts may be asked (in the same order as above) to clarify some points of their report.

The court views all documents and other objects related to the subject matter and

even may move to and view any place which has an evidentiary value (art. 363 CPP). The last mentioned practice is however, seldom.
All documents that should be taken into consideration by the court must be read aloud, according to the principle of oral proceedings. The prosecutor and the parties may comment on each piece of evidence after it has been taken (art. 358 CPP).

6.3. The organization of detection and investigation

6.3.1. The **national agency responsible for the detection and investigation of crime** is the Hellenic Police, commonly known by the abbreviated name «EL.AS.». It is a service of the Ministry of Public Order, and therefore its status is provided by Law 1481/1984 «re : organization of the Ministry of Public Order.» The competent department of police security is vested with the task of prevention and suppression of crime (art. 5 para 1 Law 1481/1984). Hellenic Police has jurisdiction on all types of crime, including drug law violations, smuggling, illegal commerce of antiquities, gambling, all acts of violence and terrorism. Furthermore, the law regulates the use of scientific and technical methods for the detection of crime and the cooperation with international police organizations and foreign police authorities. Art. 13 of the same Law provides that the police officers exercise their duties of investigation and detection according to art. 33 CPP.

Art. 33 CPP para 1 provides that the summary investigation of offences (cf. supra 6.1.1.) are conducted by order of the p.p. and under his/her supervision by magistrates and **by officers of the police** having no lower rank than that of a sergeant; these are called "investigating officers". But if (a) there is an imminent danger in case of delay or (b) the case concerns a «red handed» offence (offender caught in the act), no written order is necessary. In such a case the investigating officer performs all the necessary act of investigation. Then he/she notifies the p.p. without delay and submits to him/her the dossier in order to prosecute the case properly (art. 243 para 2 CPP). This type of investigation is called in practice «police investigation» and usually precedes the regular forms provided by the law, namely the «summary» and the «ordinary» investigations.

The ordinary investigation is mandatory in cases of felonies. It is conducted by an ordinary judge, who is obliged to conduct all acts of investigation necessary (art. 248 para 1 CPP). Furthermore, art. 13 CPP provides that the police authorities are under an obligation to carry out without delay the orders of the judicial authorities and those of the p.p. Consequently, they have to assist the investigating judge, whenever he/she needs their assistance.

6.3.2. The summary and the preliminary investigation **are controlled by the p.p.** The extraordinary form of art. 243 para 2 CPP is conducted at first without the

instructions of the p.p. but subsequently, after the investigating officer submits the dossier to him/her, the proceedings take the form of a regular investigation. By contrast, in felony cases the investigating judge conducts the ordinary investigation which is mandatory and he/she is not obliged to follow any instructions of the p.p. The latter may submit to him/her motions, but the investigating judge may consider them only if he/she thinks it expedient (art. 248 para 1 CPP). Yet, if the investigating judge decides to (a) issue a warrant of arrest or of pre-trial detention or (b) order restrictive conditions, he/she is obliged to request the opinion of the p.p. Whenever this opinion is mandatory and the views of the investigating judge and the p.p.differ, the judicial council decides on the matter (art. 283 para 1 subpara b CPP).

6.3.3. As stated above, **the p.p. is competent to give instructions to the investigating officers** (magistrates and police officers) in the summary and the preliminary investigations, but not in the ordinary investigation conducted by a judge.

6.3.4. While the above ways of detection and investigation are the general forms of pre-trial proceedings, for certain categories of offences the so-called special investigating officers are competent to conduct the summary investigation, always under the instructions and control of the p.p. These are the customs offences (e.g. smuggling), for which customs officers are investigating, arson where officers of the fire brigade are competent, arson of woods for which forest service officers investigate etc. By contrast, the same general investigating officers investigates the traffic offences, the narcotic offences, the firearm offences and the environment offences.

Another category of **special investigating officers** has been introduced recently with respect to economic crime. This is the so-called "Body for the Investigation of Economic Crime" (hereinafter: BIEC). BIEC is under the authority of the Ministry of Finance. Its functions include the investigation and detection of all economic criminal activities, i.e. tax evasion, smuggling, drug trafficking, currency offences and fraud against the financial interests of the Greek State, the broader public sector, the national economy and the European Union. The BIEC, *inter alia* is competent to conduct searches in order to locate documents and other means of evidence, to make arrests and to question persons, under the special provisions applicable each time and the general provisions of the CPP.

6.4. The organization of the prosecution agency

6.4.1. The **national prosecution agency** consists of the public prosecutors' office which is a separate body of judicial officials. It is composed of persons who have the same qualifications, are recruited by the same procedure and enjoy the same constitutional guarantees as the judges (art. 88 - 91 of the Constitution). The office

is organized in three levels, corresponding to the first instance courts, the court of appeals and the Areios Paghos (the Supreme Court in civil and criminal matters). At each level (i.e. the first instance courts, the court of appeals and the Supreme Court) there are two grades of p.ps, called "p.ps." and "deputy p.ps.".

The public prosecutors' office is characterized by the following two principles (art. 24 π 1 Law 1757/1989 «re: Organization of the Courts», as amended):

(a) The principle of "indivisibility". This means that the office is represented each time by one of its members, but it functions as an indivisible entity. Therefore, any act performed by one of the incumbents is considered as an act of the office.

b) The principle of «hierarchical subordination» (internal subordination of the p.ps office). It logically correlates with the previous one. Each deputy is bound to follow the instructions of the p.p., and each p.p. to follow the instructions of those at higher levels. At the top of the hierarchical pyramid is the p.p. of the Supreme Court. The hierarchical subordination is limited:

(i) by the principle of legality, which does not allow an inferior p.p. to carry out an illegal order of his/her superior; and

(ii) by the principle of expression of personal conviction, i.e. while a subordinate is bound to act according to the instructions of his/her superior (e.g. to prosecute a case or to lodge an appeal), when the subordinate p.p. submits a motion or at the end of the trial sums up, he/she is free to express his/her own opinion.

6.4.2. The **main duties of the p.p.'s office** in criminal cases are the following.
- To prosecute all cases which come to his knowledge, provided that they are based on the law and are not manifestly unfounded as to the facts.
- To supervise the preliminary and the summary investigations and to cooperate where it is provided with the investigating judge in the ordinary investigation, and to take all necessary initiatives needed in the pre-trial stage.
- After the end of all kinds of investigation, to make motions to the judicial council either to refer the case to trial or to dismiss it (acquit) without trial.
- To lodge appeals against the decisions of the judicial councils.
- To make the necessary arrangements in order to prepare the trial and the accusation at the trial.
- To sum up and make a motion at the end of the trial to the court, either to convict or to acquit the defendant and in general to make motions to the court before any decision.
- To lodge appeals against the decisions of the courts.
- To take the necessary measures for the execution of the punishments and security measures and to supervise such execution.

6.4.3. According to art. 24 para 1 Law 1757/1989 «re: Organization of the Courts», as amended, the **p.p. is an authority independent** both of the courts and of the executive power. It acts in a unified and indivisible way and its task is to protect the citizen and the keep the norms of public order (art. 24 para 2 of the same Law).

The acts of the lower p.ps'. are in certain cases subject to review by his/her superior p.p. So, if the p.p. at the first instance court receives a denunciation of a criminal offence and does not think that it is based on the law, he/she may file it and report to the p.p. at the court of appeals the reasons for his refusal to prosecute. The latter may order to p.p. at the first instance court to prosecute the case (art. 43 para 1 CPP). Likewise, if the p.p. considers that a complaint of the victim is not founded on the law etc. he/she may reject it (art. 47 para 1 CPP). The complainant however, may lodge a petition to the p.p. at the court of appeals. If the petition is sustained the p.p. of appeals orders his/her inferior to prosecute.

According to art. 24 para 5 Law 1757/1989, the p.p. of the Supreme Court has the right to address to all members of the p.ps.' office of the country orders, general instructions and recommendations relevant to the exercise of their duties. Likewise the p.ps. at the court of appeals and at the first instance courts have the right to address such messages to the members of such office of their respective districts (art. 24 para 5 Law 1757/1989).

Under the previous Law on the Organization of the Courts and Notary Public Offices of 1834 (see supra 4.1.) the Minister of Justice had a wide power to give instructions to the p.p.'s. («external subordination of the p.p.'s office»). This power was seldom exercised officially, but anyway it was abolished by Law 1757/1989. The only remnant of power of the Minister of Justice to give instructions to the p.ps. is the right to order the competent p.p. to prosecute any criminal offence, still provided by art. 30 para 1 CPP. However, even this power is of very small practical value, since the Minister as any other public authority is obliged to report to the p.p. any criminal act he is informed of and the latter is obliged to prosecute it according to the legality principle.

6.4.4. Since the prosecution of criminal offences is governed by the legality principle, neither the police nor the p.p.'s office is entitled by law to abstain from prosecuting a case by settlement, composition etc.

Likewise, after a case is prosecuted, there is no way to close the proceedings other than a decision of the judicial council to dismiss the case (acquit) without trial or a judgement of the court after the trial.

At the present time some propositions are pending concerning the possibility for

the police or the prosecution **to close the proceedings** officially.

6.5. Organization of the courts

6.5.1. The **composition and internal organization of the court system** may be briefly described as follows: There exist three categories of jurisdictions and corresponding courts: (a) The civil courts, (b) the criminal (penal) courts and (c) the administrative courts. The civil and criminal courts are composed by the same judges who sometimes exercise the duties of the one and sometimes of the other capacity. Areios Paghos is the Supreme Court in civil and criminal matters. It is divided into 4 civil and 2 criminal chambers, composed each year as a rule by different justices, sitting in different courtrooms on different days.

The criminal courts are:
(a) the petty offences courts (one-member, a magistrate);
(b) the misdemeanor courts (one-member and three-member ones);
(c) the juvenile courts (one-member and three-member courts);
(d) the mixed courts (composed of three judges and four jurors), competent to try the most serious felonies (e.g. homicide, rape).
(e) the courts of appeal or higher courts, which are also competent to try several felonies as first instance courts (e.g. drug offences, robberies, frauds) in addition to appeals from decisions of the misdemeanor courts;
(f) the higher mixed courts (composed of three judges and four jurors), which try the most serious offences, and
(g) Areios Paghos as a Supreme Criminal Court (art. 1 and 109 - 115 CPP).

6.5.2. There is no clear delineation between **courts of first instance and those at the appellate level**. The same court may exercise both functions: So, the misdemeanor courts, the three member juvenile court, the courts of appeal or higher courts exercise both functions, trying cases at first instance and also appeals against courts lower than them. Also the Supreme Court may act as court of appeal hearing appeals against decisions of the higher courts on matters of extradition requests (art. 451 CPP). A Special Court composed of Supreme Court justices and presidents of courts of appeal is competent to try ministers, members (or ex-members) of the government, for criminal offences committed during the exercise of their functions (art. 86 of the Constitution).

6.5.3. The **main rules of jurisdiction** *ratione materiae* are mentioned briefly above (under 6.5.1.) The jurisdiction *ratione loci* is determined by the place where the offence has been committed or where the accused has his domicile or temporary residence (art. 122 para 1 CPP).

6.5.4. The petty offences and the less serious misdemeanors are tried, the former by the petty offences courts composed of a **single judge**, a magistrate, and the latter, by the one-member misdemeanor courts composed also of a single judge. All other criminal courts are composed of **three or five members**, while the mixed courts are composed of seven members. (see infra 6.5.5.)

6.5.5. **Laypersons** are participating in the mixed courts of first instance and of appeal. They are composed of four jurors and three professional judges. All members of these courts decide jointly on all matters of fact and of law. Exceptionally, some minor purely legal matters, not directly connected with the questions of criminal liability of the accused, are decided by professional judges only (art. 405 CPP).

6.5.6. As already mentioned, the **highest court in criminal matters** is Areios Paghos. It is competent to control the due process, the correct interpretation or application of the law and the reasoning of the decision of the trial court, according to a limited number of grounds of appeal for legal error, provided in art. 510 CPP.

6.5.7. The decisions of Areios Paghos are not legally binding in cases other than the one, which concerned the appeal to it. There is no rule obliging the lower courts to follow the case law created by the Supreme Court. However, the lower courts usually take such case law into consideration, since if they do not follow it, the case is going to be appealed and the Supreme Court will rescind their decision. Also the Supreme Court itself follows as a rule its **precedents** in other cases, but it is not unusual that a new decision supports a different view.

6.6. The Bar and legal counsel

6.6.1. **The legal rights of the counsel are the same as those of the accused**. According to art. 96 para 1 CPP every party to the criminal proceedings may be represented or accompanied by no more than two counsels at the pre-trial stage and three at the trial. The counsel appointed properly has the right to represent the accused in all acts of procedure concerning the particular case, unless the document appointing the counsel restricts his/her powers (art. 96 para 2 CPP). The main legal rights of the counsel are in particular the following:
- By art. 97 para 1 CPP the parties (i.e. the accused, the civil claimant and the civilly liable third party) may through their counsel be present at every act of investigation, except of the examination of witnesses and of the accused. But the accused himself/herself has the right to be accompanied by his/her counsel, in each appearance before the investigating authorities, in order to defend himself/herself or to be questioned or to confront other accused or witnesses.
- The counsel and the accused that are present in an act of investigation (e.g. a hou-

se search) may put questions and make statements, which are included in the record (art. 99 CPP).
- The accused, as soon as he/she appears before the investigating authority in order to defend himself/herself, has the right to take knowledge of the contents of the accusation and of all other documents of the dossier. The accused or his/her counsel may study them and receive copies of them. The same rights has the counsel whenever his/her clients are summoned to appear again before the investigating authority, and if the investigation lasts for more than a month, to take such knowledge once a month (art. 101 CPP).
- The accused has also the right to submit his/her defense in writing in form of a brief (art. 104 para 2 CPP).
- The accused may submit applications to the judicial councils, concerning matters of provisional detention, restrictive conditions etc. and lodge appeals against the decisions of the judicial councils (art 307, 465 CPP).

6.6.2. The accused has the **right to have a counsel** as soon as he/she appears before any investigating authority (art. 100 para 1 and 101 para 1 CPP, cf. also art. 6 para 2 c European Convention for the Protection of Human Rights and Fundamental Freedoms -hereinafter: the European Convention-, ratified by Greek Law-Decree Nr. 53 of 19-9-74). The suspect or accused has the right to counsel during the pre-trial detention.

6.6.3. If the accused has no counsel at the ordinary investigation (usually concerning a felony), the investigating judge is obliged to appoint one *ex officio*. According to an opinion, this right should be recognized also to the accused in the summary investigation, if the good administration of justice requires it (cf. art. 6 para 2 c European Convention and art. 20 of the Constitution). Although the law does not provide the appointment of a counsel in the above sense as **cost-free** appointment, in practice it is considered as such. Except of the provisions mentioned above, no other one of the Greek laws provides expressly cost-free legal aid. Nevertheless, the Athens Bar Association provides legal assistance for special categories of offenders in economic need as aliens, minors, gypsies or drug addicts. Bar Associations of other parts of the country may provide sporadically legal aid. Such aid is also offered for certain specific categories of cases by the National Refugee Council, the Marangopoulos Foundation for Human Rights, the Office of Legal Aid of the Law Faculty of the University of Athens in co-operation with the Athens Bar Association etc.

6.6.4. Members of the **Bar** have special **qualifications**. They are lawyers who have: (a) received a law degree from a law school of a Greek University or of a foreign one of equal status, (b) successfully participated at the examinations of the Bar and are appointed as practicing lawyers at a (Greek) court.

6.7. The position of the victim

6.7.1. Legal descriptions of the victim of a crime and of similar concepts (e.g**. injured person, complainant, civil claimant**) are included in several provisions. According to art. 46 CPP, a person directly damaged may submit a complaint to the p.p. and request that he/she prosecutes the offence. Furthermore, by art. 63 CPP a civil action seeking indemnity for material damage or compensation for moral damage or for pain and suffering, may be brought before the criminal court by the persons entitled to it according to the Civil Code. Art. 914 of the Civil Code on tort provides that he who has damaged another person illegally and by his fault shall be obliged to indemnify the injured person. Furthermore, by art. 932, in case of a tort, apart from the indemnity for the material damages, the court may adjudicate an equitable compensation, according to its judgement, for moral damage. This applies especially to the person who has suffered a damage to his/her health, honor or chastity or who has been deprived of his/her freedom. In case a person was killed, such compensation may be adjudicated to the family of the victim due to pain and suffering.

6.7.2. The victim of the crime as such has no other role in the criminal proceedings than that of a witness. But the **victim may acquire an active role**, if he/she becomes a civil party by declaring that he/she participates in the proceedings as a civil claimant demanding either indemnity for material damages or compensation for moral damage or pain and suffering. This declaration may be effected either in the pre-trial stage, usually by an express statement, included in the complaint to the p.p. or in another official form. The declaration or constitution of civil party may also be effected at the trial proceedings before the taking of evidence begins.

After this, the injured person becomes a party to the proceedings, enjoying almost the same rights as the accused, especially the right to counsel and the right to know the documents of the dossier (art. 108 CPP). He/she may also bring any kind of evidence, including witnesses, request that an expertise be conducted etc. In pre-trial proceedings in which the parties are allowed to be present, the civil claimant and his counsel have the right to put questions and make statements to be included in the written records.

6.7.3. The victim in an indirect way has **legal remedies** against a decision of the p.p. According to art. 47 para 1 CPP, if the p.p. considers that a complaint of the victim is not founded on the law etc., he/she may reject it. The complainant may lodge a petition to the p.p. at the court of appeals, who may sustain the petition and order his/her inferior p.p. to prosecute.

6.7.4. The **victim of the crime may become a civil party to the criminal proceedings**, by declaring that he/she participates in them as a civil claimant, claiming either indemnity for material damages or compensation for moral damage or for pain and suffering (see also supra 6.7.1.).

6.7.5. The victim of the crime **has no right to present criminal charges himself/herself**. However, the victim can request the p.p. to prosecute the case. According to art. 46 CPP, a person directly damaged may submit a complaint to the p.p. and request that he/she prosecutes the offence. The p.p. examines the complaint and, if it is not based on the law, or if it is so vague that the courts cannot evaluate it, he/she rejects it. The complainant may, however, lodge a petition to the superior p.p. who, may sustain the petition and order the inferior p.p to prosecute the case.

If the injured person becomes a civil party to the proceedings, he/she almost enjoys the same rights as the accused, especially the right to counsel and the right to know the documents of the dossier (art. 108 CPP). However, he/she has also the right to lodge appeals against the decisions of the judicial council. At trial, he/she has the same rights as the accused (e.g. bring evidence, ask questions, make statements), except of the privilege of the last word, which belongs to the accused and his counsel. At the end of the trial, after the p.p., the counsel of the civil claimant has the right to sum up. He/she may speak about the guilt question as a condition of his/her claims, but <u>not</u> about the sentence. The civil claimant has almost no possibility to lodge appeals against decisions of the trial courts. (see infra 6.7.7.)

If the victim does not become a civil party, he/she has no right to be heard at the criminal proceedings, except as a witness.

6.7.6. If the victim participates in the criminal proceedings as a civil claimant, he/she **has the right to counsel**, as all parties to these proceedings (art. 96, 108 and 101 CPP), but not the right to ask the appointment of a counsel *ex officio.*
6.7.7. The victim as civil claimant has **the right to appeal decisions of the judicial council**. The right to appeal decisions of the trial courts, is limited. In cases of: (a) convicting decisions as to the adjudication or rejection of his/her claims and (b) acquitting decisions as to the conviction of the victim to pay the judicial costs (art. 468 para 1 CPP).

6.7.8. As a rule, the victim is not assisted by the State in claiming compensation from the offender. This task is left to the victims themselves. An exception is provided for victims who are not in a position to bring a civil action before the criminal court, due to mental illness. In that case the p.p. may make the necessary declaration (art. 70 CPP).

6.7.9. There are no **victim support schemes**, either national or local. However, certain NGO's offer services (legal, counseling, physical or psychological treatment and/or support) for various categories of victims e.g. neglected or physically or sexually abused children, abused women, victims of torture etc. Furthermore, any injured victim, Greek or alien, may be treated free of charge in state hospitals.

7. Sentencing and the System of Sanctions

7.1.-7.2. The penal sanctions provided in the Greek Penal Code are **classified** into **penalties** (punishments) and security **measures**; the penalties are distinguished in main penalties and supplementary ones. The former include: (a) the custodial, (b) the pecuniary and (c) the community penalties (e.g. "suspension of sentence" with or without supervision, "conversion of a custodial sentence into a kind of day-fine" and "community service").

7.3. Adolescents (between 12 and 17 years of age) who are considered by the court as criminally responsible may be sentenced to a **special sanction**. This sanction consists in a semi-indeterminate commitment to a correctional institution and it may be imposed to an adolescent, if the court finds that educational measures will not be effective. The court's decision takes into consideration: (a) the circumstances under which the offence was committed, (b) the personality of the perpetrator, and (c) the necessity of this type of penalty in order to deter the adolescent from the commission of offences. (Art. 127 PC. see also supra 1.3 and 5.3.)

By contrast, educational measures are imposed to: (i) minors who are not criminally responsible, i.e. children between 7 and 12 years of age not completed, and (ii) adolescents (12 - 17 years), if the court finds that there is no ground for imposing a special penal sanction. These educational measures include: a) reprimand, b) placing the minor under the responsible supervision of his/her parents or guardian, c) placing the minor under the supervision of a supervisor for minors (probation officer) or d) placing a child in a special state, community or private institution (art. 122 para 1 PC).

In certain exceptional cases where the minor offender is physically or mentally handicapped or is dependent on alcohol or drugs, the court may impose therapeutic measures i.e. to commit the said offender to a suitable institution (art. 123 para 1 PC).

7.4. The only **special sanctions** that are provided for special groups of persons are the sentences provided by the Military Penal Code for the military personnel.

7.5. The main penalties include:

- **Capital punishment** which has been abolished in Greece officially by art. 33 para 1 of Law 2172/1993. Previously, however, it was a standing practice not to execute death sentences; therefore no execution had taken place since 1972. Recently, also Protocol Nr. 6, to the European Convention on Human Rights, signed in Strasbourg in 1983, which provides for the abolition of the death penalty, has been ratified by Law 2610/1998.
- **Imprisonment** is a custodial sentence, in principle between a minimum of 10 days and a maximum of 5 years (art. 53 PC).
- Confinement in a penitentiary**, either** for life **or** for a period between 5 years and 20 years **(art. 52 PC) is the second kind of custodial sentence.**
- **Deprivation of liberty for an indeterminate period** is provided for habitual recidivists (arts. 90 and 91PC). However, in practice this third kind of custodial sentence has never been imposed.
- **Probation** has been formally introduced in Greece by art. 4 of Law 1941/1991. This provision constitutes presently art. 100a PC. However, due to lack of technical infrastructure (i.e. because probation officers for adults have not been hired as yet), this community sanction is not enforced.
- **Community service** has been instituted in two forms and by two different kinds of legislation. Firstly, by the CBRTD (art. 61 of Law 1851/1989), *for inmates* who were sentenced to a short-term imprisonment that was converted into a pecuniary sentence; these inmates, nevertheless, were serving a prison sentence because they could not (or they did not want to) pay the required amount of the "conversion". Secondly, by art. 1 of Law 2145/1993, for the category of offenders, who *before entering prison*, at the sentencing stage were sentenced to a short term imprisonment *which* could be converted to a pecuniary sentence and subsequently to community service.(This last provision has been added to art 82 PC and constitutes presently paragraphs 6 – 9, as amended again by art. 1 para 1 d of Law 2408/1996). Community service is granted on condition that the person convicted requests or accepts the conversion. The sanction of community service has a rather short life and is still applied hesitantly in cases of adults. In cases of minors community service is enforced effectively, within the frame of educational measures and the wide discretionary powers of the juvenile court (art. 122 para 2 PC), without a concrete reference to the institution in the Juvenile Law.
- **Compensation orders** are not provided in the Greek penal sanction system. Decisions adjudicating indemnity for material damages and compensation for moral damage or pain and suffering to civil claimants are provided in the CPP (cf. supra 6.7.4.). The claims for material damages are usually referred to the civil proceedings, since they are often considered as not liquidated. By contrast, the adjudication of compensation for moral damage or pain and suffering is quite usual in practice.

- **Pecuniary penalties** are of two kinds: pecuniary penalties proper (circa USD 210.00 -21,000.00) and fines (circa 40.00 – 840.00). They are provided in the Greek PC and they are imposed directly in a minority of cases (about 3% of the sentences (see supra 2.3. and infra under 11, Table 8). However, the most commonly used penalty is that of conversion of custodial sentences into pecuniary ones. In fact, all custodial penalties not exceeding one year shall be converted into pecuniary penalties (art. 82 PC.) The court may also order the conversion of penalties up to three years, unless the defendant is a recidivist and the court is of the opinion that his /her incarceration is necessary for deterrence purposes. The conversion is effected by counting each day of imprisonment imposed for a certain sum determined by the court within a framework, according to the financial situation of the person convicted. In this way the conversion functions as a system of punishment having much in common with the institution of day-fines. The courts apply the institution of "conversion" in most cases, so that only 3% (circa) of the custodial sentences are served in prisons.(see infra under 11, Table 8).

The supplementary penalties include: (a) the deprivation of the civil rights, (b) the prohibition to exercise a profession for which a special permission of the authority is needed, (c) the publication of the sentencing decision. The expulsion of an alien criminal may also be a supplementary penalty (art. 74 PC as amended by a.1 Law 1941/1991). Furthermore, the withdrawal of a driving license is provided by arts. 103 and 106, of Law 2696/1999 (Code of Traffic Regulations) (However, this penalty is an administrative and not a penal sanction).

7.6. In case of **default of payment of a fine**, a distinction must be made between: (a) fines imposed from the beginning as such and (b) fines being the result of conversion of a custodial penalty into a pecuniary one. In the first case, a fine is considered as part of the public revenues and is collected as every other part of it. The coercive means applied are the usual ones provided in the law (e.g. seizure or attachment of the property, garnishment etc.), but they include also the (civil) arrest and detention (art. 2 Law 1867/1990).

By contrast, in case of the conversion of a custodial penalty into a pecuniary one, the PC art. 82 para 5 provides expressly that «...the custodial punishment is executed, until the whole of the pecuniary penalty or fine is paid. And in order to facilitate the understanding and application of this provision para 10 of art. 82 provides that «the custodial penalty which has been converted into a pecuniary one or into community service maintains its character as custodial penalty, even after the total or partial payment or service of the converted penalty.»

7.7. **Security measures** are imposed, irrespective of the imputability of the defen-

dant, in order to protect the public order., either as substitutes for main penalties for persons who are not criminally responsible or for persons criminally responsible in addition to penalties. The Greek Penal Code, in other words, provides for a bifurcated system of sanctions: a) penalties and b) security measures. The latter include:

- **Custody of offenders** in a state therapeutic institution. This measure is applied to convicts who due to a mental illness or deaf-muteness cannot be punished for a criminal offence they have committed but who are dangerous to the public safety (art. 69 PC).
- **Commitment of alcoholics and drug addicts** into a therapeutic institution (art. 71 PC).
- **Referral to a workhouse** (art. 72 PC) of offenders whose acts may be attributed to laziness or to a tendency towards vagrancy and irregular life. This provision is not applied in practice.
- **Other measures** are: the prohibition of residence in certain areas (art. 73 PC), the expulsion of alien criminals upon their release from prison (art. 74 PC), the confiscation of objects which are considered as dangerous to the public order, irrespective of the conviction of a certain person (art. 76 PC).

7.8. The Penal Code contains certain **general provisions on sentencing**. More specifically, the law specifies that the court shall fix the sentence within the limits set forth in the provisions of the Special Part of the PC or the special penal laws. The key article on sentencing is art. 79 PC, which provides that the court in sentencing must consider (i) the seriousness of the offence committed and (ii) the personality of the offender (art.79 para 1 PC). In particular, the court while determining the seriousness of the offence, shall examine: (a) the damage resulting from it or the danger it presented, (b) the quality, type and object of the offence, as well as all circumstances of time, place, method of commission and means, which attended its preparation and commission and (c) the intensity of intent or the degree of the negligence of the perpetrator.

In considering the personality of the offender, the court shall examine the degree of his/her criminal disposition as evidenced by the offence. Moreover, the court shall examine (a) the reasons and aim which prompted the offender to commit the act, (b) the character and level of psychological development of the offender, (c) his/her personal and social circumstances and life history, and (d) his/her conduct during and after the offence, including his/her remorse and his/her willingness for restitution.

Furthermore, art. 83 PC provides grounds of mitigation resulting in a tariff of penalties, applicable either when a special provision refers to that article (e.g. if the offence remained in the stage of attempt -art. 42 para 1 PC -) or if the offender was a simple accomplice (art. 47 para 1 PC).

7.9. **No specific sanctions or measures** are provided for certain types of offences. For example:

For **traffic violations** the administrative sanctions of withdrawal of the driving license of the driver and/or the circulation license of the automobile are provided (art. 103 paras 1 and 2 Code of Traffic Regulations). The policeman sanctions offenders of petty traffic violations by a fine equal to one half of the fine provided by the law. If the offender pays the fine imposed by the traffic policeman, no criminal prosecution is conducted. Otherwise, the case is prosecuted as a usual petty violation before the competent magistrate courts (art. 105 Code of Traffic Regulations).

Drug offences are punished by custodial sanctions, which are: (a) less severe for users, with possibilities to avoid punishment, if they are addicts and submit themselves to a detoxification program and (b) more severe for those involved in drug trafficking[11].

Firearm offences (possession of firearms) are punishable by imprisonment and pecuniary punishments (art. 7 and 10 of Law 2168/1993).

Environmental offences are also punishable by imprisonment (art. 28 Law 1650/1986).
Economic offences are of various categories, i.e. tax evasion, smuggling, bankruptcy, money laundering etc. They are all punishable by imprisonment and pecuniary punishments.

8. Conditional and/or Suspended Sentence and Probation

8.1. The institution of suspension of sentence is provided in articles 99 - 104 PC. Art. 99 sets up the requirements and the duration of the suspension of sentence in cases of a sentence not exceeding 2 years; art. 100 describes the requirements in cases of a sentence above 2 years but less than 3 years; art 100A refers to the suspension of sentence with supervision and enumerates the conditions and rules for the person under supervision and regulates revocation for technical violations (of rules); art. 101 refers to revocation of suspension due to revelation of a prior conviction and art. 102 concerns revocation due to an offence committed while the

[11] For more, see M.Mavris/C.D.Spinellis/P.Zagoura, Greece, in: Regulating European Drug Problems, Administrative Measures and Civil Law in the Control of Drug Trafficking, Nuisance and Use (N.Dorn ed.,) The Hague/London/Boston, 1999. pp. 159-180.

sentence is suspended; finally art. 103 provides for the effect of a foreign judgment and art. 104 for the judicial cost and the supplementary sanctions in case of suspension of a sentence.

8.2. Suspension of sentence without and with supervision is provided in the following cases:

8.2.1. **Mandatory suspension without supervision**: If an offender who has not been previously punished with a custodial sentence exceeding one month, is now punished with a sentence not exceeding 2 years of imprisonment, the court shall order the suspension of sentence for a definite period (3 - 5 years), unless the court decides that the execution of the custodial sentence is absolutely necessary for individual deterrence (art.99 PC).

8.2.2. **Discretionary suspension without supervision**: In cases where an offender is now punished with a sentence amounting to more than 2 and no less than 3 years of imprisonment, the court may order the suspension of sentence for the same definite period (3 - 5 years) (art. 100 PC). In this case the court considers, *inter alia*, (a) the circumstances under which the offence was committed, (b) the motives of the offender, (c) the offender's previous life and character, and (d) the necessity of the custodial sentence for purposes of individual deterrence.

8.2.3. **Discretionary suspension with supervision**: Such a suspension of sentence is possible, if (a) the requirements of the above mentioned arts. 99 and 100 are fulfilled and (b) the offender is now punished with more than 3 and less than 5 years of imprisonment. In this case the court may order the suspension of sentence on certain conditions and under the supervision and care of a probation officer for the same definite period (3 - 5 years) (art. 100A PC). However, suspension of sentence with supervision has not been applied until now due to the fact that the body of probation officers has not been instituted as yet. (see supra under 7.5.).

8.2.4. If an alien - who has not been granted political asylum by the Greek State - is punished with a main custodial sentence not exceeding 5 years and with a supplementary sentence of expulsion from the country, the court may order (a) the suspension of the custodial penalty for an indefinite period and (b) his/her immediate expulsion. The expelled person may enter the country only after the lapse of 5 years, and if the Minister of Justice permits it. If the said alien enters the country illegally, he/she shall be punished by imprisonment of 2 - 5 years and he/she shall also serve cumulatively the time of the suspended sentence (paras 2-4 of art.99 PC).

8.3. There is no possibility for a court to **suspend a sentence only in part.**

8.4. The **general condition of all suspended sentences** is that the convicted person does not commit a new offence during the period of suspension (3 - 5 years). Otherwise, he/she shall serve the suspended sentence cumulatively with the new one (art. 102 PC).

- Furthermore, in the case of the discretionary suspension of art. 100 PC, the court may set as a condition the prior payment of the judicial expenses and indemnity and compensation to the victim (art. 100 para 3 PC).
- Finally, in the case of suspension with supervision of art. 100A, the court may impose various conditions provided in the law (art. 100A para 2 PC). Such conditions are e.g. the prohibition to the sentenced person to leave his/her usual domicile without permission of the court, or to leave the country, combined with the delivery of his/her passport, or to report to an authority at certain regular dates. There are also conditions for which the consent of the convicted person is needed e.g. to subject himself/herself to a certain therapeutic treatment, to offer community service etc.

8.5. The probation officer supervises the **compliance with the conditions** and rules. Until the creation of a body of probation officers for adults, the law provides that supervision duties are exercised by the p.p. of the court which ordered the suspension under supervision (art. 100A para 8 PC) (see also supra under 7.5.).

8.6. If during the period of suspension, the convicted person is convicted again to a custodial sentence for an offence committed during that period, the **suspension is revoked** and the suspended sentence is executed after the new one. However, if the offence is not a serious one, the court may not revoke the suspension of sentence (art.102 para 1 PC.). If the convicted person violates the special conditions imposed on him/her, the court, upon an application of the competent p.p., decides whether the suspension shall be revoked or not (art. 100A para 5 PC).

8.7. A **probation service for minors** has existed since 1954 (Law 2793/1954 especially as amended by Law 378/1976). By contrast, such a service for adults, although provided by art. 100A PC introduced by Law 1941/1991 has not been created as yet. Therefore, the law provides that, until the creation of a body of probation officers for adults, supervision duties are exercised by the p.p. of the court which ordered the suspension under supervision (art. 100a para 8 PC) (see supra under 7.5.).

8.8. According to art. 100A para 4 PC, **the probation officer supervises** the fulfillment of the conditions imposed to the convicted person and submits every three months a report to the competent p.p. In the same way he/she reports every violati-

on of conditions and rules. However, this body of officers for adults does not function yet (see supra 7.5.).

8.9. There are **no volunteers** engaged in probationary activities, in spite of the fact that the institution of probation service for juvenile delinquents, at its initial stages, had functioned with volunteers only.

9. The Prison System and After-Care of Prisoners

9.1. Organization of the prison system

9.1.1. The Greek prison system includes 27 institutions of various kinds, dispersed all over the country; all run by the central government: **the Ministry of Justice**. As of 1 August 1999 in the prison system 7,538 inmates (adults and minors) were detained, while the available places were 4,543 only (see also Table 4 under 9.1.5).

9.1.2. The main **lines of the organization** of the prison administration include: (a) a Director (Warden), (b) a social work service, (c) a health service including a medical doctor, a dentist, a psychologist, nurses etc., (d) an administration or secretariat, (e) a number of correctional officers (guards) supervised by a chief correctional officer and (f) the necessary technicians and other staff[12]. Prison institutions are administered by Directors who are accountable to the Direction of Crime Prevention and Correctional Treatment of Minors or the Direction of Correctional Treatment of Adults, of the Ministry of Justice (Presidential Decree 278/1988, re: Organization of the Ministry of Justice). The Health and Social Work staff is accountable to the relevant Direction of the Ministry of Justice. Teachers and other educational personnel are provided by the Ministry of Education and are accountable to the relevant Direction of the said Ministry. Certain institutions are staffed with additional specialized personnel, e.g. the Psychiatric Hospital for Inmates with psychiatrists and other necessary staff, the Agricultural Prisons with specialists in agriculture and animal breeding etc.[13]

The execution of sanctions, the protection of the rights of detainees and in general the immediate supervision of prison rests with the "public prosecutor for the execution of sentence", i.e. the p.p. at the court in the area of which a particular prison is situated. The functions of this p.p. include (a) all decisions on the prison conditions, the rights, the complaints and the appeals against disciplinary punishments

[12] See esp. Decision of the Minister of Justice no. 3400 of 12 February 1992.
[13] Ibid.

imposed on inmates. and (b) other duties delegated to him/her by the CBRTD and the other laws (Art. 572 CPP, see also 9.1.7).

As of 1995 two full-time p.ps for the execution of sentence (the main prosecutor and his/her substitute) is assigned to each of the four largest prisons of the country [Athens/Piraeus "Korydallos" (capacity: 640), Thessaloniki (capacity: 370), Larissa (capacity 363) and Patra (capacity: 343)] are assigned. (Art. 572 para 2 CPP). All these p.ps are hierarchically accountable to the Public Prosecutor of the Supreme Court and to the Minister of Justice.

Detainees are only deprived of their freedom of movement; hence they may exercise in person or by a representative all their remaining rights (art.5 para 1 CBRTD). For instance, the right to petition to the correctional authorities and subsequently to the court of the execution of sentence in case of alleged violation of their rights (art.5 para 2 CBRTD), the right to ask for a medical doctor of their choice in case they start a hunger strike (art. 34 CBRTD), the right to wear their own cloths (art. 36 CBRTD), the right to vote (art. 3 para 9, Law 2508/1996 and Decision of the Minister of Justice no 5162/1996 regulating the right of inmates to vote).

9.1.3. As of 1995, in principle, **responsible for the development of prison policy** is the Central Scientific Council of Prisons (KESF). This Council operates within the Ministry of Justice and is constituted by persons distinguished in the field of corrections and human rights as well as by high rank officials of the said Ministry (art. 7, Law 2298/1995). More specifically the Council is responsible for making recommendations to the Minister of Justice on (a) the correctional policy as a whole, (b) the measures to be taken for the improvement of the conditions of functioning of the institutions of detention and (c) the protection of the rights of detainees. However, in practice, the Minister of Justice with his four special advisers and an *ad hoc* law drafting committee (when there is a need for legislative interventions) usually operate without asking the opinion of the Central Scientific Council of Prisons. Moreover, only rarely the Council's recommendations are taken into consideration. This dysfunction of the Council is, *inter alia*, attributed to the fact that its recommendations often presuppose expenditures, and research and evaluation of measures to be taken. The short and difficult life of the Council has, however, already assisted the Administration of the Ministry to apply the provisions on the institution of community service, which now functions to some extent. (see above 7.5.)

On the other hand, it should be pointed out that recently the Greek Parliament was involved in drafting correctional policy through a special inter-party committee, which was called upon to study the prison problem and propose solutions to it. The Ministry of Justice seriously took certain of the recommendations into account.

9.1.4. The **execution of sentences and fines** is basically regulated by the Code of Basic Rules for the Treatment of Detainees, enacted by the Law 1851/1989) (CBRTD) and is effective as of 1 January 1990. Since then the CBRTD has been amended a number of times.

The ideological orientation of the CBRTD mainly draws from the Greek Constitution of 1975, the Rome European Human Rights Convention of 1950 (ratified by L.D.53/1974), the Standard Minimum Rules for the Treatment of Prisoners of the Council of Europe of 1973 and 1986 and to a lesser extent from the European Prison Rules[14] - since these were not available at the time when the drafters started this task -and from those of the United Nations of 1955, the Declaration of Human Rights of the United Nations of 1948 and other international documents. The drafters also have focused their work on the realities of the Greek prison system and the available means of the Greek government as well as the cultural specificity of the country.[15] The CBRTD consists of 15 chapters and 123 articles. Another key instrument for the fair and humane execution of sentences has been proven to be the U.N. Convention against the Use of Torture and other means of Cruel, Inhuman or Degrading Treatment or Punishment of 10 December1984 (ratified by Law 1782/1988) and the Council of Europe Convention for the Prevention of Torture and the inhuman or Degrading Treatment or Punishment (ratified by Law 1949/1991).

The CBRTD does not deal with the execution of fines. There is only one article stating that those detained because they are fine defectors or they have not paid the judicial costs are kept separately from the other inmates and they are not submitted to other restrictions, except for their deprivation of liberty.

9.1.5. In theory, the Greek prison system consists of (a) general institutions of detention and (b) special institutions. The general institutions are distinguished in type A institutions (for pre-trial detention, people detained for debts and inmates convicted to short term imprisonment) and type B ones (for the remaining inmates). Women are kept in separate institutions or in separate sections of the main male institution. The special institutions include the institutions for juveniles, the semi-open prisons etc. (art. 18 CBRTD).

In practice, the Statistical Office of the Ministry of Justice distinguishes five cate-

[14] Recommendation no.R (87) 3

[15] For more on the CBRTD see C.D.Spinellis, Human Rights in Greek Prisons, in: International Penal and Penitentiary Foundation, Human Rights and Penal Detention, (P.-H. Bolle ed.,) Proceedings of the Seventh International IPPF Colloquium, Neuchatel/Switzerland, 3-7 October 1992, pp. 53-68.

gories of institutions of detention: a) three semi-open agricultural prisons b) three correctional institutions for minors c) six closed prisons one of them for females, d) two therapeutic institutions - third one to treat drug addict inmates will operate soon- and e) thirteen judicial[16] (temporary prisons), all of **them being closed** except for one which houses inmates working in the bakery institution which delivers bread to a number of hospitals in the greater Athens area (see Table 4).

Officially, no distinction is made between high-security and low-security prisons. All closed prisons are relatively secure. However, gradually an internal classification has been created. Thus, in the prison of Patras mostly sentences for drug violation are executed, in the prison of Kerkyra (Corfu) long-term sentences etc. The agricultural prisons, on the other hand, are open prisons, even if they are not classified as such; the inmates every morning leave the prison premises and work in the fields or they take care of sheep, cows, pigs, etc. which are free in pasturing-grounds.

TABLE 4
The Greek prison system (1 August 1999)

Prisons	Capacity	No. of Inmates
Agricultural Prisons		
Agya	146	139
Kassandra	300	262
Tyrintha	200	249
Correctional Institutions for Minors		
Avlona	150	279
Kassavetia	250	149
Volos for Minors	65	137
Closed Prisons		
Alikarnassos	105	279
Kerkyra	115	161
Patra	343	652
Trikala	125	173
Chalkida	120	203
Korydalos for Females	270	328
Therapeutic Institutions		
Prevantorium	100	175

[16] A judicial prison, in principle, is a prison for inmates awaiting trial. These inmates are either on remand or they are to be tried on appeal or they are convicted for one offence and they are on remand for a second. They are usually transferred from closed or agricultural prisons. In practice, judicial prisons often accommodate inmates serving long term imprisonment.

Psychiatric Hospital	160	206
Judicial Prisons		
Thessaloniki	370	540
Ioannina	80	203
Komotini	105	162
Korydallos for men	640	1843
Kos	45	108
Larissa	363	636
Nafplio	80	163
Neapolis	45	107
Tripolis	65	96
Chania	67	114
Chios	100	118
Korinthos	35	20
Bakery Prison	38	41
TOTAL	**4,543**	**7,538**

Source: Ministry of Justice: Direction of Correctional Treatment for Adults (Unpublished data).

9.1.6. The **juvenile prison system** presently consists of three institutions, all of them for males. Two of them for boys, 13 to 21 years of age, who serve a sentence (art.127 PC), and one of them for younger boys to whom educational measures have been imposed (art. 122 PC, see also supra under 5.3.). There are no institutions for female juvenile delinquents as of 1998. The existing one has been abolished because the cost was high and the benefit almost null. The few, very young female detainees have been transferred to welfare institutions. At the present time the juvenile court judges are using non-custodial measures, and in the rare cases (usually no more than 5) in which a custodial sanction has to be pronounced, a special section of the Korydallos prison for women is used. A new institution for both boys and girls, 13-18 years, has already been designed and it will be built soon.

9.1.7. The **placement of prisoners** is within the competence of the penal court, which imposes the penalty of deprivation of liberty. Subsequently, on the basis of a list classifying prisons and vacancies communicated by the Ministry of Justice to all courts of the country, the p.p. for the execution of sentences assigns the convicted person to a particular prison. In the rare cases in which the Warden cannot accept a particular convicted person in his/her institution, the Secretary General of the Ministry of Justice decides on the matter. Often certain detainees wish to be transferred to another institution. In this case, they make a petition to a three member Committee on Transfers (KEM) operating within the Ministry of Justice. The

Committee makes its decision on the basis of written guidelines[17].

9.1.8. Old prisons are built in order to accommodate **two or more prisoners per cell**. The new ones that are being built follow the "one prisoner per cell policy". However, the system allows two in a cell due to prison overcrowding.[18] (see also Table 7). Inmates are free to move around inside the section of the prison to which they are assigned. During certain hours and at night they are locked in their cells. In each prison 2-3 single cells are reserved for solitary confinement of inmates who create disciplinary problems.

9.1.9. Greek penal establishments as a rule follow a regime free of compulsory tasks. **Educational, recreational activities or vocational training** and sensitization groups for drug dependents, and especially work inside the prison, are provided on a voluntary basis. This is due to the fact that the Greek Constitution, which prevails over the European Convention for the Protection of Human Rights and Fundamental Freedoms, prohibits forced or compulsory labor. Our Constitution in art.22 para 3 does not include a provision similar to that of art 4 para 3a of the said Convention, stating that forced labor does not include work required to be done in the ordinary course of prison detention[19]. Hence, Greek correctional policy aims at motivating inmates to follow working regimes and educational programs by providing incentives. The most important incentive is the counting of one day of work as 2 or 1 1/2 days of imprisonment, depending on the type of work. This means that if a person is convicted to 6 years of imprisonment and if he/she works during all this period, he/she may complete this sentence within 3 years. This privilege also exists for the persons detained awaiting trial. Parenthetically, it should be reminded that since 1996 pre-trial detention is the exception. It may only be imposed for people that have allegedly committed a felony and even felons are detained under certain conditions only. (see also supra 6.2.2.)

9.1.10. A **prisoner may work or pursue education outside of prison** under cer-

[17] The three members are: The President of the Central Scientific Council for Prisons, a public prosecutor of the Athens Court of Appeals and the Director of Penitentiary Affairs of the Ministry.

[18] See , C.D.Spinellis, Attacking Prison Overcrowding in Greece: A Task of Sysiphus? In: Internationale Perspektiven in Kriminologie und Strafrecht, Festschrift fuer Guenther Kaiser zum 70.Geburtstag, (H.-J.Albrecht/F.Duenkel/H.J.Kerner/J.Kuerzinger/H.Schoech/K. Sessar/B.Villmow hrsg.), Berlin, 1998, pp. 1273-1289.

[19] Cf. Y. Panoussis/Y.Lixouriotis/S.Koutsoubinas, Aspects juridiques du travail obligatoire dans les prisons helleniques. Une premiere approche interdisciplinaire, Athenes/Komotini, 1994.

tain conditions. In the first place the regime of furloughs[20] allows inmates to leave the prison premises certain hours in order to follow an educational program under certain conditions (educational furloughs). In order for such a furlough to be granted: (a) no prosecution for escape from prison or for any other offence committed either before or after their detention should be pending, (b) the inmates should be in prison when they are not in an educational institution, and (c) details concerning the educational program to be followed should be clearly stated in the decision of the special furlough committee, e.g. the educational institution to be attended, days and hours of absence from prison etc. (art. 56 CBRTD).

Education outside the prison in fact has worked satisfactorily especially with young inmates who started or continued university education. Young inmates are even granted scholarships to meet their expenses, and older ones are getting by the prison administration some "pocket money".

Work outside prison, is possible only in the agricultural prisons[21]. (see supra Table 4). The provisions regulating semi-closed institutions where working outside is a must (art. 58-60 CBRTD) have been suspended, due to insufficient economic resources.

9.1.11. Under Greek law (art. 52 CBRTD) **furloughs** are an essential part of the execution of custodial sentences. There exist three kinds of furloughs: regular, exceptional and educational. Regular furloughs aim at the humanization of the treatment of detainees and their social re-integration. In the rare cases, when the conditions required by law for regular furloughs are not satisfied but there is a proven and cogent need for a leave of absence from prison, an exceptional furlough may be granted by the p.p. of the execution of punishment. Exceptional furloughs may last a few hours only and the detainee is constantly escorted. Finally, detainees who wish to complete their primary, secondary or tertiary education or technical or occupational training may be granted an educational furlough. (see supra under 9.1.10).

The institution of furloughs started with carefully drafted, rather conservative provisions in 1989. Gradually, with consecutive amendments[22] the conditions under which a regular furlough can be granted have been liberalized in most of the cases. Yet, in certain cases they have been restricted (e.g. a new regular or educational

[20] For more, see Kalliope Spinellis/Dionysios Spinellis, Urlaub aus der Haft: Seine Entwicklung und Anwendung in Griechenland, Festschrift fuer Guenter Bemmann (J.Schultz/T.Vormbaum,Hrsg., Baden-Baden, 1997, pp. 694-722.
[21] See, Cotsianos, S. Les Penitentiaires Agricoles (These), Paris, 1948.
[22] E.g. art.21 of Law 2331/1995, art. 10 of Law 2298/1995, art.3 of Law 2408/1996, art.3 of Law 2479/1997 and art. 22 of Law of 2521/1998.

furlough cannot be granted for a period of 2 years to detainees who did not return to prison upon the end of the period of their furlough or upon revocation of it).

Regular **furloughs** are granted on the following **conditions**:

a) In principle, the convicted persons should have served 1/5 of the imposed sentence and at least three months of it. However, in cases of life imprisonment the detainees should have served at least 8 years and in cases of adolescents or young adults, they should have served 1/3 of the imposed minimum period of correctional treatment. (This type of sentence is partially indeterminate and the court sets a minimum and maximum period.)
b) A penal prosecution for a felony should not be pending against the convicted person.
c) The five member Furlough Granting Committee consisting of the public prosecutor, the prison warden, the psychologist, the special scientist and the senior social worker of the prison, who makes recommendations, estimates that there is no risk of either escape or commission of offences.

9.1.12. **Absconding from prison** is considered an offence. According to art.173 PC, any detained person absconding from prison shall be punished by imprisonment of 10 days up to one year. It should be noted that almost half of the cases of absconding consist in not returning from a furlough or returning at a later date than the one prescribed.

9.1.13. Before the 90's less than 3% of the prison population were aliens. Approaching the year 2000 the Greek prison system contains over 40% (3,338 or 44.4% out of a total of 7,511 on 1 July 1999) of **aliens,** mostly Albanians, Rumanians, nationals from the former Yugoslavia or the former USSR, Turkey, Syria, Iraq, etc.

TABLE 5
Changes in the alien prison population (1993-1999)

	1993	1994	1995	1996	1997	1998	1999
Total	7,135	6,884	5,695	5,897	6,075	6,150	7,511
Aliens	1,650	1,560	-	1,720	2,338	-	3,338
	(23.1%)	(22.6%)	(-)	(29.1%)	(38.4%)	(-)	(44.4%)

Source: Unpublished data of Ministry of Justice. Data refer to 1 December for the years 1993 and 1997. For the years 1994,1995, 1996 and 1998 data refer to I January and for 1999 data refer to 1 July.

9.1.14. Given the fact that nearly 50% of the inmates are aliens, one would expect that the issue of prison overpopulation could have been considerably alleviated by the signing and ratification of the **Convention on the Transfer of Sentenced Per-**

sons (Strasbourg, 1983). This Convention was ratified by Law 1708/1987 and entered into force, as of 1 April 1988; however, due to the required consent of the sentenced person has not changed the picture dramatically.(see infra 9.2.1.)

9.2. Conditional release (parole), pardon and after care

9.2.1. The Convention on the Transfer of Sentenced Persons did not find among foreign convicted persons a positive response. The overwhelming majority would prefer to remain in Greek prisons than be transferred to prisons of their home country. Thus crowded conditions did not improve. A population reduction policy through front door and back door strategies was the next option. Both the Penal Code and the CBRTD include provisions facilitating the **conditional release** with and without supervision and consecutive amendments have changed conditional release to an early almost unconditional release.
Conditional release with supervision (and suspension of sentence with supervision) has remained in the books. The enactment of Law 1941/1991 which provided for the creation of a service of "supervisors/assistants for sentenced adults" - a body of probation officers for adults, has not been established so far (see supra 7.5. and 8.8); therefore, there is no supervision. Moreover, conditional release is mandatory, unless the court with a specific reasoning based on the behavior of the inmate during custody, considers the continuation of custody absolutely necessary (art. 106 para 1 PC). Furthermore, art.110, para 2 states that the Prison Directorate is not required to justify its decisions for early release of convicts. By contrast, it has to justify its decision to deny conditional release after the laps of the required minimum period of custody.

9.2.2. According to art. 105 PC the **requirements for conditional release** (without supervision) are as follows:

a) the persons convicted to a custodial sentence should have served 3/5 of their sentence and no less than a year (if the convicts are more than 70 years old they should have served 2/5 of their sentence), and
b) the persons convicted to a life sentence should have served 20 years (if the convicts are more than 70 years old they should have served 18 years of their sentence).

It should be noted that the decision, which imposes a custodial sanction, is not required to be irrevocable.

9.2.3. Certain **conditions are attached to conditional release**. These conditions concern the place of residence and the way of life of the conditionally released inmates. Usually they are required to present themselves twice a month to the police station nearest to their residence.

9.2.4. **Conditional release is granted by the competent court** (the so-called judicial council of misdemeanors) of the place where the custodial sentence is served. The person whose release is considered appears personally or is represented by an attorney.

The proceedings are initiated by a petition of the prison directorate submitted one month before the time of maximum stay in prison expires. A report of the prison social worker is required in the exceptional cases where a person is not recommended for early release (art. 110 PC).

9.2.5. Conditional release is, for the time being, without supervision. Hence, police is supervising compliance with conditions, to the extent that this is possible.
9.2.6. Conditional release may be revoked for two reasons: either because of commission of an offense (art.108 PC) or because of **breach of the conditions** ("technical violation" of art.107 PC). In case of revocation, conditionally released persons return to prison to continue their sentences (art. 108 PC).

9.2.7. **Amnesty and pardon** are two different institutions. According to art. 47 paras 3 and 4 of the Constitution, amnesty is granted only for political offenses by law passed in a plenary session of the Parliament with a majority of the 3/5 of the total number of its members. It extinguishes the punishable character of these offenses on the basis of general criteria, concerning the offenses and not individual circumstances of the perpetrator(s). By contrast, the pardon requires a decision of the President of the Republic on recommendation by the Minister of Justice and after consulting with a council composed in its majority of judges, by which sentences against certain perpetrators may be pardoned, commuted or reduced.

9.2.8. and 9.2.9. A number of institutions are involved in after-care:

- The Societies for Released Prisoners (Law of 869/1937 and Royal Decree of 5/19.04.1938) which, grant an almost symbolic economic assistance.
- The Organization of Employment of the Labor Force (OAED). This is the most important institution because it: (a) provides economic assistance to unemployed ex-prisoners, (b) organizes programs of vocational training, (c) subsidizes employers who are employing ex-prisoners, (d) assists ex-prisoners to start their own small business and become self-employed, etc.23
- Vocational training and support through the assistance of the Social Fund of the EU are offered by the Law Schools of various Universities. For instance, in Athens the Center for Penal and Criminological Research and the Legal and Social Aid Clinic. In Thessaloniki the Bureau of Acceptance and Support of

[23] See esp. circulars of OAED no 99043 of 23/9/1985 and 91453 of 11/10/1994.

Released Persons, etc.

- Additional services are provided by various institutions such as, the General Secretariat of Lay Education, the National Organization of Welfare, the Municipalities of Athens and of other cities, certain technical institutions, etc.

Housing and long term-counseling services are usually not provided.

10. Plans for Reform

10.1. Globalization of the economy and the social life in general brought about qualitative and quantitative changes in the Greek crime scene. Greece is meeting these new challenges - and quite often problems - with initiatives stimulated by European or international conventions, Directives of the European Union and Recommendations on crime and criminal justice of the Council of Europe and the United Nations. The criminal justice system during the last decade is undergoing consecutive legislative and structural changes. Therefore, **plans for reform** are in process. It is worth mentioning:

- The Draft Code of Penal Procedure. A drafting legislative committee of the Ministry of Justice is re-examining a first draft prepared in 1996 in the light of comments made by various Law Schools of the country, the Bar Association, the Associations of Public Prosecutors and Judges etc.
- The Draft Law on the establishment of Units for Care of Juveniles. This legislation provides for the re-orientation of the treatment of juvenile delinquents and young persons at social risk (offenders and victims) in the light of the UN Convention on the Rights of the Child (Law 2101/1992), the UN Rules for the Protection of Juveniles Deprived of their Liberty (General Assembly decision 45/113), the Riyadh Guidelines (General Assembly decision 40/112), the Beijing Rules (General Assembly decision 40/33) and a number of relevant recommendations of the Council of Europe.
- The Draft Code of Corrections. A drafting committee of the Ministry of Justice
- the sixth one for the same Code - is re-examining the aforementioned Code which is going to replace the CBRTD.
- The Draft on the establishment of an Institute on Crime Policy of the Ministry of Public Order is under consideration by a committee of experts - mainly professors of Criminology. It is expected that it will soon materialize.
- The body of supervisors (probation officers) of adults under suspension of sentence, executing community sanctions or released under conditions will be created, as it is provided already by law 1941/1991 (see supra 8.7. and 9.5).
- The restructuring of the police forces: A) With respect to education: Police Academy (art. 3 of Law 2296/1994) has acquired the status of university level, providing four year studies and students being accepted through general examinations as all other University students. A graduate training will be soon provi-

ded within the Universities. B) With respect to policing: a) foot patrols will be increased and partnership in crime control is expected to be encouraged; b) a special body of frontier guards has been created and will be further developed by hiring more guards; c) the local government will soon have its own police. And the Greek Police will transfer certain of its competencies (e.g. violation of provisions concerning public nuisance, hours of operation of recreation shops, pollution etc.) to the municipal police. C) With respect to computerization: Police is increasingly using electronic and other technological advanced equipment and devices for clearing up crime suspects, for neutralizing bombs of terrorists, for statistical purposes etc.

- The development of local government will encourage the creation of local Crime Prevention Councils. Already a couple of municipalities introduced the institution of such councils.
- The emphasis on victims which has been stimulated by activities of Greek professional associations of penal law scholars echoing policies and recommendations of the United Nations and the Council of Europe.
- A number of international documents has been signed and their ratification is envisaged, such as of the European Convention on the International Validity of Criminal Judgements, the European Convention on the Transfer of Proceedings in Criminal Matters and others.

10.2. There is a **tendency to reduce the use of imprisonment and/or to expand the use of non-custodial sanctions. Primarily imprisonment is converted into financial penalty**. Some years ago, conversion was possible only for sentences up to 18 months; an amendment changed 18 months to 24 months in the first place, and now to 3 years. Thus, at present time almost all sentences of imprisonment up to three years can be converted into fines. The emphasis on non-custodial sanctions and measures is the result of relevant recommendations of international organizations and pressures created by prison overcrowding. However, the materialization of such reforms has encountered difficulties mainly due to the fact that financial resources have not been found for the institution of supervisors (probation officers) of adult offenders whose sentence has been suspended or who are ready for early release. Hence, suspension of sentence without supervision and conversion of custodial penalties into pecuniary ones are still the most usual alternatives to custodial sentences.

10.3. There is a **tendency towards both penalization** (increasing penalties) **and criminalization** (creating new crimes)[24]. Sentences provided for certain offences such as drug trafficking in schools, military installations etc. or for certain violent offences have been increased. Furthermore, a few new offences e.g. torture as

[24] See, also, *N. Courakis*, Crime in modern-day Greece, an overview, in: Chroniques, v.8, December 1993, pp.61 et seq., and esp. p.76.

such, certain forms of tax evasion, environmental offences, computer crime and money-laundering have been created in the last two decades. This tendency was the result either of international influence or of a belief in general and specific deterrence. There has not been any real evaluation of such penal reforms. In certain cases the courts have found ways and means to apply such legislation reluctantly (e.g. torture) or attorneys have succeeded in convincing the courts that their clients committed a lesser offence and not the one for which they were indicted (e.g. drug trafficking or money laundering).

10.4. In view of the wide possibilities granted to the victims under the CPP, (see supra under 6.7.) there is no significant tendency to increase the **support provided to victims** of offenses. Most of the resolutions of the Second Congress (1989) of the Greek Association of Penal Law on the position of the victim in the criminal justice system concerned the correct application of the existing provisions.

11. Statistics and Research Results on Crime and Criminal Justice

11.1. Greece in the 90's seems to have lost the last elements of a *Gemeinschaft* society. Anonymity, heterogeneity and urbanization are constantly increasing while informal controls are decreasing and formal controls are not effective. Thus, the picture of criminality in Greece as it is depicted through crime statistics - with their inherent limitations - is a picture of rising crime rates, especially in particular offences (see Table 6). More specifically: Between the years 1988 and 1998, while the total crimes (not the total of suspected offenders) reported by the Police presented an increase less than 25%, there was a trend of dramatic increase in particular offences e.g. drug offences (which increased by more than 300%), robberies (which increased by almost 200%), and thefts as well as homicides (which increased by approximately 100%). Looking in the differences between the years 1997 and 1998, robberies and drug offences seem to be the great social problem, while homicides present a small decrease (-1.7%). Bodily injuries increased more between the years 1997 and 1998 (5.5%) than between 1988 and 1998 (3.6). Drugs and (more or less) organized crime of clandestine immigration and exploitation of women became a social issue after 1990.

Due to the quantitative and qualitative changes in criminality after the 90's the clearance rate has dropped from 58.4% for felonies and 90.4% for misdemeanors in 1987 to 45.9% for felonies and 77.4% for misdemeanors in 1997 (1997 is the last year with published, available data). The worst year for felonies has been, however, 1995 with a clearance rate of 38.7% for felonies, which have always presented a

problem.

It appears that the whole criminal justice system was not prepared to receive the abrupt changes in criminality. Police seems to have responded more effectively than the subsystem of courts. This lagging behind of the court system is especially reflected in conviction statistics which, *inter alia*, face a special problem: the computerization of the court system has started to be applied but the old system (punching IBM cards) is still being used unsuccessfully due to this transitional situation. Thus there are no recent statistics on convicted offenders and on sanctions available. This explains the emphasis on the years 1990-1995 in the Tables which follow.

The statistics of **convicted offenders** are in discordance with the statistics of cases reported to the Police. This is probably due to the fact that the court system cannot keep pace with the input of criminality and the output of the police system. After the 90's a considerable court delay is creating bottlenecks and *vice versa*.

The provisions on sentences and hence, sentencing practices are quite peculiar under the Greek criminal justice system. The basic sentence is imprisonment. This sentence, however, is by law converted into non-custodial sentences in the overwhelming majority of cases. Non-custodial sentences are pecuniary penalty or fines, community sentence and suspension of sentence with supervision (The last two non-custodial sentences are either not applicable or applicable in extremely rare cases). The situation more or less remains the same over the years with one exception: the legislative amendments which aim at increasing the month-limit (from 12 to 18 months and then to 24 and now to 3 years) that allows for conversion of imprisonment to a non-custodial pecuniary penalty. Therefore, the **trend is for use of imprisonment**, which is subsequently converted. Thus, finally more than 96% of the offenders are convicted to a non-custodial sanction (see Table 8). Conversion is getting more offenders out of prisons (73%) than what suspension of sentence without supervision (19.5%) or fines imposed as such (3%) do.

Despite the ample use of the institution of conversion on the one hand, and of conditional release on the other, **prison population** is increasing. Additional measures, which have been taken (e.g. early conditional release, release of people serving life imprisonment after serving 16 years of incarceration etc.), have not affected prison overcrowding in the long run[25]. (see Table 3 supra and Table 9 infra)

[25] C.D. Spinellis, Attacking prison overcrowding in Greece: A task of Sisyphus? In: Festschrift fur Guenther Kaiser zum 70. Geburtstag (H.-J. Albrecht, F.Duenkel, H.J.Kerner, J.Kuerzinger, H.Schoech, K.Sessar, B.Villmow, Hhrsg.) Internationale Perspektiven in Kriminologie und Strafrecht, Berlin 1998, pp. 1273-1289.

What is most interesting is that prison population is increasing faster (+60.0 % change between 1985 and 1995) than cases on reported offences by police (+12.9%), while cases on convicted offenders are even decreasing (-20.4%), probably due to court delay.

The trend of prison population increase observed is the result not only of enforcement of non-custodial sanctions but also of the qualitative changes which are occurring in the committed crime (most serious offences for which longer sentences are imposed) and involvement of alien population in crimes (see Table 11 infra).

Finally, the prison situation and the characteristics of prison population are eloquently described in Table 11.

11.2. The state's responses to the abrupt social and crime changes since 1990 are continuous. Personnel and resources of the criminal justice system are constantly increasing. The same is also true with respect of selection , hiring and education of police personnel, members of the judiciary - public prosecutors included – and correctional staff. However, the number of prosecutors and correctional staff is still low[26].

[26] For more see chapter on Greece, in : K.Kangaspunta, M.Joutsen, N.Ollus, S.Nevala (eds.),Profiles of Criminal Justice Systems in Europe and North America 1990-1994, pp.193 et seq.,and esp.pp.200 and 203.

TABLE 6
Crimes reported by the police (1988-1998)

Years	Total	Homicide	Bodily injury [Assault]	Thefts	Robberies	Drug offences
1988	311179	176	6698	42501	657	1557
1989	287177	184	6559	43087	840	1750
1990	330803	204	6610	45324	1102	1968
1991	358998	231	6938	51591	1207	2020
1992	379652	261	6817	50626	1519	2024
1993	358503	254	7022	54181	1505	1577
1994	303311	264	7566	57349	1257	1837
1995	329110	285	6859	74236	1600	2930
1996	349476	318	6470	76197	1487	4272
1997	377811	350	6582	85070	1967	5970
1998	385681	344	6945	85207	2254	6574
% Change 1988-98	+23.9	+95.4	+3.6	+100.4	+243.0	+322.2
% Change 1997-98	+2.0	-1.7	+5.5	+0.1	+14.5	+10.1

Source: Hellenic Police, Statistical Yearbooks of respective years. Ministry of Public Order.

Notes on the Table:
For definitions of offences see section 5.9. However, for statistical purposes some general comments are noted below:

- Police statistics include non-cleared up cases as well.
- **"Total"** does not refer to the total of the selected five offences. It refers to the total number of violations of the Penal Code and the Special Penal Laws.
- **"Homicide"** includes intentional homicide (completed and attempts).
- **"Thefts"** include all types of theft. The category of "thefts" includes both misdemanors and felonies.
- **"Robbery"** includes all cases of robbery e.g. bank or store robberies as well as those cases of purse snatching with the use of violence which are not considered "theft". All robberies are felonies.
- **"Assault"** is not provided by the Penal Code (see above 5.9). In Police statistics there is a category of bodily injury, which excludes bodily injury due to a traffic accident by negligence, and "simple bodily injury"" by negligence. Bodily injury is a misdemeanor.
- **"Drug offences"** include all drug violations (from use and possession or cultivation of cannabis to heroine trafficking).

TABLE 7
Convicted individuals 1990-1995

Years	Total	Homicide	Bodily injury [Assault]	Thefts	Robberies	Drug offences
1990	**109190**	**42**	**3816**	**3235**	**48**	**952**
1991	112203	35	2937	3336	53	1057
1992	107567	49	3101	3171	84	1151
1993	92427	46	4630	2773	84	1156
1994	83818	51	2779	2679	88	872
1995	**85909**	**79**	**3344**	**3238**	**203**	**1569**
% Change 1990-1995	-21.3	+88.0	-12.3	+0.1	+322.9	+58.5

Source: Hellenic Statistical Service, Judicial Statistics of the respective years.

TABLE 8
Convicted individuals in the year 1995

Imprisonment up to1year (usually converted)	77,978	(73.03%)
Suspension of sentence	20,856	(19.53%)
Imprisonment 1-5 years	4,175	(3.91%)
Pecuniary sentence (imposed as such)	3,275	(3.06%)
Temporary incarceration	438	(0.41%)
Life incarceration	37	(0.03%)
Unknown sentence	6	(0.00%)
TOTAL	106,765	(100%)

Source: Hellenic Statistical Service, Judicial Statistics,1995.

TABLE 9

Police, Court and Prison Statistics (1984-1998)

Years	Police	Court	Prison
1984	352,488	113,988	3,766
1985	**291,355**	**108,011**	**3,559**
1986	294,300	123,858	3,478
1987	303,182	140,403	3,873
1988	311,179	132,295	3,938
1989	287,177	108,983	4,274
1990	330,803	109,190	4,582
1991	358,998	112,203	5,255
1992	379,652	107,564	5,275
1993	358,503	92,427	6,555
1994	303,311	83,818	6,884
1995	**329,110**	**85,909**	**5,695**
1996	349,476	-	5,897
1997	377,871	-	6,075
1998	326,786	-	6,150
1999	-	-	7,511
% change 1985-1995	+12.9	-20.4	+60.0

Sources: National Statistical Service of Greece, Judicial Statistics, years 1984-1994. For prison statistics, unpublished data of the Ministry of Justice referring to 1 January of each year, with exception of 1997 data referring to 1 July.

TABLE 10

Prison population and prison rate per 100,000 inhabitants for selected years

YEARS	PRISON POPULATION	
	Total	Per 100,000
1970	3,192	40.9
1980	3,016	36.6
1990	4,582	49.2
1997*	6,075	62.2
1999**	7,538	71.7

Source: Unpublished data of the Ministry of Justice.

* December 1997

** August 1999

TABLE 11
Characteristics on prison population (1 July 1997)

Prison capacity		4,542
Total number of detainees*		7,511
Pre-trial detainees		2,333
Alien detainees		3,388
Female detainees		326
Minors detained		640
Detained for drug law violations		2,731
Convicted :	death penalty** (4 Junta colonels)	6
	life incarceration	433
	5-10 years incarceration	1,518
	10-15 years incarceration	871
	15 years incarceration and above	776
	up to 6 months imprisonment***	211
	6 months to 1 year imprisonment***	29
	1-2 years imprisonment ***	266
	2- 5 years imprisonment	705
Detained for debts to the state		11

Source: Unpublished data of the Ministry of Justice.

* The total does not refer to the categories listed due to overlapping of categories i.e. a person detained for drug violations may also be counted as a pre-trial detainee, as a foreigner and female.

** Death penalty has been converted into life incarceration.

*** Those cases of imprisonment have not been converted: either because they are exempted from conversion or because the convicts prefer not to convert their sentence into pecuniary penalty or they do not posses the required amount of money.

Selected Bibliography in Languages other than Greek

Alexiadis, S., The contribution of the (Greek) Criminal Law to the protection of the environment, in: Chroniques, Decembre 1992, v.5, pp. 45-65.

Anagnostopoulos, E. Schwerpunkte neuerer Entwicklungen im griechischen Strafrecht, in: Zeitschrift fuer die gesamte Strafrechtswissenschaft, 98, 1986, pp. 542-570.

Androulakis, N. Literaturbericht: Griechenland (Materielles Strafrecht), in: Zeitschrift fuer die gesamte Strafrechtswissenschaft, 83, 1971, pp. 603-649.

Bokos, V., N. Koulouris, Eu. Stathoulopoulou, Gr. Tsironis, S.Vidalis, E. Zaphiropoulou, Prisoners' struggle, governmental maneuvers and social inertia in the 90's: The neutralization of abolitionist tendencies and the intervention of criminologists (The Greek case) in: Chroniques, v. 5, Decembre 1992, pp. 133-145.

Cotsianos, S. Les Penitentiaires Agricoles (These), Paris, 1948.

Courakis, N., Conception et principes du droit penale economique de la Grece, Revue internationale de Droit penale, 54, 1983, 1-2, pp. 331-370.

Courakis, N., Wirtschaftsdelikte in Griechenland: Erscheinungsformen und Kriminalpolitik, in: K.Liebl (Hrsg.), Internationale Forchungsergebnisse auf dem Gebiet der Wirschaftskriminalitaet, Pfaffenweiler, 1987, pp. 73-86.

Courakis, N., Rapport concernant l'evolution recente de la criminalite en Grece, dans: Volume commemoratif a propos du 20eme anniversaire de la section hellenique de la Societe Internationale de Defense Sociale, Thessalonique, 1992, pp. 237-244.

Courakis, N., Crime in modern-day Greece, an overview, in: Chroniques, v.8, Chroniques, Decembre 1993, pp. 61-80.

Courakis, N., Juvenile Delinquents and Society, European Studies in Law, 1, Athens/Komotini, 1999.

Dimopoulos, Ch. The imminent corrective reform in Greece: Beyond Punishment? in: Chroniques, v.5, Decembre 1992, pp. 73-84.

Iatrou, Ath., Civil and Criminal Proceedings in Greece, Athens/Komotini, 1981.

Kangaspunta, K., M. Joutsen, N. Ollus, S. Nevala (eds.) Profiles of Criminal Justice Systems in Europe and North America 1990-1994, Chapter on Greece, pp. 193-205.

Kareklas, S., Griechenland, in: Strafrechtswinklung in Europa, 1988, pp. 593-652.

Karydis V., The fear of crime in Athens and the construction of the "dangerous Albanian" stereotype, in: Chroniques, v.5, Decembre 1992, pp. 98-103.

Karydis, V., Migrants as a political enterprise. The Greek-Albanian case, in: Chroniques, v.8, Decembre 1993, pp. 93-96.

Koutsoubinas, S.I., Aspects constitutionels du travail des prisoniers en Grece, in: Chroniques, v.5, Decembre 1992, pp. 85-95.

Lambropoulou, E., Umwandlung der Freiheitsstrafe als kriminalpolitisches Modell? Zur Diskrepanz von Verurteilungen und Inhaftierung in Griechenland, in: Monatschrift für Kriminologie, 76, 1993, pp. 91-100.

Mangakis, G.-A., Introduction to the Greek Penal Code, The American Series of Foreign Penal Codes, 18,The Greek Penal Code, 1973, pp. 1-33.

Mavris, M., C.D. Spinellis, P. Zagoura, Greece, in: N. Dorn (ed.), Regulating European Drug Problems, Administrative Measures and Civil Law in the Control of Drug Trafficking, Nuisance and Use, The Hague/London/Boston, 1999. pp. 159-180.

Panoussis, Y., Y. Lixouriotis., S. Koutsoubinas, Aspects juridiques du travail obligatoire dans les prisons helleniques. Une premiere approche interdisciplinaire, Athenes/Komotini, 1994.

Pechlivanou, G., Grece, in: M. Delmas-Marty (ed.), Raisonner la raison d'Etat, Paris, 1989, pp. 203-232.

Pitsela, A., Greece: The current sanctions system, in : A.K. van Kalmthout and P.P. Tak (eds.), Sanction Systems in the Member-States of the Council of Europe, Part I, Deventer/Antwerp/London, 1988, pp. 151-170.

Pitsela, A., Jugendgerichtsbarkeit und Jugenddeliquenz in Griechenland, in: Internationale Perspektiven in Kriminologie und Strafrecht, Festschrift fuer Guenther

Kaiser zum 70. Geburstag, H.-J. Albrecht, F. Duenkel, H.J. Kerner, J. Kuerzinger, H. Schoech, K. Sessar, B. Villmow (Hrsg.), Berlin, 1998, pp. 1085 et seq.

Spinellis, C.D., Human Rights in Greek Prisons. International Penal and Penitentiary Foundation, Human Rights and Penal Detention, in: P.-H.Bolle (ed.), Proceedings of the Seventh International IPPF Colloquium, Neuchatel/Switzerland, 3-7 October 1992, pp. 53-68.

Spinellis, C.D., K. Angelopoulou, N. Koulouris, The brave new world of Ethnic groups in the overcrowded prisons: A challenge for the guardians of Human Rights, in : Chroniques, v.8, Decembre 1993, pp. 97-111.

Spinellis, C.D., E. Apospori, M. Kranidioti, Y. Symiyianni, K. Angelopoulou, Key-findings of a preliminary self-report delinquency study in Athens, Greece, in : J. Junger-Tas, G.J. Terlouw, M.W. Klein (eds.), Studies on Crime and Justice, A Series from the Dutch Research and Documentation Centre, Delinquent Behavior among Young People in the Western World, RDC – Ministry of Justice, Amsterdam/New York, 1994, pp. 288-318.

Spinellis, C.D., M. Kranidioti, Greek Crime statistics, in: J.-M. Jehle, C. Lewis, (eds.), Improving Criminal Justice Statistics, v.15, Kriminlogie und Praxis, Wiesbaden,1995, pp. 67-88.

Spinellis, C.D., Attacking Prison Overcrowding in Greece: A Task of Sysiphus? In: Internationale Perspektiven in Kriminologie und Strafrecht, Festchrift fuer Guenther Kaiser zum 70. Geburstag, H.-J. Albrecht, F. Duenkel, H.J. Kerner, J. Kuerzinger, H. Schoech, K. Sessar, B. Villmow (Hrsg.), Berlin, 1998, pp. 1273-1289.

Spinellis, C.D., K. Angelopoulou, N. Koulouris, Foreign detainees in Greek prisons: A new challenge for guardians of human rights, in: R. Matthews, P. Francis (eds.), Prisons 2000 : An International perspective on the current state and the future of imprisonment, London 1996, pp. 163-178.

Spinellis, C.D., O. Themeli, Suicide in Greek Prisons: 1977 to 1996, in: Crisis, The Journal of Crisis Intervention and Suicide Prevention, 18, 4, 1997, pp. 152 et seq.

Spinellis, C.D., Crime in Greece in Perpective, Athens/Komotini, 1997.

Spinellis, C.D., D. Spinellis, Urlaub aus der Haft: Seine Entwicklung und Anwendung in Griechenland, in: Festschrift fuer Guenter Bemmann (J. Schultz, T. Vormbaum, Hrsg.), Baden-Baden, 1997, pp. 694-722.

Spinellis, D., Probleme des Hochverrats im Lichte der Erfahrungen aus der juengsten griechischen Geschichte und Rechtsprechung, in: Zeitschrift fuer die gesamte Strafrechtwissenschaft, 94 (1982), pp. 1080-1099.

Spinellis, D., Die Entwicklung des griechischen Strafrechts in den letzen dreissig Jahren, in: Zeitschrift fuer die gesamte Strafrechtswissenschaft, 95, 1983, pp. 459-482.

Spinellis, D., The Civil Action: A Useful Solution to the Victims' Problems? in: J. van Dijk et al. (eds.), Criminal Law in Action, Arhem, 1986, pp. 405-418.

Spinellis, D., The Legal and Practical Problems posed by the Difference between Criminal Law and Administrative Penal Law, in : Revue Internationale de Droit Penal, 59, 1988, pp. 217-225.

Spinellis, D., The Relation between the Organization of the Judicature and Criminal Procedure (in Greece), in: Temple International and Comparative Law Journal, 3, 1989, pp. 1-24.

Spinellis, D., Recent Trends in the Greek Criminal Proceedings: Limiting or Expanding the Rights of the Accused? in: Temple Law Review, 62, 1989, pp. 1261-1279.

Spinellis, D., Beweisverbote im griechischen Strafprozessrecht, in: Zeitschrift fuer Rechtsvergleichung (Austria), 1989, pp. 39-50.

Spinellis, D., Is the Political Offence Exception to Extradition Redundant in View of the International Protection of Human Rights? A Greek Perspective, in: Principles and Procedures for a New Transnational Criminal Law, Freiburg i. Br. 1991, pp. 609-631.

Spinellis, D., Criminal Law and Procedure, in: K.D. Kerameus, P.J. Kozyris (eds.), Introduction to Greek Law, 2nd revised edition, Denventer/Boston/Athens, 1993, pp. 339-365.

Spinellis, D., Reform Movements in Criminal Procedure and the Protection of Human Rights in Greece, in: Revue Internationale de Droit Penal, 1992, pp. 1127-1148.

Spinellis, D., Victims of Crime and the Criminal Process, in: Israel Law Review, 1997, pp. 337-338.

Spinellis, D., The Criminal Justice System Facing the Challenge of Organised Crime, (Greece), in: Revue Internationale de Droit Penal, 1997, pp. 813-831.

Spinellis, D., Die Bekaemfung von Folter und unmenschlicher Behandlung in der griechischen Gesetzgebung, Rechtsprechung und Praxis, in: Internationale Perspektiven in Kriminologie und Strafrecht, in: Festschrift fuer Guenther Kaiser zum 70. Geburstag, H.-J. Albrecht, F. Duenkel, H.J. Kerner, J. Kuerzinger, H. Schoech, K. Sessar, B. Villmow (Hrsg.), Berlin, 1998, pp. 1593-1617.

Spinellis, D., Protection of the European Financial Interests in Greece, Athens/Komotini, 1998.

The Draft Law on the "Correctional Code",1991, Explanatory report (translated by: P. Koutas, G. Pagoulatos), in: Chroniques, v.8, Decembre 1993, pp. 113-142.

The Greek Penal Code, The American Series of Foreign Penal Codes, 18 (translated by N.B. Lolis), London, 1973.

Tsourelli, L., Human Rights in Pre-trial and Trial Procedure in Greece, in: J.A. Andrews (ed.), Human Rights in Criminal Procedure, The Hague, 1982, pp. 202-237.

U.S. Department of State, Background Notes, Greece, June, 1999, in: http://www.state.gov/www/backgroundnotes/