

Etusivu>Sinun oikeutesi>Syytetyt (rikosoikeudelliset menettelyt)

Tämän sivun alkukielistä versiota [el](#) on muutettu äskettäin. Päivitystä suomennotetaan parhaillaan.

kreikka

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Syytetyt (rikosoikeudelliset menettelyt)

Näillä sivuilla kerrotaan, mitä tapahtuu, kun rikoksesta epäilty tai syytetty henkilö joutuu oikeuteen.

Lyhyt yhteenveto rikosoikeudenkäyntimenettelyistä

Rikostutkinta / rikosasian vireillepano

Tämä osa prosessia alkaa, kun syyttäjälle ilmoitetaan, että rikos on todennäköisesti tapahtunut. Tästä prosessi jatkuu rikosasian vireillepanolla ja päättyy, kun epäilty haastetaan oikeuteen tai syytteistä häntä vastaan luovutaan.

Tässä vaiheessa tarkoituksena on selvittää asia mahdollisimman pitkälti ja ratkaista, onko olemassa vahvat viitteet siitä, että epäilty on tehnyt rikoksen, niin että syytetty voidaan ajaa toimivaltaisessa tuomioistuimessa, vai jätetäänkö syyte nostamatta.

Tuomioistuinkäsittely

Tässä vaiheessa asiaa käsitellään tuomioistuimessa, kunnes päätös voidaan tehdä ja tuomio antaa.

Muutoksenhaku

Muutoksenhauulla tarkoitetaan laissa säädettyjä keinoja, joilla henkilö voi valittaa rikostuomioistuimen päätöksestä.

Muutoksenhakukeinoja ovat seuraavat:

Muutoksenhauulla voidaan pyrkiä saamaan tuomio muutettua tai kumottua joko tosiseikkojen tai oikeuskysymysten perusteella.

Muutoksenhauulla voidaan pyrkiä saamaan asia uudelleen käsiteltäväksi ja kumoamaan tuomio niin, että se mitätöidään oikeudellisin perustein joko kokonaan tai osittain.

Rikosoikeudenkäyntimenettelyjen eri vaiheet ja vastaajan oikeudet niissä on esitetty yksityiskohtaisesti tietosivuilla. Esitetyt tiedot ovat ainoastaan ohjeellisia, eivätkä ne korvaa oikeudellista neuvontaa.

Liikenne rikkomuksista, joista määrätään yleensä sakkorangaistus, kerrotaan [tietosivulla 5](#).

Tietoja rikoksen uhrin oikeuksista löytyy [täältä](#).

Euroopan komission rooli

Euroopan komissiolla ei ole toimivaltaa rikosoikeudenkäyntimenettelyissä jäsenvaltioissa eikä se siksi voi auttaa valituksen tekemisessä. Näillä sivuilla on tietoa siitä, keneen voi ottaa yhteyttä ja miten tulee menetellä.

Tarvittavat tiedot löytyvät alla olevien linkkien kautta

1 – Miten saan oikeudellista neuvontaa

2 – Oikeuteni rikostutkinnan aikana ja ennen oikeudenkäynnin alkua

Esitutkinta / alustava rikostutkinta / rikostutkinta

Pidätys/pakkokeinot/tutkintavankeus

Menettelyt syytejaostoissa

Kotietsintä, henkilöntarkastus, sormenjäljet ja DNA

3 – Oikeuteni oikeudenkäynnin aikana

4 – Oikeuteni oikeudenkäynnin päätyttyä

5 – Liikenne rikkomukset ja muut vähäiset rikkomukset

Päivitetty viimeksi: 27/08/2020

Tämän sivuston eri kieliversioita ylläpitävät asianomaiset jäsenvaltiot. Käännökset on tehty Euroopan komissiossa. Muutokset, joita jäsenvaltiot ovat saattaneet tehdä tekstin alkuperäisversioon, eivät välttämättä näy käännöksissä. Euroopan komissio ei ole vastuussa tässä asiakirjassa esitetyistä tai mainituista tiedoista. Ks. oikeudellinen huomautus, josta löytyvät tästä sivustosta vastaavan jäsenvaltion tekijänoikeussäännöt.

1 - Getting legal advice

Getting independent legal advice is very important when you are involved in some way with the criminal process. The factsheets tell you when and in what circumstances you are entitled to be represented by a lawyer. They also tell you what a lawyer will do for you. This general factsheet tells you how to find a lawyer and how the costs of the lawyer will be met if you cannot afford to pay.

Finding a lawyer

If you need a lawyer and you are not being held in custody you can contact [the Athens Bar Association](#) or the Bar Association of the region where your trial is to take place (e.g. [Thessaloniki Bar Association](#), [Piraeus Bar Association](#), [Heraklion Bar Association](#), etc.).

If you need a lawyer and you are being held in custody you can ask the police or the prison authorities, to help you find an attorney or refer you to the above Bar Associations.

Paying for a lawyer

You can receive free legal aid if your income is low. Free legal aid consists of the appointment of an attorney to represent you. The appointment applies until the end of the trial or of the procedure before courts of the same level, as well as any appeal against the decision.

A lawyer can be appointed:

during the drafting and filing of charges in the case of certain specifically defined offences,

during the criminal investigation stage and the hearing of the case when the crime in question is a felony,

during the hearing of the case, for misdemeanors tried by the three-member Misdemeanors Court which attract a minimum sentence of six months' imprisonment,

to file an appeal and represent you during the appeal hearing before the court of second instance, where you have been sentenced to a term of imprisonment of at least six months by the court of first instance,

to make an appeal on a point of law where you have been sentenced to a term of imprisonment of at least one year,

to apply for a retrial where you have been sentenced to a term of imprisonment of at least six months.

You are entitled to free legal aid even if your income is not excessively low, as long as you can prove that you cannot pay for legal expenses due to the differences in the cost of living between that of your Member State of permanent residence and that of Greece.

In order to receive free legal aid and have a lawyer appointed on your behalf, you need to apply to the Court which is to try the case or the Court where your appeal or application for a retrial are to be heard.

This application must be submitted 15 days before the trial or the action for which you are seeking legal aid. The application must include a brief description of the subject matter of the trial or the action as well as evidence of your eligibility for free legal aid and all necessary documentation with regard to your financial status (see in more detail Law 3226/4-2-2004, Government Gazette A' 24/2004).

Related links

 [List of Bar Associations](#)

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2 - My rights during the investigation of a crime and before the case goes to court

What is the purpose of an investigation?

The purpose is to collect and preserve evidence and to obtain any traces left at the scene of the crime.

What are the stages of an investigation?

Preliminary examination/preliminary criminal investigation/criminal investigation:

Through a preliminary examination the Prosecutor establishes whether an accusation is well-founded and what the probability is that a crime has been committed.

The preliminary criminal investigation mainly takes place in cases where the suspect has been caught in the act of committing the offence or if a delay would give rise to an immediate risk.

The criminal investigation is carried out only in the case of more serious crimes.

Arrest – Restrictions – Custody:

Where the suspect has been discovered either committing the crime or is arrested up to one day after the crime was committed, it is possible to arrest them without a warrant.

Where the suspect has not been caught in the act of committing the crime, a warrant is required.

The arrested person is put before the Prosecutor within 24 hours.

Restrictions (e.g. bail, the defendant's obligation to report to a police station on a regular basis, prohibition on leaving the country) are imposed in order to prevent the commission of further offences and ensure that the defendant attends for police interview and Court.

Custody: If the restrictions mentioned above are insufficient, in cases of more serious crimes, suspects may be remanded in custody. Such custody can last for up to 18 months for major felonies or 12 months for less serious felonies and 6 months for recurrent manslaughter arising out of negligence. This term is served in prison.

Proceedings before the Indictment Divisions

You may have recourse to these either to have the restrictions or the remand in custody set aside, or to complain about any irregularities during the pre-trial process.

Who is responsible for the conduct of each of these stages?

A preliminary examination is carried out by the investigating officers and the Prosecutor.

The preliminary criminal investigation is performed by the people mentioned above including the Investigating Magistrate and finally, the criminal investigation or interview is conducted solely by the Investigating Magistrate.

An arrest is ordered by the Indictment Division or the Investigating Magistrate. In cases where the suspect is found while committing the crime, the investigators and the police officers concerned have an obligation and all citizens have the right to arrest the perpetrator. The restrictions on personal freedom and the remand in custody are ordered by the Investigating Magistrate with the consent of the Prosecutor, and the Indictment Division.

Proceedings before the Indictment Divisions are carried out by three-member judicial councils, in the presence of the Prosecutor.

My rights during the investigation

Click on the links below to find more detailed information about your rights during the investigation.

[Preliminary examination/preliminary criminal investigation/criminal investigation](#)

[Arrest/Restrictions imposed on freedom/Custody](#)

[Procedure before the Indictment Divisions](#)

[Searches, fingerprints and DNA](#)

Preliminary examination, preliminary criminal investigation, criminal investigation (1)

What is the purpose of these procedures?

The purpose of the preliminary examination is for the Prosecutor to establish whether the accusation is well-founded and to decide to begin criminal proceedings.

The preliminary criminal investigation is carried out in cases where the suspect has been caught in the act or if a delay would give rise to an immediate risk (e.g. of footprints or fingerprints being lost etc).

The criminal investigation is conducted only in the case of felonies or major misdemeanors. The preliminary criminal investigation and the criminal investigation take place with a view to establishing, collecting and preserving evidence as well as obtaining the traces of the crime.

Who is responsible at this stage?

The preliminary examination is carried out by the investigating officers and the Prosecutor.

The preliminary criminal investigation is performed by the people mentioned above, plus the Investigating Magistrate.

The criminal investigation is conducted solely by the Investigating Magistrate.

The preliminary examination and the preliminary investigation are supervised by the Prosecutor to the Court of Misdemeanours and the criminal investigation by the Prosecutor to the Court of Appeal.

Are there any time limits which apply?

The preliminary examination lasts for 4-8 months. The criminal investigation lasts a maximum of 18 months. If a supplementary investigation is conducted it lasts for 3 – 5 months.

In major cities these time limits may be extended. There are no sanctions for failure to comply with these time limits.

The time limit for providing explanations during the preliminary examination and entering a plea during the preliminary investigation and the investigation is at least 48 hours and may be extended.

There are no sanctions in the event of your failing to observe the time limit in respect of the first two procedures. However, in the case of a criminal investigation if the time limit set is not met, the Investigating Magistrate has the right to issue a warrant in order to bring the defendant to Court by force and /or an arrest warrant.

What will I be told about what's happening?

As soon as you are summoned to participate in the procedures outlined above, you have the right to:-

ask for a photocopy, at your own expense, of all the relevant legal documents from the investigating officer, including a description of the accusations, to ask for a time limit of at least 48 hours and to appoint a lawyer.

Will an interpreter be provided if I don't speak the language?

Yes. The interpreter will translate your testimony to the investigating officers as well as their questions.

At what stage will I be able to speak to a lawyer?

As soon as you appear before an investigating officer, you may ask for your attorney to be notified or to be allowed to call him/her. You also have the right to refuse to testify before your lawyer arrives.

The authorities are only obliged to ensure that an interpreter is available during your examination. For the rest of the time, you have to make arrangements with your lawyer if you need to have an interpreter available.

Is it obligatory for me to be represented by a lawyer? Can I choose my lawyer?

It is mandatory only in the case of felonies. The choice of a lawyer is up to you. However, if you don't have a lawyer in a felony case then the Investigating Magistrate will appoint one for you during the investigation.

Will I be asked for information? Should I provide information?

You may be asked about the accusations. You have the right to partial or complete silence and the right not to incriminate yourself. You may refuse to answer anything which might harm you case.

Can I contact a family member or friend?

You have the right to communicate with your family or friends by phone. Visits by family members and exceptionally by your friends are allowed.

Can I see a doctor if I need one?

If you have a health problem you can ask to see a doctor.

Can I contact the Embassy of my country of origin?

Yes, you have the right to do so.

I am from another country. Do I have to be present during the investigation?

No, you don't.

Can I take part by video link?

In Greece, the law does not provide for participation through video links.

Can I be sent back to my country of origin?

At this stage you cannot be deported.

In what circumstances might I be remanded in custody or released?

You will be held in custody if there are strong indications that you have committed serious offences *and*

you have no known address in Greece,

you have taken steps to leave the country,

you have been a fugitive from justice in the past ,

you have been convicted of escaping from prison or assisting a detained person to escape or of violating place of residence restrictions, as well as if

there are reasons to believe you intend to flee,

you have previous convictions, making it likely that you will commit further crimes.

You might also have restrictive conditions imposed on you or you may be released.

What rights/obligations do I have?

You are entitled to be allowed time to study the court file and to appoint up to two lawyers. You have to appear in person at the investigation because your lawyer's presence alone is not enough.

If the Investigating Magistrate decides that you must be remanded temporarily in custody you can appeal within 5 days to the Indictment Division. You can also appeal to the Investigating Magistrate himself/herself or to the Indictment Division for the decision to remand you in custody to be lifted or replaced by other restrictions.

Can I leave the country during the investigation?

Yes you can if no condition has been imposed prohibiting you from doing so.

Searches, fingerprints and DNA

For more information on your rights, see [Searches, fingerprints and DNA \(4\)](#).

Can I appeal?

If there has been invalid action taken as part of the pre-trial procedure you can appeal to the Indictment Division asking for it to be set aside and for the pre-trial process to be repeated.

Can I plead guilty to all or some of the charges prior to the trial?

You can make admissions of guilt at any stage prior to the trial. You can also revoke a guilty plea. In any case, the Court is free to evaluate your confession.

Can the charges be changed before the trial?

The charges cannot change. Only a more precise wording of them is possible. No fresh charges can be added.

Can I be charged with an offence which I have already been charged with in another Member State?

You might be charged if the offence was committed in a foreign country against a Greek citizen and it is classified as a felony or a misdemeanor in Greek law. In the case of serious crimes, Greek laws apply to everyone, regardless of the laws in force at the place of the crime.

Will I be told about the witnesses who have made statements against me?

You are entitled to such information since you can be given all of the documents in the court file, which include the witness statements. You can be given the information before you make your defence, and also afterwards.

Will I be given information about other evidence against me?

The investigator has the obligation to supply you with photocopies of the court file and show you all relevant material before you give your own account.

Will I be asked to provide information about my criminal record?

The Investigating Magistrate will receive your Criminal Record as a matter of course at the criminal investigation stage.

Arrest/Restrictions imposed on freedom/Custody (2)**Why are these actions taken?**

Where the offender has been caught in the act of committing a crime his/her arrest aims at ensuring that he/she will be brought to justice. In other instances of arrest, remand in custody and the imposition of conditions on freedom of movement, the aim is to ensure that the defendant appears before the investigative and judicial authorities.

Who is responsible?

Arrest is ordered either by the Indictment Division or by the Investigating Magistrate. Remand in custody and the imposition of restrictive conditions are also ordered by the same people. Where the perpetrator is caught in the act of committing the crimes, arrest can be carried out by the investigators or police officers.

Do any time limits apply?

Once you are arrested you must be put before the Prosecutor within 24 hours. In the event of any failure to comply with this time limit there are no repercussions as far as you are concerned. There is also a time limit on any condition requiring you to report at regular intervals to police. In the event of your failing to abide by this time limit, a remand in custody may be substituted for the reporting condition.

What will I be told about what's happening?

When caught in the act of committing a crime, as soon as you are arrested, the police officers must tell you why you have been arrested. If you are put before the Investigating Magistrate, you will be fully advised as to the charges you are facing. The same thing applies in the event of conditions being imposed limiting your freedom and in case of a remand in custody.

Before any decision on these matters is reached, you should have received all the relevant legal documents from the Investigating Magistrate.

Will an interpreter be provided if I don't speak the language?

If you don't speak the language you must make this known at once and ask for an interpreter. The interpreter will translate everything you say, all the questions put to you and any documents shown to you.

At what stage will I be able to speak to a lawyer?

If arrested, you can request that your lawyer is notified immediately or that you be allowed to make a phone call. Furthermore, you have the right to refuse to answer questions if he/she does not turn up.

If you don't know a lawyer you can contact your embassy or the local bar association. Having an interpreter available in order to be able to communicate with your attorney is a matter for you, not the investigating authorities. In the event of conditions restricting your movements being imposed or a remand in custody, speak to your lawyer first. He/she will make representations on your behalf and will be present during the criminal investigation.

Do I have to be represented by a lawyer? Can I choose my lawyer?

It is mandatory only in cases of felonies. You have the right to select your lawyer. In a felony case though, if you don't have a lawyer, then one will be appointed for you during the investigation, if you request it.

Can any sort of request for information be put to me? Do I have to give any information I am asked to provide?

You will be asked about the accusations. You may refuse to answer anything which might harm your case.

Can I contact a family member or friend?

You have the right to ask the investigators to let you contact them.

Can I see a doctor if I need one?

Yes, if you have any health problems.

Can I contact my Embassy if I am from another country?

Yes, you have the right to do so.

I am from another country. Do I have to be present during the investigation?

You are not obliged to, unless a body search is required.

Can I take part by video link?

Investigation of an offence via video link has not yet been enshrined in law.

Can I be sent back to my country of origin?

At this stage you cannot be deported.

In what circumstances might I be remanded in custody, or be released?

You will be remanded in custody if the Investigating Magistrate agrees with the Prosecutor or if the Indictment Division orders it. You will be remanded in custody if there are strong indications that you have committed serious offences and:

you have no known address in Greece,

you have taken steps to leave the country,

you have been a fugitive from justice in the past,

you have been convicted of escaping from prison or assisting a detained person to escape or of violating place of residence restrictions, as well as if there are reasons to believe you intend to flee,

you have previous convictions.

You might also have restrictive conditions imposed on you or you may be released.

What are my rights and obligations?

You are entitled to be allowed time to study the court file and to appoint up to two lawyers. If you are remanded in custody you can appeal within 5 days to the Indictment Division against this decision by the Investigating Magistrate. You can also appeal to the Investigating Magistrate himself/herself or to the Indictment Division for the decision to remand you in custody to be lifted or replaced by conditions restricting your freedom of movement.

Can I leave the country during the investigation?

You can do so after your arrest period is over and provided that no condition has been imposed prohibiting you to leave Greece.

Searches, fingerprints and DNA

For information on your rights, see [Searches, fingerprints and DNA \(4\)](#).

Can I appeal?

If there has been invalid action taken as part of the pre-trial procedure you can appeal to the Indictment Division asking for it to be set aside and for the pre-trial process to be repeated.

Can I plead guilty to all or some of the charges prior to the trial?

You have the right to make admissions of guilt and there should be no positive or negative repercussion for you in law as a result of your doing so.

Can the charges be changed before the trial?

The charges cannot change; only a more precise wording of them is possible. No new charges can be added.

Can I be charged with an offence which I have already been charged with in another Member State?

You might be charged if the act was committed in a foreign country against a Greek citizen. In the case of serious crimes, Greek laws apply to everyone, regardless of the laws in force at the location where the crime was committed.

Will I be told who the witnesses are who have made statements against me

Certainly. As soon as you are arrested and produced for preliminary investigation or investigation in chief, you must be given this information before you give your own account.

Will I be given information about other evidence against me?

The investigator has the obligation to provide you with photocopies of all documents in the court file before you give your account.

Will I be asked to provide information about my criminal record?

No. This information will be sought from the appropriate department.

Proceedings before the Indictment Divisions (3)

What is the purpose of this stage?

The Indictment Divisions are the competent judiciary bodies for the pre-trial procedure. They monitor the legitimacy of actions taken by the investigating officers, they decide whether the defendant should be remanded in custody or not, whether conditions restricting freedom of movement should be imposed or not, take decisions on other sensitive issues affecting the pre-trial procedures, and decide whether the defendant should stand trial or be released.

Who is responsible at this stage?

The Indictment Divisions consist of 3 judges and are the Misdemeanor Court Indictment Division, the Court of Appeal Indictment Division and the Court of Cassation Indictment Division.

Do any time limits apply?

Yes, there are time limits and if you don't comply with them you won't be able to exercise your rights.

What will I be told about what's happening?

You can get information on the progress of your case from the Secretariat of the Councils and you will be duly notified of any decisions.

Will an interpreter be provided if I don't speak the language?

If you appear before the Councils you are entitled to an interpreter.

At what stage will I be able to speak to a lawyer?

You are entitled to legal advice and may communicate with your legal adviser at every stage in the proceedings. If any issue with regard to translation arises, either you or your lawyer should take care of it.

Do I have to have legal representation? Can I choose my own lawyer?

It is not mandatory. If you wish to do so, you can either represent yourself or be represented by your lawyer. You have the right to select your own lawyer, unless he/she has been appointed for you.

Can any sort of request for information be put to me? Do I have to give respond?

You may be asked to provide information regarding the crime of which you are accused. You have the right to silence and not to incriminate yourself. You can refuse to answer any question that might harm your case.

Can I contact a family member or friend?

Yes, you may. If you are in custody you can do so during visiting hours.

Can I see a doctor if I need one?

Yes, if you have health problems.

Can I contact the Embassy of my country of origin if I am from another country?

You have the right to do so.

I am from another country. Do I have to be present during the investigation?

Only if you request it and the Court allows it.

Can I take part by video link etc.

Procedures via video link have not yet been enshrined in law.

Can I be sent back to my country of origin?

At this stage you cannot be deported.

Will I be held in custody or released? In what circumstances?

You will be remanded in custody if the Indictment Division directs it. You might also have conditions imposed on your freedom of movement or you might be released.

Can I leave the country during the investigation?

You can do so after your arrest period is over and provided that no condition has been imposed prohibiting your exit from Greece.

Will I be asked to provide fingerprints, samples of my genetic material (DNA) (e.g. hair, saliva), or other bodily fluids?

The Indictment Division might order it.

Might I be subjected to a body search?

Not by order of the Council, but possibly by the investigators or the preliminary investigation officials. In any such case, you may request that your lawyer be present during the search.

Can my home, business premises, car etc be searched?

No searches of this sort can be ordered at the stage where the Councils are involved.

Can I appeal?

There are remedies you can use to appeal against decisions of the Councils.

Can I plead guilty to all or some of the charges prior to the trial?

You have the right to admit you are guilty and you can do this by submitting a memorandum to the Councils. Such statements are binding and can affect the court judgment.

Can the charges be changed before the trial?

The charges cannot change. They can only be more precisely specified by the Councils. No new charges can be added.

Can I be charged with an offence which I have already been charged with in another Member State?

You might be charged if the act was committed against a Greek citizen. In the case of serious crimes, Greek laws apply to everyone, regardless of the laws in force at the location of the crime.

Will I be told about the witnesses who have given statements against me?

Of course, you can receive information both during this stage and before. You have the right to receive information about any detail on the court file.

Will information be requested about my criminal record?

No, information will be sought from the relevant department.

Searches, fingerprints and DNA (4)

Will I be asked to provide fingerprints, samples of genetic material (DNA, e.g. hair, saliva), or other bodily fluids?

If arrested, you will be asked to provide your fingerprints and you are obliged to do so. It is also mandatory to provide a DNA sample if there are strong indications that you have committed a serious crime. In the event of a positive DNA result you have the right to ask for it to be tested again; if you don't, the genetic material taken will be destroyed.

Might I be subjected to a body search?

You might have to undergo a body search if the person carrying out the investigation deems it necessary. The search must not be an affront to your dignity and it must be conducted in a private place. If you are female, the search must be carried out by a woman. If you are asked to hand over a certain item or document and you do so, you should not be subjected to a body search.

Can my home, business premises, car etc be searched?

Your home can be searched provided that the search is carried out by an officer of the court and an investigating officer in the context of an investigation or a preliminary investigation. Cars are searched if there is a strong suspicion that a criminal act has been committed or if it is absolutely necessary.

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3 - My rights in court

Preliminary procedure

Who warns me to attend court and how do they do it?

The Prosecuting Attorney draws up the indictment, sets the date for the trial and summons the defendant, the complainant and the witnesses at least 15 days prior to the trial, or 30 days if they live in other European countries.

The procedure during the hearing

Which court will hear the case?

The main criminal courts are the Magistrates' Court for infringements, the Misdemeanor Court for misdemeanors and the three-member Criminal Court of Appeal or the Mixed Grand Jury for felonies. As a matter of principle, the competent court is the court which is local to the area where the offence was committed.

Will the trial be in public?

Yes, unless the publicity might have an adverse effect on public morals or there are reasons for protecting the privacy of the litigants.

Who will decide the case?

The decision is made by judges at the lower courts and a combination of judges and a jury at the Mixed Grand Juries.

Can the charges be altered in the course of the trial?

It is possible for a charge to be amended to a similar one. It is the court alone which rules on what the proper legal definition is of the facts which constitute the subject matter of the case, or on the most precise specification of them.

What happens if I plead guilty to some or all of the charges in the course of the trial?

If you plead guilty to particular charges, the court will punish you in respect of those admissions. You may be treated more leniently when it comes to the imposition of sentence.

What are my rights during the trial?

Do I have to be present at the trial?

You do not have to be present. You can be represented by your lawyer, unless the court deems your presence to be necessary.

If I live in another Member State, can I participate by video link?

You cannot because this way of participating is not yet provided for by the law.

Will I be present for the whole of the trial?

You do not have to be. You can appear and then leave and continue to be represented by your lawyer.

Will I have an interpreter available to me if I don't understand what's going on?

If you do not understand the language of the court, the court is obliged to appoint an interpreter.

Do I have to have a lawyer? Will a lawyer be allocated to me? Can I change my lawyer?

You must have a lawyer only in the case of felonies and at the Court of Cassation. If you are unable to appoint one, the court is obliged to appoint a lawyer for you. You have the right to change your lawyer unless he/she has been appointed at the higher courts by the court itself (ex officio).

May I address the court? Do I have to speak during the trial?

You may but you do not have to. You have the right to remain silent.

What will the consequences be if I don't tell the truth during the trial?

You have the right not to tell the truth. It is not a criminal offence for a defendant to give an untruthful account of himself.

What are my rights in relation to the evidence against me?

Can I challenge the evidence against me?

You may and you have the right to do so during your defence or by giving evidence yourself, by adducing evidence in rebuttal or by calling your own witnesses.

What kind of evidence can I put before the court in my defence?

You can produce documentary evidence, lay witnesses and expert witnesses.

In what circumstances can I introduce such evidence?

There are no pre-conditions; you can present evidence to the court without having given notice to anyone.

May I engage a private detective to search for evidence for me? Is such evidence admissible?

You can do so and the evidence will be admissible as long as it has been obtained legitimately.

May I summon witnesses in my defence?

You may put forward as many witnesses as you wish and the court must allow examination of a maximum of as many defence witnesses as there are prosecution witnesses.

May I or my lawyer put questions to the other witnesses in the case? May I or my lawyer challenge what they say?

Both of you may ask questions and cast doubt on what they say in evidence.

Will information about my criminal record be taken into account?

Convictions involving a total of more than 6 months imprisonment will be taken into account if a guilty verdict is returned and when the court is deciding on the sentence.

Will previous convictions in another Member State be taken into account?

Only if they have been added to your criminal record.

What happens at the end of the trial?

What are the possible outcomes of the trial?

The Acquittal of the defendant, when the court is not convinced or is in doubt about whether he/she has committed the crime, or for other legal reasons, and when there are grounds for dispensing with punishment (e.g. in the case of genuine remorse).

The Conviction of the defendant and imposition of a sentence, when the court is convinced that the defendant has committed the crime.

The discontinuation of the criminal proceedings in the event that the defendant dies, the victim withdraws the accusation, the crime is time-barred, or the offence itself becomes the object of an amnesty.

Declaring the criminal prosecution as inadmissible, when there is a previous relevant decision, there is no accusation (if required), claim or authorisation for prosecution.

Summary of possible sentences

Main penalties:

Imprisonment (for life or for a period of 5-20 years), confinement (10 days - 5 years), detention (1 day -1 month), a financial penalty (150-15.000 euro), a fine (29 - 590 euro), confinement in a juvenile detention centre, or confinement in a mental health institution.

Supplementary penalties:

deprivation of civil rights, prohibition on the exercise of a profession, the publication of the conviction.

Security measures:

The detention of criminals judged to be not criminally liable, the commitment of alcoholics and drug addicts to detoxification centres, referral to work centres, prohibition on residence in a particular area, the deportation of foreign nationals, and the confiscation of assets.

What is the role of the victim during the trial?

The victim participates either as a litigant or as a witness. As a litigant (or 'civil plaintiff adducing evidence in rebuttal') he/she participates with a view to seeking compensation in the form of financial remedy for emotional damages or mental anguish, or, as a witness, in support of the prosecution case.

If the victim participates as a civil plaintiff he/she must state this before evidence is called.

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4 - My rights after the court makes its decision

Can I appeal against the decision and/or the sentence?

You can file an appeal against the conviction. The right to appeal depends on the type and the severity of the sentence, as well as which court it is that has handed it down.

For example:

in the case of the One-member Misdemeanor Court, you have a right of appeal if the sentence consists of a term of imprisonment of more than 60 days or a financial penalty of more than 1.000 euro;

in that of the Three-member Misdemeanor Court and the court which hears appeals against decisions of the latter, you have a right of appeal if you are sentenced to imprisonment of more than 4 months or a financial penalty of more than 1.500 euro;

in the case of the Mixed Grand Jury or the Three-member Court hearing appeals against sentences for felonies, you have a right of appeal if the sentence consists of a term of imprisonment of more than 2 years in the case of felonies, or more than 1 year for misdemeanors).

You may appeal against an acquittal only if you have been acquitted on grounds of genuine remorse or having been vindicated on grounds which reflect on your good name.

How do I appeal?

To file an appeal you have to draw up a Statement of Appeal and submit it to the Registry of the Court that issued the decision, to include the grounds of appeal, your home address and the name of your attorney.

The time limit for the filing of an appeal is 10 days from the court's decision being made, or service thereof if you have been tried in your absence. However if you live abroad and a default judgment has been issued or your place of residence was unknown, the deadline is extended to 30 days from the date of service of the documents.

What are the grounds of appeal?

An appeal can be based either on the facts of the case or on how the law was interpreted.

What happens if I file an appeal?

The case will be re-tried by the court of second instance.

What happens if I am in prison when I file the appeal?

The appeal will be forwarded to the Public Prosecutor's office, a trial date will be set and you will be summoned to appear at the Court. You can ask that the enforcement of the penalty is suspended until the appeal is heard, subject to certain legal conditions.

How long will it be before the appeal is heard?

Usually between 1-3 years depending on the offence, the location of the Court and whether or not the defendant is in custody.

Can I call on fresh evidence for the appeal?

Yes you may call on fresh evidence at the Court of Appeal. The procedure is the same as that at the original trial. The judges who heard the case at the court of first instance cannot try the case at the court of second instance. The questions of whether the appeal has been properly filed and within the specified deadline will be examined.

What happens at the appeal hearing?

If you fail to appear, either in person or through your legal representative, your appeal will be dismissed and the sentence of the lower court will be upheld. If you do appear, either in person or through your legal representative, the case will be retried and you may call fresh evidence.

What can the court decide?

The Court of Appeal has no power to impose a more severe sentence than the one imposed by the lower court. It can however acquit you or reduce the sentence or impose the same sentence as the one imposed by the lower court.

What happens if the appeal is successful/unsuccessful?

If the grounds of appeal are upheld, the Court of Appeal may acquit you or reduce your sentence; otherwise the decision of the court of first instance will remain in place.

Is there a further right of appeal to another or higher court?

No, the only thing there can be is the reversal of the judgment of the court of second instance if there have been legal irregularities.

If the initial decision is proved wrong, will I be entitled to compensation?

There is no provision for any award of compensation in respect of an unsafe conviction by a court of first instance unless you have served prison time and are then acquitted on appeal.

If my appeal is successful, will a record be kept of the conviction?

Only a record of the judgment of the Court of Appeal will be kept. The earlier judgment is struck out.

When does a conviction become final?

A conviction becomes definitive if no appeal on points of law is filed against the decision of the court of second instance or if an appeal has been filed and then dismissed by the Supreme Cassation Court (the Areios Pagos).

I come from another Member State. Can I be sent back there after the trial?

You may be sent back to your country if the court orders your deportation. In order for you to be deported, you have to have been sentenced to a term of imprisonment of at least 3 months, or the deportation order has to have been made as part of a supplementary penalty, or security measures have to have been imposed. In cases, in particular, of convictions for felonies relating to drugs, deportation is mandatory and is valid for life.

Does removal take place at once?

No, you must first serve your sentence. As an exceptional measure, if you have been sentenced to prison for a period of up to 5 years and an order for your deportation has been made, the court may decide to suspend your sentence and allow your immediate deportation.

Deportation has to be ordered as part of a court judgment where the sentence has not been suspended and has been served.

You may file an appeal if the order has been issued by a court of first instance and you have also been sentenced to a term of imprisonment against which there is a right of appeal. The appeal must be submitted to the Registry of the court of first instance.

Can I be tried again in another Member State for the same offence?

It depends on the legislation of the state in question.

Will information about the charges and/or the convictions affecting me be added to my criminal record?

Only if the decision to convict you is irreversible will it be entered on your criminal record. This information will be officially entered in the Criminal Records Bureau.

Your criminal record is destroyed:

after you die or after you turn 80;

if you are convicted with reprieve it is destroyed 5 years after the end of the period of suspension, provided that it has not been lifted or revoked in the meantime;

when 10 years have elapsed since serving a term of imprisonment of up to 1 month for a premeditated offence or 2 months for an offence involving criminal negligence, provided that you have not been convicted for other crimes in the meantime.

Your consent is not required to keep this information.

If there is any dispute, you may ask the Public Prosecutor to the Court of Misdemeanors for a ruling. You can then file an appeal against this decision to the Misdemeanor Indictment Division within a month of the decision being served.

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5 - Minor road traffic offences

How are minor road traffic offences dealt with?

Traffic violations, such as exceeding the speed limit, driving whilst having consumed alcohol, not wearing a seat belt, failure to observe a red traffic light or STOP sign, failure to comply with stopping or parking regulations, the use of a mobile phone while driving etc., are mostly dealt with administratively. They are generally dealt with by the competent police authority

What is the procedure?

You will be served with a ticket, confirming the violation you have committed. Noted on the ticket will be the administrative measure and/or financial penalty which has been imposed and you will then have to appear before the relevant police authority.

What are the possible penalties?

Those guilty of traffic violations are mostly punished with administrative fines (varying from 40 to 2,000 euro) and the imposition of other administrative measures like loss of driving licence or loss of circulation details, such as vehicle license and registration plates, for a certain period of time.

Are nationals of other Member States proceeded against for infringements of this sort?

They are proceeded against if they have committed the infringement in Greece.

May I raise objections?

You may submit your objections to the administrative penalty within three days to the authority to which the officer who has imposed the penalty belongs. If your objections are not upheld you must pay the relevant sum to the appropriate body of the local authority.

In addition, if an administrative measure has been imposed, you may appear before the competent Police Authority and set out your objections.

Will these offences appear on my criminal record?

They will not be recorded on your criminal record since they are dealt with at an administrative level and it is only an administrative penalty which is imposed.

Related links

 [Ministry of Infrastructure, Transport and Networks](#)

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