

Greece

1. Introduction

The Greek criminal justice system is based on the Continental tradition. The country’s penal law has been influenced by German penal law and legal doctrine, and the criminal procedure by French, German and (former) Italian models. The first effort to draw up a codified law governing criminal matters was in 1823, during the Greek War of Independence. This system was applied only for a short period and replaced by the Penal Code of 1833 and the Code of Criminal Procedure of 1834. In their turn, these codes were replaced by the Penal Code (hereinafter PC) and the Code of Criminal Procedure (hereinafter CCP) of 1950, which entered into force on 1 January 1951. The main source of the Greek law of criminal procedure is the last mentioned CCP, which has subsequently been amended and completed by several special statutes.¹ Another important source of criminal procedure is the Greek Constitution of 1975, with its two amendments of 1986 and 2001, of which the relevant provisions will be dealt with later on in this report.²

As a result of legislative and case-law developments, criminal procedure in Greece has undergone various changes within the last decade or so. These have resulted in the modification of several characteristics previously considered fundamental.³ Criminal proceedings begin with an act of prosecution and always end with a decision of a court or a judicial council. They are divided into the pre-trial stage and the trial. Basic principles applicable to both stages of the procedure are the search for the substantive truth and the fact that this search for the truth is made *ex officio*, which means that those responsible for carrying out the investigation have the authority and the obligation to seek the truth by all expedient means, both incriminating and in favour of the accused (Art. 239.2 CCP).⁴

In Greece, all pre-trial procedures have an inquisitorial character, i.e., they are written, non-public and non-adversarial (Art. 241 CCP). Every act of the investigating officials is laid down in writing and the records are kept in the case file.⁵ In this report, the pre-trial stage will be discussed thoroughly. The aim is to give an analysis of the minimum standards in pre-trial detention and the grounds for regular review in Greece. After dealing with some empirical background information in paragraph 2, the legal basis (scope and notion of pre-trial detention) will be discussed in paragraph 3. Paragraphs 4 and 5 concern the grounds for pre-trial detention and the grounds for review of pre-trial detention, respectively. The length of pre-trial detention will be treated in paragraph 6, after which other relevant aspects in relation to pre-trial detention follow (paragraph 7). Paragraph 8 will focus on the system of pre-trial detention regarding special groups.

2. Empirical background information

Various sources deliver statistics on the size of the prison population, pre-trial detention/remand imprisonment etc. in Greece. In this paragraph, attention will be paid to, *inter alia*, national

¹ The last amendments were made in 2003 and 2005, introduced by Law 3160/2003 FEK 165A/30 June 2003 and Law 3346/2005 FEK 140A/17 June 2005, respectively.

² Other sources of rules for criminal procedure are the European Convention on Human Rights (ratified by decree 53/1974), the Military PC, the Statute on Judicial Organisation, and other statutes contained in various legal enactments.

³ See Z. Dellidou, “The Investigative Stage of the Criminal Process in Greece”, in E. Cape et al (eds.), *Suspects in Europe. Procedural Rights at the Investigative Stage of the Criminal Process in the European Union*, Antwerp-Oxford, Intersentia, 2007, p. 101.

⁴ See D.D. Spinellis, “Criminal Law and Procedure”, in K.D. Kerameus and P.J. Kozyris (eds), *Introduction to Greek Law*, Deventer/Athens, Kluwer/Sakkoulas, 3rd ed., 2008, p. 479.

⁵ K.D. Magliveras, I. Anagnostopoulos, *Criminal Law In Greece*, The Hague/Athens, Kluwer Law International/Sakkoulas respectively, 2000, p. 135.

statistics from the Greek National Statistical Service, and to data from international sources: the Council of Europe's SPACE I, the International Centre for Prison Studies of King's College London, and the European Sourcebook of Crime and Criminal Justice. After presenting the data, the statistics will be discussed.

Table 1: Statistical data on pre-trial detainees for the year 2005

Detainees data during the whole year of 2005	Both convicted and awaiting trial	Awaiting trial
Total number of detainees	17,869	4,787
Number of male detainees	16,542	4,322
Number of female detainees	1,327	465
Detainees 14-18 years old	159	55
Detainees 19-21 years old	917	370
Detainees 22-29 years old	5,438	1,756
Detainees 30-39 years old	5,372	1,364
Detainees 40-49 years old	3,390	777
Detainees 50-59 years old	1,656	302
Detainees >60 years old	729	121
No data available about the age	208	42

Table 2: Statistical data on pre-trial detainees for the year 2006

Detainees data during the whole year of 2006	Both convicted and awaiting trial	Awaiting trial
Total number of detainees	18,070	4,900
Number of male detainees	16,753	4,451
Number of female detainees	1,317	449
Detainees 14-18 years old	157	58
Detainees 19-21 years old	932	371
Detainees 22-29 years old	5,662	1,799
Detainees 30-39 years old	5,511	1,427
Detainees 40-49 years old	3,462	785
Detainees 50-59 years old	1,609	313
Detainees >60 years old	737	147

Table 3: General data on pre-trial detainees 1998-2006

Year	Detainees awaiting trial during the whole year	Detained at the end of the year
1998	3,782	2,404
1999	3,499	1,732
2000 (not including 777 persons because their personal returns were not sent)	2,376	739
2001 (estimates)	3,759	1,897
2002 (estimates)	3,760	1,758
2003 (estimates)	4,302	2,021
2004 (estimates)	4,593	2,638
2005	4,787	3,076
2006	4,900	3,046

Data from the Council of Europe Annual Penal Statistics, SPACE I, Survey 2006⁶

Remarks: The numbers relate to 1 September 2006 (stock); they include the entire prison population and not only those who are held in penal institutions and no measures (legislative or

⁶ 23 January 2008, PC-CP (2007)9 rev3, by M.F. Aebi, N. Delgrande: University of Lausanne, Switzerland.

other) directly influencing the trends in the number of prisoners have been taken in the course of the last twelve months.

Table 4: Greece and its prisoners in general

Population (estimate)	11,122,500
Total number of prisoners (including pre-trial detainees)	10,113 ⁷
Prison population rate per 100,000 inhabitants	90.9
Total capacity of penal institutions/prisons	6,019
Prison density per 100 places	168.0

Table 5: Special groups of prisoners⁸

Number of female prisoners (including pre-trial detainees)	579
Percentage of female detainees (including pre-trial detainees)	5.7
Number of foreign prisoners (including pre-trial detainees)	5,902
Percentage of foreign prisoners (including pre-trial detainees)	58.4
Number of foreign pre-trial detainees	1,417
Percentage of pre-trial detainees among foreign prisoners	24.0

Table 6: Legal status of prison population I

Untried prisoners (no court decision yet reached)	3,068
Convicted prisoners, but not yet sentenced ⁹	...
Sentenced prisoners who have appealed or who are within the statutory time limit for doing so	...
Sentenced prisoners (final sentence)	7,045
Other cases	...
Total	10,113

Table 7: Legal status of prison population II

Percentage of prisoners not serving a final sentence	30.3
Rate of prisoners not serving a final sentence per 100,000 inhabitants	27.6
Percentage of untried prisoners (no court decision yet reached)	30.3
Rate of untried prisoners (no court decision yet reached) per 100,000 inhabitants	27.6

⁷ This number includes the following categories: persons held in institutions for juvenile offenders (434), persons held in institutions for drug-addicted offenders (46), mentally ill prisoners held in psychiatric institutions or hospitals (257), and asylum seekers or illegal aliens held for administrative reasons (48).

⁸ SPACE provides no numbers on juveniles. According to the statistics of the Ministry of Justice, as of June 2002, there were 36 juveniles in pre-trial detention, of which 2 were 15 years of age, 1 was 16 years of age, 8 were 17 years of age, and 25 were 18 years of age, 3 of the juveniles were females; A. Pitsela, Greece, 'Criminal Responsibility of Minors in the National and International Legal Orders', *Revue Internationale de Droit Penal* (vol. 75), 2004, nr. 1-2.

⁹ According to Greek criminal procedure, no person can be held in detention if he/she is not remanded (pre-trial detention). Therefore, conviction goes together with sentencing.

Table 8: Evolution of the prison population between 2000 and 2006

	Total number of prisoners (including pre-trial detainees) on 1 September of each year	Prison population rate per 100,000 inhabitants on 1 September of each year
2000	8,038	76.2
2001	8,343	79
2002	8,284	78.4
2003	8,555	81
2004
2005	9,589	86.6
2006	10,113	90.9

- The change between 2000-2006 = evolution (in percentage) of prison population rates between 2000 and 2006: 19.3
- The change between 2005-2006 = evolution (in percentage) of prison population rates between 2005 and 2006: 5.0

If we look at the size of the prison population further in the past, unpublished data of the Ministry of Justice show us the following:¹⁰

Table 9

Year	Total number of prisoners	Prison population rate per 100,000 inhabitants
1970	3,192	40.9
1980	3,016	36.6
1990	4,582	49.2
1997 (December)	6,075	62.2
1999 (August)	7,538	71.7

Data from the International Centre for Prison Studies, King's College London

Table 10: World Pre-trial/Remand Imprisonment List¹¹

Total number in pre-trial/remand imprisonment	3,065
Date	30 June 2007
Percentage of total prison population	28.6
Estimated national population (at date shown)	11.19 million
Pre-trial/remand population rate (per 100,000 inhabitants)	27

¹⁰ D. Spinellis and C.D. Spinellis, *Greece Criminal Justice Systems in Europe and North America*, HEUNI, Helsinki 1999, p. 59.

¹¹ Roy Walmsley, January 2008, <http://www.kcl.ac.uk/depsta/law/research/icps/downloads.php?searchtitle=World%20Pre-trial&search=search&type=0&month=0&year=0&lang=0&author> The List refers to those persons who, in connection with an alleged offence or offences, are deprived of their liberty following a judicial or other legal process but have not been definitively sentenced by a court for the offence(s).

Table 11: World Female Imprisonment List¹²

Female prison population (number of women and girls in penal institutions, including pre-trial detainees/remand prisoners)	518
Date	16 December 2004
Female prisoners as a percentage of the total prison population	5.9

Data from the European Sourcebook of Crime and Criminal Justice 2006**Table 12: Prison population: percentage of pre-trial detainees in the total stock**

2000	29
2001	28
2002	25
2003	28

As we can see in Table 4, the size of the total prison population in Greece is 10,113, which means that the prison population rate per 100,000 inhabitants is 90.9. A density of 168.0 per 100 places and a total capacity in the prison system of 6,019 indicate that overcrowding is a serious problem in Greek prisons. Overcrowding in Greek prisons is not a new phenomenon. For many years, this problem has been touched on by several human rights organisations.¹³ The Committee for the Prevention of Torture (CPT) of the Council of Europe has often visited Greece and in its reports repeatedly commented on the serious overcrowding and poor conditions of detention in prisons.¹⁴ The Greek ombudsman for human rights stated in his report of May 2007 that the increasing overcrowding was creating poor prison conditions, and was leading to discipline problems and criminal behaviour in the prisons. The Commission for Human Rights also paid attention to the problem of overcrowding on his visit to Greece in 2002.¹⁵

Particularly the high numbers of foreign prisoners and pre-trial detainees contribute to problems of overcrowding in Greek prisons. Before the 1990s, less than 3% of the prison population consisted of foreigners. Approaching the year 2000, the Greek prison system contained over 40% of foreigners.¹⁶ In the past years, the numbers have increased again. As Table 5 shows, 5,902 foreigners were detained in September 2006, which is 58.4% of the total prison population. Table 10 has the most recent numbers on pre-trial detainees (from 30 June 2007), which amount to 3,065 (28.6% of the total prison population). This number is quite similar to the statistics from the National Statistical Service of Greece and from SPACE; these sources report 3,046 (at the end of 2006) and 3,068 (1 September 2006) pre-trial detainees respectively.

With this, we will conclude this paragraph on empirical background information and continue with the legal basis of pre-trial detention in Greece. The scope and notion of this concept will be discussed in the following paragraph.

3. Legal basis: scope and notion of pre-trial detention

In relation to the scope and notion of pre-trial detention, several aspects will pass in review in this paragraph, such as the definition of pre-trial detention, the primary objective of pre-trial detention, beginning and end of pre-trial detention according to the law, the competent authorities for

¹² Roy Walmsley, August 2006,

<http://www.kcl.ac.uk/depsta/law/research/icps/downloads.php?searchtitle=world+female+imprisonment+list&type=0&month=0&year=0&lang=0&author=&search=Search>

¹³ Such as Human Rights Watch and Amnesty International.

¹⁴ The CPT has visited Greece in total 7 times, see reports of the visit to Greece from 26 October-2 November 1999, CPT/Inf (2002) 31, CPT/Inf (2006) 41, CPT/Inf (2008) 3.

¹⁵ Report by Mr. Alvaro Gil-Robles, Commissioner for Human Rights, Council of Europe, Visit to the Hellenic Republic 2-5 June 2002, Strasbourg, 17 July 2002.

¹⁶ D. Spinellis and C.D. Spinellis, Greece Criminal Justice Systems in Europe and North America, HEUNI, Helsinki 1999, p. 51.

arrest/further detention, and the procedural rights of the accused at the time of arrest/during detention.

The Greek criminal courts are classified according to two principles: the competence regarding the categories of offences, and the distinction between first- and second-instance courts. The classification of offences is also important for the pre-trial stage, as it determines both the steps that will be taken and the parties who will be involved in carrying out the pre-trial investigation. In Art. 18 of the Penal Code, offences are divided into felonies, misdemeanours and petty offences.¹⁷

Offences are prosecuted exclusively by the public prosecutor. According to Art. 43 and 46 CCP, the public prosecutor is obliged to prosecute a case as soon as it is reported to him; provided that it is based on the law, that it is not too vaguely reported or that it is not manifestly unfounded as to the facts. There are three options the prosecutor can choose from:

- a) the order of **main investigation**, which is carried out by an Investigating judge, according to Art. 246.3 a CCP. This is the only way of prosecution for felonies. It is also ordered for misdemeanours when, in the prosecutor's opinion, restrictive conditions could be imposed to the defendant according to Art. 282 CCP. For felonies, the main investigation is always concluded with a decision of the Judicial Court of misdemeanours or the Appellant Judicial Council, according to Art. 308 CCP. The prosecutor makes a motion to the Judicial Council either to acquit without trial or to refer the case to trial; the Council can decide according to Art. 309-311 CCP. For misdemeanours, apart from the above-mentioned way, the main investigation can be concluded with a direct call before court, ordered by the prosecutor, as long as the Investigating judge agrees on it.
- b) the order of **preliminary investigation**, which is a summary investigation and is carried out by a (general or special) investigating officer. This way of prosecution is usually followed for misdemeanours, and sometimes (though not often) for petty offenses (Art. 244 and 49 CCP). According to Art. 245 CCP, the preliminary investigation is concluded with: a) a direct call before court; b) a motion by the prosecutor to the Judicial Court, if – in the prosecutor's opinion – there are no adequate indications to refer the case to court; c) a justified order by the prosecutor that puts the case in file, if there are no adequate indications (for less serious misdemeanours that are judged by the one-member Court of Misdemeanours and carry a prison penalty with a minimum limit of three months or less, a pecuniary penalty, or both a prison and a pecuniary penalty – e.g., insult (361 PC), simple physical injure (308 PC)); d) the ordering of a main investigation, if – during the preliminary investigation – a felony is suspected.
- c) the **direct call before court**. This is the common way of prosecution for petty offenses, and also for misdemeanours if a preliminary investigation is not necessary (Art. 244 CCP) and there are adequate indications. According to Art. 244, a preliminary investigation is unnecessary for: a) less serious misdemeanours (see above); b) misdemeanours in case of apprehension “in the act” (Art. 417 CCP); c) all other misdemeanours, providing that a preliminary inquiry (not an investigation – see Art. 31.2, 240, 241 CCP) has been held.

The pre-trial phase is deemed to end when 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.¹⁸

Greek law permits detention on remand in certain circumstances (which will be discussed in paragraph 4) for the purpose of bringing the accused before the competent legal authorities, preventing collusion or suppression of evidence, and mollifying public opinion, which does not easily tolerate the free circulation of offenders of serious crimes.¹⁹ The rules regarding arrest and pre-trial detention of persons are prescribed in the Constitution and the CCP. Art. 6.1 of the Constitution states: “No person shall be arrested or imprisoned without a reasoned judicial warrant which must be served at the moment of arrest or detention pending trial, except when

¹⁷ See Art. 52, 53 and 55 of the PC respectively.

¹⁸ D. Spinellis and C.D. Spinellis, *Greece Criminal Justice Systems in Europe and North America*, HEUNI, Helsinki 1999, p. 19.

¹⁹ L.Tsourelis, “Human Rights in Pre-Trial and Trial Procedures in Greece”, in *Human Rights in Criminal Procedure, A Comparative Study*, J.A. Andrews (ed.), The Hague/Boston/London: Martinus Nijhoff Publishers, 1982, p. 219. The last mentioned reason is an informal and silent one for the enforcement of pre-trial detention.

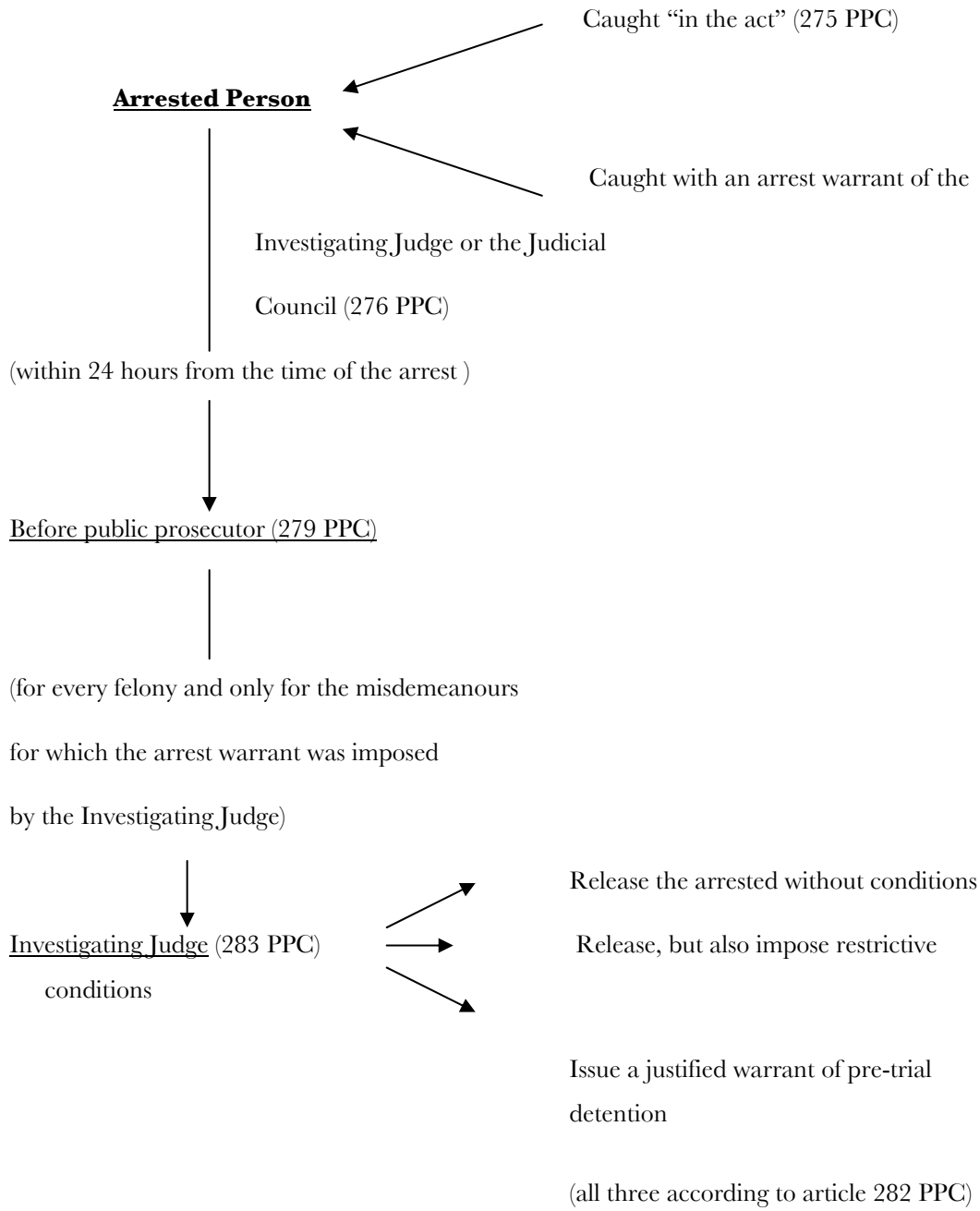
caught in the act of committing a crime.” A similar provision is to be found in Art. 276.1 CCP: “Except of the cases of article 275 (offender caught ‘in the act’) no person shall be arrested without a specially and sufficiently reasoned warrant of the investigating judge or the judicial council, which must be served at the moment of arrest.”

According to Art. 276.2 and 282.3 CCP, an arrest warrant can only be issued in respect of offences for which pre-trial detention can be ordered.²⁰ Arrested persons must be taken to the relevant public prosecutor within 24 hours from the time of arrest, or within the shortest possible transfer time if the arrest took place outside the area of the investigating authorities, who refer him to the investigating judge (Art. 279 CCP and Art. 6.2 Constitution). The investigating judge must either issue a warrant for pre-trial detention or release the suspect within three days from the time the suspect was first brought before them. There can be an extension for a further two days, following a request by the arrested person or in case of *force majeure* confirmed by a decision of the competent judicial council. At the expiry of this period, the person must be released immediately (Art. 6.2 and 6.3 Constitution). The investigating judge is competent to order the provisional detention of the accused, but the judge shall receive also the agreement of the prosecutor for it. In case of disagreement between these two, the judicial council decides. Before expressing his/her opinion, the prosecutor should hear the accused and his/her counsel.²¹

²⁰ In general, this means that an arrest warrant is only available when a felony is suspected. However, following the amendments introduced by Law 3346/2005, detention can now also be ordered with regard to the misdemeanour of “reckless manslaughter” if there are more than two victims. Such cases are to be tried before the three-member Misdemeanors Court.

²¹ Art. 283.1 CCP.

Pre-trial detention warrant schedule



The defendant has a series of rights at the pre-trial stage which are prescribed in the Constitution and in the CCP. The most relevant rights are the following:²²

- the general right to be heard (Art. 20 Constitution);
- the right to be informed by the investigating judge or other investigating officials in a language he understands of the charges brought against him and of his rights before being called to answer the charges (Art. 101 and 273 CCP);
- the right to be informed and receive copies of all the evidence in the case file, and to ask for adequate time (no less than 48 hours) for the preparation of his defence (Art. 101 and 102 CCP);
- the right to remain silent with respect to the charges or to submit a written defence statement (Art. 104 and 273 CCP);
- the right to appoint a defence counsel (no more than two) from the very beginning of the police or judicial investigation (or to receive legal assistance if he is indigent) and to communicate with his counsel at any stage of the investigation (Art. 96, 96A, 100 and 273 CCP)²³. In certain cases, Greek law requires the authorities to appoint a defence counsel *ex officio* to an unrepresented defendant.²⁴ Since the introduction of Law 3226/2004, a defence counsel must also be appointed to defendants charged with a misdemeanour “who do not have the financial means to appoint a lawyer themselves”. Cases tried before one-member Misdemeanours Courts are excluded from legal aid, both at the pre-trial and the trial stage;²⁵
- the right to be present at all investigative acts, to save the examination of witnesses, to put questions to the witnesses, and to submit comments on the evidence collected (Art. 97 and 99 CCP);
- the right to present evidence in his defence and to request the examination of witnesses, experts etc. (Art. 104, 273 and 274 CCP);
- the right to an interpreter (Art. 233 CCP); and finally
- the right to appeal against the decisions of courts and councils.²⁶

The rights of the defendant as prescribed in the Constitution and the CCP are complemented by international instruments such as the European Convention on Human Rights and the International Covenant on Civil and Political Rights.²⁷ These international instruments have an eminent position within the Greek legal system, as after their ratification they do not only form part of national law but also prevail over conflicting provisions of national law pursuant to Art. 28.1 of the Constitution.

The objective of pre-trial detention and the rules regarding arrest/detention have been discussed above. However, the question remains on which grounds pre-trial detention can be ordered. This question will be dealt with in the following paragraph.

²² K.D. Magliveras, I. Anagnostopoulos, *Criminal Law In Greece*, The Hague/Athens, Kluwer Law International/Sakkoulas respectively, 2000, p. 153-154 and D.D. Spinellis, “Criminal Law and Procedure”, in K.D. Kerameus and P.J. Kozyris (eds.), *Introduction to Greek Law*, Deventer/Athens, Kluwer/Sakkoulas, 3rd ed. 2008, p. 477-478.

²³ Although the law provides for persons in detention to have access to a lawyer from the very beginning of the investigation, the practice sometimes differs. During its 2005 visit, the CPT heard a number of allegations that access to a lawyer had been delayed for periods up to three days (CPT/Inf (2006) 41).

²⁴ This must always be done if the defendant is accused of having committed a felony.

²⁵ Z. Dellidou, “The Investigative Stage of the Criminal Process in Greece”, in E. Cape et al (eds.), *Suspects in Europe. Procedural Rights at the Investigative Stage of the Criminal Process in the European Union*, Antwerp-Oxford, Intersentia, 2007, p. 118-119.

²⁶ For more information on the rights of the accused, see L.Tsourelis, “Human Rights in Pre-Trial and Trial Procedures in Greece”, in *Human Rights in Criminal Procedure, a Comparative Study*, J.A. Andrews (ed.), and The Hague/Boston/London: Martinus Nijhoff Publishers, 1982.

²⁷ An example is the principle of “presumption of innocence”, which underlies the provisions of the Constitution and the CCP but is not proclaimed in them.

4. Grounds for pre-trial detention

Initially, the CCP prescribed that all persons charged with a serious crime had to be remanded in custody after their examination by the investigating judge on reasonable suspicion that they committed the crime under investigation. Their release on bail was allowed if their detention was not necessary to prevent flight or the commission of new offences. This mandatory pre-trial detention of defendants was harshly criticised and led to reforms in the statute governing pre-trial detention.²⁸ Nowadays, in pre-trial proceedings, priority is given to release under conditions; pre-trial detention is imposed as an exceptional measure.²⁹

Art. 282.1 CCP states that restrictive conditions are permissible if serious indications arise that the accused may be guilty of a crime or offence punishable by a prison sentence of at least three months. Conditions are imposed in order to ensure that the defendant will be present during the course of the pre-trial investigation or at trial, and will submit himself to the execution of the court decision (Art. 296 CCP). Conditions can include: the payment of bail; an obligation for the defendant to appear at intervals before the investigating judge or other authorities; the prohibition on living in or moving to a certain place or on leaving the country; and a ban on meeting or associating with specific persons (Art. 282.2 CCP). Violating a condition can lead to the accused being placed in pre-trial detention (Art. 282.4 and 298 CCP).

The application of pre-trial detention instead of restrictive conditions is provided for by Art. 282.3 CCP. Until 2005, temporary detention could only be ordered in felony cases, where there were serious indications regarding the defendant's guilt. Following amendments introduced by Law 3346/2005, it can now also be ordered for misdemeanour cases of reckless manslaughter of two (or more) persons. Furthermore, at least one of the following conditions has to be fulfilled: the accused has no known residence in the country, has taken preparatory actions to facilitate his escape, has been a fugitive in the past, was found guilty of helping a prisoner to escape or has violated restrictions concerning his place of residence; or it is judged within reason that, if he is left free, it is highly likely that he will commit other crimes as evidenced by specific events relating to his past or by the particulars of the act of which he is accused.³⁰ Finally, Art. 282.3 CCP also stipulates that the seriousness of the alleged crime alone can never justify the pre-trial detention of the defendant.

In practice, the application of legal provisions sometimes differs from what is written down in the statute. Although the law defines pre-trial detention as a last resort, the 2007 Country Report on Human Rights Practices in Greece³¹ notes that a number of defence lawyers asserted that pre-trial detention was supposed to be reserved for exceptional cases, but had become the norm; they also argued that, although the CCP expressly excludes "seriousness of the crime" as a criterion, in practice, it is usually the main reason for extended detention.

5. Grounds for review of pre-trial detention

In part six of the CCP, a wide range of legal remedies is provided. The main ordinary legal remedies are appeal and cassation. The Code also includes various special legal remedies. In this paragraph, attention will be paid to the procedure of appealing against a decision on pre-trial detention and its continuation.

According to Art. 284 CCP, detention begins when the detainee is escorted to the remand prison or centre where he is to be kept. When detention is based on a warrant from the investigating judge, the defendant can appeal against it before the judicial council within five days from the start of his pre-trial detention.³² The appeal does not suspend the execution of the order

²⁸ Reforms regarding pre-trial detention were made with the adoption of Acts 1129/1981, 2207/1994 and 2408/1996.

²⁹ D. Magliveras, I. Anagnostopoulos, *Criminal Law In Greece*, The Hague/Athens, Kluwer Law International/Sakkoulas respectively, 2000, p. 172.

³⁰ See Z. Dellidou, "The Investigative Stage of the Criminal Process in Greece", in E. Cape et al (eds.), *Suspects in Europe. Procedural Rights at the Investigative Stage of the Criminal Process in the European Union*, Antwerp-Oxford, Intersentia, 2007, p. 115.

³¹ 11 March 2008, released by the Bureau of Democracy, Human Rights and Labor of the US Department of State.

³² Against detention based on a warrant of the judicial council itself, no legal remedy is provided.

(Art. 285 CCP). The defendant has no right to appear and be heard before the judicial council while the council is considering his appeal, and there is no right of further appeal or cassation against the council's decision on the appeal.³³ Apart from the appeal of Art. 285 PPC, the detainee can apply for a repeal of his/her pre-trial detention or restrictive conditions if – during the investigation – the specific reasons for his/her pre-trial detention have ceased to exist. According to Art. 286.2 CCP, this application can be submitted to the investigating judge at any time during the investigation. Against the order of the investigating judge who decides on the application of repeal or replacement of the pre-trial decision, the defendant can appeal to the Judicial Court within five days from the day the order was promulgated. According to Art. 286.2 CCP, the investigating judge can, *ex officio* or after a motion from the prosecutor, repeal or replace pre-trial detention with restrictive conditions if the reasons for the pre-trial detention no longer exist, even without the defendant applying for this.

The CCP also provides for automatic monitoring of pre-trial detention. When the remand period has lasted for six months, the judicial council decides whether the detainee shall be released or detained for an additional period (Art. 287.1 CCP).³⁴ The judicial council hears the public prosecutor, who submits a written recommendation, and takes into account the written submission of the defendant, who is to be notified five days before the judicial council's session. Prior to 2005, the judicial council could also call the defendant or his counsel to appear in order to hear their submissions on continuation of pre-trial detention. Following the 2005 amendments, it is now the norm to invite the defendant to be present at the hearing.³⁵ If detention is prolonged, it shall be reviewed again *ex officio* after six months by the judicial council, following the same procedure as above; detention can be prolonged only in the case of serious crimes. The judicial council's decision to prolong pre-trial detention can be appealed before the Supreme Court (“Areios Paghos”) by the defendant and the prosecutor (Art. 287.5 CCP).³⁶

6. Length of pre-trial detention

The maximum term of pre-trial detention is determined by Art. 6.4 of the Constitution and Art. 287.2 CCP. According to the Constitution, pre-trial detention may not exceed a period of one year in the case of felonies or six months in the case of misdemeanours. In entirely exceptional cases, the maximum durations may be extended by six or three months respectively, by decision of the competent judicial council. These are strict time limits, which can not be exceeded. A defendant who has been detained for the above-mentioned periods of time, shall be released even before or during the trial hearing. As of 6 May 2003, the average length of pre-trial detention was one year, according to a report by the European Committee on Crime Problems.³⁷ According to data from the National Statistical Service of Greece, the average length of pre-trial detention in Greek prisons fluctuates between six to seven months. More data is presented in the following table.

Length of pre-trial detention	1998	1999	2000	2001	2005	2006
Less than 1 month (detainees %)	7.9	8.2	7.4	8.2	8.1	8.2
1-3 months	19.6	17.5	19.4	20.8	19.1	17.6
3-6 months	26.2	22.9	22.6	22.6	23.9	22.1
6-12 months	36.7	37.1	33.1	30.6	38.9	37.9
12-18 months	9.5	14.2	17.4	17.7	10.0	14.2

³³ L.Tsourelis, “Human Rights in Pre-Trial and Trial Procedures in Greece”, in *Human Rights in Criminal Procedure, A Comparative Study*, J.A. Andrews (ed.), The Hague/Boston/London: Martinus Nijhoff Publishers, 1982, p.220.

³⁴ If detention is not extended within 30 days after the completion of six months, the force of the warrant ceases and the public prosecutor orders the release of the person detained (Art. 287.3 CCP).

³⁵ See Z. Dellidou, “The Investigative Stage of the Criminal Process in Greece”, in E. Cape et al (eds.), *Suspects in Europe. Procedural Rights at the Investigative Stage of the Criminal Process in the European Union*, Antwerp-Oxford, Intersentia, 2007, p. 116.

³⁶ D. Magliveras, I. Anagnostopoulos, *Criminal Law In Greece*, The Hague/Athens, Kluwer Law International/Sakkoulas respectively, 2000, p. 174-175.

³⁷ European Committee on Crime Problems, *Analysis of the questionnaire on the law and practice of member states regarding remand in custody*; Report by Jeremy McBride PC-DP (2003) 9.

Total number of detainees	3,782	3,499	2,376	3,759	4,787	4,900
Average length of pre-trial detention in months	6.34	6.89	7.03	6.95	6.50	6.92

Art. 288.1 CCP prescribes that the time of pre-trial detention runs from the first day of detention, irrespective of the simultaneous or successive pronouncements of the charges against the defendant.³⁸

7. Other relevant aspects

Several elements in relation to pre-trial detention have already been discussed in the previous paragraphs. Some of the remaining questions, such as whether the time spent in pre-trial detention is taken into account, whether there is a mechanism for compensation if the accused is not sentenced, whether there are alternatives to pre-trial detention, and the practice regarding the execution of pre-trial detention, will be treated in this paragraph.

Art. 87 PC and Art. 371.4 CCP provide that, when a custodial sentence has been imposed and its duration determined by the sentencing court, the term of pre-trial detention as well as the time between the arrest and the order of pre-trial detention shall be deduced from the sentence.³⁹

Concerning the issue of compensation for detained persons who are eventually not sentenced, Art. 7.4 of the Constitution prescribes the following: “The conditions under which the State, following a judicial decision, shall indemnify persons unjustly or illegally convicted, detained pending trial, or otherwise deprived of their personal liberty shall be provided by law.” The conditions mentioned above are set out in the CCP, Art. 533 and further. Art. 533.2 prescribes: “Persons who have been detained on remand and subsequently acquitted (...) shall be entitled to request compensation (...) if it has been established in the proceedings that they did not commit the criminal offence for which they were detained.” Art. 535.1 and 536 CCP state: “The State shall have no obligation to compensate a person who (...) has been detained on remand if, whether intentionally or by gross negligence, he was responsible for his own detention.” Courts are allowed to decide *proprio motu* the question of compensation for unlawful detention without a hearing and with inadequate reasoning.⁴⁰ Following the European Court’s judgments,⁴¹ these articles were amended by Law 2915/2001. The new provisions no longer exclude the possibility of compensation in cases of detention due to the detainee’s “gross negligence” and obligate criminal courts to give reasons for their decisions, having heard the person concerned and the public prosecutor.

With regard to the execution of pre-trial detention in practice, detainees are confronted with problems such as overcrowding and bad conditions of detention. Remand prisoners are held in special sections within prisons or other penal institutions. The prison system does not have a single-cell policy; detainees are held in accommodations for 2-4 or 5-8 persons. According to the Country Reports on Human Rights Practices 2007, many pre-trial detainees were held together with convicted prisoners in the high-security Korydallos Prison in central Piraeus.⁴² The specified amount of space available for remand prisoners in Greece is 6 m² or more. However, the

³⁸ See ECtHR 3 July 1995, Kampanis vs. Greece, for case-law of the European Court on Human Rights regarding the length of pre-trial detention.

³⁹ D. Spinellis and C.D. Spinellis, *Greece Criminal Justice Systems in Europe and North America*, HEUNI, Helsinki 1999, p. 23.

⁴⁰ See L. Margaritis, “The compensation of those who had been detained and then were uncharged, and the recent law 2915/2001: a first approach of the new provisions” (in Greek), *Poiniki Dikaiosisini (Penal Justice)* 2001, p.750

⁴¹ Some relevant cases brought before the European Court on Human Rights concerning compensation for unlawful detention, mainly based on the articles 5.1/5.5 and 6.1 of the ECHR, are: 29 May 1997, Tsirlis and Kouloumpas vs. Greece; 29 May 1997, Georgiadis vs. Greece; 1 July 1998, Sinneal vs. Greece; 3 March 1999, Goutsos vs. Greece; 17 Oktober 2000, Karakasis vs. Greece.

⁴² March 11, 2008, released by the Bureau of Democracy, Human Rights, and Labor of the US Department of State. The Council of Europe’s Commissioner for Human Rights has also reported on the bad conditions of detention in Greek prisons; see the report by Mr. Alvaro Gil-Robles, Commissioner for Human Rights, Council of Europe, *Visit to the Hellenic Republic 2-5 June 2002*, Strasbourg, 17 July 2002 and Follow-up report, *Assessment of the progress made in implementing the recommendations of the Council of Europe Commissioner for Human Rights of 29 March 2006*, CommDH(2006)13.

approximate amount of space that remand prisoners currently receive in reality is 3 m², in rare cases even 2 m². As discussed earlier (see paragraph 2), prison overcrowding is a serious problem in Greece. This situation causes bad conditions of detention. After its visits to Greece in 2005 and 2007, the CPT reported that conditions of detention in police establishments were generally unsatisfactory, and in certain cases amounted to inhuman or degrading treatment. The CPT found that facilities designed for keeping suspects in custody for a short period of time were used for holding persons, in particular immigration detainees, for prolonged periods.⁴³ In April 2007, the CPT reported to the Council of Europe Parliamentary Assembly that detention centre conditions in Peloponnese, Thrace and on the Aegan Island of Mytilini were unacceptable, and that there were multiple shortcomings at the Chios judicial prison.⁴⁴ In its response to the CPT report of the 2007 visit, the Greek Government summarised what is being undertaken by the authorities to combat the problem of overcrowding (see CPT/Inf. (2008) 4).

Regarding the treatment of prisoners, the law prohibits torture and other inhuman or degrading treatment or punishment as prescribed in, *inter alia*, the Constitution (Art. 7.2), the Penitentiary Code⁴⁵, and the Police Code of Conduct.⁴⁶ The police and security services are subject to a broad variety of restraints, but in practice violations occur. According to the CPT, the rights of persons in police detention centres were not respected in practice and there continued to be widespread use of violence against persons deprived of their liberty.⁴⁷ In its report of the last visit to Greece (2007), the CPT states: “The information gathered during the 2007 ad hoc visit of the CPT to Greece clearly indicates that there has been no improvement as regards the manner in which persons detained by law enforcement agencies are treated. The CPT’s delegation heard, once again, a considerable number of allegations of ill-treatment of detained persons by law enforcement officials. Most of the allegations consisted of slaps, punches, kicks and blows with batons, inflicted upon arrest or during questioning by police officers.” Besides the CPT, several NGOs also expressed continuing concern on the mistreatment of individuals during arrest and detention as well as on the judicial and administrative systems’ failure to deal with cases of police misconduct promptly.⁴⁸

To conclude this paragraph, it is to be stated that remand prisoners are not denied family visits (for instance, on the ground that such visits would interfere with the administration of justice). Sometimes even friends are allowed to visit. The usual frequency of visits to remand prisoners is more than once a week; the average length of a visit is 30 minutes to an hour. Remand prisoners spend about ten hours a day outside of their cells/rooms.⁴⁹

8. Special groups

This paragraph will consider the special regulations (if any) with respect to pre-trial detention for vulnerable groups in Greece. Attention will be paid to juveniles, women, foreigners and alleged terrorists. The particular groups will be dealt with separately.

8.1 Juveniles

There is no special statute on Juvenile Criminal Justice available in Greece. Chapter 8 of the PC deals with “minor offenders” (juvenile delinquents). Art. 121 of the PC defines delinquent minors as persons who commit a criminal offence while being eight to eighteen years old.⁵⁰ Children who are not yet twelve years of age are not criminally responsible. However, children between eight

⁴³ CPT/Inf (2006) 41, CPT/Inf (2008) 3. subsequent enactments.

⁴⁴ 11 March 2008, released by the Bureau of Democracy, Human Rights, and Labor of the US Department of State.

⁴⁵ Law of 24 December 1999, replacing the 1989 Code of Basic Rules for the Treatment of Prisoners.

⁴⁶ Presidential Decree No 254/2004.

⁴⁷ CPT/Inf (2006) 41.

⁴⁸ *State Violence in Greece, an Alternative Report to the United Nations Committee against Torture*, Athens and Geneva, 27 October 2004.

⁴⁹ European Committee on Crime Problems, *Analysis of Responses to Questionnaire 2 on Conditions of Detention on Remand Prisoners in Member States*; Report by Roy Walmsley, PC-DP (2004) 6.

⁵⁰ Before its amendment, Art. 121 of the PC stated that minors were those between seven and seventeen years old. Acts 3189/2003 and 3064/2002 brought amendments to the legislation concerning juvenile offenders.

and thirteen years may be subjected to educative (Art. 122 of the PC)⁵¹ or therapeutic (Art. 123 of the PC) measures. Minors over thirteen but under eighteen years old who commit criminal acts are subjected to educative/therapeutic measures or to penal correction. Detention in a special institution can be imposed when the Juvenile Court, taking into account the circumstances of the offence and the personality of the juvenile offender, considers that a penal sanction is necessary to deter the offender from committing further offences (Art. 127 of the PC). Although detention in a special institution is a penal sanction and not an educative measure, the aim of the institution is mainly educative and it tends to promote the social reintegration of the detainees. Detention is to be as short as possible. For young adult offenders (persons who have committed a crime after their 18th but before their 21st birthday), the adult penal court can either impose relatively milder penal sanctions or the same sanctions that apply to adults (Art. 133 of the PC).⁵²

With regard to pre-trial detention, Art. 282.5 CCP (as amended by Law 3189/2003) prescribes that temporary detention may be imposed on juveniles for the same substantive reasons as in adult cases, but only if they are above thirteen years of age and only if they are accused of a felony punishable by a minimum sentence of ten years.⁵³ According to Art. 18 of the PC, any act punishable with confinement in a penitentiary is a felony; any act punishable with imprisonment, with a pecuniary penalty or with detention in a correctional institution is a misdemeanour. As minors can only be sentenced to a correctional institution, every criminal act, apart from petty offences, committed by a minor is a misdemeanour. This leads to the situation that temporary detention in the case of minors cannot exceed a period of six months (nine months in exceptional cases), Art. 6.4 of the Constitution.⁵⁴

According to the Police Code of Conduct, police officers have to take special care with regard to vulnerable groups such as minors, and ensure that the conditions of detention guarantee the security, health and respect of the arrested person. Whenever possible, they must also try to keep juveniles separate from adults.⁵⁵

8.2 Women

As can be seen in Table 2, on 1 September 2006, there were 579 female prisoners (including pre-trial detainees), which is 5.7% of the total prison population. According to the World Female Imprisonment List, there were 518 females imprisoned in December 2004 – 5.9% of the total prison population. In accordance with the Code of Police Conduct, women are detained separately from men. Besides a 2004 report of a visit by the Greek National Commission for Human Rights to the Korydallos Women's Prison, there is not much information available on female offenders.⁵⁶ The excerpt from this report states: "Unfortunately, detention conditions in the main women's prison cannot be said to be satisfactory. General conclusion: this prison also suffers from overcrowding as well as from unbalanced allocation of inmates into cells. It accommodates about 480-500 female inmates while it was built for 80-100. As a building, it has been built according to specifications that would, ordinarily, ensure civilized and safe living conditions, more so than the men's prison. Overcrowding, however, leads to serious malfunctions and there is an immediate need for improvement. Moreover, it should be stressed that there are no doctors or even a specialized nurse in the women's prison on a permanent basis (doctors of all specializations visit the prisons twice a week). The female prison's medical staff consists of a female medical orderly – graduate of a Technical Educational Institution – as well as two medical orderlies doing

⁵¹ Such measures are, *inter alia*, placing the minor under the responsible supervision of a foster family, community service, and payment of compensation to the victims or reparation of the damage by any other means.

⁵² C.D. Spinellis and A. Tsitsoura, "The Emerging Juvenile Justice System in Greece", in *International Handbook of Juvenile Justice*, J. Junger-Tas and S.H. Decker (eds.), Springer 2006, p. 316-320.

⁵³ Pre-trial detention is a measure of last resort. If there are non-custodial measures that can be imposed instead of detention, these should prevail (see Art. 282 CCP).

⁵⁴ A. Pitsela, Greece, "Criminal Responsibility of Minors in the National and International Legal Orders", *Revue Internationale de Droit Penal* (vol. 75), 2004, nr. 1-2, p. 357-359.

⁵⁵ Z. Dellidou, "The Investigative Stage of the Criminal Process in Greece", in E. Cape et al (eds.), *Suspects in Europe. Procedural Rights at the Investigative Stage of the Criminal Process in the European Union*, Antwerp-Oxford, Intersentia, 2007, p. 121.

⁵⁶ The Commission's website can be found at http://www.nchr.gr/index.php?category_id=3

their apprenticeship. The grave dangers stemming from this lack (of specialized medical personnel) are apparent.”⁵⁷

8.3 Foreigners

As discussed in paragraph 2, foreigners constitute a large part of the prison population in Greece. In September 2006, more than half of the prison population was made up of foreign prisoners, 24% of whom were pre-trial detainees. The Law on Prisons as well as the Code of Police Conduct forbids discrimination on the basis of race, colour, national or social origin, religion etc. The law states that interpreters are to be provided to persons who are in need of them, and that leaflets in several languages must be distributed to foreigners, explaining their rights.

Over the last couple of years, several reports by NGOs and international organisations have reported on the abuse of foreigners, particularly of illegal migrants and Roma, by police forces.⁵⁸ With regard to the category of immigration detainees who are held in administrative detention, there have been many reports describing the very poor conditions of the centres in which they are detained. In its 2006 report, the CPT stated that most detention centres for illegal immigrants it visited in 2005 were in a poor state of repair, unhygienic, and lacking in basic amenities.⁵⁹ In August 2007, the World Organisation against Torture (OMCT) asserted that there had been no improvement in detention conditions at either the Thessaloniki Transfer Centre and the Aliens’ Division of the Thessaloniki Police. The OMCT alleged that the conditions amounted to inhuman and degrading treatment. The ombudsman for human rights found that Greece lacked permanent facilities for illegal aliens that met basic standards for decent living conditions.⁶⁰

8.4 Alleged terrorists

The Greek penitentiary system has no special provisions for specific categories of offenders. According to Art. 3 of the Greek Correctional Code, discrimination of detainees because of their race, colour, national origin, religion or ideological convictions is forbidden. No special conditions are provided for alleged terrorists. For safety reasons, certain special measures can be taken, but these may not deeply affect detainees’ general living conditions. However, during the summer of 2002, 32 special cells were created at Korydallos Female Prison to detain the alleged terrorists of the terrorist organisations “17th November” and “E.L.A.”. In the Greek media, much attention was given to the special conditions of detention and to the existence of Greek “white cells”⁶¹. At the moment, there is no official data on alleged terrorists in Greek detention establishments. The convicted members of the above-mentioned terrorist organisations are currently serving their sentences at Larissa Judicial Prison.

⁵⁷ *State Violence in Greece, an Alternative Report to the United Nations Committee against Torture*, Athens and Geneva, 27 October 2004.

⁵⁸ Some of these are: Country Reports on Human Rights Practices 2007, 11 March 2008, released by the Bureau of Democracy, Human Rights, and Labor of the US Department of State; Urgent Concerns: Conditions of Detention for Foreigners in Greece, Human Rights Watch Memorandum, December 2000; Amnesty International Report 2008, State of the World’s Human Rights, Greece, Report by Mr. Alvaro Gil-Robles, Commissioner for Human Rights, Council of Europe, Visit to the Hellenic Republic 2-5 June 2002, Strasbourg, 17 July 2002 and Follow-up report, Assessment of the progress made in implementing the recommendations of the Council of Europe Commissioner for Human Rights of 29 March 2006, CommDH(2006)13.

⁵⁹ CPT/Inf (2006) 41. During its visit to Greece in 2007, the CPT also visited detention centres for immigration detainees that were in very poor condition, CPT/Inf (2008) 3.

⁶⁰ See Country Reports on Human Rights Practices 2007, 11 March 2008, released by the Bureau of Democracy, Human Rights, and Labor of the US Department of State.

⁶¹ See a number of newspaper articles: S. Halikias, “In white cells the terrorists of 17th November”, *Apogefmatini*, 22 July 2002, N. Mpardounas, “In close confinement the 14 members of 17th November” in *Kathimerini*, 30 July 2002, K. Vaksevanis, “The first week at Korydallos”, *To Vima*, 4 August 2002, Ios tis Kyriakis, “Prisons of special legitimacy”, *Kiriakatiki Eleftherotipia*, 28 January 2004 (<http://www.iospress.gr>)

National literature

- Androulakis, N., Fundamental principles of penal trial, Ant.N. Sakkoulas Publications, Athens 1994.
- Androulakis, N., Fundamental meanings of penal trial, 3th edition, P.N. Sakkoulas Publications, Athens 2007.
- Courakis, N., 'The institution of compensation of those who had been condemned or detained before trial and then were judged innocent. The Lydian stone of our "Rechtsstaatssystem"' *Υπερασπισι, (Defense)* 1998, pp. 481.
- Dalakouras Th., The principle of proportionality and the measures of procedural enforcement, Ant.N. Sakkoulas Publications, Athens-Komotini 1993.
- Dalakouras Th., 'New directions of the law of pre-trial detention. Critical remarks on the relevant dispositions of law 2207/1994' *Υπερασπισι (Defense)* 1994, pp. 1269.
- Dalakouras Th., Pre-trial detention and restrictive conditions, Ant.N. Sakkoulas Publications, Athens- Komotini 1998.
- Kaisaris, P. 'Pre-trial detention and the serving of sentence', *Poinika Chronika (Penal Annals)* 1997, pp.330
- Kalfelis, G., 'Thoughts about the reform of the interrogation stage', *Υπερασπισι (Defense)* 1997, pp. 11.
- Karras, A., Penal Procedural Law, 3th edition, Ant.N. Sakkoulas Publications, Athens-Komotini 2007.
- Korotzis, I., 'Pre-trial detention and restrictive conditions. One more contribution to the analysis of this institution according to the last legal amendments', *Poinika Chronika (Penal Annals)* 1993, pp.126
- Margaritis, L., 'The provisions of procedural content of the law 2408/1996' *Υπερασπισι (Defense)* 1997, pp. 11.
- Margaritis, L., 'The compensation of those who had been detained and then were uncharged of accusations, and the recent law 2915/2001: a first approach of the new provisions', *Poiniki Dikaosini (Penal Justice)* 2001, pp. 750
- Papadamakis, A., Penal Procedure. The structure of penal trial, 3th edition, Sakkoulas Publications, Athens-Thessaloniki 2006.
- Pitsela, A., The penal treatment of juvenile delinquency, 6th edition, Sakkoulas Publications, Athens-Thessaloniki 2008.
- Pitsela, A., Social aid on the ground of penal justice system, 2nd edition, Sakkoulas Publications, Athens-Thessaloniki 2006.
- Simeonidou-Kastanidou, El. 'Pre-trial detention – legal rule and practice', *Υπερασπισι (Defense)* 1991, pp. 95.
- Vourliotis, Ch., 'The deprivation of freedom as a measure of penal coercion and the limits of its enforcement', *Poinika Chronika (Penal Annals)* 2002, pp. 395.
- Zimianitis, D., 'The compensation of the unfairly condemned and the pre-trial detained persons, from the angle of the recent decisions of the European Court of Human Rights', *Elliniki Epitheorisi Europaikou Dikaiou (Hellenic Review of European Law)* 2001, pp. 315.

English literature

- Courakis, N., 'Alternative Penal Sanctions in Greece', *The Journal of Asset and Financial Crime*, vol. 2 no 3 1994, pp. 257.
- Dellidou, Z., 'The Investigative Stage of the Criminal Process in Greece, in E. Cape et al (eds.), *Suspects in Europe. Procedural Rights at the Investigative Stage of the Criminal Process in the European Union*, Antwerp-Oxford, Intersentia, 2007.
- European Commission, Pre-trial detention and alternatives to such detention, Response to Member States' questionnaire (2002)
- Lolis, N.B., The Greek Penal Code, London 1973 (translation of the Penal Code with an introduction by G.A. Mangakis
- Magliveras, K.D. and Anagnostopoulos, I., *Criminal Law In Greece, The Hague/Athens, Kluwer Law International/Sakkoulas respectively, 2000*

- McBride, J., European Committee on Crime Problems, *Analysis of the questionnaire on the 'Law and Practice of Member States regarding the Use of Remand in custody' (2003)*
- Mylonopoulos, C., 'Chapter 6 Greece', in *Criminal Procedure Systems In The European Community*, C. Van den Wyngaert (ed.), Butterworths: London, Brussels, Dublin, Edinburgh 1993
- Pitsela, A., Greece, 'Criminal Responsibility of Minors in the National and International Legal Orders', *Revue Internationale de Droit Penal* (vol. 75), 2004, nr. 1-2
- Spinellis, C.D. and Tsitsoura, A., 'The Emerging Juvenile Justice System in Greece', in *International Handbook of Juvenile Justice*, J. Junger-Tas and S.H. Decker (eds.), Springer 2006
- Spinellis, D. and Spinellis, C.D., *Greece Criminal Justice Systems in Europe and North America*, HEUNI, Helsinki 1999
- Spinellis, D.D., 'Criminal Law and Procedure', in K.D. Kerameus and P.J. Kozyris (eds), *Introduction to Greek Law*, Deventer/Athens, Kluwer/Sakkoulas, 3rd.ed., 2008
- Spinellis, C.D., 'Attacking prison overcrowding in Greece: a task of Sisyphus?', in: H.-J. Albrecht al. (Eds.), *Perspektiven in Kriminologie und Strafrecht. Festschrift für Günther Kaiser*, Duncker & Humblot Berlin 1998, pp. 1274.
- Spinellis, C.D. – Spinellis, D., 'Sanctions imposed, sanctions executed: who benefits from the discrepancy?' *Revue Hellénique de Droit International* 55 (2002), pp. 311.
- Tsourelis, L., 'Human Rights in Pre-Trial and Trial Procedures in Greece', in *Human Rights in Criminal Procedure, A Comparative Study*, J.A. Andrews (ed.), The Hague/Boston/London: Martinus Nijhoff Publishers, 1982
- Walmsley, R., European Committee on Crime Problems, *Analysis of Responses to Questionnaire 2 on the Conditions of Detention of remand Prisoners in Member States*, PC-DP (2004) 6

Internet sources

Amnesty International Report 2008, Greece

<http://thereport.amnesty.org/eng/regions/europe-and-central-asia/greece>

Country Reports on Human Rights Practices, March 11, 2008, released by the Bureau of Democracy, Human Rights, and Labor of the US Department of State.

<http://www.state.gov/g/drl/rls/hrrpt/2007/100562.htm>

CPT reports on Greece

<http://www.cpt.coe.int/en/states/grc.htm>

Human Rights Watch Memorandum 2000

<http://www.hrw.org/backgrounder/eca/greece-detention-bck.htm>

Report by Mr. Alvaro Gil-Robles, Commissioner for Human Rights, Council of Europe, Visit to the Hellenic Republic 2-5 June 2002, Strasbourg, 17 July 2002 and follow up report on the Hellenic Republic (2002-2005)

[https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH\(2002\)5&Language=lanEnglish&Site=COE&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679](https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH(2002)5&Language=lanEnglish&Site=COE&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679)

SPACE I (Annual Penal Statistics of the Council of Europe) - 2006 Enquiry

PC-CP (2007) 9rev3

State Violence in Greece, an Alternative Report to the United Nations Committee against Torture, Athens and Geneva, 27th October 2004.

http://www.omct.org/pdf/procedures/2004/joint/s_violence_greece_10_2004.pdf

World Pre-trial/Remand Imprisonment List, January 2008

<http://www.kcl.ac.uk/depsta/law/research/icps/downloads.php?searchtitle=World%20Pre-trial&search=search&type=0&month=0&year=0&lang=0&author>

World Female Imprisonment List, August 2006

Interesting recent case-law of Greek courts on matters of pre-trial detention:

- a.** About the grounds and prerequisites of pre-trial detention (Art. 282 par.3 PPC):
 - 1) (Three-member) Court of Appeal of Patras, decision no. 403/2004, *Armenopoulos 2005*, pp. 412.
 - 2) Judicial Council of Giannitsa, decision no. 46/2003, *Poiniki Dikaiosiini (Penal Justice) 2004*, pp. 1123.
 - 3) Judicial Council of Rodos, decision no. 128/2003, *Nomiko Vima 2003*, pp. 1977.
- b.** About the prerequisites of pre-trial detention for juveniles (Art. 282 par.5 PPC): (Three-member) Court of Appeal of Athens, decision no. 193/2004, *Poinika Chronika (Penal Annals) 2004*, pp. 51.
- c.** About the appeal of pre-trial detention (Art. 285 PPC):
 - 1) Judicial Council of Nafplio, decision no. 133/2003, *Poiniki Dikaiosiini (Penal Justice) 2005*, pp. 428.
 - 2) Judicial Council of Thessaloniki, decision no. 1556/2004, *Armenopoulos 2005*, pp. 608.
- d.** About the repeal of pre-trial detention or its replacement with restrictive conditions (Art. 286 PPC):
 - 1) Judicial Appellant Council of Athens, decision no. 337/2004, *Poiniki Dikaiosiini (Penal Justice) 2005*, pp. 49.
 - 2) Judicial Appellant Council of Thessaloniki, decision no. 1743/2004, *Poiniki Dikaiosiini (Penal Justice) 2005*, pp. 560.
 - 3) Judicial Appellant Council of Athens, decision no. 750/2003, *Poiniki Dikaiosiini (Penal Justice) 2003*, pp. 936.
 - 4) Judicial Council of Veroia, decision no. 43/2003, *Poiniki Dikaiosiini (Penal Justice) 2003*, pp. 521.
- e.** About the extension and the interruption of pre-trial detention (Art. 287 PPC):
 - 1) Judicial Court of Chalkida, decision no. 314/2002, *Poinika Chronika (Penal Annals) 2004*, pp. 464.
 - 2) Areios Pagos (Supreme Court), decision no. 1460/2003, *Poinika Chronika (Penal Annals) 2004*, pp. 359.
 - 3) Council of Areios Pagos (Supreme Court), decision no. 498/2003, *Poinika Chronika (Penal Annals) 2003*, pp. 930.
 - 4) Council of Areios Pagos (Supreme Court), decision no. 2201/2002, *Poinika Chronika (Penal Annals) 2003*, pp. 765.
 - 5) Judicial Appellant Council of Athens, decision no. 1203/2003, *Poiniki Dikaiosiini (Penal Justice) 2004*, pp. 409.
- f.** About the maximum confines of the length of pre-trial detention (Art. 287 par. 2 PPC): Council of Areios Pagos (Supreme Court), decision no. 297/2003, *Poiniki Dikaiosiini (Penal Justice) 2003*, pp.929.
- g.** About those who were detained unfairly before trial:
 - 1) Areios Pagos (Supreme Court), decision no. 2098/2003, *Poiniki Dikaiosiini (Penal Justice) 2004*, pp.540.
 - 2) (Five-member) Court of Appeal of Thessaloniki, decision no. 785/2003, *Poiniki Dikaiosiini (Penal Justice) 2003*, pp.1328.