

Submission Template

The right to interpretation and translation and the right to information in criminal proceedings in the EU

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QUESTIONS

As envisaged in the section on Research Methodology, please note that some questions require consultation with organisations and/or practitioners working in relevant fields covered by the research to cross-check findings from the desk research with respect to the way in which the examined rights are applied in practice (such as judges, lawyers, interpreters and translators or civil society organisations active in the field of legal assistance in criminal proceedings).

SECTION A: The right to interpretation and translation in criminal proceedings

1.	RIGHT TO INTERPRETATION ¹	Brief Description
1.1		<p>Please provide answers to the following for each stage of proceedings as indicated below:</p> <p>a) Who has the responsibility for determining the need of interpretation at each stage of the proceedings?</p> <p>b) How it works in practice for the various stages of the proceedings to ascertain whether suspected or accused persons speak and understand the language of the proceedings?</p> <p>c) Who bears the cost of interpretation at each stage?</p> <p>d) What is the timeframe (deadline) for providing interpretation at each stage of the proceedings?</p> <p>.Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</p>
	<ul style="list-style-type: none"> • police questioning; 	<p>a) According to the fourth subparagraph of Article 233 (1) of the Code of Criminal Procedure [CCP]², “[a]t any stage of the criminal proceedings the inquiring authority verifies in any appropriate manner whether the suspected or accused person</p>

¹ See in particular Articles 2 and 4 and related recitals of Directive 2010/64/EU.

² As amended by Art. 2 (1) of Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (ΟΓ Α’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

1.1.1		<p><i>speaks and understands the Greek language and whether he/she needs the assistance of an interpreter [Unofficial translation]</i>".</p> <p>Police questioning is carried out by investigating officers during the stage of the preliminary criminal investigation. This investigation takes place in cases where either the suspect has been caught in the act of committing the offence or where a delay would give rise to an immediate risk³. In these cases, the investigating officers inform the prosecutor as soon as possible⁴.</p> <p>The investigating officers or the prosecutor are, thus, responsible for determining the need of interpretation at the stage of police questioning⁵.</p> <p>b) According to the fourth subparagraph of Article 233 (1) of the Code of Criminal Procedure^{6,7}, "[a]t any stage of the criminal proceedings the inquiring authority verifies in any appropriate manner whether the suspected or accused person speaks and understands the Greek language and whether he/she needs the assistance of an interpreter [Unofficial translation]".</p> <p>At the stage of police questioning, the interpreter is appointed either by the investigating officer <i>ex officio</i> or after a request by the accused or suspected person or at the suggestion of the prosecutor⁸.</p> <p>In practice, either the suspected or accused persons declare that they do not speak and understand Greek and apply for an interpreter or the competent authorities verify this on their own.⁹ This verification may be accomplished in a number of different ways, indicatively: they may consult the suspected or accused persons concerned¹⁰; they may examine whether the suspected or accused persons reply with clarity to the questions posed¹¹; or they may deduce this from the case-file if it contains documents and certificates revealing the nationality of the suspected or accused person, the language that he/she speak and understands as well as the need for interpretation¹².</p>
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³ Art. 243 (2) of the CCP.

⁴ Art. 243 (2) of the CCP.

⁵ Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία κατ' άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2753; representatives of the Athens Bar Association and Rhodes Bar Association.

⁶ As amended by Art. 2 (1) of the Law No. 4236/2014 'On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions' (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (ΟΓ Α' 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

⁷ Greece, *Presidential Decree No 258/1986 'Code of Criminal Procedure' (Κώδικας ποινικής δικονομίας)*, (ΟΓ Α' 228/8.10.1986), the most updated version available [for members only] at: <http://www.dsanet.gr/1024x768.htm>. See also, Greece, (2015), *Code of Criminal Procedure (Κώδικας ποινικής δικονομίας)*, Athens-Thessaloniki, Sakkoulas

⁸ Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία κατ' άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2753.

⁹ Greece, Arvanitis, D. (2013), 'The right to interpretation and translation in criminal proceedings and the relevant Directive 2010/64/EU' (*Το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία και η σχετική Οδηγία 2010/64/ΕΕ*), *Criminal Justice (Ποινική Δικαιοσύνη)*, No. 7, p. 641.

¹⁰ Greece, Spiliakos, Sp. (2014), 'Assistance by interpreter free of charge' (*Δωρεάν παράσταση διερμηνεία*) in: Kotsalis, L. (ed.), *European Convention on Human Rights and Criminal Law (Ευρωπαϊκή Σύμβαση Δικαιωμάτων του Ανθρώπου και Ποινικό Δίκαιο)*, Athens, Nomiki Bibliothiki, p. 706.

¹¹ Greece, representative of the Athens Bar Association.

¹² Greece, representative of the Division on Legislative Work, International Relations and International Judicial Cooperation, Ministry of Justice, Transparency and Human Rights.

Lack of Greek nationality does not imply *per se* that one ignores the Greek language. He/she has to declare his/her ignorance¹³. Since the law provides that the competent authorities verify in any appropriate manner the need of interpretation, they do so even when the suspected or accused person declares that he/she does not understand Greek and apply for an interpreter¹⁴. In practice, when the suspected or accused person declares that he/she does not understand Greek, an interpreter is appointed¹⁵. This is because at all stages of the proceedings, even when there are doubts about whether the suspected or accused person speaks and understands the Greek language, an interpreter is appointed¹⁶.

c) According to Article 238B of the Code of Criminal Procedure¹⁷, the costs of interpretation, resulting from the application of the articles of the Code of Criminal Procedure which guarantee the right to interpretation in criminal proceedings, are borne by the Greek State irrespective of the outcome of the proceedings¹⁸.

d) Article 1 (2) of Law 4236/2014 provides that the right to interpretation in criminal proceedings shall apply to persons suspected or accused of having committed a criminal offence “*from the time that they are made aware of it by the competent authorities, by official notification or otherwise, and during the whole criminal proceedings [Unofficial translation]*”.

¹³ Greece, Lagou, Aik. and Dragomanovits, Sp. (2014), ‘The role of the interpreter and translator in Greek criminal law, in the light of the evolution of the legislation which implemented Directives 2010/64/EU and 2012/13/EE and in view of the [Directive] 2012/29/EU which is not yet implemented in Greek legal order’ (*Ο ρόλος του διερμηνέα και του μεταφραστή στο ελληνικό ποινικό δίκαιο, υπό το πρίσμα των εξελίξεων του νόμου που εναρμόνισε τις οδηγίες 2010/64/EE και 2012/13/EE και εν αναμονή της 2012/29/EE η οποία δεν έχει ακόμα εισαχθεί στην ελληνική έννομη τάξη*) in: Dogoriti, El. and Vyzas Th. (eds), *Legal Interpreting on Greek and International Level: Developments and Prospects (Η δικαστηριακή διερμηνεία σε ελληνικό και διεθνές επίπεδο: Εξελίξεις και προοπτικές)*, Igoumenitsa, Technological Educational Institute of Epirus-Department of Business Administration (TEI Ηπείρου-Τμήμα Διοίκησης Επιχειρήσεων), p. 111 and Greece, Vlachopoulos, S., *Legal interpreting in Greece: Recording and evaluation of reality (Δικαστηριακή Διερμηνεία στην Ελλάδα: Καταγραφή και αξιολόγηση της πραγματικότητας)*, Technological Educational Institute of Epirus-Department of Business Administration (TEI Ηπείρου-Τμήμα Διοίκησης Επιχειρήσεων), p. 81.

¹⁴ Greece, Fragkos, K. (2011), *Code of Criminal Procedure: Commentary and recent case-law of the Supreme Court (Κώδικας ποινικής δικονομίας: ερμηνεία & πρόσφατη νομολογία Αρείου Πάγου κατ’ άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 566.

¹⁵ Greece, Supreme Court lawyer and representative of the Rhodes Bar Association.

¹⁶ Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία κατ’ άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2741.

¹⁷ Art. 238B CCP was inserted after Art. 238A by virtue of Art. 6 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (*Για την ενσωμάτωση των Οδηγιών 2010/64/EE του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/EE του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις*), (OG A’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

¹⁸ Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

		<p>According to the first subparagraph of Article 233 (1) of the Code of Criminal Procedure¹⁹, “[a]t any stage of the criminal proceedings, when a suspected [or] accused person [...], who does not speak or sufficiently understand the Greek language, is about to be examined, he/she is provided without delay with interpretation [Unofficial translation]”.</p> <p>The Greek law provides that interpretation should be provided “without delay” but does not set a strict timeframe. In practice, interpretation is indeed provided without delay²⁰.</p>
1.1.2	<ul style="list-style-type: none"> • court hearings; 	<p>According to the fourth subparagraph of Article 233 (1) of the Code of Criminal Procedure²¹, “[a]t any stage of the criminal proceedings the inquiring authority verifies in any appropriate manner whether the suspected or accused person speaks and understands the Greek language and whether he/she needs the assistance of an interpreter [Unofficial translation]”.</p> <p>In court hearings, the presiding judge is responsible for determining the need of interpretation, since it is he/she who inquires the accused person²².</p> <p>In extradition cases, according to Article 448 of the Code of Criminal Procedure, at the hearing of the arrested person before the competent council, he/she has the right to appear with an interpreter of his/her choice²³.</p>

¹⁹ As amended by Art. 2 (1) of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (ΟΓ Α’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132..>

²⁰ Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

²¹ As amended by Art. 2 (1) of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (ΟΓ Α’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132..>

²² Art. 333 of the CCP; Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

²³ Greece, Lagou, Aik. and Dragomanovits, Sp. (2014), ‘The role of the interpreter and translator in Greek criminal law, in the light of the evolution of the legislation which implemented Directives 2010/64/EU and 2012/13/EE and in view of the [Directive] 2012/29/EU which is not yet implemented in Greek legal order’ (Ο ρόλος του διερμηνέα και του μεταφραστή στο ελληνικό ποινικό δίκαιο, υπό το πρίσμα των εξελίξεων του νόμου που εναρμόνισε τις οδηγίες 2010/64/ΕΕ και 2012/13/ΕΕ και εν αναμονή της 2012/29/ΕΕ η οποία δεν έχει ακόμα εισαχθεί στην ελληνική έννομη τάξη) in: Dogoriti, El. and Vyzas Th. (eds), *Legal Interpreting on Greek and International Level: Developments and Prospects (Η δικαστηριακή διερμηνεία σε ελληνικό και διεθνές επίπεδο: Εξελίξεις και προοπτικές)*, Igoumenitsa, Technological Educational Institute of Epirus-Department of Business Administration (ΤΕΙ Ηπείρου-Τμήμα Διοίκησης Επιχειρήσεων), p. 111 and Greece, Vlachopoulos, S., *Legal interpreting in Greece: Recording and evaluation of reality (Δικαστηριακή Διερμηνεία στην Ελλάδα: Καταγραφή και αξιολόγηση της πραγματικότητας)*, Technological Educational Institute of Epirus-Department of Business Administration (ΤΕΙ Ηπείρου-Τμήμα Διοίκησης Επιχειρήσεων), p. 81.

b) According to the fourth subparagraph of Article 233 (1) of the Code of Criminal Procedure²⁴, “[a]t any stage of the criminal proceedings the inquiring authority verifies in any appropriate manner whether the suspected or accused person speaks and understands the Greek language and whether he/she needs the assistance of an interpreter [Unofficial translation]”.

In practice, either the suspected or accused persons declare that they do not speak and understand Greek and apply for an interpreter or the court verifies this on its own.²⁵ This verification may be accomplished in a number of different ways, indicatively: the court may consult the suspected or accused persons concerned²⁶; may examine whether the suspected or accused persons reply with clarity to the questions posed²⁷; or may deduce this from the case-file if it contains documents and certificates revealing the nationality of the suspected or accused person, the language that he/she speak and understands as well as the need for interpretation²⁸.

Lack of Greek nationality does not imply *per se* that one ignores the Greek language. He/she has to declare his/her ignorance²⁹. Since the law provides that the competent authorities verify in any appropriate manner the need of interpretation, they do so even when the suspected or accused person declares that he/she does not understand Greek and apply for an interpreter³⁰. In practice, when the suspected or accused person declares that he/she does not understand Greek, an interpreter is appointed³¹. This is because at all stages

²⁴ As amended by Art. 2 (1) of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (ΟΓ Α’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

²⁵ Greece, Arvanitis, D. (2013), ‘The right to interpretation and translation in criminal proceedings and the relevant Directive 2010/64/EU’ (Το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία και η σχετική Οδηγία 2010/64/ΕΕ), *Criminal Justice (Ποινική Δικαιοσύνη)*, No. 7, p. 641.

²⁶ Greece, Spiliakos, Sp. (2014), ‘Assistance by interpreter free of charge’ (Δωρεάν παράσταση διερμηνεία) in: Kotsalis, L. (ed.), *European Convention on Human Rights and Criminal Law (Ευρωπαϊκή Σύμβαση Δικαιωμάτων του Ανθρώπου και Ποινικό Δίκαιο)*, Athens, Nomiki Bibliothiki, p. 706.

²⁷ Greece, representative of the Athens Bar Association.

²⁸ Greece, representative of the Division on Legislative Work, International Relations and International Judicial Cooperation, Ministry of Justice, Transparency and Human Rights.

²⁹ Greece, Lagou, Aik. and Dragomanovits, Sp. (2014), ‘The role of the interpreter and translator in Greek criminal law, in the light of the evolution of the legislation which implemented Directives 2010/64/EU and 2012/13/EE and in view of the [Directive] 2012/29/EU which is not yet implemented in Greek legal order’ (Ο ρόλος του διερμηνέα και του μεταφραστή στο ελληνικό ποινικό δίκαιο, υπό το πρίσμα των εξελίξεων του νόμου που εναρμόνισε τις οδηγίες 2010/64/ΕΕ και 2012/13/ΕΕ και εν αναμονή της 2012/29/ΕΕ η οποία δεν έχει ακόμα εισαχθεί στην ελληνική έννομη τάξη) in: Dogorit, El. and Vyzas Th. (eds), *Legal Interpreting on Greek and International Level: Developments and Prospects (Η δικαστηριακή διερμηνεία σε ελληνικό και διεθνές επίπεδο: Εξελίξεις και προοπτικές)*, Igoumenitsa, Technological Educational Institute of Epirus-Department of Business Administration (ΤΕΙ Ηπείρου-Τμήμα Διοίκησης Επιχειρήσεων), p. 111 and Greece, Vlachopoulos, S., *Legal interpreting in Greece: Recording and evaluation of reality (Δικαστηριακή Διερμηνεία στην Ελλάδα: Καταγραφή και αξιολόγηση της πραγματικότητας)*, Technological Educational Institute of Epirus-Department of Business Administration (ΤΕΙ Ηπείρου-Τμήμα Διοίκησης Επιχειρήσεων), p. 81.

³⁰ Greece, Fragkos, K. (2011), *Code of Criminal Procedure: Commentary and recent case-law of the Supreme Court (Κώδικας ποινικής δικονομίας: ερμηνεία & πρόσφατη νομολογία Αρείου Πάγου κατ’ άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 566.

³¹ Greece, Supreme Court lawyer and representative of the Rhodes Bar Association.

	<p>of the proceedings, even when there are doubts about whether the suspected or accused person speaks and understands the Greek language, an interpreter is appointed³².</p>
	<p>c) According to Article 238B of the Code of Criminal Procedure³³, the costs of interpretation, resulting from the application of the articles of the Code of Criminal Procedure which guarantee the right to interpretation in criminal proceedings, are borne by the Greek State irrespective of the outcome of the proceedings³⁴.</p>
	<p>d) Article 1 (2) of Law 4236/2014 provides that the right to interpretation in criminal proceeding shall apply to persons suspected or accused of having committed a criminal offence “<i>from the time that they are made aware of it by the competent authorities, by official notification or otherwise, and during the whole criminal proceedings [Unofficial translation]</i>”.</p> <p>According to the first subparagraph of Article 233 (1) of the Code of Criminal Procedure³⁵, “[a]t any stage of the criminal proceedings, when a suspected [or] accused person [...], who does not speak or sufficiently understand the Greek language, is about to be examined, he/she is provided without delay with interpretation [Unofficial translation]”.</p> <p>The Greek law provides that interpretation should be provided “without delay” but does not set a strict timeframe. In practice, interpretation is indeed provided without delay³⁶.</p>
<ul style="list-style-type: none"> • any necessary interim hearings; 	<p>a) According to the fourth subparagraph of Article 233 (1) of the Code of Criminal Procedure³⁷, “[a]t any stage of the criminal proceedings the inquiring authority verifies in any appropriate manner whether the suspected or accused person speaks and understands the Greek language and whether he/she needs the assistance of an interpreter [Unofficial translation]”.</p>

³² Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία κατ' άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2741.

³³ Art. 238B of the CCP was inserted after Art. 238A by virtue of Art. 6 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132..>

³⁴ Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

³⁵ As amended by Art. 2 (1) of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

³⁶ Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

³⁷ As amended by Art. 2 (1) of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της

1.1.3	<p>As far as the interim hearings are concerned: The preliminary examination is carried out by the investigating officers or the prosecutor³⁸, who therefore have the responsibility for determining the need of interpretation. The preliminary criminal investigation is performed by the investigating officers or the prosecutor³⁹ or the investigating magistrate⁴⁰, who therefore have the responsibility for determining the need of interpretation. The criminal investigation is conducted by the investigating magistrate⁴¹, who therefore has the responsibility for determining the need of interpretation. In hearings before the indictment sections, these sections⁴² have the responsibility for determining the need of interpretation⁴³.</p> <p>b) According to the fourth subparagraph of Article 233 (1) of the Code of Criminal Procedure⁴⁴, “[a]t any stage of the criminal proceedings the inquiring authority verifies in any appropriate manner whether the suspected or accused person speaks and understands the Greek language and whether he/she needs the assistance of an interpreter [Unofficial translation]”.</p> <p>In practice, either the suspected or accused persons declare that they do not speak and understand Greek and apply for an interpreter or the court verifies this on its own.⁴⁵ This verification may be accomplished in a number of different ways, indicatively: the court may consult the suspected or accused persons concerned⁴⁶; may examine whether the suspected or accused persons reply with clarity to the questions posed⁴⁷; or may deduce this from the case-file if it contains documents and certificates revealing the nationality of the suspected or accused person, the language that he/she speak and understands as well as the need for interpretation⁴⁸.</p>
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22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A' 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

³⁸ Art. 31 (1) (a) in combination with Art. 33 (1), 34, 43 (1) (b)-(c) and 47 (2) of the CCP.

³⁹ Art. 31 (1) (b) of the CCP.

⁴⁰ Art. 243 (1) of the CCP.

⁴¹ Art. 246 (1) of the CCP.

⁴² Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία κατ' άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2753.

⁴³ Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

⁴⁴ As amended by Art. 2 (1) of the Law No. 4236/2014 'On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions' (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A' 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

⁴⁵ Greece, Arvanitis, D. (2013), 'The right to interpretation and translation in criminal proceedings and the relevant Directive 2010/64/EU' (Το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία και η σχετική Οδηγία 2010/64/ΕΕ), *Criminal Justice (Ποινική Δικαιοσύνη)*, No. 7, p. 641.

⁴⁶ Greece, Spiliakos, Sp. (2014), 'Assistance by interpreter free of charge' (Δωρεάν παράσταση διερμηνεία) in: Kotsalis, L. (ed.), *European Convention on Human Rights and Criminal Law (Ευρωπαϊκή Σύμβαση Δικαιωμάτων του Ανθρώπου και Ποινικό Δίκαιο)*, Athens, Nomiki Bibliothiki, p. 706.

⁴⁷ Greece, representative of the Athens Bar Association.

⁴⁸ Greece, representative of the Division on Legislative Work, International Relations and International Judicial Cooperation, Ministry of Justice, Transparency and Human Rights.

<p>Lack of Greek nationality does not imply <i>per se</i> that one ignores the Greek language. He/she has to declare his/her ignorance⁴⁹. Since the law provides that the competent authorities verify in any appropriate manner the need of interpretation, they do so even when the suspected or accused person declares that he/she does not understand Greek and apply for an interpreter⁵⁰. In practice, when the suspected or accused person declares that he/she does not understand Greek, an interpreter is appointed⁵¹. This is because at all stages of the proceedings, even when there are doubts about whether the suspected or accused person speaks and understands the Greek language, an interpreter is appointed⁵².</p>
<p>c) According to Article 238B of the Code of Criminal Procedure⁵³, the costs of interpretation, resulting from the application of the articles of the Code of Criminal Procedure which guarantee the right to interpretation in criminal proceedings, are borne by the Greek State irrespective of the outcome of the proceedings⁵⁴.</p>
<p>d) Article 1 (2) of Law 4236/2014 provides that the right to interpretation in criminal proceeding shall apply to persons suspected or accused of having committed a criminal offence “<i>from the time that they are made aware of it by the competent authorities, by official notification or otherwise, and during the whole criminal proceedings [Unofficial translation]</i>”. According to the first subparagraph of Article 233 (1) of the Code of Criminal Procedure⁵⁵, “[<i>a</i>]t any stage of the criminal proceedings, when a suspected [<i>or</i>] accused person [...], who does not speak or sufficiently understand the Greek language, is about to be examined, he/she is provided without delay with interpretation [Unofficial translation]”.</p>

⁴⁹ Greece, Lagou, Aik. and Dragomanovits, Sp. (2014), ‘The role of the interpreter and translator in Greek criminal law, in the light of the evolution of the legislation which implemented Directives 2010/64/EU and 2012/13/EE and in view of the [Directive] 2012/29/EU which is not yet implemented in Greek legal order’ (*Ο ρόλος του διερμηνέα και του μεταφραστή στο ελληνικό ποινικό δίκαιο, υπό το πρίσμα των εξελίξεων του νόμου που εναρμόνισε τις οδηγίες 2010/64/EE και 2012/13/EE και εν αναμονή της 2012/29/EE η οποία δεν έχει ακόμα εισαχθεί στην ελληνική έννομη τάξη*) in: Dogoriti, El. and Vyzas Th. (eds), *Legal Interpreting on Greek and International Level: Developments and Prospects (Η δικαστηριακή διερμηνεία σε ελληνικό και διεθνές επίπεδο: Εξελίξεις και προοπτικές)*, Igoumenitsa, Technological Educational Institute of Epirus-Department of Business Administration (TEI Ηπείρου-Τμήμα Διοίκησης Επιχειρήσεων), p. 111 and Greece, Vlachopoulos, S., *Legal interpreting in Greece: Recording and evaluation of reality (Δικαστηριακή Διερμηνεία στην Ελλάδα: Καταγραφή και αξιολόγηση της πραγματικότητας)*, Technological Educational Institute of Epirus-Department of Business Administration (TEI Ηπείρου-Τμήμα Διοίκησης Επιχειρήσεων), p. 81.

⁵⁰ Greece, Fragkos, K. (2011), *Code of Criminal Procedure: Commentary and recent case-law of the Supreme Court (Κώδικας ποινικής δικονομίας: ερμηνεία & πρόσφατη νομολογία Αρείου Πάγου κατ’ άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 566.

⁵¹ Greece, Supreme Court lawyer and representative of the Rhodes Bar Association.

⁵² Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία κατ’ άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2741.

⁵³ Art. 238B of the CCP was inserted after Art. 238A by virtue of Art. 6 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (*Για την ενσωμάτωση των Οδηγιών 2010/64/EE του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/EE του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις*), (OG A’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

⁵⁴ Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

⁵⁵ As amended by Art. 2 (1) of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in

	<p>The Greek law provides that interpretation should be provided “without delay” but does not set a strict timeframe. In practice, interpretation is indeed provided without delay⁵⁶.</p>
<p>1.1.4</p> <ul style="list-style-type: none"> any communication between suspects and accused persons and their legal counsel in direct connection with any questioning or hearing during the proceedings? 	<p>a) According to the first, second and fourth subparagraph of Article 233 (1) of the Code of Criminal Procedure⁵⁷, “[d]uring any stage of the criminal proceedings, when a suspected or accused person, who does not speak or sufficiently understand the Greek language, is about to be examined, he/she is provided without delay with interpretation. Where necessary, interpretation is available for communication between accused persons and their legal counsel during any stage of the criminal proceedings. [...] During any stage of the criminal proceedings the inquiring authority verifies in any appropriate manner whether the suspected or accused person speaks and understands the Greek language and whether he/she needs the assistance of an interpreter [Unofficial translation]”.</p> <p>Such a provision implies that it is the competent inquiring authority at each stage of the proceedings that has the responsibility for determining the need of interpretation for the aforementioned communication.</p> <p>In practice, the legal counsel and the suspects or accused persons make sure that an interpreter is found in time; they, then, propose the aforementioned interpreter to the authority which is competent for his/her appointment⁵⁸.</p> <p>b) According to the fourth subparagraph of Article 233 (1) of the Code of Criminal Procedure⁵⁹, “[a]t any stage of the criminal proceedings the inquiring authority verifies in any appropriate manner whether the suspected or accused person speaks and understands the Greek language and whether he/she needs the assistance of an interpreter [Unofficial translation]”.</p>

criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (ΟΓ Α’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

⁵⁶ Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

⁵⁷ As amended by Art. 2 (1) of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (ΟΓ Α’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

⁵⁸ Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

⁵⁹ As amended by Art. 2 (1) of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (ΟΓ Α’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

In practice, either the suspected or accused persons declare that they do not speak and understand Greek and apply for an interpreter or the competent authority verifies this on its own.⁶⁰ This verification may be accomplished in a number of different ways, indicatively: the competent authority may consult the suspected or accused persons concerned⁶¹; may examine whether the suspected or accused persons reply with clarity to the questions posed⁶²; or may deduce this from the case-file if it contains documents and certificates revealing the nationality of the suspected or accused person, the language that he/she speak and understands as well as the need for interpretation⁶³.

Lack of Greek nationality does not imply *per se* that one ignores the Greek language. He/she has to declare his/her ignorance⁶⁴. Since the law provides that the competent authorities verify in any appropriate manner the need of interpretation, they do so even when the suspected or accused person declares that he/she does not understand Greek and apply for an interpreter⁶⁵. In practice, when the suspected or accused person declares that he/she does not understand Greek, an interpreter is appointed⁶⁶. This is because at all stages of the proceedings, even when there are doubts about whether the suspected or accused person speaks and understands the Greek language, an interpreter is appointed⁶⁷.

⁶⁰ Greece, Arvanitis, D. (2013), 'The right to interpretation and translation in criminal proceedings and the relevant Directive 2010/64/EU' (*Το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία και η σχετική Οδηγία 2010/64/ΕΕ*), *Criminal Justice (Ποινική Δικαιοσύνη)*, No. 7, p. 641.

⁶¹ Greece, Spiliakos, Sp. (2014), 'Assistance by interpreter free of charge' (*Δωρεάν παράσταση διερμηνέα*) in: Kotsalis, L. (ed.), *European Convention on Human Rights and Criminal Law (Ευρωπαϊκή Σύμβαση Δικαιωμάτων του Ανθρώπου και Ποινικό Δίκαιο)*, Athens, Nomiki Bibliothiki, p. 706.

⁶² Greece, representative of the Athens Bar Association.

⁶³ Greece, representative of the Division on Legislative Work, International Relations and International Judicial Cooperation, Ministry of Justice, Transparency and Human Rights.

⁶⁴ Greece, Lagou, Aik. and Dragomanovits, Sp. (2014), 'The role of the interpreter and translator in Greek criminal law, in the light of the evolution of the legislation which implemented Directives 2010/64/EU and 2012/13/EE and in view of the [Directive] 2012/29/EU which is not yet implemented in Greek legal order' (*Ο ρόλος του διερμηνέα και του μεταφραστή στο ελληνικό ποινικό δίκαιο, υπό το πρίσμα των εξελίξεων του νόμου που εναρμόνισε τις οδηγίες 2010/64/ΕΕ και 2012/13/ΕΕ και εν αναμονή της 2012/29/ΕΕ η οποία δεν έχει ακόμα εισαχθεί στην ελληνική έννομη τάξη*) in: Dogoriti, El. and Vyzas Th. (eds), *Legal Interpreting on Greek and International Level: Developments and Prospects (Η δικαστηριακή διερμηνεία σε ελληνικό και διεθνές επίπεδο: Εξελίξεις και προοπτικές)*, Igoumenitsa, Technological Educational Institute of Epirus-Department of Business Administration (ΤΕΙ Ηπείρου-Τμήμα Διοίκησης Επιχειρήσεων), p. 111 and Greece, Vlachopoulos, S., *Legal interpreting in Greece: Recording and evaluation of reality (Δικαστηριακή Διερμηνεία στην Ελλάδα: Καταγραφή και αξιολόγηση της πραγματικότητας)*, Technological Educational Institute of Epirus-Department of Business Administration (ΤΕΙ Ηπείρου-Τμήμα Διοίκησης Επιχειρήσεων), p. 81.

⁶⁵ Greece, Fragkos, K. (2011), *Code of Criminal Procedure: Commentary and recent case-law of the Supreme Court (Κώδικας ποινικής δικονομίας: ερμηνεία & πρόσφατη νομολογία Αρείου Πάγου κατ' άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 566.

⁶⁶ Greece, Supreme Court lawyer and representative of the Rhodes Bar Association.

⁶⁷ Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία κατ' άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2741.

Where the accused person is in detention, the interpretation for the communication between him/her and his/her legal counsel is provided upon request submitted to the director of the detention center⁶⁸. The request can be submitted by the accused person⁶⁹ or his/her legal counsel⁷⁰.

In practice, the legal counsel and the suspects or accused persons make sure that an interpreter is found in time; they, then, propose the aforementioned interpreter to the authority which is competent for his/her appointment⁷¹.

c) According to Article 238B of the Code of Criminal Procedure⁷², the costs of interpretation, resulting from the application of the articles of the Code of Criminal Procedure which guarantee the right to interpretation in criminal proceedings, are borne by the Greek State irrespective of the outcome of the proceedings.

According to the first and second subparagraph of Article 233 (1) of the Code of Criminal Procedure⁷³, “[d]uring any stage of the criminal proceedings, when a suspected [or] accused person, [...] who does not speak or sufficiently understand the Greek language, is about to be examined, he/she is provided without delay with interpretation. Where necessary, interpretation is available for communication between accused persons and their legal counsel during any stage of the criminal proceedings [Unofficial translation]”.

It is implied, thus, that the costs of interpretation for communication between accused persons and their legal counsel during any stage of the criminal proceedings are borne by the Greek State.

In practice, the legal counsel and the suspects or accused persons make sure that an interpreter is found in time but they do not necessarily propose the aforementioned interpreter to the authority which is competent for his/her appointment⁷⁴. As a consequence, communications

⁶⁸ Greece, representative of the Greek Council for Refugees.

⁶⁹ The detainees have the right to apply in writing to any public authority according to Art. 31 (3) of the Ministerial Decision No. 58819/7.4.2003 'Internal Regulation for the operation of general detention centers, type A and B' (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), (OG B' 463/17.4.2003), available at: http://www.dsanet.gr/Epikairothta/Nomothesia/ya58819_2003.htm.

⁷⁰ Lawyers represent their clients before any authority according to Art. 1 (2) of the Law No. 4194/2013 'Lawyers Code' (*Κώδικας Δικηγόρων*), (OG B' 208/27.9.2013), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=X8CGgvbCKpo%3D&tabid=132>.

⁷¹ Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

⁷² Art. 238B of the CCP was inserted after Art. 238A by virtue of Art. 6 of the Law No. 4236/2014 'On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions' (*Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις*), (OG A' 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

⁷³ As amended by Art. 2 (1) of the Law No. 4236/2014 'On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions' (*Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις*), (OG A' 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

⁷⁴ Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

		<p>between accused persons and their legal counsel during any stage of the criminal proceedings are not borne by the Greek State in practice⁷⁵. This may also be due to the fact that the relevant legislation is rather recent.</p> <p>d) Article 1 (2) of Law 4236/2014 provides that the right to interpretation in criminal proceeding shall apply to persons suspected or accused of having committed a criminal offence “<i>from the time that they are made aware of it by the competent authorities, by official notification or otherwise, and during the whole criminal proceedings [Unofficial translation]</i>”.</p> <p>According to the first subparagraph of Article 233 (1) of the Code of Criminal Procedure⁷⁶, “[a]t any stage of the criminal proceedings, when a suspected [or] accused person [...], who does not speak or sufficiently understand the Greek language, is about to be examined, he/she is provided without delay with interpretation [Unofficial translation]”.</p> <p>The Greek law provides that interpretation should be provided “without delay” but does not set a strict timeframe. In practice, the legal counsel and the suspects or accused persons make sure that an interpreter is found in time; they, then, propose the aforementioned interpreter to the authority which is competent for his/her appointment⁷⁷.</p>
1.2	<p>How do authorities ensure interpretation into rare/lesser known languages where no certified interpreters exist?</p> <p>Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</p>	<p>According to Article 238 of the Code of Criminal Procedure, “[w]hen the language is lesser known, an interpreter for the interpreter can be appointed as need be [Unofficial translation]”. Such a provision responds to the need to provide for interpretation when a person having knowledge of a rare/uncommon language is difficult to be found in order to be appointed as interpreter⁷⁸.</p> <p>Article 237 (2) of the Code of Criminal Procedure, provides that “[e]xceptionally, where [...] an accused person does not know Greek and the appointment of an appropriate interpreter proves to be difficult, he/she may submit his/her [...] defence in a foreign language at the criminal investigation. The testimonial is included in the case-file along with the translation, which is provided later according to paragraph 1 [Unofficial translation]”^{79,80}.</p>

⁷⁵Greece, Supreme Court lawyer and representative of the Rhodes Bar Association as well as representative of the Division on Legislative Work, International Relations and International Judicial Cooperation, Ministry of Justice, Transparency and Human Rights.

⁷⁶ As amended by Art. 2 (1) of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (ΟΓ Α’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

⁷⁷ Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

⁷⁸ Greece, Fragkos, K. (2011), *Code of Criminal Procedure: Commentary and recent case-law of the Supreme Court (Κώδικας ποινικής δικονομίας: ερμηνεία & πρόσφατη νομολογία Αρείου Πάγου κατ’ άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 571; representative of the Athens Bar Association.

⁷⁹ Article 237(1) of the Code of Criminal Procedure also provides that “[i]n view of translation of documents definitely requiring a substantive investment in working-hours, a deadline is set for the interpreter to hand over the translation. The deadline can be extended. If the time limit expires, the appointed translator is relieved and another one is appointed [Unofficial translation]”.

⁸⁰ Greece, representative of the Division on Legislative Work, International Relations and International Judicial Cooperation, Ministry of Justice, Transparency and Human Rights.

		Besides, the authorities in order to ensure interpretation into rare/lesser known languages where no certified interpreters exist may ask the parties themselves and their legal counsels to look for an interpreter ⁸¹ .
1.3	Please describe procedures in place, if any, to ensure that suspects or accused persons have the right to challenge the decision that no interpretation is needed? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.	According to the fifth and sixth subparagraph of Article 233 (1) of the Code of Criminal Procedure ⁸² , “[t]he suspected or accused person has the right to file objections to the decision finding that there is no need of interpretation [...]. On the objections decides at the pre-trial proceedings the prosecutor, at the criminal investigation the indictment divisions and at the main proceedings the court [Unofficial translation]” ⁸³ . Authors criticise the fact that according to this provision, at the stage of the preliminary criminal investigation or of the criminal investigation which may be conducted by the prosecutor, it is he/she who decides both on the necessity of the interpretation and on the objections ⁸⁴ .
1.4	With regard to remote interpretation via communication technologies :	

⁸¹ Greece, Lagou, Aik. and Dragomanovits, Sp. (2014), ‘The role of the interpreter and translator in Greek criminal law, in the light of the evolution of the legislation which implemented Directives 2010/64/EU and 2012/13/EE and in view of the [Directive] 2012/29/EU which is not yet implemented in Greek legal order’ (Ο ρόλος του διερμηνέα και του μεταφραστή στο ελληνικό ποινικό δίκαιο, υπό το πρίσμα των εξελίξεων του νόμου που εναρμόνισε τις οδηγίες 2010/64/EE και 2012/13/EE και εν αναμονή της 2012/29/EE η οποία δεν έχει ακόμα εισαχθεί στην ελληνική έννομη τάξη) in: Dogoriti, El. and Vyzas Th. (eds), *Legal Interpreting on Greek and International Level: Developments and Prospects (Η δικαστηριακή διερμηνεία σε ελληνικό και διεθνές επίπεδο: Εξελίξεις και προοπτικές)*, Igoumenitsa, Technological Educational Institute of Epirus-Department of Business Administration (TEI Ηπείρου-Τμήμα Διοίκησης Επιχειρήσεων), p. 115 and Vlachopoulos, S., *Legal interpreting in Greece: Recording and evaluation of reality (Δικαστηριακή Διερμηνεία στην Ελλάδα: Καταγραφή και αξιολόγηση της πραγματικότητας)*, Technological Educational Institute of Epirus-Department of Business Administration (TEI Ηπείρου-Τμήμα Διοίκησης Επιχειρήσεων), p. 84.

⁸² As amended by Art. 2 (1) of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/EE του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/EE του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

⁸³ Greece, representative of the Division on Legislative Work, International Relations and International Judicial Cooperation, Ministry of Justice, Transparency and Human Rights.

⁸⁴ Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία κατ’ άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2746.

<p>a) Can communication technologies for the purpose of remote interpretation be used? If so, at what stage(s) of the proceedings?</p>	<p>According to the first and seventh subparagraph of Article 233 (1) of the Code of Criminal Procedure⁸⁵, “[d]uring any stage of the criminal proceedings, when a suspected or accused person, who does not speak or sufficiently understand the Greek language, is about to be examined, he/she is provided without delay with interpretation. [...] Where appropriate, communication technology such as videoconferencing, telephone or the Internet may be used, unless the physical presence of the interpreter is found to be necessary by the examining authority [Unofficial translation]”.</p> <p>Therefore, communication technologies for the purpose of remote interpretation can be used at any stage of the proceedings⁸⁶. In practice, the use of communication technologies for the purpose of remote interpretation in court is difficult because the necessary equipment is often unavailable⁸⁷. More precisely, only at the stage of criminal investigation could the telephone be used for the purpose of remote interpretation. In courtrooms such a possibility is not available⁸⁸.</p>
<p>b) Which technologies are used, if any (videoconference, telephone, internet, etc.)</p>	<p>According to the seventh subparagraph of Article 233 (1) of the Code of Criminal Procedure⁸⁹, “[...] communication technology such as videoconferencing, telephone or the Internet [Unofficial translation]” may be used for the purpose of remote interpretation⁹⁰.</p> <p>In practice, the use of communication technologies for the purpose of remote interpretation in court is difficult because the necessary equipment is often unavailable⁹¹. More precisely, only at the stage of criminal investigation could the telephone be used for the purpose of remote interpretation. In courtrooms such a possibility is not available⁹².</p>

⁸⁵ As amended by Art. 2 (1) of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (ΟΓ Α’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

⁸⁶ Greece, representative of the Athens Bar Association.

⁸⁷ Greece, Arvanitis, D. (2013), ‘The right to interpretation and translation in criminal proceedings and the relevant Directive 2010/64/EU’ (Το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία και η σχετική Οδηγία 2010/64/ΕΕ), *Criminal Justice (Ποινική Δικαιοσύνη)*, No. 7, p. 647.

⁸⁸ Greece, representative of the Division on Legislative Work, International Relations and International Judicial Cooperation, Ministry of Justice, Transparency and Human Rights.

⁸⁹ As amended by Art. 2 (1) of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (ΟΓ Α’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

⁹⁰ Greece, representative of the Athens Bar Association.

⁹¹ Greece, Arvanitis, D. (2013), ‘The right to interpretation and translation in criminal proceedings and the relevant Directive 2010/64/EU’ (Το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία και η σχετική Οδηγία 2010/64/ΕΕ), *Criminal Justice (Ποινική Δικαιοσύνη)*, No. 7, p. 647.

⁹² Greece, representative of the Division on Legislative Work, International Relations and International Judicial Cooperation, Ministry of Justice, Transparency and Human Rights.

<p>c) Do competent authorities rely on the tools developed in the context of European e-Justice (e.g. information on courts with videoconferencing equipment provided on the European E-justice Portal)? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</p>	<p>Competent authorities rely on the tools developed in the context of European e-Justice, namely information on courts with videoconferencing equipment provided on the European E-justice Portal ⁹³.</p>			
<p>TRAINING⁹⁴</p>	<p>Yes</p>	<p>No</p>	<p>Brief Description</p>	
<p>1.5</p> <p>Are providers of judicial training requested to pay special attention to the particularities of communicating with the assistance of an interpreter so as to ensure efficient and effective communication? If yes, briefly provide details.</p>			<p>Article 8 of Law No. 4236/2014 'On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions' (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (ΟΓ Α' 33/11.2.2014)⁹⁵ provides that "[f]or the training of judges, prosecutors, investigating and judicial staff involved in criminal proceedings, special attention is paid to the particularities of communicating with the assistance of an interpreter so as to ensure efficient and effective communication [Unofficial translation]".</p>	

⁹³ Greece, representative of the Athens Bar Association.

⁹⁴ See in particular Art. 6 and relevant recitals of Directive 2010/64/EU.

⁹⁵ It implements Art. 6 of the Directive 2010/64/EU.

2.	RIGHT TO TRANSLATION OF DOCUMENTS ⁹⁶	Brief Description
2.1		<p>Please provide answers to the following for each stage of proceedings as indicated below:</p> <p>a) Which documents (according to national law or established practice) are considered essential to translate in order to safeguard the fairness of the proceedings?</p> <p>b) Who bears the cost of translation at each stage?</p> <p>c) What is the timeframe (deadline) for the translation of documents at each stage of the proceedings?</p> <p>Please cross-check findings from the desk-research by consulting relevant organisations and/or practitioners.</p>
2.1.1	<ul style="list-style-type: none"> • police questioning; 	<p>a) According to Article 236A (1) of the Code of Criminal Procedure⁹⁷, “[s]uspected or accused persons who do not understand the language of the criminal proceedings are, within a reasonable period of time, provided with a written translation of all essential documents or passages of documents of the proceedings. Essential documents include any decision depriving a person of his/her liberty, any charge or indictment, and any judgment related to the charge or indictment. Accused persons or their legal counsel may submit a reasoned request for documents or passages of documents to be considered essential. Suspected or accused persons do not have the right to translation of passages of essential documents which do not enable them to understand the case against them [Unofficial translation]”.</p> <p>This provision concerns all stages of the criminal proceedings, therefore, the stage of police questioning as well.</p>

⁹⁶ See in particular Art. 3 and 4 and relevant recitals of Directive 2010/64/EU.

⁹⁷ Inserted after Art. 236 of the CCP by virtue of Art. 4 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

	<p>In practice, the arrest warrant is not translated⁹⁸. In extradition cases, the relevant case-file is translated for the Greek authorities (prosecutors/judges)⁹⁹. However, as a general rule in practice, documents are not translated for the suspected or accused persons¹⁰⁰. The documents are rather interpreted to them by an interpreter or their lawyers¹⁰¹.</p> <p>b) According to Article 238B of the Code of Criminal Procedure¹⁰², “[...] the costs of interpretation of the decisions depriving a person of his liberty, charge or indictment, and judgment related to the charge or indictment, resulting from the application of [Article] 236A CCP, irrespective of the outcome of the proceedings, are borne by the State [Unofficial translation]”. However, this provision sets out an exception: “Exceptionally, the aforementioned costs of translation are borne by the suspected or accused person, if it is established that he/she can pay them [Unofficial translation]”. This exception is applicable only to translation of the aforementioned essential documents and is not applicable to interpretation.</p> <p>Article 238B of the Code of Criminal Procedure is applicable to all stages of the proceedings.</p> <p>Authors criticise two points about Article 238B of the Code of Criminal Procedure: a) the State does not bear the costs of translation of all essential documents but only of the decisions depriving a person of his liberty, charge or indictment, and judgment related to the charge or indictment, and b) the costs of translation are borne by the suspected or accused person, if it is established that he/she can pay them¹⁰³.</p> <p>There is no explicit provision in Greek law referring to the criteria for establishing if the suspected/accused person can pay the cost of translation. In practice, therefore, it is the questioning authority that decides ad hoc on what documents are necessary for establishing if the suspected/accused person can pay the cost of translations¹⁰⁴.</p> <p>c) Article 236A (1) of the Code of Criminal Procedure¹⁰⁵ provides that suspected or accused persons who do not understand the language of the criminal proceedings are “within a reasonable period of time” provided with a written translation of all essential documents or passages of documents of the proceedings.</p>
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⁹⁸ Greece, representative of the Greek Council for Refugees.

⁹⁹ Greece, representative of the Greek Council for Refugees.

¹⁰⁰ Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

¹⁰¹ Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

¹⁰² Art. 238B of the CCP was inserted after Art. 238A by virtue of Art. 6 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

¹⁰³ Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία και άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2791.

¹⁰⁴ Greece, representative of the Division on Legislative Work, International Relations and International Judicial Cooperation, Ministry of Justice, Transparency and Human Rights; Supreme Court lawyer and representative of the Rhodes Bar Association.

¹⁰⁵ Inserted after Art. 236 of the CCP by virtue of Art. 4 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού

		<p>Article 237 (1) of the Code of Criminal Procedure also provides that “[i]n view of translation of documents definitely requiring a substantive investment in working-hours, a deadline is set for the interpreter to hand over the translation. The deadline can be extended. If the time limit expires, the appointed translator is relieved and another one is appointed [Unofficial translation]”¹⁰⁶.</p> <p>Authors state that the timeframe (deadline) for the translation of documents depends on the needs of each case, considering for example the length of the texts and the language¹⁰⁷. The translation of documents shall be completed before the suspect is inquired or before the accused submits his/her defence¹⁰⁸. In cases of crimes caught in act or where a warrant of arrest is issued, there is no time for a written translation¹⁰⁹. In these cases, an oral translation is provided instead, according to Article 236A (2) of the Code of Criminal Procedure¹¹⁰.</p>
2.1.2	<ul style="list-style-type: none"> • court hearings; 	<p>a) According to Article 236A (1) of the Code of Criminal Procedure¹¹¹, “[s]uspected or accused persons who do not understand the language of the criminal proceedings are, within a reasonable period of time, provided with a written translation of all essential documents or passages of documents of the proceedings. Essential documents include any decision depriving a person of his/her liberty, any charge or indictment, and any judgment related to the charge or indictment. Accused persons or their legal counsel may submit a reasoned request for documents or passages of documents to be considered essential. Suspected or accused persons do not have the right to translation of passages of essential documents which do not enable them to understand the case against them [Unofficial translation]”.</p> <p>This provision concerns all stages of the criminal proceedings, therefore, the stage of court hearings as well.</p> <p>In practice, the bill of indictment is indeed translated¹¹². On the contrary, the arrest warrant, the witnesses’ evidence, documents which shall be recited before the court, the list of witnesses or decisions by the indictment divisions about the continuation of the detention are not translated¹¹³.</p>

Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A' 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

¹⁰⁶ Greece, representative of the Athens Bar Association.

¹⁰⁷ Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία κατ' άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2780.

¹⁰⁸ Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία κατ' άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2780.

¹⁰⁹ Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία κατ' άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2780.

¹¹⁰ Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία κατ' άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2782.

¹¹¹ Inserted after Art. 36 of the CCP by virtue of Art. 4 of the Law No. 4236/2014 'On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions' (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A' 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

¹¹² Greece, representative of the Greek Council for Refugees.

¹¹³ Greece, representative of the Greek Council for Refugees.

	<p>As a general rule in practice, documents are not translated to the suspected or to the accused persons¹¹⁴. The documents are rather interpreted to them by an interpreter or their lawyers¹¹⁵.</p> <p>b) According to Article 238B of the Code of Criminal Procedure¹¹⁶, “[...] <i>the costs of interpretation of the decisions depriving a person of his liberty, charge or indictment, and judgment related to the charge or indictment, resulting from the application of [Article] 236A CCP, irrespective of the outcome of the proceedings, are borne by the State [Unofficial translation]</i>”.</p> <p>However, this provision sets out an exception: “<i>Exceptionally, the aforementioned costs of translation are borne by the suspected or accused person, if it is established that he/she can pay them [Unofficial translation]</i>”. This exception is applicable only to translation of the aforementioned essential documents and is not applicable to interpretation.</p> <p>Article 238B of the Code of Criminal Procedure is applicable to all stages of the proceedings.</p> <p>Authors criticise two points about Article 238B of the Code of Criminal Procedure: a) the State does not bear the costs of translation of all essential documents but only of the decisions depriving a person of his liberty, charge or indictment, and judgment related to the charge or indictment, and b) the costs of translation are borne by the suspected or accused person, if it is established that he/she can pay them¹¹⁷.</p> <p>c) Article 236A (1) of the Code of Criminal Procedure¹¹⁸ provides that suspected or accused persons who do not understand the language of the criminal proceedings are “<i>within a reasonable period of time</i>” provided with a written translation of all essential documents or passages of documents of the proceedings.</p> <p>Article 237 (1) of the Code of Criminal Procedure also provides that “[i]n view of translation of documents definitely requiring a substantive investment in working-hours, a deadline is set for the interpreter to hand over the translation. The deadline can be extended. If the time limit expires, the appointed translator is relieved and another one is appointed [Unofficial translation]”¹¹⁹.</p>
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¹¹⁴ Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

¹¹⁵ Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

¹¹⁶ Art. 238B of the CCP was inserted after Art. 238A by virtue of Art. 6 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG Α’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

¹¹⁷ Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία κατ’ άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2791.

¹¹⁸ Inserted after Art. 236 of the CCP by virtue of Art. 4 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG Α’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

¹¹⁹ Greece, representative of the Athens Bar Association.

	<p>Authors state that the timeframe (deadline) for the translation of documents depends on the needs of each case, considering for example the length of the texts and the language¹²⁰. The translation of documents shall be completed before the suspect is inquired or before the accused submits his/her defence¹²¹. In cases of crimes caught in act or where a warrant of arrest is issued, there is no time for a written translation¹²². In these cases, an oral translation is provided instead, according to Article 236A (2) of the Code of Criminal Procedure¹²³.</p>
<p>2.1.3</p> <ul style="list-style-type: none"> any necessary interim hearings; 	<p>a) According to Article 236A (1) of the Code of Criminal Procedure¹²⁴, “[s]uspected or accused persons who do not understand the language of the criminal proceedings are, within a reasonable period of time, provided with a written translation of all essential documents or passages of documents of the proceedings. Essential documents include any decision depriving a person of his/her liberty, any charge or indictment, and any judgment related to the charge or indictment. Accused persons or their legal counsel may submit a reasoned request for documents or passages of documents to be considered essential. Suspected or accused persons do not have the right to translation of passages of essential documents which do not enable them to understand the case against them [Unofficial translation]”.</p> <p>This provision concerns all stages of the criminal proceedings, therefore, any necessary interim hearing as well.</p> <p>However, as a general rule in practice, documents are not translated to the suspected or to the accused persons¹²⁵. The documents are rather interpreted to them by an interpreter or their lawyers¹²⁶.</p> <p>b) According to Article 238B of the Code of Criminal Procedure¹²⁷, “[...] the costs of interpretation of the decisions depriving a person of his liberty, charge or indictment, and judgment related to the charge or indictment, resulting from the application of [Article] 236A CCP, irrespective of the outcome of the proceedings, are borne by the State [Unofficial translation]”.</p>

¹²⁰ Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία κατ' άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2780.

¹²¹ Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία κατ' άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2780.

¹²² Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία κατ' άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2780.

¹²³ Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία κατ' άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2782.

¹²⁴ Inserted after Art. 236 of the CCP by virtue of Art. 4 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (ΟΓ Α’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hglkXSvp8%3D&tabid=132>.

¹²⁵ Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

¹²⁶ Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

¹²⁷ Art. 238B of the CCP was inserted after Art. 238A by virtue of Art. 6 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού

		<p>However, this provision sets out an exception: “Exceptionally, the aforementioned costs of translation are borne by the suspected or accused person, if it is established that he/she can pay them [Unofficial translation]”. This exception is applicable only to translation of the aforementioned essential documents and is not applicable to interpretation.</p> <p>Article 238B of the Code of Criminal Procedure is applicable to all stages of the proceedings.</p> <p>Authors criticise two points about Article 238B of the Code of Criminal Procedure: a) the State does not bear the costs of translation of all essential documents but only of the decisions depriving a person of his liberty, charge or indictment, and judgment related to the charge or indictment, and b) the costs of translation are borne by the suspected or accused person, if it is established that he/she can pay them¹²⁸.</p> <p>c) Article 236A (1) of the Code of Criminal Procedure¹²⁹ provides that suspected or accused persons who do not understand the language of the criminal proceedings are “within a reasonable period of time” provided with a written translation of all essential documents or passages of documents of the proceedings.</p> <p>Article 237(1) of the Code of Criminal Procedure also provides that “[i]n view of translation of documents definitely requiring a substantive investment in working-hours, a deadline is set for the interpreter to hand over the translation. The deadline can be extended. If the time limit expires, the appointed translator is relieved and another one is appointed [Unofficial translation]”¹³⁰.</p> <p>Authors state that the timeframe (deadline) for the translation of documents depends on the needs of each case, considering for example the length of the texts and the language¹³¹. The translation of documents shall be completed before the suspect is inquired or before the accused submits his/her defence¹³².</p>
2.1.4	<ul style="list-style-type: none"> any communication between suspects and accused persons and their legal counsel in direct 	<p>a) Unlike the right to interpretation, the right to translation has no explicit provision specifically providing for the translation of documents relevant to the communication between suspects and accused persons, on the one hand, and their legal counsel, on the other hand, at any stage of the criminal proceedings.</p> <p>In practice, as a general rule, documents are not translated to the suspected or to the accused persons. The documents are rather interpreted to them by an interpreter or their lawyers¹³³.</p>

Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A' 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

¹²⁸ Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία κατ' άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2791.

¹²⁹ Inserted after Art. 236 of the CCP by virtue of Art. 4 of the

Law No. 4236/2014 'On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions' (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A' 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

¹³⁰ Greece, representative of the Athens Bar Association.

¹³¹ Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία κατ' άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2780.

¹³² Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία κατ' άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2780.

¹³³ Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

	connection with any questioning or hearing during the proceedings?	<p>b) Unlike the right to interpretation, the right to translation has no explicit provision specifically providing for the translation of documents relevant to the communication between suspects and accused persons, on the one hand, and their legal counsel, on the other hand, at any stage of the criminal proceedings.</p> <p>c) Unlike the right to interpretation, the right to translation has no explicit provision specifically providing for the translation of documents relevant to the communication between suspects and accused persons, on the one hand, and their legal counsel, on the other hand, at any stage of the criminal proceedings.</p>
2.2	How do the competent authorities ascertain whether oral translation or oral summary of essential documents may be provided instead of a written translation? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.	<p>According to Article 236A (2) of the Code of Criminal Procedure¹³⁴, “[i]n extremely urgent cases an oral translation or oral summary of essential documents may be provided instead of a written translation [Unofficial translation]”.</p> <p>In cases of crimes caught in act or where a warrant of arrest is issued, there is no time for a written translation¹³⁵. In these cases, an oral translation is provided instead, according to Article 236A (2) of the Code of Criminal Procedure¹³⁶.</p> <p>Where an interpreter is appointed, the inquiring authority may, through discussion, ascertain whether an oral translation or oral summary of essential documents may be provided instead of a written translation¹³⁷. Oral translations or oral summaries of essential documents shall be provided with the proviso that the right to a fair trial is not violated¹³⁸.</p>
2.3	Please describe procedures in place, if any, to ensure that	<p>According to Article 236A (3) of the Code of Criminal Procedure¹³⁹, “[t]he suspected or accused person has the right to file objections to the decision finding that there is no need for the translation of documents or passages thereof [...]. In this case the sixth subparagraph of</p>

¹³⁴ Art. 236A of the CCP was inserted after Art. 236 by virtue of Art. 4 of the

Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

¹³⁵ Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία και άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2780.

¹³⁶ Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία και άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2782.

¹³⁷ Greece, representative of the Division on Legislative Work, International Relations and International Judicial Cooperation, Ministry of Justice, Transparency and Human Rights.

¹³⁸ Greece, representative of the Athens Bar Association.

¹³⁹ Art. 236A of the CCP was inserted after Art. 236 by virtue of Art. 4 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

	<p>suspects or accused persons have the right to challenge the decision that no translation is needed? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</p>	<p><i>Article 233 (1) shall apply by analogy [Unofficial translation]</i>". The sixth subparagraph of Article 233(1) of the Code of Criminal Procedure regulates which are the authorities that are responsible for deciding on the objections. Thus, the authorities which decide on the objections to the decision finding that there is no need for the translation of documents or passages thereof are: "at the pre-trial proceedings the prosecutor, at the criminal investigation the indictment divisions and at the main proceedings the court"¹⁴⁰.</p>		
		Yes	No	Brief Description
2.4	<p>Do all documents that the suspected or accused person has to sign during the proceedings have to be translated?</p>		X	<p>There is no general rule providing that all documents that the suspected or accused person has to sign during the proceedings have to be translated. However, in practice, if these documents are not translated to the suspected or to the accused persons then they are at least interpreted to them by an interpreter or their lawyers¹⁴¹.</p>
2.5	<p>Is it possible to waive the right to translation of documents and if so, what form can it have and under which conditions can it be accepted?</p>	X		<p>According to Article 236A (4) of the Code of Criminal Procedure¹⁴², "[t]he suspected or accused person has the right to waive his/her right to translation of documents provided that he/she has received prior legal advice or has otherwise obtained full knowledge of the consequences of such a waiver. The waiver shall be given voluntarily and be unequivocal [Unofficial translation]".</p> <p>The waiver may be oral or written¹⁴³. In both cases, according to Article 238A of the Code of Criminal Procedure¹⁴⁴, "[...] for the waiving by the aforementioned persons of the right to translation, a report is produced or specific reference is made in the report produced by every competent authority [Unofficial translation]".</p>

¹⁴⁰ Greece, representative of the Division on Legislative Work, International Relations and International Judicial Cooperation, Ministry of Justice, Transparency and Human Rights; Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

¹⁴¹ Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

¹⁴² Art. 236A of the CCP was inserted after Art. 236 by virtue of Art. 4 of the Law No. 4236/2014 'On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions' (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A' 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

¹⁴³ Greece, Supreme Court lawyer and representative of the Rhodes Bar Association.

¹⁴⁴ As inserted below Art. 238 of the CCP by virtue of Art. 5 of the Law No. 4236/2014 'On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions' (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού

3.	RIGHTS CONCERNING BOTH INTERPRETATION AND TRANSLATION ¹⁴⁵			
3.1	With regard to use of registers of interpreters and translators in EU Member States:	Yes	No	Brief Description
	a) Do national databases or registers exist for legal translators and interpreters?	X		<p>Lists of interpreters for the criminal proceedings are established in every court of first instance in Greece. Article 233 (2) of the Code of Criminal Procedure provides that “[t]he interpreter shall be appointed from a list drawn up by the first-instance judicial council, upon the proposal of the public prosecutor within the thirty first days of September each year consisting of persons who reside or work in its headquarters and preferably of civil servants. The list shall be submitted to the public prosecutor of appeals who by the end of October is entitled to ask for its amendment by the judicial council of the court of appeal. The judicial council of the court of appeal shall give its decision by the end of November. The list, after being finalised, shall be posted in the courtroom of the magistrates' court and transmitted by the end of December each year by the public prosecutor of first instance to the investigating officers within the area of the court's jurisdiction. Every year the list which had been drawn up the previous year shall be applied, until a new list is drawn up. In extremely urgent cases and if it is impossible to appoint an interpreter selected from those who are registered in the relevant list, a person who is not listed in it may be appointed as interpreter [Unofficial translation]”.</p> <p>This provision also applies to the translators. As a matter of fact, the Greek legislator does not draw a distinction between the concepts of “interpretation/interpreter” and those of “translation/translator” in the Code of Criminal Procedure¹⁴⁶.</p>
	b) Do translators and interpreters have to be listed in databases/registers for their services to be used? In other words, is the membership/registration of a translator/interpreter in the relevant lists mandatory in order for the latter to be appointed?	X		<p>Article 233 (2) of the Code of Criminal Procedure provides that “[t]he interpreter shall be appointed from a list drawn up by the first-instance judicial council, upon the proposal of the public prosecutor within the thirty first days of September each year consisting of persons who reside or work in its headquarters and preferably of civil servants [Unofficial translation]”. According to the same provision, only “[i]n extremely urgent cases and if it is impossible to appoint an interpreter selected from those who are registered in the relevant list, a person who is not listed in it may be appointed as interpreter [Unofficial translation]”.</p> <p>The use of services by translators and interpreters who are not listed in the aforementioned list shall be exceptional. However, the procedure of appointing an interpreter-translator outside the list, a procedure which should rather be followed in extremely urgent cases, tends to be the rule¹⁴⁷.</p>

Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A' 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

¹⁴⁵ See in particular Art. 5 and relevant recitals of Directive 2010/64/EU.

¹⁴⁶ Greece, Arvanitis, D. (2013), ‘The right to interpretation and translation in criminal proceedings and the relevant Directive 2010/64/EU’ (Το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία και η σχετική Οδηγία 2010/64/ΕΕ), *Criminal Justice (Ποινική Δικαιοσύνη)*, No. 7, p. 642.

¹⁴⁷ Greece, Vlachopoulos, S., *Legal interpreting in Greece: Recording and evaluation of reality (Δικαστηριακή Διερμηνεία στην Ελλάδα: Καταγραφή και αξιολόγηση της πραγματικότητας)*, Technological Educational Institute of Epirus-Department of Business Administration (ΤΕΙ Ηπείρου-Τμήμα Διοίκησης Επιχειρήσεων), p. 90.

			<p>Authors state¹⁴⁸ that the legislator provides for the procedure of appointment from a list, in order to respect the standards deriving from Greece's international obligations and thus guarantee to the person questioned the right to a fair trial with an interpreter who has the qualities necessary for carrying out this important mandate. The appointment of an interpreter outside the list constitutes a ground of nullity according to Article 171 (1) (d) of the Code of Criminal Procedure. The only exception provided for is when two legal conditions are cumulatively fulfilled: (1) the case shall be "extremely urgent" and (2) the appointment of an interpreter included in the list is impossible.</p> <p>Such cases are not scarce in everyday judicial practice. This is because the language may be so rare that no interpreter can be found or the interpreters of the list are unable to be present. Given the low income, the long waiting hours or days, the functions of an interpreter or translator are rather unattractive. It is also possible -even if rather rare- that all the interpreters listed in the list are occupied in other trials on the same day. The need to appoint an interpreter not listed in the list arises when the language spoken by the accused or suspected person is rare and no interpreter formally qualified for this language is listed. The interpretation may be provided through a third language but then the quality of the interpretation is not the one desired by national or international law. What is very common in practice, then, is that the interpretation is provided by a person present in the courtroom, so that judicial economy is not frustrated. Where a language is not commonly spoken and the list is not useful, then the parties themselves and their legal counsels are charged with the research for an interpreter. Such a practice, however, does not guarantee a correct interpretation/translation.</p> <p>When the accused person is in detention, the interpretation of the communication between him/her and his/her legal counsel is provided upon a request submitted to the director of the detention center¹⁴⁹. In this case, the interpreter is one of those listed in the official list. However, the applicant may ask for an interpreter of his choice. In this case, the application is examined by the Council of the Detention Center. The application is not always accepted. In Korridalos (Athens) access to services by an interpreter of one's own choice is granted, while in Thiva, Patra, Thessaloniki, Larissa this is not the case¹⁵⁰.</p>
	c) Who has access to these databases?	<p>Brief Description: As explicitly provided in the fourth subparagraph of Article 233 (2) of the Code of Criminal Procedure, "[t]he list, after being finalized, shall be posted in the courtroom of the magistrates' court [Unofficial translation]". The lists established according to Article 233 (2) of the Code of Criminal Procedure are indeed public. Consequently, everyone has access to them.</p>	

¹⁴⁸ Greece, Lagou, Aik. and Dragomanovits, Sp. (2014), 'The role of the interpreter and translator in Greek criminal law, in the light of the evolution of the legislation which implemented Directives 2010/64/EU and 2012/13/EE and in view of the [Directive] 2012/29/EU which is not yet implemented in Greek legal order' (*Ο ρόλος του διερμηνέα και του μεταφραστή στο ελληνικό ποινικό δίκαιο, υπό το πρίσμα των εξελίξεων του νόμου που εναρμόνισε τις οδηγίες 2010/64/EE και 2012/13/EE και εν αναμονή της 2012/29/EE η οποία δεν έχει ακόμα εισαχθεί στην ελληνική έννομη τάξη*) in: Dogoriti, El. and Vyzas Th. (eds), *Legal Interpreting on Greek and International Level: Developments and Prospects (Η δικαστηριακή διερμηνεία σε ελληνικό και διεθνές επίπεδο: Εξελίξεις και προοπτικές)*, Igoumenitsa, Technological Educational Institute of Epirus-Department of Business Administration (TEI Ηπείρου-Τμήμα Διοίκησης Επιχειρήσεων), pp. 114-115 and Greece, Vlachopoulos, S., *Legal interpreting in Greece: Recording and evaluation of reality (Δικαστηριακή Διερμηνεία στην Ελλάδα: Καταγραφή και αξιολόγηση της πραγματικότητας)*, Technological Educational Institute of Epirus-Department of Business Administration (TEI Ηπείρου-Τμήμα Διοίκησης Επιχειρήσεων), pp. 83-84.

¹⁴⁹ Greece, representative of the Greek Council for Refugees.

¹⁵⁰ Greece, representative of the Greek Council for Refugees.

	<p>d) Which professional qualifications are needed by:</p> <ul style="list-style-type: none"> • translators and • interpreters <p>in order to be registered in the database?</p>	<p>1 Brief Description:</p> <p>According to Article 233 (3) of the Code of Criminal Procedure¹⁵¹, “[t]he qualifications of the persons who may be included in the interpreters’ list are specified by a decision of the Minister of Justice, Transparency and Human Rights [Unofficial translation]”.</p> <p>The relevant ministerial decision, No. 67299/2014¹⁵², was adopted on 22 September 2014 and published in the Official Journal on 10 October 2014. The ministerial decision provides that the general qualifications of the persons who may be included in the interpreters’ list at the public prosecutor’s office, according to Article 233 (2) of the Code of Criminal Procedure, are:</p> <p>“1. Copy of a higher education qualification, namely a degree or diploma on translation and interpretation of foreign languages issued by a higher education institution in Greece or equivalent degree or diploma on the relevant specialisation issued by a foreign higher education institution. If the higher education qualification is not issued by a Greek higher education institution, official translation and validation is required or 2. Secondary educational qualification by a Greek or foreign upper secondary school or equivalent qualification by a foreign secondary school. If the education qualification is not issued by a Greek upper secondary school, official translation and validation of the secondary educational qualification by the foreign upper secondary school is required; 3. Certificate of sufficient knowledge of the Greek language, if the person concerned is not a Greek national. The sufficient knowledge of the Greek language may also be certified by a copy of a secondary educational qualification issued by a Greek school (point 2); 4. Greek citizenship or nationality of a European Union Member State or legal residence permit in the case of non-Greek nationals [Unofficial translation]”.</p> <p>The aforementioned provisions also apply to the translators since the Greek legislator does not draw a distinction between the concepts of “interpretation/interpreter” and those of “translation/translator”¹⁵³.</p>		
	<p>e) Are there any requirements in place to ensure the independence of interpreters and translators? If yes, provide a brief overview (for both translators and interpreters).</p>	<p>X</p>		<p>Article 234 of the Code of Criminal Procedure provides for a list of persons who cannot be appointed as interpreters, namely: a) the accused person, the plaintiff claiming damages, the legal counsel, the witness, or the expert or the technical</p>

¹⁵¹ Para. 3 of Art. 233 of the CCP was inserted by virtue of Art. 2 (2) of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (ΟΓ Α’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

¹⁵² Decision of the Minister of Justice, Transparency and Human Rights, No 67299-OG B 2711/10.10.2014.

¹⁵³ Greece, Arvanitis, D. (2013), ‘The right to interpretation and translation in criminal proceedings and the relevant Directive 2010/64/EU’ (Το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία και η σχετική Οδηγία 2010/64/ΕΕ), *Criminal Justice (Ποινική Δικαιοσύνη)*, No. 7, p. 642.

				<p>adviser, or the persons participating in the trial as judges, public prosecutors or secretary; and b) the persons prescribed in one of the cases of Articles 188(a)-(d)¹⁵⁴, 210¹⁵⁵, 211¹⁵⁶ and 222¹⁵⁷ of the Code of Criminal Procedure.</p> <p>As underlined by authors, it is irrelevant whether the judge or the investigating authority speaks the language of the parties. It is explicitly prohibited to the authorities, who question the suspect or accused person, to carry out an interpreter's functions¹⁵⁸.</p> <p>The aforementioned provision also applies to the translators since the Greek legislator does not draw a distinction between the concepts of "interpretation/interpreter" and those of "translation/translator"¹⁵⁹.</p>
	f) Is access to existing databases provided through the European e-Justice portal ? ¹⁶⁰ How is this register available to legal counsel and relevant authorities?		X	<p>Access to existing lists is not provided through the European e-Justice portal.</p> <p>The interpreters' lists established under Article 233 (2) of the Code of Criminal Procedure are public. Consequently, everyone has access to them. As explicitly provided in the fourth subparagraph of Article 233 (2) of the Code of Criminal Procedure, "[t]he list, after being finalised, shall be posted in the courtroom of the magistrates' court". In this manner, the list is made available to the legal counsel as well. As far as the relevant authorities are concerned the fourth subparagraph of Article 233 (2) of the Code of Criminal Procedure provides that "[t]he list, after being finalised, shall [...] be transmitted by the end of December each year by the public prosecutor of first instance to the investigating officers within the area of its jurisdiction [Unofficial translation]".</p>
	g) Are criminal justice institutions required to use	X		<p>Article 233 (2) of the Code of Criminal Procedure provides that "[t]he interpreter shall be appointed from a list drawn up by the first-instance judicial council, upon the proposal of the public prosecutor within the thirty first days of September each year consisting of persons who reside or work in its headquarters and preferably of civil servants [Unofficial</p>

¹⁵⁴ Art. 188 (a)-(d) of the CCP provides that those who cannot be appointed as experts are a) those who have not attained the age of 21 years, b) interdicted persons, c) those who have been convicted for a crime or a misdemeanor and deprived of their political rights or banned from public office, as well as banned professionals for as long as they are banned, d) those who have contributed in any way in the current situation relating to the object of the expert report.

¹⁵⁵ Art. 210 of the CCP provides for the persons who cannot be examined as witnesses, namely those who are demented or simpletons or unable to state the facts which took place because of their mental state of health.

¹⁵⁶ Art. 211 of the CCP provides for the persons who cannot be examined as witnesses at the hearing, namely a) those who have performed the functions of the public prosecutor or investigative duties or secretary work during the investigation in the same case b) those found guilty for the action adjudicated, even if they have not been convicted.

¹⁵⁷ Art. 222 of the CCP refers to the spouse/husband and to blood-relatives up to the second degree of the accused person.

¹⁵⁸ Greece, Lagou, Aik. and Dragomanovits, Sp. (2014), 'The role of the interpreter and translator in Greek criminal law, in the light of the evolution of the legislation which implemented Directives 2010/64/EU and 2012/13/EE and in view of the [Directive] 2012/29/EU which is not yet implemented in Greek legal order' (*Ο ρόλος του διερμηνέα και του μεταφραστή στο ελληνικό ποινικό δίκαιο, υπό το πρίσμα των εξελίξεων του νόμου που εναρμόνισε τις οδηγίες 2010/64/EE και 2012/13/EE και εν αναμονή της 2012/29/EE η οποία δεν έχει ακόμα εισαχθεί στην ελληνική έννομη τάξη*) in: Dogoriti, El. and Vyzas Th. (eds), *Legal Interpreting on Greek and International Level: Developments and Prospects (Η δικαστηριακή διερμηνεία σε ελληνικό και διεθνές επίπεδο: Εξελίξεις και προοπτικές)*, Igoumenitsa, Technological Educational Institute of Epirus-Department of Business Administration (TEI Ηπείρου-Τμήμα Διοίκησης Επιχειρήσεων), p. 112 and Greece, Vlachopoulos, S., *Legal interpreting in Greece: Recording and evaluation of reality (Δικαστηριακή Διερμηνεία στην Ελλάδα: Καταγραφή και αξιολόγηση της πραγματικότητας)*, Technological Educational Institute of Epirus-Department of Business Administration (TEI Ηπείρου-Τμήμα Διοίκησης Επιχειρήσεων), p. 81.

¹⁵⁹ Greece, Arvanitis, D. (2013), 'The right to interpretation and translation in criminal proceedings and the relevant Directive 2010/64/EU' (*Το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία και η σχετική Οδηγία 2010/64/EE*), *Criminal Justice (Ποινική Δικαιοσύνη)*, No. 7, p. 642.

¹⁶⁰ <https://e-justice.europa.eu/home.do?plang=en&action=home>

	interpreters and translators listed in these registers?			<p>translation]”. According to the same provision, only “[i]n extremely urgent cases and if it is impossible to appoint an interpreter selected from those who are registered in the relevant list, a person who is not listed in it may be appointed as interpreter [Unofficial translation]”.</p> <p>Criminal justice institutions are indeed required to use interpreters and translators listed in these lists.</p> <p>For the translation of documents the criminal justice institutions may also use the services of the translation service of the Greek Ministry of Foreign Affairs¹⁶¹.</p>
3.2	With regard to other mechanisms/procedures:	Yes	No	Brief Description
	a) Are there other mechanisms or procedures in place to ensure the quality and independence of interpretation and translation during the course of the proceedings? Are there any quality checks? Who is responsible for carrying them out?	X		<p>Even though there are no quality checks per se in place to ensure the quality and independence of interpretation and translation during the course of the proceedings, however, there are some mechanisms or procedures in place to ensure the quality and independence of interpretation and translation:</p> <ol style="list-style-type: none"> 1. Article 236 of the Code of Criminal Procedure¹⁶² provides that “[t]he interpreter, before assuming office, shall swear, according to Article 218 before the authority who appointed him/her, to accurately and truthfully translate, observing full confidentiality, everything that is told during the hearing or, in the case of Article 237, the documents [Unofficial translation]”. Notwithstanding the wording of Article 236 of the Code of Criminal Procedure referring to “the interpreter”, the aforementioned provision applies to both interpreters and translators. The Greek legislator does not draw a distinction between the concepts of “interpretation/interpreter” and those of “translation/translator”¹⁶³. 2. According to the case-law of the Supreme Court, the procedure before the court is null if the transcripts of the trial do not state that everything which took place before the court was properly interpreted, namely the testimonies of the witnesses, the documents recited before the court, the conclusions of the prosecutor and the decision of the court¹⁶⁴. 3. When the court decides to appoint an interpreter, who is not listed in the official interpreters’ list, the prosecutor and the accused person must first be heard before the appointment¹⁶⁵.

¹⁶¹ Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία κατ' άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2783.

¹⁶² As amended by Art. 3 of the Law No 4236/2014 implementing Art. 5 of Directive 2010/64/EU.

¹⁶³ Greece, Arvanitis, D. (2013), ‘The right to interpretation and translation in criminal proceedings and the relevant Directive 2010/64/EU’ (*Το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία και η σχετική Οδηγία 2010/64/ΕΕ*), *Criminal Justice (Ποινική Δικαιοσύνη)*, No. 7, p. 642.

¹⁶⁴ Greece, Supreme Court (Άρειος Πάγος), No 316/2010, 12 February 2010.

¹⁶⁵ Greece, Fragkos, K. (2011), *Code of Criminal Procedure: Commentary and recent case-law of the Supreme Court (Κώδικας ποινικής δικονομίας: ερμηνεία & πρόσφατη νομολογία Αρείου Πάγου κατ' άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 566 and Spiliakos, Sp. (2014), ‘Assistance by interpreter free of charge’ (*Δωρεάν παράσταση διερμηνεία*) in: Kotsalis, L. (ed.), *European Convention on Human Rights and Criminal Law (Ευρωπαϊκή Σύμβαση Δικαιωμάτων του Ανθρώπου και Ποινικό Δίκαιο)*, Athens, Nomiki Bibliothiki, p. 706.

			<p>4. Maliciously false translation is punished by Article 226 of the Criminal Code.</p> <p>5. The authority that appoints the interpreter may replace him/her if he/she does not complete the interpretation (Article 235 of the Code of the Criminal Procedure)¹⁶⁶.</p> <p>6. The interpreter is allowed to use a dictionary¹⁶⁷.</p> <p>Regardless of the mechanisms or procedures in place to ensure the quality and independence of interpretation and translation, authors state that the quality of interpretation in Greek courts is not satisfactory. The accused often does not have a clear idea of what is going on during the proceedings¹⁶⁸. A reason for this is that the work of the interpreters is held in low esteem¹⁶⁹. In practice, the majority of the Greek courts do not ensure the translation/interpretation of every document recited during the hearings before them, not even their essential points¹⁷⁰. Practitioners also highlight that the suitability of interpreters in Greece is, allegedly, not always guaranteed, in particular in the provinces¹⁷¹.</p>
	b) Is there any procedure in place to ensure that suspects or accused persons have the possibility, when interpretation and translation has been provided, to complain about the	X	Regarding interpretation, the fifth and sixth subparagraphs of Article 233 (1) of the Code of Criminal Procedure ¹⁷² provide that “[t]he suspected or accused person has the right to file objections [...] when the quality of the interpretation is not sufficient. On the objections decides at the pre-trial proceedings the prosecutor, at the criminal investigation the indictment divisions and at the main proceedings the court [Unofficial translation]”.

¹⁶⁶ Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία κατ' άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2774.

¹⁶⁷ Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία κατ' άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2749.

¹⁶⁸ Greece, Vlachopoulos, S., *Legal interpreting in Greece: Recording and evaluation of reality (Δικαστηριακή Διερμηνεία στην Ελλάδα: Καταγραφή και αξιολόγηση της πραγματικότητας)*, Technological Educational Institute of Epirus-Department of Business Administration (TEI Ηπείρου-Τμήμα Διοίκησης Επιχειρήσεων), p. 98.

¹⁶⁹ Greece, Vlachopoulos, S. (2014), *Multilingualism in law (Πολυγλωσσία στο δίκαιο)*, Athens, Nomiki Bibliothiki, p. 235.

¹⁷⁰ Greece, Spiliakos, Sp. (2014), 'Assistance by interpreter free of charge' (Δωρεάν παράσταση διερμηνέα) in: Kotsalis, L. (ed.), *European Convention on Human Rights and Criminal Law (Ευρωπαϊκή Σύμβαση Δικαιωμάτων του Ανθρώπου και Ποινικό Δίκαιο)*, Athens, Nomiki Bibliothiki, pp. 705-706.

¹⁷¹ Greece, representative of the Greek Council for Refugees.

¹⁷² As amended by Art. 2 (1) of the Law No. 4236/2014 'On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions' (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG Α' 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

	quality and independence of the interpretation and translation?			Regarding translation, Article 236A (3) of the Code of Criminal Procedure ¹⁷³ provides that “[t]he suspected or accused person has the right to file objections [...] when the [translation’s] quality is not sufficient. In this case the sixth subparagraph of Article 233 (1) shall apply by analogy [Unofficial translation]”. The sixth subparagraph of Article 233 (1) of the Code of Criminal Procedure provides which authorities are responsible for deciding on the objections. These are: “[...] at the pre-trial proceedings the prosecutor, at the criminal investigation the indictment divisions and at the main proceedings the court [Unofficial translation]”.
	c) Are there any mechanisms in place that allow for the replacement of the appointed interpreter or a new translation when the quality of the interpretation or the independence of the interpreter is considered insufficient? If yes, briefly provide information.	X		Article 237 (1) of the Code of Criminal Procedure provides that “[i]n view of translation of documents definitely requiring a substantial investment in working-hours, a deadline shall be set for the interpreter to hand over the translation. The deadline can be extended. If the time limit expires, the appointed interpreter is relieved of his/her duties and another one is appointed. The same applies when the person appointed carries out his/her functions in an insufficient and negligent manner [Unofficial translation]”. The authority that appointed the interpreter may replace him/her if he/she does not complete the interpretation (Article 235 of the Code of the Criminal Procedure) ¹⁷⁴ .
3.3	Are there special procedures designed to take into account the special needs of vulnerable suspects or vulnerable accused persons which affect their ability to communicate effectively? ¹⁷⁵ If yes, briefly provide information on those mechanisms considering the following vulnerable groups:			

¹⁷³ Art. 236A of the CCP was inserted after Art. 236 by virtue of Art. 4 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (ΟΓ Α’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hglkXSvp8%3D&tabid=132>.

¹⁷⁴ Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία και άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2774.

¹⁷⁵ See in particular recital 27 of Directive 2010/64/EU.

	a) suspect or accused persons with physical impairment or disability;	X	<p>According to the first three subparagraphs of Article 233 (1) of the Code of Criminal Procedure, “[a]t any stage of the criminal proceedings, when a suspected or accused person, who does not speak or sufficiently understand the Greek language, is about to be examined, he/she is provided without delay with interpretation. Where necessary, interpretation is available for communication between the accused persons and their legal counsel during any stage of the criminal proceedings. The right to interpretation under the above passages includes appropriate assistance for persons with hearing or speech impediments [Unofficial translation]”.</p> <p>Article 233 (1) of the Code of Criminal Procedure does not provide any further indication about the assistance for persons with hearing or speech impediments¹⁷⁶. However, the third subparagraph of Article 233 (1) of the Code of Criminal Procedure must be read in conjunction with Article 227 of the Code of Criminal Procedure¹⁷⁷.</p> <p>Article 227 (1) of the Code of Criminal Procedure more specifically provides that “[i]f a person is deaf or dumb or both deaf and dumb, is about to be examined as [...] an accused person, his/her examination is conducted in the following manner: All questions and possible observations are offered to the deaf person, after being written down by the secretary of the investigation or the court, while answers are given by him/her orally. To the dumb person, the questions and observations are given orally and he/she answers in writing. To the deaf and dumb person the questions and the observations are given in writing and he/she answers in the same manner. In trial, the written answers given by the dumb or the deaf and dumb person, are recorded after having been initialed by the president and the secretary, and are attached to the case-file. As to the remainder, the provisions of the code on the interpreters shall be followed, if possible [Unofficial translation]”.</p> <p>According to Article 227 (2) of the Code of Criminal Procedure, “[i]f the deaf or dumb or deaf and dumb person does not know how to read or write, the authority conducting the investigation or presiding the hearing appoints one or two interpreters who, if possible, are preferably elected among the persons who are used in communicating with the deaf or dumb or deaf and dumb person [Unofficial translation]”.</p>
	b) suspect or accused persons with intellectual impairment or disability;	X	<p>There are special procedures designed to take into account the special needs of vulnerable suspects or vulnerable accused persons, which affect their ability to communicate effectively. According to Article 80 (1) of the Code of Criminal Procedure, the court shall order the suspension of the proceedings if it is not going to acquit the accused and if the latter is in a state of mental confusion. Furthermore, Article 80 (3) of the Code of Criminal Procedure provides that the investigating officer is also entitled to order the suspension of the proceedings before the completion of the criminal investigation if the suspect or accused person is found to be in a state of mental confusion.</p>

¹⁷⁶ Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία κατ' άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2746.

¹⁷⁷ Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία κατ' άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2270.

	c) i) children who are suspects/defendants, and/or ii) holders of parental responsibility (please distinguish between the two).		X	<p>The Code of Criminal Procedure makes explicit provision for the protection of children who are victims of certain crimes and shall be therefore examined as witnesses, specifying a certain procedure for guaranteeing among other things the effectiveness of the communication¹⁷⁸.</p> <p>However, there is no special procedure designed to take into account the special needs of minors suspected or accused in order to reinforce their ability to communicate effectively. Article 239 (2) of the Code of Criminal Procedure simply provides that at the stage of criminal investigation, if the accused person is a minor, then special research is conducted in his/her hygiene, moral and intellectual state [...].</p> <p>The Greek National Action Plan for Human Rights, drafted in March 2014, makes a general reference to the “Child Friendly Justice Programme”, providing, among other things, for the institutionalisation of new means for the provision of testimony by perpetrators, who are minors¹⁷⁹. However, no further information is provided regarding this programme. Furthermore, according to the Action Plan, this programme will be completed by the end of 2015, but up till now no relevant measure has been implemented in practice.</p>
3.4	Is there any recording procedure to note that interpretation and translation have occurred and in which form? ¹⁸⁰ If yes, briefly provide information on how this procedure is organised in practice.	X		<p>According to Article 238A of the Code of Criminal Procedure¹⁸¹, “[f]or the examination of the suspected or accused person at any stage of the proceedings, when conducted with the assistance of an interpreter or when an oral translation or oral summary of essential documents has been provided, or for the waiving by the aforementioned persons of the right to translation, a report is produced or specific reference is made in the report produced by every competent authority [Unofficial translation]”.</p> <p>In practice, in pre-trial proceedings the relevant authority notes that interpretation and/or translation have occurred in the report on the examination of the accused or suspected person¹⁸². Before the court, it is noted in the transcripts of the trial¹⁸³. In the final parts of the transcript it is stated that “everything has been interpreted to the accused by the</p>

¹⁷⁸ Art. 226A of the CCP. More precisely, paras. 1 and 2 provide that when the minor is examined, a child-psychiatrist or child-psychologist shall be appointed and be present. Para. 3 provides that the testimony by the minor is drafted in writing and also registered via an electronic audiovisual medium whenever possible. The electronic projection of the testimony of the minor substitutes his/her physical presence during the next stages of the proceedings.

¹⁷⁹ Greece, General Directory of Transparency and Human Rights-Ministry of Justice (2014), *Human Rights-National Plan of Action* (Δικαιώματα του Ανθρώπου-Εθνικό Σχέδιο Δράσης), Athens, National Printing House (Εθνικό Τυπογραφείο), also available at: http://www.ministryofjustice.gr/site/Portals/0/uploaded_files/uploads_04/ETHNIKO_SXEDIO_MARCH%202014.pdf, pp. 150-151.

¹⁸⁰ See in particular Art. 7 and relevant recitals of Directive 2010/64/EU.

¹⁸¹ As inserted below Art. 238 of the CCP by virtue of Art. 5 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hglkXSvp8%3D&tabid=132>.

¹⁸² Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary* (Κώδικας ποινικής δικονομίας: ερμηνεία κατ’ άρθρο), Athens-Thessaloniki, Sakkoulas, p. 2749.

¹⁸³ Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary* (Κώδικας ποινικής δικονομίας: ερμηνεία κατ’ άρθρο), Athens-Thessaloniki, Sakkoulas, p. 2749.

				interpreter ¹⁸⁴ . During the trial, where oral translation or oral summary of essential documents is provided instead of a written translation, the court judgment shall make special reference to it ¹⁸⁵ .
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SECTION B: RIGHT TO INFORMATION IN CRIMINAL PROCEEDINGS

1.	PROVISION OF INFORMATION ON THE PROCEDURAL RIGHTS ¹⁸⁶	Brief Description
1.1	<p>Please provide answers to the following for each stage of proceedings as indicated below:</p> <p>a) What information is provided?</p> <p>b) How is it provided (e.g. orally or in writing)?</p> <p>c) What is the timeframe (deadline) for providing interpretation information at each stage of the proceedings?</p> <p>Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</p>	
	<ul style="list-style-type: none"> • police questioning; 	<p>a) According to Article 99A (1) of the Code of Criminal Procedure¹⁸⁷, suspects or accused persons are provided promptly with information concerning at least the following rights: a) the right to be represented by a lawyer, b) the right and the conditions for obtaining free legal advice, c) the right to be informed of the accusation, d) the right to interpretation and translation and e) the right to remain silent¹⁸⁸.</p>

¹⁸⁴ Greece, Fragkos, K. (2011), *Code of Criminal Procedure: Commentary and recent case-law of the Supreme Court (Κώδικας ποινικής δικονομίας: ερμηνεία & πρόσφατη νομολογία Αρείου Πάγου κατ' άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 567.

¹⁸⁵ Greece, representative of the Division on Legislative Work, International Relations and International Judicial Cooperation, Ministry of Justice, Transparency and Human Rights.

¹⁸⁶ See in particular Art. 3 and relevant recitals of Directive 2012/13/EU.

¹⁸⁷ Art. 99A was inserted after Art. 99 of the CCP by virtue of Art. 10 of the Law No. 4236/2014 'On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions' (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A' 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

¹⁸⁸ Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

	<p>b) According to Article 99A (2) of the Code of Criminal Procedure¹⁸⁹, “[t]he information provided for under paragraph 1 shall be given in simple and accessible language, orally or in writing, taking into account any particular needs of vulnerable suspects or vulnerable accused persons [Unofficial translation]”¹⁹⁰.</p> <p>In practice, when a person is arrested and detained he/she is provided with an information bulletin containing his/her rights. Annexed to this information bulletin is a special receipt form, which shall be filled in and signed by both the police officer and the detainee. The detainee, thus, attests the following: “I received the information bulletin for detainees and my rights were explained to me”. The detainee signs the receipt and writes down his name and citizenship. The receipt indicates both the date and hour when the detainee signed it.</p> <p>c) According to Article 99A (1) of the Code of Criminal Procedure¹⁹¹, suspects or accused persons are provided promptly with information concerning the aforementioned rights.</p> <p>Article 103 of the Code of Criminal Procedure provides that “right after confirming the identity of the accused person [Unofficial translation]” the investigating magistrate explains to him/her in a precise manner his/her rights. According to Article 104 of the Code of Criminal Procedure, the accused person is entitled to the right provided in Article 103 of the Code of Criminal Procedure also at the stage of the preliminary criminal investigation. Thus, at the stage of police questioning, the information is provided by the competent authority right after the confirmation of the identity of the suspected or accused person¹⁹².</p>
<ul style="list-style-type: none"> • court hearings; 	<p>a) Accused persons are not informed of their procedural rights during court hearings¹⁹³.</p> <p>b) Accused persons are not informed of their procedural rights during court hearings¹⁹⁴.</p>

¹⁸⁹ Art. 99A was inserted after Art. 99 of the CCP by virtue of Art. 10 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

¹⁹⁰ Greece, representative of the Division on Legislative work, international relations and international judicial cooperation, Ministry of Justice, Transparency and Human Rights.

¹⁹¹ Art. 99A was inserted after Art. 99 of the CCP by virtue of Art. 10 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>..

¹⁹² Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

¹⁹³ Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

¹⁹⁴ Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

		c) Accused persons are not informed of their procedural rights during court hearings ¹⁹⁵ .
<ul style="list-style-type: none"> any necessary interim hearings; 	a) According to Article 99A (1) of the Code of Criminal Procedure ¹⁹⁶ , “[t]he suspected or accused person is provided promptly with information concerning at least the following rights: a) the right to be represented by a lawyer, b) the right and the conditions for obtaining free legal advice, c) the right to be informed of the accusation, d) the right to interpretation and translation and e) the right to remain silent [Unofficial translation]” ¹⁹⁷ .	
	b) According to Article 99A (2) of the Code of Criminal Procedure ¹⁹⁸ , “[t]he information provided for under paragraph 1 shall be given in simple and accessible language, orally or in writing, taking into account any particular needs of vulnerable suspects or vulnerable accused persons [Unofficial translation]” ¹⁹⁹ . In practice, when a person is arrested and detained he/she is provided with an information bulletin containing his/her rights. Annexed to this information bulletin is a special receipt form, which shall be filled in and signed by both the police officer and the detainee. The detainee, thus, attests the following: “I received the information bulletin for detainees and my rights were explained to me”. The detainee signs the receipt and writes down his name and citizenship. The receipt indicates both the date and hour when the detainee signed it.	
	c) According to Article 99A (1) of the Code of Criminal Procedure ²⁰⁰ suspects or accused persons are provided promptly with information concerning the aforementioned rights. Article 103 of the Code of Criminal Procedure provides that “right after confirming the identity of the accused person [Unofficial translation]” the investigating magistrate explains to him/her in a precise manner his/her rights. This provision does not only apply at the stage of criminal investigation but also at the stages of the preliminary criminal investigation and preliminary examination. According to Article 104 of the Code of Criminal Procedure, the accused person is entitled to the right provided in Article 103 also at the stage of the preliminary criminal investigation. At the stage of the preliminary examination, Article 31 (2) of the Code of Criminal Procedure also provides that the authority that conducts the examination has the obligation to inform the person under examination about his/her rights ²⁰¹ .	

¹⁹⁵ Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

¹⁹⁶ Art. 99A was inserted after Art. 99 of the CCP by virtue of Art. 10 of the Law No. 4236/2014 implementing Art. 3 and 4 of the Directive 2012/13/EU.

¹⁹⁷ Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

¹⁹⁸ Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

¹⁹⁹ Greece, representative of the Division on Legislative work, international relations and international judicial cooperation, Ministry of Justice, Transparency and Human Rights.

²⁰⁰ Art. 99A was inserted after Art. 99 of the CCP by virtue of Art. 10 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hglkXSvp8%3D&tabid=132>.

²⁰¹ Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

	<ul style="list-style-type: none"> • any communication between suspects and accused persons and their legal counsel in direct connection with any questioning or hearing during the proceedings? 	<p>a) According to Article 37 (c) of the Code of conduct for lawyers²⁰², lawyers shall inform their clients about the course of the case and the defence strategy.</p> <p>b) The law does not prescribe in what ways the information is provided between suspects and accused persons, on the one hand, and their legal counsel, on the other.</p> <p>c) The law does not prescribe what the deadline is for providing information in communications between suspects and accused persons, on the one hand, and their legal counsel, on the other.</p>
1.2	<p>Do authorities provide information about any other procedural rights (apart from those established in Article 3 of the Directive)? If yes, briefly provide information.</p>	<p>At the stages of criminal investigation and preliminary criminal investigation, the accused person is entitled to certain rights explicitly provided in the Code of Criminal Procedure. Apart from the rights established in Article 3 of the Directive, the accused has certain additional rights. According to Article 97 of the Code of Criminal Procedure the accused person has the right to be represented by his/her lawyer in every investigating act. According to Article 99 of the Code of Criminal Procedure the parties and their legal counsel have the right to address questions and submit observations, which shall be listed, at their request, in the report of the investigation. Besides, according to Article 101 (1) of the Code of Criminal Procedure the investigating magistrate, right after summoning the accused person to submit his/her defence, announces to him/her the content of the indictment and other documents of the criminal investigation. The accused person is also allowed to study either himself/herself or through his legal counsel the indictment and the documents of the criminal investigation. Upon a written request by the accused person and at his/her own expense, he/she is provided with photocopies of the indictment and of the documents of the criminal investigation. According to Article 101 (2) of the Code of Criminal Procedure the accused person has the same rights if summoned to give an additional statement. Finally, Article 102 (1)-(2) of the Code of Criminal Procedure provides that the accused person has the right to ask for a time limit of at least 48 hours in order to submit his/her defence.</p> <p>Articles 103, 104 and 105 of the Code of Criminal Procedure provide that the competent authority shall explain to the accused person these rights. In practice, when a person is arrested and detained he/she is provided with an information bulletin containing his/her rights. Annexed to this information bulletin is a special receipt form, which shall be filled in and signed by both the police officer and the detainee. The detainee, thus, attests the following: <i>“I received the information bulletin for detainees and my rights were explained to me”</i>. The detainee signs the receipt and writes down his name and citizenship. The receipt indicates both the date and hour when the detainee signed it.</p> <p>At the stage of preliminary examination, Article 31 (2) of the Code of Criminal Procedure provides that if the commission of the criminal offence is attributed to a specific person, this person is entitled to a series of rights such as the right to be summoned to submit his/her defence 48 hours in advance, the right to be represented by a lawyer, the right to absolutely or partially deny to submit his/her defence and ask for a time limit of at least 48 hours in order to submit his/her defence, the right to request photocopies of the case-file, the right to propose</p>

²⁰² Greece, Decision of the Athens Bar Association Board, ‘Code of conduct for lawyers’ (*Κώδικας Δεοντολογίας του Δικηγορικού Λειτουργήματος*), 4 January 1980, (B-0’ - ΑΠΟΦ 13-//1986), available at: <http://www.ministryofjustice.gr/site/?TabId=237&language=el-GR>.

		witnesses to be examined, and the right to present other evidence on his/her defence. The aforementioned rights may be exercised in person or through his/her lawyer unless the authority conducting the examination decides that his/her personal appearance is necessary. The authority who conducts the examination has the obligation to inform the person under examination about his/her rights. In practice, when a person is arrested and detained he/she is provided with an information bulletin containing his/her rights. Annexed to this information bulletin is a special receipt form, which shall be filled in and signed by both the police officer and the detainee. The detainee, thus, attests the following: “I received the information bulletin for detainees and my rights were explained to me”. The detainee signs the receipt and writes down his name and citizenship. The receipt indicates both the date and hour when the detainee signed it.
2.	LETTER OF RIGHTS²⁰³	Brief Description
2.1	What rights does the letter of rights provide information about? What information is included in the letter of rights when children are arrested or detained?	According to Article 99A (3) of the Code of Criminal Procedure ²⁰⁴ , “[a] suspected or accused person who is arrested or detained is provided promptly with a letter containing his/her rights and he/she shall be allowed to keep it in his/her possession throughout the time that he/she is deprived of liberty. This letter shall contain information about the following rights: a) the right to be represented by a lawyer, b) the right and the conditions for obtaining free legal advice, c) the right to be informed of the accusation, d) the right to interpretation and translation, e) the right to remain silent, f) the right of access to the materials of the case, g) the right to have consular authorities and one person informed, h) the right of access to urgent medical assistance, i) the maximum number of hours or days suspects or accused persons may be deprived of liberty before being brought before a judicial authority and j) information about the possibilities of challenging the lawfulness of the arrest or detention [Unofficial translation]”. There is no letter of rights specifically for children arrested or detained ²⁰⁵ .
2.2	At what stage of the proceedings is the letter of rights provided? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.	At the stage of preliminary examination, preliminary criminal investigation or criminal investigation ²⁰⁶ .

²⁰³ See in particular Art. 4 and relevant recitals of Directive 2012/13/EU.

²⁰⁴ Art. 99A was inserted after Art. 99 of the CCP by virtue of Art. 10 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

²⁰⁵ Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

²⁰⁶ Verifie Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association Association.

2.3	Is the letter of rights drafted in simple and accessible language? How do competent authorities verify whether the language is simple and accessible enough for the suspects or accused persons and/or that the suspects or accused persons understand the language? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.	According to Article 99A (4) of the Code of Criminal Procedure ²⁰⁷ , the letter of rights “shall be drafted in simple and accessible language. Where it is not available in the appropriate language, the suspect or accused person shall be informed of his/her rights orally in a language that he/she understands. The letter shall then be given to him/her without undue delay in a language that he/she understands [Unofficial translation]”. Besides, Articles 103, 104 and 105 of the Code of Criminal Procedure provide that the competent authority shall not simply inform the accused person of his/her rights but shall “explain” them to him/her “in a precise manner”. The actual presence of an interpreter facilitates the discussion with the suspected/accused person. Thus, by questions-answers the competent authorities verify whether the suspects or accused persons understand their rights so as to be provided with extra support for comprehending the information relating to their rights ²⁰⁸ .
3.	RIGHT TO INFORMATION ABOUT THE ACCUSATION²⁰⁹	Brief Description
3.1	What information is provided to the suspects or accused persons regarding what they have been accused of and how is it provided (e.g. orally or in writing)	Besides, according to Article 101 (1) of the Code of Criminal Procedure the investigating magistrate, right after summoning the accused person to submit his/her defence, announces to him/her the content of the indictment and other documents of the criminal investigation. The accused person is also allowed to study either himself/herself or through his legal counsel the indictment and the documents of the criminal investigation. Upon a written request by the accused person and at his/her own expense, he/she is provided with photocopies of the indictment and of the documents of the criminal investigation. According to Article 101 (2) of the Code of Criminal Procedure the accused person has the same rights if summoned to give an additional statement. According to Articles 104-105 of the Code of Criminal Procedure, the accused person also has the aforementioned rights at the stage of the preliminary criminal investigation. Authors state that if the accusation is not

²⁰⁷ Art. 99A was inserted after Art. 99 of the CCP by virtue of Art. 10 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

²⁰⁸ Greece, representative of the Division on Legislative Work, International Relations and International Judicial Cooperation, Ministry of Justice, Transparency and Human Rights.

²⁰⁹ See in particular Art. 6 and relevant recitals of Directive 2012/13/EU.

		<p>submitted in writing, then the investigating officer must provide the information orally or by informing the accused person and then allow him/her to be heard in the next steps of the proceedings²¹⁰.</p> <p>Regarding the arraignment, Article 321 (1) of the Code of Criminal Procedure provides that it shall, among other things, include the exact definition of the criminal offence the accused person is accused of having committed and state the relevant article of the criminal legislation. At the stage of the court hearing, Article 343 of the Code of Criminal Procedure provides that the prosecutor summarises with precision the charges. Furthermore, Article 403 (2) of the Code of Criminal Procedure provides that the president of the court explains to the accused person with precision the charges against him/her.</p> <p>In case of arrest, Article 6 (1) of the Constitution provides that “[n]o 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 caught in the act of committing a crime”. According to Article 276 (3) of the Code of Civil Procedure the judicial warrant shall state the criminal offence of which the person arrested is accused and the relevant article criminalizing it. The warrant is in writing. In practice, if it is not handed to the arrested person by the police at the moment of the arrest then it shall be handed to him/her upon arrival at the police station²¹¹.</p> <p>When the accused person is caught in the act of committing a criminal offence and if the public prosecutor judges that the act is a misdemeanour, then he/she states the charges in writing or orally and announces the charges to the accused right before the hearing (Article 412 of the Code of Criminal Procedure). When in trial, the prosecutor orally informs the accused about the elements of the accusation with no obligation of serving him/her with the indictment. For the information provided, a summary is drafted and attached to the case-file, which is signed by the prosecutor, the secretary and the accused person. In case of emergency it is signed only by the prosecutor (Article 418 (1) of the Code of Criminal Procedure).</p>
3.2	<p>At which stage of the proceedings is the information provided? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</p>	<p>The competent authorities provide information about the accusation at all stages of the proceedings. Information is provided when the suspected or accused person is arrested or caught in the act of committing a crime, at the stages of criminal investigation, of preliminary examination, of preliminary criminal investigation, when informing the accused person of charges in court (arraignment) and at the court hearing²¹².</p>

²¹⁰ Greece, Sevastidis, Ch. (2012), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία και άρθρο)*, Athens-Thessaloniki, Sakkoulas, pp. 1239-1240 and Triantafyllou, G. (2014), ‘The right of the accused person to be informed in detail about the nature and ground of the accusation against him’ (*Δικαίωμα του κατηγορούμενου να πληροφορηθεί λεπτομερώς τη φύση και τον λόγο της εναντίον του κατηγορίας*) in: Kotsalis, L. (ed.), *European Convention on Human Rights and Criminal Law (Ευρωπαϊκή Σύμβαση Δικαιωμάτων του Ανθρώπου και Ποινικό Δίκαιο)*, Athens, Nomiki Bibliothiki, pp. 535-536.

²¹¹ Greece, Katsogiannou, M. (2014), ‘The right to information of the arrested about the grounds of the arrest and the accusation against him’ (*Δικαίωμα ενημέρωσης του συλληφθέντος περί των λόγων συλλήψεως και της διατυπούμενης εις βάρος του κατηγορίας*) in: Kotsalis, L. (ed.), *European Convention on Human Rights and Criminal Law (Ευρωπαϊκή Σύμβαση Δικαιωμάτων του Ανθρώπου και Ποινικό Δίκαιο)*, Athens, Nomiki Bibliothiki, p. 297.

²¹² Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

3.3	How are suspects or accused persons informed when, in the course of the criminal proceedings, the details of the accusation change?	<p>The competent authorities provide information about the accusation at all stages of the proceedings. Information is provided when the suspected or accused person is arrested or caught in the act of committing a crime, at the stages of criminal investigation, of preliminary examination, of preliminary criminal investigation, when informing the accused person of charges in court (arraignment) and at the court hearing.</p> <p>If the details of the accusation change before the trial, then the suspects or accused persons are summoned to give an additional statement²¹³. According to Article 101 (2) of the Code of Criminal Procedure, when the accused person is summoned to give an additional statement, the investigating magistrate, right after summoning the accused person to submit his/her defence, announces to him/her the content of the indictment and other documents of the criminal investigation. The accused person is also allowed to study himself/herself or through his/her legal counsel the indictment and the documents of the criminal investigation. Upon a written request by the accused person and at his/her own expense he/she is provided with photocopies of the indictment and of the documents of the criminal investigation.</p> <p>After the court hearing, the court shall decide, according to Article 371 (3) of the Code of Criminal Procedure, on the guilt or innocence of the accused person, but also on the characterisation of the criminal offence. This implies that the details of the accusation may change without the accused person being informed. According to a well-established case-law of the Supreme Court, the change of accusation of the legal characterisation of the act may be done without the accused person being informed in advance. Authors call for a reversal of this case-law, so that the accused person may be informed by means of an interim decision or a new indictment²¹⁴.</p>
4.	RIGHT OF ACCESS TO CASE MATERIALS²¹⁵	Brief Description
4.1	What material evidence can be accessed by suspected or accused persons (e.g. documents, photographs, audio, video, summaries...)?	<p>At the stage of the criminal investigation, according to Article 101 (1) of the Code of Criminal Procedure, the investigating magistrate, right after summoning the accused person to submit his/her defence, announces to him/her the content of the indictment and other documents of the criminal investigation. The accused person is also allowed to study himself/herself or through his/her legal counsel the indictment and the documents of the criminal investigation. Upon a written request by the accused person and at his/her own expense he/she is provided with photocopies of the indictment and of the documents of the criminal investigation.</p> <p>According to Article 101 (2) of the Code of Criminal Procedure the investigation magistrate has the same obligation and the accused person has the same rights, if he/she is summoned to give an additional statement and the accused person shall be invited to study the entire case-file. The investigating magistrate is not entitled to choose the documents to be provided to the accused person. The authorities are obliged to allow access to any document that the accused person or his/her legal counsel considers essential. After all, it is he/she who pays for the photocopies²¹⁶.</p> <p>According to Articles 104-105 of the Code of Criminal Procedure, the accused person also has the aforementioned rights at the stage of the preliminary criminal investigation.</p>

²¹³ Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

²¹⁴ Greece, Margaritis, L. (2014), 'Information on accusation and more severe classification of the offence' (*Γνώση της κατηγορίας και βαρύτερος χαρακτηρισμός της πράξεως*), *Criminal Justice (Ποινική Δικαιοσύνη)*, No. 6, p. 519.

²¹⁵ See in particular Art. 7 and relevant recitals of Directive 2012/13/EU.

²¹⁶ Greece, Fragkos, K. (2011), *Code of Criminal Procedure: Commentary and recent case-law of the Supreme Court (Κώδικας ποινικής δικονομίας: ερμηνεία & πρόσφατη νομολογία Αρείου Πάγου κατ' άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 356-357.

		<p>Article 31 (2) of the Code of Criminal Procedure provides that if at the stage of the preliminary examination the commission of a criminal offence is attributed to a specific person, this person is entitled to a series of rights such as the right to request photocopies of the case-file. According to Articles 309 (2) and 316 (2) of the Code of Criminal Procedure, at the proceedings before the indictment divisions if one of the parties submits to the division documents or other evidence which have a significant influence on the decision of the division, then the latter shall invite on its own motion the other parties or their procedural representatives to appear before so as to be informed. Finally, according to Article 447 of the Code of Criminal Procedure, the person arrested has the right to access himself/herself or through his/her legal counsel any document and request photocopies of them at his/her own expense. The accused person can have access to all material evidence. According to the definition of “document” provided for in Article 13 (c) of the Criminal Code²¹⁷, documents include photographs, audio, video and summaries as well.</p>
4.2	<p>At what stage of the proceedings is access to case materials granted? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</p>	<p>Access to case materials is granted at all stages of the proceedings²¹⁸. At the stage of the criminal investigation, according to Article 101 (1) of the Code of Criminal Procedure, the investigating magistrate, right after summoning the accused person to submit his/her defence, announces to him/her the content of the indictment and other documents of the criminal investigation. The accused person is also allowed to study himself/herself or through legal counsel the indictment and the documents of the criminal investigation. Upon a written request by the accused person and at his/her own expense he/she is provided with photocopies of the indictment and of the documents of the criminal investigation. According to Article 101 (2) of the Code of Criminal Procedure the investigation magistrate has the same obligation and the accused person has the same rights, if he/she is summoned to give an additional statement and the accused person shall be invited to study the entire case-file. The investigating magistrate is not entitled to choose the documents to be provided to the accused person. The authorities are obliged to allow access to any document that the accused person or his/her legal counsel considers essential. After all, it is he/she who pays for the photocopies²¹⁹. According to Articles 104-105 of the Code of Criminal Procedure, the accused person also has the aforementioned rights at the stage of the preliminary criminal investigation. Article 31 (2) of the Code of Criminal Procedure provides that if at the stage of the preliminary examination the commission of a criminal offence is attributed to a specific person, this person is entitled to a series of rights such as the right to request photocopies of the case-file. According to Articles 309 (2) and 316 (2) of the Code of Criminal Procedure, at the proceedings before the indictment divisions if one of the parties submits to the division documents or other evidence which have a significant influence on the decision of the division, then the latter shall invite on its own motion the other parties or their procedural representatives to appear before so as to be informed. Finally, according to Article 447 of the Code of Criminal Procedure, the person arrested has the right to access himself/herself or through his/her legal counsel any document and request photocopies of them at his/her own expense²²⁰.</p>
4.3	<p>Under what circumstances is access to material refused?</p>	<p>According to Article 101 (3) of the Code of Criminal Procedure²²¹, “[b]y way of derogation from paragraphs 1 and 2, provided that this does not prejudice the right to a fair trial, the competent authorities, during the criminal, investigation, the preliminary criminal investigation or the</p>

²¹⁷ Greece, Presidential Decree No. 283/1985, ‘Criminal Code’ (Ποινικός Κώδικας), (OG A’ 106/31.5.1985).

²¹⁸ Greece, representative of the Athens Bar Association.

²¹⁹ Greece, representative of the Athens Bar Association.

²²⁰ Greece, Court of first instance lawyer and representative of the Athens Bar Association as well as Supreme Court lawyer and representative of the Rhodes Bar Association.

²²¹ Para. 3 was inserted to Art. 101 by virtue of Art. 12 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on

Who takes the decision of refusal?	<p><i>preliminary examination may refuse access to certain materials, if such access may lead to a serious threat to the life or the fundamental rights of another person or if such refusal is strictly necessary to safeguard an important public interest, such as in cases where access could prejudice an ongoing investigation or seriously harm the national security [Unofficial translation]</i>”.</p> <p>Authors express concerns about the compatibility of this provision with Article 20 of the Constitution and that refusing access to the totality of the material should not be considered an option²²².</p> <p>Article 101 (5) of the Code of Criminal Procedure²²³ provides that “<i>the accused person or his/her lawyer have the right to file objections to the possible failure or refusal of the competent authority to provide the aforementioned information [Unofficial translation]</i>”.</p> <p>Furthermore, Article 101 (5) of the Code of Criminal Procedure²²⁴ provides that paragraph 3 of Article 236A [of the Code of Criminal Procedure] shall apply by analogy. According to Article 236A (3) of the Code of Criminal Procedure²²⁵, “[<i>t]he suspected or accused person has the right to file objections to the decision finding that there is no need for the translation of documents or passages thereof [...]. In this case the sixth subparagraph of Article 233 (1) shall apply by analogy [Unofficial translation]</i>”. The sixth subparagraph of Article 233 (1) of the Code of Criminal Procedure provides for the authorities that are responsible for deciding on the objections. Thus, the competent authority that decides on the objections to the possible failure or refusal of the competent authority to provide information about the accusation is “at</p>
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the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (ΟΓ Α’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

²²² Greece, Papadimitrakis, G. (2014), ‘The right of access the case materials according to Article 101 of the CCP in the light of the ECHR’ (Το δικαίωμα πρόσβασης στο υλικό της δικογραφίας κατ’άρθρο 101 ΚΠΔ υπό το πρίσμα της ΕΣΔΑ), *Criminal Justice (Ποινική Δικαιοσύνη)*, Nos, 8-9, p. 778.

²²³ Para. 5 was inserted to Art. 101 by virtue of Art. 12 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (ΟΓ Α’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

²²⁴ Para. 5 was inserted to Art. 101 by virtue of Art. 12 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (ΟΓ Α’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

²²⁵ Art. 236A of the CCP was inserted to Art. 236 by virtue of Art. 4 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (ΟΓ Α’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

		<i>the pre-trial proceedings the prosecutor, at the criminal investigation the indictment divisions and at the main proceedings the court [Unofficial translation]</i> ".
5.	CROSS-CUTTING ISSUES: LANGUAGES, COMPLAINT MECHANISMS, RECORDING & SPECIAL MEASURES²²⁶	Brief Description
5.1	In which languages can information be provided for the following? a) information on procedural rights	According to Article 99A (1) of the Code of Criminal Procedure ²²⁷ , suspects or accused persons are provided promptly with information concerning at least the following rights: a) the right to be represented by a lawyer, b) the right and the conditions for obtaining free legal advice, c) the right to be informed of the accusation, d) the right to interpretation and translation and e) the right to remain silent. According to Article 99A (2) of the Code of Criminal Procedure ²²⁸ , <i>"the information provided for under paragraph 1 shall be given in simple and accessible language, orally or in writing, taking into account any particular needs of vulnerable suspects or vulnerable accused persons [Unofficial translation]"</i> . The information is provided in Greek, which is the official language of the proceedings in Greece ²²⁹ . According to Article 233 (1) of the Code of Criminal Procedure ²³⁰ , during any stage of the criminal proceedings, when a suspected or accused person, who does not speak or sufficiently understand the Greek language, is about to be examined, he/she is provided without delay with

²²⁶ See in particular Articles 3 – 8 and relevant recitals of Directive 2012/13/EU.

²²⁷ Art. 99A was inserted after Art. 99 of the CCP by virtue of Art. 10 of the Law No. 4236/2014 'On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions' (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A' 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

²²⁸ Art. 99A was inserted after Art. 99 of the CCP by virtue of Art. 10 of the Law No. 4236/2014 'On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions' (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A' 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

²²⁹ Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία κατ' άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2740.

²³⁰ As amended by Art. 2 (1) of the Law No. 4236/2014 'On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions' (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της

	<p>interpretation. If, thus, the information is given orally then the suspected or accused person has the right to ask for an interpretation of the information on procedural rights.</p> <p>According to Article 236A (1) of the Code of Criminal Procedure²³¹, “[s]uspected or accused persons who do not understand the language of the criminal proceedings are, within a reasonable period of time, provided with a written translation of all essential documents or passages of documents of the proceedings. Essential documents include any decision depriving a person of his/her liberty, any charge or indictment, and any judgment related to the charge or indictment. Accused persons or their legal counsel may submit a reasoned request for documents or passages of documents to be considered essential. Suspected or accused persons do not have the right to translation of passages of essential documents which do not enable them to understand the case against them [Unofficial translation]”. If, thus, the information is given in writing then the suspected or accused person has the right to ask for the translation of the document.</p>
b) letter of rights	<p>According to Article 99A (4) of the Code of Criminal Procedure²³², the letter of rights “shall be drafted in simple and accessible language. Where a letter is not available in the appropriate language, the suspect or accused person shall be informed of his/her rights orally in a language that he/she understands. The letter shall then be given to him/her without undue delay in a language that he/she understands [Unofficial translation]”.</p> <p>Law No. 4236/2014²³³ provides in its Annex I a model letter of rights and in Annex II a model of letter of rights for persons arrested on the basis of a European arrest warrant. However, the explanatory report²³⁴ of Law No. 4236/2014 explains that the obligation for providing a letter</p>

20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (ΟΓ Α' 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

²³¹ Inserted after Art. 236 of the CCP by virtue of Art. 4 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (ΟΓ Α' 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

²³² Art. 99A was inserted after Art. 99 of the CCP by virtue of Art. 10 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (ΟΓ Α' 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

²³³ Greece, Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (ΟΓ Α' 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>

²³⁴ Greece, Explanatory Report of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information

	of rights corresponds to the practice in place already before the transposition of the Directive 2010/64/EU in the Greek legal order. Indeed, according to this practice, the competent police authorities provide to every arrested person with an information bulletin, available translated in several languages. Thus in 'everyday' cases the authorities provide in fourteen languages (Greek-English-Albanian-Arabian-Bulgarian-French-German-Spanish-Italian-Polish-Russian-Roumanian-Serbian-Turkish).
c) information about the accusation	<p>The information is provided in writing or orally in Greek, which is the official language of the proceedings in Greece²³⁵. The information shall be translated or interpreted in any other language²³⁶.</p> <p>According to Article 236A (1) of the Code of Criminal Procedure²³⁷, “[s]uspected or accused persons who do not understand the language of the criminal proceedings are, within a reasonable period of time, provided with a written translation of all essential documents or passages of documents of the proceedings. Essential documents include any decision depriving a person of his/her liberty, any charge or indictment, and any judgment related to the charge or indictment. Accused persons or their legal counsel may submit a reasoned request for documents or passages of documents to be considered essential. Suspected or accused persons do not have the right to translation of passages of essential documents which do not enable them to understand the case against them [Unofficial translation]”.</p> <p>According to Article 233 (1) of the Code of Criminal Procedure²³⁸, during any stage of the criminal proceedings, when a suspected or accused person, who does not speak or sufficiently understand the Greek language, is about to be examined, he/she is provided without delay with interpretation.</p>

in criminal proceedings (L142) and other provisions' (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), available at: <http://www.hellenicparliament.gr/UserFiles/2f026f42-950c-4efc-b950-340c4fb76a24/g-280142-eis.pdf>.

²³⁵ Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία κατ' άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2740.

²³⁶ Greece, Fragkos, K. (2011), *Code of Criminal Procedure: Commentary and recent case-law of the Supreme Court (Κώδικας ποινικής δικονομίας: ερμηνεία & πρόσφατη νομολογία Αρείου Πάγου κατ' άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 356; Sevastidis, Ch. (2012), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία κατ' άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 1242 and Triantafyllou, G. (2014), 'The right of the accused person to be informed in detail about the nature and ground of the accusation against him' (Δικαίωμα του κατηγορούμενου να πληροφορηθεί λεπτομερώς τη φύση και τον λόγο της εναντίον του κατηγορίας) in: Kotsalis, L. (ed.), *European Convention on Human Rights and Criminal Law (Ευρωπαϊκή Σύμβαση Δικαιωμάτων του Ανθρώπου και Ποινικό Δίκαιο)*, Athens, Nomiki Bibliothiki, p. 537.

²³⁷ Inserted after Art. 236 of the CCP by virtue of Art. 4 of the Law No. 4236/2014 'On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions' (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A' 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

²³⁸ As amended by Art. 2 (1) of the Law No. 4236/2014 'On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions' (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A' 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

		In practice, it is indeed confirmed that at all stages of the proceedings the presence of an interpreter is guaranteed ²³⁹ .		
	d) case materials	Greek is the official language of the proceedings in Greece ²⁴⁰ . Case materials are, thus, provided in Greek but the document considered essential can be translated ²⁴¹ . According to Article 236A (1) of the Code of Criminal Procedure ²⁴² , “[s]uspected or accused persons who do not understand the language of the criminal proceedings are, within a reasonable period of time, provided with a written translation of all essential documents or passages of documents of the proceedings. Essential documents include any decision depriving a person of his liberty, any charge or indictment, and any judgment related to the charge or indictment. Accused persons or their legal counsel may submit a reasoned request for documents or passages of documents to be considered essential. Suspected or accused persons do not have the right to translation of passages of essential documents which do not enable them to understand the case against them [Unofficial translation]”. An interpretation can be provided according to Article 233 (1) of the Code of Criminal Procedure ²⁴³ .		
		Yes	No	Brief Description
5.2	Is there any procedure to ensure that suspects or accused persons have the right to challenge the failure or refusal to provide information on the following? If yes, briefly describe the procedure where relevant.			

Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A' 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

²³⁹ Greece, representative of the Greek Council for Refugees.

²⁴⁰ Greece, Sevastidis, Ch. (2015), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία κατ' άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 2740.

²⁴¹ Greece, Arvanitis, D. (2013), 'The right to interpretation and translation in criminal proceedings and the relevant Directive 2010/64/EU' (*Το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία και η σχετική Οδηγία 2010/64/EE*), *Criminal Justice (Ποινική Δικαιοσύνη)*, No. 7, p. 641.

²⁴² Inserted after Art. 236 of the CCP by virtue of Art. 4 of the Law No. 4236/2014 'On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions' (*Για την ενσωμάτωση των Οδηγιών 2010/64/EE του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/EE του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις*), (OG A' 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

²⁴³ Greece, Sevastidis, Ch. (2012), *Code of Criminal Procedure: Commentary (Κώδικας ποινικής δικονομίας: ερμηνεία κατ' άρθρο)*, Athens-Thessaloniki, Sakkoulas, p. 1239.

	a) information on procedural rights	X	<p>Article 171 (1) (d) of the Code of Criminal Procedure provides that the non-observance of the provisions on the appearance, the representation and the defence of the accused person and the exercise of his/her rights to which he/she is entitled according to the law, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights, implies nullity which shall be taken into consideration by the court at any stage of the proceedings and even before the Supreme Court.</p> <p>The grounds of nullity provided by Article 171 are absolute. According to Article 173 (2) of the Code of Criminal Procedure, the grounds of absolute nullity referred to in Article 171 of the Code of Criminal Procedure and related to acts at the stage of pre-trial proceedings shall be pleaded until the referral to trial is final. Nullity can be claimed by the suspected or accused person or his/her lawyer²⁴⁴ by virtue of a distinct petition or when lodging any appeal prescribed by law²⁴⁵. Furthermore, according to Article 170 (2) of the Code of Criminal Procedure, the proceedings before the court are null and void also in the case where the accused or his/her legal counsel or the prosecutor requested to exercise a right explicitly prescribed to them by law, and the court rejected said request or omitted to decide on it.</p> <p>According to Article 176 (1) of the Code of Criminal Procedure, the indictment division is the competent authority to order the nullity of acts at the pre-trial proceedings. The court, which is competent to decide on the charges, is the competent authority to order the nullity of acts of the proceedings before the court, and of the main and preparatory proceedings.</p> <p>Article 176 (2) of the Code of Criminal Procedure provides that <i>“the indictment division or the court ordering the nullity orders the repetition of the void acts if it is considered necessary and feasible. Where a judicial or investigating officer is responsible for the nullity due to inexcusable conduct, he/she is charged for the cost of the repetition of the acts and may be subject to disciplinary proceedings [Unofficial translation]”</i>.</p> <p>Article 176 (3) of the Code of Criminal Procedure provides that in any case and independently from the provision of Article 176 (2) of the Code of Criminal Procedure, where the judge or any other officer carrying out functions at the criminal proceedings, becomes aware of a ground of nullity of his/her acts, he/she is obliged if possible to repeat that act immediately.</p>
	b) letter of rights	X	<p>Article 171 (1) (d) of the Code of Criminal Procedure provides that the non-observance of the provisions on the appearance, the representation and the defence of the accused person and the exercise of his/her rights to which he/she is entitled according to the law, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights, implies nullity which shall be taken into consideration by the court at any stage of the proceedings and even before the Supreme Court.</p> <p>The grounds of nullity provided in Article 171 of the Code of Criminal Procedure are absolute. According to Article 173 (2) of the Code of Criminal Procedure, the grounds of absolute nullity referred to by Article 171 of the Code of Criminal Procedure and related to acts at the stage of pre-trial proceedings shall be pleaded until the referral to trial is final. Nullity can be claimed by the suspected or accused person or his/her lawyer²⁴⁶ by virtue of a distinct petition or when lodging any appeal prescribed by law²⁴⁷. Furthermore, according to Article 170 (2) of the Code of Criminal Procedure, the proceedings before the court are</p>

²⁴⁴ According to Art. 96 (2) of the CCP, the lawyer appointed by the accused person is entitled to represent him/her in all the proceedings.

²⁴⁵ Greece, Karras, Arg. (2007), *Criminal Procedural Law (Ποινικό Δικονομικό Δίκαιο)*, Athens-Komotini, Ant. N.Sakkoulas, p. 369.

²⁴⁶ According to Art. 96 (2) of the CCP, the lawyer appointed by the accused person is entitled to represent him/her in all the proceedings.

²⁴⁷ Greece, Karras, Arg. (2007), *Criminal Procedural Law (Ποινικό Δικονομικό Δίκαιο)*, Athens-Komotini, Ant. N.Sakkoulas, p. 369.

			<p>null and void also in the case where the accused or his/her legal counsel or the prosecutor requested to exercise a right explicitly prescribed to them by law, and the court rejected said request or omitted to decide on it.</p> <p>According to Article 176 (1) of the Code of Criminal Procedure, the indictment division is the competent authority to order the nullity of acts at the pre-trial proceedings. The court, which is competent to decide on the charges, is the competent authority to order the nullity of acts of the proceedings before the court, and of the main and preparatory proceedings.</p> <p>Article 176 (2) of the Code of Criminal Procedure provides that <i>“the indictment division or the court ordering the nullity orders the repetition of the void acts if it is considered necessary and feasible. Where a judicial or investigating officer is responsible for the nullity due to inexcusable conduct, he/she is charged for the cost of the repetition of the acts and may be subject to disciplinary proceedings [Unofficial translation]”</i>.</p> <p>Article 176 (3) of the Code of Criminal Procedure provides that in any case and independently from the provision of Article 176 (2) of the Code of Criminal Procedure, where the judge or any other officer carrying out functions at the criminal proceedings, becomes aware of a ground of nullity of his/her acts, he/she is obliged if possible to repeat that act immediately.</p>
	c) information about the accusation	X	<p>Article 101 (5) of the Code of Criminal Procedure²⁴⁸ provides that <i>“the accused person or his/her lawyer have the right to file objections to the possible failure or refusal of the competent authority to provide the aforementioned information [Unofficial translation]”</i>.</p> <p>The term <i>“aforementioned information”</i> also refers to information about the accusation provided for in Article 101 (1) of the Code of Criminal Procedure, which provides that <i>“the investigating magistrate, right after summoning the accused person [...] to submit his/her defence, announces to him/her the content of the indictment and other documents of the criminal investigation. The accused person is also allowed to study himself/herself or through legal counsel the indictment and the documents of the criminal investigation. Upon a written request by the accused person and at his/her own expense he/she is provided with photocopies of the indictment and of the documents of the criminal investigation [Unofficial translation]”</i>.</p>

²⁴⁸ Para. 5 was inserted to Art. 101 by virtue of Art. 12 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (ΟΓ Α’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

			<p>Furthermore, Article 101 (5) of the Code of Criminal Procedure²⁴⁹ provides that paragraph 3 of Article 236A [of the Code of Criminal Procedure] shall apply by analogy. According to Article 236A (3) of the Code of Criminal Procedure²⁵⁰, “[t]he suspected or accused person has the right to file objections to the decision finding that there is no need for the translation of documents or passages thereof [...]. In this case the sixth subparagraph of Article 233 (1) shall apply by analogy [Unofficial translation]”. The sixth subparagraph of Article 233 (1) of the Code of Criminal Procedure provides for the authorities that are responsible for deciding on the objections. Thus, the competent authority that decides on the objections to the possible failure or refusal of the competent authority to provide information about the accusation is “at the pre-trial proceedings the prosecutor, at the criminal investigation the indictment divisions and at the main proceedings the court [Unofficial translation]”.</p>
	d) access to case materials	X	<p>Article 101 (5) of the Code of Criminal Procedure²⁵¹ provides that “the accused person or his/her lawyer have the right to file objections to the possible failure or refusal of the competent authority to provide the aforementioned information [Unofficial translation]”.</p> <p>The term “aforementioned information” also refers to access to case materials provided in virtue of Article 101 (1) of the Code of Criminal Procedure providing that “the investigating magistrate, right after summoning the accused person [...] to submit his/her defence, announces to him/her the content of the indictment and other documents of the criminal investigation. The accused person is also allowed to study himself/herself or his legal counsel the indictment and the documents of the criminal investigation. At written request by the accused person and at his/her own expense he/she is provided with photocopies of the indictment and of the documents of the criminal investigation [Unofficial translation]”.</p>

²⁴⁹ Para. 5 was inserted to Art. 101 by virtue of Art. 12 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

²⁵⁰ Art. 236A of the CCP was inserted after Art. 236 by virtue of Art. 4 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

²⁵¹ Para. 5 was inserted to Art. 101 by virtue of Art. 12 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

				Furthermore, Article 101 (5) of the Code of Criminal Procedure ²⁵² provides that paragraph 3 of Article 236A [of the Code of Criminal Procedure] shall apply by analogy. According to Article 236A (3) of the Code of Criminal Procedure ²⁵³ , “[t]he suspected or accused person has the right to file objections to the decision finding that there is no need for the translation of documents or passages thereof [...]. In this case the sixth subparagraph of Article 233 (1) shall apply by analogy [Unofficial translation]”. The sixth subparagraph of Article 233 (1) of the Code of Criminal Procedure provides for the authorities that are responsible for deciding on the objections. Thus, the competent authority that decides on the objections to the possible failure or refusal of the competent authority to provide information about the accusation is “at the pre-trial proceedings the prosecutor, at the criminal investigation the indictment divisions and at the main proceedings the court [Unofficial translation]”.
5.3	Is any official record kept to note the provision of information about the following? If yes, briefly describe where relevant.			
	a) information on procedural rights	X		Article 103 of the Code of Criminal Procedure provides that “[r]ight after confirming the identity of the accused person, the investigating magistrate explains to him/her in a precise manner all the aforementioned rights, a report is drafted on the explanation and on the accused person’s response, who [i.e the accused person] signs the report [Unofficial translation]”. The term “aforementioned rights” refers to all procedural rights of the accused persons in criminal proceedings. According to Article 105 of the Code of Criminal Procedure, Article 103 of the Code of Criminal Procedure also applies at the stage of the preliminary criminal investigation.
	b) letter of rights	X		According to Article 103 of the Code of Criminal Procedure, “[...] the investigating magistrate explains to [the accused person] in a precise manner all the aforementioned rights, a report is drafted on the explanation and the accused person’s response,

²⁵² Para. 5 was inserted to Art. 101 by virtue of Art. 12 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (ΟΓ Α’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

²⁵³ Art. 236A of the CCP was inserted to Art. 236 by virtue of Art. 4 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (ΟΓ Α’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

			<p>who [i.e the accused person] signs the report [Unofficial translation]”. Since the term “aforementioned rights” refers to all procedural rights of the accused persons in criminal proceedings, the report also refers to the provision of the letter of rights. In practice, when a person is arrested and detained he/she is provided with an information bulletin containing his/her rights. Annexed to this information bulletin is a special receipt form, which shall be filled in and signed by both the police officer and the detainee. The detainee, thus, attests the following: “I received the information bulletin for detainees and my rights were explained to me”. The detainee signs the receipt and writes down his name and citizenship. The receipt indicates both the date and hour when the detainee signed it.</p> <p>Law No. 4236/2014²⁵⁴ provides in its Annex I a model letter of rights and in Annex II a model of letter of rights for persons arrested on the basis of a European arrest warrant. However, the explanatory report²⁵⁵ of Law No. 4236/2014 explains that the obligation for providing a letter of rights corresponds to the practice in place already before the transposition of the Directive 2010/64/EU in the Greek legal order. To date, there is no indication that there are any plans to modify the information bulletin to mirror the model letter of rights provided by Law No. 4236/2014, following Directive 2012/13/EU²⁵⁶.</p>
c) information about the accusation	X		<p>Article 101 (4) of the Code of Criminal Procedure²⁵⁷ provides that “[w]hen information is provided to the accused person in accordance with the aforementioned, a report is produced or specific reference is made in the report produced by the competent authority [Unofficial translation]”.</p> <p>The term “aforementioned” refers to the provisions of Article 101 (1)-(2) of the Code of Criminal Procedure on the information about the accusation.</p> <p>According to Article 153 of the Code of Criminal Procedure, any report is null if not signed by the persons who were questioned.</p>

²⁵⁴ Greece, Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>

²⁵⁵ Greece, Explanatory Report of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), available at: <http://www.hellenicparliament.gr/UserFiles/2f026f42-950c-4efc-b950-340c4fb76a24/g-280142-eis.pdf>.

²⁵⁶ Greece, representative of the Division on Legislative Work, International Relations and International Judicial Cooperation, Ministry of Justice, Transparency and Human Rights

²⁵⁷ Para. 4 was inserted to Art. 101 by virtue of Art. 12 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

	d) access to case materials	X		<p>Article 101 (4) of the Code of Criminal Procedure²⁵⁸ provides that “[w]hen information is provided to the accused person in accordance with the aforementioned, a report is produced or specific reference is made in the report produced by the competent authority [Unofficial translation]”.</p> <p>The term “aforementioned” refers to the provisions of Article 101 (1)-(2) of the Code of Criminal Procedure on access to case material.</p> <p>According to Article 153 of the Code of Criminal Procedure, any report is null if not signed by the persons who were questioned.</p>
5.4	<p>Are there special procedures designed to take into account the special needs of vulnerable suspects or vulnerable accused persons (e.g. because of any physical impairments which affect their ability to communicate effectively (persons with hearing, sight or speech impediments), intellectual disabilities or in case of children and the holder of parental responsibility) in relation to:</p> <p>a) suspect or accused persons with physical impairment or disability;</p> <p>b) suspect or accused persons intellectual impairment or disability;</p>			

²⁵⁸ Para. 4 was inserted to Art. 101 by virtue of Art. 12 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (ΟΓ Α’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

<p>c) suspect or accused children who are suspects/defendants and/or the holder of parental responsibility.</p> <p>If yes, briefly provide information on those mechanisms in relation to each of the listed vulnerable groups. Is this information in simple and accessible language?</p>			
<ul style="list-style-type: none"> information on procedural rights 	<p>a)</p>	<p>X</p>	<p>According to Article 99A (1) of the Code of Criminal Procedure²⁵⁹, “[t]he suspected or accused person is provided promptly with information concerning at least the following rights: a) the right to be represented by a lawyer, b) the right and the conditions for obtaining free legal advice, c) the right to be informed of the accusation, d) the right to interpretation and translation and e) the right to remain silent [Unofficial translation]”.</p> <p>According to Article 99A (2) of the Code of Criminal Procedure²⁶⁰, “[t]he information provided for under paragraph 1 shall be given in simple and accessible language, orally or in writing, taking into account any particular needs of vulnerable suspects or vulnerable accused persons [Unofficial translation]”.</p>

²⁵⁹ Art. 99A was inserted after Art. 99 of the CCP by virtue of Art. 10 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

²⁶⁰ Art. 99A was inserted after Art. 99 of the CCP by virtue of Art. 10 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

	b)	X	<p>According to Article 99A (1) of the Code of Criminal Procedure²⁶¹, “[t]he suspected or accused person is provided promptly with information concerning at least the following rights: a) the right to be represented by a lawyer, b) the right and the conditions for obtaining free legal advice, c) the right to be informed of the accusation, d) the right to interpretation and translation and e) the right to remain silent [Unofficial translation]”.</p> <p>According to Article 99A (2) of the Code of Criminal Procedure²⁶², “[t]he information provided for under paragraph 1 shall be given in simple and accessible language, orally or in writing, taking into account any particular needs of vulnerable suspects or vulnerable accused persons [Unofficial translation]”.</p>
	c)	X	<p>According to Article 99A (1) of the Code of Criminal Procedure²⁶³, “[t]he suspected or accused person is provided promptly with information concerning at least the following rights: a) the right to be represented by a lawyer, b) the right and the conditions for obtaining free legal advice, c) the right to be informed of the accusation, d) the right to interpretation and translation and e) the right to remain silent [Unofficial translation]”.</p> <p>According to Article 99A (2) of the Code of Criminal Procedure²⁶⁴, “[t]he information provided for under paragraph 1 shall be given in simple and accessible language, orally or in writing, taking into account any particular needs of vulnerable suspects or vulnerable accused persons [Unofficial translation]”.</p>

²⁶¹ Art. 99A was inserted after Art. 99 of the CCP by virtue of Art. 10 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

²⁶² Art. 99A was inserted after Art. 99 of the CCP by virtue of Art. 10 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

²⁶³ Art. 99A was inserted after Art. 99 of the CCP by virtue of Art. 10 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

²⁶⁴ Art. 99A was inserted after Art. 99 of the CCP by virtue of Art. 10 of the Law No. 4236/2014 ‘On the transposition of the Directives 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L280) and 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of information in criminal proceedings (L142) and other provisions’ (Για την ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L142) και άλλες διατάξεις), (OG A’ 33/11.2.2014), available at: <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=i1hgLkXSvp8%3D&tabid=132>.

• letter of rights	a)		X	There are no special procedures designed to take into account the special needs of suspect or accused persons with physical impairment or disability other than those relating to the right to interpretation.
	b)	X		According to Article 80 (1) of the Code of Criminal Procedure, the court shall order the suspension of the proceedings if it is not going to acquit the accused and if the latter is in a state of mental confusion. Furthermore, Article 80 (3) of the Code of Criminal Procedure provides that the investigating officer is also entitled to order the suspension of the proceedings before the completion of the criminal investigation if the suspect or accused person is found to be in a state of mental confusion..
	c)		X	There are no special procedures designed to take into account the special needs of suspect or accused children who are suspects/defendants and/or the holder of parental responsibility.
• information about the accusation	a)		X	There are no special procedures designed to take into account the special needs of suspect or accused persons with physical impairment or disability other than those relating to the right to interpretation.
	b)	X		According to Article 80 (1) of the Code of Criminal Procedure, the court shall order the suspension of the proceedings if it is not going to acquit the accused and if the latter is in a state of mental confusion. Furthermore, Article 80 (3) of the Code of Criminal Procedure provides that the investigating officer is also entitled to order the suspension of the proceedings before the completion of the criminal investigation if the suspect or accused person is found to be in a state of mental confusion.
	c)		X	There are no special procedures designed to take into account the special needs of suspect or accused children who are suspects/defendants and/or the holder of parental responsibility.
• access to case materials	a)		X	There are no special procedures designed to take into account the special needs of suspect or accused persons with physical impairment or disability other than those relating to the right to interpretation.
	b)	X		According to Article 80 (1) of the Code of Criminal Procedure, the court shall order the suspension of the proceedings if it is not going to acquit the accused and if the latter is in a state of mental confusion. Furthermore, Article 80 (3) of the Code of Criminal Procedure provides that the investigating officer is also entitled to order the suspension of the proceedings before the completion of the criminal investigation if the suspect or accused person is found to be in a state of mental confusion.
	c)		X	There are no special procedures designed to take into account the special needs of suspect or accused children who are suspects/defendants and/or the holder of parental responsibility.

