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## 1 - My rights during the investigation

### A. If I am a foreign national, does it affect the investigation?

No. All persons in Greece enjoy full protection of their life, honour and freedom, without discrimination on the basis of nationality, race, language, and religious or political beliefs.

### B. What are the stages of an investigation?

#### i. Evidence gathering phase / Power of investigators

The purpose of the preliminary examination is to gather the necessary evidence with a view to deciding whether criminal proceedings should be launched.

#### ii. Police custody

Anyone arrested having been caught committing a crime or under a warrant must be brought before the competent investigating judge no later than 24 hours after their arrest. If the arrest was made in a place other than the seat of the investigating judge, the person must be brought before the court within the time strictly necessary for their transfer. The investigating judge must, within three days of the arrested person being brought before the court, either release them or issue a warrant of imprisonment. That period may be extended by two days at the request of the person brought before the court.

#### iii. Questioning

The purpose of the main investigation is to collect the necessary evidence with a view to establishing that a crime has been committed and to deciding whether a person must be brought to trial for that crime.

#### iv. Pre-trial detention

Temporary detention is permitted only if the accused is prosecuted for a felony and has no known residence in the country, or has taken preparatory action to abscond, or has formerly been a fugitive or absconder, or has been found guilty of escaping custody or of violating residence restrictions, and, given such circumstances, clearly intends to abscond or is justifiably considered, by virtue of their previous final convictions for similar offences, to be highly likely, if released, to commit further crimes. If the offence of which the person is accused is legally punishable by life imprisonment or temporary imprisonment of up to 15 years, or if the offence was committed repeatedly or in the context of a criminal or terrorist organisation, or if there is a high number of injured parties, temporary detention may also be ordered if, given the particular characteristics of the act, the person in question is justifiably considered to be highly likely, if released, to commit further crimes. The legal gravity of the act alone is not sufficient to order temporary detention.

### C. What are my rights during the investigation?

#### i. What rights do I have regarding interpretation and translation?

Suspects or accused persons who do not speak or understand Greek sufficiently well are entitled to interpretation and to written translation of all essential procedural documents.

## ii. What are my rights to information and access to the case-file?

As soon as the accused person is summoned to appear in order to defend themselves, the investigating judge must inform them of the content of the indictment and of the investigation documents. The accused person or their defence counsel is also entitled to study the indictment and the investigation documents. Copies of the indictment and of the investigation documents may be provided to the accused person at their written request and at their expense.

## iii. What is my right of access to a lawyer and to have a third party informed of my situation?

Accused persons have the right to be represented by a defence counsel, even in cross-examination with witnesses or with other accused persons. Under no circumstances may an accused person be prohibited from communicating with their defence counsel. Such communication is strictly confidential.

## iv. What is my right to legal aid?

Suspects or accused persons have the right to free legal aid, including legal advice and assistance as well as representation in court, in accordance with the relevant legal provisions.

## v. What is important to know regarding:

### a. Presumption of innocence

Suspects and accused persons are presumed to be innocent until proven guilty in accordance with the law.

### b. Right to remain silent and not to incriminate oneself

Suspects or accused persons have the right to remain silent and not to incriminate themselves. Exercising that right cannot be used against the suspect or accused person in question.

### c. Burden of proof

Accused persons are not required to provide evidence of the facts they call upon in their defence. Judges and prosecutors are obliged to examine carefully any facts or evidence called upon by the accused person, if this is useful to uncovering the truth. Any doubt as to guilt is to the benefit of the suspect or accused person.

## vi. What are the specific safeguards for children?

A minor who has been the victim of certain offences against their personal or sexual liberty has the right to be present in all investigative acts and to access all case material, even if they do not appear in court to support the charge.

## vii. What are the specific safeguards for vulnerable suspects?

Vulnerable persons are informed of their rights, taking due account of their specific needs. They are always informed of the consequences of waiving such rights.

## D. What are the legal time limits during the investigation?

Night is defined as being from 8 p.m. to 6 a.m. for the period from 1 October to 31 March and from 9 p.m. to 5 a.m. for the period from 1 April to 30 September.

## E. What are the pre-trial preparations, including alternatives to pre-trial detention and possibilities for transfer to the home state (European Supervision Order)?

Home confinement by electronic surveillance may be ordered. This involves prohibiting the accused person from leaving a specific building or complex of buildings, as specified in the investigating judge's order and which has

been proven to be their place of stay or residence.

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