

## 1 - My rights as a victim of crime

### What information will I be provided with by the authority (e.g. police, public prosecutor) after the crime occurred but before I even report the crime?

From your first contact with the police, or other competent authority, you will be given information, without undue delay and by any means available, on the terms and conditions of admissibility of a criminal complaint, and on the right to join the civil proceedings as a civil party seeking damages (*politikós enágon*); on how and under what conditions you can obtain legal assistance, lodge a claim for damages, or obtain translation and interpretation services; on the restorative justice available, and the authorities that can work towards restoring the damage by mediating between you and the offender; on how and under what conditions expenses incurred as a result of your participation in the criminal proceedings can be reimbursed; and how you can make a complaint against an authority if you feel your rights have not been respected.

In addition to your rights in the criminal proceedings, you will also be informed about access to medical care, and any specialist support, including psychological assistance and alternative accommodation, and about how and under what conditions protective measures may be applied.

If you reside in another EU Member State, you will be given specific information on how and under what conditions you can exercise your rights.

The scope and content of the information given will vary depending on your particular requirements and personal situation and the type and nature of the offence. In the course of the proceedings additional and more thorough information will be supplied, at the competent authority's discretion, depending on your needs (Article 57 of Law 4478/2017, on the right to receive information from the first contact with a competent authority (Article 4 of Directive 2012/29/EU)).

### I don't live in the EU country where the crime took place (EU and non-EU citizens). How are my rights protected?

If you reside in an EU Member State other than the state where the crime was committed, you will be called to make a statement immediately after you report the offence. This can be done in accordance with the provisions of the Code of Criminal Procedure (*Kódikas Poinikís Dikonomías* — 'KPD') allowing for the use of communications technology, e.g. videoconferencing, telephone or internet (Article 233(1) KPD).

If you reside in Greece and the offence was committed in another EU Member State, you may lodge a criminal complaint with the public prosecutor at the magistrates' court (*eisangeléas plimmeleiodikón*) of your place of residence, who will forward your complaint to the competent law enforcement authority of the relevant Member State without undue delay, through the public prosecutor at the court of appeal (*eisangeléas efetón*), unless the Greek courts have jurisdiction in the matter. The prosecutor is under no obligation to forward your complaint to the Member State where the criminal offence was committed if Greek law is applicable and criminal proceedings are brought in Greece. In that case, in order to ensure that you receive adequate information and to promote mutual legal assistance, the prosecutor at the magistrates' court that handles the case will so notify the competent law enforcement authority in the Member State where the criminal offence was committed, without undue delay, through the prosecutor at the court of appeal.

(Article 64 of Law 4478/2017, on the rights of victims resident in another Member State (Article 17 of Directive 2012/29/EU))

## If I report a crime, what information will I receive?

When you lodge a criminal complaint, the responsible officer must inform you that you can obtain a copy of your complaint.

*(Article 58 of Law 4478/2017, on the right of victims when making a complaint (Article 5 of Directive 2012/29/EU))*

When a criminal complaint is lodged it is given a unique 'complaint registration number' (*arithmós vivlíou mínysis* – 'AVM'). That number allows you to monitor the course of your case using the register kept at the prosecutor's office or by contacting the complaints office responsible. You may also request and obtain a case progress certificate (*pistopoiitikó poreías*) indicating the current stage of the proceedings (e.g. an investigation is being carried out to establish the validity of the complaint, or a preliminary investigation is being conducted) and describing the outcome at each stage (e.g. the prosecutor has discontinued proceedings; criminal charges have been brought and the offender has been committed for trial, in which case you will be told the time and place of the trial and the nature of the charges brought; a pre-trial judicial inquiry (*kyría anákrisi*) is in progress, or an order has been made dismissing the charges or terminating the prosecution; a court judgment has been given, if you have joined the criminal proceedings as a civil party seeking damages).

*(Article 59 of Law 4478/2017, on the right of victims to receive information about their case (Articles 6 and 11(3) of Directive 2012/29/EU))*

If your case falls under the jurisdiction of the Athens Court of First Instance (*Protodikeío Athinón*), when it reaches court your lawyer can monitor its progress on the website of the Athens Bar Association (*Dikigorikós Sýllogos Athinón*, <http://www.dsa.gr/>). This option is not available to victims themselves, as the use of credentials is required.

## Am I entitled to free interpreting or translation services (when I contact the police or other authorities, or during investigation and trial)?

If you do not understand or speak Greek, you can lodge a criminal complaint in a language you do understand, or be given the necessary linguistic assistance, always subject to the terms and conditions laid down in the Code of Criminal Procedure or any specific criminal laws — you will be informed accordingly by the responsible officers. You may request a translation of your complaint free of charge.

*(Article 58 of Law 4478, on the right of victims when making a complaint (Article 5 of Directive 2012/29/EU))*

If you are to be examined as a witness at any stage of the proceedings and you are unable to speak or understand Greek sufficiently well, you will be given the services of an interpreter without delay. The right to interpreting services includes the provision of proper assistance to persons with hearing or speech impediments. Where appropriate, communication technology such as videoconferencing, telephone or internet may be used, unless the physical presence of the interpreter is considered imperative by the person examining you (Article 233(1) KPD).

## How does the authority ensure that I understand and that I am understood (if I am a child; if I have a disability)

At their first contact with you, the police or other authorities will take appropriate measures to help you understand and be understood during your first contact and in any further communications with you in the context of the criminal proceedings. In these communications, your personal characteristics will be taken into account, in particular your age, maturity level, intellectual and mental abilities, education, language skills, any hearing or visual impairments, or whether you are in severe emotional distress which affects your ability to understand or to be understood. A guide to your rights is available in the most commonly spoken languages and in Braille. (*Article 56(2) of Law 4478/2017, (Article 3 of Directive 2012/29/EU)*). Moreover, if you have a hearing or speech impediment, you will be provided with proper assistance by an interpreter (Article 233(1) KPD).

## I am a minor – do I have special rights?

If you are a minor (under the age of 18), your legal representative (parent or guardian) can report the offence on your behalf. If you are over 12 years old, you can report the offence together with your legal representative (Article 118(2) of the Criminal Code (*Poinikós Kódikas* – ‘PK’)).

Whether you have special rights during the criminal proceedings depends on the nature of the offence. For instance, if you are a victim of an infringement of your personal or sexual freedom, human trafficking, sex tourism, abduction, kidnapping or a sex crime, you have a right to:

- consult your case file, even if you have not joined the criminal proceedings as a civil party (Article 108A KPD);
- have your interview recorded so that it can be used during the further criminal proceedings and you do not need to appear again before the prosecutor or the court (Article 226A KPD);
- obtain the assistance of a psychologist or child psychiatrist when you are examined as a witness;
- obtain information on whether the offender has been released (Article 108A KPD);
- request a restraining order against the offender prohibiting him or her from contacting you or going near your home.
- Moreover, you are in any case entitled to:
  - an individual assessment, in order to establish whether special protection measures should be applied where there is a risk of repeat victimisation (*Article 68 of Law 4478/2017, on the individual assessment of victims to identify specific protection needs (Article 22 of Directive 2012/29/EU)*);
  - request the prosecution or judicial authorities to appoint a legal guardian for minors (*epimelitís anilíkon*) to represent you at any stage of the criminal proceedings, if your parents are unable to represent you or if you are unaccompanied or separated from your family (*Article 69(7) of Law 4478/2017, on the right to protection of victims with specific protection needs during criminal proceedings (Articles 23 and 24 of Directive 2012/29/EU)*);
  - ask to join the proceedings as a civil party seeking damages, assisted by your legal representative (*Article 82(2) KPD*).

## What information can I obtain from the police or from victim support organisations during the investigation of the crime?

You can obtain information about the current stage of the proceedings from the public prosecutor, if the case file (*dikografía*) has been sent to the prosecutor.

If you have joined the criminal proceedings as a civil party, you may consult the contents of the case file and be given copies of the documents in it once the accused has been called to provide a defence statement (*apología*), or an arrest warrant (*éntalma sýllipsis*) or a warrant for forced appearance (*éntalma viaías prosagogís*) has been issued (Article 108 KPD), or a suspect has been summoned by the authorities to provide explanations. Until then, the proceedings are confidential.

Victim support and protection services can provide information, advice and support on how you can exercise your rights, including the right to claim compensation for the damage you have sustained as a result of the offence, and your role in the criminal proceedings as a civil party or as a witness (Article 62 of Law 4478/2017, on support from victim support services (Article 9 of Directive 2012/29/EU)).

## What are my rights as a witness?

If you are to be examined as a witness, you will be served a summons (*klísi*) by the prosecutor or the police officer conducting preliminary inquiries, or by a district criminal court judge (*ptaismatodíkis*) or investigating judge (*anakritís*). You must appear and testify before them as soon as you receive the summons. You will be asked to describe what happened and, possibly, to answer some additional questions. If you are related to the suspect, you may refuse to testify (Article 222 KPD).

If you have a hearing or speech impediment, the examination may be conducted in writing. If you do not speak Greek, you have a right to the services of an interpreter free of charge.

If you are a victim of human trafficking you belong to a special group of witnesses: you will receive assistance beforehand from a psychologist or psychiatrist, acting in cooperation with the investigating police or judicial officers, who will use proper diagnostic methodologies to establish your intellectual capacity and mental state. The psychologist or psychiatrist will be present during your examination. You may also be accompanied by your legal representative, unless the investigating judge makes an order preventing him or her from attending, giving reasons.

Your testimony will be written down and recorded audiovisually, where possible, so as to be submitted to the court electronically, in which case you need not be physically present at any subsequent stages of the proceedings.

If the case is one of domestic violence, and you are a member of the family, your testimony will not be taken on oath. If you are a minor, you will not be called to testify as a witness in court. Instead, you can provide a written statement which will be read in the courtroom, unless your physical presence is considered imperative.

Following your examination, you may seek reimbursement of any expenses you may have incurred (transport or accommodation expenses) from the authority that summoned you to testify (Article 288 KPD).

## How can I get protection, if I am in danger?

Different types of protection are available, depending on the nature of the offence and your role in the criminal proceedings.

If you are a victim of organised crime or terrorism and have been summoned to testify as a key witness as part of a pre-trial judicial investigation into criminal activities, you may seek special protection against potential retaliation or intimidation. Depending on the case, the type of protection available may include police protection, protection of your anonymity (your name, place of birth, home and work address, occupation, age, etc. will be eliminated from all written records), or even a change of identity and relocation to another country. You may ask to testify by means of audiovisual technology. If you work for a public agency, you may also request a provisional or permanent transfer to another post. Protection measures will be subject to your consent, and will limit your freedom only to the extent necessary for your own safety; they may be suspended if you so request in writing or if you fail to cooperate to ensure their success (Article 9 of Law 2928/2001, on witness protection).

If you are a victim of domestic violence, the police officers handling your case may under no circumstances disclose your identity, the offender's identity, your home address or any information that might reveal your identity (Article 20 of Law 3500/2006).

As a victim, you may apply in writing for measures to prevent any contact between you or your family members and the offender at the places where the criminal proceedings are conducted. Your application will be heard by the three-member magistrates' court (*trimelés plimmeleiodikeío*) of the place of the criminal proceedings, at any stage in the proceedings, in accordance with the expedited procedure.

(Article 65 of Law 4478/2017, on the right to avoid contact between victim and offender, 'Protection of victims and their relatives' (Article 19 of Directive 2012/29/EU)).

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