

## 2 - Reporting a crime and my rights during the investigation or trial

### How do I report a crime?

If you are a victim of crime, you can report the offence to the public prosecutor or to the police, by lodging a criminal complaint (*énklisi* or *mínysi*). (Strictly speaking, an *énklisi* is a criminal complaint made by the victim himself or herself. In certain situations criminal proceedings will be initiated only if there is such a complaint (e.g. in case of offences against a person's honour and reputation). A *mínysi* is a criminal complaint or report made by a party other than the victim, in the case of an offence that the authorities can prosecute on their own initiative whether or not the victim complains. In practice, though, the term *mínysi* is used to refer to both types of complaint. Thus when a criminal complaint of whichever kind is lodged with the public prosecutor's office, it is given a unique complaint register number known as an *arithmós vivlíou minýseon* — using the word *minýsi*).

You may also request another person to report the offence on your behalf. In this case, you must sign a written statement (*dílosi* or *exousiodótisi*), indicating the person that is to lodge the complaint for you. That statement does not come in a standardised form, but it must be signed before an officer of a central or local government authority or before a lawyer (including your own lawyer, if you already have one), who will authenticate your signature. The person reporting the offence on your behalf may be a lawyer or some other person you can trust. If the case is one where criminal proceedings require a criminal complaint by the victim, and the victim is dead, the right to lodge a complaint passes to their surviving spouse and children or to their parents (Article 118(4) of the Code of Criminal Procedure (*Kódikas Poinikís Dikonómias* — 'KPD')). If the victim has died as a result of the offence these persons may also join the criminal proceedings in their own right as civil parties seeking damages for the pain and suffering caused to them.

You can report an offence either orally or in writing. If you choose to report an offence orally, the officer receiving your complaint will draw up a report recording it.

You need to pay a fee to lodge your complaint; the amount of the fee is periodically adjusted by a joint decision of the Minister for Finance and the Minister for Justice, Transparency and Human Rights. In exceptional situations, you will be allowed to pay the fee after you lodge the complaint, but in any event you must do so within 3 days. If you fail to pay the fee your complaint will be rejected as inadmissible. You are not required to pay the fee if you are entitled to legal aid. Nor are you required to pay the fee if you are a victim of an offence against sexual freedom or of financial exploitation of sexual life, domestic violence or racist discrimination (Articles 81A and 361B of the Criminal Code (*Poinikós Kódikas* — 'PK')) or if there has been a breach of equal treatment (Article 46(2) KPD).

In the case of offences that can be prosecuted on the initiative of the authorities whether or not the victim has so requested, there are no time limits on reporting an offence, except that offences of intermediate gravity (*plimmelímata*) are time-barred after 5 years. In certain cases, however, the offence can be prosecuted only if you the victim, who have been harmed by it, ask for criminal proceedings to be brought. In these situations, you need to file a criminal complaint (*énklisi*) within 3 months of the date on which you became aware of the offence and the identity of the offender (if you know who the offender is).

There is no standard form you can use to lodge a complaint.

Your complaint must include the following information:

- your full identification details;
- the offender and their contact details, if you know them;
- a thorough description of the facts;
- any available documentary evidence substantiating your complaint;

- any witnesses you suggest could be examined;
- the details of your lawyer, if you have appointed one.

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 other specific criminal laws. You may request a translation of the document free of charge (*Article 58 of Law 4478/2017, on the rights of victims when making a complaint (Article 5 of Directive 2012/29/EU)*).

## How do I find out what's happening with the case?

When a criminal complaint is lodged it is given a unique complaint registration number. That number allows you to monitor the progress of the case using the register kept at the prosecutor's office or the responsible complaints office. You may also request and obtain a case progress certificate (*pistopoiitikó poreías*) indicating the current stage of the proceedings.

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*). This option is not available to victims themselves, as the use of credentials is required.

## Am I entitled to legal aid (during the investigation or trial)? Under what conditions?

During the trial you can have a lawyer, but you need to pay for their services.

If your annual family income is lower than two thirds of the annual minimum personal income defined in the National General Collective Labour Agreement, you will be provided with a lawyer free of charge, who will prepare and lodge a criminal complaint and represent you as a civil party at any stage of the proceedings, provided you are a victim of one of the following: torture or another offence against human dignity (Article 137(A) and (B) of the Criminal Code); discrimination or unequal treatment, an offence against life, personal freedom or sexual freedom; financial exploitation of sexual life; an offence against property or property rights; personal injury; or an offence related to marriage or the family. The offence must be a serious crime (*kakoúrgima*) or an intermediate offence (*plimméliima*) within the jurisdiction of the three-member magistrates' court (*trimeloús plimmeleiodikeío*) that carries a minimum sentence of 6 months' imprisonment (Law 3226/2004 (Government Gazette, Series I, No 24, 4.2.2004), as amended and supplemented by Laws 4274/2014 and 4689/2020). The person who assesses your request for legal aid in a criminal case is the presiding judge at the court where the case is pending or before which an appeal is to be brought.

The lawyer who acts for you will help you prepare and submit the documentation required to allow you to join the proceedings as a civil party and will assist you throughout the course of the proceedings.

## Can I appeal if my case is closed before going to court?

If the prosecutor at the magistrates' court (*eisangeléas plimmeleiodikón*) makes an order rejecting your complaint as without foundation in law, or obviously unfounded on the merits, or incapable of being assessed by a court, you may challenge the order before the responsible prosecutor at the court of appeal (*eisangeléas efetón*) (Articles 47 and 48 KPD) within 3 months of the date of the order — this time-limit cannot be extended for any reason. To challenge the order you will have to pay a fee, which will be refunded if the prosecutor sustains it.

## Can I be involved in the trial?

You can participate in the trial only if you are a civil party (*politikó enágon*) asking the court to award you damages for loss or for moral harm or pain and suffering. You can ask to join the criminal proceedings as a civil party by applying to the responsible public prosecutor, either in your criminal complaint or in a separate document, by the end of the pre-trial investigation (Article 308 KPD), either personally or through a lawyer holding general or specific authorisation to that effect. Your civil claim is recorded in a report with the lawyer's authorisation attached (Article 83 KPD). If you have not asked to be treated as a civil party in your criminal complaint, you can still do so in the

criminal court (Article 82 KPD) before the court starts to evaluate the evidence.

Your application to join the proceedings as a civil party will be rejected as inadmissible unless it includes a brief description of the case, the grounds of your claim and, if you are not a permanent resident within the territorial jurisdiction of the court, the appointment of an agent within that jurisdiction. The agent will be entitled to accept service of all documents or notices addressed to you as a civil party (Article 84 KPD). To be heard as a civil party in the criminal court you must appoint an authorised lawyer and pay a flat-rate fee in favour of the State, which covers the entire proceedings until there is a judgment that is no longer open to appeal. The amount of the fee is periodically adjusted by a joint decision of the Minister for Economic Affairs and Finance and the Minister for Justice.

As a civil party, you are a party to the proceedings, with a number of rights. You can attend all court hearings, including hearings in camera, and you have access to all the documents in the case. You are allowed to speak before the court to present your claims and you can also comment after a witness has been examined or make submissions or provide explanations on any testimony given or evidence presented (Article 358 KPD). You may put questions, through your lawyer, to the offender, the witnesses and the other participants (e.g. any technical experts appointed in the case). You will be asked to testify as a witness (though not on oath), and you can also propose witnesses, provided that the court is notified in good time. You are entitled to request an adjournment of the hearing or the replacement of a judge.

In any event, as a victim, you may be summoned by the court as a witness. In that case you are obliged to appear in court. When you are examined as a witness, you will have the opportunity to explain to the court the facts pertaining to the offence. The judge may also ask you some additional questions.

## What is my official role in the justice system? For example, am I or can I choose to be a: victim, witness, civil party, or private prosecutor? What are my rights and obligations in this role?

You may choose whether to join the criminal proceedings as a civil party, which makes you a party to the entire proceedings, with substantial procedural rights, or simply to testify as a material witness, given that the criminal proceedings are taking place in particular as a result of the offence committed against you. The concept of a private prosecution does not exist in the Greek judicial system.

## Can I make a statement during the trial or give evidence? Under what conditions?

You can submit documents, which will be read in court (Article 364 KPD) and will be included in the case file, and you can also call witnesses and notify the court accordingly (Article 326(2-1) KPD).

## What information will I receive during the trial?

You may attend public hearings throughout the proceedings, the taking of evidence, the defendant's statement of defence, the pleadings of the lawyers and the court's judgment.

## Will I be able to access court files?

As a civil party you have access to the contents of the case file and can obtain copies of the court's judgment.

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