

**PENAL CODE**  
**BOOK ONE**  
**GENERAL PART**  
**CHAPTER ONE**  
**THE PENAL LAW**  
[...]

**II. Territorial limits of penal laws**

**Article 5**

**Crimes committed within the Greek territory**

1. Greek penal laws apply on all acts committed within the Greek territory, even when committed by aliens.
2. Greek vessels and aircrafts are considered part of the Greek territory wherever they are situated, unless they are subjected to foreign law in accordance with international law.

**Article 6**

**Crimes committed by Greeks abroad**

1. Greek penal laws also apply on any act that they regard as a felony or misdemeanour, which has been committed abroad by a Greek, if such act is regarded as a punishable act by the laws of the country where it has been committed, or if it has been committed in a country under constitutional turmoil.
2. Prosecution may be turned against an alien who was Greek at the time when the act was committed. Moreover, prosecution may also be turned against a person who acquired the Greek nationality after the act was committed.
3. In so far as misdemeanours are concerned, the victim's complaint requesting prosecution or a request for prosecution by the government of the country where the misdemeanour was committed is necessary in order for the provisions of paragraphs 1 and 2 to be applied.
4. Petty violations committed abroad are punished only in cases specifically provided by law.

## **Article 7**

### **Crimes committed by aliens abroad**

1. Greek penal laws are also applied against an alien for an act committed abroad that they regard as a felony or misdemeanour, if this act was made against a Greek citizen and it is also considered as a punishable act according to the laws of the country where it was committed or if it was committed in a country under constitutional turmoil.
2. The provisions of paragraphs 3 and 4 of the previous article are also applied herein.

## **Article 8**

### **Crimes committed abroad that are always punishable according to the Greek laws**

Greek penal laws apply for Greeks and aliens, irrespective of the laws of the place where the crime was committed, for the following acts committed abroad:

- (a) High treason and treason aimed against the Greek state;
- (b) Crimes relating to the military service and the obligation to join the armed forces (special part, Chapter 8);
- (c) A punishable act committed by the above persons under their capacity as civil servants of the Greek state;
- (d) An act against a Greek civil servant committed during the exercise of his service or related thereto;
- (e) Perjury in a proceeding pending before the Greek authorities;
- (f) Piracy;
- (g) A crime related to currency (special part, Chapter 9);
- (h) An act of slave-trading, human trafficking or lewd conduct with a minor for pay;
- (i) Illegal trafficking of narcotic drugs;
- (j) Illegal circulation and trading of obscene publications;
- (k) Any other crime covered by special provisions or international conventions that are signed and ratified by the Greek state, providing for the application of the penal laws of Greece.

## **Article 9**

### **Non-prosecution of crimes committed abroad**

1. Prosecution of an act committed abroad may not be made: (a) if the culpable person of this act has been tried abroad and has been found not guilty or, in case he has been found guilty, he has served the totality of the penalty; (b) if, according to the foreign law, the act has been prescribed or the penalty imposed has been prescribed or pardoned; (c) if, according to the foreign law, a complaint by the victim is necessary for prosecution and such complaint was either never made or has been withdrawn.
2. The above provisions are not applied in relation to the acts stipulated in article 8.

## **Article 10**

### **Calculation of penalties served abroad**

A penalty served abroad in whole or in part is subtracted from the subsequent penalty imposed by the Greek courts, if a verdict on guilt is pronounced in Greece for the same act.

## **Article 11**

### **Recognition of foreign penal decisions**

1. If a Greek has been found guilty abroad for an act that, in accordance with the provisions of Greek laws, entails the imposition of supplementary penalties, the competent court of misdemeanours may impose such penalties.
2. The competent court of misdemeanours may also impose the measures of security provided by the Greek laws to anyone found guilty or innocent abroad.

## **III. Relation of the Code to special laws and explanation of terms thereof**

## **Article 12**

### **Special penal laws**

The provisions of the general part of the Penal Code are also applied in punishable acts stipulated in special laws, if such laws do not provide for the contrary by express provision.

### **Article 13**

#### **Definition of terms used in the Code**

The following terms are used throughout the Code with the following meaning:

- (a) Civil servant is the person lawfully assigned, even temporarily, with the exercise of a public, municipal or community service or the service of any other legal entity organised under public law;
- (b) Close ones are the relatives by blood or affinity in direct line, the adoptive parents and the adopted children, the husband and wife, persons who are engaged, the brothers and sisters and the husbands and wives and the engaged ones of the brothers and sisters, as well as the guardians of the culpable person and those under the guardianship of the culpable person;
- (c) Document is every form of writing that is destined or suited to prove a fact of legal significance, as well as any sign destined to prove such a fact; document is also every means used by a computer or the peripheral memory thereof in electronic, magnetic or other way, for the registration, storage, production or reproduction of elements that cannot be directly read, as well as any magnetic, electronic or other material on which any information, picture, symbol or sound is registered, independently or in relation [to other information, pictures, symbols or sounds], provided that such means and materials are destined or suited to prove facts of legal significance;
- (d) Rendering a third person unconscious or incapable to resist by using hypnotic, narcotic or other analogous means is regarded as bodily injury.
- (e) Army is the armed forces of land, sea and air;
- (f) Professional commission of the crime occurs when intent of the offender to procure revenue results from the repeated commission of the act or the facility created by the offender with the intent of repeated commission of the act; habitual commission of the crime occurs when the repeated commission of an act results in a steady inclination of the offender to the commission of a particular crime as an element of the offender's personality;
- (g) Particularly dangerous is the offender when the gravity of the act, the mode and conditions of the commission thereof, the reasons that led him to its commission and his personality reveal the offender's antisocial character and his steady inclination to the commission of new crimes in the future.

**CHAPTER TWO**  
**THE PUNISHABLE ACT**

**I. General provisions**

**Article 14**

**Definition of the punishable act**

1. Crime is an unjust act, imputable to the offender, which is punishable by law.
2. In penal law provisions, the term “act” also includes omissions.

**Article 15**

**Crime committed by omission**

When the law requires the occurrence of a certain result in order for an act to be punishable, the non-prevention [of the result] is punished as its commission by an act, if the culpable person who omitted had a particular legal obligation to prevent the occurrence of the result.

**Article 16**

**Place of commission**

The act is regarded as having been committed at the place where the culpable person committed the punishable act or omission in whole or in part, as well as the place where the punishable result occurred or, in cases of attempt, the place where the punishable result should have occurred according to the culpable person’s intent.

**Article 17**

**Time of commission**

The act is regarded as having been committed at the time when the culpable person acted or should have acted. The time of occurrence of the result is indifferent, unless otherwise provided.

## **Article 18**

### **Division of punishable acts**

Every act punishable by the death penalty or a term is a felony. Every act punishable by imprisonment or pecuniary penalty or confinement in a special establishment for adolescents is a misdemeanour. Every act punishable by jailing or a fine is a petty violation.

## **Article 19**

### **Penal character of acts already tried**

The issue of whether an act that has been already tried is a felony or a misdemeanour is resolved according to the heavier penalty provided by law for this act and not according to the possibly lighter penalty imposed by the judge in light of mitigating circumstances (article 84) or of any other reason of penalty reduction according to article 83.

The same applies in the event of conviction to confinement in a psychiatric establishment according to article 38.

## **II. The unjust character of the act**

## **Article 20**

### **Grounds of justification**

Apart from the cases stipulated in the Penal Code (articles 21, 22, 25, 304 paragraphs 4 and 5, 308 paragraph 2, 367, 371 paragraph 4), the act is also justified when it constitutes the exercise of a right or the performance of a duty imposed by law.

[...]

## **Article 25**

### **Necessity justifying the act**

1. An act committed by someone in order to prevent a present danger that cannot be prevented by any other means when such danger threatens the perpetrator individually or the perpetrator's property or another through no fault of the perpetrator is justified, if the damage caused to the other person is substantially lower in form and significance than the damage threatened.

2. The previous provision is not applied to whoever has a duty of exposure to the danger threatened.
3. The provision of article 23 is applied by analogy in the present article.

[...]

**CHAPTER THREE**  
**ATTEMPT AND ACCOMPLICITY**

**I. Attempt**

**Article 42**

**Definition of attempt and penalty thereof**

1. Any person who, having decided to commit a felony or misdemeanour, performs an act that includes at least the commencement of commission [of the felony or misdemeanour], is punishable by reduced penalty (article 83) if the felony or misdemeanour was not completed.
2. If the court finds that the reduced penalty of the previous paragraph will not dissuade the culpable person from committing other punishable acts, it may impose an identical penalty to the one provided by law for the completed act, except for the death penalty.
3. The court may find that the attempt of a misdemeanour is not punishable, if the law provides for a penalty of imprisonment no higher than three months.

**Article 43**

**Impossibility**

1. Any person who has attempted to commit a felony or misdemeanour by using such means or by turning against such object so that the commission of these crimes became totally impossible, is punishable with the penalty of article 83 reduced by half.
2. Whoever made such impossible attempt out of stupidity is not punishable.

**Article 44**

**Abandonment**

1. The attempt is not punishable if the perpetrator started performing an act toward the commission of the felony or misdemeanour but did not complete it on his own will and not because of external obstacles.
2. The perpetrator who, having completed the act, subsequently prevented, on his own will, the consequence that could have resulted from such act and which would have been necessary for the commission of the felony or

misdemeanour, will be punishable by the penalty of article 83 reduced by half. However, the court may find the attempt not punishable, by freely assessing all circumstances.

## **II. Accomplicity**

### **Article 45**

#### **Co-principals**

When two or more persons jointly committed a punishable act, each of them is punishable as the principal of the act.

### **Article 46**

#### **Instigator and direct accessory**

1. The following persons are punishable by the penalty of the principal: (a) anyone who intentionally brought about to another the decision to commit the unjust act that was committed; (b) anyone who intentionally provided direct assistance to the perpetrator during the commission of this act and in the performance of the main act.
2. Whoever intentionally brought about to another the decision to commit a crime, with the sole purpose of seizing him while the latter attempted to commit the crime or while committing a punishable preparatory act of the crime and, based on his will, impeded him from completing the crime, is punishable by the penalty of the principal reduced by half.

### **Article 47**

#### **Simple accessory**

1. With the exception of the case stipulated under 1(b) of the previous article, whoever intentionally provided to another any assistance before the commission or during the commission of the unjust act that the latter has committed, is punishable as an accomplice by reduced penalty (article 83).
2. The provision of paragraph 2 of article 42 is applied by analogy herein.
3. Insofar as petty violations are concerned, accessories are punishable only in cases specifically provided for by law.

## **Article 48**

### **General provision**

The liability for punishment of accomplices in accordance with articles 46 and 47 is independent of the liability for punishment of the person who committed the act.

## **Article 49**

### **Special qualities or relations**

1. Wherever the law, in order to consider an act as punishable, requests the existence of special qualities or relations, if these are of the perpetrator, then the accomplices of article 46(1) may be punished by reduced sentence (article 83); if, however, they are only of the accomplices of articles 46(1) and 47, then these persons are punishable as principals and the perpetrator as an accessory.
2. Special qualities or relations or other circumstances that increase, reduce or exclude the penalty are considered only in relation to that accomplice for whom they apply.

[...]

**CHAPTER FOUR**  
**PENALTIES, MEASURES OF SECURITY, REPARATIONS**

[...]

**III. Measures of security**

[...]

**Article 76**

**Confiscation**

1. Objects that are proceeds from a felony or misdemeanour that is covered by intent, as well as the price of the proceeds, anything acquired through such proceeds and additionally objects that were of use or were destined to be used in the performance of such act may be confiscated if they belong to the principal or to any one of the accomplices. As far as other punishable acts are concerned, this measure may be taken only when the law specifically provides so.
2. If danger for the public order results from such objects, the imposition of confiscation is mandatory for the bearer, even without prior conviction of any person for the act committed. Confiscation is also executed against the heirs, if the decision was made irrevocable while the person against whom confiscation was announced was still alive. If, prior to the confiscation, conviction of any person did not take place or prosecution was not possible, confiscation is ordered either by the court that adjudicated on the case or by the court of misdemeanours following a proposal by the public prosecutor.
3. In all cases of confiscation, the court decides whether the objects that were confiscated should be destroyed or not.

[...]

## CHAPTER FIVE SENTENCING

### I. General rules

[...]

#### **Article 81**

##### **Crime emanating from causes of profit**

1. When a crime emanates from causes of profit, the court may also impose a pecuniary penalty or a fine together with the custodial penalty, even if the law does not provide for a pecuniary penalty in relation to the crime committed.
2. In cases when the law provides only for a pecuniary penalty or a fine in relation to the crime, the court may impose the penalty raised up to three times its maximum limit, as such a limit is provided for the particular crime, provided that the causes of paragraph 1 applies.
- 3.

#### **Article 82\***

##### **Conversion of custodial penalties**

1. A custodial penalty that is not higher than one year is converted to a pecuniary penalty or a fine.
2. A custodial penalty no higher than one year and which does not exceed two years, is converted to a pecuniary penalty, unless the culpable person is a recidivist and the court finds by a ruling containing special reasons that its non-conversion is necessary in order to dissuade the defendant from committing other punishable acts. Penalties of imprisonment of more than two years, provided that one half of the sentence has been already served in any way and that the sentence remaining does not exceed two years, may be converted to a pecuniary penalty by the three-member court of misdemeanours of the district where the convicted person is detained, unless the court finds by a decision containing special reasons that because of the general behaviour of the convicted person during the time of serving, a pecuniary penalty will not be adequate in dissuading the convicted person from committing other punishable acts. The convicted person may appeal against the decision.

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\* See also the translated text of article 8 of law 3189/2003.

Paragraph 5 of the present article is also applied on all other relative matters. A custodial penalty that is longer than two and shorter than three years may be converted to a pecuniary penalty, if the court finds that such conversion is sufficient in dissuading the offender from committing other punishable acts.

3. The conversion rate is set by a decision containing special reasoning and follows consideration on the financial state of the convicted person. Each day of imprisonment is calculated as a sum of four euros and forty cents (€4.40) to fifty nine euros (€59.0) and each day of jailing as a sum of two euros and ten cents (€1.10) to fifteen euros (€15.0). If the convicted person is unable to pay the minimum limit of conversion because of his financial state and the crime is not related to avid profiteering, the court may reduce the sum of conversion up to one third of the minimum limit by reasoned order.
4. The conversion rates provided in paragraph 3 may be revised by joint decision of the Ministers of Justice and Finance.
5. In cases when a custodial penalty is converted to a pecuniary penalty or a fine, the original penalty is executed until payment of the total conversion sum is made to the public treasury. However, payment may be allowed to be made as a lump sum or by instalments within two years from conviction, by order of the public prosecutor of the court of misdemeanours, following a request by the convicted person. Such regulation is made if the person who has been convicted: (a) is under evident and total financial inability, (b) it is generally speculated that he will discharge the obligation, based on his education, professional abilities and his character and (c) he has previously requested the conversion of the penalty to the supply of community service, however the court found that the supply of such service by that person would not be feasible for reasons independent of his own will. By the same order, the serving of the sentence is suspended and restrictive conditions may be imposed, provided that such conditions are absolutely necessary and proportionate to the gravity of the penalty, the professional activity and the character of the convicted person. If the latter does not observe the time limits set for the payment of the sum of conversion or the instalments thereof or does not comply with the restrictive conditions imposed, the suspension that was granted is revoked by a similar order and the execution of the sentence is decreed. If the convicted person cannot observe the time limits imposed for

the payment of the conversion sum or an instalment thereof, for reasons related to the extension of his financial inability by no fault of his own, he may request for its extension by six months at the most. Such request may be made only once. The orders of the public prosecutor of the court of misdemeanours issued in accordance with the present paragraph are communicated to the public prosecutor responsible for the execution of the penalty. Recourse may be made against such orders before the public prosecutor of the court of appeals.

6. A custodial penalty that is higher than one month and which has been converted to a pecuniary penalty or a fine, is further converted to a penalty of supply of community service, if so requested or accepted by the convicted person, provided that the supply of such service by the particular convicted person is possible. A custodial penalty that is higher than two years and does not exceed three years may be converted to a penalty of supply of community service, if so requested or accepted by the convicted person, provided that the supply of such service by the particular convicted person is possible.
7. If the court rules in favour of the conversion of imprisonment to the supply of community service in accordance with the provisions of the previous paragraph, it also determines by the same decision the number of hours of community service corresponding to each day of imprisonment. Each day of imprisonment is converted to the supply of four hours of community service; however the court may reduce the community service up to two hours or increase it up to six hours for each day of imprisonment, by taking into consideration the personal condition of the convicted person. As soon as the penalty becomes executable, the public prosecutor responsible for the execution of the sentence determines by order the service, organisation or person to whom the community service will be supplied and the time of such supply. This time is set within the time limit beginning on the day following the date on which the decision became executable and ending on a period that may not be more than three times longer than the duration of the penalty imposed.
8. The community service is supplied without pay at services of the state, organisations of local government, legal entities of the public sector or non-profit community-related legal entities organised under private law, or even

other legal entities that are determined by the ministerial decision referred to in the last section. Additionally, it may relate to the supply of services to the victim, if the latter has been rendered invalid and both the convicted person and the victim agree. Unless the court orders differently, the supply of community service is supervised by a social assistance officer. Prior to the entry into operation of the branch of social assistance officers, or if the social assistance office at the place where the community service is supplied is understaffed, or if the specific community service need not be supervised by a special supervisor, supervision is bestowed upon the organs of the administration, members of collective organs or civil servants of the services or the legal entities where the community service is supplied, under the supervision of the public prosecutor of the court of misdemeanours of the place where the service is supplied. The organisation of the supply of community service, the procedure on selection, offer and supervision of the relevant service and any other relevant detail is determined by decision of the Minister of Justice and other Ministers who may be jointly competent.

9. If, by fault of the convicted person, the service is inadequately supplied, the conversion of the penalty to a penalty of supply of community service ceases to operate. In this case, the court that issued the decision may convert the penalty to a pecuniary penalty following a request by the convicted person. In cases of such violation, the social assistance officer accordingly reforms in writing the competent public prosecutor, who may investigate whether the service is carried out, even *ex officio*. If, following audience with the convicted person, the public prosecutor discovers that the convicted person inadequately supplies the service by his own fault, he orders the execution of the custodial penalty or the pecuniary penalty or the fine. The convicted person has a right of recourse against the order of the public prosecutor within ten days as of its execution; recourse is made by declaration before the secretary of the public prosecutor's office of the place of supply of the community service or the chief marshal of the penitentiary institution, who immediately forwards it to the competent public prosecutor. The recourse is addressed to the three-member court of misdemeanours of the place of supply of the community service; it does not have a suspensive result; it is dismissed if the convicted person is not submitted to the execution of the custodial

penalty or the pecuniary penalty or the fine and it is heard on the first day of trials following its submission, during which the person making the appeal is brought before the court without being summoned. Postponement of the hearing is permitted only once, in accordance with the provisions of article 349 of the Code of Penal Procedure and reset for an express trial day without summons. In the event of postponement, the court may order the suspension of execution of the public prosecutor's order until a decision on the recourse is rendered. If the person making the appeal does not appear before the court, the recourse is dismissed as unsupported. In any case, the court enters an irrevocable judgment; however, a request for annulment is permitted only once and the provisions of article 342 of the Code of Penal Procedure are applied by analogy.

10. A custodial penalty that has been converted to a pecuniary penalty or a fine or to the supply of community service retains the character of a custodial penalty even after partial or total serving by conversion. However, a penalty that has been converted and served by either payment of the conversion sum or by supply of community service may not be merged with a custodial penalty that may not be converted or which has not been converted.
11. Conversion in accordance with the previous paragraphs is not allowed in cases of conviction for the crime of trafficking of narcotic drugs or a crime provided by the Military Penal Code. With the exception of the previous section, provisions of the Penal Code or special penal laws, which prohibit or in any other way regulate the conversion of custodial penalties to pecuniary penalties or fines or otherwise define such conversion, are abolished.
12. Application of the present article does not require the existence of an irrevocable judgment on conviction.
13. If the court omitted to rule on the issue of conversion of a custodial penalty, the convicted person may request the conversion by application before the court that issued the judgment.

### **Article 83**

#### **Grounds for the reduction of penalties**

Wherever the general part provides for a reduced penalty without any additional determination, the penalty that must be imposed is calculated as follows:

- (a) Instead of the death penalty or the term for life, a temporary term of at least ten years is imposed;
- (b) Instead of a term of more than ten years, a term of up to twelve years or imprisonment of at least two years is imposed;
- (c) Instead of a term of up to ten years, a term of up to six years or imprisonment of at least one year is imposed;
- (d) In any other case, the judge freely reduces the penalty up to the minimum limit of the penalty;
- (e) If the law provides for a custodial penalty and a pecuniary penalty cumulatively, the latter may be the only one imposed.

[...]

**CHAPTER SIX**  
**CONDITIONAL SUSPENSION OF SENTENCE**  
**AND CONDITIONAL RELEASE**

**I. Conditional suspension of sentence**

**Article 99**

**Penalties suspended and duration of suspension**

1. If a person who has not been irrevocably convicted for a felony or a misdemeanour with a custodial penalty higher than six months, with a single or multiple decisions, the penalties of which do not exceed in total the above limit, is convicted to such a penalty of no higher than two years, the court by its judgment orders the suspension of the sentence for a determined time limit that cannot be shorter than three and longer than five years, unless the court finds, based on facts specifically referred to in the reasoning, that sentencing in accordance with article 82 is absolutely necessary in order to prevent the convict from committing new punishable acts.
2. If an alien, to whom political asylum has not been granted, is convicted to a custodial penalty of up to five years and the same decision orders his deportation, the court may order the indefinite suspension of the sentence by deviating from the provisions of the previous paragraph and of articles 100 to 102 of the present Code, in which case the deportation is effectuated immediately.

The suspension and deportation are not hindered by the non-payment of the judicial costs and of the pecuniary penalty that may have been imposed.

The suspension of the sentence occurs with the carrying out of the alien's deportation. In this case, the time during which the alien was detained in accordance with article 74(4) of the Penal Code is subtracted from the suspended penalty.

3. The deported alien, whose sentence has not been suspended in accordance with the above, may return to the country by decision of the Minister of Justice after lapse of a five-year period since he was deported, for a determined time period that may be extended. The Minister of Justice is not bound by the time period of the previous section in cases when the alien has

celebrated marriage with a Greek citizen, for as long as the marriage remains in effect, as well as in cases of a repatriate of Greek origin. The abovementioned decision is made following a decision of the three-member council provided by article 74(3).

4. The alien of the preceding paragraph who illegally enters or attempts to illegally enter the country is punishable with a custodial penalty of at least two years, which cannot be suspended in any way and which is served cumulatively with the suspended penalty.
5. If the alien has served his penalty in any way whatsoever and the deportation that has been ordered by court decision is not possible, the deportation is suspended by decision of the three-member court of misdemeanours of the place where the penalty was served, following proposal by the public prosecutor supervising the relative detention establishment and, wherever such public prosecutor does not exist, by the public prosecutor who is competent for the serving of the penalty. By granting the suspension, the court may also impose the conditions provided by article 100A or certain conditions thereof. If the reasons supporting the suspension of the deportation cease to apply, the decision on the granting thereof is revoked following the same procedure.

### **Article 100**

#### **Conditions on the granting of suspension of a penalty higher than two and up to three years**

1. If a person is convicted to a custodial penalty of higher than two and up to three years and the condition of article 99 applies, the court, by its judgment, may order the suspension of the sentence for a determined period of time that may not be shorter than three and longer than five years.

The suspension of the sentence may be granted if, from the examination of the circumstances under which the act was committed and especially the causes thereof, the earlier life and the character of the convicted person, the court finds that the sentence is not necessary so as to prevent him from committing other punishable acts. In so doing, the court must also take into consideration the culpable person's behaviour after [the commission of] the act and especially the repentance shown and his willingness to rectify the consequences of his act.

2. The grounds supporting suspension of the sentence must be specifically included in the decision.
3. The court may grant the suspension upon condition of the previous payment of judicial costs, reparation and pecuniary damages awarded to the person harmed; it may also set a time limit for the performance of such conditions.
4. The [court] president, while pronouncing the decision on suspension, notifies the convicted person of the conditions upon which the suspension is granted.

## **Article 100A**

### **Suspension under supervision**

1. If a person is sentenced to a penalty of more than three and up to five years and the conditions of articles 99 and 100 of the Penal Code apply, the court may order the conditional suspension of execution of the penalty under the care and supervision of an officer of social assistance, for a time period that may not be shorter than three and longer than five years.
2. Apart from the conditions set out in article 100 paragraph 3, other conditions may refer to the way of living and the place of residence of the convicted person.

Such conditions may especially refer to:

- (a) The prohibition of movement of the convicted person without leave, away from the usual place of residence or any other place to be determined by the court. The leave of movement must be made in writing and must be temporary; it is granted to the convicted person by the public prosecutor of the court of misdemeanours, following proposal by the social assistance officer, exclusively for reasons of work, studies, health or family relations;
- (b) The removal of passport or any other travel document of equal force and the prohibition to leave the country, unless a leave of departure has been granted in this case, in accordance with the provisions of section (a) above; such leave may not be granted for a period longer than one month;
- (c) The obligation of the convicted person to report at scheduled intervals to the police authorities of the place of residence or the offices of the social assistance service;

- (d) The removal of the driving permit for a determined period of time of 1 to 5 years, if the act consists of a violation of his duties as a vehicle conductor;
  - (e) The prohibition to associate with certain persons;
  - (f) The fulfilment of the convicted person's obligations for alimony or care to other persons;
3. In addition, the court may set conditions on the fulfilment of certain obligations that the convicted person voluntarily undertakes, such as:
- (a) Submission to therapy or special treatment;
  - (b) Stay in a determined institution;
  - (c) Offer of community service.
4. The social assistance officer supervises the fulfilment of the conditions and submits a report to the competent public prosecutor every three months. In the same manner, he reports any serious violation of the conditions that have been set upon the convicted person.
5. If, during the suspension of the penalty, the convicted person violates the conditions that have been set, the court that issued the judgment, following the request of the competent public prosecutor, rules on whether termination of the suspension should be ordered. If the court is a mixed court or a mixed court of appeals, the competence rests upon the three-member and five-member court of appeals respectively.
- Termination of suspension is ordered if the court finds that the violations are in number and gravity so important that the serving of the custodial penalty has become necessary so as to avoid the commission of other punishable acts by the convicted person.
6. Following a request by the competent public prosecutor or the convicted person, the court of the previous paragraph may decide to amend the conditions, the abridgement or extension of the period of supervision or even the total cancellation of supervision while maintaining the suspension of the penalty in accordance with the provisions of article 99 *et seq.* of the Penal Code, if it finds that such action is dictated by the general conduct of the convicted person during the period of suspension. A new request by the convicted person may be submitted after lapse of a period of six months since the dismissal of the previous request.

7. The provisions of articles 101 and 102 of the Penal Code are also applied in cases of suspension under supervision.
8. Prior to the entry into operation of the Branch of Social Assistance Officers provided by articles 15-17 of law 1941/91, the duties of monitoring the conditions are exercised by the public prosecutor of the court that issued the decision on suspension under supervision.

## **Article 101**

### **Revocation of suspension**

1. If subsequently to the granting of the suspension and during the course thereof, it is proven that the person who was granted the suspension had been previously convicted irrevocably to a custodial penalty for one of the acts provided in article 99, the court revokes the suspension following a request by the public prosecutor.
2. If during the course of suspension a conviction on one of these acts, which was committed prior to the issuing of the judgment on suspension, is made irrevocable, the suspension is regarded as not granted; the suspended penalty is executed in accordance with the provisions of articles 94 paragraph 1 and 96 paragraph 1 unless the court, by entering the new verdict of conviction, explicitly orders by the same judgment that the suspension remains in force because of the moderate character of the misdemeanour for which the new conviction was entered. The same also applies if, following the expiration of the period of suspension, a conviction was pronounced or prosecution was initiated for an act committed prior to the suspension, as soon as the conviction for such an act is made irrevocable.

## **Article 102**

### **Termination of suspension**

1. If, during the period of suspension, the convicted person is convicted once more to a custodial penalty for a felony or misdemeanour committed during the period of suspension, the suspension is terminated as soon as the new conviction is made irrevocable. The penalty imposed by the new verdict is executed after the penalty that had been suspended, unless the court explicitly orders by the same judgment the non-termination of suspension

because of the moderate character of the misdemeanour for which the new conviction was pronounced.

2. If the suspension is not terminated in accordance with the above or is not revoked in accordance with the provisions of article 101, the suspended penalty is regarded as never imposed.

### **Article 103**

#### **Effect of a foreign decision**

If the conviction provided for in articles 99, 101 and 102 was the result of a judgment of a foreign court, its effect in relation to the granting, revocation or termination of the suspension is freely assessed by the court in any case.

### **Article 104**

#### **Judicial costs, reparations and supplementary penalties**

1. The suspension of the penalty does not discharge the convicted person of his obligation to pay the judicial costs and the civil damages and reparations in money.
2. The supplementary penalties of deprivation of rights and incapacities are suspended and become extinct together with the main penalty; if, however, such deprivations or incapacities were imposed on civil servants (article 263), the court may order their non suspension.

[...]

**CHAPTER SEVEN**  
**REASONS EXTINGUISHING PUNISHMENT**

**I. Prescription**

**Article 111**

**Time limit of prescription of crimes**

1. The right of punishment is extinguished through prescription.
2. Felonies prescribe: (a) In twenty years, if the law provides for the death penalty or the term for life; (b) In twenty five years, in any other case.
3. Misdemeanours prescribe in five years.
4. Petty violations prescribe in one year.
5. The above time limits are calculated on the basis of the calendar year.
6. If the law provides for the imposition of one out of more penalties specifically provided, the above time limits are calculated according to the heavier penalty.

**Article 112**

**Beginning of the time limit for the prescription of crimes**

The time limit for prescription begins on the day when the punishable act was committed, unless otherwise provided.

**Article 113**

1. The time limit of prescription is suspended for as long as prosecution may not commence or continue according to a provision of law.
2. Moreover, the time limit of prescription is suspended for the duration of the main procedure and until the decision on conviction becomes irrevocable.
3. The suspension provided by the previous paragraphs may not last longer than five years for felonies, three years for misdemeanours and one year for petty violations. The time limitation on suspension is not applied whenever the postponement or suspension of prosecution was made by virtue of article 30 paragraph 2 of the Code of Penal Procedure.
4. If a complaint by the victim is necessary for the commencement of prosecution, the lack thereof does not suspend prescription.

5. The suspension of prosecution of pending cases, in relation to which the time limit of prescription nears completion by application of the present and the previous two articles, may be ordered by the competent public prosecutor of the court of misdemeanours, following a concurring opinion of the public prosecutor of the court of appeals, by setting the case on file.

#### **Article 114**

##### **Time limit of prescription of penalties already imposed**

Penalties irrevocably imposed that have not been executed, prescribe: (a) the death penalty and the term for life in thirty years; (b) detainment in a psychiatric establishment (article 38) and temporary terms in twenty years; (c) imprisonment, pecuniary penalties and detainment in a special facility for young persons (article 58) in ten years; and (d) any other lighter penalty in two years.

#### **Article 115**

##### **Beginning of time limit of prescription of penalties**

Prescription begins on the day the judgment was made irrevocable.

#### **Article 116**

##### **Suspension of prescription of penalties**

The time limit of prescription is suspended: (a) for as long as prosecution may not commence or continue, according to the law; (b) for as long as the execution of the pecuniary penalty or the fine imposed is suspended or their payment in installments has been allowed; and (c) for the duration of execution of any of the measures provided by articles 71 and 72.

## **II. Resignation from complaint**

#### **Article 117**

##### **Non-submission of complaint or declaration of resignation from the right to complain**

1. When the law requests the submission of complaint for the commencement of the prosecution of a punishable act, punishment is extinguished if the person entitled to complain does not submit the complaint within three months as of

the day he became cognisant of the act that was committed and the person who committed it or one of the participants therein.

2. The same result entails from the explicit declaration made by the person entitled to complain before the competent authority that he resigns from the right of complaint.

## **Article 118**

### **Persons entitled to complain**

1. The right of complaint belongs to the direct victim of the punishable act, if the law does not provide differently by special provision.
2. If the victim is below the age of twelve complete years or is subjected to judicial interdiction, the right of complaint belongs to his legal representative. If the victim is above the age of twelve complete years, the right of complaint belongs both to the victim and his legal representative and when the victim is above the age of seventeen complete years, this right belongs to the victim alone.
3. If two or more persons have the right to complain, this right is independent and separate for each one.
4. Following the death of the victim, the right of complaint devolves upon the surviving spouse and children and, if no spouse or children exist, to the parents.
5. In relation to punishable acts committed against the President of the Republic or the person exercising the presidential powers, prosecution is made by request of the Minister of Justice, provided that the acts are prosecuted by complaint.

## **Article 119**

### **Indivisibility of the complaint**

Prosecution is made against all participants in the crime, even if the complaint that was submitted was turned against one of them.

## **Article 120**

### **Revocation of complaint**

1. The person who submitted the complaint may revoke it in accordance with the conditions stipulated in the Code of Penal Procedure.
2. A revocation made in relation to one of the participants results in the termination of prosecution of all other participants as well, if they too are prosecuted because of the complaint.
3. The revocation bears no consequence for the defendant who declares to the authority that he does not accept it. Following the revocation of the complaint submitted, a new complaint may not be made.

[...]

## **Article 159**

### **Bribery**

1. Anyone who in relation with any election or vote conducted by the Parliament or any committee thereof proposes, offers or promises to a deputy gifts or any other benefits which are not due to him as exchange in order not to participate to such election or vote or to vote in a specific manner is punished by imprisonment up to two years as well as by fine.
2. The deputy who in relation with any of the as above in paragraph 1 of the present article elections or votes accepts the offer or promise of gifts or other benefits which are not due to him or claims the same as an exchange in order not to participate to the election or the vote or to vote in a specific manner, is punished by imprisonment as well as by fine.
3. Anyone who in relation with any election or vote conducted by the Prefectural, municipal or communal council of any other local administration council or committee or any of the above, proposes, offers or promises to any member thereof gifts or any other benefits which are not due to him as exchange in order not to participate in such election or vote or to vote in a specific manner is punished by imprisonment up to one year as well as by fine.
4. The counsel who in relation to any of the elections or votes of paragraph 3 of the present article accepts the offer of promises of gifts or of other benefits which are not due to him or claims the same as an exchange in order not to participate in the election or the vote or to vote in a specific manner, is punished by imprisonment up to one year as well as by fine.

5. The court may apart such penalties impose the deprivation of offices and posts or article 63, no 1.

[...]

**Article 187 (modified)**

**Criminal organisation**

1. A sentence of imprisonment of up to ten years is imposed to any person who sets up or is included as member in a structured group with continuous activity, made up of three or more persons (organisation) and seeks to commit felonies provided for by articles 207 (forgery), 208 (circulation of forged money), 216 (falsification), 218 (falsification and abuse of stamps), 242 (false testimony, adulteration), 264 (arson), 265 (arson to forests), 268 (flood), 270 (explosion), 272 (violations relating to explosive materials), 277 (sinking of ship), 279 (poisoning of springs and food), 291 (disturbance of safety of trains, ships and aircrafts), 299 (intentional murder), 310 (gross physical injury), 322 (abduction), 325 (slave trafficking), 324 (abduction of minors), 327 (involuntary kidnapping), 336 (rape), 338 (abuse to lechery), 339 (child seduction), 374 (gross cases of theft), 375 (defalcation), 380 (robbery), 385 (extortion), 386 (fraud), 386A (computer fraud), 404 (usury), as well as felonies provided for in the legislation on narcotics, weapons, explosive materials and protection from materials emitting radiation harmful to people.

2. Any person who, by threat or use of force against judicial functionaries, interrogating or judicial servants, witnesses, experts and interpreters or by bribe to the said persons, attempts to cancel the discovery or prosecution and punishment of the offences of the previous paragraph, is punished by imprisonment of at least one year.

3. Any person who, apart from the cases of paragraph 1, joins another person to commit a felony (gang) is punished by imprisonment of at least six months. The culprit is punished by imprisonment of at least three months if the joining under the previous sentence was carried out to commit a misdemeanour, punished by imprisonment of at least one year, by which financial or other material gain or damage to life, physical integrity or sexual freedom are sought.

4. The manufacture, supply or possession of weapons, explosive materials and chemical or biological materials or materials emitting radiation harmful to

people, aiming at serving the purposes of the organisation of paragraph 1 or the gang of paragraph 3 or the pursuit of financial or other material gain of their members are aggravating circumstances. The non commission of any of the sought crimes of paragraphs 1 and 3 are extenuating circumstances. The simply mental complicity to the crimes of formation or participation under paragraph 1 or gang under paragraph 3 is not punished if the members of the organisation or the gang do not seek financial or other material gain.

5. The provisions of the present article are also applicable when the punishable actions provided for hereby were committed abroad by a Greek citizen or were made against a Greek citizen or legal entity with registered offices in Greece or against the Greek state, even if they are not punishable under the laws of the country in which they were committed. (...)

[...]

**BOOK TWO**  
**SPECIAL PART**

[...]

**CHAPTER TWELVE**  
**CRIMES RELATED TO SERVICE**

**Article 235**

**Passive bribery**

The civil servant who, in breach of his duties, requests or receives, directly or through a third party, for himself or a third party, benefits of any nature or accepts a promise thereof in order to carry out an act or omission in relation to his duties or in breach thereof is punishable with imprisonment of at least one year.

**Article 236**

**Active bribery**

Any person who promises or provides to a civil servant, directly or through a third party, benefits of any nature for himself or a third party so that the civil servant, in breach of his duties, carries out an act or omission in relation to his duties related thereto or in breach thereof is punishable with the penalty of article 235. The act is not punishable if the person declares the commission of the act to the public prosecutor of the court of misdemeanours or any investigating official or other competent authority, on his own free will and before being examined for the act, by producing a written report or by doing so orally, in which case a report is drafted accordingly. In this case, the gift or benefit that may have been confiscated or delivered to the investigator is returned to the person who gave it and the provision of article 238 is not applied.

**Article 237**

**Bribery of a judge**

1. If the person requested by the law to fulfil judicial functions or the arbitrator demands or accepts gifts or other benefits he is not entitled to or the promise that he will receive [such gifts or other benefits] with the intent to carry out or adjudicate on a case assigned to him in favour of or against someone, are punishable with imprisonment of at least one year.

2. Any person who offers or promises or gives such gifts or benefits to one of the persons listed in paragraph 1 or to one of their close ones with the abovementioned intent is punishable with imprisonment of at least three months.

### **Article 238**

#### **Sequestration of gifts**

In cases covered by articles 235, 236 and 237, the decision orders the sequestration of gifts that were offered or their value.

### **Article 239**

#### **Abuse of power**

Any civil servant, whose duties involve the prosecution or investigation of punishable acts who: (a) illegally used means of extortion in order to succeed in getting any written or oral deposition by a defendant, witness or expert, is punishable with imprisonment of at least one year, provided that the act does not carry a heavier penalty in accordance with articles 137A and 137B; (b) intentionally exposed to prosecution or punishment an innocent party or omitted to prosecute the culpable party or provoked his acquittal from punishment, is punishable with a term of up to ten years.

### **Article 240**

#### **Violations related to the execution of penalties**

1. Any civil servant, whose duties refer to the execution of penalties who intentionally executed a penalty in an unlawful manner or who omitted to execute a penalty, is punishable with imprisonment of at least one month.
2. If, however, the unlawful execution was a result of negligence, imprisonment of up to one year or a pecuniary penalty is imposed.

### **Article 241**

#### **Violation of domestic sanctuary**

A civil servant who, by using his quality of civil servant and without observing the legal formalities, enters the residence of another without consent, with the exception

of cases provided by law, is punishable with imprisonment of three months to two years.

## **Article 242**

### **False declaration, tampering, etc.**

1. A civil servant, whose duties refer to the issuance or drafting of public documents, who intentionally certifies in a false manner a fact that may bear legal significance, is punishable with imprisonment of at least one year.
2. The civil servant who intentionally tampers, destroys or removes a document entrusted to him or accessible to him because of his service, is punishable with the same penalty.
3. If, however, the culpable person of paragraphs 1 and 2 intended to provide himself or another with an unfair benefit or to unlawfully damage another, he is punishable by a temporary term, if the whole benefit or damage exceeds the amount of seventy three thousand (73,000) euros.
4. Any person who intentionally uses the forged or tampered or removed document is punishable with the penalty of paragraph 1.

## **Article 243**

### **Omission to verify the identity**

A civil servant, whose duties refer to the issuing or drafting of public documents, who, during the issuing or drafting of documents, omits to verify the identity of the person referred in the document when the law provides so and according to the method provided by law, is punishable with imprisonment of up to three months.

## **Article 244**

### **Oppression**

A civil servant who intentionally collects taxes, duties, fines or other levies, judicial costs or any rights not owed, is punishable with imprisonment of at least three months.

## **Article 245**

1. The penalties of article 244 are also imposed upon civil servants who allow clerks or other assistants, whom they have appointed, to carry out any of the

acts stipulated in article 244, if they knew that they collected a sum that was not owed.

2. If the clerks or assistants intentionally collected a sum not owed, they are punishable by imprisonment of up to two years.

## **Article 246**

### **Strike**

1. Civil servants who, in joint meetings of at least three, by joint decision and with the intention to obstruct or interrupt the operation of a civil service : (a) asked for their release from the service or (b) abandoned the exercise of the service that they had been assigned or (c) disregarded the carrying out of their duties or (d) in any way agreed or threatened to declare a strike or in any way associated, directly or indirectly, the satisfaction of their demands with the abandonment of their work, are punishable with imprisonment of up to one year.
2. Any civil servant, who subsequently accedes to any of the acts of the previous paragraph, is punishable with the same penalty.
3. Members of the board of the association or the union of civil servants, who decided to declare a strike, are punishable with imprisonment of at least three months and a pecuniary penalty.
4. Conviction to any penalty for an act of paragraphs 1-3 entails the temporary deprivation of political rights (articles 61-65).

## **Article 248**

### **Violations by postal personnel**

A civil servant engaged in the postal service, who illegally opens, removes or destroys a letter or other thing entrusted to the post and which is accessible to him because of his service, or who intentionally allows another to attempt such an act or assists him in doing so or discloses the contents of such sealed thing to a third person, is punishable with imprisonment of at least one year.

### **Article 249**

#### **Violations by telegraphic personnel**

A civil servant engaged in telegraphy, who illegally opens, removes or destroys a telegram entrusted to a telegraphic office and which is accessible to him because of his service, or who intentionally allows another to attempt such an act or assists him in doing so or discloses the contents of such a telegram to a third person, is punishable with imprisonment of at least one year.

### **Article 250**

#### **Violations by telephonic personnel**

A civil servant engaged in telephony who, because of his service, has knowledge of the contents of a call and discloses them to a third person, or who intentionally allows a third party to listen to a telephone call, is punishable by imprisonment of at least one year.

### **Article 251**

#### **Violation of judicial secrecy**

1. Any person requested by the law to perform judicial duties, who discloses to another secrets from the deliberation or voting in which he took part, is punishable by imprisonment of up to two years.
2. Any person attending such deliberation or vote because of his duties, who discloses the secrets thereof to another, is punishable with the same penalty.

### **Article 252**

#### **Violation of service secrecy**

A civil servant who, apart from the cases of articles 248, 249, 250 and 251, by violating his duties discloses to another: (a) anything he knows solely because of his service, or (b) a document entrusted or accessible to him because of his service, is punishable with imprisonment of at least three months, if he committed any of these acts with the intent to benefit personally or to damage the state or another.

### **Article 253**

Violations of secrecy referred in articles 248 to 252 are punishable even when committed following the exit of the servant from the service.

#### **Article 254**

##### **Concealment of grounds supporting exemption**

A civil servant for whom lawful grounds of exemption from a case exist and who intentionally conceals this fact and takes part in the case is punishable with imprisonment of at least three months, if the concealment was made with the intent of unfairly benefiting himself or another or damaging another.

#### **Article 255**

##### **Unfair participation**

A civil servant who, either directly or indirectly and especially by using another person or by concealed actions, took part in an auction, lease, public sale or any other act in which he exercises his duties, is punishable with imprisonment of up to two years and a pecuniary penalty.

#### **Article 256**

##### **Disloyal malpractice related to service**

A civil servant who, in the determination or collection or management of taxes, duties, fines or other levies or any revenue, intentionally diminishes for his own benefit or the benefit of another the public, municipal or community property that is entrusted to him, is punishable: (a) by imprisonment of at least six months; (b) if the reduction is of particularly great value, by imprisonment of at least two years; (c) by a temporary term of up to ten years, if: (i) the culpable person used special methods and the reduction of property is of particularly great value and higher than fifteen thousand (15,000) euros or (ii) the object of the act is of a total value greater than seventy three thousand (73,000) euros.

#### **Article 257**

##### **Exploitation of entrusted things**

A civil servant who, without having intent of embezzlement or disloyal malpractice, lends money at interest or in any other way uses for his own benefit or transfers to another for use money or things entrusted to him because of his service, is punishable with a pecuniary penalty or imprisonment of up to one year.

## **Article 258**

### **Embezzlement at service**

A civil servant who unlawfully appropriates monies or other movable things that he has received or he bears because of his service, even if he was not competent to do so, is punishable: (a) with imprisonment of at least six months; (b) if the object of the act is of particularly great value, by imprisonment of at least two years; (c) by temporary term of up to ten years if: the culpable person used special methods and the object of the act is of particularly great value and in total greater than fifteen thousand (15,000) euros or the object of the act is of a total value greater than seventy three thousand (73,000) euros.

## **Article 259**

### **Violation of duty**

A civil servant, who intentionally violates the duties of his service in order to provide himself or another with an unlawful benefit or to damage the state or another, is punishable with imprisonment of up to two years, if such act is not punishable by another penal provision.

## **Article 260**

### **Indiscipline before a civil authority**

A military commander, officer or deputy officer or a police servant who omits to assemble or use the armed or police force under his command, despite the fact that the competent civil authority has lawfully invited him to do so, is punishable with imprisonment of up to three years.

## **Article 261**

### **Encouragement of subordinates and tolerance**

A civil servant who tries to convince another civil servant who is his subordinate or under his control to commit any one of the crimes provided in articles 235 to 260, or who intentionally tolerates the commission of any one of these crimes by that civil servant, is punishable by imprisonment of up to two years, provided that the act does not fall under another provision of the law punishing the act by heavier penalty.

## **Article 262**

### **General provisions**

If a civil servant, during the exercise of his service or by benefiting from his capacity as civil servant, intentionally becomes culpable of a felony or misdemeanour provided in another chapter of the Penal Code, the maximum limit of the penalty as provided by the law is increased by half; it may not, however, exceed the maximum limit which is generally provided for every form of penalty.

## **Article 263**

When the court imposes imprisonment of at least three months for any act provided in articles 235 to 261, it may also pronounce the temporary deprivation of political rights (article 61).

## **Article 263A**

In so far as articles 235, 236, 239, 241, 242, 243, 245, 246, 252, 253, 255, 256, 257, 258, 259, 262 and 263 are concerned, the term “civil servant” includes, apart from the persons stipulated in article 13, mayors, presidents of communities and all persons serving permanently or temporarily and under any capacity: (a) in enterprises or organisations belonging to the State, in organisations of local government or legal entities organised under public law or private law that wholly serve the supply of water, light, heat, power or means of transport or communication or mass transport to the public through exclusive or privileged exploitation, (b) in banks seated within Greece according to the law or their articles of association, (c) in legal entities organised under private law established by the state or legal entities organised under public law or legal entities listed in the previous sections, provided that such establishing legal entities participate in their administration or, in cases of a *sociétés anonymes*, in their capital, or that the established legal entities are assigned with the execution of state programs of financial reconstruction or development, (d) in legal entities organized under private law which may receive subsidies or financing by the state, legal entities organized under public law or the abovementioned banks, according to the provisions in force.

[...]

**CHAPTER TWENTY TWO**  
**VIOLATION OF SECRECY**

[...]

**Article 371**

**Violation of professional confidentiality**

1. Clergymen, lawyers and all legal advocates, notaries, doctors, midwives, nurses, pharmacists and others usually entrusted with private secrets of people because of their profession or capacity, as well as the assistants thereof, are punishable with a pecuniary penalty or imprisonment up to one year if they reveal private secrets entrusted to them or known to them because of their profession or capacity.
2. The same penalty is imposed on any person who, following the death of any person listed in paragraph 1 and because of such death becomes the holder of documents or notes of the deceased relating to the exercise of his profession or his capacity, provided that he reveals private secrets through such documents or notes.
3. Prosecution is made only upon complaint.
4. The act is not unfair and is not punishable if the culpable person aimed at exercising his duty or safeguarding a lawful or for any other reason justifiable and substantial public interest of his own or another, which could not have been safeguarded in any other way.