

Φ.092.22/4519

Article 34

Inability to charge

The act shall not be charged to the offender if, as a result of a psychic or mental disorder or disruption of consciousness at the time of its commission, he did not have the capacity to understand the unfairness of his act or to act in accordance with his perception of that offence.

Article 36

Reduced ability to charge

1. If, as a result of any of the situations referred to in Article 34, the ability to charge has not completely disappeared, but it has been significantly reduced, a reduced penalty shall be imposed (Article 83).

(...)

Article 69A

Therapeutic measures for persons exempted from the penalty due to psychic or mental disorder

1. If a person who has committed a criminal offence, which is threatened with a custodial sentence of at least one year, has been released from the sentence on the grounds of psychic or mental disorder (Article 34), the court shall order an appropriate measure for his treatment, if it considers that, because of his situation, there is a risk, at the time of the judgment, if released, of committing at least other crimes of similar gravity. The provision of the judgment concerning the therapeutic measure shall be enforced with the care of the public prosecutor's office.

2. The preceding paragraph shall apply to all crimes against life or physical integrity which are threatened with a custodial sentence of at least three months. It does not apply to crimes against property and possessions that do not involve the use of force or the threat of violence.

3. Appropriate therapeutic measures are: (a) hospitalization in a special department of a public psychiatric or general hospital, (b) hospitalization in a psychiatric department of a public psychiatric or general hospital and (c) mandatory treatment and psychiatric follow-up at regular intervals in an appropriate outpatient Mental Health Unit or outpatient clinics of a public psychiatric or general hospital.

4. The conditions for the imposition of the measure shall be established by at least one expert opinion carried out immediately after the arrest and by at least one other expert opinion carried out as close as possible to the trial, with the care of the public prosecutor of the court in which the case is brought for trial. The expert opinions shall be carried out by an expert chosen, preferably, from the list kept at the Court of First Instance concerned. Any appropriate therapeutic measures are also recommended in the expert opinions.

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Article 70

Duration of the therapeutic measure

1. The judgment ordering the therapeutic measure shall specify the maximum period of its duration, which may not exceed two years for misdemeanours and five years for felonies. At least one month before the end of that period, the Three-Member Misdemeanour

Court, in the region of which the therapeutic measure is carried out, may, by a specially reasoned judgment, order the extension of the measure or its replacement with another for a maximum of the same time, provided that this is necessary for the needs of the treatment and the conditions laid down in paragraph 1 of the preceding Article remain. Before the judgment is given, the court shall invite the person in treatment and his lawyer, as well as the management of the unit where the measure is carried out, to express their views. Exceptionally, the duration of the therapeutic measure may be extended beyond the maximum time limits, in accordance with the procedure and for the reasons set out in the second and third subparagraphs, provided that the existence of those reasons and the need to extend the duration of the measure are subject to the agreement of the treating psychiatrist of the treated person and the scientific director of the treatment unit. The total duration of the therapeutic measure may not exceed the period of the maximum penalty provided for in the law for the act committed by the person in treatment.

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2. Each year, in accordance with the same procedure, the same court shall decide whether the therapeutic measure imposed should continue or be replaced by another. However, at any time, at the request of the public prosecutor, the person in treatment or the management of the unit where the measure is carried out, on the recommendation of the attending physician, it may order its removal or replacement. If the application is rejected, the judgment requires specific reasons as to the need to maintain the therapeutic measure. A new application may be submitted after four months as of the rejection of the previous one.

3. In proceedings before the Three-Member Misdemeanour Court pursuant to the provisions of paragraphs 1, b' and 2 of that article, as well as before the Court of Appeal in the event of an appeal, if the treated person does not have an advocate, an advocate of its own motion shall be appointed, in accordance with the provisions of Article 340 of the Code of Criminal Procedure.

Article 71

Treatment measures for persons with reduced ability to charge due to psychic or mental disorder

1. If a person has committed a criminal offence as a result of a psychic or mental disorder, which significantly reduces his ability to charge (Article 36, para. 1), and his act is threatened with a custodial sentence of at least one year, the court shall, in addition to imposing the reduced sentence, order his admission to a psychiatric annex of a detention centre or, in the event of a stay of execution of his sentence, the therapeutic measures referred to in Article 69A, para. 3, if it considers that the risk described in Article 69A, para. 1 is present. Paragraphs 2 and 4 of Article 69A shall also apply in this case.

2. The measure shall be implemented immediately after the judgment has been adopted, with the care of the public prosecutor's office.

3. Article 70 shall also apply accordingly here. Upon completion of the therapeutic measure, the convicted person shall serve his sentence, provided that its execution has not been suspended. The period of hospitalization in the psychiatric annex of a detention facility or in the units referred to in Article 69A, para. 3, a' and b',

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shall be deducted from the sentence. However, the Three-Member Misdemeanour Court of the place where the measure is executed may order that the sentence not be served, if the crime for which it was imposed is a misdemeanour and the serving is no longer considered necessary.

Article 83

Reduction of sentence

Wherever the law provides for a reduced sentence without further determination, its framework shall be defined as follows: a) instead of the sentence of life imprisonment, imprisonment shall be imposed, b) instead of the sentence of imprisonment of at least ten years, imprisonment of at least two years or imprisonment of up to eight years shall be imposed, c) instead of imprisonment of up to ten years, imprisonment of at least one year or imprisonment of up to six years shall be imposed, d) in any other case, the judge shall reduce the sentence freely up to its minimum limit. If the law provides for a custodial sentence and a pecuniary penalty cumulatively, only the latter can be imposed.

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True translation from Greek into English of the attached original document
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