

ELECTRONIC TOOLS FOR CRIMINAL JUSTICE IN GREECE: AN ELECTRONIC SYSTEM FOR JUSTICE UNDER DEVELOPMENT

1. INTRODUCTION

Greece is in the process of developing the use of electronic tools in the criminal justice system.

In 2008, the Greek Parliament adopted Law No. 3659/2008 on “Improving and speeding up the proceedings in the ordinary administrative courts, and other regulations”.

According to article 42(1) *“The court decisions and orders, the reports, the applications and any other document which is addressed to the courts or published by them, can be sent and transferred through the use of electronic means. In similar ways it is possible to pay the court fees and any other fees ...”*. Furthermore, paragraph 2 provides the use of teleconference in certain cases since *“... it is permitted to question witnesses, experts and parties, without their physical presence in the court room ... with simultaneous transmission of image and sound inside the court room”*. Finally, paragraph 4 promotes keeping electronic records of the court’s work.¹

This report focuses on two issues of Greek legal practice: (a) the existing e-tools for lawyers as a good practice and (b) the proposals of the Ministry of Justice on the enhancement of the electronic access to criminal justice.

2. EXISTING E-TOOLS FOR LAWYERS, PROVIDED BY “ISOKRATIS” ELECTRONIC SYSTEM

The Athens Bar Association has developed an electronic system mainly for the use of lawyers called “Isokratis” (www.dsanet.gr). “Isokratis” provides for:

Electronic Access to:

- national legislation;
- national jurisprudence;

¹ See also “Introducing the concept of ‘E-justice’ in Europe: How adding an ‘E’ becomes a modern challenge for Greece and EU”, by Napoleon Xanthoulis, Effective Justice Solutions, 2010, p. 8, www.effectius.com.

- European law;
- court decisions;
- monitoring a complaint submitted (the lawyer using his/her password can enter the database, insert the reference number of the criminal case and check at which stage the case is);
- courts' registers of dates of hearings;
- calculation of default interest;
- Law Library (<http://www.dsalib.gr>).

Electronic Services for the facilitation of lawyers and Social Insurance Funds:

- certificates;
- status of contracts;
- calculation of the payment of lawyers;
- access to the land registry;
- samples of legal documents;
- e-mail for lawyers;

Table 1. Users of the system

Daily Users	15,000
Simultaneous Users	650
Total Users	47,500

Quantitative Data:

Table 2. Number of Court decisions uploaded on the system

Administrative Procedure	161,948
Civil Procedure	86,438
Criminal Procedure	34,558
Total	282,944

Advantages of "Isokratis" system:

- active system of legal information;
- access to legal services for lawyers and the public;
- developed system according to national and European standards;
- interoperability with other systems;
- connection with the electronic governance laboratory of the Informatics Department of the University of Athens.

3. PROPOSALS BY THE ATHENS BAR ASSOCIATION FOR THE FACILITATION OF THE WORK OF LAWYERS²

The Athens Bar Association suggests the following tools for enhancement of the justice system:

- further development of the electronic filing, classification and codification of the national legislation together with its interoperability with the European Law, ministerial decisions, circulars, case-law, etc;
- electronic management of civil, criminal and administrative procedure;
- electronic filing and retrieval of Courts' data (case-law, minutes, etc);
- possibility to study the case (from distance) by the judge;
- interoperability of public records (land registry, commercial registries etc);
- electronic application/filing of complaints, legal documents etc;
- electronic circulation and delivery of judicial documents, of receipts and legal aid applications;
- teleconferences;
- optional examination of witnesses and experts through teleconference after a request from the parties involved;
- promotion and protection of fundamental rights of citizens.

Finally, the following must be taken into consideration during the planning process of the e-justice system:

- the latest scientific developments in the use of IT and Communication technology by judges, judicial staff and lawyers;
- the different levels of familiarity of Judges in Member States with the European law.

Priorities set by the Athens Bar Association:

- access to the national and European legislation (already provided by "Isokratis");
- access to national jurisprudence and European case-law (already provided by Isokratis);
- establishment of a safe access system to the civil and criminal procedure by lawyers involved, in order to follow their cases;
- creation of an integrated electronic processing system of all Bar Associations of the country, which will include lawyers' and law firms' records.
- continuous training of judges, lawyers and legal officers, for the support of the "Electronic Justice" and its applications.

² Isokratis: Legal Database of the Athens Bar Association, *To vima tou dikigorou* (monthly journal issued by the Athens Bar Association), v. 85, May 2010, p. 7-10.

4. THE PROPOSALS OF THE MINISTRY OF JUSTICE FOR ENHANCEMENT OF ELECTRONIC ACCESS TO JUSTICE

Taking into consideration the current needs for simplification of criminal procedures through the development of modern electronic tools for justice, the Greek Ministry of Justice, Transparency and Human Rights in cooperation with Information Society are suggesting the following electronic tools to access criminal justice system and are initialising the procedures for their realisation.³

1. NATIONAL CRIMINAL RECORD (e-tool provided for the benefit of the public, exchange of information among authorities and transnational e-cooperation in criminal matters)

This project is part of the creation of the Integrated Information System of the National Criminal Record, where criminal records from all of the Prosecutors' Offices of the Courts of First Instance of the country are registered in a modern and systematic way.

This project aims at:

1. Access of public to national criminal record electronically. Anyone can enter the system, apply online and get a copy of criminal records from the electronic website.
2. Inter-functionality between public administration and the central database of the Integrated Information System of the National Criminal Record of the Ministry of Justice and the central databases of information systems of criminal records of the other EU Member States.

Those who benefit:

1. Judicial authorities (prosecutors, investigators, etc);
2. Directors of prisons, therapeutic institutions;
3. Public sector in general;
4. Foreign embassies or consulates for those due to migrate;
5. Authorities in charge for the appointment of judges, teachers and professors, security forces and candidates for military and security forces academies.
6. Police stations responsible for issuing gun licenses, use of explosives' licenses, etc.

2. ELECTRONIC SUBMISSION AND MONITORING OF LEGAL DOCUMENTS (complaints, writs, etc) – an online service for lawyers, judges and the public (e-tool for the benefit of lawyers and the public, exchange of information among authorities)

The Ministry initialises a project of electronic governance to serve the needs of the public, support the state in drafting its policy, minimise the

³ www.ministryofjustice.gr

cost and provide more rational management and use of the available human resources and simplification of criminal justice procedures.

The **problems** that this tool aims to confront:

1. Large queues for the payment of judicial expenses;
2. Queuing for submission of legal documents in court secretariats;
3. Overcrowding and overloading of the work of court services;
4. Excessive length of response time by the Courts since the complaint is filed (1,200,000 legal documents are submitted annually to courts and 250,000 contracts);
5. Judges are not able to study the case from distance.

The following actors will benefit from electronic submission:

1. Ministry of Justice;
2. European Union, E-Justice portal;
3. Courts services;
4. Social Insurance Funds;
5. Ministry of Finance;
6. Bar Associations;
7. Lawyers;
8. The public through the speeding up of judicial proceedings.

3. E-TOOLS FOR THE DETENTION CENTRES (prisons) (e-tools provided for lawyers and the public, exchange of information among authorities)

E-tools provided will include:

- electronic application and issue of detention certificate;
- electronic application and issue of disciplinary inspection certificate;
- electronic application and issue of medical certificate;
- electronic planning of visits by lawyers;
- electronic planning of visits by the public (relatives);
- electronic transfer of information to other public authorities involved;
- online application forms/documents for the processing of applications of the detention centres to the central services and other institutions involved;
- electronic availability of specific information/electronic file of the detainee to his/her legal representatives;
- announcement of emergency incident;
- information services for interested parties (detainees, relatives, lawyers, embassies, etc)/Publication of general information and contact information.

E-tool to confront the following issues:

- connection between regional detention centres and the central services of the Ministry of Justice, Transparency and Human Rights, which will lead to the improvement of services provided to the public;

- reinforcement of the social standing of detainees, improvement of the exercise of their rights and the integrated, fast and complete briefing of all involved bodies and advisors in human rights' related issues;
- development of the information system of the central services of the Ministry of Justice, Transparency and Human Rights aiming to provide safe and trustful access to information networks for detainees and ex-prisoners;
- equal and non-discriminatory availability of e-tools to all citizens regardless of social status targeted to control the digital gap;
- development of special applications aiming to aid the public.

Table 3. Number of users that will benefit from e-tools

Detainees	12,000
Detainees' relatives	40,000
Lawyers	10,000
Social services and institutions	
Ex-prisoners	200,000

4. E-TOOLS FOR THE REHABILITATION OF RELEASED PRISONERS (E-tool for the public and exchange of information among the authorities)

The priority of this project is to create a **website**, which will offer services for ex-prisoners but also prisoners due to be released.

The e-tools developed and offered via the website will be:

- career guidance and employment opportunities;
- service for drafting CVs according to standards and possibility to submit them electronically for job vacancies as they appear on the electronic announcement board;
- electronic application of the explanatory report of the social worker;
- electronic counselling service for working, drugs issues and others;
- electronic exchange of information within public authorities involved;
- electronic application and issue of residence coupons;
- search and information service on labour/working issues;
- electronic library service;
- training services;
- social network service, forum;
- information services in different languages;
- electronic announcement board;
- information and social awareness on the problems of prisoners, ex-prisoners and juvenile offenders.

5. ELECTRONIC ARCHIVING, FILING AND AVAILABILITY OF COURT RECORDS. (e-tool provided for lawyers and the public and exchange of information among the authorities)

The objective is to improve the archiving, filing and availability of court records, improving in this way transparency, efficiency of the justice system, as well as guaranteeing respect of the rule of law and improvement of services for the public.

The e-tool consists of a website that will provide the following applications for the citizen:

- electronic submission of application for copy of court records (by lawyers, interested parties);
- downloading of copies of court records;
- downloading of application for issuance of court records;
- electronic exchange of information among judges and judicial secretariats;
- electronic exchange of information among other Information Systems.

Furthermore, within the framework of the Operational Programme for Administrative Reform the Ministry of Justice will implement the following tool for criminal justice:

6. CLASSIFICATION OF CRIMINAL OFFENSES, PENALTIES AND MEASURES (e-tool for transnational cooperation)

The objective of this priority is to create interconnection software according to a common protocol, which will allow the exchange of information among criminal record databases of the EU Member States.

The tool will provide for:

- a) a list of criminal offenses which are committed or are under criminal jurisdiction in Greece;
- b) a list of various types of penalties and other measures which are enforced as well as the possible decisions after the verdict which can modify the execution of the penalty.