

Key Conclusions

Conference: “The ECHR & Criminal Procedural Law”

Athens, 12 October 2026 – Events Hall of the Athens Bar Association

Organised by: the Marangopoulos Foundation for Human Rights and the Institute of Criminal Procedural Law

The European Convention on Human Rights (ECHR) and criminal procedural law are closely interconnected, and their relationship continues to evolve in response to the case law of the European Court of Human Rights (ECtHR). These developments have direct and indirect implications for the full range of rights afforded to accused persons under Article 6 of the Convention. Although the case law of the Greek courts has become significantly more aligned with that of the Strasbourg Court, a number of issues remain unresolved and warrant further examination.

Against this background, the Institute of Criminal Procedural Law and the Marangopoulos Foundation for Human Rights (MFHR) organised a conference entitled “The ECHR & Criminal Procedural Law”. The event was held on Monday, 12 October 2026, at the Events Hall of the Athens Bar Association and brought together academics, lawyers, members of the judiciary and students.

The event was opened by Mr **Argyrios Karras**, Professor Emeritus at the Faculty of Law of the National and Kapodistrian University of Athens (NKUA) and President of the Institute of Criminal Procedural Law, and Mr **Linos-Alexandre Sicilianos**, Professor at the Faculty of Law of NKUA, former President of the ECtHR and President of the MFHR. Both warmly thanked the speakers and the audience, as well as the Athens Bar Association for hosting the event.

Mr **Andreas Koutsolampros**, President of the Athens Bar Association, then addressed the audience with a short welcome speech. He stressed that supporting constructive academic dialogue on the rule of law and human rights is one of the Association’s core objectives. He described criminal law as a “seismograph of the political system” and referred to the need to ensure the quality of criminal legislation, which has been put to the test by the repeated amendments introduced in recent years. He also referred to the high number of ECtHR judgments in which the Court has found that Greece has violated the Convention, highlighting systemic problems within the Greek justice system through the application of Article 6, as well as the longstanding issue of detention conditions in Greek prisons.

Ms **Ioanna Klapa**, former President of the Supreme Court of Greece (Areios Pagos), then delivered a welcome address in which she emphasised the State’s dual obligation to protect society from crime while simultaneously safeguarding the rights of the defence. She placed particular emphasis on the presumption of innocence, highlighting the need to limit public statements by political figures that may undermine it. She

stressed that the administration of justice and the pursuit of substantive truth require time and evidentiary substantiation, in contrast to the public “destruction” of the accused by courts of public opinion. In conclusion, she underlined that respect for the fundamental principles of criminal proceedings is an essential measure of our legal culture.

The first presentation was delivered by Mr **Adam Papadamakis**, Professor Emeritus at the Faculty of Law of Aristotle University of Thessaloniki (AUTH), who analysed the presumption of innocence, as enshrined in Article 6 § 2 of the ECHR and Article 71 of the Code of Criminal Procedure (CCP), highlighting its role as an institutional safeguard against the abuse of criminal repression. In particular, he addressed key procedural implications of the presumption of innocence, including the mandatory conduct of a preliminary examination, the exceptional nature of pre-trial detention, the suspensive effect of appeals and the procedural treatment of the autonomous defences of the accused. He also stressed that judicial officers must take into account the historical and social context of each case, without allowing references to the public’s sense of justice or punitive attitudes to replace the assessment of the evidence.

Mr **Michalis Margaritis**, Honorary Areopagite (Retired Supreme Court Judge), examined the right to examine witnesses, as enshrined in Article 6 § 3 (d) of the ECHR. He presented the most significant developments in the ECtHR’s case law over the past fifteen years and their relationship with Greek case law and practice. As he explained, this right is not absolute, since circumstances may arise that make the examination of a witness impossible or difficult, such as serious health problems, a justified fear of reprisals or the invocation of the right to remain silent. In such cases, assessing whether the proceedings comply with the guarantees of a fair trial requires consideration of the significance of the testimony for the conviction, particularly where it constitutes the sole or decisive evidence, as well as the existence of sufficient counterbalancing factors to ensure the fairness of the proceedings.

Mr **Alexandros Dimakis**, Assistant Professor at the Faculty of Law of NKUA, examined issues concerning jury courts that have arisen in the ECtHR’s case law. His presentation focused on the need for adequate reasoning in judicial decisions and the critical role safeguards that ensure the impartiality of jurors, including the defendant’s ability to request their disqualification. Finally, he argued that the blanket, *ex ante* exclusion of blind and deaf persons, as well as persons with severe speech disabilities, from serving as jurors, pursuant to Article 382 (e) of the CCP, raises questions of compatibility with the principle of non-discrimination, as enshrined in the ECHR, the Charter of Fundamental Rights of the European Union and the Greek Constitution. Rather than automatic exclusion, he emphasised the need for individualised assessment and consideration of the possibility of providing reasonable accommodations, in accordance with the United Nations Convention on the Rights of Persons with Disabilities.

Mr **Vasileios Petropoulos**, Assistant Professor at the Faculty of Law of NKUA, examined the protection of the confidentiality of communications in criminal proceedings. He highlighted the contribution of the ECtHR's case law both to defining the scope of this protection, particularly with regard to external communication data, and to establishing the safeguards that must accompany restrictions on the right, with particular emphasis on the quality of the law. He also observed that the specific provisions of Law 5002/2022 appear to respond more adequately to the requirements of monitoring ongoing communications. Finally, he stressed that the Greek Constitution, particularly through the combined effect of Articles 9, 9A and 19, provides broader protection, while the ECtHR's case law recognises that a violation of Article 8 of the ECHR does not automatically entail a violation of Article 6.

The presentations were followed by a discussion and questions from the audience, reflecting the strong interest of both the academic and legal community in ensuring the effective protection of the right to a fair trial and upholding the rule of law.

Closing the event, Professor **Karras** stressed the need for effective protection of the right to a fair trial, with particular reference to Articles 175 § 2, 220 § 2 and 328 of the Code of Criminal Procedure, pointing out that, despite their importance, these provisions are not systematically applied in practice. Professor **Sicilianos**, on the other hand, observed that in recent years there has been greater alignment between the case law of national courts and that of the European courts, as well as a substantial strengthening of judicial dialogue between the highest national courts and the ECtHR.