

CASE STUDY – A Suspect in a Foreign Country

Facts of the Case

During a random police search at the Greek-Turkish border in May 2020, Mr Ibrahim Saudi, a citizen of Pakistan, was arrested on suspicion of transferring through the border and into Greek territory five (5) fellow Pakistani citizens. The latter were undocumented and entered the Greek territory with the assistance of the suspect and without passing through regular border control. The assistance of the suspect consisted in hiding them in the lorry he was driving. After entering Greek territory, a group of police officers stopped the vehicle on the national highway and performed a search, which is how the suspected illegal activity was uncovered.

During the search, the suspect gave his name to the police officers and mentioned that he was twenty years old. This detail was described in the testimonies of the police officers, who conducted the search of the vehicle. The testimonies of the police officers were given during the ex officio police investigation, that followed the search of the vehicle. When providing his statement, the suspect made clear that his real age was seventeen years old. This is crucial since according to the Greek Penal Code a person under 18 years old is a minor and according to the Greek Penal Procedural Code cannot be subject to a pretrial detention unless he has committed felonies such as homicide, drug trafficking by profession, human trafficking with the aggravating circumstance of the death of the transferred person or robbery with the circumstance of the victim's death as a result of the action. The statement of the suspect that he was under 18 years of age was not examined by the police officers. Furthermore, the testimonies of the police officers were not translated in his language, depriving him of the opportunity to counterargue. Moreover, the suspect was examined without the presence of a lawyer, despite the fact that a lawyer should be appointed by the commander of the police station which conducted the investigation.

After the conclusion of the police investigation, the suspect was brought before the Public Prosecutor, who officially initiated the proceedings against him for the felony of the illegal transferring of migrants, and, subsequently, he was brought before the Investigative Judge. The Judge described the charges but he did not examine Mr



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Saudi's argument concerning his age and he decided that he should be placed in pretrial detention. Additionally, the testimonies of the police officers were not translated in Mr Saudi's native language.



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